

**LLANDINAM REPOWERING:  
APPLICATION TO DISMANTLE THE EXISTING SITE  
AND REMOVAL OF REMOVAL 102 TURBINES;  
ERECTION OF 34 (PREVIOUSLY 39 AND 42 AS  
ORIGNALLY 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  
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 decommission the existing wind turbines at the application site and install a new wind farm which as presently proposed will comprise 34 turbines with installed capacity of up to 102 MW. CeltPower also seeks a direction for deemed planning permission for this development under section 90 of the Town and Country Planning Act 1990. The proposal is intended as a "repowering" of the existing Penrhyddlan & Lliidiartywaun 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 repowering of the Llandinam Windfarm, the separate application under section 37 of the Electricity Act 1989 for consent to the 132 kV overhead line required for the grid connection of Llandinam Windfarm following repowering, and four other proposed wind turbine developments in mid-Wales.
- 1.3 This statement of case sets out the full particulars of CeltPower's case for the conjoined public inquiry. It does so in order to be transparent and to assist other parties. The Secretary of State has produced a statement of matters to be considered at the inquiry, and this statement of case sets out at paragraph 5 how CeltPower will address those matters with regard to the proposed Llandinam Windfarm. Appended to this statement of case is a Statement summarising policy matters for the first session of the inquiries; this should be read in conjunction with the statement of common ground on policy (Mr Frampton's full consideration of policy matters is to be found in his full proof of evidence).
- 1.4 This statement of case uses the following defined terms:

Original 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 submitted in support of the application for the Llandinam Windfarm in 2013
AIL	abnormal indivisible load
The Council	means Powys County Council
NRW	means Cyfoeth Naturiol Cymru/Natural Resources Wales, a new organisation which is the successor to the Countryside Council for Wales, Environment Agency Wales and Forestry Commission Wales. Where anything was done by a predecessor body, that body is referred to in this statement as "NRW"
EA	means Environment Agency Wales. EA is now merged into Cyfoeth Naturiol Cymru/Natural Resources Wales.
EIA	means the Electricity Works (Environmental Impact Assessment) Regulations

## 2 Site description

- 2.1 The site is the location of the existing 102 turbines of the former Penrhyddlan & Llidiartywaun wind farms (now combined under the name "Llandinam") which has been operational since 1992. It is located in the Rhyddhwell hills approximately 7 km east of Llanidloes, 12 km southwest of Newtown, and about 12 km west of 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. The site is in two parts, reflecting the topography and the existing two turbine groups. In the southern part of the site the site boundary surrounds the existing turbine group relatively closely. In the northern part of the site, the site boundary extends about one kilometre out to the north, northwest and northeast from the turbine group. The site also includes the land on either side of the wind farm's existing access road from the A483, to allow 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 and its network of access tracks, the site is predominantly open grazing land, with some small patches of woodland on the eastern periphery, and pockets of peatland in the central area.

## 3 Proposed development

- 3.1 It is proposed to decommission and remove the existing 102 turbines (which are 300 kW machines of 45.5 m in height to blade tip) and to replace them with 31 turbines of up to 121.2 metres in height to blade tip and three turbines (T29, T30, T42) of up to 111.2 m in height to blade tip with a proposed installed capacity of up to 102 MW. The precise installed capacity will depend upon the turbine model selected from a number of models commercially available – the figure of 102 MW assumes a turbine of 3 MW installed capacity. Certain elements of existing infrastructure will be reused, including about 10 km of the existing tracks (although some upgrading will be required) and the site office. There have been a number of revisions following the submission of the section 36 application in May 2008 in order to address concerns. These revisions have reduced the number of turbines originally proposed and proposed generating capacity. They are set out below.

**Table 1: design iteration**

Proposal	Number of turbines	Maximum installed capacity	Comment
May 2008	42	126 MW	The wind farm as originally proposed and assessed in an Environmental Statement issued with the application in May 2008 (referred to below as the "Original ES")
December 2011	39	117 MW	In response to comments during consultation and in order to mitigate landscape and visual impacts identified through the EIA process, three turbines were removed from the initial design and the layout was adjusted to reduce land take (including revising track design to reduce the length of new track from 19 km to 11.6 km). 12 other turbines, the substation and the met masts were moved as part of the

			redesign. The design as amended was assessed in supplementary environmental information ("the 2011 SEI")
April 2013	34	102 MW	Five more turbines were removed to reduce still further the landscape and visual impact of the wind farm particularly upon the Caersws registered historic landscape. The design at this stage was assessed in further supplementary environmental information ("the 2013 SEI").

#### 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:-

**Table 2: witnesses**

Topic	Witness
Planning	Peter Frampton BSc (hons), Member of the Royal Institute of Chartered Surveyors, Member of the Royal Institute of Town Planning, Framptons
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	To be confirmed
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

#### 5 Matters to be addressed at the inquiry

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 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 guidance for on-shore wind farm development as contained within TAN 8, which indicates that there will be opportunities to re-power and/or extend existing windfarms and that such schemes should be encouraged provided that the environmental and landscape impacts are acceptable. The Welsh Government re-affirmed this position in its letter of 21 January 2013, and that it considers it applies to Llandinam. It is also consistent with the UK Government's policy EN\_3.

5.3.4 TAN 8 identifies Strategic Search Areas (SSAs), i.e the areas within Wales suitable for large scale on-shore wind farm development. The application site is outside but close to the boundary of SSA C. It indicates that the boundaries of the SSAs are broad brush and subject to refinement in local plans. The Council subsequently procured a study from Arup. This recommended that SSA C should be refined to include the entire site of the repowered Llandinam Windfarm (as now proposed). Although the Council has not formally adopted this recommendation as supplementary planning guidance, it has previously agreed interim development control guidance (IDCG) incorporating the recommendation, and that remains its status.

5.3.5 A question has been raised regarding the "TAN 8 targets". The targets are indicative of capacity arising from the studies undertaken at the time of its preparation. TAN 8 states that they are intended to assist the planning process and are not to be seen as the definitive capacity for the areas, and there may be practical, technical or environmental reasons why the capacity may be more or less than indicated.

- 5.3.6 The advice given in TAN 8 was compiled with the support of a technical study prepared by Arup. The brief it was given by the Assembly Planning Division was to ascertain the most appropriate areas of Wales in which to locate onshore wind turbines, minimising land take, in response to the need to plan for between 800 to 1000 MW of installed capacity to achieve the Welsh Government's renewable energy target of 4 TWh by 2010. As such Arup sought to identify suitable land to accommodate "new" turbine installations, and not existing wind farms for repowering. Once Arup had proposed search areas, an energy assessment was carried out of these areas by Garrad Hassan in 2005. That study states that its purpose was to provide "an informed view of the broad capacity limits of the areas". The revised 98MW capacity for wind farm development in SSA C should therefore 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.
- 5.3.7 In a letter of July 2011 the Welsh minister for the environment and sustainable development indicated that the target capacities should be treated as maximum capacities. These letters should be read in the context of the National Statements of Infrastructure Policy (NSIPs), and greater weight should be placed upon the NSIPs.
- 5.3.8 The particular concern expressed in the Minister's letter was that if the targets were exceeded there would be a need to install additional large, visually intrusive, high voltage grid network infrastructure rather than a "traditional three-wire system on wooden poles". The proposed Llandinam connection appears to be of a type falling within the Minister's description. The fact the application is well advanced in the planning process is significant for delivery against the urgent need for additional energy generation from renewable sources.
- 5.3.9 The Applicant will deal with the merits of the proposed repowering scheme 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. The consideration of the merits of the proposal must also be set in the context of UK Government policy that it will not be possible to develop the necessary amount of large scale infrastructure without some significant residual adverse effects (EN-1, para 3.2.3).
- 5.3.10 The proposal for repowering of Llandinam Windfarm will satisfy the requirement of the Powys UDP's Policy E4 for the removal of the wind turbines at the end of their life. There is presently no condition limiting the life of the existing turbines or requiring their removal at the end of their life. If the application is refused, it is likely that the existing turbines will remain for a number of years to come. Other UDP policies will be considered.
- 5.3.11 Therefore the proposed Llandinam Windfarm accords with planning and other relevant policy when taken as a whole and on any proper basis; even if (and contrary to CeltPower's primary position), 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 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     Landscape and visual effects will arise from the change from a greater number of smaller turbines to a lesser number of taller turbines. Although taller, the new turbines will be visible over a comparable area to the existing turbines. There will in some cases be a greater magnitude of effects of the repowered Llandinam Windfarm as compared with the existing farm. However, any significant effects of the windfarm, its offsite access route and grid connection, both individually and cumulatively, are within acceptable limits in landscape and visual terms. The landscape and visual assessment forming part of the Original ES, the 2011 SEI and the 2013 SEI demonstrates that the landscape and visual effects of the development in its revised form before the Inspector are acceptable.
- 5.4.2     During the EIA process, a number of concerns were raised by statutory consultees and others regarding landscape and visual impact. The development design has been twice modified to address these concerns.
- 5.4.3     Following the initial revision in 2011 (assessed in the 2011 SEI), the Council resolved to object to the Llandinam repowering 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." It so resolved having received a report by Capita Symonds. This raised two concerns about landscape in particular: first, the new turbines would have greater prominence on the Waun Ddubarthog ridge as seen from the Caersws Basin; second, claimed unacceptable cumulative impacts arising from the differing design of the repowered Llandinam Windfarm and proposed Hirddywel wind farm on the one hand and the Llaithddu wind farm on the other.
- 5.4.4     As regards the first point, Capita Symonds referred to the LANDMAP description in which the record for the Basin notes the uniqueness of the topography and distinctive sense of place of a basin with surrounding hills the strong visual links to the higher ground. Capita Symonds also noted the new turbines would be visible from various sites from which the existing turbines were not visible, including Llandinam village, and on Plas Dinam House.
- 5.4.5     Similarly, NRW objected on the basis of a lack of adequate mitigation measures to avoid impacts on the Caersws Basin Landscape of Special Historic Interest. Its view was that the introduction of turbines in views and settings of certain sites within that landscape (Broneirion House and Gardens, Llandinam Hall and Plas Dinam House) identified by NRW as key sites was unacceptable and it indicated that between 5 and 8 turbines should be removed from the design. The indirect impacts on cultural heritage as a consequence of the repowering of the Llandinam Windfarm are dealt with at paragraph 5.10 of this statement.
- 5.4.6     Since these concerns were expressed, the applicant has refined the design, and removed from it the five most north-westerly turbines proposed in the 2011 iteration, i.e. those closest to the edge of the Waun Ddubarthog ridge. This new design is assessed in the 2013 SEI. The design

now responds to the landscape by using the landform of the ridge to screen views of the turbines from much of the Caersws Basin, particularly the part nearer to the wind farm. Visibility is reduced or eliminated at the sensitive receptors mentioned by Capita Symonds and NRW as being of concern. The new design is an appropriate design for the site, and deals with concerns raised by NRW and Capita Symonds in relation to impact on the Caersws river basin, and the receptors within it.

- 5.4.7 Capita Symonds's second concern related to cumulative impact with proposed new wind farms to the south and east when viewed from the south. Viewpoint analysis shows that the repowered Llandinam wind farm would not have a significant impact on landscape or visual amenity when viewed with other wind farms at application stage from the south. NRW have acknowledged that any cumulative impacts with the new wind farms proposed to the south and east should be considered in the context that, if there were to be no repowering of the Llandinam Windfarm as proposed, cumulative impacts with the existing turbines may (owing to the disparity in sizes) also be a limiting factor in the granting of consent for those other schemes.
- 5.4.8 Natural England and Snowdonia National Park Authority responded to consultation on the Original ES, in relation to the effects on nationally important landscapes. They considered those impacts to be acceptable. Their responses show that the application site is an appropriate location at which to redevelop a windfarm in 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 Clywedog Valley have been minimised through layout design revisions, such that they are not unacceptable in landscape and visual terms.
- 5.4.9 There will be 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 (visual) 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.
- 5.4.10 An assessment of cumulative effects undertaken in the 2013 SEI demonstrates that whilst cumulative effects of the repowered Llandinam windfarm with other windfarms are significant in some cases, they will not cause unacceptable harm to the landscape and visual resource.
- 5.4.11 Importantly, the repowering will secure the decommissioning of the existing wind farm, for which no decommissioning requirement presently exists. If the present application is not granted, the existing windfarm is likely to remain and landscape and visual impacts of the repowered scheme should be set in that context. If consent is granted, the repowered windfarm would be removed at the end of its life, and therefore its landscape and visual impacts may be regarded as reversible.

- 5.4.12 No significant effects are predicted on landscape or visual amenity from the AIL transport route, with the exception of the temporary crossing of the River Wye south of Builth Wells. These effects will of course be temporary (lasting 16 months). The assessment of the effects of the crossing as significant is precautionary: with sensitive siting the effects may be limited to moderate.
- 5.4.13 The grid connection to the repowered Llandinam Windfarm is the subject of a separate application before the Inspector. Any significant effects either individually or cumulatively would be localised.

**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 Welsh border 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 the Council 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. The Southern Route is no longer proposed to run through Eardisley, but entirely on Welsh roads. Until the site access itself is reached, the route will run almost entirely on trunk roads. There are two short sections that are exceptions to this: A short section will run on the A438 to the south and west of Bronllys, and to the south of Builth Wells a temporary construction route is proposed to be installed across the River Wye to allow abnormal loads to cross and travel up the B4567 and A481 to rejoin the trunk road north of Builth Wells. The temporary construction route will be the subject of a separate planning application. It is not likely to be required for more than 12 months and after that it 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. A revised Traffic Management Plan (TMP) will be produced shortly with the aim of agreeing a document which can be the subject of a planning condition. As requested by the Council 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 Notwithstanding the fact the CeltPower is pursuing a southern route for the delivery of turbine components due to timing constraints, Scottish Power Renewables (one of the two partners in CeltPower), is 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

SSA C and SSA B from the north via Newtown from Ellesmere Port. The sTMP team are currently developing a cooperation agreement and delivery mechanism. Progress on this work will be reported to the Inquiry.

5.5.4 It will therefore be possible to deliver turbine components to the site without unacceptable impacts.

5.5.5 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.

5.5.6 Other construction traffic will not have a significant environmental impact, and traffic during operation of the development will be negligible.

5.5.7 It will be shown that there is little likelihood of any cumulative traffic impacts with other wind farms and that, in any event, any such effect would not be unacceptable.

**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 impacts on sensitive receptors of the adjacent Llaithddu and Hirddywel schemes can be managed by condition through the suitable apportioning of the respective noise limits for each scheme. Construction and decommissioning noise can be controlled at acceptable levels by using measures such as restricting working hours, and such measures may also be required by condition. Construction traffic will not have a significant noise impact on sensitive receptors.

**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 Original ES, 2011 SEI and 2013 SEI. For the latest design, no significant adverse effects to ecology have been identified. There are some negative impacts associated with the development (as there are with most developments) but these are not significant in the sense of the EIA Regulations.

5.7.2 The Council has asserted that the proposed development would have an unacceptable adverse impact on biodiversity but gives no further details of its case. Since CeltPower has carried out

the studies required by the Council, it is surprising the Council should have no defined position beyond broad generality.

5.7.3 NRW and other objectors have asserted concerns about impacts on:

- peatland habitats
- agricultural intensification
- 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:** 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 in Wales, either for peatland overall or for valley mire in particular. A number of steps have been taken to minimise the impact of the development on peat and peatland habitats: the design of the repowered windfarm was revised in 2011 to reduce impact on peatland habitats and the 2013 removal of five more turbines and associated infrastructure reduces the impact still further.

5.7.5 In response to the 2011 SEI, NRW had asserted a concern that not sufficient work had been done to minimise impacts on peat and peatland habitats. In order to reduce further the impact that other technical, viability and environmental constraints allow, CeltPower intends to propose further minor adjustments to the siting of infrastructure which may be dealt with either in advance of the related inquiry session or subject to condition following grant of consent. The proposals for the repowered windfarm do therefore take into account the need to minimise impact on peatland habitats so far as other constraints allow. Furthermore an outline 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. Provision for micro-siting, the appointment of an ecological clerk of works and for a habitat management plan may be made by condition.

5.7.6 CeltPower's view is that it should be possible to reach a common position with NRW on this issue, but if that is not possible, evidence will be led demonstrating that the development will have no significant adverse effect on peatland habitats.

5.7.7 **Bats:** In response to the 2011 SEI, NRW indicated it had 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". The information provided in the Original ES, the 2011 SEI and 2013 SEI indicates that bat populations have been sustained over sub-optimum habitat at the application site despite the presence of a large operational windfarm since 1992. The repowering of the wind farm with fewer larger turbines will not have a significant effect on the sustaining of the local bat

population. Although one tree to be felled for the proposed repowering has potential to support a bat roost, a condition may be attached to consent to require soft-felling as a mitigation measure. CeltPower's view is that it should be possible to reach a common position with NRW on this, but if that is not possible, evidence will be led demonstrating that the development will have no significant adverse effect as regards bats.

5.7.8 **Curlew:** If no mitigation measures are put in place, 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 of the repowered Llandinam Windfarm would be unlikely, and not significant. Overall, the effect of the repowering on curlew will not be significant or add significantly to cumulative effects. Even if the Inspector determined that the unmitigated effect in terms of displacement of curlew was unacceptable, CeltPower has set out mitigation measures in a breeding bird protection plan incorporated in the 2013 SEI that will remove any possibility of curlew being disturbed in the construction and decommissioning phases of the development. CeltPower has also set out habitat enhancement measures in a habitat management plan incorporated in the 2013 SEI that will benefit curlew. CeltPower's view is that it should be possible to reach a common position with NRW on this, but if that is not possible, evidence will be led demonstrating that the repowering of the Llandinam Windfarm will have no significant adverse effect as regards curlew.

5.7.9 **River Wye SAC:** The site of the Llandinam Windfarm is located partly within the catchment of the River Wye. In response to the 2011 SEI, NRW asserted a concern that if proper mitigation measures were 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. The application site is only a very small proportion of the River Wye catchment. Furthermore hydrological conditions within the site are such that it provides an effective natural buffer and sediment trap. Therefore, even without mitigation, it is unlikely sediment transport from the site could have a significant impact on protected features of the River Wye SAC. If standard good practice (including the substantial and effective pollution prevention guidance notes (PPGs) developed by, amongst others, the Environment Agency – now (in Wales) part of NRW) is followed in construction and decommissioning, there will not be a significant effect on water quality in the SAC or its protected features from the Llandinam repowering. The 2013 SEI indicates that "management of sediment transport is now standard and well understood construction practice and the sediment from the [application site] is unlikely to mobilise over the distances required to result in a detectable effect on the water quality of the SAC". Details will be provided in evidence of CeltPower's proposed Environmental Management and Pollution Prevention Plan and construction methodology and will demonstrate that CeltPower is in a position to apply such good practice at the application site. The incorporation of such good practice in a Construction Method Statement may be required by conditions on the approval. Other wind farm projects proposed in the Wye catchment also incorporate mitigation measures such that there is no likelihood of significant cumulative effects on water quality in SAC or its protected features.

- 5.7.10 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 has been provided with the 2013 SEI, and shows that, in any event, there will be no significant effect from the repowering of the Llandinam Windfarm, either individually or in combination.
- 5.7.11 CeltPower considers that it should be possible to reach a common position with NRW on this, but 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 SAC.

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

- 5.8.1 CeltPower 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 There is no cogent or robust evidence base to suggest or substantiate that the Llandinam wind farm development, considered individually or cumulatively, will have a demonstrable adverse impact on tourism.
- 5.8.3 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.
- 5.8.4 Public access to the application site for recreation, once construction is complete, is likely to be the same or greater than it is at present.
- 5.8.5 The proposed repowering will benefit the local economy directly both by providing economic opportunities locally and directly through a community benefit fund.

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

- 5.9.1 The Llandinam wind farm proposal will not have an adverse impact on the health of the local community. No party has made a cogent case that there is such an impact and it is therefore difficult to determine what evidence might be led in rebuttal. 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 repowering of the Llandinam Windfarm on cultural heritage;***

- 5.10.1 There will be no significant direct or indirect impacts individually or cumulatively on cultural heritage from the repowering of the Llandinam Windfarm. The impacts of the repowered

Llandinam Windfarm on historic landscapes will be acceptable. The effects assessed in the Original ES, 2011 SEI and 2013 SEI have influenced the progress of the design.

- 5.10.2 Cadw did not object to the repowering scheme in relation to any of the design iterations.
- 5.10.3 There will be no direct physical impact on any known archaeological site of any value within the application site. Mitigation measures are also proposed to ensure unknown archaeological sites are not lost during decommissioning or construction phases of the development. No objections were made by the Council, NRW, the Clwyd-Powys Archaeological Trust (CPAT) or Cadw regarding any direct impact of the proposed repowering of the Landinam Windfarm on known cultural heritage assets.
- 5.10.4 In determining the indirect effects of the repowering of the Llandinam Windfarm on cultural heritage, it must be borne in mind that the existing wind farm has already brought about change in the historic environment. The individual and cumulative impacts of the repowering were assessed. This included an assessment of the individual and cumulative impacts upon the two registered historic landscapes within 10 km of the application site, the Clywedog Valley and the Caersws Basin, using the ASIDOHL2 methodology accepted by the Welsh Government, NRW and Cadw. These assessments found no significant effects from the latest design, either individually or cumulatively on cultural heritage.
- 5.10.5 NRW and, in a report to the Council, Capita Symonds asserted concerns in relation to the design iterations shown in the Original ES and the 2011 SEI about the likely change in the views and settings of certain sites from which no turbines are currently visible in the Caersws Basin Landscape of Special Historic Interest, in particular in that subdivision of it referred to as the Caersws Historic Landscape Character Area. Similar concerns were raised in an objection by the Clwyd Powys Archaeological Trust ("CPAT", the Council's adviser on matters of cultural heritage). The impact of the design was assessed as moderate in the 2011 SEI using the ASIDOHL2 system of scoring. NRW asserted a concern that the ASIDOHL2 assessment underestimated the magnitude of the likely change.
- 5.10.6 The design changes shown in the 2013 SEI considerably reduce or eliminate visibility of the wind farm in the nearer parts of the Caersws Basin. The repowered wind farm would no longer be visible from Plas Dinam House, a site with regard to which NRW, Capita Symonds and CPAT had expressed particular concern
- 5.10.7 To deal with concerns asserted by NRW about the scoring of the ASIDOHL2 in the 2011 SEI, the 2013 SEI reconsidered the scoring taking a more conservative approach. However, once the amended design was taken into account, it still arrived at an assessment of moderate impact on the Landscape of Historic Interest, both individually and cumulatively with other application-stage windfarms.
- 5.10.8 Following the latest design changes, CPAT withdrew its objection to the repowering scheme.
- 5.10.9 With the exception of the temporary river crossing, the AIL transport route is entirely along public highways and no direct or indirect cultural heritage impact is expected. A high-level assessment has been provided of the direct and indirect impact of the proposed temporary river

crossing on cultural heritage. Mitigation measures are proposed that would ensure the physical impact on any unknown archaeological site will be negligible. The river crossing will be the subject of a separate application.

**5.11 *the individual and combined impact on the repowering of the 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. CeltPower does not believe that any relevant issue here arises; this matter need be dealt with no 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 for the repowering of the Llandinam Windfarm has been carried out with a view to minimising impact on the water environment during construction, operation and decommissioning phases. The effects on geology, hydrology, and hydrogeology of the proposed Llandinam Windfarm have been assessed in the Original ES, 2011 SEI and 2013 SEI.

5.12.2 NRW in response to the 2011 SEI asserted various concerns. These included concerns about impact on peat, and in particular avoidance of impact through careful siting of infrastructure, the hydrological effect of siting infrastructure on peatland and whether CO<sub>2</sub> release would be greater than allowed by assumptions in the Original ES and 2011 SEI, that there was not sufficient information relating to the impact on the River Wye SAC as a consequence of sediment transport during construction either for the development alone or in combination with other wind farms and that appropriate assessment would therefore be required, and that not all infrastructure proposed complied with the proposed set-back distances from watercourses. All these concerns have been addressed in the 2013 SEI.

5.12.3 Amendments have been made to the project proposal to ensure that track and drainage design and construction methodology does not increase erosion or sediment transport or interfere with hydrological processes and will have a positive effect on hydrological function of the site by avoiding valley mire habitats. Micro-siting of infrastructure will take place under the supervision of an ecological clerk of works to avoid peat so far as other constraints allow.

5.12.4 The site is a natural sediment trap. As a consequence of this, of the fact that the site comprises a very small part of the River Wye catchment, and of the distance sediment would have to travel, the impact on water quality in the River Wye SAC from sediment transport will not be significant during any phase of the development. The principles of drainage design proposed involve making use of and mimicking the existing drainage of the site in order to reduce hydrological impact. The drainage principles established for the project will be applied along with standard good construction practice and are 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. Discharges to

the water environment are of course regulated by a licensing process established under the Water Resources Act 1991.

- 5.12.5 CeltPower's view is that it should be possible to reach a common position with NRW on geological, hydrogeological and hydrological issues, but if that is not possible, evidence will be led to demonstrate that there will be no significant adverse impact on the hydrology of the site or, by effect of sediment transport, on the River Wye SAC individually or in combination with other wind farms.

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

- 5.13.1 Impact on peat is covered substantially in paragraphs 5.7.4 (relating to ecological impact on peatland habitats) and 5.12 (relating to hydrological impacts) above.
- 5.13.2 The proposed design for the repowering of the Llandinam Windfarm will not have impact on peat that is significant in the sense of the EIA Regulations. Nonetheless, the proposed design will be adjusted through micro-siting under the supervision of an ecological clerk of works during the construction phase of the development in order to minimise impact on peat so far as other constraints allow.
- 5.13.3 The calculation of CO2 loss during construction as a consequence of impact on peatlands adopted appropriately conservative assumptions.
- 5.13.4 CeltPower's view is that it should be possible to reach a common position with NRW on the issue of impact on peat, but if that is not possible, evidence will be led to demonstrate that there will be no significant adverse impact on the hydrology of the site or by effect of sediment transport on the River Wye SAC.

**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. The proposal for the connection is also before the Inspector.

**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 (formerly CCW) and the Alliance of objectors.

**7 Documents**

- 7.1 A list of common documents has been provided by the programme officer. We are cross-checking these. A list of additional documents to support CeltPower's case at the opening session of the inquiry is submitted, along with an indicative list of documents to be submitted in support of CeltPower's case through the remainder of the inquiry. Further corrections or additions may be required.

## **8 Conditions and planning obligations**

- 8.1 The section 36 consent and 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.

## **9 Reservation**

- 9.1 This full statement of case is provided at this stage in the interests of transparency and full disclosure of CeltPower's case for the inquiry. 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 and the Council in particular intend to take at the inquiry. As noted above, CeltPower consider that there is considerable scope for agreement between the parties, and there are ongoing discussions between parties with a view to reaching agreement. 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.

Brodies LLP, May 2013

## ANNEX 1: HEARING STATEMENT FOR THE OPENING SESSION OF THE CONJOINED MID-WALES INQUIRY

### 10 Introduction

- 10.1 This hearing statement has been adapted from the first part of the summary of Mr Frampton's proof of evidence.
- 10.2 The courts have indicated that, in the context of an application submitted under Section 36 of the Electricity Act (with a parallel request for a direction under section 90(2) of the 1990 Act that planning permission be deemed to be granted), statutory primacy is not given to the provisions of the development plan in that section 38(6) of the 1990 Act is not engaged. Even were one, however, to apply the section 38(6) test, there is no material failure here to accord with the development plan; and, further, even were one to find some failure to accord, the other material considerations here still result in a positive overall balance such that consent and deemed permission should issue. The development plan is the adopted Powys UDP 2001 – 2016 which was adopted in 2010. The UDP is a material consideration; the dominant policy is Policy E3 – Wind Power. Policy E3 does not provide spatial planning guidance for the location of wind farm development, but sets out a range of environmental and technical considerations which should be addressed in order to determine whether a particular proposal will be approved. These criteria have all been taken into account within the ES, 2011 SEI and 2013 SEI.
- 10.3 It forms no part of this Inquiry to challenge the assumptions made and conclusion reached by Government as to the response to climate change, or to the inclusion of on-shore wind as a component of renewable energy technology. Similarly the controversy as to the efficiency of wind turbines as a contributor to renewable energy development is not a matter for this Inquiry.

### 11 UK Government policy

- 11.1 The position of the UK Government may be summarised as follows:
- 11.1.1 Large-scale energy infrastructure development has 'a vital role in ensuring we have the secure energy supplies we need' NPS EN-1 para 2.1.2.
- 11.1.2 This need arises from:
- meeting energy security and carbon reduction objectives.
  - the need to replace closing electricity generating capacity.
  - the need for more electricity capacity to support an increased supply from renewables. The Government states that 'in the short to medium term, much of this new capacity is likely to be onshore and offshore wind.' (NPS-EN1 para 3.3.10)
  - the urgency of the need for new electricity capacity. The Government states:  
*'In order to secure energy supplies that enable us to meet our obligations for 2050, there is an urgent need for new (and particularly low carbon) energy NSIPs to be brought forward as soon as possible, and certainly in the next 10 to 15 years, given the crucial role of electricity as the UK decarbonises its energy sector.'* (NPS-EN1 para 3.3.15)

11.1.3 The Government acknowledges that it will not be possible to develop the necessary amounts of such infrastructure without some significant residual adverse impacts. (NPS EN-1 para 3.2.3.)

It is stated in NPS EN-1 para 1.7.2: -

*'The development of new energy infrastructure, at the scale and speed required to meet the current and future need, is likely to have some negative effects on biodiversity, landscape / visual amenity and cultural heritage... Short term construction impacts are also likely through an increased use of raw materials and resources and negative effects on the economy due to impacts on existing land and sea uses. In general it should be possible to mitigate satisfactorily the most significant potential negative effects of new energy infrastructure...'*

11.2 As a matter of relevant planning policy it is considered that the main policy considerations for this proposal (and others at the conjoined inquiry) are the national policy statements NPS EN-1 and NPS EN-3. NPS EN-3 acknowledges that on-shore wind farms are the 'most established large scale source of renewable energy within the UK' and 'will continue to play an important role in meeting renewable energy targets' (para 2.7.1).

11.3 NPS EN-3 has identified a range of impact assessment principles relating to on-shore wind development including:

- Biodiversity and geological conservation
- Historic environment
- Landscape and visual
- Noise and vibration
- Shadow flicker
- Traffic and transport

11.4 The significance of the effect of the proposed repowering of Llandinam windfarm has been addressed in the ES, 2011 SEI and 2013 SEI. 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. The list of assessment effects identified in NPS EN-3 is accepted as not being conclusive. Other issues, including, for example, the concern that the development will adversely impact upon tourism, need to be accounted for in the planning balance (addressed later).

## **12 Welsh Government policy**

12.1 The overall objectives of the UK Government to address the effects of climate change are shared by the Welsh Government. The Cabinet Foreword to the Energy Policy Statement March 2010 (EPS) states:

*'Climate change is the greatest environmental, economic and social challenge facing the planet. Unless the global emissions of carbon dioxide and other greenhouse gases from energy generation and other human activities peak by around 2015 and then rapidly diminish, the world will probably see a global temperature*

*rise of 4°C by around 2060 resulting in famine and droughts in many parts of the world, significant sea level rises, and an increasing risk of further catastrophic climate changes.'*

*Our future well-being, both material and social, will be dependent on achieving sufficient supplies of affordable low carbon energy. This move to a low carbon economy is an essential part of our commitment as a Government to sustainable development. Done successfully it will strengthen our economic well-being, improve the environment and help to address key social issues such as fuel poverty.*

*This statement also reflects the UK policy position, the work of the UK Climate Change Commission and the UK National Policy Statements on Energy and Renewables.*

*"Wales once led the world in carbon-based energy. Our goal now is to do the same for low carbon energy. This is a challenging but exciting and vital agenda. We are committed to work with all sectors and across all aspects of the Assembly Government's responsibilities within a very strong sustainable development framework in order to make it a reality."*

12.2 The EPS continues:

*'Our commitment to action on climate change here in Wales is based on a scientific imperative to act urgently to reduce emissions.*

*That scientific imperative remains and the absence of an international agreement should not deflect us from being as ambitious as possible. Indeed, the importance of demonstrating continued leadership on climate change is perhaps greater than ever.'*

12.3 The aim of the EPS is to have 4.5KWh/d/p of installed on-shore wind generation capacity by 2015/2017. This aim requires a total capacity of 2GW (Appendix 1 to the EPS). In October 2012 a Review of Wind Farm Developer Interest published by the Welsh Government recorded an operational capacity of 388.3MW for wind farm development of over 5MW. The capacity of schemes 'in planning' amounts to almost 2GW (in planning 1068.5MW, consented 963.8MW). The task to achieve the aim of the Welsh Government is undoubtedly very substantial and an urgent one.

12.4 Spatial planning guidance for the location of large-scale wind farms is provided by TAN8. The underlying purpose of the brief provided to consultants ARUP by the Welsh Government was to identify areas of Wales which are considered the most suitable to accommodate large scale wind farms in response to the Welsh Government's aim to achieve a renewable energy target of 4TWh per annum by 2010.

12.5 The Welsh Government announced the need to plan for between 800 – 1000 MW of installed capacity of on-shore wind (some 400 – 600 additional turbines approximately) by 2010 if there was to be a realistic chance of achieving the 4TWh target. (*Facilitating Planning for Renewable Energy in Wales Review*, ARUP Final Report June 2005)

### **13 TAN 8 and repowering schemes**

13.1 It is clearly evident that the focus of the ARUP study to identify SSAs was to identify new locations for large-scale wind farm development. As such it is entirely logical that TAN8 makes a separate reference (para

2.14) to the potential opportunities to repower and/or extend existing wind farms which may be located outside SSAs. TAN8 para 2.4 states:

*'... these should be encouraged provided that the environmental and landscape impacts are acceptable.'*

13.2 NPS EN\_3 similarly recognises the likelihood of applications being prepared for the repowering of existing sites (paras 2.7.25 – 27, 28). It is stated:

*'In determining an application for the repowering of a site, the proposed replacement scheme should be determined by the IPC on its individual merits.'*

13.3 The environmental and landscape impacts arising from a repowering scheme are likely to be different to a proposal for a new wind farm in that:-

13.3.1 a repowering project involves the installation of modern turbines, fewer but larger, in a locality that has already accommodated wind turbine technology.

13.3.2 the existence of a wind farm will be an established component of community life within its locality.

13.3.3 a repowering project may provide the opportunity for existing infrastructure to be re-used. In the case of Llandinam c 10km of existing roadways are to be re- used.

13.3.4 an existing wind farm will already have a grid connection, albeit as in the case of Llandinam a new connection to the grid may be required to serve the increased power rating, with consequential environmental effects in the provision of new infrastructure.

13.4 In short it is considered that, in the context of Llandinam, there is a genuine planning fall-back situation: the continuance of the existing wind farm, which should be factored into the overall planning balance when considering the 'environmental and landscape impacts' of the repowering proposal (particularly in the context of the subsisting planning permission not being conditioned to a limited period).

#### **14 Refinement of the SSA boundaries**

14.1 The SSA boundaries identified in TAN8 were drawn at a 'broad brush' scale (para 2.4). The existing Llandinam wind farm lies within 2km of the western boundary of SSA-C as may be interpreted from Map 4 (TAN8). TAN8 states that it is a matter for LPAs to undertake local refinement within each of the SSAs in order 'to guide and optimize development with each of the SSAs' (para 2.4).

14.2 Powys CC engaged upon such an exercise in 2006 and commissioned ARUP (the same consultants for the identification of SSAs in TAN8) to undertake a 'local assessment / refinement exercise' of SSA-B and C within a 5km band of the SSAs identified in TAN8. The refinement exercise had regard to the following factors:

- Landscape factors (this was a primary consideration in the study);
- Proximity to and impact upon residential buildings;
- Statutory and non-statutory designation within the SSA;

- Biodiversity impact;
- Potential highways constraints and access issues;
- Wind speed;
- Land ownership and constraints;
- Topography;
- Archaeology;
- Hydrology
- Connection to the electricity grid.

14.3 The results of the refinement exercise show a redrawing of the western boundary of SSA-C which now entirely includes the amended scheme for Llandinam. (IDCG Map 2) The relationship of the Llandinam application site; the existing array; the amended proposals for 34 turbines, and the boundary of SSAC as shown in TAN8 and the IDCG are shown on the drawing attached as APPENDIX 2 to Peter Frampton's proof of evidence.

14.4 It is acknowledged that the IDCG has not been formally adopted by Powys CC as a supplementary planning document. The IDCG has been subject to two periods of public consultation (2006 / 2008). Prior to the second period of consultation the PCC board formally authorised the second draft IDCG for use in 'development control with immediate effect'. This remains the status of the IDCG as explained on the Council's website.

## **15 Policy regarding suitability of the development's location**

15.1 The Llandinam proposal has strategic planning encouragement in principle, as a repowering project, and in response to the local refinement assessment undertaken by Powys CC pursuant to the guidance of TAN8, lies within a geographic area of Wales that is considered to be the most suitable to accommodate large scale wind farm development – a SSA.

15.2 The site-specific landscape and environmental effects will be addressed session 1 of the Inquiry.

## **16 TAN 8 targets**

16.1 A second matter of principle centres on the issue of the 'TAN8 targets'. Table 1 of TAN8 refers to 'indicative targets'. The footnote to Table 1 states that the figures '*represent a 1/3 reduction on the maximum capacities identified by Garrad Hassan (GH) as reviewed in their 2005 Report.*'

16.2 It is evident by referring back to the GH report that its work provides an '*informed view on the broad capacity limits of the areas and the headline common factors which are likely to influence these limits.*' GH assumed a Base Case capacity as a '*feasible maximum capacity of each SSA*' (para 2.1) with the assumption of a 2MW turbine with an 80m hub as a '*typical onshore turbine specification for use in relatively complex terrain, up to the year 2010*'. The Llandinam repowering is for turbines up to 3MW. The

capacity identified by GM would be different if the assumption had been made for the use of turbines up to 3MW.

16.3 Para 2.5 of TAN8 makes the point that:

*'There may be practical, technical and/or environmental reasons why the capacity may be more or less (emphasis added) than that indicated.'*

16.4 The Welsh Government, in the Written Statement of 17th June 2011 and the letter to Local Planning Authorities in July 2011, has raised concern that developer interest in the SSAs has '*greatly exceeded these (TAN8) indicative figures*'. The Welsh Government believes that this level of development is unacceptable in view of its wider impacts on the local scene. In the correspondence to the LPAs the Minister for Environmental and Sustainable Development stated:

*'TAN8 fully recognised the reinforcement of the transmission network in Mid Wales as necessary to the realisation of additional generating capacity in the area as well as providing a stronger more reliable network for energy users. TAN8 set out the Welsh Government's view that connections from the individual turbines to a substation is "via underground cables". TAN8 details that any connection from a substation to the nearest point of the distribution network would be "achieved by a standard 3 wire system on wooden poles or by undergrounded lines". This remains the Welsh Government's view and is reinforced by the approach set out within the Renewable Energy Route Map for Wales in 2008, and the Energy Policy Statement in 2010. 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. Where new grid is required, we expect the grid company and regulator to ensure that it is located, designed and installed as sensitively as possible, using appropriate techniques, including the use of undergrounding.'*

16.5 The proposed grid connection for the Llandinam repowering, which is subject to a Section 37 application is achieved by infrastructure that would appear to accord with the Minister's preference for a '*standard 3-wire system on wooden poles*'. The fact that the grid connection for the Llandinam repowering is well advanced in the planning process is significant for the delivery timescale to respond to the urgent requirement for additional energy production from renewable sources.

16.6 TAN8, and the Welsh Government in the Ministerial Statement referred above, are material planning considerations. However, TAN8's content should be set into context with the primacy of the national policy statements (NPS EN-1 para 1.1.1). The Secretary of State has recently endorsed the conclusions of an Examining Authority that:

*'TAN8 [also] identified indicative capacity targets for each SSA, with these intended to assist the planning process and not to be seen as the definitive capacity for the area.'* (para 4.169 Brechfa Forest West Wind Farm)"

16.7 The Secretary of State in his decision letter referred to the '*nominal capacity of the SSA.*' (para 23)

16.8 For similar reasoning to the conclusions reached in the Brechfa Forest West Wind Farm proposal, Llandinam Repowering, and indeed other proposals within SSA C are subject to environmental assessment, on an individual and cumulative basis. Even if consent is granted for Llandinam repowering

there is no guarantee that all the proposed wind farms will be consented and built. As such TAN8, viewed with the Welsh Government statement in 2011, does not provide a policy objection in principle to wind farm developments that exceed the 'maximum capacities' identified by GH. Furthermore it is evident the reference made by Welsh Government in this statement is directed to the SSAs as identified in TAN8 (SSA-C Map 4) and not to the boundaries as identified by PCC in the subsequent refinement exercise. In any event, as acknowledged by the Welsh Government in its letter of 21st January 2013, Llandinam repowering falls to be viewed apart from any such debate since it is a repowering scheme.

- 16.9 Planning Policy Wales states that the approach of the Welsh Government is '*to reduce energy consumption and improve energy efficiency first and maximise renewable and low carbon energy generation at every scale across Wales. This is part of a concerted effort to tackle climate change*' (November 2012). In this policy context the targets referred to in TAN8 for the SSAs should not be considered as 'ceilings', but rather – as stated by the Secretary of State in the decision at Brechfa Forest – a 'nominal capacity'. The fundamental planning consideration is whether the landscape and environmental impacts on the various schemes before this conjoined inquiry are individually and cumulatively acceptable.
- 16.10 Since Llandinam is a repowering project of an existing windfarm, the guidance in TAN8 encourages the development whether a windfarm is located within a SSA or outside. As a matter of fact Llandinam is situated outside SSA-C as identified in TAN8 (Map 4) but within the refined SSA-C as identified by Powys CC in its refinement study. The comments made by the Welsh Government in the June 2011 statement, and January 2013 correspondence to the conjoined Inquiry to relate to the SSAs as shown in TAN8 and not the refinement study.

## **ANNEX 2: DOCUMENT LIST – ADDITIONAL CORE DOCUMENTS FOR OPENING SESSION**

**The following additional core documents will be submitted on behalf of CeltPower for the opening session:**

### **LEGISLATION**

- CD-CPL-LEG-001      The Climate Change Act 2008
- CD-CPL-LEG-002      The Promotion of the Use of Energy from Renewable Sources Regulations 2011

### **PLANNING POLICY**

- CD-CPL-PLA-009      DECC Annual Energy Statement 2012
- CD-CPL-PLA-010      DECC Annual Energy Statement 2010
- CD-CPL-PLA-011      Interim Ministerial Planning Policy Statement 01/2005 – Planning for Renewable Energy

### **MISCELLANEOUS DOCUMENTS**

- CD-CPL-MIS-001      The Stern Review: The Economics of Climate Change – Final Report, October 2006  
(Extracts: table of contents, Executive Summary, Summary of Conclusions & Table of Abbreviations & Acronyms)
- CD-CPL-MIS-002      Facilitating planning for renewable energy in Wales: Meeting the Target – ARUP final report - June 2005
- CD-CPL-MIS-003      Report to Powys County Council Cabinet, 25 September 2012

### **ANNEX 3: INDICATIVE CORE DOCUMENT LIST FOR LATER INQUIRY SESSIONS**

**The following is an indicative list of core documents to be submitted subsequently in the inquiry:**

#### **CPL-LEG      LEGISLATION**

- CPL-LEG-005    Highways Act 1980
- CPL-LEG-006    Wildlife and Countryside Act 1981 (relevant extract)
- CPL-LEG-009    Water Resources Act 1991 (relevant extract)
- CPL-LEG-010    Electricity Works (Environmental Impact Assessment) (England and Wales) Regulations 2000
- CPL-LEG-011    Water Environment (Water Framework Directive) (England and Wales) Regulations 2003
- CPL-LEG-012    Planning (Listed Buildings and Conservation Areas) Act 1990
- CPL-LEG-013    Historic Buildings and Ancient Monuments Act 1953
- CPL-LEG-014    The Ancient Monuments and Archaeological Areas Act 1979
- CPL-LEG-015    Environmental Permitting (England and Wales) Regulations 2010

#### **CPL-PLA      PLANNING POLICY**

- CPL-PLA-012    Technical Advice Note 11: Noise, 1997 (TAN11)
- CPL-PLA-013    Technical advice Note 18: Transport, 2007 (TAN18)

#### **CPL-BAC      BACKGROUND PAPERS**

- CPL-BAC-001    CeltPower Limited - Request for Scoping Opinion, April 2007
- CPL-BAC-002    CeltPower Ltd response to CCW comments, 21 September 2012
- CPL-BAC-003    Correspondence from CeltPower Ltd to Powys County Council, 15 August 2012

#### **CPL-INS      INSPECTORS' REPORTS / APPEAL DECISIONS / SECRETARY OF STATE DECISIONS**

- CPL-INS-002    Watford Lodge, Watford, (APP/Y2810/A/11/2153242) Decision letter 21 December 2011
- CPL-INS-003    Hockley Farm, Bradwell-on-Sea (APP/X1545/A/06/2023805), Decision Letters, 10 September 2007 and 25 January 2010

- CPL-INS-004 Wadlow Farm (APP/W0530/A/07/2059471), Inspector's Report, 26 August 2009 and Decision Letter, 9 November 2009
- CPL-INS-005 Cotton Farm (APP/H0520/A/09/2119385), Decision Letter and Plan, 14 December 2010
- CPL-INS-006 Kirkharle (APP/P2935/A/10/2136112), Decision Letter, 4 November 2011
- CPL-INS-007 Woolley Hill (APP/H0520/A/11/2158702), Decision Letter, 23 March 2013
- CPL-INS-008 Spaldington Airfield (APP/E2001/A/10/2137617), Decision Letter, 29 September 2011
- CPL-INS-009 Biggleswade (APP/P0240/A/11/2150950). Decision Letter, 19 January 2012
- CPL-INS-010 Carland Cross (APP/D0840/A/09/2103026), Decision Letter, 19 January 2010

**CPL-LAN      LANDSCAPE AND VISUAL IMPACT**

- CPL-LAN-001 Scottish Natural Heritage and The Countryside Agency, Landscape Character Assessment - Guidance for England and Scotland, Topic Paper 6: Techniques and criteria for judging capacity and sensitivity, January 2004
- CPL-LAN-002 Scottish Natural Heritage and The Countryside Agency, Landscape Character Assessment Guidance for England and Scotland, Topic Paper 9: Climate change and natural forces - the consequences for landscape character
- CPL-LAN-003 The Landscape Institute, Advice Note 01/11: Photography and photomontage in landscape and visual impact assessment, March 2011
- CPL-LAN-004 Landscape Institute, Guidelines for Landscape and Visual Impact Assessment 2<sup>nd</sup> Edition, 2002
- CPL-LAN-005 Landscape Institute, Guidelines for Landscape and Visual Impact Assessment 3<sup>rd</sup> Edition, 17 April 2013
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