

**LLANDINAM
APPLICATION FOR UP TO 126 MW GENERATING
STATION BY CELTPOWER LIMITED
OUTLINE STATEMENT FOR PUBLIC INQUIRY
BERR/2008/0003**

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1 Introduction

1.1 CeltPower Limited ("CeltPower") applied on 9 May 2008 under section 36 of the Electricity Act 1989 for consent to build a 42-turbine generating station with an installed capacity of up to 126 MW ("the Llandinam Windfarm") although as presently proposed, the windfarm will comprise 39 turbines with installed capacity of 117 MW. The proposal is intended as a "repowering" of the existing Penryddlan & Llidiartywaun wind farm and will involve the removal of the existing 102 turbines at the site.

1.2 The Secretary of State for Energy and Climate Change has decided to hold conjoined inquiries into the proposed Llandinam Windfarm, four other proposed wind turbine developments in mid-Wales, and an application under section 37 of the Electricity Act 1989 for consent to a 132 kV overhead line.

1.3 This outline statement of case provides an outline of CeltPower's case for the public inquiry. The inspector has produced a statement of matters to be considered at the inquiry, and this statement sets out how CeltPower intends to address those matters with regard to the proposed Llandinam Windfarm.

1.4 This outline statement uses the following defined terms:

2008 ES	means the environmental statement submitted in support of the application for Llandinam Windfarm in 2008
2011 SEI	means the supplementary environmental information submitted in support of the application for Llandinam Windfarm in 2011
2013 SEI	Means the supplementary environmental information to be submitted in support of the application for the Llandinam Windfarm in 2013
AIL	abnormal indivisible load
The Council	means Powys County Council
CCW	means Countryside Council for Wales
EIA regulations	means the Electricity Works (Environmental Impact Assessment) Regulations 2000 as amended

2 Site description

- 2.1 The site of the proposed Llandinam Windfarm is located in the Rhyddhwell hills approximately 7 km east of Llanidloes and 12 km southwest of Newtown, about 12 km from the Wales / England border. The application site comprises an area of approximately 1,307 ha and is roughly 6.5 km in length and of varying width, up to 3 km at the widest point. It extends the area of the existing Llandinam windfarm by about 1 km to the north, northwest and northeast, whilst generally maintaining its southern boundary. The site also includes the land either side of the site access road to the windfarm from the A483 for road improvements. Connection to the grid is proposed to be via the overhead line for which SP Manweb has applied under section 37 of the Electricity Act 1989, which application is also the subject of the public inquiry.
- 2.2 Leaving aside the existing windfarm, the site is predominantly open grazing land, with some small patches of woodland on the eastern periphery, and blanket peat in the central area.

3 Proposed development

- 3.1 As presently proposed, the Llandinam Windfarm will comprise 39 wind turbines with a proposed installed capacity of up to 117 MW (the precise installed capacity will depend upon the turbine model selected from a number of models commercially available). This is smaller than the original application, which was for 42 turbines. Three turbines have been removed during the detailed design process, in order to mitigate landscape and visual impacts identified through the EIA process.

4 Witnesses to be called

- 4.1 On the basis of the issues as they presently appear to arise, CeltPower intends to call witnesses on the following topics:-
- 4.1.1 Planning
 - 4.1.2 Hydrology
 - 4.1.3 Landscape and visual impact
 - 4.1.4 Cultural heritage and archaeology
 - 4.1.5 Noise
 - 4.1.6 Ecology
 - 4.1.7 Ornithology
 - 4.1.8 Transport
 - 4.1.9 Construction method

5 Matters to be addressed at the inquiry

5.1 *The extent to which the proposed Llandinam Windfarm is consistent with the objectives of the Government policy on the energy mix and maintaining a secure and reliable supply of electricity as the UK makes its transition to a low carbon economy, and achieving climate change goals – see paragraph 5.3*

5.2 *The extent to which the proposed Llandinam Windfarm is consistent with the policies relating to generation of renewable energy contained within the relevant National Policy Statements for Energy Infrastructure: Overarching National Policy Statement for Energy (EN-1) July 2011 and National Policy Statement for Renewable Energy Infrastructure (EN-3) July 2011; - see paragraph 5.3*

5.3 *The extent to which the proposed Llandinam Windfarm is consistent with Welsh Government and local policies: including Planning Policy Wales, Edition 5 (2012); Technical Advice Note 8: Planning for Renewable Energy (2005); and Energy Wales: A Low Carbon Transition (2012); and Powys Unitary Development Plan (adopted March 2010);*

5.3.1 The proposal to repower Llandinam Windfarm accords with the Government's objective to maintain a mix of renewable energy developments including reliance upon on-shore wind development. In particular the proposal will secure an enhanced production of renewable energy through the installation of more efficient turbines - replacing the outdated existing turbines with a lesser number of larger turbines.

5.3.2 The proposal to repower Llandinam Windfarm is consistent with UK national planning policy statements relating to renewable energy development. The windfarm will be able promptly to contribute to the urgent need to increase the production of renewable energy in order for the UK to meet to its own renewable energy targets and European and international obligations, and to the commitment made by the Welsh Assembly to reduce carbon emissions as part of its approach to tackling climate change.

5.3.3 The repowering of Llandinam Windfarm is consistent with the locational guidance for large scale on-shore wind farm development as contained within TAN 8 with the identification of Strategic Search Areas (SSAs), refined by Powys County Council in 2006, as a locational focus for on-shore wind energy development.

5.3.4 The identification of capacity for wind farm development in SSA C, in which the Llandinam wind farm is located, is illustrative of the capacity arising from the studies undertaken at the time of preparation of TAN 8. The reference to 70MW capacity for wind farm development in SSA C should not be treated within the decision-taking process as some form of prescribed upper limit - or 'ceiling'- as to the level of on-shore wind development within SSA C that would be acceptable, when assessed in the context of all material considerations.

- 5.3.5 The Applicant will deal with the merits of the proposal in the context of the dominant policy within the adopted Powys UDP, namely Policy E3 - Windpower. The proposed repowering of Llandinam wind farm accords with the criteria attached to Policy E3. In so far as any tension may be identified with an individual criterion attached to Policy E3, when undertaking a planning balance over all material considerations, the balance lies in favour of a grant of consent.
- 5.3.6 The proposal for repowering of Llandinam Windfarm will satisfy the requirement of Policy E4 for the removal of the wind turbines at the end of their life.
- 5.3.7 Therefore the proposed Llandinam accords with planning and other relevant policy when taken as a whole and on a proper basis, and if in any particular case there is conflict with some individual element of policy, the material considerations are such as to militate in favour of a grant of consent.

5.4 *The individual landscape and visual impact of the proposed Llandinam Windfarm and its impact in combination with other proposed developments that are before the inquiry; and cumulative impact with other wind farms in the Powys area which have already been granted planning permission or where planning permission has been applied for;*

- 5.4.1 The Council has resolved to object to the Llandinam windfarm on the grounds that ‘The proposal would have an unacceptable landscape and visual impact. This includes cumulative impact, taking into account other proposed wind farm developments.’
- 5.4.2 The Applicant will demonstrate that the significant effects of the proposed Llandinam windfarm, its offsite access route and grid connection, both individually and cumulatively, are within acceptable limits in landscape and visual terms. The application will rely on the 2008 Landscape & Visual Assessment; the SEI produced in December 2011, both as updated by supplementary environmental information to be submitted in March 2013. The evidence will address the objections by Powys County Council (noted above and as articulated by Capita Symonds in its review of the ES) and the Countryside Council for Wales, as set out in its consultation response of 11 September 2012 and will demonstrate that the landscape and visual effects of the development as proposed to the Inspector are acceptable.
- 5.4.3 The evidence will refer to the views expressed in consultation responses from Natural England and Snowdonia National Park Authority, in relation to the effects on nationally important landscapes, which are considered by those consultees to be acceptable, and demonstrate that the application site is an appropriate location at which to redevelop a windfarm of the scale and size proposed. Evidence will address concerns expressed by other consultees, including Community Councils and Town Councils, the Ramblers Association and the British Horse Society. In particular the evidence will show how the visual effects on the Caersws Basin Landscape of Special Historic

Interest and Clywdog Valley have been minimised through layout design revisions, such that they are not unacceptable in landscape and visual terms.

- 5.4.4 The evidence will demonstrate no unacceptable visual harm on surrounding settlements, including among others-Caersws; Newtown; Llandinam and Dolfor; on footpaths, bridleways and long distance footpaths, including Glyndwr's Way National Trail and the Severn Way National Path. Through a residential amenity assessment and with reference to the 'Lavender Test', the Applicant will show that no residential property will experience a visual impact on its residential (visual) amenity that could amount to an overbearing or dominant effect, such that the property may be regarded as an unsatisfactory place in which to live.
- 5.4.5 The Applicant will refer to additional cumulative assessments undertaken through the 2013 SEI, in combination with other relevant windfarms before the Inquiry and will demonstrate that whilst significant in some cases, the cumulative effects of the Llandinam windfarm in combination with other sites will not cause unacceptable harm to the landscape and visual resource.
- 5.4.6 Importantly, the evidence will demonstrate how the development will secure the decommissioning of the existing wind farm, for which no decommissioning requirement exists, thereby ensuring that both the existing and proposed windfarms may properly be regarded as reversible developments once their consented life has expired.
- 5.4.7 The impact on landscapes included in the non-statutory 'Register of Landscapes of Historic interest in Wales' has been assessed in the ES and 2011 SEI. CCW have raised concerns about the likely change in the views and settings of key sites from which no turbines are currently visible in the Caersws Basin Landscape of Special Historic Interest, in particular that subdivision of it referred to as the Caersws Historic Landscape Character Area. Similar concerns were raised by CPAT. However, Cadw have raised no such concerns. The impact was assessed as **moderate** in the 2011 SEI using the ASIDOHL2 system of scoring, but CCW consider that this underestimates the magnitude of the likely change. Supplementary evidence is being prepared by the Applicant to augment the information supplied in the 2011 SEI. This will consist of a revised assessment of the individual impact of the proposed Landinam Windfarm and assessment of its impact in combination with other proposed developments.

5.5 *The impact of construction traffic on the surrounding locality of the proposed Llandinam Windfarm individually and in combination with other proposed developments subject of the inquiry including transportation access routes and traffic management, taking into account the cumulative impact with other wind farms in the Powys area which have already been granted planning permission or where planning permission has been applied for;*

- 5.5.1 In the 2011 SEI, CeltPower proposed a route from the south for delivery of turbine components via the port of Newport. This route followed the A470 to Brecon and then across the County Boundary into Herefordshire where it passed through the village of Eardisley to join the A44 to Crossgates and then via the A483 to the site access. This route attracted concerns from Herefordshire County Council, particularly relating to the impact on the village of Eardisley, and Powys raised concerns about the use of the A44 through Crossgates. Powys County Council and Welsh Government Transport (WGT) also raised a number of concerns regarding details of implementation of this route.
- 5.5.2 In response to these concerns, CeltPower's consultants have reviewed the proposed Southern Route. The proposals before the Inspector at the inquiry will address the concerns raised. A revised Traffic Management Plan (TMP) will be submitted shortly to both Powys and WGT with the aim of agreeing a document which can be the subject of a planning condition. As requested by Powys and WGT this TMP will include details of all permanent works which will need to be the subject of a Section 278 agreement and a Method Statement for all temporary works.
- 5.5.3 In addition to the finalisation of the TMP for the delivery of turbine components the impact of general construction traffic has been reviewed and a Draft Construction Management and Lorry (non-AIL) Routeing Strategy is being finalised. This will also be submitted to Powys with the aim of agreeing a document which can be the subject of a planning condition.
- 5.5.4 Notwithstanding the fact the CeltPower are pursuing a southern route for the delivery of turbine components due to timing constraints, CeltPower are also working with the industry on the delivery of the Strategic Traffic Management Plan (sTMP) which will eventually allow the delivery of turbine components to the SSA(C) from the north from Ellesmere Port via Newtown. The sTMP team are currently developing a cooperation agreement and delivery mechanism. Progress on this work will be reported to the Inquiry.
- 5.5.5 On the basis of the current Llandinam access proposals, any cumulative impact with other wind farms proposed or permitted in Powys will be limited. However where there is a cumulative effect this will be assessed and reported on to the Inquiry.

5.6 *The impact of noise generated during the construction and from the operation of the proposed Llandinam Windfarm individually and in combination with other proposed developments subject of the inquiry taking into account the cumulative impact with other wind farms in the Powys area which have already been granted planning permission or where planning permission has been applied for;*

- 5.6.1 The impact of operational noise from the scheme, accounting for cumulative effects, has been demonstrated to comply with the applicable ETSU-R-97 guidance. The

cumulative impact of the adjacent Llaithddu scheme in particular can be managed through the suitable apportioning of the respective noise limits for each scheme. Noise from the decommissioning and construction can be controlled to acceptable levels, using measures such as the restriction of working hours. The supplementary evidence to be presented will cover cumulative impact with additional schemes, including the Hirddywell Wind Farm, and additional studies of traffic noise including cumulative impacts .

5.7 *The individual and cumulative impact of the proposed Llandinam Windfarm on biodiversity including the ecological functioning of European Protected Sites (e.g. the River Wye Special Area for Conservation (SAC), Berwyn Special Protection Area (SPA) and South Clwyd Mountains (SAC); impacts on European Protected Species under the Conservation of Habitats and Species Regulations 2010 (as amended) "(the Habitats Regulations)"; and the likely effectiveness of proposed mitigation measures;*

5.7.1 The effects on ecology of the proposed Llandinam Windfarm have been assessed in the ES and 2011 SEI. No adverse effects to ecology were identified for the design before the inspector that are significant in the sense of the EIA Regulations. There are some negative impacts associated with the development (as there are with most developments).

5.7.2 The Council has stated that the proposed development would have an unacceptable adverse impact on biodiversity but gives no further details of its case. Since the appellants have carried out the studies required by the Council, it is surprising the Council should have no defined position beyond broad generality.

5.7.3 CCW and other objectors have raised concerns about impacts on:

- peatland habitats
- bats
- curlew
- the River Wye Special Area of Conservation (and therefore the need for appropriate assessment under the Habitats Regulations)

5.7.4 **Peatland habitats:** Evidence will be led to demonstrate that the proposed design of the Llandinam Windfarm before the inspector at the inquiry takes into account the need to minimise impact on peatland so far as possible. The impact of the development on peatland will not be significant in the sense of the EIA regulations. Furthermore a habitat management plan has been proposed to enhance the existing poor condition of the valley mire habitat at the site, thereby improving its biodiversity value.

- 5.7.5 **Bats:** CCW considered that there was insufficient information on the bat surveys carried out for the environmental impact assessment for them "to advise on whether opportunities have been taken to mitigate any potential significant effects on bats". Since information on the bat surveys is available, in our view it should be possible to reach a common position with CCW on this matter, but if that is not possible, evidence will be led to demonstrate that there will be no significant effects on bats.
- 5.7.6 **Curlew:** There may be short-term impact on curlew breeding productivity, during decommissioning and construction, which would not be significant in the sense of EIA Regulations. Displacement of curlew during operation would be unlikely, and not significant. Overall, the effect of the Llandinam Windfarm on curlew will not be significant and is unlikely to add significantly to cumulative effects. Even if the unmitigated effect in terms of displacement of curlew was found to be unacceptable, CeltPower will set out mitigation measures in a breeding bird protection plan that will remove any possibility of curlew being disturbed in the construction and decommissioning phases of the development. Celtpower will also set out habitat enhancement measures in a habitat management plan that will benefit curlew. Our view is that it should be possible to reach a common position with CCW on this, but if that is not possible, evidence will be led demonstrating that the development will have no significant adverse effect as regards its impact on curlew.
- 5.7.7 **River Wye SAC:** The site of the Llandinam Windfarm is located partly within the catchment of the River Wye. CCW have raised the concern that if proper mitigation measures are not employed, run-off from during the construction and decommissioning phases of the development could cause increased sediment loading that would have a significant impact on the SAC by affecting habitats and species for which it is designated. As a consequence, it has indicated there may be a requirement for an appropriate assessment of this proposal under the Habitats Regulations. If good practice is followed in construction and decommissioning, it is not likely there will be a significant effect on the SAC, and good practice may be required by conditions. Our view is that it should be possible to reach a common position with CCW on this, but if that is not possible, evidence will be led setting out the proposed methods and demonstrating that they will ensure there is no significant impact, individually or in combination with other developments, upon the SAC.

5.8 *the social and economic impact of the proposed Llandinam Windfarm individually and cumulatively; including on tourism;*

- 5.8.1 The Applicant will make reference in the planning evidence to the existence of past studies undertaken elsewhere in the UK which examine the potential impact of on-shore wind farm development on tourism.

5.8.2 It will be submitted that there is no cogent and robust evidence base to substantiate that the Llandinam wind farm development, considered individually or cumulatively, will have a demonstrable adverse impact on tourism.

5.8.3 It will be submitted that there are no particular characteristics of the local tourism industry to suggest that the general conclusions from the studies (referred to above) should result in a different conclusion in the context of the local tourism industry.

5.9 *the potential impact of the proposed Llandinam windfarm on human health;*

5.9.1 It will be submitted, with reference to the Environmental Assessment, that the Llandinam wind farm proposal will not have an adverse impact on the health of the local community. Reference will be made to the assessments undertaken to consider the impacts of the proposal arising from noise - including during the period of construction - and shadow flicker. The Council have also indicated that health and safety concerns such as fire, falling blades or tower sections are not planning considerations.

5.10 *the impact of the proposed Llandinam Windfarm on cultural heritage;*

5.10.1 No objections have been made by CCW, the Clwyd-Powys Archaeological Trust or Cadw regarding any direct impact of the proposed Landinam Windfarm on known cultural heritage assets. However, supplementary evidence will be prepared by the Applicant for inclusion in a revised SEI to demonstrate that all aspects of the proposed Landinam Windfarm have been considered in relation to their potential impact on known cultural heritage assets, both individually and in combination with other proposed developments that are before the inquiry. This will consist of: access tracks, sub-stations & masts, transport routes and grid connection.

5.11 *the individual and combined impact on the proposed Llandinam Windfarm on aviation;*

5.11.1 No objection has been made to Llandinam Windfarm by any airport or air-traffic control service with regard either to its individual or combined impact. We do not believe that this matter need be dealt with further at the inquiry.

5.12 *the impact of the proposed Llandinam Windfarm on hydrology and hydrogeology, to include impacts on sensitive water features (streams, ponds, wetlands); impacts on private water supplies; fisheries and watercourses; and impacts on groundwater; and the likely effectiveness of proposed mitigation measures;*

5.12.1 The design of the proposed Llandinam Windfarm before the Inspector at the inquiry is created with a view to minimising impact on the water environment during construction, operation and decommissioning phases. The effects on hydrology of the proposed Llandinam Windfarm have been assessed in the ES and 2011 SEI. There is the potential for significant impact on hydrological receptors if good construction practice is

not followed during decommissioning of the existing windfarm or construction or decommissioning of the proposed windfarm. However, protective measures will be set out in an Environmental Management and Pollution Prevention Plan (EMPPP). The implementation of the EMPPP may be conditioned, and will ensure that the risk of any impact on the water environment is negligible.

- 5.12.2 The Council has not objected on grounds of impact on water environment. CCW's objection relates solely to the possibility of a hydrological impact on peatlands, which is dealt with in the following paragraph.

5.13 *the impact of the proposed Llandinam Windfarm on peat;*

- 5.13.1 Evidence will be led to demonstrate that the proposed design for Llandinam Windfarm before the inspector at the inquiry takes into account the need to minimise impact on peatland. The impact of the development on peatland will not be significant in the sense of the EIA regulations.

5.14 *the potential for the proposed Llandinam Windfarm to be connected to the electricity grid network;*

- 5.14.1 The Llandinam Windfarm is proposed to be connected to the electricity grid by the proposed 132 kV overhead line to Welshpool.

6 Time required to present the case

- 6.1 Our estimate for an inquiry based on a project-by-project approach is that the Llandinam Windfarm evidence will take three weeks, though a further week's allowance should be made for overflow.

7 Special studies prepared for the inquiry

- 7.1 CeltPower intend to submit in March 2013 additional Supplementary Environmental Information to take account of progress in the design for the Llandinam Windfarm and to deal with cumulative development.

8 Witnesses to be cross-examined

- 8.1 CeltPower intend to test the evidence of objectors to Llandinam Windfarm, in particular the evidence provided by Powys County Council and the Countryside Council for Wales

9 Conditions and planning obligations

- 9.1 The deemed planning permission can be granted subject to conditions. No matters arise that require the applicant to enter into a planning obligation or agreement with the planning authority.

10 Reservation

- 10.1 This outline statement is provided to assist the Inspector in identifying the issues and determining the structure for the inquiry. It is based on the information available to CeltPower at this stage. It may be that as the parties' positions become clearer, CeltPower will have to respond on matters falling outside those set out in this statement. It is noted in particular that the Council, in its objection to Llandinam, reserved its position on a broad range of matters, which if raised, might call for further detailed response.

Brodiess LLP, 21 January 2013