

Carmarthenshire County Council

Unitary Development Plan

Supplementary Planning Guidance for

Major Wind Farm Development

in the Brechfa Forest Area

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 Supplementary Planning Guidance for Major Wind Farm Development in the Brechfa Forest Area which was published by Carmarthenshire County Council (CCC) on 17th January 2007.

Background to Supplementary Planning Guidance

2. The Supplementary Planning Guidance (SPG) notes that the Welsh Assembly Government (WAG) has identified the Brechfa Forest Area as an area suitable for major wind farm development in the period up to 2010. It describes the Area as being composed of two components, the Strategic Search Area (SSA) and the Buffer Area which is a zone 5km wide around the SSA within which the SSA boundary may be refined by CCC. BWEA warmly welcomes this definition.
3. BWEA notes that this SPG's acknowledged purpose is to provide information on the character of the Brechfa Forest Area and its short term development pressures and prospects, to encourage developers to design their proposals with maximum sympathy for the local environment and to assist determination of applications for major wind farm development.
4. It is noted that it is CCC's intention to consult on and adopt this SPG, that this guidance will supersede "Guidance on wind farms and wind turbine development in Dyfed" which was published by Dyfed Council in 1993 and that it is intended that this guidance should be only applicable until the end of 2010.
5. The SPG notes that CCC's planning policies for the Brechfa Forest Area are all contained in the Carmarthenshire Unitary Development Plan (UDP) which was adopted in July 2006 and observes that it contains both strategic and detailed policies and that it applies for the period 2002-2016.
6. The SPG states that the UDP contains many non-site-specific policies which provide a strategic framework for new development. The key strategic policies for the Brechfa Forest Area are those which seek to:
 - enhance the natural environment and safeguard it from inappropriate development; (Policy CUDP 9)

- ensure that all identified areas of important amenity/open space be protected to safeguard against inappropriate development (Policy CUDP10); and
 - support proposals for renewable energy schemes (Policy CUDP14).
7. The SPG confirms that planning applications would be determined in the light of the current development plan, i.e. the UDP and other material planning considerations. It states that WAG planning policies, as published in the Ministerial Interim Planning Policy Statement (MIPPS) and Technical Advice Note 8 (TAN 8), are material planning considerations as is this SPG and its background documents.
 8. BWEA acknowledges that, in addition, pertinent detailed policies include UT5 and UT6 which are supportive of wind energy development as part of the renewable resources exploitation subject to criteria. Policy UT5 provides significant support for renewable energy which is in line with the guidance provided by the WAG. It includes a number of safeguards and environmental issues which should be taken into consideration in the decision-making process and introduces the concept of “demonstrable harm” in relation to renewable resources exploitation.
 9. BWEA believes that policy UT6 is the key consideration within the development plan which relates to major Wind Farm Development in the Brechfa Forest Area. 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 in UT5 is the inclusion of the “demonstrable harm” criterion.
 10. BWEA acknowledges that there are occasionally tensions between different UDP policies and that these are generally resolved by Development Control Officers on a site-specific basis by reference to a particular proposal; usually a planning application. BWEA welcomes CCC’s statement that one of the purposes of this SPG is to assist resolution of any such tensions.
 11. BWEA notes the SPG’s additional environmental assessment guidelines.

Objectives of Supplementary Planning Guidance

12. The objectives of the SPG are stated to be as follows:
 - to provide unique opportunities, through the offsetting principle, to secure environmental benefits which, at least partially, offset the intrusion of major wind farm development into more panoramic views;
 - to interpret UDP and WAG policies and, in particular, UDP policies CUDP9, CUDP10 and CUDP14;
 - to interpret the targets for wind powered electricity generation which are expressed in the MIPPS and TAN 8 and their locational guidance in the form of the identification of SSAs;
 - to ensure the protection of common land;
 - to encourage the protection of forestry assets and, in particular, their biodiversity and recreation resources;
 - to ensure that there is adequate guidance on those community benefits which arise from wind energy development;
 - to address access and construction issues;
 - to steer wind energy development towards the most acceptable areas;
 - to monitor and review wind farm development and policy implementation in the period up to 2010, and
 - to facilitate the preparation of policies to be contained in Carmarthenshire's emerging Local Development Plan and to respond to further WAG planning advice expected around 2010.
13. BWEA welcomes the SPG's objectives of enhancing the biodiversity value of scarce habitats and species, of promoting carbon storage through encouraging peat formation and of ensuring cosmetic improvements to landscape features through the implementation of land management strategies;
14. It also welcomes the SPG's role in interpreting UDP policies CUDP9, CUDP10 and CUDP14.
15. It notes that policy CUDP9 states that "It is the policy of Carmarthenshire County Council to enhance the natural environment and safeguard it from inappropriate development". BWEA notes that the SPG considers that the term "natural environment" refers to those areas which have remained uncultivated, those which have retained native woodland and those which are relatively undisturbed by man's activities being that they are more natural than intensively-managed farmland, conifer plantations and settlements.

16. Accordingly BWEA acknowledges the fact that, in complying with CUDP9, CCC may reasonably consider that safeguarding the natural environment from inappropriate development in the Brechfa Forest Area requires that the Mynydd Llanllwni SLA and other identified biodiversity habitats and areas of ancient woodland are safeguarded. Moreover, BWEA welcomes CCC's obligation, in Policy CUDP9, to "utilise management schemes and initiatives as a tool in meeting conservation objectives. The utilisation of such practices in co-operation and with support from landowners, private, public and voluntary groups represents an opportunity to actively enhance as well as preserve habitats and features".
17. It notes that policy CUDP10 states that "It is the policy of Carmarthenshire County Council to ensure that all identified areas of important amenity/open space be protected to safeguard against inappropriate development and the coalescence of settlements". BWEA notes that the SPG considers that some of the most important areas of amenity or open space in Carmarthenshire include the three large commons in the Brechfa Forest Area, namely Mynydd Llanllwni, Mynydd Llanybydder and Mynydd Llanfihangel Rhos-y-Corn which broadly comprise the Mynydd Llanllwni SLA. In addition it notes that the SPG states that the Forestry Commission land may also be considered open in that it is not enclosed and may be regarded as a major recreational resource and therefore an important area of open space. Furthermore BWEA welcomes the acknowledgement, in CUDP10, that "Open space provision throughout the County has a major bearing on the community's quality of life" and the requirement that "sufficient protection must be afforded to areas of open space in order to ensure the retention of such an important resource".
18. BWEA notes that policy CUDP14 states that "It is the policy of Carmarthenshire County Council to support proposals for renewable energy schemes and developments which minimise energy and resource requirements, where appropriate". As stated in paragraphs 8 and 9 above this strategic policy is supported in respect of wind energy by Policy UT6 which contains criteria which must be met before development could be permitted and which includes a "demonstrable harm" criterion.
19. BWEA is concerned that the SPG states that "These criteria seek to ensure that wind farm, etc. development would take place without causing demonstrable harm or having significant adverse impacts" as it believes that this is an incorrect interpretation of

policy UT6. Policy UT6 in fact states that development would be permitted where a proposal does “not cause demonstrable harm by virtue of having a significant adverse impact on the quality of the local environment” (BWEA emphasis), i.e. the policy conceives of situations where a proposal might have a significant adverse impact yet not cause demonstrable harm. It is therefore suggested that the SPG be amended to reflect the correct drafting of policy UT6.

20. BWEA notes the SPG’s intention to interpret the targets for wind powered electricity generation which are expressed in the MIPPS and TAN 8. It draws attention to the fact that the SPG quotes, incorrectly, that the TAN 8 installed capacity target for the Brechfa Forest Area is 80MW when it is in fact 90MW.
21. However, BWEA would reiterate that the 90MW in the Brechfa Forest Area is an indicative target. Upward pressure on the target would be expected to arise as a result of the assessment by National Grid at the BWEA28 Conference that SSAs B, C and D, which together represent some 40%-50% of the aggregate TAN 8 target, will only be able to contribute a very small proportion of this capacity because of a severe shortage of electrical grid connection capacity in mid-Wales. This situation will not be remedied until after 2010.
22. Furthermore BWEA does not agree that the use of the phrase “come forward” in TAN 8 suggests a slightly more relaxed target as the SPG states. MIPPS paragraph 12.8.3 states that “It [the Assembly Government] has established specific renewable electricity production targets for Wales of 4TWh per annum by 2010 and 7TWh per annum by 2020” and paragraph 12.8.6 states that “In order to reach the 2010 renewable energy target, the Assembly Government’s energy policy is that 800MW of renewables capacity should be provided from strategic onshore wind energy development ...”. There is no indication in these paragraphs in BWEA’s view to suggest any ambiguity in WAG’s determination to see wind energy capacity installed by the relevant dates in order to achieve the production objectives quoted. It is suggested that the SPG is amended to reflect this.
23. Accordingly the SPG statement “It [the phrase “come forward”] is an indicator that early schemes should not automatically be favourably considered simply because they would be likely to be implemented by 2010” is considered ill-advised and should be omitted from the SPG because it has the potential to distract

decision-takers from the importance of granting planning consent to projects which are able to contribute to the WAG 2010 target.

24. BWEA notes the SPG's emphasis on the importance of the protection of common land in general and, in particular, the importance of those commons which are located within the County's SLAs.
25. BWEA also acknowledges the importance of protecting those areas managed by the Forestry Commission which are of ecological and recreational value.
26. BWEA notes UDP policy GDC33 which encourages offers of benefits to local communities where such benefits are directly related to the development, fairly and reasonably related in scale and kind to the development, relevant to planning, reasonable and necessary.
27. BWEA acknowledges that most wind farm developments will require some modification to the local highway network and existing forest tracks and that environmental impact of this can be considerable and should be taken into account when assessing the merits of a proposed development.
28. BWEA accepts the necessity for wind energy development to take place in the most acceptable areas and welcomes the acceptance by CCC, in the SPG, of its role in guiding and optimising development within the Brechfa Forest Area.
29. BWEA accepts that, whilst the purpose of Annex D of TAN 8 is to provide a potential methodology to take an active approach to developing local policy for SSAs which would form part of the Local Development Plan, in the meantime TAN 8 and its methodology provide opportunities to aid interpretation of existing UDP policies.
30. BWEA welcomes the fact that the Annex D methodology recommends an overall study area of some 5km from the boundary of a SSA to ensure that possibly suitable land outside (but close to) the SSA is considered when optimising development.
31. In this regard the results of the study commissioned by CCC into where wind turbines could best be accommodated in the SSA having regard to their landscape and visual impact are warmly welcomed by BWEA. In particular BWEA is gratified that the

results of this study showed that development in any of the eleven zones which are technically suitable for major wind farm development would be acceptable.

32. However, BWEA cautions that, given its observations in paragraph 21 above, additional technically feasible zones over and above the eleven identified may also be required to meet the overall, all-Wales TAN 8 target.
33. BWEA notes that it is CCC's intention to monitor and review wind farm development and policy implementation in the period up to 2010 and it welcomes the intention to facilitate the preparation of policies to be contained in Carmarthenshire's emerging Local Development Plan and to respond to further WAG planning advice expected around 2010.
34. BWEA does, however, have concerns that the legal weight of the SPG could be called into question as it is believed that SPG is intended to be borne out of the adopted local plan. In the case of Carmarthenshire the UDP makes no reference to TAN 8 or the MIPPS. It is the view of BWEA that the document in its current form, until the emerging local plan is changed to reflect TAN 8, is at risk of carrying little weight especially when analysed at a Planning Inquiry.
35. BWEA acknowledges the views of CCC with regard to protecting the SLAs and Amenity/Open Space as identified in Policy EM16 and CUDP10 and stated previously in paragraph 17. However it would point out that at least three operational wind farms in Wales are to be found within Areas of Great Landscape Value (AGLV) (which incidentally have a higher landscape value) or SLAs, namely, Cemmaes, Carno and P & L.
36. In addition to this BWEA would also point out that in England PPS7 refers to the phasing out of local landscape designations and advice in the consultation draft PPS on climate change advises that refusing an application should not rest solely on landscape and visual grounds.
37. Therefore BWEA would ask CCC to look beyond the 2010 target and consider areas which are currently in the SLA given that 2010 is less than three years away and the fact that WAG will be producing further guidance in the meantime to deal with development in the subsequent period.

38. BWEA would be interested to see what guidance CCC intends to produce for potential wind farm development in areas other than the Brechfa Forest Area. It is arguable that SPG should be prepared which covers the whole of the county. For example, wind energy development in SSA E Pontadawe would have an impact on Carmarthenshire and BWEA would encourage CCC to look at producing a document to reflect this. BWEA is concerned that CCC and the wider public might view the Brechfa Forest Area as the only part of the county which is suitable for wind farm development.

Conclusions

39. BWEA broadly welcomes the SPG for Major Wind Farm Development in the Brechfa Forest Area which was published by Carmarthenshire County Council (CCC) on 17th January 2007 as an effective means by which to provide information on the character of the Brechfa Forest Area and its short term development pressures and prospects. It is believed that the SPG will encourage developers to design their proposals with maximum sympathy for the local environment and that it will assist in the determination of applications for major wind farm development in the area.
40. BWEA welcomes the SPG's objectives, in accordance with CCC's offsetting principle, of enhancing the biodiversity value of scarce habitats and species, of promoting carbon storage through encouraging peat formation and of ensuring cosmetic improvements to landscape features through the implementation of land management strategies.
41. BWEA warmly welcomes the emphasis laid on the achievement of the wind electricity generation targets referred to in the MIPPS and TAN 8 in the SPG and the contribution which CCC is able to make to the WAG targets through careful development optimisation.
42. BWEA acknowledges that there are occasionally tensions between different UDP policies be they local or national and that these are generally resolved by Development Control Officers on a site-specific basis. BWEA welcomes this SPG as a valuable means by which to assist resolution of any such tensions.
43. BWEA does have concerns about the legal weight of this SPG as it is not borne out of the Carmarthenshire UDP.

44. BWEA acknowledges the importance of SLAs but, given the 2010 targets, believes that consideration should be given in the SPG to development within such areas. If a potential site is located within a SLA, amenity or open space this, of itself, should not preclude it from consideration for development.
45. BWEA would like CCC to give careful consideration to producing SPG which covers the whole county. BWEA considers that the SPG could be seen as restricting development in the county to the Brechfa Forest Area.
46. Finally BWEA welcomes CCC's commitment to monitoring and reviewing the effectiveness of this SPG in the implementation of policy on wind energy in the period up to 2010 so as to facilitate the development of policy in the subsequent period.