

**Mid-Wales Conjoined Public Inquiry**  
**Electricity Act 1989 (Sections 36, 37, 62 (3) and Schedule 8)**  
**Town and Country Planning Act 1990 (Section 90)**

**Application by RES UK and Ireland Limited, dated 27 March  
2009 for consent to construct and operate the Llanbrynmair  
Wind Farm, in Powys, Mid-Wales**

**Session on Planning Policy and the Planning Balance**

**Summary of Proof of Evidence on behalf of the Applicant  
of David Ian Stewart M.A. (Cantab.), Dip.T.P., M.R.T.P.I.**

**David Stewart Associates**

- S1 In Section One I set out my qualifications and experience in town planning over the last 44 years, with particular reference to my work on renewable energy schemes. I also set out the scope of my evidence for this part of the inquiry.
- S2 In Section Two, I cover the development plan position in Powys, citing the key renewable energy policy E3 and my approach that where there is a fully criteria-based policy for a particular form of development it should not be necessary to seek to test a proposal against a wide range of other topic based policies in which there is no balancing exercise for a development of this sort. I do however list other policies which have been claimed to be of relevance to this proposal and the others before the inquiry. I refer in particular to the terms of criterion 7 of E3 and the requirements it contains for mitigating or compensating for any harm at all. Finally in this section I deal with the refinement exercises and the IDCG which flowed from it, as well as the relevance and weight to be given to policies adopted for the National Park.
- S3 In this Section I look in detail at issues relating to alternatives in the context of site selection, the EIA Regulations and the advice in the suite of National Policy Statements. I examine in detail the position with regard to the access arrangements and to the approach taken by PCC and NRW. I review the way in which the access route has been addressed throughout the passage of the proposal and the issues which arise about any requirement that RES should have to use the access being proposed by RWE rather than their own.
- S4 In Section 4, I review the development plan policy E3 criteria against the proposal and conclude that there is no overall conflict with the aims and objectives of the development plan. I refer in particular here to those criteria that relate to ecology and to access.

**S5 Conclusions on the policy assessment and the planning balance**

- S5.1 In all planning decisions for major infrastructure projects there will be balancing judgements that have to be made and that is especially the case where the type of development that is proposed has the potential to create conflicts with a number of policy areas. Against this potential for conflict it is necessary to weigh the UK and Welsh Governments' energy policy requirements and the advice at national level that flows from this. The balancing exercise has been undertaken for a large number of wind farm proposals in the past and the evidence that it has on many occasions come down in favour of the wind farm proposal is shown by the fact that there are now hundreds of wind farm sites across the United Kingdom, involving thousands of individual machines, making a significant contribution to the overall targets that the Governments have set.
- S5.2 It is submitted that this proposal derives support not just from the thrust of the National Policy Statements but also the well established strategic framework for wind energy developments that has been developed in Wales. Unlike the rest of the United Kingdom, where development plan policies are used to assess the acceptability of individual proposals, the Welsh Government decided nearly ten years ago to adopt a spatial strategic approach in which they chose to identify seven areas where virtually all wind farms of over 25MW installed capacity should be located. Their aspirations to achieve 800MW of installed capacity from these seven areas by 2010 did not bear fruit for a number of reasons, but they have reinforced the spatial approach by setting an enhanced target for the SSAs in a reduced time frame. The Llanbrynmair scheme is one of a number of proposals which have come forward in response to TAN8, and will be one of the key providers of installed capacity in SSA B.
- S5.3 The ES has carried out a comprehensive assessment of the different issues that have to be addressed. It is inevitable that there will be significant effects in landscape and visual terms from any modern wind energy development, and also that there will be some effects on the setting of cultural heritage features due to the size of the Development, the height of the turbines and the wealth of assets

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that have been identified and designated. None of the significant effects that have been identified either individually or cumulatively is considered to be unacceptable and this level of effects is what would have been expected to have arisen with a project of this scale within a Strategic Search Area. TAN8 accepted the inevitability that there would have to be acceptance of landscape change within such areas and this is reinforced in PPWales as a key principle which underpins this approach. No other conflicts have been identified which would warrant rejection of the proposal.

S5.4 The application is considered to be in compliance with the aims and aspirations of both the Welsh Government and the UK Government. It is fully compliant with the advice set out in the NPSs EN-1 and EN-3. It supports the Renewable Energy Strategy of 2009 and will be a major plank in the achievement of the new targets set out in the Wales Energy Policy Statement of 2010. Regard has been had to the development plan context for Powys. The policy on wind energy does refer to effects having to be “unacceptable” to warrant a conflict being established - thus bringing in a balancing exercise in which the need for renewables becomes part of the way in which acceptability can be judged. Powys has expressed its concern about the scale of strategic delivery of wind energy in their Council area as a whole, and there is no mention in the key renewable energy policy of actual support for the principle of development in the SSAs. Here, too, any conflict with the policy has to be taken in the context of the overall Powys approach to development in these areas. I do not consider that the policies adopted within the Snowdonia National Park Plans are material considerations in themselves since what needs to be addressed is the effect on the setting of the National Park, and this has been carried out in the ES.

S5.5 The ES in its final form as the most recent Consolidated SEI dated August 2013 (plus three further SEIs dated October 2013, December 2013 and February 2014) enables the Secretary of State to consider the effects on a wide range of topics and to conclude that the granting of a consent order for this application would be appropriate. This proposal makes effective use of the wind resource to provide a major additional source of renewable energy with limited impact on issues of

acknowledged planning importance. Based on the planning assessment that has been undertaken in this proof, it is concluded that this proposal is one where the proposal remains consistent with the national planning and energy advice on making the best use of renewable energy resources wherever they are economically attractive and environmentally acceptable, and that the wider benefits and the continuing need to deploy further renewable energy developments in this part of Wales outweigh the inevitable significant effects that are identified for a major wind farm development through the EIA process.

S5.6 There remains of course the key issue that lies between PCC and the Applicant regarding the access arrangements. The Applicant has been satisfied from the outset that it has identified an appropriate form of access for abnormal loads and HGVs to access the site. It is an access route that it also considers could have been used by RWE for their Carnedd Wern site had they wished to take advantage of it. They remain of the opinion that their arrangements are appropriate, acceptable and proportionate to the need to deliver this key strategic Welsh site. Given that the wind farm itself is acceptable to the Council, and that shared access has not been shown to be practicable for use at the present time – with at the very least a delay of many years before it could be made available to the Applicant – the application should be approved in its present submitted form.

S5.7 I have attached Appendix 1 to my proof a series of possible scenarios for the access route depending on the conclusions of the Secretary of State following his consideration of the Inspector's Report. These engage the possible alternative positions that both wind farms are consented and the SoS is satisfied that the Llanbrynmair access proposals are acceptable; that only Llanbrynmair receives a consent; and the position where he is not satisfied that the access arrangements are acceptable if there is a reasonable and practical alternative available to RES. It remains the case for the Applicant that the access arrangements are acceptable and that it would not be appropriate to require that an alternative should have to be used, but the conditions set out cover the eventuality that its views are not accepted.

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- S5.8 The Secretary of State asked the parties to advise on the extent to which the proposed development would be consistent with the objectives of Government policy on the energy mix and maintaining a secure and reliable supply of electricity as the UK makes its transition to a low carbon economy. In the context of this main issue, the Applicant considers that the delivery of 60MW of installed capacity of onshore wind is a significant contribution to the overall supply towards the targets set out at UK and Welsh Government levels for meeting the 2020 targets and beyond for the decarbonisation of our electricity supply.
- S5.9 The parties have been asked to show the extent to which the proposed development would be consistent with the policies relating to generation of renewable energy contained within the NPS suite, and in this context it is submitted that the Application provides a close match to tests which a renewable energy proposal is expected to meet. Finally on planning policy, the parties are asked to examine the extent to which the proposed development would be consistent with Welsh Government and local policies including PPWales 2011 (now 2014), TAN8, Energy Wales: a Low Carbon Transition Plan and the Powys UDP of 2010. Our evidence shows that the proposal is consistent with this range of advice and that even though the UDP does not have in Section 36 cases the same position that it would have on a Planning Application, nevertheless the development proposed is in general conformity with the policies in the UDP. The key issue in terms of the Welsh planning guidance is that this proposal lies within one of the SSAs; it lies within a refined area within one of the SSAs; it does not even when combined with Carnedd Wen come close to exceeding the target figures set out by Mr Griffiths for this SSA; and that in terms of the wind farm itself it now has support from the Powys County Council, with the only matter to be resolved being that of the access.
- S5.10 The Inspector is therefore invited to recommend to the Secretary of State that the Section 36 application should be granted and that deemed planning permission should also be issued.