

Sustainability Committee

Inquiry into Carbon Reduction in Wales: The Role of the Planning System in Carbon Reduction

Written evidence from the Countryside Council for Wales

INTRODUCTION

The Countryside Council for Wales (CCW) is the Government's statutory advisor on sustaining natural beauty, wildlife and the opportunity for outdoor enjoyment in Wales and its inshore waters. We champion the environment and landscapes of Wales and our coastal waters as sources of natural and cultural riches, as a foundation for economic and social activity and as a place for leisure and learning opportunities. We aim to make the environment a valued part of everyone's life in Wales.

CCW supports both the UK and Welsh governments' targets for the reduction of CO2 emissions; the Assembly Government's pursuance of the devolution of building regulations, and its aspirations for new buildings to be carbon neutral by 2011.

CCW has previously contributed evidence to the committee's inquiry into carbon reduction in Wales. We do not intend to repeat this evidence in this submission.

CCW has prepared and submitted responses to a number of Assembly Government consultations which might be of interest to this inquiry by the Assembly's Sustainability Committee. Whilst it is not intended to repeat those consultation responses here, in answering the committee's questions, references are made to some of those responses where appropriate.

Our key messages with regard to this specific aspect of the Committee's inquiry are:

- The planning system has an important role in the delivery of government policies and aspirations with regard to renewable energy and carbon emissions reduction. This role is primarily implemented by ensuring that the location, siting, and design of new development take account of climate change considerations.
- CCW considers that the principles and framework which underpins the planning system in Wales is generally well equipped to implement government policy for energy and carbon emissions reduction. However, CCW believes that there is a continued need to make provision for appropriate design training and awareness raising measures to enable better understanding and response within the planning system towards carbon reduction and climate change issues.
- The work currently underway to identify the scope of low carbon regions within the context of the Wales Spatial Plan provides a potential framework to provide a regional context for the implementation of national targets at a local level.
- The Wales Spatial Plan and review of Planning Policy and Technical Guidance provides an opportunity to define the role of Wales's green infrastructure in helping mitigate and adapt to climate change.

- CCW further considers that the planning system's contribution towards the delivery of government policies will be facilitated by better integration between the planning system and other processes and consents mechanisms. Specifically it is important that the strategic planning of energy generation is better integrated with the strategic planning of electricity transmission systems. Better integration could offer greater clarity and consistency for stakeholders in the decision making process.
- Early engagement with key stakeholders at pre application stage provides an opportunity to identify the `right development in the right place` and to maximise environmental outcomes.

1. *What particular actions do you think the Welsh Assembly Government should be taking to ensure that the land use planning system in Wales encourages greater progress towards the achievement of carbon reduction targets?*

National Policy and Guidance

Existing national planning policy promotes sustainable development, and thereby makes provision for the planning system to contribute towards carbon emissions reduction (e.g. Planning Policy Wales 2002, Chapter 2). These policies include locational considerations that make provision for:

- locating development in close proximity, and where there is good access, to a variety of uses so as to minimise the demand for travel (especially by private car);
- higher density development (where appropriate); and
- promoting the re-use of previously developed land and existing buildings (e.g. Planning Policy Wales 2002, Chapter 2; MIPPS – Housing 2006).

Care must be taken, particularly for rural areas, that locational considerations does not equate with the centralising of development, but rather adopt a sequential approach (*Planning Policy Wales 2002*, paras. 9.2.7-9 & 10.2.9-12) towards the allocation of development to enable the sustainability of those developments (*Planning Policy Wales 2002*, para. 2.4.4)

Green Infrastructure

Green infrastructure is the interconnected network of green space that conserves natural ecosystem functions and the associated ecosystem services they provide to people. The network can be made up of rivers, wetlands, special sites, reserves, woodland, farmland, parks, and any other open space that supports native species, maintains natural ecological processes, sustains air and water resources and contributes to peoples' health and quality of life. In terms of public goods, these ecosystem services are just as crucial to sustainable development as the built, or grey, infrastructure of roads, sewers, or utilities.

Green infrastructure therefore, has a key role in helping mitigate and adapt to the threat of climate change, by for example, controlling flooding or sequestering carbon in peatland. There is a need to define this spatially within the context of the Wales Spatial Plan and Planning Policy Wales. The report 'A Framework for the South East Wales Networked Environmental Region', December 2008, is an attempt by the WAG Spatial Plan Unit and CCW to explore, spatially what this approach means when applied to the WSP.

Design

'*Technical Advice Note 12 – Design*' (TAN 12) promotes the principle of 'sustainable design', and refers to siting and building design considerations that can contribute towards reducing carbon emissions and resource use (TAN 12, 2002, paras. 5.67 – 5.71). The application of locational, siting and design considerations for new development may result in less low and zero carbon equipment being necessary, although options for incorporating such technologies should be considered at the design stage.

However, greater awareness of the design process is required – both conceptually and technically. It is also worth stating the fact that good policies can and do fail where they are implemented through poor design. Consideration should be given to the robustness of existing design guidance in considering climate change issues, and whether there is sufficient weighting attached to such guidance. Such guidance should include examples of best practice, and should address climate change mitigation and adaptation. CCW considers that such design guidance should include biodiversity considerations and opportunities e.g.: encompassing the need to avoid exceeding resource capacity; the 'urban forestry' concept; and green roofs.

Furthermore, whilst design guidance relating to types of development is needed, design guidance should also relate to specific areas – or landscapes –to help tailor developments to the particular local environmental characteristics. *LANDMAP* assessments can help form the basis of such an approach.

CCW welcomes and fully supports the introduction of statutory Design and Access Statements, which makes provision for sustainability implications to be considered as part of a development proposal. CCW considers that Design and Access Statements should address how certain developments proposed within National Parks and AONBs takes account of, and meets, the criteria of National Park and AONB purposes.

CCW welcomes the guidance for domestic buildings contained in '*Improving your Home – A Climate Change Guide*' (2008). This document, which makes reference to a number of planning measures, offers guidance to reduce carbon emissions for existing housing stock. However, it should be noted that the majority of measures which can contribute towards carbon emission reduction within existing housing stock lie outside the planning system. Such measures have been raised by CCW in its response to this committee's inquiry: 'Residential Carbon Reduction'. Nevertheless, CCW considers that consideration may be given for producing similar guidance for non-domestic buildings. This may include; a guide for owners of non-domestic buildings to conduct a carbon and energy assessment, and advice on upgrading.

On-site Carbon Reduction Targets and Domestic Energy

As part of measures to meet government targets and aspirations, CCW support in principle proposals for: new sustainable building standards; and on-site carbon reduction targets, which may include the incorporation of on-site or local zero or low carbon equipment, for particular forms of development (e.g. '*Further Consultation on Planning for Climate Change*', 2008). However, existing material planning considerations, such as designations, may limit the appropriateness of applying such requirements uniformly in all areas of Wales. In such cases, CCW considers that any new on-site carbon reduction requirement should be applied in a manner that does

not compromise the reason for designation. CCW notes that similar provision already exists within national advice for Scotland (*'Planning Advice Note 84: Reducing Carbon Emissions in New Development'* 2008, paras. 51 - 54), which enables, where technical constraints prohibits achieving on-site carbon reduction targets, equivalent carbon savings to be made elsewhere.

The delivery of on-site carbon reduction targets will depend on the real availability of a range of low or zero carbon equipment for potential developers. Some technologies may be more costly than others, which might limit the type of on-site equipment proposed for a development. Whilst the availability and cost of such equipment is beyond the control of the planning system, it may be found that for certain locations or sites, existing material planning considerations may limit the type, scale and location of equipment proposed as part of planning proposal.

As part of any proposal for on-site reduction targets, CCW also suggests that the Assembly Government should consider commissioning research to:

- review the performance achieved by, and any issues found for, developments designed to incorporate zero or low carbon equipment; and
- assess the efficiency of existing installations of low carbon equipment.

Strategic Environmental Assessment

As part of the Wales Spatial Plan and Local Development Plan process a strategic environmental assessment (SEA), either alone or as part of sustainability appraisal (SA/SEA), can help to ensure that plans (and programmes) take full account of environmental issues. European Directive 2001/42/EC *On the assessment of the effects of certain plans and programmes on the environment* (the "SEA Directive") requires a plan to identify and evaluate the plan's impacts on a number of environmental issues, including climatic matters, and, where appropriate, to put measures in place to minimise and respond to significant impacts identified.

The SEA process provides an opportunity to integrate carbon reduction targets within the strategic framework for spatial and land use planning in Wales.

2. *What particular actions do you think the Local Planning Authorities in Wales should be taking to ensure that the land use planning system in Wales encourages greater progress towards the achievement of carbon reduction targets?*

Allocating land for development

Environmental sustainability considerations should feature prominently when allocating land as part of the local development plan process. This should be informed by the SA/SEA and Habitats Regulations Assessment process that accompanies the local development plan. In deciding which areas and sites are suitable, planning authorities should take into account: access through sustainable transport; proximity to service and community infrastructure; opportunities for green infrastructure; and opportunities for decentralised renewable energy. Similarly, applications for planning permission should be considered against these criteria.

The low carbon regions work currently being undertaken within the Wales Spatial Plan process provides an opportunity to provide a strategic context between national targets and the role of the local development planning process.

On-site Carbon Reduction Targets

CCW welcomes the proposal to enable local planning authorities to set, where opportunities exist, higher sustainable building standards and carbon reduction percentage requirements than the national minimum standard (*'Further Consultation on Planning for Climate Change'*, 2008). CCW considers that the development plan process, including the SA/SEA and HRA, is the appropriate forum to consider whether local circumstances exist that justifies higher standards and requirements.

CCW welcomes the provision in 'MIPPS 01/2005 - Planning for Renewable Energy' (paras. 12.9.1 – 12.9.2) for planning authorities to assess the potential of renewable energy resources and technologies, energy efficiency and conservation measures, and include appropriate policies in local development plans. CCW notes the work already undertaken at Pembrokeshire Coast National Park Authority, which has conducted an assessment of the potential for low carbon and renewable land based technologies within the National Park (*'Development of a Renewable Energy Assessment and Target Information for the Pembrokeshire Coast National Park: Draft Final Report'*, 2008). CCW would welcome the opportunity of early involvement in discussions with other planning authorities that intend to conduct such assessments for their respective local areas.

CCW considers that local policies should seek developers to provide detail regarding the type, scale and location of any on-site zero or low carbon equipment at an early stage of the planning application process. Such local policies should also require developers to consider any issues the equipment is likely to raise.

Local design guidance should reflect the need for reducing carbon emissions as well as climate change adaptation and mitigation. Such guidance should address location, siting/ layout and building design considerations, and opportunities for decentralised renewable energy. The guidance should relate both to: types of development; and specific areas – or landscapes –to help tailor developments to the particular local environmental characteristics. *LANDMAP* assessments can help form the basis of such an approach. In addition, design briefs, frameworks, and master planning offers opportunities for identifying and providing for environmental considerations at an early stage in the planning process. CCW advocates an approach that goes beyond merely outlining development sites within an area. Master planning for incremental development over a plan period being the ideal, and developers then fitting into this. The master plan area would also need to be larger than just the development sites. The provision of green infrastructure should not necessarily wait for sites to be developed – for example advance tree planting (which can offer shelter to reduce building exposure and consequential loss of energy) so that when development takes place, it does so into an already partially mitigated site.

3. *What are your views on the Assembly Government's revised proposals for planning for climate change? In particular, do they go far enough in implementing the previous recommendations of the Committee?*

Please refer to the answers provided for questions 1 and 2 above.

4. *What changes to the planning system are needed to ensure that low carbon technologies are introduced more extensively into residential properties in Wales?*

5. What needs to be done to ensure better co-ordination between land-use planning and transport planning?

The Assembly Government has identified a need for better integration between transport and land use planning with regard to the link-up between the Regional Transport Plans (RTPs) at local level and the respective local development plans, and the sub-regional elements of the WSP (*Regional Transport Plan Guidance 2007*, para. 3.13).

Whilst the local development plan process makes provision for local and regional transport plans to be considered, and for the Regional Transport Consortia to participate in the local development plan process (*Regional Transport Plan Guidance 2007*), it is worth noting that provision for Regional Transport Strategies exist in England which set out objectives for Local Transport Plans to address, in line with Regional Spatial Strategies. Consideration may be given to assess whether a similar approach may be applied in Wales to better integrate transport with Wales Spatial Plan objectives.

6. Does the Welsh Assembly Government's new transport strategy, One Wales: Connecting the Nation give sufficient emphasis to this issue?

Transport accounts for 24% of the UK's CO₂ emissions, and has the fastest growing increase in emission levels. CCW supports and welcomes the intention within 'Connecting the Nation' to apportion a particular emissions reduction target for transport (p. 5 & 40). CCW considers that the One Wales commitment to achieving annual 3% emissions reduction requires significant action and ambitious emission reduction target for transport.

CCW welcomes the close alignment of 'Connecting the Nation' to the 'Wales Spatial Plan', and the promotion of co-ordination between adjacent Regional Transport Consortia, and close working between the Consortia and the with each Spatial Plan group to enable their Transport Plans to meet the requirements within and between Spatial Plan areas in a consistent manner .

CCW considers that the delivery of the strategy could be strengthened by identifying the key partners within 'Connecting the Nation' in order to highlight the particular responsibilities of different agencies, including those within the spatial planning system.

7. What are your views on the current and proposed planning regimes for the consideration of large-scale energy projects in Wales?

With regard to energy generation, CCW stress the need for a strategic, sequential approach, seeking to lower environmental impacts, through:

1. *Energy efficiency & demand management,*
2. *Cleaning up conventional generation &*
3. *Expanding renewable energy: the right technology in the right place*

CCW considers that a step change is needed to control and minimise demand. While the gains to be made by technological improvements to existing fossil fuel plants are substantial, CCW considers that demand management and appropriate forms of renewable energy provide a more effective long-term solution.

To facilitate the expansion of renewable energy, and to provide the necessary certainty for developers while minimising the environmental impact, CCW supports a strategic, spatial approach, steering the right technology to the right location. This can be achieved by proactive policy work using planning policy and Strategic Environmental Assessment to set a framework for development where individual applications will, as a result, have already been steered to the areas with most capacity to absorb them. This is further discussed in our response to Question 8.

CCW understands the complex statutory and procedural difficulties attending a comprehensive approach to energy. Proposals above a certain threshold, or outside the low water mark, may currently be decided through different consent processes, and on different criteria. This is unlikely to offer greater clarity or consistency into the decision making process. There is a need for greater integration between different consent processes. CCW considers that further clarity is also required with regard to the role of any representation from Wales in the Infrastructure Planning Commission (IPC).

Strategically there is also a need to ensure integration between strategic planning for generation of energy and strategic planning for its transmission.

There is also a need to undertake research into the role of, and environmental impact of, decentralised distribution systems in Wales.

Integration of terrestrial and marine planning systems should help ensure greater clarity and certainty for stakeholders within the decision making process. CCW is currently contributing to the WAG Marine Renewable Energy Strategic Framework study and believe that by providing a sound evidence base, this important initiative will play a key role in ensuring the sustainable development of the industry.

8. *What changes to Technical Advice Note 8 (Planning and Renewable Energy) would you wish to see?*

CCW welcomes, and has long advocated, the overall policy approach set out in the MIPPS and TAN 8- in particular the use of a strategic all Wales spatial approach to finding suitable locations together with an increased emphasis on energy efficiency and conservation. The strategic spatial approach potentially provides a framework to facilitate positive planning to address climate change identifying positive solutions, the right type of development in the most appropriate locations, thereby helping secure government targets whilst minimising environmental cost. However, CCW considers that the guidance could be developed further to introduce greater clarity and certainty for all involved in the development process, notably integration with the process for planning for the transmission of energy .

The strategic approach adopted at national level should be applied **within** the SSAs to help provide a strategic framework to identify locations with the appropriate environmental capacity for development. CCW can help provide detailed advice and guidance on natural heritage and access resources within and adjacent to the SSAs.

CCW's wider role in helping advise on the location, siting and detailed design of proposals should be noted in any guidance regarding renewable energy, and stakeholders should be encouraged to seek our advice.

Guidance should highlight the importance of early and pre application discussions in helping identify design principles, including natural heritage, underpinning the

proposed development at the earliest stage of project planning and apply these throughout the design and construction process. Early involvement and discussion can also identify the need for integration with other related consents mechanisms. A project team approach to major development should be promoted to help ensure adverse impact on natural heritage are minimised and positive benefits maximised. Such an approach potentially saves time and cost on design options which could be inadequate and subsequently rejected.

CCW considers that current guidance does not offer sufficient reference to sources of renewable energy that are alternative to wind power, and therefore too little guidance is offered on alternative technologies. Further detail is required regarding the requirements and issues associated with different renewable energy technologies. This should include making reference, and directing planning authorities, to relevant national, regional, and local strategies and plans.

CCW recommends the need for guidance to reflect a strategic approach that integrates generation with connection to the National Grid network. CCW has advocated early stakeholder involvement as part of measures to ensure relevant material planning considerations are taken into account.

CCW considers that amendments to TAN 8 provides an opportunity to provide guidance on the need for an assessment of carbon savings as part of windfarm proposals, and seek the views of stakeholders in Wales regarding developing a consistent approach in the methods used to calculate carbon savings. In 2008 a new approach was developed by the Scottish Executive to calculate the impact of wind farm developments on the soil carbon stocks held in peats (*'Calculating carbon savings from wind farms on Scottish peat lands - A New Approach'*) which provides a basis for a similar approach in Wales:<http://www.scotland.gov.uk/Publications/2008/06/25114657/18>

CCW has previously responded in detail to the Welsh Assembly Government on changes to TAN 8 in our response to the consultation: *'Consultation on Draft Ministerial Interim Planning Policy Statement on Renewable Energy and Draft Technical Advice Note 8: Renewable Energy'* (2004). Whilst a number of issues raised in our response were taken on board, CCW considers that a number of our comments remain relevant with regard to the current draft of TAN 8. A copy of that response is attached at Appendix 1.

COUNTRYSIDE COUNCIL FOR WALES

JANUARY 2008

Appendix 1

CADEIRYDD/CHAIRMAN: JOHN LLOYD JONES OBE • PRIF WEITHREDWR/CHIEF EXECUTIVE: ROGER THOMAS

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4 November

CONSULTATION ON DRAFT MINISTERIAL INTERIM PLANNING POLICY STATEMENT ON RENEWABLE ENERGY AND DRAFT TECHNICAL ADVICE NOTE 8: RENEWABLE ENERGY

Thank you for your letter of 13 July and the opportunity to comment on draft TAN 8 and on proposed changes to Planning Policy Wales. The Countryside Council for Wales (CCW) is the Welsh Assembly's independent adviser on countryside and wildlife issues in Wales. We have statutory responsibilities for wildlife conservation on land and at sea, for landscape conservation, for promoting enjoyment of the countryside and for encouraging public understanding. On the Assembly's behalf, we also administer the Tir Gofal agri-environment scheme throughout Wales.

There is now a body of scientific evidence that man-made greenhouse gases are having a demonstrable effect on the earth's climate. The impacts of climate change are not remote risks for the future they are already with us and pose a real and demonstrable challenge to economic, social and environmental well-being. There is a need to respond now to develop policies and programmes to mitigate, and adapt to, the effects of climate change.

The land use planning system has an important role in responding to climate change with respect to both mitigation and adaptation measures. The recent ODPM publication 'The Planning Response to Climate Change - Advice on Better Practice' provides a wide range of information and advice on developing planning policies that work in concert with other policy instruments and programmes including taxation, regulation of markets and subsidies and programmes. Energy systems, including the development of sustainable energy supply from renewable sources and CHP, are identified as an important component of the action needed to address climate change. Whilst TAN 8 can provide detailed guidance on planning for

renewable energy in Wales CCW recommends that a Climate Change TAN be prepared to provide overall guidance and advice on the role of planning in addressing climate change. **Priority should be given to mitigating the long-term impact of**

climate change by minimising greenhouse gas emissions with emphasis on demand management and energy efficiency measures. The preparation of a climate change TAN should not, however, preclude the publication of TAN 8 in its final form, it is important to act now to help address climate change.

CCW welcomes, and has long advocated, the overall policy approach set out in the MIPPS and TAN 8 in particular the use of a strategic all Wales spatial approach to finding suitable locations together with an increased emphasis on energy efficiency and conservation. The strategic spatial approach potentially provides a framework to facilitate positive planning to address climate change identifying positive solutions, the right type of development in the most appropriate locations, thereby helping secure government targets whilst minimising environmental cost. Much of our response is to the effect that CCW agrees with the policy approach but considers that the guidance could be developed further to introduce greater clarity and certainty for all involved in the development process and should be supported by a decision support tool developed to help inform the decision making process within the planning system. Without a proactive approach within the Strategic Search Areas CCW is concerned that the strategic approach will stall. An outline proposal to develop a decision support tool is set out as Annex 3.

Our general comments on the MIPPS and TAN 8 are set out in Annex 1, specific comments are attached as Annex 2.

CCW look forward to working in partnership with the Welsh Assembly Government and other stakeholders to help take forward the strategic approach to the development of wind turbines in Wales.

Roger Thomas

Chief Executive

Enc

cc: Directors' Team, Gareth Roberts, Keith Davies, Simon Bilsborough

ANNEX 1

THE GENERAL COMMENTS OF THE COUNTRYSIDE COUNCIL FOR WALES

The general comments of CCW in response to the MIPPS and TAN 8 are set out below. Detailed comments are set out as Annex 2.

- The Technical Guidance part of the advice could make the overall policy easier to understand in its implications, and easier to implement on the ground. Improving clarity will help provide certainty to stakeholders involved in the development process. For example, other than brief reference to Environmental Impact Assessment, no reference is made to the importance of integration with other related processes and consents mechanisms, e.g. Wales Spatial Plan, National Park and AONB Management Plans, Strategic Environmental Assessment, Biodiversity Action Plan targets (and Section 74 list), and Appropriate Assessment required under the Habitat Regulations where relevant. Furthermore, although we understand that most renewable wind energy will be found within the strategic search areas, the treatment of proposals for wind energy and other renewable energy projects in areas outside is vague and needs to be clarified.
- The strategic approach adopted at national level should be applied **within** the SSAs to help provide a strategic framework to identify the environmentally least worst locations. CCW can help provide detailed advice and guidance on natural heritage and access resources within and adjacent to the SSAs. A detailed analysis of the natural heritage and access resources within the SSAs is in preparation. To help inform the decision making process it would be helpful to provide key stakeholders with a decision support tool. An outline proposal is attached as Annex 3 and CCW would welcome an opportunity to discuss this proposal further with WAG officers. Once suitable locations have been identified there would, in CCW's view, be benefits in adopting a project team approach to strategic developments, with developers working together, at an early stage, with Local Planning Authorities, CCW and other stakeholders to promote the best possible development proposal and integration with all relevant statutory processes. **Without a proactive approach CCW is concerned that the strategic approach will stall.**
- CCW also considers that as a Technical Advice Note, the guidance should have more to say on location, siting and micro siting, and on design or demand management issues. The Climate Change TAN proposed above provides a mechanism to address these issues in detail.
- CCW understands the complex statutory and procedural difficulties attending a comprehensive approach to energy. Proposals above a certain threshold, or outside the low water mark, may currently be decided through different consent processes, and on different criteria. This is unlikely to introduce greater clarity or consistency into the decision making process. CCW therefore recommends an integrated process for the offshore and terrestrial territory of Wales and the adoption of one set of criteria to inform decision making. At present there is little integration with offshore resources and processes that, in CCW's view, are key factors in the effective spatial planning of a country like Wales. It would be useful to confirm an intention to integrate the onshore, coastal and marine environment in future strategic planning, within the Wales Spatial Plan framework, to meet the WAG's renewable energy targets.

- Whilst CCW understands the urgency of reducing carbon emissions, we consider that there is too little reference to other sources of renewable energy other than wind, and therefore too little guidance is offered on alternative technologies. This needs to be addressed given that the TAN will provide guidance up to 2010. We have also suggested during the TAN 8 process that targets and subsidies were necessary incentives to currently unprofitable alternative energy sources, now that terrestrial wind is commercially viable.
- The policy position of Sites of Special Scientific Interest (SSSIs) must be clarified .SSSIs are nationally important sites, and treated as such in the planning system. Planning Policy Wales paragraph 5.5.8 The Wildlife and Countryside Act 1981, as amended by Schedule 9 of the Countryside and Rights of Way Act 2000 places a duty on all public bodies to take reasonable steps, consistent with the proper exercise of their functions, to further the conservation and enhancement of the features by reason of which a SSSI is of special interest. At present the TAN 8 document is inconsistent in that it states that wind turbine development is not appropriate in internationally or nationally important sites but then states that SSSIs are only “other constraints.”
- Guidance needs to be provided with respect to the status of existing proposals being considered by local planning authorities and the Planning Inspectorate.

Overall, therefore, CCW welcomes the proposed approach, but we consider that the success of the strategy depends on a proactive approach to its implementation. Proposals for a decision support tool to help inform the implementation of TAN 8 are set out as Appendix 3.

ANNEX 2

THE DETAILED COMMENTS OF THE COUNTRYSIDE COUNCIL FOR WALES DRAFT TECHNICAL ADVICE NOTE 8 RENEWABLE ENERGY

Para 1. It is suggested that the TAN “may also be relevant” to authorisations under Section 36 of the Electricity Act 1989. In our view this should say “will be relevant”, particularly since the draft TAN 8 emphasises that the best way of reaching government targets is through large developments, which will often fall under Section 36 of this Act.

Para 2. CCW endorses the twin approach of supplying renewable energy and a “greater focus” on energy efficiency and conservation. In CCW’s view, however, a more balanced approach could be achieved by targets for energy conservation, as well as targets for renewable energy production. A Climate Change TAN would be the most appropriate mechanism for progressing guidance on the overall role of the land use planning system in responding to the challenge of Climate Change.

Para 5. The role of the Wales Spatial Plan should be clarified.

Para 6. It may be that changing technology means that guidance should be revised before 2010. Offshore wind is now a proven technology and is developing rapidly and tidal stream technology is likely to develop significantly over this period, for example. Changes to the grid could also be made, which may have a dramatic effect on the choice of suitable sites.

Para 11 &12. Delete “it is desirable and entirely appropriate”. CCW welcomes the proposal that commercial buildings could be refused permission if attention to energy conservation has been inadequate, but we would also favour a similar approach for public sector and residential buildings. The ODPM publication ‘The Planning Response to Climate Change-Advice on Better Practice’ provides useful guidance on climate sensitive development and the environmental assessment of buildings.

Para 13. WAG has an opportunity via Social Housing Grant to the social housing sector to make it mandatory to develop energy efficiency in new dwellings.

Para 15. There is some potential for confusion here between the target dates of 2010 and 2020 and the phrase “over the lifetime of the TAN” which we take from paragraph 6 to be 2010. By 2020 wind may not be the only realistic option. Wind power may have the greatest potential up to 2010, but at the smaller scale other technologies, such as wood fuel/biomass, should not be neglected. The use of wood fuel to heat community buildings (schools, community centres etc) is feasible within current technologies, is a useful contributor to reducing use of fossil fuels, and is beneficial in raising awareness of renewable energy. What mechanisms will be made available to “give urgent attention to” the major projects referred to?

Para 16. CCW would be keen to ensure that the TAN provides guidance on encouraging a Project team approach to the development of major proposals within SSAs and general guidance on the need for early discussion between LPAs, developers, statutory advisors such as CCW and other stakeholders. This will be important to securing ‘win/win’ solutions and outcomes. To inform the discussion the TAN could set out, in an annex, a checklist of issues to be considered at the outset of project planning including need for EIA and relationship with other consents mechanisms such as species protected under European legislation.

Para 18. Comments on the constraints are set out below.

Para 19. While CCW supports the view that large scale schemes would not be appropriate in National Parks and AONBs, the definition of over 25 MW is larger than we would have expected. In our view a development of 25 MW representing at least 12/13 very tall turbines (approx 110 m), is unlikely to be suitable in such areas. Whilst small scale domestic turbines may be appropriate, community based schemes may not be if they have a significant adverse impact on the special qualities of these nationally important landscapes. Clarity of guidance is required on these issues.

The Environment Act 1995 (s 62) and the CROW Act 2000 (s85) set out duties on relevant authorities to have regard to National Park and AONB purposes when considering activities affecting these areas whether those activities lie within or outside the designated areas. This is reflected in PPW para 5.3.7. To ensure consistency with PPW and compliance with s62 and s85 respectively guidance will be required on the treatment of large scale proposals adjacent to National Parks and AONBs.

Para 20. While we welcome the protection given to sites with conservation designations, we would not see this as a blanket restriction, as your first sentence implies. In CCW's view it is the type of interest rather than the level of designation that is the significant factor. So, for example, bird interests or peat bogs would be a significant problem, whether in a SPA, SAC or SSSI.

CCW has serious concerns over the inclusion of SSSIs, a national series of designations, under "other constraints" (Para 26), rather than under National and International Designations (paragraph 20). In our view, this is inconsistent with other government guidance such as Planning Policy Wales that, in paragraph 5.5.8, describes SSSI as being of national importance. It is also necessary to make reference to species protected under European or UK legislation.

Para 29. Delete 'where possible'.

Para 31. The inter dependence described between generation and connection requires, in CCW's view, a strategic approach. We have suggested "the rewiring of Wales", since the present grid is unsuited to small scale distributed energy production, in other words, to renewable energy. **CCW would recommend a strategic approach and early involvement in discussions on new routes to ensure integration between generation and capacity whilst minimising impact on natural heritage.**

Para 32. We have now had the opportunity to study the project methodology. Although CCW endorses the overall approach, we have some reservations over the data gaps acknowledged by the consultants, and the resultant use of proxies to provide a workable strategy at the national scale. The use of open land, for example, is some cause for concern. This need not be an issue if the relevant data is applied at the regional/local scale to refine the SSAs, an approach which CCW strongly favours.

Para 33. It is not clear whether the boundaries of AONBs were factored in as a criteria together with National Parks - if not the strategic assessment needs to be revised, or refined at the local stage.

Siting of wind turbines on land managed by the Forestry Commission. Whilst land managed by the Forestry Commission may provide some opportunities for large-

scale renewable energy development, there are also constraints to be considered. Current turbine design (i.e. heights of 100m and more) means that turbines cannot effectively be 'hidden' by forestry and normal best practice in landscape design has to be applied. Although the removal of coniferous forest to accommodate wind turbine developments might have some benefit in relation to the restoration of open habitats (such as heath land), the impact of infrastructure (turbine bases, roads and transmission poles) tends to reduce any habitat benefits. Deforestation to create open land for renewable energy projects would generally be required to have an EIA under the EIA (Forestry) Regulations 1999. Other considerations include impact on recreational use, as the majority of land managed by the FC is open for public access (and is expected to be dedicated for such use in perpetuity shortly under provisions of the CRoW Act). Renewable energy developments within FC forests should not compromise the ability of the forest to meet the multiple objectives set out in *Woodland for Wales*. Many FC sites contain BAP or Section 74 species, e.g. black grouse. There is no mention of BAP, Section 74 species anywhere in this document.

Open access land. We are also concerned about the use of open access land as a proxy for ownership, and would expect this to be reviewed in the refinements of the SSAs. The moor and heath categories contain the blanket bog and dry heath habitats that are both priority BAP habitats. Targets exist at both the UK and Welsh level for retention/expansion/improvement of these habitats. They are also likely to contain montane habitats of value.

LANDMAP information can be made available to help refine the SSA boundaries and inform a strategic approach to identifying suitable locations within the SSA.

TIR GOFAL. Consideration will need to be given to the potential impact of wind turbine proposals with significant detrimental impact on features set out in Tir Gofal agreements. CCW would wish to discuss this matter further.

Para 35. Cumulative impact could result in the landscape character of SSAs being totally changed. Guidance will be required to ensure that if some areas change then the landscape character of other areas will be conserved. CCW wish to work with WAG to help develop and refine the search areas and the most suitable location of development within them. Guidance will also be required on the treatment of cumulative impact outside the strategic search areas.

Para 36. While CCW welcomes community based schemes, this does not necessarily equate with small scale or low impact. For example the proposed Camddwr scheme has community credentials, and consists of 212 large turbines. As previously stated, in paragraph 19 a clear definition of small/smaller, domestic and community based is required. Less than 25 mw is not an adequate interpretation of small and may result in a plethora of wind turbine proposals outside the strategic search areas with no strategic approach to energy provision.

Para 37. CCW welcomes the reference to more detailed mapping and landscape work within the strategic areas. CCW has continued to advocate a spatial and strategic approach at national level, accompanied by a detailed spatial analysis at a local level. A strategic approach within the SSA, involving all relevant stakeholders will be critical to ensuring the successful implementation of TAN 8. You refer to this work as "in order to formulate policies." In our view it should also deal with site selection, as indeed has been done, for example in Ceredigion and Carmarthenshire in association with Dulas Engineering. The potential implications for stakeholders within the SSAs, local planning authorities in particular, should be acknowledged.

Para 38. See comments for paragraphs 19 and 36.

Para 39. We should strongly support this and suggest that the TAN should encourage LPAs to identify suitable sites.

Para 40. CCW's wider role in helping advise on the location, siting and detailed design of proposals should be noted and stakeholders encouraged to seek our advice. However, while some wildlife habitat creation or restoration might be associated with a wind turbine development, and CCW have worked with developers to secure such benefits, care must be taken not to over-estimate the benefits that might accrue against other aspects of the development. The site infrastructure will, inevitably, result in a fragmented habitat. The policy for forests managed by FC, on behalf of the Assembly, is to move towards more diverse age and species structure. As this is a general policy, mitigation associated with wind turbine developments cannot be seen necessarily as potentially facilitating desirable changes that would not otherwise occur.

Para 41. Advice should require the use of decommissioning bonds and insurance.

Para 42. This refers to "decisive constraints". Are these the same as the "absolute constraints" in paragraph 33? Please could one term be used, or the difference explained? CCW and CADW prepared the good practice guide.

Para 43. It is perhaps unfortunate that local benefits have to be delivered in the form of share dividends rather than, say, lower energy costs. Clearly this will restrict the benefits to those who have the resources for investment. CCW accepts however that such an approach does add some value to a project "from an economic and social perspective", although it clearly has more economic benefit than social. We are, however, confused by the reference to trust funds, which on the one hand "add value" to a project, but on the other, should not be allowed to "enable" an otherwise "unacceptable" proposal. There are few planning cases that are inherently "unacceptable", rather it is a matter of weighing material considerations. If the distribution of profits locally "adds value", there are bound to be cases where it tips the balance between the acceptable and the unacceptable, particularly in the eyes of local decision makers. CCW considers that the inclusion of this paragraph does little to improve our current understanding of the issue of planning gain, and that it should be replaced with guidance on the potential role of mechanisms such as conditions, agreements and obligations which can be used to provide community benefits relating, for example, to helping respond to climate change e.g. energy efficiency measures for communities within or adjoining SSAs ..

Para 44 and Annex A. CCW should be included as a statutory consultee.

Para 45. While CCW understands that the TAN cannot deal directly with offshore proposals, they do have the potential to have significant impacts on coastal areas. In addition, you refer to the fact that LPAs are consultees in the offshore planning process, while giving no guidance or criteria to those planning authorities in making their consultation responses. Since a large part of the purpose of Planning Guidance is to advise LPAs, this is regrettable. In our view, it is vital that the Welsh Assembly Government develop an integrated offshore and onshore process and decisions based on the same criteria. Given that most if not all offshore applications will be handled by the DTI it will be important to seek support from DTI for an integrated consent process using the same criteria. Reference should be made to the DTI offshore energy SEA 6 for the Irish Sea. This will provide Government with a

strategic overview of the area in relation to the possible siting and capacity for renewable energy proposals. The DTI have also commissioned a marine renewable atlas that will map possible renewable resources around the Welsh Coast. Complementing the approach undertaken to inform TAN 8, within the framework of the Wales Spatial Plan, provides the basis for an integrated process.

Para 49. The use of short rotation coppice (principally of willow) has not developed in Wales, largely because suitable land has not been available. The de-coupling of agricultural subsidies may result in changing patterns of agricultural land use in the next few years. Technically, SRC is feasible, though issues such as vulnerability to plant diseases are a concern. The biggest set-back in recent years has been the failure of large-scale woodfuel projects in England, which have undermined confidence. CCW recommends that the good practice guidelines for short-rotation coppice produced by British Biofuels (*Wood Fuel from Forestry and Arboriculture: Good Practice Guidelines*, *Short Rotation Coppice for Energy production: Good Practice Guidelines*) are promoted as the minimum standards. Short-rotation coppice would be appropriate for smaller scale local projects.

Para 51. You say that “emissions from a larger plant” should be low impact, which we take to be because of improved pollution control in larger scale plant. You then go on to say that “The scale of the development and the anticipated impacts are such that only rarely will an EIA be required”. This is difficult to interpret. To say that the “anticipated impacts are such that only rarely will an EIA be required” seems to slightly miss the point of having an EIA process, which is, after all, to assess impact. In addition, while you say an EIA will “rarely” be required, no help is offered to LPAs as to the criteria on which to base judgement on the requirement for EIA. Although the combustion of timber is itself not releasing fossil carbon, there are concerns about emissions of NOx and VOCs. In addition, projects should also be able to demonstrate that transport of fuel (and its production where processing such as pelleting is involved) retains a carbon-positive profile. There are some concerns regarding the management of forests for fuelwood, particularly whole-tree harvesting and the loss of nutrients from the site. Pyrolysis and gasification are likely to be suitable, at least during the life of this TAN (i.e. to 2010) for larger scale plant only. The use of smaller scale direct combustion, using locally sourced wood, within a well-planned project, should be promoted.

Para 56. CCW is delighted to see the increased emphasis on methane from disused coal workings. In our view, using this gas offers multiple environmental benefits, producing energy, and directly reducing the effects of methane on the atmosphere.

Para 57. We have been using digesters at sewage works in Wales for at least 25 years, Caernarfon and Llanrwst being two local examples. It was promised as “the way” forward but remains largely unexploited. We would welcome a much greater “safe use” of farm wastes such as digestion/energy production, and would include cattle as a major source of waste and pollution.

Para 62. In our view, paragraph 62 could also support domestic solar energy, provided careful attention is given to design and materials, even in National Parks and AONBs.

Para 69. You refer to “positive and negative” environmental impacts as a result of the Severn barrage. With regard to proposals within or affecting a SAC it is rarely possible to balance negative and positive impact, since SAC regulations and case law do not accept mitigation or compensation where integrity is threatened.

The Severn Estuary is a Special Protection Area for birds (SPA), a Wetland of International Importance (Ramsar) and a proposed Special Area of Conservation (SAC). The Severn Estuary is important because of its extreme hyper tidal conditions, and the habitats and species present in the Estuary are a function of this dynamic physical environment. The River Wye cSAC and River Usk cSAC upstream of the proposed structure, have been selected, amongst other features, for their migratory fish. Construction of the barrage and associated infrastructure would result in a fundamental change to the estuary and damage to the features for which it has been selected. It would also be a barrier to migratory fish.

Compensation for the adverse impacts on the estuary would not be feasible at an appropriate scale. With this in mind it is inevitable that features of International and UK importance would be damaged and/or lost if such a scheme were to go ahead.

We recommend that paragraph 69 be amended to emphasise the status of the Severn Estuary, the Wye and the Usk as SPA/Ramsar/pSAC and the adverse impact of the barrage on these sites. No compensatory measures could be engineered at the appropriate scale.

Paragraphs 83-91. CCW welcomes the inclusion of guidance on estate layout, building design and orientation in this TAN, for its contribution to energy conservation. The recent ODPM publication 'The Planning Response to Climate Change-Advice on Better Practice' sets out useful advice and guidance on climate sensitive development and the environmental assessment of buildings.

In a Wales context 'Sustainable Housing in Protected Areas: a feasibility study' prepared in 2003 by the Welsh School of Architecture, Cardiff University for Brecon Beacons National Park Authority and CPRW, with support from CCW, provides useful advice and guidance.

Para 93. The message in this paragraph needs to be expanded and given greater prominence. Early and pre application discussions between developers LPAs and statutory consultees can help identify design principles, including natural heritage, underpinning the proposed development at the earliest stage of project planning and apply these throughout the design and construction process. Early involvement and discussion can also identify the need for integration with other related consents mechanisms. A project team approach to major development should be promoted to help ensure adverse impact on natural heritage are minimised and positive benefits maximised. Such an approach potentially saves time and cost on design options which could be inadequate and subsequently rejected.

The design process should be iterative, involve early discussion with all relevant stakeholders and cover the following stages:

- Site and area appraisal
- Identifying the design principles
- Analysis
- Design concept(s)
- Design solution

Para 95. CCW welcomes the modification to threshold for Schedule 2 EIA in respect of wind turbines. The proposal for a 2 turbine, or 15 m hub height, threshold, will catch most "windworks" proposals. While these are often acceptable in their own

right, CCW has been concerned about the cumulative impact, and has argued that the previous threshold did not take into account the increase in turbine size.

MINISTERIAL INTERIM PLANNING POLICY STATEMENT ON RENEWABLE ENERGY

12.8.4

This positive statement is welcomed.

12.8.5

After 'demonstration for these' add 'subject to material planning considerations'.

12.8.7

What research has been done to identify how much local income is generated by wind turbines?

Opportunity also exists to contribute to environmental regeneration.

12.8.9

Clarify by specifying that applications over 50 mw require consent under the Electricity Act and that those under 50 mw are dealt with under the planning acts. It would be useful to clarify that at present WAG have the decision making capabilities under the TWA, even over 50 MW, under s 36 of the Electricity Act they only get it under 50 MW.

12.8.10

Therefore what is the policy in relation to those parts of Wales outwith the Strategic Search Areas.?

12.8.11

The TAN will need to clearly define what is meant by small scale, domestic or community based wind turbine developments. Impact, not the type of proposal, should be the key issue to take into consideration when coming to a decision on the merits of a specific proposal.

12.9.3

Define 'small scale.'

12.10.1

Define 'sustainable development criteria'.

ANNEX 3

PROPOSAL TO TAKE FORWARD RECOMMENDATIONS IN DRAFT TAN8

Objective

To provide clarity and certainty for stakeholders by developing a decision support tool to inform the strategic implementation of TAN 8 principles within the SSAs.

To provide local consultation/participation/buy-in and industry support in the refinement of strategic areas.

To map the SSAs at 1:50000 scale. Present SSAs boundaries are deliberately indefinite and include a 2.5km buffer in and out.

To provide Ipas with nationally consistent guidelines to apply to wind turbine applications with the SSAs.

To test the validity of the proxies used to produce the strategic areas, when applied within the area themselves.

To examine in detail practical constraints that could not be assessed at strategic level such as land ownership and access

Background

In consultations the affected local planning authorities have expressed a need for further guidance or a decision support tool to apply within the strategic areas, something that was intended at an early stage of the TAN process. There was a clear call at the September NASEG meeting for clarity in regarding how TAN8 should be put into practice.

The consultants themselves have identified several deficiencies in the methodology or data when applied at the local level, and have suggested the need for consultation as part of the process of refining the model. The SSAs are defined as of low environmental impact and good commercial prospects. There may be areas on the margin where there is avoidable environmental damage and good wind resource. The overall objective is not to reduce the SSAs and in some cases the boundary may move outwards as well as inwards.

Format

The consultants have suggested a “road show” explaining the definitions of the areas and seeking views on how they might be refined. The proposal is to combine the public consultation and technical refinement exercises. It is suggested that a panel is constituted in each area, with Ipa officials, community councillors, local amenity bodies, and industry representatives. WAG would also be represented, possibly with WDA and CCW. It is suggested that the events be developed with the aid of professional facilitators.

Proposals for community involvement should also be canvassed, for example a model where community benefits are directed towards local renewable energy

projects., to engage interest in renewable energy and increase the benefits in carbon reduction.

Acceptability to local communities

It will be necessary to convince local communities that the selection of the area as a strategic search area was not an arbitrary process, and that the Assembly has left some room for modification to meet specific local needs. An explanation of the process to date as rational and fair, and acceptance of local data and weighting in refining the model, might go some way to allay local concerns.

Industry buy-in

By ensuring that the consultants chosen are familiar with and can cater for the commercial as well as technical requirements of the industry.

Technical

The suggested process is based on using GIS to gather and analyse data, data selected as appropriate on commercial and environmental grounds by stakeholders.

The first stage of the process would be to implement the consultants' suggestion to map SSAs at 1:50000 level on the basis of improved data sources, including real data instead of the proxies used at strategic level.

Refining proxies

Because investigating land ownership and site access was impractical at the strategic level CCW's open access land and forestry commission estate datasets were used as a proxy for positive value. At local level, real data is needed by both developer and planning authority alike. A more refined use of open access data is needed since this is used both as a negative and positive siting factor.

Refining constraints

Some constraints are not absolute. CCW could assist by indicating those SSSIs where wind turbine development would not be a threat. The available data include historic landscape and ancient monuments. As with SSSI, some of these areas are not sensitive to wind turbine development, whereas others would be severely compromised. CCW and CADW can advise.

The most contentious issue will be landscape and the acceptance of a windfarm landscape. Provided that the overall target can be met however, there is good reason to avoid, where possible, landscapes of particular importance to the particular local community. Historic landscape data might be useful here. *LANDMAP* data can also be valuable for indicating where wind turbines would not affect the character or value of the area. Previous local landscape designations can also be valuable in indicating previously expressed community preferences, particularly where they identify important viewpoints.

Indicative Timetable (for each SSA)

Initial meeting, 1 day, week one

Data gathering, 4 days, week one and two

Processing time, 3 days, week two

Large meeting 1 day, week three

Presentation of results , providing refinement of SSA and guidance on strategic implementation within each SSA. 1 day week four

