

Supporting Planning Statement

in support of

Hendy Wind Farm

on behalf of

Hendy Wind Farm Limited

27th June 2014

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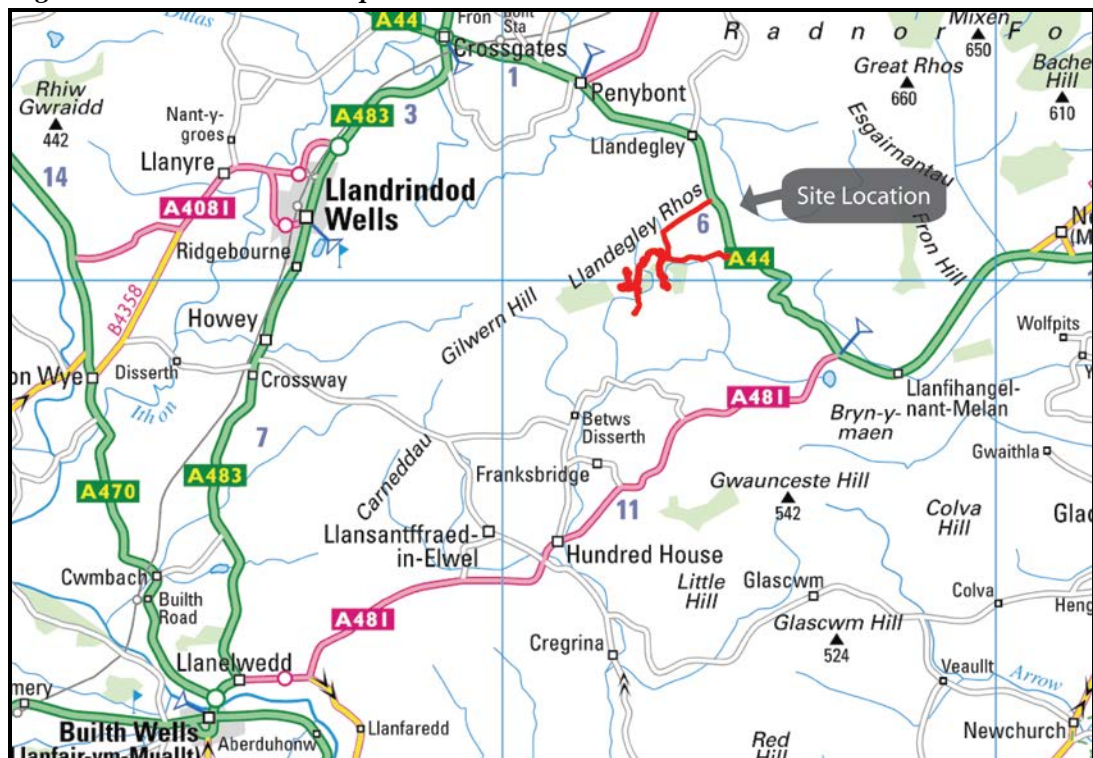
Contents

- 1.0 Introduction**
- 2.0 Background**
- 3.0 Proposal**
- 4.0 Planning History**
- 5.0 Public Consultation**
- 6.0 Energy and Planning Policy**
- 7.0 Planning Policy Compliance**
- 8.0 Suggested Planning Conditions**
- 9.0 Conclusion**

1.0 Introduction

- 1.1 Cunnane Town Planning LLP are instructed by Hendy Wind Farm Ltd. to provide support to a planning application for the erection of seven 110m (to tip height) wind turbines. Each turbine will have an installed capacity of up to 2.5 MW. The site is located c. 6km east of the town of Llandrindod Wells, c. 2.8km south west of the Penybont village, and c. 2.5km north of the small rural settlement of Franksbridge in the County of Powys in central Wales. The location of the Development is shown in Figure 1.1 below. The application site occupies an area of 19.25 hectares.

Figure 1.1: Site Location Map



- 1.2 This document supports the planning application submission and provides the background and context to the proposals, as well as setting out the need for the wind farm and assessing the development against national and local planning policies for the area. Other material considerations are also identified and weighed in the balance in considering the acceptability of the proposal.
- 1.3 There are a number of other supporting documents accompanying the planning application. These are set out below:
- Planning application forms and relevant certificates;
 - Planning Application Drawings;
 - Environmental Statement and associated Non-Technical Summary;
 - Traffic Impact Assessment;

- Traffic Management Plan;
- Design and Access Statement;
- Statement of Community Involvement; and
- Application Fee (£28,476).

1.4 This document does not form part of the Environmental Statement which has been prepared and submitted in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 1999 [SI 1999 No. 293](as amended). This document should, however, be read in conjunction with the Environmental Statement as this contains a greater level of detail on a number of issues relating to the planning issues raised by these proposals, and the process by which the proposal has been arrived at.

1.5 The application is made in accordance with the Section 62 of the Town and Country Planning Act 1990.

1.6 The application fees for this application are calculated in accordance with the Category 5 (The erection or alteration or replacement of plant or machinery) of the Town and Country Planning (Fees for applications and deemed applications) (Amendment) (Wales) Regulations 2009. Based on a site area of 19.25 Ha, the fees are calculated as follows:

£16,464 for first 5 hectares	£16,464
£84 per additional 0.1 hectare	£12,012
TOTAL	£28,476

2.0 Background

Applicant Details

- 2.1 Hendy Windfarm Ltd, the applicant, is a company specially set up to promote the development of clean renewable energy at this site. The company is backed by a FTSE listed national property company with assets in excess of £300m and wide experience in the development of onshore wind energy projects throughout the UK to date.

Project Evolution

- 2.2 The strategic selection of the site is set within a background of increased pressure to diversify energy production and shift from unsustainable fossil fuel based sources, to the harnessing of 'renewable' energy sources, such as wind. This pressure stems from an increased awareness and availability of research about environmental issues linked to the release of carbon dioxide (CO₂) into the atmosphere, the increasing reliance upon imported fuel sources and limited lifespan of existing energy infrastructure.
- 2.3 The application site has been selected from potential alternatives for a number of reasons relating to the features and characteristics of the site and surrounding area, as summarised below:
- It is suitable for a small number of high capacity turbines in order to efficiently harness available resources;
 - There are reliable wind speeds;
 - There are no national or international landscape designations on the site;
 - The low ecological value of the site;
 - Separation of turbines from residential accommodation of at least 800m;
 - It is accessible for construction traffic;
 - It has reasonable proximity to an existing grid connection; and
 - It has reasonable proximity to a local source of aggregate.
- 2.4 There have been a number of design iterations of the proposal, in response to pre-application consultations with a range of bodies, various environmental and technical considerations, consultations with various bodies and the public. These iterations are set out within the Environmental Statement and submitted in support of this application and reflect a full and comprehensive assessment of the various alternative layouts, designs and approaches examined. These alternatives have been considered with regard the need to effectively harness wind energy from the site whilst ensuring that environmental, economic and social issues are given due consideration.
- 2.5 Viewpoint selections were agreed with and through a number of emails and telephone conversations with both Authorities a total of 22 viewpoint locations were agreed.

- 2.6 A Scoping Report was submitted by the applicant to Powys County Council on 1st August 2013. A Scoping Opinion was subsequently issued by the Local Authority on 21st October 2013 (Ref: SC/2013/0012) advising on what information should be included in the environmental statement supporting a windfarm on the subject site.
- 2.7 All advice received from Powys County Council and the various statutory and non-statutory consultees has been considered in the preparation of this planning application.

3.0 Proposal

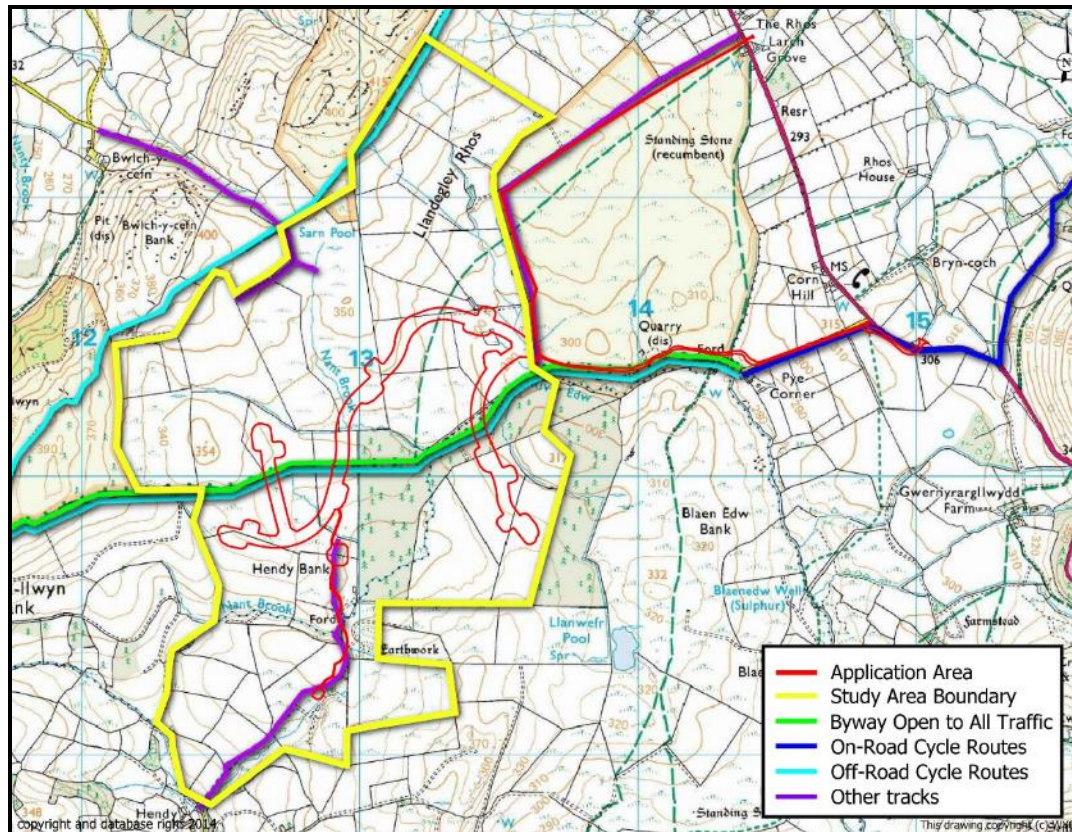
Site and Surroundings

- 3.1 The application site is located approximately 6km east of the town of Llandrindod Wells, c. 2.8km south west of the Penybont village, and c. 2.5km north of the small rural settlement of Franksbridge in the County of Powys in central Wales. The proposed turbines will be located on just under 20 hectares of land (application area), although the area available (study area) extends to about 250 ha. The site is positioned in undulating open countryside between the main A44 Kington to Rhayader road and A481 from Builth Wells towards Kington. Smaller minor roads are also located closer to the site as illustrated in the site location map provided in Figure 1.1 above.
- 3.2 A number of single rural dwellings and relatively small farmsteads are located sporadically in the surrounding area with some set back from the public road. The nearest residential property to the application site is at Pye Corner which is circa 980m from turbine T5. A full assessment of potential impacts on residential properties in the surrounding area is included within Chapters 5 (LVIA) and 11 (Noise) of the Environmental Statement (ES).
- 3.3 These however are largely isolated dwellings and the nearest concentration of residential buildings is the settlements of Franksbridge to the south and Penybont to the north of the site at approximately 2.5km and 3.5km respectively from the application site boundary.
- 3.4 The site lies within an area of undulating arable land, up to 330m above ordnance datum (sea level) (AOD), which is drained by a number of man-made and natural ditches. This open arable landscape is characteristic of the surrounding area where, typically, large fields are bound by perimeter hedging with scattered hedgerow trees and post and wire fencing. A more detailed description of the local landscape is given in Chapter 5 (LVIA) of the ES.

Public Rights of Way

- 3.5 Two bridleways (1218 & 1219) and a public byway (127) traverse the site. Figure 3.1 below illustrates where the recorded public rights of way in the area are location in relation to the proposed wind turbines and associated works. More detailed illustrations of the location of the Development to Public Rights of Way are illustrated in Figures 1.2.1 – 1.2.9 of the ES (Volume II).

Figure 3.1: Indicative Location of Public Rights of Way in relation to the Development



- 3.6 All proposed turbines are located in excess of 110m (which corresponds to the tip height of the proposed turbines) from all public bridleways and public byways and indeed only turbines T2 (c. 120m), T3 (c. 190m) and T6 (c. 195m) are within 200m of a public right of way.
- 3.7 If granted planning permission, the public rights of way will be protected during construction and operational phases so that they are not adversely affected. Where necessary clear warning and information signage will be used to ensure users of the bridleways and byways are warned or any disruptions or potential short term rerouting etc. Permission for potential closures or disruption will be sought and obtained in advance from Countryside Services. The potential impacts on Rights of Way are discussed in full in Section 7.8 of this report.
- 3.8 As part of the Scoping Opinion received from the Local Authority, the Countryside Service Department indicated that a Financial Contribution of £2,500 per turbine (£17,500 in total) would be requested to make significant improvements to the network within the area. Our client confirms, through this application, that they are amenable to this contribution and suggest that it is formalised through an appropriately worded planning condition.

Ancient & Historical Monuments

- 3.9 The Llandegley Rocks Hillfort, which is a Scheduled Ancient Monument (No. RD264), is located to the north of the site. The irregular, elongated enclosure is laid out along a ridge, resting on cliffs where it has been fundamentally altered by quarrying and is now defined by multiple banks. The closest turbine is T5 which is circa. 1km from the Monument. The Monument is illustrated in Figure 3.2 below and described by the Clwyd Powys Archaeological Trust as follows:

“A hillfort comprising two conjoined enclosures covering in total approximately 1.1ha with the long axis some 200m north-east to south-west by 60m north-west to south-east, and set on the summit of a minor ridge overlooking Llandegley. The ridge is joined to the main bulk of the Llandegley Rocks by a saddle on its west side. The upper (south-west) enclosure is likely to be the original part, but although its interior was relatively level it has been heavily damaged on the west by stone quarrying in the past. Between a third and a half of the internal area has been damaged, depending on the exact line which had been taken by the (lost) defences. The interior of the appended (north-east) enclosure slopes to the north-east as the ridge descends and there seems to be a single possible hut platform, 6m across and roughly circular, just below the junction”.

Figure 3.2: Scheduled Ancient Monument No RD264: Llandegley Rocks Hillfort



- 3.10 A second Scheduled Ancient Monument is located within and to the south of the study area but outside the application area, namely Nant Brook Enclosure (No. RD147). The closest turbine is T1 which is circa 200m north of the Enclosure. The monument is described as follows in the Clwyd Powys Archaeological Trust:

“Sub-rectangular enclosure with ditch and outer bank located in the valley of the Nant Brook at the foot of a South facing hollow; the brook runs to West of the site

which lies on the side of a small tributary stream and the pool on the Southwest side of the enclosure, although maybe an originally natural feature is now substantially enlarged by the removal of stone for farm use. A quarried area is located Northwest of the site. Ground slopes from the North providing a little shelter.”

- 3.11 The potential impacts on historic monuments are discussed in full in Chapter 8 of the ES.

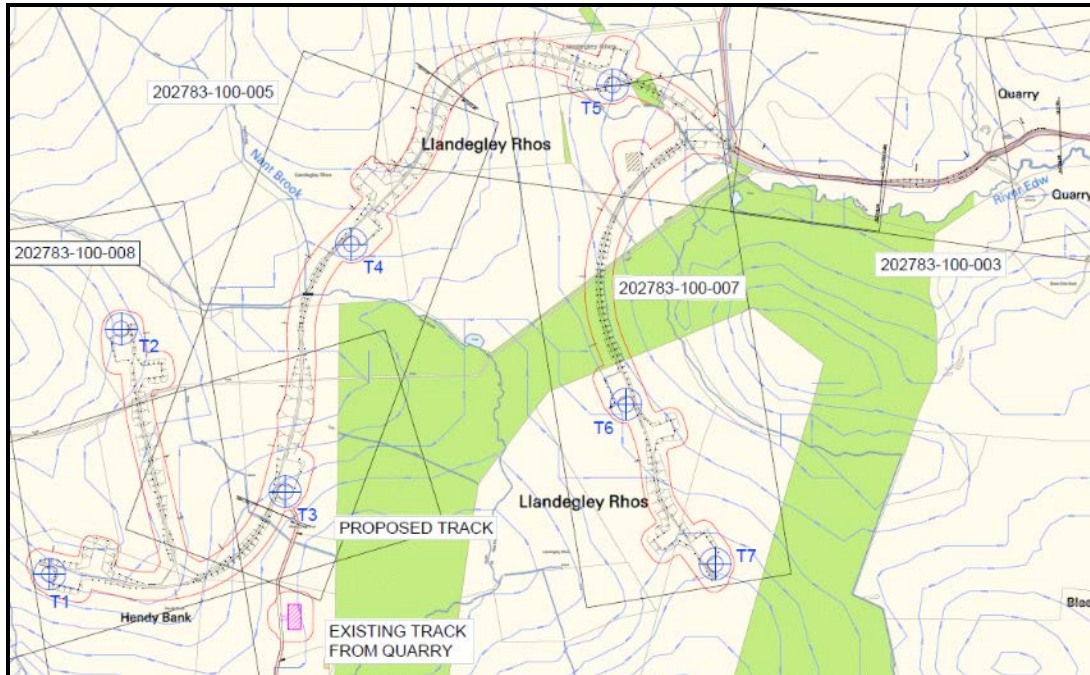
Suitability of the Site for Wind Farm Development

- 3.12 The sites location in an unzoned and relatively remote rural location, on raised land (up to 415m AOD) which is not statutorily protected indicate that in principle the site is an appropriate location for wind farm development.
- 3.13 This suitability of the site for wind farm development is further substantiated by the initial results received from the recently constructed anemometer mast (Planning Ref: P/2012/0932) which is located within the application site (Easting: 260103 Northing: 312944).

Application Proposal

- 3.14 The proposal is described in detail within Chapter 3 (Project Description) of the Environmental Statement, however for completeness a brief description is set out below:
- 7 no. wind turbines, each with a capacity of between up to 2.5MW generating capacity comprising tapering or cylindrical steel or concrete towers, each supporting a nacelle and three bladed rotor on a horizontal axis. The wind turbines will have a hub height of 69m and three 41m long blades giving a tip height of up to 110m;
 - A new entrance onto the A44;
 - Approximately 3.3km of new access tracks and 1km of upgrading to existing tracks leading from the new entrance point to the east and connecting each of the seven turbines with turning heads where appropriate. Tracks will be a minimum of 4.5m wide, the width varying locally for junctions, bends and passing places and at turbine base locations where wider working areas will be required;
 - Substation with control building (total area: 40m x 20m) with underground cabling connecting turbines;
 - Hard standing areas for use during construction, maintenance and decommissioning works;
 - A temporary compound (30m x 20m) and ancillary infrastructure to cater for the needs of the construction team whilst installation is underway.
- 3.15 The proposed site layout of the Development is shown in Figure 3.3 below. This also shows the location of the access tracks, substation and location of the temporary site compound areas (Detailed drawings included in Volume II of the ES).

Figure 3.3: Site Layout Plan



[Source: Extract of Figure 1.2.1 of ES]

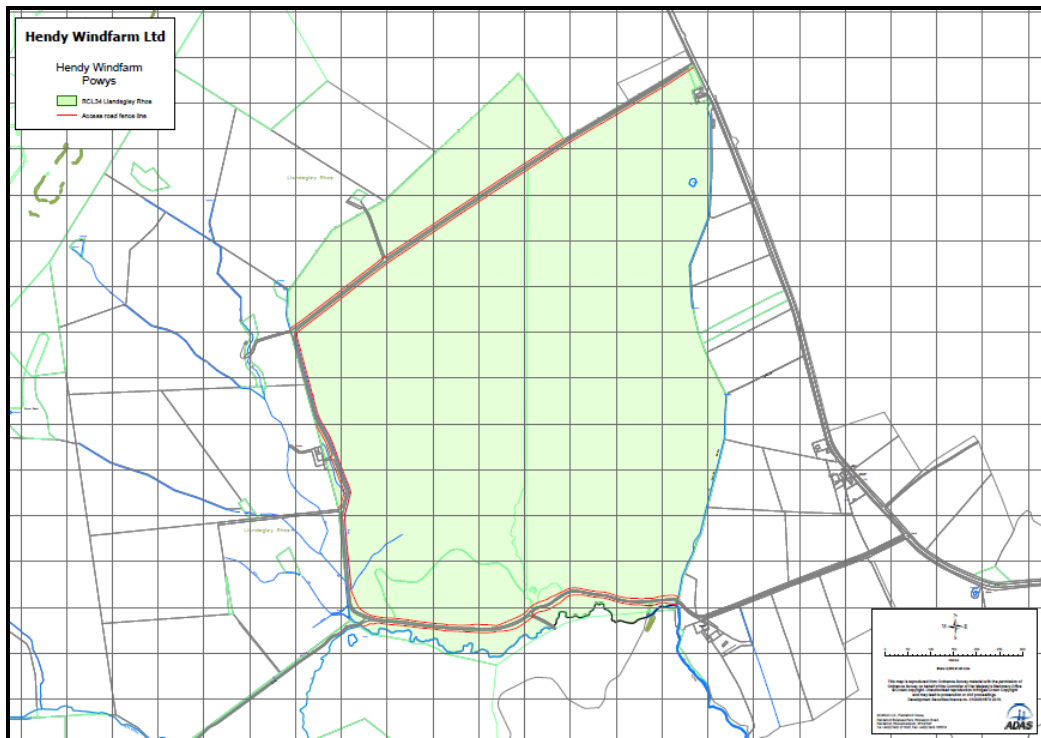
- 3.16 The field of wind energy production is a dynamic industry and new, more efficient, products are continually being developed and brought to the market. Therefore the applicants can only specify the exact make and model of turbine closer to the time of construction, and consequently, a ‘candidate turbine’ has been used for the assessments. The candidate turbine in this case is a REpower MM82 model for which drawings have been submitted in support of this application.
- 3.17 The proposed turbines will have a hub height of 69m and a swept diameter of 82m. The speed at which the rotor rotates is c. 8.5-17.1 revolutions per minute (“rpm”) within its operational wind range of between 3.5 and 25 meters per second. These turbines each have a nominal capacity of up to 2.5MW and match the parameters tested within the Environmental Statement. Using the candidate turbines, the maximum installed capacity of the proposed windfarm will be up to 17.5MW.
- 3.18 Depending upon the ground conditions, each turbine will sit on a circular reinforced concrete base slab. These foundations will typically have a diameter of circa 16m and will be placed underground. In addition to the turbine foundations, seven crane pads, one for each turbine, will be laid out; each will measure approximately 28m by 40m.

Transfer of Common Land

- 3.19 A section of the access road included within the application boundary is registered as common land i.e. (Radnorshire) - CA34, Llandegley Rhos. Llandegley Rhos Common is subject to rights of common and the owner, as recorded in the register, is ‘Green Price

Settled Estates' (The Gwernaffel Estate). The common land is illustrated in Figure 3.4 below.

Figure 3.4: Extent and Location of Common Land



3.20 A simultaneous application has been lodged to the Welsh Assembly Government under Section 16, Commons Act 2006 to deregister and exchange 0.432 Ha of common land purposes.

Grid Connection

3.21 The power generated from the Development will be transferred from the substation via a new 66KV overhead power line which will connect with existing infrastructure to the south of Llandrindod Wells. The application for this new grid connection line will be handled by the local electricity distribution company (Western Power Distribution) and the proposed corridor for the connection is illustrated in Figure 1.7 contained within Volume II of the ES. Western Power Distribution has confirmed that there is sufficient capacity at 66kV substation to accommodate the proposed generation capacity at Hendy.

3.22 A substation (c. 40m x 20m) to facilitate the connection is proposed to be located c. 190m south of turbine T3. This location was chosen in order to minimise the impact of the building on the surrounding area as is located close to an existing shed and is not conspicuous in the wider landscape.

Access

- 3.23 Access to the site will be gained via two points on the A44 to the east of the site. The primary access will be via a new entrance point circa 150m south of the U1574 (Pye Corner). The secondary access will be via an existing track opposite Larch Grove on the A44. This track will be used for construction related traffic only. A wheel-wash facility will be required at both entrances to reduce the risk of soil being transported onto the main carriageway by construction traffic. Six small culverts are required along the existing and proposed access tracks within the site as shown in the application drawings. Details of proposed culvert design are illustrated in Figure 1.6 of the ES (Volume II).

Temporary Installations and Construction Works

- 3.24 A construction and storage compound, measuring approximately 30m by 20m, will be required on the site to house the mess facilities, accommodation, storage and car parking. This facility is located c. 120m south east of turbine T5 and will be surrounded by 2.4m tall fencing for security purposes. The compound will be removed in its entirety and the site returned to its previous state once the proposed turbines are erected and construction work has been completed.

Decommissioning

- 3.25 The turbines have an operational life of 25 years. Once the life of this wind farm has elapsed either an application for continued operation will be submitted or the dismantling and complete removal of the turbines and above ground structures will take place. Subterranean features will be removed to a depth of approximately 1m. It is not intended to remove either the underground cabling or the access tracks.

4.0 PLANNING HISTORY

- 4.1 The subject site is devoid of any buildings and does not contain any planning history records relevant to the proposed development. As stated previously, the land has historically been used and remains used for agricultural purposes.
- 4.2 The immediate surroundings consist of undulating remote rural countryside with sporadic single houses and relatively small farmsteads. All existing dwellings and extant planning permissions for dwellings have been considered in the EIA and it is confirmed that the planning history of these are not considered directly relevant to this application as they are located sufficient distance from the Development.
- 4.3 In relation to renewable energy developments in the locality there have been a number of planning applications determined by Powys County Council that are of relevance to this Development. Whilst this application will have to be decided on its merits, these previous applications are likely to be material considerations and there are relevant points to note from the consideration of each of the previous proposals. The details of relevant planning applications are summarised in Table 4.1 below and discussed in subsequent paragraphs.

Table 4.1: Relevant Planning History

Ref.	Description	Location	Decision	Status
P/2012/0779	3 x 103.5m tall (tip height) wind turbines and associated works	Pentre Tump, South East of Llanfihangel-Nant-Melan, New Radnor, Powys	Refused by PCC 13 th Dec 2012	Appeal dismissed 28 th Jan 2014
P/2011/1115	Single 20.4 (tip height) wind turbine	Circa 800m south of proposed turbine T7.	Conditional approval by PCC 29 th March 2012	Operational

Pentre Tump Wind Farm (Ref: P/2012/0779)

- 4.4 This proposal consisted of a 3 turbine wind farm on land circa. 5km to the south east of the subject site.
- 4.5 The Council gave 3 reasons in December 2012 for its decision to refuse planning permission. However, reason 3, relating to insufficient information being provided to demonstrate an appropriate transport route and site access, was withdrawn by the Council at appeal (subject to appropriate conditions being imposed), in the light of supplementary environmental information submitted. The Council also withdrew the element of reason 1 concerning visual impact in relation to landscape, parks and gardens of special historic interest in light of the supplementary environmental information submitted in August 2013. The remaining issue from the Council perspective was therefore the perceived adverse impact on the landscape and surrounding area.
- 4.6 The Inspector upheld the Council's decision and refused planning permission for the wind farm due to its unacceptable adverse effect on the environmental and landscape quality of Powys and its consequences in these terms for amenity.

4.7 The Pentre Tump site differed from the application site due to its location on high land above a valley within which the hamlet of Llanfihangel-Nant-Melan is situated, to which the wind turbines would have dominated its backdrop. The application site is remote from clusters of dwellings or any settlements and is considered a more appropriate location for renewable energy development.

Cwmmaerdy Wind Turbine (P/2011/1115)

4.8 Powys County Council approved permission for a single turbine c. 700m south of the application site in March 2012. Whilst the turbine is substantially smaller than those proposed (20.4m tip height) it illustrates the appropriateness of this remote area for renewable energy development.

5.0 PUBLIC CONSULTATION

- 5.1 Hendy Wind Farm Ltd believe it is important to listen to the views of the community when bringing forward a planning application and is committed to responding to feedback from people who live and work in and around the site. Against this background, a comprehensive programme of pre-application public consultation has been carried out on the proposals using a number of methods to inform the community about the plans and explain the benefits of the scheme, as well as listen to the views of local residents and stakeholders as part of the planning process.
- 5.2 Methods of public engagement used included distributing 312 letters to local people within a 5km radius of the site to inform them of the proposals and invite them to participate in the public consultation event; establishing a dedicated project website to allow the community to access information online; holding a public exhibition on the plans; meeting local councillors, community groups and businesses to ascertain their views on the proposals; and establishing a community information telephone line and email address to ensure direct access to members of the development team. Additionally, a Welsh language version of the website and exhibition boards was made available, with Welsh text also incorporated in the information letter to maximise participation in the consultation.
- 5.3 Approximately 120 people attended the event, representing a fraction of all those who were notified about the public exhibition, whilst the information line received three calls and 15 emails have been received via the website.
- 5.4 Feedback received during the consultation period has been carefully considered and analysed. This has led to further opportunities to meet and listen to local people and respond to their concerns by providing information about the proposals and wind power in general. This has included:
- Hendy Wind Farm Ltd is continuing to hold further meetings with community councils, residents and local groups. These discussions are guided by feedback received at the exhibition, as well as through the website and community information line.
 - Detailed information about the proposals and wind power in general has been provided in response to specific requests. This has included technical visual representations, for example wireframe drawings and photomontages indicating the visual context of the wind farm.
 - Local people have provided ideas about how the Community Benefit Fund can be invested and these are being explored further through ongoing local meetings. Special meetings have been held with representatives of Penybont Community Council and New Radnor Community Council in order to explore this issue.
- 5.5 In summary, a questionnaire provided at the public exhibition identified that, amongst respondents in agreement that wind power has a role to play in meeting renewable energy

targets, 13% believe that the site is suitable for a wind farm. Furthermore, most respondents who oppose the application apparently do so as an extension of a general opposition to wind power. Nonetheless, a generalised objection to wind power is not a valid policy basis for rejecting this application.

- 5.6 In line with the Welsh Assembly Government's planning policy document Planning Policy Wales,¹ and in anticipation of guidelines forthcoming from the Department of Communities and Local Government, Hendy Wind Farm Ltd is committed to involving the local community in the planning process from an early stage through to the final stages of design. The consultation methods detailed in this report have occurred prior to the plans being finalised and submitted. In addition, Hendy Wind Farm Ltd will provide the community with further updates on the proposals following submission, in order to keep local people engaged throughout the evolution of the plans and provide information on the proposed final layout.

¹ Planning Policy Wales 2014. The Publications Centre, National Assembly for Wales, Cardiff.

6.0 ENERGY & PLANNING POLICY

6.1 It is generally accepted that in scientific terms there is a link between human activities and a variety of climate related issues such as rising sea and air temperatures, rising sea-levels, melting ice caps and changes in the pattern and severity of a range of meteorological conditions. It is in this context that international frameworks have been established to address such relatively recent changes. This section of the report summarises relevant policies and objectives at International, European, UK, national & local levels in relation to wind and renewable energy developments.

6.2 *International Policy*

6.2.1 Under the Kyoto Protocol² 1997 and the EU Renewable Energy Directive³ 2009 the UK has binding targets by which to reduce its carbon emissions and increase the use of renewable energy. Under Kyoto total emissions of the developed countries (including the UK) are to be reduced by at least 5 % over the period 2008-2012 compared with 1990 levels. Under the EU Renewable Energy Directive the UK is required to increase the share of energy from renewable sources in its gross final consumption for 2020 to 15%. This is consistent with the overall '20-20-20' goal which is a commitment by Member States to reduce consumption of primary energy by 20% by 2020.

6.2.2 Member States are required to establish national action plans which set the share of energy from renewable sources consumed in transport, as well as in the production of electricity and heating, for 2020. In addition, Member States are required to publish progress reports every two years in relation to their respective targets.

6.2.3 Whilst this Directive remains in place at the time of submission, the EU have indicated their intention to abolish the binding targets for member states. A new target of a 40% emissions reduction below the 1990 level is to be formalised in the coming months as indicated by the Commission on 22nd January 2014. This will result in a new EU-wide binding target of 27% renewable energy production.

6.3 *United Kingdom Policy*

6.3.1 The UK policy reflects International and European policy and guidance and is focused on addressing these prevailing scientific concerns. To address this issue in the UK, The Renewable Energy Strategy (RES) was published in July 2009 and the National Policy Statements (NPSs) EN-1 and EN-3 which were published in 2011 also reinforce the UK's strategy to become more energy efficient. Similarly the Climate Change Act 2008 and the

² United Nations 1997, Kyoto protocol to the United Nations Framework Convention on Climate Change

³ European Commission, 2009. EC Directive 2009/28/EC of the European Parliament and of the Council of 23rd April 2009 on the promotion of the use of energy from renewable sources and amending and subsequently repealing Directives 2001/77/EC and 2003/30/EC. Official Journal of the European Union

UK Government Climate Change Programme reinforce the UK's objectives for addressing climate change.

THE UK RENEABLE ENERGY STRATEGY (2009)

- 6.3.2 The UK Renewable Energy Strategy (RES) was published in July 2009⁴ to assist in addressing the issue of climate change. Whilst the UK Government had been working towards a UK 2020 target of 20% of electricity coming from renewable sources, the adopted scenario in the RES is that this figure is now to be raised dramatically. The Government has signed up to the EU requirement that 15% of all energy consumed in the UK should be from renewable sources by 2020, but as the RES points out this also covers fuel and heating – i.e. all energy sources and not just electricity. In the light of the difficulties in providing significant elements of fuel and heating from renewables by 2020, the proportion of electricity supply that will have to come from renewables to balance this out will need to be 30% or more.
- 6.3.3 The RES sets out that onshore wind and offshore wind are expected to provide about 64% of all the electricity from renewable sources by 2020, made up of about 29% onshore and 35% offshore. While it is recognised that the breakdown of the renewables target into technologies is indicative, the use of wind to provide almost two thirds of the overall target figure is based on the modelling that has been employed to produce the lead scenario in the RES.
- 6.3.4 The RES clarifies that the UK did not achieve the 2010 target of 10% of electricity from renewables i.e. in July 2009 only 5.5% of the electricity supply in the UK was derived from renewable sources. Therefore, the need for a rapid escalation of renewables electricity and especially onshore wind in the coming years and months is quite clear.

NATIONAL POLICY STATEMENTS (19th JULY 2011)

- 6.3.5 On 18th July 2011 the House of Commons debated and approved six National Policy Statements for Energy (NPS) to ensure a rapid, predicable and accountable planning system where planning decisions can be taken within a clear policy framework. The relevant Statements to this proposal are set out below.

Overarching NPS for Energy (EN-1)

- 6.3.6 EN-1⁵ sets out national policy for the delivery of energy infrastructure and is supported by the technology-specific EN-3 (Renewable Energy Infrastructure). Whilst the NPSs are primarily intended to be the policy basis against which onshore wind farms of over 50MW will be assessed, Paragraph 1.2.1 of EN-1 confirms that they are also a material

⁴ The UK Renewable Energy Strategy 2009. The Stationery Office, London

⁵ Overarching National Policy Statement EN-1 June 2011. The Stationery Office, London

consideration in the determination of applications for smaller developments such as the proposed 17.5MW wind farm at Hendy.

- 6.3.7 Paragraph 2.2.1 of EN-1 states that the Government is committed to meeting its legally-binding targets to cut greenhouse gas emissions by at least 80% by 2050 compared to 1990 levels. Delivering that change is acknowledged to be a significant challenge, particularly within a market based system and with severe constraints on public expenditure in the short term at least. Consequently the NPS's are intended to assist and develop a clear long-term policy framework for the development of energy projects to facilitate investment in the necessary new infrastructure by the private sector.
- 6.3.8 EN-1 paragraph 3.3.5 explains that the Government would like industry to bring forward many low carbon developments, including renewables, within the next 10 to 15 years to meet the twin challenges of energy security and climate change as we move towards 2050.
- 6.3.9 Paragraph 3.2.3 of EN-1 explains the Government's belief that without significant amounts of new large-scale energy infrastructure, the objectives of its energy and climate change policy cannot be fulfilled. It also recognises that there may be some adverse impact as a result of developments. However, the Government considers that the need for this new generating infrastructure will often be urgent and that substantial weight should be given to considerations of need. It does however recognise that the weight attributed should be proportionate to a projects actual contribution to satisfy the need for new generation.
- 6.3.10 Decision makers (Powys County Council in this instance) are required to take account of the fact that failure to act now and permit new renewable capacity will result in significant adverse impacts to bio-diversity from failing to combat climate change (Paragraph 5.3.6).

NPS for Renewable Energy Infrastructure (EN-3)

- 6.3.11 EN-3⁶ was also published in July 2011 and chapter 2.7 deals with those considerations most applicable to onshore wind turbines. Paragraph 2.7.1 recognises that onshore wind farms will continue to play an important role in meeting renewable energy targets. The statement establishes five key considerations that should be taken into account in identifying suitable sites for large scale wind energy development which it considers to be schemes of 50MW or more:
- Predicted wind speed;
 - Proximity to dwellings;
 - Capacity of the site;
 - Electricity Grid Connection; and
 - Access

⁶ National Policy Statement for Renewable Energy Infrastructure EN-3 June 2011. The Stationery Office, London.

6.4 *Other UK Policy & Guidance*

- 6.4.1 In response to the RES the National Renewable Energy Action Plan for the UK⁷ (dated July 2010) was published and set out the strategy to ensure that it will achieve its legally binding obligation of generating 15% of energy demand from renewable sources by 2020.
- 6.4.2 A National Infrastructure Plan for the UK⁸, which was published in 2010, includes strict carbon reduction targets and the need to ensure long term energy security.
- 6.4.3 The most recent policy statements in this sector are the publication of a new White Paper in July 2011 entitled "Planning our Future: A White Paper for Secure, Affordable and Low Carbon Electricity" and also in July 2011, the Renewable Energy Road Map.
- 6.4.4 These documents reinforce the position of renewable energy as a key part of the national energy mix set out in the RES.

6.5 *UK Progress Report 2011*

- 6.5.1 In accordance with EU Directive 2009/28/EC the UK published "*First Progress Report on the Promotion and Use of Energy from Renewable Sources for the United Kingdom*"⁹ in December 2011. The report concluded that by the end of 2010 renewable energy accounted for 54TWh (3.3%) of the UK's total energy consumption - an increase of 27% over the previous 2 year period.
- 6.5.2 Whilst the report stated that the UK was on track to achieve their first interim target (4% by 2012) it recognised that the rate of deployment needed to be further increased to ensure the interim targets were met. The UK achieved the first interim target in 2012 by recording a 4.1% figure for energy consumption from renewable sources.
- 6.5.3 When assessing the results for the initial, interim targets, it must be recalled that the 2010 plans and 2011/2012 interim targets are just the starting point of the trajectory that gets steeper towards 2020. In fact, if the growth rates achieved in 2009/2010 were maintained to 2020, the UK would still fail to reach their target. Therefore whilst the UK progress to 2010 is considered relatively good, this does not reflect the policy and economic uncertainties that renewable energy producers currently face.
- 6.5.4 The overall picture in the UK is that by the end of 2010, approximately 824MW of installed onshore wind capacity had been built in England, 370MW in Wales, 2512MW in

⁷ National Renewable Energy Action Plan for the United Kingdom. Article 4 of the Renewable Energy Directive 2009/28/EC. Official Journal of the European Union.

⁸ National Infrastructure Plan 2010. The Stationery Office, London

⁹ First Progress Report on the Promotion and Use of Energy from Renewable Sources for the United Kingdom Article 22 of the Renewable Energy Directive 2009/28/EC

Scotland and 310MW in Northern Ireland (about 4014MW in total) with a further 1320W offshore, making about 5334MW overall from wind power. That has to be compared with the expectation in the RES that the key growth towards the far higher 2020 targets now required for energy from renewables will come from wind, and estimates that a total of 14,000MW will be needed from onshore wind sources alone by that date – more than four times the amount that has been achieved to date since 1992, and in little over half the time it has taken to reach that total.

6.6 National Policy for Wales

WALES SPATIAL PLAN (2004)

6.6.1 Reducing negative environmental impacts is a key objective of the Wales Spatial Plan¹⁰. In response the Plan identified that Wales CO₂ emissions were running at double the capacity of the natural resources ability to absorb them. The Plan recognises the opportunities in the Wales to utilise wind and tidal resources in addressing this issue by producing renewable energy which will subsequently reduce the production of greenhouse gases.

PLANNING POLICY WALES (2014)

6.6.2 Planning Policy Wales (Edition 6)¹¹ (PPW) was adopted in February 2014 and is the principal national planning policy for Wales. It sets out sets out the priorities of the Welsh Assembly Government for the planning system in Wales and encourages the principles of sustainable development in future development.

6.6.3 Procedural issues relating to environment assessment are outlined in Chapter 3 of PPW entitled “Making and Enforcing Planning Decisions”. The Environmental Statement (ES) accompanying this planning application has been undertaken in accordance with this Policy and comprehensively assesses the potential environmental impacts of the proposed development. The ES sets out the potential environmental impacts of the proposal and where appropriate suggests mitigation measures to reduce or avoid such impacts.

6.6.4 Chapter 4 of the PPW (Planning for Sustainability) sets out the need to tackle climate change as a fundamental part of delivering sustainable development (Paragraph 4.5.1).

6.6.5 Advice on landscape and nature conservation issues is provided in Chapter 5 entitled “Conserving and Improving Natural Heritage and the Coast” which states that

¹⁰ People, Places, Futures: The Wales Spatial Plan 2004. The Publications Centre, National Assembly for Wales, Cardiff

¹¹ Planning Policy Wales 2014. The Publications Centre, National Assembly for Wales, Cardiff.

“a key role of the planning system is to ensure that society’s requirements are met in a way that does not impose unnecessary constraints on development while ensuring that all reasonable steps are taken to safeguard or enhance the environment”.

6.6.6 On local non-statutory designations it states that these should be applied to areas of substantive landscape or nature conservation value where there is good reason to believe that normal planning policy cannot provide the necessary protection. Paragraph 5.3.11 states that such designations should not unduly restrict acceptable development.

6.6.7 Chapter 6 is entitled ‘Conserving the Historic Environment’ and covers issues relating to archaeology, historic landscapes and conservation areas. Paragraph 6.1.2 states that Local Planning Authorities have an important role in securing the conservation of the historic environment whilst ensuring that it accommodates and remains responsive to present day needs.

6.6.8 Sustainable energy is tackled in paragraphs 12.8 to 12.10 of Chapter 12 (Infrastructure and Services). The Assembly’s commitment to playing its part by delivering an energy programme which contributes to reducing carbon emissions is re-iterated and incorporates the figures in the 2010 Energy Policy Statement (EPS). It states that planning policy at all levels should facilitate delivery of both the Assembly’s overall Energy Policy Statement and UK and European targets on renewable energy. The key issue that now has to be addressed is that of the accelerating need for delivery since the table forecasts a need for a total of 2000MW of installed capacity of onshore wind to be delivered “in the main” by 2015 to 2017.

6.6.9 The Assembly’s aim is to secure an appropriate mix of energy provision for Wales, whilst minimising the impact on the environment. This will be achieved in part by strengthening renewable energy production, and through a greater focus on energy efficiency and conservation (Paragraph 12.8.6).

6.6.10 The role of onshore wind is emphasised in Paragraph 12.8.12 which states that:

“...the introduction of new, often very large, structures for onshore wind needs careful consideration to avoid and where possible minimise their impact. However, the need for wind turbine energy is a key part of meeting the Assembly Government’s vision for future renewable energy production as set out in the Energy Policy Statement (2010) and should be taken into account by decision makers when determining such applications.”

6.6.11 PPW then goes on to state the approach to Strategic Search Areas (SSAs) which are introduced in Technical Advice Note 8, which is discussed below. Paragraphs 12.8.13-14) state:

“Within the SSAs, whilst cumulative impact can be a material consideration, it must be balanced against the need to meet the Welsh Assembly Government’s renewable energy aspirations and the conclusions reached fully justified in any decision taken.

Developers will need to be sensitive to local circumstances, including siting in relation to local landform and other planning considerations.”

TECHNICAL ADVICE NOTE 5 (TAN5): NATURE CONSERVATION AND PLANNING (2009)

6.6.12 TAN5 provides supplementary advice to the policies set out within PPW in respect of nature conservation issues. TAN5 sets out the criteria against which a development will be judged having regard to the relative significance of international, national and local nature conservation designations.

6.6.13 There are no local, national or international statutory ecological designations within the application site or immediately adjacent to it. In this context TAN5, paragraph 3.2.2 states:

“Statutory and non-statutory sites, together with features which provide wildlife corridors, links or stepping stones from one habitat to another, all contribute to the network necessary to ensure the maintenance of the current range and diversity of our flora, fauna, geological and landform features and the survival of important species. Sensitive landscaping and planting, the creation, maintenance and management of landscape features important to wildlife and the skilled adaptation of derelict areas can provide extended habitats.”

6.6.14 TAN5 also explains that certain plants and animals, including all wild birds are protected and not confined to designated sites. As explained in Chapter 7 of the ES site surveys were undertaken to identify the range and diversity of flora and fauna and in particular to identify any protected species on an nearby the Development site.

TECHNICAL ADVICE NOTE 6 (TAN6): AGRICULTURE AND RURAL DEVELOPMENT (2010)

6.6.15 TAN 6 states with regard to considering planning applications on agricultural land that the local planning authorities should consider the quality of agricultural land and other agricultural factors and seek to minimise any adverse effects on the environment. Paragraph 6.2.3 continues with regard to the quality of agricultural land that:

“There are five grades of land numbered 1 to 5, with grade 3 divided into two subgrades. The best and most versatile land falls into grades 1, 2 and sub-grade 3a and the most flexible, productive and efficient in response to inputs”.

6.6.16 With regard to the location of other development in proximity to farms paragraph 6.2.5 states:

“The nature of other development and its proximity to farms can influence the type of farming and the extent to which inherent land quality can be exploited. Certain

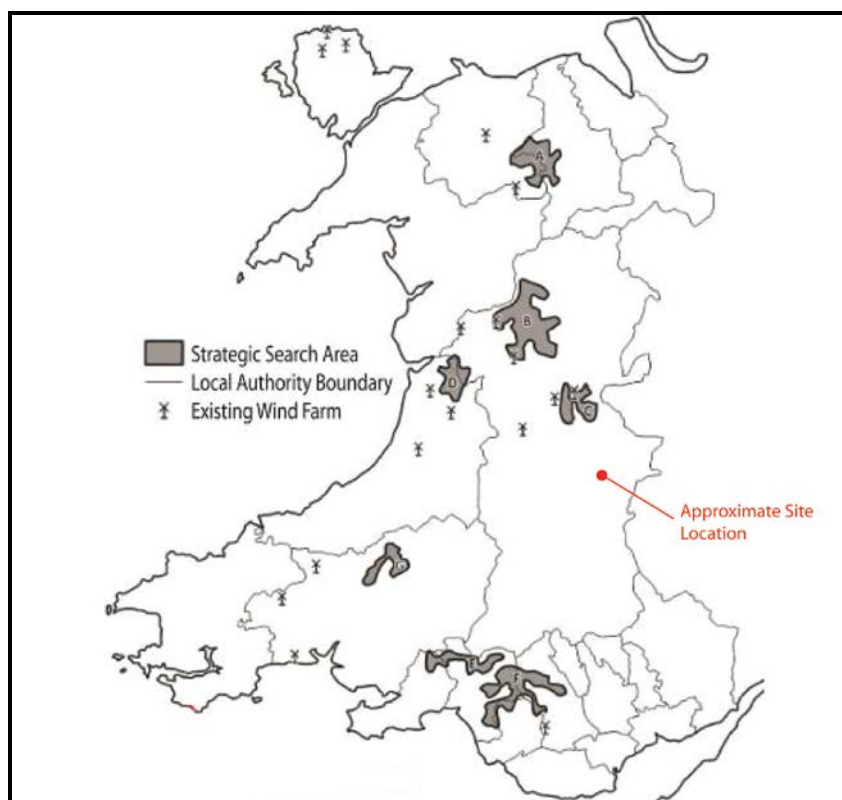
locations may have agricultural advantages such as accessibility to markets, processing plant and certain industries associated with agriculture. Farms with development close to them tend to suffer from trespass and other forms of disturbance which may affect the efficiency and upkeep of holdings. It may be possible to reduce any detrimental effects of development by locating compatible uses adjacent to farm land,...

TECHNICAL ADVICE NOTE 8 (TAN8): PLANNING FOR RENEWABLE ENERGY

- 6.6.17 TAN8: Renewable Energy¹² was published by the Welsh Assembly in July 2005 to supplement the PPW and sets out the policy context from that time for energy and target figures for 2010 and 2020. It notes at paragraph 1.3 that Energy Policy is a reserved function and that both UK and Welsh national energy policy provide its context. The guidance was issued to guide developers of large scale wind projects in the first instance to SSAs and provide the tests by which sites outside SSAs are to be considered.
- 6.6.18 Following extensive assessments, seven SSA's were identified in TAN8 for the most appropriate locations for large scale (over 25MW) onshore wind developments. Carno North, Newtown South and Nant y Moch are identified as three of seven SSAs in Wales. location of the seven SSAs within Wales is illustrated in Figure 6.1 below in relation to the proposed site.

Figure 6.1: Location Map of SSAs

¹² Technical Advice Note 8: Planning for Renewable Energy 2005. The Publications Centre, National Assembly for Wales, Cardiff.



6.6.19 Whilst the proposed wind farm at Hendy is not located within an SSA, it is important to note that its capacity of 17.5MW is considerably less than 25MW, above which a proposal would be considered *large scale* in TAN8.

6.6.20 Smaller scale wind farm developments such as that proposed are considered acceptable outside of SSAs and TAN8 states that Local Planning Authorities are best placed to assess detailed locational requirements within and outside SSAs in the light of local circumstances. Indeed Carwen Jones, First Minister, confirmed this in his statement to the Assembly on 14th May 2013 in relation to Wales' progress on implementing "Energy Wales" where he stated:

*"The approach that we have taken as Government, through TAN 8, is to take a proportionate approach, to ensure that development would take place mainly in areas that are demarcated through the strategic search areas, **and that development would take place on a small scale outside those areas.**"*
(our emphasis)

6.6.21 Arguably the clearest statement on the weight to be given to TAN 8 in the decision making process predates the above statement and was again given by the First Minister in September 2011. In response to a number of direct questions on the implications of TAN 8 for decisions made by the IPC he confirmed that, although he thought it was wrong *"that planning applications from anywhere in Wales will be entertained whether they are in or outside the SSA...under TAN8 development would have been restricted to certain areas, such as parts of Powys... for example, whereas the reality is now that wind farm applications can be entertained anywhere in Powys"*.

6.6.22 Para 2.9 of the guidance lists the following characteristics of SSA sites which are appropriate for large scale wind farm development:

- extensive areas with a good wind resource (typically in excess of 7 metres per second);
- upland areas (typically over 300m above ordnance datum) which contain a dominant landform that is flat (plateau) rather than a series of ridges;
- generally sparsely populated;
- dominated by conifer plantation and/or improved/impoverished moorland;
- has a general absence of nature conservation or historic landscape designations;
- of sufficient area to accommodate developments over 25MW, to achieve at least 70MW installed capacity and to meet the target capacity.
- largely unaffected by broadcast transmission, radar, MoD Mid Wales Tactical Training Area (TTA) and other constraints.

6.6.23 Although not required by TAN8 to comply with these criteria, the proposed wind farm (17.5MW maximum) at Hendy is nonetheless significantly below the 25MW threshold provided in TAN8 and consistent with them, indicating its acceptability for this type of development.

6.6.24 Paragraph 2.12 states that local planning authorities are expected to encourage smaller community based wind farm schemes through their development plan policies and when considering individual planning applications. It suggests that local criteria be set out to determine the acceptability of such schemes and define in more detail what is meant by “smaller” and “community based”.

6.6.25 In areas outside SSAs, TAN8 states that a balance should be struck between the desirability of renewable energy and landscape protection. However it also states that the balance should *not* result in severe restriction on the development of wind power capacity, although a proliferation of wind turbines should be avoided. To manage this, the Assembly Government supports and encourages local planning authorities introducing local policies in their development plans to control wind farm developments outside of SSAs.

6.6.26 TAN 8 is expressly provided as advice to supplement the policy set out in Planning Policy Wales (PPW) and the Ministerial Interim Planning Policy Statement on Renewable Energy. As these two documents have been replaced by the current Planning Policy Wales (February 2014) the advice in the TAN 8 must therefore be read in conjunction with the policy statements set out in PPW and cannot be considered in isolation.

- 6.6.27 As PPW states that planning policy at all levels should facilitate delivery of both the Assembly's overall Energy Policy Statement and UK and European targets on renewable energy, the relevance of TAN 8 to this project is questionable or of limited relevance. Consequently limited weight should be afforded to TAN 8 in the determination of this planning application.
- 6.6.28 Paragraph 2.27 of Annex C of TAN8 states that the British Horse Society suggest an exclusion zone either side of public bridleways in order to avoid wind turbines frightening horses. The guidance also confirm that this is not a statutory requirement and the circumstances pertaining to any particular site should be taken into account.

TECHNICAL ADVICE NOTE (TAN) 8 DATABASE 2013 - REVIEW OF WIND FARM DEVELOPMENT

- 6.6.29 Table 6.1 below is a summary of the output of wind farm schemes in Wales which are being considered, have been approved and are operational as of 1st April 2013. The table shows that some 206.7MW of onshore wind power is operational outside of the SSAs which is almost half of the operational power generated in Wales.

Table 6.1: Summary of Wind Farm schemes in Wales (1st April 2013)

SSA	5MW to 50MW					Over 50MW					Total				
	Awaiting Determination	Consented	Operational		Total	Awaiting Determination	Consented	Operational		Total	Awaiting Determination	Consented	Operational		Total
		Pre 2005	Post 2005					Pre 2005	Post 2005					Pre 2005	
A	0	100.5	21.3	9.1	130.9	0	0	0	0	0	0	100.5	21.3	9.1	130.9
B	85	28	63.4	15.6	192	230	0	0	0	230	315	28	63.4	15.6	422
C	97	0	0	0	97	117.7	0	0	0	117.7	214.7	0	0	0	214.7
D	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
E	25	0	0	62.9	87.9	0	0	0	0	0	25	0	0	62.9	87.9
F	6	116.5	0	38.4	160.9	0	0	0	0	256	6	372.5	0	38.4	416.9
G	78.3	0	0	23	101.3	0	256	0	0	70	78.3	70	0	23	171.3
Outside SSA	146	19	120.6	27.6	313.2	126	70	58.5	0	184.5	272	19	179.1	27.6	497.7
Total	437.3	264	205.2	176.6	1083.1	473.7	326	58.5	0	858.2	911	590	263.7	176.6	1941.3

[Source: Wales.gov.uk/docs/desh/publications]

TECHNICAL ADVICE NOTE 11: NOISE (1997)

- 6.6.30 TAN 11 provides supplementary advice to the policies set out within PPW in respect of how the planning system can be used to minimise the adverse impact of noise without placing unreasonable restrictions on development or adding unduly to the costs and administrative burdens of business.
- 6.6.31 TAN 11 states, "local planning authorities should ensure that noise generating development does not cause an unacceptable degree of disturbance". The TAN also states, "irregular noise or noise which contains a distinguishable continuous tone will require special attention".
- 6.6.32 Specific guidance to the noise issues raised by wind farm developments is given in Annex B Paragraph B19 which states:

“Detailed guidance on noise from wind turbines is contained in Planning Guidance (Wales), Technical Advice Note (Wales) 8, ‘Renewable Energy’, Welsh Office, 1996, Annex A Paragraphs A28 - A38.”

- 6.6.33 TAN 8 was revised in July 2005 and detailed guidance is now contained within Annex C of the revised version. This is explained in further detail in the Chapter 11 (Noise) of the ES where an assessment of the potential noise from the proposed wind farm is set out.

TECHNICAL ADVICE NOTE 15: DEVELOPMENT AND FLOOD RISK (2004)

- 6.6.34 TAN 15 sets out the responsibilities and requirements of the various parties in the development process and seeks to ensure that flood risk, surface-water and foul water drainage arrangements are properly considered during the planning process.
- 6.6.35 TAN 15, paragraph 7.4 requires that before deciding whether a development can take place an assessment must be undertaken. Paragraph 8.1 refers to surface water run off and states that:

“All types of land use change will impact on the natural hydrological cycle in one way or another and flooding is not confined to flood plains, as heavy rain falling on waterlogged ground can cause localised flooding almost anywhere. In all zones, development should not increase the risk of flooding elsewhere. Runoff from developments in these areas can, if not properly controlled, result in flooding at other locations and significantly alter the frequency and extent of floods further down the catchment.”

- 6.6.36 Chapter 10 of the ES sets out an assessment of the potential effects on hydrology and hydrogeology, surface water quality and flood risk.

TECHNICAL ADVICE NOTE 18: TRANSPORT (2007)

- 6.6.37 TAN 18 is more relevant to urban development that generates traffic and the associated issues of accessibility and parking. Operational wind farms do not generate significant permanent increases in traffic although traffic will be generated during the construction stage.
- 6.6.38 Paragraph 3.11 confirms that development in rural locations should embody sustainability principles balancing the need to support the rural economy, whilst maintaining and enhancing the environmental, social and cultural quality of rural areas.
- 6.6.39 TAN 18 section 9 sets out the means of assessing impacts and managing implementation. In addition to a Transport Assessment for the Development, the construction stage traffic generation has been assessed, including an Abnormal Loads Route Assessment as set out in Chapter 13 of the ES.

TECHNICAL ADVICE NOTE 19: TELECOMMUNICATIONS (2002)

6.6.40 TAN 19 explains that there are two types of radio interference from proposed development; electrical interference and physical interference. Paragraph 91 states with regard to physical interference that:

“Large prominent structures such as tower blocks, cranes, warehouses or windfarms, can cause widespread disruption to television and other telecommunications services due to the physical obstruction or reflection of the wanted signals. Digital television signals are far more robust than analogue and, as viewers change to digital over time, offer the prospect of the elimination of such problems as interference caused by reflections from structures. Local planning authorities will need to satisfy themselves that the potential for interference has been fully taken into account in the siting and design of such developments, since it will be more difficult, costly and sometimes impossible to correct after the event.”

6.6.41 As part of the initial design process technical constraints including telecommunications interference were considered. Ofcom were consulted and they provided details of link operators. These link operators were also consulted and their responses confirmed that they did not foresee any potential problems in terms of disruption to telecommunication links. This issue is discussed in detail in Chapter 12 (Existing Infrastructure and Aviation) of the ES.

6.6.42 During pre-application discussions the potential for the proposal to interfere with the communications link utilised by Western Power Distribution (WPD) was identified. In consultation with Joint Radio Company (JRC) and WPD a draft planning condition has been arrived at and is proposed to ensure that any interference issue is resolved. The proposed condition states:

The development shall not be brought in to use until a Mitigation scheme (including site surveys) has been submitted to and approved in writing by the local planning authority, in liaison with relevant utilities providers. The scheme shall include the arrangements for the implementation of the mitigation measures. The development shall not be brought into use until the mitigation measures have been implemented in accordance with the approved Mitigation scheme.

Reason for condition: To ensure that the utility network is not compromised by the development.

THE ENERGY POLICY STATEMENT FOR WALES (MARCH 2010)

6.6.43 The publication of the Energy Policy Statement by the Welsh Assembly Government in March 2010 significantly alters the position on targets. The position in 2005 had been that of a target of 7TWh of output from renewable sources by 2020, however the Energy Policy Statement sets out a new enhanced target figure for 2025 of 22,500MW of

installed capacity of renewables. Of this figure, 8,000MW of onshore and offshore wind is expected to be provided by 2015-17, which can be compared with the 800MW of strategic onshore wind envisaged to be installed between 2005 and 2010 under TAN8 (on top of the circa. 300MW which was in place by 2005).

ENERGY WALES: A LOW CARBON TRANSITION (2012)

6.6.44 The Assembly Government published 'Energy Wales: A Low Carbon Transition'¹³ in March 2012. This document reinforces the importance of developing renewable energy capacity and sets out how they can act now for the long term energy future of the Country.

6.6.45 The document sets out the current position of Wales in terms of energy generation from wind farms and confirms that current operational wind farms have a capacity of 562MW and acknowledges that significant developments, such as the Gwynt y Môr offshore wind farm, which is due to commence in 2013/14, will see capacity increase by 576MW from offshore, with a further 263MW from onshore developments in the future.

6.6.46 The document aims to make the best use of commercially proven renewable energy sources including onshore wind farms and states that the Assembly Government aims to:

“facilitate appropriate deployment to deliver against our low carbon objectives, contribute to wider UK and EU aims and realise the significant wealth-generating opportunities Wales has.”

RENEWABLE ENERGY IN WALES: IN FIGURES (AUG 2013)

6.6.47 The National Assembly for Wales published this research paper in 2013 which reiterated the target in its 2010 Energy Policy Statement of 22,500MW of installed capacity from renewable energy technologies in Wales by 2020/25. At the time of publication the Paper stated that wind energy accounted for 68% of the installed capacity of renewable energy sources in Wales.

6.6.48 The Paper stated that at the end of 2013 there were 90 operational wind energy projects in Wales with a capacity of c. 760MW. It identified a further 72 schemes with extant planning permissions and 48 applications yet to be determined. If all the applications were granted and all schemes built, the capacity of Wales would increase to approximately 3,960MW.

6.6.49 Using the 68% ratio as a guide, the wind energy capacity required to meet the 22,500MW target by 2020/25 is 15,300MW. Therefore, whilst an estimated capacity of almost

¹³ Energy Wales: A Low Carbon Transition 2012. The Publications Centre, National Assembly for Wales. Cardiff.

4,000MW in 2013 is substantial contribution, when compared to the WAG target it represents a mere 26% of wind energy contribution or 18% of the overall target (22.5GW).

6.6.50 It is acknowledged that other renewable energy sources are being improved and will contribute more to the Welsh target, however the figures identified in this Research Paper illustrate the importance of the wind energy sector in achieving national targets.

6.7 Local Planning Policy in Powys

POWYS COUNTY COUNCIL UNITARY DEVELOPMENT PLAN (UDP)

6.7.1 The Powys UDP was adopted on 1st March 2010 and is used to guide development within the County during the plan period to 2016. The UDP is presented in two parts. Part One sets out the vision for the County together with strategic aims, a growth strategy and defined settlement hierarchy which are to be achieved through 14 strategic policies.

6.7.2 The strategic aims of the UDP are identified in Para 2.3.5, and sub-paragraph (q) specifies one of those strategic aims as “*To promote appropriate energy generation from renewable sources*”. The proposed development assists the Local Authority in achieving this aim through the generation of renewable power from the natural environment.

6.7.3 Part 1 of the Plan also contains Strategic **Policy SP3** Natural, Historic and Built Heritage which is an “over-arching” policy, which underlines the Council’s commitment to maintaining the environmental quality of Powys for the enjoyment of present and future generations, and seeks to attain this by safeguarding, protecting and conserving the natural and built environment.

6.7.4 Strategic **Policy SP6** (Development and Transport) states that developments which support the provision of and encourage the use of cycleways will be acceptable.

6.7.5 In terms of energy generation, strategic **Policy SP12 (b)** (Energy Conservation & Generation) is of relevance to the proposed wind farm. This policy states that energy generating proposals will be approved where they meet the landscape, environmental, amenity and other requirements set out in the plan.

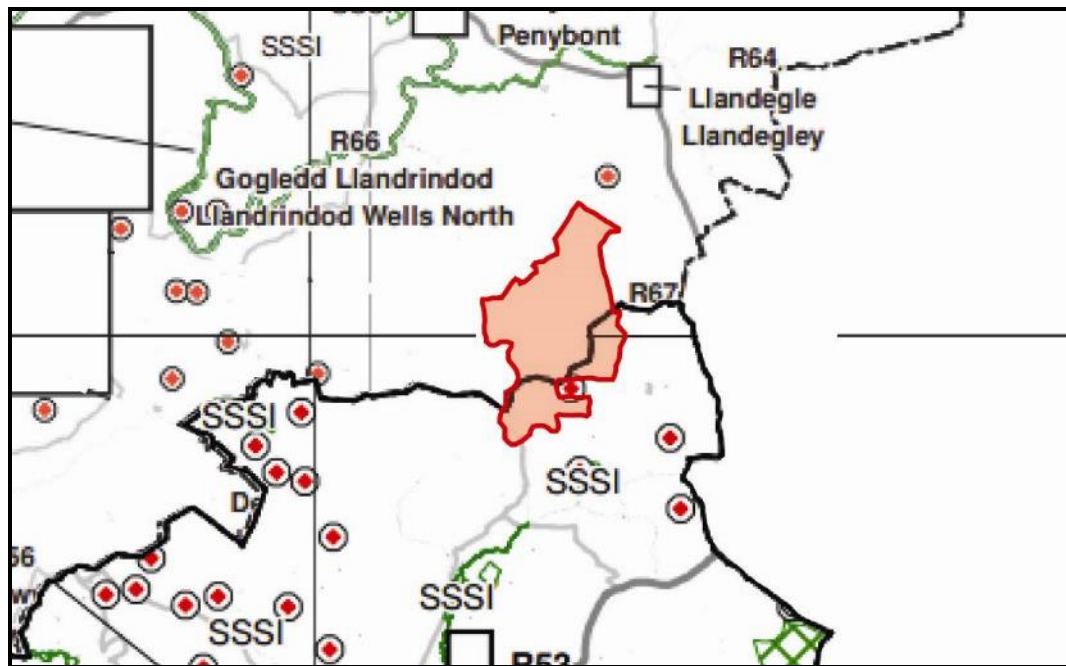
6.7.6 Part Two of the UDP is of more relevance to the proposed development as it contains more detailed and in some cases site-specific policies and proposals. **Policy GP1** is a general development control policy which applies to all development proposals. The policy lists a wide range of issues that must be taken into account if proposals are to be favourably considered.

6.7.7 **Policy ENV2** ensures that developments safeguard the landscape within Powys by taking account of its character. The policy states that developments must not adversely affect features of importance for nature conservation or amenity or result in significant damage to

ancient or semi-natural woodlands. Mitigations measure to integrate developments into the landscape should be proposed where possible.

- 6.7.8 Natural habitats and biodiversity are protected through **Policy ENV3** which will restrict developments that have adverse impact upon them.
- 6.7.9 Development will be strictly controlled within and close to internationally important sites such as Special Protection Areas (SPAs), Special Areas of Conservation (SACs) and Ramsar sites through **Policy ENV4**. Similarly sites of national importance such as National Nature Reserves (NNRs) and Sites of Special Scientific Interest (SSSI's) are also protected from inappropriate developments through **Policy ENV5**. Regional and local nature conservation, geological or geomorphological significant sites are protected through **Policy ENV6**.
- 6.7.10 European Protected Species must be protected in all but the most exceptional circumstances through **Policy ENV7** whilst trees of significant amenity value and local importance are protected through **Policy ENV8**.
- 6.7.11 **Policy ENV17** prohibits developments which would have an unacceptable affect on the site or setting of a Scheduled Ancient Monuments or an Archaeological site of National Importance. Where development may have an impact on an archaeological site, **Policy ENV18** sets out how it can be addressed without necessarily prohibiting the proposal.
- 6.7.12 **Policy T6** of the UDP encourages proposals which will improve facilities and conditions for walking and cycling throughout Powys.
- 6.7.13 Whilst **Policy TR2** encourages the provision of new tourist attractions, it also opposes development which would have an unacceptable adverse impact on the environmental setting of existing attractions.
- 6.7.14 The UDP supports the improvement of Rights of Way and access to the countryside through **Policy RL6**.
- 6.7.15 UDP **Policy MW6** sets out 4 criteria that development proposals must comply with in relation to borrow pits.
- 6.7.16 The study area is located within Proposals Maps 8 (Llandrindod Wells Planning Area) and 11 (Builth Wells Planning Area) of the UDP as illustrated in Figure 4.2 below. Figure 4.2 has been prepared using extracts from the two proposals maps and includes an approximate outline of the study area for identification purposes.

Figure 4.2: Extract of UDP Proposals Maps 8 & 11



[Source: Powys UDP Proposals Map & edited by CTP]

- 6.7.17 The red dot outlined with a black circle indicates the location of a Scheduled Ancient Monument and in terms of the study area it is apparent that two Monuments are located close to, but outside it. It should be noted that the Scheduled Ancient Monument to the north of the site is Llandegley Rocks Hillfort (No. RD264). This monument has been degraded in the past through quarrying.
- 6.7.18 The second monument is Nant Brook Enclosure (No. RD147). The monument is discussed in Chapter 9 (Cultural Heritage) of this report.
- 6.7.19 Chapter 12 of the UDP develops the detailed policies associated with Part 1 policies. Paragraph 12.9 'Wind-power' includes relevant policies to the proposed development as listed below:

Policy E3 – Wind-Power

Applications for windfarms including extensions to existing sites and individual wind turbines generators will be approved where:

- 1. They do not unacceptably adversely affect the environmental and landscape quality of Powys, either on an individual basis or in combination with other proposed or existing similar developments. Where the cumulative impact of proposals in combination with other approved or existing windfarms would be significantly detrimental to overall environmental quality they will be refused.*
- 2. They do not unacceptably adversely affect wildlife habitats or species that are of international, national or local importance in accordance with policies ENV3-7.*
- 3. They do not unacceptably adversely affect the occupants or users of sensitive properties (usually dwellings), or their amenities by reason of noise, vibration, shadow flicker or reflected light.*

4. *They do not unacceptably impact on any buildings or features of conservation or archaeological interest.*
5. *They do not unacceptably adversely affect the enjoyment and safe use of highways and the public rights of way network, especially bridleways (including during the construction phase).*
6. *They would be capable of being served by an acceptable means of highway access and any new roads and accesses required would not have unacceptable environmental impacts.*
7. *Applicants are able 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.*
8. *Any ancillary structures or buildings are so sited and designed including the use of locally appropriate construction materials so as to adequately blend in to their setting.*

6.7.20 **Policy E4** requires the removal of turbines and the land returned to its original state if they cease to operate for a period of more than six months.

6.7.21 Obligations will be required from developers where off-site works are necessary to facilitate the proposed development through **Policy E5**.

6.7.22 General development policies are contained within Chapter 14 of the UDP. Relevant policies include **Policy DC9** which seeks to protect water resources and **Policy DC12** which encourages overhead lines and pipelines to be placed underground.

POWYS SUPPLEMENTARY PLANNING GUIDANCE

6.7.23 A second draft **Interim Development Control Guidance (IDCG) for Onshore Wind Farm Developments**¹⁴ was published in 2008. Whilst the IDCG was originally authorised for development control use, no final version was published, thereby limiting the weight that should be attributed to it. Furthermore the Local Authority has confirmed that no further work will be undertaken in relation to the document.

6.8 Emerging Local Planning Policy

POWYS LOCAL DEVELOPMENT PLAN

6.8.1 The Planning & Compulsory Purchase Act 2004 requires Powys County Council as the Local Planning Authority to prepare a Local Development Plan (LDP) for the County which, once adopted, will replace the Powys Unitary Development Plan. The preparation of the Powys LDP commenced on 1st January 2011. A Preferred Strategy for the Local

¹⁴ Development Control Guidance (IDCG) for Onshore Wind Farm Developments, Powys County Council, 2008.

Development Plan (LDP) was issued for consultation between 19th March and 30th April 2012 as a precursor to publishing a more detailed Draft Deposit Plan in June 2014, which will be open to public consultation. The Preferred Strategy is referred to as a 'broad brush' strategy in its nature and offers limited guidance on wind farm development at this stage.

- 6.8.2 The Preferred Strategy consultation also sets out twelve key strategic policies including Policy LDP SP2 on Design and Climate Change which, amongst other considerations, seeks to address climate change by increasing the supply of renewable energy.
- 6.8.3 The Preferred Strategy states that policies on Renewable Energy will be developed on completion and consideration of the findings of the Powys Renewable Energy Assessment 2012 for inclusion in the Deposit LDP.
- 6.8.4 A Topic Paper on 'Energy' was drafted in June 2011 by Powys County Council to inform the preparation of the emerging LDP. Section 3 of the paper entitled 'Analysis' states that there are four ways that planning at local level can contribute to a greener energy supply. No. 3 of that list states:

“Facilitating the development of new renewable and low carbon energy generating plant (<50MW onshore <25MW onshore wind) and associated infrastructure and facilities”

- 6.8.5 The Paper also states that local planning can mitigate against adverse effects of renewable energy developments by requiring proposals to respect the natural environment, host communities and existing land uses.
- 6.8.6 The Paper identified a number of opportunities for the LPA in preparing their LDP. One of these included facilitating large scale energy generating plant and the sub-text on Page 22 of the document states that the LDP will identify opportunities for renewable energy development. In relation to this it states in brackets *“may conflict with National approach on <25MW on urban / brownfield sites”*.
- 6.8.7 Whilst it is unclear what exactly this means, one can assume that the Local Authority foresee a situation where they may identify areas outside SSAs that are appropriate for wind energy developments of less than <25MW.

THE POWYS REGENERATION STRATEGY

- 6.8.8 This Strategy (June 2011) prioritises harnessing Powys' natural assets which includes capturing renewable energy from wind. It states that: *“The value of the County's natural assets cannot be overstated. Green tourism, capturing renewable energy from wind and water, building on centres of expertise in alternative energy and developing supply chains and technology for low carbon energy are all areas around which Powys can build its Green Economy.”*

6.9 Planning Policy Summary

- 6.9.1 There is a clear presumption in favour of the principle of renewable energy development as contained with national planning policies and guidance set out in the Wales Spatial Plan, the Overarching National Policy Statement for Energy, the National Policy Statement for Renewable Energy Infrastructure, Planning Policy Wales Edition 6 and Technical Advice Note 8 Planning for Renewable Energy.
- 6.9.2 Having regard to the Development Plan and to the Powys Development Plan of 2010, the UDP contains a number of detailed policies addressing a number of considerations, although the principle policy concerning renewable energy is Policy E3. This states that proposals for wind farms will be approved, providing eight criteria are met.
- 6.9.3 Other material planning policy considerations of lesser weight include the Councils emerging Local Development Plan (2012).

7.0 Planning Policy Compliance

7.1 This section of the report assesses the range of issues relating to the proposed development and illustrates how the proposal is in accordance with relevant local and national policy and guidance and is an example of sustainable development.

7.2 *The need for Renewable Energy Generation and the Principle of Wind Power*

Relevant UDP Policies

- SP3 (Natural, Historic and Built Heritage)
- SP12(b) (Energy Conservation & Generation)
- GP1 (General Development)
- E3 (Wind Power)

Other Material Considerations

- Planning Policy Wales 2014
- NPS EN-1
- NPS EN-3
- TAN8 (Planning for Renewable Energy)
- PCC Energy Paper – June 2011
- PCC Regeneration Strategy – June 2011

7.2.1 The main issues in respect of renewable energy and sustainable development are considered to be the support for renewable energy development; the meeting of targets for installed capacity; and sustainable development.

7.2.2 There is a presumption in favour of renewable energy developments in England and Wales and there is no requirement to prove the *need* for such proposals. There is therefore a presumption in favour of schemes which generate renewable energy provided there is no unacceptable adverse impact on the environment. This statement and accompanying ES illustrate that the proposed wind farm does not cause any unacceptable adverse impacts on the environment. This presumption applies to different technologies and the weight to be attached to issues will vary depending upon the geographical location of the proposal and the associated weight to be attached to constraints in that area. Renewable energy generation is consistently recognised as the key solution to mitigating against climate change.

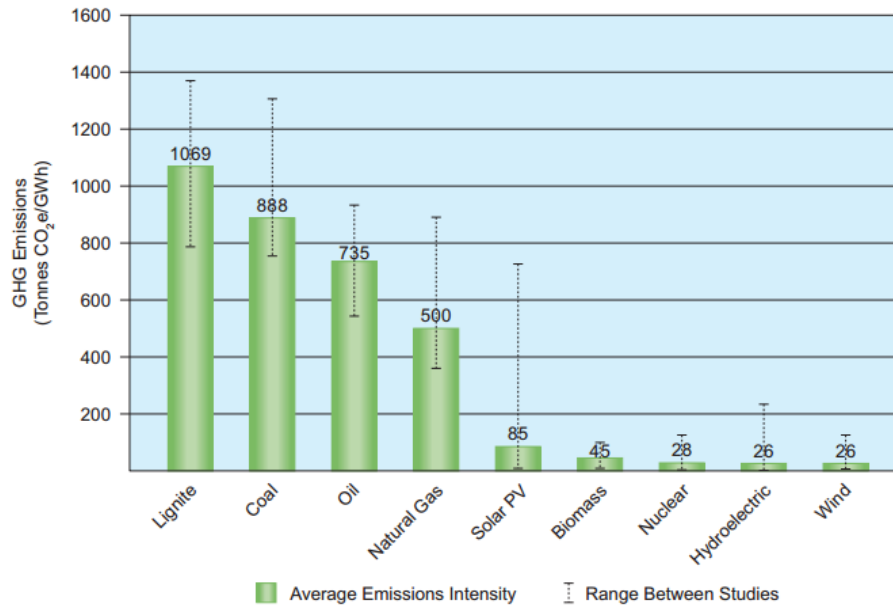
7.2.3 As set out in the previous section of this report, the UK and Welsh Assembly Governments have made it clear in their various publications that they aim to address climate change by reducing the carbon released to the atmosphere by decreasing the reliance on non-renewable resources and focussing on generating renewable energy through developments such as wind farms.

7.2.4 There is no such thing as completely "green" energy as all forms of electricity generation have some detrimental environmental impact, although for some it is relatively little. Whilst not all forms of generating methods are suitable for the subject site, the graph below in Figure 7.1 which was prepared by the World Nuclear Association¹⁵, indicates that wind

¹⁵ Source: http://www.world-nuclear.org/uploadedFiles/org/WNA/Publications/Working_Group_Reports/comparison_of_lifecycle.pdf

energy has the lowest emissions when compared to other recognised methods i.e. average of 26 tonnes of CO₂/GWh.

Figure 7.1: Lifecycle GHG Emissions Intensity of Electricity Generation Methods



7.2.5 UK energy policy also makes it clear that the planning system has a significant role in delivering increased renewable energy capacity, and has highlighted that planning approval rates for onshore wind have historically been low. The policy also recognises that the length of time taken in determining successful applications has been extremely long.

7.2.6 The NPSs on energy (EN-1) and on Renewable Energy (EN-3) set out that unless significant amounts of large scale energy infrastructure are delivered, then implicitly the objectives of energy policy cannot be achieved. EN-1 also reiterates the point made in the National Energy Policy that increasing installed renewable energy capacity is also needed to guarantee energy security for the country. The NPSs are material planning considerations that are afforded significant weight in the determination of planning applications for medium and large scale wind farms. The NPSs are clearly, in principle, fully supportive of the Development.

7.2.7 The Development will make a valuable contribution towards meeting the Government energy production targets which is encouraged from all levels of the UK and Welsh Assembly Governments. The scheme meets all key sustainability objectives at national and local levels and will enable further progress towards a low carbon economy in Wales.

7.2.8 The proposed wind farm will assist in reducing the production of CO₂, contribute to an increase in electricity produced from renewable energy, to help address climate change, ensure security of energy supply and assist in the diversification of the rural economy.

- 7.2.9 At national level Planning Policy Wales (PPW) is a key driver of achieving sustainable development. PPW acknowledges the huge opportunities in Wales from wind and tidal resources and sets out how sustainable development can be achieved by utilising these in an appropriate manner.
- 7.2.10 Chapter 12 of PPW reinforces the need for planning policy at all levels to facilitate the delivery of both targets agreed at UK and European levels.
- 7.2.11 This Development, with a capacity of up to 17.5MW, would make a significant contribution to meeting the 2000MW target for installed onshore wind identified in PPW by 2015-2017.
- 7.2.12 UDP policies SP6, SP12(b) and especially E3 provide a strong level of support for renewable energy development and a permissive approach to planning applications for such proposals where it can be demonstrated that there are no unacceptable adverse impacts on the receiving environment.
- 7.2.13 Whilst TAN8 has only limited weight in relation to the proposal it states that where there is a recognised impact on the environment, the benefits of the proposed development must outweigh any adverse impacts in order for it to be granted planning permission. The benefits of this Development significantly outweigh the impacts on the receiving environment.
- 7.2.14 The UDP makes it is clear that increasing installed renewable energy capacity in Powys has an important role in combating climate change by reducing greenhouse gas emissions, and that renewable energy development is to be encouraged through the planning system in order to achieve this through the application of these development plan policies. Furthermore the emerging Local Development Plan reinforces this through Policy SP2 which is based on PCC evidence published in their Energy Paper in June 2011. Development would clearly comply with these policies in principle, as a wholly renewable energy development.
- 7.2.15 Without reiterating the evidence set out in Section 6.0 of this Statement, the recent EU Framework which identifies a binding greenhouse gas reduction target of 40% of emissions below the 1990 level by 2030, actually doubles the previous 20% target by 2020. This equates to an EU-wide binding target for renewable energy of 27%. This is an increased target that Member States must cumulatively meet and therefore reinforces the need for developments such as that proposed in this instance, must be approved in appropriate areas. This application demonstrates that the application site is appropriate for wind turbines and that the benefits of the scheme outweigh potential adverse impacts and should be granted planning permission to help tackle climate change.

7.3 *Energy Generation Figures*

Relevant UDP Policies

- SP3 (Natural, Historic and Built Heritage)
- SP12(b) (Energy Conservation & Generation)
- GP1 (General Development)
- E3 (Wind Power)

Other Material Considerations

- Planning Policy Wales 2014
- NPS EN-1
- NPS EN-3
- TAN8 (Planning for Renewable Energy)
- PCC Energy Paper – June 2011
- PCC Regeneration Strategy – June 2011

7.3.1 The proposed turbines would produce up to 17.5MW of electricity per annum (up to 2.5 MW per turbine).

7.3.2 The Welsh Assembly Governments (WAG) target of 22.5GW of installed capacity from renewable energy technologies in Wales by 2020/25 is significant in this regard as in 2013 wind energy accounted for 68% of the installed capacity in Wales. Therefore whilst it is acknowledged that other renewable energy sources are being improved and will contribute more to the Welsh target, the importance of the wind energy sector in achieving national targets is very significant.

7.3.3 Although the application was refused, the Inspector for the Pentre Tump appeal (LPA Ref: P/2012/0779) agreed that there is a '*pressing need*' to move towards a low carbon economy. This development is located in a more appropriate location than the Pentre Tump scheme and despite having more turbines than the refused scheme, it is considered more acceptable in planning policy terms as the benefits of the Development in addressing the '*pressing need*' outweigh any potential adverse impacts associated with it.

7.3.4 The Hendy wind farm has the potential to generate 17.5MW of electricity which will power for up to 9,800 homes which is c. 17% of the energy requirement for the entire County of Powys¹⁶. This would offset up to 26,980 tonnes³ of carbon dioxide (CO₂) per annum.

7.3.5 The proposed development has the potential to provide similar economies of scale and based on the advocacy of TAN8, the scheme has can address the urgent need to increase renewable energy output in Wales in order to meet the well-publicised legal targets at national level and the impending European target of 40% by 2030. In this regard the Development is in accordance with national guidance in PPW, NPS EN-1 and EN-3 and TAN8 and UDP Policies SP12 and GP1 through its contribution to tackling climate change.

7.3.6 This proposal assists Powys is in accordance with its Regeneration Strategy 2011 which identified renewable energy production, including the capture of energy from wind, as one of its 9 key themes.

¹⁶ Based on 2011 population figure of 133,100 ÷ average Welsh household size (2.3 people)

7.4 *Site Selection*

Relevant UDP Policies

- SP3 (Natural, Historic and Built Heritage)
- SP12(b) (Energy Conservation & Generation)
- ENV2 (Safeguarding the Landscape)
- GP1 (General Development)
- E3 (Wind Power)

Other Material Considerations

- Planning Policy Wales 2014
- NPS EN-1
- NPS EN-3
- TAN8 (Planning for Renewable Energy)
- PCC Regeneration Strategy – June 2011

- 7.4.1 The remote location of the site from dwellings, specially protected landscape areas, features and monuments together with its topography and preferential wind resource indicate the appropriateness of the site for wind farm development.
- 7.4.2 The Development is designed to maximise the exposure of the turbines to the commercially viable wind speeds in the area in order to secure the maximum electricity generating power whilst at the same time being sympathetic to the setting of the application site within the wider landscape.
- 7.4.3 The maximum tip height of 110, is justified by the need to maximise the electricity generating power of the site in order to ensure the viability of the scheme. Viability is a significant material consideration that should be afforded appropriate weight when balancing the merits of this Development.
- 7.4.4 The site itself is of sufficient size to accommodate seven turbines with appropriate separation distances between each one so that they meet turbine manufacturer specifications and maximise their efficiency.
- 7.4.5 Subject to environmental impacts, which are discussed below, the subject site is suitable in principle for wind energy development and is in accordance with the relevant policies and guidance referred to above.

7.5 *Landscape and Visual Impact*

Relevant UDP Policies

- SP3 (Natural, Historic and Built Heritage)
- SP12 (b) (Energy Conservation & Generation)
- GP1 (General Development)
- ENV2 (Safeguarding the Landscape)
- ENV4 (Internationally Important Sites)
- ENV5 (Nationally Important Sites)
- ENV6 (Sites of Regional & Local Importance)
- E3 (Wind Power)

Other Material Considerations

- Planning Policy Wales 2014
- NPS EN-1
- NPS EN-3
- TAN8 (Planning for Renewable Energy)
- Draft Interim Development Control Guidance for Onshore Wind Farm Developments
- LDP SP2 (Climate Change)
- PCC Energy Paper – June 2011

- 7.5.1 Arguably the most significant impact of wind turbines on the receiving environment is that of visual and landscape impact. Viento Environmental Landscape Consultants have assessed the potential impact of the Development on the receiving environment and their comprehensive assessment and findings are contained within Chapter 5 of the ES and accompanied by Figures and Appendices contained in Volumes III and IV.
- 7.5.2 The landscape and visual impact assessment covered a study area that includes the Development site and the entire area within a 30km radius of it and has considered the potential for significant landscape and visual effects to arise as a result of the Hendy Wind Farm.
- 7.5.3 Large parts of the wider study area comprise upland moorland and plateau landscapes, although these areas are generally at a distance from the proposed site, which is within and surrounded by rolling hill and valley landscapes.
- 7.5.4 The LVIA assessment examined the potential impacts on the existing landscape and visual baseline which currently contains two operational wind farms within 30km of the proposed Hendy site, one consented scheme which has not yet been built and eight further wind farms at appeal or proposed within this 30km radius. In addition a number of single wind turbines were considered.
- 7.5.5 In accordance with UDP Policy ENV2 the LANDMAP survey has been used to identify the landscape character within the study area. In addition, the study area covers two landscape designations: Brecon Beacons National Park and the Shropshire Hills Area of Outstanding Natural Beauty (AONB).
- 7.5.6 There are a number of sensitive visual receptors within the study area, such as residents within settlements and in individual properties, motorists on the road network, rail passengers on rail routes, visitors to recreational and tourist attractions, walkers and horse riders on footpaths, bridleways and byways and cyclists on the road and off road networks. All of these receptors within the study area have been considered as part of this assessment and the views of the proposed development from these various receptor locations have been considered.

- 7.5.7 The significance of effects on landscape character and visual amenity has been assessed by combining the sensitivity of the landscape character unit or visual receptor with the magnitude of change resulting from the proposed development.
- 7.5.8 In order to minimise landscape and visual effects, the layout and turbine size of the proposed development has been carefully considered in order to maximise the screening potential from nearby landform and to ensure that the turbine layout forms a coherent group when viewed from the surrounding landscape. The proposed layout has developed from the initial design stage and took into account the feedback received from consultees. The result effectively contains the potential visibility of the proposed turbines to within a limited area, thereby restricting potential significant effects on landscape character and visual amenity.
- 7.5.9 It is widely accepted that wind energy developments will inevitably result in some significant effects in landscape character and visual amenity terms. However national planning guidance in PPW, NPS EN-1and TAN8 require decision makers to balance these effects against the benefits and need to generate renewable energy to combat climate change and meet national and European targets.
- 7.5.10 In reality, the prominence of the wind turbines in the landscape, and therefore, the potential for significant effects will vary with the time of day and year, different weather, lighting and visibility conditions and different wind directions. In addition, visual receptors tend to become accustomed to change over time.
- 7.5.11 The LVIA found that in landscape character terms, the character of the site and surrounding area encompassing the Upland Moor, north of Hundred House Aspect Area would be significantly affected by the proposed Development. In addition there would be significant effects on the landscape character of limited parts of five further Aspect Areas (LANDMAP landscape character units) as a result of the proposal. However due to the confined potential visibility of the proposed development within the study area, these significant effects on landscape character would be contained and limited.
- 7.5.12 Significant effects on the visual amenity of receptors would also be contained by the limited visual envelope of the proposal. Whilst residents within properties up to 5.5km – 6.0km from the Development with clear and open views of the proposed turbines would experience a significant effect on their visual amenity, in reality this would be limited to residents within a few properties in Nant and Hundred House, as well as a few individual residential properties in the surrounding landscape.
- 7.5.13 The LVIA is based on a worst case scenario and Zones of Theoretical Vision do not consider screening features at the properties themselves, within the local landscape and from local topography. Therefore whilst visual impacts may be considered significant in some locations, in reality the vast majority of residents within this zone would not be significantly affected by the Development as direct views would be limited.

- 7.5.14 In policy terms therefore, whilst an impact on receptors is identified, it is not considered to be of significance that would render it unacceptably adverse and therefore the Development is in accordance with Policy E3 (part 3).
- 7.5.15 Users of the local rights of way network within approximately 4.0km of the Hendy turbines would also have the potential to be significantly affected by the proposed turbines. However, similarly, the turbines would be screened from many of these routes by localised vegetation, particularly in the valley landscapes to the south and east of the site.
- 7.5.16 The visual amenity of cyclists along part of The Radnor Ring cycle route between Hundred House and Brynthomas would be significantly affected by the intermittent but recurrent partial visibility of the Hendy turbines, as would the visual amenity of visitors to The Pales, Quaker Meeting House and the visual amenity of motorists on a short section of the A44 between just beyond Llandegley and The Van, and local roads within 2.0 – 2.5km of the proposed turbines. Vegetation and topography would again reduce the perceived impact on these locations.
- 7.5.17 In visual terms therefore, the Development would not unacceptably adversely affect the enjoyment and safe use of highways and public rights of way in the surrounding area. Other potential impacts on Public Rights of Way are discussed in Section (7.8) below.
- 7.5.18 The assessment of cumulative effects indicates that there would be no significant cumulative effects with existing or permitted wind farms or wind turbines within the study area.
- 7.5.19 Despite the Pentre Tump Wind Farm being refused at appeal in January 2014, the LVIA considered the scheme in its assessment of cumulative impact due to the potential for a legal challenge against the decision. Therefore whilst the assessment considers the Development in conjunction with the Pentre Tump scheme to have limited significant cumulative effects on landscape character, it is unlikely that this scenario will transpire.
- 7.5.20 In visual amenity terms, sequential significant cumulative effects would occur on a limited number of visual receptors as a result of the visibility of the Hendy turbines in combination with other proposed wind farms.
- 7.5.21 Although the proposed Hendy turbines would give rise to some significant effects on landscape character and visual amenity, these effects have been minimised by the limited visual envelope of the development, its location and careful design in accordance with Policy E3 (part 7).
- 7.5.22 As required through PPW and TAN8, when determining renewable energy developments, planning permission must be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. This planning application demonstrates, particularly in Sections 7.2 and 7.3 above, that the benefits of the Development are significant. The benefits include the potential to provide an additional 17.5MW of renewable energy development to the area.

- 7.5.23 Other benefits of the scheme include displacement of up to 26,980 tonnes of CO₂ emissions per annum, the creation of up employment opportunities, particularly through the construction stage, and the introduction of up to £6.8 million to the Wales economy up until the completion of the construction period. The development is also expected to generate up to £600,000 per year for the region during its lifetime.
- 7.5.24 Although not a planning consideration, another benefit of the Development is the applicants' commitment to set up a Community Benefit Fund that will contribute approximately £1.5 million to local community groups and projects over the lifetime of the project i.e. 25 years.
- 7.5.25 The benefits of the scheme significantly outweigh all potential impacts of the scheme and is therefore in accordance with National Policy and will assist the Government in meeting the national, and more recently the European targets identified for renewable energy production.
- 7.5.26 In relation to landscape impact, the applicants have demonstrated in the LVIA contained in Chapter 5 of the ES that the potential impact on the surrounding area are relatively insignificant and do not significantly outweigh the benefits of the scheme.
- 7.5.27 Importantly, as stated in EN-3, the impacts associated with wind farm developments are entirely reversible and in the context of the receiving environment which includes long-term irreversible quarrying operations, the proposed Development is considered to have an acceptable impact on the landscape and any adverse impact would not outweigh the significant benefits of the scheme in accordance with national policy contained in the PPW.
- 7.5.28 The Development has been fully considered in light of the UDP policies which aim to protect the landscape quality. It is considered that the Development is in accordance with UDP Policy E3 and all other material considerations and guidelines.

7.6 *Noise*

Relevant UDP Policies

- SP3 (Natural, Historic and Built Heritage)
- GP1 (General Development)
- E3 (Wind Power)

Other Material Considerations

- Planning Policy Wales 2014
- NPS EN-1
- NPS EN-3
- TAN8 (Planning for Renewable Energy)
- TAN11 (Noise)

7.6.1 Guidance in PPW, TAN8 and TAN11 advise that good design can be achieved through allowing sufficient distance between the turbines and any existing noise sensitive development so that noise from the turbines will not normally be significant. In this context noise levels from turbines are generally low and, under most operating conditions it is likely that noise will be completely masked by wind-generated background noise.

7.6.2 There are two distinct types of noise; mechanical from the generators and the aerodynamic noise produced by the passage of the blades through the air. The candidate turbine model is the REpower MM82 which has been chosen for a number of reasons including low noise emissions. The REpower MM82 rotor blades are less susceptible to turbulence and provide an even flow along the entire length of the blade profile. Furthermore the blade tips have also been optimised with regard to noise emission and energy yield.

7.6.3 The Development site itself ensures noise limited impact on receptors due to its isolated location. The closest properties to the Development are at Hendy farm, which is c. 960m from T1 and Pye Corner, which is c. 980m from turbine T7.

7.6.4 There is an accepted standard methodology for assessing noise from wind farm developments in the UK as set out in the report 'The Assessment and Rating of Noise from Wind Farms' (ETSU-R-97).

7.6.5 As set out in Chapter 11 of the ES an assessment of the potential noise impact at neighbouring dwellings as a result of the proposed development has been undertaken in accordance with the ETSU guidelines by Martec Environmental Consultants. These locations were identified through preliminary noise predictions, site visits and consultation with the Environmental Health officer of Powys County Council. The assessment concludes that given the turbine layout and measured background noise levels, the wind turbine noise will meet the criteria set out in ETSU-R-97.

7.6.6 Having regard to the results of the noise assessment, the proposed turbine layout (which seeks to reduce the distance from turbines to residential properties) and the proposed turbine model, Hendy Wind Farm will not create an unacceptable impact on residential properties in terms of noise.

7.6.7 On this basis the proposal accords with national guidance contained in TAN8 and TAN11 and UDP Policies SP3, GP1 and E3 which seek to limit the environmental impacts on the receiving environment including the residential amenity of dwellings

7.7 *Land Use Considerations*

Relevant UDP Policies

- SP3 (Natural, Historic and Built Heritage)
- GP1 (General Development)
- ENV1 (Agricultural Land)
- ENV2 (Safeguarding the Landscape)
- E3 (Wind Power)

Other Material Considerations

- Planning Policy Wales 2014
- TAN6 (Agriculture and Rural Development)
- TAN8 (Planning for Renewable Energy)

7.7.1 As the Development will be developed on agricultural land TAN6 states that when considering proposals for development the best and most versatile agricultural land will be safeguarded wherever possible.

7.7.2 The agricultural land which forms the application site and the surrounding area is low quality which is confirmed in its designation as ALC Grade 4 or 5¹⁷. The low grade applied to the land is mainly due to the topography of the site which renders it unsuitable for arable farming and more suitable for pastoral i.e. grazing animals.

7.7.3 The redevelopment of this low quality agricultural land for a wind farm is considered an appropriate land use as the impact on the existing use will be minimal as animals will continue to be able to graze the land during the lifetime of the entire Development.

7.7.4 The minimal impact on the existing agricultural use and the subsequent benefit of producing renewable energy from the site renders the Development in accordance with UDP policies SP3, GP1, ENV1, ENV2 and E3. At a national level, the Development is in accordance with TAN6 through its retention of agricultural use and TAN8 through the energy generation which reflects the guidance offered in PPW 2014.

¹⁷ Agricultural Land Classification of England and Wales 1985 (Agricultural land scale is between 1-5)

7.8 **Public Rights of Way**

Relevant UDP Policies

- SP3 (Natural, Historic and Built Heritage)
- SP6 (Development & Transport)
- GP1 (General Development)
- T6 (Walking & Cycling)
- RL6 (Rights of Way)
- E3 (Wind Power)

Other Material Considerations

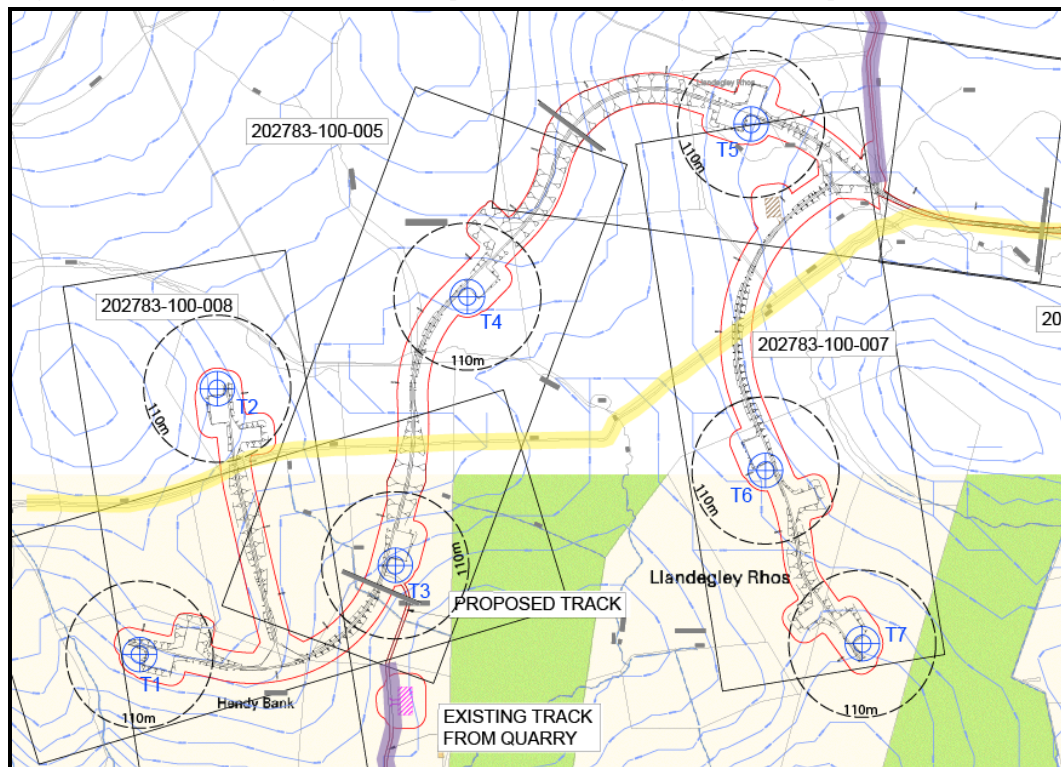
- Planning Policy Wales 2014
-
- TAN6 (Agriculture and Rural Development)
- TAN8 (Planning for Renewable Energy)

7.8.1 The visual impact of the Development on Public Rights of Way (PRoW) is dealt with in detail in Chapter 5 of the ES which concludes that whilst significant visual effects occur during the operational period, these are limited to stretches of particular routes.

7.8.2 Two bridleways (1218 & 1219) and a public byway (127) traverse the site. Figure 7.1 below illustrates where the recorded Public Rights of Way (PRoW) in the area are location in relation to the proposed wind turbines and associated works. The yellow line illustrates byway 127 and the bridleways are coloured purple. More detailed illustrations of the location of the Development to PRoW are illustrated in Figures 1.2.1 – 1.2.9 of the ES (Volume II).

7.8.3 It is accepted that the proposed Development will have an impact on the three PRoW but the impact is considered acceptable when balanced against the benefits of the scheme.

Figure 7.1: Location of PRoW and Separation Distances from Development



7.8.4 As illustrated above, each turbine is in excess of 110m (tip height of turbine) of all PRoWs in the area. We note that the British Horse Society suggest a separation distance

of 200m between wind turbines and bridleways. Whilst this is not a statutory requirement, the majority of the proposed turbines are c. 200m from a bridleway. Turbine T2 is the closest turbine to a PRow at 115m from public byway 127 to the south.

- 7.8.5 PRow that are used for outdoor recreation and public access in the immediate vicinity of the Development will remain open during the 12 month construction period and not be unacceptably impacted upon by the Development during its operation.
- 7.8.6 Where improvements and/or upgrade works are required to PRowS as a result of the Development, the applicant will submit detailed designs and information of proposed works to the local authority (Countryside Services) in advance for their approval prior to construction.
- 7.8.7 Where significant works are required that necessitate temporary closure of sections of PRow, diversions will be provided to users that will guide them away from proposed works to ensure their safety. These short diversions will be fenced off and surfaced appropriately to ensure protection from machinery etc. Details of all proposed diversions will be submitted to and agreed prior to construction with the local authority.
- 7.8.8 To ensure minimum disruption to PRowS during the construction period the following mitigation measures are proposed:
- Drivers briefed to be aware of pedestrians and cyclists using the routes
 - Warning signage during any facilitating works on or close to the PRow.
 - PRow remain open always with diversions well signposted where appropriate.
 - Local tourist offices and relevant organisations notified of disruption in advance.
- 7.8.9 No PRow or other tourism or recreational resource will be directly (physically) affected by the operation of the Development. It is possible that, for unscheduled maintenance reasons, large vehicles may need to be brought onto the site using the same abnormal loads route as used for construction. Should large vehicles be brought onto site, appropriate control measures would be used to ensure safety of, and minimise inconvenience to, right of way users.
- 7.8.10 As mitigation the applicant is agreeable to making the access tracks associated with the development open to use by the public in certain locations on a permissive basis. For example, bridleways 1218 and 1219 are currently not connected. However the applicant is agreeable to allowing access to proposed tracks to allow these to connect in the future.
- 7.8.11 The opportunity for people to pass through the proposed wind farm is considered unique and may be an attraction to some. Notwithstanding this, whilst the impact on PRowS is considered negligible, the extensive network of footpaths and bridleways around the site offer users that wish to avoid passing close to the turbines an alternative route.

- 7.8.12 In summary, whilst users of PRow would in visual amenity terms, experience the turbines from the comparatively close distance, this would only be for a very short period of time until they have passed the Development.
- 7.8.13 The Development would not prevent the enjoyment of users of the PRow and therefore is in accordance with UDP Policies T6 and RL6 and other relevant policies and material considerations.
- 7.8.14 As required through the PPW and EN-1, when determining renewable energy developments, planning permission must be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. This planning application demonstrates that the benefits of the Development are significant and in relation to the potential impact on PRow, the benefits significantly outweigh these through the significant energy generation, employment generation and financial injection to the local economy.

7.9 *Ecology*

Relevant UDP Policies

- SP3 (Natural, Historic & Built Heritage)
- GP1 (General Development)
- ENV3 (Biodiversity & Natural Habitats)
- ENV7 (Protected Species)
- E4 (Removal of Redundant Wind Turbines)

Other Material Considerations

- Planning Policy Wales
- NPS EN-1
- NPS EN-3
- TAN5 (Nature Conservation & Planning)
- TAN8 (Planning for Renewable Energy)

7.9.1 This section assesses the potential impact of the Development against relevant planning policy and objectives and other material considerations with respect to ecology, including ornithology.

7.9.2 A comprehensive ecological study between autumn 2011 and winter 2012. A small amount of additional field survey was carried out in late summer 2013. Ecological baseline conditions were assessed through a combination of desk study and original field surveys. The scheme lies within 3km of one internationally-designated site, the River Wye SAC, and this raised the requirement to consider the proposal in terms of its effects on this site. Full consideration was given to this and it was concluded that there would be no effect. Likewise, effects on nationally-designated sites (five) within 3km were also considered and determined to be non-significant.

7.9.3 Potential impacts of the construction, operational and decommissioning phases were also assessed, with particular attention paid to species and habitats of high vulnerability to the proposed development.

7.9.4 A number of species and habitats that were recorded within the study area are subject to protection through legislation requirements. Habitats included small areas of dry and wet heath, wet woodland, rush-pasture and ponds. Species included a number of Bats (e.g. Pipistrelles, Natterer's, Noctule) and a small number of birds (e.g. Red Kite, Barn Owl, Kestrel). Great crested newt were recorded from several ponds, with a medium-sized population recorded in one pond.

7.9.5 Potential significant effects on these species and habitats have been assessed and mitigation measures are proposed. Significant effects considered included the potential for collision risk to birds and removal of sections of bat flightlines.

7.9.6 Following the implementation of the proposed mitigation measures, all identified significant effects were considered to be reduced to non-significant.

7.9.7 Appropriate site design, based on a variety of constraints mapping has meant that all areas of ecological interest have been avoided. The constraints identified included areas of semi-natural habitat and key bat flightline areas.

7.9.8 A programme of monitoring will be agreed with Natural Resources Wales prior to the development being commissioned.

7.9.9 No significant effects arising from the transport route or cumulative effects with other schemes are predicted.

7.9.10 The applicant has demonstrated that the development will not unacceptably adversely affect the environmental quality of the area or wildlife habitats and species that are of international, national or local importance. The development is therefore in accordance with the relevant policies and guidance, in particular UDP policies ENV3-7, E3 (1 & 2) and TAN5 as it protects the existing biodiversity on and surrounding the site.

7.9.11 As required through the PPW and EN-1, when determining renewable energy developments, planning permission must be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. This planning application demonstrates that the benefits of the Development are significant and in relation to the potential impact on flora and fauna, the benefits significantly outweigh these through the significant energy generation, employment generation and financial injection to the local economy.

7.10 *Archaeology*

Relevant UDP Policies

- SP3 (Natural, Historic & Built Heritage)
- GP1 (General Development)
- ENV17 (Ancient Monuments & Archaeological Sites)
- ENV18 (Archaeological Sites)
- E3 (Wind Power)

Other Material Considerations

- Planning Policy Wales
- NPS EN-1
- NPS EN-3
- TAN5 (Nature Conservation & Planning)
- TAN8 (Planning for Renewable Energy)

- 7.10.1 An archaeological assessment has been undertaken as part of the EIA. This has been prepared with regard to PPW, Circulars and Policies ENV17 & ENV18 in the UDP and is contained in Chapter 8 of the ES.
- 7.10.2 The assessment identified the nature and extent of recorded archaeological resource within the Development site and its immediate environs and subsequently assessed the effect the proposed development may have upon them.
- 7.10.3 The assessment has indicated that there may be a direct adverse impact upon the Hendy Ford IV and a Roman road, both undesignated heritage assets, as a result of the proposed development. In addition the assessment has shown that the Development may have a moderate adverse impact upon the setting and heritage significance of Llandegley Rocks Hillfort, Nant Brook Enclosure and Graig Camp Scheduled Monuments. The proposed development may also have a minor impact upon the settings and heritage significance of a number of additional Scheduled Monuments in the vicinity of the Development site.
- 7.10.4 The potential of discovering archaeological deposits within the Development site is considered moderate - high in relation to deposits dating from the Post-Medieval Period, and a low – moderate potential for the Development site to contain deposits dating to the Bronze Age and Medieval Periods. There is a generally *low* potential for the Development site to contain previously undiscovered archaeological deposits of any other period.
- 7.10.5 Any previously undiscovered archaeological remains of Bronze Age date would have a high regional significance, and any remains of medieval and post-medieval date would have a high local significance. Should such remains exist, they may be subject to a direct adverse impact as a result of the proposed development.
- 7.10.6 The low potential for archaeological remains being found within the Development site avoids the need for an archaeological field evaluation prior to the determination of this application in accordance with Policy ENV18. In this regard the applicant is agreeable to an appropriate condition requiring a programme of archaeological investigation being submitted and agreed with the Local Planning Authority in advance to construction commencing.
- 7.10.7 The desk-based assessment has also shown that the Scheduled Monument Nant Brook Enclosure is situated approximately 500m from the nearest proposed turbine (T1) and

approximately 70m east of an existing access route to the Development site. The Scheduled Monument Llandegley Rocks Hillfort is also situated within proximity to the Development site, at a distance of approximately 1.3km north of the nearest proposed turbine (T5). In addition, Graig Camp Hillfort is situated approximately 1.3km south-east of the nearest proposed turbine (T7).

- 7.10.8 The EIA considered the impact of the Development on the three Scheduled Monuments to be significant. However the impacts are considered acceptable, as they are indirect, and there will be no direct adverse impact upon the fabric of the monument. In addition, key views from the monuments in directions other than in the direction of the proposed turbines will be preserved. The integrity of these Scheduled Monument's key setting is therefore largely maintained.
- 7.10.9 The Assessment of the Significance of Impacts of Development on Historic Landscape (ASIDOHL), prepared as part of the EIA, concluded that there would be a 'Moderate' overall significance of impact upon one Historic Character Area (HCA). The assessment concluded that there would be a 'Slight' significance of impact upon the other two HCAs. This equates to a minor adverse significance of effect.
- 7.10.10 It is important to add that any change in the setting of historic features are entirely reversible upon the decommissioning of a wind energy development, which given the 25 year term of the application is a relatively short length of time in view of the longevity of buildings, and particularly of monuments, in the vicinity of the Development, and changes brought on the landscape during this time.
- 7.10.11 In accordance with national guidance in PPW, EN-1 and TAN8, potential impacts must be weighed against the benefits of renewable energy developments. In this regard the PPW clearly states that planning permission should be granted for renewable energy developments unless any adverse impacts of doing so would *significantly* and *demonstrably* outweigh the benefits. This application has demonstrated that the Development will not have a significant adverse impact on the historic environment and therefore planning permission should not be withheld based on this issue. The benefits associated with the scheme significantly outweigh the potential impacts of the Development on the historic environment.

7.11 *Cultural Heritage*

Relevant UDP Policies

- SP3 (Natural, Historic & Built Heritage)
- GP1 (General Development)
- ENV14 (Listed Buildings)
- E3 (Wind Power)

Other Material Considerations

- Planning Policy Wales
- NPS EN-1
- NPS EN-3
- TAN8 (Planning for Renewable Energy)

- 7.11.1 A cultural heritage assessment has been undertaken as part of the EIA. This has been prepared with regard to PPW and Policies ENV14 & E3 in the UDP and is contained in Chapter 9 of the ES.
- 7.11.2 The assessment involved desk study and associated detailed fieldwork and analysis and considered the potential impacts of the Development. A study area of 10km radius for all Grade I and II* Listed Buildings and Parks and Gardens of Special Historic Interest, and of 5km for all Grade II Listed buildings and Conservation Areas was considered.
- 7.11.3 No Conservation Areas were found to be located within 5km of the proposed Hendy turbines, and no Parks and Gardens of Special Historic Interest would gain visibility of the proposed turbines due to the screening effects of topography. Therefore, through agreement with Powys County Council, the assessment focused on the potential indirect effects on Listed Buildings.
- 7.11.4 The assessment identified two Grade I listed buildings (Church of St David in Glascwm & Church of St Cewydd in Disserth) within 10km of the Developments, although no visibility of the turbines would be available from their vicinity due to the screening effects of intervening topography.
- 7.11.5 The assessment also identified eleven Grade II* Listed Buildings within 10km of the proposed Hendy wind turbines, where visibility of the turbines would potentially be available. However, fieldwork indicated that due to the combination of intervening vegetation and topography, the proposed development would only be visible from one, The Pales (Quaker Meeting House – Cadw Building ID: 9304). The assessment found that whilst visibility of one Hendy turbine would be available in views from this Listed Building, no significant indirect (visual) effect on the significance of this Listed Building would occur.
- 7.11.6 Fifty-six Grade II Listed Buildings were identified within 5km of the proposed Hendy turbines, where visibility of the turbines would potentially be available from the vicinity of thirty-four of these assets. However, fieldwork indicated that due to the combination of intervening vegetation and topography, the proposed development would not be visible from the majority of these. Two of these Listed Buildings were assessed in detail and the assessment found that whilst visibility of one Hendy turbine would be available in views from one of these Listed Buildings, no significant indirect (visual) effect on the significance of this Listed Building would occur.

- 7.11.7 Therefore, the assessment found that there would be no significant indirect (visual) effects on the significance of any Listed Buildings, Conservation Areas or Parks and Gardens of Special Historic Interest within the locality as a result of the proposed Hendy turbines. The Development is therefore in accordance with UDP Policies ENV14 and E3 (part 4).
- 7.11.8 As no significant effect on the setting of a Listed Building or Conservation Area is predicted, the duty under the Planning (Listed Buildings and Conservation Areas) Act 1990 to have regard to the desirability of preserving the building or its setting does not arise in this case.
- 7.11.9 The benefits of the Development significantly outweigh the potential adverse impact of it on features of cultural heritage in accordance with PPW, EN-3 and TAN8.

7.12 *Hydrology & Hydrogeology*

Relevant UDP Policies

- SP3 (Natural, Historic & Built Heritage)
- GP1 (General Development)
- DC9 (Protection of Water Resources)
- MW6: Borrow Pits

Other Material Considerations

- Planning Policy Wales
- NPS EN-1
- NPS EN-3
- TAN8 (Planning for Renewable Energy)
- TAN15 (Development and Flood Risk)

- 7.12.1 WYG Environmental advised in the design of the Development and assessed the environmental impact on controlled waters, including surface waters, aquifers and groundwater abstractions during the construction, operation and decommissioning of it.
- 7.12.2 With their expert assistance the layout has been designed with focus on hydrological aspects and maintaining a distance of 25m from any watercourse (excluding tracks which cross existing watercourses).
- 7.12.3 The construction period effects covering access tracks, culverts, electric cable laying, wind turbine and crane pad construction, substation and temporary construction compound and site working practices were assessed along with the extent to which these impacts will be mitigated. The construction period residual effects were also assessed to further understand the effectiveness of the implementation of mitigations.
- 7.12.4 The operational period effects and its associated mitigation measures covering access tracks, culverts, electric cable laying, wind turbine and crane pads, substation and temporary construction compound and site working practices were also assessed.
- 7.12.5 A number of potential development risks have been identified associated with the development, including from access track construction, quarrying of material and turbine foundation construction, where silt laden run-off or other materials may enter surface watercourses.
- 7.12.6 Subsequently, suggestions of ongoing monitoring have been provided to ensure the effectiveness of the mitigation measures proposed. Operational period residual effects placed focus on the effectiveness of the implementation of the design mitigation on the water environment to which some remaining impacts have been identified.
- 7.12.7 These risks are considered to be significantly reduced from the mitigation measures included within the wind farm design, including avoidance of key hydrological features, the use of sustainable drainage measures and minimisation of disturbance to the soil profile. These measures have been detailed for each element of construction, operation and decommissioning of the wind farm and will be undertaken using best practice.
- 7.12.8 Monitoring of water quality in the watercourses to which the site drains will be undertaken before and during construction, to ensure that no significant negative impacts are occurring. Routine monitoring of wind farm tracks will be undertaken during

construction and operation, and remedial action taken if necessary. Following implementation of these measures it is concluded that construction and operation impacts are of minor significance and decommissioning impacts are not significant.

- 7.12.9 The Development has been carefully designed to ensure the minimum impact occurs to soils and water within and surrounding the application site and is in accordance with local planning policies and importantly TAN8 and TAN15.
- 7.12.10 The potential impacts of the proposed wind farm on the hydrology on site are assessed as minor and following mitigation measures (such as the implementation of a construction environment management plan and micro-siting) the residual risks are considered negligible. It is concluded that with suitable controls, the construction and operation of the proposed wind turbines can be undertaken without causing any significant negative impact on the surrounding soil and water environment which is in accordance with all relevant policy and guidance.
- 7.12.11 As advocated in PPW, planning permission should be granted for renewable energy developments unless any adverse impacts of doing so would *significantly* and *demonstrably* outweigh the benefits. This applicant has demonstrated that the Development will not have a significant adverse impact on soils and water on the site or in the locality and therefore planning permission should not be withheld based on this issue.

7.13 *Traffic and Transportation*

Relevant LDP Policies

- SP6 (Development & Transport)
- GP1 (General Development)
- T2 (Traffic Management)
- T3 (Transport Assessments)
- T4 (Transport User Hierarchy)
- T6 (Walking & Cycling)
- E5 (Off-Site Works)

Other Material Considerations

- Planning Policy Wales
- NPS EN-1
- NPS EN-3
- TAN8 (Planning for Renewable Energy)
- TAN18 (Transport)

7.13.1 The consideration of travel and traffic management issues, including the need to provide safe and suitable access, is required for developments under UDP policies SP6, GP1, T2, T3 and T4.

7.13.2 Chapter 13: Traffic and Transportation of the ES sets out the assessment that has been undertaken as part of the EIA for the Development in respect of the potential effects.

7.13.3 The access to the development will be via two entrance points on the A44 as follows:

(1) Southern Entrance

- The first will be a new priority junction located to the south of the junction of the A44 with the U1574 (Pye Corner) and will provide for all vehicles approaching from the south to turn left from the A44 and all vehicles leaving the site to turn left and head north on the A44. The left in left out arrangement will be enforced through central coloured surfacing, white lining and reflective bollards on the A44. Abnormal Indivisible Loads, which will approach the site from the north under civilian escort and police control, will be permitted to turn right into the site; this will require the temporary removal of the central bollards. The new access will connect to the U1574 approximately 80m southwest of the existing junction of the U1574 with the A44; and

(2) Northern Entrance

- The second access will use an existing lane off the A44 to the north of Pye Corner which will be modified to permit all inbound movements by general construction traffic. The access will be used by inbound vehicles only; the access track leading from the junction to the site will operate as one way only and no egress will be permitted onto the A44.

7.13.4 With the exception of the turbine elements, the vast majority of traffic to the site will be normal construction plant and vehicles. The turbine elements will arrive on specialist transport vehicles over a relatively short period of time around the middle of the 10 month construction period. A large scale self-propelled crane and supporting ballast vehicles would be used to erect the turbines.

7.13.5 The RenewableUK Cymru's Strategic Traffic Management Plan (sTMP) sets out the general principles for managing the delivery of turbine components as abnormal loads

from Ellesmere Port to the proposed Mid Wales wind farms. Abnormal loads associated with the Hendy development will follow the sTMP route to the SSA C on the A483 to the south of Newtown. As the components for Hendy are smaller than those which have been included within the sTMP, no additional work would be required on the route to SSA C to accommodate the proposed loads.

- 7.13.6 The Traffic Management Plan (enclosed with the application) for the Hendy site has assessed abnormal load movements from SSA C in Mid Wales (the Llanbadarn Fynydd Wind Farm site) on the A483 to the proposed site access on the A44 using the same principles detailed within the approved sTMP.
- 7.13.7 The highest level of traffic generation will be associated with the construction phase. The highest flow of traffic would occur during month 6 and will correspond with the delivery of aggregate for access track construction. This equates to approximately 78 movements per day (i.e. 39 inbound and 39 outbound trips).
- 7.13.8 Traffic generated during operation will be limited to around 1 vehicle per fortnight for planned maintenance and inspections. At the end of the operational lifetime of the wind turbines, they may be decommissioned and the site reinstated. This would involve similar access requirements as the construction phase though the number of HGV movements would be reduced.
- 7.13.9 An assessment was made of the likely impacts of construction traffic on the route between the A44 between Penybont and its junction with the A481 and the A481 west of its junction with the A44. On these links the number of heavy goods vehicles is predicted to increase by between 87% and 112% over a 24 hour period.
- 7.13.10 The average number of additional HGV movements per day associated with the peak of construction for the scheme (64) is considered low and the impact is not considered significant.
- 7.13.11 To ensure minimal disruption and to inform the public of potential traffic disruption during the construction period of the Development the Applicant intends to update the Development website¹⁸ containing the latest information relating to traffic movements associated with the site.
- 7.13.12 Specific mitigation measures during the construction period include covering all lorry loads to reduce dust and stop spillage on public roads, incorporate a wheel wash facility at both entrances, restricting working hours to between 7am and 7pm Monday to Friday and the production and agreement with the local authority of Construction and Decommissioning Method Statements.

¹⁸ <http://www.hendywindfarm.co.uk/>

7.13.13 The proposed delivery and construction details associated with the Development are in accordance with UDP transport policies SP6, T2, T3 and T4 and comply with national guidance contained in TAN18 and all other recognised best practice.

7.13.14 The Applicant have appointed experienced Transport and Design consultants to advise on this element of the scheme to ensure minimal impact to road users and the receiving environment, and through significant consultation with the local authority and other consultees have led to a design and proposed management plan to achieve this.

7.14 *Telecommunications and Aviation*

Relevant UDP Policies

- GP1 (General Development)
- E3 (Wind Power)

Other Material Considerations

- Planning Policy Wales
- NPS EN-1
- NPS EN-3
- TAN8 (Planning for Renewable Energy)
- TAN19 (Telecommunications)

7.14.1 A structure of any size can interfere with electromagnetic transmissions. The nature of the interference depends on the size of the structure. Wind Turbines can potentially cause electromagnetic interference in two ways; by blocking or deflecting line of sight radio or microwave links, or by the scattering of transmission links (OPDM, 2004). However, wind turbines do not in themselves cause electromagnetic interference.

7.14.2 Consultation has been undertaken with the Office for Communications (Ofcom) and a number of links were identified in the vicinity of the Development site. All the relevant operators were then consulted in order to obtain as much information as possible on any potentially affected links as possible.

7.14.3 Further research established that links 0459784/1 and 0463232/2 are in excess of 150m from the turbines to ensure that the Development will not have an adverse impact on communication links during the operation phase.

7.14.4 In terms of the potential effects on television signals in the area, the applicants propose the following mitigation measures to ensure that television signals are not affected:

- Replacement of receiving aerial with a more directional or higher gain, aerial;
- Repositioning the receiving aerial so that the received signal is stronger;
- Directing the receiving aerial to an alternative transmitter that covers the area and retuning the television accordingly;
- Upgrading antenna cabling and connections;
- Installation of signal amplifiers;
- Development of a bespoke local solution using a receiving aerial some distance from the dwelling;
- A combination of the above; and/or

- Replacing terrestrial reception equipment with satellite reception equipment.

7.14.5 Following implementation of the mitigation measures(s) set out above, there would be no impact on any affected properties.

7.14.6 Aviation and Radar interference was assessed by Page Power and concluded that for the majority of radars and other associated aviation equipment, there would be no interference as a result of the Development.

7.14.7 The Development therefore will not interfere with the telecommunication or aviation infrastructure in the surrounding area. In the unlikely event that interference could potentially occur as a result of the Development, suitable mitigation measures are proposed to ensure that it is avoided.

7.14.8 The Development is located in a suitable location and designed to accord with best practice guidelines to avoid interference. The Development is considered in compliance with local planning policy and importantly, in accordance with TAN 19 (Telecommunications).

7.15 *Community Benefit*

7.15.1 Although not a planning requirement or consideration, the Local Authority should note that the applicants have committed to contributing significant funds to the local community in Powys through a Community Benefit Fund.

7.15.2 It is anticipated that the fund will contribute approximately £2.187million to local community groups and projects based on £5,000 per MW installed per annum for the 17.5 MW application over the lifetime of the project i.e. 25 years.

7.15.3 Local people have provided ideas about how the Community Benefit Fund can be invested and these are being explored further through ongoing local meetings. Special meetings have been held with Penybont Community Council and New Radnor Community Council representatives in order to explore this issue.

8.0 Suggested Conditions

8.1 Should the local authority be positively disposed to granting planning permission for this Development a list of suggested conditions is set out below for consideration.

1. The development hereby permitted shall be begun before the expiration of five years from the date of this decision.
2. Details of the exact siting of the turbines and ancillary works shall be submitted to and agreed in writing by the local planning authority. The development shall be undertaken as agreed.
3. Prior to the commencement of development, details of the external finish and colour and lighting of the turbines have been submitted to, and approved in writing by, the Local Planning Authority. The development shall be undertaken as agreed.
4. All of the turbine blades shall rotate in the same direction. The turbines and associated infrastructure shall be located in the positions shown on the approved plans or within a tolerance of 30 metres from the base of the approved column position. Access tracks shall be located in the positions shown on the approved plans or within a tolerance of 10 metres either side. Details of any such variation from the approved positions shall be submitted to, and approved in writing by, the Local Planning Authority prior to the erection of any of the turbines.
5. No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. Thereafter the construction of the development shall take only take place in accordance with the approved Statement subject to any variation approved in writing by the local planning authority.
6. The development shall not be brought in to use until a Mitigation scheme (including site surveys) to mitigate impacts on TV interference and telemetry links has been submitted to and approved in writing by the local planning authority, in liaison with relevant utilities providers. The scheme shall include the arrangements for the implementation of the mitigation measures. The development shall not be brought into use until the mitigation measures have been implemented in accordance with the approved Mitigation scheme.
7. If, during development works, any contamination is found that was not previously identified, it must be reported in writing immediately to the local planning authority. A revised investigation and risk assessment must be undertaken to confirm the presence, nature and extent of any identified contamination on the site and revised remedial measures shall be prepared and subjected to approval in writing by the local planning authority. Following completion, a verification report must be prepared that demonstrates the effectiveness of the remediation carried out and approved by the local planning authority.

8. Other than in respect of the temporary construction compound the permission hereby granted is for the proposed development to be retained for a period of not more than 25 years from the date that electricity from the development is first supplied to the grid. This date should be notified in writing to the Local Planning Authority upon commissioning. By no later than the end of the 25 year period the turbines shall be decommissioned and they and all related above ground structures shall be removed from the site. Six months before the due date for the decommissioning of the turbines a scheme for the restoration of the site shall be submitted to the Local Planning Authority. The scheme shall make provision for the removal of all the above ground elements plus one metre of the turbine base below the ground level of the turbines and associated equipment and the return of the land to agricultural use, and shall include details of phasing. Upon approval, the restoration scheme shall be implemented in accordance with the phasing details, the turbines having already been removed not later than the due date.
9. The temporary construction compound shall be removed no later than one year from the date of commissioning of the turbines and the ground restored to its previous condition within six months of such removal.
10. If any turbine hereby permitted ceases to be operational for a continuous period of 12 months, or such period of time as may otherwise be agreed in writing by the Local Planning Authority, all of its above ground elements plus one metre of each turbine base below ground level, as well as any access track that directly serves it, shall be removed within the ensuing period of not more than six months, or as may otherwise be agreed in writing by the Local Planning Authority.
11. No development shall take place until full details of the substation building, including details of the materials to be used on its external surfaces, have been submitted to, and approved in writing by, the Local Planning Authority; and the building shall be built in accordance with the approved details and retained as such thereafter.
12. No development shall take place until a Traffic Management Plan for the implementation of the permission has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall include arrangements for exceptional loads and appropriate temporary signage and shall be implemented in accordance with the approved details.
13. No development shall take place until the developer has secured the implementation of a programme of archaeological work. This shall be in accordance with a written scheme of investigation which has been submitted and approved in writing by the Local Planning Authority.

9.0 Conclusions

- 9.1 There are strong legislative and policy drivers for renewable energy development in the UK and Wales. Minimum targets have been set for Wales. The Welsh Assembly has set a target of 20% of electricity consumption to be obtained from renewable sources in Wales by 2020. The latest report by the UK Government in 2011 confirmed that whilst the UK is generally on course to meet the 2020 target, it estimates that 14,000MW will be needed from onshore wind sources alone by that date. This figure is more than four times the amount that has been achieved to date since 1992, and in little over half the time it has taken to reach that total. There is therefore a pressing need to generate electricity from renewable sources such as wind.
- 9.2 Whilst the Member State targets remain in place at the time of submission, the EU have indicated their intention to abolish the binding targets for member states. A new target of a 40% emissions reduction below the 1990 level is to be formalised in the coming months as indicated by the Commission on 22nd January 2014. This significantly increases the targets for renewable energy generation i.e. it doubles the 2020 target of 20%. As advocated in National Policy Statement EN-1 substantial weight should be given to considerations of need and decision makers are required to take account of the fact that failure to act now and permit new renewable capacity will result in significant adverse impacts to bio-diversity from failing to combat climate change.
- 9.3 The planning system is recognised as a vital instrument in achieving these targets and Planning Policy Wales reinforces the need for a balance to be achieved between the desirability of renewable energy and environmental impacts. In addition TAN8 also states that the balance should *not* result in severe restriction on the development of wind power capacity.
- 9.4 In accordance with EN-1 the Local Planning Authority must determine “whether any adverse impact on the landscape would be so damaging that it is not offset by the benefits (including need) of the project.” This planning application has demonstrated that the landscape impact of the Development is not significantly adverse and does not outweigh the benefits associated with it.
- 9.5 Impacts associated with the Development are limited to landscape setting and visual effects in relative close proximity to the site. This planning application demonstrates, particularly in Sections 7.2 and 7.3 above, that the benefits of the Development are significant. The benefits include the potential to provide an additional 17.5MW of renewable energy development to the County. Other benefits of the scheme include the displacement of up to 26,980 tonnes of CO₂ emissions per annum, creation of up employment, particularly through the construction stage and the introduction of up to £6.8 million to the Welsh economy up until the completion of the construction period. The development is also expected to generate up to £600,000 per year for the region during its lifetime.

- 9.6 The benefits of the scheme significantly outweigh all potential impacts of the scheme and is therefore in accordance with National Policy and will assist the Government in meeting the national and European targets.
- 9.7 The Development will unquestionably have a visual impact from nearby surrounding areas (as would be the case with any wind energy development), however this is not considered unacceptably adverse given the limited visual envelope of the development, its location and careful design.
- 9.8 Importantly, as stated in EN-3, the impacts associated with wind farm developments are entirely reversible and in the context of the receiving environment which includes long-term irreversible quarrying operations, the proposed Development is considered to have an acceptable impact on the landscape and any adverse impact would not outweigh the significant benefits of the scheme in accordance with national policy contained in PPW
- 9.9 The design of the scheme from an ecological perspective has resulted in limited impact on the biodiversity of the area. The use of this low quality agricultural land, and very limited disruption to existing vegetation and habitats ensures that the Development will have minimal impact on the receiving environment.
- 9.10 The Development has been fully considered in light of the Unitary Development Plan policies which aim to protect the landscape quality in Powys. It is considered that the Development is in accordance with UDP policies and all other material considerations and guidelines.
- 9.11 The design of the scheme from an ecological perspective will result in limited impact on the biodiversity of the area. The use of this low quality agricultural land, and very limited disruption to existing vegetation and habitats ensures that the Development will have minimal impact on the receiving environment.
- 9.12 In terms of fauna, the various assessments have established the presence of a range of species both on the site and in the surrounding area. Through appropriate mitigation measures, the proposed development will not have an adverse impact on any of the identified species.
- 9.13 In terms of the historic environment, there would be no significant indirect (visual) effects on the significance of any Listed Buildings, Conservation Areas or Parks and Gardens of Special Historic Interest within the locality as a result of the proposed Hendy turbines.
- 9.14 The Development will have a significant impact on Nant Brook Enclosure, Llandegley Rocks Hillfort and Graig Camp Hillfort Scheduled Ancient Monuments. However the impacts are considered acceptable, as they are indirect, temporary and there will be no direct adverse impact upon the fabric of the monuments.

- 9.15 The layout of the Development has maximised the separation distances of turbines from residential properties and through noise testing at appropriate locations, it is confirmed that the wind farm will have no unacceptable impact on residential properties in terms of noise.
- 9.16 No cumulative impact or effects on the geological or hydrological environments as a result of the Development at the site are anticipated. Monitoring of water quality in the watercourses to which the site drains will be undertaken before and during construction, to ensure that no significant negative impacts are occurring. Routine monitoring of wind farm tracks will be undertaken during construction and operation, and remedial action taken if necessary.
- 9.17 The existing road network in the vicinity of the Development has the capacity to accommodate all traffic associated with this development including during the construction and decommissioning periods. Abnormal loads containing the turbine components can be transported to the site from the Ellesmere Port with minimal preparatory works.
- 9.18 The Development will not interfere with the telecommunication or aviation infrastructure in the surrounding area. In the unlikely event that interference could potentially occur as a result of the Development, suitable mitigation measures are proposed to ensure that it is avoided.
- 9.19 The A Community Benefit Fund will be provided by the Applicants which, over a 25 year period, will see approximately £2.187 million invested in local community groups and projects.
- 9.20 Significant effects arising from the proposed development are limited to landscape setting and visual effects in relative close proximity to the site; however, there will be significant wider environmental benefits from the Development in terms of displacement of CO₂ emissions and contributions toward regional and national renewable energy targets.
- 9.21 The Development is in accordance with all relevant planning policy and guidance at national, regional and local levels and is an example of proper planning and sustainable development.