

Mr Chris Banks
Programme Officer
Banks Solutions
21 Glendale Close
Horsham
West Sussex
RH12 4GR

Ein cyf/Our ref: CON-003
Eich cyf/Your ref:

9 April 2013

Dear Sir,

Conjoined public inquiry, Powys Windfarms.

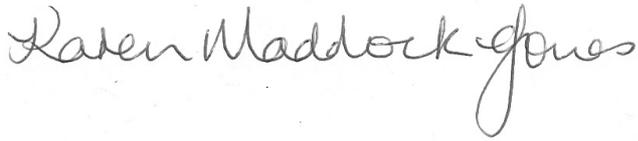
1. The Countryside Council for Wales (CCW) has submitted preliminary statements of case that contain details of their case with respect to the specific issues arising from each development, in relation to landscape, peat, and protected wildlife.
2. In April 2013 Natural Resources Wales brought together the work of the Countryside Council for Wales, Environment Agency Wales and Forestry Commission Wales, as well as some functions of Welsh Government. Our purpose is to ensure that the natural resources of Wales are sustainably maintained, used and enhanced, now and in the future. NRW's functions are set out in the Natural Resources Body for Wales (Functions) Order 2012 and include the requirement to exercise its functions so as to
 1. Promote nature conservation and enhancement of natural beauty and amenity, and
 2. Promote the provision and improvement of opportunities for access to and enjoyment of the countryside and open spaces; open air recreation; and the study, understanding and enjoyment of the natural environment.

Our advice and comments to the Inspectors and the PI are therefore provided in the context of the above remit.

3. A final statement covering NRW's Planning Policy case for the opening session of the inquiry is attached as Appendix 1. It is unnecessary for NRW to repeat the content from CCW's statements of case. Further statements of case will be provided in accordance with the Inquiry timetable.

4. Our list of witnesses is attached as Appendix 2.

yours faithfully,

A handwritten signature in black ink that reads "Karen Maddock-Jones". The signature is written in a cursive style with a large, looping 'J' at the end.

Karen Maddock-Jones

Senior Planning Adviser

Appendix 1

NRW Final Statement of Case; First session of conjoined public inquiry, Powys.

Electricity Act 1989 (Sections 36, 37, 62(3) & Schedule 8), Town and Country Planning Act 1990 (Section 90), and the The Electricity Generating Stations and Overhead Lines (Inquiries Procedure)(England and Wales) Rules 2007

Application by Vattenfall, dated 30 November 2007 for consent under Section 36 of the Electricity Act 1989 to construct and operate a 59.5MW wind turbine generating station in Powys, Mid Wales ('Llanbadarn Fynydd')

Application by Fferm Wynt Llaithddu Cyf, dated 7 May 2008 for consent under Section 36 of the Electricity Act 1989 to construct and operate a 66.7 MW wind turbine generating station in Powys, Mid Wales ('Llaithddu')

Application by CeltPower Limited, dated 9 May 2008 for consent under Section 36 of the Electricity Act 1989 to construct and operate a 126MW wind turbine generating station in Powys, Mid Wales ('Llandinam')

Application by RES UK & Ireland Limited, dated 27 March 2009 for consent under Section 36 of the Electricity Act 1989 to construct and operate a 100MW wind turbine generating station in Powys, Mid Wales ('Llanbrynmair')

Application by RWE NPower Renewables Limited, dated 11 December 2008 for consent under Section 36 of the Electricity Act 1989 to construct and operate a 130-250MW wind turbine generating station in Powys, Mid Wales ('Carnedd Wen')

Application by SP Manweb PLC, dated 2 December 2009 for consent under Section 37 of the Electricity Act 1989 to install and keep installed a 132kV overhead electric line connection from the proposed Llandinam Wind Farm to Welshpool Substation.

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3. This statement will cover NRW's overall position in relation to Central and Welsh Government policy and the development of SSAs B and C, and the issue of connection to the national grid.

Planning Policy

4. DECC continues to deal with consent applications made under the Electricity Act 1989 that were submitted to it prior to the provisions of the Planning Act 2008 coming into force and which have not yet been determined. This proposal therefore falls to be considered on the criteria set out in "A guidance note on Section 36 of the Electricity Act 1989 (October 2007)", but DECC will also have reference to National Policy Statements for Energy (NPS), Planning Policy Wales (PPW), and Technical Advice Note (TAN) 8.
5. NRW fully endorses the recognition in the National Policy Statements for Energy (NPS) and PPW that energy provision should seek to avoid or minimise the impact on the environment, and should not compromise international and national statutory obligations for designated areas, species and habitats.
6. NRW fully supports the Welsh Government's energy policy and its reliance on spatial and strategic approaches to planning as the best way to achieve energy targets and minimise environmental harm. The strategic approach to the location of windfarms is embodied in the strategic search areas set out in Planning Policy Wales (version 5, November 2012) and TAN 8 Planning for Renewable Energy July 2005.
7. DECC will have regard to Welsh Government renewable energy policy in relation to need, and NRW considers DECC should also have regard to recent Welsh Government policy statements that the Assembly targets should be used as maximum as well as minimum targets. and to exceed the Assembly target may have serious impacts on the landscape which is one of Wales' primary economic as well as cultural and environmental assets. In the Cabinet Statement of June 2011, it states "However, in a number of the SSAs, developer interest has now greatly exceeded those indicative figures. The Welsh Government believes this level of development is unacceptable in view of its wider impacts on the local area."
8. Serious additional and cumulative impacts may also arise as a result of provision of the additional grid connections, and in mid Wales the number of turbines determines the scale and numbers of grid connections required. Exceeding the targets would breach the threshold requiring a 400kv pylon line. In the view of the Welsh Government "Provided development is limited to the maximum capacities above, we do not believe that there is a need for the large, visually intrusive, high voltage grid network infrastructure and associated sub station of the kind proposed within Mid Wales."
9. The original Welsh Government target total for the SSAs was 1120 MW, which represented a reduction from the maximum of 1666 MW defined by Garrard Hassan. The purpose was that the reduced figure "will allow local discretion in identifying the best sites."
10. The Welsh Government has subsequently revised the target upwards, and current targets are set out in the document entitled "A Low Carbon Revolution" of March 2010. The target for onshore wind power is expressed as "to have 4.5 kWh/d/p of installed onshore wind generation capacity by 2015/2017". This has been translated into an installed capacity of 2000MW, of

which 1700MW are to be found in the SSAs and 300MW to be found in “ a combination of developments under 25MW, brownfield sites as well as community and local schemes and a contribution from micro-generation.” (Griffiths July 2011)

11. Technology has greatly increased the potential output from wind turbines since the publication of TAN 8 in 2005. Given the amount of renewable wind energy currently proposed for the SSAs NRW has no doubt that the target can be reached. This applies to the totals across all SSAs and to the capacity of SSAs B and C. (To be specific, B has a target of 430MW with permissions (43.2MW) and proposals (537.5MW), totalling 580.7MW, while C has a target of 98MW with proposals running at 395.7MW.)
12. The 300MW target outside the SSAs should also be easily exceeded. Renewable energy from Micro-generation and from Solar also exceeds expectations, while offshore wind will become the primary source of wind energy from Wales.
13. It is therefore open to DECC to once more allow “local discretion in identifying the best sites.”, to conclude that the need for a particular project can be met elsewhere, and to refuse whichever of those applications within SSAs B and C which are considered to produce unacceptably adverse impacts when weighed against the need for renewable energy and government targets.

Grid Connections

14. In deference to the Inspector's belief that “it would not assist the Inquiry to examine future grid connections in detail, other than the Llandinam connection”, NRW will not be providing a witness or any detailed evidence on the grid.
15. Based on European Union and UK government advice, it is NRW's view that the provision of connections to the grid from a wind farm is an integral part of the project, and ought to be considered as such for the purposes of the EIA regulations. NRW however are advisers to the government on matters of landscape and nature conservation, not matters of law. The main concern for NRW therefore is whether, in treating windfarms and grid connections separately, it is possible in practise to assess properly the cumulative impacts of the proposals. The problem is compounded by the lack of information about the precise routing of connections. NRW will offer evidence on the deficiencies in information arising from the absence of a full Environmental Impact Assessment, particularly with respect to cumulative impacts and the issue of alternatives.
16. In the case of the Llandinam connection it is NRW's view that the applicants do not provide enough information and justification to support the extra connection. They do not explore the alternative of connecting to the proposed SPEN 132kV line from SSA C, and therefore do not provide enough information to allow a proper assessment by decision makers of whether the additional impacts of a dedicated line are justified. Since the National Policy Statement for Electricity Networks Infrastructure (EN-5) para 2.8.3 states “Sometimes positive landscape and visual benefits can arise through the reconfiguration or rationalisation of existing electricity network infrastructure.”, it seems appropriate that rationalisation should also be carefully considered at the design, assessment, and approval stage.
17. The applicants have failed to show that they have met the duty in Schedule 9 1(1)(b) of the Electricity Act which states that a license holder “shall do what he reasonably can to mitigate any effect which the proposals would have on the natural beauty of the countryside or on any such flora, fauna, features, sites, buildings or objects.”

Appendix 2

Witnesses for NRW

Planning and Environmental Policy	Peter Minto
Peat	Peter Jones
Peatland Hydrology	Rob Lowe
Curlew	Sian Whitehead
Landscape	John Champion
Bats/Dormice	To be confirmed
Historic Landscape	To be confirmed