

The Planning Inspectorate
Crown Buildings
Cathays Park
Cardiff
CF10 3NQ

Sent by email to: dns.wales@pins.gsi.gov.uk

22nd March 2021

Dear Rhys Rigby,

REF. DNS/3227364

Proposed installation of a ground mounted Photo Voltaic (PV) solar farm development Land to the east of the A48 (Coordinates E257386, N 209389) and Land to the south west of Tycroes (coordinates E259219, N209551; & E259904, N209590)

I write with reference to your letter of 24th February 2021 under Regulation 15 of the DNS Regulations. The letter confirmed that:

The Welsh Government has confirmed that the National Development Framework (Future Wales: the national plan 2040) [‘the NDF’] will be published on 24 February 2021. The NDF will be the highest tier of the development plan hierarchy in Wales, and will therefore be afforded the status conferred by Section 38 of the Planning and Compulsory Purchase Act 2004 (as amended) by the Inspector when making their recommendation and the Welsh Ministers when determining this application.

The Welsh Government have also confirmed that edition 11 of Planning Policy Wales (PPW) will be published alongside the NDF, and that Technical Advice Note (TAN) 8: Renewable Energy will be revoked.

In the light of the above, an invitation was made for the Applicant to “submit a statement that summarises your view as to the implications of the final version of the NDF, the updates to PPW and the revocation of TAN 8.”

Please accept this letter as the requested Statement referred to above. Discussion starts with the recently adopted National Development Framework (NDF) and the associated updates to the Habitats Assessment Regulations. It will then proceed to discuss the recently adopted PPW Edition 11 and finally the revocation of TAN8.

The National Development Framework (NDF)

The NDF is titled ‘**FUTURE WALES – The National Plan 2040**’ and was adopted on 24th February 2021.

The document identifies Wales 2020 to 2040 Challenges and Opportunities and under Renewable Energy (Page 48) highlights the ability for Wales to become a world leader in renewable energy technologies and identifies the potential for solar generation. This section progresses to state:

“our support for both large and community scaled projects and our commitment to ensuring the planning system provides a strong lead for renewable energy development, mean we are well placed to support the renewable sector, attract new investment and reduce carbon emissions.”

The NDF sets out strategic and spatial choices which make up the Future Wales’ spatial strategy.

Policy 17 (Renewable and Low Carbon Energy and Associated Infrastructure) includes the following:

“The Welsh Government strongly supports the principle of developing renewable and low carbon energy from all technologies and at all scales to meet our future energy needs.

In determining planning applications for renewable and low carbon energy development, decision-makers must give significant weight to the need to meet Wales’ international commitments and our target to generate 70% of consumed electricity by renewable means by 2030 in order to combat the climate emergency.

In Pre-Assessed Areas for Wind Energy the Welsh Government has already modelled the likely impact on the landscape and has found them to be capable of accommodating development in an acceptable way. There is a presumption in favour of large-scale wind energy development (including repowering) in these areas, subject to the criteria in policy 18.

Applications for large-scale wind and solar will not be permitted in National Parks and Areas of Outstanding Natural Beauty and all proposals should demonstrate that they will not have an unacceptable adverse impact on the environment.

Proposals should describe the net benefits the scheme will bring in terms of social, economic, environmental and cultural improvements to local communities.

New strategic grid infrastructure for the transmission and distribution of energy should be designed to minimise visual impact on nearby communities. The Welsh Government will work with stakeholders, including National Grid and Distribution Network Operators, to transition to a multi-vector grid network and reduce the barriers to the implementation of new grid infrastructure.”

The Applicant welcomes the policy framework set out by Policy 17 of the NDF. We feel confident in the submitted application and its discussion in respect of the above requirements of such proposals.

For the avoidance of doubt, the application is not within a National park or an Area of Outstanding Natural Beauty.

The submission also confirms through the submitted environmental surveys and reports that the proposal will not have an unacceptable adverse impact on the environment.

In respect of being able to demonstrate “*net benefits the scheme will bring in terms of social, economic, environmental and cultural improvements to local communities*”, the proposal has been carefully designed to avoid and mitigate impacts on the natural environment and delivers a net gain of 34.10% in habitat units and a net gain of 22.95% hedgerow units based on the proposed management given in the submitted Landscape and Ecological Management Plan (LEMP).

The areas of land selected for the proposal and the design within the site has sought to minimise impacts on local amenity. This is achieved by siting the development away from residential property and the existing screening means that only a few local properties will experience glimpsed views. The proposal will ensure that the public right of way that passes through the site remains open throughout construction and the operational life of the site and the development has been designed to locate larger pieces of equipment such as the substation away from the public right of way to minimise impacts on the openness.

The output of the proposal is to generate clean renewable energy for 40 years. This delivers both social and environmental benefits by providing reliable electricity generation that helps to deliver energy security to Wales and the UK, it helps to reduce local air pollution by displacing or avoiding the need for electricity generated by fossil fuel and it helps to address the climate emergency by generating emissions-free electricity.

Economic benefits are also delivered, providing an important diversification opportunity to several farming landowners, delivering a dependable and long-term income stream. The construction and the operation and maintenance will also contribute to the local economy. Local contractors can be appointed to deliver a significant portion of the construction activity. Materials such as aggregates and fencing will be sourced locally and services such as plant hire, accommodation, hospitality (food and drink) will all be required. Once the site is operational there will be an ongoing local requirement for services such as land management to deliver and maintain the landscape and ecological enhancements as proposed in the submitted Landscape and Ecological Management Plan (LEMP).

Policy 18 (Renewable and Low Carbon Developments of National Significance) states:

“Proposals for renewable and low carbon energy projects (including repowering) qualifying as Developments of National Significance will be permitted subject to policy 17 and the following criteria:

- 1. Outside of the Pre-Assessed Areas for wind developments and everywhere for all other technologies, the proposal does not have an unacceptable adverse impact on the surrounding landscape (particularly on the setting of National Parks and Areas of Outstanding Natural Beauty);*
- 2. The proposal is designed to minimise its visual impact on nearby communities and individual dwellings, and the cumulative impact of the proposal, with other existing or proposed development, is acceptable;*
- 3. There are no adverse impacts on international and national statutory designated sites for nature conservation (and the features for which they have been designated), protected habitats and species;*
- 4. The proposal includes biodiversity enhancement measures to provide a net benefit for biodiversity;*
- 5. There are no unacceptable adverse impacts on statutorily protected built heritage assets;*
- 6. There are no unacceptable adverse impacts by way of shadow flicker, noise, reflected light, air quality or electromagnetic disturbance;*
- 7. There are no unacceptable impacts on the operations of defence facilities and operations (including aviation and radar) or the Mid Wales Low Flying Tactical Training Area (TTA-7T);*
- 8. There are no unacceptable adverse impacts on the transport network through the transportation of components or source fuels during its construction and/or ongoing operation;*
- 9. The proposal includes consideration of the materials needed or generated by the development to ensure the sustainable use and management of resources;*
- 10. There are acceptable provisions relating to the decommissioning of the development at the end of its lifetime, including the removal of infrastructure and effective restoration.”*

Again, the Applicant supports the objectives of this policy and is confident that the submitted application promotes the objectives.

The landscape impacts (Criterion 1) have been properly assessed and it has been found that there would be no unacceptable adverse impact on the surrounding landscape. The proposal has also been located and designed to minimise its visual impact on nearby communities and individual dwellings. The cumulative impact of the proposal has been assessed with other existing or proposed development (Criterion 2) and is found to be acceptable.

In respect of ensuring *no adverse impacts on international and national statutory designated sites for nature conservation (and the features for which they have been designated), protected habitats and species'* (Criterion 3), this has been satisfactorily covered by the submitted HRA produced by Western Ecology.

The HRA supplementary document to the NDF is titled "FUTURE WALES – THE NATIONAL PLAN 2040 Habitats Regulations Assessment" has stated in relation to Policy 18 - Renewable and Low Carbon Energy Developments of National Significance:

"Large-scale renewable projects, which qualify as DNSs, must ensure that they comply with criteria 3 of Policy 18 before they can be permitted."

In so far as the changes over the superseded 2017 HRA Regulations are concerned, Chartered Institute of Ecology and Environmental Management (CIEEM) have stated:

"The Secretary of State for the Environment, Food and Rural Affairs and Welsh Ministers have made changes to parts of the 2017 Regulations so that they operate effectively. Most of these changes involved transferring functions from the European Commission to the appropriate authorities in England and Wales. All other processes or terms in the 2017 Regulations remain unchanged and existing guidance is still relevant. The obligations of a competent authority in the 2017 Regulations for the protection of sites or species do not change. A competent authority is a public body, statutory undertaker, minister or department of government, or anyone holding public office."

Please refer to the submitted HRA prepared by Western Ecology for further reading in respect of the above.

Supplementary discussion to Policies 17 and 18 is set out on Page 96 of the NDF

The proposals promote the aspirations of the NDF in so far as its objectives for Renewable Energy and Developments of National Significance respectively; as discussed on this page.

Page 96 of the NDF also confirms that *“The Welsh Government’s policies on Developments of National Significance focus on renewable and low carbon energy schemes as it is anticipated that these will be the most common schemes coming forward for consideration in the period of the first plan.”*

In respect of the Statement on Page 96 that requires that *“Developers should explore how infrastructure improvements associated with a development (including transport infrastructure and communications systems) may be utilised by the host communities to bring additional, non-planning related benefits”*, the Applicant can advise that distributed renewable energy generation such as the proposal are a critical element for achieving the delivery of a Net-Zero Wales.

As transport, and our residential and commercial heat and power needs step away from fossil fuels and towards electrification, the demand for electricity will increase and the characteristics of the electricity generation of the proposal being local and distributed, rather than centralised and distant, delivers advantages as the electricity is produced closer to where it is used, driving greater efficiency.

In addition, there are local economic benefits provided by the diversification opportunity to several farming landowners associated with this project which provides a dependable and long-term income stream.

Finally, in so far as the relevant regional objectives of the NDF and renewable energy, the proposal does indeed fall within the South West Region and the NDF which states that states on Page 153 that:

“It is vital the region plays its role in decarbonisation and supports the realisation of renewable energy. Policies 17 and 18 set out Future Wales’ approach to renewable energy generation across Wales. There is strong potential for wind, marine and solar energy generation and Strategic and Local Development Plans should provide a framework for generation and associated infrastructure. The Welsh Government wishes to see energy generation, storage and management play a role in supporting the South West economy.”

The application proposal squarely promotes the above objectives.

Planning Policy Wales Edition 11 (PPW11)

Planning Policy Wales Edition 11 (PPW11), in addition to the new NDF, is a fundamentally important document in the determination of the applications in Wales and therefore is an important policy framework for the proposed solar farm at Tycroes. It is therefore a document that will be afforded substantial weight in the planning determination process.

PPW11 takes forward those already positively worded statements of PPW10 towards renewable energy proposals and directly refers to the seven goals of the Well-being of Future Generations Act (2015).

Prior to the discussions directly relating to renewable energy developments, Paragraph 5.6.13 covers rural diversification and states that:

“Diversification can also include renewable energy proposals such as anaerobic digestion facilities or solar and wind installations, which will help to increase the viability of rural enterprises by reducing their operating costs. These schemes should be supported where there is no detrimental impact on the environment and local amenity”.

Support for Renewable Energy is set out in Paragraph 5.7.1 and highlights the Welsh Government’s commitment to renewable energy, stating the following:

“The Welsh Government’s highest priority is to reduce demand wherever possible and affordable, low carbon electricity must become the main source of energy in Wales”.

Paragraph 5.7.7 follows to explain that:

“the benefits of renewable and low carbon energy, as part of the overall commitment to tackle the climate emergency and increase energy security, is of paramount importance. The continued extraction of fossil fuels will hinder progress towards achieving overall commitments to tackling climate change”.

Paragraph 5.9.15 states that:

“Outside identified areas, planning applications for renewable and low carbon energy developments should be determined based on the merits of the individual proposal.”

Paragraph 5.9.19 sets out how authorities determining applications for renewable energy developments should approach their decision-making process:

“In determining applications for the range of renewable and low carbon energy technologies, planning authorities should take into account:

- *the contribution a proposal will make to meeting identified Welsh, UK and European targets;*
- *the contribution to cutting greenhouse gas emissions; and*
- *the wider environmental, social and economic benefits and opportunities from renewable and low carbon energy development.”*

Paragraph 5.9.21 states that:

“Prior to an application being submitted, developers for renewable and low carbon energy developments should, wherever possible, consider how to avoid, or otherwise minimise, adverse impacts through careful consideration of location, scale, design and other measures”.

The proposal the subject of the application is very much supported by the statements of PPW11 and The Applicant welcomes its adoption and its positive steps towards encouraging such proposals to be brought forward, where sensitively sited, and where the impacts can be shown to be acceptable.

The submitted Tycroes solar application documents the site selection and the design evolution process. The application also sets out significant opportunities for ecological enhancements and mitigation measures to accommodate temporary ecological impacts where necessary.

Paragraph 5.9.26 discusses the importance for such proposals to consider opportunities for community benefits:

“Experience has shown that there are significant opportunities to achieve local benefits through renewable energy developments. Some benefits can be justified as mitigation of development impacts through the planning process. In addition, developers may offer benefits not directly related to the planning process. Local authorities, where practical, should facilitate and encourage such proposals.”

The Applicant considers it appropriate for new developments, which are also new businesses that have joined the local community, to contribute to suitable causes that enhance the community. The Applicant has engaged with aid organisations local to the project to discuss contributions if planning permission is forthcoming and once the project is built and operational. The Applicant considers renewable energy projects are a positive entity in the community and can contribute accordingly.

The revocation of Technical Advice Note 8 (TAN8)

TAN 8 was adopted in 2005 and supplementary practice guidance was issued in 2010. Both are now more than a decade old. The Welsh Government recognises the climate emergency agenda and in turn the planning policy agenda for Wales, in so far as its approach to Renewable Energy, has changed to such an extent that it rendered TAN surplus to requirements in its ability to meet the strategic vision the Government has for the future of Wales.

The Applicant supports this vision and is encouraged by recently adopted policy that supersedes TAN8., The Applicant therefore supports the revocation of TAN8 and sees no conflict, by virtue of its revocation, to this solar farm proposal.

In Conclusion

Both the NDF and PPW11 introduce a presumption in favour of renewable energy proposals unless these proposals are within a National Park or an AONB. The submitted proposal does not fall within either of these areas and has been shown to provide broader environmental opportunities in addition to the generation of clean renewable energy.

The submitted Tycroes solar DNS application promotes both the objectives of the National Development Framework (NDF) and recently updated national planning guidance in the form of Planning Policy Wales Edition 11 (PPW11).

This newly published national planning guidance is a constructive movement towards supporting the delivery of renewable energy development Wales.

Please do not hesitate to contact me should you have any questions in respect of the above.

Yours sincerely



Ben Lewis MRTPI
Director

