



Nant Mithil Energy Park, Powys.
PEDW DNS Application Ref: DNS CAS-01907-D7Q6Z1.

CPRW-ReThink Chapter 19 on

Summary of Interrelated Cumulative Effects

Nant Mithil Energy Park, Powys.
 PEDW DNS Application Ref: DNS CAS-01907-D7Q6Z1.

Evidence by CPRW-RE-think on:

Summary of Interrelated Cumulative Effects and Likely Significant Effects

Plus:

Appendix 2.6 Cumulative Projects list Scoping report and response

This chapter examines the ES and the exclusion of significant infrastructure projects, in contravention of the PEDW scoping direction. It also describes faulty methodology in intra-project impact assessment and the impact this has on Mid Wales.

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1. INTRODUCTION

- 1.1. This section considers the ES assessment of inter-project cumulative impacts with other major infrastructure projects and intra-project impacts of different classes of impact following ES Chapter headings.
- 1.2. Nant Mithil Energy Park is one of many renewable energy projects planned by Bute Energy or its subsidiaries across Mid Wales, the majority in Powys. Other developers are also bringing forward proposals, particularly onshore wind and associated overhead power lines which will cover much of Radnorshire's uplands. Virtually no upland site in Mid-Wales is free of attempted exploitation. These would erode natural skylines, dark skies, tranquillity and open horizons, which are at the heart of this region's identity. The Environmental Statement provides no analysis of how these combined major infrastructure proposals would fragment and alter the wider landscape and impact on personal and community life for people in Radnorshire and beyond.
- 1.3. In the ES, projects to be included and considered for LIVA are addressed in 4.64 - 4.75, historic assets in 5.28 – 30, ecology in 6.37-7.36 (10km study radius for bats and 20km for birds), noise in section 8-8.10. Section 9.32 says cumulative construction impacts will only consider consented projects with traffic impact >10% and there are other scattered references.

2. PEDW PROCESS OUTLINED

- 2.1. After early discussions and project preparation by the Applicant, The Scoping Report is the Applicant's description of the project and proposed environmental statement; The Scoping Direction is the assessment of the report setting out requirements from PEDW and other statutory consultees; The Pre-Application Consultation (PAC) is an obligatory consultation for statutory consultees and the general public to comment on the ES and supporting documents before the full application; Notification is the commitment to submit a full application within one year; Application to PEDW is the submission of the final ES and supporting documents for examination. The application contains an obligatory PAC report explaining how and why the final projects have been modified as a result of PAC responses.
- 2.2. **Scoping Direction: PEDW Response:** In a Scoping Response dated 13/1/2023, PEDW directed the Applicant to NSIP Advice Note 17 and stated: *"The Planning Inspectorate's guidance for Nationally Significant Infrastructure Projects – Advice Note 17: Cumulative Effects Assessment sets out a staged process for assessing cumulative impacts which the Applicant should follow when preparing the list of projects for inclusion in the ES; the Applicant should ensure that relevant schemes identified are addressed in the ES using the tiered approach set out in Advice Note 17. **Best practice is to include proportionate information relating to projects that are not yet***

consented, dependent on the level of certainty of them coming forward.” Also (Scoping Direction response to Q 9.1) in relation to traffic: *“With regard to cumulative effects it is suggested that due to the rural location this is extended from “adjoining or neighbouring” [para 9.32] to anything along the section of A44 between the junction with the A488 at Penybont and A481 at Forest Inn.”* also: referring to the Welsh Government Soil, Peatland & Agricultural Land Use Planning Unit, *“The Department consider that it is appropriate to include applications for DNS/CAS-01928W3M9S8 – Rhiwlas Energy Park and DNS/CAS-01927-FOT2T1 – Banc Du Energy Park in the cumulative assessment.”* This was repeating advice from an earlier response (9/1/2022)

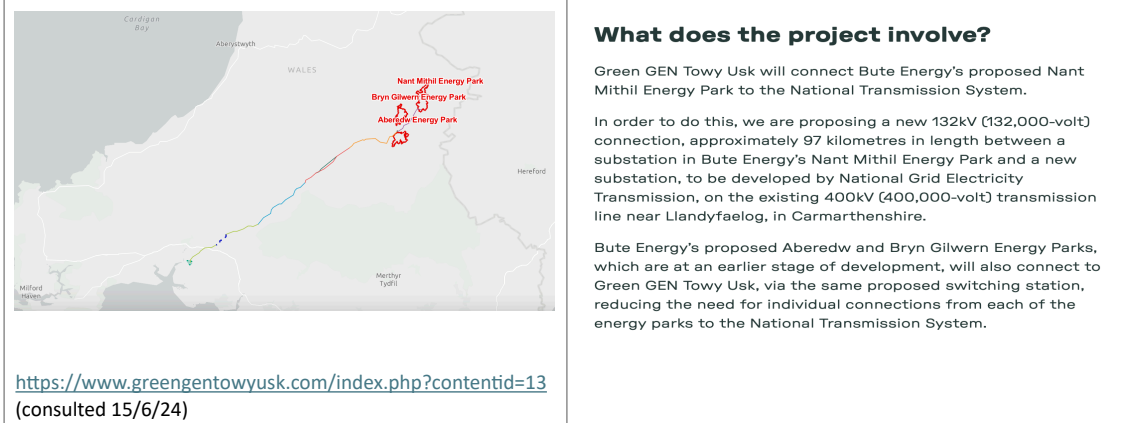
- 2.3. NSIP Advice Note 17 says: *“ Overarching NPS for Energy EN-1 paragraph 4.2.5 states that “When considering cumulative effects, the ES should provide information on how the effects of the Applicant’s proposal would combine and interact with the effects of other development (including projects for which consent has been sought or granted, as well as those already in existence)”. For the purposes of this Advice Note, ‘other existing development and/or approved development’ is taken to include existing developments and existing plans and projects that are ‘reasonably foreseeable’ “*

3. APPLICANT’S RESPONSE TO SCOPING DIRECTION

- 3.1. In response to PEDW’s request, the Applicant said: *“In accordance with the Planning Inspectorate’s guidance for Nationally Significant Infrastructure Projects — Advice Note 17: Cumulative Effects Assessment, a staged process for assessing schemes has been adopted. Likely cumulative effects have been defined as the likely effects that the Proposed Development may have in combination with other wind and relevant solar schemes which are at application stage, consented, under construction or operational (i.e. the incremental effects resulting from the Proposed Development if all other wind and relevant solar schemes are assumed to be constructed/operational).”*
- 3.2. In response to WG Soil, Peatland & Agricultural Land Use Planning Unit Scoping Direction, the Applicant said: *“DNS/CAS-01928-W3M9S8 – Rhiwlas Energy Park and DNS/CAS-01927-FOT2T1 – Banc Du Energy Park have been scoped out of the cumulative assessment as they are not yet at application stage (at the time of the cut-off date for cumulative data collection for this ES, set at 19th December 2023. This cut-off date was set to allow time for the assessments, visualisations and figures to be prepared)”*
- 3.3. This selective quote from NSIP Advice Note 17 agreed the tiered approach but the Applicant ignored the need to consider *“projects that are not yet consented, dependent on the level of certainty of them coming forward”* also described by PEDW as *“projects that are reasonably foreseeable”* or particular projects the WG SPA considered *“appropriate to include”*.

4. APPLICANT'S SCOPING

- 4.1. In the PAC ES published on 8.5.24, the Applicant invented its own rule for inclusion of other projects for cumulative assessment. All development not subject to a Planning Application by 19/12/23 would be excluded. *"The cutoff date for cumulative data collection was 19 December 2023. Changes to the cumulative baseline have not been included after this cut-off date to allow time for the assessments, visualisations and figures to be prepared. Should additional schemes enter into planning after this date, then it will be for the EIA for those schemes to consider the Proposed Development cumulatively."*
- 4.2. The date of 1/10/24 was set for inclusion in the Application to PEDW on 20/12/24. This time, the period for preparation was reduced from 6 months to a more reasonable 3 months. Consent for Garn Fach on 22.10.24 was acknowledged even though this was after the cut-off date. The Applicant's scoping rule was unchanged in the final Application.
- 4.3. The Scoping Report represents a carefully worked up project, which is made yet more specific by the Scoping Direction. The location with approximate number and maximum height of turbines, along with many survey and research details on ES topics is already known. Rhiwlas and Bank Du already had PEDW Scoping Directions by the 19/12/23 deadline for the PAC documentation.
- 4.4. By the PAC in May 2024, three more inter-related major DNS projects, far closer to Nant Mithil than Rhiwlas or Bank Du, were already within the DNS system. Aberedw EP, Bryn Gilwern and the GreenGen Cymru Towi-Usk line (GGC.T-U) were all advanced in development. They had already received PEDW Scoping Directions between the cutoff date and the publication of the PAC ES.
- 4.5. Bute left no doubt that these projects were intrinsically related and would come forward as shown in publicity by GGC. GGC had been established as a separate company under Windward Energy to handle the necessary grid infrastructure for Bute's wind farm projects (figure 1).

Figure 1: GreenGen Publicity Information

- 4.6. CPRW's PAC response to Bute submitted on 24/06/24 said: *"CPRW considers that the refusal to follow the Welsh Government scoping direction on cumulative impacts and the failure to inform the public of the full cumulative environmental impacts makes the Statutory Public Consultation process (May to June 2024) unfit for purpose. It should be rescheduled when the relevant information has been incorporated into a revised draft ES."*
- 4.7. On 1.8.24 Richard Buxton Solicitors wrote to PEDW on behalf of CPRW asking for the cumulative impacts with Aberedw EP, Bryn Gilwern and the GGCT-U OHL to be included in the examination process. PEDW replied that the correct procedure at this stage was to address all responses to Bute because PEDW had not yet received an application. CPRW fully accepts that in mid-2024 we were all on a steep learning-curve with respect to correct procedure. (see Appendix)

5. FINAL ES SCOPING ACCORDING TO PLANNING STATUS CRITERIA

- 5.1. ES App. 2.6 Table 1 is a list of "all cumulative projects considered". The Applicant describes criteria applied:
- Developments over 33km from the site are scoped out;
 - The cut-off date for the list is 1/10/24;
 - Tier 1 Projects: under construction, consented or with submitted (yet to be determined) applications.
- 5.2. Projects excluded were:
- Tier 2 Projects: on the Planning Inspectorate's programme of projects, e.g. at Scoping;
 - Tier 3 Projects: not yet at Scoping;
 - Some projects, such as single turbines, were reasonably scoped out because they were very small.

- 5.3. The tiered approach as implemented by the Applicant provides a long list of projects (Tier 3), notes those “on the Planning Inspectorate’s programme” (Tier 2), then scopes out all which do not meet the starred criteria above. Therefore Tier 2 is no more than a box-ticking construct. No new projects were scoped into the final ES compared with the PAC ES.

Table 1. Relevant Applications (derived from App. 2.6ES table with our additions) listed by scoping status

| SCOPING Scoped in Scoped out Not considered | D (km) | T u r- b i n e No. | Tip (m) | Appli- cant. | S T A T U S according to Nant Mithil ES | P E D W Scop- i n g R e- quest | P E D W Scop- i n g D i r- e c t- i o n | Current Status (Notification for PEDW cases only) |
|--|-----------|--------------------------|------------|-----------------------|--|---|---|--|
| Nant Mithil | 0 | 30 | 220 | BUTE | Application | 6.9.22 | 3.1.23 | N o t i f i e d 15.4.24 Applic.20/12/ 24 |
| Hendy x7T | 3.1 | 7 | 110 ? | Hendy WF | Under con- struction | N/A | | Constructed Not operating |
| Bryndgydfa | 13.5 | 12 | 126 .5. | Bryngy dfa WF | Application Submitted | N/A | | Application Submitted |
| G a r r e g Lwyd Hill | 13.1 | 17 | 126 .5. | RES | Operational | N/A | | Operational |
| Garn Fach | 19.3 | 17 | 149 .9 | EDF | Consent | N/A | | Construction C o n s e n t 22.10.24 |
| LLandinam repowering. | 21.5 | 34 | 121 .2 | Scot.P. R Eurus | Consent | N/A | | Consent |
| LLandinam | 21.7 | 102 | 45. 5 | Scot.P. R Eurus | Operational | N/A | | Operational |
| Bryn Titli | 24.6 | 22 | 53. 5 | Innogy | Operational | N/A | | Operational |
| Bryn Blaen | 30.3 | 6 | 100 | B.Blae n WF | Operational | N/A | | Operational |
| A b e r e d w Hill | 11.0 | 18 | 200 | BUTE | D e s i g n / Scoping | 7.12.2 3 | 5.4.24 | N o t i f i e d (30.5.25) 17.12.25 |
| Bryn Gil- wern | 6.9 | 16 | 220 | BUTE | D e s i g n / Scoping | 7.12.2 3 | 5.4.24 | |
| Banc Du | 31.1 | 7 | 200 | BUTE | D e s i g n / Scoping | 15.7.2 2 | 17.11. 22 | Notified.15.4. 25 |

| | | | | | | | | |
|-----------------------|-------|-------------|-----------|----------------|--------------------------|----------|-------------|-------------------|
| Rhiwlas | 25.5 | 15 | 200 | BUTE | Design / Scoping | 15.7.22 | 17.11.22 | Notified 14.4.25 |
| LLuest y Gwynt | 42.8 | 22 | 180 | Statkraft Eco2 | Distant Design / Scoping | 26.7.22 | 14.12.22 | Notified 26/11/24 |
| Carnedd Wen | 48.1 | 30 (28) | 200 | RWE | Distant | 19.8.22 | 19.5.23 | |
| Llyn Lort | 40.7 | 25 | 220 | RSK | Distant Design / Scoping | 23.8.23 | 1.12.23 | Notified 5.12.25 |
| GGC Towi-Usk OHL | 11.0 | linear | | GGC | Design / Scoping | 17.10.23 | 15.2.24 | |
| Mynydd Lluest y Graig | 41.80 | 18 | 200 | Vattenfall | Distant Design / Scoping | 26.7.22 | 14.12.22 | |
| Bryn Cadwgan | 44.5 | 25 PV Bess | 230 | Galileo | Distant Design / Scoping | 18.12.23 | 27.3.24 | Notified 24.7.25 |
| Esgair Galed | 41.3 | 26 | 220 | BUTE | Distant Design / Scoping | 19.1.24 | 19.4.24 | Notified 5.12.25 |
| GGC Rhiwlas OHL | 25.5 | linear | | GGC | No mention | 21.3.24 | 13.6.24 | |
| Lluest Dolgwail | 32 | 35 | 230 | RES | After cutoff | 7.1.25 | 12.5.25 | Withdrawn |
| Calon y Gwynt | 40.0 | 11 PV, Bess | 180-200 | Wind2 | After cutoff | 21.2.25 | 15.5.25 | |
| Calon y Gwynt | 40.0 | 11 PV, Bess | 180-200 | Wind2 | After cutoff | 21.2.25 | 15.5.25 | |
| LLanbrymair | 45.5 | 15 | 230 126.5 | RES | Distant Consented | 3.3.25 | 3.3.25 | |
| Banc y Celin | 15.0 | 27 | 200 | Wind2 | After cutoff | 6.3.25 | 20.6.25 | Notified 16.12.25 |
| Gareg Fawr | 35-40 | 22 | 220 | BUTE | After cutoff | 1.9.25 | none listed | Notified 18.12.25 |
| GGC Bryn Gilwern OHL | 6.9 | linear | | GGC | After cutoff | 6.11.25 | - | |

| | | | | | | | | |
|---|-------|----|-----|------|--------------|---------|--|--|
| Llan Fawr | 35-40 | 40 | 220 | BUTE | After cutoff | 7.11.25 | | |
| <p>Dates before the preparation of the Final Application are in red. Applications after the cut-off date are listed in order of scoping request date</p> <p>Scoped in Scoped out BUTE/GGC Within 33km</p> <p>Where possible, distances are taken from App. 2.6 and rounded to nearest 0.1km Other distances are roughly estimated.</p> | | | | | | | | |

5.4. This table of major Wind Projects over 3 turbines within 50km shows:

- Reduction of potential cumulative impacts achieved by self-appointed scoping out rules;
- Seven BUTE/GGC projects scoped out compared with six for all other developers;
- Increase of turbine size since 2022;
- Extreme pressure on Mid-Wales with 21 more applications expected - many within a year;
- The dominant role of Bute and sister company GGC in Mid-Wales since 2022;
- Applications for electricity export lines.

6. PROBLEMS WITH A STRICTLY DEFINED SEARCH AREA (study area/Zone of Impact) of 33km

- 6.1. The radius of search for projects with potential cumulative impacts is the second criterion applied to the Nant Mithil long list.
- 6.2. Distances between wind sites in App. 2.6 are NOT shortest distances between peripheral turbines. This can be verified from 2024-12-20 - ES Vol 02 - Fig 05.20 - CZTV Under Construction Operational Consented A which shows Hendy and Nant Mithil. The shortest measured distance between turbines is approximately 2.5km whereas the ES listed difference is 3.1km. The convention of measuring between single central points within wind farm boundaries introduces misleading distances when projects are close.
- 6.3. A search radius applied irrespective of turbine size, does not account for the increased visual impact of today's giant turbine proposals, nor for increased cumulative impacts under other topic headings. The Hendy appeal document *APP025 - Figure 5.2 Cumulative wind farm locations* has a 30km search area for 110m turbines but the Nant Mithil search area for 220m turbines is only 3km greater at 33km.
- 6.4. There are no fixed rules for the extent of search areas for cumulative projects. Bute has been inconsistent in separate projects. Bute's Llan Fawr scoping report includes a

40km search area for forty 220m turbines. Bute's Lyn Lort, with twenty-five 220m turbines has a 45km search area which would encompass Nant Mithil. However Nant Mithil, with thirty turbines, has a search area limited to 33km.

- 6.5. Fig 5.18 purports to show "Wind Energy Developments within 28km and Included in the Cumulative Assessment". The 28km contour appears to be erroneously set at 26km with Bryn Blaen is outside it. The developments are named only in a key where they are given numbers which have no clear relationship to the numbers marked on the map. The categories are:
- **Operational** 1. Cefncynfal, 2. Garreg Lwyd Hill, 3. Llandinam , 4. Bryn Titli, 5. Bryn Blaen;
 - **Under Construction** 6. Hendy;
 - **Consented** 7. Llandinam Repowering;
 - **Application Submitted** 8. Bryngydfa, 9. Garn Fach.
- 6.6. We understand that viewpoints have been agreed however there are only 6 viewpoints beyond the 10km radius and none of these is in the hemisphere west of Nant Mithil. If the Bute projects at Bryn Gilwern, Aberedw, Rhiwlas and Banc Du had been included in cumulative assessment it would have been reasonable to include viewpoints chosen to reflect the cumulative visual impact. The impact shown on ZTVs and viewpoint illustrations would have been entirely different.

7. THE LVIA CUMULATIVE ASSESSMENT WITH OTHER WIND FARMS

- 7.1. The assessment of cumulative impacts for each VP in App. 5.05 finds, **without exception**, that the cumulative impact with other wind farms does not alter the "primary assessment" conclusions on impact in the absence of other wind farms.
- 7.2. Figures 5.16a&b (Blade Tip Height (180m, 205m, 220m) Zone of Theoretical Visibility (15km/28km) - Open Access Land, PRoWs, Promoted Walking Routes and Cycle Routes) are very difficult to read given the similar colour for open access land and overlay of ZTV areas where 17-24 turbines are visible.
- 7.3. The view from Castle Bank illustrates the effect of scoping out other Bute projects close behind Nant Mithil in development terms (figure 2). It shows the seven partially obscured Hendy turbines with all thirty Nant Mithil turbines which are more distant but double the size and in some cases appear larger. The cumulative assessment mistakenly says no other consented (Scenario A) or proposed (Scenario B) wind energy developments will be evident. We cannot explain this statement because the seven inoperative Hendy turbines are obviously a source of cumulative effects and are shown in Fig 5.20. (they are also omitted for a number of other Scenario B assessments of view-points from which they are visible). The "primary assessment" impact is only assessed as "Moderate" because views in other directions are available and the view of two wind farms will *"will visually extend the effect of the Proposed Development"*

from the upland slopes of Radnor Forest into the valley below across topographical boundaries”.

- 7.4. Although Aberedw EP is scoped out, we can see the effect of adding it in because Castle Bank appears as VP11 in the Aberedw EP PAC ES (figure 3).

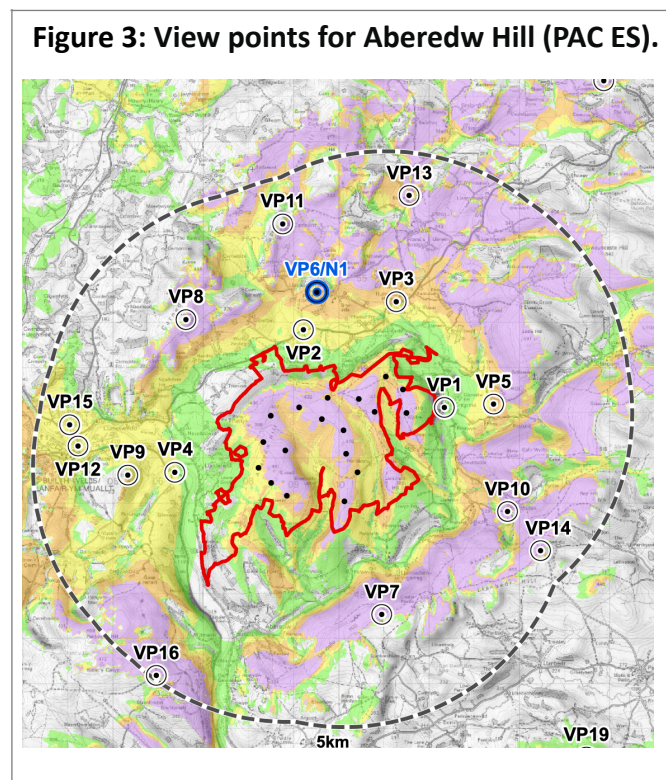
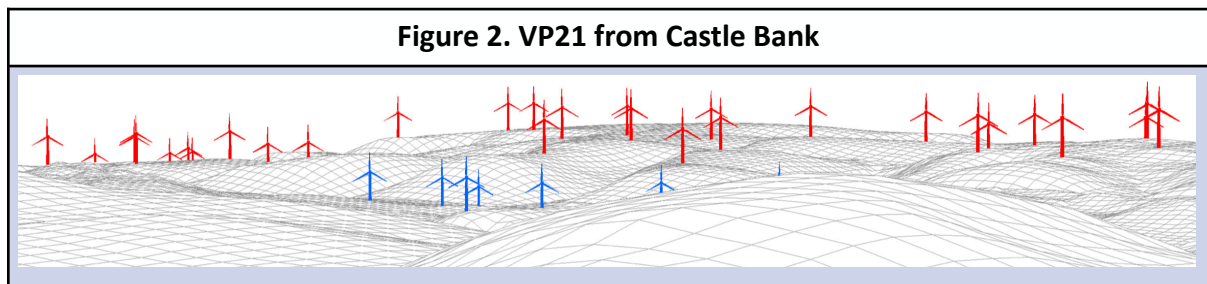
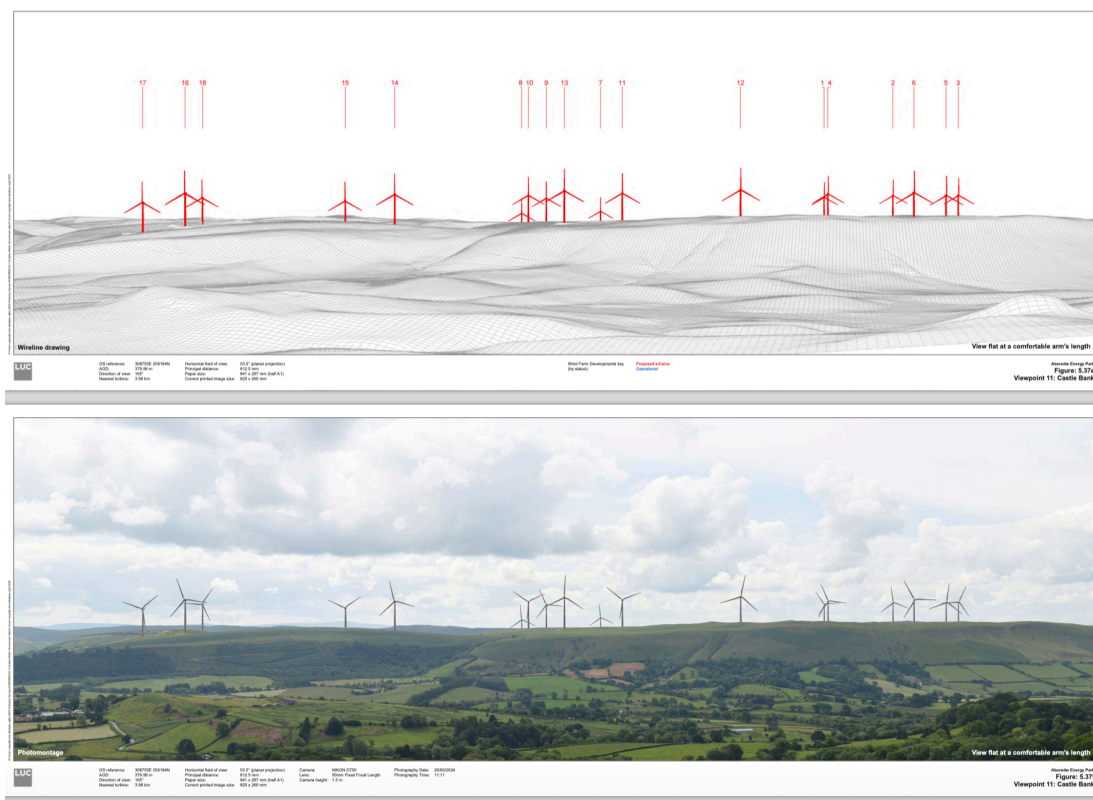


Figure 4: View of Aberedw Hill to the South from Castle Bank VP11 (PAC ES) with Photomontage



There is no photomontage in the Nant Mithil ES treatment of Castle Bank and we think one should have been supplied. The AH.VP11.photo montage suggests just how unlikely it is that the viewer of Hendy combined with Nant Mithil, each with different size turbines in such different topographical settings, would be fooled into “perceiving” these as one development and not two adjacent heterogeneous developments underlining the uncontrolled proliferation of development in a rural setting.

- 7.5. Nant Mithil could not be scoped out of Aberedw Energy Park PAC cumulative assessment because an application had already been made but cumulative impacts are dismissed. 5.176 of the Aberedw EP PAC ES says *“It is considered that the addition of the Proposed Development at Aberedw to a baseline containing the turbines at Nant Mithil will not result in any different effects compared to adding the Proposed Development at Aberedw to the current baseline given that they will both be within a similar type of landscape and at a similar scale”*.
- 7.6. Therefore, from the Nant Mithil ES to the Aberedw ES, Bute has subtly changed assessment criteria. In the Nant Mithil application, the receptor is not disadvantaged because they can still see a wild landscape in other directions. In the Aberedw application, the receptor can only expect similar scale 200+m turbines on tops of surrounding hills.

- 7.7. Bute is implying the public must soon learn to expect East Radnorshire to be an industrial landscape full of Bute/GGC projects: - Aberedw EP, Bryn Gilwern EP, GGCT-U line and GGC Bryn Gilwern OHL – but for the period of this examination, the Applicant is claiming this has no relevance. The Aberedw EP application was due to be made by May 2026. In this case, the examinations might have overlapped and there would be no avoiding the high public concern about cumulative impacts. However a second Notification on 15.12.25 has allowed Bute to delay the Aberedw application and avoid overlap. The “case-by-case” strategy is still concealing the final impact from scrutiny.
- 7.8. Fig 5.22 (Hendy and Nant Mithil) shows there are only a few small, isolated areas where Hendy is seen without Nant Mithil. Fig 5.23 (Garreg Lwyd and Nant Mithil) shows an only slightly reduced degree of the same pattern. The yellow areas in these figures demonstrate that Nant Mithil is responsible for a huge expansion of turbine ZTV both within and beyond the 15km contours. This is due to the height of the turbines and their prominent position on the highest hilltop in Radnorshire. A ZTV assessing the addition of Aberedw EP and Bryn Gilwern on nearby uplands would reveal the huge area over which all three windfarms would be visible from upland PROWS transforming the Mid-Wales landscape. Adding the electricity export infrastructure would further emphasise the ubiquitous industrialisation of both hills and valleys.

8. CONSISTENCY WITH OTHER SCOPING REPORTS

- 8.1. The CCG Towy-Usk line is not mentioned in the Nant Mithill assessment of cumulative impacts. The CCGT-U OHL Scoping Report lists for inclusion “*projects which have been submitted for scoping to PEDW where the design is sufficiently progressed to inform a robust assessment*”. PEDW’s Scoping Direction for the CCG Towy-Usk replies, as in other cases: “*Best practice is to include proportionate information relating to projects that are not yet consented, dependent on the level of certainty of them coming forward*”. The PAC ES for the GGC.T-U is still to come but the Scoping Report inclusion list suggests that Bryn Gilwern and Aberedw EP may also be included even if they have not submitted applications to PEDW. The Nant Mithil ES does not reciprocate by scoping in GGCT-U OHL. This is irrational in planning terms. There should be consistency between applications.
- 8.2. The GGC Rhiwlas OHL Scoping Report says that one criterion for scoping in is “*The road improvements associated with the proposed development*”. In the final Nant Mithil ES we do not know the transport road trajectory, or the access point from the A44, let alone the road works proposed. We know nothing of any roadworks involved in arrangements for electricity export to join GGC.T-U at Aberedw Hill. Again, we need consistency between applications. We also need sufficient information in each application for meaningful cumulative assessment.

9. WHICH CUMULATIVE IMPACTS WITH OTHER PROJECTS ARE CONSIDERED

- 9.1. The ES has only addressed LIVA cumulative impacts for other major infrastructure projects and has repeatedly argued, for particular receptors in Ch 5, that cumulative impacts of two projects are no more than the sum of the impacts of the two projects. This approach allows “case by case” planning decisions to be taken with no regard for the wider implications of cumulative loss of assets due other large-scale renewable energy projects such as soils, natural species, valued landscapes, tranquillity, dark skies, good air quality etc. A full description of potential cumulative impacts is also needed for decision makers to properly consider the balancing of the 7 goals of the WBFGA.
- 9.2. Some potential cumulative impacts of other major infrastructure projects with Nant Mithil are reduced ecological resilience and disruption for local communities:
- 9.3. Reduced Ecological resilience:
 - Fragmentation and reduction of habitats, particularly upland habitats.
 - Disruption of wildlife corridors, including road verges and hedgerows;
 - Displacement of species, including protected species;
 - Reduction in species abundance and Favourable Conservation Status of species, including protected species;
 - Hydrological disturbance and increased sedimentary load in the Wye SAC and Wye catchment tributaries.
- 9.4. Mobile natural species travel about to feed, breed, sleep etc. but we have imperfect understanding of what governs these movements and not enough about displacement of populations. An upland species which is driven from Nant Mithil, is likely to be displaced by similar factors on Bryn Gilwern, or Aberedw Hill. We suggest that NRW is consulted about whether there is any robust evidence for any successful protected species turbine curtailment programmes operating anywhere in Wales. Plant species will also suffer cumulative impacts from foot-fall, vehicles and traffic related nitrogen deposition etc. We should be open to the precautionary principle in order to protect biodiversity.
- 9.5. There have been many studies of displacement but these are often flawed by incomplete assessment prior to construction. A recent overview of studies ,mainly on wind farms with much smaller turbines, concludes *“For flying species such as raptors and bats, displacement and collisions create a double-edged sword that causes population decline regardless of whether displacement occurs. Information on displacement distances reported in this study can be used to mitigate the negative effects of wind power by avoiding high-quality areas important for threatened species,*

by minimising the small-scale habitat loss and collisions caused by wind power, and by restoring or creating high-quality habitats to compensate for functional habitat loss”.¹

9.6. Disruption for communities, potentially over many years (see Traffic section):

- Construction traffic: AILS, construction materials transport, staff transport: affecting A44, A470, A483, A481 and B4567 and smaller roads;
- Accident risk;
- Noise and dust nuisance;
- Disruption agricultural traffic, commercial vehicles, private transport Impact on walkers, cyclists and horse-riders;
- Delayed emergency responses;
- Impact on life in both settlements and isolated properties.

9.7. The scoping direction said about traffic *“With regard to cumulative effects it is suggested that due to the rural location this is extended from “adjoining or neighbouring” [para 9.32] to anything along the section of A44 between the junction with the A488 at Penybont and A481 at Forest Inn.”* The ES has no information about these cumulative impacts, including with the electricity export arrangements.

10. ES CHAPTER 15. SUMMARY OF INTERRELATED CUMULATIVE EFFECTS AND LIKELY SIGNIFICANT EFFECTS

10.1. This assessment is smoke and mirrors, contributing nothing new to the ES. The primary evidence and data for intra-project cumulative impacts is missing in the descriptive material within the ES. The conclusions of ES Chapters find some *“residual impacts”* which are synthesised into a general conclusion of no cumulative significant impacts between the subject matter of the chapters. This is partly achieved by arguing that the receptors for each impact are of different status so that cumulative impacts cannot apply (example: Llandegely Rocks) The methodology applied leaves no room for the possibility that cumulative impacts may reach the level of significance even when the separate individual impacts do not. In fact it takes the opposite approach, one impact dragging down the significance of the other (example: PROWS).

10.2. The formal assessment of cumulative impacts neglects the realities of life for local people and visitors. Any local person or visitor can be regarded as a receptor and will suffer multiple impacts of both construction and an operational wind farm both simultaneously and sequentially throughout their daily lives in the area of Nant Mithil. This will be when at home, visiting local friends, travelling for work, leisure, shopping or local facilities. The same people sit in gardens, lookout of windows, walk, cycle, ride and drive, enjoy nature, watch birds, climb hills and visit beauty spots and historic places. For visitors, and more so for local residents, the experience of once-beautiful but now industrialised surroundings would be oppressing and additive.

¹Tolvanen, Anne et al. How far are birds, bats, and terrestrial mammals displaced from onshore wind power development? – A systematic review. Biological Conservation Vol.288 Dec 2023.

- 10.3. 15.10 says *“the objective of the interrelated cumulative effects assessment is to identify where any additional effects arise through a combination of the effects identified in the individual topic assessments (i.e. in the original assessment of effects on visual amenity, PWS, traffic or noise).”* There is no reason to limit assessment to these topics.
- 10.4. Stage one is to endorse the residual effects as identified in the preceding chapters, with which we have many disagreements. These are *“the effects identified following implementation of embedded design mitigation, and additional mitigation.”* Stage 2 identifies *“common receptors”* across the topic chapters, but only where a receptor is likely to experience significant effects across more than one topic. Chapter 15 Table 15.1 (wrongly signposted in 15.19 as Table 3) illustrates these. The receptors are limited by the previous conclusions that hardly any impact is significant and, where an impact is potentially significant, it can be mitigated to the point where it is insignificant leaving very few *“residual impacts”* where the harm is indisputable.
- 10.5. The example of the discussion of PROWs illustrates the deceptive methodology. Conveniently for this assessment method, there is no chapter on PROWs discussing the impacts of the construction plans and operational layout in enough detail needed for a proper assessment of environmental impacts. Instead, discussion is divided between Ch5 LIVA and Ch 10 Traffic (horizontal axis). PROWs appear on the vertical axis because they were *“identified”* as receptors with more than one residual significant impact in a Chapter-box. Later on, 5.19 says *“Chapter 5 concludes that there will be major adverse visual effects for PROW users on the Site during construction of the Proposed Development as they move through what will be a temporary construction site. Major adverse visual effects for PROW users on the Site are also identified for the operational phase of the Proposed Development as they move through what will become a wind farm landscape.”* But, 5.19 continues, *“Whilst Major adverse effects are identified with respect for visual amenity, no effects greater than minor are identified for disruption to PROWs, therefore it is considered that no significant interrelated effects on users of the PROWs and open access land are likely to occur as a result of the Proposed Development.”* There is no evidence for the findings that disruption of PROWs is temporary, subject to post-construction mitigation or rightly assessed as *“Minor”*. It is recognised that it will be necessary to *“divert PROWs either temporarily or permanently”* and since T 12, 13, 16, 21, 23 sit directly on PROWs, there will certainly be permanent diversions. All changes will be agreed in a post-consent Path Management Plan, by which time Powys will find it impossible to refuse to compromise the public interest. The transformation of PROWs into turbine tracks, sometimes with turbines or crane hard-standings sitting directly on them is more than a minor disruption – it is a major irreversible change to the PROW network.
- 10.6. Besides the loss of parts of the existing PROW network, there will be a major impact on visual amenity for PROW users which will be compounded by noise and shadow flicker during the 40-year operational phase. These issues are not considered to

require assessment because in “planning” they are only considered for residential amenity. Nevertheless they are highly unpleasant effects experienced at very close range and would have an impact on highly sensitive PROW users, acting as a deterrent. The BOAT is also within topple-distance of turbines. Surely the conclusion is that PROWS don’t suffer from intra-project cumulative impacts at all is nothing less than shameless when most of the site is currently popular tranquil open land.

- 10.7. Theoretically, visitors will be attracted to a leisure park proposed by Bute (Strategic Recreation Framework in 4 parts) to “support” the Application. This is described as “*an ambitious and aspirational strategy which will form the basis for future consultation*” and so it is unlikely to happen. These visitors using different modes of transport (figure 5) would certainly experience the unpleasant effects above, including the additional hazards for horse riders.

Figure 5: 2024-12-20 - SRF - Strategic Recreation Framework - 4 of 4: Part 4 summary and Conclusion (mysteriously labelled “Chapter 1 : Summary and Conclusion”)



- 10.8. The formulaic approach neglects the fact that the Nant Mithil site and surrounding area is populated by living things, people and natural species, both of which move around in their environment. However, cumulative impacts of the Bute/GGC projects which should have been scoped in are not addressed. For instance, there are likely to be cumulative impacts on starlings when Hendy is operative and our experience with discharge of Hendy ecological conditions gives no confidence that curtailment will be monitored or that mitigations will be successful. We suggest that NRW is consulted about whether there is any robust evidence for any successful protected species turbine curtailment programmes operating anywhere in Wales.

11. CONCLUSIONS

- 11.1. The Applicant has deliberately avoided cumulative assessment of major projects at an advanced stage of development and under the same management, by insisting on criteria for inclusion contrary to PEDW requirements based on NSIP guidance.
- 11.2. The current deluge of major RE applications makes cumulative assessment an urgent matter of public interest. Consistency between applications is essential for cumulative assessment. PEDW must clarify exactly what is required to safeguard the public interest, allow genuine public consultations and avoid an uneven playing field. Bute energy is shielding the impact of the profit-driven industrial transformation of Mid-Wales from proper scrutiny by excluding nearby projects under its own control from cumulative assessment.
- 11.3. Major infrastructure projects have many potential cumulative impacts apart from LIVA topics. These have not been fully considered.
- 11.4. The ES has failed to properly assess intra-project impacts by only considering the few residual impacts remaining after unjustified downgrading of the significance of impacts in previous chapters.
- 11.5. A cumulative assessment which avoids addressing human experience and the value of biodiversity, does not meet the goals of the WBFGA. Local people find the ES cumulative assessment deeply insulting as evidenced by the public responses.
- 11.6. Our PAC objections on these points is not properly represented in the PAC Report. This calls Bute's PAC process into question.

CPRW/RE-think
February 2026

APPENDIX 1: RICHARD BUXTON TO PEDW

01223 328933 mmcfeeley@richardbuxton.co.uk hlaw@richardbuxton.co.uk

Planning and Environment Decisions Wales Crown Buildings Cathays Park Cardiff CF10 3NQ

BY EMAIL ONLY TO: PEDW.Casework@gov.wales

1 August 2024

Dear PEDW,

Nant Mithil Energy Park

Our ref: CAM3/3(MRM/HL) Your ref: Unknown

1 August 2024

1. We act for the Campaign to Protect Rural Wales (“CPRW”) in relation to the above proposed development consisting (according to the draft Environmental Statement published by the developer, Bute Energy, for the Statutory Public Consultation which closed on 25 June 2024) of up to 31 wind turbines approximately 9 km east of Llandrindod Wells in Radnor Forest.

2. We understand that Bute Energy submitted a Notification letter of intention to submit a full application dated 17 April 2024 which was accepted by PEDW by letter of 25 April 2024. However, we are concerned that information provided to the public during the Statutory Public consultation specifically excludes other related projects which are highly likely to give rise to cumulative impacts with this project.

3. As PEDW may make further decisions without further opportunity for public input, including as to whether to validate the application, we write to notify you now that we consider the approach taken unjustifiable and that the current proposals appear to scope out likely cumulative impacts which must be considered.

4. Specifically, despite it being clear that there are two related wind energy projects which are in relatively close proximity and which will, with Nant Mithil, be connected to a dedicated electricity transmission project (Green GEN Towy Usk), these Bute proposed projects have not been included in the list of projects that Bute proposes to assess as potentially giving rise to cumulative effects with Nant Mithil Energy Park.

5. Indeed it can be seen from Bute’s own materials that these are all related and the website promoting the project states “Green GEN Towy Usk will connect Bute Energy’s proposed Nant Mithil Energy Park to the National Transmission System. ... Bute Energy’s proposed Aberedw and Bryn Gilwern Energy Parks, which are at an earlier stage of development, will also connect to Green GEN Towy Usk, via the same proposed switching station reducing the need for individual connections from each of the energy parks to the National Transmission System.” An interactive map is shown linking all the projects and showing their proximity.

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Authorised and regulated by the Solicitors Regulation Authority No. 74899. Details of staff and partners are on our website. Screenshot of Green GEN Towy Usk webpage: <https://www.greengentowyusk.com/index.php?contentid=13>

6. There are also other Bute projects, not connecting to the GreenGen Towy Usk line, which have not been included in the list of projects which Bute proposes to assess, but which may also give rise to cumulative effects with Nant Mithil Energy Park.

7. Indeed, Bute Energy & GreenGEN energy have received PEDW Scoping Directions for Bryn Gilwern Energy Park, Aberedw Energy Park, the GreenGEN Towy-Usk line, Banc Du Energy Park, and Rhwilas Energy Park, all five of which are “reasonably foreseeable”, given that in each case the (same) developer has published a public website promoting and describing the project and providing project documentation.

8. Given that these five developments are past the scoping stage, the developer clearly has sufficient knowledge to consider cumulative impacts from these projects (and even where certain matters relating to e.g. siting have not been finalised in each case, clearly some information is available). If plans are still not completely defined, the law is clear that an assessment must still be undertaken “at the earliest possible stage” based on current information, even if this is higher-level than may be possible later. See *R(Ashchurch Rural Parish Council) v Tewkesbury Borough Council*, [2023] EWCA Civ 101, at paras 73, 92.

9. An authority may lawfully reconsider an earlier screening decision (see e.g. *R (Swire) v Ashford Borough Council* [2021] Env LR 29 ([82]-[84]) and indeed screening opinions are legally required to be kept under review; see e.g. *R(XSWFX) v Ealing LBC*, [2020] EWHC 1485 (Admin), 2020 WL 01644413 at [13].

10. It may also be noted that the Welsh Government's Soil, Peatland & Agricultural Land Use Planning Unit also considered that at least Rhwilas Energy Park and Banc Du Energy Park should be included in a cumulative assessment.

11. In fact the justification for cumulative effects assessment is even stronger for Aberedw and Bryn Gilwern Energy Parks, and the GreenGen Towy Usk line which are in closer proximity and essentially certain to give rise to cumulative impacts, including with respect to e.g. landscape, noise, ecology, etc. Further detail is included in the detailed

2 comments that our clients made during the statutory consultation and we urge PEDW to consider these in full rather than simply relying on a summary by the Applicant. An extract of the relevant section is enclosed as Annexe 1.

12. In our view it would be unlawful to proceed with the DNS process on the basis of an ES which scopes out the cumulative impacts of each of these projects and so we urge PEDW to require that such cumulative impacts are scoped in.

13. Whilst our clients reserve their right to challenge any eventual grant of the DNS on this basis, we are writing at an early stage to make PEDW aware of these concerns so that it can reconsider its screening opinion before the DNS process begins.

Yours faithfully,

RICHARD BUXTON SOLICITORS

Encl.

3 ANNEXE 1: EXTRACT OF CPRW RESPONSE TO BUTE CONSULTATION [Section on cumulative impacts] 1. CUMULATIVE IMPACTS

3.1 Cumulative impacts with other DNS Projects (Chapter 2: Scoping Response Table) - Failure to Comply with Scoping Direction In a Scoping Response dated 13/1/2023, PEDW directed the Applicant to NSIP Advice Note 17 “The Planning Inspectorate’s guidance for Nationally Significant Infrastructure Projects – Advice Note 17: Cumulative Effects Assessment sets out a staged process for assessing cumulative impacts which the Applicant should follow when preparing the list of projects for inclusion in the ES; the Applicant should ensure that relevant schemes identified are addressed in the ES using the tiered approach set out in Advice Note 17. Best practice is to include proportionate information relating to projects that are not yet consented, dependent on the level of certainty of them coming forward”

In an earlier Scoping Response dated 9/12/2022 the Welsh Government – Soil, Peatland & Agricultural Land Use Planning Unit (WG SPA) said “The Department consider that it is appropriate to include applications for DNS/CAS-01928-W3M9S8 – Rhiwlas Energy Park - and DNS/CAS-01927-FOT2T1 – Banc Du Energy Park - in the cumulative assessment.”

NSIP advice note 17 says:

The Applicant says, in response to PEDW’s request:

“In accordance with the Planning Inspectorate’s guidance for Nationally Significant Infrastructure Projects –Advice Note 17: Cumulative Effects Assessment, a staged process for assessing schemes has been adopted. Likely cumulative effects have been defined as the likely effects that the Proposed Development may have in combination with other wind and relevant solar schemes which are at application stage, consented, under construction or operational (i.e. the incremental effects resulting from the Proposed Development if all other wind and relevant solar schemes are assumed to be constructed/operational).”

In response to the WG Soil, Peatland & Agricultural Land Use Planning Unit Scoping Direction, Bute says: “DNS/CAS-01928-W3M9S8 – Rhiwlas Energy Park and DNS/CAS-01927-FOT2T1 – Banc Du Energy Park have been scoped out of the cumulative assessment as they are not yet at application stage (at the time of the cut-off date for cumulative data collection for this ES, set at 19th December 2023. This cut-off date was set to allow time for the assessments, visualisations and figures to be prepared)”

The Applicant has chosen to selectively quote from NSIP Advice Note 17 and to exclude all development not subject to a Planning Application by 19/12/23. Ch2-81 says it will be up to later Applicants to scope in Nant Mithil. This is contrary to the WG Soil, Peatland & Agricultural Land Use Planning Unit response which deemed it appropriate to include relevant projects before the full applications had been submitted. There are three more DNS projects far closer than Rhiwlas or Banc Du.

Bute Energy & GreenGEN energy have received PEDW Scoping Directions for Bryn Gilwern Energy Park (Scoping Request 11/12/23), Aberedw Energy Park (Scoping Request 11/12/23), the GreenGEN Towi-Usk line (Scoping Request 23/10/23), Banc Du Energy Park (Scoping Request 18/7/22), and Rhwilas Energy Park (Scoping Request 18/7/22), all five of which are “reasonably foreseeable”, given that in each case the (same) developer has published a public website promoting and describing the project and providing project documentation. There can be no pleading about insufficient knowledge about the projects and it would be clearly artificial to argue that these projects have not reached a sufficiently advanced stage to assess (where certain matters relating to e.g. siting have not been finalised in each case, clearly some information is available). If plans are still not completely defined, the law is clear that an assessment must still be undertaken “at the earliest possible stage” based on current information, even if this is higher-level than may be possible later.

In any event, Aberedw, Bryn Gilwern and the Towi-Usk line are all advanced in development with full Applications anticipated in 2025. The projects are in close proximity, with large turbines on adjacent hill tops and tall pylon-lines (possibly with some poles) in the valleys. Nant Mithil Energy Park depends directly on the construction of the GreenGEN Towi-Usk line. GreenGEN advertises that this line will serve all three wind projects. These projects have significant cumulative impacts with Nant Mithil right across the Environmental Statement topics including, but not limited to, landscape, residential amenity, ecology, noise and appreciation of the historic environment. All four have significant impacts on the highly sensitive Wye SAC.

Bute leaves no doubt that these projects are intrinsically related and will come forward: see <https://www.greengentowyusk.com/index.php?contentid=13> (consulted 15/6/24)

Bute energy has deliberately ignored PEDW direction in stating that the draft Nant Mithil ES is ready for determination as it stands:

CPRW considers that the refusal to follow the Welsh Government scoping direction on cumulative impacts and the failure to inform the public of the full cumulative environmental impacts makes the Statutory Public Consultation process (May to June 2024) unfit for purpose. It should be rescheduled when the relevant information has been incorporated into a revised draft ES.

PEDW RESPONSE

From: Robert.Sparey@gov.wales <Robert.Sparey@gov.wales> On Behalf Of PEDW.Infrastructure@gov.wales Sent: Thursday, August 1, 2024 12:49 PM To: Matthew McFeeley <mmcfeeley@richardbuxton.co.uk> Subject: DNS CAS-01907-D7Q6Z1 - RE: Nant Mithil Energy Park

Dear Mr McFeely,

Thank you for your e-mail and attachment. I am sorry to hear of CPRW's concerns regarding the Applicant's approach to Cumulative Impacts in the draft Environmental Statement which was subject to their statutory pre-application consultation (PAC).

However, there is no role for PEDW to intervene at the pre-application stage. I would recommend that you raise your concerns about the lawfulness of the approach directly with the Applicants (I note that CPRW's views regarding cumulative impacts were submitted as part of the PAC). The Applicant's PAC report which accompanies their application should include a summary of the issues raised in PAC responses, and how they have been addressed.

As noted in your correspondence, PEDW's Scoping Direction refers to the best practice advice in NSIP Advice Note 17 and also recommends that the Applicant liaise with relevant Specialist Consultees over the projects which should be considered. This approach remains relevant.

When the application is submitted for examination, we will undertake Acceptance Checking. This will include an assessment of whether the Environmental Statement (ES) is complete, i.e. whether it addresses the matters covered by the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017 (as amended) ['the EIA Regulations'] and specified in the Scoping Direction. If it is considered appropriate, it would be open to PEDW to request further information under Regulation 24 of the EIA Regulations before Accepting the application for examination. Even if the ES is found to be complete at that stage, there is nothing preventing the appointed Inspector from requesting further information after an application has been accepted for examination. Any further information to an ES would be subject to consultation to ensure that the public has an opportunity to comment.

If the version of the ES submitted with the application does not address the cumulative impacts of projects which CPRW consider to be relevant, it will have the opportunity to raise this in a representation to PEDW during the relevant representations period.

As this project is at the pre-application stage, we will not retain a copy of your correspondence on our case file.

Yours sincerely

Robert Sparey

Robert Sparey (fe | he / him) Rheolwr Cynllunio a'r Amgylchedd | Planning & Environment Manager Penderfyniadau Cynllunio ac Amgylchedd Cymru | Planning and Environment Decisions Wales Llywodraeth Cymru | Welsh Government Llinell Uniongyrchol | Direct Line: 0300 025 3379

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