

## Environment and Sustainability Committee

Inquiry into Energy Policy and Planning in Wales  
EPP 237 - Campaign for the Protection of Rural Wales

### Ymgyrch Diogelu Cymru Wledig Campaign for the Protection of Rural Wales

Cadeirydd      Chairman      Dr Jean Rosenfeld  
Cyfarwyddwr      Director      Peter Ogden



Lord Dafydd Elis-Thomas AM  
Chair  
Environment and Sustainability Committee  
National Assembly for Wales  
CARDIFF

September 23<sup>rd</sup> 2011

Dear Lord Elis-Thomas,  
**Environment and Sustainability Committee's Inquiry into  
"Energy policy and planning in Wales"**

#### **Submission by the Campaign for the Protection of Rural Wales (CPRW)**

As Wales' foremost countryside charity, CPRW welcomes the opportunity to submit its observations to the Committee on this important issue.

We trust that in highlighting a number of critical issues which we feel should be addressed our submission will assist the Committee to make recommendations which will ensure that the Planning system in Wales delivers a democratically and environmental sound approach to the implementation of a fair energy agenda which accounts for the landscape importance and the interests of all those who live and work in the rural areas of Wales.

We believe that the current approaches do not achieve this and changes must be introduced to remedy the specific deficiencies we identify in our submission. CPRW therefore hopes that its submission will lead to the changes we suggest and we look forward with your support to them adopted by the Welsh Government.

CPRW confirms that it is content for the details of this submission to be made publically available. Likewise should there be any matters upon which the Committee requires further clarification, I will gladly do so upon their request, either in writing or in their presence.

Yours Sincerely,

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Peter Ogden  
Director

Environment and Sustainability Committee

Inquiry into  
“Energy Policy and Planning in Wales”

Submission of evidence by  
Peter A. Ogden. BSc. MRTPI.  
Director

Campaign for the Protection of Rural Wales  
September 2011

1. Executive Summary

1.1 CPRW welcomes the opportunity to submit evidence to this important Inquiry given that the issues under consideration are of direct relevance to the organisation’s primary aims. We trust that its outcomes will help ensure that through responsible planning the energy needs of Wales are achieved in a more coordinated and responsible manner and at the same time the individual quality and collective diversity of all Welsh landscapes and the communities which depend upon them, are safeguarded. Our evidence is therefore limited to those issues which are of direct relevance to these specific matters

1.2 We likewise trust that the Committee’s recommendations will help ensure that the forthcoming Planning Bill gears up and refines the current planning system in Wales, to deliver a more balanced, fairer and responsible agenda to meet the country’s future energy needs in ways which are also locally acceptable.

1.3 The key issues we wish to highlight and trust that the Committee will agree with and act upon are

1. The importance of having a robust planning and decision making system in Wales which operates in a democratically equitable, transparent and consistent manner, and which is capable of delivering an environmentally realistic energy ambition.

2. The need for the current dislocation between policy formulation and decision making (in relation to Energy issues) to be remedied so that the complete range of planning powers is devolved to and vested in the Welsh Government, to enable it to deliver the above aim.

3. The need to independently test and validate the spatial approach currently being promoted by TAN 8 to ensure that it reflects all the relevant current circumstances and can be demonstrated to be truly environmentally and socially fit for purpose.

4. To recognise that if it is not, an alternative approach which is not dependent on industrial scale on shore wind schemes is required to meet the Welsh Government's renewable energy targets.

1.4 Our submission that follows therefore explores why we believe these matters are of significance and makes proposals as to those which we believe should feature prominently in the Committee's eventual recommendations to the Minister and subsequently to the Welsh Government.

Submission by the Campaign for the Protection of Rural Wales (CPRW)

## 1. Introduction

1.1 As Wales' foremost landscape charity, CPRW welcomes the opportunity to submit evidence to this important Inquiry. We are pleased that this investigation is taking place early in the life of the new Welsh Government's term of office, as its theme and hopefully its outcomes will provide not only an informed direction for the Welsh Government's current energy policy and ambitions, but more importantly ensure that these fully reflect the importance and future well being of rural Wales and the range and quality of those benefits and services the resources of these areas provide.

1.2 We similarly trust that this Committee's deliberations and subsequent recommendations will have a significant influence on how the Welsh Government gears up and refines the planning system in Wales, in the light of the forthcoming Planning Bill, to enable it to help deliver a more balanced, fairer and responsible agenda to meet the country's future energy needs.

1.3 Given the wide ranging scope of this Inquiry, this submission is limited to those themes which relate primarily to CPRW's core interests namely:

- Whether the relationships which dictate current energy policy and guide the decision making process for energy proposals are appropriate and in the best interests of Wales.
- Whether current renewable energy policy is in need of a reality check to ensure that it is sound.
- Whether the current TAN 8 approach is legitimate and fit for purpose, given the current circumstances which now prevail.

1.4 As appropriate our submission will also address any of the other issues which form part of this Inquiry's Terms of Reference.

## 2. Context

2.1 By way of introduction, CPRW wishes members of the Committee to note that as an organisation it is supportive in principle of the desire to increase the amount of energy produced in Wales especially from renewable sources. Notwithstanding this however, the organisation believes that to do so, there is a need for a clear, consistent and publically acceptable policy approach supported by a sound and democratic planning system which provides an effective means to deliver these ambitions within the context of sound environmental context.

2.2 For this to be the case, the Planning system in Wales must be self determined, strategically structured, internally consistent in its interpretation of the term sustainable development and able to operate in a equitable, relevant and integrated manner. We contend that this is currently not the case in respect of Energy policy and hence there is a need to revisit the Welsh Government current policy aims and future ambitions and to

synchronise the current range of different delivery mechanisms more effectively. To do this, improvements not only to the policy approach but also the legislation and decision making processes are required.

2.3 Our concerns with regard to the disorderly nature of the current arrangements are based on the fact that:

- The existing mechanisms which link planning policy and decision making in respect of Renewable Energy in Wales are at worst disjointed and illogical and at best publically confusing.
- The current decision making processes lead to frustration on the part of all those stakeholders with an interest in energy issues, as they create uncertainty as to which body is responsible for decisions and ambiguity as to whose authority prevails in circumstances where policy differences arise.
- The current procedures are undemocratic given that the full range of planning responsibilities for the planning and delivery of Wales's Energy agenda, in particular renewable energy is not currently a constituent part of the Planning settlement devolved to the Welsh Government.
- The existing arrangements do not recognise nor allow for the coordinated planning and integrated management of the nation's natural resources either on land or at sea. We find it worrying that these two territorial realms both of which rely on and are connected to each other and should be managed as one, are still subject to completely different administrative, planning and decision making processes and procedures.
- The current decision making processes used to judge the acceptability of major renewable energy installations, is administratively and democratically segmented and operates in manner which is vastly different to the normal regulatory mechanisms which govern the consenting procedures for other forms of major developments in Wales. More crucially the current decision making approach for major energy developments is dictated by a set of policies which are different from those which have been defined through the Welsh Government's own processes and procedures.
- It is illogical that the consent regime for energy generating schemes is completely independent of the mechanisms which govern the permitting procedures associated with the infrastructure necessary to connect and transmit the power generated by these plants into either local or national grid networks. The fact that the assessment of the consequences and impacts of the latter do not form part of the evaluation of the impacts of the former is clearly unsound.
- Because of these differences, a major democratic deficit exists which stakeholders must overcome if they are to first understand and thereafter effectively engage in the process of influencing policy and / or respond and in some instances challenge the legitimacy of major energy proposals. This deficit stems from the distorted arrangements which currently require major energy proposals to be determined by the currently non accountable Infrastructure Planning Commission. We are concerned that these circumstances will remain even when the successor arrangements soon come into being and that crucial decision making powers will continue to reside with the relevant UK Minister who will remain unaccountable to the Welsh Government for decisions which affect the use of Wales's environment and natural assets.
- The Welsh Government and to an even greater extent the National Assembly members, despite having devolved responsibilities to plan the use of land and the environment of Wales, have no ultimate control for the manner in which they can fulfil

these responsibilities, given that policy relating to any major Energy proposals and their associated infrastructure in Wales can be both formulated or discharged independently of them.

- It remains totally unclear how the ambitions and approaches adopted by the Welsh Government in Planning Policy Wales relate to or prevail over those being promoted by and included within the UK Government's recently issued National Policy Statements for Renewable Energy and Energy infrastructure. Given these circumstances, we consider it absurd that expensive and prolonged legal case law may ultimately be required to resolve these differences.

2.4 In summary therefore and in response to Question 1

What are the implications for Wales if responsibility for consenting major onshore and offshore energy infrastructure projects remains a matter that is reserved by the UK Government?

2.5 CPRW believes that the current arrangements are not dissimilar to a person attempting to drive a car from the passenger's seat, in that they:

- Prevent the formulation and implementation of a rational Energy policy for Wales by the body best placed to fulfil this role, namely the Welsh Government
- Create confusion as to the status of different strategic policy approaches on the same issue.
- Lead to misunderstanding as to the scope and roles of the different decision making bodies and uncertainty as to the respective primacy of each.
- Potentially undermine the ability of the Welsh Government to achieve its sustainability objectives and the management of its natural assets in a coherent, integrated and consistent manner.
- Result in the process of decision making being more remote from those most affected by the impacts of any proposals.
- Make it democratically more difficult for those parties with a direct interest in energy proposals to engage in the decision making process in a realistic manner.

Q2 How does this affect the achievement of the Welsh Government's aspirations for various forms of renewable and low carbon energy as set out in the Energy Policy statement?

2.6 For the reasons set out above, it is clear that the democratically disjointed arrangements which currently exist not only directly hinder but also undermine the ability of the Welsh Government to achieve not only its Energy policy aims but similarly compromise the manner in which its devolved planning responsibilities can operate effectively. We also believe that the current arrangements have significant implications on the ability of the WG to pursue its environmental objectives in the sustainable manner it is seeking.

3. The need for integration and the redefinition of policy and decision making primacy

3.1 The above circumstances therefore demonstrate in our view the clear need for a different and more integrated approach which links the planning of Wales' future energy needs to a process of decision making based both of which should be focussed on local determination.

3.2 Given the significant influence that the proposed new Planning Bill will have in gearing up the planning system to deliver a renewable energy agenda in the future, we

believe that in fulfilling its stated sustainability obligations, it is crucial that the outcomes of this Inquiry

- Reaffirm the vital role that sound and up to date Welsh Planning policy, (as expressed through Planning Policy Wales and through Local Development Plans), has in relation to energy policy, in particular renewable energy issues in Wales.
- Confirm the current Regulatory role and status of Welsh Planning policy as the primary means of ensuring that appropriate forms of energy provision are directed to places where their impacts can be demonstrated to be environmentally acceptable and socially beneficial.
- Maintain democratically clear, open and transparent decision making processes to ensure that every proposal is assessed on its individual merits rather than being predetermined by assumptions which have not been demonstrated to be either environmentally sound or have been defined by other policy external prerequisites.
- Ensure that current planning policy is supported by and subject to a comprehensive and up to date rural validation process which ensures that all energy policy is environmentally sound, social equitable and does not disadvantage those in rural areas.
- Confirm that the environment of rural Wales will be safeguarded and the continued well being of those communities which live, work and depend on these areas, is taken fully into account when energy proposals are implemented.

4. The extent that existing Energy policy and Planning advice in TAN 8 meets these requirements

4.1 As members of this Committee will no doubt be aware, TAN 8 was approved by the former Welsh Assembly Government in July 2005 only days before the statutory Regulations requiring it to be subject to a Strategic Environmental Assessment came in to force. That being so, the appropriateness and robustness of the approach and guidance it contains (which now drives the agenda for renewable energy generation in Wales and the energy industries activities), has never been subject to proper independent scrutiny nor to any form of validation, as is now mandatorily required for any contemporary Welsh Government policy.

4.2 Given that over six years has now passed since this TAN 8 was introduced and despite the commitment by the last Government to review its appropriateness, an assessment of its soundness and the extent to which it is “fit for purpose” has still not taken place.

4.3 We believe at the very least the credentials and environmental soundness of TAN 8’s advice (in particular in respect of on shore wind generation) should be subject to independent and comprehensive scrutiny and proper validation. This we believe is wholly justified given:

- The current TAN 8 approach when it was adopted did not fully account for all the relevant and material considerations nor publicly justify why these were not taken into account during the relevant decision making processes. In particular the true landscape values of the SSA areas were not properly accounted for, nor were the impacts of the transmission of power from these sites, or the wider infrastructure implications of transport accessing these areas, fully considered.
- The adopted TAN 8 guidance was not open to full public scrutiny and challenge and therefore does not conform to the Welsh Government’s own accepted Codes of Practice.

- The changing scale and nature of all the renewable technologies over the last five years and the speed at which they continue to change, means that the latest generation of onshore wind farm schemes in particular, have vastly different individual and cumulative impacts on the environment and amenity of rural areas than those which existed or could have been anticipated when TAN 8 was first adopted.
- The increased importance that the Welsh Government's Natural Environment Framework agenda seeks to place on maintaining the integrity of all of Wales' landscapes and ecosystems is not taken into account by TAN 8. Effectively the Welsh Government's recognition of the need to maintain a complete range of natural and cultural assets and not just a selection of them to ensure that our environment remains resilient yet adaptable does not form part of the current TAN 8 logic.
- An increased acceptance that the greater the range of quality landscapes which exist in rural areas of Wales, the greater the capacity of the environment in these areas to provide the range of services and benefits which will contribute to the future prosperity of the Welsh economy, to the quality of life and to the personal and collective well being of the Welsh public has not been considered
- The growing recognition and public disquiet regarding the harm caused by the industrialisation of the countryside by major infrastructure developments and their direct consequences on the well being of rural communities, is being dismissed.
- The fact that the TAN 8's promotion of industrial scale on shore wind schemes has little if any public or community buy in and has become the single most important and overpoweringly negative issue affecting the lives of many in rural Wales.
- The impasse that the current TAN 8 approach has created in neither protecting the Welsh environment effectively against excessive and unacceptable industrialisation nor to delivering the expectations of the energy industry.

4.4 CPRW therefore contends that in the light of all the above, it is totally unacceptable and democratically unreasonable that the spatial advice in the current version of TAN 8, in particular its inbuilt presumption in favour of industrial scale wind farm development in seven Strategic Search Areas, remains effectively untested or can be truthfully validated against these contemporary benchmarks.

4.5 We maintain that information compiled by the Countryside Council for Wales' LANDMAP process along with the huge range of environmental information assembled as part of the Natural Environment Framework work, now provides a more sophisticated level of understanding of the value and sensitivity of our natural assets than existed six years ago and should be used to re test the robustness and logic which underpins the TAN8 approach.

4.6 We likewise believe that this new information base will demonstrate that a number of the assumptions in the current TAN 8 approach are flawed and its existing conclusions therefore fail to recognise the true environmental and amenity importance of many non designated landscapes. To ignore the landscape, amenity and eco systems values of



these areas when planning how Wales's future energy needs should be delivered, is both short-sighted, inappropriate and should be redressed.

4.7 We therefore suggest the Committee should at the very least reassure itself that the existing principles which underpin the current TAN 8 approach remain valid and can be demonstrated to be objectively environmentally justified and are strategically sound.

4.8 Accordingly we encourage this Committee to recommend that the evidence upon which TAN 8 was originally based should be

- Made fully and publicly available.
- Subject to and objectively reassessed through appropriate scrutiny and thorough independent public examination, to ensure that given the significant changes that have occurred in the development of the technologies and the experiences associated with the delivery of large scale onshore wind in the last 6 years, its assumptions and conclusions are unequivocally proven to be sound.
- Tested to ensure that they fulfil the obligations of all the relevant European legislation and Directives including the principles of the European Landscape Convention.
- Shown to be capable of delivering the full range of environmental services and public benefits sought by the Welsh Government agenda through its Natural Environment Framework.
- Able to deliver demonstrable and positive benefits to rural communities and improve the well being of those who live, depend on or enjoy rural areas.

4.9 CPRW believes that if such a validation exercise is undertaken, it will expose the shortcomings of the current TAN 8 approach and highlight the fact that the continued deployment of industrial scale on shore wind generation scheme in the uplands of Wales is no longer defensible, not cost effective, not publically acceptable and hence not desirable anywhere in rural Wales.

4.10 Our doubts about the integrity of TAN 8 are reinforced still further by the recommendations of this Committee's predecessor, the Rural Development Committee, when it too considered issues associated with the soundness of TAN 8.

4.11 We take this opportunity to remind Committee Members of two of the important recommendations that their report in 2010 entitled "Future of the Uplands" highlighted. Firstly in relation to the impact of renewable energy developments on carbon storage and the management of this resource in the uplands of Wales and secondly in respect of the effects of the Assembly Government's current programme of forestry and wind farms, on these invaluable carbon resources.

4.12 That Committee's findings are set out as follows;

Recommendation 9

The Committee calls on the Welsh Government to carry out an assessment of the impact of the forest estate wind farm programme on carbon storage and for carbon soil management to be a central consideration in the review of TAN8

Recommendation 10

The Committee calls on the Welsh Government to review its planning guidance to local authorities so that there is a presumption against wind farm development on deep peat.

4.13 We believe that these Recommendations provide a valuable contribution to this Committee's deliberations, given that they demonstrate the important role that the responsible planning and management of the uplands of Wales must have in the conservation and management of Wales's crucial carbon resources.

4.14 Equally we also believe that these recommendations highlight how this delicate balance can so easily be disrupted or compromised by the development of inappropriately located renewable energy schemes of any kind, but in particular when industrial scale on shore wind schemes are deployed in sensitive upland areas.

4.15 We also remind the Committee that Land Use Consultants on behalf of the last Welsh Assembly Government, completed draft advice to the Minister regarding the “Planning Implications of Renewable and Low Carbon Energy in Wales”. Their conclusions highlighted exactly the same point namely

“Where priority peat-related habitats have been identified, best practice suggests that efforts should be made to locate wind farm components (turbines, tracks, compounds etc) outside of peatland habitats where possible.”

4.16 Although this guidance was subsequently confirmed in a Practice Guidance note published by the Welsh Assembly Government in February 2011, TAN 8 has not been amended to account for this important consideration and hence this principle is not official Welsh Government policy. Not surprisingly therefore the legitimacy of the geographical location of all of the existing SSAs have never been assessed or tested against this important principle.

4.17 So far as the future stewardship of the Welsh uplands is concerned therefore, CPRW concurs with the previous Rural Development Committee’s conclusions and advocates as a matter of urgency that the principles underpinning the justification and delineation of all the existing Strategic Search Areas in TAN 8 should be fundamentally tested so that it can be unequivocally demonstrated that they are fit for purpose

4.18 Until such a validation exercise is completed and the spatial interpretation of TAN 8 is shown to be sound, CPRW believes that this Committee should recommend to the Minister of Environment and Sustainable Development that he adopts the accepted “Precautionary Principle” and uses his powers to

- Introduce a moratorium on any future industrial scale on shore wind farm developments within an existing SSA in upland Wales where important carbon resources are known to exist.
- Revise Planning Policy Wales to ensure that the impacts of renewable energy proposals on existing sequestered carbon resources become an integral part of TAN 8 and thereafter a material planning consideration in determining the overall acceptability of any renewable energy proposal which affects any such resources.
- Include a presumption against any onshore wind schemes located on known areas of deep peat or in any other area coinciding with important resources of sequestered carbon fixed for instance in areas where woodland cover prevails.
- Require all outstanding and future proposals for renewable energy schemes to include an independent assessment of the nature, extent and impact of the proposed scheme on the carbon resources of the development site and its surroundings. (Such an assessment should be a mandatory component of the Environmental Impact Regulations and hence any Environmental Statement which accompanies any such application requiring planning consent.)
- Require a standard methodology to be developed by WG and used by all developers to assess the individual and cumulative impact of any scheme(s) on the status of any carbon resource affected by any proposed scheme, (particularly large on shore wind schemes in upland locations).

- Require the Environmental Statement of any renewable energy scheme to objectively demonstrate that the development will not compromise the integrity of any existing resources of sequestered carbon.

4.19 In suggesting these recommendations we find it anomalous that those seeking planning consent for domestic or residential developments are increasingly required to demonstrate the carbon credentials of their proposals, whilst those developing significant renewable energy schemes with their associated infrastructure, are not required to assess the impacts of their proposals in the same way.

4.20 Our concerns regarding the current soundness of TAN are further compounded by the scant attention and regard given in the existing Advice, to the planning issues and impacts associated with the transmission of electricity, in particular that required to link major renewable energy schemes to the Grid. As a result, a “dysfunctional relationship” exists in the consent regime between the responsibilities of Local Planning Authorities, the Welsh Government and the powers vested in the UK Government.

4.21 In the absence of a National Resource Strategy and an Infrastructure Strategy for Wales no national strategy to guide the manner in which the transmission of this power generated from TAN 8 areas exists. The consequences of this have been highlighted in Mid Wales and this same scenario could well be repeated when further onshore, offshore energy or nuclear generating plant is developed.

4.22 Accordingly, the current version of TAN 8 should therefore be revised to address this matter and it and Planning Policy Wales used to define how and where Wales’ future energy generation and transmission needs should be planned and how they can both be delivered in an environmentally responsible way. We believe that local people through their Local Planning Authorities should have a role in planning the provision of these facilities. In so doing, Local Authorities should be encouraged to

- Evaluate the scope for renewable energy in their areas, and work with the Power distribution companies to identify and plan how to provide the necessary transmission capacity to serve this expected future need.
- Include in their respective Development Plans any proposals for additional transmission schemes so that their routing and means of construction are subject to rigorous public scrutiny before any new renewable energy schemes relying on these networks are approved.

4.23 In addition CPRW also believes that TAN 8 must fully and properly reflect the Welsh Government’s own acknowledged “Proximity principle”. Its Planning advice should make it clear that priority should be given to those renewable energy schemes which are located closest to points where power is consumed and include a presumption against those where energy generation is remote from an existing grid or which rely on long transmission connections to link such schemes to an available grid.

## 5. Conclusion

5.1 Our submission we trust highlights a number of key deficiencies and weakness in the present arrangements for the planning of energy in Wales. In particular we contend that not only is the present system disjointed but more importantly it fails to recognise the full landscape and social consequences of using the resources of rural Wales. In addition we further believe that it not only underestimates but also misjudges the significant impact

that industrial scale renewable energy schemes have on the integrity of the Welsh uplands.

5.2 We therefore believe that changes to the present planning guidance and the various approaches currently being implemented in Wales are necessary. We note however this should be done in a way which relaxes the current strategic restrictions for the promotion of on shore wind farms so that any new approach simply spread the problems which exist in some parts of Wales to others.

5.3 We agree that a planned strategic approach to energy provision is necessary but believe that this must be done in a manner which reflects and fully accounts for all the relevant modern day circumstances. If these are accounted for as we suggest, we contend that power generation from industrial scale on shore wind installations as is currently being promoted through TAN 8 will be shown to be incompatible with the Welsh Government's desire to maintain the quality, diversity and environmental value of the range of landscapes which exist across the whole of Wales.

5.4 We trust that this Committee will agree with our perspectives and recommend to the Minister that TAN 8 in its present form is unsound because it is neither environmentally nor technically justified. In particular, we trust that you will agree that this unpopular and divisive guidance should be revised to remove the presumption in favour of large scale on shore wind schemes in any upland area in Wales.

Peter Ogden  
Director  
Campaign for the Protection of Rural Wales