

**Carmarthenshire County Council**

**TAN 8 Annex D study of**  
**SSA G: Brechfa Forest**

**Representations on behalf of the**  
**British Wind Energy Association**

## ***Introduction***

1. These representations are submitted on behalf of the British Wind Energy Association (BWEA) in relation to the TAN 8 Annex D study of SSA G: Brechfa Forest prepared by Ove Arup & Partners Ltd (Arup) and published by Carmarthenshire County Council (CCC) on 27<sup>th</sup> September 2006. This is the study referred to in the Contents page of the Discussion Paper published by CCC on 7<sup>th</sup> June 2006 as being its Appendix One.
2. These representations are intended to complement those made on behalf of BWEA on 14<sup>th</sup> August 2006 on CCC's Discussion Paper entitled "Wind Farm Development in the Brechfa Forest Area" (the Discussion Paper). Every effort has been made to avoid duplication in these representations but it is necessary in this document in places to make reference to the Discussion Paper so that BWEA's comments on the Arup study (the report) are understood in the context of the development of Supplementary Planning Guidance (SPG).
3. The Discussion Paper indicated that there is an urgent need to supplement the policies contained in the Carmarthenshire Unitary Development Plan (UDP). Consequently it is CCC's intention in due course to prepare, publish and adopt SPG in relation to renewable energy and that this guidance will supersede "Guidance on wind farms and wind turbine development in Dyfed" which was published by Dyfed Council in 1993. BWEA assumes that CCC will draw upon the conclusions of the report in informing this proposed SPG.
4. The UDP which was adopted on 19<sup>th</sup> July 2006 contains policies UT5 and UT6 which are supportive of wind energy development as part of the renewable resources exploitation subject to criteria.
5. Policy UT5 provides significant support for renewable energy which is in line with the guidance provided by the Welsh Assembly Government (WAG). It includes a number of safeguards and environmental issues which should be taken into consideration in the decision-making process. Crucially the policy requires that where significant adverse impacts upon the local environment are identified, proposals should demonstrate that they do not cause "demonstrable harm".

6. Policy UT6 is considered to be the key consideration within the development plan. It includes some of the safeguards to environmental protection which are included within UT5 but expands them to include potential impacts which are specific to wind farms. Consistent with the commentary under UT5 is the inclusion of criteria to assess whether proposals cause "demonstrable harm" to the local environment.
7. Assuming that the proposed SPG is informed by the refinement of the SSA described in paragraph 5.4 of the report BWEA believes that it will run directly counter to the criteria-based policy approach inherent in UDP policies UT5 and UT6 by seeking to rule out development absolutely in very substantial areas and to restrict development in closely-drawn zones. It is therefore submitted that the proposed SPG cannot be construed in any way as being an explanation of the UDP policies but a process which seeks to supplant them in their entirety.
8. In this context the Court of Appeal has confirmed that SPG must derive out of and be consistent with the Local Plan (*R v J A Pye (Oxford) and Oxford City Council (2002)*). Planning Guidance (Wales): Unitary Development Plans confirms in paragraph 53 that "*policies and proposals and additional relevant information which may form the basis for development control decisions should be included in the UDP and be subject to proper public scrutiny*". The Guidance also indicates that SPG should be consistent with and cross-referenced to the Plan.
9. TAN 8 clearly envisages in paragraph 5.1 that the local implications of TAN 8 including the Strategic Search Areas (SSAs) should be incorporated into Local Development Plans. To the extent that the proposed SPG is unlikely to be in accordance with the development plan such action is considered by BWEA inappropriate and unlawful.

## **The Arup study for Strategic Search Area G Brechfa Forest**

10. The Arup study which is expected to inform the proposed SPG has been carried out using broadly the same methodology as in the case of SSAs A, B and C. It has concentrated almost exclusively on landscape and visual matters. Whilst it is accepted that these are the principal issues for wind farm developments they are by no means the only ones. BWEA believes that there are many other issues when developing and designing a wind farm which are absolute constraints for example, ecology, hydrology, noise, archaeology, grid, accessibility of a site and electro-magnetic interference. In addition, identifying an area as an SSA does not mean that landowners will be willing to allow wind energy development on their land. Moreover, even within the landscape zones identified in the report there is likely to be significant variability in visibility. Only detailed EIA and design work by developers will uncover these issues and thus the suitability of a site. Seeking to refine an SSA based principally on landscape and visual constraints only is, BWEA believes, a fundamentally flawed approach and is unlikely to assist in delivering the targets.
11. TAN 8 envisages that the local planning exercise is to achieve a finer grain of development allocation within the SSA and should take into account other potential constraints not considered at the national level. Annex D specifically advises that this should include statutory and non-statutory wildlife interests and that consultation should be undertaken with CCW and RSPB. There is little evidence that any truly meaningful consultation has taken place with these bodies such that biodiversity issues have received no more than cursory attention and consequently the “finer grain” of more local constraints is considered to be absent in its assessment of capacity. Indeed this is acknowledged by the report in paragraph 2.3.
12. The Summary in the report concludes by stating that “The refined boundaries are for subsequent transposition into the appropriate Local Development Plan(s) or any interim Supplementary Planning Guidance”. This is contrary to the agreed brief for the study described in paragraph 1.2 which does not require it to re-define the boundaries of the SSA but to “map the best locations for wind farm development within the SSA”.

13. Paragraph 1.1 suggests that the primary aim of the study is to define a "search area" in SSA G. This is not the purpose of such studies; TAN 8 makes no reference to designating such an area within the SSA. Paragraph 1.2 of Annex D states that the purpose of the study is "to achieve a finer grain of development allocation within the SSA". The SSA **is** the search area.
14. The identification of the eleven zones for further analysis (paragraph 3.6) is inconsistent with the methodology of TAN 8 Annex D as these zones represent more than minor adjustments to the original SSA boundary (defined for the purposes of this assessment as incorporating the 5km technically feasible area). This does not provide the flexibility required to meet the TAN 8 targets especially when this has to be considered against the further constraints which must be met. At this stage of the assessment of the SSA it is contended that areas should not be excluded on size grounds to meet the required capacity, excepting those which are clearly incapable of accommodating developments over 25MW, as this can only be assessed by a detailed environmental and technical assessment during the planning process.
15. Furthermore, there are areas identified as unconstrained in paragraph 3.5 of the report and meeting the TAN 8 characteristics (TAN 8 paragraph 2.9) which are apparently excluded for being physically separated from the main strategic area. Notwithstanding this the final four recommended refined SSA boundaries are themselves physically separated (Figure 11) with certain of these wholly lying in areas previously identified as constrained (Figure 4). There is no apparent justification for this in the report.
16. BWEA's interpretation of the methodology set out at Annex D of TAN 8 follows its exact wording. This states that the methodology should "categorise Strategic Search Areas into 2-6 'Sub areas' based on landform and similar characteristics". As such it is considered to be more appropriate to divide the entire SSA (incorporating for the purposes of this assessment the 5km technically feasible area) into between two and six sub-areas for assessment. Once this assessment had taken place minor adjustments could then be made to the boundary. Finally, the sub-areas assessed could then be zoned in order of preferred areas for development subject, of course, to this preference being able to be rebutted when considered in light

of a more detailed Environmental Impact Assessment. This would allow the flexibility necessary to achieve the TAN 8 targets. Notwithstanding this the following paragraphs comment specifically on the zones selected in the report.

17. The visibility analysis reported in paragraph 4.6.2 states that none of the eleven zones performed particularly poorly in relation to effects on settlements within 2km to 5km distance. Hence the report concluded that development in all zones would not cause "dominance" in landscape value/sensitivity and visual thresholds terms. On this basis it is concluded that all zones are equally worthy of accommodating development to their maximum capacities and this conclusion is welcomed by BWEA.
18. Paragraph 5.2 of the report, in discussing those constraints which may affect deliverability of the SSA target of 90MW acknowledges that proposals "may not come forward ... or that not all planning permissions granted will be implemented within the same time period" and yet the report seeks to restrict the extent of development irrespective of this risk contrary to the MIPPS and TAN 8.
19. Reference to paragraph 6.3.1 of the report is pertinent in regard to the timing of development and the ability of the wind industry to deliver capacity within the timescales to which the MIPPS and TAN 8 refer. It acknowledges that "Some 80-90% of the recommended refined boundary coincides with the landholdings of Forestry Commission Wales". FCW is currently undertaking a tender process to select developers to exploit land under its management for the purpose of developing wind farms. This process has been on-going for some time and prospective developers have been invited to submit tenders in January 2007.

The selection of FCW land in the majority of preferred areas in SSA G will certainly make it difficult to contribute towards WAG's 2010 renewable energy target given the very tight timescales. However, projects would require to be progressed urgently and without significant constraints in order to be operating in time to contribute to the 2010 target. Nevertheless there are many factors which could delay them such that they would only be operating in time to contribute to the UK Government's 2015 target.

Therefore, it is BWEA's view that the recommendations of the study, in seeking to restrict wind farm development predominantly in areas under the control of FCW, may seriously jeopardise the achievement of the MIPPS and TAN 8 targets within the specified timescales. CCC should, therefore, pay due cognisance to this fact in drafting SPG such as to enable the delivery of the TAN 8 target capacity for SSA G.

20. The ranking of the zones is stated to not imply a sequential approach to the release of land within any revised SSA boundary as that would be impracticable to implement. In the footnote to Table 10 its purpose is said to be to broadly ascertain those areas which are preferred for development. Acknowledgement of these facts is welcomed by BWEA.
21. It is pertinent to note in the report that paragraph 5.3 and Table 10 indicate that zones 6, 7, 8 and 9 need not be developed as they rank lowest of the eleven zones and the target capacity is capable of being achieved in other zones.
22. However the footnote to Table 3 states that zones 10 and 11 are absolutely technically constrained by wind speed and hence, by reference to paragraph 5.1 of Annex D, they should be discounted from further analysis.
23. It is instructive to note that this, by elimination, leaves only zones 1, 2, 3, 4 and 5 as suitable for development. Reference to Table 10 shows that the aggregate capacity of these zones totals 86MW which is just insufficient to meet the SSA target of 90MW irrespective of whether the recommendation in paragraph 5.2 to include a contingency of 25% is accepted or not.
24. Hence correct interpretation of TAN 8 Annex D and reference to paragraph 5.2 of the report would imply that, in order to meet the SSA target, zone 8 Mynydd Llanybyther (North-west) and zone 6 Mynydd Llanllwni (North-west) need to be re-instated to the list of zones necessary to be developed whose aggregate capacity would then total 122MW nearly 10MW more than the SSA target including the 25% contingency.
25. However, the report, in paragraph 5.4, then goes on to suggest that, despite the detailed analysis of the absolute and variable constraints presented in its Sections 3, 4 and 5, parts of zones

1, 2, 4 and 5 are no longer suitable notwithstanding their ranking in Table 10. This is apparently because of the inclusion of a new criterion not previously referred to in the report and not referred to in TAN 8 Annex D whereby development should be drawn back from the edge of the high ground. BWEA submits that this is a completely arbitrary and illogical adjustment which would jeopardise the achievement of the SSA target and which runs counter to the criteria in TAN 8 Annex D.

26. Even more illogical is the suggestion in paragraph 5.4 of the report that, notwithstanding the fact that zones 10 and 11 are absolutely technically constrained by low wind speed, they could contribute further capacity to help make up the shortfall in zones 1, 2, 4 and 5 even though the report acknowledges that wind turbines in zones 10 and 11 would significantly interfere with views from Mynydd Llanllwni to the Brecon Beacons.
27. Finally, and most illogically, the report suggests that the areas between zones 8 and 10 and to the south-west of zone 6 could be included even though the study did not originally define these areas as zones presumably because they were constrained either absolutely or variably or by a combination of the two.
28. All of these factors combine to demonstrate that not only are the conclusions of the report illogical and arbitrary but that relying on them would not only significantly prejudice the possibility of achieving the SSA target but, if taken into account in the development of SPG, would render it fundamentally flawed.
29. Uncertainty regarding delivery of the WAG targets was highlighted by GH in their capacity assessment and it is expected that in purely technical and environmental terms the anticipated zones will not deliver the required capacity within the 2010 timeframe.
30. GH suggests a strategy to overcome this. It is believed that there must be flexibility in the application of boundaries and policies relating to the zones/SSAs. It is considered that the zones are much too restrictive and that even the application of the TAN 8 SSA G boundary raises fundamental questions about

the achievability of the targets. BWEA recommends that CCC amends the boundary so that it coincides with the dotted Brechfa Forest Area boundary shown on Map One referred to in the Discussion Paper. This will result in a greater confidence that the targets can be met as required by TAN 8 and MIPPS.

31. As stated in its previous submission through the MIPPS the WAG is committed to playing its part in delivering an energy programme which contributes to reducing carbon emissions. It has established specific renewable energy production targets of 4TWh per annum by 2010 and 7TWh per annum by 2020 in paragraphs 12.8.3 and 12.8.6 the emphasis being that projects contributing to these targets will be operational at the relevant dates. In order to achieve this the underlying theme of the MIPPS in paragraph 12.8.12 is its general support for all forms of renewable energy which are consistent with sustainable development and international climate change obligations including renewable energy targets. It acknowledges in paragraph 12.8.9 that on-shore wind energy offers the greatest potential for an increase in the generation of electricity from renewables in the shorter term. This 2020 target is in grave danger of being overlooked while there is general acknowledgement that the 2010 target will not be met. This is compounded further with this restrictive document which redefines only 23% of the TAN 8 zone for on-shore wind farm developments.
32. Finally, TAN 8 Section 1.3 only provides for minor adjustment to SSA boundaries. As in the case of its reports on SSAs A, B and C the conclusions of the Arup study for SSA G would seek to effect a reduction in the size of SSA G of about 77% as shown on the attached plan. This is **not** a minor adjustment.

## ***Conclusions***

33. It has been demonstrated in the cases of SSAs A, B and C that the Arup study which is intended to inform the proposed SPG is fundamentally flawed in that it does not consider the “finer grain” local technical or environmental constraints to wind energy development. This is contrary to the advice in TAN 8 Annex D paragraph 1.2.
34. The resulting recommended boundaries of SSA G are not “minor adjustments” to SSA G. This is contrary to the advice in TAN 8 Annex D paragraph 1.3.
35. There is a high risk that the recommended refined SSA G boundary will not enable the target of 90MW of installed wind turbine capacity to be achieved. There are even substantial concerns that, taking technical and local environmental considerations into account, SSA G, as originally identified in TAN 8, will not accommodate the proposed target.
36. Jeopardising SSA targets in this way is contrary to the objectives of the MIPPS and TAN 8.
37. The Arup study does not consider the wider implications of wind turbine development in relation to sustainability principles especially in the context of the potential benefits to the rural economy.
38. If the proposed SPG is informed by the conclusions of the report it is likely to not be consistent with the development plan policies and its adoption in its current form would be unlawful.
39. If the proposed SPG is informed by the conclusions of the report it would seemingly employ its flawed methodology to over-ride the criteria-based application of the UDP in so far as the UDP takes into account mitigations proposed by developers such as through the implementation of habitat enhancement programmes, hydrological improvements and community benefits.
40. In light of the fact that the findings of the Arup study have been fundamentally undermined in paragraphs 21 to 28 above BWEA's recommendation is that CCC, in issuing SPG, should

re-draw the boundary of the SSA so that it coincides with the dotted Brechfa Forest Area boundary shown on Map One referred to in the Discussion Paper.

41. In addition BWEA recommends that proposals which are already well advanced must be considered favourably in order to facilitate the achievement of targets and that the proposed SPG must take into account paragraph 1.3 of TAN 8 Annex D and be flexible in its approach to projects on the margins of the SSAs where environmental considerations are acceptable or the wider benefits outweigh the potential impacts of development.