

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 7TH 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**

SESSION 4 - CUMULATIVE EFFECTS

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

Aaron & Partners LLP

Grosvenor Court

Foregate Street

Chester

CH1 1HG

1. INTRODUCTION

- 1.1 This is the Statement of Case of Fferm Wynt Llaithddu ('FWL') in respect of the matters which arise at Session 4 of the conjoined public inquiry and the Secretary of State's statement of matters (cumulative impacts). This Statement of Case (Session 4) incorporates by reference all of the matters set out in its Statement of Case dated 9 July 2013.

2. STATEMENT OF MATTERS

- 2.1 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. Those which raise issues of cumulative impact are:

Matter 4

the individual and combined landscape and visual impact of the proposed developments taking into account the proximity to Snowdonia National Park (Strategic Search Area B); 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;

Matter 5

The individual and combined impact of construction traffic on the surrounding locality, 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;

Matter 6

The individual and combined impact of noise generated during construction and from the operation of the proposed developments 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;

Matter 7

The individual and cumulative impact of the proposed developments 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;

Matter 8

The individual and combined social and economic impact of the proposed developments, including on tourism;

Matter 10

The impact of the proposed developments on cultural heritage;

Matter 11

The individual and combined impact of the proposed developments on aviation;

Matter 12

The impact of the proposed developments 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;

3. SOCIO-ECONOMIC BENEFITS (Matter 8)

- 3.1 FWL will draw attention to both the generic and specific benefits which would flow from consenting of the schemes. 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 CO₂ 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.

3.2 Having regard to the remote location of the site and to the assessment of its landscape and visual impacts, FWL will contend that there will be no identifiable adverse effect on tourism.

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

4.1 FWL will rely upon Table 2.3 and Tables I-J of Appendix 1 of the January 2014 SEI.

5. CONSTRUCTION AND TRAFFIC IMPACTS (Matter 5)

5.1 FWL will contend that construction of the wind farms 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. In particular the proposed route is acceptable for AIL deliveries subject to improvement of the trunk and local road network and traffic control and management where appropriate.

5.2 On 10th May 2012 a successful test run of an abnormal indivisible load ("AIL") delivery configured to replicate the AIL delivery vehicles which will be used in delivering plant and machinery to the Llaithddu Windfarm, was carried out in the presence of representatives of the Council, Network Rail, Welsh Government and the Police;

5.3 The following are capable of control by the imposition of reasonable conditions:

the use of the route passing under the Crossgates Railway Bridge;

the movement of AIL's;

issues relating to trunk and local road improvements, their condition pre, post and during the construction phase of the development and their repair during, and remediation after, this phase of development are satisfied by the imposition of conditions;

local improvements required to the access road from the A483 to the Llaithddu Site fall principally within the existing highway and, if and to the extent that they do not, are within the boundaries of the land owned by the participating Llaithddu landowners; and can otherwise be managed and controlled by the imposition of conditions.

- 5.4 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.
- 5.5 Widening works are proposed on the unclassified road leading from the A483 to site in order that two-way traffic can be maintained.
- 5.6 The applicant has continued to discuss traffic impact with the statutory consultees and has proposed a Statement of Common Ground, a set of conditions and a carefully revised and extensive Traffic Management Plan which is a 'living' document.

6. NOISE (Matter 6)

- 6.1 The applicant relies upon the evidence called in Session 1. No other cumulative impact occurs.

7. ECOLOGY AND PROTECTED SPECIES AND HABITATS (Matter 7, 12 & 13)

- 7.1 So far as consideration is required to be given to the River Wye SAC, so much may be addressed by means of appropriate conditions which secure appropriate measures to avoid or mitigate construction impacts. As set out in CCWs letter dated 7 September 2012, Natural Resources Wales should be able to conclude that the project would have no adverse effect on the integrity of the site and SAC if suitable conditions are attached to the project to ensure that the necessary measures are in place to avoid adverse effects on the integrity of the SAC. By use of: (i) Water Quality Management and Monitoring; (ii) a Construction Method Statement,

and; (iii) a Construction Environmental Management Plan, sufficient measures would be in place to monitor and safeguard the water quality in the River Wye catchment during construction.

8. OTHER MATTERS

8.1 In respect of the issues which arise in Session 4, the applicant presently anticipates relying upon evidence, including expert evidence in respect of:

Landscape and Visual Effects

Traffic

Ecology & Ornithology

Grid connection

8.2 The applicant will rely upon the documents which have been submitted to the Inquiry during the course of earlier sessions and in the SEI of January 2014. The applicant will also rely upon the additional evidence from Mr Buchan (Traffic) and Mr Gudrum (Landscape and Visual Effects) which will be submitted and served in accordance with the inquiry timetable.

28th January 2014

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