

RenewableUK Cymru Response to the Environment and Sustainability Committee Inquiry on the general principles of the Planning (Wales) Bill

1. RenewableUK is the representative body for the wind, wave and tidal energy industries operating in the UK. RenewableUK Cymru also represents members with interests in solar, biomass, and other forms of renewable energy technologies in Wales. We represent around 600 corporate members in the UK and our active membership in Wales covers the vast majority of Wales' commercial renewable generation interests.
2. Our members have interests in renewable energy at all stages of the planning and development process. Our membership portfolio includes those companies with an interest in carrying out Environmental Impact Assessments and related development work, through to companies who are primarily involved in the operation, construction and maintenance of projects.
3. RenewableUK Cymru's vision is of a Wales that makes full use of its renewable energy resource by 2050 and we aim to ensure that the maximum benefits of this accrue to Wales.
4. Wales has faced a number of obstacles to the achievement of its targets for renewable energy generation and development in Wales has lagged behind the rest of the UK, especially in onshore wind, an area in which Wales has a high resource. This committee has previously examined many of these issues (our evidence to the committee previously is available [here](#)) and we, in conjunction with our partners in industry and Government have sought to overcome many of these barriers. We have since worked with Government to produce a register of community benefit for onshore wind, and continue to work with partners in order to alleviate concern over transport issues in mid Wales.
5. However, there remain significant barriers within the planning system itself and it is on this basis that we submit this evidence paper.
6. RenewableUK Cymru will be happy to provide oral evidence to the committee on any matters that may be of interest arising from this paper.

Wider context

7. The Industry in Wales will work within the strictures of the planning system, and many of our members are used to working across widely varying planning systems across country borders. However, in consultation with our members we have been unable to reach a consensus on whether devolution of consenting powers for projects >50MW would be favourable. Whilst it would appear to be the intention of Welsh Government that the proposed system for projects >25MW in the Planning Bill would also apply to larger projects in the event of devolution of consenting, we are only able to reflect on the proposal as it stands in the context of the current planning system.
8. It was an unintended and perhaps unforeseen consequence of Technical Advice Note 8 that wind energy projects in Wales were focussed in a small number of Local Planning Authorities. This in our view highlighted and strengthened the case for reducing the number of LPAs in Wales or taking steps to plan for infrastructure on a larger than local basis. Wales has 25 Local Planning Authorities covering areas of various size and varying levels of development and this seems obviously too many, especially when compared to the rest of the UK and evidence provided to Welsh Government in the preparation of the Planning Bill by the Independent Advisory Group, Hyder and this committee has confirmed this.
9. The proposals for the Planning Bill sit within a wider context of reforms that may significantly change the context for Planning in Wales. The potential reduction in the number of Local Authorities, following the Williams Commission recommendations, as well as the potential move to further devolution and a reserved powers model of devolution will have wide-reaching ramifications for the planning and development management system that are not addressed by the Bill. In this context, we hope to see the progression of a Bill that is robust enough to weather any further changes to the planning system in Wales and not require significant reworking in the short to medium term future.

Developments of National Significance and the National Development Framework

10. We welcome the proposals by the Welsh Government to introduce a new category in the development management hierarchy for “Developments of National Significance” and believe that having a National Development Framework, approved by the National Assembly for Wales is the most appropriate method for ensuring democratic accountability in this proposal.
11. As the NDF will be a “policy document” we are not at this stage able to comment on whether the NDF will improve delivery. However, we believe in general a robust national

document would likely aid the delivery of large infrastructure projects, as the National Planning Frameworks have done in Scotland. A single approach across Wales for larger projects would ease the burden on LPAs and developers when considering projects and allow for more timely assessment of a project.

12. Following the example of the Planning Act 2008, we would expect the system for examining a DNS application to follow a fairly strict timetable. Our members often express the view that predictable and reliable timescales for determination are more important than the outcome of the process itself. That is, we believe the introduction of a new system for DNS can introduce *predictability and reliability* into the planning system which is essential for developers to maintain business confidence in Wales. We cannot predict whether a new system would result in more approvals for renewable energy projects as that is a policy matter, but this bill takes steps in the right direction to restore business confidence in the Welsh Planning System.
13. We note that as with the Planning Act 2008, there is no route of appeal against applications made to Welsh Ministers.
14. From a Policy perspective, we see no reason why wind developments should be singled out as “Nationally Significant”. Energy infrastructure of any technology greater than 25MW of installed capacity is likely to have impacts greater than those of the immediate locality or region.
15. Finally, as a matter of principle we believe the Welsh Government should have a duty to meet targets that could be laid out in the National Development Framework for the performance of the planning system.

Strategic Development Plans

13. Strategic Development Plans are to be welcomed in the identified areas though we do not see any reason why energy infrastructure should not be identified in Strategic Development Plans, especially infrastructure relating to the Grid or for projects that are of too great a scale to be left to LDPs. Projects of 5-25MW are arguably still significant beyond that planned for in an LDP.
14. In principle we argue that energy should be identified and planned for at each level of the planning system (national, regional/strategic and local) in order to drive the investment required to meet climate change and energy targets, and to offer a sense of ownership at each level of the planning system. We believe that this would reinforce the sense that energy should be something owned by all to meet all of our needs.

Front-loading the development management process

15. Renewable energy developers have long engaged in pre-application consultation with stakeholders and this is recognised as best practice by RenewableUK members. We believe formalising these practices, as well as enabling statutory consultees to render pre-application services, should ease the burden on the planning system by ensuring fewer issues arise without notice during examination.
16. We do however have some concerns regarding the details of the proposals (which are currently under consultation by Welsh Government). Whilst it may be beneficial for statutory consultees to be able to charge for pre-application advice, we do not wish to see situations arise whereby a consultee may contradict itself later in the examination process. This may add risk into the system by introducing new avenues for appeal and judicial review.
17. There are also potential issues that will arise as to where statutory duties lie, and the ‘chargeable’ advice provision begin and end. This must be clearly laid out so as not to prejudice the planning system and produce unwelcome and unnecessary avenues for appeal and judicial review.
18. As indicated above, much of the detail of these proposals is currently under consultation by Welsh Government and we are unable to provide a detailed analysis at this time. We believe it would have been useful for Welsh Government to consult on the details of regulation and policy proposals prior to the Bill reaching the scrutiny stage, or at least timed in such a way that scrutiny of the Bill and regulations/policy arising from it could have occurred in tandem.

Single Consents

19. We welcome moves towards single consenting and we support provisions that will allow developers to seek permission for associated consents from the Welsh Ministers alongside the main application, rather than having to pursue a separate consent through the LPA.
20. We welcome the principle that developers should have the “option” to submit connected consents – developers should be able to choose the route which they feel will provide the timeliest response to their applications. It is also the case that in some instances it may be more appropriate for an LPA to determine “associated consents” that might be constructed earlier in the development process or be temporary structures/arrangements.
21. However the proposals for connected consents outlined in the White Paper were not sufficiently clear for us to provide detailed feedback and follow up documentation has not yet been published. We will keep the committee informed of our views on the final proposals.

Performance and Reporting

22. We welcome the proposals for annual reporting and feel this would be very valuable for oversight and scrutiny purposes. We have also argued that Welsh Ministers should be able to investigate the performance of a planning authority with respect to certain sectors in order to intervene early where problems may be occurring. Such measures may have helped to prevent the large back log of projects in Mid Wales.
23. The proposal to allow developers to submit an application to Welsh Ministers should an LPA be designated poorly performing is welcome. However we do not feel the provisions relating to this proposal in the Bill are sufficiently strong and do not outline the process by which this might be done strongly enough. The principle of allowing developers and Welsh Ministers to bypass LPAs when they are failing to perform their statutory function is strong in principle, however it will not be useful if Welsh Ministers are not then required to exercise their functions in a timely manner.
24. Joint Local Development Plans may be useful in some circumstances; however the power outlined in the Bill does not sufficiently constrain Welsh Ministers ability to issue such a direction and offers no avenue for public scrutiny. It is our view that a reduction in the number of LPAs should obviate the need for Welsh Ministers to exercise such a function in the foreseeable future.
25. Local Development Plans should cease to be the development plan beyond a certain date after their completion, after this date the relevant advice should be the Strategic Development Plan or National Policy.

Conclusions

26. RenewableUK Cymru and its members welcome the general provisions of the planning bill. The Welsh Government have sought to address many of the concerns raised by industry in recent years and we are hopeful that this is a move towards a more stable and predictable planning regime.
27. Whilst the wind industry has been the primary renewable energy development sector in Wales, the Bill should be technology neutral in order that is robust and able to deal with any future changes in the energy market.
28. We are concerned that a great deal of detail is left to policy and regulation, in particular the shape of the National Development Framework and whilst we expect this to be subject to full and robust consultation it is difficult to assess the impact of the proposed Bill in absence

of fully formed policy proposals that necessarily arise if the Bill is approved.

29. The timing of Welsh Government consultation on the detail of regulation and policy arising from the Bill is of some concern, six consultation deadlines fall on the same day in January (the 15th) and the consultation period runs parallel to this committee's consultation on the general principles of bill. This makes considering the full impact of the Bill's proposals more difficult than it otherwise might be.

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