

## **INTRODUCTION**

This is the factual account of an unsuccessful attempt to challenge 'THE SYSTEM'.

The Cefn Croes Action Group is a local grassroots organisation, formed in response to plans for the UK's largest land-based wind power station. We opposed the development at every stage of the planning process, and when our efforts to obtain a public inquiry also failed, we took the case to the High Courts of Justice, but were refused permission for a full judicial review.

Our story commences in the mid 1990s, with the awarding of Non Fossil Fuel Obligation (NFFO) contracts to power generators. Energy speculators were setting up small companies to secure these lucrative contracts and exploit them. In the heart of the Cambrian Mountains in mid Wales, on a 1,800 foot plateau called Cefn Croes, is land managed by the Forestry Commission. It is close to Plynlimon mountain which is the source of the rivers Wye, Severn and Rheidol. It is a sparsely populated area of wilderness, lying between the settlements of Cwmystwyth, the world famous waterfalls and beauty spot of Devil's Bridge, and the village of Ponterwyd, made famous by the 19<sup>th</sup> century traveller, George Borrow, in his book 'Wild Wales'. The site covers 7.9 square kilometres of upland moor grazed by sheep, home to the red kite and black grouse, crossed by footpaths and bridleways, and close to the long distance path, the Cambrian Way.

In the 1970s the area was deemed worthy of National Park status by virtue of its outstanding landscape. Sadly, it was not adopted as a National Park due to pressures from forestry and farming interests, but instead was designated as a Special Landscape Area (SLA) and Environmentally Sensitive Area (ESA). These designations should have afforded it protection against inappropriate developments.

Approaches were made to Forest Enterprise Wales by various developers, with a view to using this public land for wind turbines. Forest Enterprise was amenable to these suggestions, although there was no public consultation on this major land-use change.

From the developers, the Renewable Development Company (RDC), a Scottish registered company, emerged as front-runner, and so the development process began.

In advance of the planning application being submitted to Ceredigion County Council, the Local Planning Authority (LPA), anemometer masts were installed to measure wind speeds. Discussions took place with interested 'stakeholders' – the Countryside Council for Wales (CCW), the Royal Society for the Protection of Birds (RSPB), local councillors and council officials. A financial backer was found – the Texas-based multinational utility, ENRON.

RDC's trade organisation, the British Wind Energy Association (BWEA), was making representations to the LPA to change its local development plan. BWEA was also liaising with ministers at the Department of Trade and Industry (DTI) following New Labour's ascent to power in 1997.

The devolution referendum in 1997 resulted in the establishment of the National Assembly for Wales (NAW) in 1999. Forestry Commission holdings in Wales were, post devolution, transferred to NAW, who found themselves owners of Cefn Croes, 'held on behalf of the nation', an awkward fact that only gradually dawned on them.

By January 2000, RDC were ready to embark upon the local consultation process of exhibitions in the locality.

By virtue of the development's 'installed capacity' being greater than 50 megawatts (although the actual output would be much less) the final decision for permission to build the power station resided with the Secretary of State at the DTI in London under the 1989 Electricity Act.

In June 2000, the planning application for the 39 wind turbines, most of them more than 300 feet high, together with the developer's Environmental Impact Assessment (EIA) was submitted to Ceredigion Council. The Council's responsibility was to advise the DTI whether they approved or objected to the application.

In July 2001, the majority of councillors on Ceredigion's Planning Committee voted to approve the development ignoring the strongest advice from their professional officers, the votes of the two local Community Councils, the overwhelming majority of objectors and the county councillor local to Cefn Croes. This was a year of high drama, against a backdrop of the devastating foot and mouth crisis, the 10-yearly National Census and a general election, which saw Labour returned to power.

The application wended its way through the planning system, having secured the approval of the local councillors, an ambivalent response from the NAW (who as owners of the land could hardly be objective), but an objection from their statutory advisors, the CCW. Despite the many calls to properly debate the plans through the forum of a public inquiry, the Energy Minister, Brian Wilson at the DTI gave preliminary consent in December 2001.

At this time in late 2001, ENRON was imploding and collapsing in disgrace. Its business techniques and accounting methods became publicly known. Its wind interests were taken over by General Electric of America, another powerful multinational.

In May 2002, Patricia Hewitt, the Secretary of State (SoS) at the DTI, ratified consent for the massive power station. A House of Lords debate in February 2002, which added to the many appeals for a public inquiry had also been ignored.

Our last hope of subjecting these plans to proper scrutiny was to challenge the SoS by making an application in the High Court in London for a judicial review. On November 19<sup>th</sup> and 22<sup>nd</sup> 2002, this challenge failed. Regretfully, principally owing to our limited financial resources we decided not to appeal.

Thus a precedent was established for the industrialisation of previously unspoiled areas of public land and further applications for similar developments are flooding in.

At every stage in our battle we met with bland and evasive responses to formal letters. Prompt replies with substantive answers to direct questions were a rarity. Whenever we believed that we were winning, the goal posts were mysteriously moved to accommodate the proposals for the development.

This book outlines the way in which it was done. Our targets are wide ranging and we name many of the individuals concerned – Ceredigion County Councillors and officials, the Local Government Ombudsman, our elected representatives in Westminster, Europe and the National Assembly, Ministers at the Department of Trade and Industry and the developers.

We expose the problems faced by agencies such as the Countryside Council for Wales, the Wales Tourist Board and Forest Enterprise which rely on Central Government funds. We examine the conflicts between Government Departments where national policies collide e.g. the Ministry of Defence and Government Energy Policy.

We explore hypocrisy, contradictions, evasions and deliberate attempts to mislead. We ask the question whether this development had been decided at the outset and examine the possibility of a conspiracy.

In the final chapter we explore the claims made on behalf of the wind industry. The science and practicability simply do not add up. The advantages of wind power are overstated and illusory. Why despoil our wild places for a sham?

This book arises out of passion and desperation in the hope that other campaigners can learn from our experiences and that everyone concerned about the democratic process can understand what is happening.

Details of events between 2000 and 2003 are recorded.