



Cynulliad National
Cenedlaethol Assembly for
Cymru Wales

Y Pwyllgor Deisebau

Adroddiad Cwblhad

Crynodeb o ystyriaeth y Pwyllgor Deisebau ar P-03-068 Arbed Ein
Golygfa: Deiseb Gwastadeddau'r Rhyl

Hydref 2008

Cyflwynwyd y ddeiseb

14 Awst 2007

Dyfarnwyd yn dderbyniadwy

21 Awst 2007

Ystyriaeth gychwynnol

20 Medi 2007

Ystyriodd y pwyllgor y ddeiseb a chytuno i ofyn i Lywodraeth Cynulliad Cymru am wybodaeth yn ymwneud â'i sefyllfa ddiweddaraf.

(Gweler Atodiad 1 ar gyfer y darn perthnasol o'r trawsgrifiad o'r cyfarfod ar 20 Medi 2007)

21 Chwefror 2008

Ystyriodd y pwyllgor y ddeiseb a gwahodd y deisebwyr i gyflwyno tystiolaeth yn y cyfarfod ar 6 Mawrth 2008.

(Gweler Atodiad 1 ar gyfer y darn perthnasol o'r trawsgrifiad o'r cyfarfod ar 21 Chwefror 2008)

6 Mawrth 2008

Clywodd y pwyllgor dystiolaeth lafar gan y deisebwyr, a chytuno:

- I ysgrifennu at y Gweinidog dros Faterion Gwledig ynghylch trwydded a roddwyd mewn cysylltiad ag amharu ar amgylchedd y môr
- I ysgrifennu at y Gweinidog dros yr Amgylchedd, Cynaliadwyedd a Thai mewn cysylltiad ag enwi safleoedd, i wneud cais am asesiad risg llifogydd ac i ofyn am y newyddion diweddaraf ar y cynnydd a wnaethpwyd o ran cael y grym i benderfynu ar geisiadau ar gyfer datblygiadau ynni dros 50MW.
- I ysgrifennu at y Gweinidog Treftadaeth i ofyn am asesiad effaith twristiaeth
- I ofyn am gyngor gan dîm cyfreithiol Gwasanaethau Seneddol y Cynulliad

(Gweler Atodiad 1 ar gyfer y darn perthnasol o'r trawsgrifiad o'r cyfarfod ar 6 Mawrth 2008, Atodiad 2 ar gyfer y llythyr a anfonwyd gan y Cadeirydd at y Gweinidog dros Faterion Gwledig, Atodiad 3 ar gyfer llythyr y Cadeirydd at y Gweinidog dros yr Amgylchedd, Cynaliadwyedd a Thai, ac Atodiad 4 ar gyfer y llythyr a anfonwyd at y Gweinidog Treftadaeth)

11 Mehefin 2008

Trafododd y pwyllgor ymateb oddi wrth y Gweinidog dros yr Amgylchedd, Cynaliadwyedd a Thai, a chytuno i ysgrifennu ati i gael eglurhad ar y Drwydded FEPA ar gyfer Gwastadeddau'r Rhyl.

(Gweler Atodiad 1 ar gyfer y darn perthnasol o'r trawsgrifiad o'r cyfarfod ar 11 Mehefin 2008, ac Atodiad 3 ar gyfer yr ymateb gan y Gweinidog dros yr Amgylchedd, Cynaliadwyedd a Thai a llythyr dilynol y Cadeirydd at y Gweinidog)

9 Gorffennaf 2008

Trafododd y pwyllgor ymateb gan y Gweinidog dros yr Amgylchedd, Cynaliadwyedd a Thai, a chytuno i ysgrifennu at y deisebwyr i ofyn am eu sylwadau.

(Gweler Atodiad 1 ar gyfer y darn perthnasol o'r trawsgrifiad o'r cyfarfod ar 9 Gorffennaf 2008, ac Atodiad 3 ar gyfer y llythyr a gafwyd gan y Gweinidog dros yr Amgylchedd, Cynaliadwyedd a Thai)

2 Hydref 2008

Trafododd y pwyllgor sylwadau'r deisebwyr a chytuno:

- I ysgrifennu at Lywodraeth Cynulliad Cymru yn nodi'i ganfyddiadau
- I gau'r ddeiseb gan nad oedd yn gallu gwneud unrhyw gynnydd pellach arni.

(Gweler Atodiad 1 ar gyfer y darn perthnasol o'r trawsgrifiad o'r cyfarfod ar 2 Hydref 2008, ac Atodiad 5 ar gyfer y llythyr at Lywodraeth Cynulliad Cymru)

Y Clerc Deisebau Hydref 2008

Atodiad 1

Darn Perthansol o Drawsgriadau Cyfarfodydd y Pwyllgor Deisebau

20 Medi 2007

Val Lloyd: We now move to the penultimate petition, which is the petition on the Rhyl flats. Does anyone have any views?

Michael German: Does this have another name?

Val Lloyd: Have I turned over two pages?

Michael German: No. I was referring to the name of the proposed windfarm. Is it something gwynt?

Val Lloyd: I do not know; I only noticed the reference to the Rhyl flats.

Michael German: It is Gwynt y Môr. The reason why I ask that is because I understand that there has been some revision of the original application. I heard something about that. Again, this is a difficult one, because there is a whole raft of permissions, including the Queen as far as I understand, along with the Minister for Rural Affairs, the UK Government—

Andrew R.T. Davies: The European Union?

Michael German: I do not think that it includes the European Union, in this case. However, it is my understanding that the Government has been engaged in this and has done some revision. I do not know whether the September 2007 objections are objections to the new or revised proposals.

Val Lloyd: We could write to the petitioners and ask, if you are not certain. Do you have any further information?

Michael German: Maybe we could also seek information from the Government with regard to where it understands the whole process to be in terms of the application. This is a big issue in north Wales.

Val Lloyd: When you say 'the Government', are you referring to the Welsh Government?

Michael German: Yes. Someone will tell you where all of these permissions are.

Val Lloyd: I thought that it was a UK Government permission.

Michael German: There is more than one permission. I can remember signing a permission for the one that currently exists off the north Wales coast, which was to do with fish; we had to have fish permission.

Val Lloyd: We will have the petitioners in at the next meeting, or we will ask them if they will come in for the next meeting.

Andrew R.T. Davies: Will we be asking the petitioners to come in for the next meeting?

Val Lloyd: That is what we have decided.

Andrew R.T. Davies: I thought that we were just going to ask for information.

Mr George: I would like to clarify whether we are seeking to get the petitioners to come in to explain where they think things lie, or if you want us to seek further information on the various permissions before we do that.

Val Lloyd: To seek information.

Mr George: We can do that, I just have a suspicion that, given the complexities that you have outlined, it might take some time to get that information together. In fact, we may never really be able to get to the bottom of it, given that some of that information is not within the gift of the Assembly Government to give us. It is your decision, but to get the initial explanation, it may be better to get the petitioner's view if that is what you want to do.

2.20 p.m.

Andrew R.T. Davies: Can you collate what information you can and then we can make an informed judgment on that? Looking at the wad of stuff Mike has got there, it is obviously a complex issue.

Val Lloyd: Perhaps we should check with the committee; I see that you think that it is a good idea. We will take it forward that way.

21 Chwefror 2008

Val Lloyd: We will therefore now go back to consider petition P-03-068, on Rhyl flats. We have some papers on that. We are going to north Wales for our next meeting and so to speed up the process, I suggest that it would be sensible, practical, and an example of good communication, to get the petitioners to speak to us when we are in north Wales. Are you happy with that? I see that you are. I will just note that down.

6 Mawrth 2008

Val Lloyd: We have three presenters for our first petition this morning, on Rhyl flats. Presenters will have 15 minutes to present their case—how they use that time is up to them. Darren Millar, the constituency Assembly Member, will then have five minutes, and it is then open to members of the Petitions Committee to question the petitioners, and to hear what more they have to say. After that 15 minutes, we will move to discussion.

I ask the petitioners to introduce themselves; this does not form part of your 15 minutes.

Mr Lawson-Reay: I am John Lawson-Reay, the chairman of Save Our Scenery.

Ms Howarth: I am Janet Howarth. I am the secretary of the Save Our Scenery action group. I am also a member of the Llandudno hospitality executive, and I am a director of North Wales Tourism. I also own a small guest house in the area.

Mr Pritchard: My name is Mike Pritchard. I am representing the Save Our Promenade campaign. I am a representative on the Llandudno promenade consultative group, which is run by Conwy County Borough Council, and I am a member of the Save Our Scenery group.

Val Lloyd: Thank you. Could we please hear your presentation?

Mr Pritchard: The Rhyl flats windfarm project was proposed by Celtic Offshore Wind Limited, COWL, in 2002 and was first consented by the then Department of Trade and Industry on Boxing Day 2002. Two or three days later, it was sold on to npower. Low-key, and almost non-existent public awareness announcements were made in the locality, but, from the windfarm's chosen name, Rhyl flats, it would not and did not register with the people of Llandudno and Colwyn Bay, who are some 15 to 20 miles away. Furthermore, COWL held its public meetings from 22 to 25 April 2002, and then placed the deadline for comments as 2 May—a few days later, which did not give much scope for opposition.

The House of Commons Welsh Affairs Committee criticised the DTI for accepting this misleading information, and this was later to be confirmed by the European Infringement Unit. It was only when Gwynt y Môr windfarm came on the scene that everyone realised, from the photographs produced for it, that the Rhyl flats project was not going to be constructed on the Rhyl flats sandbank, opposite Rhyl promenade, which is clearly shown on the maps that we have produced for you, but opposite Rhos-on-Sea and the Little Orme on the Constable bank. This project would be in full view of the tourist resorts of Colwyn Bay and Llandudno, not Rhyl.

When we became aware of this situation, complaints and objections were made to the then Department of Trade and Industry, local MPs, Assembly Members and even the European Commission. Conwy County Borough Council was consulted on the project and an officer's report was submitted to a planning committee, highlighting the potential impact upon the resorts. However, these warnings appear to have been ignored. Again, no doubt, Conwy councillors were misled by the naming of the project and considered that this was more of a matter for Denbighshire County Council than for Conwy. Despite the rejection of our complaints by the DTI, we still strongly believe that there has been a planning blunder and that the people of the area will see the effects of this blunder in years to come if the Rhyl flats project is allowed to go ahead.

Originally, we were given to understand that the Assembly Government had no powers over the matter, but it was then established that it has responsibility for the granting of a licence under the Food and Environment Protection Act 1985. When, in the summer of 2007, we became aware that npower intended to dump slate waste material from Penrhyn quarries on the pristine and unspoilt Constable bank, we felt that it was necessary to warn the Assembly and, through our AM, it was proposed that this petition be presented to your good selves.

We requested an urgent review of npower's activities and a suspension of its licence until further investigations were undertaken. We appreciate that the Petitions Committee arrangement is new to the Assembly, but we are very concerned that more than eight months have elapsed and we have only now reached this stage of the procedure. We are therefore asking you, as a matter of urgency, to invoke the precautionary principle and for the committee to give instructions to the Assembly Government to suspend further operations on the windfarm project until the review has been undertaken.

The Welsh Assembly Government has recently submitted a report to the Department for Business, Enterprise and Regulatory Reform on the Gwynt y Môr windfarm and has asked for a public inquiry. We want that inquiry to be expanded to include the Rhyl flats project. The two schemes are closely intertwined and the issues raised by the Welsh Assembly Government affect both schemes. We feel that the planning review that has been launched nationally to produce regional planning authorities should be extended to include the Welsh Assembly Government's taking responsibility for decision-making on energy consents for all windfarms in Wales. Under its devolution arrangements, the Scottish Executive has such planning authority and Wales should be given similar powers. In view of this, we feel that communities affected by large-scale windfarm proposals should be consulted. I would now like to pass you over to John Lawson-Reay, who will address the issues regarding the Constable bank and the visual impact of the proposal.

Mr Lawson-Reay: The visual impact of this development is considered by us and many people in the area to be paramount. The planning application was flawed. During the public consultation, the site co-ordinates—that is, the area in which it was going to be sited—were listed in national grid references only, rather than in degrees latitude and longitude, as required for a navigational chart. The Ordnance Survey map, sheet 116, for this part of north Wales, reveals that the national grid does not extend to the area indicated on the admiralty chart as shown during the consultation exhibitions. That means that members of the public could not reasonably have been expected to be able to interpret the position and area of the development. In addition, after the one-day exhibition at Llandudno, people would have had only four working days in which to object before the closure of the consultation, which is ridiculous.

The distance between the shore and the site is only 4.5 nautical miles, but the distance given to the public was in kilometres—around 7.4 kilometres. That would have confused people into thinking that the site would be further out to sea. All distances at sea should be measured in nautical miles. That is an international convention; it is internationally agreed. We would suggest that it was a way to confuse the public.

The site indicated is on the Constable bank and not on Rhyl flats, which is an area indicated on the sea bed on the navigational chart as being north of Towyn. It is also described by COWL, which made the application, as being north of Abergele, which it is not; it is actually north-north-west of Abergele, but it is north of Colwyn Bay. npower, which now has the licence, has confirmed that the turbines for this site would be in excess of 500 feet tall. As a comparison, the turbines at North Hoyle are significantly shorter at 411 feet and have tapering towers, which taper from 4.15m to 2.3m. The towers for the Rhyl flats would be 5.5m in diameter from sea level to rotor head. That means a significant increase in their visual impact, so they would be more easily discernible from a greater distance as compared with those at North Hoyle.

The feasibility and socio-economic study admits that the visual impact would be significant. It also revealed that the windfarm would occupy up to 30 degrees to 40 degrees of the seaward horizon from sites between Rhos-on-Sea and Llanddulas, while being a massive 45 degrees of visibility from Llandudno Bay.

The Countryside Council for Wales considers that the visual impression produced by a development of this pattern and layout would detract from the existing character and natural beauty of the area by having the effect of visually enclosing the open bay aspect. The published photo montages were completely meaningless.

We are also concerned about the possible disturbance of the Constable bank, which provides a natural barrier to high seas thereby protecting our coastline from the worst of the northerly storms. Much of that part of north Wales is designated as a flood risk area by the relevant authorities. These risks have not been studied in this connection. There are also unstudied risks involved for ships passing along the coast. On 2 February this year at 11.19 a.m., we counted 14 ships of significant size in our immediate vicinity.

The recent grounding of the ferry Riverdance at Blackpool, highlights the risks that are prevalent in the marine environment. A collision of an oil tanker with a windfarm could turn out to be a major disaster for our holiday beaches and our economy.

Ms Howarth: Why did I sign the petition? First, as a member of Llandudno hospitality executive, I am concerned about the impact on the local tourism business of the creeping industrialisation of this last stretch of heritage coastline between here and Cumbria. Secondly, as a director of North Wales Tourism, I am frankly alarmed at the excessive exploitation of the land and seascapes of Wales by windfarm developers. Thirdly, as one of the 80 per cent of residents who live along this stretch of coastline, I am fearful of the consequences of locating 30 industrial structures on the dynamic maritime sandbank, which has faithfully sheltered us from stormy seas.

I do not think that it is in the public interest or in the interest of public safety to engineer on and in the vicinity of our natural flood defences, namely the Constable bank. Will residential property values in Rhos-on-Sea be affected by this windfarm? Almost certainly. Will seafront properties at Rhos-on-Sea become difficult to sell? That is very likely. What will bring this about? The visual blight of massive turbines towering over the Rhos-on-Sea properties. Will business confidence in Colwyn Bay and Llandudno be undermined? I believe that Colwyn Bay's best efforts at regeneration will be set back years by the inevitable visual blight.

The elegant Victorian and Edwardian terraces of hotels in Llandudno attract inward investment, and there is plenty of evidence of ongoing investment for the future. Within three minutes' walk of my own guesthouse, three guest houses are undergoing improvements and two small hotels are undergoing total refurbishment. Seventy-five per cent of the annual 6.5 million visitors to the area come from urban and industrial parts of the midlands and the north of England; 20 per cent come from other parts of Wales. As a holiday destination, we have a very low carbon footprint; 95 per cent of our visitors do not fly to reach us. Our attractiveness to indigenous visitors should be enhanced rather than diminished by planning blight, which has been a significant factor in the demise and the deprivation of many coastal communities.

This area is the second most popular holiday destination in Wales. It contributes between £500 million and £600 million a year to the tourist economy of Wales, which is currently valued at £2 billion a year, or £5 million a day. Our visitors to Conwy County Borough support 13,000 jobs. The Welsh Assembly Government cannot afford to play fast and loose with Wales's natural assets, because our economy is fragile and sits at a dangerous tipping point. Almost one third of children in Wales are living in poverty, and that figure is rising. Some 5,500 jobs were lost from manufacturing last year and Wales is one of the poorest parts of the UK. Amid this economic gloom, tourism continues to grow. The Assembly Government wants to see at least 6 per cent growth in the tourist sector. Locally, our tourist economy has

evolved over a period of 150 years. We have a micro-economy where most of the pounds brought into the area get banked and spent locally. The local tourist businesses are interconnected with local service providers and other businesses, and we stand and fall together. A loss of business confidence in this area would have serious consequences for our community and local people's quality of life.

A letter written on behalf of the Assembly Government to the Department for Business, Enterprise and Regulatory Reform in relation to the Gwynt y Môr windfarm, which is to be located in Llandudno bay—the names are important—raises several concerns and calls for a public inquiry. Each of those concerns is equally relevant to the Rhyl flats proposal. If the Assembly Government is asking those questions about Gwynt y Môr, then, in the public interest, it needs to ask those questions about Rhyl flats.

Val Lloyd: Could you wind up now, please.

Ms Howarth: Knowing what we know now, would it have been so easy to secure support for Rhyl flats? I believe that the honest answer to that question is 'no' and I call upon the Welsh Assembly Government to use all its powers and influence to ward off the planning disaster that is about to be inflicted on Rhos-on-Sea, Colwyn Bay and Llandudno. Thank you for inviting me today.

Val Lloyd: Thank you. Darren Millar is next.

Darren Millar: Thank you for giving me the opportunity to speak on behalf of my constituents today. This issue has caused a great deal of concern among them and I receive post on it regularly—almost weekly, in fact.

As has been pointed out, the area is renowned for the beauty of its landscape and seascape, and we are concerned that that should be protected. Tourism is the major industry in this area, and we are fortunate that it has not lagged, as it has in other parts of the country; we have booming seaside towns and resorts, and we must ensure that they stay that way. One of the great assets of our seaside towns, and a key reason why they have not suffered the same fate as other towns in the United Kingdom, is that they are period towns. Wind turbines are modern industrial structures and to place them close to such period resorts is tantamount to destroying the key asset from which they benefit.

The tourism industry is not indestructible; it has ridden some significant economic storms in the past, but it is not indestructible, and there is a fine balance to be struck. Huge industrial developments such as Rhyl flats or Gwynt y Môr risk moving us in the wrong direction. The visual impact of this will be extremely significant, as the developer acknowledges. The developer also commissioned some work to look at the potential impact of windfarm developments on the tourism industry. It found that at least 4 per cent of people who currently visit the area would not come back if there were windfarms off the coast. That survey was commissioned by the developer, so you would expect it to produce answers that were helpful to his or her case. Four per cent is a huge chunk of money to take out of the north Wales economy; I suspect that the true figure would be much higher. Therefore, I am very concerned about this development's potential impact on tourism, not only for Llandudno, but the economy generally.

I also wish to raise the issue of concerns about flooding. Llandudno and places further down the coast have been flooded in the past, and the Constable bank has

provided flood protection for the area for many years. I am concerned that there has been no flood impact assessment for this project and that significant construction work on the Constable bank could undermine it and potentially lead to disastrous flooding for homes and businesses in Llandudno in future. This issue has not been properly thought through by the developers, nor is it something that the Welsh Assembly Government has raised in the past with regard to the Rhyl flats petition in particular or the Gwynt y Môr windfarm proposal. I know that we are not discussing that today, but it is pertinent because the Welsh Assembly Government has made representations about the Gwynt y Môr windfarm to the Department for Business, Enterprise and Regulatory Reform, raising all sorts of concerns that are just as relevant to the Rhyl flats windfarm development. Therefore, a flood consequence assessment is desperately needed.

There are four things on which the committee needs to petition the Welsh Assembly Government on our behalf. We need to revoke the licence that has been granted by the Assembly Government. That would bring a halt to the project, ensuring that there is proper time to consider the impact of some of the issues that we are talking about. The Rhyl flats development needs to form part of the inquiry that the Welsh Assembly Government has called for. There needs to be an independent flood consequence assessment, which should not be commissioned by the developer. Because this potentially affects two windfarms, they need to be considered in conjunction because there will be a cumulative impact. The Constable bank has sediments that have settled over many hundreds and thousands of years, and to disturb them could be disastrous. We should also call for the Minister for Heritage to commission an independent tourism impact survey on both of these developments. That would give some confidence to my constituents that you are taking this matter seriously.

I would appreciate the committee's support in seeking those four things on behalf of my constituents.

Val Lloyd: I thank Darren and the presenters. Do any committee members wish to comment?

Michael German: I wish to discuss the revocation of the licence first. You were right at the beginning to say that it is a licence that concerns fish stocks, fishing and the impact on fish. Darren has asked for that licence to be revoked. Would you say that it would be right to revoke a licence for matters that were nothing to do with fish and fish stocks simply because the scheme itself was not appropriate and we did not like the scheme? In other words, do you think that an argument could be formed on that basis, or is there a case for that licence to be revoked on the grounds that it will cause problems for fish stocks and for the fishing industry in general?

Secondly, on the description that you talked about earlier, you have received a letter from the European Commission in which it agrees with you that the description of the development gave rise to ambiguity about the precise location of the development. If you look at the map, it is obvious that Rhyl flats are not where this map says that they are. However, it says that there was no breach of the environmental impact assessment directive. You have had a similar response from the Westminster Government, which said, 'Yes, you were right, but there were some co-ordinates put into the description, which, if you had bothered to use the latitude and longitude, you might have been able to find out'. Can you amplify your view as to whether the European Commission's and the UK Government's responses have been adequate to what is a correct concern on these matters?

My third question is on the movement on the Constable bank. You have made an assumption that putting this here would subject the coastline to flooding. What evidence do you have that this development would cause movement on the Constable bank?

Mr Pritchard: Can I answer the question on the licence and the withdrawal of the licence? The Food and Environment Protection Act 1985 does not just deal with fishing; it also covers the placing of materials in the marine environment during construction and related actions. Therefore, in this case, our concerns last year were based on the fact that waste material from quarries in the Bethesda area was going to be dumped on this pristine sea bank. The Assembly is concerned with that, as it should be, because, under this licence, it was possibly not aware, when the licence was granted six or seven years ago, that npower was suddenly going to dump material of this nature on the sea bed. Therefore, with all due respect, this is important so the Assembly Government should deal with it at this stage; it is within its remit to do so.

Michael German: The dumping of material would also have an impact on marine life and one of the purposes of the licence is to regulate that. Therefore, your argument is that, when the Assembly granted the licence, it was not aware of, or might not have been aware of, the impact on marine life of dumping material from the construction works. Is that the point that you are making?

Mr Pritchard: That is basically it. I do not think that it has investigated it. At the time, when the wind turbines were placed in North Hoyle, they just pounded them into the floor of the sea. They obviously must have found that there was a problem, so what they then did at Burbo bank, and what they intended doing at Rhyl flats—

Mr Lawson-Reay: They are doing it there.

Mr Pritchard: They have already started doing it there. What they did, to avoid scouring the bank, was to dump waste material, which did not come from the operations, but which was shipped all the way from Gwynedd up to the Mostyn docks. They started doing that last year and that is what we were trying to stop. That was not in the original environmental study, but it is something new that has come into the scenario.

Ms Howarth: On the concerns about the bank, we need to bear in mind that this licence was granted back in 2002; I believe that that was on behalf of the Welsh Assembly Government, not by your good selves. Therefore, these decisions were taken in London. When I investigated how this location was identified, I learned that it was identified at a meeting between Crown estate commissioners and independent engineers in a room in London, so I do not think that there was full awareness of the local situation.

Furthermore on Constable bank, I am not a marine geologist or an engineer—and I do not pretend to be—and I do not have the resources to carry out the sort of impact study that Darren has suggested. However, I have read the environmental impact statement that was prepared by Celtic Offshore Wind Limited; it is a superficial statement on all marine issues, not just fish, but birds—particularly rare birds—dolphins, seals, and so on. I then investigated on the internet to see whether I could find any academic documents about messing about with maritime sandbanks, but they do not exist. I then rang up some professors at various universities who more or less said, 'Well, there isn't much around, because we don't do it. We don't do it

because we don't really understand how these sandbanks function. We know that the sea delivers sand and shingle in a tidal pattern and removes it and that, over thousands of years, it accumulates, but we don't really understand how these structures work'. They are not static structures; they are dynamic structures that are subject to tidal patterns.

We are also talking massive engineering work here—these people are not messing around; they are pile-driving massive structures into, and near, the sandbank. There will be an effect. We live in a cause-and-effect world. We cannot do anything without there being an effect and a consequence. I think that the consequences of engineering near that sandbank have not been fully investigated.

As locals, we know that it affords us shelter. Last year, an MOD warship sheltered on the shore side of the bank for three days. If the Constable bank is good enough for the MOD, it is good enough for me.

Val Lloyd: To clarify, given that the facility's output would be over 50 MW, the decision would be made in London. I was not certain whether people listening to the presentation knew that, so I thought that that needed to be clarified.

Darren Millar: On licence revocation, the situation has changed significantly since the original licence was granted. That needs to be reviewed, and I would encourage the Minister to revoke that licence. I just want to make that absolutely clear.

On the Constable bank, the information in the environmental impact study required of the developer when it submitted its application to DBERR for permission to develop this windfarm did not include a detailed flood consequence assessment. In fact, no flood consequence assessment was made. Llandudno has suffered disastrous flooding in the past, as have other parts of the north Wales coast. I had the misfortune of living in Towyn when it flooded in 1990. If you have not experienced serious flooding, Mike, I suggest that you talk to those who have about the awful consequences of such flooding and the interruption that it causes in their lives. I am sure that you would reach the same conclusion, namely that we need to do everything that we can to protect these places from flooding. If the impact on the Constable bank could increase the risk of flooding—and I am no expert on these matters, so I do not know that it would—we need to look at this issue to ensure that it does not. Sea levels are rising and that natural bank, which offers some flood protection at the moment, could well be a saviour in the future.

Andrew R.T. Davies: Thank you for your evidence; it is appreciated. As has been said, everything over 50 MW is decided on in London, although there is a consensus in the Assembly that we should have that power in Cardiff.

However, I will address two issues. For the record, I clarify that, for this project, a flooding impact study has never been carried out by a third party. The developer has conducted a form of study, but I find it amazing that it has never been done by a third party.

On the consultation, John, you highlighted various anomalies that you saw in the consultation process. However, having read the papers before us, including the letter that you received from the EEC, which asked whether various breaches had occurred in the consultation process, it is clear that, as the rules stand, there were no anomalies in the consultation process and that all avenues of consultation were exhausted. What is a fairer way of engaging with locals in that consultation process?

The application has been granted, so we have to concentrate on the licence. However, from a political point of view and as a politician, you want to consult with people and to engage them, so it worries me to hear evidence that people feel that they have been excluded from such a process.

Mr Lawson-Reay: That is a general feeling. We would regard it as a smoke and mirrors exercise. While, technically, they may have been correct in what they did, they nonetheless deliberately misled the public given that the consultation period was truncated. Prior to the exhibition in Llandudno, all the public had to go on were photographic montages that had been published in the local papers and locations given in National Grid references, which were also published. However, all the information was placed under the title 'Rhyl flats'. People were left in the dark. Only when they went to this exhibition, which I did not visit, could they see a marine chart, which you have before you, showing the actual location. Even then, there was still that anomaly in the grid references, which we could not reproduce because the National Grid does not go that far out to sea. We made a chart to log this, but the general public was in the dark. Smoke and mirrors were used to keep the public in the dark and get the application through as quickly as possible and under a false heading—that is what this is all about. They may have been technically correct and have acted within the letter of the law, but it is immoral.

Andrew R. T. Davies: Technically, would you agree that they have acted within the letter of the law, but that this has been more of a gesture without any real substance?

Mr Lawson-Reay: If a member of the public made a misrepresentation in a planning application, that planning application could be withdrawn. That is what has happened. Basically, the public has been misled—starting with the title of the project and then the difficulty in identifying its location.

Mr Pritchard: I would like to add that, when the Gwynt y Môr project became public knowledge, many hundreds of people turned up at a public meeting in the town hall in Llandudno. In fact, they were being turned away because they were in the balconies and everywhere. They came to oppose the project and to show their concern about it. That indicates that there was interest in Gwynt y Môr and only afterwards did we find out more about Rhyl flats. If we had been aware of all the information and if the publications had been properly presented, the consultation process for Rhyl flats would have been totally different because people would have got on board straight away, as they did with Gwynt y Môr. Once we knew about Gwynt y Môr, we had petitions with 5,000 to 6,000 signatures and all sorts of actions in place because we were made properly aware of it. However, we were not made aware of Rhyl flats and we had only two or three days in which to respond, so those who were made aware of it did not respond.

Ms Howarth: The naming of these locations is important. We need legislation to stop developers doing this. Rhyl flats deliberately confused people. Gwynt y Môr does not exist, does it? It just means 'Windy Sea'. Rhyl flats were deliberately named after a location that exists and I think that that was a deception. Gwynt y Môr is another deception, in a way, because if you called the project Llandudno bay windfarm, people would know exactly what you were talking about. When we talk to other people, throughout the UK, who are involved in similar struggles, we find that this is common practice, namely that the windfarm developers are deliberately obscuring the location of their windfarms by choosing names that are deceptive.

Val Lloyd: You will have to finish now. I must ask you to wind up because we have used up all of our 15 minutes. I am sorry about that, but the time goes pretty quickly. Thank you; could you please retire now for us to discuss it? You do not need to leave the hall, just take another seat.

Michael German: I have a question, Chair. I want to be clear that we are talking about two different licences—not the Assembly’s licence, but the licence that the Minister for Rural Affairs would sign. Does anyone know when that licence was signed?

Val Lloyd: I was going to suggest that we investigate the whole issue of the licence as one of our outcomes today. I do not know whether committee members would agree with me.

Michael German: Yes, I think that the question is about whether all the information on the impact on marine life was available when the licence was signed. I recall that I signed only one licence and that was for North Hoyle windfarm; I did not sign a licence for Rhyl flats windfarm. Therefore, I think that that was probably done much later.

Val Lloyd: I think that you are absolutely right, and if Members agree, I think that it should be a course of action to investigate that. Do you agree? I see that you do. I also think that we need legal advice on this. We should also write to the Minister to voice our concerns so that she is aware of them. We will then provide her with further information when we have it.

Michael German: There is another important fundamental issue regarding the naming of sites and not using misleading names. I could call myself Michael Gareth Jones and then people might mistake us for each other, Gareth.

Gareth Jones: I do not think so, Mike. [Laughter.]

Michael German: Clearly, with the chart in front of us, we can see that the name used is not the name—

Val Lloyd: Yes.

Michael German: There is something in the legislation that covers that, which might be worth exploring.

Val Lloyd: Perhaps we could add that to the three things that we already—

Andrew R.T. Davies: We are dealing with the same Minister, who has the same powers.

Michael German: No, we are not.

Andrew R.T. Davies: This would be for Jane Davidson, would it not?

Michael German: One licence would come within Elin Jones’s portfolio and the other would be within Jane Davidson’s. So, we are talking about more than one Minister.

Val Lloyd: We will write to both. I think that we need a wide approach as several issues have been raised. Even if things cannot be changed in terms of this particular project, we need a full investigation in case things can be changed and for any future developments.

Michael German: Perhaps the deliberate misnaming of a site is a commercial issue.

Val Lloyd: We received a response from the Government, did we not?

Gareth Jones: There is a basic issue here about using the National Grid instead of latitude and longitude, which is ridiculous and should not be allowed. The National Grid is for land use and we are talking about sea areas. To avoid any confusion, that is an important point that needs to be recorded.

I am also very concerned about the fact that a very superficial approach has been taken to this, as Janet mentioned, as though everything is fine in terms of the sea and that you can do anything you want. However, that is not the case as it is a changing situation. We must not underestimate the significance of Constable bank, and we need to know exactly what the impact on it will be. Darren asked for a flooding assessment, which is fine, but that must be linked to any subsequent erosion or movement of that bank, which would then mean that the waves would break on the shore in Llandudno. As it is now, they break on the bank, and you have quietened waves, although they can be quite dramatic. However, if that bank were lowered by around 2m or 3m, the waves would sweep into Llandudno.

On the Government response, there is a tendency, under the Wildlife and Countryside Act 1981 and the Electricity Act 1989, to look at the superficial values. I agree that we need to consider the flora and fauna, but there is nothing here on the hard geological facts and changes that may well arise from any kind of intervention or interference with the bank. That is an important point that I wish to emphasise. I agree with Darren in that sense, and I am sure that if the petitioners had more time, they would collate much more evidence. They have pointed us in the right direction in terms of the shortcomings here, and I believe that it is incumbent upon us as Assembly Members to empathise with their concerns and to find out, once and for all, the significance of what they are saying. You can do that only by undertaking some kind of survey and collating evidence in terms of an impact assessment of flooding or any other physical impacts on Constable bank. That is the key to all of this. I believe that we are playing around with something that we do not fully understand.

Darren Millar: I appreciate Gareth's support on this, because that issue is of prime concern. With global warming and rising sea levels, we must look to the future—not only at the current situation, but at the potential impact of this industrial development on that which has protected Llandudno for so many years. One point that I would like to add is that it clearly needs to be an independent survey. I would appreciate it if it were commissioned not by the developer, but by the Welsh Assembly Government, because there are implications if the developer is paying for it: he who pays the piper calls the tune at the end of the day. There is a need for confidence in this, particularly given the problems in the consultation and planning processes so far. You have already heard about the perhaps deliberate renaming of the site to avoid public scrutiny. I think that the public needs confidence in this process, and the Assembly has the opportunity to build that confidence by commissioning a totally independent survey.

Three ministerial portfolios are involved. We have the licensing issue, which the Minister for Rural Affairs will have to consider; and we have the flooding issue, which the Minister for Environment, Sustainability and Housing will have to consider. However, there is also a third strand, namely tourism. We ought to ask the Minister for Heritage to commission a totally independent survey of the potential impact of this development in conjunction with the cumulative impact of the Gwynt y Môr development—you cannot disassociate the two—on the tourism industry in these period resort towns of Llandudno and Rhos-on-Sea in particular, which is a part of Colwyn Bay. It is absolutely vital that they are totally independent.

Val Lloyd: I am sure that it is not needed by the members of the committee, but it might be an opportune moment to remind the public of the distinction between the Welsh Assembly Government and us as Assembly Members. In a moment, I will reprise what we have agreed to do so that we are all certain. However, we can only ask in this instance. We will ask strongly. We know that the Minister—

Gareth Jones: Could I also add to—

Val Lloyd: I am in the middle of speaking; I have let everyone else speak.

In this instance, we can only ask, which we shall do quite strongly. I am sure that the Ministers will access the transcript in the Record of Proceedings.

Gareth Jones: I would just like to add to what Darren has said. It might seem as though we are simply interested in Llandudno and this part of the coastal strip, but Wales is surrounded on three sides by the sea and any information that we glean from this feasibility or impact study could be used to inform further development on other parts of the Welsh coast. I believe that we should add that very important point to whatever approaches we make to the Welsh Assembly Government.

Val Lloyd: Thank you; I will be pleased to do that, as I have a seaside constituency—there is some shoreline. Would anyone else like to add anything?

Michael German: We are talking about four Ministers now, because we have to deal with the naming issue, which is an economic development and business regulatory reform issue.

Andrew R.T. Davies: Is that not a planning issue? It stays with Jane Davidson—it does not go to the others.

Michael German: Companies calling the names—

Andrew R.T. Davies: That is a planning issue, though, is it not?

Michael German: It is the naming by the company.

Val Lloyd: If we send it to the wrong one, I am sure that he or she will let us know. Shall I just enumerate our action points so that we are quite clear before I close this part of the meeting? We need to investigate the licence issue, which we believe to be with the Minister for Rural Affairs. We need to comment on the way in which companies describe the site; there is some dispute as to which Minister this should go, but we will take advice on that. We have agreed to ask for legal advice from our legal adviser. We will ask for an assessment of the flooding risk in this particular

development; and we will also ask the Minister for tourism for an impact assessment on tourism in the area. Have I covered them all, or have I left something out?

Darren Millar: I have one other point that we can perhaps mention.

Val Lloyd: Are we adding to it now?

Darren Millar: It is simply a matter of adding to the letter that you are sending to the Minister for Environment, Sustainability and Housing that we feel that the points that she has already made to DBERR with regard to the Gwynt y Môr development also apply to the Rhyl flats development. She wrote quite a lengthy and detailed letter raising concerns about that development, and exactly the same issues apply to Gwynt y Môr. There was a request from the petitioners to include the Rhyl flats petition in any future public inquiry into the Gwynt y Môr matter.

Val Lloyd: Before can decide that, we need to see that letter, and the committee does not have a copy. So, if we could access that letter, we could circulate it to Members and move forward on it.

Darren Millar: I appreciate that, Chair.

Michael German: It might also be wise to ask what progress has been made on the devolution of powers being sought for schemes over 50 MW. We could ask for progress on that request for powers as it will affect—as it has already affected—decisions on this matter that have not been taken in Wales.

Val Lloyd: Fine; that is quite a number of issues. I thank the presenters and I thank Darren.

11 Mehefin 2008

Val Lloyd: We will begin with the petition on Rhyl flats. Kirsty, as you do not know the background to this, if there are any questions that you want to ask, please ask them.

Kirsty Williams: Thank you, Val.

Val Lloyd: This was one of the petitions that we took evidence on when we went to north Wales. It was quite emotive and it has quite a lot of background. The secretariat has produced a very helpful briefing paper, which takes us through the questions that arose at that meeting after taking evidence from the petitioners and the local Member. The committee wanted several questions to be addressed to Ministers. All have been answered, except one, namely that on the licence required under the Food and Environmental Protection Act 1985, which we asked of the Minister for Rural Affairs. It was agreed that the Minister for Environment, Sustainability and Housing would answers the others, so the correspondence from her covers all of those. What do committee members want us to do?

Andrew R.T. Davies: I wish that I could find the paper that I was reading last night but, as usual, having so many petitions, we have so many papers that it is a job to keep them all together. From memory—and please forgive me if I go wrong on this—from the evidence that we took on 6 March, there were various issues. I think that there was an acceptance, which I hope was clear to the petitioners, that we could in

no way stop the development of the application because that would not be within our jurisdiction; it is a non-devolved issue because of the size of the scheme. Many local issues were raised, in particular the effect on tourism and flooding, and answers were being sought on that to see how much weight was put on those issues when the application was determined. I noticed that the Countryside Council for Wales had been consulted, but the Environment Agency would have been the lead organisation for determining matters such as those around the flooding issue, would it not?

Val Lloyd: The question regarding flooding was on the risk on the Constable bank, and the Minister has replied that the Countryside Council for Wales raised concerns about the dynamics and stability of the Constable bank but did not consider the risk of flooding as an issue. The relevant paper is the response from CCW. There were queries regarding the site exceeding 50 MW, which I think we raised too. The tourism impact has been addressed. The only issue that has not been addressed is the requirement for the licence under the Food and Environmental Protection Act 1985.

As you rightly say, it is outside our jurisdiction, but for the sake of completeness, we should try to get a response on the one outstanding issue; we had a comprehensive response to all the others. At this stage, we need to write to the Minister and ask for the final answer, so that we can give a complete response to the petitioners. Are you content with that?

Andrew R.T. Davies: I am, and also, when I heard the oral evidence, I wondered whether we should collate all the evidence and ask the petitioners to come back and comment on it. There were such differing views expressed to us during the oral evidence and so many issues were raised. Is that an option—for us to go back to the petitioners and seek their views on the evidence that we have gathered, to see whether it goes some small way towards addressing the petition that they raised? It is a topical issue, and controversial in the area, and I wondered whether we had the opportunity to go back to the petitioners before we even contemplate closing the petition, to see whether they are happy with the completeness of what we have done, within the constraints of what we can do.

Val Lloyd: I hear where you are coming from, but I wonder if that creates a precedent for every application. How do we judge? We have to have a method. We have always tried to be even-handed with petitioners, with the same time limit and the same approach whatever the subject. How would we square this with our treatment of future petitions? We have to have a mechanism. Could we do it by an exchange of letters rather than asking people back?

Andrew R.T. Davies: In the first instance, an exchange of letters may be useful. There is a lot of weighty information here that, through the petition system, we have managed to gather together under one umbrella. It would be pertinent for the petitioners to see and digest this information and decide whether we have been complete in what we have done. Then we could take their advice or evidence on board as regards what we have done on their behalf. It is such a broad petition.

Val Lloyd: It is, but I think that it will probably be in everyone's interest if we do that by an exchange of correspondence.

Mr Sanchez: I should mention that we produce a closure report at the end of each petition, which catalogues the information that we have gathered and shows the petitioners the discussions that have been had on the subject. We send that to them routinely, so they will receive that once the petition has been closed.

Andrew R.T. Davies: I think that that is very gratefully received by petitioners, but there were so many strands to this particular petition—tourism, flooding, the impact on the local economy and so on—and I would like, for completeness, to contact the petitioners before we close it. Once it is closed, there is no recourse to come back, other than with a new petition, so I would like the petitioners to see that we have been complete in what we have done on their behalf. We also need to reiterate the point that this application is outside our remit, because we do not have the powers to get involved with this kind of project.

Val Lloyd: That is a good point, and is worth reiterating. In this instance, perhaps the petitioners' expectations of what we could do were out of step—I will not say with reality, because that would be a harsh way of putting it—but with what we can do. We could get underneath many of the issues for them, but we could not reverse the decision. So, we will do that.

9 Gorffennaf 2008

Janice Gregory: Taking the updates on previous petitions in order, this is papers 3 and 3A. Seven updates have been received, the first of which is on Rhyl Flats. A letter has been sent, or is about to be sent—let me get this right now; I do apologise.

Mr Sanchez: A letter was sent the last time this matter was considered to the Minister for Environment, Sustainability and Housing asking about the outstanding Food and Environment Protection Act 1985 licence issue. It had not been answered in previous correspondence, so the committee agreed to write to the Minister to clear that up. We have had a response regarding that issue.

Janice Gregory: It is the first item in paper 3A. We are now awaiting the petitioners' response. Is that correct, Stefan?

Mr Sanchez: At the last meeting, the committee agreed that we would write to the petitioners and explain everything that we have done with this petition and ask if they are satisfied with the approach that we have taken. We are basically giving them another opportunity to highlight any inconsistencies that they want examined.

Janice Gregory: I thought that I had brought myself up to speed with this issue. Not having been involved in it before, I can see that it is a complicated issue. I think that writing to the petitioners is a good way forward.

Andrew R.T. Davies: That was the sentiment behind going back to the petitioners. I think that there were three strands to the petition, one of which was outside of our remit anyway, that is, power generation. The other two fell within our remit, however.

Janice Gregory: Are Members content with us writing to them? I see that you are.

Mr Sanchez: We agreed that last time. We are yet to do it, but when we do it, we will make that point.

Janice Gregory: Thank you very much.

2 Hydref 2008

Val Lloyd: Our next update is on the petition regarding Rhyl Flats. We have had considerable input on this, have we not? It has been going for some time. We originally considered this petition at one of our meetings in north Wales—I was about to say 'Royal progress', but I do not think that that is appropriate. I have been watching too much of The Tudors.

Michael German: The only point that I wondered about was the naming of the site. Those of us who were present when we heard from the petitioners and were shown the map, know that the name of the site is wrong. I do not understand who is responsible for naming it—whether it is the applicants, the UK Government or someone else. I am sure that there will be future applications of this sort—as offshore wind will continue to be an issue—and the inaccurate naming of sites is not good. I do not know what we can do about it. We have seen that it is wrong, but who is responsible for ensuring that it is right?

Val Lloyd: I was going to suggest that we close the petition but write to the Welsh Assembly Government summarising the points raised by the petitioners. Most of the issues that they raised were for the Department for Business, Enterprise and Regulatory Reform rather than for us.

We had responses from those Welsh Assembly Government Ministers with responsibilities in this area, but I think that it would be of use if we summarised the points raised by them, which includes the naming. The petitioners would understand that we took their queries very seriously and that, with our limited powers, we have done what we can. I think that we need to draw this to the attention of the Welsh Assembly Government.

Andrew R.T. Davies: I wish to back up what Mike has said. It is such a fundamental flaw not to be precise about the location. Imagine a planning application being submitted to build several houses that did not specify the correct address and the development being allowed to go ahead. The permission would be classed as null and void if the address was not correct. It is a fundamental requirement in order for people to be engaged with the activity that is to be undertaken in their area.

I see that the papers say that this has been examined fully by the Welsh Affairs Committee. [Laughter.] I am wondering what recommendation came out of its investigation. Could that be made available to us? This is quite a critical part of the process. The frustrating part about this petition is that so much lies outside the remit of this institution. I sympathise with the petitioners' plight in that they may feel that we are not doing as much as we should. However, the fact of the devolution settlement is that so much of the granting of permission, including the granting of various licences, lies at the other end of the M4, rather than at this end. However, that does not stop us from trying to get some answers for them, and I believe that, as an inquiry or examination has been carried out by the Welsh Affairs Committee, it would be useful if the report or a summary of its findings could be made available to us, so that we can find out what conclusions it came to.

Val Lloyd: Did we not have it at an earlier stage?

Mr Davidson: Yes, although I cannot recall the exact meeting.

Val Lloyd: Yes, we did have the relevant extracts from that meeting in your paper.

Michael German: I am loathe to ask this question, Chair, as Joanest does not like my difficult questions, but who has responsibility for ensuring that the name of any application adequately reflects the location of that application?

Andrew R.T. Davies: The granting authority.

Ms Jackson: I would say that the responsibility should lie with the applicant.

Michael German: What if the address for the location is wrong?

Ms Jackson: You would expect it to be corrected at a very early stage.

Michael German: By whom?

Ms Jackson: One would expect it to come up during discussions. I am not 100 per cent familiar with the process involved in these applications. However, if, for example, it was a planning application, it could probably be dealt with as a minor amendment by the planning authority. It would not require a second application; it would become clear in the very early stages of the process. My view is that it would be the applicant who should be cautious and alert to ensuring that the information in the application is correct.

Michael German: The responsibility to check would presumably lie with the person who received the application.

Ms Jackson: One would expect that someone receiving an application would normally give an initial cursory check before it is logged and that there might be discussion as to the information given. Nobody here has been party to this application however.

Val Lloyd: It is not for us.

Ms Jackson: It is not for us to make a judgment.

Val Lloyd: As it has been examined by the Welsh Affairs Committee, there is nothing that we can do. We have, quite rightly, placed a great deal of importance on the petition, and we have investigated all of the issues the petitioners have raised and re-raised. It has been fully examined by the Welsh Affairs Committee, and we have already received the relevant part of that report or investigation.

Andrew R.T. Davies: Looking at the amount of paper we have, I could well have missed it.

Val Lloyd: From my memory, we did receive it.

Andrew R.T. Davies: I confess that I cannot recall seeing it. I happen to think that that is a fundamental oversight. If you submit a simple planning application, it falls on the granting authority to visit the site, view it, and ascertain that it is correct as described. If it is not correct, it is for it to follow up. That applies even to basic planning applications, let alone something as major as this. I think that we owe it to the petitioners to clarify the situation. I appreciate that so much of this is outside our remit, but there are one or two little things that we might be able to do to help bring about a bit of clarity and soothe a few sore heads.

Val Lloyd: If we find that out, what can we do as a Committee? If we find that it is misnamed, what can the committee do? We would not be able to do anything anyway.

Andrew R.T. Davies: In our humble role here, we might not be able to stop it, but we could notify the regulatory authority that this oversight has occurred. It might not change much, but at least we have executed the role that has been asked of us by the petitioners. That, surely, is the fundamental role of this committee. Petitioners come to us to raise specific questions; we have no power as a committee, but we have a mandate to investigate and then pass on our findings to the relevant bodies from which we seek information.

Val Lloyd: Which we do to the best of our ability. However, I wonder why we have not picked this up before. If my memory is wrong, I apologise, but I thought that we had seen the Welsh Affairs Committee papers.

Michael German: I have now located it in my papers. I am sorry, Chair. It recommended that the UK Government sets out clear and unambiguous guidelines for the accurate description of windfarm locations for the future. The response from the UK Government referred to Rhyl flats, and not to clear and unambiguous guidelines for the accurate description of windfarm locations for the future. I would like to reinforce the message from the Welsh Affairs Committee that this is important for people. Perhaps we should simply report that to those responsible for it in the Welsh Assembly Government, and let them decide who is responsible for this.

Val Lloyd: We could report that and close the petition.

Michael German: Yes, that is fine.

Val Lloyd: So, we will close the petition. I am glad that you had those papers with you, Mike. Thank you; that was helpful.

Atodiad 2

Y Pwyllgor Deisebau

Petitions Committee

Elin Jones AM
Minister for Rural Affairs
Cardiff Bay
CF99 1NA

Bae Caerdydd / Cardiff Bay
Caerdydd / Cardiff CF99 1NA

Our ref: PET-03-068

22 April 2008

Dear Elin

PETITION: RHYL FLATS

At the Petitions Committee meeting on 6th March, we took evidence from lead petitioners and Darren Millar who spoke in support of the petition and his constituents.

The Committee heard the objections of the petitioners to the Rhyl Flats development. Their key concerns focus on the following:

- Visual impact and consequent impact on local tourism to the area
- Damage to the marine environment by the works
- Disruption of the protection against flooding afforded by the Constable Bank

I am writing separately to the Minister for Heritage regarding the tourism impact and the Minister for Environment Sustainability and Housing regarding the flooding impact.

I am aware that there may be a requirement for a licence under the Food and Environmental Protection Act (FEPA) regarding disturbance to the marine environment. I should be grateful if you could inform my committee whether a FEPA license was granted, and if so, what:

- was permitted under the license
- monitoring has been carried out against the terms of the license
- action has been taken if any license contraventions had been identified

I look forward to your response.

Yours sincerely

Val Lloyd
Chair, Petitions Committee

CC. Jane Davidson AM, Minister for Environment, Sustainability and Housing
Rhodri Glyn Thomas AM, Minister for Heritage

Atodiad 3

Y Pwyllgor Deisebau

Petitions Committee

Jane Davidson AM
Minister for Environment, Sustainability
and Housing
Cardiff Bay
CF99 1NA

Bae Caerdydd / Cardiff Bay
Caerdydd / Cardiff CF99 1NA

Our ref: PET-03-068

21 April 2008

Dear Jane

PETITION: RHYL FLATS

I am writing to you following our meeting on the 6th March, held in Colwyn Bay, where we took evidence from the lead petitioners from the 'Save Our Scenery' group. Darren Millar AM attended the meeting to speak in support of the petition and his constituents.

The Committee heard the objections of the petitioners to the Rhyl Flats development. Their key concerns focus on the following:

- Visual impact and consequent impact on local tourism to the area
- Damage to the marine environment by the works
- Disruption of the protection against flooding afforded by the Constable Bank

I am writing separately to the Minister for Heritage (re tourism impact) and to the Minister for Rural Affairs (re disturbance to the Marine Environment).

Damaging the 'Constable Bank' and flooding risk

The Rhyl Flats development will be built on the 'Constable Bank' a natural maritime feature that the petitioners assert affords flood protection to Llandudno bay. Their concern is that this protection will be damaged if the development goes ahead, thus exposing the bay to a potential flood risk. Whilst there seems to be little hard evidence that the development will damage the natural flood protection in this way, this is certainly an important unanswered question that should be addressed before the development commences. I should be grateful if you could let me know if an independent flooding impact assessment has already been carried out. If it has not would you consider commissioning such an assessment?

Naming of the site

Petitioners articulated their annoyance of the naming of the proposed development site, which was named Rhyl Flats, but is more accurately positioned opposite Rhos-on-Sea on the Constable Bank. Whilst the committee appreciates this matter has been considered at length by the House of Commons Welsh Affairs Committee, my

committee agreed with the petitioners that the naming of the site was misleading, and that use of National Grid coordinates was inappropriate to describe its location, as they do apply to sea areas. Instead, its location should have been described using longitudinal and latitudinal coordinates. The committee resolved to ask you to review planning guidance to ensure that developers provide clear descriptions of such developments' locations, which do not mislead significant local stakeholders.

Sites exceeding 50MW

The output of the Rhyl Flats site exceeds 50MW, and that WAG can only determine planning applications for sites below this output. However, my understanding is that there is wide agreement within the National Assembly that this power should be devolved, and that the Assembly Government is actively exploring this with UK Government. Please could you provide me with an update of your progress with this?

I should be grateful for your response to the matters raised above, and look forward to a speedy reply.

Yours sincerely

A handwritten signature in cursive script that reads "Val Lloyd".

Val Lloyd
Chair, Petitions Committee

CC. Minister for Heritage
Minister for Rural Affairs

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Jane Davidson AC/AM
Y Gweinidog dros yr Amgylchedd, Cynaliadwyedd a Thai
Minister for Environment, Sustainability and Housing



Llywodraeth Cynulliad Cymru
Welsh Assembly Government

Eich cyf/Your ref
Ein cyf/Our ref JD/00537/08

20 MAY 2008
APJD

Val Lloyd
Chair
Petitions Committee
National Assembly for Wales
Cardiff Bay
Cardiff
CF99 1NA

20 MAY 2008

19 May 2008

Jane Davidson

PETITION RHYL FLATS

Thank you for your letter and enclosures dated 21 April 2008. I note the concerns expressed by the 'Save Our Scenery' group in relation to the Rhyl Flats development.

I have enclosed a copy of the Assembly Government's comments to the then DTI on the application with a copy of the letter from the Countryside Council for Wales (CCW). The DTI's letter of consent is also enclosed. I believe the correspondence addresses all your concerns. The CCW raised concerns about the dynamics/stability of Constable Bank but did not consider the risk of flooding as an issue.

The UK Government's Planning Bill will, upon Royal Assent, have a major effect on the issue of energy consenting powers, which you raise at the end of your letter. It is anticipated that from April 2010, large scale energy project consents (over 50MW) in England and Wales will be determined by the proposed Infrastructure Planning Commission (IPC) rather than the Secretary of State for Business, Enterprise and Regulatory Reform. The operations of the IPC will be governed by the priorities outlined in National Policy Statements (NPSs). The Assembly and UK Governments are currently in discussion to ensure that the Planning Bill provides for suitable Welsh representation on the IPC with regard to Welsh projects, and that National Policy Statements acknowledge Welsh priorities.

I hope this information is helpful to the Committee.

Yours,

Jane Davidson
Jane Davidson AM
Y Gweinidog dros yr Amgylchedd, Cynaliadwyedd a Thai
Minister for Environment, Sustainability and Housing

Bae Caerdydd • Cardiff Bay
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Y Pwyllgor Deisebau

Petitions Committee

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

Bae Caerdydd / Cardiff Bay
Caerdydd / Cardiff CF99 1NA

Our ref: PET-03-068

18 June 2008

PETITION - RHYL FLATS

Thank you for your letter of 19th May. I appreciate the complexity of this issue and that you have provided a significant bundle of papers that address the Committee's questions, however it is not clear what your response to the query about the FEPA license was. For ease of reference, I have paraphrased the question here from my previous letter:

Was a FEPA license granted regarding disturbance to the marine environment, and if so, what:

- *was permitted under the license?*
- *monitoring has been carried out against the terms of the license?*
- *action has been taken if any license contraventions had been identified?*

In a response to the (then) DTI I note that WAG officials highlight that 'colleagues in WAG's Agriculture Policy Division are dealing with the issue separately'. There are no further papers that I can see that provide any detail of this.

I should be grateful for your response to this query, and thank you again for your helpful and informative responses so far.

Yours sincerely,

Val Lloyd,
Chair, Petitions Committee

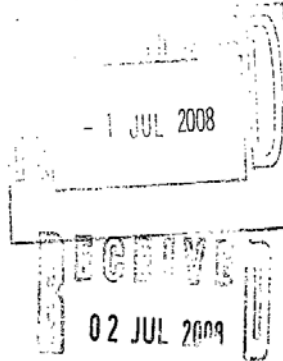
Jane Davidson AC/AM

Y Gweinidog dros yr Amgylchedd, Cynaliadwyedd a Thai
Minister for Environment, Sustainability and Housing



Llywodraeth Cynulliad Cymru
Welsh Assembly Government

Eich cyf/Your ref PET-03-068
Ein cyf/Our ref JD/00781/08
Val Lloyd AM
Petitions Committee
National Assembly for Wales
Cardiff Bay
Cardiff
CF99 1NA



29 June 2008

Jo Val,

ASIO

Thank you for your letter of 18th June 2008 regarding a FEPA licence for Rhyl Flats.

Licences have been approved under Part II of the Food and Environment Protection Act (FEPA) 1985 in specific relation to deposits on the seabed.

The work permitted under these licences is for the construction of a 150MW offshore wind farm and associated infrastructure off Rhyl Flats more specifically, the installation of up to 30 wind turbines, an offshore substation and an additional meteorological mast.

The company, Npower, has undertaken pre-construction monitoring to provide a baseline for subsequent monitoring of effects of the wind farm and further monitoring is required during the construction and post construction phases of the project. NPower also provides the Marine and Fisheries Agency, who currently act on behalf of the Welsh Assembly Government in issuing FEPA licences, with a written weekly update of progress throughout the pile driving activities.

Monitoring conditions specified in the licence cover a wide range of activities from sediment and hydrological processes to electromagnetic fields and subsea noise and vibration. Conditions require monitoring reports to be sent to the Marine and Fisheries Agency, who then consult the Centre for Environment, Fisheries and Aquaculture Science (Cefas) and the Countryside Council for Wales (CCW).

The Marine and Fisheries Agency inform us that there has been no contravention identified on the Rhyl Flats FEPA licence.

I hope the above address your queries; I have attached a copy of the latest Rhyl Flats licence for your review and retention.

If you need any further information please do not hesitate to contact me.

Yours,

Jane Davidson AM

Y Gweinidog dros yr Amgylchedd, Cynaliadwyedd a Thai
Minister for Environment, Sustainability and Housing

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Atodiad 4

Y Pwyllgor Deisebau

Petitions Committee

Rhodri Glyn Thomas AM
Minister for Heritage
Cardiff Bay
CF99 1NA

Bae Caerdydd / Cardiff Bay
Caerdydd / Cardiff CF99 1NA

Our ref: PET-03-068

21 April 2008

Dear Rhodri

PETITION: RHYL FLATS

On 06 March 2008, my Committee considered a petition in relation to the Rhyl Flats wind farm development near Llandudno. The Committee agreed to write to you to ask whether a tourism impact assessment had been conducted in relation to this site, and if you could provide the Committee with a copy of any assessment that has been conducted.

You can access the Committee's verbatim transcript and minutes which explain the context of the request on the Petitions Committee's website.

I should be grateful for your consideration of this issue, and look forward to receiving your response.

Yours sincerely



Val Lloyd
Chair, Petitions Committee

CC. Jane Davidson AM, Minister for Environment, Sustainability and Housing
Elin Jones AM, Minister for Rural Affairs

Enc. Transcript - Petitions Committee 6/3/08

Atodiad 5

Y Pwyllgor Deisebau

Petitions Committee

Jane Davidson AM
Minister for Environment, Sustainability
and Housing
Cardiff Bay
CF99 1NA

Bae Caerdydd / Cardiff Bay
Caerdydd / Cardiff CF99 1NA

Our ref: PET-03-068

20 October 2008

Dear

PETITION - RHYL FLATS OFFSHORE WINDFARM

Thank you for your previous response to the Petitions Committee in relation to the above petition. At its meeting on 02 October 2008, the Committee agreed to close this petition as it could not progress it any further. However, during the course of the Committee's consideration of the petition, the petitioners raised a specific point regarding the naming of the windfarm's location. The location of the windfarm is referred to as 'Rhyl Flats'; however it is actually situated closer to Llandudno. This caused some confusion during the original consultation around the siting of this windfarm development.

This issue was examined by the Welsh Affairs Committee (WAC) of the House of Commons, and the WAC recommended that the UK Government sets out clear and unambiguous guidelines for the accurate description of windfarm locations (*Energy in Wales: Welsh Affairs Committee's Third Report 2005-06*)

The UK Government's response to the WAC's recommendation referred to Rhyl Flats, and stated:

'It is not felt that any benefit would arise from providing wind farm developers with guidelines on how to name their projects: it is the supporting information, particularly precise coordinates, that are important.'

The Petitions Committee would like to reinforce the WAC's recommendation, and asks that you introduce clear and unambiguous guidelines for the accurate description of windfarm locations that the Assembly Government is responsible for, and that you consider making representations to the relevant UK Government Minister to ensure that clear guidance is issued for the naming of any future proposed windfarm locations in Wales.

I thank you again for the consideration you have given this petition to date.

Yours sincerely

Val Lloyd
Chair, Petitions Committee

CC. Hywel Francis, Chair, Welsh Affairs Committee