

## **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**

**BERR/2008/0003**

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## 1 Introduction

- 1.1 This is an addendum to the CeltPower statement of case submitted on 14 May 2013. It updates – for the purposes of Session 1 - the statement of case submitted in advance of the opening session and is to be read together with it.

## 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.

## 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**

<b>Topic</b>	<b>Witness</b>
Hydrology	Beverley Walker BSc (hons), Member of International Association of Impact Assessment (IAIA). Director BlueWind Consulting Ltd.
Landscape and visual impact	James Welch, Chartered Member of the Landscape Institute, Director, Optimised Environments ("OPEN")
Cultural heritage	Jonathan Edis, BA MA PhD; Member of the Institute for Archaeologists; Member of the Institute for Historic Building Conservation; Partner, Heritage Collective
Noise	Matthew Cand, Dipl. Eng. PhD, Member of the Institute of Acoustics, Executive Engineer, Hoare Lea Acoustics
Ecology	David MacArthur BSc, Dip Econ, MSc, Member of the Institute of Ecology and Environmental Management, Director & Principal Ecologist, MacArthur Green
Ornithology	Phil Whitfield, BSc (hons) PhD; Managing Director, Natural Research (Projects) Ltd; Director, Natural Research Ltd
Bats	Stephen Holloway PhD, CEnv, Member of the Institute of Ecology and Environmental Management, Principal, SLR Consulting
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

- 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 1. 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 1**

**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. These topics will be referred to in session 1 insofar as they set a framework for assessment of the proposed development with regard to the topics being dealt with at session 1 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 landscape grounds.

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 wind farm will have significant landscape and visual impacts. Although NRW has not particularised the impacts to which it is referring to, its opening statement (CON-003-004) indicates that they are impacts that are to be dealt with in session 4 of the inquiry. It is acknowledged that the repowered Llandinam wind farm will have certain significant effects individually and cumulatively as set out in chapter 6 of the 2013 SEI, most notably in combination with other windfarms that are at application stage. 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 The access to the site along local roads from the A483 will be dealt with in session 1. Thereafter access to the site is chiefly along trunk roads, and is a strategic matter to be dealt with in inquiry session 4.
- 5.5.2 Access to the Llandinam site for construction traffic, including abnormal indivisible loads (AILs), and other traffic serving the development can be achieved with minor modifications to the existing roadway.
- 5.5.3 In its revised outline statement of case, the Council gave notice of its objection as regards local transportation. The Council asserted it had not been provided with adequate information to satisfy its concerns in relation to the local highway network, and in particular that the access from the A483 road to the site can be satisfactorily widened to enable access to the site. CeltPower considers that the transportation assessment ("TA") submitted as one of CeltPower's documents provides sufficient further detail to allow the Council to withdraw its objection on this ground. A draft statement of common ground between the Council and CeltPower and relevant draft conditions will be provided for the inquiry. If the objection is not withdrawn, CeltPower will lead evidence demonstrating that its proposals for site access are acceptable.

**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 Council has stated in its revised outline statement of case that it is satisfied noise can be managed at acceptable levels through appropriately worded conditions. CeltPower has placed such conditions before the inquiry. Evidence will be led to demonstrate that the conditions are appropriate for the management of noise within acceptable levels. A draft statement of common ground on noise between the Council and CeltPower is also before the inquiry.

**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 **Peatland habitats:** CeltPower's position remains that the impact of proposed repowered windfarm on peatland will not be significant in the sense of the EIA Regulations, and will not significantly diminish the peatland resource and related habitats in Wales, either for peatland overall or for soligenous fen (including valley mire) in particular. The development as proposed in the 2013 SEI is acceptable in terms of its predicted impact on peatland habitats.
- 5.7.4 Nonetheless, in order to address concerns asserted by NRW, CeltPower has discussed further minor adjustments to the siting of infrastructure to minimise effects on peaty soils and related habitats at the site so far as other constraints allow. 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 has provided a draft micrositing condition to the inquiry that will exclude infrastructure from certain areas of soligenous fen and bog. CeltPower's view is that it should be possible to reach a common position with NRW on this issue. If that is not possible, evidence will be led demonstrating that the development will have no significant adverse effect on peatland habitats.
- 5.7.5 NRW in its response to the 2013 SEI asserts a concern that "the carbon losses associated with peat degradation caused by the development ... are not mitigated by means of the conservation improvement of peatlands within the site (i.e. through an adequate HMP [i.e. habitat management plan])". No significant impact on peatland has been identified, and indeed the repowering does not involve any such impact. It appears from discussion that NRW is seeking carbon offset for all areas of peatland disturbed on site (no matter its present condition or causation referable to the proposed development) by means of habitat improvement. There is no further clarity as to what NRW's requirements are, or whether they are proportionate to impacts, or whether they would in fact effectively offset any carbon losses. The proposed development is in any case for generation of renewable energy, which will offset any carbon losses many times over (see table 14-3, paragraph 14.5 of the 2013 SEI). CeltPower will be seeking common ground with NRW on this matter.
- 5.7.6 **Agricultural intensification:** Although there will be some infrastructure difference between the existing wind farm structure and the new, there is nothing to indicate any likelihood of agricultural intensification. This issue was dealt with in chapter 8 of the 2013 SEI. NRW did not raise this issue again in its response to the 2013 SEI (CON-003-003) or in its opening statement (CON-003-004), from which CeltPower understands that NRW no longer has an objection on this ground.

- 5.7.7 **Bats:** Llandinam is a low risk site as regards the potential for effects on bats from wind turbine development. The bat surveys carried out show low to negligible bat activity at the site. The level of activity is in line with expectations for a similar site that does not have an existing wind farm on it. Nonetheless, the proposed turbine layout is such that it meets the recommendations adopted by NRW for separation distances between turbines and areas of interest for bats. The existing site has many more turbines with a lower blade sweep at present than is proposed for the repowered wind farm. Given the level at which the bat species fly that were identified in the surveys, it is likely the proposed repowering will reduce the risk to the bat species identified.
- 5.7.8 In response to the 2013 SEI, NRW indicated it considered that they had received insufficient information on the bat surveys carried out to that date to assess the adequacy of the surveys. All information requested has been provided. CeltPower anticipates that NRW will now be able to withdraw its objection. If it does not, CeltPower will lead evidence to demonstrate that there is no risk of disturbance to bat species within their natural range.
- 5.7.9 **Curlew:** CeltPower has placed before the inquiry draft conditions requiring the provision and implementation of a breeding bird protection plan. CeltPower has sought further discussion with NRW, including discussion upon the detail of the breeding bird protection plan (BBPP). CeltPower has revised the BBPP provided with the 2013 SEI to take account of NRW comments. Although CeltPower's view is that there will be no adverse significant effect upon curlew from the development, the implementation of these plans will ensure that any risk is entirely counterbalanced.
- 5.7.10 A draft statement of common ground on birds is before the inquiry.
- 5.7.11 **River Wye SAC:** 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.
- 5.7.12 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 appraisal" or "HRA". This determination must be made in respect of the particular application before the Secretary of State. Such a determination cannot be made for a group of projects. Therefore the Secretary of State must determine whether the Llandinam development is likely to have significant environmental effects 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.

- 5.7.13 CeltPower's case is as set out in the statement of case. CeltPower does not accept that any requirement for appropriate assessment arises here. Without prejudice to that primary contention, a report to inform any appropriate assessment under the relevant regulations was provided with the 2013 SEI, and showed that, in any event, there will be no significant effect on the integrity of the qualifying interests of the River Wye SAC from the repowering of the Llandinam Windfarm, either individually or in combination. CeltPower will be updating that report before the commencement of session 1.
- 5.7.14 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 concern related particularly to the temporary AIL transport route across the River Wye for AILs. Further consents, including planning permission, will be required for that temporary route. The 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 appropriate assessment provided with it, 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. CeltPower also intends to update the information it provided with the 2013 SEI to support appropriate assessment.
- 5.7.15 NRW also asserted in its response to the 2013 SEI that there was "insufficient information to inform an in-combination HRA in respect of River Wye SAC for Llandinam". It asserts (CON-003-007) that HRA is required in respect of the transport of solids and other pollutants from the proposed developments to the SAC in respect of the risk of impacts on the protected interests of the SAC, specifically Atlantic salmon and their spawning areas and Twaite Shad spawning areas. NRW has acknowledged that a source-pathway-receptor model is appropriate to HRA of Llandinam's in-combination effects (CON-003-007).
- 5.7.16 As set out in CeltPower's statement of case, if standard good construction practices are followed at Llandinam, there is a negligible risk of transport of solids or other pollutants from the site to the SAC in an amount that would be harmful to protected interests either alone or in combination with other developments.
- 5.7.17 CeltPower considers that it should be possible to reach a common position with NRW that there is no likelihood of significant effects upon the integrity of the River Wye SAC and appropriate assessment is not required. If that is not possible, evidence will be led setting out the proposed construction methods, incorporating good practice, and demonstrating that they will ensure there is no significant impact, individually or in combination with other projects, upon the integrity of the SAC.

**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 CeltPower remains prejudiced by the Council's continuing failure to identify whether it will advance a socio-economic case and, if so, to specify what that case will allege.

**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.

- 5.10.3 The Council stated in its revised outline statement of case:

"The Council is in the process of reviewing this further information to see if their cultural heritage concerns can be considered resolved. It will update the inquiry as soon as the outcome of that review is concluded."

- 5.10.4 CeltPower has had discussions with the Council from which it understood that the Council's concerns related particularly to the impact on the northern, more upland part of the Caersws Basin Landscape of Special Historic Interest generally and upon the setting of the listed buildings, Broneiron House and Plas Dinam. CeltPower responded by providing further drawings illustrating the visual impacts at representative viewpoints together with a commentary with regard to their significance in terms of cultural heritage (CPL-CUL-005). This further information confirmed that the effects were not significant. Although the Council has provided no further formal response, CeltPower understands that they intend to indicate to the inquiry that they have no objection to the application on cultural heritage grounds. The Council and CeltPower are exploring the possibility of submitting a statement of common ground in respect of cultural heritage.

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

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

**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 5.7.3 to 5.7.5 and 5.7.11 to 5.7.17.

- 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 CeltPower's case is as set out in the statement of case.
- 5.13.2 The Council has indicated that it will not lead evidence with regard to impact on peat resource. The Council will be satisfied on this point if NRW is satisfied that its objection can be withdrawn.
- 5.13.3 CeltPower's discussions with NRW and its proposals to deal with the concerns NRW has asserted in relation to impact on peat at the site are set out in 5.7.3 to 5.7.4 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 CeltPower intend to test the evidence of objectors to Llandinam Windfarm, in particular the evidence provided by Powys County Council, Natural Resources Wales and the Alliance of objectors.

**7 Documents**

- 7.1 A document list with web links to documents so far as they are available is submitted.

**8 Conditions and planning obligations**

- 8.1 The section 36 consent and deemed planning permission can be granted/made subject to conditions. 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 1. 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 1. There remains a degree of uncertainty about the case the Council intend to make on cultural heritage. As noted above, CeltPower consider that there is still considerable scope for agreement between the parties. It has submitted a number of statements of common ground to the inquiry in draft. 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.