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The Planning Inspectorate,  
Room 3/05 Kite Wing, Temple Quay House,  
2, The Square, Temple Quay,  
Bristol BS1 6PW

Dear Inspectors,

**RWE Npower Renewables application to the IPC for turbines at Brechfa Forest West**

On November 4 RWE Npower Renewables applied to the IPC to set up 28 wind turbines 145m high on a Forestry Commission Wales site referred to as Brechfa Forest West, and sent their outline response to feedback on the Brechfa Forest West draft Environmental Statement to correspondents.

Members of this group were told informally that we could send our comments on RWE's consultation directly to the IPC. I checked out the website and the relevant reference seems to be that interested parties can register only AFTER an application is validated.

The site of this RWE application is in Strategic Search Area G according to Planning Policy Wales Technical Advice Note (TAN) 8, 2005. This document is generally relevant to the period 2006-2010. It was expected to be reviewed in 2010. In 2009, the then Welsh Assembly Minister Jane Davidson wrote to AM Rhodri Glyn Thomas saying that the TAN would be revised in 2010 and the revision would be subject to full public consultation. Tan 8 was not reviewed and so the public consultation never took place.

This was important to us especially because of what has happened in relation to a wind turbine site adjoining this proposed RWE site. The Statkraft wind turbines now known as Alltwalis Windfarm were granted outline consent in March 2007 and became operational in October 2009. For more than two years since then, according to weather conditions, they have caused noise nuisance, sometimes extreme, to turbine neighbours. Affected households and this group have co-operated with Carmarthenshire County Council officers, with the owners Statkraft and their sound engineers Hoare Lea, but the noise problem is not solved. We sought and had some help from our AM Rhodri Glyn Thomas and MP Jonathan Edwards and wrote our own letters to the Welsh Assembly. We've also tried to understand why this problem arises and apparently can't or won't be solved.

Earlier this year, Carmarthenshire County Council accepted two other applications, RWE/Brechfa Forest East and RES/Bryn Llewelyn, for industrial wind turbines in and next to TAN 8 SSA G, Brechfa Forest. Because of the noise nuisance from the present Statkraft turbines, and the inevitable anxiety in affected households that turbine noise would be augmented, our written responses to these planning applications included requests that more turbines not be permitted until the present noise problem is sorted. At the moment, Carmarthenshire County Council is seeking more information from RES and RWE on these applications and they won't be heard this year.

Over summer 2011, Carmarthenshire County Council consulted on its draft UDP before

submitting this to the Assembly. Following problems from the Statkraft turbines, Carmarthenshire councillors and officers recommended, in this draft UDP, a separation distance of at least 1.5 K between homes and industrial wind turbines. Clearly distance and weather aren't the only determinants of noise nuisance, but unfortunately we have learnt through experience that 1.5k separation is not enough. One of the most severely affected households in Gwyddgrug is 2k from the nearest turbine. As far as we know, the draft UDP with comments is still with Assembly officers.

After the Assembly elections this year, there was pressure from various sources on the new Welsh government to review TAN 8. As a result of this, the Assembly Environment and Sustainability Committee is looking into the matter of whether or not the TAN should be revised or reviewed. Our September submission on this to the E&S committee includes, with reference to wind turbine noise, a statement that *local people in Gwyddgrug, or others who have come to know what is happening, can have no confidence in the planning, investigative or remedial procedures for wind turbine noise.*

This is a direct reference to the ETSU-R-97 guidelines on wind turbine noise, endorsed in TAN 8, and one of the reasons TAN 8 should have been and should be revised. We say that, contrary to its expressed intention, the ETSU-R-97 method of predicting and assessing noise from wind turbines does NOT protect many turbine neighbours, and DOES unreasonably and unnecessarily burden Public Protection officers and authorities, including Carmarthenshire's.

It seems the noise predicted and assessed by monitors is not the noise that disturbs peoples' sleep and lives. Whatever the case, we believe councillors and officers have ample evidence to refuse any turbine application using this method of noise prediction and assessment.

Since this submission was made to the E&S committee, a petition on moderating wind turbine noise was accepted by the Welsh Assembly. We made a submission on that and understand that this petition is also before the Assembly E&S committee.

Apart from comments on planning rules for turbine noise, our submission to the E&S committee included the general comment that there is **an apparent contradiction between wind turbine policy as stated by the First Minister and that of FCW acting as agents for Welsh Ministers.**

Since the Assembly elections this year, the First Minister is on record as saying that the MW capacities listed under SSAs in TAN 8 should be taken as upper limits. This means e.g. that the upper limit for Area G, Brechfa Forest, would be 90 MW.

In November 2008, when Forestry Commission Wales announced RWE as their preferred bidder to put industrial wind turbines in Brechfa Forest, the Statkraft turbine site adjoining Brechfa Forest and straddling the SSA boundary, had consent for 10 turbines, 30 MW capacity. Between then and now, those Statkraft turbines became operational, RWE applied for 11 turbines with 32 MW capacity at Brechfa Forest West, and RES applied for 21 turbines with 48 MW capacity at nearby Bryn Llewelyn. Three applications, for a total of a further 164 MW capacity

in and adjacent to SSA G, are before Carmarthenshire planners and the IPC concurrently.

It's not clear whose responsibility it is to plant trees in mitigation for the loss of trees if consent is granted for turbines on Forestry Commission land. The Welsh government has said this is the responsibility of Forestry Commission Wales, and that mitigation/ replacement planting may take place anywhere in Wales. We think this is wrong: replacement planting should be as near as possible to trees lost. In any case, in their comment on the RWE Environmental Statement, FCW asked RWE to offer more mitigation. We have no means of knowing whether or how RWE's application to the IPC responded to this.

We have not been able to find references to industrial wind turbines being allowed on Forestry Commission land in England. In fact there was controversy in England and in Parliament about proposed developments on FC land and proposals were withdrawn. Now the IPC, based in England, or a UK Secretary of State, based in England, is being asked to grant permission for turbines on Forestry Commission Wales land, while any similar application for England would have to go before Parliament.

We don't know exactly what developers were referring to when they wrote recently about constitutional problems that have arisen in Wales in relation to energy policy: but some of the points mentioned here, aspects of energy policy in Wales are, if not constitutional, at least procedural matters whose solution is not clear.

RWE's two applications for industrial wind turbine in SSA G Brechfa Forest are based on a historic document, TAN 8, whose revision is currently being considered, and which is open to challenge. Although the development leases granted to RWE and other developers are underwritten by Welsh Ministers, it is not clear that the full legal implications of putting industrial wind turbines on Forest Commission Wales land have been considered by the Welsh Assembly or successive Welsh governments.

With the RES application to Carmarthenshire there are 3 turbine applications for land in and adjoining SSA G, to be considered concurrently by different agencies, Carmarthenshire and the IPC/Minister. This makes it impossible for cumulative effects, notably on traffic, noise, landscape and tourism adequately to be considered by planners.

When looking at the IPC website to see how we could communicate with the IPC about these matters and RWE's consultation as soon as possible, we found that The Localism Bill including provision to abolish the IPC, is expected to become law in Spring 2012, i.e. before this RWE application to the IPC is heard or complete. We read that a new major infrastructure team within the Planning Inspectorate is being established to handle the relevant casework and we have written this letter to the Planning Inspectorate accordingly. You and not we can decide how much if any of what we have written here can be considered before the application is validated.

Yours faithfully,

Janet Dubé, Grŵp Blaengwen