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Evaluation of Consenting Performance of Renewable Energy Schemes in Wales

Main Report – Volume 1

January 2013

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This research was prepared for Planning Division
of the Welsh Government by Hyder in January 2013

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Introduction

1. As part of the Climate Change Act 2008, the UK Government has committed itself to legally binding targets for achieving reductions in carbon emissions in helping stabilise climate change to acceptable levels. The Welsh Government has, in-turn set its own renewable energy targets for 2010 of 4TWhr per annum and 7TWhr per annum by 2020. This has set-down a clear and ambitious direction of travel for climate change action in Wales, based on the view that as a nation, we must play our part in delivering these targets in order to secure a reduction in fossil fuel use and carbon emissions.

2. The Welsh Government has recognised that concerted action now on tackling carbon emissions is necessary if we are to substantially reduce our long term costs and make us more resilient and less vulnerable to the impacts of climate change. In Wales our continued reliance on fossil fuels shows that as a nation, we are living beyond our environmental limits and are continuing to emit unsustainable levels of greenhouse gas emissions.

3. The findings of this study bear witness to this fact, as shown by our failure to meet the targets set for the provision of electricity from renewable sources in 2010 by almost 60% and the likelihood, that the targets set for 2020 will not be met, based on the amount of renewable energy generated during the period of this study and the obstacles that exist to delivering renewable energy schemes in the short term.

4. Without question, this study has shown that renewable energy projects are one of the most challenging and high profile areas for the planning system to deal with. In most cases, the technologies are complex, the range of issues raised by the diversity of projects are broad and ever changing and the generally negative reaction of the public to such developments places increased pressure and scrutiny in the decision-making process. Collectively, this places a particular burden and expectation on the planning system to deal with such proposals in which greater demands are placed on all those involved in the consenting process and yet the pressure for an outcome to be made within the timescales expected for other, less contentious planning applications.

The Study

5. Hyder Consulting was commissioned by the Welsh Government in December 2011 to undertake an evaluation of the performance of the consenting bodies in the decision-making process for onshore renewable and low carbon energy developments above 5MW that have been submitted for approval since 2005, in order to facilitate improvements to the consenting process in Wales.

6. This study aims to provide an essential evidence base on which to consider the opportunities for improving the decision-making process for a range of renewable and low-carbon developments in Wales, set against a backdrop of increasing concerns being raised by the business community, developers and renewable energy companies alike, suggesting that Wales may be falling behind other UK nations and indeed Europe in delivering major renewable energy projects.

7. The planning system in Wales is a devolved responsibility of the Welsh Government. The consenting process for major energy infrastructure proposals is an exception to this, which remains the responsibility of the UK Government. Local planning authorities have responsibility for determining planning applications for renewable projects under 50MW within the provisions of the Town and Country Planning Act 1990. Responsibility for determining major energy infrastructure over 50MW onshore (and 100MW offshore) is the responsibility of the National Infrastructure Directorate within the Planning Inspectorate, under powers contained under the Localism Act 2011 (formerly undertaken by DECC under the Electricity Act 1989 and the Infrastructure Planning Commission under the Planning Act 2008).

8. This study has been conducted in two phases, divided between a Phase 1 Baseline Analysis and Phase 2 Case Study Analysis, following a systematic and inclusive approach through to the presentation of the study findings and recommendations to the Welsh Government.

Phase 1 Baseline Analysis

9. The baseline for this research study is provided by the planning guidance within TAN 8. The assessment of planning applications has considered all applications for renewable and low carbon energy development (within the scope of this study namely wind, biomass, anaerobic digestion, biofuel, hydropower, solar, geothermal and combined heat and power) submitted for planning approval in Wales since April 2005 up until the time of this baseline analysis (February 2012). Excluded from the scope of the study are offshore consents, microgeneration technologies, heat pumps (ground water and air sources) and energy from waste schemes.

10. A total of **73** schemes have been identified as falling within the remit of this study and have formed the subject of further analysis relating to consenting performance and issues affecting the decision-making process. Of the schemes, 21 have been consented, 12 refused, four are under construction, eight operational, with a further 28 remaining within the planning system. All but nine of the planning applications have been subject to an EIA.

11. Analysis has shown a marginally upward trend in application numbers across all Local Planning Authorities (LPAs), with actual numbers 'peaking' in 2008/09 and 2010/11. The trend in relation to applications considered by DECC over the same period, shows a steeper upward trend reaching a 'peak' in 2008/09 and 2009/10.

12. The statistical analysis has shown that overall, a total of **2,908.7MW** of renewable energy generation relating to schemes above 5MW is either currently in or has progressed through the planning system over the seven year period of the study. Most notably, only **109.7MW** of this total amount has become operational during this time. The breakdown of this figure shows that by a large proportion **(1,147.5MW)** remains undetermined, and a total of **1,346.8MW** is not yet operational following the grant of planning permission.

13. In forming the main body of the decision-making process, a significant amount of statistical data has become available concerning the performance of Local Planning Authorities. In overall terms, the analysis shows that the average consenting time for all renewable technologies has taken more than a year at **57 weeks**. Breaking this down into individual technologies, wind applications have the longest consenting time, with each application taking on average more than two years **(122 weeks)** to determine, whilst biomass schemes have taken on average just over a year **(61 weeks)**.

14. When assessed against the respective 8 and 16 week targets for the determination of planning applications, no applications have been determined within the 8 week target for non-EIA applications and **6%** (two schemes) for the 16 week target for EIA applications. In the case of the latter, this relates to an application for a Biomass scheme determined by Neath Port Talbot CBC and a wind application determined by Caerphilly CBC.

15. It is clear however, that whilst many of the key planning stages are completed within acceptable timescales, the overall decision-making process has been delayed, in some cases quite considerably, as a consequence of the extended timescales involved in completing a particular stage or stages in the process.

16. Whilst the delays incurred are shown to affect all key milestones in the consenting process, the timescales for consultation responses feature most prominently. Whilst all statutory consultees involved in the process have, on occasion exceeded the statutory 21 day consultation period, the delays have been most noticeable for the Countryside Council for Wales, Environment Agency, Forestry Commission Wales, Local Highway Authorities and adjoining Local Planning Authorities. This picture becomes more marked in the case of wind applications, which have considerably higher average response times from each of these consultees.

17. Based on the handling of 16 appeals over the duration of the study period, the Planning Inspectorate has taken on average **36 weeks** to determine each Inquiry across a range of renewable technologies, compared to a published average timescale for all planning Inquiries of **27 weeks**.

18. As for other consenting bodies, DECC has determined a total of **901MW** of renewable energy, split between one wind application **(252MW)** and two biomass applications **(649MW)** during the study period. The average determination periods for the three schemes has varied between **34 months** and **75 months**. There remain, at the present time a total of between **533MW** and **653MW** of renewable energy generation to be determined, split between six renewable energy schemes.

19. The recently established National Infrastructure Directorate, and its predecessor, the IPC has only one application currently being considered. Based on the stages completed to-date, it is too early to reach any firm conclusions on the performance of the organisation at the present time, although on the evidence presented, the application appears to be on track, in line with the stated timescales for determination.

Phase 2 Case Study Analysis

20. Phase 2 of the study has focused around further investigation into 12 case studies. This approach has sought to further explore a representative sample of applications which were analysed during Phase 1 and picks up on key trends emerging through the analysis of data in order to understand the context from the view of the various parties involved in the consenting process (consent granting body, developer / application and statutory consultees). Case studies have been selected by means of agreed criteria including geography, technology, size (MW), consent granting body (LPA, DECC, PINS), EIA / Non-EIA and statutory consultee responses. Case studies have been supplemented by wider consultations with representatives from local planning authorities, developers and statutory consultees.

Study Findings and Recommendations

21. A number of themes have arisen out of both the baseline analysis and supplementary case studies, from which a series of recommendations have been put forward, supported by an advisory note on their implementation. These are set-out under each of the themed headings below:

Theme 1 Strategic Renewable Energy

Recommendation 1 – Strategic Energy Consents Unit

That the Welsh Government, through new provisions in legislation, establish a 'Strategic Energy Consents Unit' as part of the Planning Inspectorate Wales with responsibility, as the determining authority for the following:

1. All renewable and low carbon energy schemes between 5MW and 50MW within Strategic Search Areas, including any ancillary and 'associated' consents;

2. All renewable and low carbon energy schemes between 25MW and 50MW outside Strategic Search Areas, including any 'associated' consents;

3. Applications for ancillary development and 'associated' planning consents relating to Nationally Significant Infrastructure Projects submitted to the National Infrastructure Directorate for determination;

4. Call-In requests and Non-Determination Appeals for all renewable and low carbon energy schemes.

Theme 2 National Planning Policy

Recommendation 2- Planning Policy Wales

That the Welsh Government revise Figure 12.3 of Planning Policy Wales (Edition 5) as set-out below and that the supporting text clarifies that the distinction between 'Strategic' and 'Local Authority-wide' scales of development relates to their respective contributions to meeting renewable energy capacities and the differing consenting regimes for delivering this.

Scale of development	Threshold (electricity and heat)
Strategic	Between 25MW and 50MW onshore
Local Authority-wide	Between 5MW and 25MW onshore
Sub Local Authority	Between 50kW and 5MW
Micro	Below 50kW

Recommendation 3 – Renewable Energy Assessments

That local planning authorities undertake, in compliance with the requirements set-out in Planning Policy Wales (Edition 5) 2012 'Renewable Energy Assessments' as part of the preparation of development plans and that its findings are fully incorporated within development plans. For plans that are adopted or at an advanced stage of preparation this work should be undertaken as Supplementary Planning Guidance.

Theme 3 The Consenting Process

Recommendation 4 – 'Major Renewable Energy Projects'

That the Welsh Government seek changes to Planning Policy Wales (Edition 5) 2012 in relation to the category of 'local authority-wide' renewable and low carbon energy schemes of between 5MW and 25MW (onshore) and through regulatory powers, the following changes:

1. The consenting period for such applications be extended and for this to be determined following further research and through consultation with key stakeholders;

2. Introduction of set timelines for the key work stages in the consenting process for such applications, to be determined following further research and through consultation with key stakeholders;

3. Such developments be referred to as 'Major Renewable Energy Projects' for the purposes of the planning consent regime.

Recommendation 5 – Call-In

That the Welsh Government introduce the following changes to Call-In procedures, through new procedures and guidance in order that:

1. Clarification is provided regarding the circumstances under which Call-In requests for renewable and low-carbon energy applications of between 5MW and 25MW (onshore) are made (Recommendation 2);
2. Local planning authorities to notify the proposed 'Strategic Energy Consents Unit' (Recommendation 1) of renewable energy and low carbon schemes between 5MW and 25MW (onshore) where it has resolved to refuse a planning application contrary to the planning officer's recommendation;
3. The timescales for the consideration and determination of called-in applications is made within a maximum period of 9 months.

Recommendation 6 – EIA Scoping

That the Welsh Government develop a comprehensive scoping guide for EIA projects for renewable and low carbon energy developments to provide greater clarity to all key players in the consenting process on the requirements for the production of Environmental Statements.

Recommendation 7 – Pre-application Meetings

That for proposed 'Major Renewable Energy Projects' (Recommendation 2) the Welsh Government introduce a mandatory requirement for pre-application meetings with all key parties and for guidance to be prepared and issued on the scope and procedures to be adopted for a 2-staged meeting process.

Recommendation 8 - Pre-application Consultation

That the Welsh Government introduce a mandatory requirement for pre-application consultation for proposed 'Major Renewable Energy Projects' (Recommendation 1) and for an applicant to prepare a 'Pre-application Consultation Report' that will form part of the planning application submission.

Recommendation 9 – Natural Resources Wales

That Natural Resources Wales incorporate a dedicated "Renewable Energy Consents Team", based on the current organisational and working practices of the Environment Agency and to ensure that the work of this team and that of the wider organisation fully incorporates the recommendations contained within this study in undertaking its planning functions (to include both advisory and consenting) in relation to renewable and low carbon energy developments.

Recommendation 10 - Parallel Consenting

That local planning authorities and the Environment Agency establish a Memorandum of Understanding (MOU) regarding the operation of a parallel consenting process for planning permissions and environmental permits for 'Major Renewable Energy Projects.' (Recommendation 1).

Recommendation 11 – Section 106 Agreements

That the Welsh Government publish guidance, in the form of a Good Practice Guide, on the use and operation of Section 106 Agreements in respect of renewable and low carbon energy proposals.

Recommendation 12 – Public Inquiries

That the Welsh Government introduce an amendment to the Town and Country Planning Appeals (Inquiries Procedure) (Wales) Rules 2003 and the related (Determination by Inspector) Rules to permit the option of permitting the Inquiry Inspector to hold 'Hearing Session' meetings for those parties entitled to appear at Inquiry.

Recommendation 13 – Planning Status Report

That the Welsh Government requests from each local planning authority a Planning Status Report on the current position of all undetermined planning applications for renewable and low carbon energy schemes, to establish the following information:

- Current status and likely timescales for decision-making;
- Key issues and any identified blockages to progress;
- Areas in which the need for any assistance or support may be required.

Theme 4 Roles, Responsibilities and Resourcing

Recommendation 14 – Funding Support

That the Welsh Government undertake a review of the current funding arrangements for local planning authorities in support of their planning function in relation to renewable energy and low carbon energy applications to determine:

1. Whether the funding assistance available to local planning authorities represents the most cost effective approach in providing planning and technical support or whether alternative arrangements should be considered and how these should best be delivered and monitored;
2. Whether the current system of planning application fees is appropriate and to consider the introduction of fee charges for the discharge of planning conditions and if so, to advise on an appropriate fee level.

Recommendation 15 – Local Government

That local authorities provide clear direction and support for the changes recommended within this study for improvements to the consenting process for renewable and low carbon energy schemes in Wales through:

1. Ensuring that adequate resources are made available to planning departments in support of their planning function and through ensuring close working relationships between departments of the Authority;

2. Exploring the opportunities for more collaborative working between local planning authorities in the sharing of expertise and resources;

3. Ensuring that officers and councillors are appropriately trained and briefed on relevant planning and technical matters in carrying-out their duties and responsibilities.

Recommendation 16 – Environmental Information

That the Welsh Government explore, in conjunction with key stakeholders the opportunity for establishing a national depository for environmental information from the EIA process for renewable and low carbon energy applications across Wales.

Recommendation 17 – Training Programmes

That the Welsh Government put in place, in conjunction with key organisations, a co-ordinated and ongoing training programme in relation to renewable and low carbon energy development, focussed on:

1. Planning officers and the development industry;

2. Joint training initiatives between RenewableUK Cymru, statutory consultees, Welsh Government and local planning authorities;

3. Compulsory training for Local Authority Councillors, Assembly Members and Members of Parliament.

Recommendation 18 – Renewable Energy Liaison Group

That consideration is given by the Welsh Government to the setting-up of an 'All-Wales Renewable Energy Liaison Group' and for its terms of reference, membership and organisational arrangements to be determined through the commissioning and advice of a planning officers working group.

Recommendation 19 – Monitoring Reports
That the Welsh Government establish an ongoing monitoring programme for the deployment of all renewable and low carbon energy schemes in Wales and their status within the planning system, through the annual return of monitoring reports by local planning authorities.

Theme 5 Sustainable Development

Recommendation 20 – Socio-Economic Benefits
That the Welsh Government commission independent research to examine the socio-economic benefits of renewable and low carbon energy development in Wales and for guidance to be prepared on how such information should be considered in promoting a broader understanding of sustainable development in support of planning applications.

1 INTRODUCTION

1.1 Study Commission

1.1.1 Hyder Consulting was commissioned by the Welsh Government in December 2011 to undertake an evaluation of the performance of the consenting bodies in the decision-making process for onshore renewable and low carbon energy developments above 5MW that have been submitted for approval since 2005, in order to facilitate improvements to the consenting process in Wales.

1.1.2 This work is being undertaken in order to assist the Welsh Government in the delivery of the *'Low Carbon Energy Policy Statement'* (March 2010), the '*Climate Change Strategy for Wales'* (October 2010) and other strategic actions on climate change. The study is also in response to claims in some quarters that the planning system has restricted the development of a number of renewable energy projects through delays in the consenting regime and that this is contributing to a climate of uncertainty within the renewables sector, which in turn is affecting Wales' chances of meeting its renewable energy targets.

1.1.3 John Griffiths AM, Environment Minister, re-affirmed at the time of this commission the Welsh Government's commitment to supporting renewable energy development in Wales and the importance of having in place an effective planning system, capable of delivering these aspirations, stating that:

'*Renewable energy really is the future; it will not run out, will help us to reduce our carbon emissions and is not dictated by factors, such as oil supply, which are outside our control.*

As a Government we are committed to making sure that Wales is at the forefront of the transition to a low carbon economy and is taking full advantage of the associated economic and job opportunities.

'*As part of this work we need to make sure that all the supporting policies and processes are in place to support a thriving renewable energy sector*.

'*Planning and other consenting processes are important considerations in this so we need to fully explore whether these are delaying renewable energy projects unnecessarily and whether they are fit to support our green energy aspirations. Once we fully understand the issues, we can then take prompt and effective action to address those issues which fall within our control.*'

1.1.4 This study therefore aims to provide the Welsh Ministers with an essential evidence base on which to consider the opportunities for improving the decision-making process for a range of renewable and low-carbon developments in Wales, set against a backdrop of increasing concerns being raised by the business community, developers and renewable energy companies alike, suggesting that Wales may be falling behind other UK nations and indeed Europe in delivering major renewable energy projects.

1.1.5 The urgency attached to this, relates both to the need to make real progress towards renewable energy targets in the fight against climate change and in producing greener energy, to more immediate anxieties concerning the security of supply. It is also being driven by the Welsh Government's stated ambitions for a rapid transition to a low carbon economy, as an essential part of its commitment to sustainable development, as a central organising principle of the Welsh Government.

1.1.6 It is against this backdrop that calls are being made for a more simplified and efficient regulatory system which can provide a more effective consenting process for the development of the renewable energy sector in Wales. At the heart of this debate is the role of the planning system and of the decision-making process itself and the inherent delays that reportedly exist, which it is claimed are endemic within the system.

1.1.7 The message being portrayed is that delivery of the Welsh Government's renewable energy policy is being hampered by an ineffective and 'cumbersome' planning system that has not adapted to meeting the rapid pace of change that is now being set by the renewable agenda in Wales. The claims of industry are that the Welsh Government's political ambitions of setting long-term renewable energy targets, whilst being matched by the renewable energy sector's willingness to take its own risks in developing the renewable energy market, are not being matched by the those of the key decision-makers.

1.1.8 This position is seen as discouraging to investors who are recognised by the Government as key to delivering the goal of meeting ever challenging renewable energy targets and in unlocking both economic growth and community benefits, as well as providing sustainable employment opportunities. The concerns raised by the business community are not being driven by demands for approval on every project proposal (and this is not the purpose of this study), but on the need for swifter and more realistic decision-times. This is seen as providing a clear message for the longer-term development of renewable energy in Wales and at the same time removing the uncertainty that exists within communities, whilst tackling the increased costs of developing renewable energy technology that arise as a result of the extra delays.

1.1.9 These concerns have more recently been captured with the launch of the Welsh Government's energy policy document, '*Energy Wales: A Low Carbon Transition'* on March 17th 2012. In his foreword, The First Minister of Wales, RT. Hon Carwyn Jones AM, sets-out the Government's position, stating that:

'Business is essential to our energy and our economic future. We therefore aim to build on Wales' reputation – working in partnership with industry – to ensure that we are not only 'open for business,' but are once again seen as a global centre for energy.'

'In taking a lead on energy, I am determined that we work effectively and use all of Welsh Government's ability to deliver a positive transition to a wealthy, low carbon future. This is a huge opportunity to forge a better future and to once again lead a revolution in history, this is an energy decade for Wales.'

1.1.10 The Energy Strategy recognises that Wales offers significant assets in virtually every energy source, with significant wind resources, both onshore and offshore, wave and tidal energy potential, one of the best solar resources in the UK and scope for more biomass and hydro. This position, it is maintained, makes Wales well placed to take advantage of the transition to a low carbon economy and that, *'we now need to build on this foundation and significantly accelerate the pace of change, ensuring that Wales is well-placed to work with businesses and industry, in order to take advantage of the opportunities associated with the transition to a low carbon economy*.'

1.1.11 Within this overall goal, the Strategy proposes a number of key commitments, including the need to ensure, *'that our regulatory processes are as simplified and efficient as they can be and provide business with clarity and stability*.' This is a matter of relevance to this commission.

1.1.12 Against this background, the Strategy acknowledges that the existing planning and consenting regimes for major energy development have been the subject of criticism from industry in particular and of the key role to be played in tackling this by the Welsh Government, in improving the planning and consenting system.

1.1.13 As a priority for this term, the Welsh Government proposes to improve the planning and consenting regime, noting that this will be based largely on, *'implementing recommendations from the Hyder report commissioned by the Welsh Government to review current energy consenting systems – this is expected to report in the summer and any necessary legislative changes will be fed into the Planning White Paper and subsequent Planning Bill*.'

1.1.14 The Government's legislative programme therefore sets in motion the commitments made at an international, UK and Wales level to support the increased level of renewables. The challenge for this study is therefore in understanding the extent to which the current arrangements in place support the Welsh Government's energy aspirations, '*to create a sustainable*, *low carbon economy for Wales*,' and as part of this process, to uncover those factors that might be delaying consents for renewable energy projects in Wales. Where barriers are found to exist, recommendations will be presented within the study findings for appropriate measures to be considered by the Welsh Government, as part of its wider work to review the planning system in Wales.

1.2 Study Background

1.2.1 There is a growing awareness of the consequences of climate change and the need for radical responses to reduce our emissions of carbon dioxide and other greenhouse gases, as contributors to climate warming and in order to increase the security of our energy supply.

1.2.2 For these reasons, and in recognition of the benefits of renewable energy, the UK has signed up to a number of international agreements in an attempt to address the situation. As part of EU-wide action to increase the use of renewable energy, the UK has committed itself to sourcing 15% of its energy from renewable sources by 2020, representing an increase in its share of renewables by almost seven-fold from about 2.25% in 2008.

1.2.3 The UK Renewable Energy Strategy (July 2009) sets out the measures by which these goals can be achieved. The document puts forward an action plan for meeting what are described as challenging targets and that this will only be possible with:

'Strong, co-ordinated efforts from a dynamic combination of central, regional and local Government and the Devolved Administrations, as well as other public groups, the private and dedicated community groups and individuals.'

1.2.4 Whilst the Strategy makes clear its ambition of driving delivery forward and removing barriers in meeting its targets, it seeks to work collaboratively with its delivery partners and at the same time protect the natural environment through the application of relevant controls. The Strategy makes clear its intention that:

'Our goal is to maximise the environmental, economic and employment opportunities for the UK from renewables. We want the UK to be the location of choice for inward investment and a world class centre of energy expertise. This Strategy – and our wider Low Carbon Transition Plan published in parallel with it – will enable us to build the UK low-carbon economy, promote energy security and take action against climate change.'

1.2.5 Consultation undertaken on the UK Government's Renewable Energy Strategy in 2008 had sought views on how best the Government should proceed to meet its legally binding targets of producing 15% of its energy demand from renewable sources by 2020. Of the many issues raised, the majority of respondents stressed the urgency with which change was required. Prompted by the view that the planning system should operate more swiftly in order to facilitate renewable development and much needed energy infrastructure, the Government introduced the setting up of a new independent Infrastructure Planning Commission in April 2010, as part of

proposals for streamlining and simplifying the planning approval process for nationally significant projects.

1.2.6 Now the National Infrastructure Directorate (NID) within the Planning Inspectorate from April 2012, the Unit continues in its stated aim of providing a *'fast-track approval process'* for applications for major energy projects in England and Wales (with limited application in Scotland). Whilst the Welsh Government continues to urge the UK Government to devolve responsibility for projects over 50MW to the Welsh Ministers, the principle established by the NID in putting in place a planning system which can operate within a clear policy framework, with clear time limits and where decisions to be made are as predictable as possible, is for many a desired outcome for renewable energy schemes regardless of scale.

1.2.7 In Wales similar ambitions for addressing the impacts of climate change are being pursued, recognising that Wales is an energy rich country with plentiful natural resources and able therefore to adapt to a changing world seeking to decarbonise energy supply and for a more sustainable energy production. This forms an integral part of the Welsh Government's obligation to promote sustainable development and at the same time to play its part by delivering an energy programme which contributes to reducing carbon emissions as part of a wider approach to tackling climate change.

1.2.8 The Welsh Government's move to a low carbon economy and how this will be achieved is set-out in detail in its *'Energy Policy Statement: A Low Carbon Revolution'* (2010). The Strategy builds on the work undertaken on a range of related policy initiatives in Wales, in line with the UK policy position, the work of the UK Climate Change Commission and the UK National Policy Statements on Energy and Renewables.

1.2.9 The Statement provides a stark reminder of the scale of the challenge facing Wales as a country as a result of climate change and the need for urgent action to be taken to reduce carbon emissions:

'Our future well-being, both material and social, will be dependent on achieving sufficient supplies of affordable low carbon energy. This move to a low carbon economy is an essential part of our commitment as a Government to sustainable development. Done successfully it will strengthen our economic well-being, improve the environment and help to address key social issues such as fuel poverty. There is therefore both a moral and a practical imperative to move rapidly to a situation where we are much less dependent on fossil fuels – a low carbon economy.'

1.2.10 In providing a clear direction of travel for climate change action in Wales and for making its ambition for low carbon energy a reality, the Welsh Government notes that whilst the planning and regulatory responsibilities for major energy supply are retained by the UK Government, *'the Welsh Assembly Government will use all its range of powers – including planning, transport, economic development, environmental protection and housing powers – to support this policy statement and will work closely with the UK Government and the regulator, OFGEM, to ensure it is reflected in their decisions.'*

1.2.11 The Welsh Government's aim is to renewably generate up to double renewable generation by 2025 compared to 2010 and that by 2050, at the latest, to be in a position where almost all of Wales' local energy needs, whether for heat, electrical power or vehicle transport, can be met by low carbon electricity production.

1.2.12 The current targets for the provision of electricity from renewable sources in Wales are set-out within Technical Advice Note 8 (TAN 8) 2005, which requires 4TWhr per annum to be produced by renewable energy by 2010 and 7TWh by 2020.

1.2.13 The most recently published information on the generation of electricity from renewable energy sources (DECC 2010) indicates that total renewable energy generation for Wales stands at 1.62TWhr. This indicates that the renewable energy targets for 2010 have not been met, with concerns raised by various interest groups over the slow rate of progress on the deployment of renewables in Wales and the implications of this for the global environment and the Welsh economy. In response, the Welsh Government has pointed to the fact that in addition to the current amount of electricity produced from renewables, another 5TWh is either consented, under construction or in the planning process, meaning Wales is on course to exceed the original 2020 target of 7TWh.

1.2.14 At the same time, picking-up the debate around the operation of the planning system, the Welsh Government has accepted, *'that the process for consenting major onshore and offshore energy infrastructure projects is not operating as efficiently as it should be. It is vital to address this to ensure that Wales gets the maximum benefit from the predicted £50bn of investment in energy.'*

1.2.15 Specifically, in relation to the current planning system in Wales, the Welsh Government advises that:

'We are already working to streamline and improve the planning system more generally so that it provides clarity for Welsh businesses and individuals. Also the First Minister has called repeatedly for the UK Government to devolve responsibility for consenting major energy projects to Wales so that we have the necessary power and tools to fully address this issue.'

1.2.16 In its assessment of progress on climate change in Wales, the independent Climate Change Commission for Wales, made clear in its first annual report (January 2012) that action in Wales to meet its 3% annual reduction in carbon equivalent emissions target in areas of devolved responsibility will itself require a redoubling of effort and that the Welsh Government and its partners should focus on finding emissions reductions and developing adaptive capacity wherever possible. The Report goes on to say that to do so will require a strengthening of the ambitions of the delivery plans to ensure that they meet the existing targets.

1.2.17 The Report highlights the key role to be played by the planning system in tackling climate change, noting that, *'issues around planning have consistently been raised as a barrier to progress.'* Whilst the Report acknowledges the progress that has been made in planning policy, it recognises that, *'there is still concern that the current system is not fit for purpose and is restricting progress.'*

1.2.18 The role of planning in delivering sustainable development in Wales has previously been considered by the Welsh Government in its response to the Sustainability Committee's Report on Planning in Wales in March 2011. The key recommendations included the devolution of decisions on major energy projects and for amendments to be made to the Planning Act 2008 in order that decisions on large scale energy projects in Wales can be made in line with Welsh planning policy, rather than the National Policy Statements.

1.2.19 A further recommendation of the Committee was for the Welsh Government to encourage the sharing and development of expertise on planning policy and development proposals, to include funding support to enable local planning authorities to access technical support for renewable energy. In its response, the Welsh Government noted that a number of initiatives were already in place to facilitate and support the delivery of renewable energy projects through the planning system in Wales. These include:

- *Providing funding for local planning authorities within TAN 8 Strategic Search Areas, consulted by DECC or the Infrastructure Planning Commission on applications for major wind energy projects;*

- *Funding local planning authorities to secure specialist technical advice on renewable energy and waste projects, to inform their decisions on planning applications;*

- *Commissioning a renewable energy toolkit enabling local planning authorities to assess the potential of their areas for different forms of renewable energy. Training was provided to local planning authorities in Wales at a series of regional seminars;*

- *Commissioning a report on the land use implications of all forms of renewable energy so that local planning authorities are aware of the planning issues and implications associated with each type when considering planning applications*.

1.2.20 This study has therefore been set against the commitment to meet ever more challenging renewable energy targets and the drive forward by the Welsh Government in taking action against climate change and its goal of achieving a rapid transition to a low carbon economy. This in turn has been set within the regulatory framework currently in place and its performance in meeting the Welsh Government's stated energy targets is therefore at the heart of this Commission.

1.3 Scope of the Commission

1.3.1 The aim of this research study is to *'examine the barriers to the delivery of timely decisions for onshore renewable and low carbon energy developments above 5MW and consider opportunities to improve performance by all players.*'

1.3.2 The Commission therefore seeks to establish how the consenting process for renewable and low carbon energy projects is currently working across Wales and to provide a sound evidence base on which to assess the factors that might be responsible for delaying consents for renewable and low carbon energy projects.

1.3.3 The starting point for this work is the publication in July 2005 of Technical Advice Note 8 'Planning for Renewable Energy' (TAN 8), as a supplement to Planning Policy Wales (March 2002) and the Ministerial Interim Planning Policy Statement on Renewable Energy (July 2005). TAN 8 is intended to provide the technical basis for the policy context provided by PPW in ensuring that the Welsh Government's energy targets can be met through the planning system. Whilst the guidance covers all forms of renewable energy technologies in Wales, it recognises the particular challenges facing onshore wind development, which forms the mainstay of the Welsh Government's renewable energy targets.

1.3.4 It is relevant to note, at the time of its publication, in written evidence to the House of Commons Welsh Affairs Committee (Energy in Wales, Third Report of Session 2005-2006, Volume 1), the Welsh Assembly Government's view that TAN 8 was intended to, *'facilitate the measured development of renewable energy in the most appropriate locations and to provide surety and clarity to developers and local authorities.'*

1.3.5 In providing the national strategy on renewable energy, the guidance in TAN 8 is accompanied by a series of maps identifying seven Strategic Search Areas (SSAs), within which large scale onshore wind developments (between 25MW and 50MW) are considered to be most appropriately accommodated by virtue of the optimisation of wind resources, whilst ensuring the protection of most of upland Wales. Subject to local refinement these areas are considered suitable for the location of large wind-farms. The indicative capacity targets set for each of the SSAs within TAN 8 are considered central to delivering the Welsh Government's energy policy aspirations.

1.3.6 The baseline for this research study is therefore provided by the planning guidance within TAN 8. The assessment of planning applications has been tasked to consider all applications for renewable and low carbon energy development (within the scope of this study) submitted for planning approval in Wales since April 2005 up until the time of this baseline analysis (February 2012). The study recognises the predominant role played by onshore renewable energy technologies in particular during this period and which lie within the land use planning system that is the main focus of this work.

1.3.1 Scale

1.3.7 In line with the scales of energy development established within Planning Policy Wales, Edition 5 (2012) this study is concerned only with those identified as being 'Strategic' and 'Local Authority-wide' developments above 5MW **(Table 1.1 below)**. Energy developments described as either 'Sub Local Authority' or 'Micro' under 5MW both fall outside the scope of this commission.

Table 1.1 Renewable and Low Carbon Energy Scales for Planning Purposes

Scale of development	Threshold (electricity and heat)
Strategic	Over 25MW for onshore wind and over 50MW for all other technologies
Local Authority-wide	Between 5MW and 25MW for onshore wind and between 5MW and 50MW for all other technologies
Sub Local Authority	Between 50kW and 5MW
Micro	Below 50kW

Source: Planning Policy Wales Edition 5 (2012) Welsh Government

1.3.8 It is helpful, within the context of this commission to clarify an understanding of the energy scales referred to throughout the study report. The reference made to Kilo Watts (kW) or Mega Watts (MW) in **Table 1** above, translates to a MW being the equivalent of a thousand kW. The figures shown relate to a measure of electricity or heat output being generated (or used) at any given moment in time ie the potential installed capacity of the development.

1.3.9 On the other hand, the potential annual energy output of the development is the product of power and time, which has units of kWh or MWh (with the' h' standing for 'hour'). For comparative purposes, individual wind turbines quite often have an installed capacity of around 2MW. To convert 2MW of power output running at full power for one hour, it would have generated 2 x 1 = 2MWh of energy.

1.3.2 Technologies

1.3.10 Renewable energy is often used to describe both renewable and low-carbon technologies. The distinction to be drawn is that whilst 'renewable energy' technologies do not create carbon emissions during energy generation, low-carbon' energy technologies have associated carbon emissions, albeit at a much lower level than that associated with conventional energy generation.

1.3.11 For the purposes of this study, PPW has defined renewable energy and low carbon energy as follows:

'Renewable energy is the term used to cover those sources of energy, other than fossil fuels or nuclear fuel, which are continuously and sustainably available in our environment. This includes

wind, water, solar, geothermal energy and plant material (biomass). These sources of energy can be utilised to generate power, heat, fuels (for transport) and cooling through a range of renewable energy technologies such as solar panels and wind turbines'.

'Low carbon energy is the term used to cover technologies that are energy efficient (but does not include nuclear).

1.3.12 The range of renewable energy and low carbon energy technologies within the scope of this commission are as follows:

- Wind
- Biomass
- Anaerobic Digestion
- Biofuel
- Hydropower
- Solar (solar array development)
- Geothermal
- Combined Heat and Power/Combined Cooling Heat and Power

1.3.13 Within the range of renewable and low carbon energy technologies to be considered, only Combined Heat and Power (CHP) falls within the definition of low carbon energy development. All others are considered to be a form of renewable energy development.

1.3.14 Excluded from this list are offshore consents, Microgeneration technologies, Heat Pumps (ground water and air sources) and Energy from Waste schemes that do not form part of this study commission.

1.3.15 A brief description of the main features of each of the renewable types and the processes included within the scope of this study are provided below:

Wind Energy

1.3.16 Wind power uses energy from the wind to turn a rotor connected to an electrical generator. The main visible components of a wind turbine consist of a tower, nacelle and rotor blade system, the majority of which use a horizontal axis three-blade rotor system mounted on a steel mast. Other additional infrastructure includes road access to the site and on-site tracks, a temporary construction compound, a concrete foundation pad for each turbine, an area of hardstanding next to each turbine (for construction), underground cables, an anemometer mast and a control building and substation (often in the same building).

Biomass

1.3.17 Biomass is concerned with the production of heat from the burning of plant materials. The final output is either heat or electricity. Biomass is considered to be a sustainable fuel, with low carbon emissions. Energy from biomass and waste is generally referred to as bioenergy. Biomass sources can be identified under the headings of energy crops such as coppice, willow, poplar, miscanthus, hemp and oil seed rape, and organic residue including forest residues, wood waste, agricultural residues and municipal solid waste. The appearance and site footprint of biomass developments will depend on the scale of the plant, though will generally require fuel delivery and storage facilities, fuel extraction equipment, specialist biomass combustion or advanced thermal process plant and ancillary equipment such as flues, ash extraction mechanism, heat storage, connecting pipework, expansion tank, control systems, electricity transmission systems and (in some cases) an integrated fossil fuel system.

Anaerobic Digestion

1.3.18 Anaerobic digestion (AD) is a method of waste treatment that can either produce a biogas with high methane content or, following a similar process, produce hydrogen, both from organic materials such as organic agricultural, household and industrial wastes and sewage sludge (feedstock). The methane or hydrogen can be used to produce heat, electricity, or a combination of the two. An AD plant typically comprises a digestor tank, buildings to house ancillary equipment such as generator, a biogas storage tank, a flare stack and associated pipework.

Biofuels

1.3.19 Biofuels generally refer to biomass-derived liquids that are used as transport fuel. They are usually produced from plant materials and often blended with mineral fuels before use. The most common biofuels are biothanol, which is made from fermenting crops such as sugar cane, wheat or maize and biodiesel, which is made from oily crops such as soy and oilseed rape or by the processing of oily wastes such as used cooking oil and animal fats. Large scale biofuel plants are industrial features, often with a boiler plant and flue, cooling towers and a number of storage and process tanks.

Hydropower

1.3.20 Hydropower is the use of water flowing from a higher to a lower level to drive a turbine connected to an electrical generator, with the energy generated proportional to the volume of water and the vertical drop or head. The key elements of a hydro scheme are a source of water and the construction of a weir at the point at which water is taken from the watercourse (the 'intake'), a pipeline to connect the 'intake' to a turbine, a cover/small shed housing the turbine, a 'tailrace' returning the water to the watercourse and a link to the electricity network.

Solar (solar array development)

1.3.21 Solar PV arrays consist of freestanding arrays of solar panels mounted on fixed frames or systems that track the sun and which feed their electricity into the national grid. The main components of a solar PV array are likely to comprise groups or 'arrays' of up to 50 panels mounted on a static metal stand, ideally facing due south and angled at 20 to 45 degrees from the horizontal. In addition, arrays require ground anchors, an inverter, typically housed in a small building, cabling (mainly buried), grid connection, security fencing, temporary construction compound and access track.

Geothermal

1.3.22 Geothermal energy resources are found in the form of heat within the rocks below the earth's surface. The source of this heat comes from the radioactive decay of minerals deep within the earth. Various technologies exist to utilise geothermal energy as a direct source of renewable heat, or to use this heat to generate electricity, which generally involve the drilling of wells or boreholes several kilometres deep. Extracted geothermal energy is naturally replenished over time making the resource sustainable. The footprint of a geothermal plant varies according to the scale and plant type, though the visible elements of a plant would normally include cooling towers, pipework and one or more buildings to house generation equipment, pumps and compressors.

Combined Heat and Power/Combined Cooling Heat and Power

1.3.23 Combined Heat and Power (CHP) plants produce both electricity and heat. CHP is used extensively in industry and is also used in some district heating schemes. Generating plant

which produces electricity, heat and chilling (through the use of absorption chillers) is known as Combined Cooling, Heat and Power (CCHP), or Trigeneration. CHP often uses natural gas, in which case it is an efficient but not renewable energy technology. When a renewable fuel source is used, typically woodfuel, CHP becomes a renewable energy technology. CHP plants have similar building requirements as that for biomass plants.

1.3.3 Consenting Bodies

1.3.24 The planning system in Wales is a devolved responsibility of the Welsh Government. The consenting process for major energy infrastructure proposals is an exception to this, which remains the responsibility of the UK Government. Local planning authorities have responsibility for determining planning applications for renewable projects under 50MW within the provisions of the Town and Country Planning Act 1990. Responsibility for determining major energy infrastructure over 50MW onshore (and 100MW offshore) is the responsibility of the National Infrastructure Directorate within the Planning Inspectorate, under powers contained under the Localism Act 2011 (formerly undertaken by DECC under the Electricity Act 1989 and the Infrastructure Planning Commission under the Planning Act 2008).

1.3.25 The following table shows the main consenting bodies and the types of application for which each has responsibility for determination and which are covered within the scope of energy projects considered by this Commission.

Table 1.2 Consenting Bodies with responsibility for Planning Consents included within this commission

Consenting Body	Application Type
Local Planning Authority	Planning applications submitted under the Town and Country Planning Act 1990
Department of Energy and Climate Change (DECC)	Major energy infrastructure schemes over 50MW (onshore) submitted under the Electricity Act 1989, until March 2010.
Infrastructure Planning Commission/National Infrastructure Projects Unit	Major energy infrastructure schemes over 50MW (onshore) submitted to the Infrastructure Planning Commission between April 2010 and March 2011. Thereafter schemes submitted to the National Infrastructure Directorate since April 2011.
Planning Inspectorate	Planning Appeals
Welsh Government	Call-in applications
Local Planning/Highway Authority	'Associated' and ancillary consents including Listed Buildings, Conservation Areas and Ancient Monuments; Trees; Advertisements; Highways; Commons; Nature Conservation.

1.4 Study Approach & Structure

1.4.1 This study has been conducted in two phases, divided between a Phase 1 Baseline Analysis and Phase 2 Case Study Analysis. The approach applied has been systematic and inclusive, starting from a detailed review of the many background documents and strategies that provide the context for the development and implementation of energy policy in Wales, leading to the collation of relevant data-sets of renewable and low-carbon energy schemes, their detailed analysis and the identification of key issues. This initial work stage has informed the subsequent selection of case studies to be evaluated within the Phase 2, leading to the presentation of study findings and recommendations to the Welsh Government.

1.4.2 The proposed methodology has therefore been developed around this scope of work, based on a series of key work tasks for each Study Phase as illustrated below:

Table 1.3 Report Structure – Summary of Activity

Phase 1 – Baseline Analysis

Task	Summary of Activity
Task 1A – Collation of Information	Consultation on available sources of information and the collation of key datasets to provide a baseline on all renewable energy and low-carbon schemes in Wales.
Task 1B – Data Analysis	Development of a Planning Consents Matrix containing all data inputs showing key stages through the planning consent process that will permit comparative analysis by sector, type and geographic spread.
Task 1C – Interim Report	Presentation of key findings focussing on timely and non-timely planning decisions, highlighting particular issues within the consenting process that may warrant further investigation.

Phase 2 – Case Study Analysis

Task	Summary of Activity
Task 2A – Selection of Case Studies	Selection of case studies in accordance with agreed criteria for further detailed analysis on the key barriers and/or opportunities to the delivery of planning consents.
Task 2B – Case Study Analysis	Preparation of a short report covering areas of interest and highlighting any key issues arising. The focus of this task is on identifying potential barriers and opportunities along with any areas of best practice as the basis for future knowledge sharing between stakeholders and interested parties.
Task 2C – Final Report	Preparation of the final report with clear recommendations based on the earlier study analysis on how the present consenting system can be improved and made 'fit for purpose.' Dissemination of the study findings.

2 POLICY BACKGROUND

2.1 Introduction

2.1.1 This section provides a brief overview of the legislative and policy context to the study at an international, UK and Wales level, with particular reference to current Welsh Government guidance, regulation and strategies and on those key policies, plans and programmes of relevance to renewable energy development in Wales.

2.1.2 The section focuses on relevant energy regulation and policy development, highlighting changes in the energy policy agenda and energy targets that have cascaded down from the international to the local level and the planning policy framework by which energy development projects in Wales can be delivered.

2.2 Planning Policy Context

2.2.1 International

2.2.1 The Intergovernmental Panel on Climate Change (IPCC) Fourth Assessment Report (2007) has highlighted an increase in global average temperatures since the mid-20th century, very likely due to the observed increase in anthropogenic greenhouse gas concentrations. The Renewable Energy Directive (2009) put forward a package of energy and climate change proposals.

2.2.2 European Union (EU) Members made a commitment to collectively cut their emissions by at least 20% of 1990 levels by 2020 through greater energy efficiency. The Directive also committed to increasing the proportion of EU energy consumption from renewable sources to 20% by 2020. In response to the unequivocal increase in global temperatures and the impacts of climate change, the UK and Welsh Governments have established targets for renewable energy generation.

2.2.2 UK-Wide

2.2.3 The UK Government has set a domestic goal of reducing CO_2 emissions to 20% below 1990 levels by 2010 and in November 2000 launched the UK Climate Change Programme. This programme outlines the areas and policies through which this domestic target would be achieved. Renewable sources of energy are recognised as an essential element of the climate change programme.

2.2.4 In 2002, the UK Government placed a 'Renewables Obligation' on all UK licensed electricity suppliers to provide 10% of their electricity from renewable sources by 2010 and 15% by 2015. Generators failing to meet their targets will be forced to pay a 'buy-out price', which is effectively a financial penalty. The purpose of this obligation is to assist the UK in meeting national and international targets for greenhouse gas reduction, to help promote a secure, diverse, competitive energy supply market, stimulate the UK renewables energy industry and make a contribution to rural development.

2.2.5 The Stern Review (2006) considered the economic implications of climate change and highlighted the need to invest in the reduction of greenhouse gas emissions before the economic costs of not doing so are realised. The Review states that '*emissions can be cut through increased energy efficiency, changes in demand and through adoption of clean power*'.

2.2.6 The UK Government reiterated its commitment to cutting the UK's CO_2 emissions by 60% by 2050 and by 26%-32% by 2020 against a 1990 baseline in May 2007, with the publication of

'*Meeting the Energy Challenge*: *A White Paper on Energy*'. The Energy Act 2008 implemented the legislative aspects of this White Paper, motivated primarily by the need to tackle climate change through the reduction of CO_2 and the need to ensure secure, clean and affordable energy.

2.2.7 In October 2008, the new Department for Energy and Climate Change (DECC) was created. The Secretary of State announced that the Climate Change Bill was to be amended to provide a target of 80 % reduction in CO_2 emissions by 2050. The Climate Change Bill was introduced into the UK Parliament and became law in November 2008. The Climate Change Act 2008 sets legally binding targets for greenhouse gas emission reductions of at least 80% by 2050, and reductions in CO_2 emissions of at least 26 % by 2020, against a 1990 baseline. The 2020 target will be reviewed in the near future.

2.2.8 The UK-wide commitment to renewable energy has been further strengthened through publication of the UK Renewable Energy Strategy (RES) in July 2009. The RES explains how and why the UK needs to radically increase its use of renewable electricity, heat and transport. It sets out the path to meet legally-binding targets to ensure 15% of UK energy comes from renewable sources by 2020, identifying renewable energy as '*a key part of the overall UK Low Carbon Transition Plan*' and recognising that accelerating the uptake of renewable energy will help in decarbonising energy production in the UK, while ensuring secure and safe energy supplies.

2.2.9 The UK Government's National Renewable Energy Action Plan July 2010, (Article 4 of the Renewable Energy Directorate 2009/28/EC) defines the measures to enable the UK to meet its 2020 targets.

2.2.3 Wales

2.2.10 The Welsh Government views climate change as one of the greatest global challenges, a fact reflected in the Climate Change Strategy (2010) which includes the achievement of at least a 40% reduction in greenhouse gas emissions by 2020. Planning Policy Wales (PPW), Edition 5 (November 2012) states that the Welsh Government is committed to playing its part in meeting the UK targets by delivering an energy programme which contributes to reducing carbon emissions.

2.2.11 The main strategic context for renewable energy development in Wales is provided by the following energy policy framework, summarised as follows:

Planning Policy Wales (PPW), Edition 5 (November 2012)

2.2.12 Planning Policy Wales (PPW), Edition 5 (November 2012) sets out the land use policies of the Welsh Government. The Plan is continually monitored and reviewed and the 2012 revision contains the current land use planning policy framework for Wales. Alongside Technical Advice Notes (TANs) and other procedural advice PPW translates the Welsh Government's *'commitment to sustainable development into the planning system so that it can play an appropriate role in moving towards sustainability'*.

2.2.13 PPW states the role of the planning system is to regulate the development and use of land in the public interest and that it should, '*reconcile the needs of development and conservation, securing economy, efficiency and amenity in the use of land, and protecting natural resources and the historic environment*, *thereby contributing to sustainable development.'*

2.2.14 PPW goes on to say that *'the planning system should be efficient, effective and simple in operation*,' noting at the same time that the Welsh Government is committed to modernising

public services and that the standard of public services must be raised to make them more responsive to the wishes and needs of their users.

2.2.15 Within this context PPW notes that there is a statutory duty for local planning authorities to determine planning applications within 8 weeks of the receipt of a valid planning application, though accepting that some large and complex proposals may take longer, advising at the same time, that *'planning authorities should seek to agree a timetable for handling such applications with the developer*.'

2.2.16 Sustainability is a core theme within the latest edition of PPW with section 4.2 recognising *'the planning system is necessary and central to achieving sustainable development in Wales'*. In managing the use and development of land it is stressed that, *'the planning system provides for a presumption in favour of sustainable development to ensure that social, economic and environmental issues are balanced and integrated, at the same time, by the decision-taker'*.

2.2.17 The current edition of PPW provides more detailed policy guidance on renewable and low carbon energy in Wales, recognising that tackling climate change is a fundamental part of delivering sustainable development and the fact that the Welsh Government, '*has made a commitment to tackling climate change, resolving that the Government and people of Wales will play the fullest possible part in reducing its carbon footprint'*.

2.2.18 In delivering this commitment, PPW makes clear the role to be played by local planning authorities in facilitating all forms of renewable and low carbon energy in moving towards a low carbon economy in helping tackle the causes of climate change. The expectation is that local authorities should make positive provision by:

- *'Considering the contribution that their area can make towards developing and facilitating renewable and low carbon energy, and ensuring that development plan policies enable this contribution to be delivered;*
- *Ensuring that development control decisions are consistent with national and international climate change obligations, including contributions to renewable energy targets and aspirations;*
- *Recognising the environmental, economic and social opportunities that the use of renewable energy resources can make to planning for sustainability.'*

2.2.19 PPW does however recognise that a finely balanced approach must be taken by local planning authorities in assessing planning applications for renewable energy installations – on the one hand the need to, *'facilitate the development of all forms of renewable and low carbon energy',* making*, 'positive provision by…ensuring that development control decisions are consistent with national and international climate change obligations, including contributions to renewable energy targets and aspirations*' and on the other hand the need to '*ensure that international and national statutory obligations to protect designated areas, species and habitats and the historic environment are observed....mitigation measures are required for potential detrimental effects on local communities.....and ensuring that the potential impact on economic viability is given full consideration.'*

2.2.20 In particular, PPW highlights the potential afforded by strategic wind energy, though accepting that onshore wind needs careful consideration to avoid and where possible minimise its impact. Nonetheless, PPW notes the importance of wind energy as a key part of meeting the Welsh Government's vision for renewable electricity production, as set out in its Energy Policy Statement (2010) to be taken into account by decision makers when determining such planning applications.

2.2.21 In relation to the preparation of development plans, local planning authorities are advised to facilitate local authority-wide scale renewable energy by undertaking an assessment of the

opportunities and potential for renewable energy in the area. PPW goes on to say that authorities should plan positively for all forms of renewable and low energy development using up to date and appropriate evidence and should seek to guide such developments by undertaking an assessment of the potential of all such opportunities within their area and to include appropriate policies in development plans. LPAs are encouraged to work collaboratively in order to gather evidence on a sub-regional basis wherever possible.

2.2.22 In undertaking such assessments, PPW considers that amongst other factors, local planning authorities should establish an evidence base which, '*takes into account the contribution that can be made by their local area towards carbon emission reduction and renewable and low carbon energy production*.'

2.2.23 At the strategic scale, PPW advises that development plans should, where relevant provide policies, *'to clarify in the SSAs where strategic scale wind energy developments are likely to be permitted, for example by identifying local micro-siting criteria or identifying specific preferred locations*.'

2.2.24 In relation to the determination of planning applications for renewable and low carbon energy developments, PPW provides a number of factors to consider, noting also that developers, '*should seek to avoid, or where possible minimise adverse impacts through careful consideration of location, scale, design and other measures*.'

Planning Policy Wales – Technical Advice Note 8 (TAN 8): 'Planning for Renewable Energy.' Welsh Assembly Government. 2005.

2.2.25 The Welsh Assembly Government's TAN 8 sets the framework for renewable energy development in Wales, acknowledging that '*onshore wind power offers the greatest potential for an increase in the generation of electricity from renewable energy in the short to medium term'*. The outcome of Assembly Government-commissioned research recommended that, '*large scale (over 25 MW) onshore wind developments should be concentrated in Strategic Search Areas (SSAs)*'.

2.2.26 Whilst TAN 8 recognises the enhanced role to be played by onshore wind power in Wales, consideration is given to the contribution to be made by other onshore renewable energy technologies. The planning implications of each technology of relevance to this Commission, considered by TAN 8 are reproduced below:

Anaerobic Digestion

'Criteria based policies should be supportive subject to appropriate siting, adequate vehicular access etc. Planning applications will need to be carefully assessed and planning permissions adequately conditioned to ensure good practice is followed and nuisance avoided.'

Biofuels

'*Developments at a larger scale will normally be attached to, or incorporated within, existing vehicle fuel refineries and thus unlikely to require separate policies in development plans'*.

Combined Heat and Power

'Local planning authorities should take an active role in facilitating CHP systems through development plan and development brief processes.'

Biomass

'*Whilst development plan policies should be supportive of the generation of electricity from woodfuel, there is no particular need to identify sites for power stations. The locational criteria are not so specific as to justify special consideration through the planning system The fuel supply will clearly be an important locational factor as will the availability of a good transport infrastructure, and connection to a suitable electricity system with available capacity*.'

Hydro-Power

'*Though generally supported, there could be occasions where some hydro schemes are unacceptable because of potential ecological damage. All of the parties involved should work constructively to find acceptable solutions*.'

Solar-Voltaic (PV)

'*Other than in circumstances where visual impact is critically damaging to a listed building, ancient monument or a conservation area vista, proposals for appropriately designed solar thermal and PV systems should be supported*.'

'A Low Carbon Revolution.' The Welsh Assembly Government Energy Policy Statement (2010)

2.2.27 Targets presented within TAN 8 in 2005 have been reinforced by the Welsh Government's aspiration for increased installed onshore wind generation capacity by 2015/2017, as set out in '*A low carbon revolution: The Welsh Assembly Government Energy Policy Statemen*t' (2010). The Energy Policy Statement seeks to achieve this target by:

- Optimising the use of the existing Strategic Search Areas set out in TAN8 on Planning for Renewable Energy and keeping the TAN under review in the light of progress towards these targets;
- Ensuring that windfarms fully deliver wider community benefits, through Forestry Commission-based schemes and through the planning system;
- Addressing any transportation concerns associated with larger wind turbines;
- Working closely with the grid company and the regulator to ensure that new grid connections are provided sensitively;
- Promoting further use of brownfield or local sites for smaller-scale projects appropriate to their locations; and
- Supporting local authorities in dealing with applications.

2.2.28 The Energy Policy Statement identifies the sustainable renewable energy potential for a variety of different technologies, setting-out the Assembly Government's ambitions to accelerate the transition to a low carbon energy economy in Wales and providing details of how this will be achieved. The Statement includes a commitment to have an installed generation capacity of 4.5kWh per day per person by 2015/17. This will be facilitated by optimising the use of the Strategic Search Areas (SSAs), ensuring the delivery of wider community benefits, addressing transportation concerns and ensuring grid connections are provided sensitively. The Statement also provides a target of 2GW onshore wind to be delivered by 2015-2017.

'Capturing the Potential.' Green Jobs Strategy: Welsh Assembly Government (2009)

2.2.29 The Strategy outlines the commitments of the Welsh Government and the employment opportunities to be realised from the green economy. Initiatives such as 'Renewables Champions' are identified as key to Wales maximising the benefits of investment from renewable energy generating companies. Targets associated with measuring the effectiveness of this strategy includes assessing the extent to which the economy is sustainable. One of the

supporting indicators is stated as being the amount of sources from *'renewables and other low carbon resources'*.

Practice Guidance, 'Planning for Renewable and Low Carbon Energy – A Toolkit for Planners.' Welsh Assembly Government (July 2010)

2.2.30 The 'Toolkit for Planners' is aimed at supporting local authority planning officers in the preparation of Local Development Plans, setting out how local authorities can prepare, '*a robust evidence base to underpin a number of local development plan policies that can support and facilitate the deployment of renewable and low carbon energy systems'*. It notes that the evidence base, as an outcome of the 'Toolkit' consists of an assessment of the potential for renewable and low carbon energy generation, at different scales, and at different levels of detail.

2.2.31 The Guidance acknowledges that the suggested early use of the 'Toolkit' within the Local Development Plan process will be dependent on the stage within the process that has been reached by different local authorities, though at the same time pointing-out that, *'it is better to employ the 'toolkit' at a later stage in the process than not at all.*'

2.2.32 Whilst the Guidance document is intended primarily to assist local planning policy officers, the Guidance highlights the particular value of the 'Toolkit' in the case of wind developments, which it is considered can assist officers in understanding why a developer has chosen a particular location to develop a scheme.

2.2.33 As noted above the Guidance makes clear that the use of the 'Toolkit' can assist in delivering the expectations set-out in PPW in which local planning authorities should undertake an assessment of the potential for all renewable energy resources, renewable energy technologies, energy efficiency, and conservation measures and to include appropriate policies in Local Development Plans.

Climate Change Strategy for Wales: Welsh Assembly Government (October 2010).

2.2.34 In conjunction with its associated delivery plans, the Strategy confirms the Welsh Assembly Government's commitment to reducing greenhouse gas emissions and to identify those areas in which it intends to act in tackling climate change. It sets out a series of actions to help the Welsh Assembly Government achieve its vision of a sustainable Wales, in particular by ensuring that the land-use planning system promotes sustainable development as part of a move to a low carbon economy that takes into account the impacts of climate change.

2.2.35 The Strategy notes that whilst energy generation is not within the 3% reduction in carbon emissions target, it has included energy consumption by end-user. Therefore promoting low carbon energy generation has an important role to play in meeting the 3% target, though it is acknowledged that the 3% reduction represents a major challenge. Broad areas where the Welsh Assembly Government intends to act include:

- *Providing the right environment to encourage low carbon and resource efficient business growth and innovation;*
- *A land use planning system that enables low carbon development and responds to climate change impacts.*

Research: 'Strategic Search Area (SSA) Reassessment and Validation.' Welsh Government. (July 2010)

2.2.36 In line with the earlier 'One Wales' Agreement - A Progressive Agenda for the Government of Wales, Welsh Assembly Government, 2007, in which a commitment was made to review TAN 8, Ove Arup were appointed in 2009 to undertake a research study to provide an evidence base

on which to inform a revised planning policy framework for onshore wind development in and around Strategic Search Areas (SSAs).

2.2.37 The study highlighted a number of deployment issues that it is considered were hampering the timescales for delivery of individual wind farm developments. This included references to the planning system and the view taken that, *'the level of decision making in recent years has remained low.'*

2.2.38 Delays in planning, it was claimed were due in part to the refinement exercises being conducted, as part of TAN 8 in which developers were awaiting the outcome of the process before submitting projects, whilst LPAs were keen to complete and endorse the refinement studies prior to determining applications. Reference was also made to the strains being placed on planning stakeholders who were required to provide advice both to developers, as part of technical assessments and to local authorities as part of the planning application process.

2.2.39 However, the report noted that in response to this, the Welsh Assembly Government had continued to provide financial resources to LPAs since 2008 for dealing with large wind farm applications (above 50MW).

Practice Guidance. 'Planning Implications of Renewable and Low Carbon Energy.' Welsh Assembly Government (February 2011)

2.2.40 The use of the '*Practice Guidance'* is intended to support local planning authorities in dealing with planning applications for renewable and low carbon development. It aims to assist local development management officers in considering applications for renewable and/or low carbon energy development, providing advice on the range of planning implications that may be considered in making decisions on applications for renewable and/or low carbon energy development. The Strategy is also directed at developers and proposers of renewable and low carbon energy development in order to identify the planning implications of renewable schemes and to seek ways in which these impacts can be minimised. The type of renewable and low carbon energies covered by the Practice Guidance all fall within the scope of this Commission.

Energy Wales. 'A Low Carbon Transition.' Welsh Government (March 2012)

2.2.41 Publication of the '*Energy Wales: A Low Carbon Transition*,' is intended to set-out how Wales can establish itself as a leading low carbon technology. The Strategy sets out a series of commitments designed to accelerate investment in low carbon energy generation and maximise the economic and job creation benefits that will arise from a shift towards renewable energy and nuclear power.

2.2.42 The Strategy also includes commitments to improve the Wales' planning and consenting regime and seeks to move the debate over renewable energy away from being solely focused on wind farms and to highlight the fact that low carbon energy projects have the potential to drive significant economic growth.

Research: Towards a Welsh Planning Act: Ensuring the Planning System Delivers. 'Report to the Welsh Government by the Independent Advisory Group' (June 2012).

2.2.43 This research study was commissioned by the Minister for Environment and Sustainable Development in October 2011 and undertaken by an Independent Advisory Group (IAG) tasked with reviewing the delivery of the planning system in Wales as part of the evidence base for a White Paper, leading to the introduction of a Welsh Planning Bill. The ultimate aim of the research is to investigate whether, and if so, how the planning system needs to be changed to ensure that it delivers the multiple objectives that society now expects.

2.2.44 The report contains a number of recommendations seeking in the main to address roles and responsibilities within the planning system, but also dealing with a range of problems and issues raised which could be addressed through legislative opportunities offered by the Planning Bill.

Research: 'A New Approach to Managing Development in Wales: Towards a Welsh Planning Act.' (September 2012). Arup, Cardiff School of City and Regional Planning and Liz Mills Associates.

2.2.45 The study was commissioned by the Welsh Government to undertake a review of the management and control of the use of land in Wales. The aim of the study was to look at radical and innovative approaches to the way development is managed within the plan-led system, to inform the new Welsh Planning Act.

2.2.46 The report's recommendations are largely high level in nature and relate to development management, roles and responsibilities and facilitation of the plan-led system. A number of the recommendations relate to the approach taken to renewable and low carbon development within the plan-led system, whilst others are concerned with improving the consenting performance of renewable energy and low carbon schemes in Wales.

3 RESEARCH METHODOLOGY

3.1 Introduction

3.1.1 This section sets out the approach taken to Phase 1 of the study, namely the identification of all renewable and low carbon energy schemes above 5MW in Wales for the period April 2005 to February 2012, together with the total duration taken to determination and the key milestones identified for each scheme.

3.2 Data Collation

3.2.1 The collation of data used as the basis for the study analysis has relied upon information available at the time of the study from a variety of published and authoritative sources relating to the consenting period of the study from April 2005 to February 2012.

3.2.2 The approach adopted has been in line with the above requirements and has been undertaken through a three stage process, as follows:

Stage 1 - Desk Based Review

Stage 2 - Information Requests

Stage 3 – Verification of Data

3.2.3 The key aim has been to ensure that the study is underpinned by a credible and robust evidence base, and through the engagement of the consenting bodies (as the determining authorities), to ensure that the process undertaken has been as inclusive and comprehensive as possible.

3.2.4 The requirements of the study brief set-out key areas of information relating to the consenting process for all renewable and low carbon energy schemes identified within the brief. However, from our initial review and based on our own professional view, this list was added to with the agreement of the client. Accordingly, the key stages and timelines in the planning consenting process, shown against each of the consenting bodies are shown in **Table 3.1** below.

Table 3.1 Consenting bodies - Key Planning Stages

Local Planning Authority	Department of Energy and Climate Change	Planning Inspectorate	National Infrastructure Directorate	Welsh Government
Pre-application discussions	Submission date	Submission date	Submission date	Submission date
EIA project	Validation date	Determination date	Acceptance date	Determination date
Submission date	Determination date	Commencement date	Preliminary Hearing date	-
Validation date	Commencement date	Operational date	Examination date	-
Consultation Issue date	Operational date	-	Recommendation date	-
Consultation Response date	-	-	Secretary of State Decision date	-

Local Planning Authority	Department of Energy and Climate Change	Planning Inspectorate	National Infrastructure Directorate	Welsh Government
Determination date	-	-	Commencement date	-
Decision Date			Operational date	
Conditions start date	-	-		-
Conditions end date	-	-	-	-
Commencement date	-	-	-	-
Operational date	-	-	-	-

3.2.5 The main research techniques used in the compilation of information as part of the three staged process of data collation are outlined below:

Stage 1 - Desk Based Review

3.2.6 A review of relevant information and data sources, including Welsh Government, DECC, Renewables UK, Renewable Energy Statistics, and the Renewable Obligation Certificates (ROC) register maintained by Ofgem was undertaken. The review provided an initial list of individual schemes, which were incorporated onto a Matrix to be used in Phase 2, as the next stage in the process.

Stage 2 - Information Requests

3.2.7 Submission of the draft Planning Consents Matrix to all consenting bodies, including Local Planning Authorities (LPAs), the Planning Inspectorate (PINS), the Department of Energy and Climate Change (DECC) and the Welsh Government, with a request to complete the Matrix with all outstanding information. The Matrix, which is in an Excel spreadsheet format has been designed to ease completion and provide consistency in the recording of information for local planning authorities, in particular.

3.2.8 The draft Matrix was sent to local planning authorities on 16th/17th February 2012, with a request that completed matrices be returned within a period of three weeks. Delays have subsequently been experienced in receiving the completed information from a number of LPAs, to the extent that the final Planning Consents Matrix was not received by Hyder Consulting until 9th May 2012.

3.2.9 Despite the information request made to Wrexham CBC, the Authority indicated that it was unable to respond with the information requested and therefore details of potential schemes within the area have not been provided. It has not been possible therefore to include the Wrexham CBC data within the study and therefore no further reference has been made to it within the Report.

Stage 3 – Verification of Data

3.2.10 Matrices returned to Hyder were checked for completeness and accuracy. Where inaccuracies or discrepancies in information were identified, or where the data was incomplete, follow-up phone calls and/or emails with the relevant consenting bodies were made. Any necessary changes/additions were then made to the Matrix for completion before moving on to the next stage of work.

3.2.11 Where outstanding gaps have remained within the study baseline, these have been caveated and assumptions, where necessary have been made and any implications for the study findings have been highlighted. In some instances data adjustments have been made in order not to skew the data presented, though has only been undertaken where it does not affect the overall findings, therefore ensuring the evaluation remains robust and reliable.

3.3 Data Presentation

3.3.1 The details of the data collected through the earlier stage of work have been recorded within the Planning Consents Matrix attached as a separate technical volume to this Report. Presentation of the key data sets relating to all renewable energy and low carbon schemes falling within the scope of this commission is provided in a spreadsheet format, along with an explanatory note in **Appendix 1 (Volume 2).**

3.3.2 For the purpose of the study analysis, the presentation of data within the main body of the Report is set-out within the following sections at various levels, from the national to the local and across all renewable and low-carbon energy technologies included within this Study. This is intended to provide as wide a possible picture of the current position in Wales, the performance of the renewable energy sector, along with that of the consenting bodies during the period covered by the Study.

Section 4.2 presents an over-view of the current position of all renewable and low carbon schemes at an All-Wales level by energy type and by reference to their planning status.

Section 4.3 presents this information in further detail in relation to the performance of each of the consenting bodies for all renewable and low carbon energy technologies.

Section 4.4 shows the timelines and key work stages following the grant of planning permission and the operation of the development on-site.

Section 4.5 highlights the performance of each of the statutory consultees in the consultation process on individual planning applications

Section 4.6 outlines the timescales involved in the determination of ancillary and associated consents in support of the implementation of the proposed renewable or low carbon energy scheme.

Section 4.7 presents an analysis of the performance of renewable and low carbon energy schemes within each of the Strategic Search Areas.

Section 4.8 considers the role of Planning Committees and the extent to which Planning Committee size affects planning decisions.

4 DATA ANALYSIS

4.1 Introduction

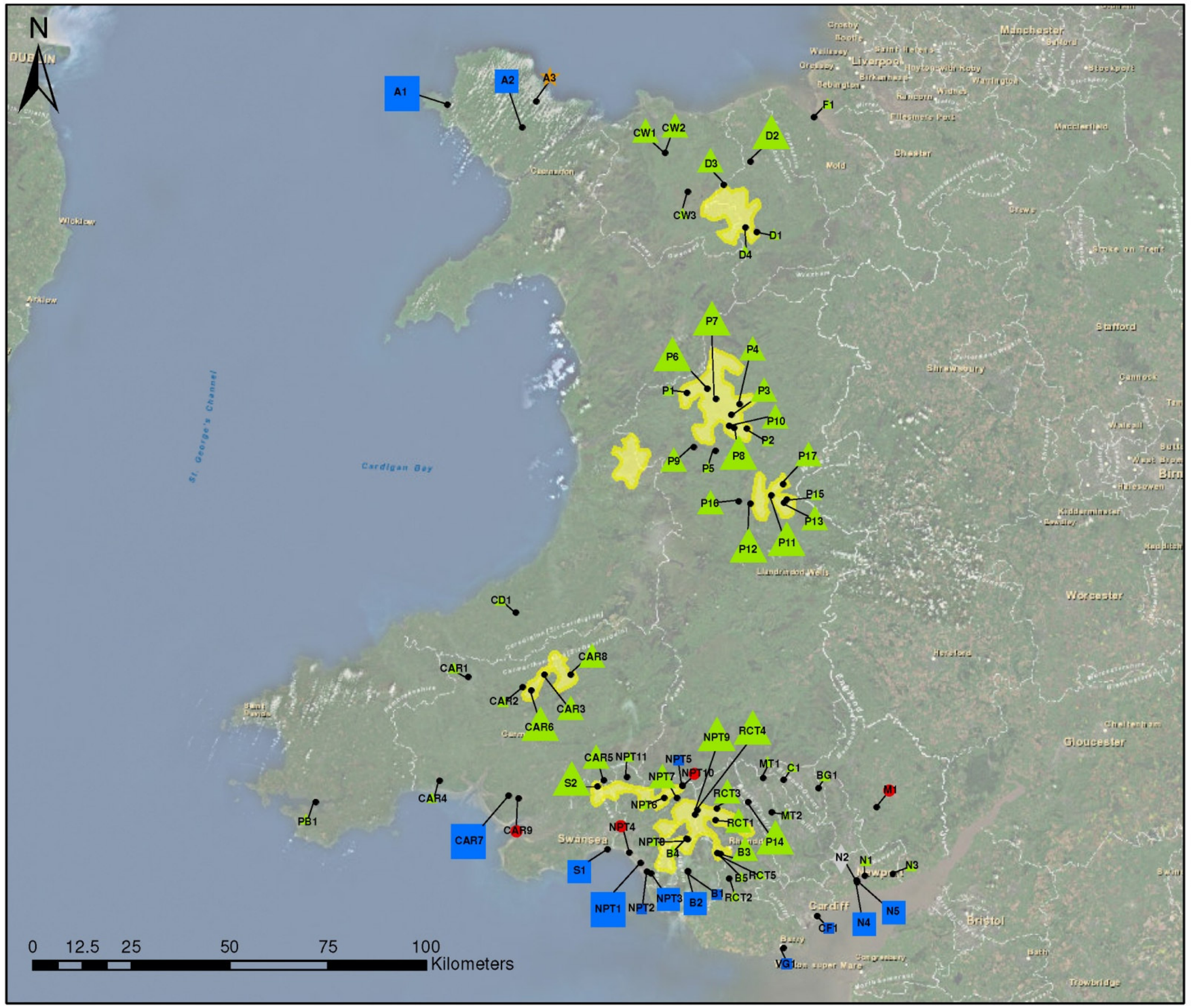
4.1.1 This section of the Report presents an analysis and interpretation of the data gathered under Phase 1 of the study **(Appendix 1: Volume 2)**. This is presented in a series of tables, figures and bar charts, accompanied by explanatory notes and a factual commentary of the information provided. The purpose of this stage has been to develop a knowledge base of all renewable and low carbon energy schemes consented in Wales above 5MW since 2005.

4.1.2 This stage of the Report has been based on a quantitative analysis of the current consenting position and makes no value judgements or draws any conclusions on the study findings, but rather provides a common evidence base on which to inform the subsequent stages of work. The main focus of the study analysis has been on adopting a consistent and comparative approach to the analysis of the data provided and is benchmarked where possible, against regulatory requirements and adopted targets.

4.2 Renewable and Low Carbon Energy Schemes in Wales

4.2.1 The information presented within this section takes as its starting point, the geographic spread of renewable and low carbon energy schemes across Wales that fall within the period of the study, between April 2005 and February 2012. **Maps 1 and 2** that follow provide an overview of the position at the present time, with the former showing the distribution and range of technologies and their scale across Wales and the latter highlighting the planning status and development stage of each scheme.

Map 1 – Renewable Energy Schemes – Technologies



Llywodraeth Cymru
Welsh Government

Llwodraeth Cymru
Welsh Government

Map 4.1 Renewable Energy Schemes - Technology & Scale

Legend

SSA's

Technology

- Anaerobic Digestion
- Biofuels
- Biomass
- Solar
- Wind

Size

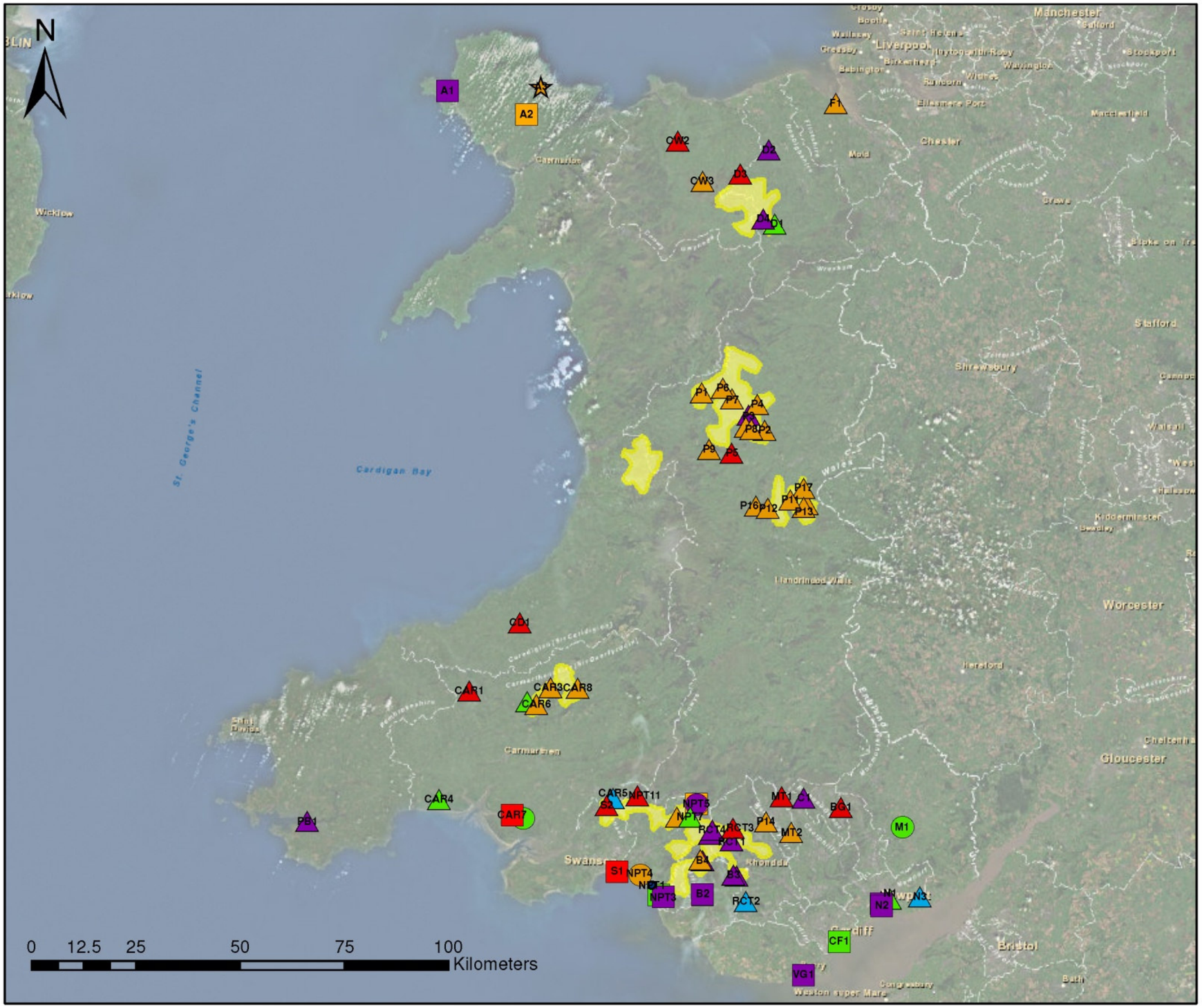
- 5 to 25 MW
- 25 to 50 MW
- Over 50 MW

Status	FINAL	Author	CM
Version	4	Checker	DB
Date	17/5/2012	Approver	DB

Map 4.1

Hyder

Map 2 – Renewable Energy Schemes – Planning Status



Llywodraeth Cymru
Welsh Government

Llwodraeth Cymru
Welsh Government

4.2 Renewable Energy Schemes Status

Legend

SSA's

Technology

- Anaerobic Digestion
- Biofuels
- Biomass
- Solar
- Wind

Status

- In Planning
- Consented
- Refused
- Under construction
- Operational

Status	FINAL	Author	CM
Version	3	Checker	DB
Date	17/5/2012	Approver	DB

Map 4.2

Hyder

4.2.2 Table 4.1 below shows the details of each renewable and low carbon energy scheme split by local planning authority area that has been submitted for planning approval to the various consenting bodies between April 2005 and February 2012.

Table 4.1 – Renewable Energy Schemes – Planning Status Report

Scheme Ref	Scheme Name	Technology	MW	Planning Status	Consenting Body
Anglesey County Council					
A1	Penrhos Works, Holyhead	Biomass	299	Consented	DECC
A2	Peboc Energy Plant	Biomass	31	In Planning	LPA
A3	Ynys Uchaf, Brynteg	Anaerobic Digestion	18	In Planning	LPA
Blaenau Gwent County Borough Council					
BG1	Mynydd James, Pendragon Fach	Wind	5.2	Refused	LPA
Bridgend County Borough Council					
B1	Old Llynfi Power Station	Biomass	10	Consented	LPA
B2	Llynfi Biomass	Biomass	25	Consented	LPA
B3	Pant y Wal	Wind	27.5	Consented	LPA
B4	Llynfi Afan Renewable Energy Park	Wind	6	Consented	LPA
B5	Fforch Nest Part 1	Wind	10	Consented	LPA
Caerphilly County Borough Council					
C1	Oakdale Business Park	Wind	5	Consented	LPA
Cardiff Council					
CF1	Cardiff WWTW	Biomass	5.5	Operational	LPA
Carmarthenshire County Council					
CAR1	Blaen Bowi (Extension)	Wind	9.1	Refused	LPA / PINS
CAR2	Alltwalis (nee Blaengwen)	Wind	23	Operational	LPA
CAR3	Bryn Llewellyn	Wind	48.3	In Planning	LPA
CAR4	Parc Cynog (Extension)	Wind	7.8	Operational	LPA
CAR5	Mynydd y Betws	Wind	37.5	Under Construction	LPA / PINS
CAR6	Brechfa Forest West	Wind	56-84	In Planning	IPC / NID
CAR7	Coed Bach Power Station	Biomass	50	Refused	LPA / PINS
CAR8	Brechfa Forest East	Wind	24-36	In Planning	LPA
CAR9	Fos Las	Solar	5	Under Construction	LPA
Ceredigion County Council					
CD1	Rhos Garn	Wind	20	Refused	LPA / PINS
Conwy County Council					
CW1	Mwdwl Eithin (Nant Bach)	Wind	27.5	Consented	LPA
CW2	Nant Bach	Wind	27.5	Refused	LPA
CW3	Llys Dymper	Wind	23	In Planning	LPA
Denbighshire County Council					
D1	Wern Ddu	Wind	8	Operational	LPA / PINS
D2	Brenig	Wind	50	Consented	LPA
D3	Gorsedd Bran	Wind	39	Refused	LPA / PINS

Scheme Ref	Scheme Name	Technology	MW	Planning Status	Consenting Body
D4	Derwydd Bach	Wind	23	Consented	LPA
Flintshire County Council					
F1	Kingspan	Wind	5	In Planning	LPA
Merthyr Tydfil County Borough Council					
MT1	Merthyr Common / Pengarnddu	Wind	7.5	Refused	LPA / PINS
MT2	Bedlinog	Wind	6	In Planning	LPA
Monmouthshire County Council					
M1	Llancayo	Solar	5	Operational	LPA
Neath Port Talbot County Borough Council					
NPT1	Port Talbot Renewable Energy Park	Biomass	350	Consented	DECC
NPT2	Western Wood Energy Plant	Biomass	16.4	Operational	LPA
NPT3	Western Wood Sustainable Energy Plant	Biomass	35	Consented	LPA / PINS
NPT4	Baglan Energy Park	Solar	5	In Planning	LPA
NPT5	Maesgwyn CHP	Biomass	5	In Planning	LPA
NPT6	Hirfynydd (Dulais Valley)	Wind	13.5	In Planning	LPA
NPT7	Maesgwyn	Wind	39	Operational	LPA
NPT8	Llynfi Renewable Energy Park	Wind	24	In Planning	LPA
NPT9	Pen y Cymoedd	Wind	101	Consented	DECC
NPT10	Measgwyn Solar	Solar	5	Consented	LPA
NPT11	Mynydd y Gwrhyd	Wind	5	Refused	LPA / PINS
Newport City Council					
N1	Solutia UK Ltd	Wind	5	Operational	LPA
N2	Nevis Power Station	Biomass	49.9	Consented	LPA
N3	Tesco Distribution Turbines	Wind	5	Under Construction	LPA
N4	Vogen Energy	Biofuels	25	Refused	LPA / PINS
N5	Vogen Energy	Biomass	25	Consented	LPA
Pembrokeshire County Council					
PB1	Wear Point	Wind	8-10	Consented	LPA
Powys County Council					
P1	Cemmaes 3	Wind	18	In Planning	LPA
P2	Mynydd Clogau (Extension)	Wind	16	In Planning	LPA
P3	Tirgwynt	Wind	28	Consented	LPA
P4	Mynydd Waun Fawr	Wind	37.5	In Planning	LPA
P5	Waun Garno	Wind	16.5	Refused	LPA
P6	Carnedd Wen	Wind	130	In Planning	DECC
P7	Llanbrynmair	Wind	100	In Planning	DECC
P8	Esgair Cwm Owen South	Wind	51	In Planning	DECC
P9	Carno III (Extension)	Wind	45	In Planning	LPA
P10	Esgair Cwmowen	Wind	47.5	In Planning	LPA
P11	Llanbadarn Fynydd	Wind	51	In Planning	DECC
P12	Fferm Wynt Llaithdu	Wind	66.7	In Planning	DECC
P13	Garreg Lwyd	Wind	46	In Planning	LPA

Scheme Ref	Scheme Name	Technology	MW	Planning Status	Consenting Body
P14	Llandinam Repowering	Wind	126	In Planning	DECC
P15	Bryngydfa	Wind	24	In Planning	LPA
P16	Hirddywel	Wind	27	In Planning	LPA
P17	Neuadd Goch	Wind	27	In Planning	LPA
Rhondda Cynon Taf County Borough Council					
RCT1	Maerdy	Wind	27	Consented	LPA
RCT2	Mynydd Portref	Wind	9.35	Under Construction	LPA
RCT3	Hirwaun Re-submission	Wind	36	In Planning	LPA / PINS
RCT4	Pen y Cymoedd	Wind	151	Consented	DECC
RCT5	Fforch Nest	Wind	16	Consented	LPA / PINS
City & County of Swansea					
S1	Kings Dock	Biomass	49.9	Refused	LPA / PINS
S2	Mynydd y Gwair	Wind	50	Refused	LPA / PINS
Vale of Glamorgan Council					
VG1	Barry Docks	Biomass	9	Consented	LPA / PINS

4.2.3 Table 4.1 shows a total of 74 renewable and low carbon energy schemes falling within the scope and timeframe of the study. Of the schemes identified, Pen y Cymoedd (Ref. RCT4 and NPT9) transects the boundary between Rhondda Cynon Taf CBC and Neath Port Talbot CBC. While the total capacity of this scheme is 252MW the apportionment within the table reflects the respective capacities falling within each LPA. As a DECC application, the scheme is referred to within the study analysis, both under the respective local authority areas and the relevant DECC section. Another scheme at Llys Dymper (Ref. CW3) was withdrawn following submission of the planning application, (within the timeframe of this study), though has since been re-submitted as a reduced scheme, which is the subject of this analysis.

4.2.4 It is also worth noting that in calculating total capacity within Table 4.1 an upper figure has been used where a range has been provided.

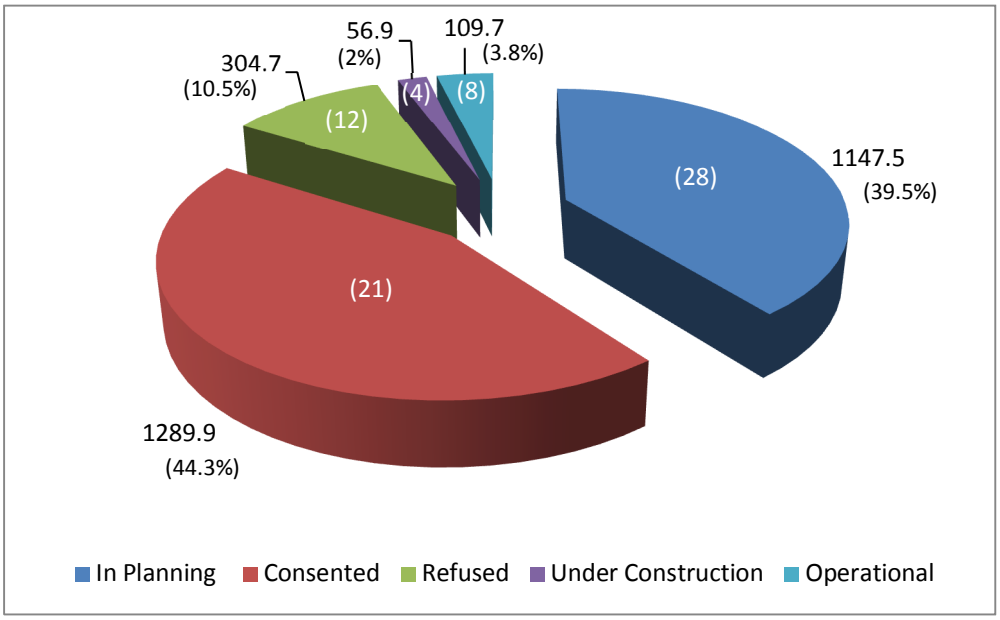
4.2.5 A total of 73 schemes have accordingly been identified as falling within the remit of this study and are the subject of further analysis. Table 4.2 provides a summary of the overall planning status at the time of the study.

Table 4.2 Scheme Status (Number of Schemes)

Scheme Status	No. of Schemes 2005 - 2012
In Planning	28
Consented	21
Refused	12
Under Construction	4
Operational	8
TOTAL	**73**

4.2.6 Figure 4.1 below shows the total capacity of renewable and low carbon energy schemes in Wales and their status within the timeframe of this study. Figures highlighted in white within each segment represent the number of applications and their status.

Figure 4.1 – Scheme Status and Capacity (MW)



4.3 Planning Consenting Bodies

4.3.1 The sections that follow detail the performance of each renewable and low carbon energy scheme through the planning consent process, by individual consenting body.

4.3.1 Local Planning Authorities

4.3.2 As the main focus of the planning consent process, information below presents a summary of the performance of Local Planning Authorities) in the determination of planning applications. This summary is supplemented by data on the performance of the individual planning authorities which is contained in **Appendix 2 (Volume 2)**.

4.3.3 The research has established that the following LPAs have not been in receipt of any renewable or low carbon energy schemes within the scope or timeframe of the study:

- Snowdonia National Park Authority
- Brecon Beacons National Park Authority
- Pembrokeshire Coast National Park Authority
- Gwynedd County Council
- Torfaen County Borough Council

4.3.4 It is recognised that there are many stages to the planning application process from the point of submission to its subsequent determination. It is also acknowledged that the detail of each application will be different and that the stages will not always be the same for each application. However, it is possible to identify the typical process that an application will go through and to

break this down into key milestones, which will enable broad comparisons to be made across the range of renewable and low carbon energy schemes considered by this study.

4.3.5 Within these parameters, it is possible to define the following milestones, representing the key work stages in the planning consent process for planning applications determined by LPAs.

A-B	*Time between Submission and Validation of the application*
B-C	*Time between Validation & the Issue of Statutory Consultation Requests*
C-D	*Time between the Statutory Consultation Requests and the Final Consultation Response*
D-E	*Time between the Final Consultation Response and Determination of the application*
E-F	*Time between Determination of the application and Issue of the Decision Notice*

4.3.6 To assist in understanding the likely requirements for each stage of the planning consent process, a brief explanation is provided below:

A-B	*Time between Submission and Validation of the application*

4.3.7 This is the period between receipt of a planning application and its validation or registration, once the LPA is satisfied that it contains all the necessary information and the correct application fee. There are no prescribed timelines for this process to be completed, although it can be anticipated that where the information provided meets the LPAs validation requirements, the application can expected to be registered within a period of 2 weeks.

B-C	*Time between Validation & the Issue of Statutory Consultation Requests*

4.3.8 This stage relates to the period following registration of the application, during which the LPA undertakes to consult with relevant consultees, either statutory or non-statutory. Again, there are no prescribed timelines for the commencement of the consultation procedure, although there are not expected to be any delays to undertaking this stage.

C-D	*Time between the Statutory Consultation Requests and the Final Consultation Response*

4.3.9 From receipt of a consultation request, statutory consultees have a period of 21 days on which to comment on a planning application (Planning and Compulsory Purchase Act 2004). Depending on the advice received from statutory consultees, amendments may be required to be made to the scheme and/or additional information to be provided, which may, on occasion, involve further consultation with consultees, as a result, beyond the initial statutory period.

D-E	*Time between the Final Consultation Response and Determination of the application*

4.3.10 The period between the receipt of consultation responses and determination of the planning application has no prescribed timelines, although a number of factors are at play in determining the timescales involved. Following resolution of all outstanding matters, a report including a recommendation for determination by the relevant Planning/Development Control Committee of the LPA will be made.

E-F	*Time between Determination of the application and Issue of the Decision Notice*

4.3.11 This relates to the issuing of a planning decision notice, either to refuse or approve the application. Where approved, planning conditions will be set-out, relating to the approved scheme. Where relevant, it may be necessary for the applicant to enter into a legal agreement

with the LPA under Section 106 of the Town and Country Planning Act 1990, which will be required to be completed prior to the planning decision notice being issued.

4.3.12 For many planning applications, it is necessary to carry out an Environmental Impact Assessment (EIA) under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations, 1999. For those renewable and low carbon energy schemes included within the remit of this study, proposals that are likely to give rise to significant environmental effects have been accompanied by an Environmental Statement (ES), in order to ensure that the impacts of the development are fully understood and taken into account before the development is allowed to proceed.

4.3.13 Consequently, the normal 8 week period for the determination of a planning application is 'extended' to 16 weeks for applications to which an EIA applies, from the date of registration of a valid planning application.

4.3.14 Of the 73 schemes subject to further analysis within this study, all but 9 planning applications have been subject to an EIA. This has included all 3 solar applications and each of the 5 biomass applications falling under 10MW. As an exception to the consideration of wind applications, the planning application for a 5MW wind scheme at Solutia, Newport (Ref. N1) was not subject to an EIA.

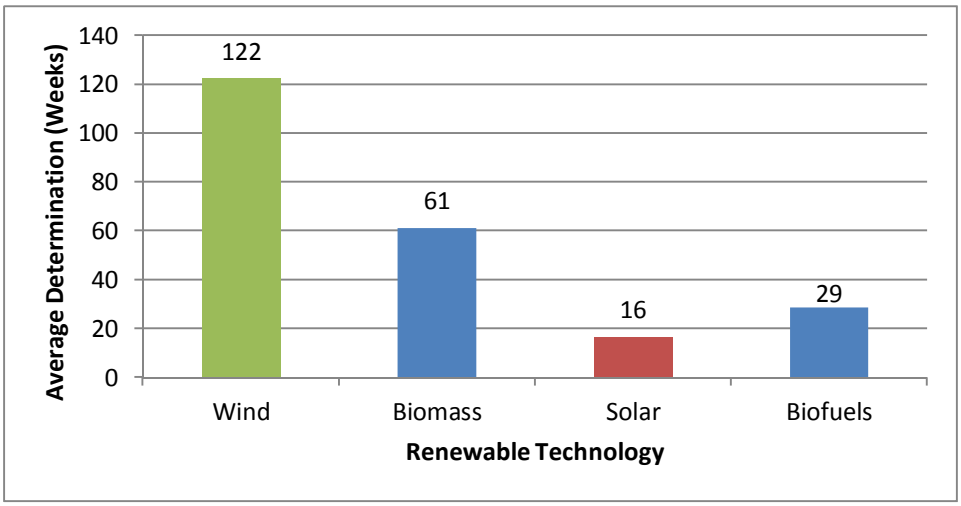
4.3.15 The individual LPA analysis presented in **Appendix 2 (Volume 2)** highlights the consenting performance of each LPA against the key milestones identified within the planning consent process described above and also by reference to the respective 8 week and 16 week targets set for the determination of planning applications. **(Figure 4.2 below).**

Figure 4.2 – Planning Applications – Determination Periods

	8 Weeks (Non-EIA)
	16 Weeks (EIA)

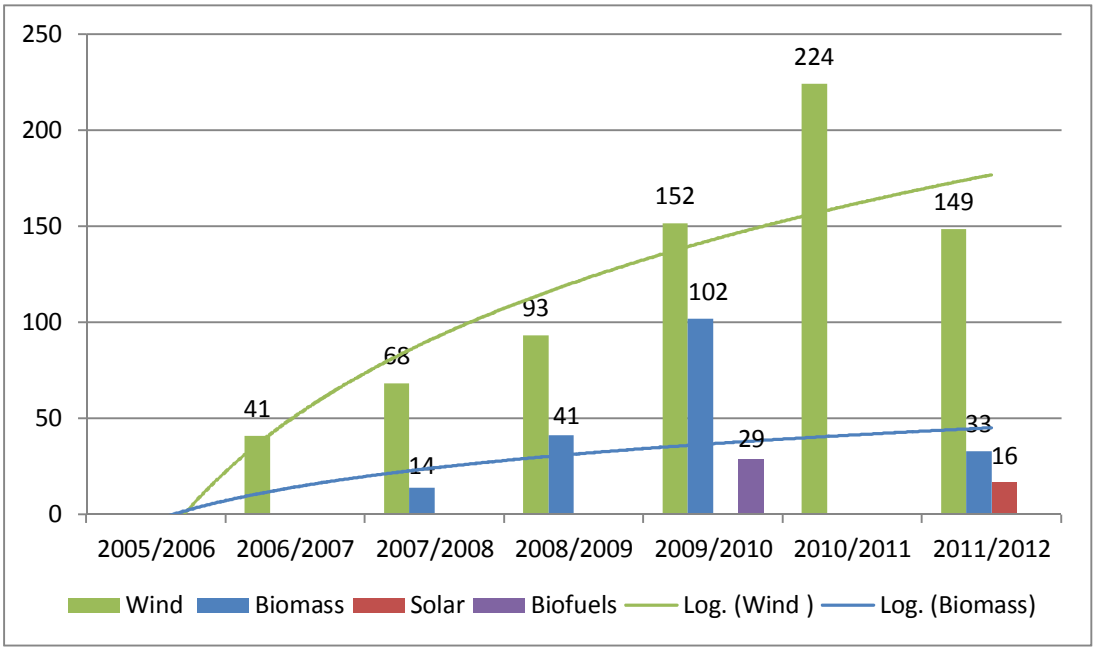
4.3.16 The following section provides an overview of the the study analysis set-out in detail in **Appendix 2 (Volume 2)**, bringing together the key datasets at a local planning authority level to show the performance of each of the main renewable energy technologies across Wales, covered by the study. **Figure 4.3** shows the average decision-making times for the range of renewable technologies (both EIA and non-EIA applications).

Figure 4.3 – Average Decision-Making Times by Technology (April 2005 – Feb 2012)



4.3.17 **Figure 4.4** below shows the decision-making performance for each of the renewable technologies over the duration of the study period from 2005 to 2012, highlighting in particular, the average trends for wind and biomass schemes.

Figure 4.4 – Average Yearly Decision-Making Times by Technology (April 2005 – Feb 2012)



4.3.18 **Figure 4.5** below shows the planning status of each renewable and low carbon energy type and its actual and potential capacity across local planning authorities.

4.3.19 **Figures 4.6 and 4.7** provide a comparison of the performance of each local planning authority and for each key milestone, for both determined and undetermined planning applications.

Figure 4.5 – Scheme Status and Capacity by Local Planning Authority Area (MW)

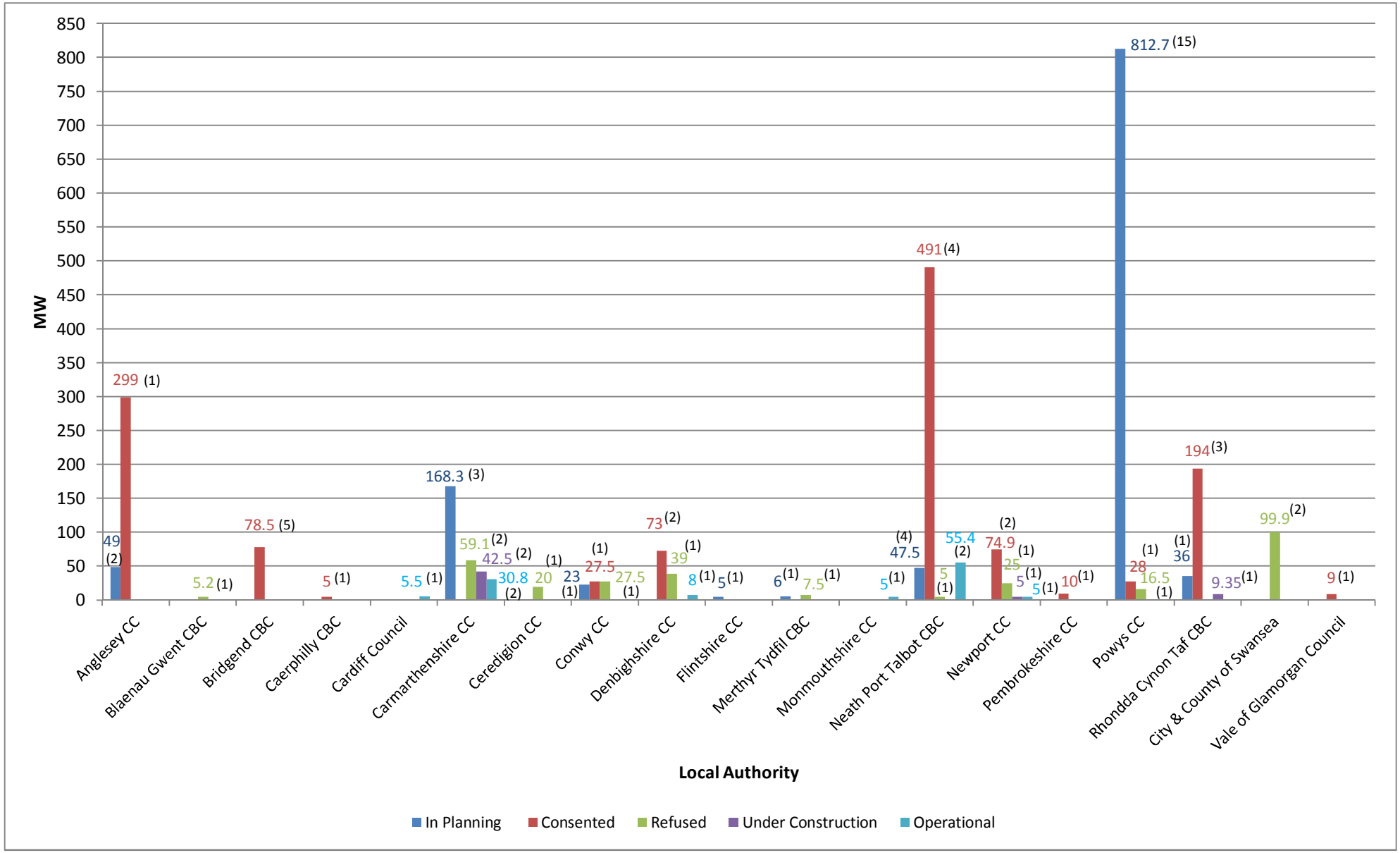


Figure 4.6 – Key Milestones for all Determined Schemes by LPA

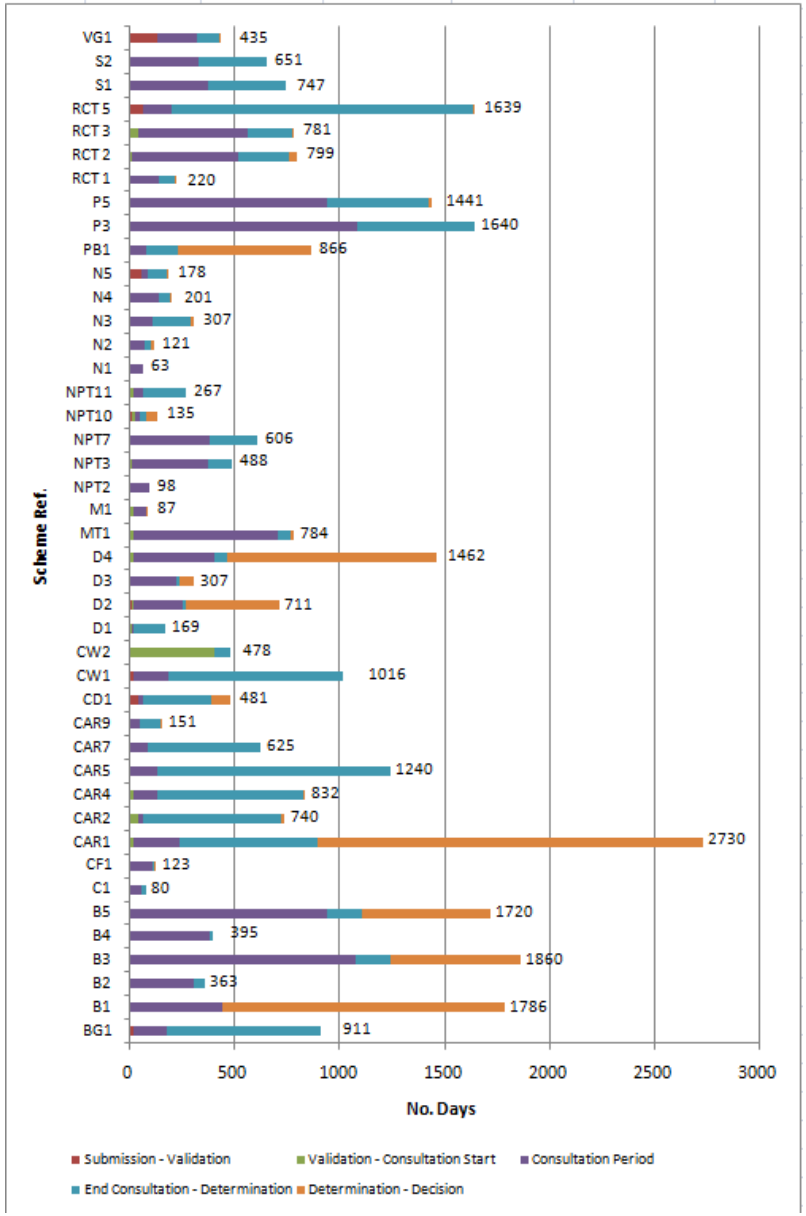


Figure 4.7 – Key Milestones for all Undetermined Schemes by LPA

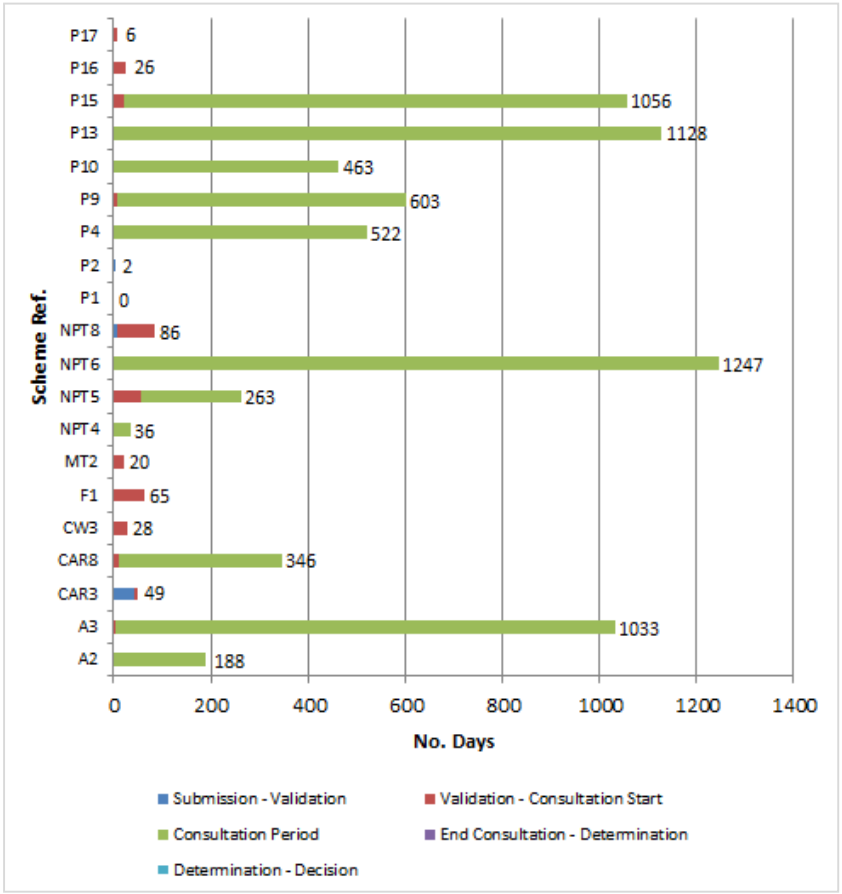
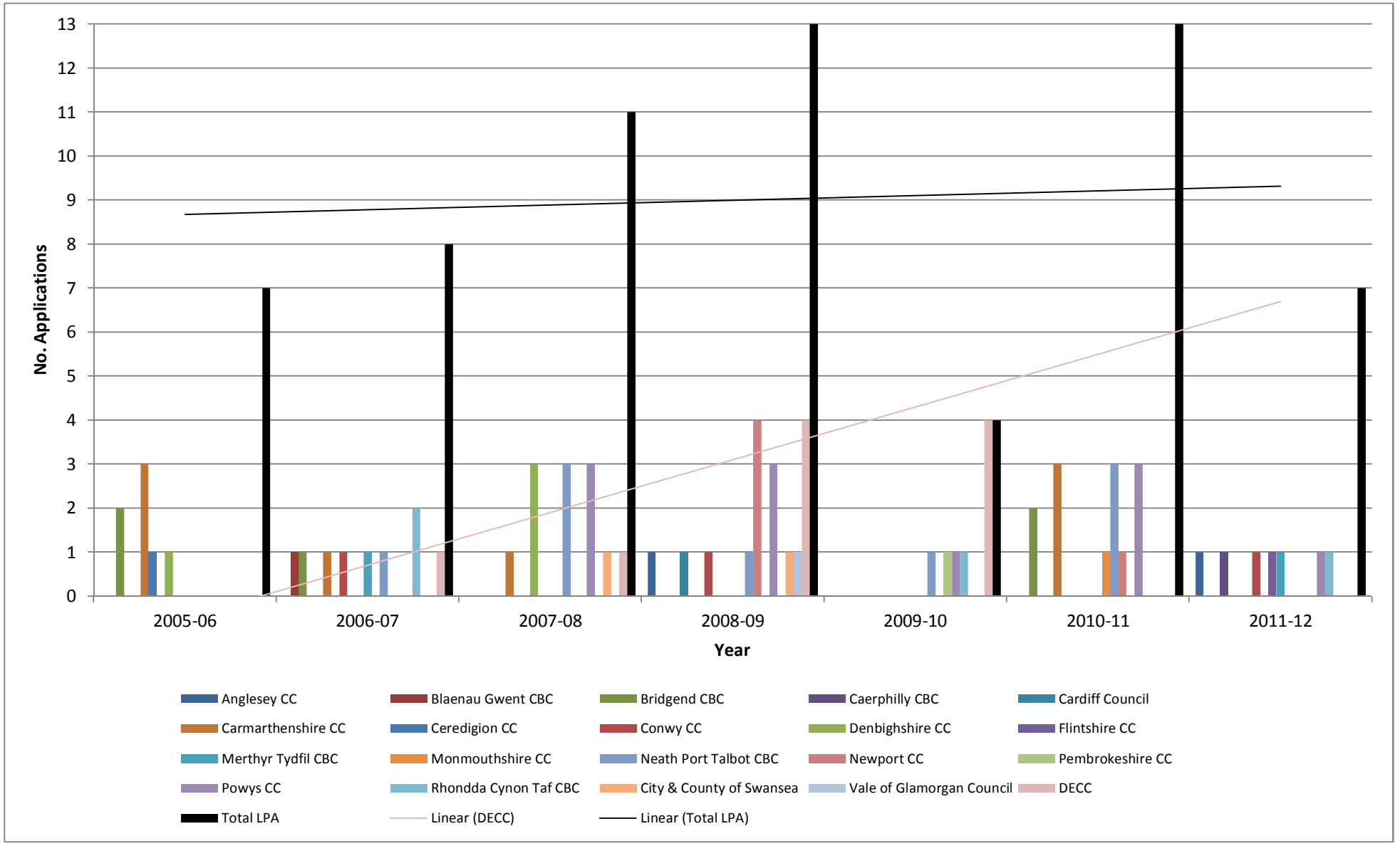


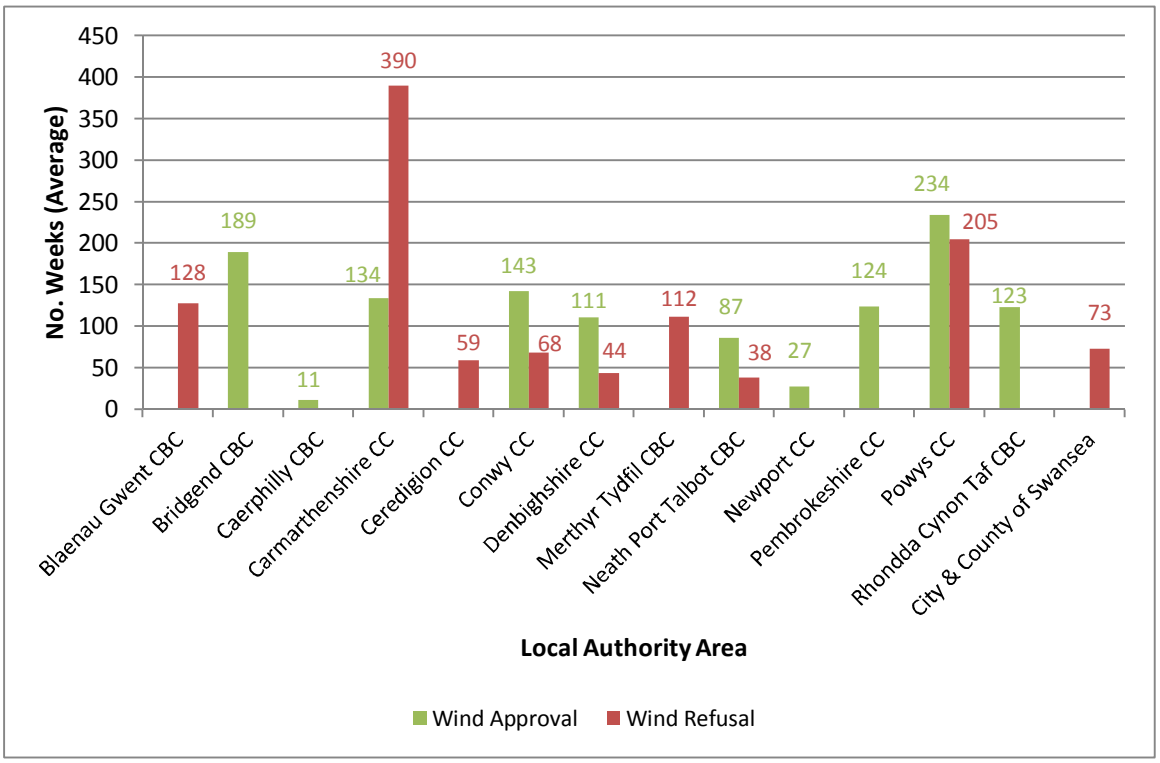
Figure 4.8 – Volume of Applications over time by LPA & DECC



4.3.20 **Figure 4.8** above shows the volume of applications received by LPAs and DECC over the study period (2005 – 2012). Whilst the trends for authorities are varied across the study period, the graph illustrates a marginally upward trend in application numbers across all LPA's, with actual numbers 'peaking' in 2008/09 and 2010/11 with 13 applications in each. The trend in relation to applications considered by DECC over the same period, shows a steeper upward trend reaching a 'peak' in 2008/09 and 2009/10 with a total of 4 applications in both years.

4.3.21 **Figure 4.9** below shows the average decision-making periods split by planning approvals and refusals for the LPAs shown. This relates to wind turbine applications only, as no comparative information is available for the other technologies, which have not been subject to both refusals and approvals within the same LPA. The overall picture shown is that, with the exception of Carmarthenshire CC applications subject to a refusal take a slightly shorter period to determine than applications that are approved.

Figure 4.9 – Average Refusal / Approval times by LPA (Wind Applications)



4.3.2 Planning Inspectorate (PINS)

4.3.22 The Planning Inspectorate Wales is responsible for dealing with planning appeals in Wales. Applicants are required to submit appeals within 6 months from the date of a LPAs decision notice. Although there are no prescribed timescales for the Planning Inspectorate's handling of the planning appeal, the process does impose set deadlines for the submission and the exchange of information as part of the appeal procedures.

4.3.23 In order to provide an indication on the likely timescales for deciding appeals, the Planning Inspectorate has published figures showing the average time taken for proposals taken through the appeal process, either as Written Representations, Hearings or Inquiries. Whilst this should be used as a guide only, it is useful, as part of the study analysis in highlighting the overall performance of appeal decisions for renewable and low carbon energy schemes. Interestingly, PINS Wales compares favourably with the performance of PINS in England.

Planning Appeals	Average time to decide	
	Wales	England
Written Representations	14 weeks	18 weeks
Hearings	20 weeks	21 weeks
Inquiries	27 weeks	32 weeks

Source PINS: May 2012

4.3.24 The list of appeals received by the Planning Inspectorate within the scope and timeframe of this study are shown in **Table 4.3** below. These have all been determined by Inquiry. The scheme reference numbers shown correspond to those on the earlier planning applications.

Table 4.3: Appeal Details – Planning Inquiries

Scheme Ref.	Scheme Name	LPA	Technology	Generating Capacity (MW)	Status
CAR1	Blaen Bowi	Carmarthenshire	Wind	3.9	Dismissed
D3	Gorsedd Bran	Denbighshire	Wind	32.5 - 39	Dismissed
BG1	Mynydd James	Blaenau Gwent	Wind	5.2	Dismissed
S2	Mynydd y Gwair	Swansea	Wind	47.5	Dismissed
RCT5	Fforch Nest / Mynydd Pwllrhebog	Rhondda Cynon Taf	Wind	17.5	Allowed
NPT1	Port Talbot Renewable Energy Park	Neath Port Talbot	Energy from Wood Chip	350	Allowed
VG1	Land at Woodham Road	Vale of Glamorgan	Wood Fuel / Biomass	9	Allowed
NPT3	Western Wood Sustainable Energy Park	Neath Port Talbot	Biomass	35	Allowed
NPT11	Land at Mynydd y Gwrhyd	Neath Port Talbot	Wind	11	Dismissed
D1	Wern Ddu	Denbighshire	Wind	6.5	Allowed
CD1	Land Adj to Rhos Garn	Ceredigion	Wind	20-23	Dismissed

Scheme Ref.	Scheme Name	LPA	Technology	Generating Capacity (MW)	Status
CAR2	Land adj to Blaengwen Farm	Carmarthenshire	Wind	23	Withdrawn
CAR7	Coed Bach Power Station	Carmarthenshire	Biomass	50	Withdrawn
MT2	Merthyr Common	Merthyr Tydfil	Wind	7.5	Withdrawn
S1	Kings Dock	Swansea	Biomass	49.9	Dismissed
N4	Vogen Biofuels	Newport	Biofuels	25	Withdrawn

4.3.25 **Figures.4.10 and 4.11** below show the average decision making times for planning appeals, in relation to the average decision times taken for Inquiries provided by the Planning Inspectorate.

4.3.26 It is relevant to note that the time periods shown have been taken from the start-date of the appeal process and therefore have not accounted for the time taken from an appellants submission of an appeal (within the 6 month deadline) following refusal of the planning application. Equally, the start date for the appeal has excluded the consideration, on occasion by the Inspectorate and prior to determination of the appeal, on the requirement for an EIA where none has been provided with the original planning application. Although falling outside the decision-making timescales shown, one scheme, namely VG1 had not been the subject of an EIA, as part of the original planning application and undertook to prepare an Environmental Statement prior to submission of the appeal. In the event the Inspector determined that an EIA was not required.

4.3.27 It is important to note that it has not been possible to consider all appeals listed within **Table 4.22** as the Planning Inspectorate do not retain records of planning appeals older than 5 years and / or in instances where the appeal reference begins with a number '1', as shown against the individual appeals within the PINS Matrix in **Appendix 1 (Volume 2)**. For these appeals, only the decision notice and limited information is held. The data nonetheless show that the Planning Inspectorate's handling of renewable appeals has exceeded the average timescales identified for Inquiry decisions.

Figure 4.10– Average Decision Making Times by Technology (PINS)

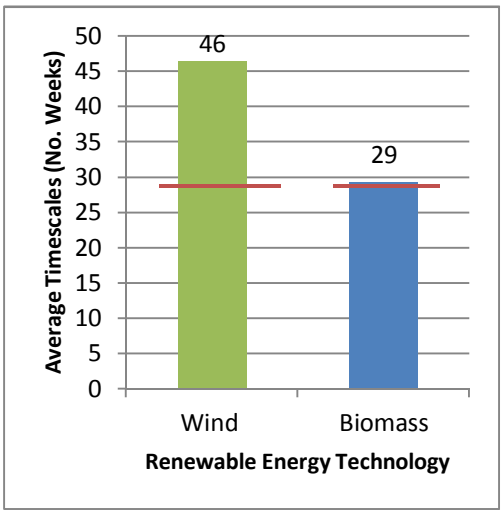
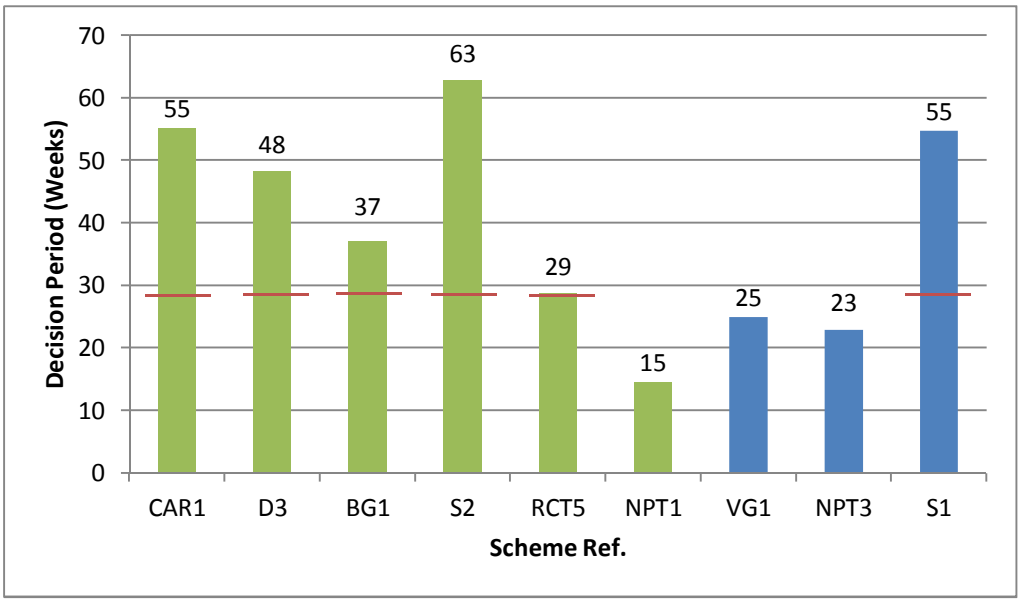


Figure 4.11 – Decision Timescales by Planning Appeal (PINS)



4.3.3 Department of Energy and Climate Change (DECC)

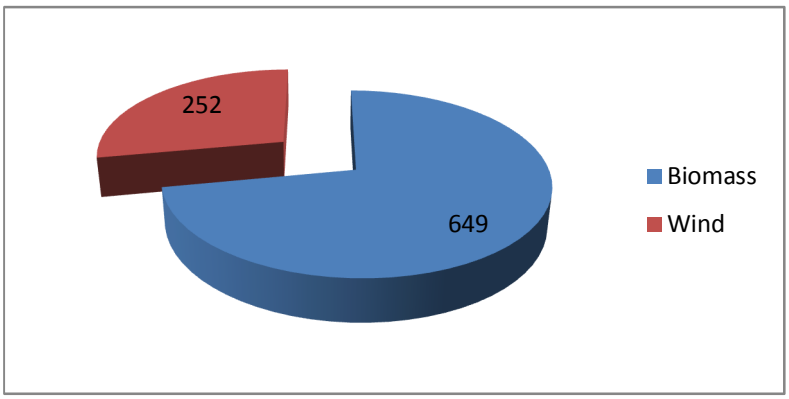
4.3.28 For planning applications received by the Department of Energy and Climate Change (DECC) for generating stations over 50 MW (onshore) in England and Wales prior to April 2010, these continue to be administered by DECC under the provisions of Section 36 of the Electricity Act 1989. For those applications submitted since April 2010 these were initially considered by the Infrastructure Planning Commission (IPC) established under the auspices of the Planning Act 2008. However, following changes introduced by the Localism Act 2011 these are now determined by the National Infrastructure Directorate of the Planning Inspectorate.

4.3.29 **Table 4.4** below lists those schemes consented by DECC within the period of this study and **Figure 4.12** shows the capacity of those consented applications by renewable technology.

Table 4.4 - Determined Applications

Scheme Ref.	Scheme Name	Technology	Generating Capacity (MW)	Location (LPA)	Status
A2	Anglesey Aluminium	Biomass	299	Anglesey	Consented
NPT1	Port Talbot Renewable Energy Park	Biomass	350	Neath Port Talbot	Consented
NPT9 / RCT4	Pen y Cymoedd	Wind	252	Neath Port Talbot & Rhondda Cynon Taf	Consented

Figure 4.12 - Capacity (MW) of Consented Applications by Technology (DECC)

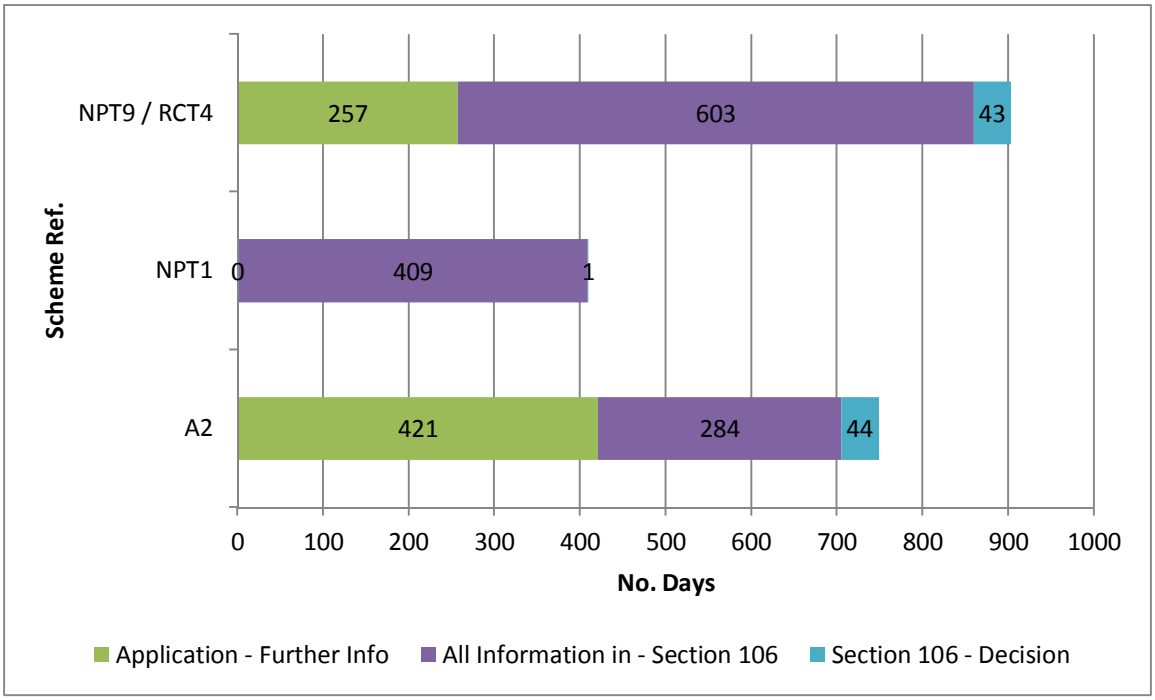


4.3.30 Whilst there are no prescribed timescales set for the determination of DECC applications, it has been helpful in providing a comparative analysis of the consenting performance of determined applications to consider these against identified key stages in the decision-making process, as shown below:

1	*Time between receipt of Application (including ES) and receipt of further information.*
2	*Time between receipt all information and signing of any unilateral / S106 Agreement.*
3	*Time between the signing of a unilateral / S106 Agreement and Decision*

4.3.31 Figure 4.13 below shows the variations that exist in the timescales for the determination of DECC applications and for the key stages identified within the consenting process.

Figure 4.13 - Key Milestones for Determined Applications (DECC)



4.3.32 Table 4.5 below lists those applications under consideration by DECC at the time of the study. No details are available on the consenting process, though it is relevant to note that all schemes relate to wind proposals in Powys County Council, providing a total potential maximum generating capacity of 653.2 MW.

Table 4.5 Schemes under Consideration (April 2005 - February 2012) (DECC)

Scheme Ref.	Scheme Name	Technology	Generating Capacity (MW)	Location	Application Date
P8	Esgair Cwmowen	Wind	51	Powys	25/11/2009
P7	Llanerfyl & Llanbrynmair	Wind	100	Powys	27/03/2009
P6	Carnedd Wen	Wind	130-250	Powys	11/12/2008
P15	Llandinam (Repowering & Extension)	Wind	126	Powys	09/05/2008
P13	FfermWynt Llaitddu Cyf	Wind	66.7	Powys	07/05/2008
P12	Llanbadarn Fynydd	Wind	59.5	Powys	30/11/2007

4.3.4 National Infrastructure Directorate (Planning Inspectorate)

4.3.33 The process for determining nationally significant infrastructure projects is divided into a number of key stages, each with prescribed timescale for completion. At the time of the study analysis there are no applications lodged with the National Infrastructure Directorate (NID) for which a decision has been issued by the Secretary of State, though there are a number of proposals that are currently at the pre-application stage. However, the concern of this study is with those applications that are within the planning consent process and on this basis, the following application in **Table 4.6** has been submitted to the NID for determination.

Table 4.6 Applications submitted to the National Infrastructure Directorate

Scheme Ref.	Scheme Name	Technology	Generating Capacity (MW)	Location	Status
CAR6	Brechfa Forest West	Wind	56 - 84	Carmarthenshire	In Planning

4.3.34 At the time of the study analysis, the application had progressed through the early stages of the consenting process with an Examination to be held in June 2012. The stages completed (as at May 2012) and their respective timelines are as follows:

Application Submission – Acceptance Stage: This 28 statutory time period was completed in 24 days between 26 October 2011 and 30 November 2011.

Preliminary Meeting – Examination: The statutory 3 month period for this stage of the process is anticipated to be largely met, following the holding of the Preliminary Meeting on 13 March 2012 and the Examination, which is scheduled to commence on 20 June 2012, representing a period of some 14 weeks.

4.3.5 Welsh Government: Call-In

4.3.35 One renewable energy scheme was identified as a Call-In application within the study period, namely CAR5 – Mynydd y Betws. **(Table 4.7 below).**

Table 4.7 Call-In Applications determined by the Welsh Government

Scheme Ref.	Scheme Name	LPA	Technology	Generating Capacity (MW)	Status
CAR5	Mynydd y Betws	Carmarthenshire	Wind	36.8	Allowed

4.3.36 The Welsh Government has powers to request that certain applications are called in for its own determination. The powers are used selectively and are usually only applied where a proposed development raises issues of more than local importance. For applications passed to the Welsh Ministers to decide, the relevant papers are forwarded to the Planning Inspectorate to consider, with a report submitted to the Welsh Ministers for their decision.

4.3.37 **Table 4.8** below shows the key stages and timescales for the Call-In application (CAR5) which, in total represents a determination period of 209 days or 30 weeks. There are no prescribed timelines for decisions made on Call-In applications and no statistics are published regarding the performance of this application in relation to other Call-In applications. No further analysis can therefore be made on this application, based on the information available.

Table 4.8 Key Milestones and Determination Period for Call-In Applications

Scheme Ref.	WG Call-In	Sent to PINS	Inspectors Report	Welsh Ministers Decision
CAR5	05/10/2007	18/01/2008	13/11/2008	10/06/2009

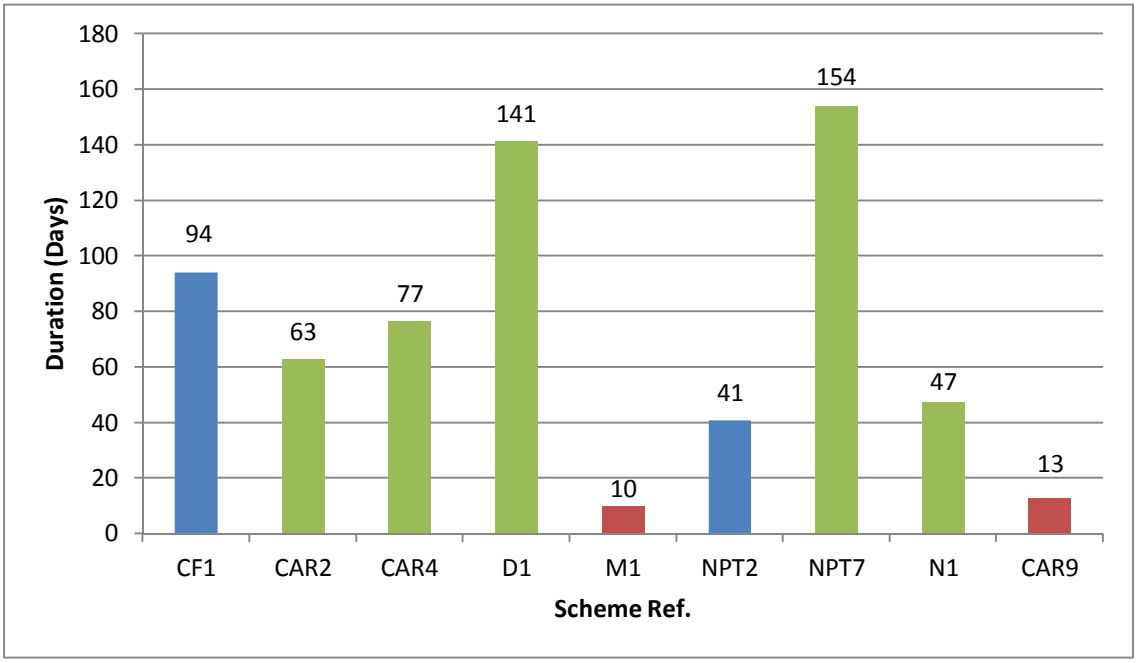
4.4 Post Decision Stage

4.4.1 The following section explores the timescales between a positive decision and operation of those schemes that have become operational within the study period.

Table 4.9 – Operational Schemes: Post Decision Timescales

Scheme Ref.	Scheme Name	Technology	Generating Capacity (MW)	Duration – Decision to Operation
CF1	Cardiff WWTW	Biomass	5.5	94 weeks
CAR2	Alltwalis	Wind	23	63 weeks
CAR4	Parc Cynog (Extension)	Wind	7.8	77 weeks
D1	Wern Ddu	Wind	8	141 weeks
M1	Llancayo	Solar	5	10 weeks
NPT2	Western Wood Energy Plant	Biomass	16.4	41 weeks
NPT7	Maesgwyn	Wind	39	154 weeks
N1	Solutia UK Ltd	Wind	5	47 weeks
CAR9	Ffos Las	Solar	5	13 weeks

Figure 4.14 – Timescales: Planning Decision to Operation



4.4.2 Figure 4.14 above shows the timescales involved in the delivery of a range of renewable technologies implemented during the course of the study period. This shows a wide variation between technologies with no consistent pattern in the time taken by developers from planning consent through to operation on-site. Excluding solar, the average timescales per scheme for the post-planning stage is 88 weeks.

4.5 Statutory Consultees

4.5.1 This section analysis the performance of the statutory consultees in the decision-making process throughout the study period, for each of the main renewable energy technologies considered within the study, namely wind, biomass and solar.

4.5.2 In the case of wind schemes, it has been possible, within the wider range of consultees that are often involved, to separate these into two groups, comprising a 'main' group of consultees who are consulted upon for each planning application and those 'other' consultees that are consulted when the particular circumstances of the application dictate. These are shown in **Figures 4.15 and 4.16** below.

4.5.3 **Figure 4.15** shows the relatively lengthy response times to planning applications from the Countryside Council for Wales, the Environment Agency, Local Highway Authorities and adjoining Local Planning Authorities in relation to the statutory 21 day period for consultation responses. There has also been a noticeable increase in response times for each of these bodies over the timeframe of the study period. **Figure 4.16** shows that with the exception of Rail Network Operators all 'other' consultees have exceeded the 21 day response times, though noticeably in the case of community councils this trend has only become apparent since 2008.

4.5.4 In the case of Biomass schemes, **Figure 4.17** shows that, to a lesser or greater extent each of the statutory consultees has exceeded the statutory period for consultation responses to these planning applications. Whilst still exceeding the statutory period, there has been a marked improvement in the response times of the Environment Agency over the period of the study.

4.5.5 **Figure 4.18** shows the response times for consultee response times to solar applications. With the exception of community councils, the statutory 21 day period has been exceeded, though not to the same extent for either wind or biomass schemes.

Figure 4.15 – 'Main' Consultee Response Times 2005 - 2012 (Wind)

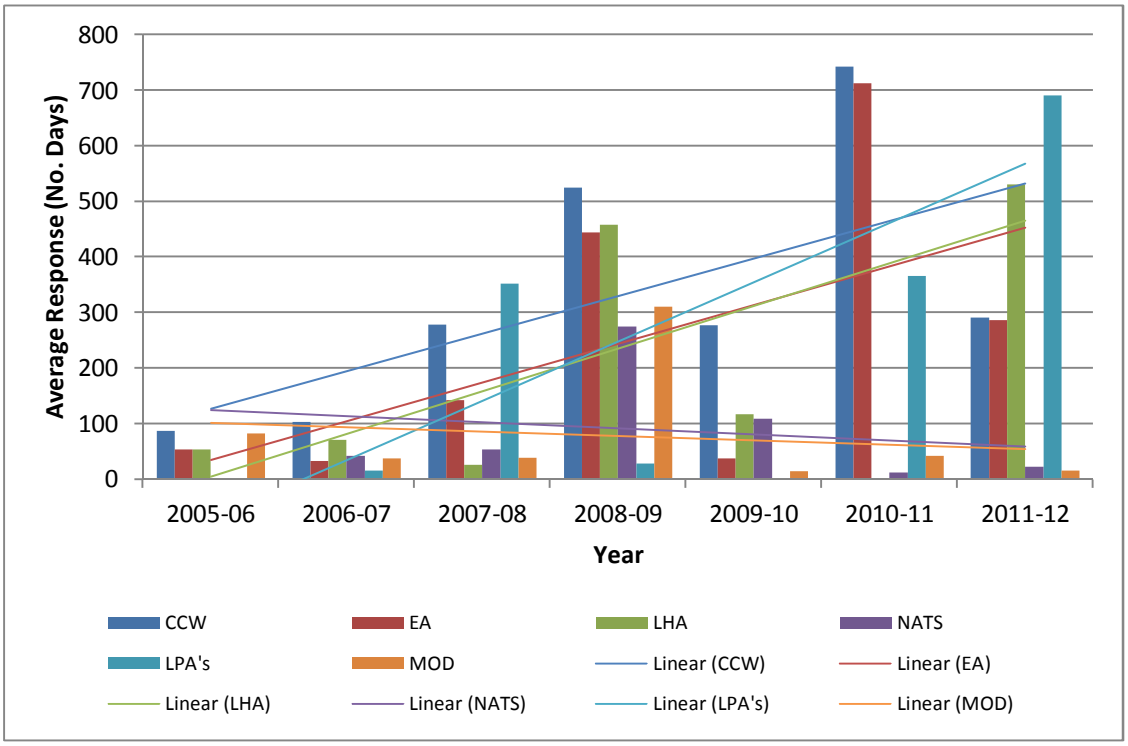


Figure 4.16 – 'Other' Consultee Response Times 2005 - 2012 (Wind)

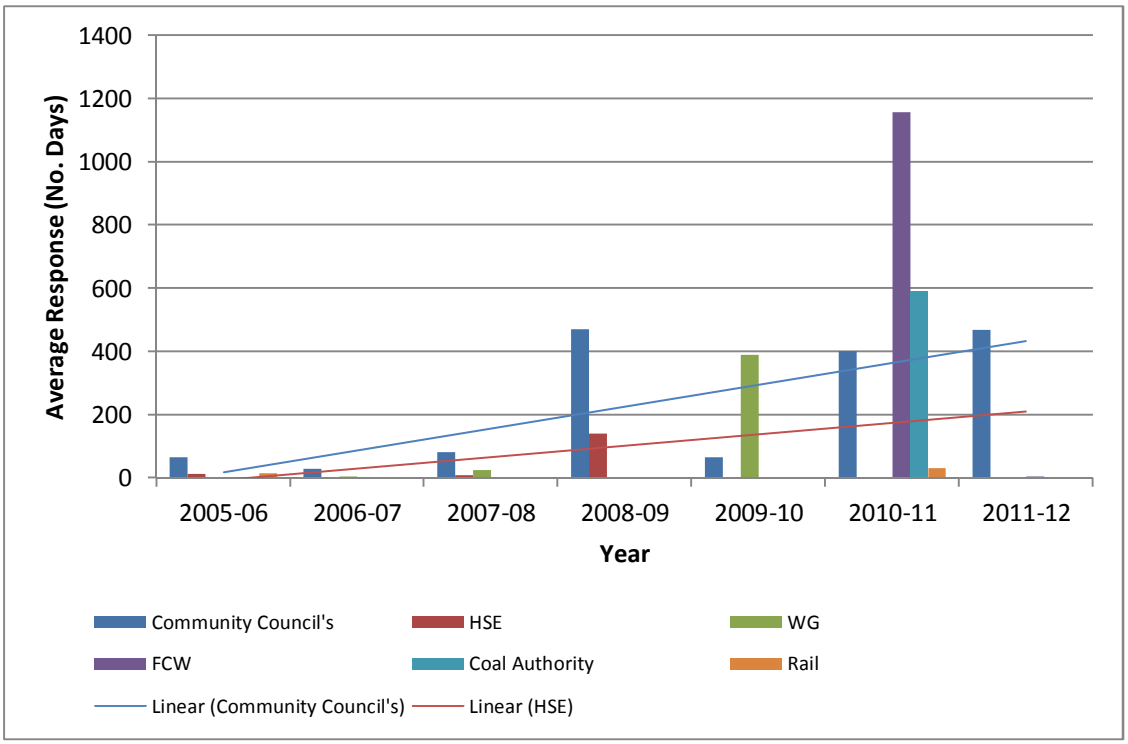


Figure 4.17 – Consultee Response Times 2005 - 2012 (Biomass)

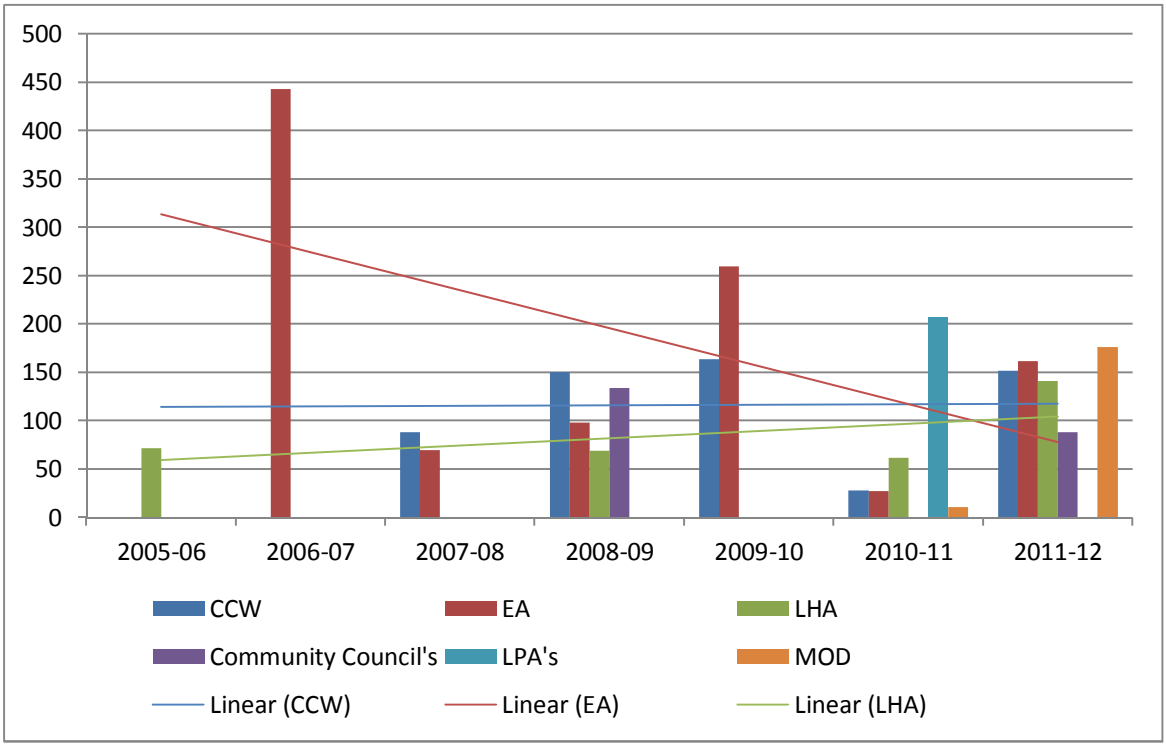


Figure 4.18 – Consultee Response Times 2005 - 2012 (Solar)

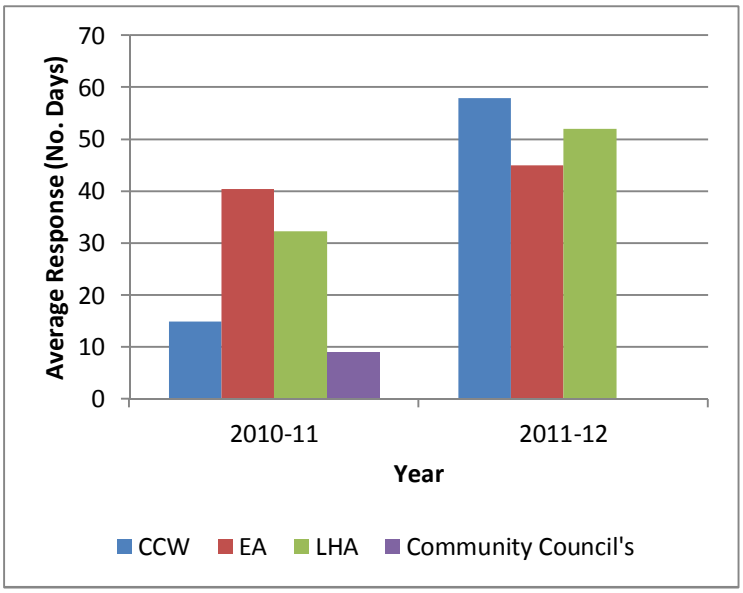
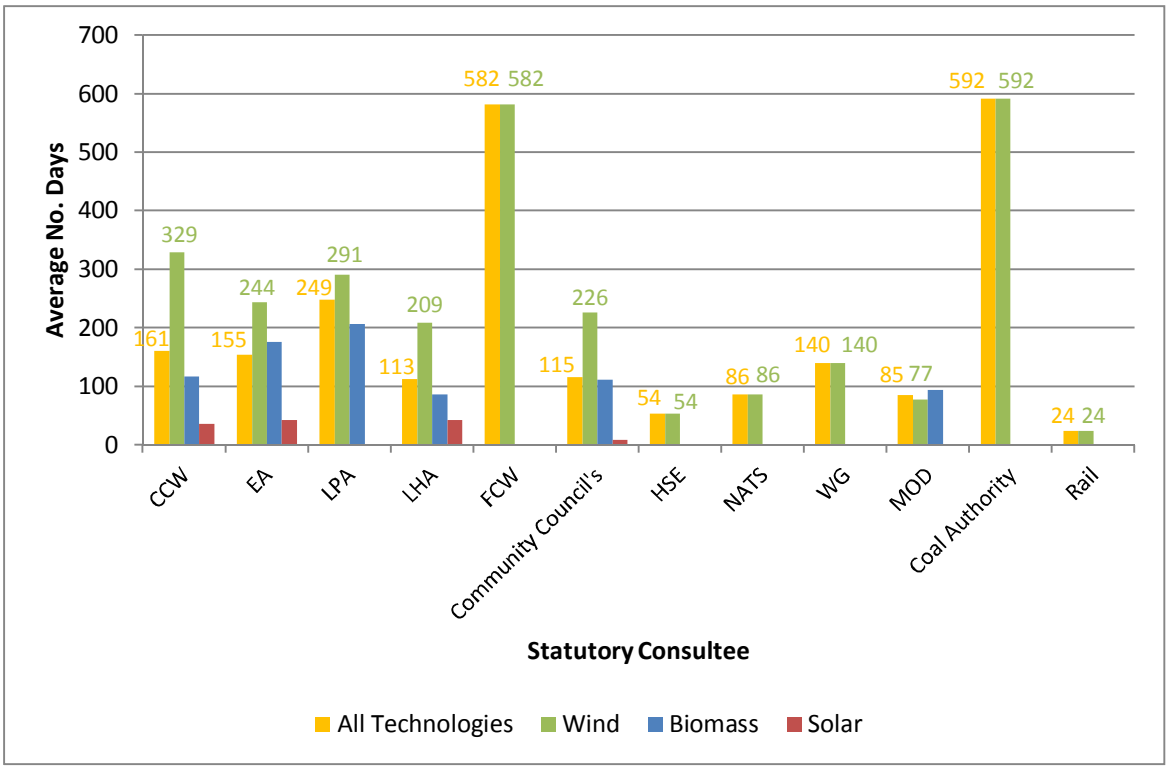


Figure 4.19 – Average Determination Times (Consultee & Technology)



4.5.6 **Figure 4.19** above shows the average response times (in days) by statutory consultees for all technologies considered throughout the study period. Response times to wind applications are shown as consistently greater than for other technologies. It is important to note that the figures shown for Forestry Commission Wales (FCW) and the Coal Authority are heavily skewed by one particular scheme (NPT6) and for this reason no trend analysis has been undertaken on the average consultation times over the study period.

4.6 Associated Development/Ancillary Consents

4.6.1 Associated Development and Ancillary Consents relate to those 'subordinate' applications that are necessary to enable the main development to take place. Under the terms of the Planning Act 2008, the legal definition of Associated Development for Nationally Significant Infrastructure Projects (NSIPs) has limited application in Wales,resulting from devolution and excludes any such works required in support of renewable or low carbon energy schemes. As a consequence, the National Infrastructure Directorate is unable to grant development consent for those aspects of a NSIP which might be treated as Associated Development, as is the case in England, meaning that for such 'associated' works, planning permission and any other consents must be obtained from the relevant decision-making body.

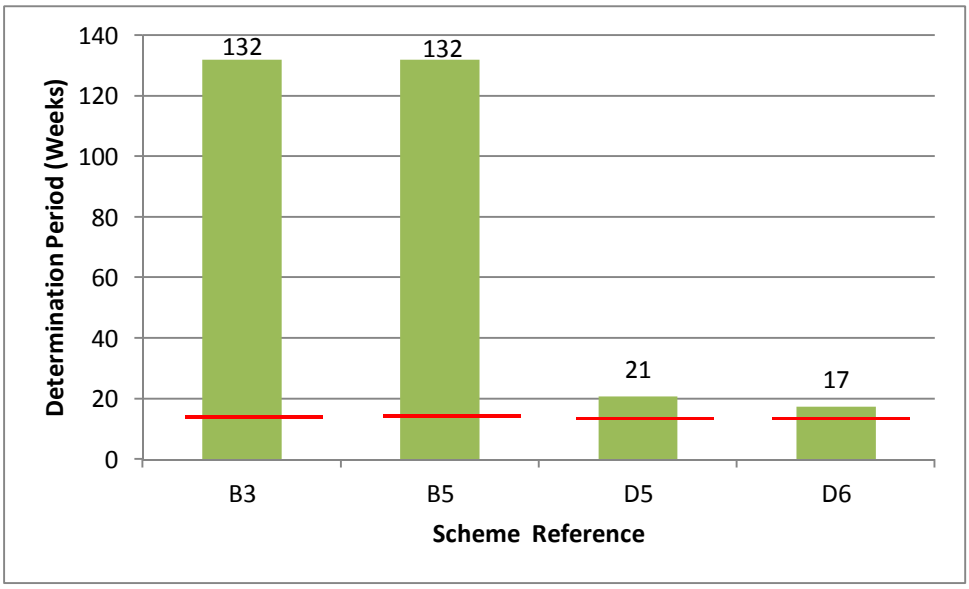
4.6.2 Recognising that any Associated Developments fall outside the NID process in Wales and yet are still required to be permitted through a separate, but related consenting regime, it is relevant for the purposes of this study and for understanding the operation of the consenting process for NSIPs in Wales to recognise the need for any 'associated' works in order to deliver renewable and low carbon energy schemes and accordingly will be to referred as such.

4.6.3 From the information received, the following applications shown in **Table 4.10** below have been identified as falling within the remit of the study commission.

Table 4.10 Associated Development/Ancillary Consents Planning Applications

Scheme Ref.	Scheme Name	Technology	LPA	Works	Status
B3	Pant y Wal	Wind	Bridgend	Access Track	Consented
B5	Fforch Nest	Wind	Bridgend	Access Track	Consented
S2	Mynydd y Gwair	Wind	Swansea	Common Land Exchange	Dismissed on Appeal
D5	Gwynt y Mor	Wind (off-shore)	Denbighshire	Substation & Cabling	Consented
D6	Gwynt y Mor	Wind (off-shore)	Denbighshire	Underground Cabling	Consented

Figure 4.20 – Associated Development/Ancillary Consents: Determination Periods



4.6.4 For those consents associated with on-shore wind farm developments (B3 and B5) an extended determination period is shown, whilst for the off-shore schemes (D5 and D6) this is noticeably less. On further analysis it is relevant to note that the decisions made in relation to the on-shore applications both by Bridgend CBC were granted at the same time as the main consent for the wind farms schemes, which appears to explain an otherwise extended determination period for the Ancillary Consents.

4.7 Strategic Search Areas (SSAs)

4.7.1 In view of the significance of the SSA's to the study analysis it is considered important to highlight the performance of schemes within these areas as shown below. This includes a total of 40 wind applications spread across 6 of the 7 identified Strategic Search Areas.

Table 4.11 – List of Strategic Search Area (SSA) Applications

Scheme Ref.	Scheme Name	MW	Planning Status	Consenting Body
SSA - A				
CW1	Mwdwl Eithin (Nant Bach)	27.5	Consented	LPA
CW2	Mwdwl Eithin	27.5	Refused	LPA
D1	Wern Ddu	8	Operational	LPA / PINS
D2	Brenig	50	Consented	LPA
D3	Gorsedd Barn	39	Refused	LPA / PINS
D4	Derwydd Bach	23	Consented	LPA
SSA – B				
P1	Cemmaes 3	18	In Planning	LPA
P2	Mynydd Clogau (Ext)	16	In Planning	LPA
P3	Tirgwynt	28	Consented	LPA
P4	Mynydd Waun Fawr	37.5	In Planning	LPA
P5	Waun Garno	16.5	Refused	LPA
P6	Carnedd Wen	130	In Planning	DECC
P7	Llanbrynmair	100	In Planning	DECC
P8	Esgair Cwm Owen South	51	In Planning	DECC
P9	Carno III (Ext)	45	In Planning	LPA
P10	Esgair Cwmowen	47.5	In Planning	LPA
SSA – C				
P11	Llanbadarn Fynydd	51	In Planning	DECC
P12	Fferm Wynt Llaithdu	66.7	In Planning	DECC
P13	Garreg Lwyd	46	In Planning	LPA
P14	Llandinam Repowering	126	In Planning	DECC
P15	Bryngydfa	24	In Planning	LPA
P16	Hirddywel	27	In Planning	LPA
P17	Neuadd Goch	27	In Planning	LPA
SSA – E				
NPT6	Hirfynydd	13.5	In Planning	LPA
NPT7	Maesgwyn	39	Operational	LPA

Scheme Ref.	Scheme Name	MW	Planning Status	Consenting Body
S2	Mynydd y Gwair	50	Refused	LPA / PINS
CAR5	Mynydd y Betws	37.5	Under Construction	LPA / PINS
SSA – F				
B3	Pant y Wal	27.5	Consented	LPA
B4	Llynfi Afan Renewable Energy Park	6	Consented	LPA
B5	Fforch Nest	10	Consented	LPA
NPT8	Llynfi Renewable Energy Park	24	In Planning	LPA
NPT9	Pen y Cymoedd	252	Consented	DECC
RCT1	Maerdy	27	Consented	LPA
RCT3	Hirwaun Re-submission	36	In Planning	LPA / PINS
RCT4	Pen y Cymoedd	252	Consented	DECC
RCT5	Fforch Nest	16	Consented	LPA / PINS
SSA – G				
CAR2	Alltwalis (Blaengwen)	23	Operational	LPA
CAR3	Bryn Llewellyn	48.3	In Planning	LPA
CAR6	Brechfa Forest West	56-84	In Planning	IPC / NID
CAR8	Brechfa Forest East	24-36	In Planning	LPA

4.7.2 **Figure 4.21** below shows the total capacity and status of renewable and low carbon energy schemes across all of the designated SSAs. Figures highlighted in white within each segment represent the number of applications and their status.

Figure 4.21 – Status of Schemes and Capacity in SSA's (MWs)

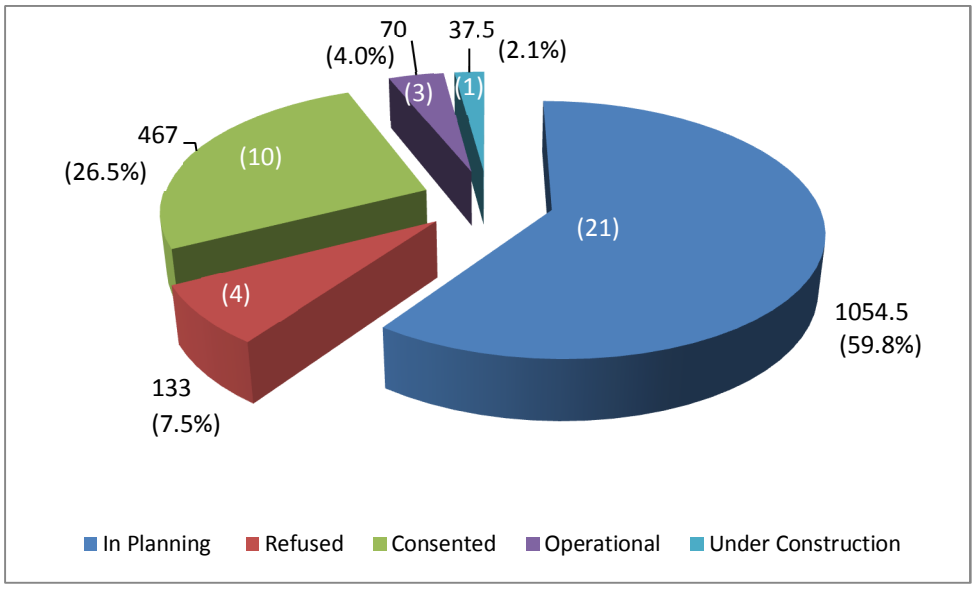
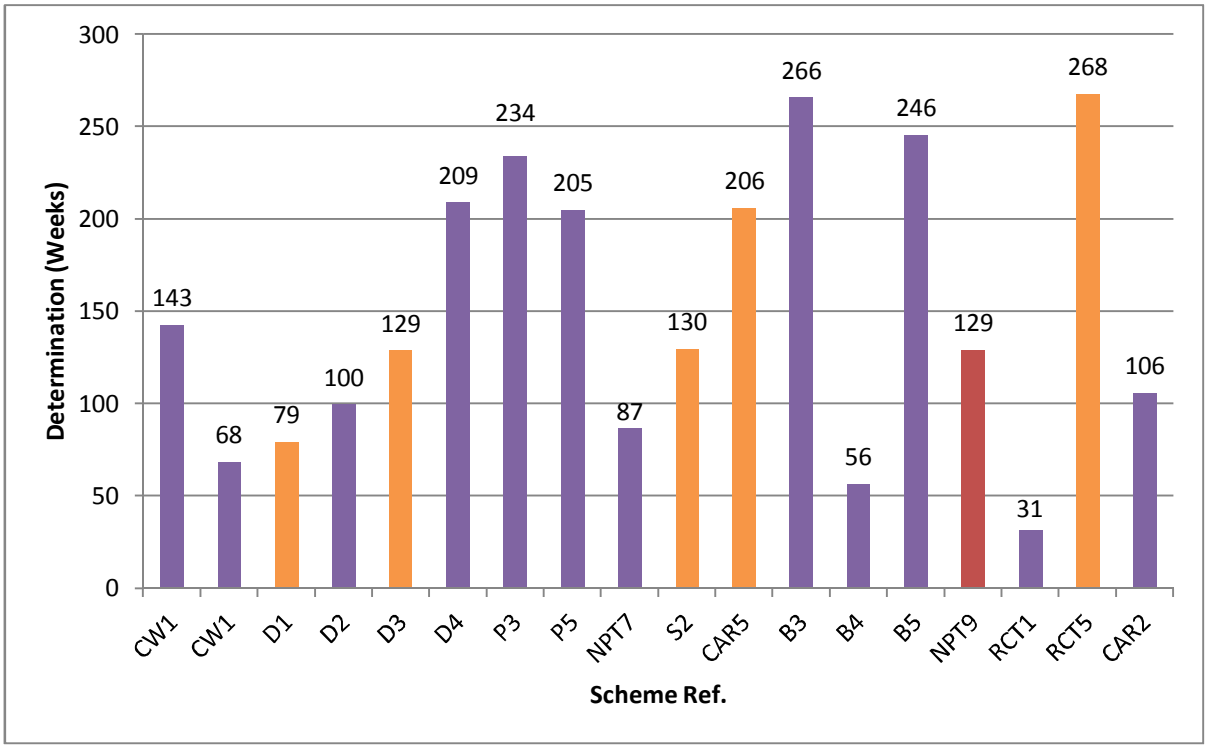


Figure 4.22 – Overall Determination Period



4.7.3 **Figure 4.22** above shows the overall determination period for all wind energy applications that have been determined within the SSAs over the study period. The consenting bodies shown are distinguished by colour as follows:

LPA
LPA / PINS
DECC

4.7.4 The data shows varying timelines for each of the consenting bodies for wind schemes located within SSAs, with an average of 146 weeks for applications determined by the LPA, 162 weeks for LPA/Appeal decisions and 129 weeks for Section 36 Applications (DECC).

4.8 Planning Committees

4.8.1 The data gathered as part of **Phase 1** of the commission has allowed for comparisons to be made in relation to decisions taken by Planning Committees against officer recommendations. The table below illustrates those local planning authorities where such decisions have been made, showing this as a proportion of all decisions taken by LPAs that fall within the scope of the study and whether this has been affected by the size of Planning Committee in each case.

Table 4.12 – Planning Committee Size & Decisions

LPA	No. Schemes refused against Officer Rec.	Proportion of schemes in Scope (Determined)	Size of Planning Committee
Newport	1	20% (5)	11
Vale of Glamorgan	1	100% (1)	19
Neath Port Talbot	1	12.5% (8)	45
Denbighshire	1	33.3% (3)	30
Rhondda Cynon Taf	2	50% (4)	75
Swansea	1	50% (2)	72

4.8.2 The figures show that for those LPAs in which Planning Committees have taken decisions against officer recommendations the findings are inconclusive on the extent to which decisions on renewable and low carbon energy schemes are affected by the size of Planning Committee.

5 KEY FINDINGS

5.1.1 This section brings together the key research findings drawn from the preceding analysis, which are presented below.

5.1.2 The original scope of work has sought to consider the performance of all players in the consenting process for a range of renewable and low carbon technologies above 5MW. However, it has been evident from the outset that not all consenting bodies have been involved in the consenting process, including a number of local planning authorities, whilst the position in Wrexham CBC has remained unknown and has not therefore been included in the study analysis.

5.1.3 In terms of technologies, no low carbon energy schemes ie Combined Heat and Power/Combined Cooling Heat and Power have been identified, whilst neither Hydropower or Geothermal schemes have come forward during the study period. Of the **73** renewable technologies identified, by far the greater number have been for Wind **(53 schemes)**, followed by Biomass **(14 schemes)**, Solar **(four schemes)** and one each for Biofuels and Anaerobic Digestion.

5.1.4 The statistical analysis has showed that overall, a total of **2,908.7MW** of renewable energy generation relating to schemes above 5MW is either currently in or has progressed through the planning system over the seven year period of the study. Most notably, only **109.7MW** of this total amount has become operational during this time. The breakdown of this figure shows that by far a large proportion **(1,147.5MW)** remains undetermined, with a total of **1,346.8MW** not yet operational following the grant of planning permission.

5.1.5 Looking at these figures more closely, it is noticeable that a large proportion of the total energy capacity within the planning system relates to schemes falling within two local planning authorities, namely Powys CC and Carmarthenshire CC. In the case of the former, a total of **812.7MW** remains undetermined and in the case of the latter **168.3MW**.

5.1.6 At the same time, three other local authorities have a disproportionate amount of consented applications that are not yet operational. This relates to schemes in Anglesey **(299MW)**, Neath Port Talbot **(491MW)** and Rhondda Cynon Taf **(194MW)**. It is interesting to note nonetheless, that Neath Port Talbot has by far the greatest operational energy generation of **55.4MW** implemented during the study period.

5.1.7 In forming the main body of the decision-making process, a significant amount of statistical data has become available concerning the performance of local planning authorities. In overall terms, the analysis shows that the average consenting time for all renewable technologies has taken more than a year at **57 weeks**. Breaking this figure down into individual technologies, wind applications have the longest consenting time, with each application taking on average more than two years **(122 weeks)** to determine, whilst biomass schemes have taken on average just over a year **(61 weeks)**.

5.1.8 The decision-making period for local planning authorities has shown a marked increase over the timescale of the study period. This is particularly the case for wind schemes, with planning applications 'peaking' at an average high of over four years **(224 weeks)** in 2010/2011.

5.1.9 When assessed against the respective 8 and 16 week targets for the determination of planning applications, no applications have been determined within the 8 week target for non-EIA applications and **6% (two schemes)** for the 16 week target for EIA applications. In the case of the latter, this relates to an application for a Biomass scheme determined by Neath Port Talbot CBC and a wind application determined by Caerphilly CBC.

5.1.10 The requirement for applications to be accompanied by an EIA appears to be consistently applied in relation to both the type of renewable technology and size of development, with the greater majority of schemes subject to an EIA. The one notable exception is the 5MW wind scheme at Solutia, Newport which was not subject to an EIA although the decision taken on this

one application primarily for locational considerations, does not suggest further examination within this study.

5.1.11 For the key milestones identified within the consenting process, there are no discernable patterns emerging with the performance of local planning authorities based on the type or size of renewable energy scheme. It is clear however, that whilst many of the key planning stages are completed within acceptable timescales, the overall decision-making process has been delayed, in some cases quite considerably, as a consequence of the extended timescales involved in completing a particular stage or stages in the process.

5.1.12 Whilst the delays incurred are shown to affect all key milestones in the consenting process, the timescales for consultation responses feature most prominently. Whilst all statutory consultees involved in the process have, on occasion exceeded the statutory 21 day consultation period, the delays have been most noticeable for the Countryside Council for Wales, Environment Agency, Forestry Commission Wales, Local Highway Authorities and adjoining Local Planning Authorities. This picture becomes more marked in the case of wind applications, which have considerably higher average response times from each of these consultees.

5.1.13 Specifically, the trends for consultee responses for wind applications have shown a marked increase over the duration of the study period in comparison to biomass and solar schemes, which have remained fairly constant. The one exception to this is the noticeable improvement in the consultee response times of the Environment Agency on biomass schemes.

5.1.14 Based on the handling of 16 appeals over the duration of the study period, the Planning Inspectorate has taken on average **36 weeks** to complete each Inquiry process across a range of renewable technologies, compared to a published average timescale for all planning Inquiries of **27 weeks**. This position however compares favourably to that by the Planning Inspectorate in England.

5.1.15 As for other consenting bodies, DECC has determined a total of **901MW** of renewable energy, split between one wind application **(252MW)** and two biomass applications **(649MW)** during the study period. The average determination periods for the three schemes has varied between **34 months** and **75 months**. There remain, at the present time a total of between **533MW** and **653MW** of renewable energy generation to be determined, split across six renewable energy schemes. Timelines are presented for the determination of the one Call-In application by the Welsh Government, although it has not been possible to consider this any further in view of the absence of any comparative data.

5.1.16 The recently established National Infrastructure Directorate, and its predecessor, the Infrastructure Planning Committee has only one application currently being considered in Wales at the time of the study analysis. Based on the stages completed to-date, it is too early to reach any firm conclusions on the performance of the organisation at the present time, although on the evidence presented, the application appears to be on track, in line with the stated timescales for determination.

5.1.17 In relation to the timescales taken between the consenting process and operations on site, there are no distinguishable comparisons to be made between schemes, other than to note the average timescales taken, with the exception of solar (which has taken considerably less time to implement) at around 22 months.

5.1.18 It has been relevant to note, within the context of this study the delivery performance of renewable energy schemes with the Strategic Search Areas, in the light of the 'enhanced status' afforded to SSAs within TAN 8 to accommodate large scale wind projects, in particular. For wind schemes, the evidence presented shows that **61.8%** of potential generating capacity remains undetermined within the planning system during this period, with **4.1%** that has become operational since the publication of TAN 8 in 2005.

5.1.19 Finally, the decision-making timescales for Ancillary Consents do not appear to raise any particular concerns for the consenting process, as the determination of applications either

concurrently with the consenting of the main application or immediately on approval, appears not to delay the delivery timescales of the scheme.

6 PHASE 2 – CASE STUDY ANALYSIS

6.1 Introduction

6.1.1 This section of the report introduces Phase 2 of the study which focusses around further investigation into 12 case studies. This case study approach seeks to further explore a representative sample of applications which were analysed during Phase 1 and picks up on key trends emerging through the analysis of data in order to understand the context from the view of the various parties involved in the consenting process (consent granting body, developer / application and statutory consultees).

6.1.2 **Section 6.2** presents the approach taken to case study selection, highlighting how the 12 case studies were selected to ensure a representative sample in terms of the following key criteria:

- Geography
- Technology
- Size (MW)
- Consent Granting Body (LPA, DECC, PINS)
- EIA / Non-EIA
- Statutory Consultee Responses

6.1.3 The findings from the case study analysis and detailed discussions with the relevant consultees is presented in **Section 6.3**, with details of more general engagement undertaken during Stage 2 presented in **Section 6.4**. Conclusions are drawn in **Section 6.5**.

6.2 Case Study Selection

6.2.1 The selection of case studies is based on identifying a total of 12 schemes, following discussion and agreement with the Welsh Government at the completion of the Baseline Analysis stage. This figure has been derived from a total of 45 schemes that have been determined during the study period, across a range of renewable technologies. (Undetermined schemes have not been considered as potential case studies).

6.2.2 The process adopted has sought to ensure that the list of case studies is fully representative of the number and range of renewable and low carbon energy schemes across Wales that it addresses the key findings of the baseline analysis, explores specific issues raised and covers those areas of interest to the study commission.

6.2.3 To ensure that a geographic spread of case studies across Wales is achieved, groupings of local planning authorities have been made for this purpose, based on a broad assessment of the main geographic focus of each local authority area as follows:

Local Planning Authorities	Region
Carmarthenshire CC; Pembrokeshire CC; Ceredigion CBC;	West
Cardiff CC; Vale of Glamorgan C; City & County of Swansea	South
Monmouthshire CBC; Newport CC;	East
Powys CC; Neath Port Talbot CBC; Bridgend CBC; Caerphilly CBC; Merthyr Tydfil CBC; Rhondda Cynon Taf CBC; Blaenau Gwent CBC	Central
Anglesey CC; Conwy CC; Denbighshire CC; Flintshire CC	North

6.2.4 Equally, at a local authority level, the selection process has sought to ensure that as wide a representative sample of LPAs is achieved for the 12 case studies and therefore no more than one renewable scheme per local authority has been considered.

6.2.5 In response to the above requirements, a three stage selection process has been put in place in providing an informed and systematic approach to the identification of case studies:

Stage 1 – Representative Sample

Stage 2 – Key Findings

Stage 3 – Other Issues

6.2.6 At the completion of each stage, recommendations are made on those schemes considered suitable to include as case studies. From an initial 'long list' of potential schemes identified, in line with the approach adopted or in meeting the range of issues identified, the final selection of schemes is based on a 'best fit' of case studies and the added value they bring to the study, when assessed against the various topic headings set-out within the Assessment Matrix in **Table 6.1.**

6.2.7 The approach adopted in the selection process for the 12 case studies is described below:

Stage 1 – Representative Sample

6.2.8 Of the 45 determined schemes, a total of 29 are wind, 12 are biomass, three are solar and one biofuels. Based on a total number of 12 case studies, apportioning these equally by renewable energy type has provided the following split of renewable energy case studies: Wind: seven, Biomass: three, Solar: one and Biofuels: one.

6.2.9 From the above analysis, the following list of solar and biofuels schemes are identified from the apportionment of renewable schemes at this stage:

Scheme Ref.	Name	Technology	MW	Status	Consenting Body
N4	Vogen Energy	Biofuels	25	Refused	LPA / PINS
CAR9	Fos Las	Solar	5	Under Construction	LPA
M1	Llancayo	Solar	5	Operational	LPA
NPT10	Maesgwyn Solar	Solar	5	Consented	LPA

6.2.10 From the total number of determined solar and biofuels schemes, it is possible, at this initial stage of the selection process to identify the requisite number of case studies following further assessment against the topic headings referred to within the Assessment Matrix. On this basis of this approach, the following solar and biofuel schemes are recommended for inclusion as case studies:

Scheme Ref.	Reason for Inclusion	Areas covered within the Assessment Matrix
N4	Only biofuel scheme identified within study commission	-
M1	Of the 3 solar schemes considered, schemes CAR9 and NPT10 are located within LPAs highlighted elsewhere under the Key Findings as potential case studies	Scheme covers a number of issues in relation to the statutory period for consultee responses

Stage 2 – Key Findings

6.2.11 Having already identified solar and biofuels schemes through the apportionment of Stage 1 of the selection process, Stage 2 is focussed on the Key Findings identified within the previous section of the study. This has provided an important evidence base for the selection of potential wind and biomass schemes. In summary, the key findings from the Baseline Analysis are as follows:

- Powys CC, Carmarthenshire CC - Total undetermined MW capacity and the timescales involved in the consenting process
- Anglesey CC, Neath Port Talbot CBC, Rhondda Cynon Taf CBC - Total unimplemented MW capacity
- DECC – Overall consenting times and the timescales taken for different renewable schemes
- PINS – Extended timelines for appeal decisions
- Neath Port Talbot CBC – Total operational MW capacity on-site
- Consenting bodies – Response times for statutory consultations

6.2.12 From the above key findings the following schemes have been identified in providing a 'long list' of potential case studies:

Scheme Ref.	Name	Technology	MW	Status	Consenting Body
P3	Tirgwynt	Wind	28	Consented	LPA
P5	Waun Garno	Wind	16.5	Refused	LPA
CAR1	Blaen Bowi (Ext)	Wind	9.1	Refused	LPA / PINS
CAR2	Alltwalis	Wind	23	Operational	LPA
CAR4	Parc Cynog (Ext)	Wind	7.8	Operational	LPA
CAR5	Mynydd y Betws	Wind	37.5	Under Construction	LPA / PINS
CAR7	Coed Bach Power Station	Biomass	50	Refused	LPA / PINS
NPT2	Western Wood Energy Plant	Biomass	16.4	Operational	LPA
NPT3	Western Wood Sustainable Energy Park	Biomass	35	Consented	LPA / PINS
NPT7	Maesgwyn	Wind	39	Operational	LPA
NPT11	Mynydd y Gwrhyd	Wind	5	Refused	LPA / PINS
RCT1	Maerdy	Wind	27	Consented	LPA
RCT2	Mynydd Portref	Wind	9.35	Under Construction	LPA
RCT5	Fforch Nest	Wind	16	Consented	LPA / PINS
A1	Penrhos Works	Biomass	299	Consented	DECC
NPT9 / RCT4	Pen y Cymoedd	Wind	252	Consented	DECC
NPT1	Port Talbot Renewable Energy Park	Biomass	350	Consented	DECC

6.2.13 Through the assessment of schemes against the topic headings identified within the Assessment Matrix in **Table 6.1** the following case studies are recommended for inclusion in addressing each of the key headings:

Scheme Ref.	Reason for Inclusion	Areas covered within the Assessment Matrix
CAR2	Extended timescales for determination (with a large undetermined MW within LPA).	Pre-application discussions, location within Strategic Search Area and S.106 Agreement in place
P3	Extended timescales for determination (with a large undetermined MW within LPA). 1 of 2 consented schemes by LPA.	Pre-application discussions, location within Strategic Search Area and S.106 Agreement in place
NPT7	Identified as an operational scheme, (from a large number within LPA).	No pre-application discussions undertaken, delay in statutory consultee responses and S.106 Agreement in place
RCT5	Number of unimplemented schemes within LPA.	Pre-application discussions, location within Strategic Search Area and recommendation to refuse against officer advice. Appeal allowed. Delays in statutory consultee responses
A1	Number of unimplemented schemes within LPA. Preferred DECC scheme, as other 2 are covered by LPAs elsewhere as case studies.	Providing a representative case study from the 'North' region

Stage 3 – Other Issues

6.2.14 In addition to addressing the key findings in Stage 2, it is also important to look more closely at specific issues raised by individual schemes through the earlier Baseline Analysis that may warrant further investigation as the remaining case studies of interest to the study.

Scheme Ref.	Name	Technology	MW	Status	Consenting Body	Issues Identified
C1	Oakdale Business Park	Wind	5	Consented	LPA	Determined within target timescale.
CF1	Cardiff WWTW	Biomass	5.5	Operational	LPA	Operational Biomass scheme just outside target period for determination.
B1	Old Lynfi Power Station	Biomass	10	Consented	LPA	All schemes consented with large timescales between determination and decision. (B3 & B5 progressed through the conditions stage)
B2	Lynfi Biomass	Biomass	25	Consented	LPA	
B3	Pant y Wal	Wind	27.5	Consented	LPA	
B4	Lynfi Afan Renewable Energy Park	Wind	6	Consented	LPA	
B5	Fforch Nest Part 1	Wind	10	Consented	LPA	
S1	Kings Dock	Biomass	49.9	Refused	LPA / PINS	Large scale LPA schemes. Both applications refused and appeals dismissed
S2	Mynydd y Gwair	Wind	50	Refused	LPA / PINS	
VG1	Barry Docks	Biomass	9	Consented	LPA / PINS	Committee decision against officer recommendation. Appeal upheld.

6.2.15 From the assessment of each of these schemes against the issues identified within the Assessment Matrix in **Table 6.1** the following schemes are recommended for inclusion as the remaining three case studies from this stage of the selection process:

Scheme Ref.	Reason for Inclusion	Areas covered within the Assessment Matrix
C1	Scheme identified as the only application determined within the 8 week consenting period for non-EIA projects.	Pre-application discussions, no Section 106 Agreement
VG1	Issues raised in relation to the decision making process by LPA and PINS.	No pre-application discussions, refusal against officer advice. Appeal allowed
S1	1 of 2 schemes refused by LPA. Appeals dismissed.	Pre-application discussions, refusal against officer advice. Delays in statutory consultee responses

Consent Body	Scheme Ref	Type	Size (MW)	Geog Spread	SSA?	Pre-App?	LPA Refuse / Approve	For / Against Officer Recommend	S106?	Non EIA (8 Weeks)	EIA (16 Weeks)	Key Milestone Targets										Operational	Appeal Upheld / Dismissed
												Submission - Validation	Validation to Consultation Start	Consultation Period					Consultation end to Determination	Determination to Decision			
														EA	CCW	FCW	HA	LPA					
LPA / PINS	CAR1	Wind	5 - 25	West	No	Yes	Refuse	For	No		×	✓	×	×	×	n/a	n/a	n/a	×	×	No	Dismissed
LPA	CAR2	Wind	5 - 25	West	Yes	Yes	Approve	For	Yes		×	✓	×	—	—	—	—	—	×	✓	Yes	n/a
LPA	CAR4	Wind	5 - 25	West	No	Yes	Approve	For	No		×	✓	×	×	×	n/a	n/a	n/a	×	✓	Yes	n/a
LPA / PINS	CAR5	Wind	25 - 50	West	Yes	Yes	Approve		Yes		×	✓	✓	n/a	✓	n/a	n/a	n/a	×	×	No	Upheld
LPA / PINS	CAR7	Biomass	50+	West	No	Yes	Refuse	For	No		×	✓	✓	×	n/a	n/a	n/a	n/a	×	✓	No	Withdrawn
LPA	CAR9	Solar	5 - 25	West	No	Yes	Approve	For	Yes	×		✓	✓	×	n/a	n/a	×	n/a	✓	✓	No	n/a
LPA	NPT2	Biomass	5 - 25	Central	No	Yes	Approve	For	No		✓	✓	✓	n/a	n/a	n/a	n/a	n/a	✓	✓	Yes	n/a
LPA / PINS	NPT3	Biomass	25 - 50	Central	No	Yes	Approve	Against	No		×	✓	✓	×	×	n/a	n/a	n/a	✓	✓	No	Upheld
LPA	NPT7	Wind	25 - 50	Central	Yes	No	Approve	For	Yes		×	✓	✓	×	×	n/a	n/a	×	✓	✓	Yes	n/a
LPA	NPT10	Solar	5 - 25	Central	No	Yes	Approve	For	No	×		✓	×	✓	×	n/a	✓	n/a	✓	✓	No	n/a
LPA / PINS	NPT11	Wind	5 - 25	Central	No	Yes	Refuse	For	Yes		×	✓	×	×	×	n/a	n/a	n/a	✓	✓	No	Dismissed
LPA	C1	Wind	5 - 25	Central	No	Yes	Approve	For	No		✓	✓	✓	×	×	n/a	×	n/a	✓	✓	No	n/a
LPA	N4	Biofuel	25 - 50	East	No	Yes	Approve	Against	No		×	✓	✓	×	×	n/a	✓	n/a	✓	✓	No	n/a
LPA	CF1	Biomass	5 - 25	South	No	Yes	Approve	For	No	×		✓	✓	×	×	n/a	×	n/a	✓	✓	Yes	n/a
LPA	M1	Solar	5 - 25	East	No	Yes	Approve	For	?	×		✓	✓	×	×	n/a	×	n/a	✓	✓	Yes	n/a
LPA	P3	Wind	25 - 50	Central	Yes	Yes	Approve	For	Yes		×	✓	✓	×	×	n/a	n/a	n/a	×	✓	No	n/a
LPA	P5	Wind	5 - 25	Central	Yes	Yes	Refuse	For	?		×	✓	✓	×	×	n/a	n/a	n/a	×	✓	No	n/a
LPA	B1	Biomass	5 - 25	South	No	No	Approve	For	Yes	×		✓	✓	×	×	n/a	×	n/a	✓	×	No	n/a
LPA	B2	Biomass	25 - 50	South	No	No	Approve	For	Yes		×	✓	✓	×	×	n/a	×	n/a	✓	✓	No	n/a
LPA	B3	Wind	25 - 50	South	Yes	No	Approve	For	Yes		×	✓	✓	×	×	n/a	×	n/a	✓	×	No	n/a
LPA	B4	Wind	5 - 25	South	Yes	Yes	Approve	For	Yes		×	✓	✓	×	×	n/a	×	n/a	✓	✓	No	n/a
LPA	B5	Wind	5 - 25	South	Yes	Yes	Approve	For	Yes		×	✓	✓	×	×	n/a	×	n/a	✓	×	No	n/a
LPA / PINS	S1	Biomass	25 - 50	South	No	Yes	Approve	Against	No		×	✓	✓	×	×	n/a	×	n/a	✓	✓	No	Dismissed
LPA / PINS	S2	Wind	50+	South	Yes	Yes	Refuse	For	No		×	✓	✓	×	×	n/a	×	n/a	✓	✓	No	Dismissed
LPA / PINS	VG1	Biomass	5 - 25	South	No	No	Approve	Against	No	×		×	✓	×	×	n/a	✓	n/a	✓	✓	No	Upheld
LPA	RCT1	Wind	25 -50	Central	Yes	Yes	Approve	For	Yes		×	✓	✓	×	×	n/a	×	×	✓	✓	No	n/a
LPA	RCT2	Wind	5 - 25	Central	No	No	Approve	For	No		×	✓	✓	×	×	n/a	×	×	✓	✓	No	n/a
LPA / PINS	RCT5	Wind	5 - 25	Central	Yes	Yes	Approve	Against	?		×	×	✓	×	×	n/a	×	✓	×	✓	No	Upheld
DECC	A1	Biomass	50+	North	No				Yes												No	n/a
DECC	NPT9 / RCT4	Wind	50+	Central	Yes				Yes												No	n/a
DECC	NPT1	Biomass	50+	Central	No				Yes												No	n/a

Table 6.1 – Case Study Assessment Matrix

Explanatory Note:

Size MW - Range of renewable capacities based on PPW 2012 (Edition 5)

Geographic Spread - Based on the following regional 'distribution' of LPAs:

West – Carmarthenshire, Ceredigion, Pembrokeshire

East – Newport, Monmouthshire

South –Swansea, Cardiff, Vale of Glamorgan

Central – Blaenau Gwent, Caerphilly, Merthyr Tydfil, Neath Port Talbot, Powys, Rhondda Cynon Taf, Bridgend

North –Anglesey, Conway, Denbighshire, Flintshire

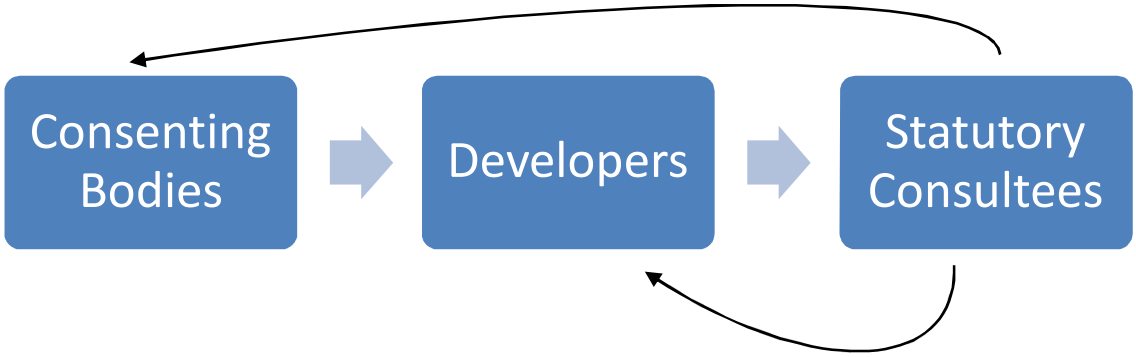
Key Milestone Targets:

The following colour coding is used to indicate whether a prescribed target has been met. Where no targets have been set, an average has been taken from each of the schemes considered to complete the relevant milestone. Whether the scheme falls within the target/average or above the target/average is indicated as follows:

✓	Within Target
×	Outside Target

6.3 Case Studies

6.3.1 The approach to the case study assessments has centred on consultations with the key players involved both in the project's development and the consenting process. Through this engagement it has been possible to explore in further detail the issues that have emerged through the analysis of the applications during **Phase 1** of the study and which have led to their inclusion as case studies. The approach to the case study consultations has broadly followed that set out below.



6.3.2 The case study assessment has therefore taken a staged approach with the relevant consenting bodies being consulted as a first stage in the process, recognising the central role that they play in the determination of applications. The discussions have focussed on the key issues identified through the data analysis and has allowed the meetings to confirm or question the original findings as well as to explore and understand wider issues relating to the consenting process of interest to the study.

6.3.3 Engagement with statutory consultees and developers as the next stages in the process has followed a similar format.

6.3.4 The approach to consultation on each of the 12 case studies has been an open and transparent one, with the aim of meeting all the key players involved. Agendas have been issued in advance of meetings wherever possible, setting out the main areas for discussion. Following the meetings each of the organisations have been re-consulted, where timescales have permitted to ensure the accuracy of the notes taken and that these fully reflect the matters discussed and to permit any changes prior to their publication within the study.

6.3.5 Despite the concerted efforts on the part of all those involved, it has not proved possible to contact or meet with all the key players, within the reporting timescales of the project. Nonetheless, the consultation process has provided a good representation of the main players involved within each of the case studies and has enabled a clear understanding of the issues emerging to be considered further within the study.

6.3.6 The results of the exercise are presented in the summary tables in **Appendix 5 (Volume 2)** which contains a proforma for each case study and a record of the consultation undertaken. The range of issues highlighted reflects the relative importance attached by participants to particular areas, some of which are broader in nature than others and not necessarily confined to the specific case studies, though are of equal importance to the study findings.

6.3.7 The following section provides a summary of the views presented by each of the participants and drawing initial conclusions on the points raised through the consultation undertaken.

Case Study Summaries

CAR2 – Alltwalis (nee Blaengwen)

The Alltwalis wind farm presented a complex scheme in terms of land ownership and certain operational issues there are a number of good practice points which can be taken from the application.

Of particular note is the Officer Liaison Group established involving key officers and external consultees. Regular meetings were held between the liaison group and information disseminated through to the developer / consultant. Indeed, CCW support this process, identifying significant benefits in terms of collaboration between LPA officers and consultees, with a suggestion that consultation responses were of better quality because of this collaborative working.

The importance of front loading the application process is also clear with compliance issues with the ES, suggesting a need for more in depth scoping. The Officer Liaison Group was involved in the review of the ES, a process which allowed a focussed discussion around relevant issues with a suggestion that this improved the quality and consistency of opinion to the applicant.

Consultations identified the need for a more structured pre-application process linked to compliance and issues of detail. Alongside this suggestions were made for more detailed guidance on community benefit and how these should be prepared / managed.

NPT7 – Maesgwyn Wind Farm

The Maesgwyn scheme presented a learning experience for the LPA in understanding these types of applications, particularly in the sense that a number of new issues arose as the application proceeded through the system.

At the time of the application, in house expertise was limited with a suggestion more could have been provided by Welsh Government in order to up-skill officers in the renewables field. In addition to this the LPA identified a confusing policy framework within which decisions needed to be made, suggesting a need for clarity and transparency from policy at both a national and local level.

The importance of pre-application discussions is highlighted through this scheme, although it was suggested that fees for this stage of the process are often seen as a deterrent by developers. The LPA outlined the usefulness of a site visit with the developer at the pre-application stage in understanding issues first hand and feeding knowledge gained into early opinions / scoping responses.

The scheme highlights issues within the statutory consultees in terms of information provision, with a number of information requests from CCW in relation to application detail. This also raises issues in relation to the quality of the information being submitted alongside such applications and suggests a need for more thorough scoping and a focus by the applicant on the key environmental issues.

C1 – Oakdale Business Park

Although a slight anomaly in terms of a scheme that was very much promoted by the LPA (Caerphilly CBC) on a site considered appropriate for renewables development, the Oakdale application is considered to present best practice on a number of fronts. The applicant undertook early pre-application discussions and played a proactive role, working with the LPA throughout the process.

Extensive public consultation / engagement was undertaken and the applicant outlined a desire to show best practice in this area. This engagement included liaison with individual

objectors and the developer also undertook pre-construction consultation in order to explore opportunities for community benefit spend as well as outline the construction programme to those who were likely to be impacted.

Despite the level of consultation, the application highlighted issues in relation to the level of detail submitted and a lack of guidance in relation to renewable energy. Perhaps in relation to this, the LPA considered the application to be more resource intensive than others, suggesting a need to consider in detail the resourcing of renewable energy applications in Wales.

While the developer was happy to undertake this level of engagement it is considered that the 'risk' was reduced due to the working arrangement with the LPA. Although therefore the approach could inform best practice, consideration needs to be given to the level of detail required in order to ensure a focussed application which covers the main environmental issues.

N4 – Newport Biofuels

This application highlighted the role of lobbyists and local Members in the planning application process with lobbying seen to place Ward Members in a difficult position and creating perceptions which led to a general lack of confidence in the consenting regime for this type of development. This issue alludes to a lack of understanding among local Members about the various renewable energy technologies, and the consenting regimes in place to control them. More could potentially be done to inform those in decision making positions in order that they are able to make informed and impartial views on development proposals.

Issues around the final decision which saw the Planning Committee's decision against officer recommendation was largely related to the potential costs for the LPA and the difficulties of officer involvement in any appeal process. This decision also impacted greatly on developer confidence in the system, with the process leading to too much 'money at risk'.

Alongside the lobbying, the application also received considerable objections however the validity of these were questioned by the LPA perhaps suggesting a need for greater control / regulation over the objection process for these types of developments.

Despite these issues the application again highlights the importance of early pre-application discussions, particularly in terms of providing an understanding to officers in relation to the technology proposed. The developer also undertook briefing sessions with Members in order to provide clarity on some of the potential issues, a process which may be beneficial at the very outset of applications.

With the above issues in mind, the case study has identified issues in relation to the current 16 week consenting period being unrealistic, particularly where much work may be required in order to overcome perceptions locally.

CF1 – Cardiff WWTW Biomass

This application highlighted the importance of the scoping stage with the LPA taking the decision that no EIA was required, dealing with the key environmental issues through an environmental report. This approach aligns to criticisms in relation to over scoping on applications and allows a focus on the key issues.

Issues reported in relation to incomplete information which caused delays in response times of statutory consultees suggest a need for more clarity at the pre-application stage with the statutory consultees identifying specific submission requirements. Engagement suggested that more front loading would have saved time during the application process.

Cardiff benefitted through the availability of specialist advice within the authority, however resources in some areas were highlighted as an issue in terms of delivery of a timely consent.

Following consent consultees raised issues in relation to the time taken to discharge conditions with the LPA highlighting that there is no fee associated with that work, suggesting that such a fee may help the timely discharge and enable the developer to begin work in a more timely manner.

M1 – Llancayo Solar farm

This scheme received no public objection and no third parties were affected. Issues were raised in relation to the quality of the information submitted and the officer understanding of this technology. Aligned to this, consultation suggested that Welsh Government guidance in relation to consideration of such applications is unclear and therefore MCC have begun producing SPG to support officers in their decision making.

The application benefited through developer engagement with the LPA and timely responses to concerns from CCW led to withdrawal of their holding objection. The LPA identified a resource issue in relation to highways response, suggestion further investment is required.

Engagement suggests that this application was fairly straightforward, despite the lack of understanding and initial problems with the quality of the submission.

P3 – Tirgwynt Wind Farm

Although now consented, the application was in the system for a number of years, leading to a variety of issues associated largely with changes over time. Statutory consultees refer to an absent scoping stage of the application whereas the developer commented that their scoping report was never distributed. This situation highlights the importance of scoping with various issues emerging as the application progressed, rather than being identified up front.

Aligned to this, criticism has been directed at the level of detail in responses from statutory consultees with no specific actions outlined and the request for details up front as part of the application process which would usually form pre-commencement conditions. This suggests a need for clear guidance in relation to the importance of thorough scoping and clarity on what issues are to be considered as part of the application process.

Concerns were also raised in relation to timescales for the negotiation of a S106 agreement, highlighting the importance of this stage in the process in relation to gaining a decision notice. This highlights a potential resource issue and / or a need for draft heads of terms in order to enable timely agreement following determination.

B3 – Pant y Wal

This case study has highlighted issues largely associated with the promotion of two sites that lie adjacent to one another with disagreements between the landowners resulting in two schemes that were not compatible with two developers involved. These complications led to changing arrangements throughout the application process, cumulating in a revised application 2 years into the process. This led to subsequent changes which meant a need to re-consult.

With the changing nature of the scheme in mind, it would appear that delays were inevitable and largely driven by the landowners / developers, however, the need to be aware of surrounding developments is likely to be an increasing requirements of developers and should be considered during pre-application stages.

Because of the complexity of the issues, there was a suggestion from the LPA and from the developer that perhaps the application should have been called-in, raising the issues surrounding the use of these powers by Welsh Government.

The quality of information submitted was again raised as an issue by statutory consultees and the LPA and highlights a need to fully scope the requirements with the developer prior to submission and for the developer to ensure information required is completed in line with guidance / best practice.

S1 – Kings Dock Biomass

At the time of submission, biomass was a fairly new technology and guidance for planning officers was not readily available until late in the process. This led to a lack of understanding in relation to project specifics, now being covered through WG financial assistance, enabling access to relevant specialists.

Perception issues were prevalent with the application with the public not fully understanding / trusting the EA consenting process following grant of consent, suggesting greater clarity is needed to give confidence about the controls in place and how they are managed.

The application throws up conflicting views between the LPA and the applicant in relation to public consultation and the quality of information provided in support of the submission, suggesting a need for clarity in what's expected in support of these developments from the outset (e.g. technical studies and public consultation). This may not have been helped by the inexperience of the authority in dealing with these types of applications at the time.

In relation to the Public Inquiry it is considered that repetition identified among objectors could have been cut by electing a single representative / speaker. Feeling by the applicant that the application was 'hijacked' by these objectors leads to questions around the validity and substance of the objections being received.

VG1 – Barry Docks, Biomass

This scheme experienced opposition which was focussed around negative perceptions of the technology in question. Again, concerns were raised around the separate nature of the consenting and licensing regime, suggestion that more needs to be done to re-assure interested parties about the appropriateness of this regime.

The perception of the technology was not helped by the lack of pre-application meeting and the lack of presentation to members, both of which were viewed as unhelpful in understanding the scheme. It is considered that this would have helped officers understand the technical details of the scheme.

The political involvement in the decision, against officer advice is considered largely an emotive response to a development where perceptions are high and understanding of the technology low. This issue brings additional costs associated with the appeal and there needs to be an accountability for the Planning Committee to make informed decisions.

RCT5 – Fforch Nest Wind Farm

As with previous case studies, the key issues affecting this application related to cross-boundary issues and access arrangements. It is concluded that these issues contributed significantly to the delay in determination.

Alongside this issues were identified in relation to inadequate information within the EIA at appeal and therefore a re-submission was needed. This draws attention to the scoping stage of the application once more with this seen as an opportunity to properly scope and focus on the key environmental issues.

There is a clear feeling from the developer in this case that the LPA was not geared-up to

take the application forward given the cross boundary issues and local opposition. This opposition persisted despite RCT's efforts to inform Members about TAN8 and identifiy the legal risks of refusal.

Local issues pre-dominated the application and the decision was appealed.

The cross border issue is further highlighted through CCW's response. Following the same response letter to both authorities, one approved the application and one refused it on ecological grounds. This leads to questions around the planning grounds upon which these decisions are made.

A1 – Penrhos Works, Biomass

This application was granted consent through the Section 36 process in 2011 having been considered as a strategically important scheme. Slight delays were caused through the request for further information however this did not significantly impact on the consenting timescales.

It is understood that the developer is currently seeking to amend the scheme slightly with a hope that it can still be delivered under the existing consent. The scheme highlights the potential for changes during what is often a lengthy consenting period. There is potentially therefore a need for greater flexibility in the consenting process to take into account changes / advances in technologies, with conditions geared towards the provision of sufficient information prior to construction.

6.4 General Stakeholder Engagement

6.4.1 Alongside the formal consultations undertaken as part of the case study analysis, wider stakeholder engagement has been an ongoing process through the Phase 1 data gathering exercise and has continued during Phase 2 and has involved both public and private sector representations covering a variety of interests.

6.4.2 The focus of much of this wider engagement has been through the auspices of RenewableUK Cymru and the further consultations undertaken with the development industry, based on the responses to a developer questionnaire.

6.4.1 Developer Questionnaire

6.4.3 Following a meeting held with the Developer Panel of RenewableUK Cymru on 10th July 2012 a short questionnaire was circulated to representatives on the Panel seeking views on the following areas:

- Current barriers to the consenting process;
- Lessons learnt by developers in other parts of the UK;
- Areas for improvement.

6.4.4 A copy of the questionnaire is contained in **Appendix 4 (Volume 2)** and a summary of responses is presented below:

Current Barriers to the Consenting Process

6.4.5 Respondents were asked to what extent a number of aspects of the consenting process were perceived as barriers to the timely delivery of renewable and low carbon energy schemes in Wales. Scores were given on a scale of 1-5, with 1 being 'not a barrier' and 5 being 'a significant barrier'. **Table 6.2** below summarises the responses received.

Table 6.2 – Perceived Barriers to Timely Delivery of Consents

Issue	1	2	3	4	5
National Guidance	11%	33%	22%	22%	11%
Local Planning Policy	0%	0%	33%	22%	44%
Pre-application Discussions	0%	33%	33%	22%	11%
EIA Scoping	11%	55%	33%	0%	0%
Response times of Statutory Consultees	0%	0%	11%	11%	78%
LPA Expertise	0%	11%	33%	44%	11%
Discharging Planning Conditions	25%	0%	75%	0%	0%
Conclusion of Section 106 Agreements	0%	0%	40%	20%	40%
Strategic Search Areas	25%	12.5%	25%	0%	37.5%

6.4.6 These views, along with a brief explanatory note of responses received in relation to each issue highlighted are set-out below.

National Guidance

6.4.7 Reponses to the survey indicate that National Guidance is not considered a significant barrier to the timely delivery of renewable schemes in Wales, with only 11% of respondents describing it as a significant barrier.

6.4.8 Comments were largely supportive of the guidance provided by TAN 8 and Planning Policy Wales. Responses highlighted the importance of taking Welsh planning policy into account in renewable energy decisions in Wales. However, prevalent in many responses was a recognition that TAN 8 will soon require updating given the limited opportunities remaining in the existing SSAs.

Local Planning Policy

6.4.9 Local Planning Policy is perceived as a major barrier to delivering renewable schemes in Wales. Of those responses received, 66% scored Local Planning Policy between 4 – 5.

6.4.10 Respondants noted that most Local Planning Authorities are still in the process of preparing up to date Local Development Plans. In the absence of a LDP, there is a perception that the majority of adopted Development Plans are not up to date with current National Energy Policy. In any event, developers considered that where a small number of LPA's have adopted LDP's in Wales, these too are often out of accord with National Guidance.

6.4.11 Respondents perceived a divergence between national policy and local policy. Concern was expressed regarding the interpretation of national policies at the local decision making level. A lack of engagement from local authorities and support for national policies is noted as hindering the implementation of national policy.

Pre-application Discussions & EIA Scoping

6.4.12 The majority of respondents did not consider pre-application discussions or EIA Scoping as significant barriers.

6.4.13 Comments in this section further emphasise a perceived divergence between the national and local level; a 'patchy' implementation and delivery of national policy in local pre-application discussions.

6.4.14 A lack of consistency in approach is considered detrimental to the timely delivery of a scheme, with developers incurring significant delays as there is no uniformity in approach between LPAs, and consultees, where the post application position is often found to be different from the pre application position.

Response Times of Statutory Consultees

6.4.15 Response times of Statutory Consultees are identified as the most significant barrier, as ranked by 78% of respondents.

6.4.16 Developers note that delays caused by slow response times from consultees makes development in Wales high risk and expensive. Some case studies provided by developers detail delays of up to two years on projects that are awaiting responses and requests from consultees for a disproportionate amount and detail of information for the planning application stage of development.

LPA Expertise

6.4.17 LPA Expertise is often perceived as a barrier to the delivery of schemes. Of the respondents, 55% scored it between 4 - 5 in the survey.

6.4.18 A common theme in responses is a lack of resourcing and expertise in local authorities, resulting in the delay of complex applications. In some local authorities developers have observed that officers are still in the course of acquiring the required expertise. In other examples, developers note that local authorities are struggling with the number of applications facing them, where they are under resourced in both skill base and officer numbers.

Discharging Planning Conditions

6.4.19 The majority of respondents (75%) scored Discharging Planning Conditions as a moderate barrier (a score of 3) in the survey. There were no respondents that ranked the aspect between 4 - 5.

Conclusion of Section 106 Agreements

6.4.20 Concluding Section 106 Agreements is perceived as being a significant barrier to delivering timely schemes by 40% of respondents.

6.4.21 However, the only comments regarding the completion of Section 106 agreements were non-specific relating to delays caused by consultees on the process rather than the LPA.

Strategic Search Areas

6.4.22 Strategic Search Areas are identified by 37.5% of respondents as significant barriers to delivering schemes. Many comments overlapped with those regarding National Policy and Local Planning Policy. Comments indicate that the SSAs have reached capacity and the current designations have consequently sterilised several potential developments in Wales.

Other Factors

6.4.23 Some developers noted other specific issues within the consenting process that the questionnaire did not specifically cover, including:

- Lack of performance monitoring of LPAs against Welsh Government renewable energy targets and their performance on the timely processing of consents
- Unwillingness of elected members to consider the case for applications / grant consent to onshore wind projects.

Lessons Learnt

6.4.24 Respondents were asked to detail lessons learnt from their experience of the consent process and a summary of views is presented below:

'The consent process makes Wales 'a difficult place to do business': developers comment that the 'dysfunctional planning process' affected by delayed response times from statutory consultees and delays in decision making on applications undermines investor confidence.

'The need for strong leadership from Welsh Government': Welsh Government must take ownership of its national policy and provide leadership to ensure delivery of its targets as they are passed down through the system to all consultees and local authorities. Developers note that although the Welsh Government has set targets, they have not undertaken the necessary work to ensure these are delivered. Developers highlighted the need for greater engagement between Welsh Government and local communities impacted by National Policy, in order to obtain a high degree of public buy in.

'A proactive delivery of renewable schemes is required (best practice from Scotland)': developers outline the need for less bureaucracy associated with development and a more pro-active approach to working with developers in the planning system. Best practice from the Scottish Government is commonly referred to by respondents as a model to proactively deliver renewable energy. Developers comment that they currently view Scotland as a far better place to do business than Wales.

'Consent awarded at the local level is unusual': developers considered that consents awarded at the local level were atypical, with an expectation that schemes in Wales will face a Public Inquiry, leading to increased costs and decreased investor confidence.

Areas for Improvement

Future National Guidance

6.4.25 Developers recommend that the forthcoming Planning and Sustainable Development Bills for Wales should recognise international and national obligations; the UK's legally binding commitment to deliver 15% of energy from renewable sources by 2020. The Bill should lead to a clear national policy statement that encourages significant infrastructure projects to ensure delivery of these targets.

6.4.26 Respondents advocate a proactive approach to promoting the 'need' for onshore wind and speeding up the development process. Welsh Government should promote renewable energy amongst the general public to dispel myths, providing clear factual information on the 'need' for

renewable schemes along with the necessary mitigation measures requested of developers in order to minimise the impacts of these schemes.

Strategic Search Areas

6.4.27 It is recommended that there should be a 'presumption in favour' of development within SSAs to speed up the consent process. Developers also advocate a more favourable regime for smaller (<25 MW) schemes outside of SSAs in order for national targets to be met.

Synergy Between National and Local Planning Policy

6.4.28 Developers emphasise the importance of a joined up, consistent approach between national policy and local policy. There are currently concerns as to how national policies are interpreted and applied at a local planning and decision making level. Developers recommend that the Welsh Government should guide local government in interpreting national policy, ensuring that LDPs recognise the economic, social and environmental benefits of renewable energy on a local, regional and national scale and ensuring a consistent policy rhetoric between national and local planning policy.

6.4.29 To ensure national targets are met, developers recommend tighter performance monitoring of LPAs.

Community / Economic Skills Benefit

6.4.30 Developers recommend that the wider community benefit of schemes should be promoted. Renewable energy investment in localities has generated a large quantity of jobs per year in the construction and maintenance of sites. In order for the maximum benefit to be gained by communities from Wales' renewable energy resources, it is considered crucial to develop the necessary local skills base. Accordingly, it is suggested that community benefit be given greater weight in the planning process.

Staff Resourcing and Skill

6.4.31 The recommendation contained in the Simpson Review to establish a national resource expertise is welcomed. It is suggested by respondents that such a body should include energy expertise, and be geared to increasing technical excellence through training for officers at all levels and elected members.

6.4.32 Greater staff resources are recommended, both within LPAs and some statutory consultees, to match the demand for schemes. Requirements by area can be anticipated given the location of SSAs to speed up the consent process.

6.4.33 Developers emphasise the importance of educating local planning officers and elected members in particular, so that they have a better understanding of national renewable energy policies and targets. It is suggested that this may lead to more positive local decisions and avoid so many costly Public Inquiries.

Pre-application Discussions

6.4.34 Respondents recognise the importance of clear and consistent guidance to be provided by LPAs and consultees at the pre-application / scoping stage of the consent process.

Response Times of Statutory Consultees

6.4.35 There is a general recognition from respondents that quicker and more consistent responses are required from statutory consultees in order to delivery timely schemes – both at pre-application and post application stages. To ensure efficient response times, a mechanism is suggested whereby if no response is received within the set timescale, 'no objection' is deemed, unless clear and unambiguous issues are identified. Respondents recommend that statutory consultee response times be scrutinised under performance monitoring to ensure their timely delivery.

6.5 Other Consultations

6.5.1 The following section provides a summary of the various views and opinions offered by many different organisations and individuals during the course of the study through various consultations and briefings. The comments received are presented below and are grouped under the headings shown for ease of reference.

The Renewables Industry in Wales

TAN 8

- TAN 8 was released without associated guidance and supporting information.
- Would have benefited from an advice note outlining how the Welsh Government would deal with key impacts – assurances / guarantees.
- Needs high level reassurance for local population / Members which may speed up the application process.
- SSAs as proposed were considered to be a good idea, though cumulative impacts are a major weakness.

Welsh Government / Ministerial Lead

- Direction within Welsh Government has not been shared across the various departments with individual teams focussing on their own areas and not seeing the bigger picture in relation to renewable energy targets.
- Improvements are in place with a Minister now responsible for Energy and Planning.
- Politicians need to take a lead on renewable energy generation and not take different views when talking to the industry and members of the public.
- Lack of leadership.

Welsh Government Call in Powers

- Lack of utilisation of Call-In powers where there is clear delay / disregard to policy has undermined investor confidence.

Resourcing

- Resource issues are two-fold with some organisations not having the level of staff resource to deal with volume of schemes and others having issues relating to knowledge and expertise to deal with the scale and type of development.
- Lack of knowledge and expertise has led to a focus on issues presented by objectors rather than opinions from an informed and knowledgeable case officer.
- Training tends to be focussed on junior officers.

Use of the Proportionality

- Some LPA's have argued that turbines should be scaled proportionately to the on-site electricity requirements. This unfairly restricts development that may otherwise make important contributions to national objectives / need.

Community / Economic Benefit

- Greater emphasis should be placed on understanding the economic and community benefits of schemes in Wales.
- Potential to give these factors increased weight in the decision making process.

Decision Making

- Committee Members basing decisions on public opinion not planning policy.

- Much debate in Committee is focussed on non-planning issues such as the efficiency of the industry.

Procedural Matters

- Some LPA's are failing to make available consultee responses online through the planning portal.
- There are instances where LPAs have failed to inform applicants on matters at the post submission phase requiring attention – negating any opportunity for the applicant to submit further information to counter any objections / misinterpretations.
- Some LPA's have been known to consider objections which are way outside the are and which are generally opposed to wind turbine development. .
- Planning Performance Agreements may assist in the application process.
- Hybrid approach to Inquiries may improve the Inquiry process.
- Re-organisation of Inquiries so more inquisitorial.

Consenting Bodies

Nationally Significant Infrastructure Projects (NSIPs)

- Significant disconnect between the expectations placed upon LPAs and the resources available to fully engage in the process.
- Given the scale of these developments many LPAs feel it is incumbent to fully engage in the process.
- Increasing resources needed to respond to requests during pre-application, determination and post consent stages.
- LPAs also dealing with requests from the public on these schemes as the first port of call, despite no duty to consult with the public.
- Pressure on LPAs exacerbated by the fact that no planning fee is received for NSIP developments with neither the developer nor Inspectorate obliged to offer financial assistance.
- Cost of dealing with these schemes can be impacted further where LPAs need to go outside for specialist resources.

Schemes Below 5MW

- A number of LPAs are in receipt of increasing numbers of small scale applications (below 5MW).
- Lack of guidance at the national level in terms of dealing with these schemes, particularly wind turbine developments.
- Misleading terminology with 'small wind' referring only to generating capacity and not the size of the infrastructure required.
- Concerns raised over landscape and visual impacts and the cumulative impacts of increasing numbers of smaller scale developments.
- Significant variance in the quality / level of information submitted with applications for developments of this scale.

Other Issues

- LPAs responding to pressures in different ways (e.g. Denbighshire CC employing a planning officer to deal exclusively with renewable energy developments on a fixed term basis).
- Concerns over future funding, perhaps not making available dedicated resources which may impact on achieving wider renewable energy aspirations.

Statutory Consultees

Forestry Commission

- FCW has a planning team dedicated to the strategic picture for wind energy in Wales in addition to their statutory consultee role considering the impact of planning applications on woodlands.
- The balance for considering major renewable projects appears at present to be favourable towards local communities; question whether this should be so for projects that could be of national interest.
- Wind energy is an international industry and developers will take their business elsewhere unless the right consenting environment can be created in Wales. The current economic climate has made developers more nervous, and perceived delays (and thereby increased costs) can easily put them off locating in Wales.
- The strategic view provided by TAN 8 and reflected in the SSAs is a good beginning. Significant delays in bringing projects to fruition may be avoided where local planning authorities can produce boundaries within SSAs where renewable development may/may not be acceptable.
- Need to look at how financial benefits generated from wind farm developments can be used to provide a legacy for the community, kickstarting the local economy.
- Wales needs to have a dedicated Energy Department, in the same way that England and Scotland do.
- The proposed new environmental body, under which the Forestry Commission, Environment Agency and the Countryside Council for Wales will be combined, needs to address the potential conflict between regulation and delivery.
- Improvements to the statutory consultation process could include a 30 day turnaround for consultees to respond to LPA planning application consultation requests, with an assumption that if information is not received by the deadline then the body has no objection. Possibility of considering a two-stage application process, with stage one highlighting within the 30 days whether or not there are issues of importance, followed by a second stage in which there is more detailed information gathering, outside of the 30 day timescale.
- Emphasis should be on working with developers and applicants.

Environment Agency Wales

- Resource issues experienced by EAW a few years ago, which has been overcome with staff training and prioritisation system in place for applications.
- Pre-planning discussions with developers are patchy in take-up. General experience is that the earlier consultation can take place the better, in terms of timescales and siting of schemes.
- EAW operate a WELTAG-style appraisal system for applications, which is structured and has proved successful.
- Information should be provided once by applicants and be fit for purpose, in order to save time and effort.
- Consultation relating to parallel tracking of planning and permitting applications has just finished, and responses are now being collated. Permitting generally takes six months to complete, but differs depending on technology types (for example biomass schemes tend to take longer as a result of air quality issues). Risk for developers to pursue parallel tracking, because of cost implications prior to award of planning consent.

7 STUDY FINDINGS

7.1 Introduction

7.1.1 As part of the Climate Change Act 2008, the UK Government has committed itself to legally binding targets for achieving reductions in carbon emissions in helping stabilise climate change to acceptable levels. The Welsh Government has, in-turn set its own renewable energy targets for 2010 of 4TWhr per annum and by 2020 7TWhr per annum. This has set-down a clear and ambitious direction of travel for climate change action in Wales, based on the view that as a nation, we must play our part in delivering these targets in order to secure reductions in fossil fuel use and carbon emissions.

7.1.2 This commitment has been driven by the increasing body of evidence from climate science that without immediate and sustained reductions in global greenhouse gas emissions there will be severe consequences for our society as well as for the ecosystems and biodiversity that are essential to our environmental well-being.

7.1.3 The study commission is set against the background of an ever increasing pool of evidence pointing to the need for early action in both reducing greenhouse gas emissions and in adapting to climate change. The strategies in place and targets set to deal with these issues form an important backdrop to the study findings.

7.1.4 The Welsh Government has recognised that concerted action now on tackling carbon emissions is necessary if we are to substantially reduce our long term costs and make us more resilient and less vulnerable to the impacts of climate change. In Wales our continued reliance on fossil fuels shows that as a nation, we are living beyond our environmental limits and are continuing to emit unsustainable levels of greenhouse gas emissions.

7.1.5 The findings of this study bear witness to this fact, as shown by our failure to meet the targets set for the provision of electricity from renewable sources in 2010 by almost 60% and the likelihood that the targets set for 2020 will not be met, based on the amount of renewable energy generated during the period of this study and the obstacles that exist to delivering renewable energy schemes in the short term.

7.1.6 The primary concern of this commission is with the decision-making process for renewable and low carbon energy consents, rather than the nature of the decisions taken, in ensuring that the consenting process is no longer seen as a barrier to delivering the Welsh Government's renewable energy targets. Nonetheless, recognising that some decisions may have an impact on the consenting process these are not necessarily excluded from the analysis and findings of the study.

7.1.7 The focus of the study and its future direction however cannot ignore the statistical headlines which reveal that during the course of the study period (2005-2012) only 109MW of renewable energy capacity has been installed across Wales, with a further 1147MW remaining within the planning system. When viewed against the rate of progress being made in tackling climate change at a national level in meeting our legal obligations for the reduction of carbon emissions, this picture only serves to highlight the scale of the problem to be faced and the urgency of action that is required to ensure that the consenting regimes are no longer an impediment to progress.

7.2 Study Analysis

7.2.1 The findings set out in this chapter have drawn upon the analysis and evidence presented within the earlier sections of the study, supplemented by our own experience and knowledge of

the issues raised in relation to the consenting systems for renewable and low carbon energy schemes in Wales.

7.2.2 Without question, this study has shown that renewable energy projects are one of the most challenging and high profile areas for the planning system to deal with. In most cases, the technologies are complex, the range of issues raised by the diversity of projects are broad and ever changing and the generally negative reaction of the public to such developments places increased pressure and scrutiny on the decision-making process. Collectively, this places a particular burden and expectation on the planning system to deal with such proposals in which greater demands are placed on all those involved in the consenting process. Yet the pressure for an outcome to be made within the timescales expected for other, less contentious planning applications remains.

7.2.3 For those renewable and low energy schemes that are the subject of this study, the greatest concerns and issues raised have been in relation to wind energy and biomass/biofuel schemes, each of which has generated strong feelings by interested parties, largely in opposition and which are often seen as the main causes of delay in the consenting process. Conversely, solar farm schemes (albeit few in number) have raised few issues or public concern and whilst changes in the grant subsidy scheme (Feed In Tariff) in support of solar development has been a prime factor in early planning decisions, the proposals were nonetheless uncontentious in nature and were all approved within acceptable timescales.

7.2.4 The study analysis has therefore focussed largely on wind energy and biomas/biofuel schemes, although the findings are equally applicable to all renewable and low carbon energy technologies. These are set-out under the 6 key themes below, informed by the earlier stages of work. Although presented under separate headings, in reality they are all inter-linked and bring together common themes and influences in the planning consent process for renewable and low carbon energy schemes.

7.2.5 Recommendations have been included under each of the themed headings below and flow from the preceding study findings, informed by the earlier work stages of the study. Linked to each of the recommendations and to be read in conjunction is a brief commentary on implementation, outlining some of the lead bodies and highlighting the key interfaces between recommendations.

Recommendation Themes
Theme 1 - Strategic Renewable Energy
Theme 2 - National Planning Policy
Theme 3 - The Consenting Process
Theme 4 - Roles, Responsibilities and Resourcing
Theme 5 - Sustainable Development

7.3 Theme 1 – Strategic Renewable Energy

7.3.1 The starting point for this study commission was the publication by WAG in July 2005 of TAN 8 ‘Planning for Energy’. Without question TAN 8 has provided a unique approach to the delivery of onshore wind farm development in Wales by defining specific areas of the countryside, at a strategic level, which are deemed suitable for large scale wind farm developments (predominantly over 25MW). These areas comprise large tracts of upland with high wind speeds but with few landscape or other protective designations.

Strategic Search Areas

7.3.2 The value of defining boundaries for Strategic Search Areas within which the principle of wind farm development is accepted has had a considerable effect. This has been acknowledged by both local planning authorities and the development industry in providing clear guidance on areas of the countryside in which large scale wind farm developments will be permitted, subject to detailed site considerations. In many respects, the guidance was seen at the time as a proactive and positive measure in facilitating the development of wind farm developments in the most appropriate locations.

7.3.3 The expected concentration of wind farm projects within these areas has been borne out by the study analysis, in which it has been found that of the 28 planning applications for wind farm developments over 25MW submitted during the course of the study period (2005 – 2012), only 2 applications (both in Conwy CBC) have been located outside Strategic Search Areas.

7.3.4 However, the delivery and operation, during this period of a total of 70MW of wind energy capacity across each of the Strategic Search Areas (against a flexible target of 800MW) has fallen well below the aspirations set-out within TAN 8 and is clearly a matter of concern for the Welsh Government, which has regarded TAN 8 as a central tenet of its renewable energy strategy in Wales.

7.3.5 Notwithstanding the total of 439MW of consented wind energy capacity that has yet to be implemented and the 1054MW of wind energy capacity which remains within the planning system, the performance to-date has clearly fallen short of that set-out within TAN 8. By providing surety and clarity to both developers and local planning authorities alike on the future development of renewable energy schemes within Strategic Search Areas, the expectation is that more should have been delivered by now in terms of renewable capacity.

7.3.6 That having been said, the actual performance of Strategic Search Areas has varied by area, with Strategic Search Areas A and E presently close to meeting their indicative targets in terms of renewable energy capacity and Strategic Search Area F exceeding its target by some margin. However, this has come at a price as the average consenting time for all wind energy schemes within all SSAs has been 1085 days compared to the average consent period for wind energy schemes outside SSAs of 774 days, albeit this still represents a significant delay.

7.3.7 In view of the priority that has been afforded by the Welsh Government on the exploitation of wind power as the predominant renewable energy resource in Wales and for wind energy to be the principal energy provider to meet the Welsh Government's targets for renewable energy up to 2020, the circumstances surrounding these figures requires further exploration.

7.3.8 It is readily acknowledged that the seven SSAs identified within TAN 8 had successfully addressed the locational challenges of siting large-scale onshore wind facilities within defined areas at a strategic all-Wales level. This included advice that the detailed locational requirements both within and outside SSAs were to be left for LPAs to determine in the light of local circumstances through refinement exercises, as a means to guide and optimise development within each of these areas. In undertaking local refinement studies there was a recognition that not all land within the SSAs was likely to be technically, economically and/or environmentally suitable for major wind power proposals. Having determined the appropriate location for such developments within SSAs, it would then permit planning applications for renewable energy schemes below 50MW to be determined by LPAs on their merits in relation to more detailed site specific issues.

7.3.9 However, this study has shown that the implementation of TAN 8 has raised a number of unforeseen shortcomings and weaknesses, which have impacted on the decision-making process, following publication of the guidance in 2005. For some authorities the requirement for local refinement exercises to be undertaken led to delays at the outset, as developers were keen to await the outcome of the exercise before submitting planning applications and equally authorities preferred to complete their refinement studies before determining planning

applications. This position has evidently contributed early-on to delays in the decision-making process for applications submitted within SSAs during this period.

7.3.10 A further complication in the implementation of TAN 8 relates to the cumulative issues that have arisen from the proximity of a number of wind farm schemes, which was not anticipated in the guidance provided by TAN 8. This has resulted in considerable delays to the decision-making process, where developers have been required to provide further information and to undertake further appraisal work in a number of areas including landscape, noise, ecology and highway impacts in relation to the potential cumulative impacts of other schemes. This in-turn has involved further consultation with the various statutory bodies.

7.3.11 More significantly however, has been the number of uncoordinated wind farm proposals that have been submitted within SSAs in isolation from neighbouring schemes. Some of these have raised cross boundary issues, where proposals involving different turbine selections, blade lengths and hub height configurations have been proposed. This has led to unforseen delays with LPAs having to negotiate with different developers on inherently incompatible schemes, which would remain unacceptable in planning terms unless changes were made.

Fforch Nest Part 1 and Pant Y Wal Wind Farms

7.3.12 This issue has been highlighted in the case of the Fforch Nest (RCTCBC) and Pant Y Wal/Fforch Nest Part 1 (Bridgend CBC) wind farm proposals. Whilst the proximity of both applications on adjoining parcels of land raised a number of landownership and access issues between 2 different developers (and which impacted on the timescales for determination), the schemes also raised the challenges of dealing with cross boundary issues between different LPAs on major wind farm applications, where in this case access to serve the proposed wind development was to be achieved via the Pant Y Wal/Fforch Nest Part 1 development.

7.3.13 The approaches taken and the decisions made on both applications between the 2 authorities were also markedly different. Following separate legal advice provided to both LPAs prior to reporting the applications to the respective Planning Committees on the consequences of refusing the applications against officers recommendations, the Pant Y Wal/Fforch Nest Part 1 planning application was approved, whilst the Fforch Nest application was refused. The latter scheme was subsequently appealed against and allowed following Inquiry.

Department of Energy and Climate Change (DECC)

7.3.14 For those applications of 50MW or above within SSAs, a number still fall to be determined by DECC. This effectively means that decisions taken on these planning applications are removed from LPA control, to be determined by Whitehall. At the present time a total of 473.7MW of renewable energy capacity, representing 6 wind farm schemes across SSA B and SSA C in Powys CC remain to be determined by DECC. There is evidence to suggest that little meaningful progress has been made with these larger schemes, as developers have been content to negotiate with the Authority on finding an acceptable solution to their proposals in order to avoid generating an objection to the scheme by the LPA. Once this position is known, the application is taken forward by DECC.

7.3.15 The position regarding the continuing delays in decisions taken on wind farm applications in Powys has been well-documented. This includes the 6 DECC applications referred to above, in addition to another 11 schemes, totalling 760MW that remain to be determined by Powys CC. From the study analysis the following key factors have emerged as major obstacles to decisions on these planning applications.

Infrastructure

7.3.16 Fundamentally, the constraints caused by the lack of National Grid Infrastructure in mid-Wales remains a significant barrier to progress. This has had a particular effect within Strategic Search Areas B and C both located within Powys CC (along with SSA D) where it has long been stated

that there is no more infrastructure capacity to accommodate large scale wind energy developments. Improvements to the grid infrastructure have recently been announced, although the necessary grid connection is not anticipated to be place until 2015 at the earliest.

7.3.17 The adequacy of the local transport network and the quantity and location of wind farm applications in mid-Wales is again focussed on Powys. This has long been identified as a significant highway constraint, in which the number and frequency of both construction traffic and abnormal loads are required to be addressed before applications can be determined. The issue has been brought further into focus for those applications that are awaiting grid connections that will, once the grid reinforcements are in place, result in a greater concentration of traffic movements within a compressed construction period, as construction commences on site following any grant of planning approval for these schemes.

Powys County Council

7.3.18 At the present time, the situation in Powys is that five applications over 50MW currently await the outcome of a joint Public Inquiry to be held by DECC into the proposed wind farm developments at Llanbadarn Fynydd (51MW), Carnedd Wen (130MW) Llanerfal and Llanbrynmair (100MW), Llandinam (126MW) and FfermWynt Llaitddu Cyf (566.7MW).The timetable in place for this proposes a Pre-Inquiry Meeting to be held in the spring of this year, with the full Inquiry to be held later in the year.

7.3.19 This situation within SSAs B and C in Powys presents a major challenge to both the LPA and DECC due to the number of applications that remain to be determined and the volume of energy capacity involved. The timescales and mechanisms to resolve the major infrastructure issues involved and the DECC consenting process are now in place and therefore must be allowed to run their course, as planned and to unblock the current impasse that exists in taking these schemes through the consenting process. For this study, the focus is on understanding the lessons that can be learnt from these experiences in dealing with strategically important applications for renewable energy development within these areas in the future.

Capacity Targets

7.3.20 A related matter on the periphery of the debate is the First Minister's Statement in June 2011 and the subsequent letter from the Minister for Environment and Sustainable Development in July 2011 in which the previously stated targets for renewable energy capacity within SSAs are now to be regarded as upper limits on capacity. For many LPAs this has only served to add further confusion and uncertainty, particularly regarding the degree of weight to be attached to the First Minister's Statement in the consideration of planning applications, with some maintaining that where wind energy proposals are acceptable in all other respects, the question of capacity targets would not be regarded as an over-riding consideration in the determination of applications.

7.3.21 An illustration of the current difficulties faced by the consenting bodies concerns the Brechfa Forest West (CAR 6) application in SSA G, recently submitted to the National Infrastructure Directorate, which if consented, along with two other applications currently lodged with Carmarthenshire CC, in addition to one operational scheme, will far exceed the now stated ceiling capacity of 90MW for SSA G, providing a total of some 191MW of renewable energy capacity.

7.3.22 The significance of capacity ceilings within the context of this study is the extent to which future planning applications for wind energy schemes may come forward within SSAs, despite the ministerial statements placing a restriction on proposals above the previous targets set, and in such circumstances how these might be considered in the future, given the experiences encountered to-date within the SSAs.

Consenting Performance

7.3.23 Each of the case studies involving proposals within the SSAs has revealed quite differing experiences, with delays in the consenting process resulting from a whole range of factors, many of which are unprecedented and unforeseen. In addition, the lack of information provided by developers to accompany planning applications has been highlighted by both LPAs and statutory consultees as a cause of delay as further information requests are made by LPAs, often involving further consultation with the statutory bodies. In-turn, the response times of both CCW and the EA in particular, are seen by the development industry as major contributors to delays in the decision-making process.

7.3.24 However, there are many issues that have been raised through the consenting process that remain the responsibility of the consenting bodies, as the responsible authorities for planning decisions and which ultimately have affected the delivery of these schemes within most SSAs.

7.3.25 For those applications under 50MW that are the responsibility of LPAs, the consenting performance has been variable, within what is clearly a particularly challenging planning environment. For some authorities, notably Carmarthenshire CC and Neath Port Talbot CBC there are effective and innovative project management practices in place, borne from the experience of previous applications. Nonetheless, a lack of resources and technical expertise, (notwithstanding the Welsh Government's financial support for LPAs) are highlighted as constraining factors in the decision-making process.

7.3.26 For others, less effective working practices and external influences have been evidenced, placing different pressures and demands on the planning service, which have impacted on the consenting process. Again, a lack of resources and specialist support are raised as limiting factors, with some authorities relying on either the applicant or statutory consultees as sources of expertise and advice on occasion. This not only illustrates the different professional, cultural, and political environments within which the decision-making process operates across SSAs, but the uncertainty and unpredictability that this creates for all those involved.

7.3.27 Whilst a number of legacy applications remain to be determined by DECC, the establishment of the Infrastructure Planning Commission, now the National Infrastructure Directorate, has sought to simplify the consenting process and reduce the time taken for determining major planning applications. This organisation is now in place to determine applications coming forward for renewable and low carbon energy schemes of over 50MW (on-shore) in Wales, with the exception of associated developments. In view of the infancy of its work in Wales at present, no further assessment has been made on the performance of the NID consenting process as part of this study.

7.3.28 From the earlier study analysis it is evident that only two planning applications for wind developments above 25MW outside SSAs have been determined within the study period, though there have been a total of seven planning applications for biomass/biofuel developments above 25MW outside SSAs determined by LPAs and a total of five applications falling between 5MW and 25MW that have been determined.

7.3.29 Whilst the current policy framework provides limited scope for wind schemes over 25MW outside SSAs (and as evidenced by the number of planning applications received), there is greater scope for other renewable technologies of this scale to come forward for development, including biomass, biofuel and solar developments.

7.3.30 The evidence presented in this report however, has found no distinction between the scale of biomass/biofuel development and the timeliness of decision-making, as many of the issues raised have been present, regardless of scale, though clearly the impacts of delays through the planning consent process are more marked on the larger schemes over 25MW in relation to the overall delivery of renewable capacity.

7.3.31 Whilst the average consenting time for biomass and biofuels applications are broadly similar for those below and above 25MW at just over a year, the five applications under 25MW comprise a

total of 41MW compared to a total of 309MW for the seven applications over 25MW. Clearly therefore the larger biomass and biofuel applications will make a potentially significantly greater contribution to renewable energy capacity and in-turn the ability of the Welsh Government to meet its renewable energy targets.

7.3.32 In the case of wind developments, the scale of development has worked in the opposite direction, with wind energy applications of between 25MW and 50MW, representing a total of nine applications (with a total capacity 325MW) taking on average 118 weeks to determine, whilst those of between 5MW and 25MW, totalling 18 applications (with a total capacity of 211MW) taking slightly longer at 128 weeks to determine.

7.3.33 At the same time, separating-out the five wind schemes of 5MW (comprising 2 turbines each), there is a noticeable reduction in the timescales for determination, with each application taking on average 79 weeks to determine. This includes the refusal of a wind turbine scheme in Blaenau Gwent CBC which took 128 weeks to determine.

7.3.34 The picture that has emerged from this analysis, is that with the exception of small wind schemes of 5MW the timeliness of decision-making in dealing with the range of issues raised, for both wind and biomass/biofuel development is largely unaffected by type, scale or location and that the issue at stake is more related to the impact of the delays on the delivery of renewable energy capacity. This is clearly more pronounced in the case of 'strategic' applications (over 25MW) which have the potential to make a far greater contribution to meeting renewable energy targets.

Consenting Process

7.3.35 Whilst the focus of responses and the evidence presented within the study has been on the proposed renewable energy development itself, for many applications they are required to be supported by a raft of other consents that need to be put in place in order to secure the implementation of the application. In the case of Nationally Significant Infrastructure Projects, these can relate to any 'associated' consents to be determined by the relevant decision-making bodies, while for other planning applications, other ancillary consents are often required to be obtained before a development can proceed.

7.3.36 Although there is no evidence to suggest that ancillary / associated consents have resulted in delays to the consenting process, the study has nonetheless raised concerns regarding proposals for which the National Infrastructure Directorate has responsibility and the potential for local planning authorities in particular, with responsibility for determining ancillary or any associated consents, to effectively 'hold up' the delivery of the major part of the development that is already consented through separate decision-making procedures.

7.3.37 For many larger scale applications, the question of Call-In requests has been raised by many consultees. The view presented is that the Welsh Government should consider more Call-In requests on larger renewable energy applications, particularly where cross-boundary issues are involved. This has been raised in a number of quarters, in the belief that such applications raise issues of more than local importance. Over the seven years of the study period, the Welsh Government has agreed to one Call-In request for a proposed wind development at Mynydd Y Betws (Carmarthenshire CC). The determination period for the application, which was approved, took over seven months. To put this in context a recent review by the Welsh Government (in informing Circular 07/12) of planning applications referred to it under extant directions that were called in for determination since 2005 revealed that on average, only 15% of applications that were referred to it are called in.

7.3.38 At the same time, there have been no decisions made by the Welsh Government on renewable and low carbon energy applications through non-determination procedures during the seven year period of the study .

Recommended Approach

7.3.39 The consenting performance of LPAs as the primary consenting body within SSAs has been shown to be variable although has, for the most part, been a slow and protracted process, often with unpredictable outcomes. The strategic nature of the SSAs and their importance to the delivery of significant renewable energy in Wales and in helping to meet the Welsh Government's renewable energy targets cannot be ignored.

7.3.40 As noted earlier, it is possible that with the build-out of already consented schemes across the SSAs and the approval of those currently within the planning system, there may be little scope for further large-scale renewable development, particularly for wind energy, although some areas remain, including SSA D. The actual position is however uncertain, as schemes have yet to secure planning consent which may not necessarily be forthcoming, whilst applications for the re-powering of existing wind farms will in all probability be made, to be determined in due course.

7.3.41 The findings of this study therefore point to the need for a more streamlined and strategically based consenting process that can provide greater certainty and consistency on planning decisions for renewable and low carbon energy schemes within SSAs and outside, subject to defined thresholds. The current consenting arrangements within LPAs have been found to be too diverse and unpredictable for decisions on such strategically important projects to be taken, and the case for a single determining body at a strategic level to take responsibility for such applications is well founded.

7.3.42 The model for the proposed Strategic Energy Consents Unit to take responsibility for such decisions at a strategic level is provided by the National Infrastructure Directorate, though such a consenting body would need to be tailored to the meet the specific requirements for determining identified renewable and low energy schemes within an all-Wales context.

7.3.43 At the same time, the contribution of 'strategic' renewable and low carbon energy schemes above 25MW outside Strategic Search Areas and their contribution to the Welsh Government's renewable energy targets and their inclusion within PPW as strategic proposals, effectively places such schemes in a similar category to renewable energy developments within Strategic Search Areas, which also serve a strategic function, in concentrating predominantly large scale (over 25MW) wind schemes within these areas. It is also clear from the earlier findings that this category of development should also extend to all other renewable and low energy schemes over 25MW (and under 50MW), notably biomass and biofuels, for which the same planning considerations apply.

7.3.44 Many of the issues raised in relation to the challenges faced in the consenting process both within and outside SSAs and the timeliness of decision-making for all but the smallest renewable energy and low carbon energy schemes, make the case for a consistent approach to be taken in the decision-making process for all 'strategic' renewable and low carbon energy schemes above 25MW (and under 50MW) to be determined by a single determining body at a strategic level.

7.3.45 Whilst there have been no decisions made by the Welsh Government on renewable and low energy applications through non-determination procedures during the study period, it is considered appropriate that the proposed 'Strategic Energy Consents Unit,' should take-on responsibility for determining such appeals as part of the new consenting regime. This would provide further scrutiny on the performance of LPAs in cases where applications are not being progressed within agreed timescales. In line with the earlier study findings concerning Call-In requests, it is also considered that applications involving renewable and low carbon energy schemes between 5MW and 25MW should also to be determined by the proposed 'Strategic Energy Consents Unit.'

7.3.46 To complete the consenting picture at a strategic level, it is proposed that the new 'streamlined' procedures should also incorporate any ancillary or associated consents that currently fall to be

determined through separate consenting regimes for Nationally Significant Infrastructure Projects. Whilst the evidence presented by itself does not necessarily support such changes to the current arrangements, it seems illogical for two separate consenting regimes to co-exist that may in practice pull in opposite directions and present a real barrier to bringing proposals forward in a timely way. The case for taking a more holistic approach as part of a single application process for strategic and nationally significant renewable and low carbon energy proposals in Wales is considered to be soundly based.

7.3.47 The establishment of a new 'Strategic Energy Consents Unit' within the Welsh Government, as the determining authority for future renewable and low carbon energy applications, dealing primarily with strategic planning applications, will represent a significant shift in power in decision-making away from LPAs to the Welsh Government. It is important however, that the process is not seen as merely replicating political decision-making at a local level, but that the new consenting body is able to act independently, ensuring that planning decisions are free from any political interference and to remain impartial.

7.3.48 In looking at the National Infrastructure Directorate as a template for this consenting body, (excepting the Ministerial changes introduced under the Localism Act) careful consideration will need to be given to the organisational and operational structure of the 'Strategic Energy Consents Unit', recognising the strategic rather than national nature of the schemes to be determined within a Welsh context. The organisation will need to ensure that due consideration is given for both LPA and local community involvement in the decision-making process and that the procedures in place are both transparent and accessible to all interested parties for applications that it will have responsibility for.

7.3.49 Collectively, it is anticipated that with wider responsibility for a range of strategic renewable planning functions, the 'Strategic Energy Consents Unit' will be able to bring improved efficiencies in its operation, with a pool of specialist knowledge and expertise within the field, in dealing with what are regarded as more complex and unique planning applications. The expectation therefore is that this will improve the consistency and quality of performance in the decision-making process, as part of a more effective determination system.

Recommendation 1 – Strategic Energy Consents Unit

That the Welsh Government, through new provisions in legislation, establish a 'Strategic Energy Consents Unit' as part of the Planning Inspectorate Wales with responsibility, as the determining authority for the following:

1. All renewable and low carbon energy schemes between 5MW and 50MW within Strategic Search Areas, including any ancillary and 'associated' consents;

2. All renewable and low carbon energy schemes between 25MW and 50MW outside Strategic Search Areas, including any 'associated' consents;

3. Applications for ancillary development and 'associated' planning consents relating to Nationally Significant Infrastructure Projects submitted to the National Infrastructure Directorate for determination;

4. Call-In requests and Non-Determination Appeals for all renewable and low carbon energy schemes.

Implementation
It is proposed that the new 'Strategic Energy Consents Unit' should be established immediately following the enactment of relevant legislation and that following publication of the study recommendations, early consideration is given by the Welsh Government to the organisational arrangements and operational requirements of the proposed 'Strategic Energy Consents Unit'. This should also set-out a clear definition for those ancillary and 'associated' works required in support of the main applications for renewable and low carbon energy schemes for which the 'Strategic Energy Consents Unit' will have responsibility for determination.

7.4 Theme 2 - National Planning Policy

7.4.1 The Welsh Government, through Planning Policy Wales (PPW) and other policy guidance recognises the critical role that the planning policy system plays in helping to combat the key challenges of climate change and energy security through setting a statutory framework for decision-making and in contributing to national targets for carbon reduction and renewable energy use.

Renewable and Low Carbon Energy Schemes

7.4.2 PPW states that the impacts from renewable energy developments will vary depending on their type, location and scale, acknowledging that each will require different policy and development considerations. The differentiation between the scales of development and their respective capacity thresholds reflects this position and is summarised in **Figure 12.3** of PPW. This is reproduced in **Table 1.1** of this report and shows the various scales for the different renewable and low carbon energy developments, to be used as a guide for planning purposes.

7.4.3 The category of 'strategic' renewable energy schemes above 25MW, relates to onshore wind developments, whilst 'local authority-wide' schemes include onshore wind developments between 5MW and 25MW and all other technologies between 5MW and 50MW.

7.4.4 The issues raised in relation to the challenges faced in the consenting process both within and outside SSAs and the timeliness of decision-making for all but the smallest renewable energy and low carbon energy schemes, has made a clear case for a consistent approach to be taken in the decision-making process for all 'strategic' renewable and low carbon energy schemes above 25MW (and under 50MW) onshore, to be determined by a single determining body at a strategic level. Accordingly, the categories of development set-out within **Figure 12.3** of PPW should therefore reflect this position more accurately.

Renewable Energy Assessments

7.4.5 The requirement within PPW for LPAs to take a proactive role through development planning in identifying the contribution that their areas can make in developing and facilitating renewable and low carbon energy schemes is based on the preparation of Renewable Energy Assessments. This is intended to identify the opportunities and potential for such schemes and for this to form part of the essential evidence base for the preparation of local development plans. The intention is that the assessment should inform the development of plan policies setting-out an authority's proposed contribution, to be delivered through the Local Development Plan.

7.4.6 The basis for the Renewable Energy Assessment is the test of 'soundness,' in which the preparation of local development plans are required to be underpinned by a comprehensive and credible evidence base. This body of work is also necessary to provide an important baseline for

the sustainability appraisal of the Plan as an important tool in the delivery of sustainable development. With few exceptions, notably Monmouthshire CC, Pembrokeshire NPA and Pembrokeshire CC, detailed evidenced-based Renewable Energy Assessments have not been undertaken for LDPs adopted to-date, in accordance with the requirements of PPW.

7.4.7 As a result, the requirement to set-out the contribution that an authority can make towards developing and facilitating renewable and low carbon energy developments and for this to be incorporated within local development plans has not been taken. Instead, local development plans have adopted more generic guidance, taking a more 'cautionary' policy stance in seeking to 'promote' (support) and 'encourage' rather than provide more measurable requirements.

7.4.8 The analysis has highlighted the apparent lack of joined-up thinking that exists between planning policy guidance, as set-out in PPW, and its implementation at a national and local level through local development plans, in relation to the provision of strategic renewable energy guidance both within and outside SSAs.

7.4.9 The absence of a strategic planning framework as the basis for decision-making on renewable energy schemes has been raised at the consultation stage by both LPA case officers and developers, with the concern that decisions on energy developments are being taken in a piecemeal fashion within a 'policy vacuum.' This has also raised concerns on whether LPAs are approving the 'best' schemes in the most suitable locations without a clearly set-out strategic and spatial context, informed by a detailed analysis of an area's needs and opportunities.

7.4.10 For developers especially, the uncertainty surrounding the acceptability of proposals for renewable energy schemes in the absence of a statutory planning framework is a major concern. The significant costs involved in taking a planning application through the planning process, with no clear guidance on the acceptability of the principle of the development, places increased risks on developers and provides less of an understanding of the basis on which decisions on the application will be taken.

Recommended Approach

7.4.11 The inclusion within PPW of all renewable and low carbon energy schemes over 25MW (onshore) as strategic proposals, would effectively place such schemes in a similar category to renewable energy developments within Strategic Search Areas, which also serve a strategic function (in concentrating predominantly large scale, over 25MW wind schemes within these areas). The earlier study findings have shown that this category of development should be extended to all other renewable and low energy schemes over 25MW (and under 50MW) onshore, to include proposals for biomass, biofuels and solar, in particular, for which the same planning considerations apply.

7.4.12 For this reason, a more accurate demarcation within PPW of the hierarchy of renewable energy scales between 'strategic' and 'local authority-wide' would better reflect their intended purpose, based on their contribution by virtue of the scale of development to the delivery of renewable energy targets. This will also assist in providing a clear distinction between the proposed consenting arrangements for renewable and low carbon energy schemes below and above 25MW and will be an important component in the future implementation of PPW in facilitating the delivery of renewable and low energy schemes.

Recommendation 2- Planning Policy Wales

That the Welsh Government revise Figure 12.3 of Planning Policy Wales (Edition 5) as set-out below and that the supporting text clarifies that the distinction between 'Strategic' and 'Local Authority-wide' scales of development relates to their respective contributions to meeting renewable energy capacities and the differing consenting regimes for delivering this.

Scale of development	Threshold (electricity and heat)
Strategic	Between 25MW and 50MW onshore
Local Authority-wide	Between 5MW and 25MW onshore
Sub Local Authority	Between 50kW and 5MW
Micro	Below 50kW

Implementation

That the above revisions are incorporated within Edition 6 of PPW to be published by Welsh Government in due course.

7.4.13 There is a strong case for ensuring, that in line with other policy areas of the development plan, there is a soundly based policy framework for renewable and low carbon energy schemes at the local level. The identification of areas, supported by appropriate policy guidance, as being most suitable (or otherwise) for renewable energy schemes would, through their coverage and application within local development plans provide a more coherent, consistent and easily understood basis for decision-making on planning applications across all LPAs.

7.4.14 The greater certainty provided by local development plans on where and what types of renewable energy schemes are likely to be acceptable in planning terms will provide a clear steer to developers on the suitability of particular areas for development at an early stage and indicate those areas where issues of principle will not need to be revisited at the subsequent planning application stage.

7.4.15 The approach will also allow early engagement with the various statutory bodies and other interested parties as part of the plan preparation process, in which many of the critical issues can be discussed and agreed. For those opposed to the plan proposals the opportunity exists to make representations to the plan through the formal consultation process and for these to be heard independently into the Examination of the Plan, if necessary.

7.4.16 The resolution of issues on renewable energy development though the development plan process and the status that the plan is afforded in planning decisions once adopted, should assist in improving the consenting timescales through the clarity and certainty of policy guidance provided and in the greater transparency and consistency of decisions made on renewable energy schemes at the planning application stage.

7.4.17 In addition to the above, a number of concerns have been raised in relation to the increasing emphasis being placed on the cumulative impacts of renewable energy proposals, particularly within SSAs.

7.4.18 The issues have arisen in part, due to inexperience of LPA's in understanding fully the assessment of cumulative impacts, often through not having the relevant in-house skills to

undertake their own landscape and visual impacts. Alongside this there is the potential for conflicting views to arise from developers assessing the cumulative impacts of their own schemes, which can result in an over-reliance on the applicants providing sufficient evidence to demonstrate that their schemes will not result in cumulative impacts.

7.4.19 For some LPA's such as Powys CC, further challenges relate to the cumulative impacts of schemes which have been in the planning system for some time and remain undetermined. These applications will not have considered the cumulative impacts of other schemes that have come forward in subsequent years, raising questions around the cumulative capacity of these areas to accommodate further development.

7.4.20 The Welsh Government's Practice Guidance: *'Planning for Renewable and Low Carbon Energy – A Toolkit for Planners'* (2012) provides useful guidance on the renewable energy assessment process, including an understanding of cumulative impacts and the rational for undertaking such assessments.

Recommendation 3 – Renewable Energy Assessments
That local planning authorities undertake, in compliance with the requirements set-out in Planning Policy Wales (Edition 5) 2012 'Renewable Energy Assessments' as part of the preparation of development plans and that its findings are fully incorporated within development plans. For plans that are adopted or at an advanced stage of preparation this work should be undertaken as Supplementary Planning Guidance.

Implementation
The preparation of 'Renewable Energy Assessments' is primarily the responsibility of local planning authorities. It will be for the Welsh Government, in its role as statutory consultee and through its powers of direction in relation to local development plans to ensure that this requirement is complied with, although ultimately the test of whether the plan is 'sound' within the context of relevant guidance will be a matter for the Planning Inspectorate as part of its examination of Local Development Plans. In order to fully clarify the expectations of the Welsh Government regarding the preparation of 'Renewable Energy Assessments', it is considered that a Ministerial Statement be issued in order to provide clear guidance to local planning authorities on this matter. It is also expected that the effectiveness of the assessment process and its translation into plan policy will be monitored in due course through the requirement of local planning authorities to submit annual reports to the Welsh Government to identify plan policies that are not being implemented and to take forward any measures necessary to secure their implementation.

7.5 Theme 3 - The Consenting Process

7.5.1 Local Authorities have an integral part to play in the consenting process for renewable and low carbon energy schemes, whether they constitute the responsible body for the project or not. The vast majority of applications considered by this study have been determined by local planning authorities, with a number of issues being raised at each key stage of the consenting process.

Pre-Application / EIA Scoping

7.5.2 Of the 73 applications considered by this study, 64 (88%) were considered as EIA projects. Through the case study reviews and the wider consultations undertaken, concerns have been raised by LPA case officers and developers alike that EIAs are often not being scoped accurately, with many being 'over-scoped' in terms of the topic areas to be covered. For development management this can prove to be a time consuming and cumbersome exercise in having to deal with an ever increasing volume of environmental information.

7.5.3 This engagement across the range of consultees has led to criticism regarding the scoping stage of the EIA process as the main area of concern, which has resulted in lengthy and over scoped assessments. Developers have referred to instances where generic scoping responses unhelpfully provide no real steer on the assessment work to be undertaken, which often leads to delays in clarifying responses and in requesting additional environmental information throughout the application process.

7.5.4 There is also evidence to suggest that there is a lack of consistency between the approaches being taken by different LPAs on the level of information to be provided within the Environmental Statements, adding further uncertainty in anticipating the requirements of LPAs.

7.5.5 In discussion with respondents, it was felt that the over-detailed approach to scoping and subsequently the preparation of Environmental Statements was being driven by LPAs fear of the risks in reducing the scope of assessments and subsequently being challenged in their decision, either through legal reviews or in some cases at the time of the any subsequent Appeal. Retaining a broad scope therefore provides reassurance to LPAs that they will not miss any potential environmental issues.

7.5.6 Two further key pre-application 'stages' identified within the study relate to public consultation/stakeholder engagement and LPA pre-application meetings, though neither of which are statutory procedures. In most cases developers have willingly undertaken early consultation with the local community in advance of submitting a planning application, often with little or no guidance from the LPA. Exceptionally, and in the case of the proposed biomass scheme at Kings Dock (City & County of Swansea) no public consultation was undertaken and in the case of the proposed biomass scheme at Barry Docks (Vale of Glamorgan CBC) and the proposed biofuels scheme at Newport Docks (Newport CC), public consultation was undertaken at a later stage following submission of the planning application, prompted by the advice of the LPA. All 3 planning applications were subsequently refused planning permission by the LPA.

7.5.7 Whilst the majority of developers have sought to engage with the LPA through pre-application discussions, a small number have not, though the evidence suggests this has not necessarily affected the outcome of the process, as 5 of the 8 schemes in question have been consented. Nonetheless, there is evidence to suggest that where pre-application meetings have not been held, delays in the consenting process have resulted. In the case of the biomass scheme at Barry Docks (Vale of Glamorgan CBC) insufficient supporting information was submitted with the planning application, which resulted in subsequent requests for information being made. In the case of the proposed solar energy scheme at Llancayo (Monmouthshire CC) it is evident that not all issues were addressed at the time of the pre-application meeting, resulting in the invalidation of the planning application, due to the submission of an inadequate Design and Access Statement.

7.5.8 For renewable energy schemes (as for other planning applications), it is evident that the focus of pre-application meetings is more on the details of the proposed development, with the meetings on occasion involving just the case officer and no other representatives from either the local authority or other organisations. Consequently, little or no consideration is given to the

wider technical, strategic or corporate implications of the scheme proposals, which may have a bearing on the processing and determination of the application in due course.

Submission and Validation

7.5.9 Submission and validation of planning applications has generally not been raised as an issue, with LPAs taking on average 7.2.days to register applications and with the majority of cases taking between one and seven days. Of the 73 applications considered by this study, only six have exceeded the expected timeline for registration within 2 weeks of submission. In the case of the proposed biomass scheme at Barry Docks (Vale of Glamorgan CBC) for example, the 134 days taken resulted from insufficient information being submitted with the application, which was subsequently re-registered following receipt of further information.

7.5.10 Equally, the period between validation and the start of the statutory consultation period has generally been undertaken within reasonable timescales, albeit there are no prescribed timelines in place. Only eight planning applications exceeded a two week period before commencing statutory consultation, although the extraordinary delay of 401 days in the case of the wind energy scheme at Nant Bach (Conwy CBC) stands out from the earlier statistical analysis.

Statutory Consultation

7.5.11 As a key stage in the process, the statutory period of 21 days for statutory consultation has focussed on the consultee responses from the Countryside Council for Wales (CCW), Environment Agency (EA) and Forestry Commission (FC) that comprise the main body of statutory consultees on renewable and low carbon energy proposals. Discussions have taken place with each body around the issues of process, the barriers that may impact upon decision-making, as well as examples of good practice that have resulted in improved performance in terms of the quality and timeliness of statutory consultee responses.

7.5.12 It is clear that consultation demand has increased over the past few years. For example CCW has cited an 80% increase in consultations since 2009/10, with 735 energy consultations received by the organisation in 2011/2012 alone and involvement in 15 National Infrastructure Directorate projects. The need for forward planning and appropriate resourcing in order to service this level of demand has been a challenge for statutory consultees, with resources not being increased in line with increasing applications and their increasing complexity.

7.5.13 Prioritisation of applications is one means by which statutory consultees have been able to target resources and the EA has reported an improvement in their internal resourcing as a result of factors such as staff education and prioritisation. Prioritisation of schemes has been shown to be more complex than simply the MW involved, however, as relatively small schemes can have a disproportionate impact on their surroundings, equating to greater time and effort required on the part of statutory consultees (for example new or innovative technologies).

7.5.14 Whilst the EA and FC take a consistent approach to the processing of statutory consultations across their regions, CCW have adopted a slightly different approach between their regional teams. For the South and East region and the West region, applications are assigned to District Team Leaders (where Districts cover single local planning authorities/groups of authorities). For the North region, applications come in to a single casework team covering six authorities. The North Wales system is being used as a pilot. Positives to come out of the process include better resource planning/processing of applications. Negatives include the level of site knowledge for such a large area (smaller district teams may have better local knowledge enabling a more rounded response). Experience to date indicates that there is a need for better prioritisation of applications in the North than at present – more lower priority applications are being processed rather than focusing on high priority ones.

7.5.15 It is evident that statutory consultees need to be able to plan appropriately in order to ensure internal resourcing for applications – this includes being aware wherever possible of an applicant's timescales. Good practice would suggest that developers keep statutory consultees informed of progress, with realistic information provided on when applications or consultations can expect to be received. Where this does not happen, or unrealistic timescales are provided, it is virtually impossible to plan ahead and allocate staff resources as required. Anecdotal evidence has revealed that nothing can be heard from a developer for several years and then they will unexpectedly send large amounts of material with a short turnaround time, often during holiday periods (August/Christmas).

7.5.16 It is generally accepted that the earlier consultation takes place within the process the better, in terms of achieving a smoother route through the decision-making process, which can also achieve a better result in terms of the siting of a scheme.

7.5.17 Statutory consultees have highlighted the quality of information received from applicants as one of the causes of delays to responses and thereby schemes progressing through the planning system. There is evidence of applicants failing to carry out surveys identified at the scoping stage, undertaking poor quality survey work or simply carrying out required surveys at the wrong time or in unsuitable conditions. This has implications further down the line of an application in terms of the perceived accuracy of other information.

7.5.18 All statutory consultees interviewed highlighted the way that information from applicants is presented - information can arrive in piecemeal fashion, leaving staff to draw out conclusions/impacts themselves; data can be supplied in unsuitable formats requiring additional work for example to relate survey data to the project footprint; data is usually supplied in CD format with large numbers of files that can be poorly labelled, with consequent difficulties in putting information together in order to make a response.

7.5.19 There is natural variation amongst developers in the renewables industry as to how individual projects are financed and the level of resources devoted to planning teams. Where more resources are placed on the planning stage of a project, statutory consultees have noted there can be both a better quality product and reduced timescales involved. Projects can face delays due to the need for internal financing and 'sign off', which then drives internal deadlines and related peaks and troughs in consultation activity.

7.5.20 Significant delays have been caused to schemes where proposals come up against genuine constraints in some form or degree (for example environmental constraints). The issue here relates partly to choice of site and whether enough work been done by the developer at an early stage in the proceedings to bottom out likely constraints and issues (for example in scoping meetings with statutory consultees).

7.5.21 From an environmental perspective, principal issues and constraints that have acted as barriers to the decision-making process include:

- Landscape – a particular issue where applications are within Strategic Search Areas but may be adjacent to National Park boundaries, or where applications are outside of the SSAs. Most CCW objections, for example, relate to impacts on National Parks, areas ranked as outstanding in LANDMAP, historic landscapes and sites outside SSAs. Despite guidance in TAN 8 about historic landscapes, projects continue to be put forward in and close to Registered Historic Landscapes.

- Peat – a large proportion of Strategic Search Areas (particularly SSA B) have significant peat deposits. CCW set out guidance for developers in 2010, but despite this some developers fail to take account of the distribution of peat in the design and layout of their windfarm and associated infrastructure. There is a need for a balance between the best

location of turbines within a site from a wind energy perspective against where would cause least impact to peatland habitat – this is a balancing act that not all developers get right, focusing instead on turbine location first and then undertaking very tightly defined peat surveys at those locations rather than considering the site in a strategic manner.

- Birds – genuine constraints that have been identified include the presence of breeding curlew on many of the mid Wales windfarm sites in particular, with individual site and cumulative assessments required.

- Bats – there is uncertainty surrounding the impact of windfarms on bats, and thus a precautionary approach is taken requiring post construction surveys. Research is underway looking at operational windfarms as case studies. This is a good example of where CCW, Defra, RenewableUK and others have come together to look at this issue, although there are some concerns relating to the willingness of individual developers to participate and allow research on their sites.

- Scope and deliverability of Habitat Management Plans (HMPs) – information supplied is often lacking in detail, as are commitments to delivery. Within SSAs, developers have not co-operated on their HMPs and with many windfarms adjacent to each other this is seen as a genuine problem.

Reporting / Decision

7.5.22 From receipt of the final statutory consultee responses to the reporting of planning applications, this stage has been a significant cause of delay in the process, with an average timescale of 31 weeks. The reasons for this are many and varied, and are often driven by factors outside the control of the LPA. This includes Call-In requests, objections and revisions to the scheme proposals by applicants late in the day. Such changes generate further consultation requests and assessment of the scheme proposals before the application is in a position to be reported to Committee.

7.5.23 Under the current Call-In procedures, as set out under S.77 of the Town and Country Planning Act 1990, Welsh Ministers can consider calling in planning applications only if asked to do so. The guidance states clearly that Call-In procedures can only be applied for an application, *'if the proposed development appears to raise issues of more than local importance'*.

7.5.24 For this reason, many consultees have found it difficult to understand how, despite requests being made that applications for large renewable energy and low carbon energy schemes have not been called-in. This has been supported through the evidence provided, which shows that only one application has been called-in by Welsh Ministers in the time period of the study.

7.5.25 The guidance does not allow for a Minister to call-in an application where concerns are raised about the way in which the local authority has been handling an application. These concerns are dealt with through the Authority's Monitoring Officer or through the Public Services Ombudsman for Wales (PSOW).

7.5.26 All planning applications within this study that have been considered by LPAs have been reported to the Planning Committee of the respective authority for determination, with no applications considered under delegated powers. Of the 43 planning applications determined by LPAs during the study period (including schemes currently operational or under construction), a total of 30 applications have been approved (three of which were consented on appeal) and 13 refused (16 including the three successful appeals). Full details were made available for 14 of the 16 refusals. These show that 7 (50%) were decisions taken against officer's advice. A total

of 15 schemes were appealed against with four appeals allowed, four withdrawn and the remainder dismissed. In each case the appeal proceeded through Planning Inquiry.

7.5.27 In instances where planning applications have been refused against officer recommendations, anecdotal evidence suggests that issues of 'leadership' have played a key part in Members' decisions to support or oppose the planning officers' recommendation. This has been particularly apparent in cases that have generated particular controversy or opposition.

7.5.28 Although the focus of this study is on the decision-making process rather than the outcome of the process itself, it is appropriate to consider decisions made by local planning authorities on planning applications which have, as a consequence prolonged the consenting period by virtue of the nature of the decisions taken.

7.5.29 The case of the proposed biomass scheme in the Vale of Glamorgan is a case in point. Whilst the extent to which the decision taken can be regarded as being a safe and balanced one cannot be proven either way (and is not the concern of this study), it does raise certain questions of interest to this study around the underlying factors that have led to such a decision being made.

7.5.30 The scheme in question concerns a proposed biomass scheme at Barry Docks (Vale of Glamorgan CBC), which was refused planning permission by the Council's Planning Committee on 31st July 2009, against officer recommendation. The proposal had generated considerable local opposition, including letters of objection from the local Assembly Member and Member of Parliament. Concerns were raised on a whole range of issues, including proximity to residential development, traffic impacts, noise and light pollution, visual and ecological impacts, health and safety and property prices.

7.5.31 Following the Council's decision, the application was appealed against. In his appeal decision the Inspector found favour with the appellant on each of the issues covered and allowed the appeal. In doing so, an application for costs made by the appellant was allowed.

7.5.32 The issues that are relevant to this study, relate to a range of local concerns raised, that were in essence concerned with the location of the proposed biomass scheme and the potential impacts that it was considered the development would have on the immediate locality. This, aligned to the strength of local opposition, the involvement of local politicians and ultimately Members of the Council's Planning Committee raises issues of debate that are of relevance to this study.

7.5.33 Those applications that have proceeded to Appeal have invariably generated significant local opposition as well as from organised opposition groups. Such groups are normally granted Rule 6 status allowing them to participate as witnesses at the Inquiry. Although Rule 6 parties can offer significant value to the Inquiry process, it has been found in certain circumstances that a large number of parties with Rule 6 status merely repeat other evidence and do not add substantively to the case being made. This is not beneficial to the Inquiry as the process becomes slow, more costly and ultimately inefficient.

7.5.34 In attempts to avoid the Inquiry becoming too repetitious, the Planning Inspector can, under the current arrangements encourage participants with similar views to group together and elect a spokesperson to appear at the Inquiry to make representation, although for many participants this is not a satisfactory option, as the parties prefer to represent themselves.

Post Decision

7.5.35 For many consented schemes, the post determination period can often be a cause of added delay at the end of the consenting process before the planning decision is issued. In each case,

the study has shown that this has resulted from delays to the signing of Section106 Agreements.

7.5.36 The negotiation and conclusion of Section 106 Agreements is a key late stage in the consenting process, and applies to approximately 76% of renewable and low carbon energy schemes (16 out of a total of 21 consented planning applications). For those applications considered during the course of the study, Section 106 Agreements have related to matters such as access arrangements, bonds to cover decommissioning and baseline studies (e.g. television reception studies) prior to development commencing, highlighting the fact that very few schemes warrant protracted and detailed legal agreements.

7.5.37 Nonetheless, where such agreements have been put in place, these have resulted in significant delays to the conclusion of the consenting process, which on average have taken 50 weeks to complete (between determination of the planning application and issuing of the decision). The importance of this to the consenting regime is that decision notices cannot be issued by the LPA until the Section 106 Agreement has been successfully concluded.

7.5.38 From the earlier analysis, the approach to Section 106 Agreements reveals an inconsistency between LPAs across Wales, whereby for some authorities, legal negotiations are not started until the successful determination of a planning application, whilst for others the process commences at an earlier stage in the application process.

7.5.39 For those LPAs that do not begin negotiation until determination of the application, this has raised particular concerns amongst developers, leading to:

- Increased costs associated with a protracted negotiation process;
- Enhanced risks in terms of land owner agreements and financing prior to the issue of the decision notice;
- Difficulties in securing project finance until a decision-notice is in place.

7.5.40 The issues associated with delays at this stage in the process have been highlighted in the cases of Llynfi Power Station (B1), Pant y Wal (B3) and Fforch Nest (B5) (all Bridgend CBC) which were the subject of Section 106 Agreements, with periods ranging from 615 and 1341 days between determination of the planning application and the issuing of the decision notices. In the case of schemes B3 and B5 the application sites were adjacent to each other and the Section 106 process was driven by securing landowner and developer agreement on joint access arrangements. Although this joint approach delayed the consent process it is felt that delays in starting the process (until after decision), also created a more protracted timescale for the consenting process.

7.5.41 Since that time, the Council has employed a policy of drafting Heads of Terms as soon as possible within the application process, which has reduced the timescales involved considerably. The success of this however, is still dependant on the co-operation and support of all involved in the process including the developer, Section106 officers and Council's legal teams.

7.5.42 The evidence suggests that where Section 106 Agreements have been approached early-on in the decision-making process this results in less delay between determination of the planning application by the LPA and the issuing of the decision notice.

7.5.43 This approach to Section 106 Agreements has been operated successfully by Neath Port Talbot CBC on planning applications requiring Section 106 Agreements and which has been reflected

in the time taken between determination of applications and the issuing of decision notices, which has taken a maximum of 56 days during the timeframe of the study.

7.5.44 Overall, from the analysis of the consenting process and the inherent delays that have consistently occurred, all commentators have acknowledged that the 16 week consenting period for renewable and low carbon energy applications, as EIA projects (which represent the majority of applications), is unrealistic and consequently serves no purpose in influencing the consenting performance of the LPAs in the knowledge that such timescales are unachievable and are thereby ignored.

Recommended Approach

7.5.45 The earlier analysis has shown that issues have been raised at each key stage of the consenting process, which collectively has resulted in delays to the overall decision-making process. It is also evident that the issues highlighted are not all within the control of the consenting bodies and that there are many influences at play, from the timeliness of statutory consultee responses, the changes being promoted by applicants, to the submission of late objections, often from organised opposition groups, all of which contribute to delays.

7.5.46 Whilst the issues raised are common to all scales of renewable development, the earlier study recommendations have sought to address those concerns relating to renewable and low carbon energy schemes within SSAs and for 'strategic' schemes between 25MW and 50MW located elsewhere.

7.5.47 For renewable and low energy schemes between 5MW and 25MW for which similar delays have been experienced within the consenting process, it is maintained that these are more appropriately considered at a 'local authority-wide' level, in line with the scales of renewable and low carbon energy schemes guidance set-out within PPW (Edition 5) 2012.

7.5.48 It is therefore suggested that the significance and impacts of such developments, whilst of more than local importance, can be more appropriately considered within a wider authority context and to be determined by the LPA in question.

7.5.49 At the same time, the nature, complexity and level of public interest generated by such applications are still major challenges for LPAs, which are at the 'front-line' of the consenting process.

7.5.50 An over-riding consideration in this is the expectation for such 'local authority-wide' schemes (between 5MW and 25MW) to be determined within the 16 week consenting period (as is the case for other EIA applications), which has been shown to be largely unachievable. This position has been acknowledged by all parties and an acceptance on the need to set more realistic timescales, with the important proviso that any changes made to extend the determination period are realistic and can be achieved.

7.5.51 At present, the average timescale taken for all renewable and low carbon energy schemes between 5MW and 25MW during the period of this study has been 131 weeks (excluding applications taken to Appeal). This statistic provides little guidance to the study on setting a more acceptable and achievable timescale and with no precedent in place or empirical evidence to support a particular view, this is difficult to advise on from the information to hand. However, having accepted the principle of the need for change, further consideration can be given to the preferred timelines for an extended consenting period, outside the scope of this study.

7.5.52 In setting an extended determination period for all renewable and low carbon energy schemes between 5MW and 25MW, there is still a recognition that unforeseen events will occur, as evidenced throughout this study, which will inevitably mean that even these extended

timescales will not, on occasion be met. The expectation is that through the introduction of a range of project management measures, a clear framework will be provided within which the consenting timescales for 'local authority-wide' schemes can effectively be met in all but exceptional cases.

7.5.53 The introduction of an extended determination period for all renewable and low carbon energy schemes of between 5MW and 25MW outside SSAs will introduce a new hierarchy of development. It is suggested, on the basis of this scale of development at a 'local authority-wide' level, that such proposals should be categorised as 'Major Renewable Energy Projects' for planning purposes.

7.5.54 It is proposed that the introduction of a new hierarchy of development to include 'Major Renewable Energy Projects,' should be based on a formalised project management approach to the delivery of planning consents, underpinned by a series of key milestones to be met throughout the consenting period for planning applications. This would define timelines for key work stages, from the point of submission of a planning application to its subsequent determination and the issuing of the decision notice by the LPA. It is suggested that this should follow the demarcation of key work stages identified as part of the earlier study analysis and is considered necessary if the proposed extended timescales for the consenting period are to be delivered.

7.5.55 Only by breaking down the consenting process in this way can the progress and delivery of such applications be effectively managed, thereby allowing for potential issues and delays to be identified and corrective action taken if possible. It will also permit the ongoing monitoring of the performance of the consenting bodies in a consistent and comparative way, based on the standard template already established.

Recommendation 4 – 'Major Renewable Energy Projects'

That the Welsh Government seek changes to Planning Policy Wales (Edition 5) 2012 in relation to the category of 'local authority-wide' renewable and low carbon energy schemes of between 5MW and 25MW (onshore) and through regulatory powers, the following changes:

1. The consenting period for such applications be extended and for this to be determined following further research and through consultation with key stakeholders;

2. Introduction of set timelines for the key work stages in the consenting process for such applications, to be determined following further research and through consultation with key stakeholders;

3. Such developments be referred to as 'Major Renewable Energy Projects' for the purposes of the planning consent regime.

Implementation

Following publication of the study recommendations, the Welsh Government commission further work to determine the appropriate timescales for the decision-making process for 'Major Renewable Energy Projects' and for this to set-out in regulation and to be incorporated within a future revision to Edition 5 (2012) of Planning Policy Wales.

7.5.56 The question of Call-In requests has been raised by many consultees in view of the lack of understanding that exists regarding the number of renewable and low energy schemes subject to Call-In by the Welsh Government, particularly in relation to wind proposals.

7.5.57 The evidence presented earlier has highlighted occasions in which an officer recommendation to approve a planning application for renewable and low carbon energy schemes has been over-turned by Planning Committee with a resolution to refuse. There are instances to suggest that not all such decisions have been made with due regard to proper planning considerations, given that many have subsequently been upheld on Appeal (with examples of costs being awarded against the LPA). There is therefore reason to suggest that further independent scrutiny of the decisions taken by LPAs should be undertaken by the proposed 'Strategic Energy Consents Unit' of the Welsh Government (Recommendation 1) which would consider whether the LPA should proceed to issue the planning decision or whether the issues raised by the decision should be more appropriately considered under Call-In procedures.

7.5.58 The earlier evidence has also highlighted the extended period taken by the Welsh Government to determine the one called-in application for Mynydd Y Betws windfarm. In line with the overall aim of improving the efficiency of the consenting process, it is considered that such decision-making should also be governed by set time-periods. The recommendations contained within the recently published Independent Advisory Group (IAG) Report *'Towards a Welsh Planning Act: Ensuring the Planning System Delivers' (*2012) on Call-In procedures, includes an appropriate timescale for determining such applications, which it is considered should be followed.

Recommendation 5 – Call-In

That the Welsh Government introduce the following changes to Call-In procedures, through new procedures and guidance in order that:

1. Clarification is provided regarding the circumstances under which Call-In requests for renewable and low-carbon energy applications of between 5MW and 25MW (onshore) are made (Recommendation 2);
2. Local planning authorities to notify the proposed 'Strategic Energy Consents Unit' (Recommendation 1) of renewable energy and low carbon schemes between 5MW and 25MW (onshore) where it has resolved to refuse a planning application contrary to the planning officer's recommendation;
3. The timescales for the consideration and determination of called-in applications is made within a maximum period of 9 months.

Implementation

Amendments to the Notification Procedures by the Welsh Government and revisions to Welsh Government Call-In guidance 'Calling in Planning Applications' (2012) are required in order to implement the above recommendations. There is no requirement to commission further work on the subject or for wider stakeholder engagement and therefore the recommendations of the IAG Report and those of this study should be implemented without delay following publication of the study recommendations.

7.5.59 The starting-point in the planning consent process for applications considered by this study relates to the EIA requirements and in understanding more clearly how the production of

Environment Statements can be made more workable, with greater focus on relevant issues. There is no doubt on the potential benefits to the consenting process through more effective scoping of the EIA and the production of shorter and more focussed Environmental Statements.

7.5.60 A more streamlined approach would assist in providing an appropriate level of assessment, addressing both the potential negative and positive impacts of the proposed development, in a way that still provides sufficient information for rational decisions to be made by the LPA at the initial scoping stage, leading to a greater focus on the key environmental issues of importance to the proposed development.

Recommendation 6 – EIA Scoping
That the Welsh Government develop a comprehensive scoping guide for EIA projects for renewable and low carbon energy developments to provide greater clarity to all key players in the consenting process on the requirements for the production of Environmental Statements.

Implementation
Preparation of guidance on EIA Scoping for renewable and low carbon energy developments should be commissioned by the Welsh Government and be undertaken, working alongside LPAs, statutory consultees, RenewableUK Cymru and other industry bodies (e.g. the Institute of Environmental Management and Assessment (IEMA)). No changes are required to primary or secondary legislation and therefore preparation of the guidance should be taken forward following publication of the study recommendations.

7.5.61 The operation of the pre-application system in relation to renewable and low carbon energy schemes has been variable, with differing approaches adopted between authorities and with correspondingly different outcomes. Pre-application engagement has been shown through the study analysis and consultation stages to be key to the efficient operation of the consenting process and where well managed has provided greater certainty and clarity to developers on both the process and the outcome. For the scale and complexity of applications proposed within the study as 'Major Renewable Energy Projects,' this is a critical initial stage to focus on developing a more collaborative approach to pre-application engagement.

7.5.62 Key to the success of the pre-application stage is the pre-application meeting, which should be a mandatory requirement for all participants. Agreed protocols should be put in place for the organisation and operation of meetings, with a clear understanding of the outcomes required.

7.5.63 The expectation is that the pre-application meeting should, for most of the proposed 'Major Renewable Energy Projects' be formalised into a 2 staged process, split between an initial 'strategic' meeting, to be followed as necessary, by a second 'detailed' planning meeting. Depending on the nature of the proposed development, the likely issues at stake and the preference of the applicants, it is suggested that the approach of separating-out the more strategic/outline matters to be discussed from the more detailed planning matters should be followed.

7.5.64 This division will permit the initial pre-application meeting to focus on the broader strategic and corporate issues as a priority, along with any major development/environmental issues at this early stage to enable the LPA to highlight any potential 'show stoppers' at the outset of the process. It will also permit the Authority and others to consider the possible service and resource implications of supporting a planning application of this nature. This will necessitate that the meeting should involve officers at the appropriate level within the Authority to cover all

relevant disciplines, thereby ensuring that the advice provided is both comprehensive and credible and can be relied upon as representing the Council's initial and informal view of the development proposals.

7.5.65 It is also suggested that other interested parties, including statutory consultees should be involved at this stage, as part of a multi agency approach, so as to understand their concerns at an early stage. Elected Members should not be excluded from this initial engagement (within the National Code of Conduct) and can make an important contribution if they have an understanding of the project from an early stage.

7.5.66 Depending on the outcome of the first meeting and the developer's assessment of the prospects for the development, a second meeting would be held, at which it is expected that more detailed matters relating the submission of the planning application, in terms of meeting the LPAs validation 'checklist' for example, would be discussed. It would also allow the opportunity to continue the engagement with the statutory bodies, exploring any possible mitigation measures etc that may have arisen as major issues from the first meeting. The meeting would also discuss the Authority's expectations for community engagement as a key factor in pre-application engagement.

7.5.67 At the conclusion of the pre-application meeting(s), the LPA would produce a written report. The report would incorporate the advice of internal and external organisations on the issues identified and the requirements for taking the application forward in order that the development has the best chance of success.

Recommendation 7 – Pre-application Meetings
That for proposed 'Major Renewable Energy Projects' (Recommendation 2) the Welsh Government introduce a mandatory requirement for pre-application meetings with all key parties and for guidance to be prepared and issued on the scope and procedures to be adopted for a 2-staged meeting process.

Implementation
The statutory requirement for pre-application meetings will be subject to new provisions in legislation on the part of the Welsh Government. Publication of guidance to follow, in the form of a Good Practice Guide should be undertaken, in line with existing guidance and working in conjunction with The Royal Town Planning Institute (RTPI), Planning Officers Society Wales (POSW) and other key stakeholders. Implementation of this recommendation will need be considered within the context of Recommendation 8 as an important part of proposed changes to the pre-application process.

7.5.68 The earlier evidence has highlighted the importance of early community engagement and the pitfalls of not undertaking effective consultation early-on in the planning process. It is imperative that the public have an early understanding of the development proposals and to allow important issues to be articulated and considered in advance of the submission of planning applications. In line with the proposed obligation for pre-application meetings to be held with the LPA, public consultation at this stage is also seen as a key requirement. The outcome of the process should require the preparation of a 'Pre-application Consultation Report' by the applicant to record the consultation undertaken and to accompany the subsequent planning application.

Recommendation 8 - Pre-application Consultation

That the Welsh Government introduce a mandatory requirement for pre-application consultation for proposed 'Major Renewable Energy Projects' (Recommendation 1) and for an applicant to prepare a 'Pre-application Consultation Report' that will form part of the planning application submission.

Implementation

The statutory requirement for pre-application consultation will be subject to regulation by the Welsh Government. Publication of guidance to follow, in the form of a Good Practice Guide should be undertaken, working in conjunction with The Royal Town Planning Institute (RTPI) and the Planning Officers Society Wales (POSW) and other key stakeholders. Implementation of this recommendation will need be considered within the context of Recommendation 7 as an important part of proposed changes to the pre-application process.

7.5.69 For statutory consultees, working with developers and applicants, and feeding into the planning process has been highlighted as good practice and is key. This relates not only to the pre-planning stage, but also as an application progresses – for example having sight of draft Environmental Statement chapters in order to raise issues and deal with areas where there may be insufficient detail/inaccuracies at an early stage, thereby reducing the time and officer resource necessary to deal with the application at the formal statutory consultation stage. This approach has been used in a number of windfarm applications by the Forestry Commission where it has proved successful; it has also led to improved links and co-operation with developers.

7.5.70 Successful collective approaches have taken place in the marine renewable industry, with the COWRIE project (Collaborative Offshore Wind Research Into The Environment). COWRIE is set up as an independent company, funded by the Crown Estate, with objectives that include to ensure access to data and information and to facilitate collaboration and research. In its role as data management interface, COWRIE provides a portal to data sources relevant to offshore windfarm development, including physical and environmental constraints, background mapping and charting sources, plus support for searching and locating previously submitted information.

7.5.71 The Autumn Statement Improvement Plan produced by Natural England in June 2012 highlights the possibility of piloting a service for developers facing complex applications that offers a single point of contact and co-ordination across Natural England, Environment Agency and Forestry Commission services. In Wales this is something that could fast become reality, with the bringing together of the functions of the CCW, EAW and FCW into the new combined body, Natural Resources Wales. The new body presents an opportunity to streamline the application process, particularly for more complex applications such as renewables schemes, and further exploration should be undertaken as to how this might occur – for example a dedicated team within the new body to deal specifically with renewables applications, with team members including staff from the CCW, FCW and EAW sections.

Recommendation 9 – Natural Resources Wales

That Natural Resources Wales incorporate a dedicated "Renewable Energy Consents Team", based on the current organisational and working practices of the Environment Agency and to ensure that the work of this team and that of the wider organisation fully incorporates the recommendations contained within this study in undertaking its planning functions (to include both advisory and consenting) in relation to renewable and low carbon energy developments.

Implementation

It is considered imperative that the proposed arrangements for the establishment of a 'Renewable Energy Consents Team' are put in place in readiness for the operational date for the new Natural Resources Wales body in April 2013. In taking this work forward, it is important that the new organisation is mindful of the potential resource implications of Recommendation 4 in relation to supporting 'Major Renewable Energy Projects' and the proposed Memorandum of Understanding with the Environment Agency under Recommendation 10.

7.5.72 The prioritisation of applications has been reported as an effective way in which statutory consultees have managed resources and ensured an improvement to response times on applications.

7.5.73 Most participants have recognised the advantages of combining the planning consent and environmental permitting regimes through the planning application process, prior to the determination of a planning application. This is seen as not only reducing the timescales for completion of the consenting process, but is recognised by LPAs as providing more detailed information regarding to the proposed development, prior to determining the planning application. For objectors to more contentious applications, the view maintained is that approval of a planning application that is subject to securing a permitting consent carries little weight and therefore objection is maintained at the planning application stage rather than relying on the subsequent licensing regime.

7.5.74 For applicants however, there is recognition of the potentially abortive costs to be incurred in progressing the permitting process in advance of securing a planning permission. This is an understandable position, though the dual approach aligns itself with the Environment Agency's *'Guidelines for developments requiring planning permission and environmental permits'* (Working Draft May 2012) which recommends joint working on 'complex developments where the uncertainty associated with getting relevant permissions is higher and that parallel tracking of permit and planning applications be recommended in such cases.

Recommendation 10 - Parallel Consenting

That local planning authorities and the Environment Agency establish a Memorandum of Understanding (MOU) regarding the operation of a parallel consenting process for planning permissions and environmental permits for 'Major Renewable Energy Projects.' (Recommendation 1).

Implementation
It is considered that the proposed 'All-Wales Renewable Energy Liaison Group' (Recommendation 18) could play a leading role in taking forward a MOU between local planning authorities and the Environment Agency. It is important that the necessary work should be undertaken in time for the protocol to come into effect with the establishment of Natural Resources Wales in April 2013.

7.5.75 Whilst it is not feasible to fully agree Heads of Terms before the outcome of a planning application is known, it would assist the consenting process if as much work as possible could be done on agreeing terms on matters such as the draft wording and content of documents, along with the financial contributions relating to any legal agreement during the processing of the planning application, thereby reducing delays at the end of the consenting process.

7.5.76 As the majority of schemes requiring Section106 Agreements are accompanied by an EIA, much of the information contained within the Environmental Statement in relation to issues such as the predicted effects and proposed mitigation / contributions, will often form the basis for the Section 106 Agreement. At the same time, the fairly standard nature of the items covered in the Agreements for renewable and low carbon energy schemes should permit the use of standard wording for Heads of Terms, further simplifying the process and reducing the period for completing the Legal Agreement.

Recommendation 11 – Section 106 Agreements
That the Welsh Government publish guidance, in the form of a Good Practice Guide, on the use and operation of Section 106 Agreements in respect of renewable and low carbon energy proposals.

Implementation
The preparation of guidance on Section 106 Agreements for renewable and low carbon energy developments should be led by the Welsh Government, working closely with local planning authorities and the development industry. No changes to primary or secondary legislation are required in implementation and therefore the commissioning of a study and the subsequent publication of a Good Practice Guide should follow the publication of the study recommendations.

7.5.77 To address the concerns raised by delays to the Public Inquiry system for renewable and low carbon energy schemes, there is much to commend the Inquiry system that is operated in Scotland, in which a more flexible approach is in place for dealing with individual parties granted 'Rule 6 Status' to appear as witnesses. The option for parties to be heard in a round table style meeting with an Inspector as part of a Hearing Session, to be run concurrently with the main Inquiry would allow the key issues to be presented by individual parties promptly and speedily, thus allowing the Inquiry as a whole to run in a more efficient and cost effective way than at present. Such procedures could be operated at the discretion of the Inspector, setting-out the matters to be discussed.

Recommendation 12 – Public Inquiries

That the Welsh Government introduce an amendment to the Town and Country Planning Appeals (Inquiries Procedure) (Wales) Rules 2003 and the related (Determination by Inspector) Rules to permit the option of permitting the Inquiry Inspector to hold 'Hearing Session' meetings for those parties entitled to appear at Inquiry.

Implementation

The required changes to secondary legislation should be undertaken by the Welsh Government in consultation with PINS, following publication of the study recommendations.

7.5.78 Whilst the main focus of the study has centered on improvements to the consenting regime, leading to an improved determination process for renewable and low-carbon and energy projects in the future, by definition this relates primarily to new schemes currently outside the consenting process. The study cannot however ignore the significant renewable capacity that exists within the planning system, for applications that are currently undetermined. At the time of this study, this figure stands at 1,147MW for all renewable and low carbon energy applications, with the majority (812.7MW) falling within SSAs B and C located within Powys CC.

7.5.79 Within this overall figure, planning applications for biomass, wind, anaerobic digestion and solar proposals within Carmarthenshire, Conwy, Merthyr Tydfil and Neath Port Talbot providing a total of 250MW have progressed to various stages in the LPAs consenting process, although remain undetermined. However, as this data is now some nine months out of date, the applications in question will undoubtedly have progressed or been determined since then, whilst new applications may have come forward. The precise position regarding undetermined applications is therefore unknown. Nonetheless, based on the consenting performance to-date for all renewable and low carbon energy applications, it can be assumed that significant progress is unlikely to have been made for all outstanding applications.

7.5.80 Although the recommendations contained within this study will assist in the decision-making process within varying timescales, they will not impact immediately if blockages are found to exist at present within the system. Within the current consenting framework it is important therefore that interim measures are put in place, not only to monitor progress, but to understand the nature and extent of any barriers that might exist and assist in resolving these, where possible.

Recommendation 13 – Planning Status Report

That the Welsh Government requests from each local planning authority a Planning Status Report on the current position of all undetermined planning applications for renewable and low carbon energy schemes, to establish the following information:

- Current status and likely timescales for decision-making;
- Key issues and any identified blockages to progress;
- Areas in which the need for any assistance or support may be required.

Implementation
There is a pressing need to establish the current position of all undetermined schemes in Wales and therefore the Welsh Government should request the necessary information from each local planning authority as a matter of urgency, following publication of the study recommendations. The level of information required, will be more detailed than that proposed through the annual monitoring reports (Recommendation 19),which are intended to provide a regular and ongoing update on the consenting performance of all schemes.

7.6 Theme 4 - Roles, Responsibilities and Resourcing

7.6.1 In terms of roles and responsibilities, all local authorities in Wales have objectives and requirements for tackling climate change that they need to meet. These stem from international and national strategies and commitments as well as an authority's own corporate strategies and community plans. The planning system and the consenting process for renewable and low carbon energy schemes sits within this corporate agenda and organisational framework, working within the requirements of relevant legislation.

7.6.2 The consenting process for renewable and low carbon energy schemes is a complex area for local planning authorities, with an increasing variety of environmental considerations to be taken into account. The expectation is that the planning system should deliver consents for such schemes in a timely and effective manner.

7.6.3 The earlier analysis has shown that in many cases local planning authorities are struggling to come to terms with the range of issues raised by the diversity of projects and energy types, with issues such as ecology, air quality, noise and landscape needing to be fully understood as potentially major issues to be addressed.

7.6.4 Through the earlier consultation work, local authorities have consistently expressed concern that they do not have the capacity, expertise or resources in all cases to deal with the additional demands placed on the service in dealing with applications for renewable and low energy schemes, regardless of their scale or type. Experience is everything, with those authorities that have developed areas of expertise from dealing with similar planning applications, being far better placed than others in understanding and dealing with the range of issues raised. However, it is noticeable that the availability of specialist expertise and support within local authorities is patchy, with many procuring consultancy support or relying on the advice provided by statutory consultees, in particular, CCW and in some cases, accepting the advice of the developer on more detailed technical matters.

7.6.5 The concerns raised above in relation to the resourcing and expertise available to LPAs should be treated with caution. The Welsh Government has invested heavily in this area since 2008 with funding being made available to LPAs located within SSAs to support major wind farm applications. To date this funding totals some £470,000, distributed across six LPAs. Since 2010 the Welsh Government has also made available to all LPAs financial assistance towards the provision of technical support for renewable energy applications. A total of £39,800 was awarded to three LPAs in 2010/11 and a total of £37,500 to four LPAs in 2011/12.

7.6.6 For some authorities, notably Carmarthenshire CC examples exist of good team working, with arrangements in place to bring together different departments of the organisation, as well as key statutory consultees at regular intervals to discuss the progress of an application. Undoubtedly the sharing of information in this way and the understanding and resolution of issues provides a

more proactive and inclusive way of working. Whilst this unified approach is effective on many levels, it is acknowledged as being a time-consuming exercise, requiring the commitment of staff throughout the duration of the planning application and placing pressure on limited staff resources and time.

7.6.7 The demands placed on planning teams to deal with renewable and low carbon energy applications also extends to formal consultation requests on planning applications for similar schemes from neighbouring local authorities. These can often be important proposals with potentially significant implications for adjoining authorities. However, officers are often unable to attach a great priority to this work, resulting in delayed responses to the consultation requests.

7.6.8 For many planning officers, a lack of understanding of the technical aspects of renewable energy schemes is seen as a distinct disadvantage, with some officers 'being led by the hand' by the developer. Appropriate training of planning officers is therefore important. However, there is a notable lack of training opportunities for planning officers on renewable energy matters. In contrast the development industry is far better placed, through the auspices of RenewableUk Cymru in particular, in providing training programmes and whilst these are not exclusive to the renewables industry, some authorities have been unaware or have been reluctant to allow their officers to attend.

7.6.9 Despite the resource pressures and lack of specialist support in certain areas within LPAs there is little evidence of inter-authority working, either in the sharing of expertise and resources, or in the disseminating of information and best practice.

7.6.10 In addition to the level of available resources, consultees have commented on the presence of a strong officer lead in Planning Committee, allied to the quality in the presentation of the planning officer report and the briefing of Members as all being important factors in the understanding of and subsequent decision-making on more complex and controversial applications.

7.6.11 The significance of closer working on schemes with cross-boundary implications is particularly important for renewable and low carbon energy schemes, where the potential impacts and the issues to be addressed extend across local authority boundaries. Baseline information and surveys undertaken for planning applications in one authority will often have a value for subsequent schemes in other areas. However, the information is not always known, or made available to others as an important source of available data.

7.6.12 The availability of a centrally held database of environmental information from previous EIA processes in particular, would offer a significant opportunity to minimise cost, effort and the duplication of time for developers in undertaking new assessment work.

7.6.13 As has been evidenced by the work of this study, it is only through an ongoing and systematic monitoring of the progress in the deployment of renewable and low carbon energy and in the consenting performance of LPAs will a clear and up to-date picture be maintained on the extent to which the Welsh Government's renewable energy targets are being met through renewable and low carbon energy development.

7.6.14 Guidance in TAN 8 requires that LPAs undertake regular monitoring regarding the provision of installed onshore wind capacity and that a similar exercise is undertaken on an annual basis by those LPAs within which SSAs are located. However, it has been established, through the work of this study that the data held by LPAs across Wales is inconsistent, is in different formats, and is not always easily accessed.

7.6.15 Whilst local planning authorities play a central role in facilitating the use and generation of renewable and low carbon energy through the consenting process, local government, as an organisation is in a strong position to take action to actively pursue more corporate initiatives

aimed at 'championing 'good practice and to support national initiatives and programmes aimed at reducing our carbon emissions. At the same time, the Welsh Government, as an organisation has a lead role in driving forward the renewable and low carbon energy agenda in Wales.

7.6.16 Although it is clear from the study that the Welsh Government has shown strong leadership in many areas of renewable and low carbon energy, the view generally held is that it should play a far greater role in supporting, guiding and advising on renewable energy development across Wales. It is however acknowledged that much of this perception may result from a lack of visibility and communication on the part of the Welsh Government on its role and activity in this area.

7.6.17 Of the concerns raised, the lack of training opportunities has been highlighted as a source of frustration amongst planning officers. In this there is an expectation that the Welsh Government is a source of expertise on many aspects of renewable and low carbon technology and guidance, which should be used more widely in both a guiding and advisory role. At a political level, it is evident from the instances of Assembly Member and Member of Parliament intervention on individual planning applications, that there is not a clear understanding of the national policy context within which proposals for renewable energy are set, raising questions on the extent to which politicians are briefed and therefore made aware on the content of policy and guidance issued by the Welsh Government.

7.6.18 The subject of national guidance, particularly that issued on renewable and low carbon energy has been found to present a confusing picture amongst planning officers, with uncertainty on the extent of guidance issued and the status to which it should be afforded in planning decisions.

Recommended Approach

7.6.19 In support of the delivery of an effective decision-making process, both the Welsh Government and local government should collectively provide a greater focus and commitment on driving forward and overcoming many of the barriers identified in the processing of renewable and low carbon energy applications.

7.6.20 The study has highlighted the financial commitment already made by the Welsh Government to LPAs in fulfilling their planning function in support of largely major wind farm proposals. This has not been an insignificant amount of funding, particularly given that the outcomes of this investment are not readily apparent in terms of the delivery of renewable and low carbon energy schemes.

7.6.21 Notwithstanding the level of funding support made available though the Welsh Government, LPAs consider that their ability to properly resource the planning service is undermined by the current planning application fee regulations, in which fees are not charged for the discharge of planning conditions. This is particularly relevant in the case of renewable and low carbon energy schemes, which usually contain a number of onerous pre-commencement planning conditions, requiring further studies and consultation before being discharged.

Recommendation 14 – Funding Support

That the Welsh Government undertake a review of the current funding arrangements for local planning authorities in support of their planning function in relation to renewable energy and low carbon energy applications to determine:

1. Whether the funding assistance available to local planning authorities represents the most cost effective approach in providing planning and technical support or whether alternative arrangements should be considered and how these should best be delivered and monitored;

2. Whether the current system of planning application fees is appropriate and to consider the introduction of fee charges for the discharge of planning conditions and if so, to advise on an appropriate fee level.

Implementation

The commissioning of an independent report by the Welsh Government should be undertaken in consultation with interested parties including local planning authorities, The Royal Town Planning Institute and the Planning Officers Society Wales. No changes are required to either primary or secondary legislation, and therefore the commissioning of this work should be taken forward following publication of the study recommendations.

7.6.22 Local Government will need to be fully supportive of the changes being proposed to the planning system for renewable and low carbon energy schemes and should pro-actively seek ways in which improvements can be made to the service provided in line with the requirements and expectations set-out within this study.

Recommendation 15 – Local Government

That local authorities provide clear direction and support for the changes recommended within this study for improvements to the consenting process for renewable and low carbon energy schemes in Wales through:

1. Ensuring that adequate resources are made available to planning departments in support of their planning function and through ensuring close working relationships between departments of the Authority;

2. Exploring the opportunities for more collaborative working between local planning authorities in the sharing of expertise and resources;

3. Ensuring that officers and councillors are appropriately trained and briefed on relevant planning and technical matters in carrying-out their duties and responsibilities.

Implementation
The responsibility of local authorities for the delivery of planning services at a local level places authorities in Wales at the forefront of many of the study's findings. It is important that the proposals set-out within this recommendation are acted upon following publication of the study recommendations, recognising in particular the immediate requirement contained within Recommendation 13 for local planning authorities to undertake a Planning Status Report.

7.6.23 The opportunity exists as a result of the wealth of environmental information unearthed during the course of this study that is required in support of planning applications through the consenting process, to consider making this information available to promoters of future schemes which could potentially result in considerable cost and time savings for future renewable and low carbon developments.

Recommendation 16 – Environmental Information
That the Welsh Government explore, in conjunction with key stakeholders the opportunity for establishing a national depository for environmental information from the EIA process for renewable and low carbon energy applications across Wales.

Implementation
Although the Welsh Government is well placed to lead in taking forward this initiative, it will require close working with other stakeholders, notably RenewableUK Cymru, the proposed 'All-Wales Renewable Energy Liaison Group' (Recommendation 18) and the Institute of Environmental Management and Assessment (IEMA) to consider the feasibility of the proposal and to advise, as necessary on the future responsibility for and operation of such a facility.

7.6.24 The issue of training has been a constant theme throughout the course of this study and from the evidence presented, applies across the board for all participants, requiring that changes should be made to the current training arrangements. This has particular resonance within the political context, where the influence of politicians at all levels has had a significant bearing on the decision-making process. The case for ensuring that politicians are suitably equipped and skilled in taking decisions and commenting on such complex and controversial planning proposals is such that the training requirement should be considered a mandatory one. This aligns itself with the recommendations contained with the IAG Report though from the evidence presented in this study should also be extended to Assembly Members and Members of Parliament.

Recommendation 17 – Training Programmes

That the Welsh Government put in place, in conjunction with key organisations, a co-ordinated and ongoing training programme in relation to renewable and low carbon energy development, focussed on:

1. Planning officers and the development industry;
2. Joint training initiatives between RenewableUK Cymru, statutory consultees, Welsh Government and local planning authorities;
3. Compulsory training for Local Authority Councillors, Assembly Members and Members of Parliament.

Implementation

Whilst the Welsh Government has a key role to play in co-ordinating and driving forward this initiative, it can only do so with the support and engagement of key players from the development industry, Welsh Local Government Association (WLGA), RenewableUK Cymru, the Welsh Government's Members Research Services, local government, academic institutions, the various professional bodies and the Planning Officers Society Wales (POSW).

Although it is necessary for the Welsh Government to continue to have an overarching and strategic role (with responsibility in certain training initiatives), it will be for the individual organisations to take responsibility for a range of training initiatives tailored to meeting indentified needs of both professionals and politicians.

A key delivery partner in this will be RenewableUk Cymru, working alongside the development industry in ensuring that many of the concerns raised within this study relating to the standard of planning application submissions and supporting documents by individual developers are properly addressed through training and guidance in order that such improvements can be put in place.

For local planning authorities, the proposed establishment of an 'All-Wales Renewable Energy Liaison Group' (Recommendation 18) could have an important role to play in leading and facilitating training programmes.

7.6.25 In common with other professional disciplines, there is a strong case for the setting-up of an 'All-Wales Renewable Energy Liaison Group', given the range of issues generated by the sector and in taking forward many of the recommendations set-out within this study.

Recommendation 18 – Renewable Energy Liaison Group

That consideration is given by the Welsh Government to the setting-up of an 'All-Wales Renewable Energy Liaison Group' and for its terms of reference, membership and organisational arrangements to be determined through the commissioning and advice of a planning officers working group.

Implementation

The setting-up of a planning officers working group to advise on the establishment of an 'All-Wales Renewable Energy Liaison Group' should be initiated by the Welsh Government at the earliest opportunity following publication of the study recommendations in order that it can lead and support many of the recommendations put forward.

7.6.26 Having established an up to-date and comparative approach for the collation of information as part of the baseline work for this study, it is considered that this could provide a useful template for the future monitoring by LPAs on the performance in the deployment and delivery of all renewable and low carbon technologies, as required by Welsh Government guidance. Current monitoring undertaken for the SSAs could be incorporated into this wider monitoring programme.

Recommendation 19 – Monitoring Reports

That the Welsh Government establish an ongoing monitoring programme for the deployment of all renewable and low carbon energy schemes in Wales and their status within the planning system, through the annual return of monitoring reports by local planning authorities.

Implementation

The submission of annual monitoring reports should be introduced, commencing in April 2013, based on the template and base date established by the work of this study. This is seen as a distinct, but related area of work to that proposed under Recommendation 13 requiring the preparation of a Planning Status Report.

7.7 Theme 5 - Sustainable Development

7.7.1 It is readily acknowledged that the planning system, both through development plans and the development management process has a fundamental role to play in delivering sustainable development. The plan-led system in Wales ensures that sustainability is at the heart of planning decisions, whilst the move to a low carbon economy is viewed as an essential part of the commitment to sustainable development. This approach is further strengthened through PPW (Edition 5) which places an increased emphasis on the role of the planning system in delivering sustainable development.

7.7.2 Within such underlying principles, it is relevant to consider how sustainable development has been considered in relation to renewable and low carbon energy schemes and the extent to which this has impacted on the planning consent process and on decision-making. From the earlier study analysis and the more detailed case study reviews, it is evident that applicants and in-turn decision-makers have placed far greater emphasis on the physical and environmental aspects of sustainable development through the assessment process, with relatively little consideration being given to the economic and social benefits.

7.7.3 This approach stems from a lack of understanding of the wider economic and social benefits that are seen to exist for renewable and low carbon energy schemes and that as a

consequence these benefits are not being expressed or recognised in the supporting statements of planning applications. The requirement to fully consider the sustainability of the proposed development, by embracing all its component parts is therefore not being made.

7.7.4 This position leads, in most cases to a focus in the planning submission on the environmental issues associated with the proposed development, at the expense of other considerations. A number of developers have referred to the need for a more balanced approach, taking into account all elements of sustainable development, weighing up the potential environmental impacts against the potential socio-economic benefits of renewable energy schemes. This approach, alongside a clearer understanding of sustainable development is becoming increasingly important given the increased emphasis placed on supporting sustainable development.

7.7.5 Research on this is still in its infancy and not widely shared, though more information is emerging of the economic benefits of the industry in Wales and of the various direct and indirect socio-economic impacts of investment in renewable developments.

7.7.6 For example, the findings of recent research (Regeneris Consulting) examining the construction related impacts of the proposed Carnedd Wen wind farm scheme in Powys has concluded that the scheme could deliver over 300 annual UK jobs over the seven year construction period, of which around 150 would be in Wales, and approximately 50 in Mid and North Wales. These expected employment impacts were reported to lead to a total GVA impact for Wales of approximately £44m which equates to approximately 0.1% of annual Welsh GVA of £46bn.

7.7.7 Skills development in particular is viewed by the industry as key to the future success of renewable energy in Wales and that the development of skills and expertise is seen as critical in unlocking and harnessing the full economic and social benefits of any future investment in renewable energy development.

7.7.8 The provision of 'Community Benefits' are an important aspect of renewable and low carbon energy schemes through the contribution that developers can make to local communities, although the process falls outside the decision making process as a non-material consideration. However, community benefits from renewable energy schemes are recognised as a key contributor to meeting identified socio-economic needs, with local authorities keen to maximise the community benefit contributions, without formally recognising these in the decision-making process.

7.7.9 Many LPAs support 'Community Benefits' as a way of helping to address the social and economic problems of an area and in supporting the implementation of regeneration programmes of local communities, through harnessing the benefits of renewable energy.

7.7.10 The scale of such benefits and no doubt their contribution can be significant. Many developers have called for a recognition of the contribution from community funds, where there is clear evidence of meeting local needs, especially where these are aligned to local community and regeneration strategies and for greater links to be provided therefore between 'Community Benefits' and the decision-making process.

7.7.11 In considering socio-economic benefits, the potential impacts, particularly in relation to the tourism and leisure sectors have been raised as major concerns when considering wind farm schemes and whilst the evidence on this is not fully understood, this must also be considered carefully.

Recommended Approach

7.5.81 In order to facilitate a more rounded view regarding the contribution of renewable and low carbon energy schemes to the achievement of sustainable development, there needs to be a better understanding of the potential economic benefits of renewable energy investment to the local and national economy, as well as the wider social benefits of such projects, particularly in terms of education, training and skills development.

7.5.82 There is a case for recognising the contribution that 'Community Benefits' make from renewable energy and low carbon schemes to meeting socio-economic needs within a community and for this to be recognised through the planning consent process, in providing a clearer understanding of the benefits of renewable energy schemes. At the same time, the potential legal pitfalls of considering 'Community Benefits' in this way, where contributions are made towards enhancements rather than in addressing or mitigating the impacts of a development is fully recognised and would need to be considered carefully in proposing any such changes.

7.7.12 The relevance of this to the consenting process is in ensuring that decision-makers have a full understanding of the potential environmental, social and economic implications of renewable energy schemes in delivering sustainable development and are therefore able to make fully informed and balanced judgements on the merits of planning applications for renewable and low carbon energy developments.

Recommendation 20 – Socio-Economic Benefits
That the Welsh Government commission independent research to examine the socio-economic benefits of renewable and low carbon energy development in Wales and for guidance to be prepared on how such information should be considered in promoting a broader understanding of sustainable development in support of planning applications.

Implementation
The commissioning of an independent report by the Welsh Government should be undertaken in consultation with key players including local planning authorities, The Royal Town Planning Institute (RTPI), Planning Officers Society Wales (POSW) and academic institutions, for example Cardiff University Sustainable Places Research Institute. No changes are required to either primary or secondary legislation, and therefore the commissioning of this work should be taken forward following publication of the study recommendations.

8 CONCLUSION

8.1.1 The study commission has been asked to evaluate the performance of the consenting bodies in the decision-making process for onshore renewable and low carbon energy developments (between 5MW and 50MW) in Wales between 2005 and 2012.

8.1.2 The initial phase of work has confirmed the assertions made at the outset that little renewable energy capacity has been delivered during this period, confirming also the important role that wind energy in particular plays in the provision of renewable electricity and in meeting the targets set for renewable energy generation in Wales. Setting aside the well publicised infrastructure constraints to wind energy development in Powys, opposition to wind energy (and to a lesser extent Biomass and Biofuels) from the public and interested groups has been evident throughout and has been an influencing factor in many delayed decisions.

8.1.3 The challenges faced in the delivery of renewable and low carbon energy consents are not confined to objectors however, but emanates from a great number of influences that to a greater or lesser extent have had a role to play in delayed decisions within the consenting process. For this reason, there is no obvious or single factor to point to and no single solution.

8.1.4 In many cases, clear messages and pointers have emerged on the nature and extent of the issues to be addressed and the potential solutions, only to be challenged by others, with a opposing views. Elsewhere, issues have been identified in particular cases that have been unique to individual schemes and which have arisen outside the consenting process. The unpredictability of the issues raised in such instances will continue to manifest themselves on occasions in the future, regardless of improvements to the consenting regime.

8.1.5 The concerns raised at the start of this commission from the business community, that Wales is 'not open to business' have been largely borne out by the study. For many developers, the inherent delays and risks in the consenting performance continue to be a major barrier to investment. There is however a willingness on the part of investors and developers to take forward investment plans in renewable energy technologies and development and to work with the key players involved provided that Wales' planning and consent landscape is improved.

8.1.6 The claims of many planning departments that they are not adequately resourced and in some cases equipped to deal with significant and complex planning applications has been a constant theme supported by other parties. Regardless of the timescales involved, the cost of the planning service is clearly significant for renewable and low carbon renewable applications and raises questions on the level of fee income for these applications and whether this adequately reflects the resource and time commitments of LPAs.

8.1.7 Nonetheless, the study recommendations have hopefully put in place a planning consenting framework specifically geared to renewable and low carbon energy schemes, that has reflected the analysis and contributions of all participants. It is hoped that the outcome is a fair and proportionate response to the problems faced in providing a more streamlined and efficient planning consents process, with the aim of enabling Wales to meet its renewable energy targets, whilst at the same time protecting interests of acknowledged importance.