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Eich cyf. Your ref: LDR/eb/262461.3

Ein cyf. Our ref: A-PP106-98-014

Dyddiad . Date: 7 December 2004

Dear Madam

**TOWN AND COUNTRY PLANNING ACT 1990:
SECTION 78 APPEAL BY WINDJEN POWER LTD
PROPOSED CONSTRUCTION AND OPERATION OF 6 WIND TURBINE
GENERATORS AND ASSOCIATED ACCESS TRACKS; CONSTRUCTION OF 1
CONTROL BUILDING; MONITORING MAST; TEMPORARY STORAGE
COMPOUND AND BORROW PITS AT LLETHERCYNON FARM, GARTHRENGY,
BRECON, POWYS LD3 9TZ**

1. Consideration has been given to the report of the Inspector, John Davies BSc MRTPI, who held a public local inquiry into your client's appeal under Section 78 of the Town and Country Planning Act 1990 (the 1990 Act) against the decision of Powys County Council to refuse planning permission for the proposed construction of wind turbine generators on land at Llethercynon Farm, Garthbrengy, Brecon, Powys.

2. On 31 July 2003 a direction was issued by the Planning Inspectorate, under powers delegated by the National Assembly for Wales, that the appeal should be determined by the National Assembly rather than by a planning Inspector because another Assembly Department, Cadw, had raised major objections. On 1 December 2004 the National Assembly resolved that a committee to be known as Planning Decision Committee (2) 2004/5 be established in accordance with Assembly

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Standing Order 17 to discharge the functions of the Assembly under Section 79 of the Town and Country Planning Act 1990 in respect of the above appeal. Accordingly, the Planning Decision Committee has considered the appeals and has resolved under Standing Order 17.16 to adopt this letter.

3. The Inspector's conclusions are set out in paragraphs 16.1 to 16.65 of his report, a copy of which is enclosed, and those conclusions are reproduced as an Annex to this letter. The Inspector recommended that the appeal be dismissed. The Planning Decision Committee agree with his conclusions and accept his recommendation.

4. The Planning Decision Committee agree with the Inspector, for the reasons given by him, that the development would result in serious harm to the special character and qualities of Llandefalle Common, the views of the unspoilt rural landscape from the C60 road and from the southern edge of Llaneglwys Wood, and a dominating impact on the landscape within 2 km. As regards the living conditions of residents the Committee accept that the impact on residents, both individually and cumulatively, weighs against the proposed development. The Committee also agree that the dominating and intrusive impact of the turbines would cause significant harm to the Twyn-y-Gaer hill fort Scheduled Ancient Monument. Additionally, they agree that there would be harm to highway safety as a result of the transport of components through the centre of Llanddew which would risk considerable disruption to residents and possible damage to buildings and a Scheduled Ancient Monument. The Committee accept that in consequence the development would be in conflict with development plan policies and that there would also be conflict with national policies designed to protect archaeological remains and their setting.

5. The Committee agree that these adverse factors have to be balanced against the policy of the Assembly to meet UK Government targets to reduce harmful emissions and facilitate the development of renewable energy resources. They agree with the Inspector that there is no indication that wind energy will not play a major role in the achievement of these targets and accept that a number of schemes such as that proposed, which would in itself contribute significantly to the cumulative total of energy from renewable resources, would be needed to meet the Assembly's aims.

6. The Committee consider that the objection to the proposal arises from the combination of the adverse impacts identified by the Inspector. They accept that while considerable landscape impact is an inevitable feature of wind farm development in rural areas, this cannot mean that it must always be accepted. In this case they agree with the Inspector that the impact on the views from the C60 and the edge of Llaneglwys Wood would be seriously affected but that the balance to be struck would be closer if it were only these that were damaged. However, they accept that it is the combination of those impacts with the serious harm to the special character and qualities of Llandefalle Common which leads to a compelling objection to the proposal on landscape grounds. An additional factor is the impact on a small number of neighbouring houses. The Committee also accept the risk of damage to buildings and a Scheduled Ancient Monument in Llanddew during the transportation of components would not be conclusive on its own but adds to the weight of considerations against the proposal. Overall, taking account of these factors together with the serious harm to the Twyn-y-Gaer hill fort Scheduled Ancient Monument, they agree with the Inspector that it is the severe cumulative harm, and serious conflict

with a number of development plan policies, which outweigh the general benefit of the proposal in terms of the contribution to meeting renewable energy targets.

7. The Inspector points out that it is not the appellant's argument that the need for this specific site should be weighed in the balance, and that there is a general need to develop a number of sites to meet Government needs. While many sites in Wales may be constrained by landscape and other designations the Committee agree with the Inspector that it should be possible to find other sites with less serious cumulative objections than this appeal site.

FORMAL DECISION

8. For the reasons given by the Inspector the Planning Decision Committee hereby refuse your client's appeal under Section 78 of the Town and Country Planning Act 1990.

9. A copy of this letter has been sent to the Head of Planning Services, Powys County Council and to those persons and organisations who appeared at the inquiry.

Yours faithfully

Carwyn Jones AM

Chair, Planning Decision Committee (2) 2004/5

Enc; Leaflets "H" and "HC"

