

## SECTION 2

### **POLICY RE1: THE POLICY CRITIQUE AND REWORDING:**

#### **RE1**

RE1 fails to produce a sound development management policy because the current wording and underpinning evidence does not provide a consistent approach with the LDP itself or with PPW, TAN 8 or the Evidence Documents and Submission Information used for public consultation.

The changes in the wording from a negative policy in the draft deposit LDP to the current positive policy, plus the FFC inclusion of LSAs, has resulted in muddled policy and omissions in environmental requirements. Wording in the policy such as “unacceptable” and “appropriate locations” are too vague and fail the test of clarity and precision.

RE1 .2. The current wording of “developments (0 – 25MW) will be considered within the boundaries of Local Search Areas (Wind)” is inconsistent if RE1.3, as it is currently worded, remains extant. RE1.2 is also currently inconsistent with the wording in Tan 8 at 2.2 and 2.12. with regards to development proposals of 0MW to 25MW and CPO letter dated 10.12.2015.

RE1.3 Currently requires rewording if it is to be consistent with TAN 8 at 2.12 as it fails to set local requirements to determine acceptability, eg, Policy DM1.

RE1.4 The following FFC wording lacks clarity and precision.

Applications for small scale stand-alone Solar PV developments (less than 0.5MW) are encouraged in appropriate locations but will be required to demonstrate that impacts are confined to the local scale and with acceptable cumulative impact and are not incompatible with other forms of development.

There is lack of clarity of “appropriate location”, “impacts confined to local scale” “acceptable cumulative impact”. It is felt the above FFC wording is unnecessary to the soundness of RE1.4, and that any proposal for less than 0.5MW can be addressed by the suggested section RE1 i-x.

RE1 5 i This requirement is necessary to make Policy RE1 consistent with LDP DM3.

RE1 5 ii This requirement is necessary to make Policy RE1 consistent with LDP SP7.1 and DM1

RE1 5 iii This requirement is necessary to make Policy RE1 consistent with LDP 2.4, Historic Environment, para 14

RE1 5 iv This requirement is necessary to make Policy RE1 consistent with LDP 2.4 Environmental Considerations para 18, Obj 5, DM4 and DM5

RE1 5v This requirement is necessary to make Policy RE1 consistent with LDP DM15.11

RE1 5 vi This requirement is necessary to make Policy RE1 consistent with LDP SP7.3

RE1 5 vii This requirement is necessary to make Policy RE1 consistent with LDP OBJ 9

RE1 5 viii This requirement is necessary to make Policy RE1 consistent with LDP DM1 and DM3

RE1 5 ix This requirement is necessary to make Policy RE1 consistent with LDP DM1

RE1 5 x This requirement is necessary to make Policy RE1 consistent with LDP DM1, DM3 and 2.4, Historic Environment, para 14

RE1 5 xi This requirement is necessary to make Policy RE1 consistent with LDP DM1, DM3 and 2.4, Historic Environment, para 14

## **REWORDING of RE1**

Wording for a more precise policy could be modelled on Policy E3 of the UDP:

### Policy RE1 – Renewable Energy

Proposals for renewable and low carbon energy development, either on their own or in combination with existing or approved development, will be permitted subject to the following criteria:

1. Large scale wind farm developments (greater than 25MW) will be expected to be located within the boundaries of the Strategic Search Areas (SSAs).
2. Proposals for wind developments from 5 MW up to 25MW will be considered within the boundaries of Local Search Areas (Wind)
3. Small scale and/or community-based wind turbine proposals (less than 5MW) will be considered subject to the environmental requirements listed at RE1 i-xi.
4. Applications for Solar PV Farms (greater than 0.5MW) are encouraged in Local Search Areas (Solar).

RE1 5 i – xi

Proposals for renewable and low carbon energy development, either on their own or in combination with existing or approved development will need to meet the following requirements:

- i. The development does not cause significant harm to the environmental and landscape quality of Powys in accordance with Policy DM3.
- ii. The development does not cause significant harm to wildlife habitats or species that are of international, national or local importance in accordance with policy DM 1
- iii. The development does not cause significant harm upon any buildings or features of conservation or archaeological interest or their settings including site lines.
- iv. The development does not cause harm to surface and ground waters or create flood risk.

- v. The amenities enjoyed by the occupants or users of nearby or proposed properties shall not be significantly affected by levels of noise, shadow flicker, glint, glare, dust, air pollution, odour, hours of operation, or any other planning matter.
- vi. The development does not cause significant harm to the enjoyment and safe use of highways and the public rights of way network, especially bridleways and national walking and cycle trails, (including during the construction phase).
- vii. The development would not interfere with radar, air traffic control systems, telecommunications links, television reception, radio communication and emergency services communications
- viii. Any new or improved roads and accesses required would not have significant environmental impacts
- ix. Any ancillary structures or buildings are so sited and designed (including the use of locally appropriate construction materials) so as to adequately blend into their setting
- x. Land management schemes that would provide adequate mitigation or compensation, comparable in scale and kind, for any less than significant adverse impacts on environmental quality, wildlife habitats or heritage features.
- xi. Satisfactory proposals in place for site restoration as appropriate.

**SUGGESTIONS AND REWORDING OF 4.10.2 TO 4.10.9B (see bold)**

4.10.3 The 599MW installed capacity which constitutes the contribution (or target) has been arrived at by faulty calculation and by failing to remove areas with high or outstanding Landmap visual and sensory or Historic landscape valuations, common land, PROWs etc. The contribution should be reduced and a fully evidence-based revised lower contribution substituted.

The wording should read:

“Planning Authorities can make a positive provision by considering **what** contribution their area can make...”

4 .10.6

& 10.6.A

Since Powys had no part in the decision of the WG to determine projects of 10MW and over, this phrase could be deleted:

~~“particularly in respect of who determines Planning Applications”~~

We do not consider that the REA did make the policy appropriate. Indeed the large contribution envisaged and the extent of the LSAs identified are based on maths errors, poor data, failure to consider the value of Powys landscape and other constraints, and failure to research the extent of Powys current contribution.

We do not think it is satisfactory to say that these areas will form the basis of a framework to assist developers with site identification when the policy needs basic revision.

The calculations in Table RE1 are wrong, no dates are given for the data and the table does not clearly show what “the contribution” is. These sections should be deleted and rewritten after reassessment of the whole Powys renewable energy question. (For a detailed review of the mathematical errors please refer to Annex A Critique of RE Figures)

#### 4.10.7

The “maximum renewable energy potential” for Powys means having wind and solar installations absolutely everywhere you can subject to an incomplete set of constraints. Therefore it is neither reasonable nor desirable.

The wording could be improved:-

“In order to ~~provide an understanding of the maximum~~ explore the renewable energy potential for our county”

The remainder of the wording does not make it clear who will decide what is an appropriate contribution and according to what criteria. We do not think there is justification for Powys contributing a disproportionate share of either wind or solar when so many areas of our country have already been degraded by wind energy.

#### 4.10.9

“Unacceptable” is a vague term, difficult to interpret, which would be better replaced to fit with the changed ER1 5.

“subject to there being no ~~unacceptable impact on~~ significant harm to existing landscape character and other considerations listed under ER1 5.”

#### 4.10.9A

We welcome the wish to protect migratory birds. Not all of these may be “associated with Special Protection Areas”. Bat populations are at serious risk from wind turbines and all bats are European protected species. We suggest **“Renewable wind developments are known to kill bird and bats and can prevent successful migration. They may also disturb habitats by causing surface water runoff. RE1 recognises the importance of ensuring that Renewable energy projects, of any type, will not cause significant harm to Special Protection Areas, European Protected Species or other protected sites and species.”**

#### 4.10.9B

The word respect is not precise. Amenity, including protection from shadow flicker and glint must be controlled by explicit policy. We have suggested **Policy RE15 v.** to cover this and enable **4.10.9B to be deleted.**

ion Areas maps