

**Electricity Act 1989**

**The Electricity Generating Stations and Overhead Lines (Inquiries Procedure)  
(England and Wales) Rules 2007**

**Proof of Evidence on behalf of FFERM WYNT LLAITHDDU  
CYF in connection with an application dated 7 May 2008 for  
consent to construct and operate a 62.1MW Wind Turbine Generating Station in Powys, Mid-  
Wales ('Llaithddu') in respect  
of the Planning Balance Hearing Session on 20<sup>th</sup> May 2014**



# 1. INTRODUCTION

1.1 This Proof of Evidence has been prepared by Darren Parker on behalf of Fferm Wynt Llaithddu Cyf (FWL) (the applicant) in connection with an application dated 7 May 2008 for consent to construct and operate a 66.7MW (subsequently amended to 62.1MW) Wind Farm Generating Station in Powys known as Llaithddu Wind Farm.

1.2 I am a member of the RTPI. I am the Director responsible for the Cardiff office of RPS, which is involved in infrastructure projects across Wales. I have over 20 years planning and development experience including public inquiries and local plan examinations.

1.3 This Proof of Evidence will focus in particular upon the local environmental, transport and landscape factors and is structured as follows:

- Section 2 sets out the matters for consideration. It sets the up to date energy and planning policy context;
- Section 3 sets out the extent of common ground on the local environmental, transport and landscape factors and the way in which those issues have been addressed both at application stage before the Council and via the inquiry; and
- Section 4 then moves to matters which the SoS requires to be addressed in the context of the common ground and evidence at the end of the inquiry.

1.4 There remains only one objection to the scheme from Powys County Council (PCC), on landscape impact. The Alliance and others maintain a range of objections.

1.5 The basis for the PCC objection is the effects of wind turbines upon Bwlch-y-Sarnau, its valley and on landscape to the south. A critical consideration is therefore whether this single landscape objection is well founded and significant enough to prevent the whole of Llaithddu Wind Farm from proceeding.

## **Fferm Wynt Llaithddu Cyf**

1.6 The Fferm Wynt Llaithddu (FWL) application, as amended, before the Inspector and SoS is for 27 turbines. There is no option to sub-divide the scheme. The 27 turbines should be treated as a whole, single wind farm. This is how the application has been submitted as it is a scheme borne out of community cooperation.

1.7 FWL has the participation of: (a) interested landowners, and; (b) the residents affected by it. To be clear, residents who are not landowners who accommodate infrastructure would also participate. There is no formula to divide up the benefits and burdens of a smaller scheme

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among those presently participating and those whose participation to accommodate infrastructure would no longer be required.

- 1.8 Consultation has always taken place upon the whole scheme. Notwithstanding the campaign by the Alliance there is strong local support for the whole scheme. Significantly, that includes the residents of Bwlch y Sarnau and the Marteg Valley.
- 1.9 All the environmental assessment and the mitigation that has been agreed are on the basis of the whole 27 turbine scheme. The reduction in the number of turbines in the northern part to respond to Natural Resources Wales (NRW) concerns regarding curlew could not be justified if there was no development on the southern part.
- 1.10 FWL has a grid connection contract sufficient for the connection of 29 turbines. That contract is fixed and not linked to a reduction in the number of wind turbines approved. The grid connection cost is estimated by SPEN at c. £10 - £12m. This could not be borne by a 12 turbine scheme.
- 1.11 All 27 proposed turbines lie within SSA C, as refined by PCC. There are 2 alternative solutions for connecting the wind farm to the grid both of which are acceptable in landscape terms. PCC are content with one of these (the Eastern route).
- 1.12 TAN8 provides additional support for community schemes. It anticipates that community schemes will be small as they usually are. The fact that a community has grasped the opportunity of larger scale wind farm development is an exemplar of local action to deliver national objectives whilst retaining the generated financial benefits.
- 1.13 For the avoidance of doubt there isn't a scaled down version that could be approved. The community-backed proposal is dependent upon the 27 turbine proposal. From a procedural perspective a scaled down version would be less than 50MW. With the southern part excised it would be 27.6MW and so would not be a scheme for consenting via the Electricity Act 1989.

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## 2. POLICY MATTERS FOR CONSIDERATION

2.1 The statutory context, Schedule 9 to the Electricity Act 1989 [CD/COM/023], requires that the Secretary of State will have regard to the desirability of a number of matters and what is reasonably possible to mitigate any effect, namely:

- Preserving natural beauty;
- Conserving flora, fauna and geological and physiographical features of special interest; and
- Protecting sites, buildings and objects of architectural, historic or archaeological interest.

2.2 The overall primary policy context is provided by the National Policy Statements, TAN8 and Planning Policy Wales (2012). They confirm the urgent need for new electricity capacity and in particular low carbon development including onshore wind. The consensus amongst PCC, SNPA and NRW is that NPSs should be afforded substantial weight. TAN8 and Planning Policy Wales (2012) is also supportive of renewable energy development with a specific objective on providing 2GW of onshore wind by 2015/2017.

2.3 At the Opening Session the Inspector had specific points to consider with regard to the weight that should be attributed to National and Local Policy. The applicant considered the primary policy consideration to be the National Policy Statements (NPS) and some weight to be attached to local policy. Specifically the applicant considered three key points should be taken into account as follows:

- Policy has not stood still since TAN8 was completed. On the contrary, the NPSs have strengthened the policy for and re-stated the need for energy development;
- Technology has moved on too. Greater output is achievable from a turbine than was the case at the time TAN8 was completed. Limiting a SSA to a MW upper limit is unnecessary and restrictive; and
- The SSA designations stand as a credible land use policy and spatial guidance.

2.4 The Alliance state no weight at all should be given to PPW, TAN 8 and any related guidance, a view contrary to that of PCC and NRW. The Alliance's rationale for PPW and TAN8 carrying no weight is the abandonment of Welsh Energy Policy target and capacity targets for SSAs in February 2011.

- 2.5 The Alliance claim the inadequacy of consultation leading to TAN8 diminishes the weight to be attached to the policy. TAN 8 has been considered relevant at numerous Inquiries since 2005. The SSAs were broadbrush indications of objectively suitable locations for wind farm developments of this size. Those indications have been further refined by the respective local planning authorities.
- 2.6 Energy Wales: A Low Carbon Transition (2012) sets out the need to undertake a whole system transition to low carbon energy and sets out how the Welsh Government intends to achieve this in line with achieving economic and community benefits. Future aspirations for renewable energy include making the best use of a variety of commercially proven sources, including onshore wind and facilitating appropriate deployment to deliver objectives and contribute to UK and EU targets.
- 2.7 With regards to the approach on targets PPW (5) confirms the 2GW potential for onshore wind. TAN8 is the means to facilitate the delivery of this potential. The SSAs therein are the resource to accommodate the capacity sought in the NPS and the EU Renewables Directive 2009. This was confirmed in the Inspector's decision on the Brechfa Forest West Wind Farm [CD/COM/035].
- 2.8 FWL in SSA C would contribute 62.1MW towards the 2GW target.

#### **Matters Arising**

- 2.9 The environmental, landscape and transport matters arising were set out principally by PCC, NRW and the Alliance.
- 2.10 PCC did not maintain any objection to the local access route proposed by the applicant to get the turbines to the site, subject to agreement of appropriate conditions and a section 106 agreement. Welsh Government retained concerns about various matters within their jurisdiction including the implications for the Crossgates Railway Bridge.
- 2.11 The NRW Statement of Case (SoC) (Inquiry Ref CON-003-SOC-SSA-C-1) updates the SoC submitted by the former CCW in January 2013 (Inquiry Ref CON-003-OSOC-2). In summary NRW comments cover the effect of the proposed development as follows:
- Lack of mitigation to avoid cumulative impacts on breeding curlew;
  - Cumulative landscape and visual impact; and
  - Insufficient information to inform a Habitats Regulation Assessment .
- 2.12 It should be noted the NRW comment refers to the cumulative landscape and visual impact rather than a specific impact associated with FWL.

- 2.13 NRW stated that the ES does not fully consider all significant impacts of the proposal in accordance with the Environmental Impact Assessment Regulations: (HRA) on potential impacts on the River Wye SAC as follows:
- Lack of information about the impact of the grid line connection to the windfarm, both alone and cumulatively;
  - Environmental impacts of modifications to the minor road running from the A483 junction to the site entrance.
- 2.14 Further SEI was presented to NRW electronically on the 19th June 2013, and hard copies including maps and visuals on the 4th July 2013. At the time NRW had not been able to assess that data, and use it to inform the issues above.
- 2.15 Following discussion with DECC, NRW provided an HRA scope to the Inspector (Inquiry Ref CON-003-007), setting out advice on what is required in order to carry out the assessment. This scope focuses down on a specific sub-catchment of the SAC, and identifies the feature of the SAC that needs to be considered.

#### **Amended Application and SEI**

- 2.16 The Llaithddu application was formally amended on 24 June 2013 to comprise 27 turbine x 2.3MW wind turbines providing a total generating capacity of 62.1MW. The changes made were in response to the comments received from PCC, CCW and Cadw. Indirectly, the changes addressed concerns expressed by the Alliance too.
- 2.17 The June 2013 SEI provided an environmental assessment of the original application as submitted in 2008 and amended options for the Llaithddu Wind Farm which included the scheme for 27 turbines , taking into account:
- Changes to the baseline environment, guidance and legislation since the original proposal was submitted;
  - Cumulative effects relating to subsequent wind farm proposals in the surrounding area.
- 2.18 The June 2013 SEI supplemented the original Environmental Statement and focused on changes to the data, analysis and conclusions presented therein.
- 2.19 Further SEI for Llaithddu Wind Farm was submitted in January 2014 relating to cumulative matters associated with the grid connection, which were considered during the Mid Wales Conjoined Wind Farms Inquiry Session 4
- 2.20 An Updated Survey Report was submitted electronically on 6 May 2014 to NRW and copied to PCC and the Programme Officer. Hard and CD copies have been subsequently provided

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to those parties involved in the inquiry. This report provides updated terrestrial ecology, bat and ornithology surveys undertaken during 2013 and 2014 survey season for the Llaithddu Wind farm site. Drafts of most of the protected species surveys have been previously provided to NRW for their consideration in March 2014.

### 3. THE LOCAL POLICY ISSUES

3.1 The third specific matter to be considered is “the extent to which the proposed developments are consistent with Welsh Government and local policies: including Planning Policy Wales, Edition 4 (2011); Technical Advice Note 8: Planning for Renewable Energy (2005); and Energy Wales: A Low Carbon Transition (2012); and Powys Unitary Development Plan (adopted March 2010).” Welsh and local policy is set out in Planning Policy Wales, Edition 5 2012 [CD/COM/008]; Energy Wales: A Low Carbon Transition (2012) [CD/COM/033] and the Powys Unitary Development Plan (UDP) (2010) [CD/COM/006].

3.2 Welsh policy was dealt with in the SOC for the Opening Hearing Session, the Statement of Common Ground on Planning and Energy Policy between the developers [SOCG-Policy-001] and briefly again in section 2 of this Statement of Case. This section will focus upon the local policy context relevant to Schedule 9 of the Electricity Act 1989 [CD/COM/023].

#### **Powys Unitary Development Plan**

3.3 Policy E3: ‘Wind-Power’ is contained within the part of the plan relating to Energy, and states Applications for wind farms including extensions to existing sites and individual wind turbine generators will be approved whether alone or in combination with other projects they do not unacceptably adversely affect :

- The environmental and landscape qualities of Powys; (criterion 1)
- The wildlife habitats of species of international, national or local importance; (criterion 2)
- The amenity of users of sensitive properties; (criterion 3)
- Building or features of conservation or archaeological interest; (criterion 4)
- The enjoyment and safe use of highways and the PROW network; (criterion 5).

3.4 Additionally, a proposal should be capable of being served by an acceptable means of highway access and any access requirement should not have an unacceptable environmental impact; criterion 6. Criterion 7 expects applicants to demonstrate through land management schemes that there would be adequate mitigation or compensation for any adverse impact on environmental quality, wildlife habitats or heritage features, and any structure or buildings associated with the development should be blend into their setting (criterion 8) .

3.5 In terms of meeting the criteria of that UDP policy, I consider that the evidence produced, relied upon and examined by the applicants demonstrates that there are no unacceptable adverse impacts associated with the scheme. Further, a great deal of common ground has

been reached between FWLC and objectors and consultees on various matters relevant to the application of UDP Policy E3 which has led to the production of a number of important statements of common ground which cover a range of topics and outline both the impacts of the development and the proposed mitigation to address any impacts that may arise:

- Statement of Common Ground on Noise with Powys County Council (FWLC-SOCG-002) (Criterion 4)
- Statement of Common Ground on Ecology and Ornithology with NRW (FWLC-SOCG-003) (Criterion 3)
- Statement of Common Ground on Peat Resource with NRW (FWLC-SOCG-004) (Criterion 1 & 2)
- Statement of Common Ground on Hydrology with NRW (FWLC-SOCG-005) (Criterion 1)
- Statement of Common Ground on Landscape and Visual Impact Assessment with Powys County Council (FWLC-SOCG-006) (Criterion 1)
- Statement of Common Ground on Historic Environment with Cadw and Clywd Powys Archaeological Trust (FWLC-SOCG-007) (Criterion 5)
- Statement of Common Ground on Highways and Access with Powys County Council (FWLC-SOCG-SSA-C) (Criterion 7)
- Statement of Common Ground on Landscape and Visual Impact Assessment Matters (LVIA) – Session 4 with Powys County Council (FWLC-OBJ-002-SOCG-LAND-S4) (Criterion 1)
- The following SOCG have been agreed between FWL and other developers at the inquiry:
  - Statement of Common Ground on Works to Trunk Road and Delivery Periods between FWL and CeltPower Limited (FWL-CPL-SOCG-TRANS-S4) (Criterion 8)
  - Joint Hydrological Position Statement between Vattenfall, FWL and Celtpower Ltd (CPL-VATT-FWLC-PS-HYDRO-S4 and CPL-VATT-FWLC-PS-HYDRO-FIGA-S4) (Criterion 1)

#### **Further Discussion**

- 3.6 Subject to the imposition of appropriate conditions, PCC no longer objects to the scheme on the basis of anything other than landscape impact. Likewise, the Welsh Government, who did not at any stage produce evidence of their own, withdrew their objection on transport grounds on the basis that any impact on the highway network could be dealt with by conditions. Those

respective positions, which were arrived at with a full and proper assessment of the submitted information, confirm the acceptability of the scheme in respect of the matters addressed by Policy E3. While it is accepted that others, such as the Alliance, do not agree with those positions, it is firmly my opinion those remaining concerns are not borne out in the evidence nor are they supported by expert bodies, such as Cadw, CPAT and NRW who are responsible for preventing such harm arising and who would not have signed up to the SOCGs otherwise.

3.7 The only matter that hasn't been fully addressed by means of a Statement of Common Ground is landscape impact relating to the southern turbines. In this respect Proofs of Evidence have been submitted and evidence has been given by Colin Goodrum, LDA Design and a detailed Landscape and Visual Impact Assessment has also been undertaken as part of Environmental Impact Assessment process, most recently, in June 2013. Various Statements of Common Ground relating to landscape matters have been agreed with consultees and objectors. The agreed landscape matters and the remaining objection from PCC are summarised below.

3.8 A Landscape Statement of Common Ground has been agreed between PCC and FWLC dated 5 August 2013. In section 6.0 of this SOCG which sets out an accurate summary of the assessment of effects contained within Vol.2 of the SEI, it is agreed:

- The landform and majority of onsite features would be unaffected.
- Effects to the north and west of the northern part of the proposed wind farm would be limited by the presence of the existing P&L turbines and the screening effects of landform.
- Two landscape Powys landscape character areas (Powys Landscape Character Assessment, 2008) which would host the wind turbines would experience significant effects, although the parties disagree as to the extents; M32 – Waun Ddubarthog and R17 – Bwlch-y-Sarnau Uplands.
- The character of the remaining landscape character areas in the detailed assessment area (within 15km) would not be significantly affected and the character of the wider study area (between 15 and 35km) would be unaffected.
- There would be limited or no effects on designated landscapes.
- The SEI assessment finds that there would be a small number of significant visual effects at certain recreational resources and transport routes located within 6km of the site. Beyond this approximate distance no visual impacts of significance would occur.

- No residential properties would experience views of the turbines which would create effects on residential amenity to the extent that they would become an undesirable place to live.
- 3.9 Section 6.4 of the SOCG confirms that, with regard to cumulative effects, the Llaithddu wind farm would create significant effects when viewed with other wind farms within SSA C from some viewpoints. These, as might be expected, would generally be from close viewpoints to the south where Llaithddu is the closest and most prominent wind farm. From other directions, other proposed wind farms would be more prominent.
- 3.10 A Statement of Common Ground has also been agreed between the five Wind Farm Developers and Powys County Council dated March 2014. This confirms that unacceptable in-combination cumulative landscape effects would not occur between the wind farm schemes before the Inquiry over and above those that would occur separately within SSA B and SSA C.
- 3.11 A further Statement of Common Ground on Landscape and Visual Impact Assessment Matters (LVIA)- Session 4 between FWL and Powys County Council dated 21 March 2014 confirms the following:
- Agreed matters regarding the Holford Rules.
  - With regard to the western grid connection route, CC1, Mr Russell-Vick confirms at paragraph 8.8 of his proof, that potentially none of the effects would be so great as to trigger EN-5 'serious concerns' such as would justify undergrounding.
  - No significant cumulative effects will arise from any relevant single turbine schemes in which Llaithddu is not already significant.
- 3.12 In addition to the SOCG the following matters were also agreed through the landscape evidence presented at Sessions 1 and 4.
- That the amendment in June 2013 of the Llaithddu Wind Farm scheme to avoid stacking at the southern end provided an acceptable visual solution; and
  - There is agreement that the Eastern Grid Route is acceptable (PCC view, subject to undergrounding), and an underground connection to the proposed 132kV line at Ddullui Bank would avoid the need for a new substation and connection near T17.
- 3.13 The outstanding landscape matters not agreed between FWL and PCC focus on the southern part of the development. FWLs response are summarised below.

- 3.14 PCC considers that the northern part of the development is acceptable as it would be read as effectively an extension of the Llandinam proposal but that the southern part is more harmful and not supportable. FWL considers that the whole development taken together is acceptable in landscape and visual terms. The scheme has been designed as one wind farm, with a designed gap in the middle relating to military aircraft training routes.
- 3.15 PCC considers that the route corridor of grid connection CC1 (the western route) would have a significant and unacceptable impact on the landscape character, and significant and unacceptable visual impacts along its length. FWL considers that significant landscape effects would not occur to any sections of the western route and that visual effects can be minimised by route design. With regard to the western grid connection route, CC1, Mr Russell-Vick confirms that potentially none of the effects would be so great as to trigger EN-5 'serious concerns' such as would justify undergrounding.
- 3.16 FWL consider that, based on a comparison of the eastern and western routes, the western route would, overall, cause lower landscape and visual effects than the eastern route and that, given that PCC has accepted the effects of the eastern route (subject to undergrounding within a section of High sensitivity), there should be no reason why PCC objects to the western route on landscape grounds, subject to careful detailed routeing design.
- 3.17 Dealing further with the southern turbines, it is important to note that no other consultee or objector has expressed any specific concern with regards to the southern part of the development. The only concern expressed by PCC's first landscape consultant (Capita Symonds) in relation to the original application scheme leading up to the PCC Cabinet Report (25 September 2012) [CD/FWL/BAC/007] related to clustering of turbines at the southern end (5 turbines) when viewed from Bwlch y Sarnau [see FWL-LAN-001]. The scheme was then modified to remove potential clustering viewed from Bwlch y Sarnau. PCC's professional adviser on landscape and visual matters considered that the modified scheme (including changes made to the southern turbines to address effects on Bwlch y Sarnau) was acceptable and should be approved. The following text appears at page 99 of the report under the heading 'Landscape and Visual Impact';

*"Overall, in our opinion, the developer has addressed or clarified many of our concerns and the efforts made to refine the design of the scheme have resulted in a considerable improvement in the appearance of the southern arm of the scheme where it will be seen largely in isolation on the skyline. It is now recommended that the scheme be approved in terms of landscape and visual matters."*

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3.18 Despite this PCC objects to the southern turbines on landscape and visual grounds, albeit in evidence, Mr Russell-Vick agreed the amendment was an acceptable response to the issue and that the scheme as a whole was acceptable from "all point of the compass".

## 4. PLANNING BALANCE

4.1 As per Schedule 9 to the Electricity Act 1989 [CD/COM/023], the Secretary of State will have regard to the desirability of a number of matters when considering the application, namely:

- Preserving natural beauty.
- Conserving flora, fauna and geological and physiographical features of special interest.
- Protecting sites, buildings and objects of architectural, historic or archaeological interest.

4.2 As stated, the Powys UDP Policy E3: Wind Power matches the thrust of Schedule 9. I consider the applicant has fulfilled the need to preserve, conserve and protect as necessary. Where practically possible, mitigation can be installed and has been agreed such that the effect of the proposal will be at an acceptable level. I set out below why I consider this to be so.

4.3 The Environmental Statement (ES) submitted with the application in 2008 together with the Supplementary Environmental Information (SEI) addressed the requirements of Schedule 9 consistent and UDP policy. The Environmental Impact Assessment (EIA) process has brought about acceptable methods of mitigation agreed with:

- Natural Resources Wales
- Cadw
- Welsh Government
- Powys County Council

4.4 The mitigation agreed is for the whole FWL proposal for 27 turbines.

4.5 The area within which the FWL site sits has been identified for nationally important infrastructure. The FWL Section 36 application is the culmination of extensive previous work, undertaken by Welsh Government and refined by Powys County Council, to identify the appropriate locations to accommodate nationally important infrastructure. This exercise specifically sought to identify areas of remote open countryside within which to site wind turbines such is the need for renewable energy.

4.6 Each of the matters of interest to the SoS are set out in turn below.

### **Wildlife habitats**

4.7 Acceptable mitigation for curlew has been agreed through the deletion of turbines 1 and 2 and the relocation of turbines 3 and 5 as submitted in the amendments made to the application in

June 2013. A draft Breeding Birds Protection Plan (BBPP) appended to the SOCG on Ecology and Ornithology with NRW in August 2013 sets out appropriate mitigation. This is also controlled through specific conditions regarding the Construction Method Statement and limiting construction during curlew breeding season. As agreed, no other protected species is adversely affected by the proposal.

4.8 It has been agreed that the following will provide adequate mitigation or compensation for any impact upon environmental quality and wildlife habitat:

- A Habitats Management Plan
- Breeding Birds Management Plan
- Peat Management Plan

4.9 Conditions have been provided to ensure the various management schemes are submitted to and approved by the local planning authority.

4.10 All the applicants have agreed, as per the Developer SOCG, to the imposition of a condition requiring the removal of wind turbines generators, related infrastructure and ancillary equipment and the restoration of the land once electricity generation has ceased. Site decommissioning and restoration conditions have been drafted accordingly.

**Noise, vibration, shadow flicker or reflected light**

4.11 Acceptable noise levels in isolation or cumulative effect have been agreed to protect residential amenity. A series of noise conditions have been agreed with PCC. Noise during construction would be controlled as part of the Construction Management Plan. No shadow flicker or reflected light will adversely affect amenity. A condition has been agreed requiring that a scheme for the avoidance of shadow flicker effect is submitted and approved by the local authority. A similar scheme regarding potential for television reception interference has also been agreed.

**Buildings or features of conservation or archaeological interest.**

4.12 No objection has been raised by PCC regarding historic environment. Furthermore a SOCG has been agreed between FWL and Cadw and Clywd Powys Archaeological Trust (CPAT) which confirms agreed mitigation with regard to Fowlers Armchair. This mitigation comprises provision of a horse corral, providing access and fencing off of Fowlers Armchair, information board and provision of a permissive route linking bridleways. Conditions have also been agreed regarding the provision of a scheme of archaeological investigation on the site.

4.13 The Alliance considered that five turbines would have an effect on Fowlers Armchair. Following a site meeting with Cadw and CPAT it was agreed that the movement of Turbine 17 50m north would address concerns regarding the setting of Fowlers Armchair. The turbine was relocated as per the amended application.

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### **Public Rights of Way**

- 4.14 The main routes affected to 'major or 'major to moderate' degree would be those bridleways and footpaths crossing, or situated immediately adjacent to, the site from which uninterrupted views of the proposals would be available. None of the other publicly accessible routes locally or in the wider study area would be affected to any significant degree, including long distance trails such as Glyndwrs Way, Offa's Dyke, The Severn Way and The Shropshire Way. In addition National Cycle Network Routes would not be affected to a significant degree by the proposed wind farm.
- 4.15 A financial contribution has been agreed with PCC with regard to improvements to the existing public rights of way. Furthermore the applicant has presented mitigation in the form of permissive routes which provide alternative routes to the existing PROW network. A condition has also been agreed regarding the provision of a Rights of Way Management Plan to be submitted and agreed with the local planning authority.

### **Highway access**

- 4.16 The starting point in respect of the strategic highway network was an objection from the Welsh Government. That was never explained in any detail, no evidence was ever produced and the objection was withdrawn. I draw attention to this feature of the case because it was a significant objection when the application was before PCC and earlier in the inquiry. The fact that the statutory consultee in this specialist area has agreed that the wind farm proposal is acceptable, subject to the agreed conditions, is a notable change of circumstance. It is agreed that effects on the highway network can be managed by the imposition of a series of conditions. The proposed route is agreed as acceptable for all AIL deliveries. The applicant will improve the trunk road and local road network and install traffic control and management where appropriate.

### **Design**

- 4.17 Ancillary structures and buildings are sited and designed to adequately blend into the setting. Again a series of conditions have been drafted regarding the detailed development design and appearance of the wind farm.

### **Landscape quality and visual impact**

#### Approach

- 4.18 Firstly, I would like to touch upon how landscape and visual effects fit into the decision-making process. I have referred above to the policy imperative for onshore wind power generation. The policies establish that there is a need and accept that there will be impacts and in particular that landscape and visual impacts are inevitable.

- 4.19 TAN 8 has established the areas within which the onshore wind generation projects should be accommodated. That leaves only the question of the amount of wind farm development which a search area could accommodate. I do not regard the answer to that question as one which may be answered solely on the basis of the landscape and visual effects. In other words, it is not possible to say simply, having regard to landscape and visual effects 'the scheme is acceptable' or 'the scheme is not acceptable'. Rather, the inevitable landscape and visual effects are to be considered within the statutory and policy framework.
- 4.20 Secondly, I would like to make clear what it is that is being assessed. As explained above, the application is for a s36 consent to operate an electricity generating station in excess of 50MW. The scheme was designed and assessed as a whole. It is not a two-part scheme and could not be a s36 application if it generated less than 50MW.
- 4.21 The ES, SEI and the landscape evidence to this Inquiry has all been presented as one. From the east, and from higher ground to the north east, there is a gap between turbines 14 and 15. This is for a sound reason, namely to accommodate Royal Air Force's Tactical Training Area requirements. The wind farm would nonetheless operate as one wind farm, was submitted as one application and should be assessed as a whole.

#### Landscape and Visual Effects

- 4.22 When siting wind turbines in the open countryside it is highly unlikely that landscape and visual effects can be avoided. Indeed they are widely recognised as inevitable. The matter for consideration by the decision maker is whether the effects are sufficient to outweigh the overall policy presumption in favour of renewable energy development in SSA C, as identified via TAN 8.
- 4.23 I would also emphasise the fact that the TAN8 assessments were carried out on the basis of a model turbine with a materially lower generating capacity than those proposed for Llaithddu (2MW against 2.3MW each). They were also significantly larger: 145m to tip and 45m blades, compared to FWL at 99.5m and 33.3m.
- 4.24 Nonetheless, some significant effects have been identified in landscape character and visual terms. However, in my view these are limited for the reasons given by Mr Goodrum, but I note that there is a range of opinions in that respect. Two points strike me as notable. Firstly PCC's previous landscape consultant (Capita Symonds) found the landscape effects to be acceptable and recommended that FWL be approved. Secondly the difference between the findings of the second landscape consultant on behalf of PCC and the applicants SEIs as well as the TAN 8 Policy compliant designation of SSA C as further refined by Powys County Council.
- 4.25 The conclusion of the second landscape consultant on behalf of PCC is the variation in the consistent interpretation via the TAN 8 process and by Mr Goodrum as well as Capita

Symonds. This is despite an acknowledged good level of consistency between his findings and the applicants SEIs. Furthermore to add to the consideration of how much weight should be attached to the objection is the fact that NRW do not mention a lack of mitigation in relation to landscape or visual issues at FWL alone.

- 4.26 PCC's landscape and visual objection is founded upon the effects of wind turbines rather than the grid infrastructure. In other words, the landscape and visual effects of the turbines is the issue, not the grid infrastructure.
- 4.27 To that effect there are three important factors to note as follows.
- 4.28 No residential properties would experience views of the turbines that would create effects on residential amenity to the extent that they would become an unattractive place to live. Five residential properties lie within 1km of the proposed wind farm, none would experience unacceptable effects.
- 4.29 There are relatively few sensitive visual receptors that would have potential to experience significant visual effects due to the southern turbines, due to the limited number of receptors close to the southern part of the proposed wind farm. This is limited to a few PRow's within 6km of the proposed turbines including a short stretch (approximately 2km) of Glyndwr's Way at Bwlch y Sarnau, users of open access land within 3-4km and short stretches of a few local roads within about 2.5km. Visibility to the wind farm is often locally blocked by topography or vegetation along the lanes.
- 4.30 The design responds particularly well to the scale and pattern of the landform and the character of the landscape, following the pattern of high land at Waun Ddubarthog and Brondre Fawr, and the simple, exposed, open and windswept location, as envisaged by TAN 8. When seen from the surrounding landscape the entire wind farm is seen relating well to the overall landscape and landform, and the southern turbines in particular would form an attractive composition extending along the ridge top.

#### The Planning Balance

- 4.31 Having reviewed the issues which were raised at application stage and by the parties in their outline statements of case, it is clear to me that matters have moved on considerably during the course of the inquiry. In my view, several issues which consultees considered to be important have now been resolved as a result of careful co-operation, amendment and development of management strategies which may be properly secured.
- 4.32 PCC's objection is now focused on landscape and visual effects. I have given careful consideration to that position and the similar points made by the Alliance. I have considered the planning balance on the basis that the Inspector entirely accepts the PCC and Alliance cases on landscape and visual effects.

- 4.33 Schedule 9 sets out the broad range of matters for consideration, one of which is preserving natural beauty. Policy E3 has eight specific criterion to determine acceptability of a wind farm application. I would consider the extent to which FWL has addressed Schedule 9 and the other seven criterion to be far reaching. This has been achieved to the satisfaction of all relevant statutory bodies. Consequently, whilst accepting the PCC and Alliance position on landscape, on balance it would be appropriate to grant consent.
- 4.34 Before reaching a final conclusion on the weight attributable to the landscape and visual impact objection the alternative view is worth full consideration. In short:
- No residential properties would experience views of the turbines such that they would become an unattractive place to live;
  - The southern turbines would cause some significant effects on landscape character but these would be limited to a local area and overall effects on the Powys landscape character areas would not be significant;
  - There are relatively few sensitive visual receptors that would have potential to experience significant visual effects due to the southern turbines;
  - The design responds particularly well to the scale and pattern of the landform and the character of the landscape;
  - No other agency or consultee has expressed any specific concern with regards to the southern part of the development;
  - The landscape evidence presented on behalf of PCC has varied; and
  - The PCC objection is at odds with a number of landscape and visual impact assessments.
- 4.35 Taking these factors into account the case for granting consent is even stronger.
- 4.36 In summary, the development complies with local planning policy. The evidence demonstrates that there will be no unacceptable adverse impacts arising from the development. Where impacts have been identified they have been assessed thoroughly through the evidence and the production of environmental information, and appropriate mitigation which can be secured by condition has been suggested.
- 4.37 A wind farm in the open countryside will have an impact. This is acknowledged. FWL does not impose a harmful effect sufficient to forgo the renewable energy generation FWL would provide. Any effect upon the landscape and visual amenity can be reversed. Overall it is a good scheme in landscape terms and the limited adverse landscape effects would be substantially outweighed by the benefits of renewable energy generation.

4.38 The renewable energy required is to meet the following targets:

- The legally binding requirement, in accordance with EU Renewable Directive 2009;
- 15% of energy consumption from renewable sources by 2020 as set out in the UK Renewable Energy Strategy (2009);
- 2GW (2000MW) by 2020/2025 as set out in Planning Policy Wales: edition 5 November 2012;
- The urgent need for renewable energy development as set out in NPS EN-1.

4.39 For the reasons set out I believe FWL, which is situated at a policy compliant location, should be given consent to contribute 62.1MW to the required targets. FWL is a local initiative that marries local benefits to achieving Welsh, National and International objectives. FWL has demonstrated how the Schedule 9 requirements can be satisfied and with respect the Inspector can recommend Section 36 consent is granted together with the deemed planning permission.