

From: [REDACTED]
To: [NDE](#)
Subject: Mynydd y Gwynt Wind Farm
Date: 12 November 2019 11:14:08
Attachments: [Mynydd y Gwynt Ltd response to the draft NDF \(1\).docx](#)
[Mynydd y Gwynt Ltd response to the draft NDF \(1\).pdf](#)

To The NDF Consultation

Please find attached a response for MyG Ltd on the NDF consultation

Mynydd y Gwynt Ltd (MyG) is a company set up by the landowners for the purpose of developing the Mynydd y Gwynt wind farm at the Sweet Lamb Rally Complex at Y Foel, near Llangurig, Powys. The site has an elevation up to 546m and experiences some of the highest average wind speeds in England and Wales, this is why the name Mynydd y Gwynt (meaning "Windy Mountain") was chosen. MyG welcomes the opportunity to comment on the draft National Development Framework (NDF) and backs Welsh Government's support for onshore wind and solar PV to play a leading role in the realisation of the 2030 target and to prepare for net zero. MyG are working with industry partners who are members of RenewableUK Cymru and wholly endorse their detailed response, this response does not include the wider remit of RUKC but includes additional comments specific to Mynydd y Gwynt wind farm .

Regards

Jonathan Bennett Evans (Landowner)

Mynydd y Gwynt Ltd response to the
National Development Framework (NDF) 2020-2040 consultation

Introduction

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- Section 2 – Introductory comments on Welsh Government (WG) ambition and NDF scope
- Section 3 – Comments on NDF’s proposals for renewable energy development
- Section 4 – Policy analysis and Suggested Amends

Appendices:

- Appendix 1 – Site location plan
- Appendix 2 – Site layout from 2014 planning application

Section 1

Planning History of Mynydd y Gwynt Wind Farm

The site is located at the Sweet Lamb Rally Complex, north of the A44 in the Cambrian Mountains, approximately 25km east of Aberystwyth, 9.5km east of Ponterwyd and 8km west of Llangurig. The highest point of the Site is Y Foel at 546m AOD (1,791ft). The site's location is shown in Appendix 1 with the 2014 planning application site layout in Appendix 2.

In 2014 MyG applied for a Development Consent Order to the Planning Inspectorate under procedures governed by the Planning Act 2008 as amended by the Localism Act 2011. The proposed development consisted of:

- 27 turbines with a tip height of up to 125 metres,
- electrical cables; substation, control building and satellite link;
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- approximately 6.9km of new tracks; and
- erection of a meteorological mast the installed capacity was anticipated to be 81 – 89.1MW.

The Planning Inspector recommended approval but was subsequently refused by the Secretary of State for Energy and Climate Change.

Section 2

Introductory comments on Welsh Government (WG) ambition and NDF scope

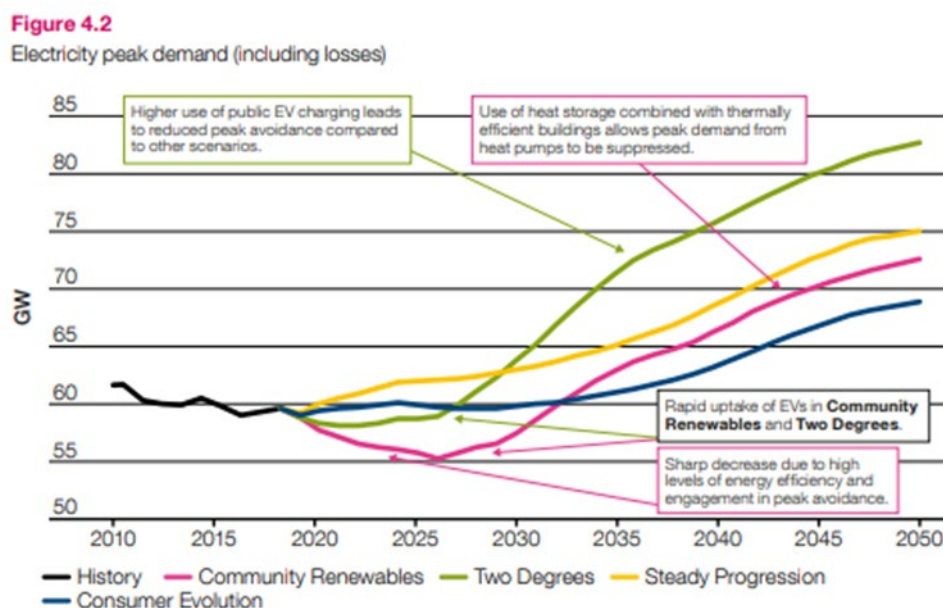
2.1 MyG welcomes the draft NDF and recognises it's importance as a generation defining opportunity to put in place a new planning framework that meets and exceeds the 2030 targets and paves the way for Wales to deliver on net zero.

2.2 MyG welcomes the Welsh Government's positive approach to renewables and the efforts made to reflect this in the narrative and policies of the NDF, summarised as follows:

"The challenges of climate change demand urgent action on carbon emissions and the planning system must help Wales lead the way in promoting and delivering a competitive, sustainable decarbonised society. Decarbonisation and renewable energy commitments and targets will be treated as opportunities to build a more resilient and equitable low-carbon economy, develop clean and efficient transport infrastructure, improve public health and generate skilled jobs in new sectors."

2.3 A common narrative from Welsh Government is that Wales produces twice as much electricity as it consumes, the retirement however of thermal generation capacity over the 2020-2030 timeframe in addition to lower than expected new build renewable energy generation could contribute to a rapid altering of Wales' power generation profile.

2.4 WG recently reported that existing levels of electricity consumption from renewable sources was 50% in 2018. Some observers might view that Wales is progressing well to the 70% 2030 target, MyG believes this is misguided due to the urgent need to decarbonise the heat and transport sectors (which is likely to be heavily assisted by renewable electricity, i.e. through the uptake of EVs). MyG therefore calls on Welsh Government to urgently profile future power consumption and to set out what percentage of power consumption in Wales will be met by renewables in 2040 i.e. over the timeframe captured by the NDF. As illustrated in the below figure (from National Grid's Future Energy Scenarios, June 2019) there is a rapid increase in peak demand at 2040 under all scenarios. In summary, there needs to be a recognition that 'business as usual' is not enough and accelerated action and progress is required which must be reflected under the NDF.



2.5 MyG believes the draft NDF should recognise the need to upgrade the electricity transmission and distribution networks in and between Wales' regions. The adopted NDF should acknowledge the need for new and improved grid infrastructure.

Section 3

Comments on the NDF's policy proposals for Renewable Energy

3.1 MyG welcomes the replacement of Technical Advice Note 8 'Planning for Renewables Energy' (July 2005) (TAN8), following the adoption of the NDF. Whilst Mynydd y Gwynt wind farm received a recommendation for approval from an independent planning inspector, TAN8 restricted opportunities for developing projects >25MW largely to the Strategic Search Areas (SSAs) and stymied equally suitable (and arguably better development opportunities) outside of SSAs. MyG welcomes the scope of the NDF whereby large-scale renewable energy projects (>10MW) will be considered in all areas, outside AONBs and National Parks and believes it is the only basis on which the Welsh Government's 2030 targets and beyond will be met.

3.2 MyG strongly oppose a spatial strategy for onshore wind and solar developments. Placing 'lines of maps' should not form the basis of subsequent iterations of planning policy following TAN8. The current 'priority area' model will most likely repeat the shortcomings of TAN8 whereby considerable ill-will within local communities and host authorities for whom landscape change, both in terms of renewable energy projects and their associated grid connections, were viewed as a 'fait accompli'; it is regrettable that industry's warning of such an approach has been ignored.

3.3 MyG have undertaken a high-level analysis of the developable opportunity within Priority Areas identified by onshore wind. The analysis simply used the Fixed constraints (as identified by WG's consultants, Arup) as well as the application of a 750m housing buffer and recognition of existing wind farms. This has resulted in just 5% of the Priority Areas having developable areas for onshore wind, in reality it would be significantly less when site by site constraints are applied. It is therefore likely that the vast majority of planning applications will be outside the identified Priority Areas. Should the NDF be adopted in its current form Mynydd y Gwynt wind farm would be located in an Amber area and assessed against Policy 11 and *will not carry explicit Welsh Government support and proposals will be determined on their individual merits* with there being no acceptance of landscape change. Whilst MyG recognises that planning permission is achievable under Policy 11 it is our strong view that the NDF should provide a more favourable planning context, see 3.5 and Section 4.

3.4 MyG has significant concerns on the Arup methodology which has informed the Priority Areas, namely:

- No application of a housing buffer
- No recognition of existing wind and solar schemes

- Use of variable constraints which have been applied in an inconsistent manner including:
 - LANDMAP: which has been used to effectively exclude large areas which could otherwise be suitable, including areas around Mynydd y Gwynt. There are significant LANDMAP High & Outstanding areas within the Priority Areas, and Arup's approach is therefore inconsistent. These arbitrary exclusions must not dictate Welsh Government policy, the impacts of individual projects should be assessed on a case by case basis through environmental impact assessment (EIA) to determine acceptability.

3.5 MyG believes that the policy wording outlined in policy 10 should be applicable to all areas outside National Parks and AONBs (i.e. those currently defined as the 'red' areas within Welsh Government's proposed 'traffic light' approach), with the application of an appropriate criteria-based approach whose *ethos* carries a presumption in favour of energy generation development and landscape change in areas outside those with statutory designations. This would seem more aligned with the step change required to meet the challenge of the declared climate emergency and net zero ambition.

Section 4

Policy Analysis and Suggested Amendments

4.1 MyG believes that the climate emergency is not given sufficient weight within the document. Tackling the climate change emergency should run through all the outcomes in the NDF rather than just the last one, Outcome 11.

4.2 The proposals for a new infrastructure planning regime in Wales state that decisions on nationally significant scale development, i.e. DNS, will be taken in accordance with the NDF. There should be an explicit and unequivocal statement in the NDF that for any applications falling within the DNS regime, the NDF constitutes the development plan in line with Section 38(4) of the Planning & Compulsory Purchase Act 2004 (PCPA 2004), and that DNS decisions made by the Welsh Ministers must be in accordance with the NDF unless material considerations indicate otherwise (s38(6) PCPA 2004). It is imperative that this is stated explicitly within the NDF.

4.3 MyG is wholly supportive of the need for national policy to set the direction for future infrastructure investment. However, although it is referred to as a "spatial plan", the NDF is only spatial in respect of policies relating to the development of wind and solar energy (Policies 10, 11 and 12).

4.4 The relationship between the NDF and PPW also needs to be clarified. In decision-making terms, and in line with s38(6) of the PCPA 2004, the NDF constitutes the development plan and PPW constitutes a material consideration. It cannot be said therefore that the NDF “*complements*” PPW. MyG recommends that the relationship between the policy documents is made clear and reference is made to s38 of the PCPA 2004 to remove any ambiguity. The NDF should make a clear statement that DNS applications will be determined in accordance with the NDF unless material considerations, including PPW, indicate otherwise.

4.5 MyG contends that the traffic light approach is misleading, fails to provide a clear position on where development will come forward and should be removed from the NDF in favour of criteria based policies.

4.6 For the spatial dimension provided by the Energy Priority Areas to function effectively, it is critical that the policy approach is founded on a robust evidence base if it is to deliver the Welsh Government’s commitment to maximising Wales’ potential for decarbonisation. The NDF does confirm that not all of the area within the Energy Priority Areas are suitable for the generation of renewable energy. MyG is concerned, however, that the Welsh Government do not understand the level of deliverability within the priority areas. This presents a very real risk that the policy approach will not deliver the scale of renewable development required to meet the Welsh Government’s targets. This is a position that the Welsh Government must avoid at all costs if it is to deliver a decarbonised future.

4.7 MyG contends that it would be far more effective to provide a criteria-based approach for large scale energy development which allows developers to assess site constraints, characteristics and impacts and provide a robust and justifiable case for development. This is an approach that has been taken for energy NSIPs in England utilising the National Policy Statements (NPS) which, aside from the NPS for nuclear, do not include any spatial allocations. The NSIP regime has been running for over 10 years and both the regime and the NPSs have been praised for the clarity and certainty they provide.

4.8 In light of the above, MYG believes the NDF should adopt a more positive position with respect to renewable energy development. It is our view that the priority areas should be removed from the NDF entirely. Proposals across Wales should be given the same level of ‘in principle’ support as is

provided under Policy 10 (as currently drafted) with the exception of the areas identified under Policy 12.

4.9 The supporting text to Policy 10 should also include reference to the potential environmental benefits that large-scale renewable energy projects can deliver, such as contributing to resilient ecological habitats, restoring degraded peatlands and restoring semi-natural grasslands.

4.10 The NDF should provide the strategic ‘in principle’ support for renewable energy generating development and clearly establish the need for such development across Wales. The detailed policy guidance could then establish the matters to be assessed in any planning application made without the need for any spatial element in a similar approach to the energy NPSs in England.

4.11 MyG suggests the following policy amendments:

- Delete policy 11 entirely; and
- Apply Policy 10 (subject to an amendment to a criteria-based approach) to the whole of Wales (except the areas covered by Policy 12);

4.12 MyG advocates the following text for a revised Policy 10:

The Welsh Government supports large scale onshore renewable energy development. There is a presumption in favour of development for these schemes across Wales outside of the areas identified by Policy 12. With respect to the development of large-scale wind and solar, there is an associated acceptance of landscape change for schemes outside of the areas identified by Policy 12.

When determining planning applications for large scale renewable energy development, significant weight will be given to the proposal’s contribution to reducing Wales’ greenhouse gas emissions and meeting decarbonisation and renewable energy targets, and the wider environmental, social and economic benefits. All applications will be considered on the basis that the Welsh Government has demonstrated that there is a need for renewable energy infrastructure and significant weight shall be afforded to the contribution which projects would make towards satisfying this need.

Planning applications must demonstrate the proposal is acceptable in social, economic and environmental terms taking into account the following matters (where relevant to the technology proposed):

- *landscape and visual impacts;*
- *the setting of National Parks and Areas of Outstanding Natural Beauty;*

- *visual dominance, shadow flicker, reflected light and/or noise impacts;*
- *electromagnetic disturbance to existing communications systems;*
- *the following identified protected assets:*
 - *archaeological, architectural or historic assets;*
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Suitable access to the site for construction and maintenance purposes must be provided. Plans must also be in place for the end of the development's lifetime, including the decommissioning of the site at the end of its operational life.

4.13 The NDF must also include a policy against which devolved grid projects (up to 132kV) can be determined. If the NDF is to facilitate the delivery of energy generation at the scale required to meet the Welsh Government targets for decarbonisation, it is critical that policies relating to grid connection are included in the NDF.

4.14 In summary the NDF must include a presumption in favour of renewable energy development in all areas except those identified under Policy 12. The NDF should also clarify that local planning authorities (LPAs) cannot adopt supplementary guidance that contradicts the NDF, for example through landscape capacity/sensitivity studies that unfairly constrain development. Without this, there is a risk that the NDF could be diluted sequentially through the hierarchy of plans and restrict large scale renewable energy development.

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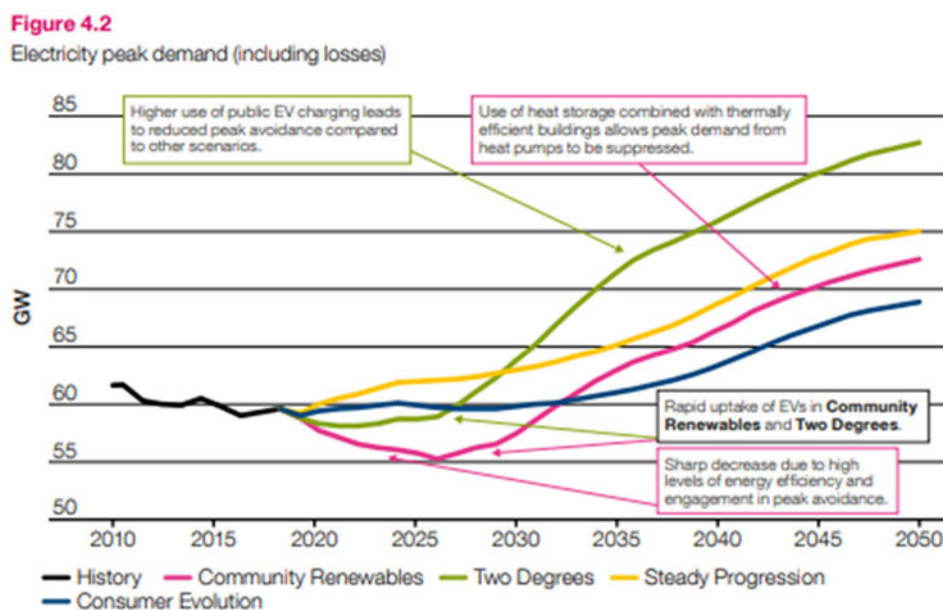
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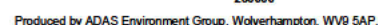
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Mynydd y Gwynt Proposed Wind Farm Site Layout (Turbines)

