

## **SC(3)-14-10 Paper 2**

### **Sustainability Committee Inquiry into Planning**

#### **RenewableUK Proof of Evidence**

**18<sup>th</sup> June 2010**

#### **Who are RenewableUK?**

RenewableUK (formerly BWEA) was established in 1978 and is the representative body for companies active in the UK wind, wave and tidal energy market. We represent all aspects of the renewables industry from manufacturers of the technology, through to developers and installers, legal and environmental specialists, construction and investment firms. We also have members in the education and training sector – helping to develop the skills needed for the future. As the largest Renewable Energy trade association in the UK, our membership has grown rapidly over recent years and now stands at just over 600 companies.

This paper focuses on renewable energy planning policy in Wales. Looking at planning policy for wind energy set out in Technical Advice Note 8 (TAN8), and using Powys as a case study example, we have identified a number of recommendations at the end of this paper.

#### **Introduction: TAN8 – where we are against targets**

At the time that TAN 8 was published in 2005 the Assembly Government had a renewable energy target to generate 4TWh per annum by 2010 and 7TWh by 2020. In order to meet the 2010 target the Assembly Government concluded that an additional 800MW of installed capacity should be delivered by onshore wind sources, while another 200MW would be required from offshore wind and other renewables.

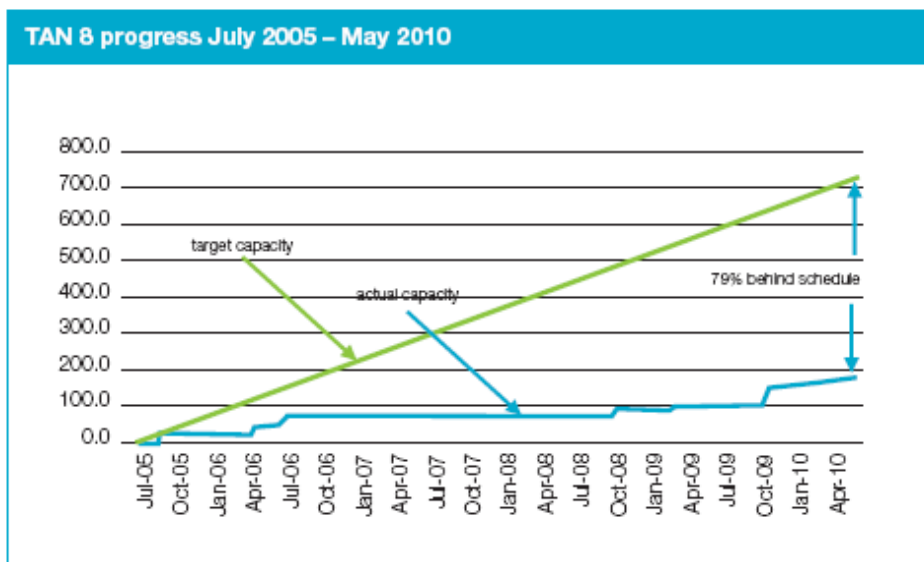
By identifying seven Strategic Search Areas (SSAs) for the development of large scale onshore wind farms and an overarching delivery target of 800MW installed onshore wind energy capacity (above 2005 levels) within these areas, TAN8 effectively established a planning presumption in favour of wind farm development within these SSAs. In doing so, the Welsh Assembly Government (WAG), through TAN8, also implicitly endorsed the evolution of wind farm landscapes within Wales' SSAs and accepted that this approach would lead to cumulative impacts in these areas.

However, as Wales' renewable energy aspirations grow year by year, the planning process for wind energy development remains slow and unpredictable, with numerous examples of applications being refused against officer recommendation, or called in by WAG. The local planning system is struggling to

deal effectively with wind farm planning applications (both TCPA applications and Section 36 / IPC applications).

## Current performance

As things stand in June 2010, with only seven months to go before the expiry date for target delivery, only 148MW (19%) of the additional 800MW target set in 2005 has been delivered. As a result, onshore wind energy deployment in Wales is 79% behind schedule.



In contrast, there are currently over 1,290MW of onshore wind capacity sitting in planning, awaiting determination in Wales.

## Reasons for slow delivery

### TAN8 Refinement

Provisions made within TAN8 for planning authorities to conduct local refinement exercises within each SSA (Annex D studies), as a means to “*guide and optimize development within each of the areas*” have, in practice, contributed to considerable uncertainty and planning delays, with many applications having to wait years for determination while refinement studies were carried out. Many planning authorities have conducted SSA refinement exercises with a view to identifying the minimum land area required to deliver no more than the indicative capacity for each SSA, as outlined in TAN8 and are using these capacities as caps on development, not as minimum thresholds for deployment.

## **Decision Making**

Within these refined SSAs there remain numerous examples of applications being refused against officer recommendation, or called in by WAG. Following the decision of at least one local authority<sup>1</sup> to abandon its refinement exercise after making a number of inconsistent planning decisions, there is current confusion as to the weight to be accorded to such studies and draft supplementary planning guidance.

It is clear from the number of applications sat in the system and the low level of capacity approved to date, that the planning system is currently a significant barrier to the delivery of Wales' onshore renewable energy targets. In addition, a number of other factors including grid and transport networks and local authority and stakeholder resources have also contributed to frustrate delivery against TAN8 objectives.

In exploring these issues further we have chosen to use a case study example of wind energy in Powys, where a large area is identified for potential wind energy development through SSAs B, C and D and where a target of around 400MW of capacity was identified for delivery by 2010.

## **Powys Case Study**

We have been asked to make specific references to the Industry's experiences in Powys as an example of the delivery of onshore wind in Wales. The issues outlined below are experienced across Wales, however the scale of Powys and the number of SSA's means that these issues are more prevalent in Powys, than other parts of Wales.

## **Success in Planning**

Despite the large number of projects within the planning system, the number of applications determined in the 5 years since the introduction of TAN8 has remained low. In the first 12 months following the publication of TAN 8, only one project (Carno 2) was approved. Since July 2006, only one further project has been decided in Powys, with Pentre Tump refused in February 2010, earlier this year. As a result, of the 15 projects (more than 785MW) to have been submitted within Powys between 2005 and 2010, just two projects, and less than 3% of Powys' submitted capacity has been determined within the county since 2005. Taking this one example, it is abundantly clear that both determination and approval rates need to dramatically increase in Powys, as in the other SSAs, if Wales is to belatedly achieve the 2010 TAN8 target of 800MW in the early years of the next decade.

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<sup>1</sup> Denbighshire Council

## **Time in Planning**

Another major concern to the industry is the length of time it takes for both planning authorities and the Planning Inspectorate to determine wind farm applications, which has served to stagnate and undermine target delivery. Looking at the two projects so far determined under TAN8 in Powys, these two projects collectively spent 129 months awaiting determination, with Carno 2 approved after 33 months and Pentre Tump refused after waiting 96 months (8 years) for the Council to make a decision. These decision times and an average time in planning of 25 months for the remaining 13 projects still awaiting a decision in Powys clearly demonstrate that the planning system remains slow, arduous and expensive for developers who are pursuing onshore wind farm projects in Wales. These delays continue to occur despite a statutory requirement on local authorities to working to a 16 week target for deciding applications.

In the absence of timely or consistent decision making at the local level, the Assembly Government has encouraged the use of the appeal system as a means of recourse. While developers are able to appeal on the grounds of non determination where they do not feel that an application is being progressed, there has been little evidence that developers are keen to pursue this course of action. This is because there is normally around a 9 month waiting period between non-determination and an inquiry date and this route entails considerable unnecessary expense for both sides.

In areas where concerns about how to address cumulative issues have resulted in a backlog of wind farm applications, developers are also reluctant to appeal for non determination, in case whilst they are waiting for their Public Inquiry, applications start moving at the local level and other applications are approved.

## **Resources**

Due to the extensive case load that some local planning authorities and other statutory consultees process, the level of financial and skilled personnel resources available to deal with applications effectively is a major concern to the industry. Planning stakeholders at all levels, continue to be under-resourced. If we are to deliver against targets for all renewable energy types, there is an urgent need for additional education and resources across the board – in councils (for both Members and officers), statutory consultees and government. While RenewableUK notes and has welcomed the 2009 announcement by WAG of a planning review and of additional financial resources for local planning authorities, we have concerns that other key planning stakeholders will remain underfunded, especially in light of anticipated future cuts in public sector funding. Planning fees for wind farm developments also need to be ring fenced.

Responding to concerns over the lack of planning expertise and resources, WAG has issued a 'Local Authority Renewable Energy Toolkit' that will assist Planners in determining energy project applications. Jane Davidson and Deputy First Minister Ieuan Wyn Jones have also jointly written to all councillors

reminding them of their key role in delivering renewable targets and asking them to engage constructively with the IPC and applicants. This sort of intervention is welcomed and needs to be maintained.

## **Grid**

In mid-Wales, where three of the seven SSAs (areas B, C and D) are located, there is a need for a new 400kV grid line to be built in order to export electricity generated from wind farms in the area. The lack of grid in mid-Wales is therefore a major barrier to the delivery of TAN8's 2010 target. In working to resolve this problem, RenewableUK has been engaging closely with National Grid and the two organizations have co-funded a study that identified high level constraints to grid infrastructure in the area. This study has now been completed and National Grid has begun a consultation process with statutory consultees. Further detailed consultations will be conducted by National Grid that will include routing studies and Environmental Impact Assessments. With planning applications both for a substation and a 400kV grid line being prepared by the end of 2012, National Grid expects that construction will be completed by October 2015.

The importance of building additional grid network in mid-Wales is critical, as a significant proportion of applications that have or are due to be submitted into planning are located in this area. While four projects with a total capacity of 204MW will be able to proceed in mid-Wales before the new grid line is in place, provided that they are granted planning permission (or section 36 consent), the majority of projects will not be able to generate electricity until the new grid line has been constructed.

The lack of available grid network in mid-Wales until at least 2015 is therefore a crucial factor to be considered when trying to estimate TAN8 target delivery. If we are to bridge the delivery gap, it will be necessary to increase generation in the other four SSAs in north and south Wales, although new infrastructure is also needed to both reinforce and extend the grid networks which serve the north and south of the country.

## **Transport Issues**

The concentration of a number of proposed wind farms in the SSA and the potential for concurrent construction has raised concerns over the number and frequency of abnormal load transport movements. This is likely to be the case in all the SSAs, but due to the close proximity of SSAs B, C and D, the high number of proposed projects and existing road network, it is more immediately apparent in mid-Wales.

In an attempt to overcome transport barriers in mid-Wales, the RenewableUK Cymru Transport sub-group has been working closely with WAG, Powys County Council, the Mid Wales Trunk Road Agency and police authorities to manage these impacts and to try and address concerns. RenewableUK has commissioned the creation of an assessment tool that will map out the projects' locations and the transport constraints in order for the authorities to determine the scheduling of transport movements. The identification of strategic routes does force deliveries along the roads 'best able' to accommodate the

traffic (such as trunk roads) and reduce the number of routes that need to be upgraded, but it does also concentrate all abnormal loads (and impacts) along the same routes.

The sub-group has also been in discussion with the police services and WAG regarding the establishment of a dedicated all-Wales police unit that will be able to strategically manage convoy movements. As these matters progress it is vital that dry runs of likely vehicle movements are licensed, and carried out at the earliest possible stage, in order for the authorities and industry to determine the most appropriate and practical solutions.

### **Continued resistance to TAN8**

TAN8 established the principle of the Strategic Search Areas for onshore wind farms, and implicitly endorses the evolution of a wind farm landscape in these areas. Whilst any individual proposal must prove that its environmental effects are acceptable alone and in combination with other projects, there is a strong presumption in favour of wind farm development in these locations. However a number of consultees still appear to be objecting to planning applications and raising concerns more on the principle of TAN8 than on the issues generated by individual planning applications. It often feels like consultees are challenging the TAN8 approach and policy by objecting to planning applications or at Public Inquiries, one example of this is the proximity of wind turbines to the National Parks.

## **Recommendations**

### **Review TAN8**

Arup have been appointed by WAG to assess the remaining capacity that potentially could be developed within the existing Strategic Search Areas. Their preliminary findings suggest that there is a potential for 3000MW if a more flexible approach is taken. Whilst RenewableUK would greatly encourage increased flexibility, RenewableUK Cymru is extremely concerned about the over simplification of this assessment. If sites within the SSAs are not being actively developed at this stage, this is usually for a good reason. For example the landowner is not interested, or the site is constrained by a nearby property or difficult access. It is considered that further increasing wind farm density within the limited areas of the existing SSAs will exacerbate the negative implications associated with cumulative impact. There is also considerable potential beyond the SSA in non grid constrained areas, that is suitable for both community scale other small schemes outside SSAs – as well as the potential for larger schemes on sites that can be demonstrated through EIA to be suitable for development.

### **Grid**

National Grid expects to get IPC consent for a mid Wales grid route and substation by the spring of 2012. It is vitally important that the National Grid consultation is open, transparent and delivered in a timely manner. RUK have made strong representations to Ofgem in response to a KEMES report that seemed

to question the necessity of a new mid Wales network. WAG needs to both educate consultees, LPAs (in Wales and neighbouring authorities in England) and the general public that the grid upgrade is a critical part of delivering TAN8 and realising the potential of renewable energy in mid Wales and provide additional resources to stakeholders engaged in the process.

### **Transport access**

The concurrent construction of multi wind farm sites has raised local concerns in particular areas of mid Wales. RenewableUK have continued to work closely on this matter with key stakeholders including the Welsh Assembly Government, Powys County Council, the Mid Wales Trunk Road Agency and Police Authorities of Wales to manage and reduce negative traffic impacts. In addition to identifying the constraints in order for the authorities to determine the scheduling of movements, the industry has been collaborating to bring forward test runs that will inform the eventual solution.

### **Planning**

Planning stakeholders at all levels, continue to be under-resourced. If we are to deliver against targets for all renewable energy types, there is an urgent need for additional education and resources across the board – in councils (for both Members and officers), statutory consultees and government. Local planning authorities and other key stakeholders must be protected from future cuts in public sector funding. Planning fees for wind farm developments also need to be ring fenced.

Consultees must be encouraged to accept the approach of TAN8 and to help facilitate TAN8 where appropriate. WAG should also actively monitor progress towards the TAN8 targets.