

POWYS COUNTY COUNCIL



# Mynydd y Gwynt Wind Farm

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## Written Representation

APPLICATION REF: **EN010020**

REGISTRATION IDENTIFICATION NO: **10030036**

**18<sup>th</sup> December 2014**

This written representation has been prepared in response to the application for Development Consent for the Mynydd y Gwynt Wind Farm.



## 1. SUMMARY

- 1.1. The proposed wind farm at Mynydd y Gwynt has a generating capacity of up to 89.1 MW of renewable energy which is recognised as making a significant contribution to the energy needs of the UK.
- 1.2. Notwithstanding the presumption in favour of granting permission for National Significant Infrastructure Projects (NSIPs), it is necessary to consider the following matters:
  - (i) Whether there are adverse impacts that outweigh the benefits of the proposal.
  - (ii) For projects in Wales, the applicant must demonstrate how *'proposals fit with the guidance and support its targets or, alternatively, why they depart from them'*<sup>1</sup>.
- 1.3. The proposed development would result in significant adverse landscape and visual and cultural heritage impacts which, in this case, are considered to outweigh the acknowledged benefits. In addition, there are other impacts upon public rights of way that are considered to be unacceptable. With regard to ecology a number of deficiencies to the submitted Environmental Statement (ES) have been identified by Natural Resources Wales (NRW) who is the relevant consultee. A number of other deficiencies have also been identified in the ES by Powys County Council (PCC).
- 1.4. The applicant has sought to fit with Welsh policy and guidance through a review of site selection against TAN 8 and concluded that the site should have been included within SSA D. PCC does not consider that this exercise should be given any weight in the decision making process for the proposed development. It is not for the applicant to re-write policy. TAN 8 and the SSA's are part of Welsh policy and the applicant has not shown how the proposal accords with the guidance or targets.
- 1.5. PCC therefore object to this application due to the significant harmful impacts from the proposed scheme that outweighs the benefits (within the context of EN-1 and EN-3). Furthermore the site lies outside any SSA and is in an area where Welsh policy seeks to ensure there will be no significant change in landscape character from wind farm development<sup>2</sup>.

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<sup>1</sup> EN-3 para 2.2.1

<sup>2</sup> TAN 8 para 8.4

## 2. PCC'S WIND FARM DEVELOPMENT POLICY INTERPRETATION

- 2.1. PCC fully supports both the UK Government's and Welsh Government's energy policy and its targets for renewable energy reflective of the UK's international obligations. To minimise wider environmental harm, it supports the strategic approach to the location of wind farms contained in Planning Policy Wales 7<sup>th</sup> Edition (PPW) and TAN8 of identifying Strategic Search Areas (SSA's). PCC further endorses the recognition in the National Planning Policy Statements for Energy (NPS) and PPW that energy provision should be sustainable, as attractive as it can be<sup>3</sup>, seek to avoid or minimise the impact on the environment, and should not compromise international and national statutory obligations for designated areas, species and habitats.
- 2.2. The applicant's responsibility in all cases is to provide an economic and efficient generation of electricity whilst doing what they reasonably can to mitigate any effect which the proposals would have on the natural beauty of the countryside or on any such flora, fauna, features, sites, buildings or objects.
- 2.3. PCC was a key participant at the Conjoined Inquiry which was held between June 2013 and May 2014 to consider 5 major wind farm proposals (>50MW) and a grid connection scheme. All of the applications are within Powys and they are listed in the table at para 2.46 of PCC's Local Impact Report (LIR). PCC gave extensive evidence to the Inquiry including on landscape and visual, cultural heritage and transport matters.
- 2.4. At the Inquiry PCC advocated that a strategic approach be adopted in compliance with Welsh policy – PPW and TAN 8 as above. PCC's position can be summarised as follows:
- The 2GW target for on shore wind for Wales can be delivered by TAN 8 and the identified seven Strategic Search Areas (SSAs) for Wales.
  - All major wind farm development (over 25MW in TAN 8 terms) to be located within the SSAs whose boundaries can be refined in accordance with the guidance in TAN 8 Annex D.
  - The refinement exercise for the SSAs in Powys (i.e. SSA B, SSA C and part SSA D) was undertaken by Arup in 2006 and 2007 in compliance with TAN 8 Annex D; this comprises evidence base which has informed consideration of subsequent wind farm applications.

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<sup>3</sup> EN-1 Overarching National Policy Statement for Energy – para 4.5.3

- Outside SSA's there should be no significant damage in landscape character from wind farm development in accordance with TAN 8.
  - In July 2011 the Welsh Minister (John Griffiths) confirmed the maximum capacity figures for SSA C (98MW) for SSA B (430MW) and for SSD (212MW) to reflect their finite environmental capacity.
  - PCC supports large scale wind farm development within the refined SSA boundaries up to the maximum capacities stated in the Minister's letter.
  - PCC supports the Carnedd Wen wind farm in SSA B (150MW) and the re-powering scheme for Llandinam in SSA C (102MW) together with the 35km overhead line to connect the Llandinam wind farm to the grid at Welshpool substation, subject to some 4.2km being undergrounded in view of the identified landscape and cultural heritage impacts.
  - PCC also supports the northern array of the Llaithddu scheme comprising 27.6MW in SSA C.
  - PCC objects to the southern array of Llaithddu (34.5MW) due to its unacceptable landscape and visual impacts.
  - With regard to the Llanbrynmair wind farm (90MW) in SSA B, PCC object to the proposed access arrangements to serve the development in view of the landscape and visual impacts resulting from extensive works within the Nant y Eira valley. However, PCC has no objection to the wind farm itself subject to the scheme sharing the access for the Carnedd Wen wind farm which PCC consider would be both feasible and acceptable.
  - PCC objects to the Llanbadarn Fynydd Wind Farm (59.5MW) in SSA C on landscape, visual and cultural heritage grounds.
- 2.5. The Inspector's Report to the Conjoined Inquiry was submitted to the Secretary of State on 8<sup>th</sup> December 2014.
- 2.6. In addition to the Conjoined Inquiry wind farms there are numerous other wind farm schemes in planning and at pre-application stage and these are also listed in the LIR. The majority of these are proposed within the refined boundaries of the SSAs in Powys. The only NSIP scheme proposed outside an SSA is the Mynydd y Gwynt application.
- 2.7. PCC's position on the importance of SSAs as being the most appropriate locations for large scale wind farms and their allocated maximum capacities has been endorsed by the Secretary of State for the Department of Energy and Climate Change in respect of the

Cloceanog Forest NSIP application (approval dated 12<sup>th</sup> September 2014) and the Welsh Government's decision in respect of the Bryn Llewelyn scheme (6<sup>th</sup> May 2014).

### **Wind farm grid connections**

- 2.8. TAN 8 recognises that reinforcement of the transmission network in Mid Wales is necessary to connect the renewable electricity generated from the SSAs to the grid. TAN 8 advises that the connections *'be achieved by standard 3 wire system on wooden poles or by undergrounded lines.'* The 2011 Griffiths letter endorsed this strategy stating that *'This remains the Welsh Government's view and is reinforced by the approach set out in the Renewable Energy Route Map for Wales in 2008 and the Energy Policy Statement in 2010....provided development is limited to the maximum capacities ....we do not believe that there is a need for the large , visually intrusive high voltage grid network infrastructure and associated sub-station of the kind proposed within Mid Wales....where new grid is required, we expect the grid company and regulator to ensure that it is designed and installed as sensitively as possible, using appropriate techniques, including the use of undergrounding'*.
- 2.9. The advice of TAN 8 was taken forward through the evidence that PCC presented to the Conjoined Inquiry in respect of grid connection. The overall approach was that the SSA maximum capacities could be connected through appropriate and (likely to be) acceptable schemes as they would avoid the need for the large scale intrusive pylons which PCC consider to be unacceptable in terms of their impacts.
- 2.10. It is noted that the grid connection for the Mynydd y Gwynt scheme will be the subject of a further application and that this will be promoted by the operator (SP Manweb) as a standalone project (para 17.1 of the ES). The grid connection will cover a distance of between 35 and 45km, subject to the selected route. It is proposed that the connection be a 132kV line and the full assessment of the impacts will only be provided at the application stage through the Environmental Impact Assessment. The proposed grid connection will add pressure to trigger the large scale grid infrastructure that the Welsh Government and PCC wish to avoid.

### 3. ACCEPTABILITY OF THE SCHEME

#### Cultural heritage

- 3.1. The proposed development site is situated in an isolated and exposed upland landscape above the Wye Valley which exhibits evidence of human activity stretching back millennia. Within and around the proposed development site there is extensive evidence of Bronze Age activity including numerous scheduled and non-scheduled burial cairns, a possible settlement site, a scheduled standing stone, and extremely rare evidence Bronze Age mining activity. The landscape's mineral deposits have attracted attention since at least the Bronze Age and there is considerable evidence of post-mediaeval, and in particular 19<sup>th</sup> century, mining activity within and around the site this includes the scheduled remains of the Nant yr Eira mine complex (MG226) (it is at this complex that the rare evidence of Bronze Age mining was identified), the Nantiago mine complex (a non-designated asset of national importance), and other disturbed and smaller mine complexes within the site. Outside the site there is also the Cae Gaer scheduled Roman fort which too was probably placed to control access to the valuable mineral deposits in the area. The proposed development site also contains remains of post-mediaeval, and probably earlier, settlement and land management including house platforms, field boundaries etc.
- 3.2. The exposed upland location within which these monuments and assets are situated contributes to their setting and significance in a variety of ways. For the prehistoric cairns and associated remains the open nature of the landscape reflects the nature of the landscape at the time of their construction and also its character over the millennia since their construction, it enables us to understand and appreciate the relationships between the monuments in the wider topography, watercourses, upland movement routes and other related monuments.
- 3.3. For the mining complexes, while it is obvious that the mines that to be situated in this location due to the presence of the mineral deposits the fact that these deposits were in a remote upland area conditioned the way which the mines developed, the way in which people mined and processed materials on site, and ultimately conditioned why they failed when cheaper imports from more accessible locations flooded the markets in the late 19<sup>th</sup> century. Their isolated upland landscape setting is therefore central to understanding their history and development as well helping us to understand and appreciate the challenges that the mining communities operating the sites must have faced.

3.4. The applicant's environmental statement does not provide a full and robust understanding of the potential impacts of the proposed development on the historic environment within and around the proposed development site. The ES is deficient in a number of regards including that:

- it did not consider impacts on the setting of non-designated heritage assets within and around the proposed development site. Some of these assets are of at least regional (medium) importance and in the case of Nantiago mine complex of national importance. This omission means that the ES does not reflect guidance in EN-1 (see paragraphs 5.8.5 and 5.8.6.)
- it consistently underscores impacts on assets within and outside of the proposed development site primarily due to it taking a relatively narrow understanding of setting and not explicitly applying relevant guidance, which was available the time of publication, on how to assess the setting of heritage assets i.e. English Heritage Guidance on the Setting of Heritage Assets (published in draft 2011, with final version published in 2012).
- it reports reduced levels of environmental affect in relation to physical construction impacts due to the implementation of a programme of archaeological investigation, this approach is not in accordance with established practice and does not reflect the reality of the environmental effect on those deposits.
- it does not address cumulative impacts with existing and proposed wind energy developments in SSA D, SSA B and areas outside of the SSA's.

3.5. These are substantive issues which undermine the usefulness of the ES as a tool for the decision maker.

3.6. PCC's Local Impact Report (LIR) provides its views on the likely impacts of the proposed scheme on designated assets, non-designated assets, registered historic landscapes and currently unidentified archaeological deposits within and around the proposed development site. This assessment has indicated a higher level of impact than that predicted by the applicant's 2013 ES.

3.7. As set out in the LIR there is a range of policy and guidance relating to the historic environment that needs to be considered in relation to the potential harm that would be caused by the proposed scheme. Key policy is contained in Section 5.8 of EN-1, Section 6 of PPW and Circular 60/96. These establish clear policy tests in relation to Harm (Less than Substantial and Substantial) to heritage assets and Significant Impacts on the setting of scheduled or nationally important remains. The following table summarises the harm

caused by the development in relation to the assets within and around the proposed development site and the relevant policy tests:

Name of Asset	Designation	ES Terminology (PC assessment)	EN-1 Scale of Harm	Significant Impact (PPW and 60/96)
Nant yr Eira mine complex	Scheduled Monument (MG226)	Moderate Adverse Impact (bordering Major Adverse Impact) on an asset of High Value resulting in a Large Adverse Effect (Significant environmental effect)	Less than Substantial	Significant Impact
Nantiago Mine	Non-designated asset of National Importance	Major Adverse Impact on an asset of High Value, resulting in a Large Adverse Effect (Significant environmental effect)	Less than Substantial (bordering Substantial Harm)	Significant Impact
Nant y Crug remains	Non-designated asset of low importance	Major Adverse Impact on an asset of Low Value, resulting in a Slight Adverse Effect (Not a significant environmental effect)	Less than Substantial (bordering Substantial Harm)	N/A
Pen Lluest-y-Carn	Scheduled Monument (CD038)	Moderate Adverse Impact on asset of High Value, resulting in a Moderate Adverse Effect (Significant environmental effect)	Less than Substantial	Significant Impact
Cairn Y Garn	Scheduled Monument (CD034)	Minor to Moderate Adverse Impact on asset of High Value, resulting in a Slight Adverse Effect (Not a significant environmental effect)	Less than Substantial	No
Pen Plynlimon-Fawr Cairns I	Scheduled Monument (CD036)	Moderate Adverse Impact on asset of High Value, resulting in a Moderate Adverse Effect (Significant environmental effect)	Less than Substantial	Significant Impact
Pen Plynlimon-Fawr Cairns II	Scheduled Monument (CD037)	Moderate Adverse Impact on asset of High Value, resulting in a Moderate Adverse Effect (Significant environmental effect)	Less than Substantial	Significant Impact

Name of Asset	Designation	ES Terminology (PC assessment)	EN-1 Scale of Harm	Significant Impact (PPW and 60/96)
Pen Plynlimon-Fawr Cairns III	Scheduled Monument (CD150)	Moderate Adverse Impact on asset of High Value, resulting in a Moderate Adverse Effect (Significant environmental effect)	Less than Substantial	Significant Impact
Pen Plynlimon-Arwystli Cairns	Scheduled Monument (CD035)	Moderate Adverse Impact on asset of High Value, resulting in a Moderate Adverse Effect (Significant environmental effect)	Less than Substantial	Significant Impact
Carn Fach Bugeilyn	Scheduled Monument (MG110)	Minor Adverse Impact on asset of High Value, resulting in a Slight Adverse Effect (Not a significant environmental effect)	Less than Substantial	No
Carn Biga	Scheduled Monument (MG113)	Minor Adverse Impact on asset of High Value, resulting in a Slight Adverse Effect (Not a significant environmental effect)	Less than Substantial	No
Non-designated cairns (no. 1 and 2)	Non designated assets of medium value	Major Adverse Impact on asset of Medium Value, resulting in a Moderate Adverse Effect (Significant environmental effect)	Substantial Harm	N/A
Cae Gaer Roman Fort	Scheduled Monument (MG057)	Minor Adverse Impact on asset of High Value, resulting in a Slight Adverse Effect (Not a significant environmental effect)	Less than Substantial	No
Upland Ceredigion	Registered Historic Landscape of Outstanding Value	Moderate Adverse Impact on asset of High Value, resulting in a Moderate Adverse Effect (Significant environmental effect)	Less than Substantial	N/A
Clywedog Valley	Registered Historic Landscape of Special Interest	Minor Adverse Impact on asset of Medium Value, resulting in a Slight Adverse Effect (Not a significant environmental effect)	Less than Substantial	N/A

- 3.8. EN-1 is one of the key policy considerations. Paragraph 5.8.14 sets out the following guidance in relation to harm to assets *“There should be a presumption in favour of the conservation of designated heritage assets and the more significant the designated heritage asset, the greater the presumption in favour of its conservation should be.”* In this context, considerable weight should be given to the conservation of the scheduled monuments and non-designated assets on national importance within and around the proposed development site. Paragraph 5.8.5 makes it clear that non-designated assets of national importance should be given the same weight as designated assets.
- 3.9. In terms of harm to designated assets (or non-designated assets of national importance), EN-1 sets out in paragraph 5.8.15 that *“Any harmful impact on the significance of a designated heritage asset should be weighed against the public benefit of development, recognising that the greater the harm to the significance of the heritage asset the greater the justification will be needed for any loss.”* In paragraph 5.8.18 it states *“When considering applications for development affecting the setting of a designated heritage asset, the IPC should treat favourably applications that preserve those elements of the setting that make a positive contribution to, or better reveal the significance of, the asset. When considering applications that do not do this, the IPC should weigh any negative effects against the wider benefits of the application. The greater the negative impact on the significance of the designated heritage asset, the greater the benefits that will be needed to justify approval”*.
- 3.10. This weighting needs to be undertaken in the context of the advice in paragraph 5.8.14 to give greater weight to the conservation of more significant assets i.e. scheduled monuments. The proposed development would harm, to varying degrees, a number of designated heritage assets of the highest importance (i.e. scheduled monuments), considerable weight must be given to their conservation and given the level of harm, considerable public benefit is required to justify the harm.
- 3.11. The development would also seriously harm a non-designated asset of national importance. The level of harm to this asset is approaching Substantial Harm and this impact must be given considerable weight.
- 3.12. The proposed development would also harm the Ceredigion Upland Registered Landscape, this has been identified as being of Outstanding Value, the highest grading possible for a Registered Historic Landscape and hence should be considered a designated asset of the

highest importance. Considerable weight must be given to its conservation and considerable public benefit is required to justify the harm.

- 3.13. EN-3 requires the decision maker to consider the lifetime of the proposed development, in this case the development would have an operational life of c. 25 years. This broadly equates to a generation in human terms. This is a long term impact that will substantially alter the experience of an asset for a continuous period. Given that 'Setting' is an experiential concept this length of time cannot be considered as temporary and therefore incapable of resulting in Substantial Harm or a Significant Impact. National Planning Guidance "*Renewable and low carbon energy - Particular planning considerations for hydropower, active solar technology, solar farms and wind turbines*" supports this view and states that "*Depending on their scale, design and prominence a wind turbine within the setting of a heritage asset may cause substantial harm to the significance of the asset.*". This would indicate that the "*temporary*" nature of wind energy development does not preclude Substantial Harm and, logically, Less than Substantial Harm, occurring. Only limited weight should be given the 25 year lifespan of the development.
- 3.14. In terms of PPW and Circular 60/96 the Significant Impacts on the settings of six scheduled monuments and 1 non-scheduled asset of national importance are a material consideration and present a presumption against development.
- 3.15. It is clear from the above that the proposed development has serious conflicts with the UK and Welsh policy and the considerable public benefits are required to address and overcome these policy conflicts.
- 3.16. In addition there are potential cumulative impacts with other proposed wind energy developments in the landscape around the development site. SSA D lies to the west of the proposed development site, major development of wind turbines in this area would potentially have a cumulative impact on the setting of the scheduled cairns discussed above as well as significant further cumulative impacts on the Upland Ceredigion Registered Historic Landscape of Outstanding Value. The more northern part of this landscape would also be affected by wind energy developments to the north in SSA B, particularly those around Carno. The Clywedog Registered Historic Landscape may all be subject to potential cumulative impacts between the proposed development and wind energy developments in SSA B, and to a lesser extent SSA C. Given the Welsh Government's policy of encouraging major wind energy development within SSAs and the consequently increased likelihood of

developments occurring in these areas, these potential cumulative impacts need to be considered in the decision making process.

- 3.17. In conclusion, it is considered that the impacts on cultural heritage are unacceptable.

### **Landscape & Visual**

- 3.18. Significant adverse effects on landscape character would occur across a number of LANDMAP VSAs specifically the Plynlimon Moorlands, Plinlimon and Cambrian Mountains (north). All three VSAs are of Outstanding overall evaluation, i.e. of national or international importance, and are highly sensitive to change and to the adverse effects of wind farm development by virtue of their openness, remoteness, exposure, wildness and attractive and dramatic views. Significant landscape character effects would occur up to 7km from the nearest turbine.
- 3.19. Significant adverse effects on visual amenity would occur to a range of important national and regional trails, including to the overall significant detriment of the amenity of the Wye Valley Walk and the Cambrian Way, with some significant visual effects on lengths of Glyndŵr's Way and the Severn Way. There would be significant adverse visual effects on the circuit of footpaths to the summit of Plynlimon and the Pen y Drawsallt ridge which would be to the significant detriment of the amenity of these routes and dramatically change the character of one of the most dramatic and iconic views in Wales. There would also be significant adverse visual effects on viewpoints and footpaths around the popular tourist destination of the Llyn Clywedog. Significant visual effects would occur up to around 12km from the nearest turbine.
- 3.20. Significant adverse in-combination cumulative landscape and visual effects would occur with Cefn Croes and significant adverse in-combination visual effects with Bryn Titli and the proposed SSA D Nant y Moch wind farm. All three cumulative visual effects would be significant at Plynlimon and the Pen y Drawsallt ridge.
- 3.21. In conclusion, the landscape and visual impacts of the scheme are unacceptable.

### **Ecology**

- 3.22. PCC work closely with NRW and therefore PCC will not provide its own submission in relation to ecology as NRW will provide this for the purpose of this Examination.

- 3.23. NRW has raised concerns regarding the alone or in-combination impacts on the River Wye Special Area of Conservation (SAC), Elenydd Mallaen Special Protection Area (SPA) and a number of other designated areas.
- 3.24. NRW has also questioned whether the assessments of the impacts on peatland habitats, birds, and the off-site road improvements on protected species have been suitably carried out. In addition, there is also insufficient information regarding the risks to bats from collisions with turbines and the need for additional mitigation.
- 3.25. NRW has advised that the ES provides insufficient information to demonstrate that the proposal would not have an adverse effect on local ecology. PCC therefore consider the potential impacts on ecology to be unacceptable.
- 3.26. PCC is aware that NRW are in discussions with the applicant to explore whether objections in relation to ecology can be overcome. Should NRW be satisfied with regard to the impacts on ecology, PCC would accept NRW's position.

### **Highways**

- 3.27. Abnormal Indivisible Loads (AILs) are to be delivered to site via the A44 trunk road, PCC considers the currently proposed means of delivering AILs to the site to be acceptable.
- 3.28. However, as set out within the LIR, the severity of the impacts on the local highway network is currently unknown as details of the sources of construction materials is not included within the ES.
- 3.29. PCC has concerns regarding the local highway network and will reserve its position on the acceptability of impacts until sufficient information is provided by the applicant to make that judgement.

### **Public Rights of Way**

- 3.30. PCC seeks to ensure that turbines are kept a minimum of tip height from footpaths (125m in this instance) and 200m from all paths of a higher status (bridleways, restricted byways and byways open to all traffic). The LIR highlights that turbines 1, 4, 7, 8, 13 and 14 fail to meet these distances.
- 3.31. PCC considers that these turbines that are too close to public rights of way would have an unacceptable adverse impact to the users of the public rights of way. Turbines 4 and 8 for

example would be under the swept diameter of the blades. Chapter 8.137 acknowledges the proximity of Turbine 1 and Turbine 13 to bridleways but fails to mention the turbines in extreme proximity to footpaths.

- 3.32. It is noted that the applicant has requested a micrositing buffer of 50m. If this were to be implemented, Turbines 4 and 8 could be placed on top of a public right of way, which is unacceptable. We request that micrositing of a turbine should not be permitted where this would move a turbine closer to a public right of way and that this should be secured through an appropriate requirement.
- 3.33. There will be an extensive network of new access tracks constructed, these interact with public rights of way at 5 locations. With regard to this:
- Chapter 6.10 states that the new tracks will have topsoil stored to the side and the LIR highlights that this could obstruct public rights of way; this is unacceptable and where a public right of way is to be crossed by a new track the path should not be obstructed or access hindered in any way.
  - Chapter 6.15 states that double field gates will be installed either side of the track, the Council has sought clarification as to the location of these gates on numerous occasions. Information was also requested in May 2013. No new structures are permitted on public rights of way unless a license is granted by the Council's Countryside Services department. There are very strict conditions surrounding issuing those licences and it is highly unlikely that gates across the public rights of way would be licensed in this situation.
  - Chapter 6.16 states that where existing tracks follow the route of a footpath, the developers will seek a temporary diversion or provide a fence-protected parallel track created for the construction period. Early consultation with the PCC's Countryside Services department is highly recommended over this matter and it should be noted that there is a serious inaccuracy in the application, within 6.16 they state that *"this will be an extension of the current practice as the rights of way are already subject to temporary closure or diversion when rally car events are scheduled across the site."* Countryside Services would like it noted that the landowner has not applied for any temporary closures or diversions and if they are closing public rights of way during events this would be unlawful.
  - Chapter 8.137 outlines an offer for a car park as compensation for any effect on horse riders. This is not considered acceptable. Figure 8.49 shows the 'horse riders car park'. This is an existing car park already freely available for anyone to park in, therefore this offer is not an offer of mitigation or enhancement at all. In May 2013,

the Council's Countryside Services department recommended a site visit to discuss this in detail, however this offer was not been taken up by the developer before the application was submitted.

- 3.34. In May 2013, the Council's Countryside Services requested an *Access Improvement Fund* for improving public rights of way in the area around the proposed site. No mention has been found of this within the application. Countryside Services request a sum of £67,500 as a one-off payment to be paid before construction starts to be spent on improving and enhancing the public rights of way network. We would also expect all public rights of way on the site to be opened, improved and maintained ensuring safe, quality access at all times.
- 3.35. Footpath 139 and bridleway 49 across the site are currently unlawfully obstructed by the landowner's barbed wire fences. Camera 1 (to monitor visitor numbers) was placed on a gate that only lead onto Footpath 139 and bridleway 49, which were both illegally obstructed further along. Camera 2 on the Wye Valley Walk was stolen.
- 3.36. The location of the substation is of concern. It appears that the proposed substation is very close to the line of bridleway 49.
- 3.37. Taking these matters into consideration this application would result in unacceptable negative impacts on the Wye Valley Walk and the public rights of way network, with no mitigation or enhancement being offered to offset those impacts, and the location of the substation in relation to bridleway 49.
- 3.38. In conclusion it is considered that the impacts on public rights of way within and around the proposed development would be unacceptable.

### **Noise**

- 3.39. PCC does not accept the background noise survey that has been provided in the ES, therefore cannot accept the requirements proposed within the DDCO.
- 3.40. The background noise survey has incorrectly used Manod as a surrogate monitoring location for properties to the south of the site. Background noise from the nearby watercourse will have a greater impact at Manod than at the other properties which it is representing.

- 3.41. It is PCC's position that using the background data collected at Bont Isaf as a surrogate location would offer the correct level of protection to nearby residents.
- 3.42. PCC are concerned that the noise conditions proposed by the applicant seek to unnecessarily use up all of the available noise headroom for wind farm development in this area therefore precluding any future development.
- 3.43. Whilst the use of inappropriate background data does not equate to an objection to the application on noise grounds, PCC are proposing an alternative set of noise conditions that are included at Appendix 2 of the LIR which are consistent with the approach agreed for six other wind farms that have been the subject of recent planning inquiries in Powys (Conjoined Inquiry & Garreg Lwyd Wind Farm Inquiry).
- 3.44. The alternative conditions that are proposed would not have an impact on energy generation for the site, however would offer a greater level of protection to nearby residents and seek to spare available headroom for future development.
- 3.45. In conclusion it is considered that the impacts on noise can be made to be acceptable through the application of appropriate DCO requirement.

### **Geology, Hydrology & Hydrogeology**

- 3.46. PCC considers there is a potentially serious flaw with the baseline data used in the assessment of impacts of the scheme and PCC would like to see that a correct baseline survey of existing and proposed water features has been utilised within the ES.
- 3.47. The potential flood risk impacts that could result from interference of the existing watercourse features affected by the development is a concern and further assessment by a suitably qualified hydraulic consultant needs to be undertaken to demonstrate existing and proposed flow calculations. It is recognised that these impacts can be considered by PCC (as the local drainage board) prior to the commencement of any work (to alter any existing culvert structure, or construction of any new culvert structure, where these proposals interfere with an ordinary watercourse [requirement to obtain prior consent - s23 LDA 1991, as amended by the FWMA 2010]).
- 3.48. PCC considers that subject to confirmation that the baseline data used within the ES is correct, that the potential flood risk impacts would be suitably addressed by requirement 27 within the DDCO.

### **Private Drinking Water Supplies**

- 3.49. The application fails to properly assess the impacts of the scheme of private drinking water supplies. However, PCC consider that the impacts could be suitably mitigated through the application of PCC's suggested DCO requirement 9 (v) - see LIR Chapter 14 / Appendix 2.

## 4. PLANNING BALANCE & PCC'S POSITION

- 4.1. PCC recognises the benefits that the proposed development would provide in terms of renewable energy as well as the potential positive impacts on the economy, notwithstanding the inability to quantify the local economic impacts.
- 4.2. EN-1 sets out the overall presumption in favour of infrastructure projects of the type proposed at Mynydd y Gwynt. This is due to the level and urgency of the need for renewable energy<sup>4</sup>. However, this presumption is subject to the adverse aspects from the development not outweighing the benefits<sup>5</sup>.
- 4.3. NSIP projects in Wales are required to have regard to Welsh Government policies and applicants are expected to have taken these in account in formulating their proposals. Para 2.2.1 of EN-3 stipulates that applicants should explain how their proposals *'fit in with guidance and support its targets or, alternatively, why they depart from them'*. EN-3 goes on to state that *'whether an NSIP proposal conforms to the guidance or targets will not, in itself, be a reason for approving or rejecting the application'*. The relationship between UK and Welsh policy is an important consideration with this application.
- 4.4. The Mynydd y Gwynt scheme is sited well outside SSA D (more than 5km) i.e. both the original 'broad brush' boundary identified in TAN 8 and the refined boundary following the 2007 Arup exercise undertaken in accordance with TAN 8 Annex D.
- 4.5. The applicants have undertaken a 'Review of Site Selection against TAN 8' (Chapter 4 of the ES) and have sought to demonstrate that the application site should have been included in SSA D. The applicants appear to rely on an objection from the MoD which they say resulted in the exclusion of the application site from SSA D. In the 2007 Arup refinement exercise the low flying area was identified as a 'variable constraint'. It is noted that the same variable constraint was applied by the Arup in their refinement studies of SSA B and SSA C.
- 4.6. The Arup refinement exercise provided a high level analysis of landscape, visual and historic landscape of SSA D, including a 5km buffer around the original TAN 8 boundary as required by Annex D. The study resulted in the exclusion of the most environmentally sensitive areas of the original SSA D boundary, thereby enabling the 'best sites' for major wind farm development to come forward.

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<sup>4</sup> EN-1 para 4.1.2

<sup>5</sup> EN-1 para 1.1.2

- 4.7. A number of matters arise from the applicant's review of site selection against TAN 8.
- TAN 8 and refinement of the SSA boundaries are an integral part of Welsh policy.
  - Sites that lie outside SSAs must be considered as such and cannot benefit from the policy support that they are afforded through TAN 8.
  - Any review of TAN 8 must be undertaken by Welsh Government who can decide how and when such review should be carried out; it is not for the applicant to rewrite policy.
  - The exercise undertaken by the applicant should carry no weight in the decision making process for this proposal.
- 4.8. It is therefore considered that the appellant has not demonstrated how the proposal fits with Welsh policy, therefore it is contrary to the requirements of EN-3.
- 4.9. With regard to targets, it should be noted that the UK Renewable Energy Roadmap Update 2013 confirmed that the UK is '*continuing to make excellent progress in the deployment of renewable energy across the UK...*' and that there is '*a healthy set of deployment pipelines, demonstrates the progress that is being made to decarbonise our economy and secure our future electricity supply*'<sup>6</sup>. With regards to onshore wind, the government recognises that some people have concerns about such developments and states that '*it remains committed to ensuring that projects are built in the right places, with the support of local communities and that they deliver real local economic benefits*'<sup>7</sup>.
- 4.10. With regard to **cultural heritage**, concerns have been expressed over the ES and in particular the understanding of the site and surrounding area in cultural heritage terms. A number of non-designated assets have not been considered in the ES including the important Nantiago mine complex. In addition, the ES underplays the actual impacts of the proposed development.
- 4.11. The wind farm would cause harm to the Ceredigion Upland Registered landscape which is of Outstanding Value. PCC's assessment has also identified *substantial harm* (in EN-1 terms) to 1 non-designated asset and *less than substantial harm* to 14 scheduled and non-scheduled assets. When assessed against PPW, significant impacts on the setting of 6 scheduled and 1 non-scheduled asset of national importance were identified. Harmful

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<sup>6</sup> UK Renewable Energy Roadmap Update 2013 page 4 para 4

<sup>7</sup> UK Renewable Energy Roadmap Update 2013 para 116

cumulative impacts with other existing and in planning wind farms (and associated development) have also been identified.

- 4.12. These impacts need to be considered in the context of the presumption in favour of the conservation of heritage assets. In accordance with EN-1, development that causes substantial harm should be permitted wholly exceptionally (para. 5.8.14).
- 4.13. With regard to **landscape and visual impacts**, it is recognised that EN-1 and EN-3 advise that NSIP projects will have significant landscape and visual effects for a number of kilometres around a site. PCC's assessment of the landscape and visual impacts of the development has identified that significant adverse effects on landscape character would occur across a number of LANDMAP VSAAS including 3 of Outstanding overall evaluation which recognise the areas as being of national or international importance.
- 4.14. The proposed development would have significant adverse effects on a range of public footpaths including national and regional trails. In addition significant adverse cumulative landscape and visual effects would also occur with existing and proposed wind farms in the area.
- 4.15. Notwithstanding the acknowledgement of significant change through wind farm development, the qualities of the existing landscape character including the recreational resource it provides results in wholly unacceptable landscape and visual impacts in EN-3 and EN-1 terms.
- 4.16. Turning to **ecology**, NRW has highlighted that the ES is inadequate in a number of respects and has failed to demonstrate that the scheme will not have an adverse impact on a number of ecological assets. Therefore the impacts on ecology from the proposed development are considered to be unacceptable at the current time and in conflict with EN-1 and EN-3. It is noted that NRW and the applicant are in discussions with a view to resolving outstanding matters and we will advise the Examining Authority if matters change.
- 4.17. With reference to **highways**, the Welsh Government has advised that any outstanding impacts on the trunk road (A44) should be able to be resolved through further discussions and the imposition of appropriate DCO requirements.

- 4.18. The impacts on the local highway network are not known at this time in view of the absence of information on the location of the sources of aggregate required during construction. PCC reserves its position on this matter, and will update the Examining Authority in due course.
- 4.19. The proposed development would have significant impacts on the existing **public rights of way** in and around the application site. A number of the turbines are within close proximity of existing footpaths such that they would have an unacceptable adverse impact to users of them.
- 4.20. With regard to **noise**, the applicant has demonstrated that the scheme can operate with ETSU-R-97 limits however PCC has a number of concerns regarding the limits proposed within the DDCO. PCC's concerns would be addressed by the inclusion of the DCO requirement suggested within Appendix 2 of the PCC LIR. Subject to the inclusion of the suggested requirement, PCC considers the impacts of noise from the proposed development would be acceptable.
- 4.21. In the overall planning balance it is considered that the adverse impacts of the proposed development are such that they outweigh the acknowledged benefits that the scheme provides. In particular PCC has identified significant adverse impacts upon the landscape character and harm to visual amenity, including impacts on national and regional trails. Unacceptable impacts have also been identified in relation to a number of cultural heritage assets including those of national importance.
- 4.22. Impacts in relation to noise and transport are considered to be acceptable in EN-1 and EN-3 terms subject to the requirements suggested by PCC.
- 4.23. In conclusion, PCC object to the application and respectfully request the Secretary of State not to grant a Development Consent Order for this scheme as it is contrary to the provisions of EN-1, EN-3, PPW, TAN 8, and the Powys Unitary Development Plan (Policy E3 in particular).





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