



**OUTLINE STATEMENT OF CASE**

**IN RELATION TO AN APPLICATION BY RES UK & IRELAND LIMITED  
DATED 27 MARCH 2009  
FOR CONSENT TO CONSTRUCT AND OPERATE  
THE LLANBRYNMAIR WIND FARM  
IN  
POWYS, MID-WALES**

:

## **INTRODUCTION**

1. This is an outline Statement of Case prepared and submitted on behalf of RES UK & Ireland Limited (“RES”) in relation to its application (“the Application”) for consent pursuant to Section 36 of the Electricity Act 1989 to construct and operate the Llanbrynmair wind farm in Powys, Mid-Wales (“the Development”).
2. Although RES are not required by the Electricity Generating Stations and Overhead Lines (Inquiries Procedure) (England & Wales) Rules 2007, to submit an outline Statement of Case, the Inspector appointed to consider this Application has requested that RES submit an outline Statement of Case at this stage.
3. This document provides a summary of the principal submissions that RES will put forward at the inquiry due to commence on 4 June 2013 (“the Inquiry”), with reference to the matters that the Secretary of State has indicated he wishes to be considered at the Inquiry, as set out in the Notice dated 12 December 2012 (“the Statement of Matters”). Reference will also be made to the grounds of objection raised by Powys County Council (“the Council”) in their formal objection to the Development dated 27 September 2012 (“the Council’s Objection”).

## **DESCRIPTION OF THE DEVELOPMENT**

4. RES will describe the way in which the Development would be constructed and operated. This description will cover both on-site and off-site activities.
5. RES will make reference to the Application documentation submitted to the Department of Energy and Climate Change, the Council and other relevant consultees. In particular, detailed reference will be made to the Environmental Statement submitted in support of the Application and subsequent volumes of Supplementary Environmental Information that have been submitted and circulated in respect of the Development.
6. RES wish to highlight the fact that although the original Application sought consent for the construction and operation of up to 43 wind turbines, the current proposal is for the construction and operation of up to 30 wind turbines.
7. RES are currently in the process of preparing further Supplementary Environmental Information, designed to address issues raised the Council, the

Countryside Council for Wales and other consultees. This Information will be submitted and advertised as soon as it is ready.

## **POLICY**

8. The first three matters described in the Statement of Matters relate to relevant planning and energy policies that need to be taken into account when considering the Development.
9. RES will describe in detail and assess the Development in light of the following policies:
  - i. The UK Government Policy objectives of ensuring a suitable 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.
  - ii. Relevant National Policy Statements including (but not exclusively) the Overarching National Policy Statement for Energy (EN-1) and the National Policy Statement for Renewable Energy Infrastructure (EN-3).
  - iii. Planning Policy Wales, Edition 4 (2011); Technical Advice Note 8; Planning for Renewable Energy (2005) and Energy Wales: A Low Carbon Transition (2012).
  - iv. The Powys Unitary Development Plan (adopted March 2010).
10. RES will demonstrate that the construction and operation of the Development accords with the aims and objectives of the adopted Unitary Development Plan, in that there are no unacceptable effects arising from the Development such that the criteria of the key policy E3 are breached. However, since E3 makes no references at all to the presence of the Strategic Search Areas ("SSA's") from TAN 8, it will be necessary to read the UDP closely alongside TAN 8 and the Planning Policy Wales advice on delivery from the SSAs.
11. In the event that it is concluded by the Inspector that there are some conflicts with some elements of the Development Plan, then it will be submitted that such conflicts are not so significant as to warrant the refusal of consent and that in any event there are key material considerations which have to be weighed in the

balance against any such UDP conflicts. In particular RES will assess the contribution to date from SSA B and the capacity within the refined areas from the Powys Interim Guidance to accommodate both Carnedd Wen and Llanbrynmair within the figures suggested by the Minister Paul Griffiths in his advice to Councils in 2011.

## **LANDSCAPE AND VISUAL EFFECTS**

12. As referred to in the fourth matter set out in the Statement of Matters, RES will lead evidence in respect of the predicted landscape and visual impact of the Development, on its own and cumulatively with other wind farms in the Powys area which have already been granted planning permission or where planning permission has been applied for, taking into account the proximity of the Development to the Snowdonia National Park.
13. RES will also consider predicted effects on views and visual amenity from residential properties (as a component of residential amenity), arising both from the construction and operation of the Development as well as any impact that may be associated with the highway improvement works which form part of the Development.
14. RES will conclude that the predicted landscape and visual effects of the Development are proportionate and that contrary to the second ground of objection put forward in the Council's Objection, the landscape is capable of accommodating the associated change that would result from introduction of the Development.

## **TRAFFIC**

15. As referred to in the fifth matter set out in the Statement of Matters, RES will consider and describe in detail the potential individual and combined impact of construction traffic on the surrounding locality, including transportation access routes and traffic management, taking into account the cumulative impact for all the wind farms in the Powys area which have already been granted planning permission or where planning permission has been applied for.
16. RES will conclude that the traffic associated with the construction and operation of the Development, both on an individual basis and having regard to combined

impact, would not have an unacceptable impact on the local highway network, contrary to the first ground of objection put forward in the Council's Objection.

## **NOISE**

17. As referred to in the sixth matter set out in the Statement of Matters, RES will consider and describe in detail the potential individual and combined impact of noise generated during the construction and operation of the Development, taking into account cumulative impact for other wind farms in the Powys area which have already been granted planning permission or where planning permission has been applied for.
18. RES will refer to and rely on the fact that no objection has been raised in the Council's Objection in relation to individual or combined noise from the Development.
19. RES will conclude that noise from the Development, both on an individual basis and having regard to combined impact, would not give rise to any unacceptable effects on residents in the locality of the Development.

## **ECOLOGICAL EFFECTS**

20. As referred to in the seventh matter set out in the Statement of Matters, RES will consider in detail the potential individual and combined impact of the Development on bio-diversity, including the ecological functioning of European Protected Sites and European Protected Species.
21. RES will also consider the likely effectiveness of mitigation measures proposed as part of the Development and which may arise as a consequence of the construction and operation of the Development.
22. It is noted that the Council's Objection does not raise objections in relation to ecological impacts of the Development. Instead the third reason set out in the Council's Objection states that it has not been possible for the Council to make an informed assessment of ecological and ornithological effects, in the absence of a response from the Countryside Council for Wales. Unless a formal objection is raised by the Council in relation to these issues, RES will refer to and rely on the fact that the Council do not have an objection which relates to ecological and/or ornithological effects of the Development.

23. RES will conclude that the Development would not give rise to any unacceptable ecological or ornithological effects and would not have any adverse effect on the ecological functioning of any European Protected Site or on any European Protected Species. RES will also conclude that the Development would not be likely to have a significant effect on any European Protected Site.

### **TOURISM**

24. As referred to in the eighth matter set out in the Statement of Matters, RES will consider the potential social and economic impact of the Development, both from an individual and a combined impact point of view. This assessment will include potential effects on tourism, based on experience from across the United Kingdom.
25. RES will refer to and rely on the fact that the Council's Objection does not raise any objections in relation to the individual or combined social and economic impact of the Development.
26. RES will conclude that the Development would not give rise to any unacceptable social and/or economic impact. Indeed, RES will demonstrate that the Development will give rise to some positive social and economic impact.

### **HEALTH**

27. As referred to in the ninth matter set out in the Statement of Matters, RES will consider the potential impact of the Development on human health.
28. RES will refer to and rely on the fact that the Council's Objection does not raise any objections in relation to the potential impact of the Development on human health.
29. RES will conclude that the Development would not give rise to any unacceptable effects on human health as a result of the construction and/or operation of the Development.

### **CULTURAL HERITAGE**

30. As referred to in the tenth matter set out in the Statement of Matters, RES will consider the potential impact of the Development on cultural heritage.

31. RES will refer to and rely on the fact that CADW and Clwyd Powys Archaeological Trust do not object to the Development.
32. Contrary to the fifth ground of objection put forward in the Council's Objection, RES will conclude that the Development, both individually and in combination with other proposed wind farm development, would not have any unacceptable impacts on cultural heritage.

### **AVIATION**

33. As referred to in the eleventh matter set out in the Statement of Matters, RES will consider the potential impact of the Development on aviation.
34. RES will refer to and rely on the fact that the Council's Objection does not raise any objections in relation to the potential effects of the Development on aviation.
35. RES will conclude that the Development would not give rise to unacceptable effects on aviation interests.

### **HYDROLOGY, HYDROGEOLOGY AND PEAT**

36. As referred to in the twelfth and thirteenth matters set out in the Statement of Matters, RES will consider the potential impact of the Development on the hydrology and hydrogeology, including potential impact on sensitive water features, private water supplies, fisheries, watercourses, groundwater and peat. RES will also consider the likely effectiveness of any mitigation measures proposed as part of the Development.
37. It is noted that the Council's Objection does not raise objections in relation to hydrological or hydrogeological impacts of the Development. Nor does it raise objections in relation to impacts on peat. Instead the fourth reason set out in the Council's Objection states that it has not been possible for the Council to fully assess the hydrological effects of the Development, in the absence of a response from the Countryside Council for Wales. Unless a formal objection is raised by the Council in relation to these issues, RES will refer to and rely on the fact that the Council do not have an objection which relates these effects.
38. RES will conclude that the Development would not give rise to any unacceptable effects on hydrology, hydrogeology or peat.

## **GRID CONNECTION**

39. As referred to in the fourteenth matter set out in the Statement of Matters, RES will describe the potential for the Development to be connected to the electricity grid network.
40. RES will refer to and rely on the fact that the Council's Objection does not raise any formal objection in relation to the ability of the Development to be connected to the electricity grid network.
41. RES will conclude that connection of the Development to the electricity grid network would not give rise to any unacceptable effects.

## **OVERALL BALANCE**

42. The Development will give rise to some adverse environmental effects. This is inevitable with any wind farm development. However, the Development will also give rise to significant benefits, in terms of its contribution to the reduction of greenhouse gases and security of supply, together with other environmental and economic benefits.
43. RES will conclude that any adverse effects which may arise are out-weighed by the benefits of the Development. On this basis and in accordance with relevant energy and planning policy, RES will conclude that consent should be granted for the Development, subject to appropriate conditions.

## **WITNESSES**

44. At this stage, RES anticipate that witnesses will be called to give evidence in person in relation to the following matters:
  - i. Landscape and Visual Effects
  - ii. Traffic and Transportation
  - iii. Ecology
  - iv. Ornithology
  - v. Cultural Heritage

vi. Hydrology, Hydrogeology and Peat

vii. Energy & Planning Policy and Overall Balance

45. In relation to those matters not covered by specific witnesses, consideration will be given to the matter by the Planning witness.

**OTHER MATTERS**

46. RES reserves the right to call further witnesses and/or deal with other issues that are raised prior to and during the Inquiry.

21 January 2013