Ymgyrch Diogelu Cymru Wledig

Campaign for the Protection of Rural Wales

Montgomeryshire and Brecon & Radnorshire Branches

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Consultation on Developments of National Significance (DNS)

CPRW Montgomeryshire and Brecon & Radnorshire Branches welcome the opportunity to comment on the DNS consultation. We make a number of overall observations and then address some specific questions.
We have overall concerns as follows:

1) Inclusion of onshore wind projects over 25MW. This is contrary to current UK policy and lowers the existing major infrastructure threshold removing a number of essentially non-major applications from Local Planning Authority (LPA) determination.

2) Consideration of all associated secondary consents alongside a major development proposal is essential. A proposal must be assessed as capable of proceeding in its entirety and developments with any consequences deemed unacceptable aborted at this stage.

3)A full and informed consultation with communities and a full range of expert bodies is crucial but the stated methodology is inadequate and insufficiently addressed.

4) CPRW perceives inherent dangers in front loading the process to the pre-application stage. We consider that this is unrealistic and that timetable pressures will prevent proper, public, transparent scrutiny of significant alterations made by the developer at later stages. At pre-application stage proposals are far from finalised and only limited information can be provided by developers or statutory consultees. For example it may not be possible to properly assess ecological impacts when year long or seasonal surveys are required.

5) A generous full cost recovery fee structure is proposed for the Welsh Government and PINS but there are serious concerns regarding the negative implications of underfunding LPAs and those producing 'voluntary' Impact Reports.

6) By definition these are major projects with potentially far reaching impacts and the requirement for a number of secondary consents. Suggested timescales would be unrealistic in practice for a full and proper consideration of all aspects of a development proposal.

7) For such major projects it is entirely unacceptable and inappropriate that any (whether Schedule 1 or 2) might be accepted for determination without the information provided by a full Environmental Impact Assessment (EIA).

8) Where a Minister has the final determination and is at liberty to overturn the recommendation of the fully informed Inspector, there is a significant danger of a political decision over turning a determination based on material planning considerations. This undermines local democracy and the Inspectorate and could result in a disastrous development with far reaching consequences.

Q.1 2.7 CPRW agrees on the need for timely decision making. Lengthy delay can introduce uncertainty for developers and communities alike having a very damaging affect on local economies where major and potentially highly intrusive / controversial developments are proposed. However, it is also true that major infrastructure proposals will need a high level of assessment, robust and interactive consultation with a range of statutory bodies and stakeholders in order to ensure that the location is appropriate and harmful effects can be satisfactorily mitigated. Such processes are essential to ensure socio-economic well being and environmental probity but are also necessarily protracted. It is notable that it is frequently the inability of applicants and statutory consultees to provide timely and comprehensive information to the Planning Officers that has introduced lengthy delays into the determination process.

Applications must ultimately be rejected if they are considered unsound and more acceptable alternatives sought. This should not be a matter of arbitrary percentage 'targets'; it is not of concern that 'only' 69% of infrastructure proposals were passed. That 31% were on balance considered unsuitable is a measure that the planning process is working and projects have to pass proper tests in order to be acceptable.

The range of developments that would fall into DNS equate to those of NSIP. However, the lowering of the threshold for on-shore wind to 25 MW would be an exceptional decision for which no justification is provided. It is inappropriate that wind developments of this size that will be producing, at best, only an average of 7.5 – 15MW of energy should be determined under the same process as major projects. Such amounts cannot be considered nationally significant although the impact on landscape, communities and the environment will be considerable and best assessed by LPAs within the framework of their Local Development Plans (LDPs) and access to expert local knowledge .

English Planning Law has removed on-shore wind developments from NSIP yet Welsh Ministers are proposing a directly contrary directive that removes rather than enhances the capacity of affected communities to influence decision making as intended by the UK government. All on-shore wind generation applications should be removed from DNS and determined at LPA level in order to be compliant.

Q2 To properly appreciate all impacts of a proposed development against benefits it is important that all secondary consents are included in the DNS process and the impacts of each singly and together are properly assessed by the Inspectorate in all the LPAs and communities affected. Secondary consents would require their own Local Impact Reports (LIRs) and Environmental Impact Assessments(EIAs) and then be weighed in the planning balance alongside the primary development.

However, inclusion should in no sense imply that secondary consents will be 'rubber stamped'. Rather it is the opportunity to ensure that the impact of incidental infrastructure is proportionate and that where there are major constraints the development fails.

What procedures will be in place where secondary consents include LPAs in England ?

Q4 Secondary consents must include permissions for transmission lines from energy generating proposals and off site sub-stations. There is no rationale for omitting these.

4.33 Identification of mandatory aspects of Consultation Reports is essential, particularly as at c) and d), showing how schemes have been amended in response to the consultation. CPRW propose that the actual method of consultation should also be specified to ensure that there are public consultation events local to all communities likely to be impacted and that such events provide full access to information including maps, plans, photomontages and an opportunity to complete response forms.

4.38 It needs to be taken into consideration that not only communities immediately adjacent to a development may be impacted when issues such as potential increases in traffic, impact on tourism businesses , long distance visual impact need to be considered. The consultation needs to be inclusive of a range of interests and not limited by a prescribed distance.

Q.7 4.22 Pre-application scoping is an important stage in development of a proposal. CPRW proposes that the specified consultees be expanded to include specialists such as landscape bodies, local wildlife and archaeological trusts etc. LPAs are not necessarily well placed to advise on such issues and , indeed, may not have the appropriate in-house expertise. The remit of NRW is too far curtailed for them to be able to make rigorous, independent comment outside of designated sites and protected species. Identifying these additional bodies as mandatory consultees would ensure they receive timely and detailed information and have full opportunity to comment when appropriate.

4.25 Wide notification requires publication of a prominent press notice in all local papers on at least two occasions for the primary and any subsequently revised proposal .

Q.10 Five weeks is inadequate for a full response to major applications. Assessment work will need to be commissioned from independent professional bodies including time for supplementary questions and clarifications. Determination of large scale applications with potentially multiple environmental and community impacts requires all aspects to be addressed in depth. Two months should be an absolute minimum with three months available for the largest projects such as a large power generator or an airport terminal.

Q.11 It is completely unacceptable that any major long term development be determined in the absence of a detailed EIA. It would not be possible to assess any potential mitigation or to

determine the suitability of siting in the absence of such information. An EIA must be mandatory for all DNS proposals.
When a change is made to an application as a consequence of an impact assessment from a statutory consultee, then the consultee must have the opportunity to consider the change and its acceptability and implications. This should be an expert opinion and not left to the discretion of an individual Inspector who may not have relevant knowledge

Q.14 Electronic format is satisfactory for text documents but maps, plans and photomontages need to be viewed in hard copy to allow full understanding and comparison. Accessible locations with evening and weekend opening hours is essential to permit any interested party to view hard copies. Current under-use may be more due to inaccessibility than any other reason, particularly in rural areas. Where download speeds are poor on-line access to such materials can be impossible. Cost to the developer is irrelevant, availability to full information is critical. Documentation must be provided at consultation events and in local libraries.

Q.15 6.16 LIR topic areas must include socio-economic impacts. The omission of this important planning consideration should be rectified.

CPRW consider that there is no possible reason why LPAs should not be able to make a clear recommendation for approval or rejection in their LIRs and we would assert that this is essential to remove any ambiguity. LPA reports to NSIPS state their recommendation and it would be perverse and unhelpful to remove this for DNS.

6.23 Clarification is required regarding the scope of 'voluntary' LIRs, especially as no financial resource is proposed. For example reference to any Neighbourhood Plan would be essential. It is unreasonable that a thorough LIR be produced to a tight timescale complying 'with minimum (*unspecified)*requirements' but be unfunded. This shows a disregard for the value of 'voluntary' LIRs, community council input and localism.

Q.16 Again, 5 weeks is an insufficient timescale for the production of detailed LIRs by the LPA or by other bodies. This risks LIRs failing to meet the DNS requirements and being downgraded in status to an individual comment and , in the case of LPAs, loss of funding. There is also a danger of topic areas being covered superficially resulting in ill-informed decisions with potential for far reaching, long term consequences.

Q.18 A fixed fee to LPAs to produce an LIR is inappropriate. The fee needs to reflect the actual work and range of expertise required. A DNS may require a number of secondary consents or cover a large part of the Authority area necessitating considerable additional work. An LPA may reasonably commission expert advice and thus incur additional cost. They should not be deterred from necessary work to obtain accurate information by incurring irrecoverable fees. We would propose that the fee structure should be identical for PINS, WG and LPAs i.e. a fixed fee plus hourly rates for related work. Production of a DNS LIR should not compromise other routine planning work or, ultimately, be a cost on community tax payers.

It is inevitable that Town and Community Councils would incur some costs in preparation of a voluntary LIR. In order that they are not deterred producing a report the fee due to the LPA should include a fixed percentage that can be allocated to assist in the preparation of high quality voluntary LIRs.

Additionally, the fee structure needs to ensure that PINS have the necessary resource to carry out their duties in an efficient and timely manner. All documentation must be promptly and accessibly available on the programme website. Information on actual costs will be available from NSIPS who administer applications professionally and transparently. It is assumed that the WG would aspire to a similarly high standard of administration.

Q.19 As stated previously CPRW are concerned at non cost recovery fees and unrealistic timescales for LPAs. This is further compounded by proposing to exact penalties for missing deadlines or omitting information. This is likely to result in inadequate Reports; 'relegated' Report status; delays to other local planning matters, and possible financial penalties for Authorities already experiencing considerable budget pressures. The cost and impact of these issues will ultimately fall on the local tax payer.

These fee, timescale and penalty proposals effectively undervalue the contribution of the Local Authority; their local expertise and knowledge of local issues, and their locally consulted Development Plans. They will also place unrealistic burdens on reduced LPA teams and further disempower communities.

The Local Impact Reports will be amongst the most important pieces of information provided to the Inspector. CPRW trusts that the WG will take this opportunity to rethink fee and penalty proposals and ensure that LPAs are assisted to produce LIRs of the highest quality and thoroughness.