

**IN THE MATTER OF**

**ELECTRICITY ACT 1989 (SECTIONS 36, 37, 62(3) AND SCHEDULE 8)**

**-and-**

**THE ELECTRICITY GENERATING STATIONS AND OVERHEAD LINES (INQUIRY  
PROCEDURE (ENGLAND AND WALES)) RULES 2007**

**-and-**

**APPLICATION BY FFERM WYNT LLAITHDDU DATED 7<sup>TH</sup> MAY 2008 FOR  
CONSENT UNDER SECTION 36 OF THE ELECTRICITY ACT 1989 TO CONSTRUCT  
AND OPERATE A 66.7MW WIND TURBINE GENERATING STATION IN POWYS,  
MID WALES**

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**OUTLINE STATEMENT OF CASE ON BEHALF  
OF FFERM WYNT LLAITHDDU**

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**Aaron&Partners LLP**

**Grosvenor Court**

**Foregate Street**

**Chester**

**CH1 1HG**

## **1. INTRODUCTION**

- 1.1 This is the Outline Statement of Case of Fferm Wynt Llaithddu ('FWL') in respect of the conjoined public inquiry and the Secretary of State's statement of matters. A pre-inquiry meeting is to be held on 18<sup>th</sup> and 25<sup>th</sup> February 2013. After the pre-inquiry meeting, a full Statement of Case will be provided in accordance with the timetable identified by the Inspector.

## **2. THE APPLICATION**

- 2.1. Fferm Wynt Llaithddu ('FWL') proposes to develop land west of the hamlet of Llaithddu for renewable wind energy. The site is located approx 8km southwest of Newtown, Powys, Mid Wales. The application site area is approximately 660 hectares.
- 2.2. The Llaithddu wind farm would comprise 29 wind turbines, each rated at 2.3 Megawatt (MW), and two anemometry masts. Other ancillary infrastructure would include site access tracks (both temporary and permanent), a control building and electricity substation within a fenced compound, borrow pits, and below and above ground cables.
- 2.3. FWL is a partnership between the local farming families whom own and farm the land and a Welsh wind energy development company incorporated specifically for this scheme called FWL. The directors of FWL have experience of developing community wind farms, including the Ashden Award winning Moel Moelogan 1 wind farm near Llanrwst in North Wales.
- 2.4. FWL's approach is aimed at retaining over half of the project value in the local economy, a significantly greater proportion than most other UK wind farm projects. FWL's founding directors are themselves Welsh hill farmers, and it is hoped that this approach will help to continue the traditional upland farming way of life that is predominant in the area.

- 2.5. National Grid Electricity Transmission, who own and operate the high voltage transmission system in England and Wales, propose to extend their system into mid Wales in order to afford connection to a number of new developments. NGET propose to construct two new Grid Supply Points (GSPs) at Mid-Wales West and Mid-Wales East. The local Distribution Network Operator (SP Manweb) will provide new circuits at 132kV and 33kV between these GSPs and new customers. This is necessary as the existing electricity system in this area of mid Wales, which is owned by SP Manweb, has no further spare capacity.

### **3. STATEMENT OF MATTERS AND THE COUNCIL'S OBJECTIONS**

- 3.1 The Secretary of State has provided a Statement of Matters which he considers, at this stage, are likely to be relevant to his consideration of the wind farm proposals.
- 3.2 The Powys County Council by decision dated 25<sup>th</sup> September 2012, objected to the scheme on seven grounds:
1. It is considered that the proposed transportation route is unacceptable on the basis of the information submitted.
  2. Given the concerns raised in relation to the likely levels of disruption envisaged on the highway network, it is considered that this would have a detrimental impact on the amenities of Powys residents and businesses.
  3. In the light of concerns expressed by the Countryside Council for Wales regarding cumulative impacts and lack of mitigation, it is considered that the landscape and visual impact of the proposal is unacceptable.
  4. The proposed development would have an unacceptable adverse impact on Curlew.

5. There is insufficient information to demonstrate that the proposed development would not have an unacceptable impact on the hydrology and peat resource in relation to the site.
6. There is insufficient information to demonstrate that there will not be unacceptable adverse noise impacts.
7. In the light of the objection made by the Countryside Council for Wales, it is considered that insufficient information has been submitted to demonstrate that there is no obvious reason why a grid connection will not be possible.

#### **4. OTHER REPRESENTATIONS**

- 4.1 The representations made by representative bodies and local people have been taken into account in the evolution of the scheme. So far as representations continue to be made in the light of those amendments to the scheme, FWL will respond in full and call appropriate evidence.

### **MATTERS TO BE ADDRESSED AND THE APPLICANT'S OUTLINE CASE**

#### **5. POLICY (Matters 1-3)**

- 5.1 FWL will contend that the proposal is consistent with the objectives of Government policy on the energy mix. The proposal will assist in the maintenance of a secure and reliable supply of electricity. Moreover, it would be consistent with and assist in the transition to a low carbon economy. It would be a valuable contribution to the achievement of the UK's climate change goals.
- 5.2 The proposal is for a renewable energy scheme which would form a part of the UK's energy infrastructure. It receives policy support from National Policy Statements in this

regard including the Overarching National Policy Statement for Energy (EN-1) and in respect of Renewable Energy Infrastructure (EN-3).

- 5.3 The Welsh Assembly Government has set targets for 4 terawatt hours of renewable electricity generation capacity in Wales by 2010. About 800MW of additional capacity is required to meet this target in Wales. The Llaithddu Wind Farm has a potential generating capacity of 66.7 MW, which represents more than 8% of the remaining 2010 target.
- 5.4 The application site is located within an area designated under Welsh Assembly Government policy (Technical Advice Note 8 – Renewable Energy – TAN8) as a location preferred for wind farm development, namely SSA C. The drafting of TAN8 involved a strategic search of Wales for suitable locations for wind farms. These Strategic Search Areas (SSAs) were later reviewed and refined. The application site sits within Strategic Search Area C – Newtown South (west) as refined by Powys County Council.

## **6. BENEFITS**

- 6.1 FWL will draw attention to both the generic and specific benefits which would flow from consenting of the scheme. Those benefits will include, but not be limited to: the meeting of longstanding legislative and policy targets and aspirations for the creation of renewable energy generating capacity; the reduction in CO<sub>2</sub> emissions which will be achieved over the lifetime of the scheme; the improvement in the position with respect to security of supply; the local economic benefits.

**7. LANDSCAPE AND VISUAL EFFECTS AND CULTURAL HERITAGE (Matters 4 & 10)**

7.1 The ES included a LVIA. The Council engaged independent landscape consultants to review that work. As a result of the feedback from that consultation exercise, further work was undertaken. At the conclusion of that further work the Council was advised as follows:

*“Overall, in our opinion, the developer has addressed or clarified many of our concerns and the efforts made to refine the design of the scheme have resulted in a considerable improvement in the appearance of the southern arm of the scheme where it will be seen largely in isolation on the skyline. It is now recommended that the scheme be approved in terms of landscape and visual matters.”*

7.2 The Applicant will call expert evidence to demonstrate that the landscape and visual effects are acceptable in all respects.

7.3 So far as cumulative impacts are to be assessed and considered, FWL will provide evidence as to the cumulative effects with the Llandinam scheme.

7.4 The proposal has been designed to avoid any direct cultural heritage impacts. So far as there may be disturbance such as in respect of the house platform of Banc Du, the resulting archaeological value would be recorded by way of watching brief as it would in respect of any work which is proximate to Fowler’s Armchair.

**8. CONSTRUCTION AND TRAFFIC IMPACTS (Matter 5)**

8.1 The will contend that construction of the wind farm would result in an insignificant increase in daily traffic levels including HGVs, on the A483. They would represent a very small number of traffic movements relative to the total traffic flow.

- 8.2 A suitable route for transporting abnormally long and wide loads, such as turbine components, has been identified and successfully tested using realistic mock-ups. The relevant highways authorities and the police have been consulted in the selection and testing of the route.
- 8.3 Abnormal loads would be scheduled to occur during off-peak periods, at times to be agreed with the Dyfed-Powys Police and the Highways Authority in order to minimise delays to other road users. Road users, residents and businesses would be notified prior to abnormal load transits. The construction of intervisible passing places is proposed on the unclassified road leading from the A483 to site in order that traffic flow can be maintained and safety improved.
- 8.4 The applicant will continue to discuss traffic impact with the statutory consultees with a view to reaching common ground.

## **9. NOISE (Matter 6)**

- 9.1 An Assessment of the potential noise impact at the nearest residential dwellings as a result of the proposed development has been undertaken in accordance with the guidelines contained within the report ETSU-R-97 'The Assessment and Rating of Noise from Wind Turbines'.
- 9.2 Background noise measurements have been undertaken at seven dwellings surrounding the proposed development, these have been correlated with the wind speed on-site to derive the prevailing background noise levels and noise limits at each dwelling neighbouring the potential site.
- 9.3 Predictions of turbine noise levels based on the proposed layout and a worst case methodology indicate that the proposed development will meet the requirements of ETSU-R-97.

9.4 The applicant will endeavour to reach agreement with the Council as to suitable conditions in order to resolve this matter.

## **10. ECOLOGY AND PROTECTED SPECIES AND HABITATS (Matter 7, 13)**

10.1 The applicant will demonstrate that implementation of a comprehensive long term ecological mitigation and management plan (EMMP) would result in a net gain on the conservation value of some of the site's habitat.

10.2 Red kite was identified as the main raptor of conservation interest vulnerable to collision, due to the amount of time and regular occurrence over the site. The Vantage Point surveys quantified the amount of activity over the site and identified the main areas of flight activity. Three key soaring slopes used by raptors were identified and the design sought to avoid them. Modelling of collision risk has been undertaken. In the light of the modelling and the consultation responses on this issue, the applicant will contend that it is an issue which may be dealt with by way of appropriate condition.

10.3 There is no identifiable impact upon any water course. So far as consideration is required to be given to the River Wye SAC, so much may be addressed by means of appropriate condition which secures appropriate measures to avoid or mitigate construction impacts. The applicant will continue to engage with the Countryside Council for Wales in order to identify common ground.

10.4 Likewise, the applicant anticipates that common ground can be reached with the the Countryside Council for Wales on the topic of impact on curlew. The applicant considers that the mitigated impacts would be insignificant in respect of both construction and operational stages. Further, the provision of habitat enhancement would result in benefits to the curlew population.

10.5 In respect of the peat resource, FWL relies upon the RPS report "Peat Resource Survey", dated April 2011. This report concluded that impact on peat was localised, with little or no impact on peat for the majority of the site. Furthermore, just over half of the proposed turbines involve relatively low or no peat impact at all.



**11. OTHER MATTERS**

11.1 The applicant will address such other matters as arise from the Statements of Case produced by the parties and will respond either by the calling of evidence or by written representation.

11.2 The applicant presently anticipates calling expert evidence in respect of:

Policy

Benefits

Landscape and Visual Effects

Cultural Heritage

Traffic

Noise

Ecology & Ornithology

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