



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

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

Dydd Iau, 1 Rhagfyr 2011
Thursday, 1 December 2011

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

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

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

Mick Antoniw	Llafur Labour
Rebecca Evans	Llafur Labour
Vaughan Gething	Llafur Labour
Russell George	Ceidwadwyr Cymreig Welsh Conservatives

Julie James	Llafur Labour
William Powell	Democratiaid Rhyddfrydol Cymru (Cadeirydd y Pwyllgor) Welsh Liberal Democrats (Committee Chair)
Antoinette Sandbach	Ceidwadwyr Cymreig Welsh Conservatives
Rhodri Glyn Thomas	Plaid Cymru (yn dirprwyo ar ran Llyr Huws Gruffydd) The Party of Wales (substitute for Llyr Huws Gruffydd)

Eraill yn bresennol
Others in attendance

Graham Brown	Cadeirydd, Grŵp Gweithio TAN 8, Cyngor Sir Powys Chair, TAN 8 Working Group, Powys County Council
David Lewis	Aelod Cabinet dros Ddatblygu Economaidd & Gwasanaethau Eiddo, Cyngor Bwrdeistref Sirol Castell-nedd Port Talbot Cabinet Member for Economic Development & Property Services, Neath Port Talbot County Borough Council
Craig Mitchell	Swyddog Polisi, Cymdeithas Llywodraeth Leol Cymru Policy Officer, Welsh Local Government Association
Steve Packer	Cynghorydd Prosiectau Arbennigol, Cyngor Sir Powys Specialist Projects Adviser, Powys County Council
Alan Southerby	Uwch Reolwr, Rheolaeth Datblygu, Cyngor Sir Powys Senior Manager, Development Management, Powys County Council
Geoff White	Pennaeth Cynllunio, Cyngor Bwrdeistref Sirol Castell-nedd Port Talbot Head of Planning, Neath Port Talbot County Borough Council

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

Dr Virginia Hawkins	Clerc Clerk
Catherine Hunt	Dirprwy Glerc Deputy Clerk
Graham Winter	Gwasanaeth Ymchwil Research Service

Dechreuodd y cyfarfod am 1.19 p.m.
The meeting began at 1.19 p.m.

Cyflwyniad, Ymddiheuriadau a Dirprwyon
Introduction, Apologies and Substitutions

[1] **William Powell:** I would like to welcome everyone to this afternoon's meeting of the Environment and Sustainability Committee.

[2] Croeso cynnes i bawb. A warm welcome to all.

[3] We shall be hearing evidence from various representatives of the local government family this afternoon. In a moment, I shall ask Craig Mitchell, policy officer with the Welsh Local Government Association, to introduce the batting order, but before I do, there are a few housekeeping announcements to make.

[4] In the event of the fire alarm sounding, you should leave the room by the marked fire

exits under the guidance of the ushers. There are no practices scheduled, so if we hear the alarm it will be the real thing. Please switch off all mobile phones, pagers and BlackBerrys as they interfere with the broadcasting equipment. As ever, we operate a bilingual policy. Headphones are provided, through which the simultaneous translation may be heard. For any of you who are hard of hearing, they can also be used for application. Translation is on channel 1 and amplification is on channel 0. Please do not touch any of the buttons on the microphones as this can disable the whole system, which would be problematic. We have had a request from our colleagues in broadcasting for individual witnesses to indicate their wish to speak so that I can call you to ensure that your full contribution is captured. At this stage, rather than leaving it to the end, I should also say that you will be provided with a full transcript of what has been said for your information and for you to check for factual accuracy after the session.

[5] We have an apology from the permanent Chair of our committee, Dafydd Elis-Thomas, who is unable to attend this afternoon. We also have apologies from David Rees and Llyr Huws Gruffydd. In place of Llyr, we welcome Rhodri Glyn Thomas as his substitute for this afternoon's meeting. Finally, with regard to declarations of interest—although, perhaps, technically, it is not a declaration—I should note that I am a former council member of the WLGA and a current member of Powys County Council.

[6] **Russell George:** Just for the record, although I do not think it is necessary, but I would also like to put on record that I am a member of Powys County Council.

[7] **William Powell:** Excellent.

1.22 p.m.

**Ymchwiliad i Bolisi Ynni a Chynllunio yng Nghymru—Tystiolaeth gan
Gymdeithas Llywodraeth Leol Cymru ac Awdurdodau Lleol
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Local Government Association and Local Authorities**

[8] **William Powell:** Craig, it is over to you.

[9] **Mr Mitchell:** Just by way of introduction, before I ask our attendees to introduce themselves and explain their relationship with this issue, I want to make a couple of quick points. Obviously, energy remains a significant issue for us in Wales and for us in the WLGA. As the committee is well aware, with regard to issues such as fuel poverty, energy security, the carbon intensity of our energy and the mix of that energy, which are critical, we have sought to support our local members on these issues through the work that we have done under the sustainable development framework. There are links to that framework in the evidence that we submitted to the committee. The purpose of that work is to try to set the context and the framework for the sorts of difficult decisions that members will have to make in relation to issues such as renewable energy. For the rest of this year, we will be working intensely with the City and County of Swansea to try to explore what it will mean to have sustainable development as a central organising principle for local authorities. We hope that that will feed into the sustainable development Bill.

[10] Not wishing to delay things further, perhaps I can ask our attendees to introduce themselves and to explain their relationship with these issues, starting with Councillor Lewis on my right.

[11] **Mr Lewis:** I am Councillor David Lewis. I am from Alltwen in the Swansea valley. I am a cabinet member for economic regeneration, tourism and estates. I am certainly hands-on

with planning.

[12] **Mr White:** I am Geoff White, the head of planning for Neath Port Talbot County Borough Council. The council has not made any representations to this committee. We are somewhat intrigued that we were effectively invited to come along in any event. I guess that it is because of our background, having dealt with a few windfarm applications as well as a significant number of energy from waste applications—biomass applications.

[13] **Mr Southerby:** Good afternoon, everyone. I am Alan Southerby. I manage the team that deals with planning applications at Powys County Council. Of course, that includes submissions made to the Infrastructure Planning Commission and to the Department of Energy and Climate Change. My relationship with the issue is that my department deals with the significant number of applications that we have to consider in Powys.

[14] **Mr Packer:** I am Steve Packer. I am currently known as the specialist services adviser. I am actually a planning officer. I have been dealing with windfarms, including the applicants, since 2007. I have managed to get one to committee so far.

[15] **Mr Brown:** I am Councillor Graham Brown, and I am here as chairman of the TAN 8 working group, which was set up following the adoption of a motion by Powys County Council in June this year. As Alan said, the windfarm planning issue is one that significantly affects Powys.

[16] **William Powell:** Just to kick off, I would like to ask a few general questions about the overall framework. What do local authorities in Wales see as their role in delivering the Welsh Government's strategic energy policy and targets? I will ask Craig to start with that, or to field it.

[17] **Mr Mitchell:** Perhaps I can start and colleagues can come in if they wish. The energy policy is articulated through a range of key documents published by the Welsh Government. In the Welsh Local Government Association we see our role as ensuring the communication of those targets and the understanding of that framework. Under the sustainable development framework we have previously commissioned some work in interpreting these sorts of issues into quantifiable local policies for implementation. We see it very much as providing the framework for the plans and policies that local authorities develop. Perhaps colleagues would like to come in and talk about how that fits into the local planning process.

[18] **Mr Southerby:** From my perspective, when it comes to making determinations and considering planning applications, the law says that the starting point is always the development plan of the local authority. Other material considerations then come into the equation, and there is a never-ending list of those. The national policies of the Welsh Government are very much material considerations that we need to take into account and weigh in the balance when we make decisions on planning applications. As Craig says, they will also figure in the development of policies, through either the urban development plan or local development plan process, which Powys is embarking on at the moment. When we are in the position as officers of making decisions on planning applications or making recommendations on applications to the planning committee, then the policies of the Welsh Government—I am repeating myself now—are very much material considerations that we must take into account and weigh in the balance against any other material considerations, competing or otherwise.

[19] **Mr White:** Targets are the issue that I do not think that feature that greatly in terms of consideration. TAN 8 as a document is a material consideration for us to take into account, but, from a local authority perspective, what is probably more important is the impact of the development rather than the targets specifically. The target helps to support the reason why

we have strategic search areas for wind energy, but the target itself is not the aim—that is an outcome, if you like.

[20] **William Powell:** What changes to the current regime are needed to enable the whole process to operate more effectively?

[21] **Mr Mitchell:** I will lead off, but I know that colleagues will have very strong views on this. In the area that we are talking about, TAN 8 is a key consideration, and in our submission we indicated that we were not averse to a review of TAN 8. However, Geoff has mentioned targets, and we are mindful that in delivery against those targets we are very much behind the curve on what the overall national strategy indicates that we need. Therefore, our concern was that any discussion around reviewing TAN 8 at the moment may add a layer of confusion and to unease among developers and investors in terms of the number of applications that they have in the system that are working their way through. Our concern was that a discussion around that may undermine the delivery of what we are moving towards now. However, having said that, the world has moved on since TAN 8 was developed. The types of technology have changed, and the impact of that technology has changed. Indeed, there is a case in the High Court this week around noise from turbines, which I understand has now been settled out of court. That, in relation to the cumulative effect of this new technology, and also the transport issues, means that we may be reaching the point where we need to consider a review of some sort. Indeed, in the evidence that this committee has received from developers, they are starting to indicate that the clarity and the certainty that TAN 8 delivered has, perhaps, been eroded as well.

1.30 p.m.

[22] **Mr Brown:** I expect that you will see a different perspective coming from the elected members as opposed to the planning officers. From our point of view, the reviewing and updating of TAN 8 is essential. I do not think that the authors of TAN 8 envisaged, particularly in Powys, the responses that there have been for development in strategic search areas, and the cumulative impact of, potentially, 800 or more turbines. Technology has moved on and the turbines have increased in size. The latest inquiries that we have been having have related to turbines that are 606 ft high. I do not think that that was envisaged at all by the authors of TAN 8 when it was written.

[23] An annex to the letter that was sent out to the chief planning officers on 28 February shows that 19 supplemental documents now need to be read in conjunction with TAN 8. That shows that things have evolved beyond that one single document. It is very difficult for anyone to get a clear steer as to what is said and not said in TAN 8. The target issue is becoming a major area of confusion at the moment, because TAN 8 has one set of figures that are a third below the GL Garrad Hassan figures, which the statement in July stated were the correct ones. I have seen an e-mail, which was written only last week, on 22 November, which stated that the indicative targets were removed from TAN 8 in February. So, it is all getting very confusing and a clear steer needs to be given to the public and to planners regarding what needs to be achieved and what is achievable in an acceptable way.

[24] **William Powell:** Craig, you mentioned the case that is in the High Court this week. Before opening up the discussion—because Members have indicated that they would like to ask some further questions on TAN 8—could you let us know a little more detail of that case? Earlier this week, the Assembly's Petitions Committee took on the consideration of a petition regarding that same issue elsewhere in Wales. That information would be very helpful. Rhodri Glyn Thomas has indicated that he would like to lead the questioning, and Antoinette's questions will follow.

[25] **Rhodri Glyn Thomas:** Craig, a **Rhodri Glyn Thomas:** Craig, can you give

ydych yn gallu rhoi rhywfaint o wybodaeth inni yn awr ynglŷn â'r achos yn yr Uchel Lys ynglŷn â phroblemau â sŵn, neu a yw'n well i chi roi nodyn inni ar ôl y cyfarfod?

us some information now about the case being heard in the High Court regarding noise problems, or would it be better for you to provide us with a note after the meeting?

[26] **Mr Mitchell:** Unfortunately, I probably cannot add much more detail. I understand that the case was settled out of court. Therefore, it may not add much clarity, necessarily, to our thinking on this issue. However, the fact that the developer in question chose to settle out of court when the appellant was asking for a considerable sum of money perhaps indicates the difficulty around this particular issue of noise. What was interesting in that case was that the turbines were set at the statutory limit away from the dwelling in question. So, even within those grounds, it caused particular problems.

[27] **Rhodri Glyn Thomas:** Diolch yn fawr iawn am hynny. Gyda chaniatâd y Cadeirydd, yn lle ailagor y drafodaeth ynglŷn â TAN 8 yn ddiweddarach, efallai ei bod yn well imi ofyn fy nghwestiynau i ar TAN 8 yn awr, ac i Aelodau eraill wneud yr un peth. Mae Cyngor Sir Powys wedi gofyn am adolygiad a hefyd am foratoriwm ar geisiadau am dyrbinau gwynt. Mae Cymdeithas Llywodraeth Leol Cymru wedi dweud yn ei thystiolaeth ysgrifenedig—ac wedi ei ailadrodd hynny yn ei thystiolaeth lafar—nad yw'n orfrwdfrydig ynglŷn â'r syniad o gael adolygiad. Fodd bynnag, os y deallais Craig yn iawn, nid yw'n ymwrthod â'r posibilrwydd o adolygiad. Mae Cyngor Cefn Gwlad Cymru yn dweud yn bendant iawn yn ei dystiolaeth nad oes angen adolygiad, ac mai TAN 8 yw'r ffordd orau ymlaen. Beth fyddai Cyngor Sir Powys yn disgwyl ei gael allan o adolygiad? Sut fyddai hynny'n effeithio ar y sefyllfa sy'n eich wynebu?

Rhodri Glyn Thomas: Thank you very much for that. With the Chair's permission, rather than opening up the discussion on technical advice note 8 again later, perhaps it would be better for me to ask my questions on TAN 8 now, and for other Members to do the same. Powys County Council has asked for a review and also for a moratorium on applications for wind turbines. The Welsh Local Government Association said in its written evidence—and repeated it in oral evidence—that it is not overly enthusiastic about the idea of having a review. However, if I understood Craig correctly, it does not close out the possibility of a review. The Countryside Council for Wales stated unequivocally in its evidence that a review is needed, and that TAN 8 is the best way forward. What would Powys County Council expect to gain from a review? How would that impact on the situation that you face?

[28] **Mr Brown:** As far as I am concerned as an elected member, the main thing that I would be looking for is clarity and certainty as to what is being met by the indicative targets. As I said at the beginning, I do not think that it was envisaged by the authors of TAN 8 that there would be such a response within the strategic search areas in Powys, with potentially 15 applications waiting to be dealt with and others to come in.

[29] The other issue is that we have been told that the indicative targets contained within TAN 8 would not need the construction of a substation with 150 foot high pylons, which would probably have an adverse effect on the main tourism industries, and so on. However, as things stand, we do not know as a council what the position is with regard to when capacities are reached. We do not know whether we are in a position to say—I am talking not as a planner but as an elected member—'Capacity within that SSA as indicated by TAN 8 has been reached, therefore the presumption must be that no further applications will be granted or received or acceptable'. That is the sort of clarity that we need, because it is certainly the feeling of the public in general within Powys that there is an over-proliferation of wind turbines to the extent of having 800. We must bear in mind that each turbine has an Olympic-sized swimming pool's worth of concrete at its base, and that it all has to be transported up there. The roads are rural country roads that are not constructed to take the size of the vehicles

needed to transport the turbines and the other infrastructure materials.

[30] TAN 8 is six or seven years old. The technology has moved on. Alternative renewable energies are available; a lot of progress has been made in that regard. It is a case of stepping back, and taking a fresh look at what is the best way for the Assembly to achieve its targets in a way which is acceptable to the public. Everyone supports renewable energy, but the question, ‘At what cost?’ needs to be asked—do you ruin the countryside in the process?

[31] **Rhodri Glyn Thomas:** I have a certain sympathy with the argument that you put forward—I put a similar argument forward in Carmarthenshire. You are right that people’s concerns arise from the feeling that they may well become surrounded by wind turbines, and that they would like to know what the capacity is for their particular area. The problem that you have in Powys is that, of the 15 received applications that you referred to, two thirds of those, in terms of megawatts, at least, will be decided by the Department of Energy and Climate Change or the Infrastructure Planning Commission. The national policy statement by the DECC states clearly,

[32] ‘whether an application conforms to the guidance or the targets will not, in itself, be a reason for approving or rejecting the application’.

[33] Therefore, two thirds of those, whatever happened as regards TAN 8, might not have any relevance to the applications.

[34] **Mr Brown:** That is a true statement and my hope is that the IPC will take into account the wishes of the devolved administration, and not just blankly ignore the aims and ambitions that a new TAN 8 would bring forward in trying to preserve the countryside and people’s livelihoods.

[35] **Rhodri Glyn Thomas:** I will pursue that for a moment. Perhaps Mr Southerby can help: you said in your opening statement that any application must conform to your planning guidelines in Powys. That is your starting point, based on what you said. Therefore, within the powers of Powys County Council, you could decide on a situation of capacity, because the guidelines that have been put forward in TAN 8 are just that—guidelines; they do not necessarily override your decisions in Powys.

[36] **Mr Southerby:** That is correct. Your understanding is as I see it. The Act sets out that we must determine planning applications and consider them first and foremost against our own planning policies and then other material considerations come into account. TAN 8 is another valid material planning consideration, but there may be another material consideration—such as environmental impact, landscape impact or cumulative landscape impact—that would mean that a scheme was unacceptable and would go forward for refusal, even though it might be within the capacity of TAN 8. Likewise, we could have a scenario where an application would take the capacities beyond what is set out in TAN 8, but in all other respects was acceptable, in terms of landscape impact and environmental impact. So, there is a scenario whereby we could see us recommending the approval of an application that went beyond the indicative targets of TAN 8, because of other material considerations being given greater weight. That is a scenario that could happen in a planning sense.

[37] **Rhodri Glyn Thomas:** That leads to a further question. As regards opposing applications, or trying to control the number of applications and the capacity of applications, it seems, from what you are saying, that it would be far more productive for Powys to use its own planning guidelines to control those numbers. As regards recommendations on applications being decided by DECC and IPC, it could be argued that they did not conform to the planning guidelines used by Powys.

[38] **Mr Southerby:** That is a scenario in which we could find ourselves. We could want to support or recommend a scheme positively to the planning committee—be it one for us or for IPC to determine—that was acceptable against our own policies, but was not in accordance with TAN 8. However, the contrary is also true—a scheme could be in accordance with TAN 8, but unacceptable for other reasons. It is a material consideration in a shopping list of many material planning considerations. Ultimately, it is when you come to make a decision or recommendation on an individual scheme that you go through the process of giving weight to the respective arguments. Nothing is black and white.

[39] **William Powell:** Antoinette Sandbach has been extremely patient, but I am keen to have Mr White's perspective; he is from another authority, which may have had a different experience of the same policy.

[40] **Mr White:** I do not think that we should get too hung up on the words that you quoted from the national Government—

1.45 p.m.

[41] **Rhodri Glyn Thomas:** This is the national Government.

[42] **Mr White:** I am sorry—the UK Government. The issue is the weight that one gives to the various guidelines that one has. In Wales, we have TAN 8 and, in a strategic search area, a presumption in favour of landscape change. That weighs the balance in favour of windfarms over and above what our policies would otherwise be in the unitary development plan. I think that what the UK Government is saying in terms of the national policy guidelines is that the weight that it will give to the Welsh Government guidelines is one factor when it considers an application.

[43] **Antoinette Sandbach:** May I follow on from that? Do you see that there is a strategic benefit? There may be a strategic overview, and you say that, effectively, greater weight is given to wind in TAN 8, whereas you seem to be indicating that the UK Government, DECC or IPC, is looking at all forms of renewables rather than just wind.

[44] **Mr White:** TAN 8 is not just about wind. The focus has been on wind, because that is where a lot of the controversy arises, although it also arises with biomass and energy from waste. The issue for Wales is where decisions have been made in Westminster by IPC or DECC, because they have guidelines that may—this is the fear—carry more weight than the Welsh guidelines.

[45] **Antoinette Sandbach:** I would like to move on to the resources that local authorities have to deal with what are, sometimes, very complex planning applications, presumably with an implicit threat of judicial review behind them if they do not get it right, which we all know is an expensive procedure. Do you feel that you have adequate resources to deal with the numbers of applications that you are receiving? Perhaps you could answer that first, and then I will come back.

[46] **Mr Mitchell:** I will make a general comment on the context. In Wales, we have had the Simpson review and we are going through a process of negotiating a contract with the Welsh Government on the issue of collaboration, and planning is a key service there, which we want to seek to encourage and to engender greater collaboration across authorities. So, on this issue, we would seek to try to develop the expertise that certain authorities have developed in relation to this, notwithstanding the broader narrative that exists in relation to planning, which is that planning fee income has decreased significantly in the last two or three years, for obvious reasons. That, in itself, calls into question the capacity within planning functions to be able to respond to a range of different issues, not least emerging and

new technologies that have to be understood. In our evidence, we made reference to the Welsh Government grant that is allowable for waste and renewable applications in strategic search areas as a useful starting point, but there are probably greater systemic issues at play here, and perhaps the authorities can talk about those specific issues.

[47] **Mr White:** We mean resources on two levels. One is financial resources, namely income. Local planning authorities do not get any planning fees for section 36 applications, for example. Therefore, we have to resource all that internally without any fee income, which creates a difficulty for us. The grant that we get from the Welsh Government to assist us on technical appraisal is very welcome. However, it does not give us any resource to deal with all the rest of the applications, so we are effectively doing them for free, whereas for a large minerals application, for example, we will have a fee income. In terms of the resources of expertise that we have, we have built up a fair level in dealing with these types of major applications, because we have had to deal with them. I guess that my colleagues from Powys will say the same. Other planning authorities that have had to deal with them will also have that. My issue is about the fee income side of it.

[48] **Antoinette Sandbach:** That effectively answered my question on resources.

[49] **Mick Antoniw:** Perhaps I can follow that up. I have a couple of really quite blunt questions. We have been taking a great deal of evidence from a variety of bodies, particularly those involved in dealing with local authorities, the planning system, Welsh Government and so on. So, perhaps I can ask the elephant-in-the-room question—or perhaps the turbine-in-the-garden question. A number of things have been said to us. First, we have been told that, if there was any major review of SSAs, the messages sent to the industry generally are such that it would have a dramatic impact economically and in terms of investment, because there is already a great deal of concern. That is the first thing that came out very clearly on a number of occasions this morning and on previous days. The second thing that we have been told is that local authorities do not have the resources or the skills, or that there are problems with the level of resources and skills that local authorities have to deal with these major applications. The third thing that is being said, perhaps particularly with regard to Powys only because of the number of applications, is that these applications are taking many years to go through and that there is a real problem of leadership, particularly where there is local opposition, and that the council spends more time trying to be popular than fulfilling its role, being decisive and providing leadership on some of these issues.

[50] I would appreciate some feedback. We have heard the business side, so it would be helpful to have your side of things in response to that sort of evidence.

[51] **William Powell:** I have to ask Councillor Graham Brown to lead on that one.

[52] **Mr Brown:** I will come back by being just as blunt, if you do not mind. I see the role of local government as to look out for the best interests of its people and its area, not those of the highly subsidised windfarm companies. I know that planners perhaps look at things more coldly, but, as an elected member, I think it is surely incumbent on us and the Welsh Government to preserve the welfare of the country and the people rather than to rush through decisions where we do not have all the answers on transport and so on. That may be controversial. You referred to sending the wrong message to the industry, but what about sending the wrong message to the people?

[53] **Mr Lewis:** There are a few things that I want to say on this, and I am going to go back to TAN 8 to illustrate my point. With regard to delivering good practice within the planning authority that is Neath Port Talbot, we have a set of rules that we work to. We had the unitary development plan—now the local development plan—and any national document or guidelines, and we have to work to those. When it comes to delivery within a sensible

period of time, as an authority, we have succeeded time and again in delivering well upfront. We have managed that, and I am tempted to say that we are proud of what we have delivered. However, that has not been without great difficulty, and, if I may say this to you people here, a great deal of the difficulty comes from a lack of clarity from Government on exactly what this policy is all about and why you are pursuing it. It is your policy; it is not ours. We are the deliverers—we deliver.

[54] In any debate on windfarms, no matter where you come from on the oppositional spectrum, there is a total lack of credibility—on the ground, and I emphasise that; there may be credibility in this room, but there is no credibility on the ground. If there were to be a revision of TAN 8 or any revision of your policy documents on renewables, there should be far greater engagement with people on why you were doing it. You are totally underselling that. It is your policy that we deliver, and we get the hammering. Some of us have backs broad enough to carry it—perhaps not on all occasions, but we motor through. TAN 8 is a blunt tool that allows us to have a degree of format to the way in which we reach decisions. If there is any subtle variation in what TAN 8 might mean, its credibility drops as far as my members are concerned, and certainly, as far as Joe public is concerned. So, if you were to review TAN 8, I would be looking for it to fit into a far better explained framework of what it is you are trying to achieve with renewables in Wales.

[55] **William Powell:** Vaughan Gething has indicated that he would like to contribute to this discussion. First of all, would Alan Southerby like to supplement what has already been said?

[56] **Mr Southerby:** I will say a little piece, then Steve will contribute on some of the delay issues that were raised. On resources, I will mention a couple of things we have missed that are important for your understanding. There are things that are called ‘planning performance agreements’. They can be considered, because Geoff is absolutely right that we are consultees on section 36 applications that have come in to DECC, in the same way that we are consultees on Infrastructure Planning Commission applications, although we have a very prescribed way of engaging with those. Again, there will be no fee for the local authority. However, it is possible for us to engage in the planning performance agreements. They are a bit of a contract between the developer and the local authority to help out in terms of resources and in terms of back-filling and the skills that are required.

[57] It is also only right that I mention that the Welsh Government has given grant assistance to deal with large-scale renewable energy projects and other projects where the technical expertise does not exist within the local authority, and we have benefited from grant assistance in that way. On delays, and Steve will speak more about this, it is not correct for the industry to presume that there has been a delay because of the vast numbers of applications and a lack of resources; there have been other quite tangible planning reasons for that delay, which Steve will now articulate.

[58] **William Powell:** I would love to bring Steve in, but I would also like to ask a question that arose again this morning, which was on the level to which responses coming in from other statutory consultees, such as Countryside Council for Wales, may have a material impact on that. Steve, over to you.

[59] **Mr Packer:** If the industry really feels that way, it has a remedy, which is to appeal against non-determination. We have 15 large windfarm applications on our table, and we have another six in the offing. Some are for our own decision and some are for others. However, the fact that they have not appealed against non-determination indicates that they have become aware of the complexity of the situation and, talking as an officer, not as an elected member, we have been facilitating the progress of these applications to the best of our ability. There are a number of reasons why we have not been able to take more than one forward.

[60] I can point to the fact that the environmental statements to a man and a woman—not that they have a gender—have been inadequate. Even now, with a very large windfarm application, such as Carnedd Wen, which is a Department of Energy and Climate Change application, we received a large amount of additional supplementary environmental information, only a couple of weeks ago, which is in fact an admission by the applicant that they had not got their act completely together. Some of that is not completely their fault.

[61] To some extent, TAN 8 is a victim of its own success. It has attracted to Powys, as Councillor Brown indicated, much more than anyone would have anticipated in terms of developer interest. That developer interest has created a situation that we did not experience before when we had individual windfarm applications coming in one at a time, a few years apart. We now have windfarms that are next door to each other. When the individual developers submit their applications they submit them as if they are the only ones in the world. So, they have had to look at the fact that they are now cheek by jowl with others, and quite uniquely in the UK, that has had accumulative impacts, which no-one had really anticipated. So, they are all having to go back to do extra work. If they did not do that, the ultimate recommendation, which would stand up at any public inquiry, would be that there was inadequate information.

2.00 p.m.

[62] The other major cause of delays is the lack of infrastructure, particularly the lack of grid infrastructure, which is not usually a major planning consideration and it is dealt with by another regime. The fact that there is no grid infrastructure means that the majority cannot begin to construct until the grid infrastructure is available to them. Therefore, they will all want to begin to construct at the same time and they will want to put their abnormal loads on the Powys highways, which everyone acknowledges are not adequate. So, the industry itself has been working on this. We received only a couple of weeks ago a strategic traffic management plan and they are coming in with a tool for delivery. The onus has been on the industry to deliver, working with the Welsh Government. It is only in the last couple of weeks that the industry has delivered a management plan for delivering abnormal loads into mid Wales.

[63] Therefore, we slightly disagree with the industry's perspective in that respect. It has a responsibility, as does WG, for having the spatial approach that has created this incredible density of windfarm applicants, particularly in Powys, which is unique in the UK. No other part of the UK has this density of windfarms to deal with.

[64] **William Powell:** Thanks for that. Vaughan Gething has been very patient, although not quite as patient as Rebecca Evans. I think that you would like to speak on this point, Vaughan.

[65] **Vaughan Gething:** Yes, on the point about capacity. I know that Councillor Brown has said that we should not be rushing through decisions, but that is exactly the problem: the decisions are not being rushed at all. We have the opposite problem in that the length of time taken has been a significant factor in determining whether projects can or do go ahead, and organisations—whether the projects are large or medium-sized—have significant concerns as to whether they are going to do it. You talked about the policy levers, but they are clear targets. There are large concerns about needing to increase the amount of energy that we generate from renewable sources. As we are being blunt, what appears to be coming through is the clear suggestion that there is either a lack of capability or there is a lack of willingness. There have been very clear suggestions about a lack of willingness on the part of elected members to make decisions. There is an obvious contrast between Neath Port Talbot, where decisions have been made, and those areas where decisions have not been made.

[66] **Mr Packer:** Members cannot make decisions unless we take applications to them. Not one of the 15 applications that we have on the table at the moment is ready to go to committee. That is because we do not have sufficient information, either from the developer or from the WG transport division in terms of the ability to deliver abnormal loads without bringing mid Wales to a halt. So, it is extremely unfair to have a go at members, as they have not had a chance to make a decision. It seems to me that you are talking about capability and a lack of will, but I would contest that, as someone who deals with it every day and has been doing so for the last five years.

[67] **Vaughan Gething:** However, capability is part of the point about resources. Surely, your capability to do something is partly about that question of resources. As to the point about willingness, it is more than having the written report that gives a signal about the willingness to make decisions. Surely, you must accept that it is not simply about where that comes from.

[68] **Mr Lewis:** No—

[69] **Vaughan Gething:** That is the question, so I am interested in the answer.

[70] **William Powell:** Geoff White, you indicated that you want to speak.

[71] **Mr White:** I will defer my response for a minute, as I was going to answer your earlier question. We can come back to that.

[72] **William Powell:** Was that the question on consultees?

[73] **Mr White:** Yes.

[74] **Mr Lewis:** In terms of the planning process, I am not a member of the planning committee; I am the cabinet member in charge of policy. It is my role to ensure that the appropriate officers are devoting time to putting a report together to go to members. Until that report is presented, three working days before the planning committee, a large number of members will know nothing about it. They will know of it, but they will not know the detail of the argument. Therefore, with regard to any debate that might take place prior to the publication of that report, elected members stand the chance of being ruled out of the debate, because of a prior decision being made, if you like. This is critical. There may be something going on in the background, where people may have the knowledge. In the Neath Port Talbot area, the developers went out to the people in a big way, to acquaint them with what was ahead and with the prospects for the communities if money were to come their way, should the windfarm come into being. Again, all those members who sat in on the public debates could not commit themselves unless they were prepared to be told that they could not take part in the debate. I would therefore defend the role of the member at that point.

[75] **Vaughan Gething:** So, is it the case that, essentially, you are saying that the delay is because developers have not got their act together and that there is a level of unhappiness about the direction of travel in policy terms?

[76] **Mr Packer:** Developers have been working with us to get their act together. We have a few, subject to the transport issue, which was neglected in TAN 8—there was no acknowledgement that the infrastructure was not capable of carrying such vast numbers of these abnormal loads. However, we have been working together—I think that we have been doing so quite well—along with WG officers, to unlock this. To say that it is a lack of capability or a lack of will is to misunderstand the situation; it is a highly complex one that has come about as a result of the TAN 8 guidance itself, and WG has to take some

responsibility for that. It was not expected, but what we have in front of us is a very complex situation that requires a lot of will and skill, and that is not lacking on either side. If developers are telling you otherwise, then they are not telling you the whole story.

[77] **Vaughan Gething:** They very clearly are telling us something different, which is why we are having this conversation.

[78] **William Powell:** Okay. Thanks, Vaughan. Geoff?

[79] **Mr Lewis:** Geoff has some examples for us.

[80] **William Powell:** Absolutely. I wanted to call Geoff for some additional background on this.

[81] **Mr White:** The first point that I want to make is to echo something that Steve has been saying about what we receive initially from applicants. In Neath Port Talbot, we work hard with developers before they submit applications, to try to get things right, but very often, certainly in terms of large applications, and typically in the case of windfarm applications, despite our discussions with developers in which we ask them to do x, y and z, they do not always listen and they come in with environmental statements that are just not up to scratch. So, the developers must take some responsibility for that. Clearly, they cannot answer all the questions, because things will come out of the consultation procedure, but they can do a better job initially in terms of getting things to us.

[82] What I really wanted to come in on was your question about third parties—statutory consultees. I have an example in front of me of the Nuon Renewables Pen y Cymoedd application, which is the large windfarm that stretches between us and Rhondda Cynon Taf. That came in at the end of November 2009. CCW then responded two months later with a 17-page objection. It then took six months, in discussion with CCW and the applicant, for the applicant to submit a revised environmental statement to deal with those issues. CCW then took a further three months to respond to that, which means that the whole thing took just over nine months to deal with an issue that perhaps could have been dealt with better if there had been better discussions before the application was submitted. We then dealt with the application, and we had a question of our own for CCW, and we dealt with that six weeks beyond that. So, in terms of delivery, I am not saying that all of the delay on that application was down to CCW, but much of it came down to the one issue that needed to be resolved.

[83] **Mick Antoniw:** I appreciate the frank response and can assure you that we are being equally frank with the Government in respect of its role in this. Where you have these major, intensely complex applications that have all sorts of implications, what are your views on whether they should be increasingly called in by the Welsh Government to be dealt with? Do you have a particular view on that?

[84] **Mr Packer:** I rather jokingly said to Rosemary Thomas that that might be a good idea, and she recoiled in horror. The problem for WG, as far as I can see it, is that, with the best will in the world, it has put out all these targets, but it is not a decision maker for DECC or for IPC, and the only way it could be a decision maker for the sub-50 MW schemes, with regard to wind power, which seems to be the focus this afternoon, is by calling them in. It does not have the resource to do that either. We are probably best placed, and it would be a democratic deficit if the Welsh Government were to call in all the windfarm applications. It is not a solution. The solution is one of everyone working together to get a balance and a proper renewable energy infrastructure into Wales. On call-ins, I think your officers would have considerable nightmares, if they had to deal with more than one of them anywhere.

[85] **Mr White:** Call-in is an expensive solution, because you end up in a public inquiry

with adversarial positions taken on both sides, with expensive legal representation and so on.

[86] **Rebecca Evans:** This committee has taken a great interest in community engagement and community buy-in. We have been looking at different models of community benefits incentives across the UK and Europe. What do you view as the main barriers to community buy-in for renewable projects, and how could they be overcome?

[87] **Mr Lewis:** That is a fascinating question. It is a question that is exercising us as an authority now, and has done so for a long time. It is an extremely difficult issue to handle. There is a whole range of parameters linked to the way in which community benefit can be fed in. However, as you are the TAN 8 providers and you provide the guidelines for that, I think that you should be the providers for the framework by which that money is distributed through the communities. So far, in Neath Port Talbot, as each windfarm has come forward, guidelines have changed with time. Some communities are allocated money, much to the annoyance of communities that feel that they should benefit too. It has gone on in relation to the Pen y Cymoedd windfarm—the new one—where 80-odd turbines have been approved. There seems to be a far better structure coming from the developer there, as to the sort of money it is prepared to put on the table. There is still the burning issue of how it is then transferred to communities. These are the terms I have to deal with when dealing with my constituents and others: they say things such as, ‘Dai, I can see the turbines, why shouldn’t I have what they have?’ I tell them, ‘You are too far away’, and they say, ‘No, I can see them.’ There is a huge range of simple issues, such as that, that is difficult for us to deal with. We, as an authority, are putting together a policy that will, hopefully, provide an answer to that. Certainly, we have worked with the developers up front, to ensure that there is a community benefit on the table, and then we try to work with them to find sensible ways for it to come down to the people.

[88] **Mr Southerby:** What we have tended to do from a planning perspective, when it comes to community benefits, is to keep it at arm’s length from the planning process. We have colleagues in our regeneration team who deal more with the community benefit side of things and standardised policy approaches to that, in line with Neath Port Talbot council. We have tended to opt, from a planning perspective, for keeping it at arm’s length, because we want to ensure that there cannot be any link between the amount of community benefit that you are going to get and whether you get planning permission or not. So, that is why we have kept it at arm’s length. Other things are absolutely fair game for the planning process, through section 106 agreements, and, where things directly are related to that development in a planning sense, we would look for benefits that way. However, as a general perspective, we have tended to keep that at arm’s length for that reason.

[89] **William Powell:** We heard in our evidence session this morning that there is an established protocol in England with regard to this. Is it the case that that has been much slower to emerge in Wales?

2.15 p.m.

[90] **Mr Packer:** Powys has a protocol. We are engaged in community engagement with the infrastructure planning commission, which is a totally different procedure. Developers have to frontload everything—it is a horrible phrase—and engage with communities before they even begin to think of lodging applications with the commission. We assist them because the planning authority and others within the county council have knowledge of local communities and can tell them, ‘Go and speak to these people’. I think that, in Neath Port Talbot, there has been a practice of contacting local businesses prior to making an application to find out how much local procurement they could achieve.

[91] However, the community benefit side in Powys has been quite well developed in the

sense that our colleagues in regeneration realise that, if these things are consented, there will be millions and millions of pounds available. However much community councils might like to spend that money, there is no way it could be properly and productively spent. So, there is an idea whereby Powys acts as an honest broker. There is an acknowledgement, particularly on the transport issues, that communities right up to the English border will be affected by the delivery of thousands of abnormal loads. The Powys model is quite well developed, and there is a methodology for spreading that benefit as widely across the community as possible. So, there is a protocol.

[92] **William Powell:** Councillor Graham Brown is next, and then Antoinette has indicated she has a question, after which Rebecca can come back.

[93] **Mr Brown:** I have a quick comment about community benefit, because it is becoming a bit of a vexed question in that it can put locally elected members in an awkward position. You know that if a permission is granted, the money is going to be coming, and there is a duty to ensure that the systems are in place to deal with it properly and so on. However, it gives the public the perception that you are supporting the development before it has been given permission. So, it is becoming a vexed question, and it would probably be helpful to have a uniform way of dealing with it.

[94] **Antoinette Sandbach:** You described your community engagement through the IPC applications. That is clearly not happening, or it is not happening in the same way, through non-IPC applications. Therefore, would you say that, with larger projects, there is much more consultation at least with the local community because of that procedure?

[95] **Mr Packer:** That is true historically. It is absurd to have two projects with a difference of only 1 MW, while only one has a standard. Until 2008, the community engagement on windfarm applications we received was below what I would consider to be proper community engagement. For any applications that have come in now, even if they are Powys ones, we are saying that, although there is not a legal requirement, you have to do something that at least gets near to the standard of the IPC applications. You cannot have a situation where there are two windfarms—and some of them are almost within sight of each other—and one carries out token community engagement while the other has to go through the very rigorous IPC procedure. We try to say to them that they have to do the same because otherwise they will be at risk. Some are more successful than others. Some really go for it and others try to get away with very little.

[96] **Antoinette Sandbach:** Has that led to a better understanding on the part of local communities of the positives and negatives? Could I ask both councillors to answer please?

[97] **Mr Lewis:** I chair Valley area regeneration plan meetings as part of the western Valleys strategic regeneration programme, across the five valleys of Neath Port Talbot. The response varies from valley to valley. The interesting one is in Croeserw, a very badly deprived part of the county borough. It is now partly surrounded, and will be surrounded, by wind turbines. In meetings, they say that they want the money but that they do not want to talk about turbines. They are now accepting the money, and in the case of one small scheme, they are two years into it, and they are enjoying spending the money, but if you ask them about the benefit of having it, they refuse to talk to you about it. From their point of view it is dirty money, but ‘Thank you very much’.

[98] **Mr Packer:** The community engagement that has had the most impact, and potentially muddied the water for the windfarm companies, is the National Grid exercise in the summer. It was done under Infrastructure Planning Commission procedures, and brought in all these different options that produced a whole new constituency of concern, because people who previously did not give a damn about windfarms now do give a damn, and are

linking the two. So, National Grid and ScottishPower Energy Networks say that their consultations have been a success, because they have had thousands of objections, and that will help them. It will not make any difference, because they will still carry on as they are, in my view, but that community engagement has made it difficult for the windfarm companies themselves to properly engage, because people have been so polarised.

[99] **Antoinette Sandbach:** Is that the grid, and in particular pylons as opposed to undergrounding?

[100] **Mr Packer:** Yes.

[101] **Mr Lewis:** Chair, may I make a quick point? In south Wales, from east to west, we have more pylons than we have turbines. They are there: they are a fact of life, and there is no problem at all. I do not say that people like them, but they are there, and they are accepted. That is a different dimension compared with what they face. We have got them.

[102] **Rebecca Evans:** My other question is on community impact rather than engagement. We have heard some examples of the various costs of renewable energy—transport disruption, landscape change, and so on. The evidence from Powys County Council refers to the cultural and socioeconomic impact of windfarms and their infrastructure. I was wondering if you would expand a bit on what you meant by that.

[103] **Mr Brown:** Alan and Steve will probably want to come in on this question as well. It follows on nicely from the pylons comment, because, quite rightly, mid Wales does not have pylons, and a thriving tourism industry has been built up based on the landscape and its unspoilt nature. There are already signs that, while the issue of the route of the pylons is unresolved, the caravan site owners are seeing people not renewing their pitch fees. There is a great deal of uncertainty. The whole aura of the area can be changed dramatically forever if these structures go in. A 90-acre substation in the middle of a rural area is not going to attract tourists. Tourists will not want to walk under 150-foot pylons. It does not matter if National Grid comes up with these new designs. The angel of the north is nice as a standalone sculpture, but if you get miles and miles of the new-design pylons they will look just as bad as the existing, 100-year old design. It is the whole impact on communities, businesses and the local economy that we are referring to there.

[104] **Mr Lewis:** Croeserw and the greater part of the upper Afan valley will benefit to the extent of £1 million per year going into those communities. The challenge for us, and for them as communities, is to harness that for these badly deprived areas. No-one else is going to put that money in. From my point of view, there is a huge opportunity in a situation like that. Gradually, they are seeing that, and in the debate over the Nuon application there was a significant number of members who saw the opportunity for increased employment by having this money in the community. As regards tourism, I do not wish to argue across the table with my colleague from Powys, but, in the Afan forest area, we have the mountain bike track of Wales—it is among the top 10 mountain bike tracks in the world, they tell me. The pylons are there: it is not a problem. If you look at Facebook and websites in Swansea, the feedback is not unhelpful.

[105] **William Powell:** Julie James is next; you have been extremely patient.

[106] **Julie James:** Well, as I happen to be coming in on the back of that, I should say that I represent a south Wales constituency that has an enormous tourist industry and an enormous number of pylons along with it, so I echo that. I am not taking away from the change, but to say that ‘pylons mean no tourism’ is a defeatist attitude, and I would recommend that you do not go down that path.

[107] **Mr Brown:** To clarify, I am talking about pylons in addition to 800 turbines—

[108] **Julie James:** We have a few turbines as well.

[109] **Mr Brown:** Some of those 800 turbines are up to 600 feet high.

[110] **Julie James:** Let us not argue across the table. I just wanted to put on record that, in my constituency, we have both tourism and pylons. I want to come onto a couple of things that some of you have said about planning guidance and the weight of local plans and so on. We have heard some evidence in the committee that the local development process in Wales is patchy, and that some local authorities—who are not represented here today so I am not asking you to comment on that in particular—do not have a unitary development plan or a LDP in place. I do not know much about colleagues from Powys, but I know quite a bit about the Neath Port Talbot and Swansea area, because that is the area that I represent. I think that you said that you are just embarking on your LDP process.

[111] One of the things that the Government is trailing is a planning Bill, containing quite a lot of provisions. One of the things that we have had discussions about in the committee and elsewhere is the issue of how we might structure planning in Wales and the issue of the predominance of local plans, as opposed to national—in the UK sense—policy guidance, and whether we would have an IPC-type process in Wales so that you do not have the call-in issue of lawyers fighting across the table, but have some other completely different infrastructure to determine infrastructure projects or projects that have more than regional significance, however you want to term it. I would be interested to know, from a representative capacity and from professional planners and, Craig, from the WLGA, how you feel about that. I was quite shocked that there were some local authorities that had no plan in place at all. To my mind, you cannot have a proper planning process without a strategic plan in place. I was a little alarmed to find that Powys, enveloped as it is with all these controversial issues, is only just embarking on its LDP. It seems tardy to me, I must say. A lot of other authorities are there or nearly there. I would like some comments from you around those sorts of issues.

[112] **William Powell:** I will ask Alan Southerby to give the context of the UDP and LDP in Powys and then we will broaden it out.

[113] **Mr Southerby:** It is fair to say that we would have been an awful lot further along with our LDP. One of the reasons why that we are only—. We have our delivery agreement in place with the Welsh Government and we are working towards that. We are looking to keep to our timetable and have an LDP by 2014—that is our plan and we are sticking to that at the moment. We would have been a lot further along, but the reason why we are late in embarking on it is that we had to have our UDP adopted first. It was scheduled to be adopted a considerable time ago, but it could not be adopted due to a specific issue with regard to mineral deposits and their safeguarding in certain river valleys. That put us on the back foot and we had to go through further statutory processes before we could adopt our UDP. It was a direction that came from the Welsh Government and so we had to go through that process. Only when we had adopted the UDP could we then embark on the LDP. All things being equal, we would have been a lot further down the line than we are.

[114] As regards the call-for-evidence issue that you raised, as a professional, one of the things that I struggle with—it came up in earlier questions—is that, as Steve mentioned, you can have a bizarre scenario where you have a 49 MW scheme under one consenting regime, and a 51 MW scheme right next door under a different consenting regime. As a planning professional, as a matter of principle, I struggle with the fact that there are different consenting regimes and therefore different planning policies come into play. You will have a different hierarchy of considerations for a 49 MW scheme and there will be a shift in the hierarchy of those considerations for a 51 MW scheme, whereby the national planning policy

statement by the UK Government is given precedence, as opposed to TAN 8, which is given precedence for a 49 MW scheme. As a planning professional, I struggle with that scenario in terms of being able to explain it to people who do not know the system and being able to say why it is a good thing, because it is a confusing and odd scenario to have. Through this call for evidence, a great result would be some uniformity of process, whereby things could be considered in the round and it would be tangible and understandable for the person on the street.

2.30 p.m.

[115] **Mr Mitchell:** We have five adopted LDPs in Wales and, as has been mentioned, the other authorities are working towards that. One of the key things that we want to try to encourage through the collaboration agenda is using the expertise and knowledge of those five authorities and those that proceed more quickly in the other authorities to support them in that process. The point has rightly been made that having an up-to-date local development plan is very important and has also been proven to be economically beneficial to the locality. In terms of the planning Bill, one of the key aspects that we are looking at is something that was picked up in a previous Welsh Government report by Roger Tym and Partners into economic development and planning, and that is the potential need for an additional tier of planning that sits above the LDP process. What that was hinting at is that the spatial plan perhaps has not fulfilled that purpose. I know that the committee has received evidence around national infrastructure planning and the potential for that.

[116] The 10 south-east authorities are actively discussing that aspect, and there is a meeting next week of chief executives and leaders to try to determine how regional planning could operate, because we have seen a top-down regional approach in England running into difficulty. The key thing from our perspective is how we can encourage authorities to work collectively to develop a regional vision and regional delivery, which are important, because the community infrastructure levy is potentially coming in soon and authorities will adopt schemes in relation to that. So, you are, potentially, dealing with regional issues collaboratively between authorities. The difficulty is that each local development plan is sound or not on its own basis, and they are each coming forward according to a different timetable, which makes it difficult to encourage that kind of regional working. So, I would imagine that our submission in terms of the planning Bill will talk about this regional planning level and the potential to take forward some ideas around that.

[117] **William Powell:** Do we have a Neath Port Talbot perspective on this?

[118] **Mr Lewis:** In terms of the planning process and the way that you have described it, I feel that there is a need for greater Government-down guidance across the whole of Wales. I know that, geographically and population-wise, there are very different areas in Wales, but there is a need for greater clarity. For example, with affordable housing, Swansea has adopted a factor for kicking in affordable housing that is different from ours, and it is across the border from us. We are both complying, but very differently. Swansea has a big advantage in the figures that it has chosen as to what percentage of housing qualifies for the affordable factor. So, for me, there is a need for clarity from the Government on things such as that. It is your policy, and I think that it should be far more specific.

[119] **Julie James:** May I ask you a follow-up question on that? I thank all of you; that was helpful. Councillor—I am sorry, I cannot see your nameplate from here.

[120] **Mr Brown:** I am Councillor Graham Brown.

[121] **Julie James:** From a representative's perspective, because you have been very able in giving us that today, would you welcome the sentiments of the professional planning officers

about the need for clarity and so on? I suspect that you would, but I would like to hear your view.

[122] **Mr Brown:** Yes, but I am also one of those people who are a bit wary about autonomy and prescriptive guidance, because, as has been said, there are great differences between areas geographically and demographically. I do not think that a one-size-fits-all policy is possible, but guidelines that allow for authorities to work with autonomy and discretion within them would be helpful—so long as they are not prescriptive.

[123] **Julie James:** Just to be clear about what we are saying here, there has been talk about the spatial plan, which, as we know, is a little old now. Some witnesses have talked about having a national infrastructure plan, although there has been slight disagreement about whether that should replace, sit within, or be a development of, the spatial plan. My feeling from all of you here is that some kind of regionalised strategic planning would be welcome so that we can marry-up some of these differences. I think that other colleagues will ask how you feel about increased devolution or otherwise, but I think that what I am hearing is that you would be in favour of some overarching strategy that assists in the balancing of these developments.

[124] **Mr Mitchell:** The other aspect is that the environment Green Paper, when it is published next year, is likely to talk about resource mapping in some way, which adds an additional layer to the spatial consideration that will be relevant in terms of planning and that we will need to consider.

[125] **Julie James:** [*Inaudible.*]

[126] **Mr Mitchell:** Yes, and it is something else that planners will need to decide how much weight to give to that in their recommendations and decisions.

[127] **William Powell:** I will call my colleague Russell George next, but, to pick up on the point that Councillor Lewis made earlier in respect of leadership from the Welsh Government, the Chair asked those before us this morning what impact recent Welsh Government announcements in the last four or five months since the most recent elections, that is, in the fourth Assembly, had, if any, on the clarity of the process and on your work. I will throw that question open to anyone who wants to pick it up with regard to the statements on renewable energy issues made by the First Minister and the Minister for Environment and Sustainability.

[128] **Mr Packer:** Would you like a response before or after Russell George comes in?

[129] **William Powell:** Now, please.

[130] **Mr Packer:** We looked at the statements and were somewhat bemused. We have taken legal advice. We have to look at anything that comes from the Welsh Government. I think that another witness referred to it as ‘policy on the hoof’, and I would not disagree with that. In fact, I would even say that it is not policy at all. The First Minister’s statement was clearly made in the heat of the moment, when thousands of people were outside the Senedd. While it was obviously well-intentioned, ultimately it will not carry great weight in a planning report compared with the policies that exist. Mr Griffiths’s statement attempts to define some kind of upper limit, in spite of the fact that, until that point—and we had been negotiating with developers in good faith—there was no such thing as an upper limit. So, we felt slightly compromised professionally by his statement. We will still take it into account. However, we are the decision-making body, and one of our members touched earlier on the fact that it is really up to us to decide when cumulative issues have become too much or when ceilings have been reached.

[131] The attempt to use a GL Garrad Hassan study is disingenuous, as it was not an environmental capacity study in the slightest. It was an early exercise done on a desktop basis to try to define constraints and to get some idea of what those strategic search areas could deliver. The proof of the pudding is in strategic search area C, where John Griffiths's upper limit is 98 MW. If we consented one windfarm in one part of strategic search area C, we would exceed that limit. So, to see that as environmental capacity is not logical. In other words, if most of the strategic search area is empty and there is one windfarm sitting on one side of it that is 120 MW, what does that do to Mr Griffiths's upper limit of 98 MW? So, while it has complicated matters for us, we have to deal with it. As a planning officer, I would have to deal with it rationally and logically, and on the basis of previous advice. I have not said to any developer, 'When you get above a certain megawattage, by the way, you will get refused'. It is another symptom of the fact that the Welsh Government has made these pronouncements and policies but does not have the decision-making ability to deliver them. That is the real problem, which, I guess, leads on to the idea about further devolution. The only way that you would get that kind of ability to influence events would be if the Welsh Government made the final decision.

[132] **Mr White:** I have a slightly different view on this. While I agree that it appears to be policy-making on the hoof, I think that what it means in terms of us dealing with planning applications is that it shifts the weight that you may give to TAN 8 once you reach the ceiling. At the moment, the weight is in favour of landscape change if it is within a strategic search area, but that element disappears if you have reached the ceiling. You still have to look at all the other issues related to the application, and if it is environmentally acceptable, it will go forward for approval, but, at the moment, in the strategic search areas, you might think, 'Well, it is probably not environmentally acceptable in terms of visual impact, but the policy is for landscape change'. If TAN 8 is saying that landscape change is acceptable, that adds weight to the decision making, and shifts the balance. That balance would disappear once you reached this threshold.

[133] **Mr Brown:** I am almost moving this on, because I quite like the idea that was put forward earlier that we should set our own upper limits within the strategic search areas to see what happens. The history of what has happened with appeals against refusals would show that the success rate of any authority refusing an application is pretty slim. Following on from the previous comments, what we have not mentioned today are the overriding principles of the EU directive. Although TAN 8 might say that, within the SSAs, you accept a changing landscape, the EU directive gives further information that we must take into account in the impact assessments, and that overrides TAN 8. We can end up in a conflict with TAN 8 saying this, the EU directive saying that, and the EU directive taking precedence—that is what we have been legally advised. So, which route do we go down? Again, this leads back to the beginning of the afternoon, when I said that a new TAN 8, or a review of TAN 8, is needed to clarify all these different aspects.

[134] **Russell George:** I wanted to start a new line of questioning.

[135] **William Powell:** Are there any comments or supplementary questions before we move on? I see not.

[136] **Russell George:** I wanted to expand on the transport issues. The evidence from Powys County Council identifies somewhere in the region of 3,000 abnormal loads passing through communities as a result of windfarm construction. This is obviously a real issue for Powys, given the nature and extent of the network infrastructure in mid Wales. What are the main transport and access issues that are causing delays to planning applications, and is this just a mid Wales issue?

[137] **Mr Packer:** Not entirely, but it is a Welsh issue. The preferred route is from Ellesmere Port into mid Wales; but there are others under consideration. By and large, before you get to a village called Pant, the highways infrastructure is not that bad. Certain things would have to be looked at, such as lay-bys, and there is now a discussion regarding a holding area near Oswestry, which would be outside Wales, and part of Shropshire County Council's remit, to hold these large vehicles and their kit, probably until daylight. The police are part of this, and, because of their concern for their officers, they will not deliver in mid Wales at night. So, abnormal loads, once they get to the Welsh border, must be delivered during the day—although that can vary, depending on the time of year.

2.45 p.m.

[138] Once you get across the border, there are patches of reasonable highway, but, in the majority of cases, even the trunk roads are inadequate. Anyone who travels on the A470 or any routes going east-west or north-south knows that considerable parts are narrow and have bends and so on. So, if there is one factor that has delayed decision making, it is this. The industry acknowledges that, until it can show that it can get these things physically to site and manage deliveries in such a way that allays the fears of local communities that the whole of mid Wales would be ground to a halt, we cannot progress. The industry has put a lot of effort and resource into a strategic management plan, which will show, and has already shown, areas for improvement, such as lay-bys, improvements in Newtown, and improvements across the board, on very well-defined routes.

[139] Once you have a route, then you must manage the traffic on it. In fact, a model produced by the Welsh Government in the early days by a gentleman called John Burrows was the first crack at working this out. You have all of these windfarms to be constructed, and even if you had an adequate highways network, you still have to manage it. So, it is fundamentally the inadequacy of the highway network itself and, after that, how you manage the windfarms. Not all are consented; the figure is in the thousands, and a fair proportion gets consented. That has been worked on for years, and it looks as though, in the new year, there might be a solution. However, whether it is a solution that local people, local members or the planning committee will be able to accept, is another matter. I have rambled on a bit—is that an answer to your question?

[140] **Russell George:** Yes, that is fine. What role has the Welsh Government played in helping you to resolve the transport issues?

[141] **Mr Packer:** One of the acknowledged failures of TAN 8 is that the transport division did not have full input into the original documentation. There was a kind of optimism, and while that may not have been displaced in north and south Wales, the issues in mid Wales may have been forgotten. I remember going to a meeting with Ieuan Wyn Jones when he was part of the Government, and noticed that mid Wales seemed to him a bit of a mystery. However, the Welsh Government has been engaged in the strategic management model. It is not a decision maker about abnormal loads—other authorities are—but it is engaging and is a part of any solution, if one is available.

[142] **Russell George:** Does mid Wales have sufficient road traffic infrastructure in place to progress the proposed plans for mid Wales?

[143] **Mr Packer:** Yes, if the document is agreed by the highways authorities and that what the developers are presenting is sufficient with regard to lay-bys, holding areas and all of the bits and pieces that would need to be done along the road network, for instance regarding getting around Newtown before it has a bypass. Indeed, some of the routes are quite interesting. As planners, we rely on that, and if the Welsh Government transport department and Powys highways department have shown that they can do it, we would accept that and

proceed on that basis. That would be the major unlocking of decision making. There would be a resource issue of how the hell we would deal with them all, but above all else that is what has really been holding things up. It is not about capability or will, but technical problems.

[144] **William Powell:** I will ask Geoff White to comment just to take things beyond Powys. Vaughan Gething has indicated that he has a question, but Rhodri Glyn Thomas reserves the right to reply to the earlier comment. [*Laughter.*]

[145] **Mr Packer:** It was a joke.

[146] **Mr White:** Our experience is somewhat different to that of Powys. Two windfarms have been built in Neath Port Talbot. In some places, the road infrastructure is not that dissimilar to the main roads in mid Wales, but, nevertheless, they got the turbines up there without any complaint. What you may have read in the press more recently about the Maesgwyn windfarm I would categorise as the view of a local group of protestors who just do not want it. There will be disruption in Pontardawe, without doubt, but it can be done and it will be managed. It will be done in the early hours of the morning when there is not much traffic around, and the advice that we have had from the highways experts is that it will be done without a murmur. However, if you read it, the press says somewhat different.

[147] **William Powell:** I have read some of that.

[148] **Vaughan Gething:** It was interesting to hear the different perspectives on transport issues. This morning, we heard yet more evidence about the difference between us in Scotland, with Scotland having delivered a great deal more in terms of successful onshore wind projects. With regard to the remoteness and the roads network, there is not a huge amount of difference between a number of locations in Wales and Scotland. They are equally remote and there are challenges in getting turbines and kit to the right place to construct the windfarm. I am interested not only in the difference between the two authorities here, but in whether you have looked at how Scotland has managed to achieve this with the same challenges and how you think planning and highway authorities here could learn some useful lessons about delivering these projects and unlocking the ability to go on and make decisions.

[149] **Mr Packer:** Looking at this strategic search area, you do not have this situation in Scotland. Look at strategic search area C: all those colours indicate windfarms. Scotland does not have that number of windfarms to deal with cumulatively. That is the problem, in Powys at least. It is not a problem that Geoff has, but it is a problem that we have. Nowhere in the UK are there this many windfarms to deliver within a short period, and they cannot deliver until the infrastructure is there. It is a completely different situation. I would say that it is unique in the UK, and possibly even in Europe.

[150] **William Powell:** Thank you for illustrating that.

[151] **Mr Mitchell:** I want to highlight the fact that transport colleagues in the WLGA have an ongoing dialogue with the relevant Minister and officials in the Welsh Government. I know that this is an issue they have discussed. Potentially, we could feed back our views on the usefulness of those discussions in a further submission. As I understand it, the planning directorate within the Welsh Government is contemplating commissioning some research into energy consents since 2005 in an attempt to understand the nature of those consents and what was involved, and to look more forensically at some applications to understand exactly what it was that caused the delays and the factors at play in order to resolve some of those issues. That was in a presentation that Rosemary Thomas made at an event on Tuesday that your Chair was due to speak at; unfortunately, he could not make it. I will be very interested to know what that research is. We will look at the timescale for it and what it will uncover, because we hope that it will sort out some of the finer detail with regard to the different

narratives that we are getting on issues such as transport.

[152] **Mr Lewis:** I will deal with the transport side of things. There is a newly completed windfarm above Glynneath in the Neath Valley of about 15 turbines. The one that we are handling at the moment is actually in Carmarthenshire, but the access is from Neath Port Talbot, off the A474. It is of exactly the same size. The one in Glynneath went through without a murmur; there was no problem at all. There were very similar transport issues. There was a good main road in and then winding roads up to the site. In the case of the A474 in the Pontardawe area, it has become a big political football for pressure groups. In my view, it is completely out of control.

[153] There is this famous Gelligron hill that goes up through Pontardawe. The Welsh Government contributed to rebuild the hill because it was slipping into the valley. Some £1.5 million was spent in order to strengthen it. Everybody in those large pressure groups is claiming that the road will go into the valley and that it will not be able to put up with it. When they were told that we have already given consent for 200 abnormal load movements in the last 18 months, they would not believe us. It is normal. We have large opencast sites that demand heavy machinery, and those roads have carried such machinery without any difficulty. Some have said that there is a big problem with access off the A474 outside Cwmgors, but there are two huge, similar points of access a half a mile and three quarters of a mile down the road. There is no problem. It is the way in which the whole thing is being manipulated that is the problem; the road itself is manageable.

[154] For example, there are 500 lorry-loads going in per day at the moment, which means that 500 drivers are being employed and 500 loads of rock are being extracted from the quarry. It is a short, but significant contribution to an area that is quite depressed economically. So, there has to be balance.

[155] **William Powell:** Thanks, Councillor Lewis. There is one last question from Julie James.

[156] **Julie James:** Craig has answered a large portion of it, but I will finish it off. I would also be very interested in that research, but I would like to add to my previous question about the strategic issues that the Government could address. One thing that the Government might be contemplating is addressing some of these strategic issues on a national basis, so that we have a national transport infrastructure plan as well as an infrastructure plan. I see that you are all nodding; is that something that you might welcome and which might unlock some of these particular issues?

[157] **Mr Lewis:** I would support that.

[158] **William Powell:** On that note of unanimity, and looking at the clock, this might be the right time to draw things to a close. I thank all of the witnesses who have come from the west, the north, or from the squeezed middle, as well as the more local witnesses. Craig, thank you for your time and for your candid and clear answers. I also thank committee members for their participation and, in some cases, their patience. Thank you very much indeed.

*Daeth y cyfarfod i ben am 2.57 p.m.
The meeting ended at 2.57 p.m.*