

P-06-1268 Review the process for pre-assessed status for onshore turbines, which unfairly disadvantages individuals

Y Pwyllgor Deisebau | 9 Mai 2022
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Reference: SR22/2618-4

Petition Number: P-06-1268

Petition title: Review the process for pre-assessed status for onshore turbines, which unfairly disadvantages individuals

Text of petition:

The current system unfairly favours developers who have access to legal, planning and financial expertise. Individuals / communities don't have the equivalent support and resources. Decisions regarding wind energy turbines can devastate livelihoods and communities. The process must change to ensure all those potentially affected are informed at the outset of initial discussions, and are provided with free professional planning and legal advice and supported to be able to influence decisions.

Further information:

We feel bullied and intimidated. We understand that developers have already been negotiating for months with landowners with the intention of installing 250-metre-high turbines 700 metres from our door. We had not been informed of this and have learnt about this via a neighbour asked to sign a noise agreement.

Neither the Community Councils, county councillors nor regional politicians, whom we have contacted, were aware of the pre-assessed status given to this area, therefore paving the way for turbines to be installed. The planning process in relation to 'Pre-Assessed Areas for Wind Energy' shown in Future



Wales: The National Plan 2040 has removed local decision making from within the planning process, therefore losing an important understanding of the local landscape, economy, cultural, linguistic and personal impact on a local community. Our livelihood, a glamping business which we have worked hard to develop over two lifetimes would be decimated and this is already negatively affecting our well-being as a family.

Shabby treatment – play fair!

1. Background

1.1. What are Pre-Assessed Areas for Wind Energy?

'Future Wales: the national plan 2040' identifies a number of Pre-Assessed Areas for Wind Energy.

In these areas, the Welsh Government has already modelled the likely impact on the landscape and found them capable of accommodating development in an acceptable way.

This doesn't mean consent has automatically been granted, but there's a presumption in favour of large-scale wind energy development (including repowering) in these areas. This is set out in policy 17 of Future Wales. Any potential development would be subject to several criteria, set out in policy 18 of Future Wales.

1.2. What is Future Wales?

Future Wales is the Welsh Government's 'National Development Framework' (NDF); a 20-year national strategy setting out the government's policies on development and land use in a spatial context. It was published in February 2021.

Future Wales has 'development plan' status. This means planning decisions must be made in accordance with it. The plans that sit below it - regional Strategic Development Plans (SDPs) (which have yet to come forward) and Local Development Plans (LDPs) - must also be consistent with it.

Future Wales sits at the top of the planning policy hierarchy alongside [Planning Policy Wales \(PPW\)](#), which is the Welsh Government's national planning policy

An NDF for Wales (i.e. Future Wales) is required under the *Planning (Wales) Act 2015* (the Act) and must be reviewed at least every five years.

1.3. How were the Pre-Assessed Areas for Wind Energy identified and consulted upon?

The Welsh Government published a [summary of public involvement document](#) which provides an overview of how it consulted. There are also several documents [summarising individual engagement events](#). The major open consultations ran [from April 2018 to July 2018](#) and [from August 2019 to November 2019](#).

Alongside Future Wales, the Welsh Government published the detailed [assessment used to identify these areas](#). The [executive summary explains](#) the assessment methodology. The assessment took place in two stages between August 2018 and July 2019. The first stage involved consultants developing an interactive tool in collaboration with the Welsh Government and stakeholders to identify initial broad priority areas for refinement. The second stage involved further analysis of these areas to refine them against detailed criteria.

Details of the assessment is provided in these documents:

- [Stage 1: development of priority areas for wind and solar energy](#) and
- [Stage 2: refinement of priority areas for wind and solar energy](#).

As part of the process, Future Wales was subject to a habitats regulations assessment (HRA) and integrated sustainability appraisal (ISA) (which is an assessment of the economic, environmental, cultural and social effects of a plan). Both the HRA and ISA are [on the Welsh Government website](#).

1.4. What's the process for consenting large scale win projects?

Large scale wind projects in Wales are consented by the Welsh Ministers via the Developments of National Significance (DNS) process. Applications are determined in accordance with the Welsh Government's national planning polices (set out in PPW and Future Wales).

1.5. How can individuals and communities have their say on proposed developments?

The DNS process requires the developer to carry out a pre-application consultation. Applications are managed by [Planning and Environment Decisions Wales \(PEDW\)](#) (formerly Planning Inspectorate Wales) and there's a further statutory consultation period once PEDW has received the final application.

A [suite of DNS guidance documents](#) on the Welsh Government website includes documents specifically for the [pre-application stage](#) and the later [consultation stage](#). There's also an [introduction](#), giving an overview of the process, and a [guide for communities](#).

1.6. What support is there for individuals and communities?

[Planning Aid Wales](#) is a charity, funded by the Welsh Government, that can help [eligible](#) individuals and communities participate more effectively in the planning system. It provides advisory services, including a helpline.

2. Welsh Government action

In her letter to you, the Minister for Climate Change, Julie James, disagrees with the core premise of the petition. She says:

... all those potentially affected are informed at the outset of initial discussions, and are provided with free professional planning and legal advice and supported to be able to influence decisions.

This Minister argues:

- 1.** The Welsh Government funds Planning Aid Wales so there's already a mechanism in place for providing free impartial advice to those who need it.
- 2.** Applications via the DNS process in the Pre-Assessed Areas will be subject to "extensive and rigorous public examination" and considered against the criteria in policy 18 of Future Wales. She says the DNS process enables Local Planning Authorities (LPAs) to make their views known via a Local Impact Report. She concludes:

It is not the case therefore that sites within the Pre-Assessed Areas can be automatically developed and there are further opportunities for people to participate in the process of determining whether schemes should go ahead.

3. The Minister is “fully satisfied” Future Wales was developed with extensive engagement and consultation (see above) with appropriate opportunities for people to participate.
4. The Minister draws attention to Future Wales’ 60-day Senedd ‘consideration period’ (see below) saying all Senedd Members were made aware of progress and given the opportunity to scrutinise Future Wales.
5. Future Wales is prepared at the national scale, considers issues such as energy from a national perspective and provides a framework for future decisions. The Minister doesn’t believe it would be possible to prepare such a national plan on the basis sought by the petition.
6. The Minister says LPAs were consulted and given the opportunity to be involved in every stage of the preparation of Future Wales across a five-year process.

Further detail on the Minister’s response can be found in her letter to you.

3. Welsh Parliament action

The Act requires the Welsh Government to lay the draft Future Wales before the Senedd for a 60-day consideration period. The draft must be accompanied by a report summarising issues raised during consultation and how the Welsh Government has taken them into account. The consultation period took place during the 2020 autumn term.

The Senedd doesn’t ‘approve’ Future Wales. Rather, the Welsh Government must take account of any resolution or recommendations made by the Senedd, or any of its committees, in deciding whether to amend the draft Future Wales. It must publish a statement alongside the final Future Wales outlining how it has considered the Senedd’s resolutions or recommendations.

During the consideration period, the draft Future Wales was scrutinised primarily by the Fifth Senedd’s Climate Change, Environment and Rural Affairs (CCERA)

Committee. There were two Senedd debates on the final draft – on 29 September and 25 November 2020.

An earlier draft (2019) was also subject to Senedd scrutiny. The CCERA Committee heard concerns from renewable sector stakeholders about the methodology used to identify what were to become the Pre-Assessed Areas for Wind Energy. They suggested that less than 10% of the area is suitable for onshore wind, and only 5% is actually available. These concerns are summarised in the Committee's report (from page 31) but the Committee didn't draw a conclusion in this area.

Every effort is made to ensure that the information contained in this briefing is correct at the time of publication. Readers should be aware that these briefings are not necessarily updated or otherwise amended to reflect subsequent changes.