

Powys County Council Mid Wales Conjoined Public Inquiry  
Electricity Act 1989 (sections 36, 37, 62(3) & schedule 8) Town and Country  
Planning Act 1990 (section 90)

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UPDATED OUTLINE STATEMENT

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**1. INTRODUCTION**

1.1. In January 2013 Powys County Council (“the Council”) produced an initial outline statement concerning the above matters, in accordance with the inquiry timetable.

1.2. In that document the Council noted that:

*“This statement reflects the current position of the Council and is based upon the decisions that the Council has made on each of the six schemes listed below.*

*“The Council is reviewing and will continue to review its position in the light of any new information received, whether from the applicants or other authorities or interested parties. On this basis, the Council is unable to confirm that the submissions made below will remain part of its final case(s).”*

1.3. The Council has been reviewing the position in light of further information received thus far. Although there is no obligation within the inquiry timetable to provide an update on the initial outline statement of case, it seems to the Council that it would be of greatest assistance to the inquiry and all other parties that it provides an update on its position at this stage.

1.4. This document does not represent the Council’s final position. As anticipated at the pre-inquiry meetings, the Council’s case is, by

necessity, evolving and developing in response to the further information provided and further discussions with all the other parties. However the Council will endeavour to continue to keep all parties and the inquiry updated on their current position so far as is reasonable and practicable.

1.5. In addition, the Council will be providing evidence during the course of the inquiry relating to the various matters which the Secretary of State has requested be addressed during the inquiry<sup>1</sup>. Some of those matters – in particular issues relating to the individual and combined social and economic impact of the proposals, the inextricably linked and potentially differing implications for the electricity grid network if only some rather than all of the proposals are allowed and the combined landscape and visual impact of the proposed developments and other wind farm proposals - have been timetabled to be heard in March 2014, with statements of case due in January 2014.

1.6. Indeed, much of the key required information relating to such topics is either not fully in the public domain yet (grid lines – the Mid-Wales grid update project) or can be anticipated to require updated assessment in light of inevitable developments (cumulative impact) towards the end of 2013. Accordingly the formulation of such issues will have to wait – as anticipated by the inquiry timetable.

## **2. APPLICATIONS.**

2.1. Application by Vattenfall dated 30 November 2007 for consent to construct and operate a 59.5MW wind turbine generating station near Llanbadarn Fynydd (referred to as “Llanbadarn Fynydd” in this statement).

2.1.1. This is an application for 17 turbines, each with an installed capacity of up to 3.5MW.

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<sup>1</sup> Pursuant to rule 4 (1) of the Electricity Generating Stations and Overhead Lines (Inquiries Procedure) (England and Wales) Rules 2007

- 2.1.2. The proposed turbines have a maximum height to blade tip of 126.5m
  - 2.1.3. Also proposed is associated infrastructure, underground cabling, borrow pits and off site highway works.
  - 2.1.4. The application lies partially in and partially outside the originally formulated SSA C for the purposes of TAN8, and mostly within the refined area anticipated by the Council's refinement work.
- 2.2. Application by Fferm Wynt Llaithddu Cyf dated 7 May 2008 for consent to construct and operate a 66.7MW wind turbine generating station, at Llaithddu (referred to as "Llaithddu" in this statement).
- 2.2.1. This application is for 29 turbines, each rated at 2.3MW.
  - 2.2.2. The proposed turbines vary in height: 15 turbines will have a maximum height of 115.5 metres to blade tip and 14 will have a maximum height to blade tip of 99.5 metres.
  - 2.2.3. The site comprises approximate 660 hectares, and is situated 8km southwest of Newtown.
  - 2.2.4. Also proposed is associated infrastructure.
  - 2.2.5. The application lies outside the originally formulated SSA C for the purposes of TAN8, and is within the refined area anticipated by the Council's refinement work.
- 2.3. Application by Celtpower Limited dated 9 May 2008 for consent to construct and operate a 126MW wind turbine generating station at Llandinam (referred to as "Llandinam" in this statement).
- 2.3.1. The application was originally made for 42-turbine generating station with an installed capacity of up to 126 MW.
  - 2.3.2. However the applicant initially proposed reducing this to 39 turbines with installed capacity of 117 MW.
  - 2.3.3. In February 2013 it was confirmed that a further 5 turbines would be removed from the scheme in an attempt to address outstanding concerns in relation to the scheme.

2.3.4. The scheme is a repowering of the existing Penryddlan and Lldiartywaun wind farms. It will include removal of the existing 102 turbines at the site.

2.3.5. The “candidate” turbine has a maximum height to blade tip of 121.2 meters although a number of turbines will be of a lower height at 111.2 meters.

2.3.6. The application lies outside the originally formulated SSAC for the purposes of TAN8, and within the refined area anticipated by the Council’s refinement work.

2.4. Application by RES UK & Ireland Limited dated 27 March 2009 for consent to construct and operate a 100MW wind turbine generating station at Llanbrynmair (referred to as “Llanbrynmair” in this statement).

2.4.1. This application originally sought consent for a 43 turbine scheme.

2.4.2. The current proposal (after amendments in 2011 and again in 2012) is for 30 turbines.

2.4.3. The proposed turbines have an indicative maximum height to blade tip of 126.5m

2.4.4. The application lies within the originally formulated SSA B for the purposes of TAN8, and mostly within the refined area anticipated by the Council’s refinement work.

2.5. Application by RWE nPower Renewables Limited dated 11 December 2008 for consent to construct and operate a 130 - 250MW wind turbine generating station(referred to as “Carnedd Wen” in this statement.

2.5.1. This application was originally for a 65 turbine scheme.

2.5.2. Following amendments in 2011, the application was amended to a 50 turbine scheme with a maximum installed capacity of 250MW.

2.5.3. The applicants have recently (March 2013) indicated that the capacity is to be amended to 150MW. The proposed turbine heights are 137m to tip and 90m to hub.

2.5.4. The site is situated to the south of the A458 and to the north of Llanbrynmair.

2.5.5. The application lies within the originally formulated SSA B for the purposes of TAN8, and partially inside and partially outside the refined area anticipated by the Council's refinement work.

2.6. Application by SP Manweb plc dated 2 December 2009 for consent to install and keep installed a 132kv overhead electric line connection from the proposed Llandinam wind farm to the Welshpool substation (referred to in this statement as Llandinam 132kv overhead line).

2.6.1. The application is to install and keep installed a new 132kV overhead line over a distance of 35km and within a 100m corridor from Llandinam wind farm to the Welshpool substation.

2.6.2. In subsequent SEI produced in 2010 two amendments to the route were proposed taking it outside the original 100m corridor.

### **3. OVERVIEW**

3.1. As set out in its recent Policy Statement of Case, the Council's evidence will provide a detailed analysis of the legislative background, national and local energy and planning policies, guidance and ministerial letters and statements.

3.2. It will accept the general need for wind farms, but through analysis of the relevant policy statements will address the extent to which that need is already met by other existing, consented and proposed wind farms, and thus the weight properly to be attached to it in the planning balance. It will demonstrate that the raft of policies, properly construed and considered in the relevant legal context, requires the decision maker to apply a balance between the need for wind farms and their associated benefits as against the harm caused by the applications.

3.3. In particular it will look at TAN8 capacity guidelines and the reasoning underpinning those capacities. They will explore the extent to which environmental harm will be caused by exceeding those capacities. It will demonstrate that these applications have the potential (with or without other consented wind farms and pending wind farm applications) to exceed the recently affirmed TAN8 capacity guidelines. It will consider the relationship between the TAN8 capacity limits and other statements of planning and energy policy.

3.4. The implications for the proposed grid connections if some or all of the proposals are allowed will be explored. The Council will contend that any lawful s.36 decision(s) to grant consent for the proposals (save for Llandinam which has a full grid proposal before the inquiry in any event) will require appropriate consideration to be given to the resulting implications for grid connection in the context of TAN 8 capacity guidelines. The Council will consider such guidelines and the extent of any further environmental harm resulting from the type of grid connection proposed. The Council will consider to what extent that may potentially vary depending upon how many – if any – of the proposals before the inquiry are given consent.

#### **4. LLANBADARN FYNYDD**

##### **4.1. RF01-Policy.**

4.1.1. Reason for Objection (“RFO”) 1 in the Council’s Form B response on Llanbadarn Fynydd provides: *“National Policy NPS EN-1 and EN-3 has a requirement that overarching 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 or cannot be overcome, then consent should be refused where longer term and cumulative impacts would be sufficiently adverse (after mitigation) to outweigh the benefits. In the Local Planning Authority's view, the National Policy Requirements and prevailing Welsh Government and Local Policies cannot be met in the following respects"*

4.1.2. As set out above, a full assessment of the policy framework will be provided, and will inform the Council's evidence and submissions. Policy does not form a reason for objection in and of itself, but the Council will argue that the identified harms, when assessed against the policy framework, mean that the application should be rejected.

4.2. Local Highway network (RF02).

4.2.1. RF02 provides: *"The delivery route chosen by the applicant has significant unresolved issues as follows: a. The existing Class III highway C1057, which is proposed to form part of the internal access route for construction vehicles, is narrow and lacks adequate width or passing places and use of this road by vehicles generated by the development will adversely affect the safety of existing highway users. Furthermore, the substandard width of highway proposed over the Vastre on the Class III C2058 will lead to conditions prejudicial to highway safety. b. The inadequate and lack of detail submitted for the Pool Road and Kerry Road turn, for abnormal loads, does not confirm that the route to the site can be negotiated and identifies private property being damaged. In addition, the likely delays congestion and inability to negotiate the turn will have a significant detrimental affect on the safety and free flow of travelling public."*

4.2.2. Although further SEI has been submitted by the applicant in February 2013, the information provided at this time does not fully address the local route issues identified in RF02, as communicated by the Council's highways officer to the Applicants. The Council is

working with the applicant to seek to resolve the remaining issues, particularly those surrounding the use of the Vastre road.

4.2.3. Following a meeting on the 10<sup>th</sup> April 2013 the Applicant agreed to provide drawings showing details for each access point between the haul roads and county roads. It was also agreed that the existing C1057 between Eastern and Southern Accesses would be strengthened prior to works commencing and inter-visible passing bays would be provided and construction staff and construction vehicles would be required to use the Western Access to the site to avoid the use of unsuitable and unimproved roads.

4.2.4. The Council will keep this matter under review

#### 4.3. Strategic Traffic Management Plan (RF03)

4.3.1. RF03 provides: *“There is an absence of a Strategic Traffic Management Plan (sTMP) that has been agreed by the Highways Authority 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 a large scale movements generated on the Powys road system that would otherwise not have the capacity to sustain such traffic movement. Without the sTMP to which a suitable Network Management Legal Control mechanism could be applied, the adverse cumulative impact upon the road network generated by uncoordinated large scale HGV and ALL 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 (sic) the requirements of National Policy NPS EN-1 and EN-3 in respect of adverse impacts (after mitigation) outweighing the benefits.”*

4.3.2. The Council has been and is considering a draft STMP, the latest version of which has been provided to them on the 16<sup>th</sup> April 2013. However, this has not formed part of an SEI submission to date.

4.3.3. The Council consider that there are still issues to be resolved in relation to section 3 of the STMP, which includes the route known as the “Vastre”, to the extent that it uses County Road. The Council is seeking to resolve those issues with the developers. The Council is also seeking to negotiate a section 106 agreement to ensure that the STMP is adhered to and that damage to the highway is rectified at the applicant’s expense.

4.4. Environmental impact of traffic generated and new roads and accesses (RF04 and RF05).

4.4.1. RF04 provides: *“The proposal fails to meet the requirement 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 of the safety and convenience of the other users of the transport network.”*

4.4.2. RF05 provides: *“The requirements for the provision of an acceptable highway access and any new roads and accesses sufficient to service the developments 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 policies in respect of providing acceptable and adequate highway access to serve this development.”*

4.4.3. The Council are not in a position to decide whether this objection can be withdrawn until they have been provided with the SEI relating to the STMP and the Local Highway Network.

4.4.4. This matter is being kept under review. The Council will assess the environmental impacts of the final traffic information, and in particular the landscape impacts. In particular, the Council is in the process of assessing the landscape implications of the extensive work required to the Vastre route.

4.5. Landscape and visual impact, and socio-economic impacts (RF06).

4.5.1. RF06 provides: *“the unacceptable landscape and visual impact of the applications including the detrimental effect on tourism and other economic factors.”*

4.5.2. In relation to landscape, it is considered that Llanbadarn Fynydd occupies a separate landscape ‘unit’ east of the Ithon valley, an area of high rolling hills which drop down to the Teme valley in the east before rising immediately again; this latter landscape is part of the Shropshire Hills Area of Outstanding Natural Beauty (AONB). The Llanbadarn Fynydd landscape unit is of considerable value (although not designated) and judged to be of a comparable quality to the adjoining AONB and, critically, it is almost entirely ‘untouched’ by the effect of wind farm development. The Llanbadarn Fynydd landscape unit is a much less preferable option to continuing development along the Llandinam ridge, particularly in the context of the fact that the TAN 8 capacity guidelines can be met through development on Llandinam ridge. Wind farm development at Llanbadarn Fynydd, would have considerable harmful landscape effects, including on the AONB, and would set a precedent for other wind farm development in the same landscape unit. The Council will argue that the landscape effects of Llanbadarn Fynydd are unacceptable, both individually and cumulatively with other applications before the inquiry and in the planning process.

4.5.3. In relation to socio-economic impacts, the Council are in the process of investigating socio-economic impacts and at the moment currently anticipates calling evidence on the impact of the proposal, individually and cumulatively with the other applications before this inquiry and in the planning process, on tourism and other economic factors, which will demonstrate that the Applicant’s assessment of the socio-economic impacts in their ES is inadequate. If the Council provide such socio-economic evidence it will be presented in the timetabled session 4 (March/April 2014) in conjunction with the

other individual and cumulative socio economic points relating to other proposals.

#### 4.6. Grid connections (RF07)

4.6.1. RF07 provides: *“A lack of certainty as to whether the proposed development 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.”*

The Council is in the process of investigating the implications of this application for the grid infrastructure, and particularly the extent to which this application (individually or cumulatively) will give rise to a need for more environmentally damaging forms of grid infrastructure and anticipates calling evidence during session 4.

### 5. LLAITHDDU

#### 5.1. RF01 lack of information in respect of the proposed transport route

5.1.1. RF01 provides: *“it is considered that the proposed transportation route is unacceptable on the basis of the information submitted.”*

5.1.2. Further SEI in the form of an updated STMP in relation to the proposed delivery route from the south has still not been received to address the outstanding concerns. In the absence of this information the Council is not able to withdraw this objection. The Council understand from the Welsh Government in particular that the area of concern that remains unresolved in relation to delivery from the south is the implications of the necessary alterations at the Crossgates railway bridge for highway flow,. The Council will continue to work actively with the Welsh Government and the applicant in relation to the resolution of these issues.

5.1.3. There remains uncertainty as to the willingness of the applicants to enter into a section 106 agreement to manage AIL deliveries or

rectify damage to the highway consistent with their duty to mitigate the effects of their development.

5.2. RF02 likely disruption to the highway network.

5.2.1. RF02 provides: *“given the concern 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.”*

5.2.2. The Council has not yet been provided with adequate information to satisfy its concerns in relation to the local highway network. In particular the Council needs to be satisfied that the access from the A483 road to the site can be satisfactorily widened to enable access to the site.

5.3. RF03 landscape and visual.

5.3.1. RF03 provides: *“In light of the concerns expressed by 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.”*

5.3.2. In relation to landscape, the Council has reviewed this matter with its own landscape witness. It will argue that there is some support in landscape terms for Llaithddu. Whilst it would abut Llandinam at its northern end, it would follow a secondary ridge to the south-east to that occupied by Llandinam and would be largely concealed in views from the Dulas valley to the west. However, in continuing along this ridge it would greatly increase the effects of wind turbines on Bwlch-y-Sarnau, its valley and a wide sweep of landscape to the south. The northern part of Llaithddu would be read as effectively an extension of the Llandinam proposal and its impact is considered limited and supportable (subject to consideration of the extent to which the particular design of Llandinam and Llaithddu are compatible) having regard to the need. However, the southern part of Llaithddu is more harmful and is not supportable having regard to the need.

5.3.3. In the circumstances the Council consider that in its current form the Llaithddu application is unacceptable in landscape terms both individually and cumulatively with other applications before the inquiry and in the planning system. While it considers that there is capacity in landscape terms for development to the north of the Llaithddu site, that judgment is predicated on the Inspector accepting that due to the evidence base underlying the Council's refinement work on TAN8, weight should be placed on that refinement exercise and that Llaithddu is able to contribute to the TAN8 capacity guidelines.

5.4. RFO4 biodiversity-curlew

5.4.1. RFO4 provides *"the proposed development would have an unacceptable adverse impact on the curlew."*

5.4.2. As recommended at the pre-inquiry meeting, the Council are working closely with Natural Resources Wales ("NRW", previously the Countryside council for Wales "CCW") in relation to the presentation of evidence.

5.4.3. The Council will not themselves lead evidence in relation to this RFO as NRW will be providing evidence on this point and the Council is anxious to comply with the Inspector's request to avoid duplication of evidence.

5.4.4. The Council is aware that NRW are in discussions with the Applicant to explore whether objections in relation to the curlew can be overcome. Should NRW be satisfied on this point then the Council would no longer pursue this RFO.

5.5. RFO5 hydrology and peat resources.

5.5.1. RFO5 provides: *"there is insufficient evidence to demonstrate that the proposed development would not have an unacceptable impact on hydrology and peat resources in relation to the site."*

5.5.2. The Council is satisfied that the surface water issues identified in relation to this matter can be satisfactorily resolved by condition. In respect of peat matters that evidence is being led by NRW, but the

Council understands that they are not leading an objection on the grounds of peat resources in relation to this application. On that basis, the issue is not pursued.

5.6. RF06 noise

5.6.1. RF06 provides *“there is insufficient information to demonstrate that there will not be unacceptable adverse noise impacts.”*

5.6.2. At the time of completing form B the Council were of the view that insufficient information had been provided to demonstrate that there would be no unacceptable impacts in relation to noise.

5.6.3. Since the time of objection further information has been provided such that the Council are now satisfied in principle that noise can be managed within acceptable levels through appropriately worded conditions.

5.6.4. Thus, provided the Council is able to agree suitably worded conditions the Council anticipates that it will not be relying on RF06.

5.7. RF07 grid

5.7.1. RF07 provides *“in 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.”*

5.7.2. The Council is in the process of investigating the implications of this application for the grid infrastructure, and particularly the extent to which this application (individually or cumulatively) will give rise to a need for more environmentally damaging forms of grid infrastructure. At the moment the Council anticipate calling evidence on this matter in session 4 (cumulative impacts).

5.8. Socio-economic impacts

5.8.1. The Council reserves the right to object on socio-economic grounds.

5.8.2. In relation to socio-economic impacts, the Council is in the process of investigating the impact of the proposal, individually and cumulatively with the other applications before this inquiry and in the planning process, on tourism and other economic factors, and to demonstrate that the Applicant's assessment of the socio-economic impacts in their ES is inadequate. Any socio-economic evidence will be presented in the timetabled session 4 (March/April 2014) in conjunction with the other individual and cumulative socio economic points relating to other proposals.

## 6. LLANDINAM

### 6.1. Trunk road network (RF01)

6.1.1. RF01 provides: *"in terms of the trunk road network, it is considered that the proposed transportation route is unacceptable on the basis that there is insufficient information to demonstrate the viability of the proposed route."*

6.1.2. The Council has received further SEI containing a STMP in April 2013. However, a comprehensive review is still being undertaken.

6.1.3. Given that the Council understand that the proposal for Llandinam is to use the southern route to access the site, there are still outstanding matters to be considered. The Council understands from the Welsh Government that there are two particular areas of concern that remain unresolved in relation to delivery from the south: the implications of the necessary alterations at Crossgates Bridge for highway flow, and the crossing of the River Wye. The Council will continue to work actively with the Welsh Government and the applicant in relation to the resolution of these issues.

6.1.4. There remains uncertainty as to the willingness of the applicants to enter into a section 106 agreement to manage AIL deliveries or to rectify any damage to the highway consistent with their duty to mitigate the effects of their development.

6.2. Local highway network (RF02)

6.2.1. RF02 provides *“on the basis of the information submitted, it is considered that the proposed development would have an unacceptable impact on the local highway network.”*

6.2.2. The Council has not yet been provided with adequate information to satisfy its concerns in relation to the local highway network. In particular the Council needs to be satisfied that the access from the A483 road to the site can be satisfactorily widened to enable access to the site.

6.3. Landscape and visual impact (RF03)

6.3.1. RF03 provides: *“the proposal would have an unacceptable landscape and visual impact. This includes cumulative impact, taking into account other proposed wind farm developments.”*

6.3.2. Since the Council’s original objection on landscape and visual grounds further information in terms of an SEI was submitted in April 2013. The amendments to the scheme include the deletion of the five most northerly turbines together with other layout alterations. The Council have had an opportunity to review the amended layout with their consultant. Following the alterations to the scheme (as requested by the Council), and in the policy context and in light of the existing wind farm at the site, the Council have concluded that the proposal can now be considered acceptable in landscape and visual terms.

6.4. Biodiversity (RF04)

6.4.1. RF04 provides: *“The proposed development would have an unacceptable adverse impact on the interests of biodiversity.”*

6.4.2. As recommended at the pre-inquiry meeting, the Council are working closely with NRW in relation to the presentation of evidence.

6.4.3. The Council will not themselves lead evidence in relation to this RFO as NRW will be providing evidence on this point and the Council is anxious to comply with the Inspector's request to avoid duplication of evidence.

6.4.4. The Council is aware that NRW are in discussions with the Applicant to explore whether objections in relation to the biodiversity can be overcome. Should NRW be satisfied on this point then the Council would no longer pursue this RFO.

#### 6.5. Hydrology and peat resources (RF05)

6.5.1. RF05 provides: *"there is insufficient information to demonstrate that the proposed development would not have an unacceptable impact on the hydrology and peat resource."*

6.5.2. As recommended at the pre-inquiry meeting, the Council is working closely with NRW in relation to the presentation of evidence.

6.5.3. The Council will not themselves lead evidence in relation to this RFO as NRW will be providing evidence on this point and the Council is anxious to comply with the Inspector's request to avoid duplication of evidence.

6.5.4. The Council is aware that NRW are in discussions with the Applicant to explore whether objections in relation to hydrology and peat resources can be overcome. Should NRW be satisfied on this point then the Council would no longer pursue this RFO.

#### 6.6. Noise impacts (RFO6)

6.6.1. RFO6 provides: *"There is insufficient information to demonstrate that there will not be unacceptable adverse noise impacts."*

6.6.2. At the time of completing form B the Council was of the view that insufficient information had been provided to demonstrate that there would be no unacceptable impacts in relation to noise.

6.6.3. Since the time of objection further information has been provided such that the Council is now satisfied in principle that noise can be

managed within acceptable levels through appropriately worded conditions.

6.6.4. Thus provided the Council is able to agree suitably worded conditions the Council anticipate that it will not be relying on RF06.

#### 6.7. Cultural heritage (RF07)

6.7.1. RF07 provides: *“it is considered that the proposed development would have a detrimental impact on cultural heritage.”*

6.7.2. Since Council’s original objection on cultural heritage grounds, further information in terms of an SEI has been submitted in April 2013. The amendments include deletion of the five most northerly turbines together with other layout alterations. The Council is in the process of reviewing this further information to see if their cultural heritage concerns can be considered resolved. It will update the inquiry as soon as the outcome of that review is concluded.

#### 6.8. Socio-economic impacts

6.8.1. The Council reserves the right to object on socio-economic grounds.

6.8.2. In relation to socio-economic impacts, the Council is in the process of investigating socio-economic impacts and at the moment propose to call evidence on the impact of the proposal, individually and cumulatively with the other applications before this inquiry and in the planning process, on tourism and other economic factors, and to demonstrate that the Applicant’s assessment of the socio-economic impacts in their ES is inadequate. Any socio-economic evidence will be presented in the timetabled session 4 (March/April 2014) in conjunction with the other individual and cumulative socio economic points relating to other proposals.

### 7. LLANBRYNMAIR

#### 7.1. RF01-local highway network

7.1.1. RFO1 provides *“on the basis of the information submitted, it is considered that the development would have an unacceptable impact on the local highway network.”*

7.1.2. The Council understand that the Applicant is in the process of producing an amended local traffic management plan. The Council has not yet received SEI containing and assessing any such plan. The Council in particular need to assess the landscape and visual impact of the very significant works required on the local highway between Llanerfyl and Talerddig. The Council asks the Secretary of State to consider the extent to which the significant impacts of the Applicant’s proposed access route could be mitigated by alternative routes, for example shared use of the Carnedd Wen site access and whether the current proposals comply with the Applicants’ duties to preserve amenity under schedule 9 of the Electricity Act 1989.

7.1.3. Further, the Council considers that there are still issues to be resolved in relation to the section of County Road through Welshpool to be used under the STMP. The Council is seeking to resolve those issues with the developers. The Council is also seeking to negotiate a section 106 agreement to ensure that the STMP is adhered to and to ensure that any damage to the highway is rectified at the applicants’ expense.

7.1.4. The Council will keep this matter under review.

## 7.2. RF02-landscape and visual

7.2.1. RFO2 provides *“on the basis of the information submitted, the proposal would have an unacceptable landscape and visual impact.”*

7.2.2. The Council understands that the Applicant is in the process of producing further SEI in an attempt to demonstrate that the Council’s concerns in relation to the landscape and visual impact of this development can be overcome. No such SEI has been received to date. Once this SEI has been received the Council will complete their review of the individual and cumulative landscape impacts of this

development, they will update the Inquiry as soon as that review has been completed.

7.3. RF03-ecological and ornithological

7.3.1. RF03 provides *“in the absence of a Countryside Council for Wales response, it is not considered possible for an informed assessment to be made of the ecological and ornithological impacts of the proposed development.”*

7.3.2. As recommended at the pre-inquiry meeting, the Council is working closely with NRW in relation to the presentation of evidence.

7.3.3. The Council will not itself lead evidence in relation to this RFO as NRW will be providing evidence on this point and the Council is anxious to comply with the Inspector’s request to avoid duplication of evidence.

7.3.4. The Council is aware that NRW are in discussions with the Applicant to explore whether objections in relation to ecology and ornithology can be overcome. Should NRW be satisfied on this point then the Council would no longer pursue this RFO.

7.4. RF04-hydrological impact

7.4.1. RF04 provides *“in the absence of a Countryside Council for Wales response, it is not considered possible to fully assess the hydrological impacts of the proposed development.”*

7.4.2. As recommended at the pre-inquiry meeting, the Council is working closely with NRW in relation to the presentation of evidence.

7.4.3. The Council will not itself lead evidence in relation to this RFO as NRW will be providing evidence on this point and the Council are anxious to comply with the Inspector’s request to avoid duplication of evidence.

7.4.4. The Council is aware that NRW are in discussions with the Applicant to explore whether objections in relation to hydrology and

peat resources can be overcome. Should NRW be satisfied on this point then the Council would no longer pursue this RFO.

7.5. RF05-cultural heritage

7.5.1. RF05 states: *“it is considered that the proposed development would have a detrimental impact on cultural heritage”*

7.5.2. The Council understand that the Applicant is in the process of producing further SEI in an attempt to demonstrate that the Council’s concerns in relation to the landscape and visual impact of this development can be overcome. No such SEI has been received. Once this SEI has been received the Council will complete its review of the individual and cumulative cultural heritage impacts of this development, they will update the Inquiry as soon as that review has been completed.

7.6. RF06-grid connection

7.6.1. RF06 states: *“in the absence of a Countryside Council for Wales response, it is not possible to determine that there is no obvious reason why a grid connection will not be possible.”*

7.6.2. The Council is in the process of investigating the implications of this application for the grid infrastructure, and particularly the extent to which this application (individually or cumulatively) will give rise to a need for more environmentally damaging forms of grid infrastructure. At the moment the Council anticipates calling evidence on this matter in session 4 (cumulative impacts).

7.7. Socio-economic impacts

7.7.1. The Council reserves the right to object on socio-economic grounds.

7.7.2. In relation to socio-economic impacts, the Council is in the process of investigating socio-economic impacts and at the moment propose to call evidence on the impact of the proposal, individually and cumulatively with the other applications before this inquiry and in

the planning process, on tourism and other economic factors, and to demonstrate that the Applicant's assessment of the socio-economic impacts in their ES is inadequate. Any socio-economic evidence will be presented in the timetabled session 4 (March/April 2014) in conjunction with the other individual and cumulative socio economic points relating to other proposals.

## 8. CARNEDD WEN

### 8.1. RF01, RFO2 and RFO3-habitats

8.1.1. RFO1 provides: *"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 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."*

8.1.2. RFO2 provides *"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 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 to be provided in respect of a development."*

8.1.3. RFO3: *"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.”*

8.1.4. As recommended at the pre-inquiry meeting, the Council is working closely with NRW in relation to the presentation of evidence.

8.1.5. The Council will not itself lead evidence in relation to this RFO as NRW will be providing evidence on this point and the Council is anxious to comply with the Inspector’s request to avoid duplication of evidence.

8.1.6. The Council is aware that NRW are in discussions with the Applicant to explore whether objections in relation to ecology can be overcome. Should NRW be satisfied on this point then the Council would no longer pursue this RFO.

## 8.2. RFO4-policy

8.2.1. RFO4 provides: *“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 regards 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 effect on ecology. It is also recognised that where adverse impacts are considered within 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.”*

8.2.2. As set out above, a full assessment of the policy framework will be provided, and will inform the Council’s evidence and submissions. Policy does not form a reason for objection in and of itself, but the Council will evaluate the identified harms, when assessed against the policy framework. The Council is however awaiting further information in the form of SEI from the applicants regarding

amendments to the scheme and will consider the position further upon receipt.

### 8.3. RF05-strategic highways

8.3.1. RF05 provides *“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 not otherwise 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 ALL 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 in this development in respect of failing to satisfying (sic) the requirements of National Policy NPS EN-1 and EN-3 in respect of adverse impacts (after mitigation) outweighing the benefits.”*

8.3.2. The Council understand that there is a draft STMP.

8.3.3. The Council has not yet been provided with SEI containing a STMP.

8.3.4. The Council consider that there are still issues to be resolved in relation to the section of County Road through Welshpool to be used under section 3 of the STMP. The Council is seeking to resolve those issues with the developers. The Council is also seeking to negotiate a section 106 agreement to ensure that the STMP is adhered to and to ensure remediation of any damage to the highway at the developer's expense.

### 8.4. RF06 and RF07-traffic

8.4.1. RF06 provides *“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 of safety and convenience of other users of the transport network.*

8.4.2. RFO7 provides *“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 development. The proposal therefore fails to satisfy the requirements of adopted County UDP policy in respect of providing acceptable and adequate highway access to this development.”*

8.4.3. As set out above, the Council consider that there are still issues to be resolved in relation to the section of County Road through Welshpool to be used under section 3 of the STMP. The Council is seeking to resolve those issues with the developers. The Council is also seeking to negotiate a section 106 agreement to ensure that the STMP is adhered to and to ensure remediation of any damage to the highway.

8.4.4. There are, however, no remaining issues in relation to the site access.

8.5. RFO8-landscape and visual, and socio-economic impact.

8.5.1. RFO8 provides *“the unacceptable landscape and visual impact of the applications including the detrimental effects on tourism and other economic factors both for Powys and Snowdonia National Park.”*

8.5.2. The Council understands that the Applicant is in the process of producing further SEI in an attempt to demonstrate that the Council’s concerns in relation to the landscape and visual impact of this development can be overcome. No such SEI has been received to date. Once this SEI has been received the Council will complete its

review of the individual and cumulative landscape impacts of this development and will update the Inquiry as soon as that review has been completed.

8.5.3. In relation to socio-economic impacts, the Council is in the process of investigating socio-economic impacts and at the moment propose to call evidence on the impact of the proposal, individually and cumulatively with the other applications before this inquiry and in the planning process, on tourism and other economic factors, and to demonstrate that the Applicant's assessment of the socio-economic impacts in their ES is inadequate. Any socio-economic evidence it will be presented in the timetabled session 4 (March/April 2014) in conjunction with the other individual and cumulative socio economic points relating to other proposals.

#### 8.6. RF09-grid

8.6.1. RF09 provides: *"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."*

8.6.2. The Council is in the process of investigating the implications of this application for the grid infrastructure, and particularly the extent to which this application (individually or cumulatively) will give rise to a need for more environmentally damaging forms of grid infrastructure. At the moment the Council anticipates calling evidence on this matter in session 4 (cumulative impacts).

### 9. LLANDINAM 132KV OVERHEAD LINE

#### 9.1. RF01-overground/underground

9.1.1. RF01 provides: *"insufficient information has been provided to demonstrate that there are overriding reasons for the proposed line to be overhead instead of being placed underground, contrary to*

*planning policy contained within the Powys Unitary Development Plan (March 2010).*

9.1.2. The Council has requested that SEI be provided dealing with the question of the need for overhead power lines. No such SEI has been provided.

9.1.3. In the circumstances the Council is not able to review this RFO until it has been provided with the SEI, and the RFO is maintained.

## 9.2. RFO2-landscape and visual

9.2.1. RFO2 provides *“the proposed development would have unacceptable landscape and visual impact. This includes cumulative impacts.”*

9.2.2. The Council understands the Applicant is in the process of producing further SEI dealing with the question of the need for overhead power lines. No such SEI has been provided to date.

9.2.3. In the circumstances the Council is not able to review this RFO until it has been provided with the SEI, and the RFO is maintained.

9.2.4. Further and in any event, the Council considers that it is likely that the application will have an unacceptable landscape and visual impact when considered cumulatively with the other applications before this inquiry and in the planning process, and the Council is likely to provide evidence to this effect.

## 9.3. RFO3-biodiversity

9.3.1. RFO3 provides: *“The proposed development would have an unacceptable impact on biodiversity. Insufficient information has been submitted to demonstrate how impacts on biodiversity could be mitigated.”*

9.3.2. As recommended at the pre-inquiry meeting, the Council is working closely with NRW in relation to the presentation of evidence.

9.3.3. The Council will not itself lead evidence in relation to this RFO as NRW will be providing evidence on this point and the Council is

anxious to comply with the Inspector's request to avoid duplication of evidence.

9.3.4. The Council is aware that NRW are in discussions with the Applicant to explore whether objections in relation to ecology can be overcome. Should NRW be satisfied on this point then the Council would no longer pursue this RFO.

#### 9.4. RFO4-cultural heritage

9.4.1. RFO4 provides *"the proposed development would have an unacceptable impact on cultural heritage. In the absence of a response from CADW, it is not considered possible to fully assess impacts in this respect."*

9.4.2. The Council has reviewed the evidence and their objection on cultural heritage grounds is maintained.

9.4.3. The Council is aware that further work is being done through the provision of SEI on cultural heritage impacts, and will of course review the further SEI when it is provided to consider whether it demonstrates that their concerns in relation to cultural heritage have been overcome.

#### 9.5. RFO5-rights of way and recreation

9.5.1. RFO5 provides *"the proposed development would have an unacceptable impact on the public rights of way network and recreation."*

9.5.2. The Council understands the Applicant is in the process of producing further SEI dealing with their concerns in relation to impacts on the public right of way network and recreation. No such SEI has been provided to date.

9.5.3. In the circumstances the Council is not able to review this RFO until they have been provided with the SEI, and the RFO is maintained.

#### 9.6. RFO6-need

9.6.1. RFO6 provides *“in the light of the Countryside Council for Wales’ comments, dated 24 October 2012, it is considered that insufficient need for the proposed line has been demonstrated to outweigh its adverse impacts.”*

9.6.2. The Council anticipates producing evidence of dealing with the question of the need for the proposed line, as part of their overall evidence on gridlines.

## 10. WITNESSES

- 10.1. The Council will call the following witnesses on the following topics:
- 10.2. Planning
- 10.3. Landscape and visual (individual applications)
- 10.4. Landscape and visual (cumulative)
- 10.5. Cultural heritage (in so far as the cultural heritage matters cannot be resolved)
- 10.6. Transport (in so far as the remaining matters identified above cannot be resolved, and in so far as is required to consider conditions).
- 10.7. Noise (in so far as is required so to consider conditions)
- 10.8. Socio-economic impacts
- 10.9. Grid lines
- 10.10. Public Rights of Way (in so far as matters may not be resolved)