

July 2023

Contents

1.	Introduction	3
1.1	Background	3
1.2	Purpose of this Planning Statement	4
1.3	The Applicant	4
1.4	Structure of Planning Statement	4
2.	The Site & Proposed Scheme	6
2.1	Site Location & Description	6
2.2	The Proposed Scheme	6
3.	The Planning Policy Framework	9
3.1	Introduction	9
3.2	Future Wales: The National Plan 2040	9
3.3	Planning Policy Wales: Edition 11 (February 2021)	13
3.4	Building Better Places (July 2020)	14
3.5	Technical Advice Notes	15
3.6	Local Development Plan Policy	15
3.7	Renewable Energy Assessments	18
3.8	Conclusions on the Planning Policy Framework	20
4.	The Renewable Energy Policy Framework	21
4.1	Introduction	21
4.2	International Commitments	21
4.3	UK Climate Change & Energy Legislation & Policy	23
4.4	Wales: Climate Change & Energy Legislation & Policy	28
4.5	Key Net Zero Targets Summary	35
4.6	Climate Change & Energy Policy: Conclusions	36
5.	Planning Policy Assessment	37
5.1	Introduction	37
5.2	Planning Assessment	37
5.3	The Benefits of the Proposed Scheme	51
5.4	Policy Assessment Conclusions	54
5.5	Accordance with the Well-being of Future Generations (Wales) Act 2015	54
6.	The Planning Balance & Conclusions	56
6.1	The Planning Balance	56
6.2	Conclusions	57
7.	Appendix 1: Local Development Plan Policies	59

1. Introduction

1.1 Background

1.1.1 RWE Renewables UK Swindon Ltd. (“the Applicant”) is applying to Welsh Ministers for permission to construct and operate Pen March Wind Farm (“the Proposed Scheme”) which would be located north of the A465 Heads of the Valleys’ Road, north-west of the small town of Rhymney and north-east of Merthyr Tydfil. The Site location is shown on **Figure 1.1**.

1.1.2 The majority of the application site is registered as Common Land and makes up part of Common Land Unit 38 (Gelligaer and Merthyr Common), which also extends to the south of the A465. Therefore, the DNS application will be accompanied by a separate application for secondary consent to deregister and exchange common land and (where required) consent to carry out works on common land (sections 16 and 38 of the Commons Act 2006).

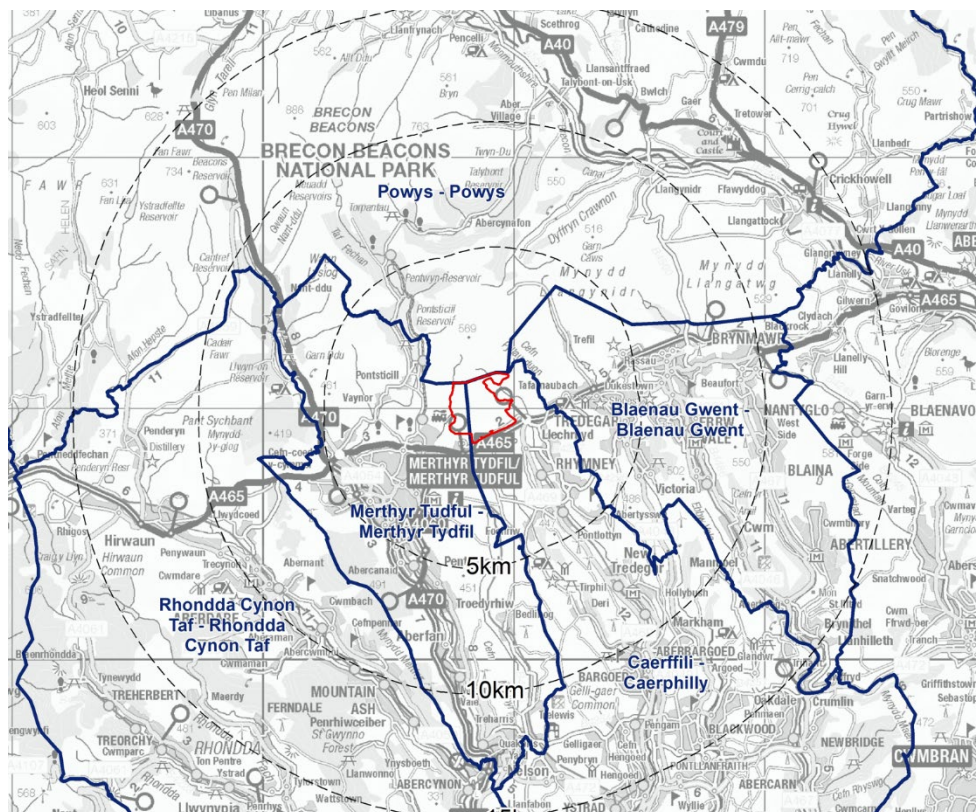


Figure 1.1: Site Location

1.1.3 The Planning (Wales) Act 2015 and the Developments of National Significance (Wales) Regulations 2016 (as amended) and subsequent regulations, provides the statutory basis for a Development of National Significance (DNS). Any proposal to construct or operate an onshore wind generating station with a capacity over 10 mega-watts (MW) falls under the DNS system and requires Welsh Ministers’ consent.

1.1.4 The Proposed Scheme comprises the construction and operation of up to six wind turbines and associated infrastructure. The proposal is therefore classed as a DNS

as the combined installed capacity of the power generating elements will be greater than 10 MW.

- 1.1.5 The Proposed Scheme exceeds the threshold for onshore wind developments set out in Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017 (as amended) (the 'EIA Regulations'). In addition, the Proposed Scheme could potentially result in 'significant' environmental effects according to the EIA Regulations, therefore the Proposed Scheme is classified as an EIA development and an Environmental Statement (ES) is required.

1.2 Purpose of this Planning Statement

- 1.2.1 In accordance with section 38(6) of the Planning and Compulsory Purchase Act 2004 (the "2004 Act"), the application for the Proposed Scheme should be determined in accordance with the Development Plan, unless material considerations indicate otherwise. Under Section 38(4) of the 2004 Act, the Development Plan comprises the National Development Framework for Wales and the relevant Local Development Plans covering the site.
- 1.2.2 This Planning Statement provides an assessment of the Proposed Scheme against the relevant Development Plan policies, and considers any material considerations, consistent with the requirements of Section 38(6) of the 2004 Act. The Planning Statement also considers the potential benefits and harm which may arise and concludes as to the overall acceptability of the Proposed Scheme in relation to the planning policy framework and relevant material considerations.

1.3 The Applicant

- 1.3.1 RWE owns and/or operates around three giga-watts (GW) of onshore and offshore wind, hydro and gas energy generation in Wales across 12 sites. The company is Wales' largest power producer and biggest renewables generator, directly employing around 300 people (plus many more indirectly) at the company's dedicated offices in Baglan, Dolgarrog and Port of Mostyn, as well as on site at various power stations.
- 1.3.2 Over the last decade, together with partners, RWE has invested over £3bn to deliver projects in Wales. The company's major investments include three onshore wind farms totalling 186 mega-watts (MW); a 2.2 GW gas fired Pembroke power station; the first commercial scale offshore wind project in the UK (North Hoyle); and the 576 MW Gwynt y Mor offshore wind farm, which has since created more than 100 long term skilled jobs at the Port of Mostyn.
- 1.3.3 In terms of onshore wind in Wales, RWE's major investments in Wales include around £250m building onshore wind projects at Clocaenog Forest, Mynydd y Gwair and Brechfa West. The company is also currently working on a pipeline of very early stage development proposals, which could deliver over 600 MW additional onshore wind capacity across Wales. Further onshore wind opportunities are being explored across Wales but many of these, particularly in Mid-Wales are dependent on a viable grid transmission solution to unlock the potential.

1.4 Structure of Planning Statement

- 1.4.1 This Planning Statement is structured as follows:
- > **Chapter 2** describes the site and Proposed Scheme.
 - > **Chapter 3** sets out the planning policy framework;

- > **Chapter 4** sets out relevant renewable energy policy framework; and
- > **Chapter 5** provides a planning policy assessment of the Proposed Scheme in relation to the Development Plan and national planning policy and describes the benefits that would result from the proposal. The Chapter concludes that the Proposed Scheme accords with the Development Plan, national planning policy and other material considerations.
- > **Chapter 6** presents conclusions and summarises the overall planning balance, setting out the case for the permission to be granted for the Proposed Scheme.

2. The Site & Proposed Scheme

2.1 Site Location & Description

- 2.1.1 A detailed description of the Site and the Proposed Scheme is provided in Introductory Chapters of the Environmental Statement (ES). A summary is set out in this Chapter.
- 2.1.2 The application site is located approximately 1 km north-east of Dowlais, on the north-eastern fringe of Merthyr Tydfil and 2 km north-west of Rhymney town centre. The southern boundary of the Site lies approximately 90 m north of the A465 Heads of the Valleys' Road. The application site is located principally within Caerphilly County Borough Council (CCBC) and Merthyr Tydfil County Borough Council (MTCBC). Powys County Council (PCC) and Brecon Beacons National Park (BBNP) (Bannau Brycheiniog) borders the Site to the north.
- 2.1.3 The Site occupies a total area of approximately 459.9 hectares (ha), however, the actual footprint of the Proposed Scheme only occupies a small percentage of this area. The Site comprises a broadly sloping area of purple moor grass *Molinia caerulea* dominated grassland, with small, scattered areas of dense scrub, exposed rock, dry heath and standing open water habitats.
- 2.1.4 The surrounding landscape comprises grazed moorland habitats, with frequent scattered areas of industrial and residential development to the south, south-east and south-west of the Site and the BBNP lying to the north of the Site.

2.2 The Proposed Scheme

- 2.2.1 The main elements of the Proposed Scheme (see **Figure 2.1** below) will comprise the following principal components:
- > Up to six three-bladed horizontal axis wind turbines with a blade tip height of up to 180m. Each turbine has an internal transformer and aviation lighting.
 - > Wind turbine foundations and hardstanding areas which will include crane hardstanding areas and laydown/storage areas.
 - > An electrical and control building compound with battery storage facilities.
 - > New site access from the Common Road and associated bell-mouth junction.
 - > On-site access tracks, passing places, and turning heads.
 - > Two gas pipeline crossings, one water main crossing and three watercourse crossings.
 - > Underground power cables (and fibre optic communication cables) linking the wind turbines and the on-site electrical compound and control building.
 - > A main temporary construction and storage compound with associated laydown areas near to the Site entrance.
 - > Construction working areas associated with turbine locations and access tracks which will be restored after construction is complete.

- > Off-site works to enable the movement of abnormal loads during construction (such as the creation of a new slip track from A465 and temporary modifications to street furniture etc).
- > On-site Habitat Management Area.

- 2.2.2 The Applicant is seeking to include both an element of shared ownership and the establishment of a community benefit fund.
- 2.2.3 Wind turbines with a height greater than 150 m to blade tip require aviation lighting to comply with CAA requirements in accordance with Article 219 of the UK Air Navigation Order 2016. As such, the Proposed Scheme will need to display visible red lights at night. A detailed Lighting and Marking Plan (LMP) will be agreed with all relevant aviation stakeholders and will set out specific requirements in terms of aviation lighting to be installed on the turbines, as required under CAA (2016) CAP 393, Air Navigation: The Order and the Regulations (2016). The production and approval of a LMP will be a condition of the Application. Measures will be adopted to ensure that the potential for risk of aircraft collision with the Proposed Scheme is minimised.
- 2.2.4 The expected operational life of the Proposed Scheme is 35 years from the date of commissioning. At the end of this period, a decision is made whether to refurbish, remove or replace turbines. If refurbishment or replacement were to be chosen, relevant planning applications will be made.
- 2.2.5 The Applicant has accepted a grid connection offer for the Proposed Scheme from the distribution network operator, Western Power Distribution (now part of National Grid), including an indicative grid connection method and route. The point of connection is located at the Dowlais Bulk Supply Point (BSP) Substation, located approximately 500 m south-west of the Site. The grid connection will be constructed by Western Power Distribution and will be subject to a separate planning permission, if required. In line with the EIA Scoping Direction, a high-level assessment of the proposed grid route has been included as part of the ES. In line with the accepted grid connection, it has been assumed that the grid connection will require a 33kV cable, approximately 1.5 km in length, running underground from the point of connection to the Electrical Substation.

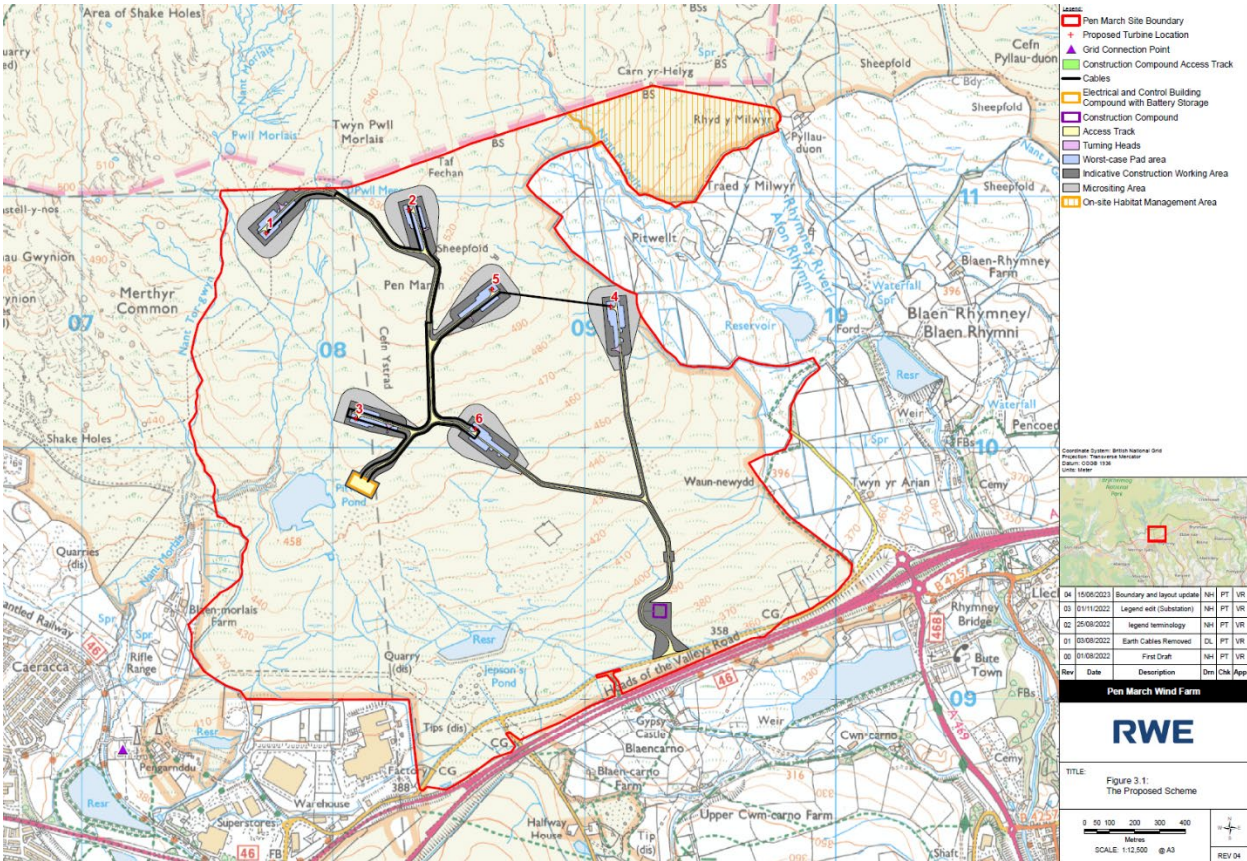


Figure 2.1: Proposed Scheme Layout

3. The Planning Policy Framework

3.1 Introduction

- 3.1.1 This Chapter references the relevant national and local planning policy framework applicable to the Proposed Scheme, covering the Development Plan and national planning policy provisions.

3.2 Future Wales: The National Plan 2040

- 3.2.1 Future Wales (2021) is the Welsh Government's National Development Framework ('Future Wales') and is the highest tier of the development plan in Wales. It sets out (page 96) that proposals for large scale energy development are classed as DNSs and as set out in legislation "*applications for developments of national significance must be determined in accordance with Future Wales, which is the National Development Plan for Wales*".
- 3.2.2 Future Wales is a framework for planning the change and development Wales will need over the next two decades. It states (page 14) that Future Wales:
- "Supports a low carbon economy and the decarbonisation of industry, and the growth of sustainable and renewable energy."*
- 3.2.3 As the most recent expression of national planning policy and as the highest tier of the Development Plan, Future Wales is therefore considered to have primacy in the planning policy hierarchy. The introduction to Future Wales (Chapter 1) sets out that it is a development plan with a strategy for addressing key national priorities through the planning system including sustaining and developing a vibrant economy and achieving decarbonisation and climate resilience, as well as developing strong ecosystems and improving the health and well being of communities.
- 3.2.4 Page 10 of Future Wales sets out that "*the specific purpose of Future Wales is to ensure the planning system at all levels is consistent with, and supports the delivery of, Welsh Government strategic aims and policies*".
- 3.2.5 Future Wales (page 15) explains the structure of the Welsh planning system, referring to the three tiers of development plan which should be aligned and complement each other: namely, Future Wales, Strategic Development Plans (SDPs) and Local Development Plans (LDPs). It adds that LDPs must be in conformity with Future Wales and the SDPs for their respective area should they be in place. It adds that LDPs must be kept up to date to ensure that they and Future Wales work together effectively.
- 3.2.6 It is also explained that the content and policies of all three tiers of the development plan are strongly influenced by Planning Policy Wales (PPW), which is the complete land use planning policy document for Wales (as referred to below) and is a material consideration in the decision-making process for DNSs.
- 3.2.7 Future Wales does not contain statements on all land use planning issues as set out in PPW, however importantly, it does state that (page 15): "*deciding where to locate renewable energy generation technology is a spatial issue of such significance that national ambitions are unlikely to be achieved without national planning policies*".
- 3.2.8 On page 15 of Future Wales it is set out that PPW is not part of the development plan but as the principal statement of national planning policy "*it has substantial*

weight” in the planning process. It adds that development plans must be consistent with national policy.

- 3.2.9 Future Wales was prepared with regard to a number of Welsh Government policy documents and statute including:
- > The Well-being of Future Generations (Wales) Act 2015;
 - > The Environment (Wales) Act 2016;
 - > Prosperity for All: A Low Carbon Wales (March 2019); and
 - > Policy Statement: Local Ownership of Energy Generation in Wales – Benefitting Wales Today and for Future Generations (February 2020).
- 3.2.10 Chapter 2 of Future Wales explains how the policy document has been informed by a range of challenges and opportunities and a key matter is climate change. It sets out (page 45) that climate projections *“show an increased chance of milder, wetter winters and hotter, drier summers, rising sea levels and an increase in the frequency and intensity of extreme weather events”*.
- 3.2.11 It states that climate change is an equality issue as it will disproportionately affect the most vulnerable communities and that:
- “it is vital that we reduce our emissions to protect our own well-being and to demonstrate our own global responsibility. Future Wales together with PPW will ensure the planning system focusses on delivering a de-carbonised and resilient Wales through the places we create, the energy we generate, the natural resources and materials we use and how we live and travel”*.
- 3.2.12 With regards to renewable energy, the plan notes (page 48) that:
- “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.”*
- 3.2.13 Future Wales also has a focus on the need to protect natural resources and states (page 48) that there is a need *“to reverse biodiversity decline and assist nature recovery which is seen as being of imperative importance in its own right.”*

Outcomes

- 3.2.14 Section 3 of Future Wales sets out the expected Government outcomes which are described as: *“collectively a statement of where we want to be in 20 years’ time. Every part of Future Wales... is concerned with achieving the outcomes”*.
- 3.2.15 The outcome of principal relevance to the Proposed Scheme is outcome 11, as follows:
- “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 in leading the way and 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”.

Development Management Policies

3.2.16

Policies 17 and 18 set out requirements in respect of renewable energy and are the policies against which DNS applications will be determined. Policy 17 – ‘Renewable and Low Carbon Energy and Associated Infrastructure’ states:

“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.”

3.2.17

Policy 18 – ‘Renewable and Low Carbon Energy Developments of National Significance’ provides the criteria for assessing large scale proposals for renewable and low carbon energy and it is required to be read together with Policy 17. It states:

“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 PreAssessed 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 (TTA7T);*
- > 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."*

- 3.2.18 The supporting text to Policies 17 and 18 (page 96) sets out that Wales is abundant in opportunities to generate renewable energy: *"and the Welsh Government is committed to maximising this potential. Generating renewable energy is a key part of our commitment to decarbonisation and tackling the climate emergency"*.
- 3.2.19 Reference is then made to a number of targets for the generation of renewable energy as follows:
- > For 70% of electricity consumption to be generated from renewable energy by 2030;
 - > For one gigawatt of renewable energy capacity to be locally owned by 2030; and
 - > For renewable energy projects to have at least an element of local ownership from 2020.
- 3.2.20 It adds that Policies 17 and 18 contain strategic spatial and criteria-based policy provisions which are required to be considered together in the determination of applications, along with detailed advice on assessing benefits and impacts in PPW.
- 3.2.21 The supporting text with regard to Policy 17 also adds that *"proposals should ensure that there is no significant unacceptable detrimental impact on the surrounding natural environment and local communities and that the development delivers positive social, environmental, cultural and economic benefits"*.
- 3.2.22 On page 97, the supporting text to the policies sets out that the Government recognises that there are landscapes across Wales *"whose intrinsic value should be protected from inappropriate development. Sites in National Parks and Areas of Outstanding Natural Beauty are considered unsuitable for large scale wind and*

solar". It adds, however, that outside of these areas "a positive policy framework exists".

- 3.2.23 Within the PAAs for wind energy (map on page 94 of Future Wales), it adds that the Welsh Government "*has undertaken an assessment to identify these areas to provide certainty where, in principle, developments would be acceptable. In these areas there is a presumption in favour of large scale onshore wind energy development and the associated landscape change subject to the criteria in Policy 18*". It adds that outside of the PAAs "*a positive policy framework still exists, subject to Policy 18*".
- 3.2.24 The supporting text adds that the Welsh Government will use its policy levers to assist in the delivery of renewable energy projects in these areas by coordinating strategic action to build the case for new or reinforced grid infrastructure where necessary and that they will work with relevant stakeholders "*to help unlock the renewable energy potential of these areas and the economic, social, cultural and environmental benefits they can bring to communities*".
- 3.2.25 The document adds that large scale renewable and low carbon energy schemes can generate direct social and economic benefit to local communities and that developers should explore "*how infrastructure improvements associated with a development (including transport infrastructure and communication systems) may be utilised by the host communities to bring additional, non-planning related benefits. Although not a planning consideration, local ownership of projects, in whole or in part, can ensure these benefits are accrued over the long term*".
- 3.2.26 Future Wales adds (page 97) that irrespective of location or scale, "*the design and micro siting of proposals must seek to minimise the landscape and visual impact, particularly those in close proximity to homes and tourism receptors. Both within and outside Pre Assessed Areas, communities should be protected from significant cumulative impacts to avoid unacceptable situations whereby, for example, smaller settlements could be potentially surrounded by large wind schemes*".

3.3 Planning Policy Wales: Edition 11 (February 2021)

- 3.3.1 *Planning Policy Wales* (PPW) sets out the land use planning policies of the Welsh Government. It is supplemented by a series of *Technical Advice Notes* (TANs), Welsh Government Circulars, and policy clarification letters, which together with PPW provide the overall national planning policy framework for Wales.
- 3.3.2 PPW recognises the importance of renewable energy in the context of international targets, highlighting the abundance of resource and the benefits that renewable energy development can bring. PPW sets out a set of national planning policy objectives which are designed to support growth, protect the environment, and ensure that decisions are made at the local level. Chapter 6 of PPW is currently the subject of some revisions which are currently out for consultation (until the end of May 2023).
- 3.3.3 The PPW advocates the transition to a 'low carbon future' via utilisation of sources of renewable energy. Paragraph 5.7.1 States:
- "The Welsh Government's highest priority is to reduce demand wherever possible and affordable. 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."*

- 3.3.4 Paragraph 5.7.6 requires the planning system to secure an appropriate energy mix, which maximises economic and social benefits and minimises environmental and social impacts. Paragraph 5.7.7 continues that:
- “The benefits of renewable and low carbon energy, as part of the overall commitment to tackle the climate emergency and increase energy security, is of paramount importance... The planning system should... maximise renewable and low carbon energy generation”*
- 3.3.5 With regards to renewable energy targets, PPW also notes that The Welsh Government has set targets for the generation of renewable energy (as set out above at paragraph 3.2.19).
- 3.3.6 Paragraph 5.9.1 states that *“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.”*
- 3.3.7 The target is for Welsh renewables to generate electricity equal to 70% of Wales’s consumption by 2030.
- 3.3.8 PPW notes that for large scale wind energy development that Wales has an abundant wind resource, and that wind energy forms a key part of meeting the Welsh Government’s vision for future renewable energy production.
- 3.3.9 Paragraph 5.9.20 places a requirement on planning authorities to identify opportunities to *“avoid, mitigate or compensate adverse impacts of renewable and low carbon energy development throughout all life stages of the development”* (construction, through to aftercare and decommissioning/remediation). This should include consideration of the following:
- > *“The need to minimise impacts on local communities, such as from noise and air pollution, to safeguard quality of life for existing and future generations;*
 - > *The impact on the natural and historic environment;*
 - > *Cumulative impact;*
 - > *The capacity of, and effects on the transportation network;*
 - > *Grid connection issues where renewable (electricity) energy developments are proposed; and*
 - > *The impacts of climate change on the location, design, build and operation of renewable and low carbon energy development.*
- In doing so, consider whether measures to adapt to climate change impacts give rise to additional impacts.”*
- 3.3.10 Paragraph 5.9.21 follows with a requirement for developers to *“wherever possible, consider how to avoid, or otherwise minimise, adverse impacts through careful consideration of location, scale, design and other measures.”*

3.4 Building Better Places (July 2020)

- 3.4.1 The Welsh Government published Building Better Places ‘*The Planning System Delivering Resilient and Brighter Futures – Placemaking and the Covid-19 Recovery*’ in July 2020 in order to pinpoint the most relevant policy priorities contained in PPW

that will aid in the recovery from the Covid-19 crisis. This document notes the climate change emergency declared by the Welsh Government.

- 3.4.2 The documents states (page 11) with regard to climate change and decarbonisation, that this is directly relevant to the climate emergency, with “*PPW setting out an ambitious and comprehensive policy framework for planning authorities to address the causes and effects of climate change*”. It adds that other relevant PPW policy areas relating to tackling climate change and making more resilient places include, inter alia: “*a requirement for local planning authorities to establish targets for renewable energy generation in development plans.*”

3.5 Technical Advice Notes

- 3.5.1 A series of Technical Advice Notes (TANs) supplement PPW. Those of relevance to the application are:

- > TAN 5: Nature Conservation and Planning (2009);
- > TAN 11: Noise (1997);
- > TAN 12: Design (2014);
- > TAN 15: Development and Flood Risk (2023);
- > TAN 18: Transport (2007); and
- > TAN 24: The Historic Environment.

3.6 Local Development Plan Policy

- 3.6.1 As explained above, Future Wales makes it clear that applications for DNSs must be determined in accordance with Future Wales which is the highest tier of the Development Plan hierarchy. Local Development Plans (LDPs) also require consideration and there are two LDPs which cover the site. The relevant Development Plan documents are as follows:

- > The Merthyr Tydfil Replacement Local Development Plan (2016 – 2031) adopted by the Council on 29 January 2020. It is the basis for land use planning decisions in the Country Borough, excluding the Brecon Beacons National Park (Bannau Brycheiniog) area; and
- > The Caerphilly LDP which was adopted on 23 November 2010. A 2nd Replacement LDP is under preparation. This emerging LDP is still at a relatively early stage. It is referenced below.

- 3.6.2 The relevant policies within the respective LDPs are set out in **Appendix 1** to this Planning Statement, together with comments on the most relevant aspects of the policy provisions. **Appendix 1** should therefore be referred to for detailed policy wording, however the list of relevant policies within each of the LDP documents is set out below.

Relevant Policies in Merthyr Tydfil LDP

- > Policy SW4: Settlement Boundaries
- > Policy SW11: Sustainable Design and Placemaking
- > Policy CW1: The Historic Environment

- > Policy EnW1: Nature Conservation and Ecosystem Resilience
- > Policy EnW2: Internationally and Nationally Protected Sites and Species
- > Policy EnW3: Regionally Important Geological Sites, Sites of Importance for Nature Conservation, Local Nature Reserves and Priority Habitats and Species.
- > Policy EnW4: Environmental Protection
- > Policy EnW5: Landscape Protection
- > Policy EcW8: Renewable Energy
- > Policy EcW13: Minerals Safeguarding

Relevant Policies in Caerphilly County Borough Council LDP

- > Policy SP1: Development Strategy - Development in the Heads of the Valleys Regeneration Area.
- > Policy SP6: Placemaking
- > Policy SP8: Minerals Safeguarding
- > Policy SP10: Conservation of Natural Heritage
- > Policy CW1: Sustainable Transport, Accessibility and Social Inclusion
- > Policy CW2: Amenity
- > Policy CW3 Design Considerations – Highways
- > Policy CW4: Natural Heritage Protection
- > Policy CW6: Trees, Woodland and Hedgerow Protection
- > Policy CW15: General Locational Constraints
- > Policy CW19: Locational Constraints - Rural Development and Diversification
- > Policy CW22: Locational Constraints, Minerals

Caerphilly 2nd Replacement LDP

- 3.6.3 As noted CCBC is progressing a 2nd Replacement LDP (2RLDP) and the consultation period on the Pre-Deposit Plan (Preferred Strategy) ran from 19th October to 30th November 2022.
- 3.6.4 The 2RLDP will cover the period 1 April 2020 to 31 March 2035. When it is adopted it is intended to be the Council's statutory land use plan which will set out the Council's land use strategy to deliver sustainable development and "*build strong, resilient communities that improve the wellbeing of current and future generations*" (Introduction, para 1.2). Importantly, the 2RLDP is intended to build upon and add value to Future Wales and national planning policies and guidance.
- 3.6.5 The Pre-Deposit Plan sets out key land use issues (Chapter 3) and these include:
- > Climate change is a global issue that will require action at all levels. It states that the 2RLDP will need to address the issues causing climate change and ensure climate change resilience and mitigation are fundamental elements in the design and layout of all new development.

- > It adds that the need to decarbonise is a national priority and 2RLDP will need to proactively promote zero carbon energy generation in combination with reducing energy consumption and increasing energy efficiency.
- 3.6.6 The plan also recognises that the County Borough has relatively high levels of economic inactivity, low levels of educational attainment and pockets of deprivation and it contends that 2RLDP should seek to address these issues to promote economic activity and generate economic growth.
- 3.6.7 In addition, with regard to environmental issues, key matters are recognised as being:
 - > As part of the climate change emergency addressing decarbonisation. The Council has declared a climate emergency which involves a number of measures, including “*Promoting and delivering renewable energy generation schemes*”.
- 3.6.8 Chapter 4 of the Pre-Deposit Plan sets out key aims and for 2RLDP these include:
 - > Address the causes of and mitigate and build resilience to the effects of climate change.
 - > Underpin all development with the principles of place making, sustainable development and good design.
 - > Positively encourage renewable energy generation and use in the County Borough to assist in reducing emissions and mitigate against the effects of climate change.
 - > Address the economic challenges facing the County Borough.
- 3.6.9 The ‘preferred strategy’ is set out in Chapter 7 of the Pre-Deposit Plan and this has a focus on areas of future urban growth and strategic site provision. The chapter also contains a range of policies related to key land use issues and draft Policy PS6 ‘Climate Change’ states that all development proposals must make a positive contribution towards addressing the causes of and adapting to the impacts of climate change by demonstrating that the design of the development has taken account of various matters. These include “*the proposals maximise the opportunities for renewable energy technology and repowering*” and that “*the proposals promote decarbonisation*”.
- 3.6.10 The supporting text for the policy states that “*the generation of energy from renewable and zero carbon sources is an essential part of delivering decarbonisation. Future Wales requires Councils to be proactive in delivering renewable energy generation and identifies pre-assessed areas throughout Wales where large scale wind energy is, in principle, acceptable and where the principle of landscape change is accepted. On a more local scale the Council will support and encourage appropriate schemes for renewable energy generation and will also work together with energy providers to deliver appropriate schemes. To reflect this the Preferred Strategy includes a policy to support the delivery of renewable energy*”.
- 3.6.11 This policy is set out as Policy PS7 ‘Renewable Energy Generation’ which states “*The Council will support and promote schemes for the generation of energy from renewable and zero carbon sources*”.
- 3.6.12 The supporting text to this policy states that the delivery of sustainable development is a duty on all local authorities throughout Wales.

- 3.6.13 In terms of next steps for 2RLDP, the Council intends to prepare a Consultation Report and the Preferred Strategy with any necessary amendments which will be reported to the Council by the end of 2022 with an objective of seeking approval for the Preferred Strategy. The Deposit Plan will then be prepared and considered by the Council prior to a statutory six week consultation and engagement period around Summer 2023.
- 3.6.14 Following this, the Deposit Plan will then be submitted to the Welsh Government who will appoint an independent Inspector to examine the 2RLDP and who must determine whether it accords with the tests of soundness.
- 3.6.15 Whilst only very limited weight can be placed on the policy provisions of the emerging LDP at this time, it is clear that the policy provisions in relation to renewable energy mirror those as set out in Future Wales and addressing the climate emergency and seeking to encourage and support renewable energy generation throughout the Council area is a key policy aim.

3.7 Renewable Energy Assessments

Caerphilly: LDP Review Report (June 2021)

- 3.7.1 The Review Report for the Caerphilly adopted LDP (dated 1st June 2021) refers to the national policy and legislative position with regard to targets for renewable energy generation in the UK and Wales. It also references Future Wales and strategic priorities within the policy document include the provision of infrastructure and renewable energy. With specific regard to renewable energy, the report (paragraph 4.83) states that the Council in 2011 completed a 'Renewable Energy Baseline Assessment' (REBA) which examined the potential within the County Borough to generate renewable energy. The Council updated the REBA in 2015 and that assessment identified:
- > the current renewable energy capacity within the County Borough; and
 - > the future potential to harness renewable energy within the area.
- 3.7.2 The assessment concentrated on various renewable technologies including onshore wind and it identified the following as potential opportunities within the Caerphilly area:
- > Wind energy - and noted that cumulative visual impact may be likely to limit the exploitation of this resource. The report highlighted that detailed feasibility work on specific sites would be required to confirm viability of any given site; and
 - > Solar PV - both building integrated and ground based.
- 3.7.3 The report also states (paragraph 4.86) that as part of regional work undertaken for assessing the requirements of wind turbine developments across the County Borough, the landscape firm Gillespies LLP were commissioned to carry out a Landscape Sensitivity and Capacity Study for the overall County Borough area. This guidance has been adopted as supplementary planning guidance to the current LDP.
- 3.7.4 The report prepared by Gillespies is entitled 'Smaller Scale Wind Turbine Development, Landscape Sensitivity and Capacity Study, Final Report' (November 2015). The purpose of the study is to provide guidance for the assessment of landscape and visual impacts of proposed wind turbines across the whole County Borough, however it is a strategic study and is not proscriptive at an

individual site level and as noted it is applicable to smaller scale wind turbine development.

Caerphilly Renewable and Low Carbon Energy Assessment (October 2022)

- 3.7.5 More recently CCBC has prepared a Renewable and Low Carbon Energy Assessment to support the 2RLDP. The Assessment is dated October 2022.
- 3.7.6 The report has been prepared by the Carbon Trust and as an evidence base its aims include to:
- > Estimate the potential renewable energy resource within the study area (across different technologies) to provide focus when setting local policy and targets.
 - > Inform the identification of where the potential renewable energy resource and heating energy demand is located, to understand where developments may emerge and to steer developers and investment to the most appropriate locations (from both a technical and planning perspective).
 - > Communicate the skill, the challenge and the need for supportive planning policy.
 - > Make informed recommendations regarding design and layout of new development.
- 3.7.7 In summary, the results of the energy assessment show (page 4) *"that there is relatively high wind and solar resource potential in the area. Limited potential for heat networks has been identified ..."*.
- 3.7.8 Overall, the Assessment identifies the potential for 3.7 GW of renewable/low carbon energy capacity (heat and electricity) resource within the County Borough area - more than 45 times more than is currently installed. It adds that the potential electricity generating assets if developed are estimated to generate the equivalent of approximately 27% of the Welsh Government's national 70% of electricity consumption target from renewable sources (page 4).
- 3.7.9 The document sets out that with regard to policy recommendations they relate to the need to:
- "focus on ways to reduce carbon emissions in Caerphilly County Borough and support achievement of national renewable energy and carbon targets. The local planning authority will need to consider these recommendations alongside other objectives of the 2nd Replacement LDP (2RLDP) when finalising the 2RLDP's exact policy wording."*
- 3.7.10 The results of the Assessment are shown spatially on an "Energy Opportunities Map". Although indicative it shows the locational opportunity for wind turbine development in the north west of the Council area in proximity to the site. The location is also identified in the Assessment in terms of local search areas for solar PV and onshore wind. These are referenced on page 6 of the Assessment as being identified on the basis of:
- "taking into account the renewable resource available, land use and landscape value, in order to signpost developments to the areas considered most appropriate. These broad areas will be identified in the 2RLDP, following further consideration by the LPA, but will be informed by the Assessment undertaken."*
- 3.7.11 It adds that the mapping identifies the less constrained areas recommended to be considered for inclusion within the broad areas identified for *"local search area designation"*.

- 3.7.12 The Renewable Energy Assessment is an important component of the evidence base for the emerging LDP. In terms of next steps, it will be for the Council to consider the policy recommendations - these are intended to support decarbonisation of the area's energy sector and to further the promotion of renewable energy generation as set out in Future Wales. The report does state that before identifying final local search areas for wind and solar developments that CCBC may wish to undertake further refinement of the areas identified. Nevertheless, the document forms an important material consideration and based on its objective appraisal has identified the vicinity of the site as suitable in principle for wind energy development.

Merthyr Tydfil Renewable Energy Assessment (2017, & Addendum 2018)

- 3.7.13 A Renewable Energy Assessment (REA) was produced for Merthyr Tydfil County Borough Council, by Regen SW in June 2017. It identified areas of solar and wind energy potential based on a number of specific mapping constraints.
- 3.7.14 The REA recommended further refinement of the areas of technical resource identified in order to inform the designation of local search areas in the LDP and target setting in accordance with the Planning for Renewable and Low Carbon Energy - A Toolkit for Planners.
- 3.7.15 Consequently, an Addendum to the REA (2017) was produced in December 2018. The REA identified nine sites with the potential to accommodate large scale (2MW or greater) wind turbines, and this included coverage of the Site area. However no specific local search areas were identified for the LDP, and instead the Addendum made it clear that the landscape and visual impact of proposals would need to be considered on their own merits as part of detailed development proposals.

3.8 Conclusions on the Planning Policy Framework

- 3.8.1 This Chapter has set out the applicable planning policies that are relevant to the Proposed Scheme, from the national level through to the respective LDPs for the Council areas which cover the Site. The Future Wales element of the Development Plan makes it expressly clear that it is the primary policy consideration for the assessment of DNSs. The following Chapter therefore sets out a planning policy assessment which is focused on the various development management provisions within Future Wales. The assessment is presented by way of relevant environmental and technical topics, and it also makes reference to the LDP provisions where relevant.

4. The Renewable Energy Policy Framework

4.1 Introduction

- 4.1.1 This Chapter refers to the renewable energy policy and emissions reduction legislative framework with reference to relevant international, UK and Welsh Government provisions. The framework of international agreements, legally binding targets and climate change global advisory reports is the foundation upon which national energy policy and emissions reduction law is based. This underpins what can be termed the need case for renewable energy from which the Proposed Scheme can draw a high level of support.
- 4.1.2 Relevant Government policy is a material consideration. It is not necessary for new Government policy, where relevant, to find explicit expression in national planning policy for it to be or become a material consideration. The weight given to any policy, subject to taking a reasonable and rational approach, is a planning judgement and a matter for the decision maker.
- 4.1.3 The Proposed Scheme must therefore be considered against a background of material UK and Welsh Government energy and climate policy and legislative provisions, as well as national planning policy and advice.
- 4.1.4 It is evident that there is clear and consistent policy support at all levels, from international to local, for the deployment of renewable energy generally (including onshore wind) to combat the global heating crisis, diversify the mix of energy sources, achieve greater security of supply, and to attain legally binding emissions reduction targets.
- 4.1.5 Government renewable energy policy and associated renewable energy and electricity targets and the need for a recovery from the Covid-19 pandemic are important considerations. It is important to be clear on the current position as it is a fast-moving topic of public policy.

4.2 International Commitments

The Paris Agreement (2016)

- 4.2.1 In December 2015, 195 countries adopted the first ever universal, legally binding global climate deal at the Paris Climate Conference (COP21). The Paris Agreement within the United Nations Framework Convention on Climate Change sets out a global action plan towards climate neutrality with the aims of stopping the increase in global average temperature to well below 2°C above pre-industrial levels, and to pursue efforts to limit global warming to 1.5°C.
- 4.2.2 Moving to a low carbon economy is a globally shared goal and will require absolute emission reduction targets. The UK Government's commitment under the Paris Agreement links through to the Committee on Climate Changes' (CCC) advice to both the UK and Welsh Governments on 'net zero' targets which have now, at both the UK and Welsh Government levels, been translated into new legislative provisions and targets leading to Net Zero by 2050. This is referred to below in more detail.

- 4.2.3 The Paris Agreement does not itself represent Government policy in the UK or Wales. However, the purpose of domestic and renewable energy and GHG reduction targets is to meet the UK's commitment in the Paris Agreement.
- The Intergovernmental Panel on Climate Change (IPCC) Sixth Assessment Report (2021 & 2022), related Press Release and Statements**
- 4.2.4 The first part of the Inter-Governmental Panel on Climate Change (IPCC) 6th Assessment Report (2021) was published on 9th August 2021 (the AR6 Report). The AR6 Report is the first major review of the science of climate change since 2013. The first part of the AR6 Report, in short, provides new estimates of the chances of crossing the global warming level at 1.5°C in the next decade and reaches the sobering conclusion that, without immediate, rapid and large-scale reductions in GHG, limiting warming close to 1.5°C or even 2°C will be beyond reach. For this and many other reasons the UN Secretary General¹ described the AR6 Report as a *"Code Red for humanity"*.
- 4.2.5 The second part of the AR6 report was published on 28th February 2022. It is, as described in the press release accompanying the second part of the AR6 report a *"dire warning about the consequences of inaction"*. The press release refers to a narrowing window for action and states (emphasis added):
- "The scientific evidence is unequivocal: climate change is a threat to human wellbeing and the health of the planet. Any further delay in concerted global action will miss a brief and rapidly closing window to secure a liveable future."*
- 4.2.6 The third part of the IPCC's AR6 Report 'Mitigation of Climate Change'² was published on 04 April 2022. In summary, the urgent message from this latest report is that it confirms the harmful and permanent consequences of the failure to limit the rise of global temperatures and that reducing emissions is a crucial near-term necessity. The report underlines the need to radically and rapidly scale up global climate action to reduce GHG emissions.
- 4.2.7 The Press Release for the third report summarises a number of the key points from the publication including:
- > *"limiting global warming will require major transitions in the energy sector. This will involve a substantial reduction in fossil fuel use, widespread electrification, improved energy efficiency and use of alternative fuels." The report sets out that the "next two years are critical". (page 1)*
 - > *In the scenarios assessed, limiting warming to around 1.5°C "requires global greenhouse gas emissions to peak before 2025 at the latest, and be reduced by 43% by 2030.... even if we do this, it is almost inevitable that we will temporarily exceed this temperature threshold but could return to below it by the end of the century". (page 2)*
- 4.2.8 The Report makes it clear that immediate short-term acceleration of low carbon energy is needed if limiting warming below danger levels is to stay feasible. The Report emphasises the particular cost reductions that have affected wind and solar development and that these technologies will play a key role in the energy transition.
- 4.2.9 This third report from the IPCC has focused on how human actions can mitigate climate change. In short, the principal message is that humanity is currently not on

¹ Statement by UN secretary general Antonio Guterres, 09 August, 2021.

² IPCC, 2022: Climate Change 2022: Mitigation of Climate Change. Contribution of Working Group 3 to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change.

track to limit warming, but that it is still possible to make the progress necessary by 2030 by using existing technologies for example, by moving rapidly to non-fossil fuel sources of energy.

- 4.2.10 The timescale imperative set out in the IPCC report matches that of the UK and Welsh Governments - both are essentially saying through their policy documents that it is clear that the next decade can and must be transformative.

4.3 UK Climate Change & Energy Legislation & Policy

The Climate Change Act 2008 & Carbon Budgets

- 4.3.1 The Climate Change Act 2008 (the 2008 Act) provides a system of carbon budgeting. Under the 2008 Act, the UK committed to a net reduction in greenhouse gas (GHG) emissions by 2050 of 80% against the 1990 baseline. In June 2019, secondary legislation was passed that extended that target to at least 100% against the 1990 baseline by 2050.
- 4.3.2 The 2008 Act also established the CCC which advises the UK Government on emissions targets, and reports to Parliament on progress made in reducing GHG emissions.
- 4.3.3 The CCC has produced six, four yearly carbon budgets, covering 2008 – 2037. These carbon budgets represent a progressive limitation on the total quantity of GHG emissions to be emitted over the five-year period as summarised in **Table 4.1** below.
- 4.3.4 These legally binding ‘carbon budgets’ act as stepping-stones toward the 2050 target. The CCC advises on the appropriate level of each carbon budget and once accepted by Government, the respective budgets are legislated by Parliament. All six carbon budgets have been put into law and run up to 2037. The UK is currently in the third carbon budget period 2018-2022.

Table 4.1: UK Carbon Budgets and Progress³

Budget	Carbon budget level	Reduction below 1990 levels	Met?
1 st carbon budget (2008 – 2012)	3,018 MtCO ₂ e	25%	Yes
2 nd carbon budget (2013 – 2017)	2,782 MtCO ₂ e	31%	Yes
3 rd carbon budget (2018 – 2022)	2,544 MtCO ₂ e	37% by 2020	On Track
4 th carbon budget (2023 – 2027)	1,950 MtCO ₂ e	51% by 2025	Off Track
5 th carbon budget (2028 – 2032)	1,725 MtCO ₂ e	57% by 2030	Off Track
6 th carbon budget (2033 – 2037)	965 MtCO ₂ e	78% by 2035	Off Track
Net Zero Target	100%	By 2050	

³ Source: CCC (2022).

- 4.3.5 The Sixth Carbon Budget (CB6) requires a reduction in UK greenhouse gas emissions of 78% by 2035 relative to 1990 levels. This is seen as a world leading commitment, placing the UK *“decisively on the path to net zero by 2050 at the latest with a trajectory that is consistent with the Paris Agreement”*.
- 4.3.6 Page 23 of CB6 refers to the devolved nations and sets out that *“UK climate targets cannot be met without strong policy action across Scotland, Wales and Northern Ireland”* and recognises that although the main policy levers are held by the UK Government, Scotland can take action through complementary measures at the devolved level including supporting policies such as “planning and consenting”.
- 4.3.7 Key points from CB6 include:
- > UK climate targets cannot be met without strong policy action.
 - > The CCC is clear in setting out that new demand for electricity will mean that electricity demand will rise 50% to 2035 and *“doubling or even trebling by 2050”*.
 - > CB6 needs to be met and that will need more and faster deployment of renewable energy developments than has happened in the past.
 - > The related ‘Methodology Report’ from the CCC advice, states that in all scenarios for the carbon budget and looking ahead to 2050, the CCC sees new onshore wind generation being deployed by 2050. They set out that their *“modelling reflects this by almost doubling onshore wind capacity to 20-30 GW in all scenarios by 2050.”*
- 4.3.8 Following the Sixth Carbon Budget, the UK Government announced on 20 April 2021 that it would set the world’s most ambitious climate change target into law (by the Carbon Budget Order 2021⁴) to reduce emissions by 78% by 2035 compared to 1990 levels.
- The UK Energy White Paper (December 2020)**
- 4.3.9 The UK Government Energy White Paper ‘Powering our Net Zero Future’ (December 2020) sets out that: *“electricity is a key enabler for the transition away from fossil fuels and decarbonising the economy cost-effectively by 2050”*.
- 4.3.10 It adds a key objective is to *“accelerate the deployment of clean electricity generation through the 2020s”* (page 38). Electricity demand is forecast to double out to 2050, which will *“require a four-fold increase in clean electricity generation with the decarbonisation of electricity increasingly underpinning the delivery of our net zero target”* (page 42).
- 4.3.11 This anticipated growth of renewable electricity is illustrated in the graph below – **Figure 4.1**.

⁴ The Order sets the carbon budget for the 2033-2037 budgetary period at 965 million tonnes of carbon dioxide equivalent. The net UK carbon account is defined in section 27 of the Climate Change Act 2008.

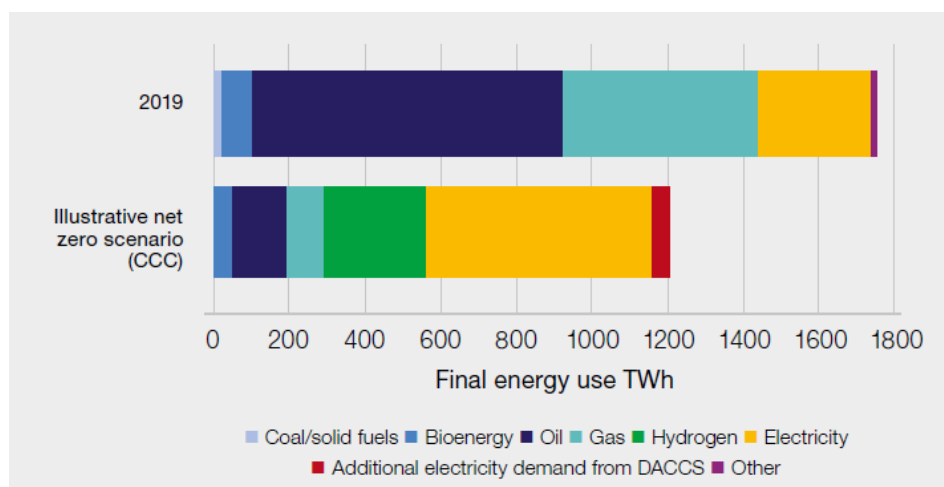


Figure 4.1: Illustrative UK Final Energy Use in 2050⁵

4.3.12 In terms of electricity policy in the White Paper, the UK Government clearly recognise that the scale of change that is required to respond to climate change is at a pivotal point. The anticipation is that there is going to need to be a global green industrial revolution and it is only through this that an appropriate response would be made to tackling climate change issues. Chapter 1 of the White Paper sets out this context and makes clear the likely change in the nature and volume of electricity generation. It recognises the very significant role that renewable electricity generation will play in relation to delivering total energy usage. This means it will have to play a much greater role in decarbonising both transport and heat.

The UK Net Zero Strategy (October 2021)

4.3.13 The UK Government published the Net Zero strategy in October 2021. This sets out policies and proposals for keeping in the UK on track in relation to carbon budgets and the UK's nationally determined contribution (NDC)⁶ and establishes the long-term pathway to net zero by 2050.

4.3.14 The Net Zero Strategy sets out the Government's plans for reducing emissions from each sector of the UK economy, related to carbon budget and to the eventual target of net zero by 2050. The Strategy has been submitted to the United Nations Framework Convention on Climate (UNFCCC) as the UK's second long-term low greenhouse gas emission development strategy under the Paris Agreement.

4.3.15 Page 19 addresses the power sector and sets out that the power system will be fully decarbonised by 2035.

4.3.16 Key policies are set out including that by 2033 there will be some 40GW of offshore wind with "*more onshore, solar and other renewables*".

4.3.17 In terms of power, the Strategy references the Energy White Paper (2020) which set out the goal of a fully decarbonised and low-cost power system by 2050. It adds that CB6 represents "*a very significant increase in the pace of power sector*

⁵ Source: Energy White Paper page 9 (2020).

⁶ Every country that signed up to the Paris Agreement (2015) set out a target known as a nationally determined contribution for reducing greenhouse gas emissions by around 2030. For the UK the target was a 68% reduction on 1990 levels by 2030.

decarbonisation, coupled with increased demand due to accelerated action another sector dependent on low-carbon electricity". (page 98). It adds:

"although the Energy White Paper envisaged achieving an overwhelmingly decarbonised power system during the 2030s, we have since increased our ambition further. By 2035 all our electricity will need to come from low carbon sources, subject security of supply bringing forward the Government's commitment to a fully decarbonised power system by 15 years, whilst meeting at 40-60% increase in demand".

- 4.3.18 The Strategy also sets out that the Government will be supporting sustained deployment of low-carbon generation (page 103), in this regards it states that there will need to continue to drive rapid deployment of renewables.

The British Energy Security Strategy (April 2022)

- 4.3.19 The British Energy Security Strategy ("BESS") was published by the UK Government on 7 April 2022. The BESS focuses on energy supply and states that in the future nuclear will have an expanded role and that renewables have an important role: the foreword states *inter alia*:

"this government will reverse decades of myopia, and make the big call to lead again in a technology the UK was the first to pioneer, by investing massively in nuclear power.

Accelerating the transition away from oil and gas then depends critically on how quickly we can roll out new renewables.

The growing proportion of our electricity coming from renewables reduces our exposure to volatile fossil fuel markets. Indeed, without the renewables we are putting on the grid today, and the green levies that support them, energy bills would be higher than they are now. But now we need to be bolder in removing the red tape that holds back new clean energy developments and exploit the potential of all renewable technologies."

Slowdown of Renewable Deployment

- 4.3.20 The Department of Business, Energy and Industrial Strategy (BEIS) published the Digest of UK Energy Statistics in July 2022 which provides statistical information in relation to energy for 2021.
- 4.3.21 The statistics show a stark slowdown in renewable deployment in the years 2020 and 2021 – as illustrated in the **Figure of 4.2** below. The information shows that the capacity began to slow after 2018 falling to just 0.9 GW in 2020. In 2021 the capacity rose, most of which was in offshore wind.

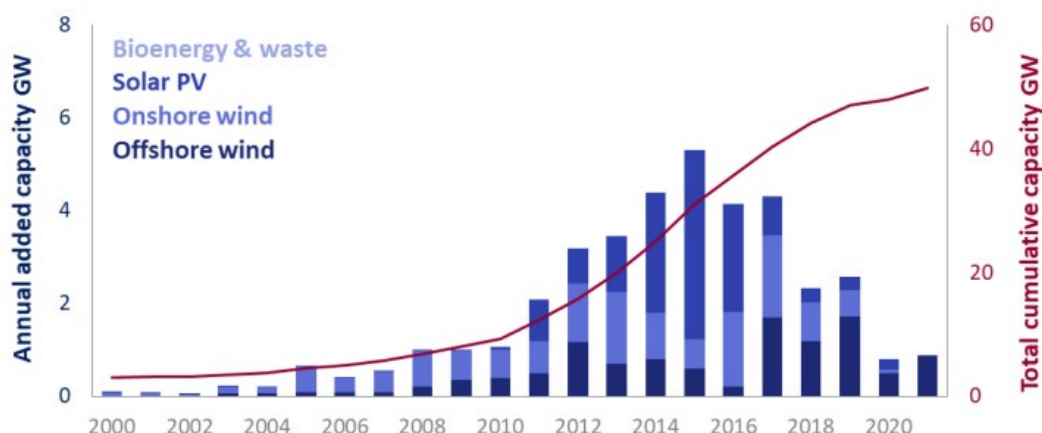


Figure 4.2: UK Annual added Renewable Energy Capacity, 2000 to 2022⁷

CCC Progress Report to Parliament (2022)

- 4.3.22 The CCC published a Progress Report to Parliament in June 2022, 'Progress in Reducing Emissions'. A key message in the report is that the UK Government now has a solid net zero strategy in place, but important policy gaps remain. It sets out that although the Government has raised ambition, policies are not yet fully in place to drive a large programme of delivery required in the 2020s.
- 4.3.23 The report adds that with the emissions path set for the UK and the Net Zero strategy published, greater emphasis and focus must be placed on delivery. It adds that, *"this is needed for the UK's climate ambitions to be credible"* (page 14).

Powering up Britain (March 2023)

- 4.3.24 On 30 March 2023 the UK Government (Department for Energy Security and Net Zero) published 'Power Up Britain' which comprises a series of documents including an Energy Security Plan and Net Zero Growth Plan.
- 4.3.25 The Energy Security Plan sets out the steps that the UK Government is taking to ensure that the UK is more energy independent, secure and resilient. It builds upon the British Energy Security Strategy and the Net Zero Strategy. The report sets out that the Government is aiming for a doubling of Britain's electricity generation capacity by the late 2030s in line with aim to fully decarbonise the power sector by 2035, subject to security of supply.
- 4.3.26 The introduction of the Net Zero Growth Plan states:
- "Energy Security and Net Zero are two sides of the same coin. The energy transition and net zero are among the greatest opportunities facing this country and we are committed to ensuring that the UK takes advantage of its early mover status. Global action to mitigate climate change is essential to long term prosperity..."*

⁷ Source: Department for Business, Energy & Industrial Strategy, *Digest of UK Energy Statistics*, Annual data for the UK, 2021, published July 2022.

4.4 Wales: Climate Change & Energy Legislation & Policy

The Wellbeing of Future Generations (Wales) Act 2015

- 4.4.1 In April 2015 the Welsh Assembly passed into law *The Wellbeing of Future Generations (Wales) Act*, (the “WBFG Act”) which is primary legislation requiring all Wales’s based public bodies - such as local authorities, health boards etc - to put long-term sustainability at the forefront of their thinking, and to work with other organisations and the public to prevent and tackle ongoing social, environmental, and economic problems. The Act was decided upon following an extensive consultation period known as the National Conversation. It passed into law in April 2015.
- 4.4.2 In order to create a more sustainable Wales, public bodies must work towards seven Well-being Goals and enact the five Ways of Working. One fundamental challenge in Wales which is a focus of the Act is dealing with climate change and the potential impact upon the prosperity and quality of life in Wales. The legislative aims of the WBFG Act are reflected within both PPW and Future Wales.

The Environment (Wales) Act 2016

- 4.4.3 *The Environment (Wales) Act 2016* set in place an obligation on the Welsh Government to reduce greenhouse gas emissions by 80% against 1990 levels by 2050.

Prosperity for All: A Low Carbon Wales (2019)

- 4.4.4 The Welsh Government published the document ‘*Prosperity for All: A Low Carbon Wales*’ in March 2019. The document outlines the Welsh Government’s proposed approach to emissions reductions and transitioning to a low carbon economy in accordance with the required carbon cuts enshrined in the Environment Act 2016.

Climate Emergency declared in Wales (2019)

- 4.4.5 A critical part of the response to the challenge of climate change was the Climate Emergency which was declared⁸ in Wales on 29 April 2019. The declaration of climate emergency needs to be viewed in the context in which it was declared (advice from the CCC) and in response to commitments under the Paris Agreement and what followed from it as a result of the declaration. The Welsh Government has committed to achieving a carbon neutral public sector by 2030 and to coordinating action to help other areas of the economy to make a decisive shift away from fossil fuels, involving academia, industry and the third sector and to achieve Net Zero by 2050.
- 4.4.6 In addition, CCBC declared a climate emergency in June 2019.

Net Zero Wales, Carbon Budget 2 (2021)

- 4.4.7 The Welsh Government published *Net Zero Wales Carbon Budget 2 (2021-2025)* (“the Net Zero Wales Plan”) on 28th October 2021.
- 4.4.8 The Cabinet Foreword states that “*in line with the advice from the Climate Change Committee (CCC), this must be a decade of action in Wales. We need to make more progress in the next 10 years than we have in the last 30*”.

⁸ Welsh Government declaration of a Climate Emergency, Statement by Minister for Environment, Energy and Rural Affairs, Lesley Griffiths.

- 4.4.9 The plan states that the Net Zero Wales Plan represents a new phase in the country's decarbonisation journey with a new legally binding Net Zero target⁹. It focuses on Wales's Second Carbon Budget (2021-2025) but looks ahead to Carbon Budget 3 and Wales's 2030 target as well as Net Zero by 2050.
- 4.4.10 The plan sets out that it fulfils the Welsh Ministers' statutory duty to "*prepare and publish a report before the end of 2021 setting out their proposals and policies for meeting Carbon Budget 2.*" It contains 123 policies and proposals across all ministerial portfolios. The statutory duty comes from two main pieces of the legislation:
- > The Well-being of Future Generations (Wales) Act 2016 (WFG Act) which provides a comprehensive framework for sustainable development in Wales; and
 - > The Environment (Wales) Act 2016 which requires the Welsh Government to reduce emissions of GHG in Wales to net zero for the year 2050, with a system of interim emission targets and Carbon Budgets. It sets out that under Section 39 of the Act, the Welsh Ministers must prepare and publish a report for each budgetary period setting out their policies and proposals for meeting the Carbon Budget for that period.
- 4.4.11 The plan states (page 10) that in 2019 the Welsh Government accepted the CCC's recommendation to increase the ambition to reduce emissions to 95% shortly after the Senedd became the first Parliament in the world to declare a Climate Emergency in 2019. It adds that on accepting the recommendation, the Welsh Government asked the CCC to look again at how Wales could reach Net Zero. Further advice by the CCC published in December 2020 showed that there was a credible route for Wales to achieve Net Zero. The plan states "*we are proud that in March 2021 the Senedd agreed to set a legally binding net zero target. We are choosing to base our ambition on the evidence as we tackle the climate emergency, making Wales' fair contribution to the UK's obligations under the Paris Agreement*".
- 4.4.12 The pathway to the 2050 Net Zero target is set through five yearly Carbon Budgets. These cover all territorial emissions in Wales. The Carbon Budgets are set in law and follow the CCC's recommendations, and these are set out in **Table 4.2**:

Table 4.2: Wales' Carbon Budgets

Carbon Budget	Target (average reduction)
Carbon Budget 2 (2021-2025)	37% reduction
Carbon Budget 3 (2026-2030)	58% reduction
2030	63% reduction
2040	59% reduction
2050	At least 100% reduction (Net Zero)

⁹ Part 2 of the Environment (Wales) Act 2016 requires the Welsh Ministers to meet targets for reducing net Welsh emissions of greenhouse gases from Wales. Section 29 places a duty upon the Welsh Ministers to ensure that net Welsh emissions for the year 2050 are at least 100% lower than the baseline emission figures. The interim emission reduction targets are set out in the Climate Change (Carbon Budgets) (Wales) (Amendment) Regulations 2021.

- 4.4.13 The plan states that the modelling shows that Wales is on track for Carbon Budget 2 (37%) and will achieve a 44% reduction against the baseline¹⁰.
- 4.4.14 Electricity and heat generation is addressed in the plan from page 54. The vision is *“for a decarbonised energy system which provides wider economic and social benefits for Wales than the system we see today. We aim to virtually eliminate greenhouse gas emissions from the power stations by 2035...”*.
- 4.4.15 On page 64 it states that an objective is *“increasing low carbon and renewable generation – planning for a more integrated net zero energy system”*. It adds that alongside reducing fossil fuel generation in Wales *“we need to increase generation from renewables in ways that are most cost effective and beneficial for Wales”*.
- 4.4.16 Policy 22 is entitled ‘increasing renewable energy developments on land through our planning regime’. References are made to Future Wales which it states, *“provides a positive policy framework for new renewable energy developments and associated infrastructure”*.
- 4.4.17 It adds that *“proposals are beginning to come forward in the pre-assessed areas and, subject to consenting by Welsh Ministers, are likely to be built and producing energy within the Carbon Budget 2 period”*.

Renewable Energy in Wales (2022)

- 4.4.18 The Welsh Parliament’s Climate Change, Environment and Infrastructure Committee published *Renewable Energy in Wales* in May 2022. It sets out that in October 2021 the Welsh Government announced it would be undertaking a ‘Deep Dive’ into renewable energy to identify barriers to significantly scaling up renewable energy in Wales and steps to overcome them. The outcome of the Deep Dive was published in December 2021. In announcing the outcome, the Deputy Minister stated:
- “Our vision is clear, we want Wales to generate renewable energy to at least fully meet our energy needs and utilise surplus generation to tackle the nature and climate emergencies. We will accelerate actions to reduce energy demand and maximise local ownership retaining economic and social benefits in Wales.”*
- 4.4.19 Following the Deep Dive, the Welsh Government committed to create a National Energy Plan by 2024 *“mapping out future energy demand and supply for all parts of Wales to identify gaps and to enable us to plan for a system that is flexible and smart – matching local renewable energy generation with energy demand”*.
- 4.4.20 The Climate Change, Environment and Infrastructure Committee’s view is set out in the May 2022 publication, and it is as follows:
- “Although progress has been made, there has been a slow down in renewable energy development since 2015. As we enter a critical time in the fight against climate change, and as energy prices soar and concerns about energy security grow, the Welsh Government must urgently renew its focus on renewables.*
- The potential for renewable energy generation in Wales is substantial, with abundant opportunities for both onshore and offshore development. This means Wales is well-positioned to go beyond meeting domestic need to become a world leader in renewable energy production, supplying clean energy to other parts of the UK and beyond. We believe the Welsh Government needs to be clearer that its ambition is for Wales to be a net exporter of renewable energy.*

¹⁰ Against a 1990 or 1995 baseline depending on the gas.

The Welsh Government must set more stretching renewable energy targets. These targets must be matched with demonstrable action to accelerate development at the scale and pace required for Wales to meet its climate change commitments and to become a net exporter of renewable energy.”

4.4.21 The report confirms (para 5) the Welsh Government’s renewable energy targets as already described above.

4.4.22 Paragraph 33 confirms that Future Wales: The National Plan 2040 “*provides the policy framework for consenting new renewable and low carbon energy developments and associated infrastructure on land..*”

4.4.23 In terms of shared ownership, the report makes it clear (page 31) that the Welsh Government position is not sufficiently clear. That has subsequently been addressed with the publication of new guidance¹¹ in July 2022.

Energy Generation in Wales 2021 (published October 2022)

4.4.24 The Welsh Government published *Energy Generation in Wales* in October 2022. It sets out the energy generation capacity in Wales in 2021 and analyses how it has changed over time. The overall purpose of the report is to support the Welsh Government with the development of energy policy helping to “*evidence the economic, social and environmental benefits from the development of Welsh energy projects*”.

4.4.25 The Ministerial Foreword sets out that the vision for Wales is “*for Wales to generate renewable energy to at least fully meet our energy needs and utilise surplus generation to tackle the nature and climate emergencies*”.

4.4.26 The headline target set out in the document is the 70% of Wales’ electricity demand to be met from Welsh renewable electricity sources by 2030. The report sets out that approximately 55% of annual consumption in Wales came from renewables in 2021.

4.4.27 Renewable energy in Wales is referred to from page 4 and it states that only 116 MW of new renewable capacity was commissioned in 2021, most of which was from a single 75 MW solar farm in Newport.

4.4.28 The report states that renewable electricity generation in Wales has only increased by 9% over the last five years, compared to 140% in the preceding five years. The report states that 2021 saw the smallest increase in onshore wind capacity since 2005, with only 3.4MW of new capacity commissioned. This is a striking reduction in renewable capacity deployment. This decline in deployment¹² is illustrated in **Figure 4.3** below.

¹¹ Welsh Government, *Local and Shared Ownership of Energy Projects in Wales*, Guidance for developers, local communities and decision-makers (July, 2022).

¹² Source: Welsh Government, *Energy Generation in Wales 2021*, page 5 (October 2022).

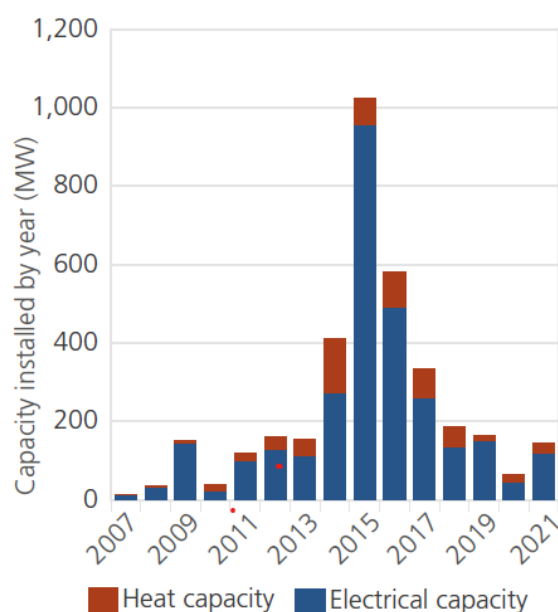


Figure 4.3: Wales' Annual Renewable Energy Deployment Rate

- 4.4.29 Another very important point to recognise is that the report acknowledges that the CCC Sixth Carbon Budget estimates that *“while total energy consumption should reduce in Wales as progress is made towards net zero, electricity demand will increase as a result of increasing electricity consumption in the heat and transport sectors”*.
- 4.4.30 The report addresses progress towards national targets (page 7) and states that the 70% renewable electricity target by 2030 *“represents just an initial step in the development of renewable energy in Wales as Wales’s energy system transitions to net zero”*.
- 4.4.31 It adds:
- “However, with electricity consumption in Wales set to more than double if a net zero energy system is to be achieved by 2050, the infrastructure required to achieve this ambition is a moving target.*
- As well as potentially rising electricity demand, the Welsh Government’s renewable energy Deep Dive highlighted several barriers to deploying renewable generation at the pace required to meet ambitions – including securing a financially viable grid connection, gaining planning permission and lack of financial support”*.
- 4.4.32 The report also addresses net zero and energy security and in this regard states:
- “The recent surge in the global price of gas, combined with Russia’s war on Ukraine, has resulted in huge increases in energy prices across the world, with the impact felt hardest by those who are least able to bear it. The Welsh Government is providing support to those in urgent need in the short term, while building a future energy system which insulates Wales from the worst of the impacts. Extending fossil fuel use will only result in problems in the longer term. Instead, Wales will improve energy efficiency and develop renewables based energy system fit for the future”*.
- 4.4.33 The report also references the regional context for renewable energy generation, analysing it down to the local authority level. For Merthyr Tydfil and Caerphilly both of which are within the Cardiff Capital Region the respective figures for 2020 were:

- > Merthyr Tydfil – less than 1%; and
- > Caerphilly – 2%.

4.4.34 The report addresses each energy sector and onshore wind is specifically referenced on page 28. It sets out that only 3.5 MW of onshore wind capacity was commissioned from two projects in 2021. This is the second year in a row to see a reduction in growth since the late 2010's when on average, 160 MW of capacity was installed each year from 2016 to 2019¹³.

4.4.35 There has clearly been therefore a considerable downturn in renewable energy deployment, but also specifically onshore wind.

The Cardiff Capital Region Energy Strategy

4.4.36 The Cardiff Capital Regional Energy Strategy was published in 2020, commissioned by the Welsh Government and supported by the Welsh Government Energy Service. The overall objective of the strategy is to develop a strategic pathway identifying key interventions to deliver on the regions ambitions for decarbonising its energy system.

4.4.37 Within the Strategy, an energy vision scenario is modelled to set out a potential decarbonisation route that will put the region on track to achieve a net zero energy system by 2050. The vision is set out as (page 6):

“to create the conditions for a transition to a carbon neutral economy and society in the CCR, using low carbon energy as an enabler of economic regeneration, growing a regional income whilst maintaining guardianship of our environments through a laser-focus on clean growth”.

4.4.38 The Strategy states that to achieve the vision and to meet Welsh Government targets and to be on track for net zero by 2050, the region will need to reduce emissions from its energy system by 55% by 2035.

4.4.39 The energy vision scenario modelling assumes a significant shift away from “business as usual” across various sectors by 2035. The assumptions of the modelled future vision include with regard to renewable electricity generation that there would be:

- > 532 MW of onshore wind installed (233 MW of new capacity);
- > Sufficient flexibility, including storage, and network infrastructure upgrades to enable low carbon generation and demand technologies to connect; and
- > The region to generate the equivalent of circa 50% of its total energy consumption in 2035 from regional renewable sources.

4.4.40 These assumptions are set out as the level of action required between 2020 and 2035 so that the region would be “*on track to achieve net zero by 2050*”. The energy modelling focusses on known decarbonisation technologies and actions that could be implemented by 2035 in order to demonstrate a potential decarbonation route (page 9).

4.4.41 The strategy concludes by stating that there is an urgent need for action, in order to deliver transformational projects. It adds that decarbonisation could result in many potential benefits for the region and would create considerable investment opportunities for local people and organisations (page 11).

¹³ Overall, onshore wind capacity in Wales was 1,266 MW (2021).

Review of Wales' Renewable Energy Targets: Consultation (2023)

- 4.4.42 The Welsh Government issued a consultation document entitled 'Review of Wales' Renewable Energy Targets' on 24 January 2023. The document confirms that in 2017 the Welsh Government set renewable energy targets including:
- > For Wales to generate electricity equal to 70% of its consumption from renewable sources by 2030;
 - > 1GW of renewable energy capacity in Wales to be locally owned by 2030; and
 - > An expectation for all new energy development in Wales to have at least an element of local ownership from 2020.
- 4.4.43 The report states that in 2021, renewables in Wales generated the equivalent of 55% of electricity use against the 70% target by 2030. It adds that Wales has achieved nearly 90% of its target of at least 1GW of renewable energy capacity to be locally owned by 2030, representing an estimated 1.9GWh of generation in 2021.
- 4.4.44 The report also acknowledges that deployment of renewables in Wales and the UK has slowed since 2015, largely as a result of the UK Government's approach to renewable incentives, specifically withdrawing key subsidies that secured a route to market. As a result, whilst renewable based electricity capacity continues to increase year-on-year, it is acknowledged that the current rate of growth will not be enough to meet demand, especially in the light of growing electricity needs.
- 4.4.45 The consultation document addresses the generation target, namely 70% of consumption from renewable sources by 2030. In light of the advice that the Welsh Government has received from the CCC and given the increased focus of the use of electricity across the economy, the Government proposes to retain the scope of this target namely focusing on generating electricity to meet future demand.
- 4.4.46 However, the significant change proposed relates to the level of ambition for the target and in this regard, the proposal (subject to consultation) is that the target be changed to generate the equivalent of Wales's total annual electricity demand from renewables by 2035.
- 4.4.47 In the context of this target, the analysis in the report addresses future demand against a baseline generation in Wales for 2021. The analysis shows that there is a requirement for a fivefold increase in generation of electricity in Wales between now (2023) and 2050, with the majority of this increase required after 2030 and with a particularly steep increase through the 2030s (consultation report, page 10).
- 4.4.48 An important point in the report is that the analysis demonstrates "*that in all net zero pathways renewable energy deployment must accelerate and be sustained for the next three decades – at a rate greater than that achieved over the last decade*". (page 12).
- 4.4.49 Proposal 3 in the document is "*that Welsh Government set a target for us to meet the equivalent of 100% of our annual electricity consumption from renewable electricity by 2035, and continue to keep pace with consumption thereafter*".
- 4.4.50 In relation to this target, the consultation report sets out that rather than providing technology specific targets, the analysis suggests that there is a requirement for a range of technologies at different scales to achieve the target.
- 4.4.51 In terms of the local ownership target, as noted, at present it is 1GW of renewable capacity to be locally owned in Wales by 2030. Proposal 4 in the consultation report

is to set a target for at least 1.5GW of renewable energy capacity to be locally owned by 2035.

4.4.52 Given the proposals are the subject of consultation, they can only be afforded limited weight at this time. However, it is evident from the analysis set out in the consultation document that the Welsh Government is following the advice of the CCC and recognises that there needs to be a significant increase in renewable electricity generation and indeed that the pace of deployment needs to accelerate. The Proposed Scheme would contribute to not only the current renewable electricity generation target, but also to the revised target should it come into force in due course.

4.5 Key Net Zero Targets Summary

4.5.1 It is considered helpful to summarise the key targets and the current position against each. There are a number of key zero carbon targets as set out in **Table 4.3** below.

Table 4.3: Key Zero Carbon Targets

Year	Target	Summary	Current Position
2050	Net Zero in the UK	Means no net carbon emissions in UK. Given there will be some residual emissions remaining (e.g. from agriculture) therefore an equal amount of carbon removal will be required by means such as carbon capture, storage or usage.	In 2021 total greenhouse gas emissions were 47.3% lower than they were in 1990 ¹⁴ .
2050	Net Zero in Wales	Wales has already largely decarbonised electricity production, therefore the primary challenge is to replace fossil fuels used in industry, heating of buildings and transport, which will mostly require substitution of fossil fuels with zero carbon electricity, meaning a big expansion of generation, transmission, distribution and supply of renewable energy.	The Welsh greenhouse gas account 'GHG Account' reduced by 31% between the baseline period and 2019 ¹⁵ .
2035	Zero Carbon Electricity in the UK	The UK Government target is for all electricity in 2035 to be generated zero carbon, i.e. with no unabated fossil generation.	In 2021 fossil fuels generated 41.9% of UK electricity ¹⁶ , hence a large increase in renewables is required for this target.
2030	70% of Wales' Electricity Consumption	This will mean a significant expansion of renewable energy sources. It should be noted that	Total Welsh energy consumption from

¹⁴ Department for Business, Energy & Industrial Strategy, 2021 UK Provisional Greenhouse Gas Emissions, National Statistics (March 2022).

¹⁵ Welsh Government, Net Zero Wales Carbon Budget 2 (2021-25) (2021).

¹⁶ Department for Business, Energy & Industrial Strategy, UK Energy in Brief, National Statistics (2022).

Year	Target	Summary	Current Position
	to come from Welsh Renewable Electricity Sources	the 2020 change from 2019 (up from 51% in 2019) is largely due to the reduction in electricity demand in 2020 as a result of the pandemic.	renewables was 56% in 2020 ¹⁷ .

4.6 Climate Change & Energy Policy: Conclusions

- 4.6.1 The Applicant's position is that the Proposed Scheme is strongly supported by the current policy framework.
- 4.6.2 It is clear from the latest Energy Generation in Wales report, produced by the Welsh Government in late 2022, that there has been a considerable fall in the deployment rate for renewables and in particular for onshore wind. Given wind energy is the key technology driving the Welsh 70% renewables target for 2030, it is imperative that the deployment rate increases in order to attain that target and also to provide the foundation for reaching Net Zero. The Carbon Budget 2 for Wales makes it clear that making substantial progress this decade will be critical., not just for the 2030 legally binding target, but to stay on a credible pathway to reach Net Zero.
- 4.6.3 The trajectory, in terms of the scale and pace of action to reduce emissions, is steep and it is essential that rapid progress is made through the 2020s. The rate of emission reductions must increase otherwise the Carbon Budget targets and Wales' 70% of electricity demand from renewables target for 2030 will not be met.
- 4.6.4 It is clear from the UK Energy White Paper and the forecasts by the CCC that electricity demand is expected to grow substantially (scenarios vary but potentially by a factor of three or four) as carbon intensive sources of energy are displaced by electrification of other industry sectors, particularly heat and transport.
- 4.6.5 Decisions through the planning system must be responsive to this changed position. Decision makers can do this by affording substantial weight to the energy policy objectives articulated above, in the planning balance.
- 4.6.6 The various legislative interventions and statements of Government policy such as described above are material considerations of relevance that should be afforded weight, and indeed increasingly greater weight.
- 4.6.7 In the most recent renewable energy policy documents referred to, there is a consistent and what might be termed a 'green thread' which ties a number of related policy matters together: namely the urgent challenge of net zero and the need to substantially increase renewable capacity.
- 4.6.8 It must follow that the need case is to be afforded significant weight in the planning balance. It is not an over-riding consideration; however, it must be acted on. The way that decision makers can do that is by properly recognising the seriousness and importance of energy policy related considerations in the planning balance. It is the cumulative effect of a large number of individual projects which will move Wales towards where it needs to be.

¹⁷ Welsh Government, Energy Generation in Wales (2020).

5. Planning Policy Assessment

5.1 Introduction

- 5.1.1 This Chapter provides an assessment of the Proposed Scheme with regard to the various environmental and technical topics that are examined in the ES. It appraises those findings against the relevant planning and renewable energy policy framework which has been set out in the preceding Chapters of this Planning Statement. Reference is also made to the Economic Report which has been prepared for the Proposed Scheme and which is submitted as part of the application.
- 5.1.2 The planning assessment, which is set out below, whilst having a focus on the provisions of Future Wales as the highest tier of the Development Plan and which is the principal policy for decision making for DNS applications also refers to the relevant provisions of national planning policy and to the relevant provisions of the respective LDPs.
- 5.1.3 The assessment also considers the accordance of the Proposed Scheme with the Well-being of Future Generations (Wales) Act, 2015. The benefits that would arise from the Proposed Scheme are also described.
- 5.1.4 In this regard the assessment which follows has taken into account the construction, and operational phases of the Proposed Scheme and has also taken into consideration potential cumulative effects. The topics which are specifically set out in Policy 18 of Future Wales and which are addressed below are as follows:
- > Landscape Character;
 - > Visual Impacts;
 - > Ecology and Ornithology;
 - > Cultural Heritage;
 - > Shadow Flicker & Noise;
 - > Aviation and Defence;
 - > Traffic and Transport;
 - > Sustainable Use of Materials;
 - > Hydrology & Geology; and
 - > Socio-Economics.

5.2 Planning Assessment

Landscape & Visual Effects

Landscape Character

- 5.2.1 Policy 17 of Future Wales states that there is a presumption in favour of large-scale wind energy development within PAAs, however that applications will not be permitted within National Parks and Areas of Outstanding Natural Beauty.
- 5.2.2 Criterion 1 of Policy 18 in Future Wales states that, outside of PAAs, proposals for renewable and low carbon energy DNS will be permitted where there are no

unacceptable adverse impacts on the surrounding landscape (particularly on the setting of National Parks and Areas of Outstanding Natural Beauty).

- 5.2.3 The landscape and visual effects of the Proposed Scheme are addressed in Chapter 5 of the ES. The Landscape and Visual Impact Assessment (LVIA) has assessed the potential for significant landscape and visual effects over a 45 km Study Area. The Proposed Scheme is located on an upland landscape (HOV Landscape Character Area (LCA) 17 'Upland north of the Heads of the Valleys corridor') which has an overall large scale and upland characteristics considered to be suitable for wind farm development.
- 5.2.4 The areas of grassland required to be removed in the construction and operation of the Proposed Scheme would be very limited in relation to the total area on the Site, elsewhere within the HOV LCA 17 Upland north of the Heads of the Valleys corridor and also when considered alongside the large areas of grassland in the wider landscape. The physical landscape effects of the Proposed Scheme on this landscape element is considered to be Minor and not significant.
- 5.2.5 The LVIA has found that significant landscape character effects would be localised and contained to the landscape character of the site area and immediately surrounding upland landscape. Significant effects would occur within the host character area HOV LCA 17 Upland north of the Heads of the Valleys corridor to a localised area of approximately 1 km to the south and west from the proposed turbines and around 3 km to the east. Significant effects would also occur within BBNP LCA9 - Mynyddoedd Llangatwg and Llangynidr, within 3 km of the northernmost turbine of the Proposed Scheme.
- 5.2.6 Localised Significant effects also apply to the LANDMAP Visual and Sensory aspect area BRCKNVS372 Mynydd Llangynidr and Mynydd Llangattock and historic landscape aspect area BRCKNHL133 Mynydd Llangynidr that correspond to the same portions of HOV LCA 17 Upland north of the Heads of the Valleys corridor and BBNP LCA9 - Mynyddoedd Llangatwg and Llangynidr that experience significant character effects.
- 5.2.7 Such significant effects would arise largely due to the close proximity and clear visibility of the Proposed Scheme but also take account of the interaction with the visibility and potential cumulative effects with other existing turbines in this area, in particular at St Merryn Meat Factory, Pengarnddu Industrial Estate, Pen Bryn Oer and Tafarnaubach which are closest to the Proposed Scheme.
- 5.2.8 At greater distances, the LVIA states that the effect on landscape character would not be significant due to:
- > the level of screening from intervening landform such as upland ridgelines and interconnecting hills that combine to contain or limit the degree of visibility of the Proposed Scheme from the wider landscape;
 - > screening by other landscape elements such as shelterbelt and woodland planting within surrounding valleys;
 - > screening within settled area due to the urban build up of areas or wooded settlement edges;
 - > reduction in magnitude of change through distance from LCAs; and
 - > industrial elements within the baseline landscape (such as extensive wind energy development, mineral extraction, and electricity infrastructure) which moderates

the effect on particular LCAs where it intervenes or forms part of the underlying characteristic of an area.

Designated Landscapes

5.2.9 Localised significant effects are found for Special Landscape Area (SLA) - 23 Upper Rhymney Valley and SLA - 33 Nant Morlais and Cwm Taff Fechan in the upland area which corresponds with the same area of HOV LCA 17 Upland north of the Heads of the Valleys corridor that experiences significant effects. All other landscape designations in the LVIA Study Area were also found to be not significant, including other areas of SLA and Visually Important Local Landscape (VILL).

5.2.10 The assessment also concludes that there would be no significant effects on the special qualities (SQ) of the BBNP, with the exception of an area of approximately 3 km at the southern edges of the BBNP within BBNP LCA9 - Mynyddoed Llangatwg and Llangynidr for SQ1 and SQ8 which would experience a moderate level of significant effects due to the closer proximity of the Proposed Scheme, as set out in Appendix 5.3 of the ES.

Visual Impacts

5.2.11 The LVIA explains that the assessment of effects on views is informed by a series of 26 agreed viewpoints that were selected to represent visibility from a range of receptors throughout the LVIA Study Area. The visual assessment has found significant effects at 6 viewpoint locations, as follows:

- > A Major Significant Visual Effect was found for: Recreational receptors at Viewpoint 1 PRow (Gelligaer FP 101)
- > A Moderate-Major Significant Effect was found for: Residential receptors at Viewpoint 3 Pant, Merthyr Tydfil; Viewpoint 4 A469 / Bute Town; Viewpoint 7 Rhymney; Viewpoint 11 Cyfartha Park; and recreational receptors at Viewpoint 8 Cefn yr Ystrad;
- > A Moderate Significant Effect was found for: Recreational receptors at Viewpoint 2 A465 / Heads of the Valleys Road; Viewpoint 15 Garn Ddu; Viewpoint 16 Pen Garnbugail; and Viewpoint 18 Brecon Beacons Way (Craig Y Fan Ddu).

5.2.12 The significant visual effects are largely as a result of closer proximity views from higher sensitivity receptors. This is particularly relevant for some settled parts of the study area which are in relatively close proximity to the Proposed Scheme and have unobstructed views towards it. Significant visual effects are assessed for residential receptors at viewpoint 11 (4.4 km) within Merthyr Tydfil, however, the majority of significant visual effects are found to be much closer at up to 3 km from the nearest proposed turbine.

5.2.13 Significant sequential effects are found on the northernmost section of the Rhymney Valley Ridgeway Footpath. Other sections of this route and other routes in the study area are assessed as not significant.

5.2.14 Significant visual effects extend to around 8 km on the southernmost area of the Brecon horseshoe at Craig Y Fan Ddu (viewpoint 18) but would not be significant at greater distances. Sequential effects on the Beacons Way are found to be not significant. More localised significant visual effects are also found within the southern plateau edges of the BBNP, which extend to around 3 km to the north of the proposed turbines (as represented by Viewpoint 8 Cefn yr Ystrad).

Residential Visual Amenity

- 5.2.15 A Residential Visual Amenity Assessment (RVAA) has also been undertaken. Whilst the RVAA has assessed 19 of the 54 properties within the Study Area to have significant visual effects, the Proposed Scheme will not lead to the 'Residential Visual Amenity Threshold' being reached. Therefore, none of the effects assessed have the potential to be overbearing in respect of the visual amenity of residents at any property.

Common Land

- 5.2.16 The Common Land within the site area known as Gelligaer and Merthyr common has been considered in Appendix 5.7 of the ES in relation to landscape and visual considerations relevant to the deregistering and offered replacement land proposed. Appendix 5.7 concludes that whilst there would be some localised significant landscape and visual effects resulting from the Proposed Scheme, the overall experience and enjoyment of the Gelligaer and Merthyr Common would not be disrupted to an unacceptable level.

Cumulative Landscape and Visual Effects

- 5.2.17 The Proposed Scheme would not result in significant landscape or visual effects with the cumulative schemes included in the LVIA. There are no consented or application cumulative wind energy developments in close proximity to the proposal. The LVIA explains that where consented and application cumulative schemes are visible from key landscape and visual receptors, they would appear within a context and backdrop of existing wind energy development, substantially limiting their cumulative influence when considering the additional effect of the Proposed Scheme.
- 5.2.18 It is explained in the LVIA that when considering the application scenario Mynydd Carn y Cefn it intensifies the cumulative influence experienced in parts of the LVIA study area and a significant visual effect is identified at viewpoint 16 (Pen Garnbugail) as a result of the addition of the Proposed Scheme to this scenario.
- 5.2.19 When considering the Scoping scenario, the cumulative influence of further wind farm development within the LVIA study area results in additional significant landscape and visual effects in this cumulative scenario, including for BBNP LCA7; BBNP LCA9; HOV LCA17; BGTC LCA 4; SLA – 23; Viewpoints 2, 8, 13, 16 & 18; Beacons way and Rhymney Valley Ridgeway Footpath. Significant effects would also occur in this scenario for the BBNP for SQ1 and SQ8 within BBNP LCA9 (within 3 km) and would also occur for SQ 5 within BBNP LCA 7.
- 5.2.20 As described in the cumulative development baseline in the LVIA, the effects identified in this scoping scenario are considered as being less likely to arise than the application stage and consented scenarios, as it is likely that Scoping stage projects will not ultimately be developed in the form set out at Scoping, or may not gain consent or become operational, which reduces the likelihood of Scoping stage scenario effects arising in full.

Conclusions on Landscape & Visual Effects

- 5.2.21 The assessment has identified that the significant landscape and visual effects of the Proposed Scheme would be contained within a relatively limited area local to the Site and immediate landscape and visual context that surrounds it. Landscape character effects are assessed to occur within a maximum of 3 km from the nearest turbine of the Proposed Scheme.

- 5.2.22 Significant visual effects have been identified as occurring out to a range of 8 km within the BBNP, however the majority of significant visual effects are contained within around 3 km of the nearest proposed turbines. In landscape and visual terms, it is considered that there is scope for wind farm development within the broad upland landscape of the HOV LCA 17 'Upland north of the Heads of the Valleys corridor'. There are a number of factors which have influenced this finding, as set out in the LVIA as follows:
- > The Proposed Scheme is relatively compact and contained within a single upland landscape plateau which is surrounded by the larger hills of the BBNP and results in a Zone of Theoretical Visibility (ZTV) that is not widespread, particularly within areas beyond approximately 10km;
 - > The proposed turbine layout has been designed to minimise significant effects on landscape and visual receptors by setting turbines back from the Heads of the Valleys settled landscape and by arranging the turbines in a compact layout which for most views appears as a cohesive and consistently spaced grouping of turbines;
 - > The compact nature of the layout also results in a relatively small horizontal field of view when viewing the Proposed Scheme from the wider landscape context. Views from within the BBNP tend to show the Proposed Scheme as a relatively small component of the very wide skyline formed by the broad upland plateau on which it is located; and
 - > The Proposed Scheme is consistently viewed as occupying a small part of a larger upland either as a backdrop to the South Wales Valleys landscape in views to the north or as part of an intervening broad upland plateau with the valleys landscape beyond in views from the north within the BBNP.
- 5.2.23 On this basis, it is considered that the landscape is capable of accommodating the Proposed Scheme and that wider landscape and visual effects are relatively limited in extent and severity.
- 5.2.24 There would be no unacceptable adverse visual impacts on nearby communities and individual dwellings and the proposal would not have an unacceptable adverse impact on the surrounding landscape (particularly on the setting of National Parks and Areas of Outstanding Natural Beauty). Therefore, the Proposed Scheme is in accordance with Policy 18 of Future Wales in respect to landscape and visual and residential visual amenity considerations.

Ecology and Ornithology

Ecology

- 5.2.25 The potential effects of the Proposed Scheme on important ecological features (excluding avifauna) during the construction, operational and decommissioning phases have been addressed in Chapter 7 of the ES.
- 5.2.26 There are 16 statutory designated sites with a 10 km radius of the site boundary, excluding sites designated for geological reasons however none occur within, or adjacent to, the site boundary itself. The assessment concludes that given the intervening distances and the lack of pathways by which designated site features may be affected, no significant effects upon any statutory ecologically designated site are predicted.

- 5.2.27 The entire Site area is encompassed by non-statutory ecological designations. These are the Pen March and Traed y Milwyr, Llechryd Site of Importance for Nature Conservation (SINC), which extends to 491 ha and continues east beyond the site boundary, and the Merthyr Common North SINC, which also continues beyond the site boundary to the west.
- 5.2.28 The Proposed Scheme would result in the permanent loss of 9.57 ha of habitats encompassed by the SINC designations, and temporary loss of 16.38 ha during construction, which represents 1.05% and 3.6% respectively, of the combined extent of the two SINC. Habitats that would be lost include habitats listed on Annex I of the Habitats Directive and / or those listed as habitats of principal importance under Section 7 of the Environment (Wales) Act 2016, including wet heath, acid flush and wet modified bog. However, the assessment sets out that all of the habitats within the Site have been heavily modified by livestock grazing and/or fire, and none represent good examples of the relevant habitat type.
- 5.2.29 The EIA mitigation hierarchy has been followed to avoid and minimise effects upon the most important habitats as far as possible, specifically by avoiding areas of deeper peat wherever possible. However, the unavoidable loss of SINC designated habitats is assessed as being significant at the 'county' level.
- 5.2.30 Compensation for the permanent loss of habitats within the Site, and additional biodiversity enhancement to meet policy requirements, would be provided by way of on and off site restoration proposals and would be secured by way of an Outline Habitat Management Plan (OHMP). The specific proposals are referred to in more detail below.
- 5.2.31 Baseline surveys for protected and notable species, including bat activity surveys, great crested newt surveys and surveys for badger, otter and water vole, were undertaken between May 2019 and October 2020.
- 5.2.32 No evidence of great crested newt, otter, water vole or badger has been found and these species are all currently considered absent from the Site. As such, no significant effects are predicted upon these species although pre-construction surveys are proposed as a precautionary measure, in case any of these species colonise the site prior to construction commencing.
- 5.2.33 A bat assemblage comprising at least six species for foraging and commuting (common pipistrelle, soprano pipistrelle, Myotis bat species, serotine, noctule and long-eared bat species) has been recorded, although the overall level of activity was relatively low and largely attributed to low numbers of individual common pipistrelle and soprano pipistrelle. No significant effects on bats are predicted, however, a precautionary approach has been taken with post-construction bat monitoring proposed to provide the opportunity to introduce mitigation, if deemed to be required based on monitoring results.
- 5.2.34 The presence of two reptile species, common lizard and adder, has been identified. The Proposed Scheme would result in the permanent loss of 9.57 ha of suitable reptile habitat. However, the assessment states that habitats are likely to support low densities of reptiles only and the predicted loss of potentially suitable habitat, which would represent approximately 2.1% of the overall habitat to be retained within the site boundary, is considered unlikely to be significant.
- 5.2.35 In the absence of mitigation, construction works have the potential to kill or injure reptiles present when any habitat removal takes place, and potentially result in a decline in the local status of these two species. To minimise the potential to kill or injure reptiles, a range of good practice measures will be implemented. These

include: advance checks of habitat clearance areas, staged vegetation removal and relocation of any reptiles discovered. Following the implementation of these measures no significant effects are predicted.

5.2.36 The OHMP seeks to undertake restoration and management activities and the broad principal aims of it are as follows:

- > On-site: Undertake restoration and management activities over an area of 22.6 ha that should in time lead to increased cover of dwarf shrubs and other heathland plant species and facilitate the area's recovery back to upland heathland.
- > Off-site:
 - Undertake restoration and management activities over an area of 149.3 ha, containing a range of upland habitats, that should lead to a significant increase in the extent and quality of priority habitats including modified bog and heathland.
 - Undertake habitat and predator management activities over an area of 149.3 ha, with the aim of maintaining, and if possible increasing, the population of breeding waders, including curlew.

Ornithology

5.2.37 The potential effects of the Proposed Scheme on bird populations during the construction, operational and decommissioning phases have been assessed and reported on in Chapter 8 of the ES. Baseline surveys, including vantage points, breeding raptor and breeding wader surveys, were carried out over a two-year period, between April 2019 and March 2021.

5.2.38 The assessment states that there are no statutory designated sites notified or classified for their ornithological interest within 10 km of the Site. The nearest European site classified for birds is the Severn Estuary Special Protection Area (SPA) and Ramsar Site, which is located more than 34 km to the south-east. There is evidence that gulls from breeding colonies at the Flat Holm and Steep Holm Sites of Special Scientific Interest (SSSI), which lie within the Severn Estuary Ramsar Site, forage as far inland as the Site. However, gulls were only recorded occasionally during the surveys, in low numbers, and most records concerned birds breeding on nearby factory roofs. No significant effects on statutory sites designated for their ornithological interest are therefore likely.

5.2.39 Two non-statutory SINC's that include birds within their citation are located within 2 km of the Site. Blaenmorlais SINC lies outside the Site to the south-west and supports a range of ground-nesting passerine species. Given the intervening distance between proposed infrastructure and the SINC these species are unlikely to be affected. Cefn Gelligaer, West of Deri SINC lies approximately 500 m south of the Site, on the opposite side of the A465. It is noted to support breeding lapwing, but given the intervening distance these are not likely to be affected by the Proposed Scheme. No significant effects on non-statutory sites designated for their ornithological interest are therefore likely.

5.2.40 Baseline breeding bird surveys identified breeding territories of four wader species within circa 1 km of proposed infrastructure, including: curlew (up to four territories), snipe (up to two territories), lapwing (one possible territory) and common sandpiper (one territory). Curlew has undergone a rapid decline in Wales in recent years and is now considered to be the most pressing bird conservation priority in Wales. One red

kite territory was identified within 2 km and a peregrine territory was identified approximately 4 km from the Site. Vantage point surveys recorded a number of target species but, apart from red kite, all were only recorded occasionally, in low numbers.

- 5.2.41 To avoid or minimise negative effects wind turbines have been located away from breeding curlew territories as far as possible.
- 5.2.42 The assessment states that both curlew and snipe will experience a small loss of habitat due to wind farm construction, but this would represent a very small proportion of their overall territories and is not likely to be significant. To minimise disturbance to breeding birds, including curlew and snipe, during construction and decommissioning, and to prevent damage to active nests, a range of good practice measures will be implemented, as required. These may include: timing of works; pre commencement surveys; implementation of disturbance-free buffers. Following the implementation of these measures no significant effects are likely for any bird species during construction and decommissioning.
- 5.2.43 During wind farm operation potentially significant displacement effects are identified for curlew and snipe (displacement of one pair of each species). These effects are considered to be significant at a regional level for curlew and at a county level for snipe. No other bird species are likely to be significantly affected by disturbance or displacement during wind farm operation.
- 5.2.44 In addition, collision risk was modelled for four species based on the results of flight activity surveys but is not likely to be significant for any of the species assessed.
- 5.2.45 Furthermore, cumulative assessment was undertaken for other projects located within the core foraging range of the relevant species. No potential for significant cumulative effects was identified, although it is noted that available ornithological data for other projects within the study area was limited.
- 5.2.46 As set out in Chapter 8 of the ES, the Applicant is proposing to provide off-site compensation on land owned by Dŵr Cymru Welsh Water (DCWW) adjacent to the Pen March site boundary to the east for the potential disturbance and displacement of breeding curlew during wind farm operation. Proposed measures include: habitat management, restoring wet ground and peatland, predator control and temporary electric fencing of curlew nests.
- 5.2.47 The proposed compensation measures would offset the predicted significant effects on curlew and will also provide additional biodiversity enhancement. Compensation and enhancement measures designed for curlew are likely to also benefit snipe and would therefore also offset predicted significant effects on snipe.
- 5.2.48 Post-construction monitoring of breeding waders is also proposed within the Site and proposed off-site habitat management area, following the methodology undertaken previously. Detailed monitoring of curlew will also be undertaken on the off-site habitat management area, specifically to identify nests.
- 5.2.49 There would be no unacceptable adverse impact on national statutory designated sites for nature conservation (and the features for which they have been designated) or protected habitats and species as required by Policy 18 of Future Wales. Furthermore, the proposal includes biodiversity enhancement measures to provide a net benefit for biodiversity. Therefore, the Proposed Scheme is in accordance with the relevant provisions of Policy 18 of Future Wales with regard to ecology and ornithological interests.

Cultural Heritage

- 5.2.50 Chapter 11 of the ES addresses archaeology and cultural heritage. It explains that a study area of 10 km radius around the application boundary was used to identify Scheduled Monuments, Listed Buildings, Conservation Areas and Historic Parks and Gardens. Consideration of the Proposed Scheme in relation to the Registered Historic Landscape of Merthyr Tydfil has been assessed in a separate Assessment of the Significance of the Impact of the Development on Historic Landscapes (ASIDOHL) report.
- 5.2.51 The assessment states that there are 102 Scheduled Monuments within 10 km of the Site, however in all cases a less than substantial level of harm to the significance of the monuments was identified.
- 5.2.52 The ES also states that the Proposed Scheme would cause no direct impacts upon the prehistoric enclosure within the Site boundary south-east of Pitwellt Pond (GM623; HER Ref GGAT0489m). This is proposed to be given scheduled status and was therefore considered as such for the EIA assessment and is therefore of high value and sensitivity. Overall, it is considered that the Proposed Scheme will result in a less than substantial harm to the monument, but at the high level category, where the harm could be serious, but not so serious as to vitiate or drain away the significance of the future designated scheduled monument. The significance of the environmental effect on the prehistoric enclosure within the Application Boundary south east of Pitwellt Pond (GM623; HER Ref GGAT0489m) is assessed as being minor.
- 5.2.53 A similar process was adopted for Listed Buildings, for which there were 322 in the EIA study area. The assessment concluded that in terms of effects on setting, in all cases less than substantial harm to their significance was identified.
- 5.2.54 There are 12 Conservation Areas in the EIA study area of which only one was assessed further – the Bute Town Conservation Area. The assessment sets out that the Proposed Scheme would be visible from Bute Town Conservation Area and the listed buildings of Nos 1-14 (consec) Collins Row (13546), Nos 14-28 (consec) Lower Row (13547) and Nos 1-13 (consec) Middle Row & attached Windsor Arms PH (13458) and this will cause change to their setting. These are all of moderate value and sensitivity. This change will cause less than substantial harm, in the medium category where it is not necessarily serious to the significance of the designated heritage asset, but enough to be described as noticeable or material. The significance of the environmental effect on Nos 1-14 (consec) Collins Row (13546), Nos 14-28 (consec) Lower Row (13547); Nos 1-13 (consec) Middle Row & attached Windsor Arms PH (13458) and the Bute Town Conservation Area is assessed as being minor.
- 5.2.55 Of the six Registered Historic Parks and Gardens, none were taken to detailed assessment.
- 5.2.56 A 2 km radius study area around the site boundary was used for archaeological sites recorded on the Glamorgan Gwent and Clwyd Powys Archaeological Trusts Historic Environment Records and for sites held on the National Monuments Record. Assessment led to the conclusion that the site has a moderate potential for prehistoric remains to be present within the Proposed Scheme areas.
- 5.2.57 Mitigation to the potential changes in significance of the designated features in the wider area is unlikely to be feasible, where there will be changes in their setting. It should be noted that any such changes are considered to be at a low level.

- 5.2.58 For buried archaeological remains, mitigation could be implemented for direct impacts from the Proposed Scheme in the form of evaluation investigations across the development area followed by excavation or other forms of recording as appropriate to any remains revealed. Based on the assessment, it is not anticipated that any below ground archaeological remains will be of such high significance that they could be a constraint to the Proposed Scheme, and that any such remains can be dealt with through appropriate mitigation.
- 5.2.59 The scope of any further archaeological works that would be needed in advance or during development of the Proposed Scheme would be discussed and agreed with Planning Services at Glamorgan Gwent Archaeological Trust in their capacity as archaeological advisors to the Councils. In summary, therefore no significant effects are predicted in relation to archaeology and the historic environment, and no unacceptable impacts would arise. Appropriate mitigation can be secured by way of a planning condition.
- 5.2.60 There would be no unacceptable adverse impacts on statutorily protected built heritage assets. The Proposed Scheme would be in accordance with Policy 18 of Future Wales with regard to cultural heritage.

Shadow Flicker & Noise

Shadow Flicker

- 5.2.61 Shadow flicker is addressed in Chapter 12 of the EIA Report. Shadow flicker may occur under certain combinations of geographical position and time of day when the sun passes behind the rotors of a wind turbine and casts a shadow over neighbouring properties. Rotating wind turbine blades can cause brightness levels to vary periodically at locations where they obstruct the sun's rays. As the blades rotate, the shadow flicks on and off, an effect known as shadow flicker. The effect is most likely to be an issue inside buildings, where the flicker appears through a window opening. This can result in a nuisance when the shadow is cast over the windows of residential properties. Shadow flicker can be a cause of annoyance at residences near wind turbines if it occurs for a significant period during the year.
- 5.2.62 In line with current guidance and the approach set out in the EIA Scoping Report, the Study Area for shadow flicker has been defined as 10 x rotor diameter from the fixed turbine locations. The Study Area is therefore 1,490 m from the proposed wind turbines. The assessment concludes that no significant residual effects are predicted on any of the identified residential receptors within the Study Area.
- 5.2.63 There would be no unacceptable adverse impacts by way of shadow flicker as required by Policy 18 of Future Wales. The Proposed Scheme in relation to shadow flicker is in accordance with Policy 18 of Future Wales.

Noise

- 5.2.64 Noise matters are addressed in Chapter 9 of the ES. The assessment considers compliance with applicable noise limits and guideline criteria. The separation between the construction areas and residential receptors is of sufficient distance that construction noise is unlikely to cause undue disturbance. It is assumed that decommissioning noise will be less than that experienced during the construction period. Therefore, no significant effects are anticipated in respect of noise from construction and decommissioning activities for the Proposed Scheme on a stand-alone or cumulative basis.

- 5.2.65 Operational noise was assessed in accordance with ETSU-R-97 guidance '*The Assessment and Rating of Noise from Windfarms*' (1996) ('ETSU Guidance') and methodologies advocated within the Institute of Acoustics "*A Good Practice Guide to the Application of ETSU-R-97 for Wind Turbine Assessment*" (May 2013) ('IOA GPG').
- 5.2.66 The adoption of the ETSU Guidance to inform the assessment is advocated in national policy and has been used to inform a consideration of significant adverse effects in EIA terms. The ETSU Guidance sets noise limits which offer a reasonable degree of protection to receptors without placing an unreasonable restriction on a proposed wind development.
- 5.2.67 This assessment is based on background noise measurements at three locations, informing an assessment at residential receptors, representative of those potentially impacted by noise from the Proposed Scheme.
- 5.2.68 The assessment is based upon a candidate turbine, commercially available at the time of the assessment. The design of the Proposed Scheme is such that predicted operational noise levels meet the derived noise limits, and the proposal is acceptable in terms of the ETSU Guidance, and therefore considered not significant in EIA terms.
- 5.2.69 There would be no unacceptable adverse impacts by way of noise as required by Policy 18 of Future Wales. The Proposed Scheme in relation to noise is in accordance with Policy 18 of Future Wales.
- Aviation and Defence**
- 5.2.70 Both civil and military aviation (including radar) is addressed in Chapter 12 of the EIA Report. The potential aviation matters that have been considered for the assessment are as follows:
- > Civil airport Instrument Flight Procedures (IFPs) (including navigation aids);
 - > Military aerodrome IFPs (including navigation aids);
 - > Civil Air Traffic Control (ATC) radar;
 - > Military ATC radar;
 - > Military Air Defence (AD) radar;
 - > Low flying (military and civilian Emergency Helicopter Support Units (EHSUs);
 - > Local minor aerodromes;
 - > Local airspace restrictions (Prohibited/Restricted/Danger Areas and Military Exercise and Training Areas (MEXAs); and
 - > Meteorological (Met) Office radars.
- 5.2.71 The assessment states that the infrastructure required during construction phase for the Proposed Scheme would have no significant effect on ATC radar systems. However, it is possible that the turbines themselves and construction infrastructure (e.g. cranes), could impact on military low flying or civilian emergency helicopter

operations. This information would be promulgated by means of a NOTAM¹⁸ and plotted on aviation charts to make sure that aircraft navigate the area safely.

- 5.2.72 It is also assessed that the presence of wind turbines during construction, and the construction infrastructure itself, could create issues with Cardiff Airport IFPs. The EIA assessment states that, if necessary, the Applicant will ensure that the appropriate assessments are carried out to the satisfaction of Cardiff Airport however, adverse impact on the airport's IFP safeguarding area is considered unlikely. As a result, no significant effects during construction are anticipated.
- 5.2.73 In terms of the operational phase, the assessment states the following regarding both Cardiff Airport ATC Radar and Low Flying (military and civilian EHSUs):
- 5.2.74 Consultation with Cardiff Airport following submission of the EIA Scoping Report resulted in a preliminary agreement that the ATC radar objection could be withdrawn subject to implementation of a suspensive planning condition. It was agreed at that time that all 6 of the turbines were likely to have an impact on the ATC radar. Cardiff Airport is currently in discussions with other developers regarding installation of a wind farm mitigation system and positive discussions are ongoing between the airport and the Applicant to agree the way forward in delivering a mitigation solution. It is expected that an agreement will be reached prior to determination of the DNS Application and that a suitable suspensive condition will be agreed with Cardiff Airport prior to the application's consent decision.
- 5.2.75 In terms of low flying matters, the Ministry of Defence (MoD) assessed that the Proposed Scheme may have an impact on low flying operations. The MoD has indicated that they would likely request that the turbines be fitted with MoD accredited visible or infrared aviation safety lighting.
- 5.2.76 It is anticipated that, on submission of the Application, any potential impact on military low flying operations will be operationally acceptable subject to installation of appropriate aviation lighting. It is also expected that MoD will stipulate that:
- > the turbines be fitted with MoD accredited aviation safety lighting in accordance with the UK Air Navigation Order 2016.
 - > Prior to commencement of construction, MoD be advised of:
 - The date of the commencement of the erection of wind turbine generators;
 - The maximum height of any construction equipment to be used in the erection of the wind turbines;
 - The date any wind turbine generators are brought into use; and
 - The latitude and longitude and maximum heights of each wind turbine generator, and any anemometer mast(s).
- 5.2.77 Given the requirement for visible aviation lighting due to the tip height of the turbines, the requirement for MoD accredited aviation safety lighting will be superseded and is not anticipated to be an additional requirement to visible lighting required by the Civil Aviation Authority.
- 5.2.78 Therefore, in terms of aviation and radar matters, industry standard risk control measures would be put in place following agreement with relevant aviation stakeholders. These mitigation measures will serve to reduce the impact of the

¹⁸ Notice to Air Missions – filed with an aviation authority to alert aircraft pilots of potential hazards along a flight route.

Proposed Scheme on aviation receptors such that no residual significant effects are expected.

- 5.2.79 There would be no unacceptable impacts on the operation of defence facilities and operations (including aviation and radar) or the Mid Wales Low Flying Tactical Training Area (TTA-7T). The Proposed Scheme is therefore in accordance with Policy 18 of Future Wales with regard to aviation and defence interests.

Traffic and Transport

- 5.2.80 A Transport Assessment has been submitted with the application. No significant adverse effects are predicted and a series of mitigation measures and management plans have been proposed to help mitigate and offset the impacts of both the construction and operational phase traffic flows.
- 5.2.81 Furthermore, no transport capacity issues are expected on any of the roads assessed due to the additional movements associated with the Proposed Scheme. The effects of construction traffic would be temporary in nature.
- 5.2.82 The Proposed Scheme is in accordance with Policy 18 of Future Wales with regard to access, traffic and transportation matters.

Sustainable Use of Materials

- 5.2.83 The ES addresses waste management. A Site Waste Management Plan (SWMP) and Materials Management Plan (MMP) will be developed for implementation during construction. This would outline details of the materials requirements and anticipated waste generation during construction and how the Contractor intends to consider the management of these aspects. In summary:
- > All materials will be identified, classified, quantified and, where practicable, appropriately segregated. Any materials that cannot be reused will be disposed of according to relevant waste management legislation which will serve to address several possible environmental effects.
 - > All materials removed from Site will be handled in accordance with relevant waste and environmental regulations. Waste will be transferred using a registered waste carrier to a licensed waste disposal site or recycling centre.
- 5.2.84 Policy 18 of Future Wales requires that a proposal include consideration of the sustainable use of materials. The proposal has therefore included consideration of the materials needed or generated by the development to ensure the sustainable use and management of resources. In this regard the Proposed Scheme is in accordance with the Policy 18 of Future Wales.

Hydrology & Geology

- 5.2.85 Chapter 6 of the ES addresses hydrology, hydrogeology, geology and peat. Information on the EIA study area was compiled using data gathered within a desk study and verified by an extensive programme of fieldwork. A detailed programme of peat depth and condition surveying has been completed and the results used to inform the Site design.
- 5.2.86 The assessment sets out that loss of peat and peaty soil arising from the Proposed Scheme has been assessed as significant, although these have been kept to a practical minimum by careful consideration throughout the design process. It is considered best practice to undertake peatland restoration to compensate for

unavoidable losses in areas where infrastructure footprints directly cross areas of peat.

- 5.2.87 The potential to provide beneficial measures for peatland restoration within the Proposed Scheme is limited as a result of a number of factors. The Off Site Habitat Management Area may involve blocking of some water channels associated with the Dowlais Free Drainage System at either end to generate peat growth and also to establish curlew habitats. The drainage channels themselves will not be removed or infilled (excluding at either end) such that the features are still visible in the landscape. The proposals will directly affect only a very small part of the whole system. Ditch blocking is proven to be an effective means for raising the water table and encouraging rewetting of peaty areas.
- 5.2.88 Additional constraints relate to the areas of land classified as common land, and the overall highly degraded nature of the habitat within the site boundary. While both concerns could be overcome, any potential for peatland restoration to be effective would require restriction of grazing within parts of the area and this would interfere with the commoners' rights to the land.
- 5.2.89 It is recognised that peatland protection and restoration form key parts of the Welsh Government's Climate Change Plan, promoted and enacted by NRW's National Peatland Action Programme (NPAP). The NPAP is a five-year plan of peatland restoration in Wales. The programme is designed to target peatlands that need the most restoration and aims to restore 600-800 hectares of public and private land every year. Over 650 ha were restored in the first programme year, 2020-21 (NRW, 2022e).
- 5.2.90 Consultation with DCWW, which owns the adjacent land to the east of the Application Boundary, has led to the potential for peat and peatland habitat restoration to be undertaken within their land holding. This has two strong advantages: the DCWW land is immediately adjacent to the application site, which would allow peat units to be considered as a whole where they cross the boundary between the two land holdings, and there is much greater flexibility, as it is not registered as common land, for grazing and land management which means that restoration works are more likely to be effective.
- 5.2.91 A peat depth survey was undertaken across the area of DCWW land in April 2023, in order to identify the best parts of the area in which to target peat restoration. The survey identified three main areas with peat presence, where restoration activities would be beneficial to development of peat and peaty soils. The three areas cover a total of 70.5 ha.
- 5.2.92 For each area, a detailed study would be undertaken to identify the best methods of peat and peatland restoration. It is anticipated that these would include the following techniques:
- > Ditch and channel blocking and reprofiling to raise water levels;
 - > Vegetation management to control plant species that are not conducive to peat development;
 - > Management of grazing to control grazing impacts in target areas, including consideration of stocking density, type of livestock and potential for fencing-off particularly sensitive areas.
- 5.2.93 Proposals for vegetation management would be prepared in consultation with the ecologists and would be included within a detailed Habitat Management Plan.

- 5.2.94 With regard to construction phase effects, opportunities for off-site peatland restoration and enhancement through liaison and agreement with DCWW are therefore under discussion and detailed plans would be provided prior to any works commencing within the Proposed Scheme. The assessment in the ES concludes that with effective mitigation in place, the magnitude of effect on soil and peat will reduce. The expansion of areas of active peat and peatland would contribute to establishment of larger and more self-sustaining peat bodies, providing an overall net benefit to the area. The agreement with DCWW would cover the entire lifespan of the Proposed Scheme, allowing long-term monitoring and, if necessary, additional interventions to be taken to ensure the success of the peat and peatland restoration works.
- 5.2.95 As a result of the proposed peat and peatland restoration, the residual effect of soil and peat erosion and compaction from construction works in the ES is changed to minor beneficial, and therefore not significant in EIA terms.
- 5.2.96 In terms of the operational phase, the assessment did not identify any likely significant adverse effects as a result of the Proposed Scheme.
- 5.2.97 The Proposed Scheme lies outside any floodplain areas and no private water supplies have been identified within the site boundary. Designated sites and hydrological sources that are near, or have a hydraulic connection to, the Site have been assessed individually and appropriate mitigation measures set out where linkages have been identified.
- 5.2.98 Sustainable Drainage Systems (SuDs) have been proposed to ensure that the rate of run-off from the wind farm post-development is no greater than that prior to development and would not therefore increase flood risk downstream. The proposed SuDs allow the quality of water to be managed at source, prior to any discharge, thereby helping to prevent any reduction in water quality in aquifers or watercourses downstream of the Site.
- 5.2.99 The Proposed Scheme is in accordance with the Policy 18 of Future Wales with regard to hydrology and geology matters.

Economic Benefits

- 5.2.100 There would be a wide range of economic benefits arising from the Proposed Scheme. These are reported in a detailed Economic Report which accompanies the application for consent. The report details the estimated economic impacts through the numbers of jobs safeguarded and created and the contribution to Gross Value Added (GVA). Social impacts are also reviewed including the consequences the Proposed Scheme would have for recreation use of the area, the implications of any community benefit fund and education offerings from the Applicant, as well as any biodiversity enhancements. The specific economic and community benefits are summarised below in Section 5.3.

5.3 The Benefits of the Proposed Scheme

- 5.3.1 This section summarises the benefits that would arise from the Proposed Scheme.

Renewable Generation and Emissions Savings

- 5.3.2 Renewable energy and emissions savings benefits would include the following:

- > The Proposed Scheme would make a valuable contribution to the attainment of the UK and Welsh Government policies of encouraging renewable energy

developments; and in turn contribute to the achievement of UK and Welsh Government targets. As explained, there is now a distinct shift in policy emphasis from the displacement of higher carbon electricity generation to extending the use of electricity as the critical energy response to the Climate Emergency.

- > The Welsh Government has committed to attaining Net Zero by 2050. In addition, a key medium term Welsh Government target is to generate 70% of consumed electricity by renewable means by 2030. The Government has made it clear that onshore wind plays an important role in the attainment of future targets in relation to helping to combat the crisis of global heating.
- > It is estimated that the average annual generation expected from the Proposed Scheme could be equivalent to the approximate domestic needs of around 24,500 average UK households. Based on present day carbon dioxide savings figures, the Pen March Wind Farm will save the emission of around 120,400 tonnes of carbon dioxide over the course of a year. As set out in the ES, the overall emissions impact is therefore considered to represent a significant beneficial and long-term climate change effect. Consequently, the Proposed Scheme contributes towards Wales's emissions reduction targets as set out in the Environment Wales Act 2016.
- > Battery storage is proposed as part of the development. This will be able to store excess power generated by the wind farm and release the power on to the grid when the wind drops. Inclusion of a battery within the scheme significantly increases the sustainability of the power generated. Energy storage will increasingly enable renewable integration, help to balance supply and demand, and enhance security of supply.

Security of Supply

- 5.3.3 Reducing Wales' and the wider UK's dependency on hydrocarbons has important security of supply, electricity cost and fuel poverty avoidance benefits. Those actions already urgently required in the fight against climate change are now required more urgently for global political stability and insulation against dependencies on rogue nation states.

Economic, Employment & Community Socio-Economic Benefits

- 5.3.4 The Proposed Scheme would generate economic benefits both during its development and construction and during its operation and maintenance.

Construction Phase

- 5.3.5 During the development and construction phase, the scheme will bring direct economic benefits through the contractors used to develop and build the wind farm as well as further benefits through the supply chain and induced spending by workers employed on the project. The development and construction phase is estimated to deliver:
- > £11m in Gross Value Added (GVA) and 185 in full time equivalent (FTE) job years are expected to be created or safeguarded across the UK;
 - > Of this £6.8m in GVA and 105 in FTE job years are expected to be created or safeguarded across Wales;
 - > And of this £1m in GVA and 14 in FTE job years are expected to be created or safeguarded in the local area.

Operational Phase

- 5.3.6 During the operation¹⁹ of the wind farm, it is expected to deliver:
- > £44.2m in GVA and 24 FTE jobs each year are expected to be created or safeguarded in the UK;
 - > Of this £32.2m in GVA and 18 FTE jobs each year are expected to be created or safeguarded in Wales;
 - > And of this £5.3m in GVA and 2 FTE jobs each year are expected to be created or safeguarded for the local area.
- 5.3.7 Further, during the operation, there are opportunities for additional benefits through a return on investment from a potential shared ownership model being developed with Merthyr Tydfil CBC and Caerphilly CBC, as well as a community benefit fund.

Shared Ownership and Community Benefits

- 5.3.8 The Applicant is seeking to include both an element of shared ownership and the establishment of a community benefit fund. Welsh Government has set a target for increasing local ownership of renewable projects to 1GW by 2030 and every project having an element of local ownership from 2020 onwards.
- 5.3.9 The Applicant is working towards an agreement for a proportion of shared ownership²⁰ with MTBC and CCBC. If an agreement is reached with these two Councils, this will generate an annual return providing local government revenue for reinvestment into local amenities and services.
- 5.3.10 Benefits of shared ownership will be in the form of income to the local authorities that can be used to support public spending. Depending on the investment value this may range from £52,000 in annual benefit from a £1m investment through to £156,000 annual return for a £3m investment. While each council will choose how this income is spent, and therefore affect the jobs and GVA generated, this may support a part time or full-time job role each year.
- 5.3.11 A community benefit fund (CBF) of up to £5,000 per MW (industry standard at time of writing, index linked) each year is proposed. This will equate to up to £150,000 per annum for a 30MW scheme (though could increase to £180,000 should the project increase to 36MW), or £5.25m over the project lifetime.
- 5.3.12 Community benefit funds can be used by the community for anything they consider important and/or present opportunities for substantial investment in local amenities, as well as for economic regeneration and development. At other wind farms, community benefit fund allocations have been used to support local voluntary groups, sports teams and clubs, village halls and community centres, and equipment for schools. They have also been used to support economic outcomes including community cooperatives, such as shops, training provision for local residents and infrastructure investment such as improving energy efficiency in homes and delivering high speed broadband.

¹⁹ The economic figures are taken from the 'Pen March Wind Farm Economic Impact Report' and are based on a 30-year operational life and are therefore conservative figures.

²⁰ Shared ownership is a model whereby external parties to the developer can take a stake in the investment and ownership of a project or scheme and therefore benefit proportionately from any revenue generated. It is an ambition of Welsh Government is to increase local ownership in renewable energy projects to 1GW by 2030.

5.4 Policy Assessment Conclusions

- 5.4.1 Based on the assessment set out above, it is considered that the Proposed Scheme would not result in any unacceptable adverse effects in terms of environmental or technical considerations and would therefore accord with the key policies in Future Wales, namely Policies 17 and 18 and with other relevant provisions of the National Development Framework.
- 5.4.2 As noted in the section above, both host Councils adopted their LDPs prior to the publication of Future Wales. Since its publication, LDPs are required to be in conformity with Future Wales as it is the highest tier of the development plan in Wales and has primacy in the planning balance. As outlined above, the Proposed Scheme complies with Policies 17 and 18 of Future Wales.
- 5.4.3 With regard to the applicable policies from the respective LDPs which cover the Site, they all pre-date Future Wales and are as follows:
- > In terms of the lead policy in the Merthyr Tydfil Replacement LDP (2020), namely Policy EcW8 'Renewable Energy' the key matter, similar to the provisions of Future Wales, is whether any effects would arise that would be unacceptable; and
 - > The Caerphilly LDP dates from 2010. It does not contain a specific renewable energy policy, however in terms of 'amenity' considerations, Policy CW2 requires there to be no unacceptable impacts arising. The other policies which deal with the natural environment take a similar approach.
- 5.4.4 Overall, in terms of the Development Plan, the Proposed Scheme would not give rise to any unacceptable effects and is considered to accord with relevant policies and with the plan when read as a whole.

5.5 Accordance with the Well-being of Future Generations (Wales) Act 2015

- 5.5.1 The Proposed Scheme would improve the economic, social, environmental, and cultural well-being of Wales, in accordance with the sustainable development principle, under Section 3 of the Well-being of Future Generations (Wales) Act 2015 (WBFG Act). It is also in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being goals as set out as being required by Section 8 of the WBFG Act.
- 5.5.2 In addition to the benefits of energy generation carbon savings which have been set out, the Proposed Scheme will generate wider benefits including job creation and wider socio-economic impacts.
- 5.5.3 In addition, the Applicant is proposing to establish a community benefit fund that will bring benefits to the wider community.
- 5.5.4 Whilst it is recognised that ownership of the project and the community benefits fund are not material considerations for the planning balance, this information is included in the context of a Collaborative Benefits Report (CBR) which accompanies the DNS application. The CBR illustrates how the Applicant has adopted ways of working with local stakeholders that represent the wider community and how the developer has collaborated in order to maximise longer term benefits for the community.
- 5.5.5 Section 5 of PPW explains ways in which places can contribute to each of the seven goals of the WBFG Act including the following with reference to the goals set out in the Act:

- > "Achieved through ... increased economic activity across whole sectors and at all scales. This is realised through, inter alia, investment in renewable and low carbon energy sources". ([A Prosperous Wales](#))
- > "Supported by ... renewable energy generation". ([A Resilient Wales](#))
- > "Achieved through the reduction in emissions and air pollution as a result of generating energy from non-carbon sources. Greater distribution of our economic wealth can also help alleviate poverty which is a key determinant of health". ([A Healthier Wales](#))
- > "Achieved through promoting sufficient employment and enterprise opportunities for people to realise their potential and by recognising and building on the existing economic strengths of places to assist in delivering prosperity for all." ([A More Equal Wales](#))
- > "Created by people who have access to fulfilling work". ([A Wales of Cohesive Communities](#))
- > "Supported by the provision of jobs and economic activity". ([A Wales of Vibrant Culture and Thriving Welsh Language](#)).
- > "Promoted by reducing our carbon footprint through ... the promotion of renewable energy over carbon emitting sources and resource choices through which multiple benefits can be realised". ([A Globally Responsible Wales](#)).

5.5.6

As such, through the benefits of the Proposed Scheme (including renewable generation and carbon savings, economic impact and job creation) the proposal is considered to be in accordance with all seven of the Well-being goals as set out in the WBFG Act.

6. The Planning Balance & Conclusions

6.1 The Planning Balance

6.1.1 It is considered that the main issues to be addressed in the planning balance are as follows:

- > The in-principle acceptability of the Proposed Scheme in accordance with the Development Plan and related National Planning Policy.
- > The Site's location, recognising that whilst it is not within a PAA for wind energy in Future Wales the likely impact on the landscape and in terms of visual amenity has been carefully considered in the LVIA and the location has been found to be capable of accommodating the Proposed Scheme in an acceptable way.
- > The need to generate electricity by renewable means in order to meet Wales's international commitment and its own national target of achieving net zero GHG emissions by 2050.

The Development Plan

6.1.2 Future Wales (and PPW) set out a strong position of support in relation to renewable energy and renewable energy targets and recognise the significant energy resource that can be provided by onshore wind. This is clearly not at any cost and adverse environmental effects need to be judged to be acceptable in the overall planning balance when set against the benefits.

6.1.3 The policy provisions in Future Wales require consideration of a wind farm's contribution to renewable targets and climate emission reductions. Furthermore, each of the relevant sustainable criteria in the policy provisions have been considered in the previous Chapter with specific regard to Policies 17 and 18 of Future Wales and the Proposed Scheme is considered to be satisfactory.

6.1.4 The Proposed Scheme is in an appropriate location, and it is considered that it is consistent with the relevant provisions of national planning policy and advice. The policy provisions at a national level have been satisfactorily addressed. Notwithstanding the Site is not within a Pre-Assessed Area, the LVIA has demonstrated that the landscape has the capacity to successfully accommodate the Proposed Scheme.

6.1.5 Furthermore, in terms of planning policy provisions set out in Future Wales, there is now a clear shift from what was a move to a 'low carbon economy' – there is now an ambitious policy imperative to move to a net zero economy and society. The Proposed Scheme can help achieve that clear policy objective.

6.1.6 Therefore, the tilt point along the scale of possible decisions represented by the concept of the planning balance has been shifted by the clear direction of policy. This is put into sharp focus by the targets to be met in Wales by 2030 and 2050. The 2030 target is a considerable challenge.

The Climate Change and Renewable Energy Policy Framework

6.1.7 In summary, in order to combat climate change through decarbonisation of the energy system, Wales and the UK, require new renewable sources of energy, which

will ensure that a secure supply of electricity is available to meet the increased future demand. The provision of new renewable energy capacity will help the Welsh Government meet legally binding national and international commitments on climate change.

- 6.1.8 The urgent need for onshore wind has been set out: a large increase in the deployment of this renewable energy technology is supported through a number of policy documents and by Welsh Government commitments – most recently expressed in Future Wales.
- 6.1.9 This policy imperative has only increased since a ‘climate emergency’ was declared by the Welsh Government in April 2019. Furthermore, the drive to attain net zero emissions is now committed to in legislation at the UK and Welsh Government levels.
- 6.1.10 The climate emergency is not just a consideration, but it is a factor of considerable importance. It is not a ‘trump’ card but it adds to the weight of positive support in the balance in this case. Put the other way round, there needs to be more weighty reasons for refusal to withhold consent. Greater weight is attached to the policy imperative.
- 6.1.11 Overall, the renewable energy policy framework is a central and crucial consideration, and one that should attract significant weight in the balance of factors in the determination of the application.
- 6.1.12 The benefits of the Proposed Scheme have been set out in the context of the current Climate Emergency and after a period of economic recession – they would help address the issue of global heating and very challenging ‘net zero’ targets and contribute to improving security of supply and a ‘green recovery’.
- 6.1.13 It is considered that the benefits offered by the Proposed Scheme and the need case based in law and policy, demonstrably outweigh the negative impacts of the scheme.
- 6.1.14 Commercial scale wind turbines are by necessity large structures. It is not therefore surprising that some significant landscape and visual effects have been identified. The design of the wind farm has had landscape and visual effects as a key design influence from the outset, and the resultant effects are not considered unacceptable.

6.2 Conclusions

- 6.2.1 It has been demonstrated that the Proposed Scheme accords with local and national planning policy. Moreover, there is a substantial need for this type of development in order that pressing future targets in relation to the global heating crisis and renewable energy generation and GHG emission reductions can be met in time.
- 6.2.2 There is a climate emergency. That is a factor of importance and considerable weight in determining this application. It does not require a statement to that effect in a planning document to make it so. Planning decisions must be made within and respond to the changing economic and wider policy context within which development comes forward. The planning balance can therefore no longer be approached as it has been in the past.
- 6.2.3 The policy imperative must, in the Applicant’s view, be acted on. This does not mean that the decision maker should expect to find an express watering down of environmental protection. Weight is entirely a matter for the decision maker. However, the way that decision makers can recognise the strengthening policy imperative and the increased weight that should be given to the benefits of the

Proposed Scheme, is by giving relatively more weight to the seriousness and importance of energy policy related considerations in the planning balance.

6.2.4 Future Wales is clear that decision makers must give significant weight to Wales's need to meet its international commitments, and its target of generating 70% of consumed electricity by renewable means by 2030. In this regard, whilst the Proposed Scheme will result in some limited adverse effects, it is considered that these impacts are outweighed by the contribution that the proposal will make to meeting Wales's renewable energy targets and net zero objectives and when the wider benefits that would result are taken into account.

6.2.5 It can accordingly be concluded that the Proposed Scheme should be granted planning permission, subject to appropriate and reasonable conditions.

7. Appendix 1: Local Development Plan Policies

7.1.1 This Appendix sets out the Development Plan policies for the Local Authority Areas covered by the Site, namely Merthyr Tydfil County Borough Council and Caerphilly County Borough Council.

Merthyr Tydfil County Borough Council

7.1.2 **Table 7.1** below presents the relevant planning policies within the Merthyr Tydfil administrative area.

Table 7.1: Relevant Planning Policies – Merthyr Tydfil Replacement LDP (2020)

Policy	Comment
SW4 – Settlement Boundaries – <i>“To encourage development within urban areas, support the re-use of previously developed land, and to protect and support the functioning of our rural economy and the countryside, settlement boundaries will be defined as follows:</i> <i>Primary Growth Area:</i> > Merthyr Tydfil > Trefechan <i>Other Growth Areas:</i> > Troedyrhiw > Aberfan and Merthyr Vale > Quakers Yard, Edwardsville, Treharris and Trelewis > Bedlinog <i>Outside defined settlement boundaries, proposals will be regarded as ‘countryside development’ and will not be permitted unless the development:-</i> > is for the purposes of agriculture or forestry; > is associated with rural enterprises or the winning and working of minerals; > is for the re-use, adaptation, or replacement of rural buildings and dwellings; > supports the expansion of an existing business in the countryside;	The Site is located outside of the Merthyr Tydfil Primary Growth Area, as shown on the LDP proposals map. Therefore, development here would fall under development “<i>outside defined settlement boundaries</i>” and regarded as “<i>countryside development</i>”. This policy is positive towards renewable energy development as long as it remains in accordance with the LDP’s specific renewable energy policy, discussed below (Policy EcW8).

Policy	Comment
> is for tourism, recreation or leisure facilities or complementary development where the need for a countryside location is fully justified; > is for the provision of public utilities, infrastructure or waste management facilities that cannot reasonably be located elsewhere; > is required for the reclamation or treatment of unstable or contaminated land; > is for renewable energy in accordance with Policy EcW8; > <i>is for affordable housing in accordance with Policy SW5;</i> > <i>or is low-impact One Planet Development.</i> <i>Where ‘countryside development’ is acceptable in principle, the proposal must also satisfy other relevant plan policies.”</i>	
SW11 – Sustainable Design and Placemaking – <i>“Development must contribute to the creation of attractive and sustainable places through high quality, sustainable and inclusive design. Where appropriate new development will be required to:</i> <i>1. be appropriate to its local context in terms of scale, height, massing, elevational treatment, materials and detailing, layout, form, mix and density;</i> <i>2. integrate effectively with adjacent spaces, the public realm and historic environment to enhance the general street scene and create good quality townscape;</i> <i>3. not result in an unacceptable impact on local amenity, loss of light or privacy, or visual impact, and incorporate a good standard of landscape design;</i> <i>4. contribute to the provision of green infrastructure, including open space in accordance with the Council’s standards, sustainable drainage systems where appropriate, and ensure that the</i>	Generic policy which has been addressed through the EIA and scheme design processes. Criteria 1, 3, 8, and 9 of this policy are likely to be relevant to wind developments in the area.

Policy	Comment
<i>County Borough's network of green infrastructure is accessible and connected;</i> 5. <i>allow access for the widest range of people possible, and demonstrate that any traffic movements will not have an unacceptable impact on local amenity or highway safety and satisfy the Council's parking standards;</i> 6. <i>incorporate a range of inclusive/adaptable design specifications, a mix of house types, tenures and sizes to meet identified local needs;</i> 7. <i>incorporate resource efficient/adaptable buildings and layouts using sustainable design and construction techniques;</i> 8. <i>minimise the demand for energy and utilise renewable energy resources;</i> 9. <i>provide and protect relevant utility services and infrastructure without causing any unacceptable environmental impacts;</i> 10. <i>incorporate measures to improve ground and surface water quality wherever possible;</i> 11. <i>provide adequate facilities and space for waste collections and recycling; and</i> 12. <i>promote the creation of healthy and active environments and reduce the opportunity for crime and anti-social behaviour."</i>	
CW1 – The Historic Environment – <i>"The integrity of our historic environment assets will be conserved and enhanced. Development proposals will only be permitted where it can be demonstrated they would preserve or enhance the architectural quality, character or the historic or cultural importance of our designated historic environment assets. Development affecting undesignated historic environment assets including, Locally Listed Buildings or structures, Landscapes of Outstanding Historic Interest in Wales,</i>	This is a generic policy applying to all development proposals in the County area. The impact on the local historic environment has been considered and assessed during the EIA process. There are no identified built heritage features within the site boundary

Policy	Comment
<i>Urban Character Areas and Archaeologically Sensitive Areas should have regard to their special character and archaeological importance."</i>	
EnW1 – Nature Conservation and Ecosystem Resilience – <i>"Development proposals will be required to promote the resilience of ecosystems. In particular, proposals will be required to maintain and enhance biodiversity interests unless it can be demonstrated that:</i> <i>1. The need for the development clearly outweighs the biodiversity value of the site; and</i> <i>2. The impacts of the development can be satisfactorily mitigated and acceptably managed through future management regimes."</i>	This is a generic policy applying to all development proposals in the County area. Both criteria have been considered during the EIA process. The Site does lie entirely within a Site of Importance for Nature Conservation (SINC), therefore this policy is relevant for proposals within this area.
EnW2 – Internationally and Nationally Protected Sites and Species – <i>"Development likely to have an adverse effect either directly or indirectly on the conservation value of an internationally or nationally designated site, including the area, structure and function of designated features, will only be permitted where it is demonstrated that:</i> <i>1. There is no suitable alternative to the proposed development; and</i> <i>2. It can be demonstrated that the benefits from the development clearly outweigh the special interest of the site; and</i> <i>3. Appropriate compensatory measures are secured; or</i> <i>4. The proposal contributes to the protection, enhancement and positive management of the site.</i> <i>Development proposals likely to affect protected species will only be permitted where it is demonstrated that:</i> <i>1. The population size, range, distribution and long-term prospects of the species will not be significantly adversely impacted;</i> <i>2. There is no suitable alternative to the proposed development;</i> <i>3. The benefits of the development clearly outweigh the adverse impacts on the protected species; and</i>	See comments relating to the above policy. The identification of protected species on site has been determined through the standard assessment process with suitable management and mitigation proposed accordingly. There are no international or national protected sites within the site boundary, however the site does lie close to the Baltic And Tyle'r-Bont Quarries SSSI. Policy wording allows for the balance of impacts and benefits.

Policy	Comment
<i>4. Appropriate, avoidance, minimisation, mitigation, compensation and enhancement measures are provided.”</i>	
EnW3 – Regionally Important Geological Sites, Sites of Importance for Nature Conservation, Local Nature Reserves and Priority Habitats and Species – <i>“Development proposals likely to have an adverse impact on Regionally Important Geological Sites, Sites of Importance for Nature Conservation, Local Nature Reserves, or Priority Habitats and Species will only be permitted where it can be demonstrated that:</i> <i>1. The need for the development clearly outweighs the conservation value of the site;</i> <i>2. Adverse impacts on nature conservation features or geological features can be avoided;</i> <i>3. Appropriate and proportionate mitigation and compensation measures can be provided; and</i> <i>4. The development maintains and where possible enhances biodiversity and geodiversity interests”</i>	As discussed above, the Site lies entirely within a SINCC, therefore this policy is an important factor for a proposal on the site. Wording allows for need/benefits to outweigh harm and recognises that mitigation and compensation measures can influence that balance. Provision of biodiversity net gain has been considered in line with national planning policy.
EnW4 – Environmental Protection – <i>“Development proposals will be required to demonstrate they will not result in an unacceptable impact on people, residential amenity, property and / or the natural environment from either:</i> <i>> Pollution of land, surface water, ground water and the air;</i> <i>> Land contamination;</i> <i>> Hazardous substances;</i> <i>> Land stability;</i> <i>> Noise, vibration, dust, odour nuisance and light pollution; or</i> <i>> Any other identified risk to public health and safety.</i> <i>Where impacts are identified the Council will require applicants to demonstrate that appropriate measures have been incorporated to reduce, or minimise the impact identified to the lowest possible acceptable level.</i>	This is a generic policy applying to all development proposals in the County area. This has been considered and assessed during the EIA process. The need to minimise impacts to the ‘lowest possible acceptable level’ is not the appropriate approach and is not referenced in Future Wales. The wording is unusual as the highest acceptable level should theoretically be acceptable and would be more in line with Future Wales, to which greater weight should be afforded.

Policy	Comment
<i>Planning conditions may be imposed or legal obligation entered into, to secure any necessary mitigation and monitoring processes.</i> <i>In respect of the water environment, development proposals will be required to incorporate measures to improve water quality where opportunities exist. With regard to flood risk, new developments will be expected to avoid unnecessary flood risk and meet the requirements of TAN 15. No highly vulnerable development will be permitted within Development Advice Map (DAM) zone C2. Development will only be permitted in areas at risk of flooding where it can be demonstrated that the site can comply with the justification and assessment requirements set out in TAN 15."</i>	
EnW5 – Landscape Protection – <i>"The following areas are designated as Special Landscape Areas (SLAs):</i> <i>SLA1: Nant Morlais & Cwm Taf Fechan;</i> <i>SLA2: Winchfawr;</i> <i>SLA3: Merthyr West Flank;</i> <i>SLA4: Pontygwaith and</i> <i>SLA5: Gelligaer and Taf Bargoed.</i> <i>Development proposals will be permitted where it can be satisfactorily demonstrated that:</i> <i>a) It would not cause unacceptable harm to the character and quality of the landscape setting of the County Borough;</i> <i>b) Development within Special Landscape Areas are sensitive to their special characteristics;</i> <i>c) Development respects the local distinctiveness and historic character of the landscape;</i> <i>d) Development will safeguard local landscape character and landscape features, including views, which make a significant contribution to the character, history and setting of the locality;</i>	The Site lies within the Nant Morlais & Cwm Taf Fechan SLA, therefore this policy is an important factor for proposals on the site. The impact on landscape has been determined by way of the EIA process. Wording is supportive in that it considers the acceptability of impacts and point f) provides an opportunity to examine if renewable energy from wind outweighs potential harmful landscape impacts

Policy	Comment
e) <i>Development secures the enhancement of the character, appearance and quality of the landscape, through restoration, management or enhancement where possible;</i> f) <i>There is no satisfactory alternative and the benefits associated with the development can be demonstrated to outweigh the harm; and</i> g) <i>Where damage to local landscape character cannot be avoided appropriate mitigation has been secured.</i>	
EcW8 – Renewable Energy – <i>“We will support the use of renewable energy as a tangible means of reducing our local carbon footprint, where appropriate to do so. Development proposals for renewable energy will be permitted where:</i> > They do not have an unacceptable landscape and visual impact, including on the setting of the Brecon Beacons National Park. > There would be no unacceptable cumulative impacts in combination with existing or consented development. > Satisfactory mitigation can be put in place to minimise the impacts of the renewable energy proposal and its associated infrastructure. > Proposals make provision for the appropriate restoration and after-care of the land for its beneficial future re-use. <i>Within the Local Search Areas (LSA), proposals for solar energy generation will be permitted subject to the above criteria.</i> <i>Proposals for other development within these areas will only be permitted where they can demonstrate that they would not unacceptably prejudice the renewable energy generation potential of the LSA.”</i>	The Site lies immediately adjacent to the boundary of the Brecon Beacons National Park (Bannau Brycheiniog), therefore the impact of development on the setting of the National Park requires robust assessment and this is set out in the ES, Volume 4, Technical Appendix 5.3. The Site does not lie within a Local Search Area, which can be identified in the LDP proposals map.

Policy	Comment
EcW13 – Minerals Safeguarding – <i>“Known mineral resource of coal, sandstone, sand and gravel, and limestone are safeguarded as shown on the proposals map.</i> <i>New development will only be permitted in an area of known mineral resource where it has first been demonstrated that:</i> <i>1. Any reserves of minerals can be economically extracted prior to the commencement of development, and in the case of primary coal resources, there are wholly exceptional circumstances to justify its prior extraction; or</i> <i>2. Prior extraction would have an unacceptable impact on environmental or amenity considerations; or</i> <i>3. The resource in question is of poor quality / quantity; or</i> <i>4. The development would have no significant impact on the possible future working of the resource by reason of its nature, location or size.”</i>	The Site lies within an area safeguarded for limestone and sandstone however the Proposed Scheme is reversible and would therefore not sterilise any minerals resource.

Caerphilly County Borough Council

7.1.3

Table 7.2 presents the relevant planning policies within the Caerphilly administrative area.

Table 7.2: Relevant Planning Policies – Caerphilly LDP up to 2021 (2010)

Policy	Comment
SP1 – Development Strategy – Development in the Heads of the Valleys Regeneration Area – <i>“Proposals in the Heads of the Valley Regeneration Area will be required to:</i> <i>A - Promote the north of the County Borough as a tourist, employment and residential area at the heart of the valleys city region and</i> <i>B - Provide appropriate forms of growth in response to the role and function of settlements and</i> <i>C - Serve to address existing problems of deprivation in order to sustain and develop communities in a manner that is consistent with the underlying principles of sustainable development”</i>	The Council area is divided into 3 LDP ‘strategy areas’, with the northern part of the Council area, including the Site, located within the Heads of the Valleys Regeneration Area. The points included in the policy are generic and could be considered to be in favour of wind development.

Policy	Comment
SP6 – Place Making – <i>“Development proposals should contribute to creating sustainable places by having full regard to the context of the local, natural, historic and built environment and its special features through:</i> <i>A - An appropriate mix of uses that reflect the role and function of settlements</i> <i>B - A high standard of design that reinforces attractive qualities of local distinctiveness</i> <i>C - Design in accordance with best practice in terms of designing out crime</i> <i>D - A location and layout that reflects sustainable transport and accessibility principles and provides full, easy and safe access for all</i> <i>E - The incorporation of resource efficiency and passive solar gain through layout, materials, construction techniques, water conservation, and where appropriate the use of sustainable drainage systems</i> <i>F - The efficient use of land, including higher densities where development is close to key transport nodes</i> <i>G - The incorporation and enhancement of existing natural heritage features</i> <i>H - The incorporation of mitigation measures that improve and maintain air quality.”</i>	This is a generic policy applying to all development proposals in the County area. Each of the criteria have been considered during the EIA process in terms of relevant environmental topics. In common with the above policy, these generic policies provide little guidance for wind energy developments and are should only be given limited wight in decision making.
SP8 – Minerals Safeguarding – <i>“The Council will contribute to the regional demand for a continuous supply of minerals by:</i> <i>A - Safeguarding known resources of coal, sand and gravel and hard rock</i> <i>B - Maintaining a minimum 10-year land bank of permitted aggregate reserves in line with national guidance.”</i>	According to the LDP Proposals Map, the Site area lies within a safeguarding area for sandstone, with a small section of the Site to the north also lying within an area safeguarded for coal.
SP10 – Conservation of Natural Heritage – <i>“The Council will protect, conserve, enhance and manage the natural heritage of the County Borough in the consideration of all development proposals within both the rural and built environment.”</i>	This is a generic policy which has been addressed through the EIA and scheme design processes. The term ‘natural heritage’ covers the geology, geomorphology, biodiversity, landscape and amenity value of the County Borough. Requirements include enhancement and is necessary to demonstrate a net biodiversity gain

Policy	Comment
	in line with new Welsh national policy (see below).
CW1 – Sustainable Transport, Accessibility and Social Inclusion – <i>“Development proposals that are likely to generate a significant number of trips will only be permitted provided:</i> <i>A - Walking and cycling are modes of travel which have been actively encouraged for short trips to and within the development and to nearby services and facilities, including public transport nodes, through the provision of appropriate infrastructure</i> <i>B - Provision has been made for ease of cycling, including secure bike storage and cyclist facilities</i> <i>C - It has been demonstrated that where a significant number of freight trips will be generated, the least environmentally damaging route will be utilised</i> <i>D - The use of Green Travel Plans has been encouraged, where appropriate.”</i>	Criterion C of this policy would be most relevant to wind proposals in the site area and would likely be managed through assessment and the implementation of a Construction Traffic Management Plan.
CW2 – Amenity – <i>“Development proposals must have regard for all relevant material planning considerations in order to satisfy the following requirements:</i> <i>A - There is no unacceptable impact on the amenity of adjacent properties or land</i> <i>B - The proposal would not result in overdevelopment of the site and / or its surroundings</i> <i>C - The proposed use is compatible with surrounding land-uses and would not constrain the development of neighbouring sites for their identified land-use</i> <i>D - Where applicable, the viability of existing neighbouring land uses would not be compromised by virtue of their potential impact upon the amenity of proposed new residential development.”</i>	This is a general policy applying to all development proposals in the County area. Each of the criteria have been considered and assessed during the EIA. The policy is framed in terms of acceptability implying that a balance of impacts and benefits is to be applied.
Policy CW3 Design Considerations – Highways: <i>“Development proposals must satisfy the following highway requirements:</i> <i>A The proposal has regard for the safe, effective, and efficient use of the transportation network;</i>	Traffic and transport matters have been addressed in the EIA.

Policy	Comment
<i>B The proposal ensures that new access roads within development proposals are designed to a standard that:</i> <i>Promotes the interests of pedestrians, cyclists and public transport before that of the private car; and</i> <i>Safely and effectively accommodates the scale and nature of traffic, which those roads are intended to serve</i> <i>C Parking, appropriate servicing and operational space have been provided in accordance with the CSS Wales Parking Standards 2008; and</i> <i>D Where access onto a highway is required, the proposal takes account of the restrictions relevant to the class of road as designated in the road hierarchy ensuring movements and speeds are controlled through appropriate design, in order to ensure highway safety and amenity”</i>	
CW4 – Natural Heritage Protection – <i>“Development proposals that affect locally designated natural heritage features, will only be permitted:</i> <i>A - Where they conserve and where appropriate enhance the distinctive or characteristic features of the Special Landscape Area (SLA) or Visually Important Local Landscape (VILL).</i> <i>B - Within, or in close proximity to sites designated as Sites of Importance for Nature Conservation (SINC), Local Nature Reserves (LNR), Regionally Important Geological Sites (RIGS), Green Corridors, or Local Priority Habitats and Species, where proposals either:</i> <i>i - Conserve and where appropriate enhance the ecological or geological importance of the designation, or</i> <i>ii - Are such that the need for the development outweighs the ecological importance of the site, and where harm is minimised by mitigation measures and offset as far as practicable by compensation measures designed to ensure that there is no reduction in the overall value of the area or feature.”</i>	The whole of the Site area lies within a Special Landscape Area (SLA) according to the LDP Proposals Map. A detailed understanding of the SLA’s character and features and sensitivity to wind energy development has been part of the EIA process. The whole of the Site within the Caerphilly area is also designated as a Site of Importance for Nature Conservation (SINC), therefore this policy is relevant in the determination of a proposal. Policy wording allows for a balance to be made and for mitigation measures to be employed in considering ecological impacts.
CW6 – Trees, Woodland and Hedgerow Protection –	The Site area contains few trees and hedgerows, however any development affecting trees,

Policy	Comment
<i>“Development proposals on sites containing trees, woodlands and hedgerows, or which are bordered by one of more such trees or hedgerows, will only be permitted provided that:</i> <i>A - Where arboricultural surveys are required, they are submitted and approved, including any mitigation, compensation or management requirements, as part of the planning application.</i> <i>B - Root systems will be retained and adequately protected for the duration of all development activity on site.</i> <i>C - Development proposals have made all reasonable efforts to retain, protect and integrate trees, woodlands or hedgerows within the development site.</i> <i>D - Where trees, woodlands or hedgerows are removed, suitable replacements are provided where appropriate.”</i>	woodland or hedgerows would be required to comply with this policy. The Proposed Scheme does not affect trees or hedgerows.
CW15 – General Locational Constraints – <i>“Development proposals will be considered against the following criteria, where they apply:</i> <i>A - Development proposals will not be permitted if they prejudice the implementation of wider comprehensive redevelopment or constrain the development of any adjacent site for its allocated land-use</i> <i>B - Within settlement boundaries proposals for all types of development accord with the role and function of the settlement within which they are located, and</i> <i>C - Outside settlement boundaries proposals will not be permitted unless the Proposed Scheme is either:</i> <i>i - Associated with either agriculture, forestry or the winning and working of minerals or</i> <i>ii - For the conversion, rehabilitation or replacement of rural buildings and dwellings, or</i> <i>iii - For recreation, leisure and tourism proposals that are suitable in a countryside location or</i> <i>iv - Associated with the provision of public utilities, infrastructure and waste management facilities that cannot reasonably be located elsewhere or</i>	This is a general policy applying to all development proposals. Wind proposals within the site area have the potential to be in conflict with winning of minerals, recreation, leisure and tourism activities. Analysis through the EIA process demonstrates that the Proposed Scheme would be acceptable in relation to these matters.

Policy	Comment
<i>v - Associated with the reclamation / treatment of derelict or contaminated land."</i>	
CW19 – Locational Constraints – Rural Development and Diversification – <i>"Rural Development and Diversification schemes will be permitted where:</i> <i>A - They are consistent in scale and compatible with their rural location, including the retention and enhancement of existing natural heritage features</i> <i>B - That where buildings are required to deliver the scheme, existing buildings are reused where possible, or the new buildings relate to an existing group of buildings</i> <i>C - They will be complementary to, and not prejudice, the operation of the existing business."</i>	The site area lies within predominantly rural area, therefore this policy is likely to be of some relevance in the determination of proposals in the area, particularly criterion A of the policy. However the Site is very close to and sits in the context of industry, transport and other infrastructure.
CW22 – Locational Constraints – Minerals – <i>"Development proposals which may impact on minerals safeguarding areas will be considered against the following requirements, as applicable:</i> <i>A - Proposals for permanent development uses within identified mineral safeguarding areas will not be approved unless:</i> <i>i - The applicant can demonstrate that the mineral is no longer of any value or potential value, or</i> <i>ii - The mineral can be extracted satisfactorily prior to the development taking place, or</i> <i>iii - There is an overriding need for the development, or</i> <i>iv - The development comprises infill development within a built up area or householder development or an extension to an existing building</i> <i>B - Proposals for development uses of a temporary nature within identified mineral safeguarding areas will not be approved unless they can be completed and the site restored to a condition that does not inhibit mineral extraction within the timescale that the mineral is likely to be needed."</i>	Due to the reversible nature of wind developments, criterion B of this policy would apply unless an in-perpetuity consent was sought. Policy wording is positive as it allows for demonstration of an overriding need.

David C Bell BSc (Hons) DipUD MCIHT MRTPI

David Bell Planning Ltd
26 Alva Street
Edinburgh
EH2 4PY

dbplanning.co.uk

© David Bell Planning Ltd Copyright 2023