

NEATH PORT TALBOT LOCAL DEVELOPMENT PLAN - EXAMINATION

MATTER 7: ENVIRONMENT AND RESOURCES – RENEWABLE AND LOW CARBON ENERGY

PEGASUS GROUP ON BEHALF OF REG WINDPOWER LTD

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1. Matter 7: Environment and Resources – Renewable and Low Carbon Energy

Question:

Are Policy SP18 and Policy RE1, as amended by FC23 and FC26, consistent with PPW, TAN8 and TAN6? Are they reasonable and appropriate? Would Policy RE1 allow proposals which constitute farm diversification?

1.1 Evolution of the LDP's Renewable Energy Policy

1.1.1 In the draft Deposit Plan, published in August 2013, Policies SP18 and RE1 were written as follows:

"Policy SP18: Renewable and Low Carbon Energy

A proportionate contribution to meeting national renewable energy targets and energy efficiency targets will be made while balancing the impact of development on the environment and communities.

This will be achieved by:

- 1. Encouraging where appropriate, all forms of renewable energy and low carbon technology development;**
- 2. Encouraging energy conservation and efficiency measures in all new major development proposals;**
- 3. Ensuring that development will not have an unacceptable impact on the environment and amenity of local residents."**

"Policy RE1: Criteria for the Assessment of Renewable and Low Carbon Energy Development

Proposals for renewable and low carbon energy development will only be permitted where all of the following criteria, where relevant, are satisfied:

- 1. In the case of large scale on-shore wind farm development (>25MW), they are located within the boundaries of the refined Strategic Search Areas;**
- 2. Measures can be taken to reduce, and where possible, avoid damage or disturbance to the environment and the amenity of neighbouring land uses, or individual properties to acceptable levels;**
- 3. It can be demonstrated that the development would not compromise highways safety;**

4. It can be demonstrated that the development would not interfere with radar, air traffic control systems, telecommunications links, television receptions, radio communication and emergency services communications;
5. Satisfactory proposals are submitted for site restoration”.

1.1.2 In September 2014, the Proposed Focus Changes were published by the Council. With regard to Policies SP18 and RE1, the following Focused Changes were proposed:

1.1.3 **FC23: Amendments to Criterion 1 of Policy RE1, as follows:**

“1. In the case of large scale wind farm development (>25MW), they are located within the boundaries of the refined Strategic Search Areas, unless it can be demonstrated that the development would not have a detrimental impact on visual amenity, landscape character or residential amenity through the number, scale, size, design and siting of turbines and associated infrastructure.”

1.1.4 **FC23: Amendment to Criterion 2 of Policy RE1, as follows:**

“2. Measures can be taken to reduce, where possible avoid, damage or disturbance to the environment, landscape character, and the amenity of neighbouring land uses or individual properties to acceptable levels”.

1.1.5 **FC26: Insertion of additional Criteria to Policy RE1, as follows:**

“In the case of small or community based wind farm development (<5MW), it can be demonstrated that impacts are confined to the local scale and that the proposal would contribute to the benefit of the wider community”.

1.1.6 The Council published observations on the Focussed Change representations in January 2015.

1.1.7 Our representations had objected to the wording of the test imposed in Criterion 1 of Policy RE1 which had stated “... *would have detrimental impact*”. The Council’s observations considered the use of the phrase “... *would have a detrimental impact*”, and accepted that this form of words would be unduly restrictive.

1.1.8 As a response, the further amended policy RE1 as proposed by the Council is now proposed to read:

1.1.9 “...*unless it can be demonstrated that the development would not have an unacceptable impact...*”

1.1.10 The first criteria under Policy RE1 would therefore now read:

1.1.11 *"1. In the case of large scale wind farm development (>25MW), they are located within the boundaries of the refined Strategic Search Areas, unless it can be demonstrated that the development would not have an **unacceptable impact** on visual amenity, landscape character or residential amenity through the number, scale, size, design and siting of turbines and associated infrastructure".*

1.2 Conclusion

1.2.1 We believe this further amended policy framework is now broadly consistent with Planning Policy Wales (PPW) 7th Edition (July 2014), for the following reasons.

1.2.2 First, paragraph 12.8.6 of PPW7 expresses the Welsh Government's aim to secure an appropriate mix of energy provision for Wales, which maximises benefits to its economy and local communities, whilst minimising potential environmental and social impacts. The new proposed amendment to Policy RE1 will allow for the development of large scale on-shore wind schemes outside the identified Strategic Search Areas provided it can be demonstrated it would not have unacceptable environment and social impacts, specifically landscape character, residential and visual amenity.

1.2.3 Second, paragraph 12.8.8 states that the Welsh Government is committed to using the planning system to optimise renewable energy generation.

1.2.4 Thirdly, paragraph 12.8.9 requires that LPAs should facilitate the delivery of all forms of renewable energy to move forwards a low carbon economy.

1.2.5 Fourth, paragraph 12.8.12 of PPW7 identifies wind energy as having the greatest potential for delivering renewable energy in the short to medium term, and that wind energy remains the most commercially form of viable renewable energy.

1.2.6 This new amendment to Policy RE1 would ensure that consideration of on-shore wind proposals are carefully considered to minimise any unacceptable impacts to the environment and social amenity in areas, while full account is also taken of their economic and environmental benefits.

1.2.7 We believe that this proposed changed policy framework is consistent with the advice and guidance set out in TAN8: Planning for Renewable Energy. Paragraph 2.13 of TAN8 acknowledges that there is a balance to be struck between the desirability of renewable energy and landscape protection; however

the balance should not result in severe restriction on the development of wind power capacity.

- 1.2.8 As such, with Policy RE1 now amended to include the phrase 'unacceptable impact', it allows for Local Authorities to assess and test the potential impacts to visual amenity, landscape character, and residential amenity, and apply a planning balance of benefits and harm in coming to a judgement on whether an on-shore wind farm development is acceptable.