

Chapter 2

Legal and Policy Context

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Glossary

Term	Definition
Committee on Climate Change	An independent committee that offers evidence-based advice to the UK and devolved governments and Parliaments on matters related to climate change.
Department for Business, Energy and Industrial Strategy (BEIS)	UK government ministerial department with responsibilities for business, industrial strategy, science, innovation, energy, and climate change. The department replaced the Department for Energy and Climate Change, (DECC) in 2016.
Environmental Impact Assessment (EIA)	EIA is a means of carrying out, in a systematic way, an assessment of the likely significant environmental effects from a development.
Environmental Statement (ES)	A document reporting the findings of the EIA and produced in accordance with the EIA Regulations
Greenhouse Gas (GHG)	A gas that contributes to the greenhouse effect by absorbing infrared radiation. Carbon dioxide (CO ₂) and chlorofluorocarbons (CFCs) are examples of greenhouse gases.
North section	Section of development located north of Bryn settlement, within Penhydd forestry block.
Planning Statement	A document outlining the policy and legislation relevant to the proposed development and demonstrating the accordance or otherwise of the development with this policy and legislation.
Renewable Energy Strategy (RES)	Published in 2009 and sets out the path by which the UK can meet the legally binding target of 15% energy consumption from renewable sources by 2020.
South section	Section of development located south of Bryn settlement, within Bryn forestry block.
The proposed development	Y Bryn Wind Farm development

List of Abbreviations

Abbreviation	Description
BCBC	Bridgend County Borough Council
BEIS	The Department for Business, Energy and Industrial Strategy
CCC	Climate Change Committee
CCR	Cardiff Regional Capital
CFC	Chlorofluorocarbons
CfD	Contracts for Difference
COP26	Conference of the Parties 26
CO ₂	Carbon Dioxide
DECC	Department of Energy and Climate Change
DNS	Developments of National Significance
EIA	Environmental Impact Assessment
EMR	Electricity Market Reform
EPS	Energy Policy Statement
ES	Environmental Statement
EU	European Union
GHG	Greenhouse Gases
KI	Key Issue
LCCC	Low Carbon Contracts Company
LDP	Local Development Plan
NAP	National Adaption Programme
NPS	National Policy Statement
NPTCBC	Neath Port Talbot County Borough Council
PAA	Pre-Assessed Areas for Wind Energy
PPW	Planning Policy Wales
RES	Renewable Energy Strategy
RLDP	Replacement Local Development Plan
ROCs	Renewables Obligations Certificate
SDP	Strategic Development Plan
SIP	Single Integrated Plan
SSA	Strategic Search Area
SWW	South West Wales
TAN	Technical Advice Note
TCA	UK/EU Trade and Co-operation Agreement
TCPA	Town and Country Planning Act 1990
UNFCCC	United Nations Framework Convention on Climate Change
WG	Welsh Government

2.1 INTRODUCTION

- 2.1.1 This chapter of the Environmental Statement (ES) sets out the policy and legislative frameworks relevant to the development of renewable energy, and specifically onshore wind. It is recognised that current drivers to these policies have emerged from the pressing concerns regarding climate change and the resulting aims of reducing greenhouse gas emissions. Renewable energy technologies, including onshore wind is acknowledged as a means to reduce greenhouse gas emissions through a reduced reliance upon fossil fuels.
- 2.1.2 The chapter references international, UK, Wales, and local levels of legislation and policy to build an overall picture of the context in which the proposed development is put forward, and against which it is likely to be assessed.
- 2.1.3 It is not the purpose of this chapter to provide a planning assessment of the proposed development against these policies. A detailed appraisal of the proposed development against the relevant planning policy context is set out within the Planning Statement which is submitted with the application. That document contains a brief description of the proposed development, the rationale for the proposal, a summary of the findings of the ES and consideration of the application against key legislative and policy provisions.
- 2.1.4 More detailed planning policy specific to each of the topics assessed in this ES is presented within the relevant topic chapters.

2.2 CLIMATE CHANGE AND ENERGY

International

- 2.2.1 There is broad international consensus that climate change is a real and pressing issue, and that fossil fuels should be replaced by renewable energy sources where possible.
- 2.2.2 The United Nations Framework Convention on Climate Change (UNFCCC) has had a prominent role in establishing international policy on climate change. Its principal review mechanism, 'The Kyoto Protocol'¹ was adopted by the Annex 1 participating countries in 1997 and commits the industrialised countries to legally binding targets to limit or reduce their greenhouse gas emissions.
- 2.2.3 The Paris Agreement² (Paris Climate Accord, or Paris Climate Agreement) is an agreement within the UNFCCC dealing with greenhouse gas emissions, mitigation, adaptation and finance starting in the year 2020. The Paris Agreement aims to respond to the climate change threat by keeping a global temperature rise this century below 2 degrees Celsius above pre-industrial levels, and ideally limit that increase to 1.5 degrees Celsius. Under the Paris Agreement, the UK is required to produce plans and regularly report its own contribution towards climate change mitigation. There is no mechanism to force a country to set a specific target by a specific date, but each target should go beyond previously set targets.
- 2.2.4 Conference of the Parties 26 (COP26), which took place in Glasgow in October to November 2021, had the aim of securing global net-zero by 2050 so that a limit of 1.5 degrees Celsius increase this century remains viable³. Time will tell whether it was successful in this aim, but significant commitments to come out of the event included agreements to:

- 'Phase down' coal burning and phase out fossil fuel subsidies;
- set more ambitious climate targets by 2022, rather than within five years as is typical of new commitments. These included reduction on CO₂ emissions; and
- Agreements by a number of governments and financial institutions, including those in the US and UK, to stop funding new overseas fossil fuel energy projects.

2.2.5 COP27, held in Sharm El Sheikh, Egypt between 6 to 18 November 2022, aimed to speed up global action on climate mitigation and adaptation, and arrange for a "*just and managed transition to a new sustainable economic model*" in which developed nations help finance developing nations in their efforts to combat climate change.⁴ Significant agreements from COP27 included:

- Re-affirmation of the commitment to limit global temperature rises to 1.5 degrees Celsius above pre-industrial levels; and
- Compensate nations for loss and damage caused by climate change through the establishment of a 'loss and damage' fund.

2.2.6 There were, however, caveats on both these agreements. There remains a stark gap between existing national plans to tackle climate change and what would actually be needed to achieve the 1.5 degree limit; and while the loss and damage fund was established, no agreement was reached on who will pay into it, how much will be paid, or who will benefit.

2.2.7 In 2008, the European Parliament and Council agreed a climate and energy package known as the '20-20-20' targets, to be achieved by 2020. These included:

- A reduction in European Union (EU) greenhouse gas (GHG) emissions of at least 20% below 1990 levels;
- 20% of EU energy consumption to come from renewable energy sources ('the renewables target'); and
- A 20% reduction in primary energy use compared with projected levels, to be achieved by improvements in energy efficiency.

2.2.8 To meet these targets, the EU introduced Directive 2009/28/EC⁵ on the promotion of the use of energy from renewable sources (the Renewable Energy Directive). Article 3 and Annex I of this Directive set out the mandatory national targets for individual Member States to meet by 2020. As part of this, the UK was subject to a mandatory national target of deriving 15% of gross final energy consumption from renewable sources by 2020. This directive was updated in 2018⁶, raising the share of energy consumed by the EU to come from renewable sources to at least 32% by 2030.

2.2.9 A further revision, known as the European Green Deal, was proposed in July 2021⁷. These proposals aimed to raise the renewables target to 40% by 2030 to help achieve a 55% reduction in GHGs on 1990 levels, as well as

¹ United Nations Framework Convention on Climate Change website, *Kyoto Protocol to the United Nations Framework Convention on Climate Change* (1997). Available from - <https://unfccc.int/sites/default/files/resource/docs/cop3/107a01.pdf> [Accessed 30/03/2023]

² United Nations Framework Convention on Climate Change website, *Paris Agreement* (2015). Available from - https://unfccc.int/sites/default/files/english_paris_agreement.pdf [Accessed 30/03/2023]

³ UN Climate Change Conference UK 2021, *COP26 Goals*. Available from <https://ukcop26.org/cop26-goals/> [Accessed 30/03/2023]

⁴ United Nations Framework Convention on Climate Change website, *Five Key Takeaways from COP27*. Available from - <https://unfccc.int/process-and-meetings/conferences/sharm-el-sheikh-climate-change-conference-november-2022/five-key-takeaways-from-cop27> [Accessed 30/03/2023]

⁵ EUR-Lex, *Directive 2009/28/EC of the European Parliament and of the Council* (2009). Available from - <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02009L0028-20151005&from=en> [Accessed 30/03/2023]

⁶ EUR-Lex, *Directive (EU) 2018/2001 of the European Parliament and of the Council* (2018). Available from - <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32018L2001&from=EN#d1e1665-82-1> [Accessed 30/03/2023]

⁷ EUR-Lex, *Renewable energy directive*. Available from - https://ec.europa.eu/energy/topics/renewable-energy/directive-targets-and-rules/renewable-energy-directive_en#directive-2018-2001-eu [Accessed 30/03/2023]

committing Europe to become a climate neutral continent by 2050. The European Climate Law⁸, enacted 30 June 2021, made these targets legally binding for member states.

2.2.10 EU environmental law was applicable to the UK until the Brexit transition period ended on 31 December 2020. The UK/EU Trade and Co-operation Agreement⁹ (TCA), which came into force immediately after the transition period, requires 'non-regression' in the level of environmental protection in the UK. This means that the UK should not try to undo the harmonised level of standards with the EU that were in place when the transition period ended. It also features a 'level playing field' provision which covers environmental and climate law (amongst others), and in theory restricts radical divergence of UK and EU law in these areas. While the UK is not required to harmonise with EU environmental standards going forward, the UK has adopted most EU environmental directives into national law, and the 'level playing field' provision of the TCA means that it is in both the EU and UK's interests to maintain a degree of parity in their environmental and climate legislation.

UK

2.2.11 UK legislation and policy in recent decades has also recognised the pressing nature of climate change and has sought to address it in part through increasing the role of renewable energy including onshore wind.

2.2.12 The Climate Change Act 2008¹⁰ received Royal Assent on 26 November 2008 and introduced legally binding targets on the Secretary of State to reduce the UK's GHG emissions by at least 80% below 1990 levels by 2050. It was updated in 2019 through The Climate Change Act 2008 (2050 Target Amendment) Order 2019 to increase this target to 100%. The Climate Change Act 2008 also established a series of measures to achieve these targets, including the introduction of carbon budgeting, a carbon trading scheme, and the creation of a new Committee on Climate Change (CCC).

2.2.13 Specific measures for renewables were set out in the UK Renewable Energy Strategy¹¹ (RES) which was published alongside and in parallel with the UK Low Carbon Transition Plan in July 2009. The RES set out the path by which the UK would meet the legally binding target of 15% energy consumption from renewable sources by 2020.

2.2.14 The Renewable Energy Roadmap¹² updated some of the aims within the RES and identified eight technologies capable of providing 90% of the renewable energy required to meet the UK's 2020 target of 15% of energy consumption derived from renewable sources. It suggested that onshore wind had the potential to be generating up to 13 GW by 2020, although it raised concerns about the speed at which this capacity could be brought through.

2.2.15 In December 2011, the UK Government published its Carbon Plan¹³. The Carbon Plan states that electricity demand may rise by between 30% and 60% by 2050, which may require today's electricity capacity to double in order to deal with peak time demands. It goes on to state that 'renewable energy, particularly onshore and offshore wind farms' is likely to be one of the three main low carbon sources to produce electricity. The document further sets out the policies for meeting the commitment of an 80% reduction in GHG emissions made under the Climate Change Act 2008. It also describes the measures proposed to meet the first four carbon budgets.

⁸ EUR-Lex, *Regulation (EU) 2021/1119 of the European Parliament and of the Council* (2021). Available from - <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32021R1119&from=EN> [Accessed 30/03/2023]

⁹ EUR-Lex, *Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part* (2021). Available from - [https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:22021A0430\(01\)&from=EN](https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:22021A0430(01)&from=EN) [Accessed 30/03/2023]

¹⁰ *Climate Change Act 2008* (2008). Available from - <https://www.legislation.gov.uk/ukpga/2008/27/introduction> [Accessed 30/03/2023]

¹¹ *The UK Renewable Energy Strategy* (2021). Available from - https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/228866/7686.pdf [Accessed 30/03/2023]

¹² *UK Renewable Energy Roadmap* (2011). Available from - https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/48128/2167-uk-renewable-energy-roadmap.pdf [Accessed 30/03/2023]

2.2.16 The Energy Act 2013¹⁴ makes provisions to incentivise investment in low carbon electricity generation, ensure security of supply, and help the UK meet its emission reduction and renewables targets. In particular, the Energy Act contains provisions from the then Department of Energy and Climate Change (DECC) (now the Department for Business, Energy and Industrial Strategy (BEIS)) for Electricity Market Reform (EMR)¹⁵.

2.2.17 The EMR set out the framework for replacing Renewables Obligation Certificates (ROCs) with Contracts for Difference (CFD) to provide stable financial incentives to encourage investment in low carbon electricity generation. CFDs are private contracts between a low carbon electricity generator and the UK Government owned Low Carbon Contracts Company (LCCC). Under a CFD, the electricity generating party is paid the difference between the strike price (the price for electricity reflecting the cost of investment in low carbon technology) and the reference price (a measure of the average market price for electricity in the Great Britain market).

2.2.18 In 2015, the UK government effectively blocked new onshore wind projects from benefitting from the ROC (and later CFD) scheme. However, in March 2020 the government reversed that decision following calls for a review of its renewables policy framework in light of the net-zero target. Despite the inclusion of onshore wind in the latest round of CFD, the level of competition and relatively modest budget mean that commercial onshore wind projects are designed on a worst-case scenario i.e. to generate 'subsidy free' without financial assistance from CFD.

2.2.19 The CCC published its landmark report entitled '*Net Zero – UK's Contribution to Stopping Global Warming*'¹⁶ in May 2019. The report responded to requests from the Welsh and Scottish Governments of the UK, asking the CCC to reassess the UK's long-term carbon emissions targets. The report made recommendations for the UK economy including:

- UK overall: a new tougher emissions target of net zero GHGs by 2050, ending the UK's contribution to global warming within 30 years. This would replace the previous target of an 80% reduction by 2050 from a 1990 baseline (acted upon by The Climate Change Act 2008 (2050 Target Amendment) Order 2019); and
- Wales: a target of 95% reduction in GHG to 1990, replacing the previous target of an 85% reduction based on 1990 emissions levels. This was caveated with the fact that Welsh decarbonisation relies on UK government policy in a number of areas, and if the UK government did not commit to the CCC's targets, Wales would not be able to achieve their specific targets. Despite this caveat, in 2021 the Welsh Government (WG) superseded this recommendation from the CCC by introducing their own target of 100% emissions reductions by 2050¹⁷.

2.2.20 Following the CCC report, in June 2019 the UK Government declared a climate emergency. This resulted in the amendments to the Climate Change Act 2008, namely a legally binding target to achieve net-zero by 2050. Also

¹³ *Carbon Plan* (2011). Available from - https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/47621/1358-the-carbon-plan.pdf [Accessed 30/03/2023]

¹⁴ *Energy Act 2013*. Available from - <https://www.legislation.gov.uk/ukpga/2013/32/introduction/enacted> [Accessed 30/03/2023]

¹⁵ *Electricity Market Reform: policy overview* (2012). Available from - https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/65634/7090-electricity-market-reform-policy-overview-.pdf [Accessed 30/03/2023]

¹⁶ The Climate Change Committee *Net Zero: The UK's contribution to stopping global warming* (2019). Available from - <https://www.theccc.org.uk/wp-content/uploads/2019/05/Net-Zero-The-UKs-contribution-to-stopping-global-warming.pdf> [Accessed 30/03/2023]

¹⁷ *The Environment (Wales) Act 2016 (Amendment of 2050 Emissions Target) Regulations 2021* (2021). Available from - <https://senedd.wales/media/be5gx0vh/sub-ld14108-e.pdf> [Accessed 30/03/2023]

in 2021, the UK government adopted the sixth Carbon Budget through The Carbon Budget Order 2021¹⁸, setting a legally binding target of reducing emissions by 78% compared to 1990 levels by 2035.

- 2.2.21 In November 2020, the UK Government released a Ten Point Plan¹⁹ promising a 'Green Industrial Revolution', in which it signalled its intention to make onshore wind eligible for CfD in 2021. This was closely followed by the National Infrastructure Strategy²⁰, which stated an ambition to 'deliver an infrastructure revolution...and put the country on the path to net zero emissions by 2050.' The strategy goes on to state that 'To achieve net zero by 2050, the power system will need to be virtually carbon free and significantly larger to cope with the additional demand from electrification in transport, heating and some industrial processes.' Support for renewables including onshore wind is evident in the statement 'To deliver net zero, the share of generation from renewables needs to dramatically increase. While the UK leads the world in the deployment of offshore wind, greater generation capacity will need to come from onshore wind and solar as well.'
- 2.2.22 In December 2020, the UK Government published an Energy White Paper²¹ in which it confirmed that onshore wind would be eligible for the next CFD action round. This demonstrated formal UK Government support for the sector for the first time since 2015. The White Paper also stated that 'Onshore wind and solar will be key building blocks of the future generation mix, along with offshore wind' further stating that the sector would need sustained growth in capacity to help meet 2050 targets.
- 2.2.23 In October 2021, the UK Government set out its strategy for decarbonising all sectors of the UK economy in order to meet the 2050 net zero targets in a policy paper titled 'Net Zero Strategy: Build Back Greener'²². The strategy declared an aim to fully decarbonise the UK's power system by 2035, using a mix of technologies including onshore wind. It also laid out plans for greater electrification of transport, heating and industry, all of which will require significant increase of renewable capacity to implement whilst also achieving the 2050 targets.
- 2.2.24 In June 2022, the CCC published a progress report²³ in which they highlighted that, while the policy ambition to achieve net zero by 2050 was in place, this was not matched by tangible progress. The report highlighted the role of onshore wind in ensuring the cost of living crisis is tackled in alignment with net zero goals, due to its significantly quicker deployment time compared to offshore. It also reiterated the link between the ambition for greater electrification of the economy and the necessity of increased onshore capacity to help support this.
- 2.2.25 In March 2023, the CCC published their 'Progress in Adapting to Climate Change – 2023 Report to Parliament'²⁴. This report stated that 'The impacts from extreme weather in the UK over the last year highlight the urgency of adapting to climate change', going on to argue that the UK had not adequately prepared itself for the effects of climate change. The report also stated that due to a lack of ambition in the previous National Adaptation Programme (NAP), the next NAP will require a greater degree of urgency and change than has previously been

exhibited if the UK's people, ecology and infrastructure are to be sufficiently protected from damage due to climate change.

- 2.2.26 In the shift between onshore wind being reliant on subsidies to having none, there is a recognition of the benefits that new larger wind turbines can bring, with larger rotor diameters, taller tip heights and higher capacity generators. For example, in the Scottish Onshore Wind Policy Statement²⁵, the Scottish Government acknowledges the efficiencies that larger turbines deliver, and the value of using these new turbines to maximise energy generation at onshore wind sites. It also plainly states that in order to meet legal obligations on climate change, there is a need to deploy 'significant volumes of onshore wind generation over the next decade...this is likely to comprise modern, efficient turbines which will maximise the generation possible at each site...'

Wales

- 2.2.27 The Renewable Energy Route Map²⁶ for Wales, February 2008, set out proposals for moving Wales towards self-sufficiency in renewable electricity in a generation, whilst at the same time driving towards increased energy efficiency and a greater level of heating requirements being supplied from renewable sources.
- 2.2.28 March 2010 Energy Policy Statement (EPS)²⁷ by the WG radically changed the position on targets. Whereas the position since 2005 had been that the target for 2020 was set at 7 TWh of electricity output from renewables, the EPS set out the potential for a new, greatly enhanced potential for 2025 of 22,500 MW of installed capacity of renewables. Of this, 8,000 MW of onshore and offshore wind was expected to be provided in the main by 2015-17, which can be compared with the 800 MW of strategic onshore wind envisaged to be installed between 2005 and 2010 under Technical Advice Note (TAN) 8 on top of about 300 MW which was already in place by 2005. This can be seen as a formal response by the WG to the UK Government's publication of the RES in 2009 with its greatly increased UK national figure of, at least, 30% of electricity from renewables by 2020.
- 2.2.29 The Climate Change Strategy for Wales (2010)²⁸ outlined the importance of renewable energy generation in meeting the energy demand in Wales and set out a vision for limiting GHG emissions in Wales up to 2050. This was followed in 2012 by Energy Wales: A Low Carbon Transition Plan²⁹, which re-iterated the importance of renewable energy generation to the WG's ambitions. The (then) Cabinet Secretary for Environmental and Rural Affairs, Lesley Griffiths, further demonstrated WG's commitment to renewable energy as a solution to climate change with a statement in September 2017³⁰ that set a figure of Wales generating 70% of its electricity

¹⁸ The Carbon Budget Order 2021 (2021). Available from - <https://www.legislation.gov.uk/ukdsi/2021/9780348222616> [Accessed 30/03/2023]

¹⁹ The Ten Point Plan for a Green Industrial Revolution (2020). Available from - https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/936567/10_POINT_PLAN_BOO_KLET.pdf [Accessed 30/03/2023]

²⁰ The National Infrastructure Strategy – Fairer, Faster, Greener (2020). Available from - https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/938049/NIS_final_web_single_page.pdf [Accessed 30/03/2023]

²¹ Energy white paper: Powering our net zero future (2020). Available from - https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/945899/201216_BEIS_EWP_Command_Paper_Accessible.pdf [Accessed 30/03/2023]

²² Net Zero Strategy: Build Back Greener (2021). Available from - https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1033990/net-zero-strategy-beis.pdf [Accessed 30/03/2023]

²³ The Climate Change Committee 2022 Progress Report to Parliament (2022). Available from - <https://www.theccc.org.uk/wp-content/uploads/2022/06/Progress-in-reducing-emissions-2022-Report-to-Parliament.pdf> [Accessed 30/03/2023]

²⁴ The Climate Change Committee Progress in Adapting to Climate Change – 2023 Report to Parliament (2023). Available from - <https://www.theccc.org.uk/wp-content/uploads/2023/03/WEB-Progress-in-adapting-to-climate-change-2023-Report-to-Parliament.pdf> [Accessed 30/03/22]

²⁵ Onshore Wind Policy Statement Refresh 2021: Consultative Draft. Available from - <https://www.gov.scot/publications/onshore-wind-policy-statement-refresh-2021-consultative-draft/documents/> [Accessed 30/03/2023]

²⁶ Renewable Energy Route Map for Wales (02/08). Available from - <https://www.bridgend.gov.uk/media/1515/wd42.pdf> [Accessed 30/03/2023]

²⁷ A Low Carbon Revolution – the Welsh Assembly Government Energy Policy Statement (2010). Available from - <http://www.marineenergywales.co.uk/wp-content/uploads/2016/01/WAG-low-carbon-revolution2.pdf> [Accessed 30/03/2023]

²⁸ Climate Change Strategy for Wales: Delivery Plan for Emissions Reduction (2010). Available from - <https://gov.wales/sites/default/files/publications/2019-04/climate-change-research-emission-reduction-scenarios.pdf> [Accessed 30/03/2023]

²⁹ Energy Wales: A Low Carbon Transition (2012). Available from - <https://gov.wales/sites/default/files/publications/2019-07/energy-wales-a-low-carbon-transition.pdf> [Accessed 30/03/2023]

³⁰ Lesley Griffiths high on ambition for clean energy (2017). Available from - <https://gov.wales/lesley-griffiths-high-ambition-clean-energy> [Accessed 30/03/2023]

consumption from renewable energy by 2030. In Energy Generation in Wales 2021³¹, WG reported that 55% of Wales' electricity consumption came from renewables. In addition, a target was set in 2017 for 1 GW of renewable energy capacity in Wales to be locally owned by 2030 with the expectation for all new energy developments in Wales to have at least an element of local ownership from 2020.

2.2.30 The Well-being of Future Generations (Wales) Act 2015³² creates a legal obligation on public bodies to improve, amongst other things, the environmental well-being of Wales. It also compels public bodies to set objectives that contribute to achieving seven well-being goals, including:

- A prosperous Wales, described as 'An innovative, productive and low carbon society which recognises the limits of the global environment and therefore uses resources efficiently and proportionately (including acting on climate change); and which develops a skilled and well-educated population in an economy which generates wealth and provides employment opportunities, allowing people to take advantage of the wealth generated through securing decent work.';
- A resilient Wales, described as 'A nation which maintains and enhances a biodiverse natural environment with healthy functioning ecosystems that support social, economic and ecological resilience and the capacity to adapt to change (for example climate change).'; and
- A globally responsible Wales, described as 'A nation which, when doing anything to improve the economic, social, environmental and cultural well-being of Wales, takes account of whether doing such a thing may make a positive contribution to global well-being.'

2.2.31 The Environment (Wales) Act 2016³³ placed new duties on the WG to ensure GHG reduce, as well as introducing a carbon budgeting method to measure progress towards reducing emissions. It set a target for an 80% reduction in emissions by 2050 and introduced a duty to set interim emissions targets for 2020, 2030, and 2040.

2.2.32 The Climate Change (Wales) Regulations 2018 established a system of interim emissions targets and carbon budgeting to create an emissions reduction trajectory towards the 2050 target set out in the Environment (Wales) Act 2016. In light of the CCCs 'Net Zero' report, WG amended the regulations on 9 February 2021 to reflect their desire for Wales to achieve net zero by 2050, as well as amending emissions targets for 2030 and 40. They also made the second Carbon Budget more stringent, and set the third Carbon Budget, in line with the CCC's recommendations in their 'Path to Net Zero Wales' report.

2.2.33 In June 2019, WG declared a climate emergency and, in line with the CCC's recommendation, committed to reduce emissions by at least 95% by 2050, with an ambition to achieve net zero by 2050. WG signalled its intention to bring forward regulations to amend the existing 2050 target, interim targets, and carbon budgets as necessary.

2.2.34 Prosperity for All: A Low Carbon Wales³⁴ (March 2019) set out a high-level plan to transition Wales to becoming a low carbon nation, outlining ways to reduce emissions and support the growth of a low carbon economy. It contained policies to reduce fossil fuel use in power generation and deliver on renewable energy targets, stating that 'The reduction of electricity generation from fossil fuels must be accompanied by increases in low carbon generation'. The Plan also stated that 'the bulk of new generating capacity should be provided by the lowest cost technologies', while also re-iterating WG support for onshore wind technology. Additionally, it highlighted WGs

ambition for low carbon energy to become the main source of energy in Wales, especially as heat and transport transition to electric power.

2.2.35 In November 2019, WG published Prosperity for All: A Climate Conscious Wales³⁵, a climate change adaption plan setting out their approach for adapting to the impacts of climate change between 2020 – 2025. Whilst it does not contain specific policies or actions relating to renewable energy or onshore wind, its publication alongside the Prosperity for All: A Low Carbon Wales plan demonstrates the commitment of WG to the wider issue of tackling climate change and reducing its impacts on the people of Wales.

2.2.36 In December 2020 the CCC published their Advice Report: The path to a Net Zero Wales³⁶. In this, they recommended that WG align Planning Policy Wales (PPW) to a Net Zero energy system by ;ensuring Wales has a favourable planning and consenting scheme for onshore wind and other renewables and supporting repowering and life extension of existing wind power in Wales.'

2.2.37 In March 2021, the Environment (Wales) Act 2016 was amended to bring the target for emissions reductions up to 100% by 2050, as well as increasing the interim targets to be achieved by 2030 and 2040.³⁷

2.2.38 Published in 2021, Net Zero Wales: Carbon Budget 2 (2021- 25)³⁸ was the successor to Prosperity for All: A Low Carbon Wales. It directly relates to Wales' second Carbon Budget, but also puts in place longer term policies aimed at helping Wales achieve net zero by 2050. Prominent commitments include an additional 1 GW of renewable capacity to be installed by 2025, and additional electricity supply to come exclusively from decarbonised fossil fuel power plants by 2035 at the latest. It also contains policies relating to increasing low carbon and renewable generation, specifically Policy 22 - Increasing renewable energy developments on land through our planning regime, which highlights the role of planning documents Future Wales – The National Plan 2040 (Future Wales) and PPW 11, in supporting the consenting and development of large scale (onshore) energy projects. These are discussed more fully in the Planning Framework section. Net Zero Wales contains a raft of policies aimed at decarbonising most transport solutions and moving them to electric power by 2050, and also outlines the WG's ambition for increased electrification of industrial processes.

2.2.39 Later in 2021, the WG published a Ministerial deep dive into renewable energy³⁹ that explored the opportunities for, and barriers to, renewable energy generation in Wales, where the vision was set to 'to generate renewable energy to at least fully meet our energy needs and utilise surplus generation to tackle the nature and climate emergencies. We will accelerate actions to reduce energy demand and maximise local ownership retaining economic and social benefits in Wales'.

2.2.40 In January 2023, WG released a consultation document for 'Review of Wales' Renewable Energy Targets'. This document notes that 'the deployment of renewables in Wales and the UK has slowed since 2015, largely as a result of the UK Government's approach to its renewable incentives, withdrawing key subsidies that secured a route to market. While renewables-based electrical capacity continues to increase year-on-year, the current rate of growth will not be enough to meet our demand, especially in light of our future electricity needs'. Furthermore, it states 'We need a secure, affordable energy supply. The climate crisis and our current dependence on

³¹ Energy Generation in Wales (2021). Available from - <https://www.gov.wales/energy-generation-wales-2021> [Accessed 30/03/2023]

³² Well-being of Future Generations (Wales) Act 2015. Available from - <https://www.futuregenerations.wales/wp-content/uploads/2017/01/WFGAct-English.pdf> [Accessed 30/03/2023]

³³ Environment (Wales) Act 2016 (2016). Available from - <https://www.legislation.gov.uk/anaw/2016/3/contents/enacted> [Accessed 30/03/2023]

³⁴ Prosperity for All: A Low Carbon Wales (20/19). Available from - https://gov.wales/sites/default/files/publications/2019-06/low-carbon-delivery-plan_1.pdf [Accessed 30/03/2023]

³⁵ Prosperity for All: A Climate Conscious Wales (2019). Available from - https://gov.wales/sites/default/files/publications/2019-11/prosperity-for-all-a-climate-conscious-wales_0.pdf [Accessed 30/03/2023]

³⁶ Advice Report: The path to a Net Zero Wales (2020). Available from - <https://gov.wales/sites/default/files/publications/2021-03/the-path-to-a-net-zero-wales-advice-report.pdf> [Accessed 30/03/2023]

³⁷ The Environment (Wales) Act 2016 (Amendment of 2050 Emissions Target) Regulations 2021 (2021). Available from - <https://senedd.wales/media/be5qx0vh/sub-ld14108-e.pdf> [Accessed 30/03/2023]

³⁸ Net Zero Wales: Carbon Budget 2 (2021- 25) (2021). Available from - <https://gov.wales/sites/default/files/publications/2021-10/net-zero-wales-carbon-budget-2-2021-25.pdf> [Accessed 30/03/2023]

³⁹ Renewable Energy Deep Dive: Recommendations (2021) Available from - <https://www.gov.wales/renewable-energy-deep-dive-recommendations-html> [Accessed 30/03/2023]

expensive, global fossil fuel supplies underline the importance of clean, affordable renewable energy that is generated in Wales and supports the well-being of our citizens.'

- 2.2.41 The purpose for the consultation document is to review the renewable energy targets and provide a rationale for new targets WG want to set, to reflect on the challenges over the coming years and set a structure to support the ambition in meeting the targets. A new target is proposed 'to generate the equivalent of Wales' total annual electricity demand from renewable'. Based on modelling for future electricity demand presented in the consultation document, it demonstrates the need for a 'fivefold increase in generation of electricity in Wales between now and 2050, with the majority of this increase required after 2030 and with a particularly steep increase through the 2030s' and acknowledges that that 'target to meet our own demand from renewable energy is very ambitious' but credible. Based on the modelling, this will mean a requirement to generate 29 TWh of electricity from renewables in 2035. With regards to local ownership, the consultation document sets out a target 'for at least 1.5 GW of renewable energy capacity to be locally owned by 2035' (excluding heat pumps).

Local

Neath Port Talbot

- 2.2.42 The Neath Port Talbot (NPTCBC) Single Integrated Plan (SIP): Working in Partnership (2013-2023)⁴⁰ sets out the council's vision for the NPTCBC area and steps to achieve that vision. Outcome 3 'Neath Port Talbot's communities and environment are sustainable' refers to the importance of the environment to NPTCBCs communities, and also highlights the carbon legacy of its industrial past. The SIP states that 'There is a need to reduce our carbon footprint as far as possible by changing our lifestyles while at the same time ensuring that we enhance our natural environment and protect it for future generations.' It also makes reference to 'Chang[ing] systems and processes and rais[ing] awareness so that the County Borough's carbon footprint is significantly reduced...and the growth of more sustainable renewable energy technologies is stimulated leading to a low carbon way of living.'
- 2.2.43 NPTCBC's Environment Strategy (2008 – 2026)⁴¹ has the following objectives that are supported by the proposed development:
- Adapt to climate change;
 - Minimise pollution;
 - Increase energy and resource efficiency; and
 - Develop in a sustainable way to create a long-term benefit for the people of our county.
- 2.2.44 NPTCBCs Decarbonisation and Renewable Energy Strategy⁴², was published in May 2020 both as a response to the WG declaration of a climate emergency and also to provide leadership in reducing carbon emissions within its jurisdiction. The visions laid out in the document is 'To introduce a series of interventions and improvement measures across the County Borough to maximise the economic, social and environmental benefits and opportunities that the decarbonisation agenda provides.' The document mainly relates to actions relating to the

council's own activities but demonstrates clearly the alignment between the proposed development and NPTCBC's own priorities.

Bridgend

- 2.2.45 In response to WG's declaration of a Climate Emergency, in June 2020 Bridgend County Borough Council (BCBC) created the Bridgend County Climate Emergency Response Programme⁴³. This committed to creating a cross-party member committee to oversee the programme, the Bridgend County Climate Emergency Response Strategy and prioritised action plan, a dedicated officer role, an annual sustainability summit, and a citizen's assembly. BCBC are also developing a de-carbonisation strategy⁴⁴, which will set out how the council will achieve net-zero by 2030.

Cardiff Capital Region (incorporates Bridgend)

- 2.2.46 In November 2021, WG published the Cardiff Capital Region (CCR) Energy Strategy⁴⁵. This lays out an Energy Vision to 'create the conditions for a carbon neutral economy and society in the CCR...' with a core principle of this vision to 'Decarbonise the energy system to meet national targets as a minimum'. The Energy Vision sets out a pathway for achieving significant reductions in commercial and industrial emissions in the area, in part by decarbonising the energy grid through 'significant installation of new low carbon generation capacity, both in CCR and across the UK'. Realisation of the Energy Vision also relies on an increase in the onshore generating capacity in the area by new projects in 'Priority Areas designated in the National Framework Consultation', meaning the Pre-Assessed Areas (PAAs) set out in Future Wales (discussed below). The northern section of the proposed development, including 6 turbines, is located in PAA 9.

South West Wales Region (incorporates Neath Port Talbot)

- 2.2.47 In April 2022, WG published the South West Wales (SWW) Energy Strategy⁴⁶ with the overall objective to develop a strategic pathway and identify key interventions to deliver on the region's ambitions for decarbonising its energy system. An Energy Vision scenario is modelled to set out a potential decarbonisation route that will put the region on track to achieve a net zero energy system by 2050. The vision for South West Wales is 'Harnessing the region's low carbon energy potential across its on and offshore locations, to deliver a prosperous and equitable net zero carbon economy which enhances the well-being of future generations and the region's ecosystem, at a pace which delivers against regional and national emissions reduction targets by 2035 and 2050.' Out of the six priorities, electricity generation is listed as one.

2.3 PLANNING FRAMEWORK

UK

- 2.3.1 The UK Government has introduced a series of national policy statements, of which the most relevant are the overarching National Policy Statement (NPS) for Energy (EN-1)⁴⁷ and the National Policy Statement for Renewable

⁴⁰ Neath Port Talbot Single Integrated Plan (SIP): Working in Partnership (2013-2023) (2008). Available from - https://www.npt.gov.uk/media/4739/sip_annual_report_2014_2015.pdf [Accessed 30/03/2023]

⁴¹ Neath Port Talbot Environment Strategy 2008 – 2026 (2008). Available from - <https://www.npt.gov.uk/media/7062/environment-strategy.pdf?v=20190807093745> [Accessed 30/03/2023]

⁴² Decarbonisation and Renewable Energy Strategy (2020). Available from - <https://www.npt.gov.uk/media/13541/dare-strategy-may-20.pdf> [Accessed 30/03/2023]

⁴³ Bridgend County Borough Council report to cabinet 30 June 2020: Report of the Chief Executive - the Bridgend County Climate Emergency Response Programme (2020). Available from - <https://democratic.bridgend.gov.uk/documents/s21828/Climate%20Emergency%20Cabinet%20report%20220620.pdf> [Accessed 30/03/2023]

⁴⁴ Cabinet discusses plans for 'Bridgend 2030' decarbonisation strategy and other energy schemes (2021). Available from - <https://www.bridgend.gov.uk/news/cabinet-discusses-plans-for-bridgend-2030-decarbonisation-strategy-and-other-energy-schemes/> [Accessed 30/03/2023]

⁴⁵ Cardiff Capital Region Energy Strategy, (2021). Available from - <https://gov.wales/sites/default/files/publications/2021-11/regional-energy-strategy-cardiff-capital-region.pdf#page=51&zoom=100,92,97> [Accessed 30/03/2023]

⁴⁶ South West Wales Energy Strategy (2022). Available online from - <https://gov.wales/sites/default/files/publications/2022-04/regional-energy-strategy-south-west-wales.pdf> [Accessed 30/03/2023]

⁴⁷ Overarching National Policy Statement for Energy (EN-1) (2011). Available from - https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/47854/1938-overarching-nps-for-energy-en1.pdf [Accessed 30/03/2023]

Energy Infrastructure (EN-3)⁴⁸. Although the primary aim of the NPSs was to provide a policy framework for decisions on nationally significant infrastructure projects in the energy field, they are not limited to projects which are determined directly by the UK Secretary of State. It is stated that *'In England and Wales this NPS is likely to be a material consideration in decision making on applications that fall under the Town and Country Planning Act 1990 (as amended).'*' As this application falls within the definition of a 'Development of National Significance' (DNS), it falls under s62(D) of the Town and Country Planning Act 1990 (TCPA), as amended by The Planning Wales Act, and as such the NPSs are a material consideration within the decision-making process. Furthermore, *'The energy NPSs should speed up the transition to a low carbon economy and thus help to realise UK climate change commitments sooner than continuation under the current planning system'*. The clear urgency and necessity to increase the transition to a low carbon economy (through the installation of renewables technologies) is evident.

2.3.2 NPS EN-3 also states that *'onshore wind farms are the most established large-scale source of renewable energy in the UK. Onshore wind farms will continue to play an important role in meeting renewable energy targets'*. NPS EN-3 also repeats the guidance that it can be a material consideration for local planning authorities handling proposals under the Town and Country Planning legislation, especially where the development plan has not been brought up to date as regards renewable energy developments in line with the national advice. Regarding the issue of the *'temporary'* nature of a wind farm, the Government recognises this as a feature of a wind farm, where the consent expires after a set period of time. It goes on to state that this temporary nature will be an important consideration for decision-makers on planning applications and appeals. EN-3 also makes some helpful comments about issues that have been raised many times before in planning appeals such as the need for flexibility in turbine dimensions to reflect availability of machines when development is to take place. It addresses the possible need for micrositing in what it regards as typical ranges of 30-50 m for elements of the infrastructure. The NPS also states that sequential testing of sites should not be carried out, and that in the context of the setting of cultural heritage assets, significant weight should be given to the fact that onshore wind turbines are time-limited and non-permanent in the context of such effects.

2.3.3 The suite of energy NPSs was reviewed in 2021. Updated versions of the NPSs are expected to be published by the summer of 2022.

2.3.4 Since the NPSs were brought in, subsequent legislation has delegated powers to Welsh Ministers to determine applications for energy developments between 10 – 350 MW, and all onshore wind applications above 10 MW. The statutory basis for the DNS process is provided by the Planning (Wales) Act 2015⁴⁹, which amends the TCPA 1990 ("the Act")⁵⁰, and the DNS (Wales) Regulations 2016⁵¹ (as amended) and subsequent Regulations⁵².

Wales

2.3.5 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 Act, the application for Y Bryn Wind Farm should be determined in accordance with the Development Plan, unless material considerations indicate otherwise. Under Section 38(4) of that Act, the Development Plan in Wales comprises the following:

- The National Development Framework for Wales;
- The Strategic Development Plan (SDP) for any strategic planning area that includes all or part of that area; and
- The Local Development Plan (LDP) for that area.

⁴⁸ *National Policy Statement for Renewable Energy Infrastructure (EN-3)* (2011). Available from - https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/37048/1940-nps-renewable-energy-en3.pdf [Accessed 30/03/2023]

⁴⁹ *Planning (Wales) Act 2015* (2015). Available from - <https://www.legislation.gov.uk/anaw/2015/4/introduction/enacted> [Accessed 30/03/2023]

⁵⁰ *Town and Country Planning Act 1990*. Available from - <https://www.legislation.gov.uk/ukpga/1990/8/introduction> [Accessed 30/03/2023]

Future Wales – the National Plan 2040

2.3.6 Future Wales⁵³, published 24 February 2021, is a 20-year national development plan that covers the whole of Wales. It has been produced by WG and covers the period up to 2040. The purpose of Future Wales is to ensure the planning system at all levels is consistent with, and supports the delivery of, WG strategic aims and policies (including those in PPW, the Wales Infrastructure Investment Plan and Regional Economic Frameworks). It was prepared with regard to various WG policies and legislation, including:

- Well-being of Future Generations (Wales) Act 2015;
- Environment (Wales) Act 2016;
- Natural Resources Policy (2017); and
- Prosperity for All: A Low Carbon Wales (March 2019).

2.3.7 Future Wales provides the spatial direction for development in Wales and the policy framework for SDPs and LDPs at the regional and local level. These plans are required to conform to Future Wales and planning decisions at every level must be taken in accordance with Future Wales. At the time of writing, national and local development plans are in existence (albeit will require updating), with strategic (regional) development plans yet to be published. One of the key aims of the policies in Future Wales is to facilitate the decarbonisation of the economy and promote the principles of a circular economy.

2.3.8 Future Wales is the highest tier of development plan in Wales, and as it was adopted in February 2021, it represents the most up-to-date expression of Welsh national planning policy, and accordingly is considered to have primacy in the planning policy hierarchy. Future Wales states that *'as set out in legislation, applications for Developments of National Significance must be determined in accordance with Future Wales'*.

2.3.9 Development plans establish where new development should take place. Future Wales states that *'...deciding where to locate renewable energy generation technology is a spatial issue of such significance that national ambitions are unlikely to be achieved without national planning policies.'*

2.3.10 Within Future Wales, the challenge posed by climate change is recognised, as are the significant impacts it can have on the wellbeing of both current and future generations. The document sets out that increasing temperatures and extreme weather events caused by climate change are putting pressure on infrastructure and the built environment, which all contribute to social and economic resilience. Future Wales supports:

- A low carbon economy and the decarbonisation of industry, and the growth of sustainable and renewable energy, and
- Infrastructure development, including transport, energy and digital communications.

2.3.11 Outcome 11 of Future Wales is to create *'A Wales where people live...in places which are decarbonised and climate resilient'*. It expands on this to say *'The challenges of the climate emergency 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 commitments and renewable energy 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.'*

⁵¹ *The Developments of National Significance (Wales) Regulations 2016*. Available from - <https://www.legislation.gov.uk/wsi/2016/56/made> [Accessed 30/03/2023]

⁵² *The Developments of National Significance (Specified Criteria, Fees and Fees for Deemed Applications) (Wales) (Amendment) Regulations 2019*. Available from - <https://www.legislation.gov.uk/wsi/2019/283/made> [Accessed 30/03/2023] increased DNS limit on generating stations to 350 MW.

⁵³ *Future Wales – The National Plan 2040* (2021). Available from - <https://gov.wales/future-wales-national-plan-2040> [Accessed 30/03/2023]

- 2.3.12 Future Wales recognises that Wales can become a world leader in renewable energy technologies. WG recognises the potential in Wales for renewable energy generation at all scales. WG is committed to ensuring the planning system in Wales provides a strong lead for renewable energy development.
- 2.3.13 Policies 17 and 18 of Future Wales specifically target renewable energy including onshore wind. Policy 17 demonstrates WG's support in principle for all renewable energy projects, while Policy 18 provides a decision-making framework for renewable and low carbon energy technologies.
- 2.3.14 Policy 17 states that '*WG strongly supports the principle of developing renewable energy...at all scales to meet future energy needs*', also saying that '*...decision makers must give significant weight to Wales' international commitments and target of generating 70% of consumed electricity by renewable means by 2030*'. Policy 17 also says that there is a presumption in favour of large-scale wind energy development with within PAAs. All turbines sited in the north section of the proposed development sit within PAA 9.
- 2.3.15 '*In the 'Pre-Assessed Areas for Wind Energy' (see Wind Energy and Heat Networks map, Future Wales p.94) the Welsh Government has undertaken an assessment to identify these areas to provide certainty where, in principle, renewable energy and low carbon developments would be acceptable. In these areas, under Policy 17, there is a presumption in favour of large-scale on-shore wind energy development and the associated landscape change subject to the criteria in policy 18. Outside of these areas a positive policy framework still exists, subject to policy 18.*' (p.97) This text shows that a positive approach should be taken toward renewable energy development even outside of the PAAs, provided applications conform to criteria in Policy 18.
- 2.3.16 Policy 18 sits alongside Policy 17 and sets the criteria under which DNS applications such as the proposed development will be permitted. This includes a statement that projects outside of PAAs will be permitted subject to policy 17 and the criteria set out in policy 18.
- 2.3.17 '*The Welsh Ministers have considered alternatives to the need for new large-scale electricity generation infrastructure, including building-mounted installations and energy efficiency measures. Although we believe that these measures have an important part to play in meeting our energy, decarbonisation and climate change targets, they will not enable us to meet these objectives on their own.*' (p.97) This text demonstrates the continued need for large scale renewable energy infrastructure such as the proposed development, to meet the ambitious targets the WG have set on the path to Net Zero.

Planning Policy Wales 11

- 2.3.18 Edition 11 of PPW was issued on the same day as Future Wales. PPW sets out the land use planning policies of WG. The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well – being of Wales, as required by the Planning (Wales) Act 2015, the Well – being of Future Generations (Wales) Act 2015 and other key legislation. PPW is a material consideration in the decision-making process for DNS planning applications.
- 2.3.19 Paragraph 3.30 (Climate Change, Decarbonisation and the Sustainable Management of Natural Resources) of PPW sets out that WG declared a climate emergency in 2019, in order to coordinate action nationally and locally to help combat the threats of climate change. It further sets out that the planning system plays a key role in tackling the climate emergency through the decarbonisation of the energy system and the sustainable management of natural resources.
- 2.3.20 PPW states in S.5.71 that '*Low carbon electricity must become the main source of energy in Wales.*' It also states that overall power demand is expected to increase as a result of increased electrification of transport and heat, demonstrating the need for developments such as that proposed in this ES. S.5.73 states that '*the planning system should facilitate...Welsh, UK and European targets on renewable energy*'. S.5.7.7 states that '*The benefits of renewable and low carbon energy, as part of the overall commitment to tackle the climate emergency and increase*

energy security, is of paramount importance. The continued extraction of fossil fuels will hinder progress towards achieving overall commitments to tackling climate change. The planning system should...maximise renewable and low carbon energy generation'.

- 2.3.21 PPW is also supportive of energy storage, such as that included within the proposed development, stating in S.5.7.12 that '*Energy storage has an important part to play in managing the transition to a low carbon economy. The growth in energy generation from renewable sources requires the management of the resultant intermittency in supply, and energy storage can help balance supply and demand. Proposals for new storage facilities should be supported wherever possible.*'
- 2.3.22 In S.5.7.5, it is stated that '*Planning applications for onshore generating projects in Wales which have an installed generation capacity of between 10 MW and 50 MW (there is no upper limit for onshore wind generating stations) are made directly to the Welsh Ministers under the Developments of National Significance (DNS) process and considered under policies in Future Wales.*'

Local

Neath Port Talbot County Borough Council Local Development Plan (2011 – 2026)⁵⁴

- 2.3.23 NPTCBC formally adopted their Local Development Plan (LDP) on 27 January 2016. This document is designed to guide when, where and how much future development will take place in NPTCBC area in the period until 2026. The Annual Monitoring Review of the LDP was undertaken in 2020, which concluded that a Replacement LDP (RLDP) will need to be prepared covering a 15 year plan period (2025 – 2035), with a base date of 1 April 2020. Neath Port Talbot sought views on the RLDP draft Delivery Agreement for a 6 week period ending in September 2021. NPTCBC were due to submit a final Delivery Agreement to the WG in December 2021. The key extant policies relating to the proposed development are outlined in the following paragraphs.
- 2.3.24 Paragraph 1.1.16 recognised the significant potential for exploitation of wind resource in NPTCBC area, along with the presence of two Strategic Search Areas (SSA)s (since replaced by PAAs in Future Wales).
- 2.3.25 Key Issue (KI) 1 in the LDP (p.16) is that '*The causes and consequences of climate change will need to be addressed, including the increased risk of flooding*'. KI11 says that '*There is a need to balance the impact of development on the countryside, landscape and coast, in particular the exploitation of mineral and renewable energy resources.*'"
- 2.3.26 The following objectives in the LDP are of relevance to the proposed development:
- Overarching Objective 1 (p.19) '*Minimise the causes and consequences of climate change through reduced greenhouse gas emissions and adapt to climate change through consideration of its effects in the design and location of new development.*'; and
 - Area Based Objectives 16 '*Address air quality issues and minimise the adverse impacts from noise generating and polluting activities*', and 19 '*To make a proportionate contribution towards the energy needs of Wales with a focus on renewable energy*'.
- 2.3.27 The following Strategic Policies in the LDP are of relevance to the proposed development:
- SP1: Climate Change '*Provision will be made for the County Borough's appropriate contribution to renewable and low carbon energy generation.*' The LDP recognises that climate change is likely to affect the environment and future development of NPTCBC area, that it is necessary to reduce GHG as far as reasonably possible to minimise the causes of climate change, and that these issues are of such fundamental importance that climate change is seen as an overarching matter to be addressed by all topic areas. (p.33);

⁵⁴ Neath Port Talbot County Borough Council Local Development Plan (2011-2026) (2016). Available from - https://www.npt.gov.uk/media/7321/ldp_written_statement_jan16.pdf?v=20170727124344 [Accessed 30/03/2023]

- SP2 Health points out that policies seek to ensure developments do not increase the number of people exposed to significant levels of pollution;
- SP16 Environmental Protection ‘Air, water and ground quality and the environment generally will be protected and where feasible improved through the following measures: 1. Ensuring that proposals have no significant adverse effects on water, ground or air quality and do not significantly increase pollution levels; and 3 Ensuring that developments do not increase the number of people exposed to significant levels of pollution.’;
- SP18 Renewable and Low Carbon Energy ‘A proportionate contribution to meeting national renewable energy targets and energy efficiency targets will be made while balancing the impact of development on the environment and communities. This will be achieved by: 1. Encouraging where appropriate, all forms of renewable energy and low carbon technology development.’. (p.76);
- RE1 Criteria for the Assessment of Renewable and Low Carbon Energy Development ‘Proposals for renewable and low carbon energy development will only be permitted subject to the following criteria: 1. Large scale wind farm developments (>25 MW) will be expected to be located within the boundaries of the refined Strategic Search Areas. 2. Proposals for wind farms of any size outside the SSAs will only be permitted where it is demonstrated that there will be no unacceptable impact on visual amenity or landscape character through the number, scale, size, design and siting of turbines and associated infrastructure... 4. All renewable energy or low carbon energy development proposals will be required to demonstrate that: (a) Measures have been taken to minimise impacts on visual amenity and the natural environment; (b) There will be no unacceptable impacts on residential amenity; (c) The development will not compromise highway safety; (d) The development would not interfere with radar, air traffic control systems, telecommunications links, television reception, radio communication and emergency services communications; and (e) There are satisfactory proposals in place for site restoration as appropriate.’ This policy pre-dates, and does not align with, Future Wales; and
- SP21 Built Environment and Historic Heritage ‘The built environment and historic heritage will, where appropriate, be conserved and enhanced through the following measures: Safeguarding features of historic and cultural importance’.

2.3.28 The LDP has not been updated since adoption of Future Wales, and so does not reflect the extant national policy situation, including reference to PAAs and how onshore wind should be assessed in relation to them.

Bridgend County Borough Council Local Development Plan 2006 – 2021⁵⁵

2.3.29 This is described as the current LDP for BCBC. As the replacement LDP is currently in consultation, with no clear date for adoption, the 2006 – 2021 LDP will be referenced here.

2.3.30 The proposed development aligns with the following objective in the LDP:

- Objective 2 (To protect and enhance the Environment), specifically OBJ 2e ‘To contribute towards the energy needs of Wales with a focus on the promotion of renewable energy’.

2.3.31 The proposed development aligns with the following policies in the LDP:

- PLA4 Climate Change and Peak Oil (p.23) “All development proposals will be required to make a positive contribution towards tackling the causes of, and adapting to the impacts of Climate Change and Peak Oil issues. Means of achieving this may include...Having lower carbon energy requirements by reducing energy demand and promoting energy efficiency...encouraging the development of renewable energy generation...”;
- SP8 Renewable Energy “Development proposals which contribute to meeting national renewable energy and energy efficiency targets will be permitted where it can be demonstrated that there will be no significant adverse impacts on the environment and local communities.”; and

- ENV18 Renewable Energy Developments “Proposals for renewable energy developments will be permitted provided that: 1) In the case of wind farm developments of 25 MW or more, the preference will be for them to be located within the boundary of the refined Strategic Search Area; 2) The availability of identified mineral resources or reserves will not be sterilised; 3) Appropriate monitoring and investigation can demonstrate that the development will not have any significant impacts on nature conservation; 4) Appropriate arrangements have been made for the preservation and/or recording of features of local archaeological, architectural or historic interest; 5) They can be safely accessed to permit regular maintenance without detriment to the environment or the public rights of way network; 6) They will not detrimentally affect local amenity by reason of noise emission, visual dominance, shadow flicker, reflected light, the emission of smoke, fumes, harmful gases, dust, nor otherwise cause pollution to the local environment; 7) They will not lead to electromagnetic disturbance to existing transmitting and receiving systems (which includes navigation and emergency services), thereby prejudicing public safety; 8) Local receptors of heat and energy from the proposal are identified and, where appropriate, are connected to/benefit from the facility; and 9) Provision has been made for the removal of all infrastructure from, and reinstatement of the site following termination of the use.” This policy pre-dates, and does not align with, Future Wales.

2.3.32 The LDP has not been updated since adoption of Future Wales, and so does not reflect the extant national policy situation, including reference to PAAs and how onshore wind should be assessed in relation to them.

2.4 CONTRIBUTION OF Y BRYN WIND FARM PROPOSAL TO RELEVANT POLICY DRIVERS

2.4.1 By its very nature as a renewable energy development, the proposed development contributes toward international, UK and Welsh goals of net-zero GHG emissions by 2050, which exist in policy at all levels and were re-iterated on the global stage at COP27. It will also contribute toward international, UK and Welsh targets of increasing the proportion of energy consumption from renewable sources, as laid out in legislation and policy statements from the EU, UK, and WG. All turbines located in the north section are located within PAA 9 and thus benefit from a presumption in favour of consent, subject to the criteria in Policy 18. Whilst the south section turbines are not within a PAA, Future Wales Policy 17 strongly supports the development of renewable energy at all scales and Policy 18 defines the criteria against which the proposed development will be assessed. The detailed assessments contained in the following chapters demonstrate that the proposed development will not result in any unacceptable adverse impacts on the matters laid out in Policy 18. Further, there is a notable contribution towards the Well-being of Future Generations Act seven goals.

2.4.2 The carbon balance assessment presented in Appendix 10 in Volume 3 of the ES demonstrates that the proposed development would make a substantial net positive contribution to reducing GHG emissions (6,591,600 tonnes of carbon dioxide when replacing fossil fuel generation over the lifetime of the wind farm) to count against Welsh and UK targets.

2.5 SUMMARY

2.5.1 This chapter highlights the key policies at international, UK, Wales, and local levels that relate to the renewable energy which the proposed development will generate. It also sets out the significant and growing body of policy and legislation which exists around the pressing need to address climate change, and of the role of renewable energy generation in helping both Welsh and UK governments to meet their respective net zero targets. The critical nature of meeting, and where possible exceeding, those targets was highlighted at COP26. The importance of every contribution toward net zero, and consequences for every fraction of increased global temperature for people internationally and also locally, was also a central message at the summit. In Wales, the overarching National Plan

⁵⁵ Bridgend Local Development Plan 2006 – 2021 (2013). Available from - <https://www.bridgend.gov.uk/media/1899/written-statement.pdf> [Accessed 30/03/2023]

and LDPs, along with the ambitious targets highlight combating climate change and increasing deployment of renewables to meet our power demands, as core issues.