



Cynulliad National
Cenedlaethol Assembly for
Cymru Wales

The Petitions Committee

Completion Report

**Summary of the Petitions Committee's consideration of
P-03-116 Dyfnant and Vrynwy Wind Farm**

July 2008

Presented

20 March 2008

Ruled Admissible

26 March 2008

Initial Consideration

10 April 2008

The committee agreed to:

- Request a background briefing from the Members' Research Service.

(See Annex 1 for the relevant extract from the transcript of the 10 April meeting)

Further Consideration

08 May 2008

The Committee considered a paper prepared by the National Assembly for Wales's Members' Research Service, and agreed to:

- Write to the Minister for Environment, Sustainability and Housing to gather information relating to the Welsh Assembly Government's involvement in this development, and its future intentions.

(See Annex 1 for the relevant extract from the transcript of the 08 May meeting and Annex 2 for the letter sent from the Chair of the Petitions Committee to the Minister for Environment, Sustainability and Housing)

25 June 2008

The Committee considered a response from the Minister for Rural Affairs and agreed to:

- Close the petition as the Committee cannot progress it any further.
- Write to the petitioners to inform them that they may be able to raise concerns via the statutory planning process relating to the Dyfnant and Vyrnwy Wind Farm development.

(See Annex 1 for the relevant extract from the transcript of the 25 June meeting and Annex 3 for the letter received by the Chair from the Minister for Rural Affairs)

**Petitions Clerk
July 2008**

Annex 1

Extracts from Petitions Committee Meetings

10 April 2008

Val Lloyd: Moving on to, P-03-116, the last new petition—and you should not get too comfortable, as we have yet to deal with the existing ones—relates to Dyfnant forest windfarm. There seems to be a tension between the forest's rainbow trails and the siting of the industrial windfarm.

Michael German: I had a word with the Chair of the Sustainability Committee today, and I understand that it is shortly to undertake a review of TAN 8, which will include a review of the siting of windfarms. Although I am quite happy to hear the lead petitioner's case, I wonder whether we may be able to pass on this petition to the committee as it is undertaking a review of this issue anyway.

Val Lloyd: That is a very sensible idea, but perhaps there is some way of our getting more precise information on this before passing it on to the Sustainability Committee, without having to ask the petitioners to come in to see us as they may be called in by that committee. Shall we ask the Members' research service to do that for us?

Michael German: Yes. The key issue—and I am only repeating what I heard this morning—is the level of felling that you have to undertake in order to set up a windfarm. You cannot just cut down three trees.

Val Lloyd: You cannot just drop it in. I am sure that the Minister will take that onboard. That concludes that item.

08 May 2008

Val Lloyd: The next petition is P-03-116, Dyfnant Forest Wind Farm. We first considered this in April and we asked MRS to provide us with a paper, which it has with its usual clarity. I thank it for that. The papers are always very useful.

On page 4 of the MRS paper, it says:

'It is clear from letters from Ministers and officials that the Welsh Assembly Government has no plans to sell Forestry Commission land for the purpose of installing wind farms.'

Michael German: I thought that it was Government policy to use Forestry Commission land for windfarms. I thought that that was the whole strategy now—that windfarms would be located on Forestry Commission land.

Val Lloyd: I am just reading what is in the paper.

Michael German: I know; that is why I do not think that it is necessarily accurate, given what the Minister has said on this—unless there has been a change of policy. Could we clarify that, Chair?

Val Lloyd: Yes, we have to clarify it.

Michael German: I understand the points about horses, which I thought were interesting. We are on horses again; the paper states there is no knowledge of horses being affected by windfarms. I know that the Sustainability Committee has been looking at this evidence. There was a view that this was what the Welsh Assembly Government was doing. Those locations were less sensitive than others, because they are on Assembly-owned land.

Val Lloyd: We will write to the Minister and ask about any actions taken in relation to this development consultation and so on, and about the policy.

Michael German: Yes.

25 June 2008

Val Lloyd: [...] Next we deal with the Dyfnant forest windfarm. It is a petition to rescind the decision to select Dyfnant forest for lease options for wind turbine development. It is very emotive, is it not? We have had a response from the Minister. Basically, the letter goes through the detail and says that:

‘Apart from the policy reasons described above, there is a binding contractual commitment between the Welsh Assembly Government and the developer’.

Andrew R.T. Davies: Where can you go with this?

Val Lloyd: I do not know; that is why I focused on that quote. It may not be possible to do anything. I left out the final part of the sentence, as well.

Bethan Jenkins: I guess that there is a general point that we can make about windfarms, in terms of the policy rather than this particular case. We can direct the petitioners as to the agenda behind this development, and the sustainable development agenda of the Government. That is all that we can do, I think, in this context.

Andrew R.T. Davies: I am aware from the papers that any application would involve a fully scrutinised consultation—this is not like the Rhyl flats situation, which is a different operation altogether. I would suggest that, whether you agree or disagree with the way in which renewables are delivered, there is an opportunity in the initial consultation process to raise any objections. That is reflected in the Minister’s response, and the line that he has taken. As a Petitions Committee, I am not sure how much further we can move this on, and I would suggest that there is little that we can achieve in keeping this petition open.

Val Lloyd: We could point out to the petitioners the issues that we have just raised—that although we cannot rescind the decision, there will be full consultation at the next stage. So, we will write in that way, and then close it.

Mr Sanchez: Sorry—are we writing to the petitioners?

Val Lloyd: Yes, we will write to the petitioners and point out the Minister’s comment in the penultimate paragraph that there will be a planning application and that they will have an opportunity to raise concerns and influence it, to some extent, so that conditions may be imposed on any planning consent that is granted. They may not be able to overturn it, but they will certainly have a strong input into the planning process.

Mr Sanchez: I suspect that the petitioners are watching us make this decision anyway.

Annex 2

Y Pwyllgor Deisebau

Petitions Committee

Jane Davidson AM
Minister for Environment, Sustainability
and Housing
Welsh Assembly Government
Cardiff Bay
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Bae Caerdydd / Cardiff Bay
Caerdydd / Cardiff CF99 1NA

Our ref: PET-03-116

13 May 2008

PETITION - DYFNANT FOREST WIND FARM

This petition was considered by the Committee on 8th May and concerns the proposed wind farm in Dyfnant Forest. It has been submitted by the Dyfnant and Vyrnwy Horse Riders and Carriage Drivers Association who have an agreement with the Forestry Commission to use the Forest and its trails for horse and carriage riding.

The Committee resolved to ask you to clarify the Government's policy with respect to building wind farms on Forestry Commission land, which I understand to be within the Assembly Government's estate. I should also be grateful for any information you can provide about this particular site and consultation that has taken place with relevant stakeholders regarding the proposed wind farm development.

Yours sincerely,

Val Lloyd,
Chair, Petitions Committee

Annex 3

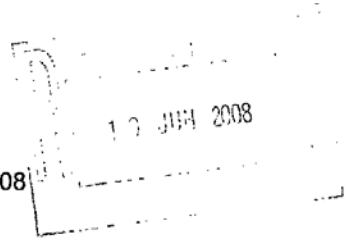
116

Elin Jones AM/AC
Y Gweinidog dros Faterion Gwledig
Minister for Rural Affairs

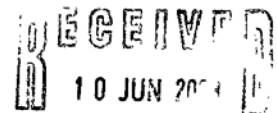


Llywodraeth Cynulliad Cymru
Welsh Assembly Government

Eich cyf/Your ref
Ein cyf/Our ref EJ/00496/08



Val Lloyd
Chair
Petitions Committee



APD

9 June 2008

Dear Val,

I refer to your letter dated 13 May 2008 to Jane Davidson, Minister for Environment, Sustainability and Housing (reference PET-03-116) in respect of the National Forest Estate Windfarm Programme (NFEWP) which has been passed to me to reply because I am the Minister with responsibility for forestry which includes the NFEWP.

The Welsh Assembly Government's strategy for renewable energy reflected in Technical Advice Note 8 (TAN 8) outlines 7 Strategic Search Areas (SSAs) in Wales where developers can seek to develop windfarms to contribute towards meeting the Welsh Assembly Government's 2010 renewable energy target of 4TWhrs per annum. Much of the land within these areas is owned by the Welsh Assembly Government who are able to dispose of this land and it is managed on their behalf by Forestry Commission Wales (FCW). Ministers instructed FCW to proceed with tendering these areas for windfarm development in 2005. FCW developed and managed the NFEWP procurement process, the results of which were approved in principle by Ministers in October 2007. Dyfnant Forest is within SSA B and was therefore included in the tender.

During the procurement process, FCW asked bidders to provide their proposals for community consultation and these have been scored against the British Wind Energy Association best practice guidelines. Bidders were scored on how they intended to incorporate feedback from the local community into their proposals during the consultation process and were also asked to provide FCW with a method statement setting out the constraints and drivers considered in designing the layout for the wind-farm. This statement and the layout were evaluated by technical advisors.

Five of the 'options to develop' on the FCW-managed estate have now been completed, one of which is SSA B which includes Dyfnant forest. The successful bidders have entered into a legally binding contract with the Welsh Assembly Government which will provide them, following the successful commissioning of the wind power system, with a lease which will enable them to operate over a 25-year period. Apart from the policy reasons described

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above, as there is a binding contractual commitment between the Welsh Assembly Government and the developer, it is not possible to rescind the decision to select Dyfnant forest for windfarm development.

It should be noted however that all of the successful bidders will have to make a planning application to the relevant planning authority prior to any development taking place. Any developer submitting an application will have to show as part of their application what impact the proposed development will have on the area. The statutory process will also give interested groups and individuals the opportunity to object to or raise concerns about the application. Should consent be granted, it may be subject to conditions.

I am satisfied that the Assembly Government is acting within its powers on this matter and that its actions fully accord with its published policy of increasing the amount of energy generated from renewable resources and that all formal consultation procedures will be adhered to by the relevant parties concerned when appropriate.



Elin Jones AC/AM
Y Gweinidog dros Faterion Gwledig
Minister for Rural Affairs