

**DNS/3227364**  
**Tycroes Solar**

**Response to Future Wales and Planning Policy Wales Edition 11.**

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**(On behalf of Llinos Quelch Head of Planning)**

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## **Future Wales**

The introduction is clear that the 'Development Plan' in Wales comprises three tiers, so in respect of the proposal, Future Wales being the upper tier provides specific policies for development of national significance (DNS). Legislation is clear that DNS must be determined in accordance with the national policies as set out in Future Wales.

The following appraisal picks out relevant background statements and then provides a commentary on Policies 17 and 18 which specifically refer to renewable energy and DNS applications.

Future Wales has a general support for renewable energy as quoted in the introduction.

*"Renewable Energy Wales can become a world leader in renewable energy technologies. Our wind and tidal resources, our potential for solar generation, 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."*

In terms of outcomes, Future Wales seeks a Wales where people live

*"... in places which are decarbonised and climate-resilient.*

*The challenges of the climate emergency demand urgent action on carbon emissions and the planning system must help Wales lead the way in promoting and delivering a competitive, sustainable decarbonised society. Decarbonisation commitments and renewable energy targets will be treated as opportunities to build a more resilient and equitable low-carbon economy, develop clean and efficient transport infrastructure, improve public health and generate skilled jobs in new sectors. New homes will be energy efficient and will help communities adapt to the changing climate."*

Policy 17 provides general support for renewable energy at all scales and Policy 18 forms the national criteria for determining large scale renewable schemes that qualify as DNS.

#### *Policy 17 – Renewable and Low Carbon Energy and Associated Infrastructure*

*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.*

#### *Policy 18 – Renewable and Low Carbon Energy Developments of National Significance*

*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. there are no unacceptable adverse visual impacts on nearby communities and individual dwellings;*
- 3. there are no adverse effects on the integrity of Internationally designated sites (including National Site Network sites and Ramsar sites) and the features for which they have been designated (unless there are no alternative solutions, Imperative Reasons of Overriding Public Interest (IROPI) and appropriate compensatory measures have been secured);*
- 4. there are no unacceptable adverse impacts on national statutory designated sites for nature conservation (and the features for which they have been designated), protected habitats and species;*

- 5. the proposal includes biodiversity enhancement measures to provide a net benefit for biodiversity;*
- 6. there are no unacceptable adverse impacts on statutorily protected built heritage assets;*
- 7. there are no unacceptable adverse impacts by way of shadow flicker, noise, reflected light, air quality or electromagnetic disturbance;*
- 8. 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);*
- 9. 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;*
- 10. the proposal includes consideration of the materials needed or generated by the development to ensure the sustainable use and management of resources;*
- 11. 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.*

*The cumulative impacts of existing and consented renewable energy schemes should also be considered.*

## Appraisal

As with all planning decisions, Section 38 of the Planning and Compulsory Purchase Act 2004 (as amended) states that decision making shall be in accordance with the development plan (of which Future Wales is the highest tier) unless other material considerations dictate otherwise and if there is a conflict between policies, the later published plan takes precedence.

In terms of Carmarthenshire, the Local Development Plan is the lowest tier and was adopted in December 2014, so in decision making, Future Wales would be the primary source of policy where there is any conflict.

Policy 17 states that the Welsh Government 'strongly supports' renewable energy at all scales. The scheme is broadly in line with the policies and supporting text as it would help meet the renewable energy targets set out in Policy 17. Policy 18 sets out a criteria based framework to assess schemes. The Tycroes proposal would not have a significant impact on landscape features such as trees, hedges, woodland and water courses as the structural landscape features would remain in place surrounding the built form of the arrays. The scheme includes the necessary environmental safeguards and will need to be implemented in compliance with the mitigation measures as submitted.

However, the local authority in the Local Impact Report has highlighted the fact that the scheme has two main areas of concern.

- Firstly the scheme would have a neutral/negative landscape and visual amenity impact on the Loughor valley which includes a Special Landscape Area, on its own and when seen cumulatively with the existing Solar farm at Clawdd Ddu.
- Secondly the scheme would potentially have an adverse impact in terms of Glint and Glare on the properties which view the site from the East.

Further, a representation was submitted by the local authority outside the Local Impact Report highlighting the need for a comprehensive decommissioning strategy and the need for appropriate community benefits.

Whilst not a material planning consideration, it is considered that the proposed scheme challenges Policy 17 as follows.

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

Carmarthenshire County Council has not been party to any discussions in respect of Community benefits but highlights that given the scale of the development and lifetime of some 40 years, the level of the community benefit needs to be appropriate and it is imperative that the Community Councils are engaged in securing an appropriate contribution so that Policy 17 can be clearly demonstrated.

The topic of community benefits and decommissioning are also covered by PPW11 quoted below.

It is considered that the proposed scheme challenges Policy 18 as follows.

*Criteria 2 – there are no unacceptable adverse visual impacts on nearby communities and individual dwellings.*

There would be a significant impact on the visual amenity of the Loughor valley including the Special Landscape Area and on properties with views from within and across that designated landscape.

*Criteria 11 – 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.*

A comprehensive decommissioning plan will be needed at the end of the life of the scheme to ensure the safe disposal of the panels and the restoration of the land, with an appropriate bond to ensure compliance.

The end of the policy refers to Cumulative Impact. The decision maker needs to assess the proposal in combination with the existing Clawdd Ddu solar farm which is adjacent to Area 1. To a certain extent, the Betws Mountain Wind Farm on high ground to the East is noted, however on the latter, the two would not be seen in the same vista so this has not been emphasised in the local authority response, but its presence does alter the character of the general landscape so cumulative impact needs to be assessed.

## **Planning Policy Wales Edition 11 (PPW11)**

Amendments have been made to make PPW11 align with Future Wales and TAN 8 has been revoked altogether.

PPW Chapter 5 'Productive and Enterprising Places' has been amended in respect of Renewable Energy. The preface to Chapter 5 has the following relevant paragraphs:

The long term goals and future proofing is emphasised on p74:

*“Development proposals should look to the long term to consider how they can be flexible to adapt to future employment needs and practices, including responding to relevant future trends, the decarbonisation of our energy system, how people will move around or communicate in the future and safeguard the resources which may be needed by future generations.*

*Development should prevent problems from occurring or getting worse such as the generation of carbon emissions, poor air quality and waste and the depletion of our natural resources which will need to be managed for many years to come.”*

### *“Productive and Enterprising Trends and Issues*

*The breadth of topics in the Productive and Enterprising Places theme respond to future trends and issues that will need to be addressed through the planning system. These trends need to be challenged by planning decisions in order to ensure we create sustainable places. The key issues in this theme include:*

- *embracing the challenge of decarbonising our energy and transport sectors including phasing out of fossil fuels and moving towards local, decentralised renewable energy systems, the increased use of energy storage to balance supply and demand and the challenge this creates on our distribution networks” (p75)*

*“Productive and Enterprising Linkages - The policy topics of the Productive and Enterprising Places theme can collectively work together to create sustainable places through development plan strategies, policies and allocations and development management decision making. In particular:*

- encouraging policies and proposals which promote low carbon developments and sites for renewable energy, manufacturing, research and development close to areas of deployment of renewable energy;*
- promoting the economic benefits of energy schemes and in particular supporting those developments which maximise planning-related benefits to communities;” (p76)*

Section 5.7 specifically addresses energy generation with an emphasis of minimising use and maximising generation by renewable means with storage a key consideration to ensure seamless supply. The energy hierarchy has renewable energy as part of the overall strategy. Reference is made to the DNS process and that Future Wales is the national development plan for such applications with specific policies contained therein.

Para 5.7.1 states *“Low carbon electricity must become the main source of energy in Wales. Renewable electricity will be used to provide both heating and transport in addition to power.”*

Para 5.7.6 states *“The planning system should secure an appropriate mix of energy provision, which maximises benefits to our economy and communities whilst minimising potential environmental and social impacts”.*

The emphasis of PPW11 is to achieve ambitious targets of 70% of its electricity consumption by 2030 and for local authorities to be proactive to ‘facilitate’ renewable energy as follows.

Para 5.9.1 states *“Local authorities should facilitate all forms of renewable and low carbon energy development and should seek cross-department co-operation to achieve this. In doing so, planning authorities should seek to ensure their area’s full potential for renewable and low carbon energy generation is maximised and renewable energy targets are achieved.”*

In this case, the local authority is not the determining authority so is providing advice as a consultee. The DNS policies in Future Wales are set out above.

PPW11 does however have comments regarding community benefits as follows:

Para 5.9.22 states *“Whatever the size of a scheme, developers should take an active role in engaging with the local community on renewable energy proposals. This should include pre-application discussion and provision of background information on the renewable energy technology that is proposed.”*

5.9.24 “ The Welsh Government supports renewable and low carbon energy projects which are developed by wholly Wales based organisations, including community groups, or provide proportionate benefit to the host community or Wales as a whole”

Concerns over the community benefits are set out above in relation to Future Wales Policy 17.

In respect of decommissioning (as highlighted in the local authority’s separate representation to the LIR). PPW11 specifically states the following.

Para 5.9.30 states *“Energy-related developments should be decommissioned and sites remediated as soon as their use ceases. Planning authorities should use planning conditions or legal agreements to secure the decommissioning of developments and associated infrastructure, and remediation of the site. Planning authorities should consider including appropriate conditions for the decommissioning of energy generating developments and site restoration when they reach the end of their design life, taking into account any proposed afteruse of the site. In addition, operators should ensure that sufficient finance is set aside to enable them to meet restoration obligations. An authority may require financial guarantees by way of a Section 106 planning obligation/ agreement, as part of the approval of planning permission to ensure that restoration will be fully achieved.”*

It is therefore expected that a comprehensive decommissioning plan will be secured to ensure the site is restored and the panels are disposed of appropriately. An appropriate condition along with a bond and / or legal agreement will be needed to secure the restoration of the site as highlighted in the LIR.

## Appraisal

PPW11 and Future Wales are more positive in respect of supporting and facilitating renewable energy than the local LDP which is in the process of review and will need to be amended to be in line with the higher tier plan. Ambitious targets are set out in the policy and guidance. The proposal would contribute significantly to meeting these targets. The scheme is considered to be broadly in line with PPW11.

There are however specific concerns that remain, which the decision taker will assess as part of the examination process and make a balanced decision. The specific policies in

relation to DNS are set out in Future Wales and the scheme challenges these in certain aspects as set out in the Future Wales appraisal above.