

Michael and Claudi Halsey

Mr. William Powell
Chair
The Petitions Committee
Welsh Assembly
Ty Hywel
Cardiff Bay, CARDIFF
CF99 1NA
16th March, 2015

Dear Mr. Powell

**PETITION ON : LOCALISM IN PLANNING and INFRASTRUCTURE PROJECT COMPENSATION
TO THIRD PARTIES.**

We refer to the above petition which closed on 6th March which achieved nearly 500 signatories throughout the whole of Wales. But for computer glitches on your petition site towards the end of the petition period, we believe this would have exceeded this figure. Nevertheless, we understand this Petition will be heard by your Committee on **Tuesday 24th March, 2015**. Please advise the time. You have received a response dated 23rd February from Minister Carl Sargeant (CS), to which we now reply in point form below (for ease of reference):-

1) THE LEVEL OF PLANNING DECISIONS (Localism in Planning)

- 1.1** In para 3 of his letter CS refers to “*different types of planning applications to be dealt with in a proportionate way dependent on their likely benefits and impacts*”-he doesn't define “proportionate” neither say to whom these “impacts and benefits “ pertain?
- 1.2** End of para.3 he states”*whether they have impacts which are of national, major or local significance.*” With respect, **all projects must have a local impact and will have local significance?**
- 1.3** Para 4 - CS refers to 10 planning decisions p.a. to be made by Welsh Ministers but fails to state what type or nature of planning applications he is alluding to? If this is to include for instance major Wind Farm developments *we would no doubt, in view of WAG policy, already have a proliferation of developments approved for construction on the beautiful hills of Powys (together with their necessary pylons networks)* **were it not for the intervention of our Local Authority who are best placed to understand the topography, economy and sensitivity to development of the county and have some democratic accountability that can reflect local views and concerns ?**
- 1.4** Public Consultation -is alluded to in para 5 where he states ”*Developers to engage pro-actively with the public*”. In Mid-Wales we have a great deal of experience in this regard where we find in many instances “show case “ presentations by developers who then fail to heed the very real concerns of local residents and businesses etc.(see points below)
- 1.5** We really fail to see how in his words” *These proposals will strengthen, rather than weaken, community engagement.*” **Additionally would comment as follows:-**

1.5.1 Local Development Plans-The Planning (Wales) Bill states that: ‘*Local communities and their elected representatives remain best placed to make local decisions with community involvement by reference to the Local Development Plan (LDP)*’ . This is an important

principle but in practice the Bill will serve to weaken the weight given to LDPs and increase the area over which a single LDP is applicable becoming less responsive to local variation in community needs. *No substantive measures are proposed that will increase local involvement.*

1.5.2 'Consultation' on major planning projects, such as wind farms, already takes place and developers are careful to ensure that they tick the boxes. Whilst recognising that the Welsh Government have now signed up to a set of criteria regarding consultation this is more around the mechanics than ensuring it is informative, inclusive and that stakeholders can see how their views are taken into account. *Substantiated objections where proposals deviate from local plans should be a consideration in rejecting a proposal in its entirety.* (see also 1.5.7 below)

1.5.3 Localism. Across much of the UK there has been a genuine attempt to embed localism into the planning agenda which has been effectively monitored at Ministerial level. Welsh communities should not have lesser rights and protection. Elsewhere, Local / Parish Plans are actively funded and supported including the translation into a democratically adopted and robust Neighbourhood Plan as a material factor in planning determinations. The Planning (Wales) Bill initially had passing reference to, relatively low level, 'Place Plans' that now appears to have been removed? *Full democratic community involvement in shaping their living environments is central to the very different concepts of engagement and empowerment.* In a democratic society communities must be able to see how their local plans inform their LDP.

1.5.4 Devolved Powers. In other areas of the UK, government is moving to devolve powers to larger Local Authorities acknowledging they are best placed to respond to local circumstances. *Conversely the Welsh Planning Bill centralises ever more control.* None of the measures in this or the Reforming Local Government White Paper appear to promote or reinforce local empowerment. *Dilution of local autonomy reduces transparency removing a layer of accountability and is a retrograde step for localism.*

1.5.5 Planning Ethos- The underpinning principle of all planning should be *the right development in the right place* in a timely and proportionate manner to ensure the continuing socio-economic well being of existing communities and an environmental balance. *This Planning Bill seeks to shift the balance to a presumption in favour of development removing the whole purpose of planning and distorting the system.*

1.5.6 Urban v. Rural Planning. Much centralised policy in Wales is urban. There are very real economic and regeneration issues in South Wales that can be addressed through the planning system BUT Wales is a very diverse nation and local autonomy is a pre-requisite to responding appropriately to this diversity, particularly the rural two thirds of Wales. *Every development must be examined on it's own merits and within it's own context not routinely assessed against urban standards.* Concentration of expenditure at LPA level ensures better local administration and delivery that will not be achieved through creation of additional government bodies.

1.5.7 Site Identification /selection.- Central government's identification of designated development sites under TAN 8 is a particularly disastrous bad example in our area; having effectively dis-empowered the people without any prior consultation with those communities most affected and also preventing proper consideration of local demographic or topographic factors. TAN 8 is also a stark example of designated wind farm SSAs that have failed to deliver for either developers or communities. *They have imposed a presumption in favour of wind development without reference to affected communities; local economies or material planning constraints with inappropriate and arbitrary 'targets'.*

1.5.8 Democratic Accountability TAN8 showed the futility of consultation *with the carefully reasoned views of the overwhelming majority who were aware of the consultation totally rejected or ignored.*

Furthermore elected local Members ability to 'call in' planning applications is a necessary part of democratic accountability and limiting this, as proposed in the Bill through arbitrary 'targets', again reduces the capacity for community involvement.

The Planning (Wales) Bill seeks to extend and embed a divisive top down system that utterly denies local determination, meaningful community consultation and the democratisation of landscapes, as required under the European Landscape Convention.

2) IMPACT OF MAJOR INFRASTRUCTURE PROJECTS ON THIRD PARTIES (Infrastructure Project Compensation to Third Parties)

2.1 Planning Blight - CS states on page 2 para 1 that "*the Town & Country Planning Act 1990 contains a series of provisions in relation to compensation & planning blight*". Presumably the Minister considers these adequate as he sees no reason to incorporate provisions in the new Bill? We are aware of numerous cases locally where residents have been unable to sell their residential homes ***over a number of years*** owing to proposed Wind farm developments in proximity to their property.

In our own case we bought this isolated and peaceful small-holding in 2004 just before the announcement of TAN 8 in 2005. Encouraged by this and the financial incentives offered by Government, developers put in planning applications for 2 wind farm developments immediately adjacent to 3 sides of our home (within 700metres) and for 10 years we have been fighting these and other local developments.

These developments are still not determined and last summer we decided to attempt to move. Despite tremendous interest from as far away as the Channel Islands, as soon as interested parties learnt of the full potential impact of these wind farms-they seemed to lose interest. After 4 months we received **not one offer**, prompting our ESTATE AGENTS TO COMMENT THAT WE ARE "***TOTALLY BLIGHTED***".

2.2 Compensation-despite what CS has stated, we,our advisers and neighbours are unaware of any compensation payable to us as innocent victims of this planning blight. Whilst we are aware of compensation for infrastructure projects **funded** by government, i.e. the Newtown By-pass, this doesn't apply to government **backed (and encouraged)** projects which are funded by privately. ***This is of course totally unjust and unfair-leaving residents effectively "trapped" in their own properties or being forced to accept greatly reduced sale prices.***

NB1. We have evidence of the above and would be prepared to submit this to your Committee.

NB2. CS states the Independent Advisory Group (IAG) review in 2011 "*did not receive evidence suggesting a review is required of compensation provisions---*" Circumstances change as evidence emerges; the fact that anything is not raised at a certain stage and time, for whatever reason, is totally immaterial to whether it should be raised in the future and the petition now before the Committee identifies a very serious gap in respect of adequate compensation within our planning laws.

REQUEST: That in accordance with our Petition, that the Minister now acts to safeguard the democratic decision making processes of local communities. Also to acknowledge the shortcomings of existing planning law and take this very timely opportunity to incorporate within the new Planning (Wales) Bill, adequate protection and compensation for innocent victims of major infrastructure projects in Wales.

Yours sincerely

Michael A. Halsey

Claudi Halsey(Mrs.)

For God so loved the world that he gave his one and only Son Jesus Christ that whoever believes in Him shall not perish but have eternal life" John 3v.16