

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)

SESSION 2 (SSA B)
STATEMENT OF CASE
ON BEHALF OF POWYS CC

1. INTRODUCTION

1.1. This statement of case should be read alongside Powys County Council's ("PCC") outline updated statement of case¹. This statement focuses on PCC's position on the matters that PCC understand are to be covered in session 2.

1.2. Session 2 will cover the individual effects of the proposed schemes at Carnedd Wen and Llanbrynmair and the cumulative effects of those schemes and others within the planning system, focused on strategic search area B ("SSAB")². The cumulative effect of those schemes with all other applications before the inquiry and with the grid connections will be considered in session 4.

1.3. So far as PCC understand, the following matters are to be covered individually and cumulatively in so far as they are focused on SSAB:

1.3.1. Transport in so far as relates to each of the two applications individually, but not those impacts that relate to more than one scheme. In particular it is understood the STMP will not be covered in this session.

¹ (Document OBJ - 002 - OSOC - 2)

² Including areas identified by the evidence base underlying PCC's refinement work.

- 1.3.2. Noise and health,
- 1.3.3. Peat and hydrology.
- 1.3.4. Wildlife.
- 1.3.5. Landscape.
- 1.3.6. Cultural heritage.

2. APPLICATIONS (SESSION 2)

2.1. 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).

- 2.1.1. This application originally sought consent for a 43 turbine scheme.
- 2.1.2. The current proposal (after amendments in 2011 and again in 2012) is for 30 turbines.
- 2.1.3. The proposed turbines have an indicative maximum height to blade tip of 126.5m
- 2.1.4. 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.

2.2. 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).

- 2.2.1. This application was originally for a 65 turbine scheme.
- 2.2.2. Following amendments in 2011, the application was amended to a 50 turbine scheme with a maximum installed capacity of 250MW.
- 2.2.3. 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.
- 2.2.4. The site is situated to the south of the A458 and to the north of Llanbrynmair.

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

3. OVERVIEW

3.1. As discussed in the opening session, PCC accept the general need for wind farms as set out in EN1. However they consider that there is a finite environmental capacity of SSA B.

3.2. Further, as identified in their opening, PCC does not consider that any application has yet demonstrated that they have satisfactorily mitigated their impacts so as to comply with their statutory duty to mitigate and so as to comply with policy requirements in this regard. PCC identify their outstanding concerns in relation to each individual application below. Each application will be considered under the headings set out above.

4. CARNEDD WEN

4.1. Transport

4.1.1. In relation to Carnedd Wen, the only matters to be considered in session 1 relate to 'local' highway issues. Strategic issues including the acceptability of the use of the sTMP route are all to be considered in session 4. However following substantial work on the sTMP PCC can confirm that they have no objection in principle to the route as set out in the sTMP being used for AIL deliveries to Carnedd Wen. There remains some outstanding work in order to be able to finalise the sTMP including confirmation of an undertaking to carry out a structural assessment of the canal bridge in Welshpool and carry out any necessary strengthening works, and the provision of a number of technical notes to support the sTMP. PCC are committed to continue

to work with RWE nPower Renewables Limited in order to produce a final version of the sTMP by session 4.

4.1.2. In relation to local highway issues, access onto the site will be gained directly from the trunk road (the A458). There is therefore no issue in relation to local highways.

4.2. Noise and health.

4.2.1. No objection on noise grounds was taken by PCC, but it is a matter on which the Secretary of State wishes to be informed. PCC are satisfied in principle that noise can be managed within acceptable levels through appropriately worded conditions.

4.2.2. In relation to health, PCC does not propose to call evidence on any health effects of this application.

4.3. Peat and hydrology.

4.3.1. PCC is satisfied that any surface water issues in relation to this matter can be satisfactorily resolved by condition.

4.3.2. In respect of peat matters consistent with its approach in Session 1 PCC relies upon the advice of NRW and the evidence which it leads to this inquiry.

4.4. Wildlife.

4.4.1. As recommended at the pre-inquiry meeting, PCC are working closely with NRW in relation to the presentation of evidence. PCC will not themselves lead evidence in relation to this matter as NRW will be providing evidence on this point and PCC is anxious to comply with the Inspector's request to avoid duplication of evidence.

4.5. Landscape.

4.5.1. In relation to landscape, the Council do not consider that the 5 northeastern turbines (R30, R26, R28, R29, and R33) are acceptable in landscape and visual terms. The northeastern turbines break the skyline and spill over the edge of the higher plateau and down the southern side of the Banwy Valley. In so doing, the scheme would have a significant effect on this landscape and its settlements and also High evaluation LANDMAP landscapes on the opposite valley side. The five turbines lie outside the boundary identified by PCC's 2008 refinement work.

4.5.2. Thus the Council consider that with the five northeastern turbines remaining as part of the scheme, the scheme is unacceptable in landscape terms. However no objection is taken to the landscape impacts of the remainder of the scheme.

5. LLANBRYNMAIR

5.1. Transport in so far as relates to each of the applications individually.

5.1.1. In relation to Llanbrynmair, the only matters to be considered in session 1 relate to 'local' highway issues. Strategic issues including the acceptability of the use of the sTMP route are all to be considered in session 4. However following substantial work on the sTMP PCC can confirm that they have no objection in principle to the route as set out in the sTMP being used for AIL deliveries to Llanbrynmair. There remains some outstanding work in order to be able to finalise the sTMP including confirmation of an undertaking to carry out a structural assessment of the canal bridge in Welshpool and carry out any necessary strengthening works, and the provision of a number of technical notes to support the sTMP. The Council are committed to

continue to work with RES UK and Ireland Ltd in order to produce a final version of the sTMP by session 4.

5.1.2. There remain, however, significant local transport issues. At present it is proposed that the site is accessed via 3 accesses from the Llanerfyl to Talerddig county road. All AIL traffic is proposed to come from the north, while HGV traffic is proposed to come from the south. Whilst the Council accept that following extensive further work the Applicant has demonstrated that the access by AIL's is technically feasible, they still consider that it would cause unacceptably harmful and unnecessary impacts including: significantly adverse landscape and visual impacts including on the Nant yr Eira valley (High LANDMAP evaluation) and changes to the character of the road as improved for reasons that include removal of soft verges, hedgerows and trees, severe disruption during construction, temporary road closures, temporary traffic diversions, traffic control through extensive road works, construction noise, dust and vibration, potential for increasing vehicular speeds, major structural works, bypasses for construction traffic only, and diversions and potential for disruption to overhead services.

5.1.3. The Council consider that the Applicant has failed to adequately demonstrate firstly why access for AILs (at the very least) could not avoid these harmful impacts by gaining access from the adjacent Carnedd Wen proposed wind farm site and its established forestry tracks, and secondly why access for construction vehicles could not be gained via a single southernmost access from the Llanerfyl to Talerddig road. (The possibility also exists for some construction traffic to use the Carnedd Wen access.) In the circumstances the Applicant has not demonstrated that they have complied with their duty to mitigate and minimise the impacts of the proposed development.

5.2. Noise and health.

5.2.1. No objection on noise grounds was taken by PCC, but it is a matter on which the Secretary of State wishes to be informed. The Council are satisfied in principle that noise can be managed within acceptable levels through appropriately worded conditions.

5.2.2. In relation to health, PCC does not propose to call evidence on any other health effects of this application.

5.3. Peat and hydrology.

5.3.1. PCC is satisfied that the surface water issues identified in relation to this matter can be satisfactorily resolved by condition.

5.3.2. In respect of peat matters as recommended at the pre-inquiry meeting, PCC are working closely with NRW in relation to the presentation of evidence. PCC will not themselves lead evidence in relation to this matter as NRW will be providing evidence on it and PCC is anxious to comply with the Inspector's request to avoid duplication of evidence.

5.3.3. Notwithstanding the above, if the point is disputed the Council may call such evidence as is required to demonstrate the feasibility of accessing the Llanbrynmair site through Carnedd Wen.

5.4. Wildlife.

5.4.1. As recommended at the pre-inquiry meeting, PCC are working closely with NRW in relation to the presentation of evidence. PCC will not themselves lead evidence in relation to this matter as NRW will be providing evidence on it and PCC is anxious to comply with the Inspector's request to avoid duplication of evidence.

5.5. Landscape.

5.5.1. In relation to landscape and visual matters, the Council consider that the impacts of the highway improvements (considered above) are unacceptable. The improvements will have an unacceptable impact on the Nant y Eira Valley which carries a high LANDMAP rating.

5.5.2. In terms of landscape and visual impacts of the turbines themselves, PCC accept that the reduction of the turbines from 43 to 30 has considerably reduced the impact of the scheme and the landscape and visual effects of the turbines of itself would not justify rejection of the application. The landscape and visual objection remains due to the unacceptable impacts of the current access proposals.

5.6. Cultural heritage

5.6.1. PCC raised a cultural heritage objection to the scheme principally due to their view that the works necessary to provide access for AILs had unacceptable impacts on listed buildings and other historical assets in and around Llanerfyl. PCC acknowledge that the work done in Llanbrynmair's 2013 SEI has significantly overcome those concerns, and that any outstanding matters can be dealt with by way of detailed design. While there will still be cultural heritage impacts, PCC do not invite the Inspector to recommend refusal of the scheme on cultural heritage grounds. Due to the residual impacts on the historic environment in Llanerfyl and on the access route it would be preferable in cultural heritage terms for traffic to access through Carnedd Wen.

6. WITNESSES

6.1. PCC will call the following witnesses on the following topics in this session:

6.1.1. Landscape and visual (Philip Russell- Vick)

6.1.2. Transport (David Williams).

6.1.3. Noise (Paul Bufton, in so far as is required so to consider conditions)

6.1.4. Alternative access feasibility