

# *Galar ecology volunteer group*

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For the attention of William Powell AM. Chair of the petitions Committee

21/05/2013

Dear William,

The Clerk to the Petitions Committee forwarded a copy of the letter of the 15th May 2013 from Carl Sargeant AC /AM, Minister for Housing and Regeneration. I thank you for that and the opportunity to respond.

I agree entirely with the Minister that many of the petitions requests are aimed at Natural Resources Wales and should the Petitions Committee recommend that NRW forms a committee to address issues relating to this petition, then, provided the committee's evidence gathering was inclusive of public consultation, and their conclusions and report were open to public scrutiny; I would personally feel that the petitioners had achieved a good and democratic outcome to their petition.

I was perturbed to see that NRW cannot review Technical Advice Notes which impact on the environment. I attended a meeting in Cardiff, at the inception of NRW and the Minister (John Griffiths) said that the reason for the merger of FCW, CCW, and EAW was to produce the very best environmental recommendations to the Welsh Assembly Government. However, if they are without the power of review, it does go part way to explaining why many of the TAN's are stuck in a time warp, and out of touch with technological advance.

With regards to the Ministers other comments my response is:-

## **Health and Safety**

I could not agree less with the Ministers conclusions. Incidents involving turbines are not rare, in the past twelve months around 48 instances in the UK have occurred ranging from complete turbines blowing over, to blade buckling, and this is on a onshore turbine population of about 10% of the industries ambitions.

The Minister suggests risks could and should be managed by their operators. Self regulation is no regulation. Every man woman and child in this country are in austerity brought about by little or no regulation on the banking sector, who put profit before prudence. Banking was by and large UK based, but gave scant regard to allegiance with the rest of the population. The Wind Industry is by and large foreign or off shore owned, and their principle allegiance is to Boards of Directors and share holders outside the UK. In the early days of wind energy the manufacture of the turbines lay with EU countries operating to EU standards, this is no longer the case. Many parts of a turbine are made up of materials which contain PCB's and carcinogenic materials which are industrial contaminants being deployed in rural areas. **The contamination risk is to our agriculture, the very backbone of the country, is very real**

**from both fire and destruction.** Disposal at the end of a turbines working life is less a threat to rural areas, but amounts to many tonnes of material, wherever WAG intends its disposal. We want reasonably safe conditions, which would improve the acceptability of these machines; and also save WAG the embarrassment of another lack of competence issue, like the Ash Die Back scandal, which would be seen to have taken risks with our rural lands yet again.

I would agree with the Minister that the Health and Safety Executive and local Planning Authorities are ideally placed for investigating incidents, however we must accept that this is a reactive measure, and does not in itself solve any problems. I would direct the Petitions Committee to their own efforts to solve the noise problems in Gwyddgrug, and the Ministers subsequent refusal to adopt any of your recommendations.

I have examined the installation standards as set out by one developer, and these standards would be quite acceptable to most engineers, however there are many reports about standards being ignored. Until the acceptable standards are common to all wind turbines, and verified by the Building Standards departments of Local Planning Authorities, at the time of installation, then there will always be post installation disputes.

### **Placement of Turbines in Rural Landscapes**

I would agree with the Minister comments within limits. However, the concern of the petitioners, with regard to this subject, are not entirely addressed. Many turbines are now being erected outside the strategic search areas, so the protection of both a full EIA and TAN 8 is not available in these circumstances. Coincidentally, by far the most incidents of turbine damage and failure, referred to above, were on single turbine installations. All single turbines are the responsibility of the Local Authority Planners. We attended several Planning Committee meetings where single turbines were discussed, and would take issue with all of them as not providing the committee members with enough information to make a reasonably sound judgement.

With regard to the Strategic Search Areas, while they have the benefit of a EIA it is not independent of the developer, who has a self serving interest, with regard to the development.

Also, while Arrup are undoubtedly one of Wales's leading engineering companies, their reports and advice are secondary to the developers demands. As an example of this I would cite the application in SSA G called by the developer Brechfa Forest East. There are twelve proposed turbines on this site, every one of the twelve breach Arrup's TAN 8 Final report to Carmarthen County Council by at least two conditions, some by as many as five. **If the Minister is going to quote TAN 8 as protection to the residents, environment and biodiversity of the SSA's, then the least we can expect is that a developer must abide by it.**

### **Ecology and Biodiversity**

In our original evidence to the Petitions Committee we gave Barn Owls and Bats as examples of the need to exercise a duty of care in SSA's. The documents the Minister cites as evidence do not relate specifically to SSA's, only generally.

With Bats we know from the latest evidence available, that some species are prone to migratory patterns. Some bats migrate 60km or more. All we are asking here is that within the SSA's and a 5Km border around them, that any migratory patterns are established, and judgement on turbine placement takes these findings into account. Areas outside the SSA's should have a bat specialist create a report as part of planning procedure, and provided they examine the possibility of migration as applied to individual sites, that would satisfy requirements.

The Barn Owl Trust portrays Wales has been suitable habitat for Barn Owls, with the exception of a corridor around Motorways. In these corridors the trust suggests discouraging breeding by not making nesting boxes available. Because wind farms locally create far greater danger, both in area of disturbed air, and speed of the mechanisms, than a motorway, we ask that this discouragement be made public as advice within SSA's, and habitat outside the SSA's is created. With other avian species culling of breeding pairs, and habitat/ feeding stations outside the SSA's could be encouraged.

### **Noise**

The Petitions Committee have already, very fairly, addressed the noise problem in the last petition GALAR was involved in. Hayes McKenzie produced what I considered was an excellent report, and while we all await to see the 'Good Practise' guide, I feel it will not add to the knowledge we have in Wales. From this petitions viewpoint we ask that the means of predicting Topography variation of noise is addressed. This means that better methods of measuring wind shear, and topographical cross winds be employed on site evaluation, prior to building. DEFRA still advise turbine spacing by prevailing wind assessment, even though it can be shown that 'prevailing' in upland Wales is one of many wind directions, and certainly not like the more predictable direction of a coastal or plateau site.

I would just add that the Institute of Acoustics and DECC are not examining noise because they have time on their hands, but it is as a result of pressure from parties outside the wind industry and WAG.

### **Flooding**

The Minister asks what figures underpin GALAR's evidence with regard to flooding, they are in fact the figures produced by the Meteorological Office, an example of which we offer below. These show that since reliable recording began in 1910 four out of the five heaviest average rainfalls for the UK have occurred since 2000. Further, when the Met Office announced the 2012 results it predicted that further 'heavy' rain years were inevitable in the near future, due to Global Warming producing the conditions for the formations of heavy rain clouds.

While I realise that predictive statistics are not an exact science evidence from such august bodies as the IPCC say that extreme weather patterns will increase due to Global Warming and many independent Meteorological Experts predict the UK will have at least another abnormal rain year, within the next four years and the 2000 record will fall within the next eight years.

Professor David MacKay (Chief Scientific Advisor to DECC) says in his book ‘Sustainable Energy Without Hot Air’ that up to four times more rainfall occurs on Mountains and higher ground. Which is true of Wales; there is nowhere in Wales which will flood by virtue of the rain falling directly on it. All floods are caused by water flowing from higher ground faster than the flooded area can dispose of the water.

Professor Dieter Helm (Currently advising DEFRA, but has held previous appointments advising Tony Blair, DECC, the EU etc.) wrote in his book ‘The Carbon Crunch’ that despite all our efforts the atmospheric CO2 is increasing, and while the EU’s direct contribution may be falling a little, it is more than offset by Carbon Imports.

GALAR asks that a minimum amount of water is retained on the high ground where we are proposing to build Wind Farms. That the best time to do it is when the heavy duty machinery is available on the installation of the Wind Turbines to create the Dams Dykes and Ditches needed to retain the water. This will alleviate flood risk at lower strata.

Further GALAR ask that the water retained be used to combine with dry goods to create the thousands of tonnes of cement required by to construct the Wind Farm offsetting the carbon debt of Wind Farm construction in carting water in Ready Mix cement in six cubic meter loads.

Further GALAR asks that some water be retained in pools suitable for use by the Fire Services in tackling forest fires, accidentally or maliciously started. These fires occur annually, and we maintain that the presence of Wind Turbines will alter the dynamic of their occurrence, and the risk to our Fire Officers. (This matter was raised, as a single issue for GALAR by our AM Rhodri Glynn Thomas and Mr. Bowen Head of Planning Carmarthenshire, after several months the Forestry Commission as was, failed to deliver any sort of satisfactory reply).

This mitigation helps answer the predictions of our Meteorological Office and the advice of Professors MacKay and Helm, and is far more practical and robust than the National Planning Policy.

### **Five Wettest Years**

#### **Since 1910**

1. 2000 - 1,337.3mm
2. 2012 - 1,330.7mm
3. 1954 - 1,309.1mm
4. 2008 - 1,295.0mm
5. 2002 - 1,283.7mm

*(Source: Met Office)*

*(Please note these are UK averages, areas in both Wales and Scotland showed higher individual scores in 2012 .)*

### **Review of Planning Guidance**

At no point in the petition, or our evidence do we ask for a wholesale review of TAN8. In fact as written above, we ask that aspects of TAN 8, currently ignored by developers, are fully implemented.

We do ask that all planning matters relating to Wind Farms accept the need to adapt to new circumstance. Knowledge of wind shear and AM, non European supply of products, new IPCC and Meteorological forecasts, all precede TAN 8. Political targets have increased, along with turbine size, all impacting on planning accommodation. It is both unrealistic and unsustainable to try and put today's quart into yesterday's pint pot.

While I would agree that local councils should be at the heart of developments below 50MW, in practise I do not see why guidelines affecting LDP's should emanate from Cardiff Bay. Surely devolution was meant to travel all the way down the M4? 50MW is a tiny amount of energy which, with wind technology, has a massive impact on local communities, it should be in the gift of local councillors to democratically decide on how their communities fulfil their renewable energy requirements.

I would suggest the Minister's insistence that the aspects of TAN 8, of which he approves, should be set in stone, and the Centralised Government control implications of WAG 'advice' are a symptomatic of the political and cultural divisions that bedevil Wales.

### **Community Benefit**

The present level of community benefit is around £5,000 per installed MW a miniscule amount. The Minister says he is working with the onshore wind industry to increase levels of Welsh investment which will set new levels of community benefit.

We would save the Minister the embarrassment of going cap in hand, to beg from an industry which constantly underperforms, is led and supported by the lobby system, and will be shuttling subsidised profit out of the country.

The petition asked for a reform of community benefit with money been sourced from the landlords and DECC. We want a cross party committee, which will take evidence and devise a method, using the new tax raising powers, to cash in on the windfall profits.

We would also like the name **Community Benefit** changed to **Environmental Compensation**. This will reflect what the money is for, and remove the taint of the rich benefactor throwing a handful of coins to the street urchins.

In respect of the Developers contribution, increasing it will only fall as a burden on all consumers. It is now firmly world opinion to have firms like Amazon and Starbucks paying a fair amount of tax into the country where the profits are being generated. This is true of wind developers in Wales. We would ask the new cross party committee to devise Environmental Compensation which is a reflection of profit and not a charge set against income.

This is why we called for an all party committee to examine ways that will significantly increase what should rightly be called Environmental Compensation. The days of Parish handouts ended in the depression of the 1930's. In order to regenerate the communities and pay full compensation to people in affected properties an annual charge of £24,000 per

installed MW, and a weighted rate of £28,000 in Swansea and the valleys is needed. This would be an ideal opportunity to use devolved tax raising powers.

### **Tourism**

GALAR does not do tourism, I have passed the paragraphs on this to our local tourism guru's with the warning on confidentiality, until the Ministers letter is in the public domain.

### **Wind Farm Moratorium**

We are only asking for a Moratorium until a new deal is available to the SSA's and individual applications. Many of the subjects could be retrospective, and others like 2002/49/EC (European Noise Directive) are in the WAG's hands. It would be perfectly acceptable to concentrate the reforms within the SSA's. It is hardly surprising the Minister rejects our petition, as power would be devolved from Cardiff Bay.

Yours Sincerely

James Shepherd Foster