

From: [Mike Wilkinson](#)
To: [NDF](#)
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[image002.gif](#)
[RSPB Response to Welsh Government NDF Consultation November 2019.pdf](#)
Importance: High

To the NDF team.

I attach RSPB-Cymru's response to the Welsh Government's consultation on the draft National Development Framework.

I would be grateful for acknowledgement of receipt.

Thank you

Mike

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Mae RSPB Cymru'n rhan o'r RSPB, elusen bywyd gwyllt fwyaf y DU, sy'n ysbrydoli pawb i roi cartref i fyd natur. Ynghyd â'n partneriaid, rydym yn gwarchod adar a bywyd gwyllt sydd mewn perygl fel bod ein trefi, ein harfordir a'n cefn gwlad yn fwrllwm o fywyd unwaith eto. Mae gennym hefyd brif ran o fewn BirdLife International, partneriaeth fyd-eang o gyrff cadwraeth natur.

RSPB Cymru is part of the RSPB, the UK's largest nature conservation charity, inspiring everyone to give nature a home. Together with our partners, we protect threatened birds and wildlife so our towns, coast and countryside will teem with life once again. We play a leading role in BirdLife International, a worldwide partnership of nature conservation organisations.

Mae'r Gymdeithas Frenhinol er Gwarchod Adar (RSPB) yn elusen gofrestredig: Lloegr a Chymru rhif 207076, yr Alban rhif SC037654
The Royal Society for the Protection of Birds (RSPB) is a registered charity: England and Wales no. 207076, Scotland no. SC037654

**RSPB-Cymru Response to Welsh Government's Draft National Development Framework
Consultation, November 2019**

Introduction

1. The Royal Society for the Protection of Birds (the RSPB) is the charity that takes action for wild birds and the environment. With over one million members (60,000 in Wales), we are the largest wildlife conservation organisation in the UK. Across Wales we own or manage 16,172 hectares of land for nature conservation on 18 reserves.
2. Our response follows the broad layout of the questions posed in consultation but provides comments at an individual policy level for those policies of interest to RSPB.

General Comments on the overall approach

3. We commend Welsh Government for recognising that addressing climate change and biodiversity decline are the biggest challenges for our Nation.
4. The evidence shows that Wales is one of the world's most nature depleted countries in the world¹ and why there is an urgent need for action. None of our ecosystems are fully resilient and there has been a 56% decline in wildlife with severely depleted populations of birds, insects and many species are at risk of extinction. The State of Nature 2019 report shows many species in Wales are in decline with 666 species threatened with extinction from Wales and 73 species already lost. In addition, there has been 52% decline in the average species' abundance of butterflies; 10% decline in average species' distribution; 30% of species have decreased in distribution; 46% of species show strong changes and 8% of species are threatened.
5. The NDF provides a strategic framework for development. There can be conflicts between infrastructure development and reversing biodiversity decline. To achieve a low carbon economy that is biodiverse and ecologically resilient requires strategic co-ordination to filter out or modify proposals that work against the objective of reversing biodiversity decline. Policies such as those for renewable energy and port expansion highlight potential areas where this has not been adequately addressed.
6. Planning Policy Wales sets out a framework for implementing the biodiversity duty set out in Section 6 of the Environment (Wales) Act and building resilience through the planning system. This should apply to local plans and to the NDF. The Environment Act should be given more prominence in the evidence base, outcomes and policies of the NDF. The principles of SMNR² also need to be embedded in how Welsh Government's strategies for investment and low carbon delivery plan are developed and aligned with the NDF.
7. The NDF needs to set out a broader range of interventions to translate the environmental outcomes into action across all relevant policies.

¹ State of Nature (2016) Available at: <https://www.rspb.org.uk/globalassets/downloads/documents/conservation-projects/state-of-nature/state-of-nature-uk-report-2016.pdf>

² Sustainable Management of Natural Resources, Environment (Wales) Act 2016

8. The NDF should be read in parallel with Planning Policy Wales (PPW). However, both contain 'all Wales' policies and there needs to be a clearer rationale across both for which policies should be in the NDF and which are only covered in PPW.
9. In our view there are significant gaps in the NDF including the absence of policies for nationally important landscape and biodiversity assets which are found in PPW but not in the NDF. The NDF is the top tier development plan and carries greater legal weight than PPW and should include policies for these spatially defined designations.
10. Overall the NDF approach to spatial strategy looks unbalanced. Spatial policies such as those for ports are very brief and high level whereas those for renewable energy are very detailed. The two renewable energy policies read much more like development management policies (with criteria against which to test development) than the rest of the NDF. As a further example, the plan is silent on policy for new fossil fuel generating plant. If Welsh Government does not support new fossil fuel generating capacity then there should be a presumption against such development so that Developments of National Significance (DNS) do not come forward. **If Welsh Government does support new fossil fuel plant then the NDF should provide policy guidance for how that is mitigated, as a minimum there should be a presumption against unabated fossil fuel generation.**
11. The NDF includes policies that appear to be antagonistic to addressing the climate emergency by increasing emissions, for example, on road building and airport expansion. This feels too much like business as usual. A much more joined up approach is needed between the NDF and Wales's carbon budgets and low carbon delivery plan. Just how much extra challenge does the NDF present to achieving de-carbonisation?
12. The NDF should give more consideration to its role as a policy framework for DNS which are mentioned only once in the document. We question whether the NDF provides adequate guidance on the criteria for determining DNS.
13. There is a need for a policy for coastal management and integration of marine and terrestrial planning. Climate change will have an enormous effect on the coastal environment and there is a need to consider the combined effects of marine and terrestrial development (eg energy and ports) on ecosystem resilience.
14. A Habitat Regulations Assessment was undertaken of the effect of the NDF on Wales's Natura 2000 sites – these are sites that are internationally designated for biodiversity. For 20 of the NDF policies the assessment set out mitigation measures to avoid adverse effects on Natura 2000 sites. The NDF needs to be clearer about what projects and lower tier plans must do in terms of adopting the mitigation measures set out in the HRA. For example, the HRA concluded that further studies were needed for the Port of Holyhead policy (20) and 'would certainly provide essential context for this policy before it can be implemented in any way'. It is unclear how Welsh Government has taken this conclusion into account as there is no reference to these findings in the NDF policy.

Question 1 NDF Ambition and Outcomes

15. The recognition that climate change and biodiversity decline are the biggest issues facing our nation is a powerful statement of purpose. We welcome the ambition set out in the overview and outcomes of the NDF to address climate change and reverse biodiversity decline.
16. The 2020-40 timeframe of NDF is one that requires transformational change to address the twin crises of biodiversity collapse and climate emergency.

17. The outcomes are good in parts. We welcome the outcome that includes a commitment to reverse the decline in biodiversity. (Although we feel this has not been sufficiently translated into policy interventions.)
18. Elsewhere, the outcomes do not consistently reflect the ambitions on climate change. For example, the climate change outcome refers to energy, transport, health and jobs but not to housing; while the outcome for homes and housing makes no reference climate change and the types of buildings that we need to build – i.e. low or zero carbon – to get to net zero.
19. The outcomes need to set out more clearly what should be avoided in order to achieve a low carbon economy. This should include a presumption against development that increases unmitigated carbon emissions.

Question 2 Spatial Strategy (policies 1-4)

20. We are surprised that Policy 1 does not explicitly promote low carbon and zero carbon development. Given the huge investment that will be needed in retro-fitting energy efficiency to existing urban areas up to standard it is vital that new development does not add to this problem but adopts the highest possible standards.
21. While promoting higher density provides for efficient land use there is a need to balance this with the need to provide adequate green infrastructure to climate proof, reduce environmental impact and improve 'liveability' of urban space. Green infrastructure that is biodiverse can meet multiple objectives. Recognition that brown field land can be of high amenity and biodiversity value also needs to inform green infrastructure and development plans.
22. Policy 1 should cross-reference to Policy 8 and the need to provide green infrastructure as part of sustainable urban growth. It is unclear why the requirement for significant development to be accessible to walking, cycling and public transport is included only in Policy 3 (public land). Surely this should be included as a requirement for all urban growth and included in policy 1.
23. The principles in PPW 6.4.9 need to be applied to the spatial strategy in the NDF.

Question 6 Green Infrastructure

24. We disagree with the overall approach although we support the inclusion and intent of policy 8 and policy 9.

Policy 8 Strategic Framework for biodiversity enhancement and ecosystem resilience

Key points

- We strongly support the intent of this policy to identify and safeguard areas that enhance biodiversity and the resilience of ecosystems.
- A cornerstone of a resilient ecological network is the protection and management of our most important biodiversity sites so that they achieve their conservation objectives. **The NDF should include a policy safeguarding SSSI, NNR and Natura 2000 either within policy 8 or as a new policy.** The importance of locally designated sites as part of the ecological network should also be recognised.

- To achieve the outcome of reversing biodiversity decline, the policy must be more ambitious and include a clear requirement that **development must contribute to reversing biodiversity decline by delivering a net biodiversity benefit.**
- The policy should link more explicitly to Welsh Government's nature recovery action plan (NRAP) and a broader range of measures that might be achieved including action for priority species.
- The NDF should consider developing targets for the contribution development is expected to make to nature recovery. This might be explored for those developments determined by Welsh Government (DNS).
- **Priority species must be explicitly included in the policy** – currently the focus of the draft policy is on habitats (however, Welsh Ministers must take steps to maintain and enhance priority species that are listed in Section 7 of the Environment (Wales) Act).
- The policy should give more emphasis to promoting **landscape scale conservation.**
- As the national spatial plan, the policy could usefully include a **commitment to identify areas of national significance for biodiversity enhancement.**
- **We want to see a clearer route to translate policy 8 into credible and timely implementation.**
- **Nature's role in storing carbon and fighting climate change – nature based solutions - should be given greater recognition in the NDF including in this policy.**
- The conclusions of the Habitats Regulations Assessment need to be considered and integrated into policy 8.

Detailed comments

25. We welcome the intent of the policy but suggest it should set out a greater level of ambition to address the challenges set out in section 3 of the plan.

26. **Nationally and locally designated biodiversity sites all contribute to the ecological network and deserve greater recognition in this policy and the NDF.** We are particularly concerned about absence of policies safeguarding nationally designated biodiversity sites (SSSI, NNR and Natura 2000 Sites) and nationally designated landscapes (National Parks and AONBs). The spatial strategy is inconsistent in that it identifies (p24-25) nationally significant landscape assets but does not identify or reference nationally significant biodiversity assets. This should be addressed preferably by introducing additional policy. We note that:

- SSSIs are a national network of our most important biodiversity sites. Safeguarding and achieving favourable condition is therefore a fundamental element of a strategic framework for biodiversity conservation and enhancement and to reversing biodiversity decline. Protected sites are core areas from which to build a more connected and resilient ecological network. Many of these are in unfavourable condition and require action to put in place appropriate management.
- A new policy should be added that includes a presumption against development that would adversely affect the conservation objectives of designated sites and encourages their positive management.
- As the top tier national development plan the NDF is the appropriate place to include such a policy for spatially defined nationally important designations. The current treatment is inconsistent as the NDF includes nationally designated landscapes (National Parks and AONBs) in the spatial strategy maps.
- A designated sites policy is also essential to resolve the ambiguity that has been created by the drafting of the renewable energy policies in Planning Policy Wales

and the **NDF which separately and together weaken the level of protection given to SSSIs in relation to renewable energy projects.** We have been assured this was not Welsh Government's intention and trust this will therefore be addressed through inclusion of a new policy or extending policy 8 to include a presumption against development that would adversely affect SSSIs *and* by amending para 5.9.17 of Planning Policy Wales.

27. **A clear commitment to achieving net biodiversity benefit should be written into the policy so that development is required to positively contribute to nature recovery.** As written, the NDF policy is weaker than and inconsistent with Planning Policy Wales by stating that biodiversity enhancement *should* be demonstrated rather than *must* be demonstrated. Welsh Government should clearly set what it expects from development as a contribution to reversing biodiversity decline. This needs to be considered for the NDF's role in relation to local development plans and for Developments of National Significance. A strong NDF policy is also needed because in England the Government intend mandating that developers must deliver net biodiversity gain. This could create a situation where development delivers fewer environmental benefits in Wales than comparable developments in England.
28. **The role of the NDF in implementing the objectives of Welsh Government's Nature Recovery Action Plan should be considered and cross-referenced within the policy,** in particular:
- Objective 2 – safeguard species and habitats of principal importance and improve their management.
 - Objective 3 – increase the resilience of our natural environment by restoring habitats and habitat creation.
 - Objective 4 – tackle key pressures on species and habitats.
29. **The NDF should consider setting targets for the contribution that development is expected to make to reversing biodiversity decline through for example the net benefits approach.** To achieve a *net* biodiversity benefit will require criteria to inform the development process. This might be addressed through the development of guidance by Welsh Government and its partners. There is also a case for identifying strategic priorities for biodiversity enhancement and green infrastructure that might be delivered by DNS.
30. The importance of working at a landscape scale is increasingly recognised. The policy could give more recognition to this principle by for example identifying national priorities for landscape scale action to re-build biodiversity.
31. **The emphasis in the policy on habitats is important but does not of itself give sufficient focus to the needs of priority species.** The Welsh Ministers must take steps to maintain and enhance priority species that are listed in Section 7 of the Environment (Wales) Act). As an example, curlew is one of our most threatened and iconic birds and could be lost from Wales in the next 20 years – the period covered by the NDF. The national ecological network referred to in the policy must explicitly encompass the needs of priority species such as curlew.
32. The policy in part envisages 'priority areas for action' emerging through the Area Statements process. However, it is unclear whether these priorities are intended to be local, regional or national in terms of scale and significance. Moreover, it is not clear to us how far Area Statements process will introduce an element of prioritisation (as distinct from identifying all opportunities) that might be used in this way.

33. We see a case for the Welsh Government working with its partners to identify national priorities for re-building biodiversity. We would also note that some national priorities can also be defined by criteria, for example: nationally designated sites that *do not have management* in place to achieve their conservation objectives should all be national priority areas for action.
34. The RSPB has identified five priority landscapes across Wales where landscape scale action is needed for habitats and priority species. These include the North Wales Moors which is an important 'core area' for upland birds such as curlew. This approach could provide a case study for the Welsh Government to develop thinking on addressing priority species, landscape scale conservation and nationally significant opportunities for re-building biodiversity. We would be pleased to provide further information on request.
35. We note above the emphasis that the policy places on the Area Statements process along with Green Infrastructure Planning. We note and support the need for strategic green infrastructure mapping. The supporting text to the policy refers to strategic green infrastructure mapping and NRW mapping of national biodiversity themes. No reference is provided to this work – it would be helpful if this was included. There is a risk that this mechanism may be mainly focused on urban growth areas.
36. We support the statement that priority areas for action identified in Area Statements should be a material consideration in the planning system. We suggest that the identification of priority areas to support this policy is made more explicit in the Area Statements process.
37. **It is not clear to us how long it will take for Area Statements to generate the priority areas envisaged by this policy.** The Welsh Government and NRW urgently need to confirm whether Area Statements are scoped and on track to identify these priority areas and ensure that contributors to NRW's process can respond appropriately. We would also note that Area Statements are an untested mechanism and that additional mechanisms to identify priority areas might be needed.
38. Nature's role in storing carbon and fighting climate change should be given more consideration in the NDF. Policy 9 (National Forest) focuses on increasing woodland cover to address ecosystem resilience and climate change, however other habitats also contribute to fighting climate change. See for example RSPB's mapping storyboard of [places for nature that are fighting climate change](#). The need to safeguard nature and re-build resilience as an aid to fighting climate change should be included as part of the rationale for biodiversity enhancement.
39. The Habitat Regulations Assessment repeatedly references Policy 8 in its conclusions in the following terms:

Consideration of the measures set out above during regional/local planning and during site-specific implementation of the policy, as well as compliance with Policy 8 of the NDF (which it is anticipated will indirectly provide protective buffering for Natura 2000/ Ramsar sites by protecting and enhancing ecosystem services, ecological networks and biodiversity in the wider countryside), should ensure that there will be no adverse effect on the integrity of Natura 2000/ Ramsar sites as a result of implementing this policy.

40. There is a need to reconcile this wording with the scope and wording of Policy 8. Policy 8 does not of itself create the network but sets out a requirement for areas to be identified and for planning authorities to include them in their plans. At this stage the effect of policy 8 in relation to Natura 2000 seems highly uncertain. The policy should be amended to

explicitly include identifying areas that contribute to buffering and enhancement of the network of Natura 2000 sites.

41. Notwithstanding the above comments, we recognise the ambition and innovation introduced by the policy although we suggest that the drafting is not always clear and might be improved. We offer the following illustrative amended policy for discussion (changes in italics).

To reverse the decline in biodiversity and ensure the resilience of ecosystems the Welsh Government and its partners will:

- *ensure nationally designated biodiversity assets are protected and restored to favourable condition, there is a presumption against development that would adversely affect a Site of Special Scientific Interest,*
- identify areas which could be safeguarded as ecological networks... (existing wording) *and which support the needs of priority species.*
- identify opportunities where strategic green infrastructure etc.... (existing wording)
- *promote nature based solutions by identifying biodiversity sites that help fight climate change.*

Planning authorities should include these sites etc...

In all cases development proposals must demonstrate net biodiversity benefit and secure biodiversity enhancement and the resilience of ecosystems through innovative etc. (back to existing wording).

Policy 9 National Forest

Key points

- We welcome the commitment to create a National Forest.
- If well designed, it has the potential to contribute to the twin crises of climate change and biodiversity decline.
- We would support a 'multi-location' approach to the creation of a National Forest.
- A primary objective should be to buffer and enhance the biodiversity of existing priority woodlands.
- The woodland opportunities map evidence base needs to be refreshed.
- Multi-purpose rather than monoculture forestry should be promoted to increase resilience.
- Measures for ongoing management will be needed to secure National Forest benefits.
- RSPB-Cymru would welcome an opportunity to contribute to the development of the concept.

Detailed comments

42. RSPB Cymru welcomes the commitment to develop a National Forest in Wales, if well designed and appropriately located it has the potential to contribute to delivering on a range of Welsh Government objectives, in particular contributing to addressing the joint climate

change and biodiversity crises. (Which are recognised as the two biggest issues facing the Nation.)

43. However, if poorly designed and inappropriately located there is a risk of both repeating the mistakes of the past and missing an opportunity to provide a genuine contribution to halting biodiversity loss, improving ecosystem resilience, sequestering and storing carbon and providing public access to diverse green spaces that support healthy ecosystems.
44. The policy should be developed as a 'multi-locational' approach rather than a single National Forest. This would enable the benefits to be targeted to priority areas – including those that might be identified through policy 8. A primary objective of the national forest should be to buffer and enhance existing priority woodland habitats e.g. Celtic Rainforests. Buffering these important woodland sites would protect them from outside influences and enhance their ability to adapt to climate change, as well as improving ecosystem resilience. Improving connectivity between woodland habitats should also be a focus for the National Forest.
45. The key to delivery of a National Forest Programme that provides genuine benefits will be the underlying data utilised in establishing appropriate sites. Data underlying the current woodland opportunities map is out of date and insufficient to ensure no negative impact from new woodland creation, the National Forest must be based on robust data that ensures the right tree in the right place.
46. Avoiding negative environmental impacts will be critical to the success of the National Forest and avoiding previous mistakes around planting on priority habitats, such as blanket bogs, heathland and other peat rich soils must be avoided.
47. The National Forest must focus on delivery of multi-purpose woodlands, that contribute to delivering on the greatest range of Welsh Government commitments, well-designed woodlands can provide biodiversity, carbon, tourism and recreation benefits as well as providing commercial opportunities through sustainably produced harvested wood products.
48. A purely commercial focus on woodlands designed to maximise production through use of non-native, potentially invasive, species must be avoided. A traditional monoculture approach as used in commercial forestry, managed through clear felling, fails to provide multiple benefits and brings a number of risks, including disease and pest issues as demonstrated in the recent problems in Wales with *Phytophthora ramorum*, and can be at best carbon neutral through impacts on soil carbon in felling and restocking operations. The carbon benefits of commercial woodland also depend significantly on the end use of the timber produced.
49. In developing the National Forest Programme provision must also be secured for the ongoing management of newly created woodlands, absence of management will limit the potential benefits these new woodlands can provide for biodiversity and carbon sequestration and storage. Ensuring management plans and the resources to deliver them are in place to provide the desired objectives is critical, as unmanaged woodland can provide little or no benefit for biodiversity, particularly for woodland specialist species.
50. RSPB Cymru would welcome the opportunity to contribute to the ongoing development of the National Forest Programme.

Question 7 Renewable Energy and District Heat Networks (Policies 10-15)

51. We disagree with the approach taken.

Comments on the Overall Approach to Renewable Electricity and Evidence Base

Key points

- We must address the climate emergency **and** biodiversity crisis in tandem. This means choosing sources of renewable energy that are in harmony with nature – not trading off.
- The RSPB supports the expansion of onshore wind and solar **in areas of low ecological risk**.
- The issues raised for biodiversity and ecosystem resilience are very different between solar and onshore wind technologies. The evidence used to derive Priority Areas is mainly based on landscape and visual impact.
- Our Energy Vision research found there is much more potential to site solar energy in areas of low ecological sensitivity than is the case for onshore wind.
- **We advocate separate policies and Priority Areas for solar and onshore wind technologies.**
- Policies 10 and 11 set out criteria against which developments should be judged. These policies are poorly constructed, lack clarity and do not give adequate protection for biodiversity interests. This is not consistent with reversing biodiversity decline which is an aim of the NDF.
- Policy 10 needs to recognise that Priority Areas include sites that are ecologically sensitive and where development would be unacceptable. We want the removal of the ‘presumption’ in favour of development where this affects significant biodiversity interests.
- The spatial strategy is confused – policy 11 weakens the aim of directing development to priority areas.
- Both policies require re-drafting and re-structuring of the criteria to adequately safeguard biodiversity interests. This requires separating out the different requirements of biodiversity, landscape and historic environment against which the acceptability of developments should be tested.
- We are particularly concerned that the wording of policy 10 weakens the presumption in favour of protecting Sites of Special Scientific Interest in PPW by requiring development to minimise rather than avoid impact.
- We want to see the boundary of the Anglesey Priority Area re-defined to follow the A55 excluding our nature reserve at Cors Dyddga and surrounding area. There is also a case for amending the boundaries of 5 other Priority Areas to exclude areas which are sensitive for upland waders and our Cwm Clydach nature reserve.
- Guidance and targets are needed to implement the policy aim of maximising environmental benefits.

Detailed comments

52. The RSPB wants to see more onshore wind and solar renewable energy as part of a range of measures to address the climate emergency. However, development needs to be strategically planned and located in places that are low risk to wildlife to avoid adding to biodiversity decline. The RSPB published detailed peer reviewed evidence in our Energy Vision³ research on potential pathways to de-carbonising our electricity system ‘in harmony with nature’. This sets out ten principles to achieve this including:
53. Plan for nature: use strategic spatial planning to identify suitable sites with low ecological sensitivity.

³ The RSPB’s 2050 Energy Vision, Meeting UK’s climate targets in harmony with nature, Technical Report, 2016

54. Develop roadmaps for de-carbonisation in harmony with nature. In Wales policy choices should be informed by the effects of different technologies and locations on biodiversity and ecosystem resilience. This needs to reflect that some technologies are intrinsically higher risk for nature.
55. We see a role for more appropriately sited onshore renewable energy as a contribution to de-carbonising Wales. UKCCC advice is that we need to rapidly de-carbonise our electricity system by the 2030s if we are to meet Government targets of net zero by 2050. (RSPB advocates net zero no later than 2045.) **The scale of deployment needed over the first half of the NDF period means that onshore and offshore wind and solar will be the main technologies available.**
56. We are pleased to see that the NDF sets out to create a more supportive planning framework for onshore renewable electricity. This is a pre-requisite for more onshore renewable electricity deployment, but UK Government support through the contracts for difference mechanism may also be necessary for significant implementation of the policy. The RSPB advocates the need for a level playing field for onshore renewable energy to compete with offshore wind. It is unclear whether the NDF is seen as a framework for delivering unsupported onshore renewable electricity or requires a change in UK policy for significant implementation. This has a bearing on how policies might be constructed and implemented.
57. The NDF sets out Welsh Government's 2030 targets for renewable electricity generation. There is a case for reviewing and rolling forward the Welsh Government's target to cover the period of the NDF
58. Policy 10 establishes Priority Areas for solar and wind energy. A further policy (11) sets out criteria for development outside Priority Areas, National Parks and AONBs.
59. We are surprised that the NDF (and supporting evidence) does not set out indicative targets for energy output from the Priority Areas (as was done for TAN8). As a result, it is difficult to judge whether the NDF makes adequate provision for onshore renewable electricity over the period of the NDF. This is a pity as it hinders informed public debate.
60. **We recommend publishing indicative energy targets for solar and for onshore wind Priority Areas.**
61. The issues raised for biodiversity and ecosystem resilience are very different between solar and onshore wind technologies. Our Energy Vision research found that there was potential for up to 170 GW of solar energy to be sited in Wales in areas of low ecological sensitivity and for 4 GW of onshore wind. **A Wales strategy that was based more strongly on biodiversity and ecosystem resilience would place a much stronger emphasis on appropriately sited solar and be relatively more constrained for onshore wind.** We believe this would have emerged if the Environment Act principles were more embedded in the strategic development of energy policy.
62. **We advocate the need for separate evidence base, policies and Priority Areas for solar and onshore wind technologies.**
63. The question of how to de-carbonise our electricity system without adding to biodiversity decline requires a much stronger consideration of these issues at a higher level than the NDF and taking in both land and marine planning. We see the need for strategic evidence on the implications for ecosystem resilience of the potential pathways to a low carbon electricity system. The RSPB would be interested discussing whether the Energy Atlas project might be a route to explore this.

Policies 10 and 11

64. The NDF says that Priority Areas were identified through a strategic review of landscape and visual impact (p37). An analysis of Natura 2000 sites was also used in their refinement. We are surprised that ecosystem resilience and the Environment Act were not given more weight in this process. However, the detailed evidence supporting the policies (reports by ARUP) state that ecosystem resilience would be taken into account at a later stage in the decision making process. The consequences of this are:
- The Priority Areas represent zones in which landscape change and visual impact have been considered and are deemed acceptable.
 - Biodiversity and ecosystem resilience were not considered in the process, therefore the Priority Areas will contain areas that are unsuitable for development because of biodiversity impact.
 - There is no evidence therefore to support the general application of a presumption within this policy in favour of development in relation to important biodiversity sites and priority species.
 - The criteria set out in policy 10 therefore need to differentiate between landscape and visual impacts and those on biodiversity.
65. The stated intent of the NDF (p36) is to direct development to Priority Areas. It is hard to predict how far the NDF will achieve this outcome given that policy 11 states that large scale projects outside Priority Areas are also acceptable. There is no indication that such developments would be exceptional. There is a risk that this could work against the intent of the NDF spatial strategy if development was to become overly dispersed and could make it more challenging to achieve strategic investment in improving grid connections.
66. Because policy 11 is not framed as an 'exceptions' policy, we think that policies 10 and 11 as drafted act more as two criterion based policies applying to two spatial areas – Priority Areas and land not in Priority Areas or National Parks and AONBs. **There is a lack of clarity therefore in Welsh Government's spatial strategy and the extent to which it will achieve the stated objective of directing development to Priority Areas.** This has consequences for the implementation and monitoring of the plan and needs resolution if the NDF is to achieve its purpose.
67. **In our view both policies lack clarity and precision and do not give adequate protection for biodiversity interests. We doubt that they provide robust criteria against which development can be tested and will leave too wide a scope for interpretation. This is not consistent with reversing biodiversity decline which is an aim of the NDF outcomes. We want to see:**
- **Greater Recognition in policy 10 that Priority Areas include sites that are ecologically sensitive and where development would be unacceptable. We want the removal of the 'presumption' in favour of development where this affects significant biodiversity interests. This is inappropriate in relation to biodiversity interests as the method used to define them mainly considered landscape and visual impact.**
 - **Re-drafting and re-structuring the criteria in policies 10 and 11 to adequately safeguard biodiversity interests. This requires separating out the different**

requirements of biodiversity, landscape and historic environment against which the acceptability of developments is to be tested.

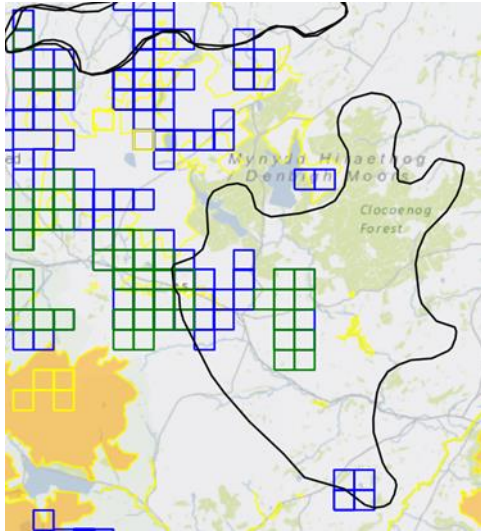
- Based on the stated aim of the spatial strategy (to direct development to Priority Areas) policy 11 should be re-drafted as an 'exceptional circumstances' policy.
- Areas that are significant for priority species (S 7 Environment Act) need to be part of the criteria for identifying priority areas and for evaluating developments.
- We are particularly concerned that the wording of policy 10 weakens the protection of Sites of Special Scientific Interest by requiring development to minimise rather than avoid impact. This also compounds a problem caused by the wording introduced in the published PPW (5.9.17) which potentially weaken SSSI protection. We have been assured that this is not the intent of Welsh Government and urge that the wording of both the NDF and PPW are revised.
- Re-defining the SW boundary of the Anglesey Priority Area to exclude our nature reserve at Cors Dyddga and surrounding area including the SSSI by following the A55.
- A review of the boundaries of Priority Areas 3, 6,7 and 15 to exclude areas that are sensitive for upland waders.

68. We welcome the intent that large scale renewable energy developments should maximise environmental benefit. However, thought needs to be given to how this will be implemented to realise significant and strategic benefit. We suggest that this might be achieved through an ecological master-planning approach that addressed areas of ecological sensitivity (to be avoided by development) and areas of ecological opportunity.

Supporting information

69. RSPB-Cymru undertook an analysis of the number and area of SSSIs covered by the Priority Areas to understand the implications of the policy for their protection. The analysis looked at SSSI land not also covered by Natura 2000 designation. We found that the Priority Areas include parts of 179 SSSI covering 4300ha. This may include some digitisation errors⁴ but is unlikely to affect the overall position. This accounts for only 1% of the Priority Areas and we therefore see no reason why the presumption in Planning Policy Wales should not apply.
70. We also looked at areas that were considered sensitive for upland birds and mapped them against the Priority Areas using the data released to Welsh Government to assist their targeting of Tir Gofal scheme. A sample map of Priority Areas 3 and 15 illustrating this analysis is shown below, with grid squares that were considered sensitive for curlew (blue) and lapwing (green).

⁴ This was based on our digitisation of the boundaries as Welsh Government declined release of their GIS files.



Question 8 The Regions (policy 16)

71. We see some benefits for planning biodiversity and ecosystem resilience at a strategic scale that crosses administrative boundaries. For example, they could be a useful scale at which to develop ecological networks and to apply net biodiversity benefit. However, this depends on the scope and content of plans.
72. The definition of regions to be the basis of this tier of planning should be based around units that have meaning in terms of landscape, ecosystems and local communities. We are not convinced that the proposed regions will address these issues.

Question 9 North Wales

73. Refer to our comments in question 13 below in relation on the implications of the Habitat Regulations Assessment for policy 17 (Wrexham-Deeside) and policy 20 (Port of Holyhead).
74. The conclusions of the HRA seem to indicate that more evidence is needed in order to complete an Appropriate Assessment of policy 20.

Question 11 SE Wales

75. Refer to our comments in question 13 below in relation on the implications of the Habitat Regulations Assessment for policy 28 (Newport).

Question 13 Habitats Regulations Assessment

Key points

- A conclusion of no Adverse Effect on Integrity for any of the policies is only justifiable if there is reasonable confidence in the effectiveness and deliverability of proposed mitigation measures. The HRA does not include any consideration of these issues and some conclusions may not therefore be robust.

- The NDF process must be clearer about what projects and lower tier plans must do in terms of adopting the mitigation measures set out in the HRA, preferably through inclusion of a specific policy.
- The drafting of the NDF needs to be more informed by the conclusions of the draft HRA particularly in relation to policies 8, 10 and 20.
- The HRA places too much reliance on unsupported assumptions about possible effects of policy 8 as a mitigation measure for Natura Sites. It is not clear that the current design and wording of policy 8 is a certain and deliverable mitigation. We suggest ways in which this might be addressed.
- Policy 10 as drafted does not adequately safeguard Natura Sites, we therefore disagree with the conclusions of this part of the HRA. We suggest ways in which this might be addressed elsewhere in our response.
- Recreational impact studies are suggested for some growth areas notably those that lie adjacent to the Dee Estuary and Severn Estuary. We note this conclusion and question whether this should form part of the evidence base for the NDF.
- For the Port of Holyhead (Policy 20) we find the conclusions of the draft HRA confusing and contradictory. Why have the more detailed studies that are identified in the assessment as essential not been undertaken? We question whether the conclusion of no Adverse Effect on Integrity is robust.

Detailed comments

Section 1.4: Approach to HRA

76. The last paragraph lacks clarity. The HRA tests are 'likely significant effect' and 'adverse effect on integrity' not significant adverse effect as stated here. This should be amended.

Section 2.2 In combination effects of lower tier plans and projects

77. The 'protective policies' of the NDF are referred to in several parts of this section, when discussing the Wales Marine Plan and when discussing projects covered by lower tier plans. (eg Last sentence of this section.) The NDF does not include a policy for the protection of Natura Sites. The assessment therefore needs to be revised to reflect that such protection would be derived from PPW.
78. However, this then raises questions about how PPW and NDF act together particularly in relation to the presumption set out in Policy 10 for renewable energy projects and indirect effects on Natura Sites. We think this is best addressed by amending Policy 8 (and PPW para 5.9.17) and have proposed alternatives in our response to the NDF. This needs clarification.

Section 4 Appropriate Assessment

79. The approach taken in the assessment is to 'defer down' for detailed assessment under lower tier plans and projects on the basis that they will have the necessary flexibility to apply the mitigation measures identified in the Appropriate Assessment. However, this process is only robust if in addition to the above, **there is reasonable certainty that the proposed mitigation measures are practically deliverable and would be effective. The HRA does not demonstrate that this is the case.**
80. We advise that consideration is given to the level of certainty of the specified mitigation measures and how the NDF will ensure that these mitigation measures are translated into lower tier plans and projects. There needs to be a level of confidence that these measures

will work and will be adopted. This would be best addressed by inclusion within an NDF policy.

81. We would also observe that the wording of the draft NDF could be better aligned with the conclusions of the Appropriate Assessment. A specific example is whether the wording of policies 8, 10 and 20 really reflect and incorporate the findings of the HRA? Perhaps a further iteration of the NDF would have been helpful? The approach to policy 8 serves as an example:

Policy 8 as mitigation

82. Policy 8 has been cited as mitigation for *all* the policies that were taken to Appropriate Assessment. The HRA says that compliance with the Policy 8 will indirectly provide buffering for Natura Sites. However:
83. The policy only requires the identification of areas but gives no indication as to the likely scale or specific character of areas to be identified.
84. There is no indication of how long it will take for policy to be implemented.
85. There is no specific reference to this policy having a **protective** function for Natura 2000 sites and to that being a criterion in the definition of areas to be safeguarded as part of the national ecological network.
86. In our response to the NDF we have identified the need for a policy to safeguard statutorily designated sites – SSSIs and Natura 2000 sites which would partially address this.

Policy 10

87. We disagree with the conclusions of the assessment of policy 10. The HRA concluded that the process for prioritising areas for wind and solar farm development had successfully *reduced the risk* to the Natura 2000 network of sites across Wales. However, it also clarified that **this does not mean that all potential impacts have necessarily been avoided**, since the buffer zones (shown on Figure 2 of the report) clearly illustrate that a significant proportion of the area prioritised for renewable electricity development lie sufficiently close to Natura 2000/ Ramsar sites that impacts could occur. The assessment or policy needs to address this issue to show how adverse effect is avoided.
88. The assessment assumes that: *the Priority Areas map is first of all used to prioritise where future wind and solar development is focused, and that a further safety net would be provided by the local plan-/project-level HRA process (for all proposal sites located within the buffer zone of one or more Natura 2000/ Ramsar sites), this strategic approach to renewables development across Wales (as established by the NDF) would be compliant with the Habitats Regulations.*
89. **However, the construction of the policy does not work in this way.** The priority areas are not described as ‘areas of search’ but as areas within which there is a presumption in favour of development if adverse effects are *minimised*. The use of the word minimised does not therefore exclude an adverse effect. The assessment fails to show how adverse effects are avoided.
90. The text supporting the policy includes the wording that Natura 2000 sites are ‘excluded’ from the policy. The meaning of this is imprecise, but it appears to only exclude land within Natura 2000 sites. This is insufficient because there is still a presumption in favour of development on land that might have an adverse effect on a Natura 2000 site (ie the buffer zones) and therefore the risk of adverse effect. We advocate removing this presumption for projects that will have an adverse effect on the integrity of a Natura 2000 site by re-wording

the policy. **If the policy is not amended then the appropriate assessment needs to be reconsidered.**

Policy 17 and Policy 28 Growth of Deeside-Wrexham and Newport

91. We note that one of the following is listed as a mitigation measure: *Consider the potential implications of recreational pressure (in particular through in-combination effects) on Natura 2000/ Ramsar sites when determining housing and employment targets (i.e. considering whether a Natura 2000/ Ramsar site can sustain the increases in additional residents proposed by a lower-tier plan). A recreational pressure feasibility study may be required.*
92. We note that this is not a mitigation measure but a recommendation to consider investigating the potential for such impacts to arise. This seems to be an evidence issue. Depending on the location and scale of development we agree that recreational pressure studies may be required. However, we question why this has not been addressed as part of the evidence base for the NDF. We would be interested in learning how Welsh Government intends responding to this recommendation.

Policy 20 Port of Holyhead

93. We find the conclusions of the draft HRA confusing and contradictory. The assessment appears to state that more detailed studies are essential to determine whether *any* port expansion can be accommodated. (Presumably this means without adverse effect on integrity.) **We question therefore whether the conclusion of no Adverse Effect on Integrity is robust.**
94. Given this conclusion, why have the more detailed studies which appear to be required to inform the policy and/or assessment not been undertaken? **In the absence of further information there is surely a need for Policy 20 to be re-written to be much more qualified or for a conclusion of Adverse Effect on Integrity to be recorded.**

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