

CYNGOR SIR POWYS COUNTY COUNCIL

PLANNING COMMITTEE

22 December 2008

REPORT BY: Head of Regeneration & Development (Organisation & Regeneration Directorate)

SUBJECT: Consultation by Herefordshire Council on application DCNW2008/1289/F proposing erection of and operation of 4 wind turbines and associated access tracks, hard standing and sub station building at Reeves Hill, Reeves Lane, Nr. Knighton, Hfds.

REPORT FOR: DECISION



1 Introduction

1.1 An application for the erection and operation of a wind farm at Reeves Hill was received by Herefordshire Council on 19/05/08. The submission included an Environmental Statement, the initial scoping of which had

been commented on by Powys County Council Officers in terms of viewpoints to be used.

- 1.2 Powys received formal notification of the full application at the end of May and, on 3rd June, the Specialist Services Manager responded with a request for an extension beyond the statutory 21 day minimum, placing a holding objection to the proposal in the meantime. A further notification of an application for a temporary monitoring mast was received on 27/06/08.
- 1.3 On 12/10/08 supplementary information additional to the original Environmental Statement was received following a request from Herefordshire and its consultees. This included issues relating to highways and construction matters, landscape and visual impact appraisal, ecology and hydrology.
- 1.4 Current indications are that a report will be taken for decision to the Herefordshire Planning Committee on 9th January 2009.
- 1.5 Whilst the Environmental Statement includes the access proposals from the A4113 on the eastern side of Knighton a separate application for this has, of necessity, now been made to Powys County Council. This includes a dedicated track avoiding the existing access onto Llanshay Lane and road improvements to the C road between Knighton and Presteigne. It had been hoped to bring this application to Committee at the same time but this has not been possible given the need for the applicant to provide further information for consideration by CCW and Powys Highways, and the indication that Herefordshire is likely to make a decision on 9 January 2009.

2 The Application

- 2.1 The submission is for 4 wind turbines and ancillary equipment and infrastructure to be sited on 3.8 hectares of grazing land within the jurisdiction of Herefordshire with the larger part of the western boundary of the proposal defined by the England/ Wales / Herefordshire/Powys border.
- 2.2 The wind farm has been described in the accompanying Environmental statement as a Community Wind Energy Scheme with the developer implementing a direct community benefits scheme and additional revenue generated by one of the turbines being owned by a cooperative organisation.
- 2.3 The turbines proposed would each have an installed capacity of 2.3 megawatts (9.2 mw for the wind farm as a whole) which it is estimated would supply approximately 6.9% of the homes in Herefordshire which is typified as a County with restricted opportunity for power generation from onshore wind.

- The turbines would have a maximum tip height of up to 105 metres (344 feet).
- 2.4 The turbine layout is roughly linear from north to south on land which rises to 400m AOD with new individual access tracks initially proposed from the C road known as Reeves Lane and a substation adjacent to forestry in the northern sector.
 - 2.5 Two possible grid connections are referred to which would need to be the subject of a further application within Powys under the Electricity Act.

3 Planning History

- 3.1 In 1994 and 1996 the then District Councils of Radnorshire and Leominster received applications for a wind farm on Reeves Hill with 9 turbines on the English side (on land which is the subject of the current submission) and 5 on the Welsh side ,(now excluded).
- 3.2 The most significant difference between the two schemes was the reduction in height from 70 to 60 metres to tip with an installed capacity for both of approximately 8 megawatts.
- 3.3 Both schemes were refused by both Planning Authorities for substantially the same reasons.
Amongst the Radnorshire reasons given in 1996 there were three core justifications, namely:

The proposal would result in the intrusion of a dominant and alien feature in a traditional landscape which is remarkable for the integrity of its natural landform and wide ranging views from and towards the site.

Reeves Hill is an area valued for its peace and tranquillity and it is considered that the development would have an adverse impact on aural amenity and upon the general public's quiet enjoyment of the countryside.

The applicants have not provided sufficient information to demonstrate that there will be no adverse noise impact on dwellings within the locality of the wind farm.

4 Planning Policy

- 4.1 Since the 1990's, and with a growing awareness of the challenge of climate change, national policies in both England and Wales have been strengthened to encourage renewable energy projects subject to their demonstrating that they can go ahead without substantial harmful impacts.

- 4.2 The Welsh Policy context has been considerably advanced by the issuing of Tan 8 in 2003 which sets out a strategic framework for onshore wind. It sets out a hierarchy of sizes of development aimed at both maximising generation and minimising adverse impacts and in particular harmful landscape change.
- 4.3 Clearly the Herefordshire Planning Authority will need to assess the proposal against the English and local policy contexts but it is unfortunate that the Applicants have not considered the Welsh regime in their Environmental Statement in any detail to facilitate a more comprehensive appraisal. Indeed their planning consultant is dismissive of WAG policy as a material consideration. Whilst the technical means of assessment of landscape, ecological, acoustic and other impacts are no different in principle on either side of the border, the Welsh policy context is arguably more rigorous both at national and local levels.
- 4.4 Although, with the exception of the access proposals, the development is wholly within Herefordshire it is hoped that the impacts on Powys will be fully taken into account when coming to a decision. The wind farm is in such close proximity to the border that the larger number of residential properties which will be affected visually and acoustically are within Powys. Furthermore the national boundary has, of course, no significance in terms of distribution of species and local and wider landscape impacts.
- 4.5 Given the unusual context it is the intention here to assess the proposal in the round, irrespective of border issues. However, being mindful of jurisdictions the appraisal offered below will have the Powys Policy context and impacts at its core and in particular the Unitary Development Plan and the Draft Interim Development Control Guidance on Wind Farms.
- 4.6 The principal UDP policy is ENV 3 which will be referred to in the officer appraisal as appropriate.
- 4.7 The Powys IDCG refines the UDP and TAN 8 by making more explicit the distinction between different sizes of project. If the Reeves Hill submission were being assessed as a Powys scheme it would fall somewhere between the Medium and Small categories. The Powys 'share' of the Reeves Hill upland is not within a Strategic Search Area so, by definition, the landscape would not be considered capable of accommodating a Medium size development. However, although in excess of 5 megawatts, the proposal is offered as a 'Community Project'. It would be reasonable therefore not to exclude it in broad policy terms given that the local community within Powys would be a beneficiary, subject of course to a more detailed consideration of its characteristics and particular impacts.

The definition of a small scale community based scheme can be found in paragraphs 9.3 to 9.7 below.

- 4.8 Whilst the IDCG is undergoing a review following consultation this is largely related to the approach to refinement within and in the vicinity of Strategic Search Areas, The hierarchical approach adopted, following the Welsh Assembly guidance in TAN 8 is unlikely to change as it is rooted in the whole concept of the strategy.

7.0 LARGESCALE WIND FARMS (25MW+)

- 7.1 Notwithstanding the environmental performance of any other site located outside the Refined Carno North SSA B, the Refined Newtown South SSA C and the Refined Nant y Moch (Powys) SSA these will be the only areas within Powys where applications for wind farms of over 25MW will be permitted.**
- 7.3 Applications for large wind farms that fall outside the Refined Carno North SSA B, Refined Carno North SSA B and the Refined Nant y Moch (Powys) SSA boundaries are likely to be refused. Applications for wind farms that fall partly outside the Wind Farm Zones will also normally be refused, unless a full and reasonable justification can be presented.**
- 7.4 The guidance applying within the Refined SSAs only deal with the principle of developing wind farms and the Council's response to the Welsh Assembly Government's strategic search area approach to the siting of wind energy developments. Planning applications will still need to go through the normal planning application process and ensure that they will not have an unacceptable impact upon various land use planning factors, which will include a consideration of the criteria set out in paragraph 6.4.
- 7.5 Applications must also be accompanied by an Environmental Statement (ES). The expected content of an ES in respect of a wind farm development is set out in Appendix 1.
- 7.6 Proposals for onshore wind development up to 50MW require planning permission, whereas proposals over 50MW require consideration under Section 36 of the Electricity Act. However Local Planning Authorities are consulted on applications made under the Electricity Act. **The response of Powys County Council in respect of consultation under the Electricity Act will depend on whether the proposal accords with the content of this Interim Development Control Guidance.**
- 7.7 In order to assist the Development Control process and the monitoring of planning applications, developers should submit the information identified in Appendix 2.

8.0 MEDIUM SIZE WINDFARMS (5MW – 25MW)

- 8.1 Medium sized windfarms (5MW – 25MW) will only be acceptable in the following locations:**
- 1. The Refined Carno North SSA B, the Refined Newtown South SSA C and the Refined Nant y Moch (Powys) SSA provided they are:**
- (i) Part of a larger (>25MW) phased scheme; or

- (ii) Do not compromise the ability of the SSA to meet the anticipated target of 290/70/140 MW by 2010.

2. Outside the Refined SSA, medium sized wind farms will only be permitted on urban / industrial brownfield sites, provided that the criteria listed in paragraph 6.4 are taken fully into account. *Although it is considered unlikely that many medium sized wind farms will be environmentally acceptable in such locations in a Powys context.*

9.0 SMALL WINDFARMS

- 9.1 TAN 8 defines small wind farms as having an installed capacity of less than 5MW.
- 9.2 **Small sized wind farms (<5MW) will only be acceptable in the following locations:**
 - 1. Within the Refined Carno North SSA B, the Refined Newtown South SSA C and the Refined Nant y Moch (Powys) SSA provided they are:**
 - (i) Part of a larger (>25MW) phased scheme; or
 - (ii) Do not compromise the ability of the SSA to meet the anticipated target of 290/70/140 MW by 2010.
 - 2. Outside the Refined Carno North SSA B, the Refined Newtown South SSA C and the Refined Nant y Moch (Powys) SSA, provided they fall into the definition as set out in Paragraph 9.6 below and are acceptable following the consideration of other planning requirements.**
- 9.3 The TAN allows local planning authorities to “define in more detail what is meant by ‘smaller’ and ‘community based’.” There is an important distinction to be made between developments that are primarily intended to service a local demand or need (e.g. for an individual household, farm, business, institution or community co-operative) and those that are primarily intended to supply electricity to the national distribution network – and meet the WAG’s renewable energy targets. Although there is no mechanism in planning law to distinguish between types of development on the basis of whom it is for, or to whom it belongs, in practice, the different scales of these proposals allow a distinction to be made in terms of planning policy. Generally, it is expected that proposals for local users will be for small-scale schemes (in terms of numbers, size of turbines and output), which are likely to be much more acceptable visually, even in areas which may be sensitive to large wind farms. This is in line with the TAN approach which gives specific support to community based renewable energy schemes.
- 9.4 Locally owned wind turbines, whether as individual installations or as clusters, offer communities, co-operatives, small businesses and families the opportunity to harness the wind, and thereby generate electricity, protect the environment and stimulate the local economy.

Community based wind clusters can therefore provide a good rural development tool as they can provide an extra source of income which is particularly significant in rural areas and provide some employment opportunities.

9.5 In view of the contribution that will be made within the Strategic Search Areas in Powys and the likely visual effects arising from existing wind farm developments both within and outside the SSAs and those proposed under this strategic approach, the type and number of small wind farms that will be permitted outside the SSA will be strictly controlled by the local planning authority. In particular, careful consideration will be given to the cumulative impact of small schemes. Small windfarms should only have a local impact and not lead to cumulative impacts with other existing or proposed schemes such that there will be significant landscape change outside the SSAs.

9.6 **Definition of Small Windfarms:**

Small windfarms are subdivided into two categories. Both types may be acceptable outside the SSAs subject to the normal planning considerations. The categories are as follows:

- a. Community Wind farms;
- b. Domestic Scale Wind Turbine Developments

9.7 **Community Wind Farms:**

A community wind farm must fall within the following criteria:

- The scheme should generally not be larger than 3 turbines;
- Each turbine will normally be less than 70m in height (from base to blade tip);
- The scheme must be owned by a registered local community group or have a contractual arrangement to provide for significant community benefit defined on the basis of a clear and open process of community involvement which demonstrates a significant degree of support for the proposal. Where a proposal is justified on the basis of being community-based, any grant of planning permission may seek to secure those benefits through legal agreement and planning conditions.
- Other planning considerations will be assessed as normal in determining these planning applications.

9.8 **Domestic Scale Wind Turbine Developments:**

A domestic wind turbine development must fall within the following criteria:

- The scheme should normally comprise a single turbine;
- The purpose of the turbine must be to generate the electricity for particular buildings e.g. a residential dwelling or a school or industrial building;
- The turbine distance from any residential dwelling will be determined on an individual basis;

5 **Public Response**

5.1 Given that the wind farm application itself is for determination by Herefordshire Council as Local Planning Authority, Powys has not undertaken a consultation exercise. However the writer of this report has received a number of letters and e-mails relating to the proposal both directly and by virtue of being copied in on responses sent to the Herefordshire Case Officer.

- 5.2 A total of 292 individual letters of objection are on the Powys file, all bar 16 of which are from people living in the area. Powys addresses are shown on 287 of those letters. It is understood that Herefordshire have a considerable number of objections from residents of that County. There are 2 letters of support from Powys residents
- 5.3 In addition copies of representations from 9 groups and organisations are to hand and these will be summarised below.
- 5.4 The letters of objections cover a wide range of issues but landscape and visual impacts are cited in all and a large number include noise, tourism and ecological impacts as reasons for opposition. In summary the objections are as follows:
- The proposal will have an unacceptable impact on the landscape which, whilst currently undesignated, is unique and there will be harm to the experience of all those who visit the hill with its 360 degree views of undeveloped countryside.
 - The proposal will have detrimental impact on the Shropshire AONB and the Offa's Dyke and Glyndwr's Way national trails and other more local rights of way and cycle routes
 - There will be an unacceptable impact on the setting of Offa's Dyke as an Ancient Monument and a number of Listed Buildings and designated Historic Parks and Gardens.
 - Tourism will be adversely affected along with local businesses catering for visitors.
 - There will be disruption to residents and agricultural enterprises during the construction phase and threat to properties from large vehicles. There will be health and safety risks to users of the rights of way and highway networks due to the proximity of turbines.
 - Local residents will experience unacceptable levels of noise, vibration and shadow flicker as well as radio and television interference.
 - There will be harmful impacts on ecology and in particular birds, bats and great crested newts and the mitigation offered is inadequate.
 - The application is incomplete as it does not include the access proposals which will have harmful environmental effects as substantial works will have to be undertaken to the narrow road system.
 - There could be adverse impact on local hydrology and private water supplies.
 - Onshore wind is ineffective and there will be little carbon saving.
 - There has been inadequate consultation with local communities and residents on the Powys side.
 - The proposal is socially divisive and the owner himself has admitted that the site is not ideal.
 - If approved the scheme will set a precedent for more turbines on the hill.

- The reasons that the previous applications were refused 10 years ago still stand.
- The proposal is not in accord with Herefordshire or Powys Policies.
- No grid connection has been applied for.
- There will be an adverse impact on property values.
- People's physical and psychological health will be damaged.
- There has been no real community involvement and an initial survey and letters of notification from the developer did not include many of the residents who live closest to the site.

5.5 The letters of support emphasise the threat of global warming and are of the view that the No Campaign misrepresent the impacts, visual and others that the scheme will have. Experience of wind farms abroad does not support the 'nimbyism' being shown in the anti-wind farm campaign.

5.6 Consultation Responses

Knighton Town Council

Recommends Refusal and in addition expresses concern regarding private water supplies.

Presteigne and Norton Town Council

Views were then taken from each Member in turn and many pertinent points were raised both for and against the development. Following this Cllr. Wilding asked for motions to be submitted. Cllr. Robinson proposed that the Council object to the proposed development and this was seconded by Cllr. Ms. Wake. Members then voted on the proposal. The vote was split equally for and against the motion. Cllr. Wilding considered that he should not use his casting vote under these circumstances.

The Council did not therefore write to HCC either for or against the development.

Expressed initial concerns relating to flaws in consultation and magnitude of impacts.

Offa's Dyke Association

The Association is critical of the assessment of landscape and visual impacts particularly in so far as they relate to the setting of the Ancient Monument which has one of its best preserved sections west of Reeves Hill.

The landscape around Reeves Hill is outstanding in its own right...It is an accident of history that Herefordshire's landscapes (and indeed comparable landscapes in Powys) are not adequately protected at the

present time and they are therefore at great risk .The landscapes themselves have not changed in recent years and retain their outstanding quality, beauty and tranquillity.

Council for the Preservation of Rural Wales

The very high turbines would be visible from our county of Powys and would destroy the tranquillity and remote beauty of the area which includes both the Offa's Dyke path and AONB of south Shropshire. If approved it is likely to lead to a proliferation of such applications.

Council for the Preservation of Rural England

CPRE wish to object the overall reasons being the adverse impact on a wide area of high quality and much loved landscape, the impacts on residents and visitors and on the local tourism economy. The effect on Offa's Dyke should be judged substantial not low and their will be adverse impacts from a range of other ancient sites including a number of hill forts .There will be few environmental and economic benefits and a possibility of noise nuisance. The proposal is entitled a "community wind farm". The Council should note that it is no such thing.

Presteigne Festival of Music and the Arts

The development would damage the natural environment, the historic environment and the local economy...the Festival's ability to attract visitors will be damaged by this development.

Stonewall Hill Conservation Group

The group in objecting to the proposal has prepared a series of lengthy critiques of sections of the Environmental Statement including Landscape and Visual, Ecology, Noise, Hydrology and the Statement of Community Involvement all of which are critical of the methodologies and approaches taken concluding that there has been an underestimation of impacts.

Cadw /Ancient Monuments Association

A letter dated 5th December 2008 sent to the Herefordshire Case Officer is to hand in which the view is expressed that the proposed turbines would cause serious harm to the historic and visual character and value of Stanage Park one of the most important historic parks and gardens in Wales.(Grade 1)

Residents Living within 1 Km of the Proposal

In a response to the supplementary information provided by the applicants in October 2008 all residents, with the exception of the three dwellings associated with the scheme, have written a letter to the Herefordshire Case Officer which includes a number of appendices criticising the assessments provided and concluding that the issues represent a threat in themselves but 'taken together represent a very significant threat to our general amenity and to our rights to enjoy that amenity. As such they have the potential for a traumatic impact on our sense of well-being, our emotional stability and our state of health.'

'We consider that there has been a consistent determination on the part of the developers to either ignore or confuse data impacting on residents.'

County Councillor for Presteigne and Norton

Objects on the grounds of impacts on landscape and visual amenity and inadequacy of the road system.

'Since a previous application was refused the height of the turbines proposed dwarfs considerably those in the previous application and will therefore be even more prominent and intrusive in this attractive landscape.'

6 Officer Appraisal

- 6.1 As stated in an earlier section of the report, whilst the proposal sits wholly within Herefordshire, many of the impacts addressed in the Environmental Statement and the Supplementary Environmental Report will be experienced in Powys and it is therefore essential that the views of local residents and this Committee are fully represented and taken into account when the submission is considered by the decision making body.
- 6.2 This appraisal deals with those issues of material importance which are judged to have a cross border impact and is based on the information immediately to hand .There has, unfortunately, been limited discussion with the applicants and their agents, and that has been largely based on contact resulting from the separate submission of access proposals. Given the fact that the application for access works within Powys is not presented here, due to the need for further information to be provided, the highway impacts are not covered in this report. The imperative at the present time is to ensure that Herefordshire Council have this Authority's views on the wind farm proposal itself. Should the application be refused the applicant will then have the choice of either withdrawing the access proposal or proceeding to determination to inform any appeal process.
- 6.3 Landscape and Visual Impact

Whilst there is a history of refusals of wind farm proposals on landscape and visual impacts in this vicinity it is important to consider the current submission on its own merits.

It is also necessary to distinguish between landscape and visual considerations, with the former being based in the character of the site and its wider environment and the latter being concerned with the impact on human 'receptors'. Both necessarily involve assessment of value but visual impact is arguably more subjective.

Policy ENV3 of the Deposit Draft of the Powys UDP states that applications for wind farms will be approved where :

They do not unacceptably compromise the environmental and landscape quality of Powys.

This policy now needs to be read in the context of TAN 8 which gives guidance to the effect that only small /community sized wind farms should be allowed outside the Strategic Search Areas , namely areas which have been judged to contain landscapes of a type and scale capable of accommodating larger wind farm proposals. Clearly by implication the Radnorshire border hills have not been considered to demonstrate such characteristics

The applicants have sought to demonstrate, through the use of landscape classifications, visualisations and Zones of Visual Influence techniques within a 20km diameter study area, that the turbine layout and associated works can be accommodated without significant detriment. It has to be pointed out here that a 30km diameter is the industry norm.

Using the LANDMAP classification of Reeves Hill as part of an Enclosed Moors and Common type they admit to the effect on the immediate locality being of a ' high order of magnitude of change which, combined with the sensitivity of the landscape to change being medium to high' results in the impact on character being moderate to substantial. However, they go on to state that the development 'will emphasise the simple, managed medium to large scale characteristics of this part of the Enclosed Moors and Commons'.

With regard to the wider study area the assessment is that thresholds of significant impacts would fall at about 2.5km to the east, 4.5km to the north, (within the AONB), 1.5km to the south and 4km to the west. 'At greater distances than these, and in the closer well-wooded and valley landscapes the magnitude of effect drops from slight to negligible.' It is considered that these distances and the statements associated with them are not supportable from the evidence gathered on this case officer's site visits.

What this analysis also fails to include is a proper description of the landscape as opposed to its classification. Reeves Hill/Warren Hill are

names given to a ridge of highland stretching from the Teme Valley to within 2km of the town of Presteigne in the south and comprising a mix of improved grass and moor land which falls away on either side into the stream valleys occupied by the villages of Norton and Lingen. The surrounding landscape is a fine and complex mix of traditional field patterns interspersed with largely deciduous woodland rising to a series of upland ridges of varying heights which have the effect of binding the whole together. Given the constrained nature of the ridge and the size of the turbines it has been necessary to adopt a linear layout which would inevitably lead to turbines 'interacting' with each other when viewed from certain directions. From the top of Reeves Hill it is apparent that, whilst the study area comprises a variety of landscape types, the site sits in the wider context of undeveloped uplands stretching to a 360 degree horizon and with a topography where only agricultural practices have had any significant impacts. There are unobstructed views to the Brecon Beacons National Park, the South Shropshire AONB, Radnor Forest and Clee Hill. Whilst some of these are beyond the 20km study area, if there are views out there will be views in across this landscape which, in its fundamental form, has remained unchanged for a very long time.

Judging the landscape impact of the scheme against acknowledged criteria for wind farms there are, in spite of conclusions to the contrary in the Environmental Statement, a number of impacts that are of concern:

- 1) The proposal fails the test of not fundamentally altering the landscape character by becoming a major focal point.
- 2) The size of the turbines is such that, although it could be argued that the layout emphasises the north /south ridge form, the landscape is not of a type or scale that can accommodate such development. Turbines of this size are more appropriate to expansive open stretches of upland with little topographic variation where they can be pulled back from valley sides with a layout designed to minimise internal and external impacts. In other words this border landscape will not retain its distinctive scale relationships if the wind farm is developed.
- 3) The restricted width of the ridge taken together with the height of the turbines means that it has not been possible to avoid visual dominance within the 10km zone with the potential for domination of the skyline in all directions. In addition 'visual clutter' is likely to ensue when viewed from the north and south leading to a discordant and distracting element in the landscape.
- 4) It now appears that the turbines will have to be fitted with warning lights to avoid aircraft collision and this will be a substantial intrusion into a predominantly dark area and an incongruous element in the night landscape.

In all the above respects the statements made in the applicants appraisal regarding thresholds of influence and the congruence of the proposal with the local and wider landscape are open to question.

Another aspect of landscape appraisal is that relating to the cultural/historic environment which includes assessment of impact on the features of cultural and historic importance .In this case a 10km radius has been found appropriate and most significantly within it the presence of Offa's Dyke. The most obvious impacts would be where the wind farm could be said to directly affect the setting of a listed building, ancient monument, historic park or garden of which there are a number in the vicinity.

Whilst the distances involved from the site to most historic features leads the applicants to the conclusion that settings are not likely to be substantially affected, it is clear that their appraisal is flawed. This is particularly the case in so far as the Powys side is concerned where there are three Ancient Monuments and four designated Historic Parks within the vicinity ,the most significant being the Grade 1 Park at Stanage which contains a Grade 2* Listed Building . With the exception of Offa's Dyke, these have not been assessed except in so far as to suggest that there is no significant impact.

The writer of this report concurs with the observations made by Cadw with respect to Stanage.

Policy ENV16 of the Powys UDP–Landscapes, Parks and Gardens of Special Historic Interest states that:

The Council will oppose development proposals which would unacceptably adversely affect the character or appearance of historic parks and gardens and their setting .In considering development proposals the Council will seek to protect the Special Historic Interest of Historic Landscapes included in part 2 of the Register.

Cadw states that 'Stanage Park (designed by Humphrey Repton in 1803) is one of the most important historic parks in Wales .It is of exceptional value not only in Wales but in Britain as a whole.'

Cadw go on to observe that:

'The topography of the area would lead to turbines 1 and 2 being visible throughout most of Stanage park and from the House...It is Cadw's opinion that they would be visually dominant and would be highly unsympathetic to the Park's character'

In addition:

‘..some or all of the blade tips of the turbines would be visible from most of the higher ground and some of the lower, including parts of the Teme valley to the north ,surrounding Stanage Park. The setting of the park would therefore be seriously visually compromised by the proposed turbines.’

It is clear therefore that, in this respect the application is in breach of Planning Policy Wales and the Powys UDP.

The applicants supplementary assessment provides a considerable further appraisal of the effects on Offa’s Dyke and its users as the most significant cultural and historic ‘artefact’ running through the study area. This is provided, it is assumed, in order to answer the lengthy objections offered by the Offa’s Dyke association.

It is in such an appraisal that the line between landscape and visual impact becomes blurred and much information and discussion is devoted to the visibility of the wind farm from the Dyke and the assertion that, being a westward facing ‘fortification’, views to the east are not so significant as those facing west. In fact the days moderate walking which it would take to follow the Dyke through the study area would have around two hours of route where the wind farm would be visible and, in the view of the writer of this report, this is not insignificant.

The conclusion reached in the applicants appraisal is that there would be an indirect effect where views were available but the turbines would not be in the setting but seen in the broader landscape .’There would be no impact on the integrity of the feature, the historic or cultural heritage value of the feature and there would be no effect on its setting.’

What this appraisal fails to address, which is also evident when it comes to assessing visual impact, is the experience of the Dyke walker in consciously assimilating the meaning of the Dyke in the landscape. Whilst the feature in itself is rarely dramatic and often barely visible, the feeling evoked of walking through a land form fundamentally unchanged and undeveloped since Saxon times, would be substantially affected by the proximity and appearance of the wind farm on the horizon opposite (although it might add to the impression of Anglo Saxon dominance!). Neither has the collective cultural /historic heritage been satisfactorily appraised or the fact that even great houses and parks ,such as Stanage have been ‘fitted’ into the Marches landscape with the only obvious sign of human dominance being agricultural practice. Again the proposal fails the test of not becoming a dominant and focal point in a rural environment where its scale is incongruous and in conflict with the cultural and historic landscape character.

Which brings us to Visual Impact where the fundamental criteria should be the value which people attach to the landscape. This 'value' transcends designation as it cannot be said that the lack of designation implies that a landscape has no value. Also involved here is sensitivity and the way people feel about their locality.

A number of properties in Powys will have their views substantially changed by turbines appearing on the horizon, including residents of Knighton, Presteigne, Norton and, in particular the group of dwellings known as the Colony. However, whilst considerable for those living closest to the site the impacts in themselves are unlikely to justify a reason for refusal.

From the public response however it is clear that, for the majority of those who have made representations, Reeves Hill is a special place, arguably unique on the Welsh /English Border for having a road defining that boundary from which it is possible to get extensive views of the Marches and into Wales. It is also a vantage point which is accessible by car and therefore able to offer an experience to young and old alike whatever their level of physical ability. In the view of the writer the failure to address this in the Environmental Statement is a fundamental flaw and brings us finally back to policy context in so far as it relates to wind farms.

At the beginning of this section it was stated that, in the Welsh context the only way that a proposal with this number and height of turbines could be seen as being within policy is that it is a Community Venture, (leaving aside the rules of thumb that generally there should be a maximum of 3 turbines and height to blade tip of 70metres or under).

The logic of this definition is not based on Community benefit or remuneration, which is largely outside the planning remit, but rooted in the concept of schemes developed in and by the community and with majority support. This gives a clear indication that residents are prepared to accept the impacts that they will come to experience and guards against speculative pressures which could lead to an undesirable proliferation and 'coagulation' of developments outside Strategic Search Areas.

On the basis of the evidence available and for this reason alone and irrespective of other impacts, the scheme would be recommended for refusal as being outside a Strategic Search Area and not passing the tests for a community enterprise if any part of it were in Powys.

6.4 Ecology

The applicant's Environmental Statement recognises that there is the European Protected Species of Great Crested Newts present in the study area and the possibility of other protected species such as bats.

Powys UDP Policy E3-Wind-power requires that proposals

Do not compromise or threaten wildlife habitats or species that are of international, national or local importance.

Powys UDP Policy ENV7- Protected Species and European and National Guidance Policy make it clear that in such circumstances the tests used in assessing licence applications must also be applied by the Local Planning Authority namely:

Is the development necessary in the interests of public health and safety, or for other imperative reasons of overriding public interest , including those of a social or economic nature and beneficial consequences of primary importance for the environment and a demonstration offered that alternative sites are not available.

In the view of the Powys County Ecologist the survey work undertaken is inadequate being undertaken late in the newt breeding season with too few survey visits and inadequate survey methods .The data is therefore insufficient and does not allow a population estimate to be made. This means that the level of potential impacts can not be fully assessed or mitigated for.

Good practice would therefore require that the assessment needs to be submitted prior to determination in order to properly consider the tests and not rely on the licensing process or a planning condition. There is also a need to demonstrate that the proposal will not have a detrimental effect on habitat by way of impacts on the existing hydrological regime.

As far as bats are concerned it is suggested that initial survey results will be presented to the Herefordshire Committee when they come to consider the matter. This again is not good practice and will also be deficient if it does not identify roosts within 2km of the site.

The raptor survey has also not been undertaken in accordance with best practice guidance.

The conclusion therefore is that the application either needs to be deferred to enable sufficient adequate information to be fully presented and assessed or refused for the lack of it.

Noise

Powys County Council UDP Policy E3-Wind-Power requires that proposals

Do not significantly threaten the health or amenities enjoyed by the occupants or users of sensitive properties by reason of noise ,vibration, shadow flicker or reflected light.

It is regrettable that neither Herefordshire nor Powys County Council Environmental Health Officers were consulted to agree sites for the monitoring of background noise levels.

Powys contains a significant number of properties which can be classed as receptors in spite of which there has been no contact made to discuss methodology and acceptable parameters. The survey is lacking in wind speeds above 8m/s and is therefore unlikely to have fully assessed background noise conditions in the vicinity of the proposal.

Powys Environmental Health have also noted that there may be an intention to place a condition limiting noise output to 40dB(A) and the view is that such a condition is unlikely to protect the amenity of properties within Powys.

The conclusion is therefore that the application should be deferred to enable further discussion and submission of information, failing which the application should be refused as containing insufficient evidence to show that noise complaints will not be made and upheld.

Hydrology

Considerable concern has been expressed locally related to the security of private water supplies and in the Supplementary Environmental Information the applicants suggest that this can be covered by condition .This is not acceptable. It is also not clear whether the Great Crested Newt Habitats will be affected.

7. Conclusion and Recommendation

- 7.1 It will have become apparent from what has been stated above that, given its location on the Welsh/English border, many impacts resulting from the scheme, if developed, will be as significant within Powys (and in some cases more so) than they are in Herefordshire.
- 7.2 When considering the impacts in Powys the applicants have substantially relied on the consultation process to elicit response rather than proactively engaging with Powys County Council and its Officers. This has led to this assessment finding that ,with respect to ecology, noise and hydrology the

submission is inadequate .If Herefordshire are considering approving the application they must be strongly urged to defer in order to give the applicant the opportunity to remedy the deficiencies identified , prior to a final decision being taken. Indeed it is suggested that a way forward would be for the Herefordshire Planning Department to contact the applicants to offer them the opportunity to provide sufficient data for a full assessment in order to reduce the potential for refusal reasons based on insufficient information.

- 7.3 In the Planning Statement accompanying the application it is asserted that the proposal is fully compliant with the Development Plan and the emerging Plans and offers the view that

The key issue of landscape and visual impacts has been shown not to be one that will in this case create any conflict with relevant policies. In terms of the other policy issues there has been no identifiable conflict found with these such that a breach of the relevant policies will be found.'

On making this assertion the planning consultant goes on to contend that there is therefore no need to balance the impacts of the development against the policies which encourage renewable energy projects. This position is not only disingenuous but is based on a near complete disregard for the policies of Powys County Council and Welsh Assembly Government .This is justified by the statement that

An approach by the Welsh Assembly Government that sought to keep large areas along the border clear of wind farms would not in itself have a material bearing on a proposal inside England.

Whilst technically this argument may have an element of truth the assessment of impacts and recommendation of Powys County Council must be based on an application of its policies, rooted in Planning Policy Wales which are framed to safeguard its environment and residents.

Notwithstanding any debate on the relevance of policies across borders the national planning context fully recognises the need for a decision making body to assess proposals on their particular impacts and the fact that those impacts are on the other side of an administrative border has no relevance.

It is the view of Powys County Council officers that, far from there being no conflict with policies seeking to protect interests of acknowledged importance, there are substantial detrimental impacts on landscape and visual amenity on both sides of the border including very specific impacts on the cultural and historical integrity of the area. There are also deficiencies in the areas of ecology noise and hydrological impact

assessment which result in a failure to prove the claimed lack of identifiable conflict.

7.4 It is therefore **RECOMMENDED** that the County Planning Committee offer the following response to the consultation by Herefordshire Council, namely that the application should be **REFUSED** for the following reasons:

- The proposed wind farm by virtue of its location and size of machines would have a substantial detrimental impact as it cannot be accommodated without becoming a dominant and disruptive focal point in a traditional landscape which is remarkable for the integrity of its natural landform and undeveloped character.
- Reeves Hill has the unique quality, highly valued by the public, of being one of the few places on the English/Welsh Border accessible to all and which gives unrestricted views of a landscape untouched by modern buildings and structures and whose visual amenity and enjoyment the development would destroy.
- The proposal would have a substantial detrimental impact on the coherence, integrity and enjoyment of the unique cultural and historic landscape of the area, in particular by virtue of its affects on the Offa's Dyke Ancient Monument and Long Distance Footpath and the Stanage Park Grade I Historic Park and Gardens and Grade II* Listed Building .

In addition , if the applicants wish to proceed to determination on the basis of the current Environmental Statement as supplemented, it is **RECOMMENDED** that the application also be **REFUSED** on the grounds that

- Insufficient information has been provided to properly assess the impact on European and other protected species and their habitats.
- The assessment of noise impacts does not fully demonstrate that the increased levels of noise experienced by local residents when the wind farm is operating will be acceptable.
- The hydrological statement does not fully demonstrate that there will not be undesirable impacts on habitats and private water supplies.

