

Environment Information Services

Partners: **Geoffrey & Mary-Rose Sinclair**

GLEBE HOUSE, MARTLETWY, NARBERTH, PEMBROKESHIRE SA67 8AS
Telephone 01834 891331 E-mail geoffrey.sinclair@virgin.net

July 19, 2013

Response by Geoffrey Sinclair for the Cambrian Mountains Society to the Mynydd y Gwynt s42 pre-Application Consultation for a wind power installation of 27 x 3MW turbines = 81MW x 125m [80 hub + 45 blade]

1 The Cambrian Mountains Society

1.1 The Cambrian Mountains Society (CMS) (www.cambrian-mountains.co.uk) is a membership-based Registered Charity No 1113037 founded in 2005 with the following objects:

1. To promote, for the benefit of local communities, and of the wider public, measures which will sustain or enhance the landscape, natural beauty, biodiversity, archaeology, scientific interest, and cultural heritage of the Cambrian Mountains;
2. To advance the education of the public in the landscape, natural beauty, biodiversity, archaeology, scientific nature, cultural heritage and geodiversity of the Cambrian Mountains.

1.2 Its focus of interest corresponds to the area of the eponymous National Park designated though not confirmed in the 1970's, which includes the location and much of the zone of visual influence of the Mynydd y Gwynt proposal and its cumulative landscape and visual impact with other installations.

2 The provenance and scope of this consultation response

- 2.1 Over the last 25 years this consultancy (which was founded in Wales in 1972) has developed a specialist UK experience in assessing the environmental impact assessments of proposed wind power installations at c400 planning application cases and 100 at Public Inquiry, where I have acted as both lay advocate and witness. At the request of the Planning Inspectorate I have also twice addressed its Inspector Training Event on wind power appeals from the perspective of third parties.
- 2.2 Having examined the draft documents (Environmental Statement and Non-Technical Summary) relating to the forthcoming application we are instructed by The Cambrian Mountains Society to submit a consultation response at this pre-Application stage. We note that the relevant submission period ends on July 19. This response includes (in Part Two) technical comments relating to the draft contents of the ES and NTS, and in Part One an over-arching charge that the proposal is contrary to and represents a challenge to Welsh Government policy because it lies significantly outwith any Strategic Search Area (SSA) defined under TAN8, within which all nationally significant wind power proposals and others above 25MW capacity are required to be located.

- 2.3 We are therefore copying this to Carl Sargeant AM, the Minister with responsibility for planning in the Welsh Government and to Sir Michael Pitt at the National Infrastructure Directorate as Chief Executive of the Planning Inspectorate. We argue on policy grounds that the application should not be accepted, and that to proceed would be misuse of budgets, a condoned challenge to Welsh Government policy, and an action beyond the powers of the Planning Inspectorate's specialist unit for determining NSIPs. To our knowledge there are at least two other proposals of a similar nature, though not within the Cambrian Mountains.

PART ONE - The application should not be accepted

3 Welsh Government Policy in relation to large windfarms

- 3.1 TAN 8 states its intentions [inter alia] to concentrate larger proposals above 25MW into the SSAs as follows (it should be remembered that the threshold for NSIPs inherited from the 1989 Electricity Act is 50MW)

Onshore Wind

2.2 Large scale (over 25MW) onshore wind developments should be concentrated into particular areas defined as Strategic Search Areas (SSAs)

Onshore Wind in Other Areas

2.11 There may be further opportunities for the development of windfarm or other renewable energy schemes in urban / industrial brownfield sites up to 25MW within Wales, and these should be encouraged.

2.13 Most areas outside SSAs should remain free of large windpower schemes.

- 3.2 Subsequent policy modifications have oscillated and muddied the water by changing references to target outputs, but the basic concept of corralling large rural land-based applications into the Search Areas has remained. This has both positive and negative implications of rendering the larger applications unacceptable within the SSAs, as stated at 2.13 above. The present application is 81MW.
- 3.3 The latest clarification of policy is contained in a Ministerial 'Dear Colleague' letter written to all planning officers in Wales by the outgoing Minister for Environment and Sustainable Development John Griffiths AM in July 2011 ([Appendix A](#)) in which he points out that Planning Policy Wales (PPW) is 'the parent document of TAN 8' thus demonstrating that the provisions of the latter, though in one sense guidance and advice, are necessarily a part of Welsh Government Policy. He continues by noting:

An important function of TAN8 is to restrict the proliferation of large-scale windfarms in other parts of Wales. Our approach is to limit the development of large scale wind farms to the areas of Wales which were independently and empirically assessed

After paragraphs referring to overall targets, he returns on page 2 to refer to decisions by the Infrastructure Planning Commission (IPC), whose role has now been absorbed into the Planning Inspectorate for projects over the devolved threshold of 50MW. He states very clearly that:

We expect all decision makers in Wales, including the IPC and its successor, to recognise our spatially specific policy outlined in TAN 8

4 The location of the project outside any SSA

- 4.1 In the applicants' draft ES Figure 4.1 'TAN8 Renewable Energy Area D' shows SSA 'D' (though not labelled as such) to the NE of the Mynydd y Gwynt site boundary (outlined in red). It is shown diagrammatically to be outside a 5km 'buffer zone' around Area D and to be towards the outer edge of a 5-10km buffer zone. The ES does not contain any more helpful map to explain the differences in landscape character and topography between the proposed site and Area D, but its different and distant attributes may be simply summarised by noting that the whole of Area D lies at least 3km west of the summit of Pumlumon while the proposed site lies at a similar distance to the east. This may be seen from Map 5 in TAN8 which irrespective of minor revisions to the area shows the Mynydd y Gwynt site at the point named 'Y Foel' - the original name for the present project, and still used in some documentation. Put simply, this means that the largest and most iconic mountain in the Cambrian Mountains, self-evidently excluded from any SSA, lies between the Mynydd y Gwynt site and the nearest SSA.
- 4.2 In July 2010 Ove Arup and Partners compiled a Research Report for the Welsh Government 'Strategic Search Area (SSA) Reassessment and Validation' which at Drawing C4 considered potential technical and environmental constraints in respect of Area D focussing on the edge of its existing boundary zone all to the west of Pumlumon. It further examined 'Remaining Areas of Developable Land' (Drawing D4) within that same zone, and showed under the term 'Existing Windfarm Developments' (by which it clearly means 'proposals' and not consents) the present site as lying well outside this potential re-consideration zone.

5 The arguments advanced by the Applicants

- 5.1 It is clear that this application is a cold-blooded and calculated attempt to secure a consent which contradicts the primary intention of Welsh Government Policy. The draft ES devotes two detailed chapters to justify this approach. Chapter 3 considers 'Policy Considerations and 'The Scheme Rationale' claiming at 3.25/26 that TAN 8 is 'guidance'. In reviewing Welsh Planning Policy it states at 3.42 that 'there is nothing in this policy [PPW] that expressly prohibits large scale wind farms in other areas outside SSA's'. Having aired long-standing 'disappointment' that an SSA was not established around Mynydd y Gwynt rather than Nant-y-Moch [3.47ff] it describes the text cited above (and by implication the previous Minister's letter) as 'a misuse of the advice note' (i.e. TAN 8). It interprets TAN 8 2.12 [actually 2.13] as not describing a prohibition because of its reference to 'most areas'. This is in our view a mis-reading, because the sequence of text at that stage in TAN 8 conveys a process where non-rural projects up to 25MW may be appropriate. Further lengthy text (3.57 onwards) runs contrary to the position set out by Mr Griffiths on his very explicit letter of July 2011.
- 5.2 Chapter 4 argues that the process of local refinement would allow inclusion of the site as 'technically unconstrained land close to the SSA'.

The evidence above from the Arup Study shows that such a revision was not contemplated and could not be within present terms of reference.

PART TWO

6 Content of the draft ES and NTS

- 6.1 Given that our primary argument is related to an acceptance / no acceptance issue, we refer in very simple terms to certain concerns about the material and methodology in the drafts.
- 6.2 The NTS is not a summary of the ES as it should be, but an applicant's brochure for the development using material that does not appear in the ES, and has no place in either. We particularly refer to the misleading pictures of the car rallies, and the paraphernalia around it, and the failure to produce a proper summary so that a general reader would gain a representative and cogent impression backed by key facts of what the proposal involves in the same way that it was covered in the ES.
- 6.3 The analytical methodology set out in Appendix 8.2 and deployed in the ES is flawed throughout by using ranges of assessment that contain only one possible category called 'High' above 'Medium, while making provision for at least two others 'Low' and Very Low' below. This applies to assessments of Landscape Quality, Landscape Value, Landscape Sensitivity, and Visual Receptors. Self-evidently there should be provision for at least Very High sensitivity and quality of landscape or visual receptors, whether indeed any of these actually occur. In this area, there are circumstances where this would be the case. When these are collated with the magnitude of change yet a further category is added below 'Very Low' entitled 'Negligible', plus an additional possibility of there being 'no view'. This means that there are 20 possible permutations of both Landscape or Visual impact Significance as set out at Table 8.5A of which only three are theoretically possible to occur at or above the conventional threshold of significance of 'Moderate to Substantial' effect.
- 6.4 This produces a biased framework incapable of expressing potentially important effects while being deliberately designed to provide a disproportionate opportunity to claim that effects are of minimal importance. This is unacceptable, and if the project is to be accepted despite our fundamental policy reservations, the ES and NTS need to be completely re-written and subjected to further consultation.