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## **RE: One Planet Development**

To:

- Carwyn Jones, First Minister of Wales
- Rosemary Thomas, Chief Planner, Welsh Assembly Government Planning
- The Planning Inspectorate Wales

Cc:

- Carl Sargeant, Minister for Housing and Regeneration
- John Griffiths, Environment Minister

I am writing to you because I am deeply concerned about the current situation regarding One Planet Development in Wales.

In particular I refer to the recent appeal decision<sup>1</sup> by the Planning Inspectorate Wales on the Corner-wood project in Ceredigion.

Corner-wood consists of two families living in temporary accommodation<sup>2</sup> on 6 hectares of woodland since 2009/ 2010. Since this time they have built a timber storage shed<sup>3</sup> and a green woodworking shed, established land-based enterprises generating an income of £6893 in 2012-2013, and created the infrastructure necessary to support one planet lifestyles<sup>4</sup>.

They have been working within the current planning framework under the One Planet Development (OPD) policy (TAN6, July 2010).

The recent appeal decision is immoral and grossly unfair. To put it quite simply the goalposts are being moved around the field.

This is a landmark case<sup>5</sup> and as such sets very bad precedent and raises questions about the future of OPD in Wales.

### **Case detail**

The original Corner-wood application was refused at appeal<sup>6</sup> on three grounds:

1. The designs for the dwellinghouses would not provide a sufficiently high standard of health and wellbeing of the occupants<sup>7</sup>.
2. There was some doubt about the ability of the site to grow sufficient food to meet the policy criteria<sup>8</sup>
3. The business plans lacked sufficient breadth to be robust – being *'highly dependent on the sale of woodland products at country fairs and the like'*<sup>9</sup>.

Cornerwood subsequently:

1. Redesigned their dwellinghouses such that they would provide high standards of health and wellbeing.

2. Cleared an area of their woodland and created a large vegetable garden. They clearly demonstrated that they were already meeting the policy criteria regarding meeting their food needs directly from the land.
3. Expanded the business' breadth by initiating new land based enterprises, including shitake mushrooms, and extending their marketing strategy to include online sales and placement in local shops.

They rewrote their entire Management Plan and submitted a revised application to evidence these changes. Having comprehensively covered all three reasons for refusal this application went to appeal<sup>10</sup>.

Now they have a new appeal decision<sup>1</sup> which gives a completely different and new set of reasons for refusal. Namely:

1. The Business Plans lacked robust evidence and substantive data leading to a '*balance of probability*' against their success.<sup>11</sup>
2. There was no meaningful consideration of the ecological footprints of others.<sup>12</sup>
3. The carbon sequestration rate of the woodland does not mitigate the residents' carbon footprints.<sup>13</sup>
4. There was data missing from the biodiversity report on regional land classifications.<sup>14</sup>
5. The Transport Assessment and Travel Plan was very light on detail and lacked professional rigour.<sup>15</sup>

The third reason is particularly worrying because it effectively introduces a new criteria for OPD; namely that applications need to have an area of woodland sufficient to sequester carbon equivalent to their carbon footprint. This is in the context of a policy that already has 23 essential criteria and 22 contributory criteria on top of a raft of other requirements described in the 72 pages of practice guidance.

Four of the five reasons relate to insufficient data/ detail. The application was 177 pages<sup>16</sup> long, was accompanied by 31 drawings and drew upon expertise from a wide range of professionals<sup>17</sup>. To place this into context - this is far more evidence than would be expected for a large conventional housing estate or an out-of-town supermarket.

The main point though is that none of the five new reasons for refusal were cited in the original appeal decision. In fact the original appeal decision states; *'Many of the requirements of national planning policy and guidance relating to One Planet Development have therefore been met. The project has attracted some local opposition, but also much support from persons who recognise the value of such projects and the sincerity of the appellant's proposal.'*<sup>18</sup>

Factual errors<sup>19</sup> within the appeal decision<sup>1</sup> further undermine its credibility.

The conventional response would be to submit a revised application covering all the points raised in the new appeal. However the prospect of people who simply want to work the woodland using traditional skills, grow food and live simply engaging once again in an epic intellectual contest with the odds so heavily stacked against them does not look promising. Judicial review might be an option but the appellants simply do not have the financial resource for such a manoeuvre<sup>20</sup>. The Corner-wood residents now face enforcement action by the Council<sup>21</sup> and currently have nowhere left to turn.

## National Context

This is the latest in a series of decisions representative of a fundamental problem with the manner in which the Welsh Government and Local Planning Authorities are relating to One Planet Developments.

This is the fourth planning appeal refusal in a row, and follows the refusal of Tom O Kane's application<sup>22</sup> in Pembrokeshire Coast National Park, an application considered by many as exemplary.

Another exemplary OPD application, Nant y Cwm farm, currently being processed by Caerphilly County Council was recently recommended for refusal.<sup>23</sup>

Other applications appear to be meeting considerable difficulty in their planning process, including the high profile 'Charlie and Megs Roundhouse'<sup>24</sup>.

In fact there is not one OPD planning application in the country that is experiencing a balanced and fair planning process<sup>25</sup>. For example, it still seems to be standard practice that every OPD application is assessed by conventional agri-business consultants, despite repeated calls and planning case law<sup>26</sup> suggesting this practice is inappropriate.

In terms of those few applications which have attained planning permission<sup>27</sup>, each and every one of them is meeting all their performance indicator targets.

Yet when the Lammas Ecovillage invited the Environment and Sustainability Committee in May 2013 to an *Understanding 'One Planet Development'* Taster Session, there was no response from any Government representative.

Given the commitment to become a one planet nation within a generation<sup>28</sup> it seems counter-productive to prohibit the tiny minority of people who have the commitment, vision and will to explore what this might look like by creating walls of bureaucracy so high and so unfathomable that they are impossible to scale.

## **Global Context**

The Earth has already experienced 0.8 degrees global warming. We are already committed to a further 0.6 degrees global warming. The impacts of this are beginning to reveal themselves with droughts, floods, wildfires, landslides and massive storms now commonplace across the globe. We face a peak oil crisis and a peak metal crisis. In many parts of the world there is already a chronic freshwater crisis. Soil erosion is widespread across the world. Most alarming of all is the biodiversity crash that is already upon us, likened to an extinction event parallel to the end of the dinosaurs. It is estimated that there will be no summer Arctic ice within a decade. Yet our society is driven by a corporate-political framework that requires never-ending economic growth to sustain itself. In a finite world we find ourselves up against the wall.

Here in Wales whilst we have witnessed the degradation of our soils and ecology, we have had the good fortune to have avoided major environmental crisis. So far that is. Yet we are intrinsically connected to the global socio-economic system and to assume that we will continue to be immune from the upheaval predicted by scientists, whether directly or indirectly, is naïve.

One Planet Development in Wales is not going to save the world. But those of us who are keen to pioneer OPD are committed to playing our part in finding a solution, and for us that means living lightly on the Earth, managing our small pieces of land with sensitivity and love, minimising our fossil fuel use and maximising the food, craft and fuel that we can produce on the land. We have a role to play in a sustainable future for Wales.

## **Next Steps**

The Corner-wood decision is currently ricocheting through the low-impact community in Wales and there is a mood of deep discontent amongst prospective and existing OPD practitioners. The consensus is that the planning framework for OPD has proven itself unfit for purpose.

We are doing our level best here on the ground to demonstrate viable alternative systems for low-carbon communities and economies. You represent the 'authority' in these matters. We simply cannot scale the walls of bureaucracy – particularly when the goalposts move around the field.

And so I write to you and I ask for supportive action on three fronts:

- a. I ask that the recent decision<sup>1</sup> is over-ruled, and the case is either called-in, or re-run, or some other such strategy is employed to allow a mutually beneficial solution to the case within the current policy framework.
- b. I ask that the OPD community is assigned a representative within the Welsh Government to create a bridge for communication and understanding.
- c. I ask that the One Planet Development practice guidance is reviewed at the earliest opportunity and that steps be taken to restructure the planning process for OPD's to provide a framework that supports and understands the complexities, aspirations and potential of OPD to play an important role in the transition to a sustainable society.

Needless to say I would welcome any opportunity to discuss these matters further.

With sincerity.

Paul Wimbush

## Notes

<sup>1</sup> APP/D6820/A/13/2197634

<sup>2</sup> A static caravan and a bender

<sup>3</sup> The timber storage shed has previously been granted planning permission

<sup>4</sup> Using the Welsh Government EFA calculator:

- Family Robinson currently has an ecological footprint of 1.53 gHa/cap and expects that to reduce to 1.23 gHa/cap in 5 years time.
- Family Styles currently has an ecological footprint of 1.96 gHa/cap and expects that to reduce to 0.95 gHa/cap in 5 years time.

A one planet footprint is considered to be 1.88 gHa/cap

<sup>5</sup> This is the first case to be assessed solely on the One Planet Development policy (along with practice guidance) in Wales

<sup>6</sup> Appeal decision 2179373

<sup>7</sup> Points 7 to 11 and point 17 of appeal decision 2179373

<sup>8</sup> The policy requires 30% of food to be grown on site. The residents expected to grow at least 50% of their own food on site. Points 13 and 14 of appeal decision 2179373 raised questions about this.

<sup>9</sup> Points 14 – 15 and point 17 of appeal decision 2179373

<sup>10</sup> The application was appealed on non-determination

<sup>11</sup> Points 9 – 17 of appeal decision 2197634. Given that they have started their businesses from scratch since 2010, and provide detailed business plans which project an income of £19,172 by 2017/18 (by which time their minimum income requirement will have dropped from £10,186 (current) to £6812 (2017/18). as a result of increased food production), there is every reason to expect they will succeed. Do not forget the practice guidance requires 'a simple balance sheet' for projected incomes - not comprehensive business plans. The Inspector criticises their business plan projections from several aspects (many of which are vague and some of which could be considered to have some substance but certainly not enough to undermine the figures to such a high degree) and concludes on a 'balance of probability' against their ability to perform. In many ways this seems to be the problem - the presumption is strongly against OPD's ability, regardless of the evidence presented.

This is despite the on-the-ground achievements to date, a series of professional testimonies presented at the hearing and comprehensive business plans suggesting an income of £19,172 by 2017/18 (by which time their minimum income requirement was projected to have dropped). In short it is a very extreme assessment by the Inspector that .

<sup>12</sup> Points 19 and 20 of appeal decision 2197634

<sup>13</sup> Points 21 and 22 of appeal decision 2197634.

<sup>14</sup> Point 23 of appeal decision 2197634

<sup>15</sup> Point 25 of appeal decision 2197634

<sup>16</sup> Management Plan – 126 pages, additional documents – 22 pages, appeal statements - 20 pages, s106 - 9 pages

<sup>17</sup> Including Simon Dale - Natural Building Consultant, Michael Howlett – CSH Assessor, Bill Knight – EFA Consultant, Nigel Petts – Forestry Management Consultant

<sup>18</sup> Point 16 of appeal decision 2179373

<sup>19</sup> For example point 9 of the appeal decision states '*only one family pays Council tax at the moment and if the appeal was allowed there would be a requirement for a further £700 on the above figure*', and yet the table on page 12 of the Management plan (as well as the parallel calculations in the appeal statements) makes it quite clear that the project is accounting for both families paying council tax in the future. The reason that only one family pays Council tax at present is because the other family lives in a tent and as such is exempt.

<sup>20</sup> Following the recent changes to legal aid it seems that this case would not qualify for any financial assistance in this regard.

<sup>21</sup> Enforcement notices were served in June 2011 and the Council have made it clear in statements to the press that they will initiate enforcement action should the recent appeal be refused.

<sup>22</sup> Decision 2184276

<sup>23</sup> Nant y Cwm farm, 13/0164/RET, detail available from [www.lammas.org.uk/planning](http://www.lammas.org.uk/planning)

<sup>24</sup> Pwll Broga, Pembrokeshire County Council ref 12/0170/PA, detail available from [www.lammas.org.uk/planning](http://www.lammas.org.uk/planning)

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<sup>25</sup> For an up to date list of OPD planning applications in Wales, see [www.lammas.org.uk/planning](http://www.lammas.org.uk/planning)

<sup>26</sup> point 30 appeal reference 2096728

<sup>27</sup> The Lammas Ecovillage (Pembrokeshire CC), John Hargraves (PCNPA), Tony Wrench(PCNPA), Tir Ysbrydol(PCNPA),

<sup>28</sup> One Wales: One Planet, The Sustainable Development Scheme of the Welsh Assembly Government, May 2009