

SUMMARY OF ARGUMENTS AGAINST RE1

In May, the Inspector told Powys County Council that she had considered the LDP and the Schedule of Focussed Changes and that more work needed to be done to make the LDP “sound”. She suspended her examination for 6 months for “Further Focussed Changes” to be made. Now that these FFCs have been made and undergone public consultation, her examination resumes. She will be looking at the whole LDP and the FCs and the FFCs and the public responses at each stage. At this late stage, she is only examining the LDP for “Soundness” and so we have concentrated on this.

We said that the Renewable Energy Policy is unsound

Planning Policy Wales 2.7.2 sets out 3 tests of ‘soundness’

- **Test 1. Does the plan fit? *Does it accord with European, UK and Welsh National Law and Policies and is it internally consistent?***

We said **NO**. Policy RE1 does not fit with EU environmental directives, The Environment (Wales) Act, or The Well-being of Future Generations (Wales) Act. RE1 does not fit with Planning Policy Wales, nor with other LDP Policies, which require landscape, biodiversity and economic changes to an area to be taken into account.

- **Test 2. Is the plan appropriate? *Is the plan appropriate for Powys in the light of the evidence?***

We said **NO**. The plan is not adapted to local circumstances: the evidence provided is not robust: there is plenty of other evidence which is not provided or considered that the policy would cause harm. Policy RE1 is lifted directly from a Renewable Energy Assessment made by Aecom. Aecom ignores many types of significant environmental harm and uses wrong sums and out of date data to arrive at a target of 600MW and draw 11 areas for medium scale wind and solar developments which cover some of our most valuable landscapes, wild-life habitats and leisure areas. Powys did not adapt either the target or the search areas by looking at LANDMAP classifications and other critical natural and historic assets. They did not consider the consequences of the electricity infrastructure and construction transport or the impact on the tourist industry. Powys have allowed Aecom to insert impossible targets and guaranteed environmental harm into Powys Planning Law for at least the next ten years. This is enough to destroy huge swathes of Powys countryside for ever.

- **Test 3. Will the plan deliver? *Is it likely to be effective?***

We said **NO**. RE1 cannot deliver sustainable renewable energy development in appropriate locations. Rather it would shift the planning balance to allow development in inappropriate locations and causing substantial harm. Remember the Welsh Government decides applications over 10MW and applications nearer 25MW are to be encouraged in LSAs. The decision makers will not know or care about our countryside.

We also said:

The changes to RE1 are too big to be allowed as FURTHER FOCUSED CHANGES. Planning Policy Wales, the Welsh Manual for writing LDPs and the Welsh Planning Inspectorate Guidance all say

that significant policy changes should be made early on, before the LDP is submitted for examination, so that there can be meaningful public consultation. After submission, changes can only be made in exceptional circumstances to ensure that the plan is “sound” and they should not be so fundamental as to “go to the heart of the plan”. The RE1 policy requires a major change in land-use across our county. It does not qualify for a “Further Focussed Change”.

The Changes to RE1 do not comply with EUROPEAN LAW: Major policy with environmental implications should be subject to Strategic Environmental Assessment, Sustainability Appraisal and Habitats Regulations Assessment. These assessments must look at all the environmental risks inherent in the policy before the LDP is examined but Powys just say they will do assessments when particular applications arise.

The late Changes to RE1 deprive the public of genuine public consultation. The council is meant to involve the public and stake-holders in policy development at an early stage. Instead we have been presented with a policy drafted in secret and we are only allowed to comment on “soundness”. The council did “tick the box” of press advertisement but did nothing pro-active to promote public awareness of this momentous change. The public, environmental groups, other stakeholders who should have been consulted, and even many County Councillors only learnt about the policy through CPRW’s campaign to publicise it.

The Cabinet approval process and the Public Consultation did not include all the required monitoring documents. The Schedule of Further Focussed Changes as put to the Council Cabinet and to the public are lacking most of the obligatory Monitoring Section. The version available to the Cabinet did, at least, include an incomplete monitoring section disclosing the 600MW target for energy production across Powys in 2016-2026. Towards the very end of the consultation, CPRW noticed that there was no monitoring section for RE1 at all in the Powys Website Examination Document Library. Does Powys mean to submit a Monitoring Report to the Inspector which contains last minute sections that neither the public nor the Cabinet have ever seen? We will have to wait and see.

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