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For the attention of Dafydd Elis Thomas.  
Environment and Sustainability Committee Inquiry  
Welsh Assembly Government  
Cardiff Bay  
CF99 1NA

23<sup>rd</sup> September 2011

Our Ref: 20110923 KB-DET Inquiry Committee.doc

Dear Sir

**Ref: Energy Policy & Planning in Wales**

Tegni Cymru Cyf is a Welsh company dedicated to the development wind energy projects throughout Wales.

With reference to your correspondence of 2<sup>nd</sup> August 2011 we would draw your attention to the attached timeline of events surrounding our Gorsedd Bran project which is, or rather was a project situated with Strategic Search Area A of WAG's TAN8 document.

Our first hand experience Welsh Government Policy and practice leads us to conclude that until WAG is prepared to adhere to its existing policies then no further devolution of power, of any form, should be transferred from UK to Wales.

With reference to the questions raised within your letter and with further reference to our experience of WAG policy to date, then we would comment specifically as follows;

1 *What are the implications for Wales if responsibility for consenting major onshore and offshore energy infrastructure projects remains a matter that is reserved by the UK Government?*

Under the current regime there remains a chance that projects over 50MW, which are currently dealt with by the UK Government, may well be dealt with in accordance with Welsh policy and may well result in some projects being consented.

2 *How does this affect achievement of the Welsh Government's aspirations for various forms of renewable and low carbon energy as set out in the Energy Policy Statement?*

Aspirations mean nothing without positive action. WAG have proved to us that they are more interested in "saving face" than they are in delivering low carbon generation. If this is to be the continued approach, i.e. have aspirations but are unwilling to grant consent for projects or are otherwise prepared to stand in the way of development then little will be achieved.

3 *How does this affect delivery of the Welsh Government's target for a 3 per cent reduction in Green House Gas emissions per annum from 2011?*

Again targets mean nothing unless they are delivered. Welsh Government, its ministers and minions must be held accountable for their actions. Tan 8 set a target of 800MW of new on shore wind to be installed by 2010.... through no fault of development companies, but rather the inertia and uncooperative approach of Local Government and Statutory Consultees remains a target that has been missed by a country mile.

4 *What will be the impact if consenting decisions on major infrastructure projects and associated development are not all taken in accordance with Welsh planning policy?*

The result is already to be seen; projects that are in direct accordance with Welsh planning policy are not being approved. If such projects are not consented then Welsh planning policy becomes meaningless

We trust that you will consider our views constructively and would confirm that we welcome any opportunity to discuss our views in greater detail and would specifically welcome an opportunity to address the Committee in person.

Yours faithfully  
(for and on behalf of Tegni Cymru Cyf)

**W Keith Bellis**  
**Director**

July 2005	Following a consultation exercise the Welsh Assembly Government publishes TAN 8, which identifies 7 strategic wind farm search areas. One of the areas encompasses the "Gorsedd Bran Wind Farm" development site
August 2005	Tegni Cymru Cyf secure development options on the land within SSA A and begin works on the Environmental Impact Assessment that will be required to accompany a planning application.
February 2007	Denbighshire County Council approve their Interim Planning Guidance for on-shore wind farm development. The Guidance is intended to fine-tune the search areas identified within Tan 8. The Guidance identifies preferred areas of development and includes the land at Gorsedd Bran in SSA A.
May 2007	Tegni Cymru Cyf deposit the planning application for 13 wind turbines (up to 125m in height in accordance with TAN 8) and associated works with Denbighshire County Council.
January 2008	The application is on the Planning Committee agenda for 23 <sup>rd</sup> January. The Officer recommendation is to approve the application subject to a set of planning conditions and a Section 106 agreement. The Planning Committee vote against officer recommendation and refuse permission.
February 2008	Senior Officers of Denbighshire County Council refer the application to Full Council.
February 2008	Full Council Meeting of 26 <sup>th</sup> February. The report to the Council states " Officers can identify no satisfactory grounds for the application to be refused"....The Council refuses consent.
April 2008	2 <sup>nd</sup> April; decision notice finally issued by the County Council citing 4 reasons for refusal.
May 2008	Tegni Cymru Cyf appeal the decision to the Planning Inspectorate
June 2008	Denbighshire County Council revoke their own IPG and revert to use of TAN8 as material consideration.
November 2009	Planning Inspectorate decision received on 18 <sup>th</sup> November 2009. The Inspector dismisses the appeal.
March 2011	Tegni Cymru Cyf appeal the Inspectorate's decision to the High Court.
May 2010	High Court quashes the Planning Inspectorate decision to refuse consent.
June 2010	At the last moment Welsh Assembly Government appeals the High Court decision to the Court of Appeal.
November 2010	Court of Appeal overturns the High Court decision and reinstates the Planning Inspectorate refusal of permission.
July 2011	John Griffiths AM states WAG remains fully committed to TAN 8 & its policies in his letter of July 2011