

Environment and Sustainability Committee

Inquiry into Energy Policy and Planning in Wales

EPP 273 – The Law Society’s Planning & Environment Law Committee



The Law Society

26 September 2011

Clerk to the Environment and Sustainability Committee
National Assembly for Wales
Cardiff Bay
Cardiff
CF99 1NA

Dear Sir

Re: Energy policy and planning in Wales

The Law Society is the representative body of over 140,000 solicitors in England and Wales. The Society negotiates on behalf of the profession and lobbies regulators, governments and others. This consultation response has been prepared by members of the Law Society's Planning & Environmental Law Committee. The Committee comprises 20 practitioners expert in these areas of law from a cross section of the profession, both public and private sectors, and from across the UK nations.

Please accept my apologies for the late submission of our comments. I hope nonetheless that you will be able to consider our comments. There are few legal dimensions to the questions identified in the invitation to submit evidence. We have canvassed views from solicitors who have a particular interest in the energy sector.

We fear that the approach set out in Technical Advice Note 8: Renewable Energy has failed to deliver the required number of schemes to meet targets for the expansion of renewable energy schemes. Based on this track record it would seem highly unlikely that sticking to the TAN 8 approach as advocated by Ministerial statements and the Welsh Government’s Energy Policy Statement will achieve the expansion that is desired.

We would suggest that the UK Government’s Department of Energy and Climate Change has acknowledged the failure of the TAN 8 approach. DECC Minister Charles Hendry has recently written to Powys County Council noting the position in the National Policy Statement that the Infrastructure Planning Commission only has to have “regard” to Welsh planning policy, the implication being that the IPC will not see itself as being restricted to sites within TAN 8. This may be one of the reasons why the UK Government has refused to devolve the determination of Nationally Significant Infrastructure Projects in Wales to the Welsh Government.

Local planning authorities in Wales have an appalling track record in relation to the granting of consent for renewable energy projects - even within areas specified in TAN 8. Indeed the letter from Charles Hendry provides an insight into the obstacles that LPAs continue to place in the way of the development of renewable energy projects.

Yours faithfully

Steven Durno, Policy Officer

