

# Inquiry Initial Session

## Applicant's Opening

### Submissions

### Llanbadarn Fynydd



## **1 THE APPLICANT**

- 1.1 Vattenfall is one of Europe's largest generators of electricity and its largest producer of heat. Vattenfall currently operates 727MW of onshore wind capacity and 832MW of offshore wind across northern Europe.
- 1.2 In the UK, Vattenfall operates three offshore wind farms totalling 540MW installed capacity and three onshore wind farms totalling 72MW.
- 1.3 UK projects it is working on at this time include the consented Pen y Cymoedd Onshore Wind Energy Project in South Wales (of up to 256MW) and East Anglia Offshore Wind (of 7,200MW).
- 1.4 In 2011, all Nuon Renewables projects were integrated into the Vattenfall business in the UK.

## **2 DESCRIPTION OF THE SCHEME**

- 2.1 The application for consent under section 36 of the Electricity Act 1989 and deemed planning permission under section 90(2) of the Town and Country Planning Act 1990 was made by letter dated 28th November 2007 for the development of 17 turbines, each rated at up to 3.5MW, giving a maximum installed capacity of 59.5MW.
- 2.2 The turbines would have a maximum height to blade tip of 126.5m with assessment having been made around an approximate hub height of 80m. Associated infrastructure involves the usual on site met mast, tracks, underground cabling, substation and construction compound, and provision has been made for on-site borrow pits.
- 2.3 Supplementary Environmental Information ("SEI") was submitted in 2008 and 2010 which considered minor amendments to the scheme as submitted. These amendments did not seek to change the height, number or location of turbines but were submitted

in response to consultee comments received with regard to access and the alignment of on-site tracks.

- 2.4 Further SEI was submitted in February 2013 particularly, because given the length of time since baseline surveys were undertaken in support of the application, to update upon the results of ecological, ornithological, traffic and noise surveys undertaken in 2012/13. The SEI of 2013 also provides updated cumulative assessments of the effects of the proposed development in combination with other wind farms which are consented or proposed.
- 2.5 The application does not include grid connection beyond the on-site substation. Vattenfall, like the other developers in this inquiry, will respond to the Inspector's request that where we can helpfully comment on potential cumulative impacts between our development proposal and grid connection to be pursued in the future by the DNO, we will. That said, any limitations on our ability to do so are not weaknesses that in any way invalidate the application we have made or the SofS's ability to determine it.
- 2.6 Reason for objection No 7 from PCC relates to grid impacts. In this regard this scheme is similar to the other schemes, namely that concern is raised over a lack of certainty as to the scope of any additional grid infrastructure required and if so, what its landscape, visual and socio-economic impacts will be. The work that is anticipated for session 4 of this inquiry next year will be directed at answering this concern.

### **3 HISTORY OF CONSIDERATION BY DECC TO DATE AND PARTICIPATION BY POWYS CC**

- 3.1 It is well known that despite the application having been made to DECC in late 2007, formal consideration by Powys CC did not take place until March 2012. That led to 7 reasons for objection, rather more than were recommended by the Officers in the report to the Cabinet Executive, most notably the fact that Reason for Objection No 6 relating to landscape and visual impacts, tourism and other economic factors, and Reason 7 already mentioned, were not raised by the Officers.
- 3.2 The SofS has, of course, taken account of all the objections made in identifying in his Statement of Matters those issues that will be expected to be specifically addressed in evidence.

- 3.3 Levels of public support and opposition to this scheme will be apparent during the inquiry, against which we can note that whilst determinations like this are not made by plebiscite, i.e. headcount for or against, public involvement in the inquiry is both important and very welcome. In particular it allows the decision maker to look beyond numbers of responses and strongly held opinions, and to allow these to be considered against the substance of that public support or opposition.

#### **4 NEED FOR THE DEVELOPMENT AND BENEFITS OF THE SCHEME**

- 4.1 Need for and benefits of the schemes is the area of focus for the initial session this week. It is clearly referred to in the Statement of Matters, items 1 to 3, especially security of supply, transition to a low carbon economy and achieving climate change goals and the consistency of all these applications with UK and Welsh energy and planning policy. Need for these developments is not of itself challenged by Powys in its Reason for Objection No. 1 but the implication is that in no case is any project individually, and thus even more so any projects cumulatively, at such a low level of impact that need for the resulting new generating capacity would outweigh those impacts.

- 4.2 Time available for a short opening like this does not allow a detailed synopsis of the weight of that need but by way of headline comment only we can note that

- (a) the issues being addressed relate to a national need for renewables,
- (b) that need at national level does not have any cap attached to it,
- (c) we are dealing with the same type of development for each of the five windfarm sites, each of which can contribute to that need,
- (d) no applicant (or indeed PCC) starts from the position that there is a pre-set maximum level of development that can be accommodated satisfactorily in any SSA,
- (e) the policy support that exists for development by reference to the SSA boundaries, within TAN 8 and as refined, is material to the SofS' decision,
- (f) the WG Minister's letter of July 2011 cannot simplistically be seen as creating a cap on development,

(g) and above all, that the need that is being addressed is urgent - so we should not be tempted to divorce need from impact because of statements like "*need is not being challenged*". The reality is that the extent of the need, and the contribution this scheme (and indeed the other schemes) can make to it should be prominent whenever impacts are considered at this inquiry.

4.3 Local planning policy will have a role at this inquiry, even though we are not subject to the primacy of development plans contained in s38 (6) TCPA 1990. Local policy can be seen as a manifestation of local conditions and local concerns, both of which are very material to the quality of the Secretary of State's decision.

## **5 LANDSCAPE IMPACTS**

5.1 This application, which is not alone in this respect amongst the schemes, has a reason for objection from PCC (reason No 6 mentioned already) that landscape impacts are unacceptable. We refute this in respect of our site and Vattenfall's 2013 SEI has fully updated the landscape impact assessment against the latest published Landmap data, an assessment which continues to support the acceptability of the scheme. We have said already that this was not an objection that the PCC officers advanced nor did CCW, as it then was, object to the landscape impacts of the scheme itself.

5.2 We note PCC's most recent iteration of its Statement of Case in relation to the landscape impacts of our site and others in Area C. The position PCC took on landscape impacts before and at the point it resolved upon its formal objections is a matter of record. With the process now moved to inquiry your concern will be the quality of evidence supporting a case for or against any aspect of a site, which applies as strongly to PCC's arguments as it does to any other inquiry participant.

5.3 A key reason why we are at this unusually large conjoined inquiry is to allow consideration of not just the landscape impacts of individual proposals, but the interrelation of landscape impacts between these conjoined s36 applications and also a range of other TCPA applications that are awaiting determination. Vattenfall's 2013 SEI has also fully addressed cumulative impacts with these other schemes and again the conclusion is that the impacts are acceptable.

## **6 VISUAL IMPACTS**

- 6.1 Visual impact as a concern is found within PCC's reason for objection No 6, again, added in by the Members. This will include impacts to rights of way and other recreational areas as well as to individual residential properties more generally by reference to settlements. Again, assessment material for residential amenity impacts is being discussed between participants, following the accepted practice that the closer a property might be to turbines, the more specific the assessment of residential amenity impacts will be expected to be.
- 6.2 It is particularly those nearer properties, within circa 1.5km of turbines, where consideration of whether any such properties could be said to be so adversely affected as to be rendered an unattractive place to live are of key importance. Here in particular, contribution from local residents, offering their input on the accuracy of those assessments and other factors drawn from their local knowledge can only assist your consideration and improve the quality of the overall decision.

## **7 CULTURAL HERITAGE**

- 7.1 Impact of development on cultural heritage is item 10 in the SofS Statement of Matters but is not a matter that features in the PCC Reasons for objection at this site, or in any of the Statements of Case relating to it.

## **8 NOISE AND HYDROLOGY**

- 8.1 Noise impacts, individual and cumulative, are listed at item 6 of the SofS' Statement of Matters, but again are not matters that feature in the PCC Reasons for objection in respect of this site. We are aware from input from residents to date that there are, what are perhaps inevitable concerns seen with any windfarm, as to what the nature of noise impacts will be in practice. We will co-operate with you and with them to answer those questions in the most efficient and effective way possible.
- 8.2 If that means inquiry time being used to allow a noise expert to address issues before you, we are happy to be part of that process, but we stress that we will do all we can, and ask that others reciprocate, to ensure that wherever possible inquiry time is not taken up with matters that are ultimately ones of reassurance or explanation that can be adequately dealt with outside of the inquiry.

- 8.3 Hydrology is raised here only because very much the same things can be said on it as have just been said on noise, both in respect of it not being a PCC reason for objection and of it being a matter where residents have indicated they will be seeking assurances. Where shadow flicker has been raised by residents, it too can be dealt with in this way.

## **9 BIODIVERSITY AND PEAT**

- 9.1 Impacts on protected sites and protected species are raised in item 7 of the SofS Statement of Matters, impacts on peat at item 13. None of these are matters that feature in the PCC reasons for objection at this site or in any of the Statements of Case that relate to the site.
- 9.2 We are aware that consideration is to be given to the need for Appropriate Assessment that could draw in data from all or any site and we will of course co-operate in this process as far as we are required to.

## **10 HUMAN HEALTH AND AVIATION**

- 10.1 Health impacts and aviation are a slightly odd pairing, but both feature in the SofS' Statement of Matters (items 9 and 11 respectively) and neither feature in respect of this site in the PCC reasons for objection or any Statements of Case so far submitted on this site.
- 10.2 These issues are raised separately from others in that aviation tends to be a very specific objection from a narrow range of civil and military stakeholders, which ought to have been identified by now if an issue. Health impacts, if they are to be raised, are likely to fall more into the camp of generic concerns about wind turbines that would apply to any scheme in this inquiry. The fact remains that there is no objective evidence in the UK linking turbines with adverse health effects.

## **11 SOCIO-ECONOMIC IMPACTS, INCLUDING TOURISM**

- 11.1 Issue 8 of the SofS statement of matters is drawn from PCC reason for objection No 6, that has been applied to all five schemes, relating to the potential for adverse effects on tourism and other economic factors.
- 11.2 These are not argued to be specific to any location or scheme but rather of general application to any windfarm in this locality. This concern will be looked at in SEI that is

in preparation, but it can be observed even at this early stage that the weight of evidence generally on this issue is that windfarms do not harm tourism, nor do they have any other overall negative effect on the economy of the areas in which they are built.

## **12 HIGHWAY ACCESS**

- 12.1 PCC Reasons for objection 2, 3, 4 and 5 all relate to highways in different ways, but have the common theme, shared with other applications at inquiry, of the concern expressed by PCC that impacts from construction traffic, and in particular AILs (abnormal indivisible lorry movements) must be shown to be acceptable, picked up in item 6 of the SofS' Statement of Matters.
- 12.2 We can observe one distinction in these, that PCC objection 2(a) refers to concern over the existing Class III highway C1057 which is proposed to form part of the internal access route for construction vehicles. This is a site specific highway issue that will be dealt with in Session 1 and is being addressed in SEI relating to that. That same reason 2(a) also raises concern over highway works proposed over the Vastre on the Class III C2058, which is part of the Strategic Transport Management Plan (STMP) and will be dealt with in session 4, given that all sections of the STMP have implications for more than one site.
- 12.3 The STMP is an area where there is a significant level of on-going work between the Applicant, other developers that share common access routes and PCC. Given that on-going work, there is limited value in spending time in opening at this initial session on the detail of transport routes that are still being worked upon and potentially subject to refinement of detail.
- 12.4 All sections of the STMP affect more than one site, the overlap with other schemes becoming greater the further back away from the sites along the STMP route you progress.
- 12.5 Part of this on-going work relates to the mechanisms by which management of competing demands of developers on the same stretches of highway can be adequately and effectively controlled which is anticipated to lead to what in essence is a phasing arrangement between schemes, backed by the force of planning obligation. There is a high level of confidence given the progress made to date that these

management arrangements will be agreed, subject of course to consideration of them within the inquiry.

### **13 THE RELEVANCE OF OTHER SCHEMES**

13.1 This is as good a place as any to record the fact that the process we are all engaged in now is one by which the Secretary of State, as decision maker, must determine each application before him, on all impacts of each scheme, considered alone and in combination with all other relevant schemes.

13.2 The acceptability of any scheme will rely on a totality of impacts, judged against the contribution to overall benefits that scheme can make, including the national need.

13.3 If there is a temptation felt by any party at times to treat this inquiry process as some sort of beauty parade between schemes that should be resisted for many reasons but high on that list of reasons is that the judgement upon the totality of individual and combined impacts vs. benefits is ultimately only a matter for the Secretary of State, and for your report to him, and certainly not one that any other participant at this inquiry should presume for themselves.

### **14 THE PLANNING BALANCE**

14.1 We start this inquiry process confident that there are no reasons that would mean this scheme cannot or should not be approved. Rather, given the urgent need for development, there are very good reasons why it should be approved. We however, like everyone else, find ourselves in the unusual position at the start of an inquiry, of not knowing the totality of the material that will be submitted about the different schemes at inquiry, or indeed the extent of the material we will be submitting. It is for that reason that we accept that we (and indeed all applicants) will need to address you with the same level of confidence about the merits of approving our schemes once all the evidence has been heard and tested.

**Patrick Robinson**  
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**4<sup>th</sup> June 2013**