

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

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**Aaron&Partners LLP**

**Grosvenor Court**

**Foregate Street**

**Chester**

**CH1 CH1**

## **1. INTRODUCTION**

- 1.1 This is the Statement of Case of Fferm Wynt Llaithddu ('FWL') in respect of the conjoined public inquiry and the Secretary of State's statement of matters.

## **2. THE APPLICATION**

- 2.2. 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.
- 2.3. FWL applied for consent to construct the Llaithddu wind farm which would comprise 29 wind turbines 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. During the application stage, FWL responded to consultees, including the Powys County Council, by offering to make adjustments to the siting of certain turbines and to delete 2 turbines from the scheme. By letter dated 24 June 2013 FWL confirmed to the Secretary of State that it would proceed on the basis of a 27 turbine scheme, referred to in the Supplementary Environmental Information as 'Option 2'. The scheme would therefore produce 62.1 MW of electricity.
- 2.4. FWL is a partnership between the local farming families who own and farm the land, and a Welsh wind energy development company (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.
- 2.5. FLW'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. FWLs directors are themselves largely 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.

- 2.6. 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 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.

3.2 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, namely:

1. the extent to which the proposed developments are 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 the transition to a low carbon economy, and achieving climate change goals;
2. the extent to which the proposed developments are 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;
3. the extent to which the proposed developments are consistent with Welsh Government and local policies: including Planning Policy Wales, Edition 4 (2011); 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);
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;
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;
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;

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;
8. the individual and combined social and economic impact of the proposed developments, including on tourism;
9. the potential impact of the proposed developments on human health;
10. the impact of the proposed developments on cultural heritage;
11. the individual and combined impact of the proposed developments on aviation;
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;
13. the impact of the proposed developments on peat;
14. the potential for the proposed developments to be connected to the electricity grid network (DECC document ‘The consenting process for onshore generating stations above 50MW in England and Wales: a guidance note on Section 36 of the Electricity Act 1989 refers’); and
15. any other matter the Inspector considers relevant.

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

- 4.1 So far as statutory consultees and local people have made representations which are distinct and separate from those matters upon which the Secretary of State wishes to be

informed, FWL will refer, as necessary, to correspondence, environmental information, written representations, Statements of Common Ground and proofs of evidence.

## **MATTERS TO BE ADDRESSED AND THE APPLICANT'S 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 62.1 MW, which represents nearly 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. FWL relies upon TAN8 save in respect of its numerical 'limits' for the reasons in and as explained in the proof of evidence of Mr Parker.

## **6. SOCIO-ECONOMIC BENEFITS (Matter 8)**

- 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. In particular, FWL will draw attention to the extent of community benefit which has been integral in design of the scheme and in its widespread acceptance in the immediate local community.
- 6.2 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.

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

- 7.1 FWL will contend that application site is well suited for on-shore renewable wind energy for the reasons independently identified in TAN 8 and its supporting studies and refinements. Moreover, FWL will demonstrate that the FWL scheme is of a design and scale which the particular landscape has capacity to accommodate. FWL will draw attention to the ES/SEI and its 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. Hence, there will be no disturbance of the house platform of Banc Du nor any work which is proximate to Fowler’s Armchair.

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

- 8.1 FWL 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. In particular:

The proposed route as set out in Section 9 of the SEI is acceptable for AIL deliveries subject to improvement of the trunk and local road network and traffic control and management where appropriate;

On 10th May 2012 a successful test run of an 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, WG and the Police;

- 8.2 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.

- 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.
- 8.4 Widening works are proposed on the unclassified road leading from the A483 to site in order that two-way traffic can be maintained.
- 8.5 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.

## **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 do

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 anticipates that it will reach agreement with the Council as to suitable conditions and will not therefore require the hearing of evidence, save as to conditions.

## **10. ECOLOGY AND PROTECTED SPECIES AND HABITATS (Matter 7, 12 & 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 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.

- 10.4 Likewise, the applicant believe that it has reached common ground with Natural Resources Wales on the topic of impact on curlew as a result of deletion of two turbines from the scheme and by the provision of a further habitat enhancement and management area. As a result, the mitigated impacts would be insignificant in respect of both construction and operational stages. Moreover, the provision of further habitat enhancement would result in benefits to the curlew population.
- 10.5 In 2011 the applicant undertook detailed evaluation of the volume and quality of peat resources that could potentially be affected by the proposed wind farm infrastructure including temporary effects arising from the location of crane pads for construction as well as potential permanent effects. The study also evaluated the potential disturbance of peat resources arising from the scheme as a proportion of the peat resource within the wider land holding.
- 10.6 Careful initial design avoided significant impacts on peat. Change in NRW methodology in 2010 resulted in further survey work. Micro-siting of turbines has overcome the initial concerns expressed by NRW. In order to assess the further amendments to the proposal in Option 1 and Option 2, a further site visit was carried out in May 2013 to examine soil profiles using a 1.2m dutch combination hand auger at the adjusted locations. The peat resource work undertaken in 2011 and 2013 has confirmed that there are no significant areas of land within the proposal which comprise moderately (>50 m) or deep (>1m) peat resources. On the southern part of the site the soils are predominantly non-peaty and where peat resources are encountered these are predominantly shallow (<50cm in depth). As a result of the survey and design work, there are no significant effects on peat.

**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. So far as ‘health’ (Matter 9) and ‘aviation’ (Matter 11) are concerned, FWL know of no evidential basis for such concerns in respect of the scheme. Moreover, no statutory consultee maintains a position of any concern in either regard.

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

Policy

Socio-economic effect

Landscape and Visual Effects

Traffic

Noise (in respect of conditions)

Ecology & Ornithology

Grid connection

11.3 The documents on which the applicant will rely are referred to in the environmental information. A joint list of documents is in preparation as between the parties.

9<sup>th</sup> July 2013

**Aaron & Partners LLP**

**Grosvenor Court**

**Foregate Street**

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**CH1 CH1**