
Infrastructure 08, Individual

Senedd Cymru | Welsh Parliament

Pwyllgor Newid Hinsawdd, yr Amgylchedd a Seilwaith | Climate Change, Environment, and Infrastructure Committee

Bil Seilwaith (Cymru) | Infrastructure (Wales) Bill

Ymateb gan Unigolyn | Evidence from Individual

General principles

What are your views on the general principles of the Bill, and is there a need for legislation to deliver the stated policy intention?

Although any simplifying of public sector bureaucracy would normally be welcome, there is always a danger that for simplifying a process one must also read dumbing down and avoiding public scrutiny and the democratic process. This is particularly true with major projects such as those listed, and even more true with renewable energy developments which Welsh Government seems to have a political fixation about, despite growing evidence that this is misguided. The DNS system has already removed democracy from the process, but this is even worse. Implying that the public needs "simple" in order to get involved is an insult to the intelligence of the population of Wales.

What are your views on the Bill's provisions (set out according to parts below), in particular are they workable and will they deliver the stated policy intention?

Part 1 - Significant infrastructure projects

As listed and given recent political exchanges, these provisions are clearly designed to allow the speedy progression of onshore wind developments and their accompanying power lines, substations etc. In the face of global economics, nationwide opposition and planned development in the Celtic Sea I would have thought this was an extremely risky way for the government to proceed. I assume that the non-onshore wind development upper restriction of 350MW is because this is the limit of the WG responsibility for offshore wind?

Part 2 - Requirement for infrastructure consent

The only thing I can say here is that it seems to give Welsh Ministers an extraordinary degree of unilateral power, which renders democracy completely meaningless (NB Hendy Windfarm.)

Part 3 - Applying for infrastructure consent

As I will never be an applicant, I have not gone into this in detail. However I would expect the pre-application service to be equally available to all potential applicants, and not just those favoured by Ministers. The sections about authority to obtain names and addresses of landowners suggests that serving notice eg. about CPOs will come much earlier in the process than it does now and prior to consent being obtained. Given recent examples of bullying by agents of potential developers, this seems very dangerous to me. I don't think point 64 is worded very well - does it mean anyone who fails to comply (in which case I disagree) or only those who give false information (in which case I agree, but only if it has been proven beyond reasonable doubt that the information was false and that it was given deliberately and maliciously.)

I agree that community councils and Local planning authorities must be consulted, my views on removing the process from the latter have already been made clear. The section about local impact reports gives a very small crumb of comfort as long as they are properly taken into account.

NRW marine report surely represents a conflict of interest as NRW is funded by WG? Nonetheless, if it can remain impartial and not face funding cuts because of a decision then it's better than nothing.

It's fine to insist that consultation occurs when CPOs are likely, much more important is how much protection the landowner will have if their protests, as they will be, fall on deaf ears. I repeat my earlier point about bullying. How will Welsh Ministers ascertain that this has not occurred and what complaints process will be open to landowners?

Part 4 - Examining applications

I believe it should always be a panel, not a person. If I am reading this correctly, one person could have the power to decide how the application is handled and how much public airing it gets prior to decision? This would be completely undemocratic in my view. And this person can vary this - "oh, I don't like what I'm hearing here, better change it from a public inquiry to written representations!" All applications should be subjected to scrutiny at a hearing open to the public and with representatives of the community invited to speak. Completely agree with offence of non-attendance, falsification of documents etc. I hope the applicant's

attendance expenses won't be paid. I presume the community will also be entitled to appoint a barrister who will have equal opportunity to make representations?

138 So Welsh Ministers can step in if they think it's not going their way?

Part 5 - Deciding applications for infrastructure consent

If the examining authority makes a decision, there must be a way of making the Minister stick to it (Hendy Windfarm again.) I haven't found a section which describes how the appeal process works. Apologies if I have missed it, I'm sure there must be one. Worryingly I can't find any reference to appeals beyond page 94.

Part 6 - Infrastructure consent orders

I find the whole CPO issue the most worrying thing about this. They appear to have been sneaked in to make it much easier to issue a CPO and get landowners out or force them to allow rights over their land.

Section 67 is extremely worrying. How can your "replace" a common or just allow it to be CPOd anyway. Commons are rightly protected places and commoners rights have been protected for hundreds of years. This is not something that should just be trampled over without concern for communities and history.

Part 7 - Enforcement

Enforcement is only as good as the robustness of the system in place, the will of Ministers to see it through and the determination to prosecute offences. This has not happened in the case of polluting chicken farms, why should we think it will happen here? And, again Hendy Windfarm.

Part 8 - Supplementary functions

No response.

Part 9 - General provisions

No response.

What are the potential barriers to the implementation of the Bill's provisions and how does the Bill take account of them?

No response.

How appropriate are the powers in the Bill for Welsh Ministers to make subordinate legislation (as set out in Chapter 5 of Part 1 of the Explanatory Memorandum)?

I don't think that Welsh Ministers should have the powers to make subordinate legislation without the oversight of some sort of standing committee.

Are any unintended consequences likely to arise from the Bill?

Bullying of landowners by potential applicants or their agents, lack of public oversight, unfairness in decision making, unfettered industrialisation of the landscape and destruction of the ecology of Wales, lack of public confidence in the process, death of democracy, communities feeling disenfranchised, adult and child slaves dying the DRC and China where they are forced to dig out cobalt and rare earth minerals for a pittance to make parts for wind turbines.

What are your views on the Welsh Government's assessment of the financial implications of the Bill as set out in Part 2 of the Explanatory Memorandum?

No comment to make.

Are there any other issues that you would like to raise about the Bill and the accompanying Explanatory Memorandum or any related matters?

I want to know more about the appeals process, especially in relation to communities appealing against a decision in favour or granting an IC. I will keep looking to try and find it as I still think I must have missed it. It surely wouldn't have been left out? Otherwise the explanatory memorandum is extremely comprehensive and helpful.

Other comments

My points might be basic and simplistic but that's because I am a member of the public. Until recently members of the public were consulted on planning matter through their local councillors, now they are not even consulted through their MS.

I am absolutely sure that all current Welsh Government Ministers are beyond reproach. But I am concerned that future incumbents may be less so. In my view this Bill leaves the door wide open for impropriety due to lack of public scrutiny.
