

Environment and Sustainability Committee

Inquiry into Energy Policy and Planning in Wales

EPP 276 – Welsh Conservative Group: Powys County Council

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Clerk of the Environment and Sustainability Committee
National Assembly for Wales
Ty Hywel
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28th September 2011

Dear Sir/Madam

Re: Written Evidence for the Enquiry into Energy Policy and Planning in Wales

The Welsh Conservative Group of councillors on Powys County Council would like to formally put on record some of the concerns we have in relation to the Welsh Government's current renewable energy policy and the planning guidance that underpins it.

On 29th June this year, Powys County Council unanimously backed a motion calling on the Welsh Government to carry out an immediate review of *Technical Advice Note 8: Planning for Renewable Energy* (TAN 8). The Council also unanimously called for a complete moratorium on all applications, whether pending decisions or in pre-application stage, until that review is completed.

In carrying out the review, Powys County Council was prescriptive in its motion and has specifically asked the Welsh Government to consider the environmental, socio economic, community, health, ecological, transportation, cultural and cumulative impacts of the construction of wind farms and the necessary infrastructures in rural Wales. It has also asked that, in carrying out the review, the Welsh Government carries out a cost-benefit analysis of wind farm energy production when compared to alternative sources of energy.

TAN 8

Technical Advice Note 8 ("TAN 8"), "Planning for Renewable Energy", was published in July 2005 but remains material to the determination of planning applications by local planning authorities such as Powys and to the giving of consultation responses by local planning authorities such as Powys to the Infrastructure Planning Commission ("IPC") in relation to strategic energy projects of more than 50MW. Its purpose, as stated in its paragraph 1.1, is to provide technical advice to supplement the

policy set out in Planning Policy Wales (“PPW”) and the Ministerial Interim Planning Policy Statement (“MIPPS”), which itself amended PPW. PPW was recently revised and was re-published in February this year.

The background to TAN 8 is set out in its paragraph 1.4: in order to meet UK-wide targets, the Welsh Government concluded that an additional 800MW of additional installed capacity was required from onshore wind sources.

Paragraph 2.2 explains that, in order to try to meet that target, the Assembly Government (as it then was) commissioned extensive technical work from the consultancy firm Arup which led to the conclusion that, for efficiency and environmental reasons amongst others, large scale onshore wind developments (defined as those over 25MW) should be concentrated into particular areas known as Strategic Search Areas (“SSAs”). SSAs were identified through a variety of means having been the subject of further detailed consideration in specially commissioned research by the consultants Garrad Hassan in 2004. SSAs are shown on a series of Maps in TAN 8. The Welsh Government will be aware that two of the SSAs (Carno North and Newtown South) lie wholly within Council’s geographical boundary; one of the SSAs (Nant-y-Moch) lies partly within it.

In respect of each of the SSAs, TAN 8 provides indicative targets of installed capacity in MW. Paragraph 2.5 explains that “although the Assembly Government has an established target of 800MW of installed onshore capacity, Table 1 indicates that SSAs may be capable of accommodating up to approximately 1120MW of additional capacity. This degree of flexibility is necessary to ensure that the proposals for a total of 800MW come forward by 2010. The installed capacity targets are intended to assist the planning process and are **not** to be seen as the definitive capacity for the areas. There may be practical, technical and / or environmental reasons why the capacity may be more or less than that indicated” (emphasis added).

From its publication, TAN 8 was intended to feed into the plan-making process at local level. Section 5 of TAN 8 set out that the local implications of TAN 8 should be incorporated into Local Development Plans (LDPs) in line with the requirements of the LDP process. As it was put in paragraph 5.4 of TAN 8: “the SSAs for onshore wind as identified on Maps 1-8 are of key importance to the achievement of energy policy targets; they must be referred to in local development plans and, if refined, incorporated into local development plan proposal maps”. Further advice was given at Annex D. This set out a detailed “potential methodology” for undertaking a local authority-led study of any of the SSAs.

It has always been perfectly plain from the face of TAN 8 itself that the indicative targets for installed onshore capacity are just that: indicative. They were never intended to act as a “cap”. This position has been reaffirmed to Powys County Council by Welsh Ministers on numerous occasions, public and private, since TAN 8 came into force. Simply by way of example, Rosemary Thomas, Head of the Planning Division at the then Welsh Assembly Government wrote to Mr Packer of Powys County Council on 8 September 2008: “I confirm that the targets contained in the Technical Advice Note 8 are indicative and should not be treated as absolute constraints on the capacity of the individual Strategic Search Areas”.

Consistently both with what TAN 8 itself says and what Powys Council has repeatedly been told by the Welsh Government, planning officers at Powys have never indicated to any applicant for planning permission that they risk refusal solely on the basis that they exceed an SSA’s indicative capacity. Powys County Council’s approach has given applicants who have needed to spend up to millions of pounds to secure electricity grid connections an appropriate degree of confidence that their investment will be reasonably sound.

The promise of a review

Powys County Council and developers, were able to derive even more confidence in their approach through the previous government's commitment, as published in *One Wales – A progressive Agenda for the Government of Wales* (2007) to review TAN 8 following production of an Energy Route Map and an Assembly government Energy Strategy, "revising upwards the targets for energy from renewables, drawn from a range of sources". The Route Map published in 2008 reaffirmed the same commitment (see paragraphs 7.15 and 7.16 of the same). Paragraph 7.17 of the Route Map made clear why a review was so necessary: "if all potential projects were to go ahead in full, wind-farms within the TAN 8 strategic search areas could produce up to 2500MW of capacity: three times the existing TAN 8 indicative target for 2010...".

In light of the previous administrations commitment to a review, the consultants Arup were again commissioned in October 2009 to undertake a study that would provide an evidence base to inform a revised planning policy framework for onshore wind development in and around the SSAs. The research, published in June 2010, found that proposals for some 2300MW of onshore wind were at that time under consideration in and around the SSAs, almost all since the publication of TAN 8 in 2005. It further found that, based on knowledge of current project developments, there appeared to be only the potential for around 300MW of additional development in and around the SSAs.

It is plain from the 2010 Arup study that the amount of proposed capacity within the SSAs significantly exceeds the indicative capacities set out in TAN 8. This position was consistent both with the Welsh Government's repeated message that the capacities were indicative only, and with the Welsh Government's repeated promises that TAN 8 would be reviewed so as to revise the old targets upwards.

In spite of all this, no review of TAN 8 has yet taken place. The Welsh Government now appears to be taking a radically different approach.

The Welsh Government's recent approach

On 17 June 2011, the First Minister made a written statement on the subject "Planning for Renewable Energy in Wales". In that statement, the First Minister said that the indicative capacities set out in TAN 8 on 2005 reflected a considered view of the potential impact of grid and transport connections but that, in a number of the SSAs, developer interest had greatly exceeded those indicative figures. The First Minister expressed the Welsh Government's belief that "this level of development is unacceptable in view of its wider impacts on the local area". He went on: "in our view the TAN capacities should be regarded as upper limits".

The First Minister sought to justify this approach on the basis that "the level of capacity within the Strategic Search Areas ... set in 2005 would negate the need for the large obtrusive pylons which are causing such concern ... It has always been our position, as set out in our Energy Policy Statement, that such connections should be delivered by less intrusive techniques, and as sensitively as possible, including the use of undergrounding".

The First Minister's statement was followed in July by a letter to stakeholders from Mr John Griffiths AM, Minister for Environment and Sustainable Development, purporting to "provide further clarity

on the issue of **maximum** installation capacities for onshore wind within the Strategic Search Areas (SSAs) identified in TAN 8 in 2005". The letter sought to draw attention to passages in TAN 8 in which reference to underground cabling is made, and stated: "provided development is limited to the maximum capacities above, we do not believe there is a need for the large, visually intrusive, high voltage grid network infrastructure and associated sub-station of the kind proposed within Mid Wales ...".

Why a review and moratorium is now urgently required

It will be immediately apparent that the Welsh Government's latest position represents a volte-face on the issue of capacities under TAN 8. Three reasons in particular more than justify a review of TAN 8 as it stands.

Firstly, the Welsh Government's position not only contradicts TAN 8 itself on its face but sits uneasily with the general policy framework on renewable energy. That situation cannot be allowed to continue.

TAN 8 itself expressly contemplates that the stated indicative capacities can be exceeded. PPW 2011, in the light of which TAN 8 is supposed to be read, remains clear that "strategic scale wind energy continues to offer the greatest potential (for activities within the control of the planning system in Wales). Wales has an abundant wind resource and power generation using this resource remains the most commercially viable form of renewable energy ... the need for wind energy is a key part of meeting the Assembly Government's vision for future renewable electricity production as set out in the Energy Policy Statement (2010) and should be taken into account by decisions makers when determining such applications" (see paragraph 12.8.12). Also, specifically, paragraph 12.8.14 of PPW 2011 advocates that "an integrated approach should be adopted towards planning renewable and low carbon energy developments and additional electricity grid network infrastructure. Additional electricity grid network infrastructure will be needed to support the SSAs and local planning authorities should facilitate grid developments when appropriate proposals come forward...".

Whether or not the Welsh Government's current position is in contradiction of TAN 8 and / or other policy, it remains at the very least unclear whether there are any circumstances in which the Welsh Government would consider acceptable a proposal the result of which is that a capacity for an SSA in TAN 8 is exceeded (and if so what they are). The uneasy relationship between TAN 8 and the surrounding policy framework, on the one hand, and the Welsh Government's latest position, on the other, is especially significant given that it is also unclear what the status of the First Minister's statement is in the determination of planning applications and in the giving of consultation responses to the IPC. This wholly unsatisfactory situation demands that there be a moratorium on the determination of wind-farm applications pending the long-awaited review of TAN 8.

Secondly, if the Welsh Government's position that the capacities in TAN 8 are maxima is to be followed by local authorities, unless there is a review of those capacities it would appear impossible to accommodate the amount of onshore wind infrastructure currently proposed, including that which does *not* involve the siting of pylons. Quite aside from the fact that the change in the Welsh Government's position has undermined a great deal of pre-application and other advice given by Powys council officials and other local authorities to developers, it is perverse: the way to address a concern about pylons is plainly not to limit the amount of onshore wind energy the development of which may or may not require the installation of pylons. The need for a review to address the issue in a rational way carries with it the need for a moratorium pending the outcome.

Thirdly, whether or not the Welsh Government's position that the capacities in TAN 8 are maxima is to be followed by local authorities, there are still powerful reasons for a review. We believe that, following a number of years of debate on the issue, the Welsh Government should now be considering whether the capacities in TAN 8 need adjusting. Relevant to that issue must be not only the knowledge now acquired of the scale of proposed and planned infrastructure but also, importantly, a consideration of the environmental, socio economic, community, health, ecological, transportation, cultural or cumulative impacts of the construction of wind farms specifically and the necessary consequential infrastructures in rural Wales. There should also be a full cost-benefit analysis of wind farm energy production when compared to alternative sources of energy. Only through a review of this scope will the Welsh Government be in a position to produce guidance to local authorities in respect of planning within SSAs which balances the undoubted need to address UK-wide renewable energy targets with the need perceived by many to avoid the visual harm caused by over-ground cabling arising specifically from wind-farm proposals.

We would urge the Committee to view this unprecedented action taken by Powys County Councillors with special interest and hope it will positively influence its deliberations and will be reflected within its final report.

Yours faithfully

Cllr. Simon Baynes
Cllr. Aled Davies
Cllr. Russell George
Cllr. Peter Harris
Cllr. Mike Hodges
Cllr. Peter Lewis
Cllr. Sarah Millington
Cllr. Gareth Radcliffe
Cllr. Francis Torrens