

# Planning in Wales: new schemes and "priority areas" under the draft National Development Framework



**Heather Sargent**

## The on-shore consenting regime in Wales

### Schemes up to 10MW:

- Decision-maker: local planning authority
- Decision-making framework (legislation & policy):
  - Town & Country Planning Act 1990
  - Planning Policy Wales
  - Technical Advice Note 8
  - Statutory development plan
  - Other material considerations

## The on-shore consenting regime in Wales

### Schemes 10MW and over: “developments of national significance” (“DNS”)

- Decision-maker: Welsh Government (application made to PINS Wales)
- Decision-making framework (legislation & policy):
  - Town & Country Planning Act 1990
  - Planning Policy Wales
  - Technical Advice Note 8 (“**TAN 8**”)
  - Statutory development plan
  - Other material considerations

## Scheme progress in Wales

29 November 2017: Welsh Government Written Statement setting out public position on support for on-shore wind (and solar) development

- Exclusion of on-shore wind from Contracts for Difference mechanism has had a significant impact on development
- No new applications for planning permission within Welsh Strategic Search Areas (“SSAs”) in 2016
- Endorsed by several stakeholders including Natural Resources Wales, Welsh Local Government Association, National Trust

## Scheme progress in Wales

### TAN 8

- Large scale (over 25MW) on-shore wind developments should be concentrated into SSAs
- 7 SSAs identified
- LPAs are to undertake “local refinement” within each SSA to “guide and optimise” development within the SSA
- LPAs “might wish” to consider the possibility of development of wind farms on “suitably unconstrained” land outside “but close to” the SSA
- Indicative targets of installed capacity given: “intended to assist the planning process”; “not to be seen as the definitive capacity for the areas”

## Scheme progress in Wales

SSA capacity as at 2018:

SSA	In planning (MW)	Consented (MW)	Operational (MW)	Total (MW)	TAN8 indicative target capacity (MW)	TAN8 max capacity (MW)
A		204	30.5	234.5	140	212
B	197.5		106.6	304.1	290	430
C	149.5	66.7	46	262.2	70	98
D				0	140	212
E		48	72.5	120.5	100	152
F	39	24	346.5	409.5	290	430
G		36	80.4	116.4	90	132
All	386	378.7	682.5	1447.2	1120	1666

## Scheme progress in Wales

### **Garn Fach (22 turbines / 110MW)**

- EDF Renewables
- Land south of Newtown – previously proposed for Llaithddu scheme (application refused by DECC in 2015)
- Pre-application stage: submission of planning application was programmed towards the end of 2020

## The draft National Development Framework

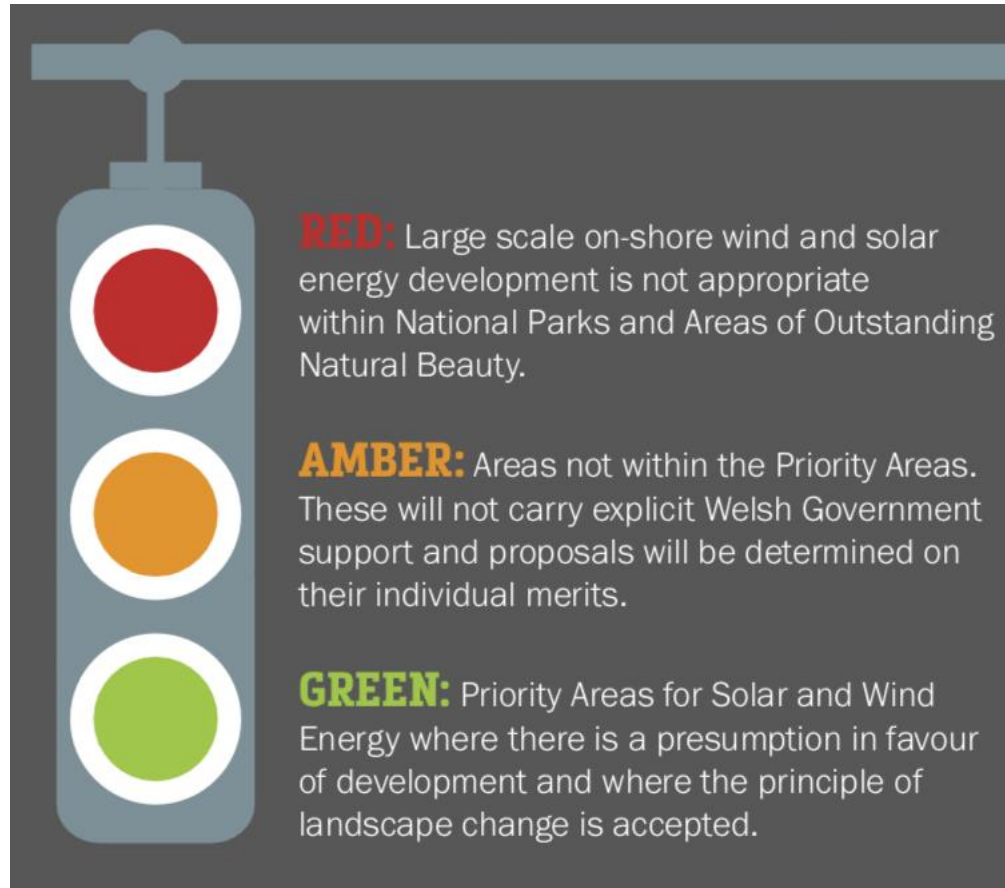
- New spatial development plan that “will set the direction for development in Wales from 2020 to 2040”
  - The highest tier of development plan: to be “built on” by Strategic Development Plans (regional) and Local Development Plans (LPA level)
  - Replaces the Wales Spatial Plan
- Consultation on dNDF ended on 15 November 2019
- Publication of Welsh Government report on the consultation responses awaited



## The draft National Development Framework

- “General” targets for the generation of renewable energy:
  - 70% of electricity consumption to be generated from renewable energy by 2030
  - 1GW of renewable energy capacity to be locally-owned by 2030
  - New renewable energy projects to have “at least an element of” local ownership by 2020
- “Large scale” on-shore wind development = DNS: 10MW+
  - “Spatial priority” is for large scale on-shore wind development to be directed towards **Priority Areas** for Wind and Solar Energy

## The draft National Development Framework

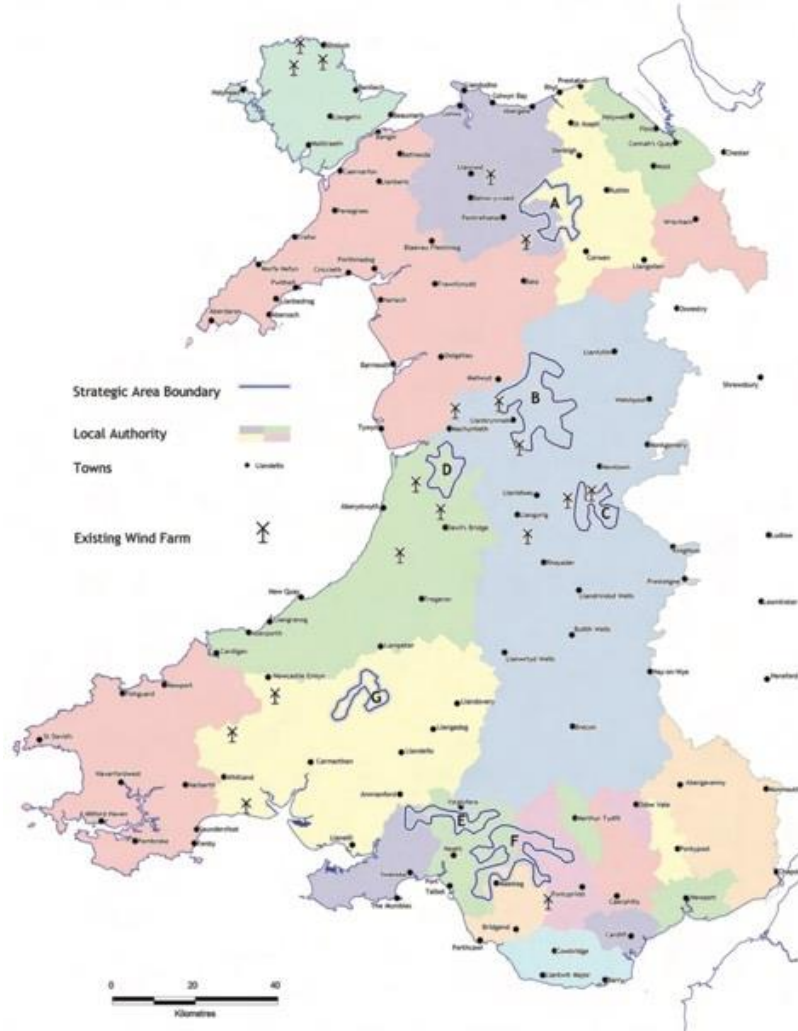


### Traffic light based approach:

- Presumption in favour of large scale on-shore wind development in Priority Areas; also
- “an acceptance of landscape change and a focus on maximising benefits and minimising impacts”

# The draft National Development Framework

Agriculture and Spatial Choices: the NDF Spatial Strategy

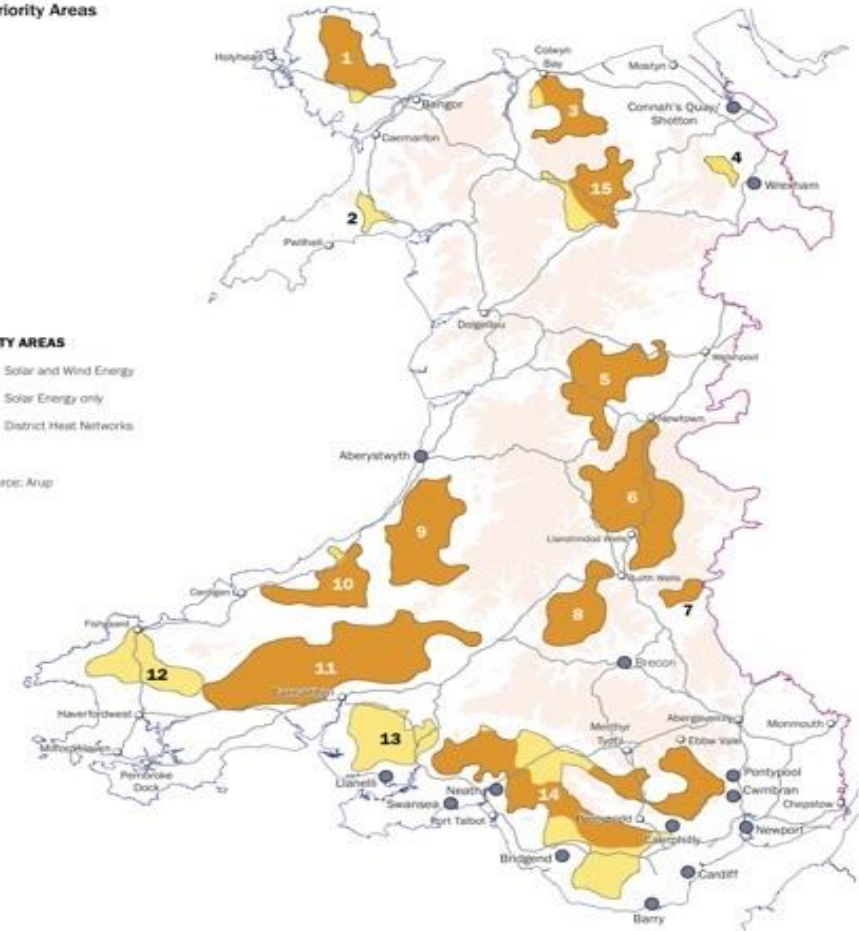


## Energy Priority Areas

### PRIORITY AREAS

- Solar and Wind Energy
- Solar Energy only
- District Heat Networks

data source: Arup



## The draft National Development Framework

Priority Areas identified through a strategic review of landscape and visual impact as “the most appropriate locations to accommodate landscape change” – hence the acceptance of landscape change in these areas; but

“the design and micro siting of proposals must minimise the landscape and visual impact, particularly those in close proximity to built-up areas”

“Communities will be protected from significant cumulative impacts to avoid unacceptable situations whereby, for example, smaller settlements could be potentially surrounded by large wind schemes”

“Careful consideration will be given to the siting of schemes, particularly the cumulative impacts”

## The draft National Development Framework

### Policy 10 addresses Wind and Solar Energy in Priority Areas

- Presumption in favour of development and associated acceptance of landscape change; moreover
- “When determining planning applications for large scale on-shore wind and solar energy development in Priority Areas, **significant weight** will be given to the proposal’s contribution to **reducing Wales’ greenhouse gas emissions** and meeting our **decarbonisation and renewable energy targets**”; but
- Planning applications must demonstrate how local social, economic and environmental benefits have been **maximised** and the [specified range of] adverse impacts have been **minimised**

## The draft National Development Framework

- Natura 2000 sites within Priority Areas are excluded
- Further guidance will be produced

### **Policy 11** addresses Wind and Solar Energy Outside of Priority Areas

- Onus is on developer to demonstrate that the proposal is acceptable in accordance with the criteria set out in the policy

**Policy 12:** large scale onshore wind is not acceptable within National Parks and AONBs

# Thank you for listening

© Copyright Landmark Chambers 2020

**Disclaimer: The contents of this presentation do not constitute legal advice and should not be relied upon as a substitute for legal counsel.**

## London

180 Fleet Street  
London, EC4A 2HG  
+44 (0)20 7430 1221

## Birmingham

4th Floor, 2 Cornwall Street  
Birmingham, B3 2DL  
+44 (0)121 752 0800

## Contact us

✉ [clerks@landmarkchambers.co.uk](mailto:clerks@landmarkchambers.co.uk)  
🌐 [www.landmarkchambers.co.uk](http://www.landmarkchambers.co.uk)

## Follow us

🐦 @Landmark\_LC  
🌐 Landmark Chambers