

**Cyngor Sir Powys County Council**  
**Policy Statement of Case**  
**The Mid Wales (Powys) Conjoined Wind Farms Public Inquiry**



**Electricity Act 1989 (Sections 36, 37, 62(3) & Schedule 8)**  
**Town and Country Planning Act 1990 (Section 90) and the**  
**Electricity Generating Stations and Overhead Lines (Inquiries**  
**Procedure) (England and Wales) Rules 2007**

**Application by Vattenfall dated 30 November 2007 for consent to construct and operate a wind turbine generation station in Powys (Llanbadarn Fynydd)**

**Application by Fferm Wynt Llaithddu Cyf dated 7 May 2008 for consent to construct and operate a wind turbine generation station in Powys (Llaithddu)**

**Application by Celtpower Limited dated 9 May 2008 for consent to construct and operate a wind turbine generating station in Powys (Llandinam)**

**Application by RES UK & Ireland Limited dated 27 March 2009 for consent to construct and operate a wind turbine generating station in Powys (Llanbrynmair)**

**Application by RWE Npower Renewables Limited dated 11 December 2008 for consent to construct and operate a wind turbine generating station Powys (Carnedd Wen)**

**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 Welshpool substation**

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## **1.0 Introduction**

- 1.1 In advance of the opening Inquiry session in June 2013, this is a Statement of Case prepared on behalf of Powys County Council in respect of the Mid Wales Conjoined Public Inquiry. This Statement of Case outlines the Council's policy position in determining its objections to the 5 windfarms known as Llanbadarn Fynydd, Llaithddu, Llandinam, Llanbrynmair, Carnedd Wen and the Llandinam 132kV Overhead Electricity line.
- 1.2 The applications were made to the Secretary of State between 2007 and 2009. They consist of proposals to construct and operate onshore wind generating stations with installed capacities ranging between 59.5MW and 130-250MW on land located in and near Strategic Search Areas B and C (as identified in Technical Advice Note 8: Planning for Renewable Energy 2005) and to install a 132kV overhead electricity line in connection between the proposed Llandinam Wind Farm and Welshpool Substation.
- 1.3 The Council are actively communicating with the developers to ensure that sufficient information is provided to enable the Council to fully assess the proposals, several aspects of which have changed since the applications were made. It is apparent that further information is due to be provided by a number of the applicants. However, at the time of this Statement of Case the Council has not received all the information requested.
- 1.4 The Council are committed to engage with the developers and, indeed, other parties in order to agree a Statement of Common Ground on Policy.

## **2.0 Background Context**

- 2.1 Powys County Council will provide the energy and planning policy context of the proposals subject to the conjoined Public Inquiry and will examine the relationship between the applications, the legislative background, National and Local energy and planning Policies, guidance and Ministerial Letters and statements.
- 2.2 The EU Renewable Energy Directive (2009/28/EC) – April 2009: includes the requirements for UK to have targets of 15% of energy from renewable by 2020 and along with the UK renewable Energy Strategy (2009) and the UK National renewable Energy Action Plan (2012) indicates a clear commitment by Central Government to target an 80% reduction of carbon emissions by 2050 with an interim target of 26-32% by 2020 under the Climate Change Act

(2008). To assist in monitoring progress of these targets the UK Renewable Energy Roadmap (July 2011) was published by DECC. In December 2012 DECC provided an update (UK renewable Energy Roadmap Update) with an assessment of wind specifically relevant to Wales. The Update indicated a healthy pipeline of onshore wind provision in Wales

### **3.0 Policy Context**

3.1 There is a broad range of Energy and Planning policy documents the Council wish to call upon and these will include, but not be limited to, the documents referred to below. The Council will contend that such policy properly construed and considered in the relevant legal context require the decision maker to apply an overall balance between matters supporting the proposals (particularly those dealing with the need to address climate change and the need to achieve a secure supply of electricity) as against the various aspects of harm which are evident in the applications.

#### **NATIONAL:**

##### **Overarching National Policy Statement for Energy (EN-1)**

This policy document sets out the UK policy for major energy infrastructure projects in the UK. The statement confirms the Government's commitment to meeting the legally binding targets to cut greenhouse gas emissions by at least 80% by 2050 compared to 1990 levels. It emphasises the importance of views of affected communities and respects the principles of sustainable development. However, it notes that the result of such infrastructure may have negative effects on biodiversity landscape/visual amenity and cultural heritage.

##### **National Policy Statement for Renewable Energy Infrastructure (EN-3)**

EN-3 sets out the detailed technical information guiding the decision making process. This document states that where a proposal is located in Wales, Planning Policy and advice issued by the Welsh Government relevant to renewable energy will provide important information to applications of national significant energy infrastructure projects.

##### **National Policy Statement for Electricity Networks Infrastructure (EN-5)**

This statement provided the primary basis for decisions on application for electricity network infrastructure.

## **Planning Policy Wales (Edition 5, November 2012)**

This document sets out the land use planning policies of the Welsh Government. It is supplemented by a series of Technical Advice Notes. Procedural advice is given in circulars and policy clarification letters. It translates the Welsh Government's commitment to sustainable development into the planning system so that it can play an appropriate role in moving towards sustainability. Planning Policy Wales (PPW) states that proposals should reconcile the needs of development and conservation, securing economy, efficiency and amenity in the use of land, and protecting natural resources and the historic environment. PPW is supplemented by 21 topic based Technical Advice Notes (TANs) and those relevant to the Conjoined Inquiry are set out below:-

### **Technical Advice Note 5: Nature Conservation and Planning – 2009**

Provides advice about how the land use planning system should contribute to protecting and enhancing biodiversity and geological conservation.

### **Technical Advice Note 8: Planning for Renewable Energy – 2005**

Relates to the land use planning considerations of renewable energy. However, UK and national energy policy provide its context. There are 7 Strategic Search Areas (SSAs) designated within Wales. The proposals are generally within SSA B and C. The TAN provides capacities for wind farms in each of the SSAs.

### **Energy Assessment of TAN 8 Wind Energy Strategic Search Areas; Author - Garrad Hassan for the Welsh Development Agency: April 2005**

The Welsh Development Agency commissioned Garrad Hassan and Partners to carry out a technical feasibility study of the SSAs. It provides an informed view on the broad capacity limits of the areas. For SSA B the capacity limits were 430MW and for SSA C 98MW

### **John Griffiths AM: Minister for Environment and Sustainable Development: Letter July 2011**

In this letter the Minister clarifies the maximum capacities for each of the SSAs as identified by Garrard Hassan and notes that the SSAs have a finite environmental capacity and output should not exceed the maximum levels as assessed in 2005 and outlined above. The letter recognises the reinforcement of the transmission network in Mid Wales as necessary for the realisation of additional generating capacity but

anticipates that connection to the nearest distribution network would be “achieved by a standard 3 wire system on wooden poles or by underground line”.

**Written Statement by the Welsh Government: Planning for Renewable Energy in Wales dated 17 June 2011 by First Minister**

Of relevance to the Conjoined Inquiry and the Council’s position is the following extract *“The Welsh Government remains committed to the principles of planning for onshore wind in a strategic way, which seeks to optimise the production of renewable energy whilst protecting Wales’ environment.*

*Our policy in TAN 8 seeks to restrict the proliferation of large scale wind farms across the whole of Wales and focuses on the Strategic Search Areas which were derived following an independent assessment.*

*The indicative capacities set out in TAN8 in 2005 reflected a considered view of the potential impact of grid and transport connections. However, in a number of the SSAs, developer interest has now greatly exceeded those indicative figures. The Welsh Government believes this level of development is unacceptable in view of its wider impacts on the local area.*

*In our view the TAN 8 capacities should be regarded as upper limits and we call upon UK Government to respect this position when they finalise the Renewable Energy National Policy Statement and to not allow proliferation when they take decisions on individual projects in Wales.*

*It is this overcapacity which has led to proposals for major new overhead grid infrastructure. We contend that the level of capacity within the Strategic Search Areas which we set in 2005 would negate the need for the large obtrusive pylons which are causing such concern. My Government would not support the construction of large pylons in Mid Wales and my Ministers are pressing this case with National Grid Transmission and with Ofgem”*

Other Technical Advice Notes and Circulars that the Council may rely upon include:

Technical Advice Note 11: Noise – 1997

Technical Advice Note 6: Planning for Sustainable Rural Communities

Technical Advice Note 13: Tourism – 1997

Technical Advice Note 18: Transport – 2007

Minerals Technical Advice Note (Wales) 1: Aggregates – 2004

**LOCAL:**

**Powys Unitary Development Plan 2001 - 2016 (Adopted March 2010).**

The Policies that the Council will be relying on include:

- SP1: Social, Community and Cultural Sustainability
- SP3: Natural, Historic and Built Heritage
- SP6: Development and Transport
- SP12: Energy Conservation & Generation
- GP1: Development Control
- GP2: Planning Obligations
- ENV1: Agricultural Land
- ENV2: Safeguarding the Landscape
- ENV3: Safeguarding Biodiversity and Natural Habitats
- ENV4: Internationally Important Sites
- ENV6: Sites of Regional and Local Importance
- ENV7: Protected Species
- T2: Traffic Management
- T3: Traffic Assessment and Travel Plans
- RL7: Long Distance Rights of Way
- E3: Wind Power
- E4: Removal of redundant Wind Turbines
- E5: Off-site Works
- MW1: Mining and Waste Disposal
- MW6: Borrow Pits
- MW9: Peat Extraction
- MW14: Noise
- DC9: Protection of Water Resources
- DC12: Overhead Lines and Pipeline
- DC13: Surface Water Drainage
- DC14: Flood Prevention Measures
- DC15: Development on Unstable or Contaminated Land
- *Supplementary Planning Guidance: Biodiversity Conservation and Enhancement in Development Proposals IDCG (2009)*

#### **4.0 The Council's Case**

- 4.1 For the opening June Session the Council will present brief legal submissions as to policy construction and policy evidence so as to provide the inquiry with a broad context for decision making in relation to these applications.
- 4.2 To that end the Council does not object to the possibility of a less formal discussion akin to a hearing (as suggested by Eversheds) - focussed on identified issues. Indeed, given the number of parties and the limited time allocated that may be the only sensible course to adopt. It also agrees that it would be prudent to identify policy matters of common ground in advance of the opening session.
- 4.3 Much of the detailed policy considerations at site and topic specific levels will need to be considered within and in light of evidence heard at the timetabled inquiry area and topic based sessions and again at the close of the inquiry.
- 4.4 At the outset of the inquiry, however, the Council will explain the broad planning and energy policy context within which the decisions should be considered.
- 4.5 This will, in particular, involve a consideration of the relationship and hierarchy of policy and the weight to be given to aspects of relevant policy. The Council will assess the relevance and weight to be afforded to TAN 8 and Welsh policy generally in the context of the National Policy Statements.
- 4.6 It will present evidence relating to the identified policy need for onshore wind and assess the weight that should be given to it in the context of the latest assessments of delivery.

## **5.0 Conclusion**

- 5.1 At the initial policy session the Council will present what it considers to be the appropriate policy context for the inquiry to consider the numerous issues to be addressed in the ensuing inquiry timetable.