

British Horse Society Statement of Case Regarding Fferm Wynt Llaithddu

I would first like to express my support for the points raised on behalf of Ramblers by Mr. Alan Rugman. I will not repeat them but the first part of my submission will perhaps underline some of the points he raises. We do not expect to have no wind farms but as we shall have some they should be the best that can be managed.

The second part refers mainly to matters of equestrian concern.

BHS wish to maintain their objection because this application fails to take note of the guidance in Tan 8 and the Inspector's own advice to parties to talk. It is also misleading and fails to take proper consideration of the needs of equestrian users of RoW.

There has not been any meaningful consultation between developers and user groups as to RoW.

We finally met on 10th July but since then have had no reply to the points and concerns we raised and no response to reminders. We were promised answers on the following:

Distances from Bridleway to turbines,

Open access through out the site,

Copy of Countryside Services withdrawal of objection,

Copy of Cadw authorisation to pass near to the site of Fowler's Armchair,

Clarification of land ownership and landowner participation in the development in response to my query as to whether the permissive route at Draen Llwyn Glas was within their gift. See below, it is not.

We have waited since then for information promised at the meeting which has not been forthcoming. We can not therefore determine whether any or all of our concerns had been met or even considered.

There can be no reassurance that the permissive routes are within the grant of the developer either within the site at Fowler's Armchair or off site at Draenllwyn Glas. (OS ref. SO 03212 80237).

In point of fact this is not the case at Draenllwyn Glas although a permissive route has been represented on mapping there since 2009 and remains depicted on the Final Version mapping. The land is not owned by any of the parties to this application and the owners of the land have not entered into any agreement with FWL to allow a permissive route. Any such route is part of the totally unrelated application for Hirddywel wind farm.

The mapping leaves the situation concerning the permissive route at SO 03771 79918 unclear. This remains to be made certain before a possible through route is accepted.

We have not had sight of CADW's letter claimed to allow passage of a permissive route between the cairn and the stone circle at Fowler's Armchair so have nothing to reconcile the developers claim that this is acceptable and CADW statement at para 3 of their objection that it is not. (Copied to Cabinet 25.09.2012) In order to save Inquiry time I invite the developer, even at this late stage to produce this letter.

It was maintained that no turbines over sailed a bridleway. My plotting shows that turbine T5 is at 35m, T10 at 21m, T15 at 33 and T26 at 18m from a bridleway. At least 4 others are at around 60m from a bridleway. T 23 is 12m from an Enclosure Carriageway. These will all over sail a RoW. Many more turbines are within topple height of a bridleway.

I note in report to Cabinet that Countryside Services find two turbines to be at 56m from a bridleway. I have copy of a document from their file showing revised separation distances of some turbines in the 29 turbine lay out. I find these to be inaccurate. T12, T24 and T26 could be the result of further siting revision but T18 is significantly closer to a RoW than stated and the coordinates are not revised. The question also still remains as to whether all parties were updated to material

alterations. In other words who has been considering what?

The bulk of this Inquiry would appear to be around answering the issues raised by PCC's refusal of planning permission. I would take issue with Countryside Services in withdrawing their objection in relation to RoW whilst the consultees of the two major user groups, Ramblers and BHS, remain objectors. This has meant that RoW have not featured in the original refusal and only appear amongst other matters at this Inquiry. It should be noted, however, with discrepancies in the separation distances between turbines and RoW and the extravagant claims regarding permissive routes that the reality of the development, if built, is going to be different to that presented to the department. Any other development that differed so widely would become the subject of a fresh application.

Both turbine lay out and RoW are strongly north/south. Plotting the nearest point on a RoW immediately east or west of the given turbine coordinates and taking the smaller eastings figure from the larger gives the separation distance between the two. I have used a digital OS map at 1000 pixel scale, approx 7 times the scale of a 1:25000 map at actual size on the screen. The RoW coordinates are from the on screen read out taken on the centre of the line depicting the RoW.

The exceptions are T15, T16, to the bridleway and T23 to the enclosure carriageway where you should work with the northings figures. The table below gives my findings.

T. No.	RoW Eastings	T. Eastings	T. Northings	RoW Northings	Hub Height	Tip Height	Separation BHS	Separation FWL
3	03611	03674	83303		80	115.5	63	
5	03658	03693	83040		80	115.5	35	
10	03446	03425	82171		80	115.5	21	
11	03399	03456	81954		80	115.5	57	56
12	03400	03428	81759		80	115.5	28	67
13	03348	03424	81483		80	115.5	76	56
14	03278	03369	81242		80	115.5	91	
15		04124	79724	79691	64	99.5	33	
16		04476	79523	79342	80	115.5	181	
17	04263	04125	79469		64	99.5	38	
18	04240	04165	78916		64	99.5	75	102
19	04279	04173	78694		64	99.5	106	101
20	04238	04303	78480		64	99.5	65	63
21	04254	04335	78249		64	99.5	81	73
22	04336	04414	78010		64	99.5	78	73
23	04389	04465	77759	77771	64	99.5	E76; N12	E71
24	04387	04451	77533		64	99.5	64	83
25	04420	04257	77112		64	99.5	163	
26	04397	04415	76944		64	99.5	18	75

I notice that blade length remains the same on both heights of tower. This means that at the southern end of the site the blade tips will pass closer to the ground and anyone near. The turbines, T23 & T26 are at their closest to a bridleway in this area and it is likely will have a greater impact on equestrians.

RoW are used by living people and should be accorded consideration equal to that for ancient monuments or vulnerable flora and fauna. They are as much our heritage as Fowler's Armchair and may well be older. After all someone had to walk there to build it in first place. If the job required several visits, a prolonged period of time and a team they very likely created a RoW. We should have an area and RoW network that people will want to visit and use for years to come.

Wind farm development cases which have come to appeal all recognise the need to consider RoW and equestrian users (Willow Farm Appeal No. 2116152 below). At Grise Farm (Appeal No. 2093576 below) although bridleways did not feature in the site it was recognised that turbines could have a negative impact on both the rider and equestrian businesses. This would be the case here for business deriving trade from the Prince Llewelyn Ride.

In the case of Common Barn whilst bridleways merited consideration it was found that there were sufficient alternatives in the area to satisfy the need. It is noteworthy however that that example involved only three turbines. At this Inquiry we have before us twenty seven turbines nineteen of which impinge upon or are close to a bridleway. At present the mitigation offered is uncertain and the permissive route that can be rightly offered will help in avoiding only six turbines.

There is a BHS promoted route through the site which is based on a Pony Club ride used over many years. The choice of this route for promotion was influenced by the fact that it avoided wind farms. I know from emails that the route is well used and that horses and riders from outside the area who will may not have experience of turbines will have to pass in close proximity to them.

T16 is within the 200m separation asked for in BHS original recommendation of the permissive route proposed for the PLR. Since the ride is well used more should be done to achieve the separation now recommended of three times height.

The horse is a flight animal and a recent BHS survey indicates that horses can be upset by turbines with about 15% never becoming used to them. I live close to a wind farm and although one horse became accustomed another did not. In practice I find that I now seldom ride in that direction in much the same way that I tend to avoid the A470T. There are better places to be with the leisure time available. Whilst I am fortunate in having an alternative this development is so extensive, over six km in built length and so predominately on the line of bridleways that there is little alternative for proceeding either east west or north south. Circular rides, which Powys ROWIP showed to be particularly desirable, would become problematical. There have been poor wind farm developments from a RoW view point in the past. A permissive route was eventually agreed through the old lay out at Llandinam but Trannon at Carno remains dominated by turbines over sailing the bridleway and guarding the gates. We should not have further examples of poor practice imposed upon us again. Apart from anything else it turns converts into sceptics.

The lay out of the site means that turbines follow the line of the bridleways so that as riders move through they will have turbines in front and behind. Due to the orientation the turbines will also cast long shadows across the bridleways and permissive route early and late in the day and year. Put together with the number of times that horse and rider will be tested by close proximity there is increased chance that animals will become unsettled. Turbines will affect approximately 3.5 km of bridleway. 15% of horses are reported as never becoming used to turbines. I cannot agree with the phrase "minor adverse significance" in the impact assessment. For that 15% the affect is major and total.

There is no attempt to facilitate turbine free entry to the site at either the north or south end. FC Wales, as they were, are very approachable and the developers needed to have discussion on this with their developer neighbours, Celt Power, to the north. Indeed TAN8 requires that they should do so and reluctance by either party, as indicated in the minute, dated 26.03.2010, to the meeting with PCC on 05.03.2010, is no excuse. (SEI June 2013, Vol. 4 Correspondence.)

Concerning resiting at the south end of the site the following quote from the letter accompanying this minute could shed some light on how far the developer was prepared to disseminate information to relevant departments.

"We believe that this minor resiting has no consequences for any other considerations, and that there should therefore be no requirement for further discussion.

T 26 separation shrank from 75m to 18m. Countryside services were not represented at the meeting

and such a change certainly has consequences for RoW considerations.

There are better sites, better lay outs and better applications. The area is not short of any of them. If another wind farm is needed we can have one of better quality.

Decision report [2116152](#)

65. For my part, it is clear from the evidence given that there is no satisfactory alternative route for at least some users of the bridleway. The Technical Annexe to the PPS22 Companion Guide, in drawing attention to the issue, takes the position that wind turbines can frighten horses and so I take the same position. I consider there would be a risk that some horses ridden along the bridleway would be frightened by the turbines, by virtue of the turbines' size and proximity, and that that would reduce safety for some users of the bridleway.

Decision report [2093576](#)

The visual, economic and human damage to the area would not be outweighed by the potential benefits of these turbines. Their contribution to reducing carbon dioxide would be miniscule and, given their inefficiency, no coal or gas fired power stations would be replaced. However, 20 real jobs in local equine businesses and countless more in the tourist industry would be lost.

Quote from Secretary of State: "The Secretary of State agrees with the Inspector that the harm by reason of visual impact locally and the significant potential for harm by reason of turbine noise coupled with the failure of the scheme to preserve the setting of Scales Hall and the very significant potential adverse impacts on nearby equestrian businesses, together, clearly outweigh the need for the proposal and its wider economic benefits"

Quote from Inspector: "Here, the proposed scheme would not directly affect a bridleway and, although it has no planning policy or statutory force, there would be no breach of the BHS guidelines regarding the separation of wind turbines and bridleways (5.71). Horses, like human beings, have varying levels of tolerance to events and I have no doubt that some would be scared by the presence of a wind turbine (8.37). However, other than those who are particularly nervous, most horses can and do get used to the presence of turbines. Indeed I am aware of examples where horses quite happily graze close to and allow themselves to be ridden in close proximity to turbines (CD8.31 paragraph 5.73). However, I believe there is an important distinction to be made between horses that are kept permanently in the area and mostly used for recreational use and those horses associated with the 3 specialist equine businesses close to the site."

This is a very misleading and opaque application quite the worst regarding both equestrian access and public consultation that I have seen.

