



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

Cynnwys **Contents**

Cyflwyniad, Ymddiheuriadau a Dirprwyon
Introduction, Apologies and Substitutions

Ymchwiliad i Bolisi Ynni a Chynllunio yng Nghymru—Trafodaeth o Amgylch y Bwrdd ar TAN 8
Inquiry into Energy Policy and Planning in Wales—Round-table Discussion on TAN 8

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 Antoniw	Llafur Labour
Rebecca Evans	Llafur Labour
Russell George	Ceidwadwyr Cymreig Welsh Conservatives (hair)

Vaughan Gething	Llafur (Cadeirydd y Pwyllgor) Labour (Committee Chair)
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**

Jonathan Cawley	Rheolwr Cynllunio a Datblygu, West Coast Energy Planning and Development Manager, West Coast Energy
Morag Ellis CF/QC	
Simon Power	Cyfarwyddwr Cyswllt, Arup Associate Director, Arup
Mike Webb	Uwch-swyddog Cadwraeth, RSPB Cymru Senior Conservation Officer, RSPB Cymru

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

Alun Davidson	Clerc Clerk
Catherine Hunt	Dirprwy Glerc Deputy Clerk
Nia Seaton	Gwasanaeth Ymchwil Research Service

*Dechreuodd y cyfarfod am 1.02 p.m.
The meeting began at 1.02 p.m.*

**Cyflwyniad, Ymddiheuriadau a Dirprwyon
Introduction, Apologies and Substitutions**

[1] **Vaughan Gething:** Good afternoon and welcome. I will be chairing this afternoon's meeting of the Environment and Sustainability Committee instead of Dafydd Elis-Thomas, who is unwell and has sent his apologies. In the event of a fire alarm, please leave the room via the marked fire exits; staff will assist you. No drills are scheduled for today. Please ensure that all mobile phones, pagers and BlackBerrys are turned off, as they can interfere with broadcasting equipment. The National Assembly for Wales operates bilingually. Interpretation equipment is in front of you should you need it; interpretation from Welsh to English is on channel 1, while channel 0 is for amplification. There is no need to touch any of the buttons on the microphones as they will be operated remotely. I see that no Members wish to make declarations of interest. Antoinette Sandbach is joining us via video link; she is the woman on the screens around the room. Unfortunately, she cannot be with us in Cardiff, but I am sure that she will have a number of points to make. Antoinette, I will ensure that you have opportunities to ask questions.

1.04 p.m.

**Ymchwiliad i Bolisi Ynni a Chynllunio yng Nghymru—Trafodaeth o
Amgylch y Bwrdd ar TAN 8
Inquiry into Energy Policy and Planning in Wales—Round-table Discussion
on TAN 8**

[2] **Vaughan Gething:** Welcome to our guests, who will be giving evidence this afternoon. I welcome Jonathan Cawley, planning and development manager for West Coast Energy; Mike Webb, senior conservation officer for the Royal Society for the Protection of Birds Cymru; Simon Power, associate director of Arup, of which we have heard much; and Morag Ellis QC, who, interestingly, has previous experience of legal challenges regarding TAN 8.

[3] Members will know that consultation responses were submitted by West Coast Energy and RSPB Cymru, and Arup had a hand in helping to produce a report that led to the introduction of strategic search areas and TAN 8. We have approximately two hours, so there is plenty of time to get across all views. I am sure that witnesses will not miss any opportunities to get their points across. I see that Llyr Huws Gruffydd wishes to ask the first question.

[4] **Llyr Huws Gruffydd:** Rydym wedi clywed tipyn o dystiolaeth y bore yma—ac mae'n bosibl y clywsoch chi rywfaint ohoni—gan nifer o gyrrff o'r canolbarth ac Ymgyrch Diogelu Cymru Wledig. Bu iddyn nhw gyflwyno achos diddorol a chryf mewn rhai cyd-destunau i ailedrych ar TAN 8 yn ei gyfanrwydd. Yr oedd ganddynt gwestiynau sylfaenol ynglŷn â'r modd y penderfynwyd ar y polisi yn y lle cyntaf ac ar ba mor addas a pherthnasol yw'r polisi erbyn hyn gan fod cyfnod maith ers hynny, a chan fod nifer o ddatblygiadau wedi digwydd, er enghraifft o safbwynt maint y tyrbinau gwynt. A oes gennych chi safbwynt ar yr angen i ddiwygio TAN 8 fel y mae ar hyn o bryd?

Llyr Huws Gruffydd: We heard evidence this morning—and you may have heard some of it—from several bodies from mid Wales and the Campaign for the Protection of Rural Wales. They presented an interesting and strong case in some contexts for looking again at TAN 8 in its entirety. They had fundamental questions about the way the policy was devised in the first place, and questions in relation to how suitable and relevant the policy is by now, given that quite a while has passed and that there have been developments, for example in relation to the size of turbines. Do you have a view on the need to review TAN 8 as it currently stands?

[5] **Vaughan Gething:** Mike, would you like to start? We will then come to Simon for his views. I think that the RSPB has some interesting views on this.

[6] **Mr Webb:** Yr hyn sy'n bwysig i'w ystyried o safbwynt TAN 8 yw'r ffaith bod gan TAN 8 dasg anodd, sef ceisio datrys y tensiynau rhwng yr angen yn genedlaethol am ynni adnewyddadwy a'r materion lleol, a leisiwyd yn gryf y bore yma fel y bu i chi nodi. Roeddwn i yn y sesiwn y bore yma ac rwy'n cytuno'n llwyr fod teimladau cryf am y mater hwn. Fodd bynnag, rhaid cofio bod goblygiadau cenedlaethol a rhyng-genedlaethol o safbwynt newid hinsawdd y byd. Y sialens sydd gan TAN 8 yw dod o

Mr Webb: As far as TAN 8 is concerned, it is important bear in mind that TAN 8 has a difficult job of trying to resolve the tensions between the need at a national level for renewable energy and local issues, which have been voiced strongly this morning, as you have referred to. I was in this morning's session, and I totally agree that there are strong feelings about this issue, but we have to remember that there are implications at a national and international level as far as global climate change is concerned. The

hyd i ffordd ganol sy'n integreiddio'r angen cenedlaethol a rhyng-genedlaethol i wrthsefyll newid yn hinsawdd y byd â'r hawl sydd gan bobl yn lleol i leisio barn ar yr effaith ar eu cymunedau. Mae'n bwysig cofio bod yr RSPB o blaid egwyddorion TAN 8 a'r ffordd mae TAN 8 yn nodi mewn modd gofodol y parthau ar raddfa genedlaethol sy'n addas i ffermydd gwynt. O'r herwydd, mae'n system sy'n gweddu i'r athroniaeth gynllunio, gan ei bod yn canfod, yn gyffredinol, y manau mwyaf addas i ffermydd gwynt, gan adael i'r system gynllunio ar lefel is glustnodi'r safleoedd penodol sydd fwyaf addas yn yr ardaloedd chwilio strategol.

challenge of TAN 8 is to try to find the middle ground that integrates the national and international need to withstand global climate change with local people's rights to voice their views on the impact on their communities. It is important to bear in mind that the RSPB is in favour of the TAN 8 principles, in the way TAN 8 spatially sets out, at a national level, the zones that are appropriate for windfarms. So, it is a system that fits into the planning philosophy as it works out, in general, where the best sites for windfarms are, allowing the planning system, at a lower level, to earmark the sites that are most suitable in the strategic search areas.

[7] **Llyr Huws Gruffydd:** A ydych chi'n hapus fod TAN 8 yn ddilys ac yn ddigon cadarn? A ydych chi'n hapus â'r sefyllfa fel y mae?

Llyr Huws Gruffydd: Are you happy that TAN 8 is valid and sufficiently robust?

[8] **Mr Webb:** Rydym ni'n cefnogi egwyddorion TAN 8. Nid ydym yn dweud bod TAN 8 yn berffaith o bell ffordd, ond rydym yn cefnogi'r egwyddorion gofodol strategol, *upstream*, fel tae.

Mr Webb: We support the principles of TAN 8. We are not saying that it is perfect, but the RSPB supports the strategic principles, upstream.

[9] **Mr Power:** I am talking today as a consultant in this field. So, as a representative group, I do not have a body to talk on its behalf. However, as someone working with the industry and the development of projects in Wales, it is time, in my view, that TAN 8 be revised and updated. There are two elements that need to be considered. One is whether—and I have said this on other occasions—a technical advice note might not be the best place for such important strategic principles. If those strategic principles are politically supported, perhaps they need to be in 'Planning Policy Wales', or in another document that is more nationally significant than a mere technical advice note.

[10] Secondly, if the Welsh Government is of the view that further renewable energy needs to be generated quickly, changes to TAN 8 are needed. As things stand, a combination of TAN 8 and the political and public environment that has developed does not appear to be delivering at the rate and speed that we need in Wales, in terms of applications. Resources and land are available for the development of windfarms in Wales, which would be developed were it not for the spatial approach in TAN 8. In my view, it is time to review this. What takes its place will very much depend on the political objectives of the Welsh Government. If you wish to effectively maintain the status quo, there are various options for doing that. If you wish to dramatically increase the options for onshore wind, there are options for doing that. If you wish to restrict, further still, the development of onshore wind, there are options for doing that. That is all I was going to say to start off.

[11] **Vaughan Gething:** We have a number of Members who have questions. I will bring Llyr in first.

[12] **Llyr Huws Gruffydd:** Hoffwn dynnu eich sylw'n benodol at ofidiau'r Ymgyrch Diogelu Cymru Wledig, o safbwynt

Llyr Huws Gruffydd: I would like to draw your attention specifically to the concerns of the Campaign for the Protection of Rural

ystyried effaith y datblygiadau hyn ar y tirlun o fewn yr ardaloedd chwilio strategol. A oes gan unrhyw un sylwadau penodol i'w gwneud ynghylch sut na chafodd yr elfen honno ei hystyried yn ddigonol fel rhan o broses TAN 8? Wales, in terms of considering the impact of these developments on the landscape in the strategic search areas. Does anyone have any specific comments to make on why that aspect was not sufficiently considered within the TAN 8 process?

[13] **Vaughan Gething:** I believe that Morag Ellis has indicated that she would like to speak.

[14] **Ms Ellis:** Prynawn da. Perhaps I should explain the basis on which I am here this afternoon. I was asked by Royal Town Planning Institute Cymru, with whom I have done various bits of work, to come along today, purely in a capacity to assist. I am the vice-chair of the Planning and Environment Bar Association, which is a national body for England and Wales. PEBA does not tend to take a view on policy issues and does not have a policy stance with regard to TAN 8. So, I am here to share practical experience. I have appeared for numerous local planning authorities and groups objecting to windfarms. As it happens, I have never had an instruction to promote one. I do not have a personal view one way or the other as to whether they are a good thing or a bad thing.

[15] However, I have some observations that are relevant to the question that you have just raised, sir. These have come to the fore very recently—during the most recent inquiry with which I was involved. I was representing Rhondda Cynon Taf in an inquiry at Gilfach Goch, where the issue of registered historic landscape arose. In the course of the work undertaken for that inquiry, my team did quite a bit of work in looking back at the work that Arup—Simon Power and Simon White—did to support TAN 8. We then looked carefully at what had happened, if anything, in terms of further work undertaken to support the 2010 statement and John Griffiths's letter of July 2011. It emerged from our research that there were a number of constraints that were, if you like, left to a later stage in Arup's work that led into TAN 8. Quite a few of those issues were landscape issues. There were some big landscape areas that were sieved out, such as the national parks. However, there were other landscape designations that were not sieved out, and where the whole process was left, possibly to be dealt with through refinement studies. Those studies brought certain problems of their own, which were revealed through various inquiry decisions.

1.15 p.m.

[16] The question of refining down the landscape constraints may have been left over. It is timely that the Assembly is looking at this now. Further work should be done on that. So, the answer to your question is 'yes'. From my perspective and experience of how these matters are looked at, it becomes difficult to argue that historical landscape, for example, is a consideration of real weight to set against the positioning of a site within an SSA. It is not an absolute answer to the question. I was involved in a decision a few years ago where a proposal inside an SSA was turned down on landscape grounds. It is not easy to examine those things against that background. In fairness to all the designations, there may be a cause to look at that now.

[17] An issue with landscape designation also arose when comparing TAN 8 with the latest version of 'Planning Policy Wales'. 'Planning Policy Wales' had a presumption that major infrastructure proposals of that nature should not take place within nationally designated areas. The registered historic landscape is described in PPW in places as being a national status designation, but there seems to be a slight mismatch between PPW and TAN 8. In any review, I would ask that that issue is consciously looked at and that the Assembly takes a political decision about how those two things are meant to sit together. Similar wrinkles in the wallpaper may well emerge after a detailed look at it. Simon, who is sitting on my left,

next door but one, may be aware of some of those other issues.

[18] **Vaughan Gething:** I have a number of Members who have indicated that they want to come in on this. I will turn to questions from Julie James, William Powell, Rebecca Evans and Mick Antoniw—all on this subject. We will stick to where we are now, before we move on to another area.

[19] **Julie James:** We heard vehement evidence this morning from another lawyer that the technical difficulties between the European directive and TAN 8 were such that TAN 8 would be unsustainable in a court of law. He was extremely vehement about that. What is your view on that?

[20] **Ms Ellis:** To be fair, I have not sat down and stuck a wet towel round my head and really considered that in detail. I do not know what that lawyer had to say about it, or where he was coming from. My off-the-cuff and initial reaction is that I am mildly surprised at such a conclusion. I would have thought that TAN 8 would be something, within the national margin for appreciation, whereby a sovereign authority like the Welsh Government is entitled to set policy for itself. Simon made a point about the status of putting something as big as that into a TAN. Another debate that we have from time to time surrounds the status of a TAN—is it policy or is it guidance, and is there a difference? That point is well made, but not having notice of precisely what all the European arguments are, I raise a slight legal eyebrow about that. I find it mildly surprising.

[21] **Julie James:** To take that one step further, we have had other comments on the consideration of TAN 8 and its status by the Infrastructure Planning Commission. Do you have any comments on how that is to be treated, particularly in the light of the statement from the First Minister and the Minister for environment?

[22] **Ms Ellis:** It is a material consideration for the IPC. If one is going to talk in terms of hierarchy, it sits below the national policy statements, and I know that there has been an issue about that and I am aware of the July 2011 letter. Another point I wanted to suggest should be considered in this review is what the July 2011 letter is saying about capacity issues. Indeed, I argued this point in the Gilfach Goch appeal recently, and the inspector studiously avoided dealing with it, actually. However, it seems to me that the logic of Mr Griffiths's letter is to say that, once you have reached that figure, that is it in terms of Welsh policy. That would not really be the approach of the national policy statements or, indeed, some of the higher level energy statements in Wales and for the UK. So, there is an interesting bit of a mismatch there; it is another wrinkle in the wallpaper that, I would strongly suggest, this exercise needs to grapple with.

[23] **William Powell:** I want to address my question first to Simon as one of the co-authors of the policy we are discussing. To what extent is it a fair criticism that has been levelled by a number of groups, including some of the representatives we saw this morning, that the original SSAs did not take sufficient account of landscape issues and, allied to that, the impact that the development of windfarms on this scale could have on the local economy, particularly the tourism economy?

[24] **Mr Power:** This may come up a couple of times this afternoon, so, for clarity, with regard to the perception that we co-authored the policy, we were technical consultants employed by what was then the Welsh Office, soon to be the Welsh Assembly Government. We presented a number of technical options for the development and deployment of renewable energy in Wales to Assembly Government Ministers at the highest level. The decisions to concentrate development and perhaps reduce the amount of development outside the concentrated areas were political decisions. Those are the facts. We produced evidence—our reports are there—that fed into the administrative civil service process that developed the

green TAN 8 and the policies that went with it. I am defending the technical evidence base and the derivation of the areas. However, just to clarify, as consultants, we do not make policy. That is very important and often misunderstood.

[25] To answer your question, all the strategic search areas, as defined, were visited during the work. A great deal of consideration was given to landscape, which is detailed in the report. However, it is fair to say that, at the time we did the original TAN 8, there was no consistent national landscape data set for Wales. LANDMAP, which many of you have probably heard of and which was developed by the Countryside Council for Wales was not available at that stage across the whole of Wales. We were having to use proxy data sets and our professional judgment in coming up with the areas. Obviously, if one were embarking on a revision of TAN 8 or the evidence base for TAN 8 in any form, the Assembly Government's and CCW's LANDMAP data set would be an absolutely vital part of that exercise, along with, I am sure, some of the data sets such as the historic landscape that Morag has mentioned.

[26] So, landscape was taken into account. Having visited many of the areas, I believe that the criteria we set out in the green document regarding the large-scale extensive uplands, largely afforested and sparsely populated in the main on the plateau tops, still stand today. The industry has recognised that those areas are largely developable because we have seen the applications come into those areas and the projects have been promoted through the planning system. Fortunately, we have not had many in the industry saying, 'You identified those areas, Mr Assembly Government and Arup, but we cannot physically put projects in them because of x or y'. In a sense, they have been proven to be technically feasible, which is a phrase used in TAN 8, for windfarms. Whether they are publicly acceptable is, I accept, a distinction. So, I hope that that answers that question to an extent.

[27] There was reference in TAN 8 to accepting landscape change. We would acknowledge, as I am sure would others, that, with the level of development that is proposed and occurring in some of these strategic search areas, one moves from windfarms in a landscape to, potentially, a windfarm landscape. It was recognised by elected Members at the time that there was a compromise and that those areas would perhaps move towards windfarm landscapes, but there were other parts of Wales that were 'protected', in a sense, by TAN 8, which would see very little large-scale development, such as Monmouthshire, west Wales, Anglesey, parts of north-east Wales, parts of Radnorshire, and so on. They would all be largely windfarm-free as a result of the policies contained in TAN 8. Whether that is a good or bad thing, that is the conclusion from what was prepared.

[28] **Mr Webb:** I would like to go back to the question from Ms James. The RSPB is a UK-wide organisation. It does not have a view about which consent process is preferable to any other one, per se. However, it would be useful this afternoon to go back to remind ourselves how TAN 8 and the strategic search areas were generated.

[29] The strategic search areas were generated through a multi-sieving process. Mr Power and his colleagues established a set of constraints that they categorised as either absolute or variable. That was then applied across the land surface of Wales at a national level. The seven strategic search areas that fall out of that process are a direct result of the multi-sieving process. TAN 8 gives a spatially expressed view of areas that are broadly suitable for onshore wind, so, if you like, it does what is says on the tin: it is an area within which the development community can search for suitable projects.

[30] The advent of the national policy statements on energy and renewable energy, which Ms James referred to, creates a mismatch in the sense that the Welsh policy and advice is spatial, whereas the England-and-Wales policy is non-spatial. The RSPB supports the spatial approach, because the constraints identified by Mr Power and his colleagues included

internationally important sites for nature conservation, the so-called Natura 2000 sites, of special protection areas for birds and special areas of conservation for habitats. That gives charities such as the RSPB and those interested in wildlife the certainty of knowing that our very best places for wild birds and important habitats are protected from inappropriate development.

1.30 p.m.

[31] The advent of the England-and-Wales system casts a shadow over that because, as referred to by colleagues, there is a great deal of uncertainty regarding the relationship between TAN 8, the NPS and the former IPC system, with potentially conflicting statements being released from the former IPC. Therefore, the RSPB would urge the committee to press the Welsh Government to urge the UK Government to give the spatial expression of TAN 8 primacy over the former IPC's consent process, so that we in Wales have certainty that major windfarm developments will take place within the strategic search areas. Those SSAs have been generated using a transparent and rational methodology. Mr Power has identified potential weaknesses in that, but that does not alter the fact that all of us can look and see how the SSAs were set out, and how the seven areas have fallen out of that process. I would urge the committee to press the Welsh Government to make sure that TAN 8 retains its primacy in Wales. We are already having developers promoting sites for large windfarms outside the strategic search areas. We are already seeing the erosion of the rational, strategic, spatial approach that is implemented by TAN 8.

[32] **Mr Cawley:** Good afternoon. Just by way of background it might be worth emphasising that, when TAN 8 came out, I was working as a planner for a local authority—I was planning policy manager for Denbighshire County Council—so I have experience on both sides of the fence, which is quite useful. In terms of the principles of TAN 8, I believe that it remains a sound document. We should remember that the SSAs are just that: they are search areas. There is no presumption in favour of developing every inch of those search areas. That is worth noting. There is a planning process to follow for each application. In terms of the SSAs, the principle is fine, and Arup has followed due process there. The SSAs were based on a 2010 target of 1.2 GW capacity; since then, the target has gone up to 2 GW, so I do not see any real need to move away from TAN 8.

[33] It is probably worth noting that, prior to TAN 8, we were very much in a planning-by-appeal process. I am not sure that TAN 8 has resolved that issue completely, but it used to be quite an ad hoc appeal-led process, and TAN 8 has gone some way towards addressing that. Having said that, I believe that, potentially, there is a need to tinker with some of the principles in the TAN. For example, things such as the targets—and I would like to discuss them in more detail this afternoon if I have the opportunity—are flawed, and need seriously to be addressed. There needs to be greater flexibility in the SSAs. People get completely obsessed with lines on maps when they are looking at the SSAs, and I think that Simon would probably accept himself that it was a relatively high-level, national assessment that led to the SSAs being approved in the first place, so I do not think that there should be this obsession with lines on maps. We possibly need a more flexible approach; certain areas in the SSAs may not be acceptable, but certain areas outside may be perfectly acceptable sites. That is my main issue for now. The key is flexibility in moving forward.

[34] The other point that I was going to make is that TAN 8 is relatively quiet, as is 'Planning Policy Wales', on the development of sites outside SSAs. Certainly, we at West Coast Energy believe that there are some opportunities for relatively small-scale schemes outside SSAs that can be community-based, with community ownership or an element of community share in the profits. That is the sort of model that we would like to roll out, but we do not believe that, at the moment, TAN 8 or PPW really gives us the impetus or confidence to go after it and address those sites. Again, that is partly related to targets.

[35] **Vaughan Gething:** We will certainly come back to that. Rebecca and Mick have the next questions.

[36] **Rebecca Evans:** I would like to return Mike Webb's comments on the protection of habitats. To what extent do you feel that the protection of peat-land habitats is adequately reflected in Government policy?

[37] **Mr Webb:** Peat-land is an issue that has concerned people in recent years, both in Wales and beyond. The way in which the nature conservation designation hierarchy works in Wales is that you start off at an international level with the Natura 2000 sites that I referred to earlier and then you go through the national level—or, perhaps I should say the UK national level—with SSSIs, and then you come down to the local level. There is a quite a large body of peer-reviewed research that is devoted to looking at the interaction between windfarm construction and peat. We would advocate that turbine bases and tracks, and cable trenches, should not be built on peat over a certain depth. So, it is important that any such issues are addressed at the design stage.

[38] Many, or most, active peat areas in Wales will already be protected by nature conservation designations. However, over and above those designated areas, the RSPB still thinks that it is important to work with developers to ensure that the design of developments does not have an adverse impact on peat-land viability, if you like.

[39] **Mick Antoniw:** I was interested in what Simon Power said about TAN 8—and excuse me if I have got it wrong. Was your view that, really, if anything, we are talking about tweaking flexibility and that it may be too restrictive? That is, that there are other areas that could be developed that are now effectively excluded by virtue of TAN 8. Is that what you were saying?

[40] **Mr Power:** Yes. It may be of interest to the committee to hear that a submission was made to the Sustainability Committee in November 2008, when I was called in to discuss TAN 8. In a way, absolutely nothing has changed in that sense. The options for the Welsh Government remain the same. It might be good to look at those options. One is to abandon TAN 8 entirely and resort to what is termed 'criteria-based planning', which is effectively the situation in England and, to a lesser extent these days, in Scotland; the second is to retain it as it is; the next is to retain it as it is, but increase the stated Government aspiration for the areas; or, perhaps, to start to allow further flexibility, either by allowing larger developments outside by the use of selected criteria, or creating further strategic search areas, or a combination of the above. Whichever way you think about it, that is all that I could come up with as to the way forward. It is for you to think about the Welsh Government's political aspiration. If it is to do more, then you would take some of those options. I know that Ministers are advised by civil servants, who may tell them that they need to have a more balanced strategy, depending on tidal or other energy sources. So, the revision of TAN 8 has to reflect the revision of energy policy, and the debate on energy policy always should come first. Perhaps it did not in 2004-05—I think that we all recognise that.

[41] I am putting it in the context of the UK Government and the European Union wanting us to do more; we want more renewable energy, so in any revision of TAN 8, you would naturally be thinking about how to get a bit more out of this. In that sense, TAN 8 needs more flexibility. Almost anything that will be developed through TAN 8 is probably in the planning system now. We did some research for the Welsh Government's planning division only 18 months ago, in which we looked at everything in the planning system, and that was published. I think that there was 2 GW of wind in and around the strategic search areas. To bring forth further development, I believe that a message of some sort is needed on flexibility. That answers the question.

[42] **Mick Antoniw:** TAN 8 is fine in terms of what its objectives were and so on, but if we were to review it, what we would actually be looking at is not the existence of TAN 8, but whether we should be more flexible by broadening out certain other areas that are currently excluded from TAN 8. Is that right?

[43] **Mr Power:** Certainly. If the Welsh Government's aspiration was to match Scotland's desire to be totally self-sufficient in renewable energy, to have that dynamic and growing supply chain and all the things that I am sure RenewableUK—if it were here to give evidence—would promote the benefits of, then you need a steady flow of projects coming into the planning system and being developed. Clearly, not all of them will be suitable, and not all of them will get consent, but as a consultant working in the industry—I am sure that Jonathan will add to this—I sense that things have rather dried up. There was this big rush post 2005-06, and there has been 18 months to 2 years of development work and environmental studies. These projects have been lodged, and they have now been stuck in the system for perhaps a year to 18 months in some cases. There is very little coming in these days that is new, because there is a sense that what is in the system matches the current technical guidance, and probably the current political ambition as well.

[44] **Mr Cawley:** I would just add that I completely agree with Simon's comments. There was a huge amount of commitment in TAN 8 to the SSAs when the document first came out, and to pull the rug from under the industry's feet now would be a mistake—there is a huge amount of money and a huge amount of investment to come into Wales based on the SSAs.

[45] Having said that, Simon is completely right: the SSAs are now pretty much all committed. New sites are not coming forward thick and fast, and that goes back to the point that I made about the need for flexibility and the need for a slightly different approach to sites outside SSAs going into the future. West Coast Energy is a prime example. It is a Welsh company, and an independent company. It is based in Wales and has a Welsh workforce, but I would say that, in my time, it has probably spent about 70% on sites in Scotland, 15% on sites in England and 15% on sites in Wales. I think that that is largely due to the fact that we are a bit nervous of taking sites forward into the future outside the SSAs, because the policy, while it is there, is not completely clear, and that is something that needs to be addressed for the future.

[46] **Mr Webb:** Hoffwn dynnu sylw'r Aelodau at y pwynt hwn: pa sefyllfa fyddai'n bodoli yn absenoldeb TAN 8? Beth a fyddai'n digwydd pe bai'r saith SSA yn cael eu diddymu? Byddai Cymru yn mynd yn ôl i'r sefyllfa a fu cyn 2005—hynny yw, yr hyn y mae'r RSPB yn ei alw'n *scattergun approach*, gyda phrosesu a datblygu prosiectau ledled Cymru, gan gynnwys, fwy na thebyg, y safleoedd sy'n fwy gwerthfawr lle bo bywyd gwylt yn y cwestiwn. Yn waeth byth, ni fyddai gwarant y byddai'r prosiectau'n cael caniatâd cynllunio oherwydd, gyda'r system sy'n seiliedig ar feini prawf, mae'n gymharol hawdd i'r bobl sy'n penderfynu'r ceisiadau cynllunio hyn honni bod y sefyllfa yn eu safle yn golygu ei eithrio o'r system meini prawf. Gofynnaf eto i'r pwyllgor, felly: pa sefyllfa a fyddai'n bodoli yn absenoldeb TAN 8?

Mr Webb: I would like to draw Members' attention to this point: what situation would exist in the absence of TAN 8? What would happen if the seven SSAs were abolished? Wales would revert to what was happening before 2005—that is, what the RSPB calls a 'scattergun approach', with the processing and development of projects all over Wales, including, more than likely, those sites that are more valuable in terms of wildlife. Worse still, there would be no guarantee that the projects would receive planning permission, because, with a system based on criteria, it is fairly straightforward for those who decide these planning applications to claim that the situation on their sites means that they are exempt from the criteria system. I therefore ask the committee again: what situation would exist in the absence of TAN 8?

1.45 p.m.

[47] **Mick Antoniwi:** I find that helpful. One of the suggestions made during the evidence given during this morning's meeting by representatives of the Campaign for the Protection of Rural Wales was that, because of the logistics of the grid, windfarm development should be restricted to being near urban areas. What is your view on that?

[48] **Mr Webb:** The RSPB is a bird conservation charity, so our role is to look at wild birds and their habitats in Wales, whether they are in urban areas, peri-urban areas or the remote countryside. So, we do not really have a view on whether urban locations are preferable or not from the point of view of wild birds.

[49] **Mr Cawley:** I can possibly help to answer that one. Two of the most important criteria that developers look at when looking for windfarm sites are residential properties and wind speed. As you get towards larger towns, urban areas and larger centres of population, you will get close to properties, so it is going to be hard to find a site of the scale suitable for a commercial windfarm. Generally, lowland sites with lower wind speed will not be commercially viable. The nature of windfarms means that they will generally be located in upland rural areas. Wales is a perfect location for wind energy, as is Scotland. Scotland ships its renewable energy out—the Beaulieu to Denny line has recently gone through an extensive public inquiry, which is part of the nature of the industry.

[50] **Ms Ellis:** To take up a few of the points that have arisen in the last few minutes, one of the big advantages of TAN 8 over PPS 22, which is the England policy—I work in both jurisdictions—is that there is the advantage of certainty, for many of the reasons that Mike talked about. There is also the fact that these large windfarm applications, or even smaller windfarm applications, relatively speaking, are difficult for your political colleagues in local government to try to deal with. For those people assisting in the making of those political judgments, such as officers and external advisers like me, it is very useful to have a firm base so that we can say 'Here is the national policy ground rule, and I am very sorry, councillors, but we can't go beyond national policy'. That is another reason why the comments made by Simon Power about enshrining whatever you do in clear policy, as opposed to guidance, would be beneficial. In a sense, there is a clear ground rule there, which is very useful in advising councillors to take difficult decisions and in assisting councillors to take those decisions and to face their constituents afterwards. The members of the committee are politicians, albeit at a different level, but I am sure that you understand the problems. That is a huge advantage of the TAN 8 system, which could helpfully be acknowledged.

[51] I would like to see more investigation done of using brownfield areas and making better use of urban areas. I very much defer to the gentleman on my left as to the technicalities of all of that, but I feel that it is not an area that has been concentrated on very much. That would be advantageous.

[52] Simon Power has said that we have to keep the flow of schemes coming through. However, coming through in John Griffiths's letter, there is, to my mind, the notion for the first time that there is a finite capacity in environmental terms as to what the SSAs can cope with. Clearly, there are political inputs to that judgment about finite capacity, and I would not presume to tell the committee what the answer to that is. However, there needs to be recognition of the finiteness of certain constraints such as those that Mike is talking about. There needs to be transparency about whatever judgment is reached on that. So, rather than saying, 'Well, the industry needs a stronger supply chain here and so let us just say that it can expand and expand and expand', there needs to be a politically responsible decision on where that balance ought to be struck.

[53] **Mick Antoniw:** I hope that I have got this right because the comments were rattled off rather quickly this morning, but there was a suggestion by Mr Thomas that unless TAN 8 had been incorporated into a local development plan it was effectively invalid and subject to challenge. I hope that I got that right. Are you aware of that ever having been used in any case that you or others have been involved in as a basis for challenge during the application process?

[54] **Ms Ellis:** Not that I can think of with regard to TAN 8. I have seen a slightly similar argument being run in relation to the coal TAN in a case called Celtic Energy against the Welsh Ministers from about 18 months ago. Some very interesting evidence came in on behalf of the Welsh Ministers, drawing a clear distinction between the coal TAN as guidance and Planning Policy Wales, and the minerals PPW, as policy. The judge, it is fair to say, was not necessarily totally convinced about that, but he was then looking at the relationship of the coal TAN to development plan policy. Obviously, under the legislation, you first go to the development plan and look to make a decision in accordance with that; you then look at a range of other considerations and obviously national policy and guidance are high up on the list. However, I am not aware of that argument being run on TAN 8, but as I say, something in the nature of the argument was looked at by the Court of Appeal of England and Wales in the Celtic Energy case in the context of the coal TAN. So, your legal advisers might like to have a look at that.

[55] **Mr Cawley:** I would like to make a brief comment on the urban/industrial issue, which keeps cropping up. The original TAN 8 back in 2005 stated that a site of up to 25 MW on urban/industrial land will be encouraged. Developers, since then, have looked very carefully at these sites. However, no such sites exist for commercial-scale windfarms because the amount of brownfield land needed is not there and also any brownfield land is, by its nature, usually close to dwellings and built-up areas. So, no such sites exist, or there were none that we can find.

[56] **Antoinette Sandbach:** On the Arup inquiry report, what weighting was given to tourism and sustainability in relation to local people because after all, these turbines are going into landscapes where people live and work and from which they earn a living. How do you weigh that up in this process? Were you just looking at sites that were effectively suitable for wind and leaving the remaining issues up to the planning authority?

[57] **Mr Power:** On the evidence base that led to the derivation of the strategic search areas—the reports are a matter of record and are still publicly available in many cases—we looked, as Mike Webb indicated, at a range of standard, technical and environmental geographic information system constraints. It was, in a sense, a very large, what we would call, ‘desk study’, which was validated by a number of selected visits to each of these areas to understand what we were doing and what data sets we were dealing with.

[58] Morag alluded to the point that there was a range of issues that it was felt could not be dealt with at an all-Wales dataset level—historic landscapes, the landscape, and tourism. That said, had we looked at this issue at the time, there is no doubt that we would have found that many of the national studies undertaken by a range of organisations said that the interaction between turbines and tourism is complex, and that it is far from clear that one affects the other. Again, I am not speaking directly on behalf of RenewableUK, but I am well aware of a number of studies that have been undertaken throughout the UK that suggest that it is a complex issue. I do not believe that it would have made any material difference to the identification of the areas. However, you are right: in a sense, we would have expected some of those local issues, such as impacts on bridleways and horse tourism businesses and so on, to have been picked up at a local level when individual applications were received.

[59] **Antoinette Sandbach:** Perhaps it is a self-evident statement, but when you were

making your assessment you clearly were not anticipating the changes that have occurred regarding the size of turbines and the impact that they could now have on the landscape, given that there have been huge changes. Perhaps all of the witnesses may like to comment on this. Given the changes in turbine technology, and that there has been a lot of offshore rather than onshore development, do you think that the case can still be made for these huge onshore turbines?

[60] **Mr Power:** Again, this is in the report and the studies, but we were anticipating at least 2 MW, 100m-type turbines even in 2005-06. There has been a continual incremental increase in turbine capacity in terms of megawatts and height. However, it would be wrong to suggest that we did not have in mind the general size of what we call second-generation turbines. Admittedly, when we were working in 2003-04, what you saw when you went around mid Wales were turbines generally around 70m in height. However, you will be familiar with the Cefn Croes scheme, which had consent and was under construction when we started on TAN 8. We were, therefore, fully aware of the size and scale of modern wind turbines. I went to some of the strategic search areas and stood there having to think about what those areas would look like with 100 or 150 100m-high turbines. I was aware of this issue, as I am sure were the Ministers and others.

[61] On your question on the balance between onshore and offshore windfarms, that is more of an issue for UK-level and Welsh Government energy policy as to the emphasis to be put on those two different sources of energy. They are both valid and contribute to generating the renewable energy that the country needs. Onshore wind is demonstrated time and again to be more cost effective than offshore windfarms, but we are an island with finite space and there is only so far that we can go with onshore windfarms. Any logical policy that has energy bills and cost in mind would start with maximising onshore resources first before using offshore sources of energy. The rest of the world is doing that, bearing in mind that onshore wind energy generation is a global industry. One of the reasons that we have to go so far with offshore wind is because we are more constrained; we are not China, with its huge available land areas.

[62] **Antoinette Sandbach:** You say that you anticipated turbine sizes of up to 100 ft in your study.

[63] **Mr Power:** I believe that we anticipated turbines of up to 100m rather than 100 ft. I can check on that and get back to the committee with an answer.

[64] **Antoinette Sandbach:** Did you consider turbines beyond that size?

[65] **Mr Power:** In landscape terms, it is a matter of debate whether there is that much difference between 100m and around 135m, which is what we are now looking at as the possible maximum heights of some of the latest applications. The key difference is in the step change that occurred between the 50-70m turbines, which is the height of many of the Powys turbines, and this next stage. We anticipated that. I still maintain that the strategic search areas, in the main, are fully capable, in landscape terms, of accommodating turbines of that size. The number, scale, layout and so on is for debate at a local level.

2.00 p.m.

[66] **Mr Cawley:** I will reiterate some of what Simon said. On the back of TAN 8 there is a diagram of a 100m turbine. Also, I recall, as part of the refinement exercise that I undertook while working for Denbighshire County Council with Simon on the refinement of the Clocaenog SSA, that we looked at turbines of up to 126m in the SPG. So, that was addressed in the early days of the TAN. In terms of the principles of turbine technology, as I said at the outset, planning applications are dealt with on a case-by-case basis. So, it is up to a developer

to take a scheme forward with the size of turbine that he thinks is appropriate. That will then be submitted with a landscape visual impact assessment as part of the EIA process which is subject to scrutiny by local planning authorities, or by an inspector at appeal, or whatever. So, the scale of the turbines is dealt with on a case-by-case basis. The SSAs are only search areas at the end of the day.

[67] **Vaughan Gething:** I see that Morag has been leafing through papers.

[68] **Ms Ellis:** For the benefit of the record, the reference is annex C, paragraph 2.4; I think that that is the diagram the last witness had in mind. To answer the question, undoubtedly the size of turbines has been going up and may well be set to increase further. It seems to me that that is a factor that should be taken into account in any policy review and that the Assembly ought to attempt to receive evidence about how the technology is likely to develop during the period of time for which it is setting policy.

[69] **Mr Webb:** I would like to impress on Members the urgency of dealing with climate change. Given the severe nature of climate change, which is happening now, it is important to take the approach that not one particular development type will ride to the rescue of Wales to combat climate change. We need to develop a balanced and mixed energy development spectrum that promotes all appropriate forms of renewable energy, and I emphasise the word 'appropriate'. Our view is that we need to keep an open mind about all development types, and it could be a mistake to try to set one type against another. Let us look at all appropriate renewable energy development types.

[70] **Vaughan Gething:** Antoinette, do you have any further follow-ups on the point you wanted to make?

[71] **Antoinette Sandbach:** We have heard how TAN 8 deals with wind energy, but little emphasis has been put on other types of energy generation. We heard evidence this morning on hydro energy, power from waste and anaerobic digestion. Do the witnesses feel that the TAN 8 document has led to a concentration in wind power, rather than consideration of a balanced approach and of the suitability of alternative technologies other than wind?

[72] **Vaughan Gething:** The point that TAN 8 and an over-concentration on wind energy has led to other technologies not being fully developed at this point was put strongly to us by some of the witnesses this morning. I am looking at Jonathan, as he is engaged in the field.

[73] **Mr Cawley:** I strongly disagree. TAN 8, at the outset, referred to most of the renewable technologies that were available at the time. The emphasis always seemed to fall on onshore wind. One reason for that was because, in relation to the SSAs, onshore wind was the technology that could probably make the biggest contribution to reaching the targets at that time. Back then, other technologies were not in a position to make a big impact on targets. That is, arguably, the case now as well. If you look at the overall Welsh Government target for renewables, you will see that onshore wind makes up a smaller proportion of the overall target than many of the other technologies. I have a slight issue with that, and maybe we can come on to that when discussing targets. However, I do not think that TAN 8 has a negative approach towards any other technologies. They can all make a contribution, and there is a need for them all to do so.

[74] **Mr Power:** I feel quite strongly about this, in terms of the distinction between a planning technical advice note and energy policy across a range of technologies. Energy policy is supported and implemented through planning, but it is also implemented through fiscal support. We live in the United Kingdom, where energy is supplied on a market basis. Prices are set through the renewables obligation and other means, and this encourages the development of different types of technology. TAN 8 was a planning response to a market

that was already out there, wanting to develop certain types of projects. Jonathan is right that TAN 8 covers all technologies. Inevitably, however, it gave more emphasis to onshore wind because, at the time, that was the technology that needed the strategic planning approach. At that time, biomass, for example, did not need that, because, as is probably still the case, the general view was that large biomass projects could be dealt with on a criteria basis on industrial land allocations at ports and granted in some way, either locally by the Assembly or by the Department of Energy and Climate Change. Small-scale hydro projects do not need a strategic planning approach. They can be dealt with and consented, and I believe that some of them are even classed as permitted development to a certain degree.

[75] Although we looked at all of the technologies and the planning response needed, it was clear in 2005 and 2006 that the area that needed the most work was planning for onshore wind. Incidentally, offshore wind needs a huge spatial planning approach. Many of you may be familiar with the Crown Estate's offshore rounding process: that is spatial planning for offshore wind. Without it, it would not work. However, what happened, in effect, was that TAN 8 came out, and then the energy policy came out afterwards. The energy policy should have been produced, subjected to consultation, debated, and agreement sought on it, and then a planning process developed to facilitate the agreed policy. That is probably fair. TAN 8 is a technical advice note. It is not meant to direct policy in terms of whether wind is better or worse than biomass. That is where we are. Of course, other technologies are available. Even though I am based on Pierhead Street, I did some work for DECC last year, looking at renewables deployment for the whole of the UK, which involved Ron Loveland and others. We looked at all of the technologies and possibilities, and those are fed into the renewables obligation banding. So, there is very much a sense that there is a whole basket of technologies that are viable for Wales. However, TAN 8 is a planning response, in the main.

[76] **Russell George:** I want to ask some questions about transport issues and the cumulative impact. Some say that there has been a lack of reference to transport within TAN 8. That has been a recurring theme throughout this inquiry. In its written evidence, Powys County Council identified that there are some 3,000 abnormal loads passing through communities as a result of windfarm construction. Huw Morgan gave evidence this morning, and he talked about the difficulties of navigating these abnormal loads through rural areas and on inappropriate roads. To what extent do you consider that the transport implications of proposed windfarm developments, particularly in mid-Wales, can be resolved?

[77] **Vaughan Gething:** Was that question for anyone in particular?

[78] **Russell George:** I did not ask it to anyone in particular. It is just a general question to the panel.

[79] **Mr Cawley:** The issue is being assessed at a relatively strategic level with RenewableUK, with the Welsh Government, and with the other players involved in the process. Hopefully, that will lead to clear and transparent answers and solutions with regard to the entire process. The projects will be developed over the course of many years. They are not all going to happen within a short timescale. It is important to bear that in mind, in terms of the cumulative impact. The development will be phased. Also, local planning authorities can take control if they want to phase development. If they believe that there will be an adverse cumulative transport impact, local planning authorities have the powers to phase developments to mitigate those impacts.

[80] **Russell George:** I ask Mike Webb to comment on that as well. I think that it was Peter Ogden who, in his evidence this morning, talked about inappropriate places for windfarm developments. You have spoken about that in part this afternoon. Can you comment on Peter Ogden's comments? Did you hear the inquiry this morning?

[81] **Mr Webb:** Yes.

[82] **Russell George:** He talked about looking for the best and most suitable places for developments and said that rural areas are not the most appropriate areas. I think that you—or your colleague Jonathan—also said that rural areas are not the most appropriate areas for developments. What are your comments on rural areas being designated appropriate places for development, given the implications because the transport infrastructure is not suitable?

[83] **Mr Webb:** The RSPB is a charity that concerns itself with bird conservation and the habitats of wild birds. Transport is not an issue for us, therefore, unless the transport-related proposals that come with developments would have an adverse impact on important populations of wild birds and their habitats. I cannot add much to what Mr Ogden said this morning.

[84] **Vaughan Gething:** David Rees has a question on this point, if you have finished, Russell.

[85] **Russell George:** Yes, thank you, Chair.

[86] **David Rees:** I want to make two points. One is that this is not just to do with mid Wales; there is also the Valleys area in south Wales. I keep reminding people of that, because TAN 8 covers the whole area and it covers a large portion of my constituency. The transport issues also affect our Valleys. Were you given any guidance by the Welsh Government on considering transportation issues when you developed TAN 8?

[87] **Mr Power:** On whether we were any given guidance, our brief, as expert consultants, would have been to factor in everything that we felt was relevant to the strategic planning of onshore wind. In terms of considering transport, I acknowledge that it is an important and emotive local issue. However, in the main, it is a temporary construction issue. That is not the same as land-use planning, which is to do with permanent features such as Natura 2000 sites, and so on. It is not necessarily about one against the other, but the purpose of land-use planning documents is to look at appropriate places to put developments in the long term, acknowledging that, inevitably, any large-scale nationally-important infrastructure has construction impacts that need to be managed and dealt with. In that sense, onshore wind is no different from a new nuclear station or a large gas-powered station or gas-receiving station. We knew that there would be consequential issues to do with the transport grid. They were discussed and raised.

2.15 p.m.

[88] The only thing that was, I guess, not anticipated was the potential for all the projects to come on stream at almost the same time, by virtue of the arrival of the grid in mid Wales. Whether it happens in reality is another matter, but the issue is one of timing because, hypothetically at least, a series of projects could all embark on construction at the same time. However, the issues that your constituents and others are facing are comparable with those related to other large construction and infrastructure-related projects and so would have been assumed to have been dealt with at the local level. It is an uncomfortable thing to say sometimes, because it perhaps suggests that we are dismissing them, but we could not have mapped all of the pinch points on the road networks of Wales to the level necessary to inform a strategic exercise. In any case, they are temporarily overcome and can actually result in long-term benefits, perhaps in improvements to corners and gradients; they may even end up with a bypass at some point. Those sorts of things will eventually arise as a result of what you are talking about. So, yes, it was considered, but, as to whether it was considered in the detail that the public perhaps expect, the answer is ‘no’, but for good reason, because that was another thing that the local authorities felt it best to consider on an application-by-application

basis.

[89] **Vaughan Gething:** Do you have anything else, David?

[90] **David Rees:** No, not on that point.

[91] **Vaughan Gething:** Do you want to come back in later on?

[92] **David Rees:** Yes, please.

[93] **Vaughan Gething:** Okay, there will now be questions from Rebecca Evans, then me, then Llyr and then William.

[94] **Rebecca Evans:** We heard some very strongly held views this morning that, although the vast majority of people who responded to the original TAN 8 consultation—around 94%—were either wholly or in part opposed to the TAN 8 proposals, their views were largely ignored. What are the views of the panel members on that? I suppose that that is really a question to Simon Power.

[95] **Mr Power:** Yes, you are right, there was a consultation on a draft TAN 8 in 2004, I think, and then the final document was published in 2005. I am afraid that, in a way, you would have to address issues with the way that the consultation responses were analysed and dealt with to planning division. They were looked at and responses were made. I know that the strategic areas changed—the boundaries changed between the original consultation and the final consultation. I believe that some changes were made to the capacities. With regard to whether there was a change to the strategic approach and the principles of having areas for wind, well, no there was not. I guess that, in the end, the elected politicians and Ministers at the time made a decision that they were going to continue with the policy regardless of the responses. However, I am afraid that, with regard to how that was dealt with, aside from any technical issues that came out of it, which I recall we were asked to comment on, you would have to address your questions to planning division, as was.

[96] However, there was certainly a consultation. Organisations tend to forget about it, and I am glad you brought it up in a way. It was subject to consultation and representations were made. I would say that, given the magnitude of the policy we were embarking on in Wales, perhaps more attempts could have been made to engage a much broader group of people, organisations and the public. It was a fairly dry consultation on, on the face of it, a fairly inconsequential technical advice note. Most people—me included—do not wake up every day and think, ‘Ooh, there’s a technical advice note; I must comment on it’. Recently, it would be fair to say, the Assembly Government has got much better at engagement on its policies and attempting to get a much wider public commentary on them.

[97] **Vaughan Gething:** This morning, we heard a number of comments on the initial consultation. Again, there were some strongly put views that the initial consultation was flawed. Do you have a view on that, Simon? One of our witnesses, John Morgan, suggested that recommendation 3 in one of the reports was that there should be some sort of road-show consultation process. I cannot remember which document he was referring to. After you answer that, Simon, Morag, I would be interested to hear whether this point about consultation is one that you recognise from any of the challenges you have dealt with.

[98] **Mr Power:** I am not speaking on behalf of planning division, but, as someone who was on the fringes of what went on, I felt—as I am sure did the head of planning at the time—that it was a very robust and fit-for-purpose consultation exercise as had been undertaken for all of the technical advice notes at that time. There was a set process that I am sure is procedurally correct, and perhaps legally correct, as befits a technical advice note. In the

main, the audience for technical advice notes consists of the local planning officers; they are the primary people who have to deal with it. We went on three planning officer road shows, for want of a better description, in north, south and mid Wales, and we presented the work to other organisations at the time, and the statutory consultees were very much involved in that. As I said, I am sure that it was a watertight consultation, but with hindsight, there could perhaps have been greater public and member engagement in what was being embarked upon; that would have been extremely beneficial, but it is an added nicety, for want of a better description, than necessarily a procedural issue. It would certainly have helped. I have always felt that the awareness of what was coming through TAN 8 was never particularly wide, so a lot of the public reaction now, in a way, would naturally have been expected four or five years ago if people out in Powys, Shropshire and north and mid Wales really understood what was planned.

[99] **Vaughan Gething:** Morag, has this ever come up for you?

[100] **Ms Ellis:** No, but there is a clear reason why not: once something is enshrined in Government policy, and any period of challenge to that policy has expired, it cannot be raised in public inquiries, and therefore will not feature in legal challenges to the decisions of the inspectorate or Ministers as a result of inquiries. Having said that, it is probably fair to say that the whole notion of how public consultation is undertaken, and its role within the planning system in the UK, has moved on terrifically since the early 2000s, when this exercise was being done. I would anticipate that the Assembly Government would now do things rather differently to how they might have been done at that stage.

[101] **Vaughan Gething:** I want to move on to this point about output targets. It has come up both with reference to the Minister for environment's letter of last summer, and also, Jonathan Cawley, I know that you have made some comments about output targets, and the suggestion that there is now a limit to the amount of output that can be had from the SSAs. I am interested in your view as to whether that is helpful or not, and, if not, why do you take that view? Do you believe that there is more capacity? What do you think of the suggestion that there is a finite output to be had from the strategic search areas?

[102] **Mr Cawley:** One of the key issues on targets is that they should be absolutely clear and time-bound in both energy and planning policy. There should be a clear framework on what exactly the targets are. At the moment, I do not think that we are really in that situation where there is clarity on renewables targets. For example, the high-level target that the Welsh Government has, this 48 TWh target for renewables by 2020—I think; it may be 2025—is a highly ambitious target, and there is a requirement for huge installations of various renewable technologies to achieve that target. If you scratch beneath the surface, to me—and I cannot speak on behalf of other technologies—it is just not achievable, particularly the targets for technologies other than onshore wind. They are just completely unrealistic. For example, you have a target of 8.5 GW installed capacity for tidal range, which obviously refers to the Severn barrage, which is shelved until 2015.

[103] **Vaughan Gething:** Mike Webb will soon start jumping up and down. [*Laughter.*]

[104] **Mr Cawley:** There are some discrepancies in the high-level figures to start with, which immediately leads to problems throughout the whole target-setting process. It all filters down from the top. With regard to the 4 GW from tidal stream and wave by 2022, for example, I cannot speak for the entire industry but, from what I understand, it is highly ambitious to say the least. So, there is a fundamental issue there in terms of the high-level target.

[105] Ironically—you would probably comment that I would say this, being an onshore wind developer—given that the technology is now relatively mature and one of the cheapest

of the renewable technologies, I think that the onshore wind target is a relatively low and conservative one. There is a 2 GW target for onshore wind by 2017. Quite what we are meant to do beyond that date, if we hit the target, is not clear and, given that we are so close to 2017, that should be explained.

[106] A 2010 Arup study suggested a capacity of up to 2.5 GW within the SSAs. I have seen another study, on the Welsh Government's website, which suggests a potential 2.9 GW within the SSAs. Obviously, they will not all be approved, so we may not get to that point. There is also capacity outside of the SSAs, as I alluded to earlier. So, all this suggests to me that the onshore wind target, in particular, is a bit conservative and could be higher. Also, it now needs to be taken beyond the period for 2017-20. From finding a site to developing it takes about seven years. If we need to plan beyond 2020, the policies and targets need to be in guidance now, to allow the industry to know what to do. Also, it is not clear to me whether the targets are upper targets. Is it a ceiling, or is it an aspiration that you can go beyond? That is not made clear in any of the guidance.

[107] You refer to the Ministers' letters of last summer. There was one from the First Minister to start off with, which referred to sticking to the TAN 8 targets of 1.2 GW. That was followed a couple of weeks later by a letter from the Minister for environment clarifying the position and suggesting that it was a 2 GW target, with 1.7 GW coming from SSAs and the remaining 300 MW coming from outside SSAs. That, too, shows a lack of clarity, which goes to such things as the energy policy statement, 'A Low Carbon Revolution'. It is critical that these documents make it absolutely clear—that is not the case at present, as was demonstrated by the letters that came out last summer. In his letter, the Minister for environment referred to a target of 300 MW for areas outside the SSAs. When that letter came out, we made a quick calculation that about 185 MW has already been committed outside of SSAs, either already built or with planning permission. That leaves only 125 MW to go up throughout the whole of Wales up to 2020 outside of SSAs. Again, that is not something that gives the industry a huge amount of confidence to invest in these potentially community-based schemes.

[108] The upshot of all that is the need for clarity and the need to constantly reassess targets. They should be monitored, to see whether we are achieving them or getting close to them, and if we are getting close to them, to ask what the next steps should be and whether we should leave things as they are or push the boundaries further. As far as I can see, that is not being done at the moment, and I think that it is something that needs to be done urgently.

[109] **Ms Ellis:** I agree completely with what has been said about the need for certainty—I alluded earlier to the fact that it seems to me that there is a perfectly respectable reading of the ministerial letter to say that there is now a recognition of finite capacity. Certainly, the way in which the issue always used to be argued by the industry at inquiries and before planning committees was to say that these are not ceilings, we cannot have too much of this and it has to go absolutely everywhere. The ministerial letter is the first indication in policy that runs against that. It seems to me that it was a new policy development, because it is representing that there is finite capacity, as I said in an earlier answer. My main recommendation is that there needs to be clarity about it.

2.30 p.m.

[110] **Llyr Huws Gruffydd:** Ar gynffon y sylwadau hynny, mae gennym y llythyr hwn gan y Gweinidog. Rydych yn amlwg yn mynegi tipyn o rwystredigaeth ynglŷn â'r dryswch, ac nid yw eich sylwadau yn annhebyg i'r rhai a glywsom y bore yma ynglŷn â dryswch ymddangosiadol

Llyr Huws Gruffydd: Following on from those comments, we have this letter from the Minister. You clearly express some frustration about the confusion, and your comments are not dissimilar to those that we heard this morning about the apparent Welsh Government confusion and where it stands on

Llywodraeth Cymru a lle mae'n sefyll ar y targedau hyn. Fodd bynnag, mae goblygiadau o ran y seilwaith a'r grid yn benodol. Nid y tyrbinau gwynt sydd, o reidrwydd, yn corddi'r farn gyhoeddus, ond y peilonau, mewn nifer o achosion. Gan dderbyn y targedu a osodwyd a bod capasiti ar yr hyn a gynhyrchir yn yr ardaloedd chwilio strategol, i ba raddau rydych yn cytuno â Llywodraeth Cymru na fydd angen cryfhau'r iadeiledd ac uwchraddio'r grid os yw'r capasiti hwnnw yn cael ei barchu?

these targets. However, there are implications with regard to infrastructure and the grid in particular. It is not necessarily the turbines that stir public opinion, but the pylons, in many cases. Accepting the targets that have been set and that there is a limit on what is produced in the strategic search areas, to what extent do you agree with the Welsh Government that there will not be a need to reinforce the infrastructure and to upgrade the grid if these capacities are respected?

[111] **Mr Power:** The honest answer is that I do not know, because I do not have the evidence base to confirm it. I have not done any work on whether certain capacities of development can be served by certain kinds of electrical infrastructure. I am aware of the debate that, potentially, you cap developments at a certain level, and you can get away with some form of wooden pole and wire or something perhaps less visually intrusive. I genuinely do not know what the answer is; it would be something for National Grid to look at.

[112] As a personal observation, capping the level of grid infrastructure seems potentially quite a short-term approach to take. I am sure that that is what National Grid would say; it is obliged to connect and make public investment not just for an immediate level of development but thinking slightly longer term. I remember that, when we were developing the strategic search areas, there was always an aspiration that grid reinforcement to mid Wales would also facilitate economic development in Aberystwyth and other things into mid Wales apart from just turbines. We would have to look to National Grid and its technical advice to see precisely what capacity of development triggers certain levels of grid reinforcement.

[113] **Llyr Huws Gruffydd:** Gan ein bod yn siarad am seilwaith, hoffwn ofyn cwestiwn ynglŷn â nifer o sylwadau mae'r pwyllgor wedi'u derbyn am ddrysych a chymhlethdod y broses gynllunio bresennol.

Llyr Huws Gruffydd: As we are discussing infrastructure, I want to ask a question in relation to a number of comments that the committee has heard on the confusion and the complexity of the current planning process.

[114] Un mater yw datganoli grymoedd a lle mae'r lefel ddatganoledig yn syrthio. Dywedodd Peter Ogden y bore yma fod Llywodraeth Cymru yn ceisio gyrru'r car o sedd y teithiwr, ac ychwanegais i bod gennych yrwyr sedd gefn hefyd o ran awdurdodau lleol a datblygiadau cysylltiedig yn ogystal â chyrrff eraill o ran cydsyniadau amgylcheddol ac ati. Mae'r system yn gymhleth ac yn eithaf darniog, gyda nifer o haenau gwahanol yn perthyn iddi. Rydym wedi cael barn glir gan y diwydiant bod hynny'n llesteirio datblygiad a thwf posibl y sector. Rydym hefyd wedi clywed gan grwpiau mwy cymunedol eu natur y bore yma bod hynny hefyd yn ei gwneud yn anoddach iddynt gynrychioli safbwyntiau'r gymuned leol, gyda'r haenau hyn o benderfyniadau sy'n gorfod cael eu gwneud. A gytunwch felly—a gofynnaf hyn i Mike

The devolution of powers is one issue, along with where the devolved limit falls. Peter Ogden said this morning that the Welsh Government is trying to drive the car from the passenger seat, and I added that you also have back-seat drivers in the form of local authorities and associated developments as well as other bodies with regard to environmental agreements and so on. The system is complex and piecemeal, with several layers to it. We have heard the clear view of the industry that it hinders development and the possible growth of the sector. We have also heard from more community-based groups this morning that that also makes it more difficult for them to represent the views of the local community, given these layers of decisions that have to be taken. Do you agree therefore—and I ask this to Mike Webb to begin with—that this

Webb yn gyntaf—fod y broses yn rhy gymhleth a bod angen gwneud rhywbeth i wneud y system gyfan yn haws?

[115] **Mr Webb:** Credaf mai'r ddolen wannaf yw honno rhwng y cynllun datblygu a TAN 8. Hynny yw, dylai awdurdodau cynllunio lleol ledled Cymru, wrth lunio'u cynlluniau datblygu, roi mwy o ystyriaeth i TAN 8. Er enghraifft, mae llawer o drafodaeth wedi bod, fel yn sesiwn y bore yma, ynghylch budd cymunedol. Mae'r RSPB o'r farn nad yw'r pwnc hwnnw wedi cael ei drin mewn modd addas o safbwynt yr amgylchedd. Mae'r rhan fwyaf o ddatblygwyr yn cynnig budd cymunedol yn seiliedig ar nifer o bunnoedd y megawat y flwyddyn, sy'n golygu ein bod yn siarad am swm sylweddol o arian. Mae llawer iawn o arian yn y fantol wrth ystyried y cynlluniau hyn. Yn fy marn i, rôl y cynllun datblygu yw sicrhau bod rhyw fath o strwythur a fframwaith ar gyfer budd cymunedol, fel eu bod yn cael eu defnyddio mewn modd doeth a strategol sydd wir yn dda i'r ardal.

[116] Yn y sesiwn y bore yma, cyfeiriodd un o'r cyfranogwyr at ba mor eang y dylid dosbarthu'r budd cymunedol. Rwyf o'r farn y dylid edrych ar y sefyllfa ar lefel ardal chwilio strategol—hynny yw, bod yr adnoddau ariannol hyn yn cael eu defnyddio er budd y gymuned a'r amgylchedd ar draws yr ardal chwilio strategol.

[117] Mae'r RSPB wedi bod yn ymgymryd â chynlluniau ffermydd gwynt am 10 mlynedd a mwy, ac, yn ein barn ni, mae diffyg cysondeb o ran yr amgylchedd, yr economi a'r gymdeithas. Dylid creu rhyw fath o fframwaith—neu *ring-fencing*—i sicrhau bod yr amgylchedd yn cael chwarae teg yng nghyswllt budd cymunedol. Efallai y gellid creu rhyw fath o *master plan* neu system a fyddai'n defnyddio map o'r ardaloedd chwilio strategol ac yn pennu lle y dylid defnyddio'r arian amgylcheddol, boed hynny yn yr ardaloedd hynny neu yn eu cyffiniau, er budd bywyd gwyllt a chymunedau yn yr ardaloedd chwilio strategol.

[118] **Llyr Huws Gruffydd:** Diolch am yr

process is too complex and that something has to be done to make the entire system easier?

Mr Webb: I think that the weakest link is that between the development plan and TAN 8. That is, local planning authorities across Wales, in formulating their development plans, should take more consideration of TAN 8. For example, there has been a lot of discussion, as we heard in this morning's session, about community benefits. The RSPB is of the opinion that this subject has not been dealt with in an appropriate manner, as far as the environment is concerned. The majority of developers offer community benefits, based on the number of pounds per megawatt per year, which means we are talking about a substantial sum of money. There is a lot of money at stake when these plans are considered. In my opinion, the role of the development plan is to ensure that there is some kind of structure and framework for community benefits, so that they are used in a wise and strategic manner that is good for the area.

In this morning's session, one of the witnesses referred to the extent to which these community benefits should be distributed. I am of the opinion that we should look at the situation at the SSA level—that means that the financial resources should be used for the benefit of the community and the environment across the SSA.

The RSPB has been involved in windfarm planning for more than 10 years, and, in our opinion, there is a lack of consistency with regard to the environment, the economy and society. There should be some kind of framework—or *ring-fencing*—to ensure that the environment is treated fairly, as far as community benefits are concerned. Perhaps a master plan or system that uses the SSA map could be drawn up to decide where the environmental money should be used, either within or at the periphery of those areas, for the benefit of wildlife and communities in the SSAs.

Llyr Huws Gruffydd: Thank you for that

ateb. Mae maes budd cymunedol yn un pwysig ac yn un y mae gan y nifer ohonom deimladau clir yn ei gylch. Hoffwn ofyn cwestiwn penodol i Jonathan Cawley. Fel rhywun sy'n datblygu prosiectau fel hyn, a allwch chi ddweud beth yw'r rhwystredigaethau o safbwynt y broses gynllunio amlhaenog sydd gennym?

answer. The matter of community benefits is important, and many of us feel strongly about it. I want to ask Jonathan Cawley a specific question. As someone who develops such projects, can you allude to the restrictions relating to this multi-layered planning process that we have?

[119] **Mr Cawley:** Esgusodwch fy ateb Saesneg, os gwelwch yn dda.

Mr Cawley: Please excuse my responding in English to your question.

[120] As Mike alluded to, the key issue is the seriousness of the climate change issue. Therefore, irrespective of the tier of Government that takes the decision, whether in London or Cardiff, our primary concern is that strong leadership is shown. So, the actual decision maker is of secondary importance to us as a company. Leadership and taking the issue seriously are paramount. You could argue that having two tiers may lead to some confusion, but, to be honest with you, the IPC approach has to use TAN 8 as a material consideration, and I do not see any problem with that.

[121] If a certain site was contrary to what is contained in TAN 8, for example, then, once again, there is a due process to follow to demonstrate whether that site would be suitable. If it was a suitable site and the due process demonstrated it to be suitable, there may be an opportunity to override TAN 8. So, I do not think that that is the huge issue that many people have made it out to be. I sometimes get the feeling that the issue has now been highly politicised, almost at the expense of the importance of getting these developments through. I sense that there is a bit of mudslinging between Cardiff and London on this issue. That will probably not help us to achieve our overall targets in the long term.

[122] **Llyr Huws Gruffydd:** Beth felly am y berthynas gyda'r datblygiadau cysylltiedig, lle mae awdurdodau lleol yn dod yn rhan o'r sefyllfa o safbwynt rhai agweddau a fyddai o bosibl yn rfwystro datblygiadau sy'n gydnaws â pholisïau cynllunio cenedlaethol?

Llyr Huws Gruffydd: What then about the relationship with associated development, where local authorities come into the picture with respect to some aspects that could hinder developments that are compatible with national planning policies?

[123] **Mr Cawley:** That is potentially a valid point and it ties in with Mike's point. Potentially, the weakest link in all of this is the link between local authorities and national planning—whether with the IPC and policy from London or TAN 8. When TAN 8 came out, it was probably the most prescriptively spatial approach that you could get from a Government. So, in effect, it could be argued that, at the time, some local authorities may have felt disenfranchised as they were not really allowed to formulate their own policies. So, that issue is probably carried through now with this additional tier coming in. However, ultimately, I do not think that this power struggle is all that it is made out to be. It is not the big issue for us, anyway.

[124] **Vaughan Gethin:** I am sorry, Julie James, for having skated past you earlier, but I know that you have a follow-up question to ask.

[125] **Julie James:** My question relates to the question on the National Grid. Jonathan, what are your views on the grid connection? We have had some evidence from the National Grid, and some of us know from experience that it is a very contract-driven process. The committee has received evidence that the grid finds itself in the invidious position of having a large number of requests for contracts from a large number of projects that are all on the stocks, and it has to decide which will go ahead and which will not. Would you like to

comment on that from a developer's point of view?

[126] **Mr Cawley:** That is the case to some extent. We all commented earlier on the point that was made in relation to the Minister's statement about the need for grid upgrades. I know that a statement was made on it originally in TAN 8, but I cannot quite remember what was said. The grid issue was raised, but without checking the facts, I had better not respond directly to that question. However, it is an issue and there is probably a need for a more strategic approach to grid development.

[127] **Julie James:** We are where we are with the National Grid in that it is not devolved, but the Welsh Government could, if it wished to, take a view about future-proofing, which it could contract the National Grid to do. From a development point of view, do you prefer to be in a contractual relationship with the grid? Do you have a view about the future strategic direction that the Government might take?

[128] **Mr Cawley:** All bodies need to communicate with each other. That is happening more now than it has previously, for obvious reasons. As a result of the National Grid's consultation last year, people are finally starting to bang heads together—whether the National Grid, the Welsh Government, the development industry or local authorities. Arguably, that could have happened much earlier. There has been an element of people burying their heads in the sand. However, it is now finally happening and I believe that there will be further announcements from the National Grid in the near future, as well as from the Welsh Government. So, I believe that there is a need for more joint working on this issue.

2.45 p.m.

[129] **David Rees:** You mentioned the different levels that we have to deal with and the fact that people bury their heads in the sand. We talk an awful lot about TAN 8 at a Cardiff level and at a UK level, but, as a developer, how have you found the local level and has it been frustrating for developers? I am talking not just about mid Wales, but other areas.

[130] **Mr Cawley:** Do you mean in terms of consultation and engagement?

[131] **David Rees:** Yes, and in terms of progressing.

[132] **Mr Cawley:** Engaging local communities in these developments will never be easy. They are developments that bring huge national benefits, but which also have a big local impact. Local communities often cannot see the national benefit when they have to look out on turbines. That is the dichotomy that we have in this entire process; that is the problem. As a company, West Coast Energy goes out of its way to engage very early with communities we go into, and that has proved to be a very successful model for us. Over the past two to three years, we have increased levels of community involvement and ownership, or at least shares in the profit of our schemes. We are rolling out that model in Scotland. It was started with the Fintry Renewable Energy Enterprise on the Earlsburn site, where one of the 15 turbines was given to the community. That type of approach allows you to go out to the community early to discuss tangible issues such as community ownership and community benefits and so on. As a matter of course, we always set up a community liaison forum at least six to 12 months before we submit a planning application. So, West Coast Energy has gone out of its way over the past few years to heavily engage with communities, and we believe that that has given us some buy-in. There will always be an element of objection to schemes—I do not think that we will ever get away from that, unfortunately—but the community benefit angle we offer, whether it is community ownership, a share of the profits or whatever, gives something tangible for the community to buy into. It also gives us an opportunity to open discussions and negotiations with the community.

[133] **David Rees:** What about local planning authorities, because we have heard in previous evidence that projects are sometimes held up for up to three years? Perhaps Morag could indicate whether she has dealt with any issues in this regard.

[134] **Mr Cawley:** That clearly happens, although I am still not 100% certain why they have to be so delayed. They are obviously big projects and there are difficult decisions to take. There might be a resourcing issue, but I am not convinced that that is always the case. That issue is often thrown at it, but having come from a background of a local authority with an SSA, I do not believe that resourcing is the big issue in that regard. There might be some issues associated with lack of expertise within an authority in relation to certain issues. There might be an issue of not being able to take big decisions very quickly—it is almost a burying-your-head-in-the-sand type of issue. There is potential for developers and local authorities to have a more formalised engagement process, because there is usually an initial level of pre-application engagement that involves telephone conversations and a couple of meetings, or whatever. However, there might be opportunities for that to be more formalised so that more time can be spent with the local authority early in the process, which might speed things up further down the line.

[135] **William Powell:** In previous evidence sessions, we heard from some witnesses, and from other developers in particular, that they had experienced the difficulties to which you refer with planning authorities. They also referred to their experience of receiving different and sometimes conflicting responses from some of the statutory consultees. That is particularly relevant now that we are in a situation where we are moving to two or three of those consultees being represented by one body in terms of having one single environmental body in Wales if the relevant tests in the business case are met. Do you have any relevant knowledge from your different experiences of this matter? Are there any issues you would like us to take into account in our study of the proposals going forward to create the body that will incorporate the Countryside Council for Wales, the Forestry Commission Wales and the Environment Agency Wales?

[136] **Vaughan Gething:** To be fair, if you have specific views on the business case for a single environment body, an inquiry on that is about to start, so you could feed in your views to that inquiry. Could you therefore restrict your answer to the point about the statutory consultees? That is certainly a point that has come up and that we will have to consider in this inquiry.

[137] **Mr Cawley:** It is certainly an issue and it certainly leads to delay. There are probably several reasons for it, which were alluded to just now. There is a need for a possibly more formalised—but certainly more pre-application—discussion and sit-down early in the process with CCW, in whatever format it will be in future, and with any other statutory agencies, and to spend plenty of time learning exactly what they want. That will clearly save time further down the line. Obviously, these agencies have to allocate quite a bit of time and resources to doing that upfront. When you have a creaking inbox, perhaps spending time on an application that is not yet submitted will not be a priority, but that clearly needs to be addressed in some way.

[138] It is also possibly a cultural issue, in that some of these organisations may be only starting to grasp the Government's objectives with regard to renewables. That is exemplified by what is going on in Scotland at the moment, where the performance of organisations such as Scottish National Heritage—the equivalent of CCW in Scotland—has improved immensely quite recently. That is because it is now finally embracing the fact that this is happening and going to happen and so it has to work with development, rather than against it all the time. The RSPB is a good example of an organisation, while not a statutory one, that has embraced what is happening and supports renewable energy. You know that if the RSPB objects to a proposal, it means business, because it takes a relatively pragmatic approach—it

accepts that there will be an impact on bird populations and habitats in certain circumstances. It only objects when there is deemed to be a significant effect. I do not know whether Mike wants to add to that.

[139] **Vaughan Gething:** Can we just go back to Morag, because we zoomed past her on David Rees's previous question on local planning agreements, and also get her comments on this issue? We will then go to Mike Webb and Simon Power.

[140] **Ms Ellis:** There are a number of questions to address. I will start with Mr Gruffydd's and Mr Rees's questions on the planning system. I will then also make some points about community benefits, but I am very aware of the time.

[141] On the planning system, unless you are going to have a policy or legislative scheme that says—rather as it does in relation to telecommunications masts—that there are permitted development rights for this form of infrastructure, subject to one or two things, then it is not fair to complain that local authorities do not just consent things if there is then a public inquiry and their stance is upheld by an inspector, as has happened in many instances. It is not right, with respect, for the industry to say that there is therefore a problem with the planning system. If something goes through and the inspectorate upholds the position of the local authority, I do not see that as a problem with the system, but as an endorsement of a local decision. So, one cannot say that TAN 8 or PPW is not working just because some decisions are thrown out. That was my first point.

[142] Clearly, within the IPC, things are done in a very different way. There is a strong perception, probably fairly, that there is less opportunity under the national policy statement system—what now comes under the major infrastructure planning unit—for local communities to come in and ask the serious questions and get serious answers.

[143] You will recall that the recent Covanta Energy scheme was a big energy-from-waste scheme that was then withdrawn. From my experience of the scheme, in relation to which I was acting for Merthyr Tydfil County Borough Council, the applicants got themselves into all sorts of procedural difficulties. In my view, those procedural difficulties—the difficult questions for the applicants—might have arisen rather earlier in the day under the conventional system and, in a sense, less of the applicant's money might have been wasted. On that, I do not think that the associated development business there really helped to assist anybody, in terms of the fact that there would be the big Covanta Energy operation and an associated heat pipe. The associated heat pipe would have been dealt with by Merthyr Tydfil County Borough Council as the planning authority. There were obvious difficulties there. It is worth looking at that as a case study on that general topic.

[144] Regarding the single environmental body and consultee responses, consultees clearly need to have regard to the international obligations on renewables and so on. However, again, a 'yes' answer from a consultee is not the only proper answer. We are short of time, but I would urge the committee to ask some serious questions about the consultation process on peat with regard to the Pen y Cymoedd scheme and the Countryside Council for Wales. Have a look at what happened there and think about how robust you all feel that process was. Regarding the single body, clearly that is a separate process. If there is to be a single body, careful thought will have to be given to potential conflicts of interest within it. If the Forestry Commission Wales, CCW and Cadw are all part of the same body, they may have different land ownership and regulatory interests. That will have to be looked at very carefully. It seems to me that those interests may well come to the fore when considering windfarm proposals.

[145] On community benefits, you asked to me to advise about case law. You need to have a look at, or ask your advisers to look at, the case of Awel Aman Tawe versus Welsh

Ministers, which I believe was in 2007. It endorsed the approach to community benefits in the existing TAN, which said that it is fine if companies want to go along and have discussions with local communities—it is a matter for them—but that those discussions cannot be taken into account as planning considerations. You need to have a think about whether you want that to continue to be the case; my advice would be that it should. It seems to me that if you are going to go down a community benefits route, the vehicle for that should be the emerging community infrastructure levy schedules mechanism. There is always a problem with community benefits with regard to who the operator makes their agreement with: do they negotiate with the parish council, at county borough level, or with some self-appointed little group? What level of certainty does the operator get that there is not still going to be a raft of objections? Those are quite difficult issues. As to the distribution of benefits, taking into account the environment along with the economy and so on, it seems to me that properly done CIL schedules could be a mechanism for doing that. That was a quick canter through a number of questions.

[146] **Vaughan Gething:** That was very helpful. I ask Mike Webb and Simon Power for their responses, and then I think that we will have to finish.

3.00 p.m.

[147] **Mike Webb:** We need to give credit where it is due regarding the statutory bodies. Written evidence in relation to the inquiry from the statutory bodies has shown that they face a vastly increasing case load—I am sure that Jonathan Cawley will acknowledge that—at a time when budgetary provision is probably not keeping pace with it. The RSPB would, in theory, accept a single environment body, because it allows for a degree of harmonisation between the former bodies. However, the wider context in which a single environment body is being debated at the moment is one of economic austerity. I would be very surprised if a single environment body was given the combined budgets of the former organisations. Therefore, the statutory bodies and a future single environment body are faced with an ever increasing workload, but with a relatively smaller budget. So, I am making a plea for understanding with regard to the hard-pressed statutory bodies.

[148] **Vaughan Gething:** Simon Power now has the last comments from our witnesses today.

[149] **Mr Power:** I will pick up the point about the planning systems. During the past five, six or seven years there has been nothing, in a sense, that has stopped local authorities granting windfarm applications, almost in spite of all the policies and the different legislative arrangements we have. Some of those applications may have been called in, but, in a sense, if there was positive leadership and positive local support for them, they would be happening. With regard to the planning system—whether it is the IPC process, the local authority system or TAN 8—our clients pay for Morag and people such as ourselves to negotiate those processes. The evidence from Scotland, certainly, suggests that this is about strong political leadership for the technology and the renewable energy targets.

[150] At the moment, I sense that you do not as a committee have the evidence on what would happen if you were to change TAN 8. Perhaps you need more spatial evidence on what would happen if you opted for a criteria-based process: what it would look like, what it would mean, how many windfarms you would get and where they would be. You could then present that information either here or to the Ministers and get a view. I am slightly worried at the moment that we are perhaps talking in abstract about what the outcomes might be. To make a political decision, you need to know what the implications of that policy might be.

[151] Finally, thank you for having us all.

[152] **Vaughan Gething:** Thank you all for attending and for giving oral evidence to us. It has been an interesting evidence session, covering a wide range of areas. It has been particularly helpful to us considering the range of views we hear on the same subject. Like everyone who gives oral evidence to an Assembly committee, you will receive a transcript of the meeting, and you will have an opportunity to correct any factual errors. You will hear from us formally in due course. Thank you, again, for attending and giving evidence today.

[153] Members, we will deal with item 3 at the start of the meeting next Wednesday; I do not think that we need to deal with that today. The Common Fisheries Policy Task and Finish Group will meet at 9 a.m. next Wednesday. I assume that members of that group will be on time for Julie James, who is the Chair. The whole committee will then meet at 9.45 a.m. next week. That concludes our business for today.

*Daeth y cyfarfod i ben am 3.03 p.m.
The meeting ended at 3.03 p.m.*