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## EXPERT PANEL SEMINAR ON NATURAL RESOURCES

DATE: Wednesday, 26 June 2013

LOCATION: Bridge Innovation Centre, Pembroke Dock

### COMMISSIONERS PRESENT:

Paul Silk (Chair)

Nick Bourne

Jane Davidson

Eurfyl ap Gwilym

### EXPERTS PRESENT:

Dr Stevie Upton, Honorary Research Associate, Wales Governance Centre

Dr Roisin Willmott, National Director, RTPI Cymru

Llywelyn Rhys, Deputy Director, RenewableUK Cymru

Ted Sangster, Pembrokeshire Business Initiative

Alec Don, Chief Executive, Port of Milford Haven

*This note, prepared by the Secretariat and agreed with the witnesses, captures the key points of the discussion.*

### *Planning Consents*

The panel discussed the current arrangements for issuing planning consents for onshore energy infrastructure developments in Wales with planning decisions split between Local Authorities and the UK Government for developments below and above 50MW. It acknowledged that the Welsh Government only currently had limited powers in terms of influencing planning consent decisions and had indicated that it wanted further devolution of responsibility. The panel referred to the difference between the Welsh Government's spatial approach to planning policy, in particular for renewable energy infrastructure, and the UK Government's National Policy Statements (NPS). It noted that whilst Welsh Government planning policy would be considered in decisions about applications in Wales for consent under the Planning Act 2008, it did not carry the same weight as the NPS. The panel agreed that the current system was too complex and required streamlining, highlighting the issue surrounding associated development consents as a problem that needed to be resolved.

[It was thought that if there was further devolution, the administrative consequences for the Welsh Government would not be very large provided there was a reasonable transfer of resources, although there was a danger that WG officials may be less specialised and expert because of diseconomies of scale and consequently more risk averse.](#)



[With devolution, local political pressures might militate against energy development: the Welsh Government was considering some centralisation.](#)

#### *Energy Threshold*

The issue of the threshold boundary for planning consents was considered by the panel. It agreed that if responsibility for planning consent decisions for energy developments above 50MW ~~were~~ devolved then the responsibility ~~sh~~ould be transferred to Welsh Ministers; it would then be for them to decide whether to devolve to rather than Welsh their Local Authorities. The panel added that a recent report commissioned by the Welsh Government had recommended that the threshold for Local Authority planning consents be reduced to 25MW. It agreed that there would be no logic to devolving responsibility for planning consent decisions for developments in Wales between 50 – 100MW to Welsh Ministers with consent decisions for developments above 100MW remaining with the UK Government; the view was, ~~adding~~ that it should be all or nothing.

#### *Energy Policy*

When asked about energy policy the panel stated that energy companies were uncertain about the Welsh Government's current energy policy and the panel referred by contrast to the Scottish Government's energy policy which had encouraged development in energy infrastructure in Scotland. It added that the attitude of Government towards energy infrastructure development was key as it could either actively encourage developments by making the planning consent system faster or introduce further controls which could discourage investment from developers. The panel noted that energy companies wanted to be able to deliver their product to the whole of the UK not just to Wales, and if responsibility for energy policy and planning consents were devolved then links with England and the rest of the UK would need to be maintained. It added that, with EU policy having an increased effect on energy infrastructure developments and the UK Government representing the whole of the UK in EU debates, there would be a need for energy policy in Wales to have commonality with rest of the UK to ensure Wales' view could be heard.

#### *Nuclear*

On the issue of nuclear power, the panel agreed that given the issues of risk management and decommissioning costs it would not be appropriate for responsibility for this to be devolved to Wales.

#### *Crown Estates*

The panel considered the role of the Crown Estates in Wales. It acknowledged that the organisation had an important part to play in Wales and highlighted its work within the Wales Coastal and Marine Partnership. However, the panel agreed that Wales lacked presence in the overall organisation and this could be improved by introducing a board member for Wales on the Crown Estate board and establishing a Crown Estate office in Wales.



### Planning

It was thought that no changes were needed to the devolution of the planning system. The Planning Inspectorate was not devolved but worked reasonably well.

### *Capacity of the Welsh Government*

Finally, the panel discussed the capacity of the Welsh Government to take on responsibility for further powers. It agreed that expertise and resources would need to be strengthened to address any capacity and capability issues. However, the panel acknowledged that existing processes could be utilised such as the continuation of the role of the Planning Inspectorate to consider applications for large scale energy developments.