

LLANDINAM REPOWERING:

APPLICATION TO DISMANTLE THE EXISTING SITE AND REMOVAL OF 102 TURBINES; ERECTION OF 34 (PREVIOUSLY 39 AND 42 AS ORIGINALLY SUBMITTED) TURBINES OF UP TO 3 MW ON EXISTING SITE, CRANE HARD STANDING; ACCESS TRACKS, UPGRADE ACCESS FROM THE A483; SUBSTATION; 2 POWER ASSESSMENT MASTS (ANEMOMETER) AND ASSOCIATED INFRASTRUCTURE

**BY CELTPOWER LIMITED
AT LLANDINAM WINDFARM**

**STATEMENT OF CASE FOR PUBLIC INQUIRY
ADDENDUM FOR SESSION 4**

BERR/2008/0003

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1 Introduction

- 1.1 This is a second addendum to the CeltPower statement of case submitted on 14 May 2013 and the first addendum submitted for Session 1 on 9 July 2013. It updates those two documents for the purposes of Session 4 of the inquiry.

2 Site description

- 2.1 See paragraph 2 of the statement of case.

3 Proposed development

- 3.1 See paragraph 3 of the statement of case.
- 3.2 In the course of session 1 of the Inquiry, CeltPower proposed minor adjustments to the layout of the proposed development in order to minimise impact upon peat and peat habitats. These adjustments are shown in a plan submitted to accompany the proposed micro-siting condition (CPL-SOCG-005A). With the exception of three non-material variations to track layout (as already considered in session 1), all proposed adjustments are within the assessed micro-siting tolerances. CeltPower seeks consent subject to these adjustments and subject to draft condition 8 (which is in terms agreed with Natural Resources Wales) in CeltPower's proposed conditions (CPL-SOCG-005C).

4 Witnesses to be called

- 4.1 On the basis of the issues as they presently appear to arise, CeltPower intends to call the following expert witnesses at session 1 of the inquiry:-

Table 1: witnesses

Topic	Witness
Hydrology	Beverley Walker BSc (hons), Member of International Association of Impact Assessment (IAIA). Director BlueWind Consulting Ltd.
Landscape and visual impact	James Welch, Fellow of the Landscape Institute, Director, Optimised Environments ("OPEN")
Ecology	David MacArthur BSc, Dip Econ, MSc, Member of the Institute of Ecology and Environmental Management, Director & Principal Ecologist, MacArthur Green
Transport	David Tucker BSc (hons), MSc, CEng, Member of the Institution of Civil Engineers, Member of the Institution of Highways and Transport, Principal, David Tucker Associates
Construction method	Gary Parker, Member of the Institute of Civil Engineers, Senior Project Manager at Scottish Power Renewables
Socio-economics	Peter Frampton, BSc (hons), Member of the Royal Institute of Chartered Surveyors, Member of the Royal Institute of Town Planning, Framptons

4.2 Since discussions are progressing with other parties with a view to agreeing common ground and withdrawal of objections, CeltPower's position as to which witnesses from this list it will call to give evidence may change before or during Session 4. In addition to the witnesses listed above, CeltPower may also call Dr Jonathan Edis (whose qualifications are provided in the first addendum to the statement of case) should it prove necessary to respond to matters raised by other parties. The witnesses will be called as appropriate for the topic and the order in which they are listed does not necessarily reflect the order in which they will be called.

5 Matters to be addressed at Session 4

5.1 *The extent to which the proposed repowering of the 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 repowering of the 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 repowering of the 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 See statement of case. Evidence on the meaning and status of planning policies was provided at the opening session, and evidence on the planning balance will be provided at the closing session. These topics will be referred to in Session 4 insofar as they set a framework for assessment of the proposed development with regard to the topics being dealt with at Session 4 of the inquiry.

5.4 *The individual landscape and visual impact of the repowered 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 CeltPower's case is as set out in the statement of case.

5.4.2 Powys County Council ("the Council") has withdrawn its objection on grounds of landscape and visual impacts of the repowered Llandinam Windfarm. It does not object to Llandinam repowering on grounds of its cumulative landscape and visual impacts either.

5.4.3 Natural Resources Wales ("NRW") has withdrawn its objection relating to the impact, individually and cumulatively, of the repowered Llandinam wind farm on the Caersws Basin Landscape of Special Historic Interest. NRW has also stated that, when considered

cumulatively with other existing and proposed windfarm developments and infrastructure in mid Wales, the repowered Llandinam windfarm will have significant landscape and visual impacts. Cumulative landscape impacts of wind farms within SSA C were dealt with at session 1 of the inquiry. NRW made no reference in evidence at Session 1 to any unacceptable cumulative impact of Llandinam with the other SSA C wind farms. Although NRW has not further particularised the cumulative impacts to which it is referring, its opening statement (CON-003-004) indicates that these are impacts that are to be dealt with in Session 4 of the inquiry. Session 4 of the Inquiry is intended to deal with cumulative landscape and visual impacts outside SSA C. CeltPower's case for Session 4 is that there are no significant landscape or visual cumulative impacts arising on account of the combined effect of the Llandinam repowering with other existing or proposed wind farms (or any other project) beyond the boundaries of SSA C.

- 5.4.4 It is acknowledged that the repowered Llandinam Windfarm will have certain significant landscape and visual effects individually and cumulatively within SSA C as set out in chapter 6 of the 2013 SEI, most notably in combination with other windfarms that are at application stage. It is CeltPower's position that none of the cumulative effects that Llandinam repowering could give rise to are unacceptable in landscape and visual terms, on account of the existing influence from the operational windfarm on the Llandinam site.

As previously stated in paragraph 11.4 of the statement of case:

"The fact that the proposal may give rise to significant effects, which have an adverse impact, is not to be equated with the impacts being unacceptable, justifying the refusal of planning permission. It is necessary to undertake an overall balance to establish where the advantage lies on the overall public interest."

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 CeltPower's case is as set out in its statement of case, subject to the following additional comments:
- 5.5.2 Full details of traffic generation from the site and the resulting impact on the surrounding road network are contained in the Llandinam Wind Farm Transport Assessment (Doc CPL-TRA-003). This document, which has been agreed with both by the Welsh Government's transport department ("WGT") and the Council, was dealt with at Session 1 of the Inquiry. This document establishes that there will be no overall adverse impact on the surrounding road network as a direct result of the proposed Llandinam development.
- 5.5.3 Local access to the site from the A483 Trunk Road for both the delivery of turbine components and general construction traffic was the subject of Session 1 of the Inquiry. Neither the Council

nor WGT have objected to the detailed scheme. This will be implemented subject to appropriate conditions and through an appropriate agreement under section 278 of the Highways Act.

- 5.5.4 The proposed route for delivery of turbine components to the site was described and its environmental impacts assessed in chapter 9 of the 2013 SEI. A detailed draft Traffic Management Plan (TMP) for the delivery of turbine component has also been prepared and submitted to the inquiry. This provides an appropriate level of detail for consideration of the route at the inquiry. It is envisaged that a final version of the TMP would be subject to approval under a condition of the consent.
- 5.5.5 The applicant proposes that abnormal indivisible loads (AILs) would be transported from the south from the port of Newport to the site by a route via Brecon, Builth Wells, Llandrindod Wells and Crossgates. The route follows the trunk road network (M4, A470 and A483). There are two short sections that are exceptions to this:
- a. a short section will run on the A438 to the south and west of Bronllys; and
 - b. to the south of Builth Wells a temporary construction route is proposed to be installed across the River Wye to allow AILs to cross and travel up the B4567 and A481 to rejoin the trunk road north of Builth Wells.
- 5.5.6 A plan of the proposed AIL transport route is provided as figure 2 of the draft TMP. Details of AILs are provided in appendix 1 of the draft TMP. Detailed comments on the route and any traffic management or highway modifications required are set out in appendix 2 of the draft TMP. A number of highway modifications are required. These are detailed in appendix 3 of the draft TMP.
- 5.5.7 The highway modifications required can almost all be accommodated within the existing boundary of the highway. There are two exceptions:
- a. the temporary construction route across the River Wye. Two options for this route are shown on drawing 14016/28 in appendix 3 of the draft TMP; and
 - b. temporary modifications to allow AILs to negotiate the junction of the A481 and A483. Two options are provided.
- 5.5.8 The restricted headroom under the railway bridge at Crossgates is insufficient to allow passage of AILs. The existing highway is grossly substandard. Two options are under consideration to create sufficient headroom. These are:
- a. Lowering and narrowing of the carriageway. The width of the footpath on either side of the carriageway would be improved. As a consequence of such a modification, traffic could only pass in one direction under the bridge at one time (i.e. there would be "shuttle working") and traffic would be controlled by lights on either side of the bridge. This proposed solution is shown on drawing 14016-20 in appendix 3 of the draft TMP.

- b. Lowering the carriageway while maintaining carriageway and footpath widths. Traffic could continue to pass in both directions, but the road, both footpath and carriageway would continue to be substandard. This proposed solution is shown on drawing 14016-32 in appendix 3 of the draft TMP.

5.5.9 The temporary construction route across the Wye and the temporary road at the A483/A481 junction will be the subject of separate planning applications. It is not likely that either will be required for more than 12 months and after that they will be dismantled and the ground restored. Although the proposed river crossing will be the subject of a separate application, its environmental effects are assessed in the 2013 SEI. There are no significant environmental effects associated with any other highway modifications proposed.

5.5.10 The Welsh Government's transport department (WGT) has confirmed that it has no objection in principle to a route from the south. On 21 January 2014, however, it submitted a statement of case to the inquiry objecting to the proposed route north of Merthyr Tydfil for four reasons:

- a. The proposed traffic management methodology poses an unacceptable risk to trunk road users and will generate unnecessary delays;
- b. The assessment of the impact of ALLs is fundamentally flawed as the largest loads have not been assessed;
- c. The viability and potential detrimental impact of lowering the highway beneath Crossgates rail bridge is uncertain; and
- d. The travelling public will suffer unnecessary delay and disruption if Fferm Wynt Llaithddu and CeltPower implement different highway modifications along the same route.

5.5.11 CeltPower's response is as follows:

- a. It is not clear what element of the proposed traffic management methodology WGT objects to. The proposed methodology is set out in detail in the draft TMP. Methodology based on the same principles has been accepted by WGT, the Secretary of State for Communities and Local Government and the Secretary of State for Energy and Climate Change in relation to similar developments elsewhere. The methodology is consistent with that for the STMP for the northern route proposed by RES, RWE and Vattenfall. No element of the proposed methodology poses an unacceptable risk to trunk road users. Delays to other road users will be the minimum necessary and will be limited to ten minutes of additional journey time at most. This is generally regarded as an acceptable level of delay. It is also consistent with the assumptions in the STMP for the northern route;
- b. The largest loads intended to be used have been assessed. Both loads and vehicles are clearly defined in the draft TMP.

- c. The lowering of the highway at the Crossgates railway bridge will not have a detrimental impact. If the option described at paragraph 5.5.8(a) of this statement of case (involving narrowing of the carriageway and widening of the footpath) is accepted, then it will result in an improvement in highway safety.
- d. CeltPower and Ferm Wynt Llaithddu (FWL) are in discussions to ensure that AIL delivery is coordinated so as to minimise disruption. Even in the absence of such agreement, it is highly unlikely that any unnecessary highway modifications would be made.

- 5.5.12 The Council has indicated that it accepts the principle of AIL access to the Mid Wales wind farms, including Llandinam, from Newport in the south as well as from Ellesmere Port in the north. It has outstanding queries relating to the physical ability of AIL vehicles to navigate the route and with regard to the estimates of time taken for the journey and in delay to other road users. The Council has recently asked for additional information on details of the proposed route and traffic management strategy. These details will be produced to the inquiry at the earliest opportunity.
- 5.5.13 CeltPower considers that the matters raised by the Council and WGT relating to the AIL transport can be resolved in advance of the inquiry. If they cannot be resolved, CeltPower will lead evidence to demonstrate that the route as proposed is appropriate and meets the required standards.
- 5.5.14 The cumulative impact with other wind farms proposed or permitted in Powys of non-AIL traffic has been assessed jointly by the transport consultants acting for the sites before the Inquiry and the results are contained in document CD-COM-TRA-003 "Cumulative Impact Assessment of non-AIL Construction Traffic on the Strategic Road Network". This concludes that, even if it is assumed that construction for proposed wind farms at Llaithddu, Llandinam, Garreg Lwyd, Bryngydfa, Hirddywel and Neuadd Goch were to commence in 2016, there would be no significant cumulative effect in terms of increased HGV traffic.
- 5.5.15 Finally, a number of protocols have been agreed between the various developers, WGT, the Council and the police to ensure safe and efficient movement of AILs associated with the proposed wind farm developments. These are summarised in the 'Agreed Statement on the Delivery Process for Abnormal Individual Loads (AILs)' (Document CD-COM-TRA-002). CeltPower support and will adopt these agreed protocols. There will be no unacceptable cumulative impacts from AIL movements generated by the repowering of the Llandinam Windfarm.

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 Noise was dealt with in session 1 of the inquiry and will not be an issue for session 4. The Council and CeltPower have agreed in a statement of common ground (SOCG) that noise may be managed at acceptable levels by condition (CPL-SOCG-004A). The statement sets out a form of condition. The condition will be finalised at the conditions session.

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 CeltPower has had extensive further discussions on matters relating to biodiversity that were identified in the statement of case as outstanding between it and NRW.

5.7.2 The Council has indicated that it will not lead evidence on biodiversity. The Council will be satisfied on this point if NRW is satisfied that its objection can be withdrawn.

5.7.3 **River Wye SAC:** The only issue arising at session 4 under this head is that of the potential for in-combination effects upon the River Wye Special Area of Conservation (the SAC) and whether appropriate assessment by the Secretary of State is required in respect of those impacts.

5.7.4 Amanda King wrote to the inspector on behalf of the Department of Energy and Climate Change (DECC) in an email dated 4 June 2013 indicating DECC's early thinking on appropriate assessment. She said that DECC were considering doing two "strategic" appropriate assessments, one for each of the strategic search areas in which applications for development were before the inquiry.

5.7.5 The procedure for assessment of applications in respect of European sites is set out in the Conservation of Habitats and Species Regulations 2010, regulations 61 to 62. Before requiring appropriate assessment in respect of an application, the Secretary of State must determine whether the application is likely to have a significant effect on a European site either alone or in combination with other projects (a process usually called "Habitats Regulations assessment" or "HRA"). This determination must be made in respect of the particular application before the Secretary of State. Such a determination cannot be made "strategically" for a group of projects, an approach that would appear to treat all projects within the group as if they were a single project. Such an approach would lead to errors. The collected effects of the group would be attributed to all projects in the group, even if some projects made no contribution at all to a particular effect.

5.7.6 Therefore, in determining the application for the Llandinam repowering, the Secretary of State must determine whether the Llandinam repowering is likely to have a significant effect upon the River Wye SAC in combination with other plans or projects. If he determines it will not (as CeltPower contend), he need proceed no further. If he determines that it will (contrary to CeltPower's contention), then appropriate assessment will be required in respect of the in-

combination effects of the proposed repowering of Llandinam wind farm. Where a need for appropriate assessment arises, such project-specific appropriate assessment is necessary irrespective of any "strategic" assessment.

5.7.7 NRW in its opening statement to the Inquiry (CON/003/004) stated:

"insufficient information has been provided by the applicants of the Llanbadarn Fynydd, Llaithddu, Llandinam windfarms and the Llandinam 132kV grid line to rule out a likely significant effect from the proposals, in combination with each other and with other plans and projects in the planning system, on the River Wye SAC. It is NRW's advice that, unless the applicants provide additional information to demonstrate that there will not be a significant effect from their projects, alone or in combination with other plans and projects, to comply with Regulation 61 of the Habitat Regulations an appropriate assessment is required to ensure that the proposals alone and cumulatively would not have an adverse impact on the integrity of these sites."

5.7.8 A scoping document was issued by NRW and is before the inquiry as document CON-003-007. It identifies that NRW's asserted concern relates to:

- (a) the SAC management unit comprised by the River Ithon subcatchment;
- (b) the construction and (by implication) the decommissioning phases of the Llandinam repowering;
- (c) the potential vulnerability to impacts of Atlantic salmon as a protected interest of the River Ithon management unit;
- (d) Deterioration of the River Wye SAC habitat, principally from suspended solids settling out, reducing the 'flow-through' of water through gravel and other spawning beds, as associated impact upon designated features by reduced oxygenation, particularly in relation to Atlantic salmon spawning beds for which the River Ithon management unit is important. There is also non-specific reference to other pollutants in the scoping document.

Assessment of in-combination impacts and avoidance and minimisation measures is stated to be required in the scoping document. NRW has acknowledged that an analysis of connectivity (which the source-pathway-receptor model provides) and pollution risk appraisal is appropriate to HRA of Llandinam's in-combination effects.

5.7.9 CeltPower's case is as set out in the original statement of case. CeltPower does not accept that any requirement for appropriate assessment arises. Without prejudice to that primary contention, CeltPower has provided

- (a) a draft report to inform any appropriate assessment under the relevant regulations; and
- (b) appended to that report, a draft pollution risk appraisal analysing potential impact by use of a source-pathway-receptor model.

CeltPower will update these documents in advance of session 4 of the Inquiry. The draft report and pollution risk appraisal respond to the scoping document. They demonstrate that it is not likely any measurable amount of pollutant would enter the SAC as a consequence of the decommissioning or construction phases of the Llandinam repowering. The pollution risk appraisal demonstrates that due to the small proportion of the River Ithon catchment occupied by the site (and even smaller proportion comprising ground disturbed by construction and decommissioning works), the natural features of the site (which act as a natural sediment trap), the good practice employed in design of the site infrastructure, and the distance of the wind farm site from the SAC, there is no likelihood of significant impact on the SAC even if standard good construction practices are not followed. Nonetheless, CeltPower proposes to implement an environmental management and pollution prevention plan during construction and decommissioning. The approval and implementation of such plan may be conditioned. In determining whether appropriate assessment is required, the way in which the development is proposed to be carried out and conditions to which development consent is proposed to be subject may be taken into account. Therefore there is no likelihood of any significant effect on the integrity of the qualifying interests of the Ithon subcatchment management unit of the River Wye SAC from the repowering of the Llandinam Windfarm, either individually or in combination with other plans or projects.

- 5.7.10 CeltPower considers that it should be possible to reach a common position with NRW that there is no likelihood of significant in-combination effects upon the integrity of the River Wye SAC as a consequence of construction or decommissioning phases of the Llandinam repowering, and that appropriate assessment is therefore not required. If that is not possible, evidence will be led to expand upon the analysis carried out, and demonstrating that there will be no significant impact, individually or in combination with other projects, upon the integrity of the SAC.
- 5.7.11 The following paragraphs update the statement of case as it relates to this topic, although in CeltPower's understanding these are not matters remaining to be dealt with in session 4 of the inquiry:-
- 5.7.12 **Temporary route across the Wye:** In responding to the 2013 SEI, NRW asserted that there was insufficient information provided to assess the impact on the River Wye of the proposed transport route. Its asserted concern related particularly to the temporary AIL transport route across the River Wye to the south of Builth Wells. NRW has made no further reference to this objection in subsequent statements of case. The proposed temporary route across the Wye lies well outside the River Ithon management unit and therefore is not a matter covered by the NRW scoping document.
- 5.7.13 The temporary route is part of the Llandinam repowering project for the purposes of HRA. However, no application for consent is made for the temporary crossing as part of the application before the inquiry. Further consents, including planning permission, will be required for the temporary route. That application for planning permission will itself be subject to HRA and, if required (contrary to CeltPower's view), to appropriate assessment. The 2013 SEI, including the information to support HRA provided with it (together with further updates submitted since then as appendices to the session 1 proofs of David MacArthur, Gary Parker

and Beverley Walker), provides sufficient information at this stage for assessment as to whether the AIL transport route, and the temporary River Wye crossing, can be delivered without significant effects on the SAC either alone or in combination with other developments. CeltPower has further clarified that its proposals are for a single-span crossing with no support in the river itself and with abutments set back from the river. A draft environmental management and pollution prevention plan (EM&PPP) has been provided in respect of the proposed works setting out further measures proposed to be taken to prevent sediment or other pollutants entering the SAC. The HRA identifies and considers the possibility of an indirect impact upon twaite shad, a relevant qualifying feature of the SAC, by siltation of its spawning grounds. Its assessment is that in the event of a realistic worst-case pollution incident, the measures identified in the EM&PPP will ensure a low risk of low impact on twaite shad. Furthermore, it is proposed that the installation of the temporary bridge would take place outside the twaite shad spawning season. There would therefore be no prospect of impact upon twaite shad. The approval of a finalised plan and its implementation may be conditioned. Subject to the measures recommended, there is no likelihood of significant impact on the River Wye SAC as a consequence of the temporary AIL route across the Wye.

- 5.7.14 **Peatland habitats:** CeltPower and NRW have agreed adjustments to the siting of infrastructure to minimise effects on peaty soils and related habitats at the site so far as other constraints allow (CPL-SOCG-010). These adjustments (with the exception of some very minor realignment of tracks) are all within the assessed micrositing tolerance distances for infrastructure. In order to achieve the proposed amendments to the development, CeltPower and NRW have agreed a draft micrositing condition. Subject to these adjustments the Llandinam repowering is agreed by both NRW and CeltPower not to have any significant impact on peatland habitats.
- 5.7.15 **Agricultural intensification:** Although there will be some difference in infrastructure between the existing wind farm structure and the new, there is nothing to indicate any likelihood of agricultural intensification and no party has made any contrary case.
- 5.7.16 **Bats:** NRW and CeltPower have agreed that there will be no significant impact upon the conservation status of bats within their natural range as a consequence of the Llandinam repowering (CPL-SOCG-001A).
- 5.7.17 **Curlew:** CeltPower and NRW have agreed that, subject to conditions requiring implementation of an agreed breeding bird protection plan, any displacement of breeding curlew as a consequence of the Llandinam repowering will be reduced to an acceptable minimum (CPL-SOCG-002B).

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

- 5.8.1 CeltPower's case is as set out in the statement of case.
- 5.8.2 By an addendum to its outline statement of case, the Council indicated it does not object on the ground of socio-economic impact to the Llandinam repowering having found

“insufficient evidence to support an impact on socio-economic interests of sufficient magnitude to give rise to a refusal of some or all of the projects [before the Inquiry] on this ground”.

5.9 the potential impact of the repowering of the Llandinam Windfarm on human health;

5.9.1 CeltPower's case is as set out in the statement of case.

5.10 the impact of the repowering of the Llandinam Windfarm on cultural heritage;

5.10.1 CeltPower's case is as set out in its statement of case.

5.10.2 NRW has withdrawn its objection with regard to the impact of the development on the Caersws Basin Landscape of Historic Interest (NRW statement of case for session 1 - CON-003-SOC-SSA-C-3 paragraph 7).

5.10.3 The Council has also withdrawn its objection to the Llandinam repowering on cultural heritage grounds (subject to a condition requiring implementation of a programme of archaeological works) (CPL-SOCG-008).

5.11 the individual and combined impact on the repowering of the Llandinam Windfarm on aviation;

5.11.1 An objection to the proposed development was submitted by Mr Peter Brebner. This related to the asserted impact of the proposed development upon the use of the area for low flying training by military jets. CeltPower led evidence from Squadron Leader Mike Hale (CPL-AIRSAFETY-REBUTTAL-HALE-SSA-C) to demonstrate that the objection was not substantiated at session 1 of the Inquiry. It is not anticipated that any further evidence need be led on this topic.

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 CeltPower's case is as set out in its statement of case.

5.12.2 The Council has indicated that it will not lead evidence on hydrology or hydrogeology. The Council will be satisfied on this point if NRW is satisfied that its objection can be withdrawn.

5.12.3 Matters relating to this topic are dealt with above at paragraphs 5.7.5 to 5.7.10 and 5.7.12 to 5.7.13.

5.12.4 CeltPower's view is that it should be possible to reach a common position with NRW on geological, hydrogeological and hydrological issues. A draft statement of common ground and related conditions have been placed before the inquiry.

5.13 the impact of the repowering of the Llandinam Windfarm on peat;

5.13.1 Issues arising under this topic are dealt with in relation to peatland habitats at paragraph 5.7.14 above.

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

5.14.1 CeltPower's case is as set out in its statement of case

6 Witnesses to be cross-examined

6.1 Insofar as matters are not agreed in advance of session 4, CeltPower intend to test the evidence of objectors to Llandinam Windfarm, in particular the evidence provided by WGT, Natural Resources Wales and the Alliance.

7 Documents

7.1 A list of additional documents to be referred to at session 4 not previously submitted to the Inquiry is submitted.

8 Conditions and planning obligations

8.1 The section 36 consent and deemed planning permission can be granted/made subject to conditions. CeltPower has produced a schedule of the conditions it proposes (CPL-SOCG-005C).

8.2 No matters arise that require the applicant to enter into a planning obligation or agreement with the planning authority.

9 Reservation

9.1 This addendum to the statement of case is submitted for the purpose of updating CeltPower's case for Session 4. It is based on the information available to CeltPower at this stage. There is still limited information on the position that the Alliance of objectors intend to take at Session 4. As noted above, CeltPower consider that there is still considerable scope for agreement between the parties. It has submitted a statements of common ground to the inquiry in draft regarding the River Wye SAC. It is continuing discussions with the Council and WGT on transport with a view to reaching a common position and with the Council on landscape with a view to reaching a common position. It may be that as the parties' positions become clearer, CeltPower will adjust this statement to reflect agreement reached or will have to respond on matters falling outside those set out in this statement if raised by other parties.

Additional document list

Transport

The applicants have agreed upon the following additional common core documents. The document numbers shown are numbers suggested as appropriate by the applicants:

- CD- COM-TRA-001 strategic Traffic Management Plan (sTMP) for access to areas B & C from Ellesmere Port
- CD- COM-TRA-002 Agreed Statement on the Delivery Process for Abnormal Indivisible Loads (AILs)
- CD-COM-TRA-003 Cumulative Impact Assessment of non-AIL Construction Traffic on the Strategic Road Network
- CD-COM-TRA-004 Water Preferred Policy
- CD-COM-TRA-005 Highways Agency Water Preferred Policy, Guidelines for movement of AIL's

Documents CD-COM-TRA-001 to 003 have already been submitted. Document CD-COM-TRA-004 will be submitted shortly. Document CD-COM-TRA-005 is submitted with this statement.

Statements of common ground and drafts

Draft statement of common ground on the Habitats Regulations Assessment as regards the River Wye SAC

Joint position statement by hydrologists appointed by CeltPower, Vattenfall and Ferm Wynt Llaithddu regarding the River Wye SAC

The latter document is submitted on behalf of all three applicants named.