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Date: 4 October 2016

Your ref:

Our ref: EVANSKW\156396-000099

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**BY EMAIL & POST**

Dear Mr Scott

**ELECTRICITY ACT 1989 & TOWN AND COUNTRY PLANNING ACT 1990**

**THE ELECTRICITY GENERATING STATIONS AND OVERHEAD LINES  
(INQUIRIES PROCEDURE) (ENGLAND AND WALES) RULES 2007**

**RE-DETERMINATION OF THE APPLICATION BY RES UK & IRELAND  
LIMITED ("RES") DATED 27 MARCH 2009 FOR CONSENT TO CONSTRUCT  
AND OPERATE A 100 MW WIND TURBINE GENERATING STATION IN  
POWYS, MID-WALES ("LLANBRYNMAIR")**

**RE-DETERMINATION OF THE APPLICATION BY INNOGY NPOWER  
RENEWABLES LIMITED ("INNOGY") DATED 11 DECEMBER 2008 FOR  
CONSENT TO CONSTRUCT AND OPERATE A 130-250MW WIND TURBINE  
GENERATING STATION IN POWYS, MID-WALES ("CARNEDD WEN")**

**Response to first consultation on the Statement of Matters**

Following the first consultation we have received and reviewed the representations made. We are providing below our response to these representations in relation to the Carnedd Wen Wind Farm and Habitat Restoration Project (unless otherwise specified) on behalf of Innogy Renewables UK Limited (previously RWE Innogy UK Limited and RWE Npower Renewables Limited) ("innogy").

It remains innogy's position that the findings of the Inspector following the Inquiry and the Secretary of State's previous decision are important material considerations to which the Secretary of State should give very significant weight in re-determining the application.

We were therefore concerned to read in footnote 2 of the letter from Giles Scott dated 20 September 2016 that "...the decision letters relating to Llanbrynmair and Carnedd Wen *have no relevance* to the Secretary of State's re-determination of the applications". As stated in our first response to the statement of matters (dated 29 July 2016) (Statement of Matters),

it is innogy's view, based on the case law set out in that response, that the Secretary of State should apply his judgement consistently with his predecessor save where it is necessary to change it to address a material change in circumstances or to address an error of law which led to the quashing of the previous decision.

The initial representations allege that several issues which require the Secretary of State's attention have occurred between the 7 September 2015 and now. We address these issues below:

1. **The Historic Environment (Wales) Act 2016**

- 1.1 In respect of Carnedd Wen, full assessment of all relevant heritage assets was carried out. The Inspector found that there was "...no firm evidence that there would be harm to the special interest or historic significance of any of [the historic heritage] assets or their setting, either alone or in combination with the Llanbrynmair scheme." [IR370]. The Act introduces a number of changes designed to give more effective protection to scheduled monuments by allowing action to be taken if harm is being caused. Given that there is no evidence of harm being caused there is no requirement to consider the introduction of the Act further.
- 1.2 The fact that the Inspector found there to be no evidence of any harm being caused, meaning that further consideration was not required, may also account for the mistaken perception of the Alliance at paragraph 6 of ALL-RED-01 that the Inspector "ignored" the rich cultural landscape of SSA B.

2. **UK Government Policy changes**

- 2.1 From 1 April 2016 the government amended legislation to remove onshore wind from the NSIP<sup>1</sup> regime. Policy changes, announced in a written ministerial statement from 18 June 2015, stated that local planning authorities in England should only grant planning permission for onshore wind applications if:
- the development site is in an area identified as suitable for wind energy development in a Local or Neighbourhood Plan; and
  - following consultation, it can be demonstrated that the planning impacts identified by affected local communities have been fully addressed and therefore the proposal has their backing.
- 2.2 These policy changes do not apply in Wales and are therefore not a relevant matter for the purposes of this redetermination. A written ministerial statement produced in relation to England is not a material consideration for the purposes of a planning application in Wales and there are no grounds for arguing that this should be applicable by analogy where the changes could have been introduced in Wales too but were not.
- 2.3 Appendix 1 contains a brief rebuttal of the evidence provided by Dr John Constable on behalf of the Alliance. This succinctly highlights the differences between planning policy in England and Wales. We are providing this to show that the issues raised by Dr Constable are not new and they were in fact discussed at length during the inquiry process and were considered by the Inspector.

3. **The mid-Wales Grid Connection**

- 3.1 We note that several of the representations refer to the absence of information concerning the grid connection and/or overhead lines and that it is claimed that the

<sup>1</sup> Nationally Significant Infrastructure Project

400KV line and associated sub-station at Cefn Coch should form part of the redetermination.

3.2 We draw the Secretary of State's attention to the careful consideration of this matter by the Inspector in the pre-inquiry meeting. In his pre-inquiry meeting notes [ID 4 – Annex A] the Inspector set out at length his decision that it was beyond his jurisdiction to report the merits of such grid connection proposals as may ultimately come forward from Scottish Power Energy Networks (SPEN) (the Distribution Network Operator (DNO)) and from National Grid. Similar representations to those made by the Alliance were made by the local planning authority at the conjoined Steadings, Ray Estate and Green Rigg Inquiry ('Green Rigg')<sup>2</sup>. In his ruling, the Inspector took account of the various legal authorities brought to his attention, and reached the conclusion that although each of the proposed wind farms and future grid connections would have an inextricable link, the grid connections would be a secondary and subsidiary consequence of approval or consent for any of the wind farm developments. In that regard, even though the wind farms and the grid connections would not proceed independently, they could be distinguished from each other and said to be separate projects<sup>3</sup>. The Secretaries of State (SoSs) shared the Inspector's view. On that basis, it was concluded by the SoSs that each could be the subject of a separate application and an Environmental Impact Assessment (EIA). The Inspector for the mid-Wales inquiry, at Annex A of ID4, found nothing that would lead him to a different conclusion to that reached by the Inspector in the 'Green Rigg' Inquiry.

3.3 He reiterated at paragraph 9 that "...it would not be necessary or appropriate to carry out a full EIA of the future grid connections as part of this Inquiry process. That would be a matter for the processes associated with the future applications". This remains the position.

#### 4. **Transport Issues**

4.1 Several representations include complaints about the management of wind farm proposals that are currently being carried out locally (Tir Gwynt and Garreg Lwyd are cited). Several of these relate to transport difficulties. The potential impacts on the road network were considered in detail as part of the environmental impact assessment and transport was one of the matters on which the Secretary of State asked to be informed at the inquiry. In recognition of this, innogy was a participant in the preparation and negotiation of the Strategic Transport Management Plan (sTMP). This extensive document was prepared with the full involvement and approval of Welsh Government, Powys County Council ("PCC") and local police to provide confidence to all parties to the inquiry that transport issues could be successfully managed. Amongst other things, it provides that police will not be diverted from front line duties and the costs would be met by the developers.

4.2 The Inspector reported [at ID 513] "I am satisfied, however, that [the sTMP's] provide a sound basis for reliable, deliverable and acceptable solutions to the difficulties of providing access for AILs and general construction traffic, given the limitations of the existing transport infrastructure in mid-Wales. I do not consider that economic or social damage would be a major risk for mid-Wales and its inhabitants, or that the level of disruption would be unacceptable."

4.3 He goes on to say that the transport improvements would actually provide a long-term benefit to matters of public interest [ID514].

4.4 We note that the Welsh Government's response to the Statement of Matters concludes that "The position has not changed from the original application, stating

<sup>2</sup> Appeal Ref 2039188. Inspector's Report dated 27 November 2009

<sup>3</sup> Para 15.14 of the Green Rigg Inspector's Report

no objection in principle...". Appropriate planning conditions were agreed as suggested.

5. **Other wind farm development**

5.1 We cannot comment on the progress of other wind farm projects but would highlight that agreement was reached on a detailed and robust set of planning conditions for the Carnedd Wen project which offers a transparent enforcement route if the conditions are not complied with. This is very much under the control of PCC as it should be for any planning permission and it provides sufficient control to ensure that mitigation works will be carried out, relevant species protected and the site and its surroundings properly protected.

5.2 [ID 387] The Inspector stated: "I am satisfied that the draft conditions I have included as Annexes are suitable and would deliver the mitigation measures set out in the ES and SEI. I have no reason to doubt that the general principles and measures in the draft plans will be translated into suitably designed and site specific measures in final plans to be submitted for approval. The LPA would be the appropriate body to assess and approve the final plans, and the draft conditions include a requirement to seek and obtain its approval. The draft conditions would empower the LPA to ensure compliance with, and if necessary enforce all measures in the final plans".

6. **Changes to the Cumulative Baseline**

6.1 Several representations seek to highlight new projects or changes in consents for projects claiming this is basis for further review. Our initial representation set out the changes made to the cumulative baseline since 7 September 2015. The projects raised in the representations were known to the applicants at the time of the inquiry and therefore formed part of the consideration of the cumulative baseline at that time.

6.2 As we highlighted the only project which was not considered at the inquiry which is now relevant is that of Bryn Blaen. We have set out (as corroborated by PCC's landscape witness at the Bryn Blaen appeal) that this project does not result in any likely significant cumulative environmental effects. Bryn Blaen is 22 km south of Carnedd Wen and as such it will not cause any additional significant cumulative landscape or visual effects.

7. **Landscape Issues**

7.1 The Alliance have responded to the Statement of Matters by seeking to introduce new evidence or bring up evidence previously discussed at the inquiry. As such much of the Alliance representation should not be considered further. The copies of visualisations in particular must be disregarded. The Alliance emphasize that they have not copied the visualisations well or to scale but for the avoidance of doubt Innogy can confirm that the visualisations from which the copies were made were of very high-quality and perfectly suitable for decision making purposes.

7.2 Notwithstanding the fact that the Alliance is using this opportunity to raise matters that were fully examined at the inquiry, there are two specific points that Innogy would like to clarify.

7.3 When read together, Paragraphs 17 and 18 of the Alliance's response ALL-RED-02 make one factual statement but insinuate a gross failure on the part of Innogy and their consultant. The factual statement is that it is correct that there is no representation offered where Glyndwr's Way would pass through an 'avenue' of 10 turbines for some 2 km. This is because the route currently passes through enclosing coniferous forest and it was considered unnecessary, given the number of visualisations from and/or from close to Glyndwr's Way that further visualisations

would assist. No request was made during the inquiry for any before/after visualisations to be created demonstrating the opening up of the very limited view afforded by enclosed afforestation. In any event, there was a sufficient range of visualisations available to enable a reasonable assessment of the effects arising with respect to users of Glyndwr's Way both in the vicinity and elsewhere.

- 7.4 The insinuation that lies beneath the text of Paragraph 18 is that innogy and their consultant completely missed the re-routing of Glyndwr's Way and therefore the environmental statement (ES) and subsequent supplementary environmental information (SEI's) as well as the evidence provided at the Inquiry were and was deficient. Such an insinuation is unfounded. JSA Appendix 4 Figures 6.11 and 6.12 indeed show the pre-existing route. However the purpose of those figures was to show (1 – 6.11) the position of potential residential receptors in relation to the proposed turbines and (2 – 6.12) the location of the viewpoints and additional wireframe locations in relation to the turbines.
- 7.5 The relevant material was addressed not only in the 2008 ES, subsequent SEIs and in the JSA Proofs of Evidence (please refer to Appendix 2) but also in JSA Proof Appendix 28 (attached at Appendix 3) and was, along with the material listed below) the subject of examination in chief and cross-examination at the Inquiry. Any insinuation that relevant evidence was missing or was deficient in any way, regarding the effect with respect to the section of route referred to by the Alliance, is false and should be dismissed.
- 7.6 Reference to the section in the vicinity of Cors Fforchog has been made since the original ES was published in 2008. The fact that it had continued to be referred to in 2009, 2010, 2011, 2013 and at the Inquiry confirms that if the Alliance is indeed insinuating defect or deficiency on the part of innogy and their consultant, it leads to the conclusion that either the Alliance did not fully understand the relevant material submitted over that 5 year period or take note when this matter was addressed in evidence at the Inquiry.
- 7.7 JSA Proof Appendix 28 demonstrates the section referred to by the Alliance indicated in the key in the following terms: "Forest Cleared Glyndwr's Way". The point of JSA Proof Appendix 28 was to indicate the resulting substantial opening up of wide views to Snowdonia National Park – an example of which would occur through the removal of forest along what was the re-routed section of Glyndwr's Way in this area and which was hitherto denied to walkers when enclosed by dark, surrounding forest.
- 7.8 Also, the Alliance questions the value of large scale forestry removal and tries to illustrate that this would have little visual effect. However their examples (INNOGY VP L & V) are from outside the area and effectively looking up at a ridge with the vast majority of the removal occurring beyond the visual limit from those points. Additionally, this cannot reflect that the short to medium to longer-term benefit that will increasingly accrue for those within the relevant area looking outwards and, in particular to Snowdonia National Park, as well as experiencing the landscape character change from dark enclosing forest to an open, upland moorland. We agree that early on the landscape will be that of forestry removal but the openness will nevertheless afford a substantial range of new viewing experiences as well as increased openness. Over the short to medium terms as moorland establishes and develops, so the transformation will continue with increasing large-scale benefit.
- 7.9 At [ID369] the Inspector confirms that "The habitat restoration proposals would have the effect of replacing large areas of forestry of little amenity value with open moorland permitting panoramic views. The Carnedd Wen scheme would enhance the value of the site to visitors in these respects."

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This letter does not deal exhaustively with all points raised in the representations. All of the matters raised were adequately covered by the Inspector during the inquiry process and therefore do not need to be repeated.

We trust that the Secretary of State can see from the responses received almost all parties agree that there is no need to re-open the Inquiry. The Secretary of State now has all the information required to re-determine this matter and there are no new matters or legal errors that warrant further consideration. We would respectfully request, given the time that has elapsed to date, that re-determination now be prioritized .

Yours faithfully,

*Eversheds LLP*

**Eversheds LLP**

**Encs:**

**Appendix 1 - Response to Paper ref: ALL-RED-05**  
**Appendix 2 - References to environmental information**  
**Appendix 3 - JSA Proof Appendix 28**

Response to paper ref. ALL-RED-05, prepared  
by Dr John Constable on behalf of the Alliance

30 September 2016

In response to Alliance paper ALL-RED-05, which comprises supplementary evidence from Dr John Constable, it is noted that the author continues to promote narrow and questionable statistical arguments to suggest a lack of need for the Carnedd Wen proposals. The paper focuses on the contribution of wind energy to the UK target to achieve 15% of its total energy consumption, including transport, from renewable sources by 2020. This target was set by the European Union's *Directive 2009/28/EC on the promotion of the use of energy from renewable sources* (CD/COM/021).

In response, innogy would highlight the following considerations.

**Need**

ALL-RED-05 assumes that the attainment of the 2020 target would be 'job done'. This is untrue, given that the 2020 target is merely a stepping stone towards the longer-term goal of achieving a much more extensive decarbonisation of the UK economy. The Climate Change Act 2008 requires the UK to reduce greenhouse gas emissions to at least 80% below 1990 levels by 2050. Attainment of the 2020 target represents a modest if still ambitious first step towards meeting this legal obligation. Exceedence of the 2020 target would be in the public interest given the predicted environmental and economic harm of uncontained climate change. The need for new electricity generation from renewable and low carbon sources is thus unconfined, and remains clearly articulated in the *Overarching National Policy Statement for Energy* (EN-1). In these terms the continuing relevance and benefit of the Carnedd Wen project, as articulated by innogy in evidence, is beyond doubt, and Dr Constable's suggestion that there is an 'oversupply' of renewable energy is without foundation.

**Rate of deployment**

In order to substantiate its case that the 2020 target will be met, ALL-RED-05 assumes that onshore wind and other forms of renewable energy development will continue at a rate similar to or in excess of that achieved in the first half of the present decade, and that all projects with planning permission or in the planning process will be implemented. This ignores the uncertainty that the industry now faces as a result of the UK government's actions since the 2015 General Election, including:

- the removal of Levy Exemption Certificates from all renewable energy generation. This will cause some projects to lose c. 5% of revenue;
- removal of onshore wind from the Renewables Obligation;
- the ending of the 'grandfathering rights' that protected investment in the conversion of coal-fired power stations to biomass;
- a delay in the next 'Contracts for Difference' auction for larger generation projects until the end of 2016;

- cuts to the Feed-in Tariff support for smaller renewables projects;
- removal of tax relief for community renewable energy projects;
- proposed increase in VAT for wind, solar and hydro technologies;
- review of 'embedded benefits', announced in the Capacity Market Consultation in March 2016, which increase grid costs for most renewable power generators;
- Written Ministerial Statement on planning policy in respect of onshore wind energy generation, which has severely curtailed the approval of onshore wind energy projects in England.

Individually and cumulatively, these changes are likely to suppress renewable energy development between now and 2020. Dr Constable's assumptions about project deployment are thus unsafe.

### **Energy and climate change**

ALL-RED-05 does not take into account the following obligations and policy statements that each reinforce the need for Carnedd Wen wind farm and similar projects:

**Paris Treaty on Climate Change** - at the Paris climate conference (COP21) in December 2015, 195 countries adopted the first-ever universal, legally binding global climate deal. The agreement sets out a global action plan to put the world on track to avoid dangerous climate change. Governments agreed a long-term goal of keeping the increase in global average temperature to well below 2°C and pursuing efforts to limit the temperature increase to 1.5 °C above pre-industrial levels, and to undertake rapid reductions in greenhouse gas emissions in accordance with the best available science. The agreement is due to enter into force in 2020 and will require a renewed commitment to the reduction of greenhouse gas emissions. In this respect an early deployment of the Carnedd Wen project represents an easy win.

**Planning policy in Wales** – on 14 August 2015 the Welsh Government's Minister for Natural Resources, Carl Sargeant, wrote to Welsh councils and other bodies responsible for planning to reiterate the Welsh Government's commitment to renewable energy in the light of adverse policy changes in England<sup>1</sup>. The letter states that:

*... The Welsh Government's vision for future energy generation is based on embracing Wales' abundant renewable energy resources which provide exciting and immediate opportunities. We must ensure, in accordance with the principles set out in the Well-being of Future Generations (Wales) Act, that we address the issue of climate change immediately through the effective deployment of renewable energy technologies. Not only will this help reduce CO<sub>2</sub> emissions but it provides very real opportunities for sustainable economic development in Wales.*

*... Onshore wind is currently the most commercially mature form of renewable energy and despite the UK Government's hostility to this technology, the Welsh Government wants the people of Wales to benefit from the economic opportunities both through more job opportunities and community benefits presented by onshore wind. The planning system must provide communities and developers with certainty with regard to onshore wind proposals and I am aware that several local planning authorities have not provided the level of service necessary for timely planning decisions.*

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<sup>1</sup> <http://www.renewableuk-cymru.com/wp-content/uploads/2015/08/Letter-regarding-Welsh-Government-Approach-to-Shale-Gas-Applications.pdf>



*. . . The Welsh Government is determined to show leadership in addressing the causes of climate change. Despite recent announcements in England, we still see renewable energy as a key element in ensuring that Wales achieves sustainable development for the benefit of future generations.*

The Welsh Government's priorities extend well beyond the 2020 renewable energy target that forms the narrow focus of ALL-RED-05 and should be accorded great weight in the redetermination of the Carnedd Wen project



## **APPENDIX 2**

### **References in innogy's environmental information which respond to paragraphs 17 and 18 of ALL-RED 02**

#### **2008 ES – Chapter 6**

##### **Main Text**

*"However, it is also to be noted that in terms of public access, this is limited in terms of the site at the moment with respect to routes. However, of the few accessing the upland in this area, the most notable is that of Glyndwr's Way to the south-west and from here, the wind farm would be a dominant feature over a 2-3 km stretch north-east of Cerrig y Tan with the track passing between five pairs of turbines with the nearest approximately 200m distant."*

*"There would be marginal effects east of Llanbrynmair with visually significant effects not reached until the walker has risen up in the direction of Cerrig y Tan with a limited degree of exposure in the vicinity of Viewpoint C and then more fully passing into the wind farm at Cors Fforchog (OS 91/92E, 04N). Thereafter for a distance of c2-3 km, the walker would pass between the turbines and would be clearly subject to a significant visual effect."*

##### **Appendices**

*Appendix 6.4 Table 3: "Glyndwr's Way falls in and out of the ZTV's depending on location of the walker and, within the range of up to c7 km from the turbines, there are sections from which a significant visual effect would arise. Moving from south-west to north-east, this would be primarily where it passes out of the woodland to the south-east of the Cemmaes Wind farm and the runs across the slope to the 398m AOD mark and then down to the telecommunications mast and on to Brynaere. The walker then moves south with Carnedd Wen over her/his shoulder to join the A470 and pass through Llanbrynmair. There would be marginal effects east of Llanbrynmair with visually significant effects not reached until the walker has risen up in the direction of Cerrig y Tan with a limited degree of exposure in the vicinity of Viewpoint C and then more fully passing into the wind farm at Cors Fforchog (OS 91/92E, 04N). Thereafter for a distance of c2-3 km, the walker would pass between the turbines and would be clearly subject to a significant visual effect. Thereafter the wind farm would tend to be behind the walker as she/he made her/his way to Neinthirion...."*

##### **SEI 2009**

See Section 6.23.5 p85 in which paragraph 334 specifically addresses the re-routed Glyndwr's Way (see reference to Figure 1.6 below) passing between the turbines.

##### **Appendices Etc**

*Appendix 6.10 Table 1: "Although Carnedd Wen would give rise to visually significant effects moving towards and in the vicinity direction of Cerrig y Tan, it would be the Llanbrynmair turbines which would exert the greater effect. The walker would then pass through the Carnedd Wen turbines at Cors Fforchog (OS 91/92E, 04N) and then through the Llanbrynmair turbines which exert the greater visual presence on the east and north side of the ridge until the route passes into visual shadow along the valley and then to the east of Pen Coed although having emerged between the Llanbrynmair turbines, those to the east would be visually significant when viewed from the higher ground (Mynydd Waun Fawr and Tirgwynt collectively)."*

**Figure 1.6:** This 2009 figure shows the re-routed Glyndwr's Way passing through the 5 pairs of turbines referred to in 2008.

### **SEI 2011**

In Paragraph 77 it is stated: "*Recreational receptors were addressed in the 2008 ES at Appendix 6.4 Table 3. No significant change is anticipated from the judgements set out in the 2008 ES.*" The reference to the five pairs of turbines was first made in the 2008 ES (see earlier).

In Paragraph 78 it is stated: "*As currently shown, a small number of turbines are located slightly closer than 200m to Glyndwr's Way it seems reasonable to conclude however that there is scope for mitigation in that micro-siting within the anticipated allowance would ensure, in some cases, that no turbine base would be within 200m of Glyndwr's Way whilst, in others, the rerouted Glyndwr's Way has been aligned to follow an existing forestry track whilst a bridleway weaves its way through the same part of the landscape close by. As such, there appears to be a choice for walkers/riders always to be at a distance of 200m or greater from the turbines where the routes pass between the turbines in the southern section of the site for a distance of c.2.9km. Along those sections, walkers/riders would fall within the dominant range of a number of turbines and would, for part of their route, be walking/riding within a wind farm landscape.*"

This can be cross-referenced to Figures 1.1 and 1.2 which show the re-routed Glyndwr's Way passing between the five pairs of turbines.

### **SEI 2013**

Section 6.1 Paragraph 3 refers to the minor changes in site layout which arose between 2011 and 2013 and states: "*Within the overall scale of the proposed development, the above changes are considered to be minor and do not alter the previous judgements and conclusions set out in the landscape and visual impact assessment for the Carnedd Wen proposal in its own right.*"

The 2013 site layout illustrated in the SEI again shows the re-routed Glyndwr's Way passing through the five pairs of turbines.

**Accordingly, the following should be noted.**

- 1. The 2008 ES and subsequent SEIs 2009, 2011 and 2013 comprised 'environmental information' which formed part of the background to the Inquiry Sessions relevant to Carnedd Wen.**
- 2. They included many references/illustrations, whether in main text, appendix and figures, to the re-routed Glyndwr's Way passing between the five pairs of turbines. In no shape or form does the insinuation, set out in the Alliance's response, that innogy and their consultant have completely missed the implications of the re-routed Glyndwr's Way, have any validity.**
- 3. At the Inquiry, in evidence, specific reference to the above environmental information which was made (see below).**

### **Inquiry Evidence 2013**

JSA Proof of Evidence Main Session: In Jeffrey Stevenson's Proof of Evidence specific attention was drawn at Paragraph 6.57 that one of the most affected groups would be

those walkers using Glyndwr's Way: "Those who are mostly likely to be affected are walkers and riders over the upland noting the immediate presence of Glyndwr's Way..."

At Paragraph 6.59: "Concerning Glyndwr's Way, the Cambrian Way and local Public Rights of Way, I have set out a more detailed description of the potential effects in **JSA Proof Appendix 17**. [see below for JSA Appendix 17] This long-distance trail falls in and out of the ZTV's depending on location of the walker and, within the range of up to c7 km and beyond depending on location from the turbines, there are sections from which a significant visual effect would arise."

At Paragraph 6.66: "Finally, in this sub-section dealing with recreational amenity, I wish to draw attention to the potential for increased access to the upland landscape at Carnedd Wen and I draw attention to **JSA Proof Appendix 28** which contains a diagrammatic illustration of the potential to link various parts of the upland landscape and provide increased access as well as new viewing opportunities to the National Park to the east and north-east. Not only will landscape character, quality and value be increased through the proposed development, but so will the scope to enjoy it as well as the wider ranging views which will be opened up through the removal of forestry including along sections of the Glyndwr's Way."

### **JSA Proof Appendix 17**

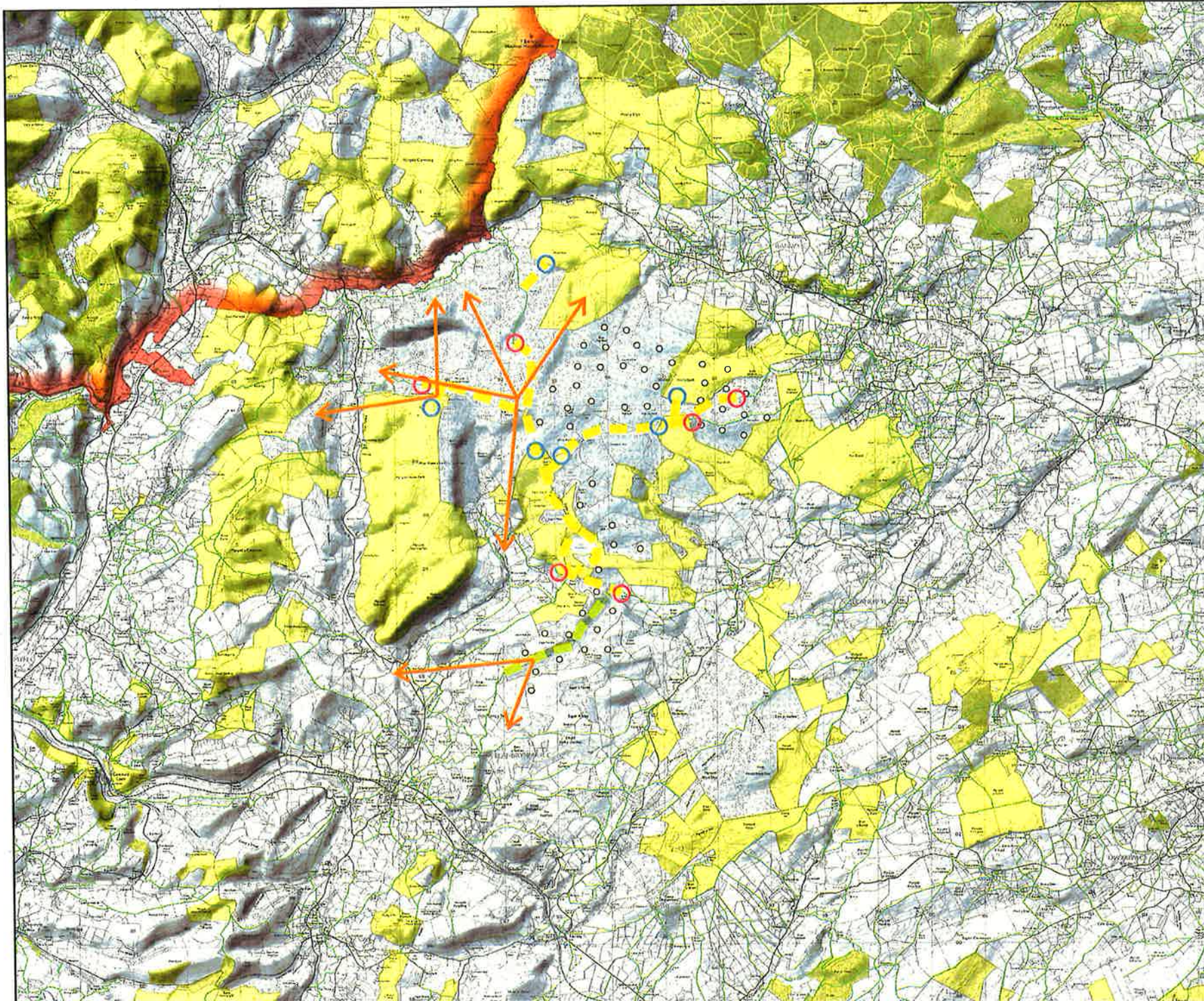
In more than one place reference is made to the section of 2 km – 3 km through which a walker would pass between the turbines when on Glyndwr's Way. By way of example see Paragraph 1.2 where it is stated: "...There would be marginal effects east of Llanbrynmair with visually significant effects not reached until the walker has risen up in the direction of Cerrig y Tan with a limited degree of exposure in the vicinity of Viewpoint C and then more fully passing into the wind farm at Cors Fforchog (OS 91/92E, 04N). Thereafter for a distance of c2 km to 3 km, the walker would pass between the turbines and would be clearly subject to a significant visual effect. Thereafter the wind farm would tend to be behind the walker as she/he made her/his way to Neinthirion."



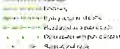






This is the same section of Glyndwr's Way, referred to from 2008 onwards in the various references provided earlier, indicating the change in the character of the route in part of what was described and unchallenged in evidence as: "dark, sometimes dank, oppressive forest" (JSA Proof Paragraph 6.2) into a broad corridor of open moorland passing through a section comprising 10 turbines.

### **JSA Proof Appendix 28**

To complete the rebuttal of the Alliance's insinuation, a single glance at JSA Proof Appendix 28 (attached) demonstrates the section referred to by the Alliance indicated in the key in the following terms: "Forest Cleared Glyndwr's Way". The point of JSA Proof Appendix 28 was to indicate the resulting substantial opening up of wide views to Snowdonia National Park – an example of which would occur through the removal of forest along what was the re-routed section of Glyndwr's Way in this area and which was hitherto denied walkers when enclosed by dark, surrounding forest.





- Open Access Land**
-  Access land as shown on OS 1:25,000 scale map
  -  Snowdonia National Park boundary as shown on OS 1:25,000 scale map
  -  Public rights of way as shown on OS 1:25,000 scale map
  -  Turbine locations
  -  Forest Cleared Glyndwr's Way
  -  Indicative Links
  -  Node with Public Right of Way
  -  Node with Open Access Land
  -  Views Outwards Including SNP

**JSA Proof Appendix 28  
Potential Access Links**

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Scale (when printed at A2) 1:50,000

Produced by: 

On behalf of:  

**Carnedd Wen Wind Farm and  
Habitat Restoration Project**

2013-082 Figure 6.27

Open Access Land

