



Cynulliad Cenedlaethol Cymru **The National Assembly for Wales**

Y Pwyllgor Amgylchedd a Chynaliadwyedd **The Environment and Sustainability Committee**

Dydd Iau, 12 Ionawr 2012
Thursday, 12 January 2012

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Cofnodir y trafodion hyn yn yr iaith y llefarwyd hwy ynndi yn y pwyllgor. Yn ogystal,
cynhwysir cyfieithiad Saesneg o gyfraniadau yn y Gymraeg.

These proceedings are reported in the language in which they were spoken in the committee.
In addition, an English translation of Welsh speeches is included.

Aelodau'r pwyllgor yn bresennol**Committee members in attendance**

Mick Antoni	Llafur Labour
Rebecca Evans	Llafur Labour
Vaughan Gething	Llafur (Cadeirydd dros dro y Pwyllgor) Labour (Acting Committee Chair)
Russell George	Ceidwadwyr Cymreig Welsh Conservatives
Llyr Huws Gruffydd	Plaid Cymru The Party of Wales
Julie James	Llafur Labour
William Powell	Democratiaid Rhyddfrydol Cymru Welsh Liberal Democrats
David Rees	Llafur Labour
Antoinette Sandbach	Ceidwadwyr Cymreig Welsh Conservatives

Eraill yn bresennol**Others in attendance**

John Day	Prif Ddeisebwr, P-04-024 Dywedwch Na i TAN 8 – Mae ffermydd gwynt a llinellau pŵer foltedd uchel yn difetha ein cymuned Lead Petitioner, P-04-024 Say No to TAN 8 – Windfarms and High Voltage Power Lines Spoiling our Community
Huw Morgan	Sir Drefaldwyn yn erbyn Peilonau Montgomeryshire Against Pylons
John Morgan	Cymdeithas Mynyddoedd Cambria Cambrian Mountains Society
Peter Ogden	Cyfarwyddwr yr Ymgyrch Diogelu Cymru Wledig Director, Campaign for the Protection of Rural Wales
Neville Thomas CF/QC	Cynghrair Swydd Amwythig a Chanolbarth Cymru Shropshire and Mid Wales Alliance

Swyddogion Cynulliad Cenedlaethol Cymru yn bresennol**National Assembly for Wales officials in attendance**

Alun Davidson	Clerc Clerk
Catherine Hunt	Dirprwy Glerc Deputy Clerk
Graham Winter	Gwasanaeth Ymchwil Research Service

Dechreuodd y cyfarfod am 9.23 a.m.

The meeting began at 9.23 a.m.

Ethol Cadeirydd Dros Dro Election of Temporary Chair

[1] **Mr Davidson:** Good morning, everyone. Unfortunately, the Chair is unable to attend and has sent his apologies. In his absence, the committee is required to elect a temporary Chair. Therefore, I ask the committee to nominate a temporary Chair for this morning's meeting and for the meeting this afternoon. Are there any nominations?

[2] **Rebecca Evans:** I nominate Vaughan Gething.

[3] **William Powell:** I second that.

[4] **Mr Davidson:** Are there any other nominations? I see that there are not, so Vaughan Gething is duly appointed temporary Chair in accordance with Standing Orders.

*Etholwyd Vaughan Gething yn Gadeirydd Dros Dro
Vaughan Gething was elected Temporary Chair*

Cyflwyniad, Ymddiheuriadau a Dirprwyon Introduction, Apologies and Substitutions

[5] **Vaughan Gething:** Thank you, Members. Welcome to today's meeting. We have a long session today; we are meeting this morning and this afternoon. I welcome members of the public who may be watching at home and those who are about to come in. I will make the housekeeping announcements at the start. In the event of a fire alarm, leave the room via the marked fire exits and follow the instructions of staff. There are no tests forecast for today. All mobile phones, pagers and BlackBerrys should be switched off, as they can interfere with broadcasting equipment; I was caught out earlier this morning. The meeting will be bilingual, in Welsh and English. Headphones are available; interpretation is on channel 1 and sound application is on channel 0. Do not touch the buttons on the microphones; this is a public meeting, so the microphones will work automatically. I assume that no Members have any declarations of interest to make; if you do, ensure that you make them. We have received apologies from Dafydd Elis-Thomas, which is why I am chairing today's meeting. As you will have noticed, Antoinette Sandbach joins us on the large screens above, as she is unable to be in Cardiff; she is in our video-conference room in Colwyn Bay.

Ymchwiliad i Bolisi Ynni a Chynllunio yng Nghymru—Sesiwn Dystiolaeth ar TAN 8

Inquiry into Energy Policy and Planning in Wales—Evidence Session on TAN 8

[6] **Vaughan Gething:** You will see that we have a range of people here to give evidence for our inquiry into energy policy and planning in Wales. This morning's evidence session is on technical advice note 8. This is the ninth evidence session of the inquiry, and we are going to look in particular at the implications relevant to communities in mid Wales, which are reflected in the responses received in the public consultation.

[7] I formally welcome the witnesses: Peter Ogden, director of the Campaign for the Protection of Rural Wales, John Day, lead petitioner of the 'Say No to TAN 8—Windfarms and High Voltage Power Lines Spoiling our Community' petition, Neville Thomas QC from the Shropshire and Mid Wales Alliance, Huw Morgan from Montgomeryshire Against Pylons, and last but not least, John Morgan from the Cambrian Mountains Society. Good morning to you all, and welcome to the committee.

[8] Each of the witnesses has already submitted written evidence to the committee, which

has been circulated as papers one to five. We will start by inviting Members to begin questioning the witnesses, as Members have had the opportunity to read the evidence; I thank the witnesses for providing that evidence in advance. Who wants to open the questioning?

[9] **Rebecca Evans:** I would like to ask some questions on the transport issues, and whether the infrastructure is in place to deal with windfarms and associated developments. This comes across quite strongly in several pieces of evidence that we have received for this committee session. What is your reaction to the Minister's response to the TAN 8 petition, in which he says that the strategic search areas were assessed against the transport constraints when they were originally drawn up? That is a question to the lead petitioner of the petition opposing TAN 8, because I think that that was a response to your petition.

[10] **Mr Day:** Could you ask the question again?

[11] **Rebecca Evans:** When you submitted your petition to the Assembly, the Government responded by saying that, when it drew up the strategic search areas and looked at the transport constraints, it was satisfied that those were not a problem.

[12] **Mr Day:** In the research that I have done—much of it over the past year—I have seen no evidence of that. I am not saying that there is no such evidence. With regard to the transport issue in Montgomeryshire, there is a meeting next week with Powys County Council representatives as there are many concerns over transport issues, and the ability of the highways to take these increasingly long and heavy loads.

[13] **Mr H. Morgan:** I will give you the community's view. I do not know where this factual thing comes from, with regard to TAN 8, that they have done the full survey. In simple terms, many members of the community have researched this subject—I have reviewed it myself. The conservative estimate is that about 550 mega wind turbines are being proposed for Montgomeryshire, although that is not to say that they will all go ahead—I know that you will say that. However, that is currently the plan. So, if you are planning, you plan for at least 550 turbines. Each turbine requires eight abnormal, indivisible loads to get to site. That means that they cannot be put on separate vehicles. There are eight per turbine—three blades, one nacelle, one rotor hub and three parts for the tube that holds the thing up. If you multiply eight by 550, you get 4,400 abnormal, indivisible loads. Think of the impact of that on the transport network of mid Wales.

9.30 a.m.

[14] The current understanding is that the Welsh Government wants to build this lot between 2014 and 2020, which is six years. How many loads per day is that over six years? The figure comes out as three loads per day for six years, and that is four or five days a week. Can our road network cope with that? Some of these vehicles are 72m in length and are bringing in hub transformers. The majority are over 50m long. I cannot see how the road network in mid Wales, which, as we know, is made up of rural roads, can deal with this.

[15] I will recount one of the most bizarre things that has been done in one of the transport policy statements. A review was undertaken of the way in which all of the infrastructure could be brought into mid Wales. Someone suggested putting a new jetty on Tywyn beach. Has that person ever been to mid Wales? Would anyone really want to come from Tywyn to Llangadfan, where I live, by road? It has many hairpin bends and you would have to come through the coastal resort of Aberdovey, then come through Machynlleth town centre. How would you get there? How would you get them to Dinas Mawddwy? Whoever suggested this is off the wall. They obviously do not know the place.

[16] **Vaughan Gething:** We will come back to Rebecca Evans and then to John Morgan.

Would you like to ask a supplementary question?

[17] **Mr Ogden:** May I just—

[18] **Vaughan Gething:** We will come back to Rebecca and then we will come back to you. I know that many Members wish to contribute, so we will ensure that you have plenty of time to express your views. We have a couple of hours.

[19] **Rebecca Evans:** My question is on the same subject. Powys County Council gave evidence in our last session, during which it said that it felt that the infrastructure in mid Wales was sufficient to deal with the abnormal loads that you have referred to. What would your response be to that?

[20] **Mr H. Morgan:** I would like to know who said it, because I have here the map that was produced by the mid Wales transport partnership, and it is funded by Powys County Council and the Welsh Government. Every triangle on the map is an implication on the road network that they cannot get one of these indivisible loads around. It would cause a logjam or improvements would have to be made to the road network. That is just an overview. If you go into the detail, you will see that it is much crazier than that. It is all in the reports of the Welsh Government.

[21] **Mr J. Morgan:** To go back to the question again, the deficiencies in the road network were foreseen at the time of the consultation on the draft TAN 8, and they were foreseen by the developers themselves. The British Wind Energy Association has said that some key technical criteria were missing from TAN 8 and the developers stated that it did not seem to take into account public road access. The response to that in the final version of TAN 8 was, I think, non-existent. It was not responded to. As far as we can see, it was not a concern, a constraint or criterion used in the development of the draft TAN 8. So, it was not in the draft TAN 8 and the final TAN 8 did not respond to the question. As far as Powys is concerned, various documents have been issued by Powys, and we could probably provide you with a note and an early document in which Powys and the local police force seems to say that road access was a key problem. I could send you a note on that if you would like me to.

[22] **Vaughan Gething:** It may be helpful to note that the committee will be taking evidence on the transport petition in a couple of weeks' time, so this is something that we will come back to.

[23] **Mr Ogden:** I would like to second what has been said by pointing out that TAN 8 was produced when wind turbines were probably about 80m in height, but turbines are now 150m in height. How could TAN 8 have predicted the implications to the road network of the new generation of turbines five years ago? I find it very difficult to understand or believe that it could do so. The map that you have just been shown clearly indicates that the landscape implications of addressing the transport issues would have been so massive that they could not possibly have been taken into account in TAN 8, because when it was first developed, TAN 8 did not consider the landscape implications of windfarms. It is clearly stated in the Welsh Government's brief to Arup, the consultants. I will quote this for your reference. It stated that

[24] 'This study will exclude non-statutory environmental constraints/factors such as landscape capacity and sensitivity, historic landscapes, National Trails, and consideration of landscape quality and character using LANDMAP in the initial identification of SSAs.'

[25] So, by its own admission, the Welsh Government was saying, 'We do not want you to take into account any landscape implications, be they with regard to the turbines, access or

even the transmission systems, when you are considering, Mr Arup, where SSAs should be in Wales'. If that is not steamrolling through a process of trying to develop the SSAs without due consideration for all the environmental factors, then I do not know how else it could be done.

[26] **William Powell:** A number of the witnesses have already referred to their concerns with regard to TAN 8 procedures. I wonder whether we can drill down, to explore a little bit more widely the concerns that you have about the whole TAN 8 consultation process. Coupled to that, what are your views on what has been styled as a 'refreshment' of TAN 8 during the latter stages of the previous Assembly?

[27] **Mr J. Morgan:** On the point about consultation, there are two aspects to this. There is the consultation that was recommended in the Arup report. That report recognised the significance of TAN 8 in respect of the Welsh landscape—I have a copy of it in front of me. Do not forget that the report by Arup—as the independent consultants—underpinned TAN 8. The consultants said that the implications for Wales of the strategic areas for onshore wind are significant. They said that if the areas are incorporated into the revised TAN 8, subsequent to development in full, it would lead to several discrete windfarm landscapes. The report's third recommendation was that an extensive consultation process should be conducted with those likely to be affected by the strategic areas, involving a roadshow or something similar. That recommendation was not carried out. There was no attempt made to tell local people what was going on.

[28] The second part of your question was about the public consultation that did take place. The Cambrian Mountain Society has conducted a detailed review and looked at every reply to the consultation—about 1,700 of them, including late replies; and I am told that that was the largest response to any consultation. In the consultation, 90% of the respondents were against TAN 8. We divided the responses into various categories, and in the category for individuals alone, 94% were against TAN 8. What was the Welsh Government response to the consultation on the draft TAN 8? It was just a few words: wind is rooted in Government policy. That was the response to about 1,300 people who objected to TAN 8 on the grounds of wind and landscape combined. At the end of the day, the consultation was pretty unsatisfactory, and, in our view, it reflects a matter of governance. Given the way in which the vast majority of objections were pushed to one side, we cannot see that as good Government.

[29] **Vaughan Gething:** To help move things along, I would say to Members generally that it may help if you direct your questions to one or a pair of the people giving evidence, so that we can try to ensure that we move through all of the witnesses and it is clear at whom the questions are directed, if possible.

[30] **William Powell:** I appreciate that, Chair.

[31] If I may, I would like to ask a follow-up question. As members of the Petitions Committee, Russell and I received one of the largest petitions in the history of that committee just a couple of months ago. Clearly, we can only recognise the strength of feeling that you have referred to this morning. In the evidence that has been given this morning, I have seen this suggestion for an alternative energy supply—because we clearly need to find alternative sources of energy to be able to continue with the lives to which we have become accustomed. You, the lead petitioner, have advocated the exploration or consideration of shale gas exploitation as an alternative. I want to explore whether that is a personal view or something that enjoys the support of any number of your colleagues. I was surprised to see this issue's inclusion, so I think that it would be useful to have some clarity on it.

[32] **Mr Day:** Since that text was written, although it was the view of several of my

friends and colleagues, there has been much debate on the pollution of water courses and the possibility of earth movements. Much more research would need to be done on this issue, and I would not like to see it going forward without that research being carried out. However, I believe that there is much more scope in Wales for energy efficiency measures, particularly in industry and public buildings. Much more encouragement should be given for offshore wind energy generation, which seems to be a more efficient method.

[33] **Mr H. Morgan:** Going back to community consultation, we are all here because of the effects of TAN 8 and to discuss reviewing it. If National Grid and Scottish Power had not gone out on a Montgomeryshire and Shropshire-wide roadshow of community consultation, the general public would not know about TAN 8, as it is a professional's document. We need community advice notes, not technical advice notes. The community feels that it was not consulted on TAN 8. When it has been consulted on the pylon routes, it has unanimously said no. That is the first point; you have to get out and consult with people and you have to be there on the ground to understand people's feelings. People have to understand what the implications of 290 MW are in an area. They do not understand 290 MW; you have to look into it to see how many turbines there will be, how big they are and where they will go. People want to see pictures. Stating 290 MW and drawing a line on a plan does nothing for communities and is not true community consultation. We need to get that over straight away to the Welsh Government. The Design Commission for Wales has done tremendous work in exploring ways of engaging communities—it is really interesting—to get people to get across what the landscapes mean to them. We need to do more on that.

[34] Turning to what we can do to meet the 15% target, we should all put photovoltaic panels on our roofs. I am sure that my house can produce 15% of the energy it needs from photovoltaic panels. It would be great if everybody's houses had these panels. What about community-based systems? Why are we not out there being proactive about co-operative-based windfarm systems that power local communities individually? This is the way forward; not the way put forward by people sitting overseas. As it stands, the strategy is for the big men with a big pot of money to decide; most of them sit in tax exile in Guernsey. We have calculated that if the Dyfnant Forest scheme goes ahead, those behind it will receive £0.5 billion in renewal obligation certificate subsidy over the scheme's lifespan of 25 years. That sends all of us into increasing fuel poverty. That would be a wide-scale issue, across the country. In rural areas, we are already in greater fuel poverty because we have to travel around with our own transport. Fuel poverty is getting ever greater and ever harder. Why are we putting this onus on people?

9.45 a.m.

[35] **Mick Antoniw:** A lot of representations were made, so I want to clarify whether you consider the consultation process flawed or inadequate. Or is it the fact that, ultimately, the representations that were made were rejected? This will then be clarified on the record.

[36] **Mr Day:** I believe that it was inadequate. I have been to several meetings of over 100 people where they were asked to show by raising their hand whether they had had a chance to participate in the consultation. Only at one meeting did one person say that they had had such an opportunity, or were aware of the consultation on the original TAN 8. That is certainly the case in mid Wales. Would you agree with that?

[37] **Mr J. Morgan:** It was inadequate to the extent of being flawed. It was inadequate in two ways. I have said before, the principal recommendation of the Arup consultants was that there should be a roadshow, not by the developers, but by the Welsh Government, to explain to people and communities the significant changes that were going to be carried out in their areas with the creation of turbine landscapes. This was not done. If you read our paper you will find that the vast majority of responses in the consultation were against TAN 8, either in

whole or in part, but little attempt was made to respond to those objections. In 44 pages of responses to objections, the answer to the 1,300 people who were against TAN 8 was that it was rooted in Government policy. One feels that that is an inadequate response, and to that extent the consultation was flawed.

[38] **Mick Antoniw:** In the representations made at that time, were there any points that were not raised that should have been raised?

[39] **Mr Ogden:** I have alluded to the issue that is the key, as far as our interests are concerned, which is the landscape. It was clearly a brief to Arup in the consultation that landscape was not a material consideration. So, how can anyone say that this consultation was done honestly and transparently, taking in all the material considerations? Irrespective of whether there was a roadshow or not, it was geared up to provide the answer that the Government was seeking on how to achieve renewable energy targets. It was not starting from the point of view of the environmental capacity of Wales to deliver renewable energy, which is how any sensible and normal consultation would have started. It should have asked: what have we got, what are the key constraints and how can we maximise the opportunities thereafter? It is clear from Arup's report in 2004 that it recognises this as a key issue, because when it was asked to define the initial SSAs, its report states,

[40] 'adopting an "environmental capacity" approach to planning of onshore wind in Wales, whereby no material environmental assets were to be compromised, would be unlikely to lead to the delivery of the national targets for renewable energy production'.

[41] If that is not a statement that the environment was to be dismissed, I am not sure what is. Therefore, I would seriously question the legitimacy of the consultation and its objectivity.

[42] **Antoinette Sandbach:** I will ask Neville Thomas QC to comment on this point, in particular in relation to his evidence on the European directive on environmental assessment. I read the evidence from Montgomeryshire Against Pylons, which, in paragraph 2.1, says:

[43] 'It is a matter of grave concern that a situation may arise where the Westminster government localism agenda might protect communities in Shropshire from the blight associated with large scale electricity infrastructure whilst no such protection was available to residents of mid Wales.'

[44] Could Neville Thomas QC comment on that and say whether he sees that as a real difference? Is that an accurate statement of the position?

[45] **Mr Thomas:** Yes, it could develop into a real situation. However, for the moment, I am concerned only with the position in Wales. In Wales, it is absolutely clear that, on its own, TAN 8 is nothing more than a wish. It is a policy. Only when TAN 8 or parts of it have been incorporated into a local development plan will it carry the force of law. This is not my individual opinion. There is general consensus that that is the case. You will not find it contradicted. That is a bold assertion, but I make it. You will not find a competent lawyer who disagrees with that analysis. What I then ask you to do is reflect on the consequences. If a particular local development plan for Powys or any other area of Wales ignores the precepts of a European directive—one which requires an environmental survey to be carried out—that plan will automatically be struck out. There is no doubt about it at all.

[46] Stage 2: if the body appointed by the council responsible for that local development plan is not constituted with impartial membership—in other words, if there is a Vladimir-Putin-type consultation—again, the plan will be struck out, simply because of bias, given the nature of the body that has been asked to fulfil the job. That is stage 2. Stage 3: suppose that the body is impartial. It will still need to show that it has reached a rational conclusion. If it is

not a rational conclusion, again, the plan will be struck out. Therefore, at three different tiers, you find that, if TAN 8 is held up as the guideline or plan, it will be open to the possibility of rebuff. It will unleash a Pandora's box of litigation. That cannot be good for the environment; it cannot be good for Wales.

[47] Then the question arises of who will fund the challenges. In ordinary circumstances, you might say that a slightly dodgy policy might get through because no individual would be prepared to put up his own money in order to mount a challenge at any one of the three stages. Not so here. The intensity of feeling is such that there will be almost a bottomless pocket to fund litigation aimed at challenging TAN 8 and its consequences.

[48] **Vaughan Gething:** Antoinette, you may have one follow-up question, and then we will have to move on. Llyr has been very patiently waiting.

[49] **Antoinette Sandbach:** Perhaps I could get Peter Ogden to expand a bit on his comments about the lack of consideration of the landscape. In your evidence, Mr Ogden, you have indicated that the problems with TAN 8 go much wider than that.

[50] **Mr Ogden:** Indeed, and, as I referred to you previously, the terms of reference for the original Arup study clearly indicated that the issues of landscape capacity and sensitivity, the whole consideration of historic landscapes and the impact of SSAs on national trails were to be excluded from the consideration of where SSAs could legitimately be suggested. Add to that the whole furore that has built up in mid Wales over the transmission lines; if that was anticipated when TAN 8 was being prepared, why was it not highlighted in the document that there would be a need for a major reinforcement of the network in the area in order to service those particular sites? It is completely absent. People are only here today because it has been brought up latterly as a result of TAN 8's failure to recognise that as a legitimate issue.

[51] We have already heard about the considerations of the road network, and I suggest that three direct consequences have not been fully taken into account. The fourth issue, which compounds that problem, is the fact that technology has moved on considerably. We are now talking about turbines that are 150m high. How could the cumulative impact of those sorts of turbines have been considered at the TAN 8 process in 2005, when people were only interested in turbines that were 80m high?

[52] So, there is a whole catalogue of deficiencies in terms of legitimate issues that have not been fully considered. I would argue that, given the deficiencies, it is not unreasonable to require the Government to demonstrate that the philosophy and approach that exists in TAN 8 is still fit for purpose. I would have thought that it is the Government's responsibility to ensure that its policies are still relevant under these conditions.

[53] As Neville Thomas indicated, TAN 8 has never been subject to a strategic environmental assessment. Therefore, it has not been scrutinised independently or objectively, as any major policy, proposal or planning application would be today. We all understand why: it has slipped under the wire with regard to the requirements for the SEA. However, I would argue that any Government that is seeking to undertake its duties in an open and transparent way would feel obliged to ensure that any policy that it is promoting remains fit for purpose. Irrespective of the requirements of the SEA regulations, I would have thought that it would be the duty of the Government to test openly the legitimacy of TAN 8. It has consistently and repeatedly refused to do that, and that is not good governance.

[54] **Mr Thomas:** For the avoidance of doubt, Peter says that it has not been done, which is absolutely true; that is the painful truth. However, in a sense, it does not matter a whisker, because TAN 8, I assert, cannot take effect until it has been done, otherwise every local development plan in Wales will be stymied.

[55] **Llyr Huws Gruffydd:** Hoffwn **Llyr Huws Gruffydd:** I would like to move
symud ymlaen at fater y grid, capasiti'r on to the matter of the grid, the capacity of
ardaloedd chwilio strategol a sut y caiff ynni the SSAs and how energy is transferred.
ei drosglwyddo. Yn ôl tystiolaeth Peter According to Peter Ogden's evidence,
Ogden,

[56] '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'.

[57] A wnewch chi ymhelaethu ar y sylw Will you to expand on that comment?
hwnnw?

10.00 a.m.

[58] **Mr Ogden:** Thanks for picking that up. That is yet another totally confusing aspect of the way in which renewable energy and planning for it is being implemented in Wales. As most, if not all, committee members will be aware, there has been an ongoing battle—I think that that is probably the best description of it—to ensure that the full responsibility for planning what Wales has, and the way in which it uses it, is devolved to this administration. Clearly, that has not happened, and we therefore have this dysfunctional relationship—as I would describe it—whereby the Westminster Government decides on the legitimacy of major renewable energy projects, but the local authority, and hence ultimately the Welsh Government, makes the decision on a sub-station in mid Wales.

[59] There is a tension between the legal legitimacy of TAN 8 and the national planning policy statements that the English Government has produced on the manner in which renewable energy should be deployed throughout the country. We have a situation where, irrespective of the legal legitimacy of TAN 8, as Neville said, we are totally unclear as to what weight it will carry when a development is determined by the national Government at Westminster. The Government in Westminster has clearly indicated that it will not necessarily take TAN 8 into consideration in the determination of any major energy proposals. So, we have this tension on the renewable energy issue, and this dysfunctional relationship whereby one authority will determine the legitimacy of the power line development, another authority is obliged to make a determination on other elements of the infrastructure associated with wind development, and any wind development less than 50MW will be determined by the local authority. It is a complete dog's dinner. It is not surprising that the public is totally confused as to who is determining these things, which policies they are trying to challenge, and how they should be doing it. From our point of view, the submission that I made wholeheartedly supports the full devolution of planning powers on all aspects of land use and development issues to the Welsh Government. I cannot see how the Government can fulfil its planning responsibilities if it is being asked to do half a job. I equate it to someone trying to drive a car from the passenger seat.

[60] **Mr J. Morgan:** I just wanted to refer to that point about the grid—

[61] yr oeddech yn dechrau gydag ef. that you started with.

[62] The grid problems were foreseen. There are two aspects to this. First, in the consultation on the draft TAN 8, the people who were not consulted, amazingly, and who complained about that, were the people at National Grid Transco. They expressed particular concern that it had not been considered in the drafting of TAN 8. That is there in the consultation responses for people to see. A further aspect of this is that, if you look at the Arup report, you will find that there are no grid connections in mid Wales. What was relied

upon—and I think that there was possibly a misunderstanding here—was a proposed expansion of the distribution network by MANWEB at the time. However, as National Grid Transco points out in its response, a distribution network is different from a transmission network. So, first, there was confusion in terms of the grid, and, secondly, there was a recognition that there was not the grid capacity in mid Wales, yet it was never discussed with National Grid Transco. What was the response in TAN 8 itself? All it said was that it supported in principle the extension of the grid. That was the only response, despite National Grid Transco having expressed particular concern about the matter. I just wanted to add that. Diolch yn fawr.

[63] **Mr Thomas:** Again, it seems that I speak only when prompted by something Peter has said. He referred to windfarms in excess of 50MW, which are not devolved. It may interest you to know that although everybody acknowledges that no plan or programme can be effective until it has survived scrutiny under a strategic environmental assessment, in nowhere in England or Wales has such an assessment been carried out in the context of windfarms. In other words, that which is still reserved by Westminster, has, exactly the same as in the Welsh position, not yet been subjected to a test, although everybody acknowledges that the policy—whether it is the Westminster or the Cardiff policy—cannot survive unless it has survived the stringent tests imposed by the European directive.

[64] **Llyr Huws Gruffydd:** Hoffwn ddod yn ôl at rai o'r materion sy'n ymwneud â datganoli nes ymlaen. Rwy'n siŵr y bydd yr Aelodau eraill am godi hynny hefyd. I aros gyda'r grid am nawr, mae gennyf un cwestiwn pwysig y byddwn yn falch o glywed eich barn neu eich ymateb iddo. I ba raddau yr ydych yn cytuno â barn Llywodraeth Cymru na fydd angen cynigion y National Grid i atgyfnerthu'r grid yng nghanolbarth Cymru os yw'r capasiti mwyaf sydd wedi'i osod ar gyfer yr SSAs yn cael ei barchu?

Llyr Huws Gruffydd: I would like to come back to some of the matters related to devolution later on. I am sure that other Members will also want to raise that. Staying with the grid for now, I have one important question that I would like to hear your opinion on or your response to. To what extent do you agree with the Welsh Government's view that the National Grid's proposals for grid reinforcement in mid Wales are unnecessary if the maximum capacity set for the SSAs is respected?

[65] **Mr Thomas:** Mae'n ddrwg gennyf, a allwch chi ailadrodd y cwestiwn?

Mr Thomas: Sorry, could you repeat the question?

[66] **Llyr Huws Gruffydd:** Mae Llywodraeth Cymru wedi gosod capasiti ar gyfer yr SSAs o ran faint o ynni fydd yn cael ei gynhyrchu, felly nid oes goblygiadau o reidrwydd i'r grid fel y mae'n bodoli ar hyn o bryd. Beth yw eich ymateb i hynny?

Llyr Huws Gruffydd: The Welsh Government has set capacity for the SSAs in terms of how much energy will be produced, so there are not necessarily any implications for the grid as it exists at present. What is your response to that?

[67] **Mr H. Morgan:** I think that I am at liberty to quote Jeremy Lee from the National Grid. He has clearly stated that if one more wind turbine development comes online around the 50MW mark, we will need a new grid system. That is categorical and it comes from the National Grid itself: say no more.

[68] **Mr Thomas:** Dyna fyddai wedi bod fy ateb i. [*Chwerthin.*]

Mr Thomas: That would have been my response. [*Laughter.*]

[69] **Llyr Huws Gruffydd:** Felly, mae eich beirniadaeth o safbwynt y Llywodraeth yn ddamniol?

Llyr Huws Gruffydd: So, your criticism of the Government's stance is damning?

[70] **Mr Ogden:** Certainly, it may be damning criticism, although those are not my words. However, clearly, there is total confusion regarding what the expectations are in terms of SSAs. In the past 12 months, we have had two statements from the Government—one from the First Minister, and one from the Minister for Environment and Sustainable Development—which contradicted each other. It is not surprising that we, on this side of the table, and you, are totally confused as to what agenda the Government is promoting in mid Wales and what the National Grid is expected to deliver. We have had one figure, based on the original TAN 8 capacity in 2005, and another figure, which seems to be totally different, based purely and simply on the number of wind turbines that you can pack in an SSA. There is no consistency and, to be honest, it seems to reflect poorly on the way in which this current Government is approaching its renewable energy responsibilities in terms of developing strategic policy that is consistent, coherent and objective.

[71] **Llyr Huws Gruffydd:** Mae gennyf un sylw terfynol i un o'r ddau John efallai. O ran yr holl ddryswch am safbwynt Llywodraeth Cymru a'r sefyllfa o ran capasiti ar hyn o bryd a'r goblygiadau i'r grid, a ydych yn cydnabod bod hynny nid yn unig yn achosi dryswch a phoen meddwl i nifer o gymunedau yng Nghymru sy'n wynebu datblygiadau o'r fath, ond yn achosi problemau economaidd o safbwynt twf a datblygiad y sector ynni adnewyddadwy yng Nghymru?

Llyr Huws Gruffydd: I have one final comment for one of the two Johns perhaps. On the whole confusion about the Welsh Government's position and the situation with regard to capacity at present and the implications for the grid, do you acknowledge that that not only causes confusion and worry for a number of communities in Wales that are facing developments of the kind, but causes economic problems in terms of the growth and development of the renewable energy sector in Wales?

[72] **Mr J. Morgan:** The point about the grid is that TAN 8 was dependent in mid Wales on a MANWEB proposal to extend its distribution network. That distribution network was never extended. Then there is a bit of confusion between distribution and transmission networks, and that seems to be one of the reasons why this issue with the grid is of great concern today; the connections in mid Wales were never sorted out properly.

[73] Fel y dywedasoch, a oes eisiau hynny i gael ynni adnewyddadwy a chynaliadwy?

As you said, it that necessary to have renewable and sustainable energy?

[74] **Llyr Huws Gruffydd:** Mae'n amlwg bod dryswch a rhwystredigaeth ar lefel gymunedol oherwydd dryswch o ran safbwynt Llywodraeth Cymru, ond, wedi derbyn tystiolaeth, byddwn i'n dadlau bod dryswch a rhwystredigaeth yn dod o gyfeiriad y diwydiant hefyd, ac felly—

Llyr Huws Gruffydd: It is clear that there is confusion and frustration at a community level because of confusion about the Government's stance, but, having received evidence, I would argue that there is also confusion and frustration coming from the direction of the industry, and so—

[75] **Mr J. Morgan:** O, oes. Gallwn weld o'r ymgyngori a ddigwyddodd eu bod i gyd yn pryderu am y cysylltiadau trydan, ac nid oes dim wedi cael ei wneud. Fel y dywedais, ymateb Llywodraeth Cymru yn TAN 8 oedd ei bod, mewn egwyddor, yn cefnogi estyniad y grid, ond dyna i gyd, a nid oes dim byd wedi cael ei wneud oddi ar hynny.

Mr J. Morgan: Oh, there is. We can see from the consultation that took place that they are all concerned about electricity connections, and nothing has been done. As I said, the Welsh Government's response in TAN 8 was that, in principle, it supported the extension of the grid, but that is all, and nothing has been done since.

[76] **Llyr Huws Gruffydd:** A fydddech yn

Llyr Huws Gruffydd: Would you describe

disgrifio safbwynt y Llywodraeth fel un o eistedd ar y ffens a cheisio plesio pawb, ond plesio neb yn y diwedd?

the Government's position as one of sitting on the fence and of trying to please everyone, but pleasing no-one in the end?

[77] **Mr J. Morgan:** Gwneud llai nag eistedd ar y ffens y mae hi; nid yw'n eistedd ar ddim byd—mae'n rhedeg i ffwrdd o'r broblem. Dyna y mae wedi bod yn ei wneud. O ran y materion technegol, nid yw wedi ateb, yn TAN 8, y problemau sylfaenol o ran ynni cynaliadwy, ac ynni gwynt yn y canolbarth.

Mr J. Morgan: It is not even sitting on the fence; it is not sitting on anything—it is running away from the problem. That is what it has been doing. In terms of the technical issues, it has not addressed, through TAN 8, the basic problems with regard to sustainable energy, and wind energy in mid Wales.

[78] **Vaughan Gething:** Russell George has a series of questions, and then Mick Antoniw.

[79] **Russell George:** I want to ask a question on tourism, and perhaps address that to Peter Ogden. However, before that, I just want to go back to a point that I did not get a chance to come in on earlier, when we were talking about the consultation process. Would it be fair to say that, when TAN 8 was originally conceived, back in 2003 to 2005, the proposals that we now are seeing for mid Wales were never envisaged? Perhaps that could be seen as criticism of the Welsh Government for not consulting with the communities at that time on what it meant for mid Wales, but the point that I am making, and asking you to comment on, is that it could never have consulted on that, because it did not know at the time what it would actually mean for mid Wales. Can you comment on that point and perhaps expand on what you think that that means?

[80] **Vaughan Gething:** That was definitely directed at Peter, but I can see that John and Huw want to say something as well.

[81] **Mr H. Morgan:** From a consultant's perspective, I believe that, at that time, it was clear that the consultants said that we would be creating a turbine landscape. They may have classed it as a windfarm landscape; I would class it as an industrialised, turbine landscape. That is all I have to say: they knew that that was happening, given the figures that they had before them.

[82] **Mr J. Morgan:** I was just going to say what was said before: it was recognised at the time. If you read the Arup report, which, as I say, underpins TAN 8, it was almost with a sense of embarrassment that the developers said that it would lead to the creation of turbine landscapes and have a significant effect on localities. That is why they recommended a roadshow to fully inform the local communities about what was going to happen. All of this was envisaged by the Arup consultants, but, as with many other things, the Welsh Government just ignored it.

[83] **Mr Thomas:** In June 2011, DEFRA published its UK national ecosystem assessment. This is DEFRA, not an anti-wind lobby—this is totally separate and apart from any of the considerations before your committee. It covered almost every square inch of England and Wales. In the Welsh section, I found the following paragraph:

10.15 a.m.

[84] 'A 2001 study estimated that the environment contributed £8.8 billion of goods and services annually to the Welsh economy, 9% of Welsh GDP and one in six Welsh jobs, mainly in the leisure and tourism, agriculture and forestry, water abstraction, conservation and waste management sectors. It also found that the environment is relatively more important to

the Welsh economy than it is to the other UK nations.’

[85] DEFRA covers England and Wales; where is the Nimbyism there? That is its assessment of the Welsh economy. Just transpose onto that a landscape covered in windfarms. The two cannot go together. I have made a number of copies that I would like to leave with you.

[86] **Vaughan Gething:** If you leave them on the table, one of the clerks will take them and circulate them.

[87] **Mr Thomas:** In the unlikely event of any of you being enthusiastic enough to search out the full report, I have given the web reference. [*Laughter.*] It is hundreds of pages long.

[88] **Vaughan Gething:** Russell, do you still want to follow up on this point?

[89] **Russell George:** Yes. What I was asking was: when TAN 8 was conceived, do you think that the Welsh Government was aware that it would mean that the infrastructure that is now planned—the sub-station and the grid—would need to be in place? I just want to be clear about what you are saying.

[90] **Mr Thomas:** It was manifestly not aware of it. It was the usual panic reaction to global warming. I am not a global warming denier and I am wholly supportive of measures taken to avoid it, but this was a panic reaction. It is clear that the Government rushed through TAN 8, feeling the need, understandably, to pull its weight in the national—by which I mean England and Wales—economy. The trouble is that it was unconsidered. You may say that it was considered, but it was considered by Arup in terms that should never have been acceptable to the Government at the time, and now the price is being paid. I say that the price is being paid, but that is only because of the way in which TAN 8 has impacted on the national consciousness. The word ‘hostility’ is too mild a word to reflect the feeling that has been engendered.

[91] **Mr Ogden:** I would echo that point. It is important that you realise that there are other elements of TAN 8 beyond just the consideration of onshore wind. We are very supportive of the concept that the Welsh Government promotes as much responsible renewable energy generation that has the least environmental damage possible. What is interesting, however, is that, of all the strategies that the Welsh Government has, possibly with the exception of the spatial plan, onshore wind is the only guidance that has a spatial dimension to it. There is no guidance on where hydroelectric should be developed, or where biofuels or waste-to-heat generation should be promoted. So, that clearly reinforces the point that Neville has made, which is that this was an attempt to rush through the ‘rush for wind’, to generate wind energy as quickly and as surreptitiously as possible.

[92] So, going back to the original question, I have answered on a number of occasions that landscapes were not considered legitimately at the outset, and that, as we have heard, there were major concerns about whether the transport network could have ever been predicted to be what is required. The transmission network certainly was not considered at the time and the hostility that has built up as a result of the evidence that has come to light recently on the implications of wind clearly becomes a material consideration in any Government’s attitude towards whether its policies are still fit for purpose. I would argue that there are at least five or six good reasons—let alone the national environment ecosystems approach, which the Government is now promoting—to suggest that these considerations could not have been taken into account when TAN 8 was first conceived, and born, and was being implemented.

[93] **Vaughan Gething:** I will bring William Powell in on this point, and then we will go

back to Russell George.

[94] **William Powell:** Neville Thomas QC has rightly identified that TAN 8 was a reaction to—and, at that stage, an attempt to address—the reality of climate change in terms of international targets.

[95] **Mr Thomas:** An attempt with which we had some sympathy.

[96] **William Powell:** Absolutely. I am sure that we appreciate the point that you made. Peter has also referred to your wish to see the full devolution of energy policy. I am interested in looking at other good practice within the United Kingdom. Previous evidence sessions have indicated that, in Scotland, there is a situation in which there are greater levels of investor confidence in renewable energy, and a much higher level of community acceptability seems to have been achieved. Also, the Scottish Government seems to have secured a preferred strategy for the undergrounding of much of the cable infrastructure. I wonder what the witnesses' views are, particularly the two witnesses to which I have referred, in respect of what we can learn from the Scottish experience. I appreciate that the planning regime is different, and the situation with regard to devolution is not the same either. Nevertheless, what can we usefully learn from Scotland's experience?

[97] **Mr Thomas:** I believe that that question is directed at me. Most of the answer is encompassed in one word: scale. Scotland is vastly bigger than Wales. If I give you an outline, you may see what I mean. If TAN 8 is implemented, there will be nothing but wind turbines or steel pylons from just north of Rhayader up to Snowdonia national park. From west to east, they will stretch as far as Lake Vyrnwy. From the English border to the Welsh coast, there will be no high ground upon which you can stand without being confronted by a vista of either turbines or pylons. The 130-mile Glyndŵr national trail will have wind turbines or steel pylons as the predominant view along its entire length. For 30 miles, the walker will be walking alongside turbines. Some 75% of Montgomeryshire's architectural and historical settlements—I am referring to the Pevsner list—will be overviewed either by wind turbines or pylons. That kind of impact is not made on the vast Scottish highlands. We are talking about a different scale of effect.

[98] It seems not to have been appreciated by those who advised the Welsh Government in 2004 that this unprecedented concentration of industry in the Welsh hills was going to strike a blow at the very heart of Wales itself. I am not overstating it. You are—I am sorry, you are not personally responsible; I exculpate you completely. [*Laughter.*] He who seeks to see through this policy is essentially saying, 'Mid Wales goes, and we will have an industrial area instead.'

[99] **Mr H. Morgan:** To illustrate Neville's point about scale, the map that we have been working covers a third of Wales, in terms of its land area. That is the area that Neville is saying will be affected.

[100] **Mr Thomas:** It is an area where you will not be able to stand on high ground without being confronted by an endless vista of one kind of obscenity or another.

[101] **William Powell:** I appreciate the passion with which you made that point. Clearly, the scale involved is an undeniable geographical fact. Are there any other elements that we can learn from to incorporate better practice into our policy in future?

[102] **Mr Thomas:** You can underground the supply lines, but not the turbines. Wind does not blow too well below ground. [*Laughter.*]

[103] **Mr Ogden:** There is an issue relating to good practice, namely the proximity

principle. That is, that you do not generate energy hundreds of miles away from where it will be used. That is our biggest problem. Wales is being suffocated by industrial-scale wind turbines for the sake of an energy-hungry community in the south-east of England. The fundamental issue that we need to grapple with is: should Wales be expected to generate a level of energy that is way beyond its own need and the environmental capacity of the country? My answer to that is: no. If we are being expected to produce to meet our own needs, we should first define the environmental capacity of the country. We should then look at how we can supply, over and above that need, for the needs of those in the south-east of England or elsewhere. If we decide that supplying that extra amount of energy is very detrimental to the landscape of Wales, then we should not be doing it, or we should be saying that that industrial-scale development of the countryside is not compatible with what we are trying to achieve in Wales from a sustainability point of view. It is not sustainable. As Neville has said, we are forfeiting the very assets that are the basis of our economy. The environment is worth £8 billion per year to Wales. Are we prepared to forfeit that for the sake of people down in London who do not have a clue where their energy comes from and do not care?

[104] **Vaughan Gething:** I am not sure that it is just people in London who take that view regarding where their energy comes from. Let us try not to regionalise our criticism; I do not think that that is very helpful. Russell George, I know that you have some additional questions on another matter.

[105] **Russell George:** Yes. I am, as it happens, moving on to the impact on tourism, which follows on nicely from what you have just said. My question really is directed to Peter Ogden, Huw Morgan and John Morgan. We know that in Montgomeryshire, and the wider mid Wales region, tourism is the biggest industry alongside agriculture. I would like you to expand on your evidence regarding how these proposals would affect the tourism industry.

[106] **Mr H. Morgan:** I am quite happy to start. We have kindly been told that we can read out a letter, which is a piece of evidence from a caravan park that is located by the side of a windfarm in Harrogate in North Yorkshire. The letter is from a lady called Jane Kershaw and is addressed to Mr Bob Barfoot, the chair of the North Devon branch of the Campaign for the Protection of Rural England. The letter reads:

[107] ‘Dear Bob. Further to our conversations I write to confirm the details about the adverse impact on our business after the Knabs Ridge wind farm was fully operational.

1. Knabs Ridge is an 8 turbine wind farm some 430 meters from our park. The first four turbines were operational early 2008 and the final four became operational towards the end of August, 2008. The official opening of the Wind Farm was held 11th November, 2008.
2. This park has been in the family ownership for 28 years and throughout that time until the wind farm was operating, the number of vacant pitches each season has been on average eight. (The park has 159 static pitches and 57 touring pitches which are normally let on a season basis).
3. We began dramatically losing customers once the wind farm became operational. (i.e. customers began moving their static and touring cans to other parks). This was most evident from end of season i.e. November 07 At the beginning of this season (April, 2009) we had 40 empty static pitches and 15 empty touring pitches).
4. When customers advised us they were leaving, the message was loud and clear that it was because of the wind farm. (some people on site would not have purchased holiday homes if they had known about the noise and unsightly appearance of them.)

10.30 a.m.

[108] **Vaughan Gething:** Are you going to read the entire letter?

[109] **Mr H. Morgan:** I think that it is worth doing so because—

[110] **Vaughan Gething:** We could be here a very long time. I think that you are making your point clearly and we do not need the whole letter to be read to the committee.

[111] **Mr H. Morgan:** I will give you the cost analysis then.

[112] ‘7. We have lost £91,360 in pitch fee income plus trading, plus caravan sales approx £400,000 for the last two seasons. We have not sold a new holiday home since the windfarm has been here’.

[113] It has clearly had a massive impact on a very well-run business that was sustainable and steady. So, that is the first part.

[114] On tourism in Montgomeryshire, the STEAM report undertaken by Powys County Council states that tourism is worth £360 million to Montgomeryshire—twice as much as it is worth to Breconshire. My first thoughts are that the Brecon Beacons National Park must have high tourism levels, but the difference is that we do not have the planning constraints in Montgomeryshire; we have much more visitor accommodation, so the amount of spending in the county is much higher.

[115] A Wales Tourist Board study in 2003 found that 93% of tourists believed that windfarms should be at sea. The other point is that the Deloitte and Oxford economic study said that 0.17 million jobs in Wales were based in the tourism industry. That represents 12.7% of the total workforce. That compares with 8.3% in England. Clearly, tourism is important to Wales as compared with England. There are 4% more jobs in that industry in Wales. I just want to get across what all of this means.

[116] **Vaughan Gething:** The committee is well aware of the significant value of tourism to the Welsh economy.

[117] **Mr H. Morgan:** Yes, and that is what I want to get across. Surveys clearly show the impact on these tourist sites. For example, pylons in particular are detrimental to tourism sites as another survey has shown. People have been a bit more wary about objecting to wind turbines, because of the green aspiration attached to them, but people do not fully understand the capacity of these sites.

[118] **Vaughan Gething:** I was not aware of any reticence to object to windfarm developments.

[119] **Mr Ogden:** I do not think that I refer to tourism in my evidence, but I can comment on it. One has to consider why Montgomeryshire is of value to tourism. It is because of its intimate charm, the character and the unique way in which fields and landscapes work and how people and communities relate to the land. The western side of Montgomeryshire into Ceredigion has some of the wildest parts of Wales. People visit because it is of value and is unique. It is probably the closest wildness that you can get to—unfortunately going back to—London and the south-east. To urban communities such as Birmingham, Manchester and Liverpool, places like Pumlumon and the Cambrian mountains are some of the most unique places in Wales. If you look at some of the Welsh Government’s evidence on where remoteness can be experienced, it is on the flanks of Montgomeryshire and Ceredigion where that experience is greatest. That is what tourists value. Snowdonia and the Brecon Beacons are honeypots, but they do not have the same vast expanse of open areas as do some parts of

Ceredigion and Powys. That is why windfarms and transmission lines will completely kill the quality, character and charm of Montgomeryshire; we will hear the death knell of the tourism industry in mid Wales if those types of facilities and structures are built.

[120] **Mr Day:** There are 6,300 jobs in Montgomeryshire that are reliant on tourism. In this grave economic situation, that aspect of this issue becomes more important than anything. Furthermore, in the Meifod valley alone, there are around 1,800 caravan pitches and I believe that sales of new pitches are vastly reduced, because of the uncertainty over the possible route of transmission lines.

[121] **Mr J. Morgan:** We have not explicitly mentioned tourism in our paper, but it is a side-track in a way; we mentioned that the importance of tourism is already recognised. The problem with TAN 8 is that the framework under which it was conceived and the briefings given to the consultants were dated, in the sense that the Welsh Government took an arbitrary figure of 800 MW—I will answer questions on the arbitrariness of that figure if necessary—and instructed Arup to find sufficient area outside the national parks and AONBs to produce a minimum of 800 MW of installed wind capacity. There was no balancing of the social costs and benefits of one thing against the other, and I hardly need tell this committee that that sort of balancing of the social costs and benefits is something that comes under the heading of ‘cost-benefit analysis’. However, there was no balancing of these costs, and you cannot take tourism in isolation. After all, there are compromises involved in this whole business, and you cannot just take tourism in isolation—you have to balance it against the other issues. The consultants were given this figure of 800 MW capacity and they had to find the land for it.

[122] The Minister said last July that the areas had been independently assessed, but that had only been done within the figure of 800 MW, which was an arbitrary figure that had almost been drawn from thin air. So, what we are asking for is something that takes the social costs and benefits into account—something that the Welsh Government is leading to with regard to green Wales and its new decision-making on the national ecosystem assessment, supported by the UK national ecosystem. It is that type of approach that we would encourage in order to reach the necessary compromises in this regard. That approach takes into account social costs and benefits. We can argue about them, but at least there is a plausibility about them that would win public confidence in the rationale behind decision-making by the Welsh Government.

[123] **Russell George:** I thank Huw Morgan for reading that letter, the contents of which were very important for the committee to hear. I did not know that you were going to read out the letter—I have not seen it myself—but it is very important for this committee to hear about the effect of windfarms and their infrastructure on another part of the country. My last question was about job creation. One side of the argument tells us that the windfarm industry would create a lot of jobs and that it would be a good thing for mid Wales. I would like you to comment on that. I would also like you to comment on job losses in relation to the impact on tourism. You have touched slightly on that, but perhaps the people who have not expanded on that could do so.

[124] **Vaughan Gething:** Is that question to anyone in particular?

[125] **Russell George:** Perhaps Huw Morgan could answer that.

[126] **Mr H. Morgan:** My understanding is that 90,000 jobs in tourism would be lost and that 800 jobs in the windfarm industry would be created. Is it a good thing to damage tourism for the sake of 800 jobs? I am not a statistician and I do not know the full details of that. I have lost my train of thought. What else did you ask?

[127] **Russell George:** I am aware that you organised a presentation before Christmas

regarding the mapping of Montgomeryshire; I know that the committee was invited but it was short notice, and that many committee members could not make that presentation. I know that the Chair received the mapping Montgomeryshire document from you. To prompt you, are there any other key elements in that document that you have not already covered that you feel would be of use to the committee?

[128] **Mr H. Morgan:** Going back to the jobs issue, one of the big issues in the community is that windfarm jobs are subsidised jobs. Time will tell with this case, but evidence says that subsidised industries do not succeed. There are examples of this in the New Zealand agriculture industry, and the US windfarm industry is struggling. Cutting in half the feed-in tariff for PV systems has affected the UK. There are many examples across Wales, such as Sony leaving Bridgend. My business has to stand on its own two feet with no subsidies. I have to work for myself, employ my staff, earn my money and make a profit. Why do these people always have to have subsidies to keep going? That was my view about that point.

[129] There is a lot of information in the report. We have issued it to every Assembly Member. We are keen to get across the feeling of the community. The community has put a lot of time and effort into this and has given details on what it values in each area. Most of the points have been covered.

[130] **Vaughan Gething:** To be clear, is it your submission that industry, in whatever field, should not be subsidised, or are you saying that we should look at the level of subsidy? Obviously, subsidy is support from public funds. There are a number of areas, including agriculture, that receive significant public support.

[131] **Mr H. Morgan:** You cannot take subsidised jobs into the economic round. They cannot be added to the gross value of the country. In considering agriculture, you cannot take the subsidised amount into account in terms of what that is adding to the economy. That is my understanding.

[132] **Mr Day:** To comment on Russell's point, I believe that jobs in the tourism industry are permanent, whereas jobs in the windfarm industry are mainly in the construction phase. After construction, with regard to remote monitoring, for instance, 103 wind turbines of 330kW on the hill above Newtown employ three engineers permanently to monitor and maintain them. So, there is a difference between the construction and the permanent job aspect of it and the nature of jobs in the tourism industry.

[133] **David Rees:** On this point, you have passionately indicated your point of view, and you have provided us with detailed evidence. However, the evidence that I have heard on tourism, other than that one letter, which is being discussed now, is based on people's perceptions of windfarms in 2003. People's perceptions have possibly changed since then. Do you have any more relevant, up-to-date, information on the impact on tourism in areas where windfarms currently exist in England or Scotland? How is that feeding your belief that it will have an impact on mid Wales? If you have that evidence, it would be helpful if you could pass it on to us, because it is important that we understand how beliefs are based upon that evidence.

[134] **Mr Ogden:** I do not have any definitive information on that score. However, I would suggest that, in your consideration of your recommendations, that might be something that you would require Visit Wales to look at, to give you some objective information about public reaction to windfarms, the infrastructure associated with them and the manner in which they affect the visitor experience. We have to remember that these are installations in remote areas; it is not just about the impact of the windfarm on the site, but the downstream effect in terms of things such as transport and transmission, which affect a significantly wider area.

[135] **Antoinette Sandbach:** Vaughan, may I contribute very quickly on this?

10.45 a.m.

[136] **Vaughan Gething:** David is in the middle of his run of questions and John Morgan is about to respond, so I will come to you in a second, Antoinette.

[137] **Mr Morgan:** I wish to comment briefly on this matter of the value of tourism. Surely we could have expected the Welsh Government to have assessed this in reaching an equitable decision on the amount of wind turbine capacity in mid Wales. This is the whole objective of balancing out the cost benefit-type analysis of one thing against the other. The Welsh Government—and perhaps you as a committee—should not be asking us about the value of tourism. This is something that should have been integral to the initial decision. Unfortunately, it was not taken into account.

[138] **David Rees:** Are we taking a different tack now?

[139] **Vaughan Gething:** We are going to Mick for a different tack in a moment, but William and Antoinette have brief comments on this point before we move on to Mick.

[140] **Antoinette Sandbach:** In response to a written question from me, Edwina Hart said that there is a survey that shows that 48 per cent of visitors say that pylons detract from their visitor experience. That evidence should come before the committee. The Welsh Government has been asked, including by me, to conduct an impact assessment for the tourism industry and the First Minister has refused. That may be something some of the panel members wish to comment on.

[141] **Vaughan Gething:** That is more of a statement. We have a number of questions and I am conscious that we have about half an hour to go. Several Members have indicated that they have questions and I want to make sure we get through those. I think that everyone has heard your statement and it is very clear already what the panel thinks. William Powell has a question on this subject, and then we will move to Mick, then David and then Llyr.

[142] **William Powell:** In a recent previous life, I was a member of Brecon Beacons National Park Authority and, for about two and a half years, I was chair—sorry, I am promoting myself; I was vice-chair—of the Tourism Partnership Mid Wales, which is based in Machynlleth and which covers virtually the entirety of the area we have been discussing today. If we have not already done so, it would be very helpful to write to Dee Reynolds, the regional strategy director of Tourism Partnership Mid Wales because that body is semi-independent from Visit Wales and has a board of directors drawn from trade and relevant local authorities. I think that it would be best placed to provide some of the most up-to-date information. It receives the STEAM reports regularly as well as other relevant data that could provide a far more up-to-date picture than some of the issues we have been airing today. That would be a helpful and constructive piece of evidence.

[143] **Vaughan Gething:** That is a helpful suggestion for the committee on how to get at that point about tourism. Mick, you have been patiently waiting with questions, so you are next and then David Rees with questions, and then back to Llyr for some more questions.

[144] **Mick Antoniw:** With your indulgence, Chair, I have one brief point I would specifically like to direct to Mr Neville Thomas. Then I have two policy points I would like to raise. First, I appreciate the clarity of the evidence you have given. You referred to certain areas of lawfulness or otherwise with regard to what might happen in the planning process as a result of TAN 8. Of course, developments of more than 50 MW are outside the jurisdiction of the Welsh Government and, in fact, effectively become only a consideration to take into

account. In your view, does that have any impact on any applications above 50 MW with regard to the role of TAN 8?

[145] **Mr Thomas:** I will choose my words carefully and I want to be clear. There is this much impact: to the extent that TAN 8 under 50 MW is offensive to the European directive, one would expect that even more offensive would be proposals handled by Westminster for developments in excess of 50 MW purely because of the increase in scale. If the directive strikes out the TAN 8 proposals, all the more likely is it that it will strike out those proposals that still rest with Westminster. As I said, by way of adding to what Peter said earlier, there has not yet been an SEA anywhere in England or Wales. No-one has been appointed to conduct one, either in England or Wales. So, it is all in the future. I was not threatening what would happen; I was predicting what would happen. I think that we will be challenged at three stages. I was then addressing TAN 8, but the same is true of any proposals and all the more so for the larger proposals that are still resting in Westminster.

[146] **Mick Antoniw:** Thank you, that is very clear. Going back to the first of the two policy issues, with regard to TAN 8, do you think that windfarms above 50 MW, as a form of renewable energy, should be abandoned across the board? I would appreciate clarity on that point.

[147] **Mr Thomas:** I do not have a position on that. I have addressed my mind only to that which is within the power of the Welsh Government.

[148] **Mick Antoniw:** I apologise; I was directing the question across the board. You had answered very clearly.

[149] **Mr Thomas:** I was suggesting only that for Westminster to get through that which rests with them will be an even bigger challenge than for Cardiff to get through what rests with them.

[150] **Mr Ogden:** The threshold of 50 MW is quite irrelevant; it is the scale and size of the development that is relevant. If any form of development is sustainable, it should be the right size, in the right place and for the right purpose. So, 50 MW is a bit of a red herring because it is about getting the best fit for putting developments or using land in a way that best fits its environmental and social needs and economic benefits, and that is sustainable development. To say that 50 MW will work in one place and not in another is dangerous. TAN 8 has not fully taken into account the capacity of abandoned, derelict and industrial land close to urban areas where wind can be provided without the sort of damage that we have been talking about earlier, close to where the demand exists. So, a supply-and-demand arrangement over a short distance would be much more effective, even if it is on a smaller scale, than putting a massive windfarm in a remote area, because the remoteness means losing 30% of the energy generated down the transmission line.

[151] **Mick Antoniw:** So, would you be happier if windfarms were closer to urban areas?

[152] **Mr Ogden:** We would consider our position very differently. It is about proximity. You put the right things in, on the right scale and in the right place. If you cannot find the optimum place, you go for the sub-optimum place.

[153] **Mr J. Morgan:** Our answer to that is that life is a compromise. For us, the important issue is the methodology and the framework within which these sorts of decisions are reached. We would emphasise again that the Welsh Government in its draft Green Paper 'Sustaining a Living Wales', supplemented by the UK national ecosystems assessment framework, is already talking about new methods of making decisions on these services. In fact, it says,

[154] ‘that the methods developed for conducting economic analyses of ecosystem services are capable of delivering decision relevant information to policy makers’.

[155] It is getting the framework right rather than using the highly dated and highly subjective TAN 8 framework that is important to us. If you use the right framework, you have a chance of maximising public support.

[156] **Mick Antoniw:** Leaving aside all your arguments about TAN 8 and say that everything proceeded regardless of whether you are happy or not, what do you think should be the sort of buy-in? What should the windfarm companies put back into the community? Say that the argument is lost completely and the windfarms go ahead, what would you, in those circumstances, expect by way of a buy-in or what should be given back to the community? What sorts of packages should these windfarms companies be coming up with?

[157] **Mr J. Morgan:** It is difficult to generalise. It depends on specific cases, areas and local needs. We might, with some irony, reflect upon the fact that, since a number of turbines and developments are substantially on Forestry Commission ground, and that that money goes to the Welsh Government, the Welsh Government itself might consider what it can do to alleviate the local situation. That is all I have to say about that.

[158] **Mr Ogden:** I do not have a definitive view but, certainly in light of what John Morgan referred to, one would assume that if the agenda of ‘A Living Wales’ is a high priority with regard to developing a sustainable approach to the use of resources in Wales, a major contribution from any damage that is caused by windfarms—visually and environmentally—should be reinvested in the reinforcement, the regeneration and the rehabilitation of environments in that immediate area or elsewhere in Wales. So, we should have a major environmental fund that can invest in the development and implementation of the Government’s natural environment framework agenda ‘A Living Wales’. It is a trade-off.

[159] **Mr Day:** Peter has said what I would have said, so I agree with him. It should not be a fund just for the local village; the fund should be available throughout the wider area, and at least for rural mid Wales.

[160] **Mr Thomas:** My prediction is that the question will not arise and that TAN 8 will be scuppered by the directive.

[161] **David Rees:** Before I ask my question, I want to follow up on something that Neville said. You mentioned that there is no evidence at the moment in England and Wales. Has anything happened in Scotland?

[162] **Mr Thomas:** I do not know about Scotland, sorry. It is a big hole.

[163] **Vaughan Gething:** I am not sure whether the Scots would see it that way. *[Laughter.]*

[164] **Mr Thomas:** If Scotland wants to be different, then it should be.

[165] **David Rees:** You have given us detailed evidence in which you have demonstrated your passion and concern for your area. Strategic search area F is within the constituency that I represent, and large parts of SSAs F and E are within my county borough. There are people there who are passionate about their community, their environment and the impact on tourism, as you are. They live near an urban area, which you may not. Have you consulted with other groups in other areas, given that TAN 8 covers Wales and not just mid Wales? That is important to ask, because your comments have focused on mid Wales and the SSAs in

mid Wales. So, have you looked at other SSAs and had any discussions with people from other areas across Wales to seek their views?

[166] **Mr Ogden:** What needs to be recognised is that what you see in mid Wales is consolidated action by a group of people who have been able to come together and demonstrate the passion that you acknowledged. I suggest that that passion exists in most of the areas of Wales where these sorts of issues are affecting local communities, but it is just that they have not been able to brigade themselves in the organised way that people in mid Wales have done. So, I would argue that many of the themes explained and extolled here are every bit as evident in north-east, south-east and south-west Wales, but that it is just that there has not been that driving force that was seen in mid Wales in those communities to allow them to be articulated in the same way. As a matter of recognition, mid Wales is showing the governance issues of windfarms to be deficient, and therefore every accolade should be given to the people in the mid Wales for the attempts that they are making to draw these things to your attention.

11.00 a.m.

[167] **Mr J. Morgan:** I wish to say two things. First, the responses to the consultation showed plenty of interest in places such as Pontardawe, Pontarddulais, Cilbebyll and Glyncoerrwg, which is probably an area of interest to David Rees. Therefore, there is plenty of interest, but people still do not know what is going on. I happen to be a Crynant boy from the Dulais valley, which is between the Swansea and Neath valleys and at the centre of one of these development areas. I was in Crynant before Christmas, and I was talking to people about the effects of wind turbines. People still do not realise what the effect is going to be. Marchywel, Gelligaled and Hirfynydd are going to be dominated by wind turbines approaching 500 ft in height. When people in south Wales realise this, there will be a comeback. Think of the Hirwaun gasometers, and how the people of Hirwaun protested for a year and barricaded the entrance to the gasometers. It was a great example of community action, and the gasometers were eventually moved to a different place. You wonder whether the people of south Wales and the people of Crynant will get their act together and do something similar when they realise the immensity of what is proposed. It is particularly tragic for places such as Glyncoerrwg, as is reflected in the consultation documents. The people there have said, 'Look, we have already suffered as a result of coal. That has been mended now, but problems are being opened up again with these industrial developments on our hillsides.' This is not just about turbines. There will be access roads, pylons and everything else.

[168] **Mr Thomas:** I would like to make a plea for five minutes at the end of the meeting, before you all pack up.

[169] **Vaughan Gething:** I am not sure that we will have time. We have questions from Llyr Huws Gruffydd next, and we only have about 12 minutes left.

[170] **Llyr Huws Gruffydd:** Hoffwn ddechwyn at y cwestiwn ynghylch datganoli. Yn y sylwadau a wnaed gan Peter Ogden, clywsom farn y sefydliad y mae'n ei gynrychioli yn glir ar y mater hwn. Clywsom hefyd y sylw bod hyn fel bod Llywodraeth Cymru yn ceisio gyrru car o sedd y *passenger*. Gallaf ymestyn y cydweddiad hynny, gan fod gennym awdurdodau lleol, o safbwynt datblygiadau cysylltiol, a chyrrff eraill fel Asiantaeth yr Amgylchedd Cymru a **Llyr Huws Gruffydd:** I would like to return to the question of devolution. In the comments made by Peter Ogden, we heard the opinion of the organisation that he represents clearly on this matter. We also heard it said that this is like the Welsh Government trying to drive a car from the passenger seat. I can extend the analogy, given that we have local authorities, in relation to associated developments, and other bodies such as Environment Agency

Chyngor Cefn Gwlad Cymru, o safbwynt cydsynio amgylcheddol, i gyd yn ceisio gyrru'r car o'r sedd gefn. Felly, mae gennym system gymhleth sy'n ddarniog ac sy'n cynnwys nifer o haenau. Mynegwyd neges glir yn ystod sawl sesiwn dystiolaeth ynglŷn â pha mor ddryslud yw'r system gynllunio mewn perthynas ag ynni adnewyddadwy yng Nghymru ar hyn o bryd. Mae'r sefyllfa hon nid yn unig yn creu trafferthion i ddatblygwyr sy'n awyddus i weld system lyfnach, ond hefyd yn creu trafferthion i gymunedau, sy'n gorfod cynrychioli eu hunain a mynegi barn i lu helaeth o wahanol sefydliadau.

Wales and the Countryside Council for Wales, in relation to environmental consents, all trying to drive the car from the back seat. Therefore, we have a complex system that is fragmented and that includes several layers. A clear message came out of several evidence sessions as to how confusing the planning system is in relation to renewable energy in Wales at present. This situation not only creates problems for developers who are eager to see a more streamlined system, but also creates problems for communities, which have to represent themselves and express their views to a wide array of different organisations.

[171] Yn y dystiolaeth ysgrifenedig a gawsom gan yr Ymgyrch i Ddiogelu Cymru Wledig, mae Peter yn sôn bod y Bil cynllunio arfaethedig a gaiff ei ddwyn ymlaen gan Lywodraeth Cymru cyn bo hir yn gyfle i ddatblygu system sydd yn fwy cytbwys, yn decach ac yn fwy cyfrifol. Credaf mai dyna'r geiriau a ddefnyddiwyd gan Peter. A fyddai'n bosibl i chi ymhelaethu ar sut y gellir gwella'r trefniadau sy'n bodoli rhwng yr haenau gwahanol hyn?

In the written evidence that we have had from the Campaign for the Protection of Rural Wales, Peter mentions that the proposed planning Bill that will be brought forward by the Welsh Government before too long is an opportunity to develop a system that is more balanced, fairer and more responsible. I think that those are the words that Peter used. Could you expand upon how you think that the arrangements that exist between these different layers could be improved?

[172] **Mr Ogden:** If I could solve that problem, then I might be the First Minister. Clearly, the tension exists in relation to the devolution of full planning powers from Westminster to the Assembly. As far as I understand things, there has been cross-party support for the devolution of those powers for a number of years. I am not really sure how I, as an individual and as the director of the Campaign for the Protection of Rural Wales, might be able to further that agenda.

[173] Regarding the proposed planning Bill, it is critical that the whole concept of sustainable development is clearly defined. In terms of wind and other renewable energy, what does 'sustainable renewable energy' actually mean? If the planning system is supposed to be delivering, at a local or strategic level, a renewable energy policy agenda, unless we can ground this concept of what sustainable renewable energy really is, we will be missing a trick.

[174] On the planning Bill, we continue to advocate that there should be a plan-led approach. However, given the concerns that Neville has, there is always going to be a tension as to how the local development plan system in Wales can be key to that if it is dependent on flawed guidance from this Government, because of its strategic environmental assessment status. Until one can resolve that particular tension, it brings into question the legitimacy of the local development plan system under the new planning Bill.

[175] **Llyr Huws Gruffydd:** A oes gan unrhyw un o'r tystion eraill unrhyw sylwadau, yn enwedig ar y *plethora* o gyrff rydych yn gorfod ymrafael â nhw wrth gyflwyno safbwyntiau o gwmpas y datblygiadau rydych wedi bod yn gwneud sylwadau yn eu cylch? A ydych yn teimlo

Llyr Huws Gruffydd: Do any of the other witnesses have any comments to make, particularly on the plethora of bodies that you have to contend with in making representations in relation to the developments that you commented upon? Do you feel that the current arrangement—

bod y trefniant presennol—bod gwahanol benderfyniadau'n digwydd mewn gwahanol lefydd—yn addas, neu a ydych yn meddwl bod angen system sy'n fwy dealladwy ac yn symlach?

whereby different decisions are taken in different places—is appropriate, or do you think that there is a need for a system that is more coherent and streamlined?

[176] **Mr Thomas:** Ar hyn o bryd, mae bron yn amhosibl cael ateb i lythyr gan unrhyw un yn y Llywodraeth sy'n wybodus ac yn ddealladwy. Rwyf wedi cael y profiad hwnnw—nid pan rwyf i wedi ysgrifennu llythyr, ond pan mae pobl eraill wedi dod a'u llythyrau ataf.

Mr Thomas: Currently, it is almost impossible to get an answer a letter from anyone in Government that is knowledgeable and coherent. I have had experience of this—not when I have written a letter, but when others have brought their letters to me.

[177] You see evasiveness and the answer of a man who does not want to commit himself. You see dodginess. You do not see dishonesty—I am not making that accusation—but you see a confused mind at the other end. It is almost impossible to know, definitively, what the position is at any stage of the process. I hesitate to use the word 'scandalous', because it is too strong, and so I will not use it, but it is very unfortunate; it is a dog's dinner.

[178] **Vaughan Gething:** We will go to Rebecca for questions next, and we have about seven minutes left. Antoinette, I can see that you are on the video link from north Wales. If you want to ask any questions, we have time for questions from Rebecca and one more Member, and then we will come to a close.

[179] **Antoinette Sandbach:** I just wanted to ask about the devolution aspect, but if you want Rebecca to ask her questions first, that is fine.

[180] **Rebecca Evans:** Wales has a legally binding obligation to get 15% of its energy from renewable sources by 2020. In the absence of these major wind-power projects, what feasible alternatives would you like the Government to be considering in the short term?

[181] **Mr Ogden:** Most of us at this end of the table have alluded to the fact that we see the community end of renewable energy generation as the key that will unlock that particular conundrum. If you can start to develop from the bottom up, you will gain the community's confidence in renewable energy schemes. Public awareness of energy conservation is critical, and is something that we have not touched on at all. If we were to use less energy, and if energy conservation were part of the equation to reach the targets, we would not need to generate as much in the first place. We have previously advocated that if you reviewed that target and were able to take into account the amount of energy that was saved as a result of energy conservation measures, the amount that you would need to generate would be significantly less.

[182] In the last nine months, we have seen the way in which the solar industry has started to blossom as a result of the public realising that there is an incentive to take it up. I think that there is huge public support for small-scale renewable energy if it is publicised and promoted in the right way. I feel that we have not given full consideration to the hydroelectricity capacity of Wales in the same way that the wind energy agenda has been promoted. I am sure that if contemporary studies of the amount of energy that could be generated from small streams through small-scale hydroelectric schemes throughout Wales were taken into consideration, they would show that those schemes would add significantly to the amount of energy that we are able to produce.

[183] I have previously alluded to the issue of energy from waste; these technologies seem, from our experience and in our view, to have been suppressed in favour of the development of

onshore wind. If the same amount of energy and investment was brought into those technologies, and they were brought on stream, then I feel pretty confident that we would achieve that 15% target. We have all heard about the opportunities in the marine environment; those have not been addressed at all in the last five years, because of this obsession that we have had with onshore wind.

[184] **Antoinette Sandbach:** I just wanted to go back to the devolution aspect of this. Peter, you gave evidence that you felt that all energy policy should be devolved to Wales. We are looking at energy across the board, including nuclear power. Is it your view that responsibility for nuclear power—which is obviously an issue in north Wales—including nuclear waste, should be devolved to Wales? Do you think that we have the technical expertise to be able to deal with those types of issues?

[185] **Mr Ogden:** I do not feel that I am in a position to answer the second question, in terms of the technical expertise. I suspect that you would have to ask that question of the Minister. In answer to the first question, I fail to see how any Government can produce a coherent and appropriate energy strategy if one element of it is not included in the bundle. So, if the Welsh Government wanted to develop its own energy strategy, then an integral part of that would have to be its position on nuclear power.

[186] **Antoinette Sandbach:** Do the other witnesses have any comment to make in terms of the distinction between projects above and below 50 MW, in terms of whether those planning applications should be dealt with in Wales or elsewhere?

[187] **Mr Day:** It should all be dealt with in one place, for clarity, basically.

[188] **Mr J. Morgan:** You should remember—I am sure that you do—that TAN 8 is not entirely independent of England. It is a Welsh document, but the Welsh Ministers have argued to the Infrastructure Planning Commission that TAN 8 should be a material consideration in IPC decisions. In a seminar that I was at, the IPC had accepted that position. So, Wales cannot entirely emerge unscathed from TAN 8, saying that these are Westminster decisions; the point is that TAN 8 is a material consideration, and, to that extent, Wales does have an influence on IPC and Westminster decisions on energy.

[189] **Vaughan Gething:** Back to you, Antoinette.

[190] **Antoinette Sandbach:** Those were all the questions that I wanted to ask.

[191] **Russell George:** With your permission, Chair, I would not want this committee to be under any criticism of not allowing any of the witnesses to say all that they wanted to say. One of the witnesses has asked for five minutes; if that means that we run over by five minutes, then I would prefer that to being criticised for not allowing the panel its say. That is, if you are agreeable, Chair.

[192] **Vaughan Gething:** If the panel has a single person that it wants to make some closing remarks, we could allow that, but we cannot allow everyone five minutes, or we will overrun. We have not done that with large panels before.

[193] **Mr Thomas:** It was I who made the request. Could I take it at machine-gun speed?

[194] **Vaughan Gething:** Go ahead, and if you have anything in writing, we will consider that as well. Members are quite diligent about reading things that come to us.

[195] **Mr Thomas:** I have five reasons for urging you to recommend a drastic review of TAN 8. Two have been dealt with. One is the difference in today's technology—in other

words, they are doubling the size of the units. The second is the legal bloodbath—you know what I mean, but I am giving it to you in shorthand.

11.15 a.m.

[196] They are the three that were not covered. In 2004, the Arup report itself prescribed a sunset clause—in other words, it said, ‘I die in seven to nine years’. The ninth year was last year. That is it. I have highlighted the individual sentences. I will leave a copy here; it can be distributed later. In a sense, I can stop there, as it is a dead report—it declares itself to be dead, therefore we need a new one. That is the third reason.

[197] The fourth reason is the good name of the Welsh Government. It is demonstrable that, on the Welsh agenda in 2004, was TAN 8 and the European directive. One was urged through before the other, and that is why TAN 8 itself did not have to be exposed to the stringencies of the directive. I do not accuse. I am not suggesting duplicity. From the point of view of appearances, however, that is the sort of thing that brings the legislature into disrepute. The legislature should be eager to redress those appearances. I am not putting it higher than that. That is the fourth reason.

[198] The fifth reason is that, following the publication of the Arup report, there was a consultation—it was not much of one; it was a very poor one. That led to the publication by Arup of an annex, and I am going to include that. The annex says—I shall read it out, as it is only a single sentence—

[199] ‘within (and immediately adjacent to) the SSA’s, the implicit objective is to accept landscape change, i.e. a significant change in landscape character from wind turbine development’.

[200] What a bloody cheek. There is absolutely no warrant or authority for saying that. That requires legislation. What it proposes to do is to override, in its report, the law. That is it. I will now hand around the two sets of paper that I referred to. Thank you.

[201] Diolch yn fawr iawn am yr amynedd Thank you very much for your patience.
yr ydych wedi ei ddangos.

[202] **Vaughan Gething:** That is not a problem at all. I thank all the witnesses. It is challenging and interesting evidence, and it has been strongly and clearly put. Members will give careful consideration to all that you have said today. As with all witnesses who come before Assembly committees, you will receive a transcript of the evidence given today. If there any factual matters that you want to clarify, you will have an opportunity to do that and consider the points that you have made to us. You should receive the transcript in due course. Thank you all for attending today. I have no doubt at all that you will follow our deliberations as we continue with this inquiry.

[203] **Mr H. Morgan:** We will leave a copy of the letter on tourism for you.

[204] **Vaughan Gething:** We will circulate it among the Members.

11.19 a.m.

Papurau i’w Nodi Papers to Note

[205] **Vaughan Gething:** There are some papers to note, including the minutes of a meeting held on 1 December. For your information, papers 6 and 7 are before you, from the

Planning Inspectorate and the Countryside Council for Wales. There is another paper to note, namely a letter from the Deputy Minister for Agriculture, Food, Fisheries and European Programmes on the farming and wildlife advisory group, which was a matter that we raised in our final full meeting before the December break. There is a further letter from the Deputy Minister on the UK fisheries concordat, which I am sure will be of great interest to the relevant task and finish group, chaired by Julie James.

[206] We will wait for our guests to leave us and we will then move on to our final item of business.

[207] **David Rees:** Before we move on, I just wanted to point out that the letter from the Planning Inspectorate is a letter from the Minister and not from the Planning Inspectorate. It is a letter from the Minister regarding the Planning Inspectorate.

[208] **Vaughan Gething:** You are correct; it is a letter regarding the Planning Inspectorate from the Minister for Environment and Sustainable Development, dated 22 December 2011. Thank you for pointing that out; it would otherwise have been an error.

11.21 a.m.

Cynnig Gweithdrefnol Procedural Motion

[209] **Vaughan Gething:** I move that

the committee resolves to exclude the public from the remainder of the meeting in accordance with Standing Order No. 17.42(ix).

[210] I see that the committee is in agreement.

*Derbyniwyd y cynnig.
Motion agreed.*

*Daeth rhan gyhoeddus y cyfarfod i ben am 11.21 a.m.
The public part of the meeting ended at 11.21 a.m.*