

Electricity Act 1989

Town and Country Planning Act 1990

Electricity Works (Environmental Impact Assessment) (England and Wales) Regulations 2000

Electricity Generating Stations and Overhead Lines (Inquiries Procedure) (England and Wales) Rules 2007

Application by RWE npower renewables Limited for consent under Section 36 Electricity Act 1989 to construct and operate a wind turbine generating station at Carnedd Wen, Powys with a maximum installed capacity of 250MW and for a Direction that planning permission be deemed to be granted for the proposed development under Section 90(2) Town and Country Planning Act 1990

OUTLINE STATEMENT OF CASE ON BEHALF OF THE APPLICANT

21 January 2013

1. **INTRODUCTION**

1.1 This is the Outline Statement of Case of RWE npower renewables Limited ("the Applicant"), produced in response to a notice dated 12 December 2012 containing details of the conjoined public inquiry and the Secretary of State's statement of matters issued by the Secretary of State for Energy and Climate Change in accordance with rule 6 (1) of the Electricity Generating Stations and Overhead Lines (Inquiries Procedure) (England and Wales) Rules 2007. The public inquiry became necessary under Schedule 8 to the Electricity Act 1989 following the objection resolved by Powys County Council ("the Council") to the proposed development ("the Development").

1.2 The Secretary of State for Energy and Climate Change has identified certain information that he wishes to be considered at a public inquiry. Each of these matters will be considered below.

2. **THE APPLICATION**

2.1 The application for the Development ("the Application") was submitted to the Secretary of State for Energy and Climate Change on 11 December 2008. It includes an request for a Direction that deemed planning permission be granted for the Development.

2.2 The Development comprises the construction and operation of a wind farm and habitat restoration project with associated plant and access tracks located on privately owned land currently used for commercial forestry and some agricultural grazing. The wind farm will have a maximum installed capacity of 250MW and will be situated to the south of the A458 and to the north of Llanbrynmair in Montgomeryshire, Powys.

2.3 The Development will comprise:

2.3.1 50 wind turbines;

2.3.2 Six borrow pits;

2.3.3 Two 90 metre high anemometry masts;

2.3.4 One substation building and underground cable connections;

2.3.5 16.6km of new access tracks to the wind turbines;

2.3.6 Associated plant, buildings and civil engineering works;

2.3.7 The felling of up to 1,800ha of coniferous forest and the re-establishment of managed semi-natural habitats. As will be explained in supplementary environmental information yet to be

submitted (see paragraph 2.4) the area of proposed felling of coniferous forest has been reduced to 1,400 ha.

- 2.4 The Application was accompanied by an Environmental Statement submitted under the Electricity Works (Environmental Impact Assessment) (England & Wales) Regulations 2000 (as amended) ("the ES"). Supplementary Environmental Information was submitted in 2009 to include a cumulative assessment of the Development in combination with other proposed schemes ("the Cumulative SEI 2009"). In 2011 Supplementary Environmental Information was provided to support a reduction in the number of turbines from 65 originally proposed to 50, with other revisions to take account of objections received from statutory consultees and onsite constraints ("the SEI 2011"). SEI is also being prepared for submission in early 2013 ("the SEI 2013") .
- 2.5 The Site and its surroundings are described in further detail in the ES.
- 2.6 The Council considered the Application at a Cabinet meeting on 13 March 2012 and resolved to object to the Development for the following reasons:

Habitats

1. The Environment Statement and subsequent Supplementary Environmental Information are unable to demonstrate that significant ecological impacts would not occur from the proposed development and insufficient weight is given to the rising status of peat habitats as a key ecological resource. Effects upon the peat and bog habitats within the site and its environs have not been adequately documented, which has prevented a satisfactory assessment or identification of appropriate mitigation measures.

2. The proposal therefore does not comply with guidance and direction contained within Planning Policy Wales (February 2011) which requires as an objective that improvements in the conservation of landscape and biodiversity be taken into account at an early stage of the preparation of development or; take fully into account guidance contained within The Powys Supplementary Planning Guidance on Biodiversity, Conservation and Enhancement that requires adequate information of all the potential impacts of habitats and species be provided in respect of a development.

3. The proposed development has therefore failed to provide the information required to assess the Environmental Impacts of this development in full and in relation to guidance contained within TAN5, and TAN8. As such, the proposed development would be contrary to the requirements of Policies ENV3 and ENV6 of the UDP (adopted March 2010) in respect of demonstrating that the development would be able to maintain biodiversity, nature conservation and the amenity value of habitats and avoid any adverse effect on conservation interest.

Highways

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.*

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.*

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.*

7. *The requirement for the provision of an acceptable highway 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.*

Landscape and Visual Effects

8. *The unacceptable landscape and visual impact of the applications including the detrimental effect on tourism and other economic factors both for Powys and the Snowdonia National Park.*

Grid Connection

9. A lack of certainty as to whether the proposed developments would contribute or result in the necessity for significant grid infrastructure development which may have the potential for further adverse impact on the landscape including visual, economic and environmental well-being of the area.

Statement of Matters

3. The Secretary of State in taking account of the objections raised by the Council has asked to be informed on the following topics:
 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 goals¹;
 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;

¹ http://www.decc.gov.uk/en/content/cms/meeting_energy/consents_planning/guidance/guidance.aspx

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. **PRESENTATION OF THE APPLICANT’S CASE**

4.1 The evidence to be presented on behalf of the Applicant will address: -

4.1.1 The objections of the Council;

4.1.2 The Statement of Matters

- 4.1.3 Responses to the Application by consultees; and
 - 4.1.4 Responses to the Application by third parties including members of the public.
- 4.2 The Applicant's case at the inquiry will be led by Marcus Trinick QC, partner at Eversheds LLP. At present it is anticipated that Mr Trinick and Mr Paul Maile, partner at Eversheds LLP will call:-
- 4.2.1 Mr Karl Cradick (Savills) - Planning Policy and related matters;
 - 4.2.2 Mr Jeffrey Stevenson (Jeffrey Stevenson Associates) - Landscape and Visual Effects;
 - 4.2.3 Mr Stewart Lowther (Atmos) – Ecology;
 - 4.2.4 Dr Andrew Mills (Halcrow) – Geology and peat;
 - 4.2.5 Dr Alan Edwards (SLR) - Hydrology;
 - 4.2.6 Mr Chris Piper (CJ Piper & Co) – Forestry;
 - 4.2.7 Dr Andrew Bullmore (Hoare Lea) – Noise;
 - 4.2.8 Mr Morgan Houtmeyers (RWE npower renewables) - Construction; and
 - 4.2.9 Mr Stuart Atkinson (Stuart Michael Associates) – Transport;
- 4.3 The Applicant reserves the right to call further witnesses (either to give oral evidence or provide written evidence) should it be considered appropriate following the receipt of Outline and (when available) Full Statements of Case from the other parties.

5. **SCOPE OF THE APPLICANT'S EVIDENCE**

Planning Policy – Referable to Statement of Matters - 1, 2, 3 and 8

Renewable Energy Policy and Background

5.1 In his evidence Mr Cradick will: -

- 5.1.1 Briefly describe the International, European and National obligations and policies that offer support for the utilisation of renewable energy and which recognise the role that wind energy

must play in meeting those obligations and in tackling climate change;

- 5.1.2 Make particular reference to the Kyoto Protocol, the European Union Renewable Energy Directive, Energy White Papers and the Stern Review, all of which clearly demonstrate the importance of renewable energy, not just in tackling climate change but also in ensuring security of energy supply;
- 5.1.3 Give details of the national policy framework against which the Development must be assessed. Particular reference will be made to the Department for Energy and Climate Change's Overarching National Policy Statement for Energy (EN-1), National Policy Statement for Renewable Energy Infrastructure (EN-3) and National Policy Statement for Electricity Networks Infrastructure (EN5), which form the principal expression of national policy for energy infrastructure. Reference will also be made to the principles contained within Planning Policy Wales (edition 5, November 2012) and Technical Advice Note 8 ("TAN 8");
- 5.1.4 Demonstrate that, by virtue of the Site being located wholly within Strategic Search Area B - "Carno North" - (one of seven Strategic Search Areas ("SSA") identified within TAN 8) it is considered suitable for a "large scale" (i.e. a development with in excess of 25MW capacity) wind farm development of the type proposed in this instance; and
- 5.1.5 Say that the Development, if consented, will make a significant contribution towards the required renewable energy capacity for SSA B, TAN 8 having attributed an indicative capacity target of 430MW to this particular SSA.

The Development Plan

- 5.1.6 The Development Plan for the area comprises the Powys Unitary Development Plan, adopted by Powys County Council on 1 March 2010. Policy issues are addressed within the planning statement issued by the Applicant in 2011.
- 5.1.7 The following development plan policies are potentially relevant to the proposal:

Strategic policies

UDP SP1 – Social, community and cultural sustainability
UDP SP3 – Natural, historic and built heritage

UDP SP4 – Economic and employment developments
UDP SP6 – Development and transport
UDP SP8 – Tourism developments
UDP SP10 – Minerals developments
UDP SP11 – Waste management
UDP SP12 – Energy conservation and generation
UDP SP13 – Utilities / service infrastructure
UDP SP14 – Development in flood risk areas

Generic policies

POLICY GP1 – Development Control
POLICY GP2 – Planning Obligations
POLICY GP3 – Design and Energy Conservation
POLICY GP4 – Highway and Parking Requirements
POLICY GP5 – Welsh Language and Culture

Environment

POLICY ENV 1: Agricultural land
POLICY ENV 2: Safeguarding the landscape
POLICY ENV 3: Safeguarding biodiversity and natural habitats
POLICY ENV 4: Internationally important sites
POLICY ENV 5: Nationally important sites
POLICY ENV 6: Sites of regional and local importance
POLICY ENV 7: Protected species
POLICY ENV 8: Tree preservation orders
POLICY ENV 9: Woodland planting
POLICY ENV 14: Listed buildings
POLICY ENV 16: Landscapes, parks and gardens of special historic interest
POLICY ENV 17: Ancient monuments and archaeological sites
POLICY ENV 18: Development proposals affecting archaeological sites
POLICY ENV 19: Amenity open spaces

Economy

POLICY EC1: Business, industrial and commercial developments

Transport

POLICY T1: Highway improvement schemes
POLICY T2: Traffic management
POLICY T3: Transport assessments and travel plans

Tourism

POLICY TR2: Tourist attractions and development areas

Recreation and leisure

POLICY RL6: Rights of way and access to the countryside

POLICY RL7: Long distance rights of way

Energy

POLICY E3: Wind power

POLICY E4: Removal of redundant wind turbines

POLICY E5: Off-site works

Minerals and waste

POLICY MW1: Mining and waste disposal

POLICY MW6: Borrow pits

POLICY MW8: Blasting

POLICY MW13: Access onto a highway

POLICY MW16: Dust and litter

POLICY MW17: Settlement lagoons

POLICY MW18: Geomorphology, archaeology and history

General development policies

POLICY DC3: External lighting

POLICY DC6: Operational development by utility companies

POLICY DC9: Protection of water resources

POLICY DC11: Non-mains sewage treatment

POLICY DC12: Overhead lines and pipelines

POLICY DC13: Surface water drainage

POLICY DC15: Development on unstable or contaminated land

5.2 With regard to the Development Plan, Mr Cradick will: -

- 5.2.1 Address, to the extent required in evidence (as opposed to submissions), the application of Section 38(6) of the Town and Country Planning Act 1990 to the Development; identifying the Development Plan policies that are relevant to the matters under consideration in this appeal, and considering in each case the weight to be attached to such policies and address the emerging Powys Local Development Plan as a material consideration;
- 5.2.2 Examine the extent to which the Development complies with relevant Development Plan policies, having regard to mitigating

design and site management measures proposed by the Applicant in order to render the Development acceptable in planning terms;

- 5.3 Mr Cradick will also identify and consider relevant provisions of supplementary planning documents including:
- 5.3.1 Powys UDP Interim Development Control Guidance: Biodiversity Conservation and Enhancement in Development Proposals (April 2009)
 - 5.3.2 Second draft interim Development Control Guidance on Wind Farm Development in Powys (2008)
- 5.4 He will also consider the social and economic benefits of the Development and any other material considerations that are pertinent to the Application, including the interests of the Snowdonia National Park. To that extent it may be necessary to refer to development policy documents applicable within the National Park.
- 5.5 Mr Cradick will make reference to the Planning Officer's Report to the Council (dated 13 March 2012) and, in particular, the overall conclusions in terms of the Development's compliance with the suite of relevant policies contained within the Development Plan.

Landscape and Visual Effects – Referable to Statement of Matters - 4

- 5.6 In his evidence Mr Stevenson will: -
- 5.6.1 Describe the baseline landscape character and visual amenity resource relevant to the proper consideration of the Development on an individual basis and cumulatively;
 - 5.6.2 Describe the process by which the Development has evolved from an initial 65 turbine development to that which now forms the basis of the Application (50 turbines) and thereby demonstrate that careful consideration has been given to minimising potential landscape and visual effects in the siting, design process and composition of the Development;
 - 5.6.3 Describe the potential landscape and visual effects of the Development individually and cumulatively paying particular regard to those effects relevant to the Snowdonia National Park;
 - 5.6.4 Demonstrate that significant effects on landscape character and visual amenity are an inevitable consequence of modern commercial wind turbines and that this is recognized and accepted within TAN8 and National Policy Statements;

- 5.6.5 Make reference to Mr Cradick's evidence concerning the evolution of the TAN8 boundary in this area;
- 5.6.6 Make reference to Mr Lowther's evidence concerning the potential effects arising with respect to landscape character and visual amenity as a result of forestry removal and subsequent habitat enhancement;
- 5.6.7 Noting that effects may be deemed significant and harmful but they do not have to be rendered harmless to be acceptable. Further, many people are positively disposed towards wind farm development, both in concept and in practice. These are perceptions that must be recognised and respected given the European Landscape Convention's definition of landscape;
- 5.6.8 State that, while the Development would have significant effects on local landscape character, it would not be an unacceptable detraction from the open, rural nature and character of the local and wider area. The Development will be read as broadly consistent with the pattern and trend of the host environment and, when considered alongside TAN8, will be consistent with what might be expected from the reasonable application of landscape planning policy.
- 5.6.9 Demonstrate that it was the professional opinion of the Planning Officer that the impacts of the Development on the landscape and on the visual amenity enjoyed in the area did not give rise to harm which would justify the refusal of planning permission;
- 5.6.10 Demonstrate that the extent of potentially significant effects on the visual amenity of residents in the area has been appropriately assessed as part of the Application and the results set out in the ES and associated documents. Parts of the Development would be visible from a number of residential properties as well as properties within settlements but it will be shown that Carnedd Wen Wind Farm will not convert any property into one which could be regarded as an unattractive and unsatisfactory place in which to live;
- 5.6.11 State there is a strong inter-relationship between landscape and climate change and indicate that respected landscape professionals consider that (a) the maximisation of renewable energy capacity as an essential aspect of climate change mitigation and (b) ensuring that robust protection and enhancement of landscape character and its condition are not mutually exclusive objectives;

- 5.6.12 State that the Development will be a sustainable form of development from the perspective of safeguarding the long-term landscape resource for the future and from the perspective of long-term visual amenity; and
- 5.6.13 Finally, making reference to the Council Planning Officer's Report to Committee and paying regard to the Council's Landscape Consultant's professional advice, Mr Stevenson will align with the Council's professional opinion which demonstrates how the Council's policies on landscape and visual impact should be read in the context of national, regional and local policies on renewable energy all of which provide broad support for the Development. Particular reference will be had to paragraph 8.4 of Annex D of TAN 8 which states that "*..within (and immediately adjacent) to the SSAs, the implicit objective is to accept landscape change i.e. a significant change in landscape character from wind turbine development..*"

5.7 In doing so, Mr Stevenson will have reference to parts of the following: -

- 5.7.1 The ES (2008);
- 5.7.2 The Cumulative SEI 2009;.
- 5.7.3 The SEI 2011;
- 5.7.4 Subsequent submissions to be made by the Applicant and to be reported in the SEI 2013; and
- 5.7.5 The Planning Officer's reports and supporting documents.

Noise – Referable to Statement of Matters - 6 and insofar as issues arise - 9

5.8 In his evidence, Dr Bullmore will: -

- 5.8.1 Address noise arising from the construction of the Development and from construction traffic;
- 5.8.2 Refer to the criteria contained within ETSU-R-97 and demonstrate that the noise levels which are likely to be generated by the proposed wind turbines will meet that criteria at those dwellings located nearest to the Site;
- 5.8.3 Taking account of ETSU and all other relevant policy guidance, demonstrate that noise effects due to the Development will be acceptable;

- 5.8.4 Consider the cumulative effects of the Development in terms of other wind energy proposals in the area and conclude that any such effects can be properly addressed and monitored via the imposition of a set of suitably worded planning conditions;
- 5.8.5 To the extent that appears to be required address human health issues as required by the Secretary of State (matter 9).

5.9 In doing so, Dr Bullmore will have reference to the following materials: -

- 5.9.1 Chapter 9, Volume 1 of the ES 2008
- 5.9.2 Chapter 9, Volume 1 of the Cumulative SEI 2009;
- 5.9.3 Chapter 9, Volume 1 of the SEI 2011;
- 5.9.4 Subsequent submissions to be made by the Applicant in the SEI 2013.

Ecology- Referable to Statement of Matters - 7

5.10 In his evidence Mr Stewart Lowther will: -

- 5.10.1 Demonstrate that sufficient information has been provided to the Inquiry to enable the ecological effects of the Development, including those relating to peat habitats, to be determined.
- 5.10.2 Demonstrate that the Development would be able to maintain biodiversity, nature conservation and the amenity value of habitats and avoid any significant adverse effect on conservation interests.
- 5.10.3 Set out the benefits of the Development, through the habitat restoration and management plan, and demonstrate that the Development will result in a significant positive benefit to biodiversity and nature conservation (noting here policy at local, Welsh and UK levels), in line with policy at local, Welsh and UK levels.
- 5.10.4 Consider any adverse cumulative effects of the Development in terms of other existing or proposed development in the area.

5.11 In doing so, Mr Lowther will refer the following material:

- 5.11.1 Volume 1 Chapters 7 and 8 of the ES;
- 5.11.2 Volume 1 Chapter 8 of the Cumulative SEI 2009;
- 5.11.3 Volume 1 Chapters 7 and 8 of the SEI 2011;

- 5.11.4 Subsequent submissions to be made by the Applicant in the SEI 2013.

Geology and Peat – Referable to Statement of Matters - 13

5.12 In his evidence Dr Andrew Mills will: -

- 5.12.1 Demonstrate that sufficient information has been provided to the Inquiry to assess the effects of the Development on peat deposits within the application boundary.
- 5.12.2 Demonstrate through provision of a peat management plan how peat excavation and re-use has been designed to minimise peat losses and support the habitat restoration and management plan.
- 5.12.3 Demonstrate through a provision of a peat stability assessment report how peat instability risks have been identified and will be satisfactorily managed.

5.13 In doing so, Dr Mills will refer to the following material:

- 5.13.1 Volume 1 Chapters 7 and 12 of the 2008 ES
- 5.13.2 Volume 1, Chapters 7 and 13 of the SEI 2011
- 5.13.3 Subsequent submissions to be made by the Applicant in the SEI 2013.

Hydrology– Referable to Statement of Matters - 12

5.14 In his evidence Dr Alan Edwards will: -

- 5.14.1 Demonstrate that sufficient information has been provided to the Inquiry to document and assess the hydrological and hydrogeological effects of the Development, with particular reference to the peat and bog habitats;
- 5.14.2 Demonstrate that significant ecological impacts, which are related to hydrology and hydrogeology, would not occur from the Development;
- 5.14.3 Demonstrate that appropriate mitigation and management hydrological measures have been identified, as and when

appropriate, to both reduce the potential impacts of the wind farm development and to promote the proposed habitat restoration.

5.15 In doing so, Dr Edwards will refer to the following material:

5.15.1 Volume 1 Chapters 7, 12 and 13 of the 2008 ES

5.15.2 Volume 1, Chapters 7 and 13 of the SEI 2011

5.15.3 Subsequent submissions to be made by the Applicant in the SEI 2013.

Forestry – Referable to Statement of Matters 7,8,12 and 13

5.16 In his evidence Mr Piper will:-

5.16.1 Demonstrate how future management of the existing plantation forestry within the application area will facilitate the delivery of the proposed habitat restoration and management plan, if the Development proceeds.

5.16.2 Demonstrate how the delivery and associated benefits of the habitat restoration and management plan will be achieved over a significantly shorter timescale than under the existing (without wind farm) forest management objectives.

5.16.3 Set out the rationale, timing, design and methodologies of the forest management proposals and demonstrate how these are integrally linked to the delivery of the habitat management and restoration plan.

Construction – Referable to Statement of Matters 5, 7, 12, and 13

5.17 In his evidence Mr Morgan Houtmeyers will: -

5.17.1 Review the Development in terms of construction. In particular he will address access tracks, crane and other hardstandings, wind turbine foundations, borrow pits, sub-station construction, and subsequent proposals for restoration in order to demonstrate that what is being proposed can realistically be achieved in practice during the construction period.

5.17.2 Review the construction inputs required for transport, peat, hydrology, ecology and forestry to ensure that the details

contained therein are in line with construction practices gained on previous experience of constructing windfarms.

- 5.17.3 Provide appropriate environmental safeguards through a Construction Environmental Management Plan (CEMP) that will be necessary to address the individual and cumulative impacts of the Development. The CEMP will demonstrate typical construction methodologies and mitigation used for access track, hardstanding, foundation, construction compound, borrow pit, cable laying and sub-station works.

Transport- Referable to Statement of Matters - 5

5.18 In his evidence Mr Stuart Atkinson will:

- 5.18.1 Review the Development in terms of the access arrangements (form, location and implementation) and summarize the Development's potential traffic generation and demonstrate how this can be managed effectively during the tree removal, construction and post commissioning periods.
- 5.18.2 Make reference to the 2008 ES (Chapter 14) and the SEI 2011 (Chapter 14) and how the refinements to the Development made since the Application was submitted in 2008 will result in reduced traffic movements upon the adjoining highway network.
- 5.18.3 Report upon the substantial progress that has been made in relation to a co-ordinated approach amongst developers and the highway authorities, highways agencies, the Welsh Government and the Police towards the future management of deliveries of Abnormal Indivisible Loads from the port of entry to the respective development sites.
- 5.18.4 Demonstrate that extensive consultation has taken place, with multi-party contributions, upon the preparation of a strategic traffic management plan (sTMP) and Transport Tool. This has involved all of the highway authorities and police forces responsible for managing traffic on the relevant local and strategic road networks. An overview will be provided on the measures and procedures proposed in the sTMP/Transport Tool. References will be made to specific sections of the proposed sTMP and the Transport Tool that are of direct relevance to the Carnedd Wen Development. It will be demonstrated that adequate provisions and controls can be implemented to ensure that the delivery of large wind turbine components (such as the Blades, the Tower Sections, Hubs and Nacelles) can, with appropriate traffic

management and infrastructure, be made safely and efficiently to the development site without significant delays or inconvenience to other users of the highway network.

- 5.18.5 Draw attention to the considerable extent of agreement reached, in principle, with the key consultees upon the content and appropriateness of the sTMP and Transport Tool.
- 5.18.6 Provide a robust mitigation strategy comprising traffic management, off-site highways modifications and infrastructure provisions that will be necessary to address the individual and cumulative impacts of the respective developments. Evidence will be presented to demonstrate that the mitigation strategy can be secured through appropriate planning conditions and obligations attached to a planning consent. This would be consistent with the manner in which other consented wind farm proposals have been dealt with regionally and nationally.
- 5.18.7 Refer to the Planning Officer's Reports to the Council (dated 13 March 2012) and the highways objections raised by the Council. Inconsistencies between the Officer's Report and the highways objection number seven (concerning the site access) will be examined. It will be demonstrated that the Applicant has sought to engage with the Council in order to both clarify and resolve the issues and is continuing to do so. It is proposed that a Statement of Common Ground will be agreed and submitted to the Inquiry.

Grid Connection – Referable to Statement of Matters - 14

- 5.19 In his evidence, Mr Karl Cradick will explain the provisions for connecting the Development to the local electricity distribution network and the National Grid. He will summarise the steps that the Applicant took to determine the technical feasibility of grid connection, including the appraisal of engineering options and routes for connection. The Applicant will demonstrate that technically feasible, deliverable and environmentally acceptable grid connection options are available for the Development, whether the wind farm is considered in isolation or in combination with other wind farm proposals in the locality.

Cultural Heritage and Aviation – Referable to Statement of Matters – 10 and 11

- 5.20 The Applicant is not currently intending to bring evidence specifically on the topics of cultural heritage or aviation since there are no obvious issues to be addressed in relation to Carnedd Wen or cumulatively with other and existing proposed development.

Other Matters Arising

5.21 If, upon receipt of Outline and (when available) Full Statements of Case from the other parties, it becomes apparent that evidence is required to address issues raised in connection with matters which are not covered above, then the Applicant reserves the right to call evidence in that regard.

6. STATEMENT OF COMMON GROUND, CONDITIONS AND PLANNING OBLIGATIONS

6.1 Prior to the start of the forthcoming inquiry, the Applicant will work with Powys County Council, Snowdonia National Park Authority, Countryside Council for Wales, Environment Agency Wales, Forestry Commission Wales, CADW and Scottish Power Energy Networks (SPEN) to agree Statements of Common Ground on matters including the following:

- The procedural history of the project and relevant documentation;
- Site description
- Description of the Development
- Relevant energy policy;
- Relevant planning policy;
- Environmental safeguards during construction;
- Landscape and visual effects and the methodology for their assessment;
- Hydrology;
- Peat management
- Non-avian ecology;
- Avian ecology;
- Forestry;
- Transport;
- Noise;
- Socio-economic effects;
- Cultural heritage;
- Shadow flicker;
- Grid connection;
- Aviation and radar.

6.2 The Applicant will seek to agree a set of conditions with the Council for discussion at the inquiry,

6.3 The Applicant will also seek to negotiate planning obligations in order to secure relevant project provisions including a Habitat Management Plan.

EVERSHEDS LLP
1 Callaghan Square
Cardiff CF10 5BT
21 January 2013