

**The Mid Wales (Powys) Conjoined Public Inquiry into
5 Windfarm Applications and a 132kV Overhead Electric
Line Connection**

**Opening Session
Alliance Opening Statement**

Preface

- 1.1 The Alliance summarised its overall position in relation to this Opening Session in ALL-007. Its Statement of Case (ALL-008) is supported by two Session Papers (ALL-009 and ALL-010) which are supported, in turn, by documents collected together at ALL-011. All parties will have seen that material and I do not propose to summarise it here. But I leave this important marker. In that material the Alliance takes the reader back to original source material. That is an important point given the passage of time and the inevitable occasional 'gloss' which sometimes appears over what was said or done in the past - and why.
- 1.2 It may, nevertheless, be convenient to restate the essential essence to be drawn from that material:
The Alliance:
- (i) highlights the fact that by recent revision (February 2011) the original WAG Energy Policy target has, together with the capacity targets for SSAs, been

abandoned (see ALL-011B Tab 10 and the removal of related references in PPW¹);
and

(ii) notes how this marks a fundamental and far-reaching sea-change in policy.

But the Alliance also demonstrates:

(iii) that the process by which TAN 8 and the inextricably connected identification of SSAs emerged was seriously and fundamentally flawed; and, as a result,

the Alliance's case is that

(iv) no weight at all should be given to:

(a) any element of current PPW

(b) or any element of TAN 8 (as now amended)

(c) or of any related guidance

which is referable back to TAN 8 being a delivery mechanism for delivering enumerated onshore wind Energy Policy Targets.

Introduction

2.1 TAN 8 (2005), a Technical Advice Note designed to serve existing planning policy, was so fundamentally different from the policy it was supposed to serve that the very policy had to be adjusted (by MIPPS) to make that policy fit the Technical Advice Note. It was designed (it was said) to give effect to a pre-existing Welsh Energy Policy - which was immune from question and beyond debate. It did so by setting

(i) enumerated

(ii) onshore wind sector

(iii) energy policy

(iv) targets

(v) to be met.

And, in order (and only in order) to fulfil each of those elements,

(vi) SSAs were devised and created.

2.2 The process by which this cruel rod for the back of Mid Wales was devised, promulgated and adopted has raised deep-seated concerns – even anger. That anger will not diminish, but it is not a matter which the Alliance brings to the CPI. It brings evidence and it brings analysis to show that the process by which TAN 8 emerged was (and remains) irretrievably flawed. The Alliance directly addresses the weight to be given - in the decision-making

¹ Such as eg at PPW/3 (2010) pp 169 and 170 §§12.8.4, 12.8.7 and 12.8.8 when revisited by replacement paras at PPW/4 (2011) pp172, 173 §§12.8.13 and 12.8.14 (and carried forward to PPW/5 in the same terms). [ALL-011A Tabs 4, 5 and 6]

process - to TAN 8 (and to everything which it has influenced). It does not come to the CPI looking for endorsement of the language of “*duped*” and of “*conned*” referred to by the Welsh Sustainable Futures Commissioner². But it does invite the CPI to pay particular attention to the fundamental principles applicable to all consultation (set out at ALL-008) when reviewing the sorry history of the conception, gestation and adoption of TAN 8 when deciding on the weight to be attached to TAN 8 - and all derivative or associated materials.

- 2.3 So far as it affects current Welsh policy and guidance, the Alliance’s position is that TAN 8 (and its derivatives) should be afforded no weight for the reasons set out in the Alliance Papers.
- 2.4 But, in any event, its expressed purpose of being a delivery mechanism for delivering that enumerated energy policy Target is spent - because there is now no enumerated Welsh onshore wind energy Target to be delivered.
- 2.5 TAN 8’s tainted history must also be unravelled from all derivative material. A short history of TAN 8 and Targets revealed by the Alliance Papers is sufficient for the purposes of this Opening Statement.

Emergence of Energy Policy Targets to be met

- 3.1 So, what was that earlier Welsh energy policy from which these enumerated targets to be met emerged? It was a policy consulted upon by the EDC in 2002³ which, having first offered and then specifically rejected any ‘target’ because it would imply an ultimate goal, was expressed as a ‘benchmark’ of 4TWh pa against which Wales’s vision for and contribution to, renewable energy⁴ might, over time, be measured⁵.
- 3.2 During the process of consultation on that benchmark, the people of Wales (and possibly others from further afield) responded to the invitation to comment on the options offered. The EDC’s Final Report (2003), which followed this Consultation exercise, set out some “*Myths and Legends*” which had emerged from Consultees during that period. That Report stated, in terms, that:

² ALL-009 p20 §12.2 and [ALL-011E Tab 3].

³ ALL-009 p2 section 2, ALL-010 p3 section 1.

⁴ EDC 2002 pxi §13. [ALL-011D Tab 1]

⁵ ALL-009 p2 section 2, ALL-010 p3 section 1.

In the course of the consultation a number of claims were made that do not have much substance when viewed dispassionately against the facts. Some of these have gained popular credence and risk distorting this important debate. The Committee felt it worthwhile to respond to a few of the main ones by setting out the facts on them. ...⁶

Amongst those myths and legends singled out for special attention was a reference to concern over the number of wind turbines which might emerge if the policy were to be taken forward. The same message as already had been given in the earlier Consultation Document⁷ was restated. From amongst all the options which had been considered (and which had been offered as such to Consultees), it was said that:

The option with the greatest contribution from on-shore wind would require about 200 extra turbines.⁸

Fact, not myth.

- 3.3 The 'benchmark', based on that option, then ultimately fell into the hands of a select working group appointed in 2004 by WAG⁹. The benchmark (which had been drawn with a 3-way split amongst renewable energy technologies) was manipulated so as
- (i) to skew the benchmark heavily in favour of on-shore wind,
 - (ii) to raise it from being an 'inclusive' figure to being one for net additional provision, and
 - (iii) turned it from being a benchmark (deliberately set as such without any goal) to being an onshore wind Energy Policy Target - to be met.

All without consultation on any one of those steps.

- 3.4 Arup (a well-known firm of engineers) was set the task of finding a way to deliver that Target. They worked to the brief given to them – of which a mechanism for delivering that Target was a primary element. The history is traced in ALL-009 and ALL-010 and is not repeated here. The engineering solution to the brief was
- (i) 400-600 onshore wind turbines, spread amongst
 - (ii) 7 SSAs
 - (iii) into which the turbines (and all of them) would be squeezed (otherwise the Target could not be met).

⁶ 2003 EDC Report p27. [ALL-011D Tab 2]

⁷ EDC 2002. [ALL-011D Tab 1]

⁸ 2003 EDC Report p31 §7. [ALL-011D Tab2]

⁹ ALL-009 p2 section 2, ALL-010 p11 §2.9 *et seq.*

- 3.5 Arup saw the enormity of the prospect and recommended an extensive consultation process. That did not happen¹⁰. (The requirements of and for genuine consultation are summarised at ALL-008.)
- 3.6 So, at the same sized turbine considered by the EDC, the benchmark figure of “*at most*” 200 new turbines across Wales as a whole had been turned round by the TAN 8 processes, within a little over a year, to become a Target to be met (and delivered) of 400 or even 600 turbines (fact, not myth). All with no consultation over adopting an (undeveloped¹¹) enumerated onshore wind energy policy Target to be met.
- 3.7 And where would the 400 or more additional turbines go? They would be pressed into 7 SSAs created for the purpose. And the reason?
*To maximise the economies of scale ... to help facilitate the provision of new electrical grid infrastructure.*¹²
 Or, as expressed in their Brief, simply:
*... to maximise economies of scale*¹³
- 3.8 And why was a ‘concentration’ approach adopted (as opposed to the usual ‘dispersal’ approach designed to reduce cumulative impact)? Because without a ‘concentration’ approach’, the new enumerated Target could not otherwise be met¹⁴.
- 3.9 And why were SSA B and SSA C chosen when otherwise they would have been ‘sieved out’ for want of available proximate grid capacity? Because although the existing grid could not take it, SP Manweb had a scheme for ‘wooden pole and line’ enhancements to the existing LAN at 132kV which would also enhance the LAN regarding consumer requirements¹⁵.
- 3.10 The consultation draft TAN was published just in time to avoid being “*caught*”¹⁶ by the SEA Regulations which WAG had just made¹⁷ - and which had been ‘on the cards’ since 2001.

¹⁰ See ALL-009 section 6, ALL-010 §§3.1-3.4.

¹¹ TAN 8 §1.3. [ALL-011B Tab 6]

¹² Arup 2004 p74 §6.2. [ALL-011C Tab 1]

¹³ Arup 2004 p41 “Stage 2 Brief”. [ALL-011C Tab 1]

¹⁴ ALL-010 p13 §2.13.

¹⁵ ALL-009 p6 §5.2.

¹⁶ WAG’s language: see ALL-011B Tab 1.

¹⁷ The SEA Directive (2001/42/EC) was made on 27th June 2001, and the final date for implementation was “*before 21 July 2004*” (Art 13).

The die was thus cast. Consultees who questioned the Energy Policy Target were rebuffed¹⁸. TAN 8 was the delivery mechanism for that onshore wind energy policy and its targets¹⁹ and everything else flowed from that. TAN 8 was such a departure from the Planning Policy which it was designed to serve, that the very policy itself had to be adjusted (by an Interim Policy Statement²⁰) to meet the 'technical guidance'. Vigorous tail wagged dog.

- 3.11 For the reasons expressed in the Alliance materials, TAN 8 (and the parts of PPW/5 to which it gave rise), and any other related policy or guidance, so far as is referable (directly or indirectly) to onshore wind energy policy targets, should have no weight. The tainted legacy should be unravelled from all policy and guidance which it has influenced.

Targets Removed

- 4.1 But that is not an end to the story. It seems tolerably clear that WAG came to recognise not only that
- (i) it had no business making Energy Policy of the kind which it had (as recognised on the face of TAN 8 itself) but that
 - (ii) it should, actually, do something about it.
- And so it was that, whilst the germ of a recognition popped up in the 2010 LCREPS²¹, and clear clues appear in the CCSW published later in that year²², in February 2011 the enumerated Welsh Energy Policy Targets to be met were abandoned: at a stroke. TAN 8 was modified by
- (a) removal of the Targets,
 - (b) removal of the most directly related paragraphs in the text,
 - (c) removal of Annex A, and was coupled with
 - (d) a parallel invocation at §10 of the 'Dear Colleague' letter to read the remaining passages of TAN 8 in the light of those amendments²³.
- PPW, which (together with MIPPS), had for an equal number of years carried the language of TAN 8, Targets to be met, and cross-references to TAN 8's Target capacities was also radically altered in its language to suit²⁴.

¹⁸ ALL-009 p9 section 6, ALL-010 p16 §3.3.

¹⁹ TAN 8 §1.5. [ALL-011B Tab 6]

²⁰ MIPPS 01/2005 [ALL-011A Tab 2]

²¹ ALL-010 §3.6 *et seq.*

²² ALL-010 §3.6 *et seq.*

²³ ALL-011B Tabs 7 and 10.

²⁴ See §1.2(i) above.

4.2 The Alliance Paper ALL-010²⁵ demonstrates the demise of these Targets to be met. The broad picture can be seen at a glance by comparing ALL-011B Tab 10 with the original version of TAN 8²⁶. Welsh Energy Policy Targets to be met for the onshore wind sector have gone: they no longer exist.

4.3 Borrowing the language of 2003, perhaps this would be the time to address a number of claims which appear to have gained credence and risk distorting the important debate at this CPI. Another myth or legend can now be clearly dispelled because:

There are (now) no Welsh Energy Policy Targets to be met for Onshore Wind;

Equally:

There are no UK Energy Policy Targets to be met for Onshore Wind.

4.4 But the enumerated Welsh Targets had also given rise to the need for and the identification of the SSAs and the reason for their number and size. There is now no need, or if there is any asserted, it has not been informed and tested by any or any structured SEA process. SSAs are the footprints left by the tainted but abandoned Targets. The Targets gave rise to what was said to be the 'implicit' recognition that the SSAs would become windfarm landscapes and that cumulative impacts should be accepted - not only in principle, but as an objective so as to fulfil their rôle. All that is now gone: the legacy must be unravelled. Windfarm proposals and their associated infrastructure and other off-site effects should now be considered on their own merits (as they say) taking account of relevant legislation and policy untrammelled by

- (i) the tainted legacy of TAN 8, or
- (ii) the Targets to be met which it had introduced, or
- (iii) any 'implicit' consequences of, or influences felt by, their earlier manifestation.

4.5 The Alliance recognises that PPW/4 and now PPW/5 still refer to SSAs, but they are perpetuating the tainted legacy of TAN 8, which still carries its Annex D written in furtherance (i) of meeting Targets (ii) within SSAs (iii) created for that purpose. They were created to be crammed so that the Targets could be delivered. There was

- (i) no SEA for the role for which they were first designed and
- (ii) there has been no SEA to inform their new role.

²⁵ ALL-010 section 3.

²⁶ ALL-011B Tab 6.

Just as with the Targets and everything which arose to support them, they now have no weight at all: they are tainted footprints. They are referable back only to TAN 8 being a delivery mechanism for delivering enumerated onshore wind Energy Policy Targets, and have not been assessed in any SEA process.

Sea Change: TAN 8, Targets and Participants' material

- 5.1 It seems, however, that the culture of Targets to be met runs deep and a number of participants at the CPI seem to give no weight to (or even to recognise) the February 2011 amendments to TAN 8 and to PPW/3 - which took the Targets away.
- 5.2 It is fair to note first, that those amendments to TAN 8 are not currently flown from the highest flagpole on the WG website, but they can be found. And the 'summary of changes' which accompanied PPW/4 does not exactly spell out that they have gone either²⁷.
- 5.3 The short point is, however, that nowhere, not even in the WG material submitted to the CPI, do those amendments to TAN 8 (and PPW) seem at any stage to have been highlighted - other than in the Alliance material. Despite the fact that the Promoters had drawn heavily from TAN 8 and Targets in their ES material, no reference is made to it in the Promoters' self-congratulatory SoCG. Even then and, despite the 2011 amendments, it still refers to Welsh energy 'targets'²⁸. The amendments and deletion of Targets are not even noted and dismissed as irrelevant, and nor is any discussion addressed to any question of significance one way or the other. And there is no mention of para 10 of the 'Dear Colleague' letter²⁹ which invites the reader to address the parts of TAN 8 which remain in light of the Targets having gone.
- 5.4 The Alliance sees those amendments as reflecting and heralding a sea-change whose influence needs to be explored. That is the decision-maker's duty. So what have other parties at the CPI made of the Welsh Energy Policy Targets to be met in the past, and in what way do they recognise the effect of their abolition in their material submitted to the CPI to date? As the Alliance will show, the amendments are almost universally unrecognised and material submitted prior to the amendments (and relying heavily on the

²⁷ ALL-011A Tab 5.

²⁸ See eg Promoters' SoCG §§7.18, 7.19, 7.28, 7.29, and 7.35 (which recites failure to agree amongst themselves in any event).

²⁹ ALL-011B Tab 7.

original TAN 8 and PPW) has, universally, not been revisited in order to engage with the sea-change in policy and approach.

Powys CC

- 5.5 PCC's approach prior to February 2011- as evidenced by the SSA B and C Reviews³⁰ and the IDCG material³¹ prepared in the past - has been to adopt and to work with the SSAs and the Targets as Targets to be met. (The Alliance returns to the weight and status of the IDCG below.)
- 5.6 In its original Policy SoC (as traditionally so-called)³² PCC flagged TAN 8 but was silent as to its amendment. In its updated Outline Statement, it referred to what were described as TAN 8 capacity guidelines, but its position is most closely addressed by Mr Carpenter in the SoC for this Opening Session.
- 5.7 That SoC notes that UK Government does not consider it appropriate for planning policy to set energy targets³³ (although the full text addresses sectoral targets). It then addresses TAN 8 capacity levels at section 4. The language, throughout, is referable to the 'Targets' set out as Welsh onshore wind energy policy targets to be met. In that section 4 the SoC recites that TAN 8 is a means of delivering the Targets – which it undoubtedly did set out to do (this likely a reference to TAN 8 §1.5). It refers to the 800MW target, to Table 1 and to para 2.5³⁴ without express recognition that they are all gone. In the conclusion, the Statement affords TAN 8 "*substantial weight*": but without clear reference to TAN 8's *raison d'être* expressed at its §1.5 - and from which the Statement so fundamentally draws - having evaporated. The Statement also introduces PCC's IDCG³⁵. The tone of the IDCG (2008) reproduced at Appendix 1 to the Statement shows its genesis as a delivery mechanism (i) for TAN 8 Targets (ii) in SSAs (see eg its paras 4.5 and 6.7 in particular). It is as tainted as was TAN 8 by the lack of related consultation etc for TAN 8, but it also carries no weight because it promotes Energy Targets to be met which have now gone.

³⁰ ALL-011C Tab 4 and Arup 2006 Review cross-referred to therein.

³¹ See A^x 1 to PCC O/S SoC.

³² Listed as "OBJ-002-PLA-SOC-1 Powys CC_Policy Statement of Case_09.04.13".

³³ MC p10 §2.20.

³⁴ MC p30 §§4.2, 4.3.

³⁵ MC p33 §4.12 *et seq.*

5.8 Further, it perpetuates the determination to accept landscape change within the RSSAs - perpetuated by TAN 8 A^x D only because of the policy objective of meeting a Target³⁶ (addressed further, below). And all without any SEA.

NRW

5.9 NRW speaks through Mr Minto for this Opening Session.

5.10 NRW's principal goal in relation to policy appears to be to defend WG's energy policy against an anticipated claim that Welsh Energy policy is in conflict with the NPSs because of its reliance on sectoral targets. NRW states - boldly - that WG "*policy on renewable energy relies heavily on targets*"³⁷. NRW's position is that there is "*no necessary conflict*"³⁸ with UK policy in that regard. The thesis emerges later. It is that, whilst (i) there are SSA targets (for onshore wind), which should be treated as "*the maximum limit as well as a minimum*"³⁹ (sic), (ii) these are not sectoral targets frowned on by UK Policy. The Alliance does not accept that position. The TAN 8 onshore wind energy Targets to be met were just such sectoral Targets. And to the extent that any figure for current onshore wind energy 'aspiration' is given anything like the weight of a policy target to be met, so will it be as well. NRW, by clear inference, also seems to regard the PPW/4 and PPW/5 2GW aspiration as a Target to be met⁴⁰. It isn't now and never was - and deliberately so.

5.11 NRW makes a different point, however, to the effect that the Griffiths Letter (6th/7th July 2011)⁴¹ expresses a 'tipping point' beyond which installed ('nameplate') capacity should not go⁴². That tipping point is the place at which 400kV lines and/or new Hub are called for. Expressed in that way, the Alliance agrees. But it is not the Griffiths 'capacity' figures which mark that tipping point, it will be the assessment (after largely technical analysis with which the CPI will need to grapple), of where the point lies which will inform that position. (The Alliance addresses this further in the context of a 'capacities' discussion, below).

5.12 To return to Targets, we have already seen that NRW states that WG "*policy on renewable energy relies heavily on targets*". The February 2011 amendments to TAN 8 and

³⁶ ICDG at MC A^x 1 §6.7.

³⁷ NRW SoC §8.

³⁸ NRW SoC §4.

³⁹ NRW SoC §14.

⁴⁰ See eg NRW SoC §20.

⁴¹ ALL-011B Tab 9.

⁴² NRW SoC §15.

associated changes to PPW/4 carried over to PPW/5 may have slipped NRW's mind, or perhaps have simply gone unnoticed (NRW would not appear to be alone if that is the case). But NRW's description is, with all respect, just wrong. There are now no Welsh Energy Policy Targets (except in the fields of devolved competence: see the Climate Change Strategy (CCSW, 2010)⁴³. But, for matters being addressed by this CPI, WG does have a single 'aspiration' referenced in PPW/4 and PPW/5. This was introduced alongside the amendments to TAN 8 (and PPW/3) which took enumerated onshore wind energy policy Targets away.

- 5.13 NRW's references to the 'aspiration' as being a 'Target' of 2GW (at eg §20 and at §23) may be because of working for many years with an underlying culture of Welsh 'Targets', but it is simply misplaced. It is an 'aspiration'. (The Alliance notes that the 2GW is itself based largely on numeric values and methodologies previously established in order to pursue a Target to be met, but that aspect is addressed further below in the context of 'capacities'. We can note, for now, that NRW speaks (at para 19) of the original TAN 8 figures permitting a discretion below the higher Garrad Hassan figures which were once set out at TAN 8 §2.5. But NRW has not expressly recognised that the 2GW 'target' (as they call it) is, effectively, those Garrad Hassan figures - so no discretion would actually remain. This aspect is also addressed further below under the topic of 'capacities').
- 5.14 NRW's SoC provides a helpful Brief Summary⁴⁴. It underscores, time and again, NRW's understanding that there are Welsh RE 'targets'. Overall, the short point is that NRW still fastens onto 'Targets', when there are now none. Still less any for which there is a policy objective that they should be delivered.
- 5.15 The Alliance does, however, find much common ground with NRW over Grid Connections.
- 5.16 What then, of the Promoters and Welsh energy policy 'Targets'? How have they responded to the sea-change?

⁴³ ALL-011D Tab 9.

⁴⁴ NRW SoC §47 *et seq.*

LLANDINAM / CeltPower (LDM)

5.17 In its original ES (2008) Llandinam reported that its proposal lies almost entirely outside of SSA C⁴⁵. Perhaps for that reason, it said little about SSA targets or TAN 8 Annex A (although it drew from para 8.4 of Annex D (landscape change, cumulative impact), which is a matter which later CPI sessions will address).

5.18 Its SEI of December 2011 seems essentially to pick up points made in the Planning Appraisal (see below). It states that the proposal is now within the revised SSA C boundary, giving a strong presumption in its favour⁴⁶. The Feb 2011 amendments to TAN 8 seem not to be mentioned and reliance is still placed on 'Targets'. The 'Target' relied upon is the 'aspiration' of 2GW set out in PPW/4⁴⁷.

5.19 A Planning Appraisal accompanied the 2011 SEI. It tells the reader that:

*"This appraisal is to supersede the original planning appraisal which accompanied [the 9th May 2009 application]."*⁴⁸

It flags (*inter alia*) PPW/4 and TAN 8 as being "*relevant to the proposal*"⁴⁹. It refers to PPW/4 (Feb 2011) in some detail at section 4, drawing from it repeated references to TAN 8, but with no mention of the amendments to TAN 8 to remove Targets which were made at the same time as PPW/4 was issued - replacing energy policy targets to be met with 'aspiration'⁵⁰.

5.20 It also makes repeated reference to the LCREPS (2010)⁵¹ adopted prior to that date but still, nevertheless uses the language of 'Targets' throughout that section of the Planning Appraisal. The section dealing specifically with TAN 8 makes no mention of the amendments to TAN 8 and continues to draw heavily from the (by then) already superseded Annex A to TAN 8, the TAN 8 Targets, and the Powys IDCG referable (in turn) back to TAN 8, SSAs and Targets⁵². At section 4 it emphasises and draws heavily from the direct link between Powys IDCG guidance and TAN 8 and its Targets (still without acknowledging that the targets had already gone). The section dedicated to assessing how

⁴⁵ LDM 2008 ES §5.4.5.

⁴⁶ LDM 2011 SEI §5.4.2.

⁴⁷ LDM 2011 SEI §5.4.4.

⁴⁸ LDM 2011 Planning Appraisal p1 §1.1.

⁴⁹ LDM 2011 Planning Appraisal p3 §1.13.

⁵⁰ LDM 2011 Planning Appraisal p8 §3.2 *et seq.*

⁵¹ ALL-011D Tab 8.

⁵² LDM 2011 Planning Appraisal p11 §3.13 *et seq.*

Wales “*measures up to the Targets*” does not refer at all to the absence of enumerated onshore wind energy Targets for Wales, preferring instead to refer to

“*the targets for installed capacity as set out in the PPW4 and TAN 8.*”⁵³

- 5.21 The subsequent 2013 SEI confines itself to policy changes since the Planning Appraisal which accompanied the 2011 SEI. That could well be why no mention is made of the amendments to TAN 8 in that SEI either (presumably because they had been made before the 2011 SEI was published, even although not picked up in it).
- 5.22 Llandinam’s SoC for this Opening Session is provided by Brodies who produce the SoC and rely upon Mr Frampton’s evidence submitted simultaneously.
- 5.23 The Llandinam site is now described in the SoC as being outside of but close to the boundary of SSA C⁵⁴. The SoC also refers to ‘Targets’⁵⁵, but does not appear anywhere to refer to the 2011 amendments to TAN 8 which removed them. At its Annex 1, the ‘Hearing Statement’ refers to the 2GW ‘aim’ from the LCREPS (now described as an ‘aspiration’ in PPW/5) but similarly describes the objective of meeting the TAN 8 ‘Targets’ also as an ‘aim’⁵⁶ (ie, their different rôles are undifferentiated and elided). It points out (correctly) that the SSAs were a direct response to meeting the TAN 8 Targets (as Targets)⁵⁷. Section 16, headed ‘TAN 8 Targets’, refers to the (already removed) para 2.5, and claims that TAN 8 does not militate against achieving the Garrad Hassan figures without recognising the limitations of the GH work⁵⁸ (addressed below by the Alliance). Nor does this material refer to the fact that TAN 8 para 2.5 (and Table 1) has been removed by amendments to TAN 8 made over two years before. The quotation from the Brechfa EA’s report⁵⁹ leaves at least a doubt as to whether or not he had been alerted to these amendments to TAN 8 either.
- 5.24 The analysis of TAN 8 and associated material offered in the Llandinam Hearing Statement does not appear to recognise the amendments to TAN 8 either – confirmed by its reference

⁵³ LDM 2011 Planning Appraisal p31 §5.43 *et seq.*

⁵⁴ LDM SoC §5.3.4.

⁵⁵ Eg at §5.3.5.

⁵⁶ LDM SoC Annex 1 §12.4.

⁵⁷ LDM SoC Annex 1 §12.4.

⁵⁸ ALL-011C Tab 2.

⁵⁹ LDM SoC Annex 1 §16.6.

to TAN 8 §2.5 and Table 1⁶⁰. The analysis of the 'Route Map for Wales'⁶¹ does not highlight its status as a Consultation Document nor refer to it having been drafted when TAN 8 Targets were still Welsh energy policy Targets to be met. The Hearing Statement maintains further references to Table 1 and to §2.5 of TAN 8 (without again, noting that they are now gone)⁶².

LLANBADARN FYNYDD / Vattenfall (LFD)

5.25 Llanbadarn Fynydd submitted a Planning Statement with its original application along with the 2007 ES⁶³. It addresses PPW/1 as amended by the MIPPS (01/2005) and draws various references to TAN 8 Targets from it⁶⁴. It does the same for the section addressing TAN 8⁶⁵ drawing heavily from its para 2.5, Table 1 and its Annex A. Describing TAN 8 and MIPPS as a

"key issue", to which

"specific attention does need to be drawn"

it emphasises that

"there is now a specific policy to secure 800MW ... "

to be drawn from MIPPS 01/2005⁶⁶.

The document continues much in the same vein – all supporting the claim that, in relation to the UK strategy but also the WAG energy policy target of 800MW, the scheme would make a significant contribution, and that:

*"The weight that needs to be given to this cannot be over-emphasised when any balancing exercise has to be undertaken."*⁶⁷

5.26 Supplementary ES material came forward in July 2008 and in September 2010. In February 2013 yet further SEI material came forward which (*inter alia*) sought to update the original 2007 'baseline'⁶⁸. The opportunity to update the 2007 planning statement to take account of the Feb 2011 amendments⁶⁹ does not appear to have been taken.

⁶⁰ See Frampton (LDM) Proof p34 §3.9 *et seq.*

⁶¹ Frampton (LDM) Proof p40 §3.25 *et seq.*

⁶² See eg Frampton (LDM) p103-104 §6.21 and §6.22.

⁶³ LFD Planning Statement November 2007.

⁶⁴ LFD Planning Statement p31 *et seq.*, section 4.7.

⁶⁵ LFD Planning Statement p35 *et seq.*, section 4.8.

⁶⁶ LFD Planning Statement p38 §4.11.

⁶⁷ LFD Planning Statement p26 §3.6.11.

⁶⁸ See eg LFD 2013 SEI 2nd unnumbered page.

⁶⁹ ALL-011B Tabs 7 and 10.

- 5.27 In its Outline SoC, Llanbadarn Fynydd recited and relied upon the 800MW Target for onshore wind - with no reference to its abandonment⁷⁰.
- 5.28 In its SoC for this Opening Session, Llanbadarn Fynydd addresses the Welsh Renewable Energy Policy Context⁷¹. It describes the general thrust of those policies as being to 'maximise' RE generation towards meeting 'targets'⁷². The Alliance takes issue with 'maximise' (see ALL-010⁷³), but nowhere is there any recognition that there is no relevant extant Welsh RE generation Target in any event. Targets are again referred to in various places in section 4.4 of the SoC but (i) the 2GW 'aspiration' is also described as a 'target' and (ii) nowhere is it made plain that TAN 8 and PPW Targets to be met have gone. In section 5.3, the 2GW 'aspiration' in PPW/5 is again described as a 'target'.
- 5.29 Section 5.4 of the SoC addresses TAN 8, and makes specific reference to its para 2.5 and Table 1 without recognising that they are gone, and nor do the concluding paragraphs recognise the position⁷⁴. The references from the Brechfa decision again leave doubt over whether or not the amendments to TAN 8 made in Feb 2011 were to the fore – the context suggests that the 'amendments' referred to are a shorthand reference to the July 2011 'Griffiths Figures'⁷⁵. Paragraph 5.8.5 stresses the message that SSA targets are not definitive capacities without again, noting that TAN 8 / PPW targets no longer exist.

LLAITHDDU / FWLC (FWL)

- 5.30 Llaithddu, in its original ES (April 2008) state that:

*"In order to meet the target for onshore wind production [SSAs] have been identified where onshore wind developments should be concentrated."*⁷⁶

The Alliance agrees with that expression of cause and effect: that is part of its case. (The SSAs were devised to serve targets to be met – and there are now none.) The ES appears to contain little further direct analysis pertinent to the Opening Session, although TAN 8 and its targets appear again at its A^x 6.5⁷⁷, together with the familiar

⁷⁰ LFD Outline SoC p5 §5.3 (seemingly undated). Listed as 'FWLC-OSOC Outline Statement of Case FferWynt laithddu'.

⁷¹ LFD O/S SoC p18 section 4.3.

⁷² LFD O/S SoC p18 §4.3.2.

⁷³ Eg at § 3.6 *et seq.*

⁷⁴ LFD O/S SoC p23 section 5.3, and p28 section 5.8.

⁷⁵ LFD O/S SoC p25 §§5.6.1 - 5.6.7.

⁷⁶ FWL ES 2008 p31§4.95.

⁷⁷ FWL ES 2008 A^x 6.5 at eg §§11, 12.

reference to TAN 8 Annex D relating to landscape and cumulative impact etc⁷⁸
written in the context of delivering targets to be met (see eg ALL-009 §5.10).

- 5.31 In its SoC for this Opening Session, Llaithddu does not address the Feb 2011 changes to TAN 8 nor the simultaneous dropping of targets to be met from PPW/4 (2011) (and maintained for PPW/5 (2012)). It contains a section devoted to addressing SSA C Targets (section 5) and to analysing them in some depth. The SoC describes them as “*effectively out of date*”⁷⁹ because 2010 has passed: more than that, they are gone, but this is not acknowledged. Reference is also made to the Brechfa Report⁸⁰, in respect of which the same observations as made above apply.

CARNEDD WEN / RWE npower (CWN)

- 5.32 The 2008 ES drew from TAN 8 and MIPPS 01/2005 which it drove. It refers to the policy that 800MW of onshore wind

“ *... should be provided.*”⁸¹

It also recites how

“*Delivering the targets through the planning system is at the core of TAN 8.*”⁸²

and draws also from TAN 8 A^x A⁸³. The accompanying Planning Statement recites the message from TAN 8 that:

“ *... the SSAs ... are of key importance to the achievement of energy policy targets ...* ”⁸⁴

Like other Promoters’ material, the ES also draws from TAN 8 A^x D in relation to cumulative impact and landscape change in the SSAs so devised⁸⁵.

- 5.33 The September 2011 SEI does not appear to refer to the Feb 2011 amendments.

- 5.34 In its Outline SoC Carnedd Wen drew support from the TAN 8 capacity target for SSA B set out in TAN 8 Table 1 without acknowledging the demise of Targets⁸⁶.

⁷⁸ FWL ES 2008 A^x 6.5 at §31.

⁷⁹ FWL O/S SoC p20 §5.31.

⁸⁰ FWL O/S SoC p23 §5.48.

⁸¹ CWN ES 2008 Ch5 p11 §50, and associated Planning Statement p19 §4.4.

⁸² CWN ES 2008 Ch5 p12 §54, and associated Planning Statement p21 §4.8.

⁸³ CWN ES 2008 Ch5 p12 §57.

⁸⁴ CWN Planning Statement 2008 p21 §4.10.

⁸⁵ CWN ES 2008 Ch6 p38 §165.

⁸⁶ CWN OSOC 21.01.2013 p8 §5.1.5 listed as RWE-OSOC Carnedd Wen Outline Statement of_Case

5.35 In its SoC for this Opening Session Carnedd Wen addresses TAN 8 at section 3. There is no mention of the Feb 2011 amendments to TAN 8 nor of changes to PPW since the ES was submitted. That omission may explain the reference to Welsh 'renewable energy targets'⁸⁷ although the word 'target' does not seem to appear again in the context of Welsh policy. Although TAN 8 Table 1 is highlighted, that appears potentially equally referable to Arup's assessed capacity as to a Target to be met⁸⁸. It is not immediately obvious that the Feb 2011 amendments have necessarily been overlooked, but they are not recognised. (The exposition offered of asserted compatibility of Carnedd Wen with its proposed location is a matter for later topics and not addressed here.)

5.36 The SoC also addresses 'capacities' which is addressed further, in a separate section, below.

LLANBRYNMAIR / RES (LBR)

5.37 As with others recited above, the original ES for Llanbrynmair (2008) set out the rationale for the SSAs. It recited WAG's strategy to meet targets and its recited need for 800MW and continued:

*"... the best way to achieve this goal was to specify preferred areas in Wales [ie SSAs]."*⁸⁹

It returns to TAN 8 targets at a later stage and, unusually amongst the Promoters, then describes the potential contribution from the proposal by reference to the "*aspirational target*" of 290MW for SSA C (an obvious slip for SSA B)⁹⁰. Inevitably, reliance is placed on TAN 8 Annex D para 8.4⁹¹.

5.38 In its 2nd SEI material (2011) Llanbrynmair had a section 3 addressing policy updates since the original ES (2008). Amongst the changes addressed was PPW/4 (2011). This was the version of PPW which accompanied the abandonment of Targets to be met within its terms. It came at the same time that TAN 8 was amended in the manner illustrated at ALL-011B Tab 10. No mention is made of this, but the 'aspiration' from PPW/4 is here described as an "*indicative energy target*"— language which some may consider to be stronger than the "*aspirational target*" used in 2008 to refer to TAN 8 policy targets to be met. Nevertheless,

⁸⁷ See eg CWN O/S SoC p28 §3.4.

⁸⁸ CWN O/S SoC p38 §3.30(ii).

⁸⁹ LBR ES 2008 Vol 2 p13 §2.7.14.

⁹⁰ LBR ES 2008 Vol 2 p19 §2.10.2.

⁹¹ LBR ES 2008 Vol 2 p148 §5.9.18.

there does not appear to be any reference to the TAN 8 (and PPW) Targets to be met (however described) having been abandoned.

5.39 In its SoC for this Opening Session, Llanbryn-mair refers now to TAN 8 Targets as “*targets*”⁹². (The ‘Dear Colleague’ letter of Feb 2011 does not appear in the list of references⁹³.) In much more direct terms than in its 2008 or 2011 material, it describes the TAN 8 targets as targets to be delivered and describes how:

“ ... *specific figures were ascribed to each of the seven SSAs in TAN 8 to secure the delivery [of 800MW] ...* ”⁹⁴

Again, the recitation of the purpose of SSAs, and of cause and effect, chimes with the Alliance’s case. But the point here is that the TAN 8 figures are presented in the SoC

- (i) as targets to be met (although already abandoned two years earlier) and
- (ii) as to characterise the ‘Griffiths Letter’ as having raised those Targets to be met.

First (and as addressed below) the Griffiths Letter does not even purport to address targets: it recites ‘capacities’ but second, it simply cannot amend Targets to be met - because there are no longer any Targets to be met which can be amended (and there have been none since Feb 2011 at the latest). The current policy is expressed as an ‘aspiration’ - very different - and deliberately so.

5.40 The remainder of the SoC builds upon the same misconceptions and ultimately concludes that there is a figure of:

“ ... *1700MW which is required to be built*”⁹⁵

and that there is a

“ ... *capacity which is required from SSA B ...* ”⁹⁶

and that there is a

“ ... *target figure ...* ”for SSA B⁹⁷.

None of this can be so on any reading of Welsh Policy. There are no Targets, still less any Targets to be met (in this context), still less for any particular SSA - or at all.

5.41 And, to the improbable extent that there may be any doubt at all as to the intention of Welsh Policy, the matter is clearly summed up by the WG’s response (in October 2012) to

⁹² See eg LBR O/S SoC p5 §§1.4 and 1.5 (c).

⁹³ LBR O/S SoC p18 §9.

⁹⁴ LBR O/S SoC p6 §2.1.

⁹⁵ LBR O/S SoC p10 §2.9.

⁹⁶ LBR O/S SoC p12 §4.3.

⁹⁷ LBR O/S SoC p13 §4.3.

the Report of the Environment & Sustainability Committee (Energy Policy and Planning in Wales) (which had recommended action measured against targets). WG said that:

Energy Wales: A Low Carbon Transition sets out an ambition to transition to low carbon in a way that delivers greatest sustainable benefit for Wales. It does not set targets for percentage or capacity of renewable technologies as consents and incentives for large scale energy schemes (over 50MW onshore and over 1MW offshore) rest with the UK Government. As a consequence of this lack of direct control, Energy Wales: A Low Carbon Transition focuses on the delivery of sustainable benefits to Wales rather than setting targets in relation to percentage or capacity of any renewable technology.

'A Low Carbon Revolution' (2010)⁹⁸ set out indicators of the potential for renewable energy generation in Wales and we will continue to monitor, with the aim of maximising the appropriate use of proven renewable energy generation in line with these aspirations. Given the comments above, there are no current plans to amend these aspirations.⁹⁹

(The Alliance might be forgiven for noting, in passing, that this message carries the same underlying message as given in 2005 at TAN 8 §1.3¹⁰⁰ but with a (correct) diametrically opposite consequence. What clearer recognition can there be that that cruel rod should never have seen light of day? Still less now be brought out by the Promoters.)

FORESTRY COMMISSION WALES (FCW)

5.42 Although FCW is now no more, the Alliance notes that its expressed position to the outside world shows that the culture of Energy Targets to be met still runs deep even outside the arena of this CPI. Until at least February 2013, FCW was still parading TAN 8 Targets as if they still were in place. Its website displays a 'pdf' file dated 20th February 2013 linked from its "Wind Energy Programme" page (itself updated no later than May 2013)¹⁰¹. This declares that:

The Welsh Government has set a target for 800MW^{c[102]} of installed onshore wind within seven Strategic Search Areas across Wales. The Forestry Commission Wales has a projected output of approximately 663.5MW^d on the

⁹⁸ ALL-011D Tab 8.

⁹⁹ Welsh Government Response to the Report of the Environment & Sustainability Committee: Energy Policy and Planning in Wales, October 2012, WG's response to recommendations 19, 20 and 21.

¹⁰⁰ ALL-011B Tab6.

¹⁰¹ <http://www.forestry.gov.uk/forestry/INFD-8JTE8F> .

¹⁰² A footnote link here to TAN 8 as published in 2005.

Welsh Governments Woodland Estate (WGWE). This figure is subject to change and dependent on planning consent.

$$(663.5\text{MW}/800\text{MW}) \times 100 = 83\%$$

(743MW is the projected combined output of 663.5MW on the WGWE and 79.5MW on adjoining land. This figure is subject to change and dependent on planning consent).

[The arithmetic shows that that 743MW would be c.93% of the 800MW 'target']

5.43 The Alliance reviews these figures further, below, in the context of 'capacities'.

Capacities and the 'Griffiths Letter'

6.1 The Inspector has highlighted the implications of the WM's 6th/7th July 2011 letter as calling for consideration (ID/8A §4, bullet 2). Whilst that raises issues in the context of future CPI Sessions, the implications of the two Ministerial Letters¹⁰³ also feed into the question of 'Targets' and 'capacities' which have been addressed by WG and various parties to the CPI. This section summarises the Alliance's position in relation to these aspects. Its position on grid issues more generally is well known, underscored its earlier application¹⁰⁴, and is not repeated here.

6.2 The two Ministerial Statements (June and July 2011) have a common theme of expressing WG's policy resistance to Hub and to Pylons. They each also refer to TAN 8 'capacities'. In this section, the Alliance

- (i) introduces its perspective on 'capacities' before then
- (ii) addressing related matters touched on in the Wales Route Map Consultation document of 2008 and later derivative documents, before
- (iii) setting the Ministerial statements into the context as seen by the Alliance.

6.3 The general conclusions which will be drawn are that, having regard (i) to the abolition of Targets and (ii) to the genesis of the 2GW 'potential' and 'aspiration' drawn into PPW/4 and PPW/5, (iii) a common sense interpretation of the message of the two letters in context leads to the conclusions that:

¹⁰³ ALL-011B Tabs 8 & 9.

¹⁰⁴ ALL-002 - ALL-006.

- (a) the expressions of 'capacity' are not surrogates for 'targets', but reflect and reflect only the frail and vulnerable potential yields assessed by Garrad Hassan from the SSAs (as they knew them) in 2005, and
- (b) whilst expressed in the context of stated MW 'capacities' adopted from that work, the burden of the message is to reaffirm the policy recognition that a clear tipping point is seen by WG at the stage at which additional onshore wind development would generate or contribute to the need for 400kV and/or new Hub, and that irrespective of numeric value of stated 'capacities' in the Statements,
- (c) that point can and will only be determined after close technical examination.

(i) Introduction to, and context for, 'capacity'

- 6.4 The Alliance stands firmly by its case in relation to Targets and Policy summarised above and set out in ALL-007 to All-010. But the Alliance notes the debates about SSA 'capacities' arising from the two statements, and offers the following context before addressing the topic further.
- 6.5 The topic appears to have become clouded by the use of 'capacity' as an expression (i) in the sense of describing a potential or actual 'yield' as well as (ii) in the sense of a target to be achieved or against which yield should be measured, or as a 'cap'.
- 6.6 This topic needs a short recapitulation. The onshore wind energy policy target to be met was 800MW installed or 'nameplate' onshore wind capacity. That was a proxy for an output contributing to the 4TWh target. TAN 8 was the delivery mechanism for that 800MW Target. It listed the Target at eg §1.4 and §2.5. The SSAs had a potential 'yield' which had been assessed by Arup. Those potential yields were expressed in TAN 8 as 'capacity targets'.
- 6.7 So, in terms of the then TAN 8 target 'capacities', it may ordinarily be clearer to characterise them in the sense of 'target yields' or, in the Brechfa language, 'nominal capacities' - although that expression does not convey the policy objective behind the pre-Feb 2011-TAN 8 of achieving those targets. When being addressed by Arup (and by Garrad Hassan) the 'capacities' were engineers' assessments of potential yields: they were engineers' responses to the question 'how much could each SSA deliver' (on the following / stated assumptions)? The potential yield was a function of 'hard' constraints such as size, geography and other physical constraints but tempered by the extent to which (if at all)

'softer' environmental or other factors were brought to bear. They were (in Arup's language) an indication of the "electrical yield" which might be available from each SSA¹⁰⁵. In Garrad Hassan's language, their calculations revealed the "technical potential"¹⁰⁶ from the SSA boundaries from which they were working at the time.

- 6.8 In the context of the CPI and Welsh policy, and except in the context of
- (i) setting (or meeting) enumerated Welsh Targets and
 - (ii) addressing the receiving capacity of grid networks,
- an SSA's 'capacity' (as a potential electrical yield) has no further direct relevance. At heart of the difficulty has been WAG's decision to set Target capacities (meaning target yields) from specific areas with target capacities (yields) being enumerated in language suggesting 'ability to accommodate'.
- 6.9 The enumerated 'actual' or deliverable capacity in the sense of 'output' from any one or more proposals is thus directly relevant only to
- (i) An assessment of predicted generation ('output') from any one or more sites,
 - (ii) Comparison of predicted generation ('output') against delivery of any enumerated energy policy Target, and
 - (iii) An assessment of
 - (a) the receiving capacity of existing grid infrastructure and/or
 - (b) what additional infrastructure, in grid capacity terms, would be required in order to receive some or all (and if so, how much) of the proposed additional capacity (ie 'output').
- 6.10 The Welsh Energy Policy benchmark was first drawn up by reference to electricity generated – ie, an 'output' expressed in TWh. When WAG moved from that to establishing Energy Policy Targets to be met from onshore windfarms it used turbines' rated 'nameplate' or installed capacity as a proxy for 'output' (taking load factors etc into account). Arup distils the essence¹⁰⁷: in order to achieve a given output measured in TWh, the overall nameplate or installed capacity (MW) needs to be over 3 times greater - assuming a nominal 30% load factor. Taking all this into account Arup calculated that in order to meet the selected portion of the overall 4TWh (output) benchmark as a new Target which had

¹⁰⁵ See eg Arup 2004 p87 §6.7 headed "Determining the potential energy yield from the strategic areas". [ALL-011C Tab 1.

¹⁰⁶ GH 2005 pii, penult para.

¹⁰⁷ Arup 2004 p31 f/n 27. [ALL-011B Tab 1]

been selected by WAG, an installed / nameplate capacity-to-generate of 800MW would be required in order to meet that enumerated onshore wind Target¹⁰⁸. In that way the area of land required in order to meet the Target which had been given to Arup (expressed now in equivalent nameplate capacity) could be addressed. From that, Arup established the SSAs in order to accommodate the number of turbines which would add up to 800MW nameplate/installed.

6.11 At heart, the question posed by the WAG Target to the engineers was, "*would the SSAs have the 'potential' to produce that output (expressed by proxy reference to nameplate generating capacity)?*". Arup answered in the affirmative (on the basis of their brief - which is considered and criticised elsewhere by the Alliance, but that is not the point here). And Garrad Hassan confirmed the position, albeit with different assumptions as to different constraints (again, on the basis of their brief considered and criticised elsewhere by the Alliance).

6.12 Since the abandonment of enumerated Welsh energy policy Targets, the function at 6.9(i) above (predicted output) is relevant only

- (a) to UK overall renewable energy targets and
- (b) to the Welsh 'aspiration' for onshore wind.

There is now no Welsh enumerated onshore wind energy target and so the function at 6.9(ii) (comparison against enumerated Welsh target to be met) is irrelevant in that context. In the context of examining environmental and socio-economic etc effects of the proposals and their associated grid connections at the CPI, the function at 6.9(iii) (nature and scale of required grid infrastructure) is directly and fundamentally relevant. But it is also directly relevant in the Welsh policy context relating to windfarms and grid issues.

6.13 The two Ministerial Statements¹⁰⁹ have a common theme of reciting WG's resistance to windfarm development if it would generate or contribute to a need for 400kV lines and/or a new Hub.

(ii) Capacities in and after the 2008 Route Map for Wales

6.14 What is not always made entirely plain is that the WAG's "*Renewable Energy Route Map for Wales*" (Feb 2008)¹¹⁰ ('RMW') was

¹⁰⁸ Arup 2004 p43 §4.2. [ALL-011B Tab 1 and ALL-009 section 2.

¹⁰⁹ ALL-011B Tabs 8 and 9.

- (i) a consultation document and, moreover
- (ii) offered at a time when WAG still had enumerated onshore wind Energy Policy Targets to be met (and the underlying concept firmly embedded in WAG's overall approach) but which later culminated in
- (iii) the LCREPS (March 2010)¹¹¹ which was pulled into PPW/4 (2011) with a clarification of language, to be the language of 'aspiration' towards 2GW.

6.15 But back to the RMW. It recited, by reference to a diagram at its Annex E,¹¹² a 'potential' of 2.5GW from onshore wind (ie a potential yield or output - expressed by reference to nameplate generating capacity). The derivation of all elements of that figure is not made plain to Consultees. But it is cross-referenced at para 7.4 and para 7.17 and, by reference back to Annex E, it appears to be a summation of all existing, committed and outstanding applications for windfarms plus an element called 'Potential FCW'¹¹³. When printed at A4, the diagram seems to read at a scale of about 1:500, but just by eye it can be seen that the total of 2.5GW is made up of two components. The first is c.1700MW from a group called "*Current MW in planning system*". That comprised 4 categories recited as being: (a) pre-application (b) application lodged (c) consented and (d) operational (post 2005). The second component is from "*potential FCW contribution*" shown as being c.800MW. Together, these make up the 2.5GW (a later, more precise FCW figure of 743MW from within and outside the SSAs appears above, but the difference is not material here). The TAN 8 target is there represented as a separate entity at 1200MW, and played no part in the 2.5GW calculation or assessment of 'potential'.

6.16 It was noted that if all of this 2.5GW came forward, it would be 3 times the TAN 8 capacities (meaning target yield)¹¹⁴ (suggesting that the TAN 8 target used was now being read as 800MW). With that much greater figure of 2.5GW in mind, Consultees were told that discussions were under way towards finding an 'optimum' means of connection with the Grid¹¹⁵.

¹¹⁰ ALL-011D Tab 6.

¹¹¹ ALL-011D Tab 8.

¹¹² RMW p48 Annex E: 'Database of Potential Wind Farm Projects in TAN 8 Strategic Areas. [ALL-011D Tab 6]

¹¹³ RMW p24 §7.4. [ALL-011D Tab 6]

¹¹⁴ RMW p26 §7.17. [ALL-011D Tab 6]

¹¹⁵ RMW p36 §11.2. [ALL-011D Tab 6]

6.17 Consultees were also told that the Arup Report (2004) was available for inspection on the WAG website¹¹⁶ and that

*“ ... The characteristics used to define the SSAs ... remain unchanged since 2005 ... ”*¹¹⁷

As ALL-009 shows¹¹⁸, one of those characteristics - said still to be unchanged in 2008 - (and which was crucially fundamental to the inclusion of SSA B and SSA C in the first place) was the identification of the then proposed scheme for a 132kV pole and wire connection and integration with the existing LAN (and see Arup 2004 p64 Fig 5.4)¹¹⁹. The RMW also floated the prospect of going beyond that and considering the potential benefits to mid Wales generally of having a 400kV connection¹²⁰.

6.18 What emerged from the RMW was “A Low Carbon Revolution - The [WAG] Energy Policy Statement” (LCREPS, 2010). It “draws on the results” of the consultation over RMW¹²¹. It does not take the 2.5GW figure forward. It recites instead Wales’s renewable energy “potential” of 2GW at its Appendix 1, whilst also reflecting back on the TAN 8 Target set by TAN 8 at 4TWh by 2010 (7 TWh by 2020) at its Technical Annex 4¹²². At that stage, TAN 8 was ‘as published’ and carried familiar figures of 800 and 1200MW (distinguished from the higher Garrad Hassan figures so that there remained an element of discretion - it was said¹²³). LCREPS is silent on Grid, except by inference from its reference to TAN 8. It does not explain where the ‘potential’ 2GW comes from. There is a hint in LCREPS which is clearer with the hindsight offered by the Griffiths 6th/7th July 2011 letter. LCREPS said that the ‘aim’ to achieve 4.5KWh/d/p (aka 2GW) was expected to be achieved by

*“optimising the use of the existing [SSAs] ... and keeping [TAN 8] under review in light of progress towards these targets ... ”*¹²⁴

Plainly, ‘Targets’ were still in the lexicon and culture, although the close juxtaposition with ‘aim’ might suggest that WAG was perhaps ‘on the cusp’ of moving away from Targets to be met. LCREPS did not ‘review’ or change the TAN 8 targets or target ‘capacities’. It was

¹¹⁶ RMW p26 §7.7. [ALL-011D Tab 6]

¹¹⁷ RMW p34 §10.5. [ALL-011D Tab 6]

¹¹⁸ ALL-009 section 5.

¹¹⁹ Arup 2004 p64 Fig 5.4. [ALL011B Tab 1]

¹²⁰ RMW p36 §11.3. [ALL-011D Tab 6]

¹²¹ LCREPS p11 penult para. [ALL-011D Tab 8]

¹²² LCREPS Technical Annex 4, foot of second page (not available via WG website, but included at ALL-011D Tab 8]

¹²³ TAN 8 §2.5. [ALL-011B Tab 6]

¹²⁴ LCREPS p14 at (b). [ALL-011D Tab 8]

otherwise silent on 'capacities' and 'targets' for SSAs - save that they were expected to be 'optimised' - what looks to the Alliance like a balancing exercise.

- 6.19 (As a paranthetic observation to ease understanding, it now appears from the 'Griffiths Letter' that this lesser figure of 2GW in LCREPS - as compared with the 2.5GW in RMW - was established on a different basis entirely from that described in the RMW consultation. The 2GW is not a figure derived from anticipated yields from proposals in the pipeline plus FCW (shorthand), but seems to be based on the Garrad Hassan maximum 'capacities' (Griffiths) or "Technical Potential" (Garrad Hassan) of c.1700MW plus a miscellaneous contribution of 300MW¹²⁵. That is to say, the assumption is carried within the 2GW 'potential' (which became 'aspiration') that the eventual yield reflects the maximum "Technical Potential" assessed by Garrad Hassan on the basis of their reported methodology.)
- 6.20 (As a second important paranthetic observation, the Alliance notes that the Garrad Hassan Report and Appendices had been with WAG from no later than April 2005. Unlike the position with the Arup (2004) Report, Consultees were not referred to it in the RMW (2008) and it was not available on the WAG website at that time. It was not referred to in LCREPS either and was not available when that was published (2010). The Alliance has been in correspondence with WG and has established that the Garrad Hassan Report was not published on the WG website until July 2011 when it was published (without appendices) "*in order to support*" (it is said) the 6th/7th July 2011 Griffiths Letter. Even then (and still now) its Appendices are not available on the website: the Alliance has, however, been supplied with a copy by WG. They appear in the ALL-011 bundle¹²⁶ and attract comment in ALL-009¹²⁷. (Copy correspondence can be supplied if required.))
- 6.21 But back to LCREPS (2010). It now appears that the 2GW 'potential' figure in LCREPS carries the assumption that the 'technical potential' identified by Garrad Hassan - on the maximum "Base Case + noise" parameters - is achieved. That potential was derived taking account only of the limited constraints described by Garrad Hassan. That 'potential' of 2GW must, therefore, be inherently vulnerable to the caveats expressed by GH. As Garrad Hassan expressed it in relation to their 'Base Case' - from which everything else was derived,

¹²⁵ ALL-011B Tab 9.

¹²⁶ At ALL-011C Tab 2.

¹²⁷ ALL-009 p10 §§6.3 - 6.4.

*" ... the purpose of this exercise is to elucidate theoretical upper limits to development ... "*¹²⁸

against which a limited number of additional constraints were applied so as to present the range of figures which they did. After first noting that

*"Grid access ... is not part of this report. ... "*¹²⁹

and under the heading of "Ability of SSAs to meet targets", GH said

Identification of the SSAs was ... undertaken by others The present technical appraisal of the SSA has also been undertaken in the absence of site measurements which will be required for actual development.

Detailed site-based feasibility investigations would include planning-related issues such as visibility, intervisibiity, ornithology, ecology, hydrology, noise and other matters which would need to be considered within the formal [EIA] process.

From a technical standpoint, site-based investigations would include on-site wind measurements, ground investigations and access studies for transport of components to site. The initial technical assessments of maximum capacity presented in this report will be revised downwards through the course of these investigations. No allowance for such reduction has been included.

6.22 Plainly GH expected that the actual yields from the 'technical potential' was likely to be considerably less than the 'raw' theoretical potential calculated – and were expressly drawn up with no reference to grid connection issues at all. Garrad Hassan had, actually set out a range of figures of maximum 'technical potential' for the SSA boundaries they were using, depending on the constraints applied¹³⁰. "Base case + noise" was the second highest in that range.

6.23 It is equally plain that the aim or target in LCREPS (and which later became formally expressed as WG's 'aspiration' of 2GW in PPW/4 (2011)¹³¹) was, to the extent that it was based on the GH figures as to c.1700GW, an aspiration which, at its lowest, was and was recognised to be vulnerable and precarious. Any shortfall against a total of 2GW onshore wind may or may not come from elsewhere, but the aspirant figure of 2GW was drawn full in the expectation that the SSAs as assessed by Garrad Hassan were unlikely to provide 1700MW. The Garrad Hassan 'technical potential' of 1700MW - as assessed by GH

¹²⁸ Garrad Hassan (2005) p6 §2.2.1. [ALL-011C Tab 2]

¹²⁹ Garrad Hassan (2005) p1 §1.1. [ALL-011C Tab 2]

¹³⁰ See eg summary tables at Garrad Hassan (2005) p pp16 and 17. [ALL-011C Tab 2]

¹³¹ PPW/4 p172 §12.8.13, PPW/5 p170 §12.8.13. [ALL-011A Tabs 5 and 6]

according to their parameters - could only be achieved if all the decision-makers seized of all relevant applications left at least the following factors listed by GH out of account:

- (i) visibility,
- (ii) intervisibility,
- (iii) ornithology,
- (iv) ecology,
- (v) hydrology,
- (vi) noise and
- (vii) any and all other matters which would be considered within EIA processes.

The decision-makers would also have to ignore (if not already ignored)

- (viii) any and all transport or highways issues and effects and
- (ix) approve whatever grid connections were needed irrespective of any environmental effects.

And we could add to the list that

- (x) they would all need to ignore any and all socio-economic effects (if not already ignored) and
- (xi) they would also all need to be indifferent to forestry constraints (and their implications) - which had led to different and lower 'technical potentials' expressed in GH's work.

6.24 The Alliance confidently expects that no decision-maker would approach matters in that way, and equally confidently concludes that that WG must have recognised that the 2GW 'aspiration' was bound to be disappointed to some extent – and the extent of that disappointment would inevitably depend on the operation of the 'softer' environmental and other constraints flagged by Garrad Hassan (and any other relevant factors which had not been flagged by Garrad Hassan - it did not purport to be an exhaustive list). One important factor could, of course, be the implications of and from grid connections: WG plainly sees that as a potentially limiting factor.

6.25 There is of course, no reason why, in principle, any one or more of those factors might not reduce the ultimate yield not only below the Garrad Hassan 'potential', but also below the figures previously described as TAN 8 'target capacities': but there is now no WG energy policy Target to be met which weighs in the equation – still less any which would allow omitted considerations to be left out of account without first even considering them.

- 6.26 It is plain that the 1700MW is not now, and never has been, expressed as being a Target to be met from SSAs - still less in relation to any specific contribution from any one or more of them. It seems that the 1700MW led to the aspirant figure in LCREPS at a time when Targets to be met were possibly on the way out but not yet formally abandoned. In 2010 WG may or may not have contemplated that the GH 'technical potential' would be expressed as Targets to be met, but in the end they were not so expressed - and were not foreshadowed as such in any consultation. (For the sake of the 'myth/fact' aspect, the GH 1700MW is derived, by their calculation, from 833 turbines: the SSAs would become windfarms.)
- 6.27 But the important point is that, contrary to NRW's apparent view (and possibly others' besides), closer analysis shows that the 'Griffiths figures' are not targets to be met. They restate the GH 'technical potential' which had been calculated after leaving that long list of factors out of the equation. Even if those figures had been expressed as targets to be met for any one or more SSAs, they would immediately have been written off as irrational for that reason. Neither those 'Griffiths' figures - nor any other figures - are energy policy targets to be met from any one or more SSAs. There are none, and they are not. The only relevant capacity (if capacity is the right word) is the environmental/socio-economic capacity for each windfarm and its associated infrastructure - untrammelled by TAN 8 and its tainted legacy.
- 6.28 There is now, and never has been, any enumerated Welsh energy policy Target (or any other policy) which could provide any policy justification for suppressing or overriding the factors left out of account by Garrad Hassan – still less one which could do so without at least considering those omitted factors. And the Garrad Hassan figures were addressed without any reference at all to grid issues. The overall 'capacity' figure (Griffiths) and any component figure for each SSA must also, therefore, be susceptible to yielding to grid-related aspects as well as any other factors – without any enumerated Welsh onshore wind policy Target constraining the weight given to those factors in any overall balance. Indeed, those factors may (as even TAN 8 accepted) mean that the TAN 8 Target capacity for any one or more SSAs might not be achieved.
- 6.29 WAG knew all of this when drawing the aspirant figure (which drew so heavily from Garrad Hassan's 'technical potential' work) into PPW/4 (and thence as WG into PPW/5), and before

publishing the two Ministerial Statements in June/July 2011. They did, after all, have the Garrad Hassan Report (and Appendices).

- 6.30 So, when in June/July 2011 the two Ministers gave their public messages about 'capacities' and the grid, they did so
- (i) in the context of enumerated Energy Policy Targets to be met having been abandoned, and
 - (ii) the TAN 8 expectation as to potential grid connections still being of the general type and scale reflected in TAN 8 Annex C (see RMW, above), and
 - (iii) in the knowledge that the recently expressed aspirational figure of 2GW was, as to c.1700MW from SSAs, vulnerable at least to the factors recited above, and even then achievable only if
 - (iv) the flexibility as to location within each SSA referred to in the (deleted) para 2.5 of TAN 8 was removed.

Mr Griffiths's expression of commitment to meeting the 'potential' is, at its highest, a commitment to a potential known to be precarious, fragile and frail. He (or his Department) must be taken to have known that, and to have known that achieving that 'technical potential' as assessed by Garrad Hassan could only be set as a specific objective if other important (omitted) considerations were overridden or set aside. Doubtless that is why the Griffiths figures are not offered as a target of any sort. They restate what had been known since 2005 - nothing more, it might be said. And, although striving towards 1700MW would take away the flexibility referred to at TAN 8 §2.5 before it was deleted, that may have prompted WG to conclude that no SEA was necessary for a 2GW aspiration drawn into PPW/4 and PPW/5.

- 6.31 That precarious fragility and vulnerability of the LCREPS and now PPW 'aspiration' was well-known to WAG (and WG) and to those who had been able to read the Garrad Hassan report. Its main text (although not its Appendices) was put up onto the WG website for the first time at about this time - and with the objective of "*supporting*" the Griffiths Letter.

- 6.32 The Alliance accepts that in the 'pre-Feb 2011-TAN 8 world' there might have come a time when a tension could have arisen between
- (i) meeting the full complement of Welsh energy policy Target to be met and
 - (ii) the TAN 8 Annex C expectations as to nature and scale of grid connections together with a claim that

- (iii) in order to deliver that policy target to be met 400kV lines and Hub would be required and just have to be accepted as a consequence of meeting enumerated policy Targets to be met.

Meeting the TAN 8 Target, it might have been said, should 'trump' the expectation as to appropriate scale and character of grid connection recited in TAN 8 (and carried forward in RMW). But whether such a view would or would not have prevailed prior to Feb 2011, it has no relevance today.

- 6.33 But one constant theme runs throughout this history. The message of TAN 8 Annex C carries through to the RMW and to the two Ministerial Statements. The policy support for onshore wind in Mid Wales was (and remains) predicated on any new grid infrastructure being of a scale and nature which does not call for or contribute to the call for new 400kV / Hub infrastructure. That tipping point may be above or below any PPW 'aspirational' figure - or even any TAN 8 Target figure. Where it lies must await technical evaluation.
- 6.34 The Alliance case overall is that any element of Welsh Policy which is referable back to enumerated onshore energy policy targets has no weight, but this element is independent of enumerated target (or even of aspiration). It is a measure of what WG sees as the tipping point for its support for onshore wind whether reached pursuant to its own or pursuant to other UK policies. And even when Targets were Targets, WAG plainly recognised that such a tipping point might be reached before the Target for any given SSA was met: even in those days when the TAN 8 Targets were extant. They were expressed to be neither maxima nor minima for any given SSA and might be limited by the environmental effects of grid connections (or any other consideration for that matter). But WG plainly attaches great importance to grid issues as a limiting factor – at whatever level of MW or of TWh or of kW/d/p that may prove to be. WG has made it plain that in its policy terms, onshore wind development should be limited in scale to that which would not generate or contribute to a need for connections by 400kV overhead lines and/or a new Hub in mid-Wales, and 'aspiration' would certainly be expected to have to yield to that.
- 6.35 That is the prime message from the two Ministerial Statements¹³². After all, the Garrad Hassan assessments of 'technical potential' on which PPW/4 and PPW/5 rely have always

¹³² The Alliance makes no observations in this regard relating to the WG letter of 21.01.2013 listed as CON-001-002: it has already noted that it may be a little under-instructed in relation to the interpretation of TAN 8, the SSA boundaries themselves and to Garrad Hassan's involvement in their selection (ALL-009 section 11). Despite the fact that Ministerial advice may stem from the same department, the Alliance

been there: they reflect the laws of physics (and assumptions) which applied when they were created.

- 6.36 The Alliance asks, rhetorically, what possible relevance or purpose can there be in expressing the 'new' 'capacities' stated in the Griffiths Letter if there is no Target to be met? Absolutely, none. The figures are (apart from giving a clue to the source of the 2GW 'potential') entirely ornamental. They are expressed (and can only be expressed) only "*for ease of reference*" because the public had not seen the Garrad Hassan Report before (hence its publication to the web at about that time). The central message is the 'tipping point' for grid.
- 6.37 The real question, in policy terms under this heading, is where does the grid limitation bite, and in decision-making terms, what are the relevant material considerations for each application without any pressure from meeting a Welsh onshore wind Energy Policy Target to be met?

PCC's IDCG

- 7.1 The Inspector has asked that parties should address the IDCG published by PCC (ID/8A §5.0 bullet 3).
- 7.2 The headline point from the Alliance's perspective is that this falls full-square within that category of guidance which the Alliance says should have no weight. It is amongst that category which is plainly referable back to TAN 8 being a delivery mechanism for delivering enumerated onshore wind Energy Policy Targets¹³³. TAN 8 was tainted and the Targets have, in any case, now gone. Moreover, neither it nor its 'parent' TAN 8 has been subjected to any SEA processes. A different shape or size, perhaps, but still footprints from the tainted TAN 8.
- 7.3 Arup's 2008 Refinement Study which led to the IDCG was expressly linked back to and to be read together with an earlier 2006 study: "*To understand the full context of this review, this [2008] report should be read in conjunction with [the 2006 report].*"¹³⁴

perceives the two Ministerial Statements to be likely to be a more secure source of WG's position on this topic than this letter.

¹³³ ALL-008 p2 §1.2(iv).

¹³⁴ Arup 2008 p2 §1.3. [ALL-011C Tab 4]

7.4 That 2006 study also tells the reader that consultation which informed it was limited to discussions within PCC¹³⁵ as well as setting out factors which were entirely omitted from consideration. These are clearly set out at ALL-009 and not repeated here except to flag a few of the omissions: no consultation with statutory and similar bodies, no consideration of highways, of access, of hydrology or of grid matters¹³⁶.

7.5 Arup also drew heavily from the 'implicit' assumptions inherent in meeting enumerated Targets in SSAs. But they went further even than previously - by adding another 'implicit objective' of SSAs. There is no convenient way of summarising the following extract from the 2006 Report (with original formatting, footnote references omitted, and one added - in bold, emphasis added by underlining):

"Guidance on the assessment on the landscape and visual effects of individual wind farm proposals is well established via the Guidelines for Landscape and Visual Impact Assessment (GLVIA)¹⁶ and more recent specific guidance on the visual analysis aspects.¹⁷ There is also emerging guidance on the cumulative landscape and visual assessment of a series of wind farm proposals.¹⁸ However the cumulative landscape and visual assessment guidance is based on the premise of a dispersal approach to the planning of wind farm developments, not the concentration approach advocated within TAN 8. TAN 8 para. 8.4 [ie of Annex D] indicates that "*within and immediately adjacent to the Strategic Search Areas, the implicit [landscape and visual]¹³⁷ objective is accept landscape change i.e. a significant change in landscape character from wind turbine development*".

The TAN 8 Annex D studies therefore require a modified approach to addressing the landscape and visual impacts. The approach adopted is to determine the *relative* visual and landscape performance of the various zones/sub-areas within and adjacent to the SSA, but as a comparison to the existing situation. Put simply, the presence of an existing wind farm within or on the margins of an SSA should not prejudice the further development of that SSA. Indeed, the parts of the SSA that should perform well in visual terms (in particular) are those which are already heavily influenced by existing wind farms, otherwise the concentration approach advocated by TAN 8 falls down."¹³⁸

¹³⁵ Arup 2006 p1 last para.

¹³⁶ See ALL-009 p16 *et seq.*

¹³⁷ This phrase is inserted by Arup.

¹³⁸ Arup 2006 p30 §4.1. [CD **]

7.6 There could hardly be any plainer exposition of the hideously distorting effect of giving effect to (i) enumerated onshore wind Energy Policy Targets (ii) to be met (iii) in SSAs: an effect which was required only in order to meet Welsh enumerated onshore wind energy policy Targets to be met¹³⁹. But not only is the passage from TAN 8 which did not appear in any consultation draft repeated (as so often by proponents of windfarms), but Arup adds yet another 'implicit objective'.

7.7 That message (and the limitations from the 2006 inputs) was taken forward to the 2008 report and built upon in the new brief:

The new local refinement exercise was to follow the principles as set out below:

- *It was to comply as far as possible with the guidance contained within TAN 8 Annex D*
- *It was not to serve to 'cap' development levels at the TAN 8 indicative capacities (in MW) for each SSA where the data indicated that greater levels of development might be possible i.e. the outcomes were to be driven by the landscape capacity of the area, within the context of an overall national policy objective to allow landscape change.*¹⁴⁰

7.8 And the conclusion from the 2008 Report? Responding to its brief, Arup reported that it could fit some 3 to 4 times the TAN 8 'capacities' into RSSA B and RSSA C (290MW raised to c.800MW (nearly twice the Garrad Hassan figure) and 70MW raised to c.345MW (nearly 4 times the GH figure). Arup added that:

It should be noted that these maximum capacities are based on developing the entire area within the revised SSA boundaries and would lead to significant cumulative effects in and around the SSA boundaries as well as the landscape change envisaged by TAN 8.

*In accordance with the aspirations of TAN 8, it is recommended that these refined SSA B and C boundaries, rather than the published TAN 8 boundaries, form the basis for policy and plan-making within Powys County Council.*¹⁴¹

The Report could also have added, to save cross-reference back to the 2006 Report, that it took no account of grid connection aspects or impacts, left highways constraints and access

¹³⁹ See eg ALL-010 p14 §2.13.

¹⁴⁰ Arup 2008 p1 §1.2 [ALL-011C Tab 4]

¹⁴¹ Arup 2008 p36 §3.1. [ALL-011B Tab 4]

considerations out of account, ignored land ownerships and left hydrology out of account¹⁴² and ignored socio-economic factors.

- 7.9 This exercise reveals very plainly the effects of carrying over the consequences of a policy determination to meet enumerated onshore wind energy Targets as targets to be met - together with Annex D advice inserted only to help deliver them. Because the 'ground rules' (the 'implicit objectives' necessary to deliver enumerated Targets) from the TAN 8 exercise have been carried into this Study, and thence into the IDCG, it has no weight. If ever it had any, that remaining vestige is taken away by the absence of any SEA.

Summary and Conclusions

- 8.1 I do not repeat the summary case expressed in ALL-007 and ALL-008 but incorporate it by reference, relying on ALL-009 and ALL-010.
- 8.2 TAN 8, (and its targets) was flawed from the start. It stepped outside of its competence, emerged as a distortion of policy which had been adopted after consultation, there was no SEA, material factors were left unaddressed, and consultation relating to TAN 8 was risible. And despite the Targets which it introduced now having gone, the SSAs introduced only to meet the Targets still remain but only as tainted TAN 8 footprints, together with Annex D which was designed to facilitate the meeting of those Targets in SSAs. None of it should be afforded weight. And no weight should be afforded to any derivative guidance or guidance prepared under its influence.
- 8.3 It is also clear that the 2GW 'aspiration' is, as to c.1700MW, directly referable back to the TAN 8 exercise and should, accordingly, attract no weight attributable to its numerical value.
- 8.4 Given that it is clear that the Promoters will be drawing from TAN 8 Annex D, and that the IDCG drew heavily from it, the Alliance position can be summarised.
- 8.5 TAN 8 Annex D is part of its tainted legacy. It expresses 'implicit objectives' which were never made plain to consultees before TAN 8 and MIPPS / PPW revisions were adopted, and not revisited after the Targets and the reason for the advice had fallen away. It carries

¹⁴² Arup 2006 p7 [CD**] and ALL-009 section 9 (where footnotes mistakenly refer to the location of TAN 8, not the 2006 Report.)

connotations which arise and arise only because of inputs to the original brief to Arup: the CPI has seen them before. They are the

- (i) enumerated
- (ii) onshore wind sector
- (iii) energy policy
- (iv) targets
- (v) to be met
- (vi) in SSAs.

8.6 From that, it was said, emerged

- (i) the expressed need to adopt a 'concentration' (not a dispersal) approach
- (ii) within SSAs because
- (iii) otherwise the Targets to be met could not be met¹⁴³ and that
- (iv) there was a resulting 'implicit objective' (NB objective) within and around SSAs of accepting a significant change in landscape character¹⁴⁴ (to which Arup seem now to wish to add an 'implicit' visual impact objective as well¹⁴⁵).

8.7 Enumerated Welsh onshore wind Targets are gone, the policy objective of delivering those Targets has gone. There has been a sea-change. The Promoters have not adjusted or responded to it. Those factors now have no place in policy or guidance and should be unravelled from any policy or guidance which has been influenced by them - both because of the enumerated targets and the history of the conception, gestation and adoption of TAN 8.

8.8 This CPI can and should return to the real world of balancing relevant legislation and policy with other material considerations assisted by relevant guidance. TAN 8 and its tainted legacy must be unravelled. Policy, numeric value of aspiration, and any guidance referable back to it or its processes must be given no weight.

8.9 Only in that way is there the beginnings of any prospect of avoiding exacerbating the

"... unmitigated disaster that we have tried to do in mid Wales".¹⁴⁶

¹⁴³ See ALL-010 p14 §2.13.

¹⁴⁴ TAN 8 Annex D §8.4. [ALL-011B Tab 6]

¹⁴⁵ Arup 2006 p30 §4.1.

¹⁴⁶ ALL-009 section 12.

8.10 In the Welsh policy context, the CPI will also need to address the point at which any one or more of the proposals generate or contribute to a need for what scale and type of grid infrastructure.

8.11 The balance to be considered at the CPI should then be drawn taking account of

(i) relevant legislation and policies;

together with

(ii) positive and negative effects of the windfarms and their associated infrastructure and other 'off site' effects such as traffic and highway considerations; and

(iii) in a manner which permits the public effectively to participate in that assessment¹⁴⁷.



David Smith
4th June 2013

Landmark Chambers,
180 Fleet Street,
London EC4A 2HG

¹⁴⁷ Aarhus / Directive 2011/92/EU art 6(4). [ALL-003-D]