



**RHONDDA CYNON TAF**

**RECORD OF DELEGATED OFFICER DECISION**

**SUBJECT:** National Assembly for Wales' Environment and Sustainability Committee Inquiry into Energy Policy and Planning in Wales

**PURPOSE OF ATTACHED REPORT:**

To consider the Council's comments to the National Assembly for Wales' Environment and Sustainability Committee Inquiry into Energy Policy and Planning in Wales. In accordance with the Council's Scheme of Delegation, this report has been prepared to accompany the intended Officer decision of the Chief Executive.

**DELEGATED DECISION (Date):**

**It is agreed to make the following comments to the Committee:-**

Rhondda Cynon Taf County Borough Council (RCT) has considerable experience in dealing with windfarm proposals. These include proposals both within and outside the Strategic Search Area and have involved mainstream planning applications and matters that are referred to the Department of Energy and Climate Change.

RCT does not consider that there is a compelling need to review TAN 8 and the SSAs at the present time and that this would introduce further uncertainty into an already complex process. However, it would recommend that when the TAN and SSAs are eventually reviewed, that a more extensive process of stakeholder and community engagement is undertaken. This may help to engage communities at a policy making stage rather than their only opportunity for involvement being at the later planning application stage, resulting in a policy fait accompli.

RCT recognises the potential benefits of large energy proposals in Wales being determined in Wales particularly in terms of policy interpretation. However, it is recommended that further consideration be given to all such applications being determined at Local Authority level to minimise the current levels of double handling, together with issues of accountability and understanding for local communities, that the two tier system (whether administered at a UK or Welsh Government level) creates.

**Chief Officer Signature**

**Print Name**

**Date**

K. Griffiths

13.09.11

The decision is taken in accordance with Section 15 of the Local Government Act, 2000 (Executive Functions) and in the terms set out in Section 5 of Part 3 of the Council's Constitution

*Russell Roberts*

*13-9-11*

CONSULTEE CABINET MEMBER SIGNATURE

DATE

OFFICER CONSULTEE SIGNATURE

DATE

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**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**

**MUNICIPAL YEAR 2011 - 2012  
REPORT TO ACCOMPANY DECISION OF  
CHIEF EXECUTIVE**

**Part 1**

**(Non Confidential)**

**RESPONSE TO THE INQUIRY INTO  
ENERGY POLICY AND PLANNING IN  
WALES BY THE ENVIRONMENT AND  
SUSTAINABILITY COMMITTEE OF THE  
NATIONAL ASSEMBLY FOR WALES**

**1. PURPOSE OF THE REPORT**

- 1.1 To agree the Council's response to the inquiry into Energy Policy and Planning in Wales by the Environment and Sustainability Committee of the National Assembly for Wales. In accordance with the Council's Scheme of Delegation, this report has been prepared to accompany the intended Officer decision of the Chief Executive.

**2. RECOMMENDATION**

- 2.1 It is recommended that the Council makes the following comments to the Committee:-
- (i) Rhondda Cynon Taf County Borough Council (RCT) has considerable experience in dealing with windfarm proposals. These include proposals both within and outside the SSA and have involved mainstream planning applications and matters that are referred to the Department of Energy and Climate Change.
  - (ii) RCT does not consider that there is a compelling need to review TAN 8 and the SSAs at the present time and that this would introduce further uncertainty into an already complex process. However, it would recommend that when the TAN and SSAs are eventually reviewed, that a more extensive process of stakeholder and community engagement is undertaken. This may help to engage communities at a policy making stage rather than their only opportunity for involvement being at the later planning application stage, resulting in a policy fait accompli
  - (iii) RCT recognises the potential benefits of large energy proposals in Wales being determined in Wales particularly in terms of policy interpretation. However, it is recommended that further consideration be given to all such applications being determined at Local Authority level to minimise the current levels of double handling, together with issues of accountability and understanding for local communities, that the two tier system (whether administered at a UK or Welsh Government level) creates.

### 3. BACKGROUND

3.1 The National Assembly for Wales' Environment and Sustainability Committee is undertaking an inquiry into Energy Policy and Planning in Wales. The terms of reference for the review are as follows:

(i) The Committee will consider how the current devolution arrangements for energy policy and planning affect the delivery of the Welsh Government's desired future 'energy mix' in Wales, as set out in *A Low Carbon Revolution – Energy Policy Statement (2010)* 1 and the *UK Renewable Energy Roadmap (2011)*.

- *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?*
- *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?*
- *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?*
- *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?*
- *Alongside these questions, the Committee will also consider the two petitions about Welsh Government planning guidance as it relates to onshore wind energy and the impact on local communities and infrastructure.*<sup>3</sup>

3.2 There are two issues that need to be considered that potentially have a direct impact on RCT. Firstly whether the power to determine large scale energy proposals in Wales should be devolved to Wales and secondly whether there needs to be a review of TAN 8.

3.3 In order to fully appreciate the issue of Wales Policy versus UK policy it is useful first to consider the issue of TAN 8.

3.4 Local Authorities and individual members of the public in Mid Wales are calling on the Welsh Government to immediately review TAN 8 and in particular policies around the Strategic Search Areas (SSAs). Powys County Council has even gone so far as to suggest that there should be a moratorium on all windfarm applications in Wales.

3.5 There is a strong argument to suggest that the process of designating the SSAs (RCT has one SSA, Coed Morgannwg also known as SSA F) was flawed and lacked any real stakeholder engagement. In a number of cases this has led to significant conflict at planning application stage as this is the first time Local Authorities and the community can have a say on the impact of turbines in the SSAs.

- 3.6 However, in light of the Minister's recent clarification where he has stated that the target capacities for the various SSAs in TAN 8 must now be regarded as an upper ceiling, the Council may wish to be cautious in calling for a review of the SSAs at this stage. This is because the upper capacity of our SSA suggested by ARUP who undertook the study on behalf of WAG is 430MW. If the capacity of the turbines that are currently either operational, consented or awaiting a consent in our SSA were to be calculated, it would be evident that the target capacity is all but reached and therefore it is unlikely that the Council would have to consider approving any more turbines in RCT for the foreseeable future.
- 3.7 It should be noted however that should the Welsh Government review of the SSAs, then a new SSA could be designated in RCT, the existing one increased or the target capacity levels increased.
- 3.8 It is therefore recommended not to call for a review of the SSAs but that representations outline that should the Welsh Government consider designating further SSAs in the future, or enlarging the existing SSAs, then a more inclusive process should be used than that which has resulted in the current situation.
- 3.9 The second issue of relevance to RCT is whether the power to determine large energy proposals should rest with the Welsh Government rather than at UK level.
- 3.10 At present all energy proposals over 50 megawatts, whether they are located in Wales or England are determined independently at a UK level by the Department of Energy and Climate Change (DECC), and in future by the Infrastructure Planning Commission (IPC). This is the case even though mainstream planning policy and determination of all other applications in Wales is devolved to Wales. For example, the Pen y Cymoedd wind farm application whilst situated in RCT is not determined by the Council, but instead will be determined through DECC.
- 3.11 Crucially, DECC will consider the proposal under the Electricity Act not the Town and Country Planning Act, so that planning policy, and therefore Welsh planning policy, is much less of a material consideration.
- 3.12 The concern to RCT is that DECC/IPC may pay little attention to the existence of the SSAs and their capacities and place greater weight on the UK's energy needs. This could potentially result in future proposals in RCT being allowed over the SSA's target capacity or even large scale proposals being allowed outside of the SSA.
- 3.13 The option currently being debated is to fully devolve the power to determine all energy proposals, no matter their size, to Wales so that they are determined in accordance with Welsh Planning and Energy policies. However, further consideration should be given to whether this is necessary. If SSAs and TAN 8 are properly established through a comprehensive process of stakeholder engagement, then there should be no reason why all energy proposals no matter what their size could not be determined by Local

Authorities particularly where they are in accord with new and properly established policies. If they are refused, an appeal could follow in the usual way.