

Mr M Trinick

Bond Pearce

Ballard House

West Hoe Road

PLYMOUTH

Eich cyf . Your ref:

Ein cyf . Our ref: A-PP106-07-046

Date: 23 May 2002

Dear Sir

## **TOWN AND COUNTRY PLANNING ACT 1990: SECTIONS 77**

### **APPLICATIONS BY NATIONAL WIND POWER LTD FOR**

- a. **42 WIND TURBINES, ACCESS TRACKS, COMPOUND AND ANCILLARY DEVELOPMENT AT MYNYDD RHOSFACH, CEFN COCH; AND**
- b. **A 132/33Kv SUBSTATION COMPOUND, CONTROL BUILDING AND ASSOCIATED WORKS NEAR CEFN BRITH, CARNO, POWYS**

1. Consideration has been given to the report of the Inspector Mr D Wilks BSc(Hons) DipEM MRTPI MiMgt FRSA who held public inquiries, on 16-19 and 23-26 January 2001 into your client's application under section 77 of the Town and Country Planning Act 1990 for planning permission for 42 wind turbines and associated development on land near Cefn Brith, Carno, Powys and on 27 February- 2 March and 6-9 March 2001 into the cumulative effects of the proposal when considered in association with other proposed windfarms at Mynydd Clogau and Nant Carfan.

2. The Welsh Office called-in both applications on 22 February 1999 on the basis that they raised issues of more than local importance. On 9<sup>th</sup> May 2002 the National Assembly, to which the power to determine such applications has since been transferred, resolved that a committee to be known as Planning Decision Committee 2002/4 be established in accordance with Assembly Standing Order 35 to discharge the functions of the Assembly under section 79 of the Town and Country Planning Act 1990 in respect of the above application. Accordingly, the Planning Decision Committee has considered the appeal and, as required by Standing

Order 35.16, the Chair of the Committee has signed this letter which the Committee has resolved to adopt.

3. The Inspector's conclusions are set out in section 11 of his report, a copy of which is enclosed, and those conclusions are reproduced as an Annex to this letter. The Inspector recommended that planning permission for both applications be refused. The Planning Decision Committee agree with his conclusions and accept his recommendation.

4. Section 54A of the Town and Country Planning Act 1990 requires the determination of a planning application to be in accordance with the development plan unless material considerations indicate otherwise. The adopted Powys Structure Plan comprises the development plan for the purposes of this appeal although the Inspector considered there was strong justification for taking into account the relevant policies of the deposit but not yet adopted Montgomeryshire Local Plan.

5. The Inspector considered that the immediate plateau landscape area containing the turbines, which is crossed by significant tourist routes, would be substantially changed in character and appearance if the proposal was built. He considered the windfarm would have significant adverse effects on the character and appearance of its immediate surroundings and seriously harm the recreational experience of those using rights of way in the vicinity.

6. He also considered that the capacity of an area to absorb windfarm developments without unacceptable harm is as relevant to the extent to which new proposals should proceed as the degree to which its natural resources and characteristics are favourable to the development concerned. He took the view that most new built development in the open countryside is strictly controlled and that the appropriate test to apply to proposals was not whether the windfarm produced adverse effects but whether or not the effects were unacceptably adverse.

7. On cumulative effects the Inspector concluded that if all three proposals were permitted a threshold would be exceeded where the particular recreational and visual experience for those visited the area would be unacceptably harmed. He concluded that Cwm Llwyd and Nant Carfan together would create substantial harm and Cwm Llwyd and Mynydd Clogau together would create unacceptable harm.

8. His overall conclusion was that the benefits of the proposals were outweighed by the adverse effects on the character and visual enjoyment of the site, its setting and wider countryside.

9. The Committee accepts the Inspector's consideration of the issues and agrees with his overall conclusions and recommendation. Permission in respect of both applications is, therefore, hereby refused.

10. A copy of this letter has been sent to the Head of Planning, Powys County Council and to those persons and organisations represented at the inquiries.

Yours faithfully



Chair, Planning Decision Committee 2002/4



Norton Rose

Kempson House

Camomile Street

LONDON

EC3A 7AN

Eich cyf . Your ref:

Ein cyf . Our ref: A-PP106-07-045

Date: 23 May 2002

Dear Sir

**TOWN AND COUNTRY PLANNING ACT 1990: SECTION 77**

**APPLICATION BY RENEWABLE ENERGY SYSTEMS LTD FOR 17 WIND TURBINES,  
ACCESS TRACKS, METEOROLOGICAL MAST, AND SUBSTATION AT MYNYDD  
CLOGAU, NEAR ADFA, POWYS**

1. Consideration has been given to the report of the Inspector Mr D Wilks BSc(Hons) DipEM MRTPI MiMgt FRSA who held public inquiries, on 5-8 and 12-14 September 2000 into your client's application under section 77 of the Town and Country Planning Act 1990 for planning permission for 17 wind turbines and associated development on land at Mynydd Clogau, near Adfa, Powys and on 27 February-2 March and 6-9 March 2001 into the cumulative effects of the proposal when considered in association with other proposed windfarms at Cwm Llwyd and Nant Carfan.

2, The Welsh Office called-in the application on 1 March 1999 on the basis that it raised issues

of more than local importance. On 9<sup>th</sup> May 2002 the National Assembly, to which the power to determine such applications has since been transferred, resolved that a committee to be known as Planning Decision Committee 2002/4 be established in accordance with Assembly Standing Order 35 to discharge the functions of the Assembly under section 79 of the Town and Country Planning Act 1990 in respect of the above application. Accordingly, the Planning Decision Committee has considered the application and, as required by Standing Order 35.16, the Chair of the Committee has signed this letter which the Committee has resolved to adopt.

3. The Inspector's conclusions are set out in section 11 of his report, a copy of which is enclosed, and those conclusions are reproduced as an Annex to this letter. The Inspector recommended that planning permission be granted subject to conditions. Subject to the comments below the Planning Decision Committee agree with his conclusions and accept his recommendation.

4. Section 54A of the Town and Country Planning Act 1990 requires the determination of a planning application to be in accordance with the development plan unless material considerations indicate otherwise. The adopted Powys Structure Plan comprises the development plan for the purposes of the determination of this application although the Inspector considered there was strong justification for taking into account the relevant policies of the deposit but not yet adopted Montgomeryshire Local Plan.

5. The Inspector considered that the proposed windfarm would be of relatively small scale and would be located some distance from other existing sites. He took the view that Government policy towards renewable energy development is an important material consideration and that individual renewable energy schemes should not be dismissed on the grounds that they would only make a small contribution to Government renewable energy and emissions reduction targets.

6. He took the view that most new built development in the open countryside is strictly controlled and that the appropriate test to apply to proposals was not whether the windfarm produced adverse effects but whether or not the effects were unacceptably adverse.

7. On cumulative effects the Inspector reported that his conclusions concentrated almost entirely on landscape and visual amenity. He concluded that if all three proposals were permitted a threshold would be exceeded where the particular recreational and visual experience for those visited the area would be unacceptably harmed. He concluded that Mynydd Clogau and Nant Carfan together would create the least cumulative harm.

8. The Inspector concluded overall that, although the proposal would have some adverse effects on local enjoyment of the landscape and on amenity, the degree of harm to environmental quality would not be unacceptable.



9. The Committee accepts the Inspector's consideration of the issues and agrees with his overall conclusions and recommendation. The Committee hereby determines under section 79(1) of the Town and Country Planning Act 1990 that the application be granted, subject to the conditions attached.

10. A copy of this letter has been sent to the Head of Planning , Powys County Council and to those persons and organisations represented at the inquiries.

Yours faithfully

Chair, Planning Decision Committee 2002/4

Hammond Suddard and Edge

2 Park Lane

LEEDS

LS3 1ES

Eich cyf . Your ref:

Ein cyf . Our ref: A-PP106-98-011

Date: 23 May2002

Dear Sir

## **TOWN AND COUNTRY PLANNING ACT 1990: SECTION 78**

### **AN APPEAL, AGAINST NON-DETERMINATION BY POWYS COUNTY COUNCIL, BY POWERGEN RENEWABLES LTD FOR 16 WIND TURBINES AND ASSOCIATED ACCESS TRACKS, CONTROL BUILDING, MONITORING MAST AND TEMPORARY COMPOUND AT NANT CARFAN, NEAR LLANBRYNMAIR, POWYS**

1. Consideration has been given to the report of the Inspector Mr D Wilks BSc(Hons) DipEM MRTPI MiMgt FRSA who held public inquiries, on 5-9 and 13-14 February 2001 into your client's appeal under section 78 of the Town and Country Planning Act 1990 for planning permission for 16 wind turbines and associated development on land at Nant Carfan, near Llanbrynmair, Powys and on 27 February- 2 March and 6-9 March 2001 into the cumulative effects of the proposal when considered in association with other proposed windfarms at Cwm Llwyd and Mynydd Clogau.

2. The National Assembly for Wales recovered the appeal from the Planning Inspector on 17 October 2000 on the basis that it raised landscape and amenity issues which could have wide effects beyond the immediate locality, and in order to test the cumulative effect of the proposal when considered with two other windfarm proposals nearby, both of which had been called-in . On 9<sup>th</sup> May 2002 the National Assembly resolved that a committee to be known as Planning Decision Committee 2002/4 be established in accordance with Assembly Standing Order 35 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 appeal and, as required by Standing Order 35.16, the Chair of the Committee has signed this letter which the Committee has resolved to adopt.

3. The Inspector's conclusions are set out in section 11 of his report, a copy of which is enclosed, and those conclusions are reproduced as an Annex to this letter. The Inspector recommended that planning permission be refused. Subject to the comments below the Planning Decision Committee agrees with his conclusions and accepts his recommendation.

4. Section 54A of the Town and Country Planning Act 1990 requires the determination of a planning application to be in accordance with the development plan unless material considerations indicate otherwise. The adopted Powys Structure Plan comprises the development plan for the purposes of this appeal although the Inspector considered there was strong justification for taking into account the relevant policies of the deposit but not yet adopted Montgomeryshire Local Plan.

.5. The Inspector considered that the area of visual influence of the proposed windfarm would be largely confined to high ground already influenced by existing windfarms though he did not

accept the appellant's assertion that the proposal therefore simply reinforced the existing situation. He accepted that much of the plateau had already been adversely affected by forestry but was concerned with the effect of the proposal on, particularly, the National Park, rights of way in the area, the National Trail. He considered the effect on the National Trail to be particularly regrettable and that the proposal would be in conflict with the Montgomeryshire Local Plan.

6. He also considered that the capacity of an area to absorb windfarm developments without unacceptable harm is as relevant to the extent to which new proposals should proceed as the degree to which its natural resources and characteristics are favourable to the development concerned.

7. He took the view that most new built development in the open countryside is strictly controlled and that the appropriate test to apply to proposals was not whether the windfarm produced adverse effects but whether or not the effects were unacceptably adverse. Although he found no unacceptably adverse effects arising from the proposal in respect of traffic, noise, residential amenity, ecology, ornithology or archaeology, the Inspector concluded that the turbines would have a substantial adverse effect on the character of the Special Landscape Area and that, taken in combination with the existing Cemmaes windfarm, they would unacceptably compromise the environmental quality of the area.

8. The Committee accepts the Inspector's consideration of the issues and agrees with his overall conclusions and recommendation. The Committee, exercising its powers under section 79(1) of the Town and Country Planning Act 1990 hereby refuses the appeal.

9. A copy of this letter has been sent to the Head of Planning , Powys County Council and to those persons and organisations represented at the inquiries.

Yours faithfully

Chair, Planning Decision Committee 2002/4































