



### Consultation response from Cymdeithas Eryri Snowdonia Society

The Snowdonia Society is a registered charity established in 1967, which for over 50 years has contributed to the work of caring for and protecting Snowdonia. The Society's object is: 'to protect and enhance the beauty and special qualities of Snowdonia and to promote their enjoyment in the interests of all who live in, work in or visit the area both now and in the future.'

The Society is grateful for the opportunity to submit its views to CCERA. We have four specific concerns:

1. **Designated Landscapes:** It is vital that the NDF includes a new policy on these areas, to complement and expand on other relevant policy wording that would be better placed in Planning Policy Wales (PPW10) when this is next reviewed.
2. **Trawsfynydd:** The wording of Policy 24 should be amended to delete reference to Welsh Government's 'support in principle' for 'proposed development' on the former nuclear power station site here. This wording conflicts with the major development test in PPW10 and may be vulnerable to a legal challenge when the NDF is published.
3. **Sustainable transport in rural tourism hotspots:** The NDF should provide policy support for multi-agency measures needed to deal with chronic road traffic and parking problems and promote 'green' modes of access in the most congested areas of Designated Landscapes.
4. **Proposed 'Strategic Transport Corridor' through the coastal strip of the Snowdonia National Park:** This indicative route shown on page 88 is a new proposal which is unevidenced, unjustified and confusing, and should be deleted or rerouted.

Overleaf, we provide concise statements on each of these concerns, including suggestions for how wording and diagrams could be amended in the final version.

## REPRESENTATIONS

### Designated Landscapes (National Parks and Areas of Outstanding Natural Beauty)

1. We fully support, but do not repeat here the representations to CCERA from the Alliance for Welsh Designated Landscapes, of which the Snowdonia Society is a member.
2. The latest draft of NDF rightly shows the boundaries of National Parks and Areas of Outstanding Natural Beauty on several diagrams. However there is no substantive policy on these areas in the text, other than some development management considerations in relation to the location of renewable energy (which arguably would be better placed in the next revision of PPW10, see below).
3. National Planning Policy Wales (PPW10) does include policy content on Designated Landscapes at paragraphs 6.3.5 – 6.3.10. This is focused on national level development management policy for these areas which need not be repeated in the NDF. However, the NDF is the appropriate national document - with a high public profile and wide readership - in which to concisely set out key matters including:
  - the significance, purposes and multiple benefits of Wales' Designated Landscapes
  - the pressures these landscapes and their communities face, including unsustainable and inappropriate developments that would further harm and diminish the special qualities of these areas
  - Welsh Government's key priorities set out in '*Valued and Resilient – The Welsh Government's Priorities for Areas of Outstanding Natural Beauty and National Parks, 2018*'
  - The special role of National Park Authorities and National Park management plans

### Recommendation

4. Rather than suggest a specific form of wording, we recommend that Welsh Government (WG) invites a working party of expert staff from the three National Parks, the Wales officer for the National Association for AONBs and Natural Resources Wales to advise WG officials on the wording of a concise policy text.
5. We appreciate that WG will not want the NDF to become too lengthy. However, we suggest that a lot of the background factual and contextual material that has been included in the latest draft could be placed in a readily updatable supporting document, with the NDF policy document itself thereby becoming more concise.

**Trawsfynydd: site of decommissioned nuclear power station site, now part of the 'Snowdonia Enterprise Zone'**

6. We are concerned about the wording in Policy 24 of the latest version of the NDF entitled 'North West Wales and Energy' about Trawsfynydd. In our view, this **conflicts with procedural policy in PPW10 on 'major development' in National Parks and is vulnerable to a legal challenge when the NDF is published**. The limited deletion of a few words and amendments along the lines we suggest for reasons below would remove that risk.
7. The first draft of the NDF included a policy entitled 'North West Wales and Energy' (then Policy 22), which set some strategic level development management criteria for determining any application for nuclear energy generation stations. The supporting text was careful not to endorse any specific development proposal and the text on Trawsfynydd noted only that the site was '*currently being promoted by the Snowdonia Enterprise Zone Advisory Board as a potential site for a Small Modular Reactor ...*' (SMR)
8. The same policy in the latest version of the NDF (now Policy 24) states:  
*'... Proposed developments associated with ... Trawsfynydd will be **supported in principle**'* [our emphasis].

*Ambiguity*

9. The new policy wording on Trawsfynydd is ambiguous for two reasons. First, 'proposed developments' is not defined, even in terms of a general category of development. **Policies in support of development must be crystal clear as to what type of development is being supported**. Nevertheless, the supporting text to this policy suggests strongly that in the case of the Trawsfynydd site (of the former Magnox nuclear power station), the policy is giving 'support in principle' for an SMR. (Or potentially several SMRs as we understand that multiple SMRs reactors on one site can be an option, thereby expanding the scale and significance of such nuclear power development.)
10. The second reason the policy is ambiguous is the use of the term '*in principle*'. In general parlance, this could mean support that could be withdrawn if circumstances change or certain conditions are not or cannot in practice be met. But in the context of the statutory planning system, 'in principle' sounds akin to the concept of 'permission in principle', which in England has 2 stages. The first stage (or permission in principle stage) establishes whether a site is suitable in-principle and the second ('technical details consent') stage is when the detailed development proposals are assessed.

*Conflict with PPW10 – the major development test in National Parks*

11. The Snowdonia Society would need to study any specific proposals for SMR development at Trawsfynydd before coming to a position on it. This would require detailed appraisals of likely impacts on the special qualities of the National Park and its communities. We think this is the position and approach that Welsh Government should take now, ahead of any specific proposals, for the reasons below.

12. It seems likely that a SMR(s) proposal of up to 350MW would be pursued via the Developments of National Significance (DNS) regime, rather than the Town & Country Planning legislation. The role of the Planning Inspectorate would be to hold an inquiry and advise the DNS decision maker. Crucially, we understand that the decision maker is very likely to be the relevant Welsh Government Minister. It is therefore essential that the final version of the NDF – the top tier of the statutory development plan for Wales – does not give any impression of predetermination of this ‘proposal’ on the part of Welsh Government. (The courts have clarified that decision makers are entitled to be ‘predisposed’ to particular views. However, predetermination occurs where someone closes their mind to any other possibility beyond that predisposition, with the effect that they are unable to apply their judgement fully and properly to an issue requiring a decision.)
13. At first sight, the supporting text in the latest version of the NDF suggests that Welsh Government is open minded, with no hint of predetermination:

*Trawsfynydd is a **potential** [emphasis added] site for a Small Modular Reactor, building on the existing sector-specific technical capacity and expertise available locally and creating a new nuclear industry growth zone. The site is in a unique position, having previously been a former nuclear power station with the necessary infrastructure and local skills in place. The site lies within the Snowdonia National Park and major development here should be subject to the principles in Planning Policy Wales. At the detailed planning stage, it will be necessary to consider design and impact upon the environment and landscape of the National Park including potential mitigation. The potential economic benefits of new nuclear developments, particularly in terms of their high-value job creation, may provide a catalyst for regional development. This will need to be balanced against the long-term impact these large-scale developments can have on sensitive areas and the surrounding environment.’*

14. The difficulty relates to the major development test in national parks at paragraph 6.3.10 and footnote 118 in PPW10. Whether a particular proposal in a national park would constitute ‘major development’ is for the decision maker - in this case likely to be Welsh Government. However it does seem likely that a SMR proposal would be assessed as major development (especially if the proposal opens the door for more than one such reactor on site, and/or if the proposal is advanced as being of UK wide national importance). If a proposal is treated as major development, then PPW10 para 6.3.10 states that:

*‘Major developments should not take place ... except in exceptional circumstances. This may arise where, after rigorous examination, there is demonstrated to be an overriding public need, refusal would be severely detrimental to the local economy and there is no potential for locating the development elsewhere or meeting the need in some other way. ...’*

15. Thus the major development test deals not so much with detailed design issues but the ‘principle’ of whether the proposal would be acceptable on the site in question. A proposal could be assessed as being of sound design but still fail the major development test for other reasons concerning need and/or suitable alternative locations.

16. The appointed planning inspector and an open-minded Welsh Government decision maker are likely to be faced by arguments that there is no overriding public need<sup>1</sup> and that there is potential to locate the development outside a national park. (There could be several suitable locations in the UK outside of national parks where their promoters compete to attract development of this cutting-edge SMR technology.) At the present time there is **no certainty that a SMR proposal at Trawsfynydd would pass the major development test**. This being so, it would be irrational and in conflict with conducting that test in an open-minded way for Welsh Government now to give 'support in principle' to SMR development at Trawsfynydd in the statutory development plan (i.e. its NDF tier) before any detailed proposal is put forward and rigorously assessed.
17. Any support in principle for specific SMR proposals at Trawsfynydd should follow a decision on whether the proposal is major development and, if so, whether the PPW10 test is met. Consent would then be subject to satisfactory resolution of detailed technical issues including adequate mitigation of local environmental impacts.

### *Recommendation*

18. We therefore recommend that the starting text to Policy 24 is amended to:

The Welsh Government supports North West Wales as a location for new energy development and investment. Proposed developments associated with the Isle of Anglesey Energy Island Programme and Wylfa Newydd will be supported in principle<sup>2</sup> as a means to create significant economic benefits for the area as well as generating renewable or low carbon energy. **Proposals for Small Modular Nuclear Reactor technology at Trawsfynydd would need to accord with PPW policy on major development in national parks.** [emphasis added to highlight key change]

19. We think the phrase 'supported in principle' regarding Trawsfynydd may be vulnerable to a legal challenge on grounds of irrationality and predetermination. (Essentially a plain conflict between NDF Policy 24 and an open-minded application of the major development test, compounded by avoidable ambiguity about the type of development supported by the policy and the meaning of 'in principle'.)

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<sup>1</sup> See for example the international study at <https://www.nature.com/articles/s41560-020-00696-3>

<sup>2</sup> Anglesey includes AONBs but no national park, so the specific issue of the major development test does not arise there.

### **Sustainable transport in rural tourism hotspots**

20. The latest draft NDF includes a commendable commitment to more sustainable forms of transport. The focus on urban areas and national connectivity is right, as is the recognition of some key issues for rural areas in the supporting text on page 69. However, the need to bring about more sustainable transport in rural tourism hotspots that are under huge and increasing visitor pressure also needs to be recognised in the NDF. This is but one example of why the role and key issues in National Parks should be recognised in the NDF.
21. The unprecedented number of visitors to already popular parts of national parks after the UK lockdown lifted earlier this year sparked UK-wide press and television coverage of chronic road congestion and chaotic car parking that are set to worsen as visitor pressures increase. Unchecked, this will erode the very qualities of Designated Landscapes that visitors seek, notably tranquillity, and undermine efforts to promote 'greener' tourism that could significantly boost the rural economy as well as well-being. In Snowdonia, a [study](#) nearing completion of transport and parking problems is making innovative recommendations that will require significant investment, joined up multi-agency partnerships and bold leadership.
22. But this is not just a local issue for the Snowdon area. The problematic areas in question include hotspots particularly in all three National Parks and the sum of the challenges represents an issue of national and regional importance for Wales. The NDF is the appropriate policy framework for Welsh Government to provide overarching leadership and commitment to implementing the complex solutions that are needed. This is about enabling access for non-car owners as well as developing viable greener alternatives to the current car-dependent access to the most popular visitor destinations.

### *Recommendation*

23. We recommend that the following bullet point is added to Policy 12 entitled Regional Connectivity (after the bullet point on ultra-low emission vehicles), or an alternative formulation that the National Park Authorities may prefer:
  - 'Rural tourism hotspots – develop multi-agency measures to reduce car dependency and facilitate greener modes of access to and around the most popular visitor destinations.'
24. This needs to be cross referenced in the regional policy framework for North Wales, with wording in the supporting text there such as the following or alternative formulation that the National Park Authority may prefer:

'The Snowdon area is one of the most popular rural visitor attractions in Europe, now experiencing massive and increasing visitor pressures on this fragile upland environment. A bold multi-agency approach is needed, in line with Policy 12, to reduce visitor dependency on the private car by promoting and investing in environmentally friendly 'green' modes of access to and around this area, likely to include frequent electric or hydrogen-powered bus services from park & ride hubs.'

### **Proposed new 'Strategic Transport Corridor' through Snowdonia National Park**

25. The diagram entitled 'Strategic Corridors and Metro Developments' on page 88 of the latest draft NDF was not in the first draft. Nor does it have any precedent in the existing 2008 Wales Transport Strategy, or any reference whatsoever in the 2020 'Scoping Report' and other documents to inform preparation of a new Wales Transport Strategy – a process that is still at an early stage.
26. The main north-south strategic route through Wales is the A470 Primary/Trunk road. Parts of this route were omitted from capacity improvements in recent decades for good reasons, including the fact that traffic levels along parts of the route are very low compared with other Primary routes in Wales. We therefore understand why the A470 as a whole through Wales was not shown as part of national or regional 'connectivity' in the first draft of the NDF.
27. However the schematic diagram on page 88 of the latest draft shows a 'strategic Corridor' running from Anglesey/Holyhead down the west coast through North Wales, thence via Aberystwyth towards Carmarthen, not the route of the A470 that starts from Llandudno and goes down the Conwy Valley and continues well inland eventually to Cardiff. The route on page 88 appears to incorporate the A487 and then the A496, the latter passing through environmentally highly sensitive coastal areas of the Snowdonia National Park. The A496 is locally congested in places and minor capacity and safety improvements might be justified, but the identification of this route as fulfilling part of a 'strategic corridor' is wholly unevidenced and unjustified.
28. Indeed, the diagram on page 88 is inconsistent with the Regional Strategy Diagram for North Wales on page 109, which shows a 'national connectivity' corridor running from Trawsfynydd down through Dolgellau and then inland picking up the A470, but no such corridor down the west coast using the A496. Both diagrams are intended to be indicative and schematic, and rightly so in a broad national strategy document. However, the route on page 88 is clearly NOT the same schematic and indicative route shown on page 109. The juxtaposition of both diagrams sows confusion.

### *Recommendation*

29. We recommend that the section of the 'strategic corridor' on the diagram on page 88 from Anglesey to Machynlleth should either be deleted from this diagram or rerouted inland - incorporating in a schematic way the route of the A470 so as to be consistent with the diagram on page 109.