

# *Galar ecology volunteer group*

Committed to the Conservation and Reclamation of the Ecology and Biodiversity of Wales

Chair: André Jacob Treasurer: Sylvia Maskelyn Secretary: Patricia Shepherd Foster

**For the attention of the Minister for the Environment and Sustainable Development John Griffiths AC/AM**

03 January 2013

Dear Mr. Griffiths,

## Petition P-04-419

Thank you for your response to our petition, reference as above, for which I was chief petitioner, I am also Technical Advisor for the largely Carmarthen based volunteer group, as per the letter heading. This response is my own, as the petitions committee asked me to exercise confidentiality, until your letter appeared on the Assembly website.

I would like to comment on your response and further describe our intentions when putting this petition forward.

1. The second para. of your letter refers to **TAN 8 and Planning Policy Wales**. It was never our intention in this petition to seek alteration of these in any fashion. This ambition was visited by another petition over a year ago and there are time limits within the Petition structure which disallows revisiting a subject within a time frame, and I can assure you there is no intention of a backdoor subversion of the rules. Personally speaking, as a retired engineer, the TAN 8 final report on Strategic Search Area G by Arrup is an excellent and easily understood guide to fitting wind turbines into the landscape, with least impact; my arguments against TAN 8 are what it does not contain, or address; and the geographic limitation of the Town and Country Planning Act. Of the four conditions planning addresses, (your para 6), TAN 8 is restricted to visual impact, beyond paying lip service to the others. Even the geographic locations were not picked by Arrup, but chosen to suit politics, not best science. Having EIA's written by the developer means he writes his own rules, within a very loose and unsatisfactory structure. Finally, of course, is that TAN 8 should be binding on the developer, which it never is.
2. In para 4, you say this petition would have a **limited effect**, because it excludes those developments which come under the auspices of the National Infrastructure Directorate. This raises three points, the first is that the Petitions Committee can only examine matters on which WAG has devolved power, which excludes all those developments examined and controlled by NID. Secondly the Secretary of State for Wales has said TAN 8 rulings would be complied with. I would agree that this is not a cast iron guarantee, and as Carwyn Jones has said, NID could propose areas outside TAN 8 for wind farms, but on the other hand I believe the Silk Commission Energy has, "no options are closed to expansion of the existing TAN 8 programme" as well. Thirdly, of course, you have yourself produced a budget for examining ways of speeding up the planning process, through a consultation company. This by definition, can only be aimed at those devolved developments on which you have influence. So I would suggest that 'limited effect' does not apply in this case
3. In para 5 you claim the need for wind turbines is established through a **Global Environmental Imperative**. In fact this was only an aspiration of some Global Economies and directly opposed by others, and the statement confuses wind turbines with renewable energy. Wales,

and the UK could meet its European commitments on renewable energy without further onshore wind turbines, using these devices is a direct choice of the UK Government. You have never published a target of how much devolved onshore wind your Government is aiming to produce, and from how many turbines, so the part Welsh Government will play has yet to be determined . I could and have written pages on this subject, but it has little to do with this petition, however, given this opportunity I would advise you that Kyoto failed both scientifically and politically because of poor science and the politics of self interest. It remains that climate change requires action by Economies worldwide, but the inadequate world response and the West's refusal to accept its responsibilities in scientific and technological development will combine to produce a dangerous Global environmental vacuum.

With regard to the items we would like the committee to consider and examine are:-

- European Noise Directive (END) 2002/49/EC This was ratified in 2002 and all the work required in agglomerations has been undertaken, mapped and is in use, providing the people within these areas, this very important protection. The work, as required in rural areas, has never been undertaken. We are petitioning to have this work completed and examined prior to wind farm installation and operation. It requires that the Environment Agency Wales, (the designated authority), produce a methodology for monitoring noise in open country, and when that methodology is deemed acceptable by the END committee, carry out such monitoring, providing the CC's with the results, with the objective of preserving rural noise levels, where they are good, (the monitoring methodology and operation open to public and stakeholder participation). It is important that the work is completed prior to wind farm installation, because in SSA G for example the noise of construction phase could be present for up to five years, and any operational noise present after that. This may appear to be an unacceptable delay to wind farm developments, but I would point out that this directive was ratified three years before TAN 8 and has been waiting for action for over ten years. 2002/49/EC is compatible, in its entirety with the World Health Organisation aspirations, and modern medical thinking on society stress within expanding populations and agglomerations. We are hoping the committee will recommend that we move to compliance before the installation of further wind farms, which will subvert the aspirations of 2000/49/EC in rural areas.
- The LDP's you mention, as being the public and stakeholders interface with the local development of their areas, (para 8 of your letter), it true to an extent in theory, in practise, however, consultation is limited by knowledge of what is being considered and when, and the general public have little knowledge of how they can participate. We are asking the committee to examine evidence on how LDP's affect wind farms, how effective they are in interface with the public, and the speed of implementation.
- Further to this, in para 8, your last sentence would be applauded, were it not for "taking into account any relevant views on planning matters", which I presume is the WAG imperative on CC's. We are asking the committee to recommend that this be published, so it is open to challenge at the planning stage, in the interest of open Government. Further if the imperative infringes individual and community

human rights, it should be clear where pursuit of justice can be sought through either the UK or European courts.

- We are also asking the petitions committee to examine the case for, (not judge the validity) of some measures which could be adopted as a Welsh standard. This would actually speed planning, as they would be dropped as areas of contention and be a requirement to comply. (Similar to building regulations). There is a devolved precedent for this in Scotland. (Scottish Heritage rules, also widely adopted in England and Wales). We have also monitored planning on single turbine applications and believe the standard of information available to councillors could be much improved. We are seeking to put our suggestions for improvement before the committee, so they can hopefully recommend the need for a review of measures which will clarify applications.
- Perhaps one of the most contentious areas concerns the community fund provision. There are moves in England to adopt some type of regularity to this and it is certainly the case that it is required in Wales. We hope to persuade the planning committee that these funds should be regulated, and not dependant on the developer's whim, and that all community funds should be adequate and available to all communities, based on right and not the ability of communities to negotiate. These funds should be able to fund compensation to properties affected by onshore wind generation. This type of compensation is available in other EU countries, and is being examined in other member states. DECC advises individuals to take legal action, but this is an abdication of responsibility of both Westminster and Welsh Assembly Government, and is a cynical response based upon the average individual being unable to finance legal expense, without possibility of recompense.

The measures for which we are petitioning are required to be fair to rural communities. Individual approach on these matters has been unsuccessful, or unresolved. CCW EA (Wales) and the Forestry Commission in particular are unhelpful, and many of the points require direct action by WAG Ministers. We have asked for the moratorium until these matters are resolved, because more and more applications are coming to fruition without the possibility of retrospective action. The amount of unresolved problems indicate to us that the tardiness and refusal to address problems by Government Agencies is a tactical response, delaying the day when perfectly legitimate concerns are addressed, and rural communities are at the heart of decisions, in a true reflection of devolved governance.

Yours Sincerely

James Shepherd Foster

Chief Petitioner of the Moratorium Petition P 04 419