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Dear Sirs,

Carnedd Wen Wind Farm

As you are aware, we act for RWE Npower Renewables Limited, the Applicant for the above project. The purpose of this letter is to seek to clarify certain elements of the Council's reasons for objection to the project which accompanied its Form B issued on 21st March 2012 in so far as it relates to highway matters.

In particular, we are raising these issues now in advance of the submission of outline statements which the Inspector has requested in mid-January 2013 and the Pre-Inquiry Meeting scheduled for 18 February 2012 with the aim of assisting the Inspector in narrowing the issues before him.

We believe that matters have moved on significantly since the issue of the reasons for objection and that it is in all parties' interests to clarify the extent to which the Council intend to maintain those objections as early as possible in order to avoid the unnecessarily engaging expert witnesses with the obvious cost implications that will ensue.

Specifically, the Applicant would appreciate clarity in relation to reasons for objection 4, 5, 6 and 7 which we deal with in turn below.

Reasons for objection

Reason 4

National Policy NPS EN-1 and EN-3 has a requirement that over-arching weight be given to meeting the (renewable) energy need. In this respect and with regard to criteria for "good design" for renewable energy infrastructure, proposals are expected to comply with the principles set out in the Overarching Energy NPS-EN1 and be designed to mitigate impacts such as landscape and visual impact, noise and effects on ecology. It is also recognised that where adverse impacts are considered, within the context of longer term and cumulative impacts, and, where the adverse impacts (after mitigation) outweigh the benefits, then consent should be refused where longer term and cumulative impacts would be sufficiently adverse (after mitigation) to outweigh the benefits.

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Whilst this reason for objection appears under the sub-heading of "Highways", it is unclear to the Applicant the extent to which it has any relevance to highways considerations. We note that the reason for objection specifically references landscape and visual, noise and ecological impacts but does not make any reference to highways considerations. Please can you clarify whether this objection has any relevance to highway issues, and if so, detail those specific issues that are of concern?

Reason 5

There is an absence of provision of a Strategic Traffic Management Plan (sTMP) that has been agreed by the Highways Authorities for Powys and other relevant bodies such as the Police that would serve to acceptably mitigate by coordination, timetabling and cooperation with the Highways Authorities the effects of large scale traffic movements generated on the Powys road system that would otherwise not have the capacity to sustain such traffic movement. Without the sTMP, the adverse cumulative impact upon the road network generated by uncoordinated large scale HGV and AIL vehicle movements to the site would have significant and adverse effects on the road system in Mid Wales sufficient to justify the recommendation of refusal of this development in respect of failing to satisfying the requirements of National Policy NPS EN-1 and EN-3 in respect of adverse impacts (after mitigation) outweighing the benefits.

Since the publication of the reasons for objection, the STMP, which has been prepared following considerable engagement with the Welsh Government, your Council, the Police and other Highways Authorities including the Highways Agency, has been approved by Welsh Government in so far as it relates to the Carnedd Wen project (Chapters 1 to 5).

The Applicant intends to formally advertise the STMP as part of its forthcoming SEI submission.

Clearly the Council's objection related to the absence of a strategic traffic management plan. That has now been addressed as indicated above. Subject to planning conditions and/or legal agreements securing compliance with the STMP we believe that this reason for objection can now be withdrawn.

We note that your Council was aware of the Welsh Government's acceptance of Chapters 1 to 3 of the STMP when it considered the Llanbrynmair and Cemmaes 3 Wind Farm applications and accordingly did not raise a similar objection against that application. Since these chapters are equally relevant to the Carnedd Wen development a consistent approach would demand the withdrawal of objection 5.Reason 6

The proposal fails to meet the requirements of Planning Policy Wales (February 2011) in respect of transport implications (Section 8.7) pertaining to accessibility of the site; the environmental impact of both the transport infrastructure and traffic generated and; the effects on the safety and convenience of other users of the transport network.

The planning application was accompanied by a detailed Environmental Statement. Within Chapters 14 of both the original ES submission (2008) and the subsequent SEI (2011) details of access, traffic generation and road safety were presented to the Council. Following consultations with the Council's highway officer, Mr. Dale Boyington, the Applicant was advised that the Council's primary concern was related to site access. In particular the Council was concerned about any direct access being made to the local highway network other than from the A458 trunk road. The Applicant has not been made aware of any other concerns over the methodology used or with regard to the

details presented in the Applicant's transport assessment. The SEI submitted to the Council in 2011 responded to the Council's earlier concern over development access locations and confirmed that the site's access would be confined to the A458 trunk road. The Council will be aware that the Welsh Government (WG) is responsible for approving development access taken from the A458. It is a matter of record that WG has confirmed to the Council that it was satisfied with the Applicant's proposals. This was reported to the Council's Cabinet Executive (13 March 2012): paragraph 13.7, Appendix 1b of the report refers.

We therefore need to establish on what grounds the Council is seeking to sustain the above objection (if at all) in order that the Applicant is given the opportunity to address any outstanding issues and attempt to seek their resolution prior to the Public Inquiry.

Reason 7

The requirements for the provision of an acceptable highways access and any new roads and accesses sufficient to service the development without unacceptable environmental impacts is a stipulation of Policy E3 of the Powys Unitary Development Plan (adopted March 2010) and endorsed by generic Policy GP1 of this document. The proposal therefore fails to satisfy the requirement of adopted County UDP policy in respect of providing acceptable and adequate highway access to serve this development.

Since it is the Applicant's intention for site access to solely be taken from the A458 trunk road, technical approval of those access proposals is the responsibility of the Welsh Government as Highways Authority rather than your Council. As we indicated above, the Welsh Government approved the Applicant's proposed access proposals from the A458, and consequently we consider there is no basis for the continued objection to the access proposals. Detailed design and technical approval and construction details will of course be secured by a planning condition and subsequent Section 278 Agreement with the Welsh Government.

As stated above, it is the Applicant's desire to constructively engage with your Council to clarify the scope of its objections as far in advance of the Public Inquiry as possible to avoid any unnecessary costs being incurred. It is our belief that subject to satisfactory planning conditions and/or legal agreements being put in place that all of the above objections have been satisfactorily addressed.

We welcome your response as soon as possible prior to the submission of the outline statements in mid-January 2013. If you feel it would be beneficial to discuss the above in further detail at a meeting, our client would of course be very happy to do so. In this respect we should be grateful for confirmation as to who will be the main Council contact in relation to highways issues should such a discussion be beneficial.

Yours faithfully,

Eversheds LLP

Copy to: Lynne Coughlan, Powys
Dale Boyington, Powys
Hefin Jones, Planning Inspectorate