



## **The Campaign for the Protection of Rural Wales**

### **Consultation Response to NRW**

#### **Landscape Sensitivity and Capacity Assessment**

**4<sup>th</sup> March 2019**

CPRW was founded in 1928, last year celebrated its 90th anniversary, and is Wales' only organisation whose primary concern is the country's rural landscape and the land uses that support it. It is a membership charity (number 239899) with its head office at 31 High Street Welshpool Powys and 13 Branches throughout the country. Further details are to be found on its website (<https://cprw.org.uk>) including its National Executive Committee (NEC) and representative advisory Council.

CPRW's stance – often critical but never 'anti-technology' or 'anti-need' - is set out on the Energy section of its website:

*With climate change threatening the very fabric of our lives, at CPRW we understand that renewable energy development is vital to a sustainable future. However, sustainable energy solutions should not be made at the expense of Wales' unique ecosystems and stunning landscapes. We have to get the balance right*

In its focus on wind and solar developments this draft LSCA brings together two issues which have long concerned CPRW – the response to climate change by renewable energy proposals and their impact on the landscape.

# 1 The operational context for the LSCA

- 1.1 CPRW recognises that - in the evolution of Welsh policy and technical guidance.- this is an apt moment for this draft. The application of the Wellbeing of Future Generations Act 2015 to the landscapes of Wales has long been felt by CPRW to have been under-recognised. This principle is now a welcome feature of the draft LSCA, especially when coupled with the regionalised approach of NRW.
- 1.2 LSCA Figure 1 at para 1.6 neatly demonstrates how it serves as both ‘forward planning’ and as an overview and procedural guidance for landscape and visual assessment (LVIA) in detailed consideration of specific proposals. Yet LSCA is misleadingly shown below LVIA in this schema, despite its role as the primary discipline and data source. Reversal of the components would make more sense.
- 1.3 That apart, it is essential that these two linked processes are consistent with the legislative and policy context identified in NRW’s accompanying Consultation Note. Pre-eminent in these is Edition 10 of Planning Policy Wales (PPW10) of December 2018. Section 6 is to be applauded for its explicit approach to ‘Distinctive and Natural Placemaking and Well-being’ (p118), as is 6.3, with its ringing endorsement of the value of ‘*all the landscapes of Wales*’. Surely a cue for all LPAs to define their own Special Landscape Areas! It rightly stresses the key role of LANDMAP, but from recent experience CPRW feels that this ground-breaking and intrinsically valuable tool for use in both LSCA and LVIA is now showing its age, and when subject to detailed scrutiny reveals inconsistencies, particularly with regard to the more subjective assessment of Visual and Sensory aspects. It should be revised and updated to partner and assist the LSCA.
- 1.4 However, CPRW is concerned – even alarmed – at PPW10’s text at 5.9.17 on impact assessment of renewable and low carbon energy generation proposals (which was added after the public consultation process had finished):
- In circumstances where protected landscape, biodiversity and historical designations and buildings are considered in the decision making process, **only the direct irreversible impacts on statutorily protected sites and buildings and their settings (where appropriate) should be considered.***
- 1.5 In the context of renewable and low carbon energy generation this text appears to introduce a major re-definition of what may in planning terms be considered as a material effect of a proposal. It primarily relates to LVIA of specific planning proposals but is inevitably also relevant to LSCA because the references to impacts assume that at some prior stage landscape sensitivity and capacity judgements will have been made, following the process referred to above.

- 1.6 By ruling out consideration of impacts other than so-called ‘direct irreversible impacts’, and then only in relation to national designations, PPW10 fails to reflect current advice in both GLVIA 3 (Guidelines for Landscape and Visual Assessment 3<sup>rd</sup> Edition) and the EIA (Environmental Impact Assessment) Regulations. GLVIA 3 (para 3.22 p.36) defines effects which ‘*result directly from the development itself (direct effects) or from consequential change resulting from the development (indirect and secondary effects)*’. Schedule 4 of the EIA Regulations also requires that both direct and indirect effects are taken into account.
- 1.7 Reversibility is also an intrinsic concept in EIA and is a specific consideration in the Regulations. For example, once their consent period expires, wind turbines are routinely canvassed as having reversible impacts at decommissioning and dismantling. The restriction to ‘irreversible’ impacts in PPW10 thus excludes them from consideration on this account alone, and also appears to allow any impacts capable of remediation by planning conditions to escape scrutiny.
- 1.8 A further implication of the text in PPW10 is that by confining consideration to direct impacts on nationally designated areas, anything affecting any landscape or site of less than national importance is implied not to be a consideration. It is true that elsewhere in PPW 10 paragraph 5.9.14 does say ‘*The development of large wind farms or other large scale renewable and low carbon energy schemes will not generally be appropriate in internationally or nationally designated areas and sites*’, but the definition of ‘large scale wind farms’ is 25MW IC so others (still ‘large’ in reality) are not covered by this somewhat contradictory guidance.
- 1.9 CPRW believes that if the controversial text at 5.9.17 had been subject to public consultation, it would not have survived these criticisms. However, PPW10 is now extant and operative, and until this textual conflict with recognised good practice and statutory regulation is removed, the draft LSCA is rendered futile.
- 1.10 There remains a further and integral handicap. The LSCA guidance is intended ‘*to support the Welsh Government’s Renewable Energy Toolkit for Planners*’. Unfortunately, that ‘parent’ document has been found to be flawed, illogical and technically inadequate at important public planning events, notably in the consideration of onshore wind and solar photo-voltaic policies at the recent Powys LDP examination where it was heavily criticised by both CPRW and by the local action group. These problems have been encountered elsewhere by CPRW and will frustrate the LSCA without a parallel scrutiny and reform of the Toolkit. A synopsis of the difficulties encountered in its use at the detailed and iterative Powys LDP Hearings is set out in **Appendix A**. CPRW concludes that an overhaul of the Toolkit by fresh consultants should now take place to raise it to a standard comparable to and compatible with that now envisaged for the LSCA.

## **2 Comments on the LSCA Text (paragraph numbers refer to the draft)**

- 1.1 As noted above and in Appendix A, CPRW has formed a negative impression of the Toolkit, and regards it as potentially useful but intrinsically flawed. It is ripe for review and replacement.
- 1.2 The ability, willingness and availability of LPA officers to commission and oversee a LSCA exercise is in doubt. It would – however excellent the guidance – be unlikely to result in a comparable and consistent product from one authority to another. LPA officers should instead be used as consultees. The exercise should be done on the regional basis currently being proposed by NRW and then be subject to a Wales-wide comparative validation process to ensure compatibility.
- 1.6 As noted above, LSCA should form a prior reference document from which policies could emerge - and proposal-specific LVIAs would be informed.
- 2.1 To CPRW the strategic stage in the process is self-evident, and conflicts with the LPA level of application described in LSCA section 1.
- 2.3 Spatial Planning for Energy

CPRW has long been puzzled that despite huge changes in the perception of need for renewable energy and its range of potential forms, TAN 8 remains as it was originally written. Since then, the Strategic Search Area (SSA) concept has been supplemented in some areas by the Local Search Area (LSA) process for wind and solar. The latter approach has proved volatile and unstable.

We feel that the LSCA process should operate entirely separately from these allocations, in such a way that policy aspirations such as these may be part of a later planning consideration once the LSCA exercise is completed. Even in SSAs it is recognised that due to variations in their sensitivity and capacity not all landscapes should have an energy role; they are essentially broad-brush policy priority zones and were originally determined as such for subsequent internal ranking of these factors. On the other hand, because substantial wind power proposals (under 25MW) are anticipated outside their boundaries, it is realistic to assume that all the SSAs now do is to establish a target locational point on a sliding scale. LSCA should do likewise and be ubiquitous, even including nationally designated areas, in view of the astonishing text at PPW10 5.9.17 noted above.

We agree that LPA REAs should be preceded by LSCA, but again that each should not be done in isolation, and should devolve from a national and then regional approach.

### 3. Environment and Well-being context

We welcome this text, with its range of policy source material expounding the far-reaching importance of landscape and its role for the people of and visitors to Wales. It emphasises our reference to section 6 of PPW10, above. In the context of Figure 5, it is hard to see how the text to which we have taken great exception in PPW10 can be retained in that document. To enable LSCA to make further engagement with planning policy we simply conclude that it will at some point have to be removed.

### 4. General landscape principles

We respond similarly, although we feel that there is a danger that the concept of 'resilience' implies an approach that is similar to one that might be characterised as '*where will the bruises show most?*'. Nevertheless, we accept that it is a necessary stage in the process of defining whether, as well as to further identify where, major change is an option. Figure 7 is a telling image and does show a range of differing approaches and solutions to accommodating land use and landscape change. Perhaps the extent shown of the 'former industrial landscape' is exaggerated, and it is open to question whether the extensive afforestation of several decades ago would have resulted from a fully-fledged LSCA exercise.

### 5. Summary of the LSCA assessment method

Again, (as in 1.6 above) we feel that the two subsets of the Landscape Sensitivity stage are in the wrong order. Given all the text in sections 3 and 4 about landscape and its role in well-being, we would prefer – and think it more logical – to have the Value of the current landscape character as the primary item, then followed by a Susceptibility exercise. It is also better procedure to have the Value set out first, because the Susceptibility operation could then be defined subsequently once a change scenario became apparent, if it varied, if policy or detail changed, or if more than one variant were to be considered for a specific landscape.

### 6. Summary of Assessment stages

The order of these stages reads as if the LSCA process is designed as a comparative enabling tool for development. If Stage 1 is to identify and describe the development, this process is in danger of degenerating into a macro form of LVIA. It also reinforces conception of the process as a local and perhaps even a specific exercise rather than the broad-scale exercise that is necessary to implement the aspirations of sections 3 and 4 above. This then inevitably introduces such pitfalls of local variability, inconsistency and impracticability inherent at the LPA scale. Thus,

Stage 1 should come after Stage 3. Nevertheless '*the key characteristics of development types*' mentioned vaguely in 6.1 should be summarised at this point. While there is detailed and complex text on the LSCA exercise itself at sections 7 to 10 this is essentially a procedural proposition and beyond CPRW's immediate concern with the ingredients of the process. We do, however, wish to comment on the initial sections of the Annex, as follows, as they relate to our practical experience of both wind and solar proposals.

### 13. Annex 1 - The type and scale of development to be considered

#### 13.1 Typical landscape characteristics of wind turbine developments

#### 15.4 Susceptibility characteristics

While the prime concern of LSCA is with larger wind turbines in extensive open landscapes, there is a danger that the exercise may be deflected away from assessing more localised effects of medium machines in more humanised landscapes, or those already having a scatter of turbines. Policy changes which are linked to this end of the turbine spectrum, such as the removal or extension of the Feed in Tariff, cannot be predicted or assumed. In such locations there are also potential interactions with other invasive aspects of the settled rural landscape such as intrusive agricultural buildings and solar installations.

It is rather surprising to read the bald text derived from projected Scottish context that in future 'megawattage is not relevant to LSCA'. This would appear to be because for a given turbine capacity, much taller towers and longer blades will lead to greater output (and thus capacity factor). But given the huge increase in capacity as instanced in machines of 7MW it is doubtful if this will be so pronounced. In any case the association would seem to be misplaced as this relationship concerns the planning balance rather than LSCA.

Figure 13 based on turbine tip height is rather puzzling because the 'extent' distances of LVIA study areas are presumably radii, yet this word is not used. If – as stated - these are not ZTV radii, then it is not clear what they actually are. Possibly they may be the distances at which significant effects are likely to occur.

13.1.2 sets out a (very crude) typology based on the number of turbines in what it (quite wrongly) describes as 'a cluster' (up to 50+). Despite this over-simplification, what the two approaches on tip height and numbers fail to do is to integrate the two. It is the combination of size and numbers which is the relevant consideration.

The relevant section 15.4 on landscape susceptibility is familiar, but under 'land cover' fails to consider the susceptibilities of semi-natural habitats characterised by heather or bilberry in upland areas, which contrast with pale coloured turbines.

- 13.2 Typical landscape characteristics of solar photo-voltaic (PV) developments
- 15.5 Susceptibility characteristics

Due to the relative novelty of this technology this text sets out less-familiar criteria which offers more scope for defining characteristics that are less susceptible to solar developments. Unfortunately, it fails to alter the heading inherited from the previous section so that the heading for each aspect refers to wind turbines! It describes a greater range of acceptable locations than in the case of wind but fails to recognise the ability of relatively flat well-hedged farmed landscapes to accommodate panels – especially when subject to effective and properly implemented planning conditions for hedge and tree maintenance and retention.

## **Appendix A**

### **The use of the ‘Toolkit’**

In their 2018 submission to the consultation on PPW10, the Brecon and Radnorshire branch of CPRW submitted the trenchant critique below responding to the use of the Toolkit by its authors AECOM consultants in the recent Powys LDP Examination. Much more could be said on this topic, but for present purposes this short, pre-existing, commentary encapsulates the similar negative experiences of other CPRW branches in other planning contexts.

*The experiences with Aecom’s toolkit in the evolution of the Powys LDP were disastrous, expensive and very stressful for all concerned. It was particularly disturbing because Powys commissioned Aecom to apply their own toolkit in a Renewable Energy Assessment to be used as evidence for the LDP. There were gross errors of fact and methodology, hopelessly outdated evidence, tables full of mathematical errors and wrong units, and ignorance of some of the types of renewable energy concerned. Aecom’s REA had to be revised in response to the public submissions pointing out that no landscape assessment or viability study was incorporated into the identification of local search areas.*

*If use of any such toolkit is to be recommended in PPW10, it must come with a requirement that a prior landscape assessment be integrated into any spatial allocations.*