

**Electricity Act 1989 (Sections 36, 37, 62(3) & Schedule 8)**

**Town and Country Planning Act 1990 (Section 90)**

**and the**

**The Electricity Generating Stations and Overhead Lines**

**(Inquiries Procedure) (England and Wales) Rules 2007**

**THE MID WALES (POWYS) CONJOINED WIND FARMS PUBLIC INQUIRY**

**Application by Vattenfall, dated 30 November 2007 for consent under Section 36 of the Electricity Act 1989 to construct and operate a 59.5MW wind turbine generating station in Powys, Mid Wales ('Llanbadarn Fynydd')**

**Application by Fferm Wynt Llaithddu Cyf, dated 7 May 2008 for consent under Section 36 of the Electricity Act 1989 to construct and operate a 66.7 MW wind turbine generating station in Powys, Mid Wales ('Llaithddu')**

**Application by CeltPower Limited, dated 9 May 2008 for consent under Section 36 of the Electricity Act 1989 to construct and operate a 126MW wind turbine generating station in Powys, Mid Wales ('Llandinam')**

**Application by RES UK & Ireland Limited, dated 27 March 2009 for consent under Section 36 of the Electricity Act 1989 to construct and operate a 100MW wind turbine generating station in Powys, Mid Wales ('Llanbrynmair')**

**Application by RWE Npower Renewables Limited, dated 11 December 2008 for consent under Section 36 of the Electricity Act 1989 to construct and operate a 130-250MW wind turbine generating station in Powys, Mid Wales ('Carnedd Wen')**

**Application by SP Manweb PLC, dated 2 December 2009 for consent under Section 37 of the Electricity Act 1989 to install and keep installed a 132kV overhead electric line connection from the proposed Llandinam Wind Farm to Welshpool Substation**

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OPENING SUBMISSION ON BEHALF OF SNOWDONIA NATIONAL PARK  
AUTHORITY

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1. Snowdonia National Park Authority ('the SNPA') is party to this inquiry as an objector. The SNPA is the Local Planning Authority for that area adjoining the

application site, Powys CC being the relevant LPA. The SNPA objects to the Carnedd Wen and Llanbrynmair proposals. Both the Llanbrynmair and Carnedd Wen proposals lie on land north of Llanbrynmair, Powys within the Strategic Search Area B of the Technical Advice Note 8: Planning for Renewable Energy 2005 ('TAN 8').

2. The National Parks and Access to the Countryside Act 1949 (As amended<sup>1</sup>) provides for the establishment of National Parks, being designated areas of natural beauty and imposing a statutory duty to conserve and enhance the natural beauty, wildlife, and cultural heritage of the area. The SNPA was established in 1996.
  
3. Those areas of national beauty include mountains, moors and heath which have an 'open' character and are free from development. These areas broadly correspond with internationally important nature conservation designations such as Special Areas of Conservation (SAC) and Special Protection Areas (SPA) and also to open access areas defined in the Countryside and Rights of Way Act 2000 and are prevalent throughout the National Park. The said areas are delineated in the 'Proposals Maps' within the Eryri Local Development Plan 2007-2022 ('the ELDP') and include the uplands fringing the south-eastern corner of the National Park contiguous with the boundaries of SSA B. The SNPA will submit that such areas in particular should be free from the effects of urbanization and industrialization. The proposed development at Carnedd Wen lies within such close proximity to the SNPA boundary so as to have a potentially significant impact on the aforementioned defined areas along with the wider landscape of the National Park.

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<sup>1</sup> In particular as amended by the Environment Act 1995

4. The SNPA is primarily concerned about the landscape and visual impacts of the proposals on a nationally designated area. National Parks must be afforded the highest status of protection from inappropriate developments.
  
5. Section 62 of the Environment Act places a duty on relevant agencies to have regard to National Park purposes in carrying out their activities, whether those activities lie within or outside the National Parks. The SNPA would remind you of those purposes:  

‘to conserve and enhance the natural beauty, wildlife and cultural heritage of the area;

to promote opportunities for the understanding and enjoyment of the special qualities of the Park by the public;’
  
6. The SNPA will furthermore provide evidence that the setting of national parks is a material planning consideration in respect of windfarm developments outwith their boundaries.

### The Proposals

#### Carnedd Wen

7. The most recent proposal at Carnedd Wen is for the construction and operation of 50 wind turbines, each with a maximum height of 137 metres to blade tip. Additional works include crane pads, anemometer masts, construction compounds, new and upgraded roads, an electricity cable circuit and substation, along with six borrow pits.

8. The Carnedd Wen proposed windfarm site occupies part of the north-west extremity of SSA B and the application boundary and nearest turbines are within 0.2km and 2.7km of the National Park boundary, respectively.
  
9. The SNPA formally objected to the Carnedd Wen proposal in a consultation response letter sent to the Department of Energy and Climate Change on 20<sup>th</sup> January 2010. Subsequent to this objection, the developer amended the application, which including the removal of a number of turbines closest to the National Park boundary and provided Supplementary Environmental Information (SEI).
  
10. The SNPA acknowledged the applicant's subsequent removal of nine of the most prominent turbines, but considered these changes would have little impact on reducing the overall effects of the proposed development on the landscape and visual amenity of the Park. Furthermore, there would be the scheme's cumulative visual impact and influence upon landscape character when combined with other existing and proposed windfarms within SSA B. In addition, there would be adverse landscape and visual impacts on areas very close to the National Park boundary, arising from the proposed modifications to the existing forestry access track to accommodate the large vehicles used in constructing the wind farm.
  
11. The scheme as amended is therefore still considered likely to conflict with the stated aims of the ELDP, and undermines national planning policy to maintain the quality and integrity of the landscape of the National Park. As well as being contrary to national policies it is the Authority's contention that this proposal is also contrary to policy ENV 2 as set out in Powys County Council's UDP adopted in March 2010.

12. It is the SNPA's contention that the Carnedd Wen proposal because of its large scale, proximity to the National Park boundary and cumulative effects with other windfarm proposals in the vicinity, would have unacceptable adverse direct and indirect impact not only on its landscapes and setting, but also its special qualities.

13. SNPA maintained its objection to the Carnedd Wen proposals in a letter dated 7<sup>th</sup> November 2011. Powys County Council also resolved to object to the proposal – one of the reasons referred to is the impact on the National Park:

*8. The unacceptable landscape and visual impact of the applications including the detrimental effect on tourism and other economic factors both for Powys and the Snowdonia National Park.*

14. The Countryside Council for Wales has also objected to the Carnedd Wen proposal, one of the grounds being the unacceptable visual and landscape impact on the National Park.

Llanbrynmair

15. The Llanbrynmair planning application involves a proposal for the construction and operation of 30 turbines, each to a maximum height of 126.5 metres to blade tip.

Additional works include crane pads, anemometer masts, construction compounds, 27.7 kilometres (km) of new and upgraded access roads, electricity cable circuits and substation, borrow pits and control buildings.

16. The Llanbrynmair application is located in the north-west of SSA B. The Carnedd Wen windfarm and Llanbrynmair application sites, are contiguous. Accordingly it is submitted that the windfarm developments will also be contiguous, presenting a continuous outlook from a visual and landscape character perspective. These proposed developments occupy a very sensitive part of the SSA by virtue of their close proximity to the Snowdonia National Park boundary with considerable potential to have significant impacts on the National Park.

17. The SNPA formally objected to the Llanbrynmair proposal in a consultation response letter sent to the Department of Energy and Climate Change dated 28<sup>th</sup> November 2011 on the grounds of its impact on the National Park.

18. This proposal would be viewed as an expansion of the Carnedd Wen scheme, adding to its depth and increasing the degree of visual clutter. From what is currently a view of an open landscape with smaller, dispersed windfarms the construction of the Llanbrynmair windfarm would represent a coalescence and concentration of very large windfarms in a relatively confined area, which would result in significant adverse cumulative impacts on both the setting of the National Park and the landscape character of nearby areas of the National Park.

19. It is the SNPA's contention that the Llanbrynmair proposal because, of its large scale, relative proximity to the National Park boundary and cumulative effects with existing and other windfarm proposals in the vicinity, would have unacceptable adverse direct and indirect impacts on the landscapes and setting of the National Park.

The SNPA's objection

20. The SNPA maintains its objection to the proposals in terms of the harm to visual amenity and landscape character and the likely significant impact on the Park's special qualities. The SNPA will provide evidence in relation to the effect of the proposed developments on the National Park landscape and its impact on panoramic views from elevated hills and uplands both internally and externally along with its effect on the lower ground areas adjacent to the Park. The SNPA will consider the cumulative effect resulting from the applications. It is the SNPA's contention that the windfarm proposals because of their large scale, proximity to the National Park boundary and cumulative effects with other windfarm proposals in the vicinity, would have unacceptable adverse direct and indirect impacts on its landscapes and setting contrary to national and local planning policy and also the statutory duty placed on it and others in the Environment Act 1995. The SNPA also notes the statutory duties under Electricity Act Schedule 9.

21. Specifically the SNPA intends to rely upon development plan and planning policy documents including, but not limited to:

- a. Planning Policy Wales (5<sup>th</sup> ed. November 2012) (PPW)
- b. Technical Advice Note 8 (TAN 8)
- c. The Eryri Local Development Plan 2007 – 2011 and Snowdonia National Park Management Plan 2009
- d. Powys Unitary Development Plan 2001-2016
- e. Overarching National Policy Statement for Energy (EN-1), Department of Energy and Climate Change, July 2011;

22. Paragraph 5.1.5 of PPW encourages the CCW (now Natural Resources Wales - NRW) to work across local authority boundaries and to provide advice on landscape and nature conservation. The SNPA has liaised with and sought the advice of NRW who also object to the Carnedd Wen proposal upon the basis of the potential adverse impacts on the landscape character and visual amenity of the Snowdonia National Park.

23. TAN 8 deals with renewable energy and details those factors which need to be taken into consideration when developing renewable energy projects. The SNPA, in its response to consultation on the draft versions of TAN 8 expressed its concern on the designation of SSAs A, B and D upon the basis that they were too close to the boundary of the National Park and that there was the potential for the turbines to be positioned within a few miles of the designated area. The SNPA maintains these concerns.

24. Subsequent to the publication of TAN 8 the height and output of individual wind turbines has increased substantially, having a potentially wider effect on landscape character and visual impact.

25. It is also noted, as confirmed by Natural Resources Wales in their Final Planning Statement of Case (CON-003-SOC-1), that the current, revised, output capacity for SSA B (430MW), as set out in John Griffiths' letter of November 2011 can be reached, if not exceeded, even in the event that the Carnedd Wen proposal does not proceed. The SNPA will submit that priority should be given to alternative proposals which do not as significantly affect the landscape and visual amenity aspects of the National Park.

#### **Witnesses**

26. The SNPA currently intends to call two witnesses:

- a. Mr Iwan Evans M.R.T.P.I. (Interim Head of Planning Policy) at the SNPA will be called to provide evidence in relation to matters relating to Planning Policy.
- b. The SNPA will also call a specialist witness in relation to landscape and visual impact.

27. The SNPA reserves the right to comment on further issues should additional information or evidence be forthcoming or presented during the course of the Inquiry. The SNPA maintains its objections to both the Carnedd Wen and Llanbrynmair applications and recommends their refusal.

ANTHONY GILL

KINGS CHAMBERS

MANCHESTER, LEEDS AND BIRMINGHAM

4<sup>th</sup> June 2013