



**Cyfoeth
Naturiol
Cymru
Natural
Resources
Wales**

Ein cyf/Our ref: CAS-33444-D5R7
Eich cyf/Your ref: Hearing Session 15

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Dear Ms Smith,

**Representation by Natural Resources Wales
Hearing Session 15
Renewable Energy**

Thank you for consulting Natural Resource Wales regarding the revised Powys LDP Renewable Energy Position Statement and supporting consultation documentation.

We have reviewed the documentation and have the following response to the Inspectors Matters and Issues Agenda.

3. In respect of renewable energy policies and proposals, has the plan been prepared in accordance with the necessary procedural requirements?

a) Has the plan been prepared in accordance with the Delivery Agreement, including Community Involvement?

NRW is satisfied that we have been consulted as a statutory consultee as and when relevant during the plan-making process.

b) Has the Plan been subject to a robust Sustainability Appraisal, Strategic Environmental Assessment and Habitats Regulations Assessment/Appropriate Assessment?

- *Habitats Regulation Assessment Screening of the revised Renewable Energy Policy RE1*

We are satisfied that a screening of the changes has been undertaken to consider the nature and significance of the changes proposed and consideration as to whether the changes proposed would affect or alter the conclusions of the HRA Screening Report (June 2015), the HRA Screening of Focussed Changes (January 2016), and the HRA Screening of Further Focussed Changes (October 2016).

As confirmed we are satisfied that Policy RE1 includes specific provisions (criteria ii of the Policy) to reinforce the need for proposals to ensure the protection of European Protected Sites and their associated features, either alone or in combination with other plans or projects, and where this cannot be demonstrated the proposal would be considered unacceptable.

In addition, it is acknowledged that the Authority intends to prepare a Supplementary Planning Guidance (SPG) to support Policy RE1 of the LDP which NRW would welcome the opportunity to be consulted on. We would recommend that this SPG is prepared as early as possible once the LDP is adopted to ensure that a supplementary guidance is available to further support the decision-making process.

We are satisfied that as confirmed the proposed changes to Policy RE1 will not result in any changes to the findings of the Draft Deposit HRA Screening Report (June 2015), the HRA Screening of Focussed Changes (January 2016), and the HRA Screening of Further Focussed Changes (October 2016) and that the changes are not considered to result in a Likely Significant Effect to any European Sites identified in the HRA Screening Report or their associated features either alone or in combination with other plans or projects.

- *Strategic Environmental Assessment and Sustainability Assessment*

We note that the changes proposed to Policy RE1 has been assessed against SEA objectives to consider whether it would have positive or negative environmental effects.

We are satisfied that as noted in Section 3 – Summary of Assessment Findings that the provisions of the policy, that includes the need for proposals to comply with other relevant LDP policies, that significant negative effects are not anticipated and that overall the amendments proposed to Policy RE1 do not materially affect the conclusions of the SEA of the Deposit Draft LDP incorporating Focussed Changes and Further Focussed Changes.

c) Has the Plan been informed by a robust consideration of reasonable alternatives?

We are not aware that any reasonable alternatives have been considered.

d) Has the Plan has regard to the requirements of the Well-being of Future Generations (Wales) Act 2015?

We acknowledge that paragraph 2.1.4 of the Powys LDP – Renewable Energy – Position Statement – May 2017, confirms that the Powys LDP Examination Document (ED020) has clarified that the LDP will not be subject to the requirements of the Well-being of Future Generations (Wales) Act 2015 as the plan has been subject for examination before 1st April 2016 because the goals are intrinsically linked with the carrying out of sustainable development under section 2 of the WGF Act.

4. Does the Policy RE1 provide an appropriate policy framework for realising the area's potential for renewable energy generation?

a) Is the policy consistent with the requirements of other legislation and national planning policy?

NRW is satisfied that the policy is consistent with Welsh National Policy in terms of providing a policy that allows acceptable proposals for renewable and low carbon energy development to be permitted within the County of Powys.

Also, as identified in the Position Statement, the Policy is also consistent with Planning Policy Wales (PPW) in terms of using the same energy scales to define the scale of development. The Local Search Areas (LSAs) for solar PV farm technologies would accord with the scale of Local Authority wide schemes as defined in PPW (proposals between 5MW and 50MW) and therefore also conforms with the request of the Ministerial Letter, December 2015.

We note that the additional work of identifying LSAs has continued to be underpinned by the assumptions and parameters identified in the Toolkit (WPP50) which is based on a series of standardised assumptions in terms of technology and buffering of a range of features to identify areas which would be least constrained for a particular technology.

We are also satisfied that the policy is consistent with the requirements of the Conservation and Habitats Regulations 2010 (as amended) as identified in 3 b) above in terms of assessing the significance of the proposed policy changes on European Protected Sites.

b) Has the policy been informed by robust and credible evidence, particularly in relation to the defined local search areas (wind and solar) and the renewable electricity contribution (Table RE1)?

It is acknowledged that the Authority has undertaken further work following the submission of representations at the Further Focussed Changes public consultation that identified Local Search Areas for local-authority wide onshore wind power and solar PV farm technologies and that following this further works that the primary LDP strategy now relates to the delivery of solar PV technologies in accordance with the evidence which has led to a revised Renewable Energy Policy (Policy RE1) in the Plan.

- Stage 1 and 2

In terms of identifying Local Search Areas for Solar PV farm technologies, we acknowledge that further work has been undertaken to review the Renewable Energy Assessment with further consideration given to correct omissions and include additional identified constraints following the previous consultation. NRW welcomes this additional work which led to the identification of least constrained areas.

We note that the findings of this exercise are presented in the Renewable and Low Carbon Energy Assessment document dated May 2017 and its companion report which includes the maps.

We note that at the end of stage 2 an initial 33 LSAs were identified for Solar PV Farm Technologies and that a further set of guidelines was applied to these initial 33 least constrained LSAs.

We welcome the further set of guidelines and parameters that were applied to identify Local Search Areas which are recognised as least constrained areas for Solar PV farm technologies and note that they included the exclusion of any areas located within a statutory environmental designation including SPA, SAC or SSSI, the inclusion of 'looking out' buffers of 3.5km for protected landscapes of National Parks and AONBS and the identification of boundaries for all constructed, consented and proposed solar farm development greater than 5MW within the planning system as of 31st March 2017 .

Whilst we acknowledge that Solar PV farm technologies within any of the identified LSA's (or any other renewable energy development within Powys) will be assessed at application stage we draw

your Authority's attention to the fact that LSA's 15,18,21,33 include areas of land that are European Protected Sites as confirmed below;

LSA 15 - Partly located within Marcheini Uplands, Gilfach Farm and Gamallt SSSI and Elenydd-Mallen SPA (the designation supports additional areas of heather moorland and deep peat used by foraging raptors. There would be a need to ensure that any proposal would not lead to habitat loss and hamper suitable management in the wider SPA area).

LSA 18 - Partly located within Marcheini Uplands, Gilfach Farm and Gamallt SSSI and Elenydd-Mallen SPA (there would be a need to ensure that any proposal would not disturb breeding raptors)
LSA 21 - Partly located within Graig Fawr SSSI (The SSSI grassland is on a gentle south facing slopes that are part of 4 much larger fields. Even the partial development of either 4 fields for solar would mean the loss of grazing on the SSSI, which would rapidly damage the interest features (OS field parcels SO1258 -8618, SO1358-0845, SO1358-2767 & SO1358-4198)).

LSA 33 – Partly within Rhosydd Nant-yr-Henfron SSSI, Coed Bryn-Person SSSI, Gweunydd Crychell SSSI and River Wye SAC.

As confirmed in section 7.0.2 of the Position Statement we appreciate that the Assessment is a strategic high level document based on a series of assumptions and that all applications will be considered on their own merits (inside or outside an LSA) in accordance with planning policies and other material consideration. We are satisfied that in particular in this context, policy RE1, criteria 3 confirms that any proposal must not have an unacceptable impact on The Natural Environment which is protected from unacceptable adverse impact by Policies SP7 and DM2 of the Plan.

In addition, as part of the process of determining any planning application, the LPA will need to carry out a test of likely significant effects under regulation 61 of the Conservation of Habitats and Species Regulations 2010 (as amended). If there is likely to be significant effect, an appropriate assessment will be required to determine if the project would adversely affect the integrity of the SAC, SPA or Ramsar site, either alone or in combination with other plans or projects.

We remind you that, the competent authority for the purposes of the 2010 Regulations must not normally agree to any plan or project unless they are sure beyond reasonable scientific doubt that it will not adversely affect the integrity of a SAC, SPA or Ramsar site.

We also confirm that some of the LSAs include areas of deep peat. Although we note that areas of deep peat (referred to in the Assessment as areas of thick peat) have been identified as a development constraint at stage 2 we are aware that some of the LSAs include areas of deep peat. Most likely these areas have been too small to show up during the constraints mapping process. However, we are satisfied that the site layout for any proposed development can avoid such areas and that we can confirm such areas of planning application consultation stage and during any pre-application discussions.

We welcome the exercise undertaken a high-level cost analysis in relation to connecting any farm to the grid and that similarly to TAN8, areas that are considered likely to be too distant to connect to grid cost effectively constrained.

- *Stage 3*

We also acknowledge that stage 3 included undertaking a detailed Landscape Sensitivity Study for solar farm development.

We welcome the high-level landscape assessment of the Local Search Areas, set out in the Landscape Sensitivity Study for Solar Farm Development (Enplan May 2017). The application of LANDMAP in the assessment of landscape value has been developed through informal discussion with NRW and with reference to LANDMAP guidance note 1. The wider principles and steps applied in assessing sensitivity also accord with the Guidelines for Landscape and Visual Impact Assessment 3rd edition.

We are generally happy with the methodology, which has been developed in the absence of any formally adopted UK landscape sensitivity and capacity methodology. The inclusion of field notes, commentary and narrative text is helpful in describing some of the local variations in sensitivity, which otherwise could be misinterpreted if relying on the Landscape Sensitivity statements alone. The assessment sheets for each LSA are helpful in describing locations that need to be avoided due to their sensitivity and others that could potentially accommodate solar development and thereby minimise landscape and visual impacts.

LSAs with highest landscape sensitivity have been deleted. This includes 13 LLAs of Very High, High and some Medium High sensitivity.

- *Solar PV Farm Technology*

We acknowledge that 20 LSAs have been identified as a result of the additional work which has been undertaken which we are confirmed as least constrained areas to inform developers to better target their detailed site assessments. We consider the range of information set out provides informative analysis and transparency in judgements regarding landscape sensitivity and the potential capacity for solar development within the County. We concur with the findings and general statement on capacity within each LSA.

As confirmed, each proposal will be subject to Policy RE1 and will be assessed on its individual merits and will be subject to detailed site planning, design and assessment which will further inform the decision-making process.

c) Does the policy provide a clear and consistent framework for assessing development proposals?

We are satisfied that policy RE1 provides a clear and consistent framework for assessing renewable and low carbon energy development proposals within the County.

We are satisfied that any renewable and low carbon development proposals will be only approved in appropriate locations as they will need to demonstrate compliance with criteria 3 of the policy which includes the need to comply with all other relevant policies within the LDP, including in particular policies DM3, DM2, SP7 and DM15 which are matters within NRW's interest.

We are also satisfied that criteria 4 requires satisfactory proposals to be in place for site restoration and aftercare.

We also note that the identification of amended LSAs arising from the additional work does not mean an automatic presumption in favour of any renewable or low carbon energy development and that development proposals could come forward outside LSAs if site specific constraints are mitigated.

We also note that although no onshore wind LSAs have been identified that Policy RE1 also provides a policy framework for wind energy development proposals greater than 5MW to be approved during the plan period in appropriate targeted locations (dependent on their contribution) and any identified constraints mitigated for at site-specific level. Similarly, solar PV farm proposals could come forward outside the solar LSAs for the same reasons with the policy providing a framework for proposals greater than 5MW to be approved at appropriate locations.

As confirmed in 7.0.2 any application will be considered on its own merit, inside or outside LSAs, in accordance with planning policies and other material considerations

We note that a reasoned justification is to be prepared by the LPA for the policy and will be prepared as part of the council's hearing statement. We would welcome the opportunity to comment on the reasoned justification for the policy during focussed changes consultation.

5. Does the Plan provide an appropriate balance between realising the area's potential for renewable energy production and the protection of the landscape, natural and historic environment of Powys?

As confirmed above we are satisfied that the Plan, through the inclusion of Policy RE1 and the reference made in the policy for the need for all renewable and low carbon energy development and associated infrastructure to comply with all other relevant policies in the LDP, but in particular policies DM3, DM2, SO7 and DM15 provides a framework for such proposals to be approved while protecting the landscape and natural environment of Powys.

We trust that our comments are of assistance to you. Please do not hesitate to contact us should you wish to discuss our comments further or wish clarification on any of the matters raised.

Yn gywir / yours faithfully

Angharad Wyn Crump

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