



Penderfyniad ar yr Apêl

Ymchwiliad a gynhaliwyd ar 08-10/01/08
Ymweliad â safle a wnaed ar 10 & 11/01/08

Appeal Decision

Inquiry held on 08-10/01/08
Site visit made on 10 & 11/01/08

gan/by Stuart B Wild MRTPI MCM

**Arolygydd a benodwyd gan y Gweinidog
dros yr Amgylchedd, Gynaliadwyedd a
Thai, un o Weinidogion Cymru**

**an Inspector appointed by the Minister for
Environment, Sustainability and Housing,
one of the Welsh Ministers**

Dyddiad/Date 07/02/08

Appeal Ref: APP/D6820/A/07/1200875

**Site address: Land adjacent to Rhos Garn Whilgarn, Talgarreg, Llandysul,
Ceredigion**

**The Minister for Environment, Sustainability and Housing has transferred the
authority to decide this appeal to me as the appointed Inspector.**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by RES Developments Limited against the decision of Ceredigion County Council.
- The application Ref A050648, dated 8/06/05, was refused by notice dated 20/09/06.
- The development proposed is a 10 turbine wind farm and associated electrical transformers, sub-station and control building, 60m anemometer mast and infrastructure for a period of 25 years.

Decision

1. The appeal is dismissed.

Procedural Matters

2. It was confirmed at the inquiry that the turbines would be up to a maximum height of 100 metres to blade tip. A proposal for a second anemometer mast is the subject of a separate application. The details of the plans and documents which form part of the application are included in the Statement of Common ground. The intention is for a wind farm with a capacity of 20 to 23 MW rated output.

Main issues

3. In my view the main issues in this case are the effect of the proposal on the character and appearance of the area, and the effect on residential amenity.

Reasons

4. I start my considerations of this case with an acknowledgement of the importance of National policy for the provision of renewable energy. I attach considerable

weight to the overall Government objectives and in particular to the targets for the provision of additional renewable energy at UK National and Welsh level by 2010. It is clear from the evidence that in Wales those targets are most unlikely to be met. Therefore I attach additional importance to this proposal which could be completed by 2010. The evidence that this proposal could make such a contribution was not challenged.

5. The first important consideration is the policies included within the Development Plan. In the case of Ceredigion that is the Dyfed Structure Plan Alteration 1989. The emerging Unitary Development Plan (UDP) had progressed a significant way through the Statutory process before work was halted. My understanding is that the reasons for it not being adopted did not relate to the policies concerning renewable energy and therefore, whilst not part of the Development Plan for the purposes of Section 38 of the 2004 Act, it remains a material consideration. Similarly there is Supplementary Planning Guidance (SPG) adopted in 1993 in respect of wind energy which is also a material consideration. All these documents contain policies which include, amongst a wide variety of detailed considerations, aspects which cover the effect on the character and appearance of the area, and effect on residential amenity. Therefore, despite the fact that the refusal reasons do not refer to any specific Development Plan policies, I consider that the effect of the proposal on the objectives of the relevant policies is part of the evidence which must be weighed in the balance. In my view the most relevant policies are Structure Plan policy EN18, UDP policy ENVE1.3 and SPG policies W1 and W4. Work on the new Local Development Plan has not yet reached the stage where I attach weight to its provisions.
6. I must also consider National policy which, whilst not part of the Development Plan, is another material consideration. The Ministerial Interim Planning Policy Statement 01/2005 (MIPPS) and Technical Advice Note 8 Planning for Renewable Energy (TAN8) are far more up to date than the Structure Plan and SPG and therefore I attach significant weight to these documents.
7. TAN8 identifies 7 Strategic Search Areas (SSA) in which large scale (over 25MW) onshore wind developments should be concentrated. SSA D Nant-y-Moch lies mainly within Ceredigion about 45km from the appeal site, and SSA G Brechfa Forest lies within Carmarthenshire about 12km from the site. At paragraph 2.12 TAN8 states that 'The Assembly Government expects local planning authorities to encourage, via their development plan policies and when considering planning applications, smaller community based wind farm schemes (generally less than 5MW).' It continues at 2.13 'most areas outside the SSAs should remain free of large wind power schemes. Local planning authorities may wish to consider the cumulative impact of small schemes in areas outside of the SSAs and establish suitable criteria for separation distances from each other and from the perimeter of existing wind power schemes or the SSAs. In these areas, there is a balance to be struck between the desirability of renewable energy and landscape protection. Whilst that balance should not result in severe restriction on the development of wind power capacity, there is a case for avoiding a situation where wind turbines are spread across the whole of a county.' In Paragraph 8.4 of Annex D it states that 'in the rest of Wales outside the SSAs, the implicit objective is to maintain the landscape character i.e. no significant change in landscape character from wind turbine development.'

8. TAN8 does not specifically mention wind farms between 5 and 25MW outside urban/industrial brownfield sites, therefore there is no specific policy advice applicable to this case in a rural location which would automatically rule out this proposal. It was agreed at the inquiry to refer to this size of wind farm as a medium size. In my view it is significantly larger than one which could normally be described as a smaller community based wind farm scheme. The site is not a brownfield site and is well away from the nearest SSA. The proposal specifically refers to turbines of 2 to 2.3 MW output which would result in a scheme below that described as large scale in TAN8. Nevertheless the physical size of the turbines at 100m to blade tip is much larger than most existing turbines. Those at the Llangwryfon wind farm are 66m to blade tip. Therefore these turbines would appear much larger in the landscape than those in the broadly similar setting at Llangwryfon. The turbines at Cefn Croes are of similar size at 100m to blade tip, but in that case I observed that the scale of the surrounding landscape is much larger, resulting in the relative scale of the turbines appearing less. I also note that there is an approval at Blaengwen for 10 turbines in, or near, SSA G. According to the evidence at the inquiry those turbines will be 100m to blade tip and have an output of 30MW.
9. Irrespective of what category into which one might place this proposal, it is for 10 turbines of up to 100m height in the locations shown on the plans. The exact output of the individual turbines would be unlikely to have any significant effect on how the wind farm would appear on the site and in its setting. This proposal would result in large man made features introduced in a prominent position in the landscape and visible over a wide area.
10. I note that CCW did not object to this proposal. The site lies within the Talgarreg Plateau Landscape Character Area (LCA) in the Landmap classification. I observed that this is an extensive area of rolling upland running down the central part of the southern half of Ceredigion. The landscape contains mainly hill farms with extensive grazing, isolated farm buildings and small groups of dwellings together with some windbreak planting and conifer plantations. Given the extent of this LCA I can see why CCW concluded that the landscape was capable of absorbing this proposal. However I consider that conclusion valid only if one is looking at this proposal in isolation and from the point of view of a single consultee with a necessarily specific role. So whilst one might conclude that there would no significant change in landscape character from wind turbine development for the LCA as a whole, I consider that there would inevitably be a significant adverse effect in the landscape character of the part of the LCA closer to the site and effects of moderate significance on parts of the adjoining LCAs. In my view that significant change would be in the area up to about 5km from the site.
11. However such effects are almost inevitable with wind energy projects involving large turbines. I note that in TAN8 Annex D at paragraph 8.4 it states that 'in the rest of Wales outside the SSAs, the implicit objective is to maintain the landscape character i.e. no significant change in landscape character from wind turbine development.' The change which would result from this proposal appears to me to be in conflict with the general thrust of this part of TAN8 advice. In my view the proposal would be unacceptably harmful in terms of the effect on landscape character.

12. Normally visual cumulative effects are limited to the relationship of the proposal to other existing and approved schemes. It is only possible to carry out a detailed study of the intervisibility of various turbines when one knows the exact position and size of all the turbines. At present there are no precise details of what might be constructed in SSA G in Brechfa Forest. However the indicative capacity is 90MW, which at say 2KW per turbine would result in about 45 turbines at between about 12 to 22KM from the site. Those targets are indicative and may be exceeded beyond 2010. Even if they are not built until say 2012, it appears inevitable that there will be a large number of turbines in that SSA. At present the existing turbines at Blaen Bowi and Llangwryfon, both about 22/23km from the site, are clearly visible from the high ground on and close to the appeal site. Parts of Brechfa Forest are clearly visible. Therefore I consider that some, if not all, the turbines in SSA G will be visible from in and around the appeal site. North of Aberystwyth Ceredigion already contains 3 wind farms plus most of SSA D Nant-y-Moch. Inevitably there will be a large concentration of new turbines at the northern end of Ceredigion.
13. Whilst I accept that this site is screened from most of the length of the main roads crossing the southern half of Ceredigion, it will be clearly visible from numerous public vantage points along the network of roads, footpaths and bridleways which cross the higher ground in and around the Talgarreg Plateau. At present the central part of the Plateau is relatively free from views of turbines other than at a distance. If this proposal were allowed there would be few higher vantage points in Ceredigion without a clear view of a wind farm in the landscape.
14. I accept that TAN8 does not preclude the approval of a medium sized wind farm outside the SSAs. I note the evidence that any new proposal for a wind farm, other than on the appeal site, would be unlikely to come forward before the Council has the opportunity to consider the inclusion of new policies in the new Local Development Plan. However this proposal would be against the thrust of the advice in TAN8 which states that 'there is a case for avoiding a situation where wind turbines are spread across the whole of a county'. In my view this proposal, when considered in the light of current Welsh Assembly Government policy to concentrate the large scale wind farm developments in the SSAs, would result in unacceptable cumulative effects on the appearance of the landscape in this part of Ceredigion.
15. Turning now to the effect on the amenity of nearby residents. Whilst the Council withdrew their objection on noise grounds, local residents were still concerned about the possible harmful effects of noise from the turbines. Generally I am satisfied by the evidence that, with normal conditions, the effects on most local residents would not be unacceptably harmful. That is not to say that some residents would not hear the turbines, but that any increased level of noise would not be so great that it would justify the refusal of permission. However there is one specific exception to this general conclusion. Mr Day who lives at Brynawelon gave evidence. His dwelling, at about 799 metres from the nearest turbine, is one of the closest to the appeal site. His particular problem is that being blind he relies on sound to be able to make his way around his dwelling and curtilage. I stood on the road by his entrance at about 16.00 hours and the existing noise levels were extremely low. The introduction of numerous new sound sources would be likely to disturb his amenity and ability to make his way around his property to an unacceptable degree. Given the proximity of his dwelling to the

site and the clear view of the turbines, I can well imagine that if this proposal was allowed he may well have difficulty selling his property. He is a relatively young man and would be likely to remain living at his present address for the 25 year life of any permission.

16. The main significant effect that most local residents would experience is that of visual intrusion. Most or all of the dwellings in the neighbouring villages of Talgarreg, Mydroilyn and Gorsgoch are screened from direct views of the turbines. The effect on many of the more isolated dwellings depends on the distance from the turbines, the intervening topography and the orientation of the dwellings. However the turbines proposed are particularly tall for locations relatively close to some residential properties, particularly bearing in mind their location on generally higher ground. I agree with the evidence of Mr Soltys that about 19 dwellings would be likely to experience a magnitude of change at the medium/high level visual intrusion, of which 7 would experience a high significance of visual effect. Whilst this might not be sufficient on its own to justify withholding consent, for at least some of the occupiers of these properties, it does represent a degree of unacceptable harm to weigh in the balance.
17. A wide range of detailed matters were raised in the written representations and at the inquiry, some for the proposal and some against. However, even if I determined all those matters in favour or against the proposal, they would not be of sufficient weight to overcome the significance of my conclusions on the two main issues.

Overall Conclusions

18. For the reasons given above and having regard to all other matters raised both in writing and at the inquiry I conclude that the benefits that would result from the renewable energy which would be generated by this proposal does not outweigh the harm which I have identified above. This proposal would undermine the objectives of the appropriate Development Plan and associated policies. In particular it would be contrary to Structure Plan policy EN18 because of the effect on the character of the area and the amenity objections. Therefore the appeal should be dismissed.

Formal Decision

19. I dismiss the appeal.

Stuart B Wild

Inspector

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Andrew Tabachnik	Of Counsel, instructed by the Legal Officer, Ceredigion CC
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He called

Rhys Davies BA (Hons) MRTPI	Director CDN Planning
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FOR THE APPELLANT:

Mr Julian Boswall	Partner Eversheds LLP
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He called

David Stewart MA(Cantab) DipTP MRTPI	Principal of David Stewart Associates
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Gary Soltys BSc (Hons) DipLA MIHort MLI	Director of SoltysBrewster Consulting
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INTERESTED PERSONS:

John Roworth	Blaen Bowi Action Group, Blaen Bran, Velindre, Llandysul SA44 5XT
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Robin Day	Brynawelon, Talgarreg, Llandysul SA44 4HD
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Helen Thomas	Ffynon Rhys, Gorsgoch, Llanbydder SA40 9TJ
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Wendy Jenkins	YsguborWen, Mydroilyn, Lampeter SA48 7RN
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Lyn Phillips	Maes-y-Garn, Gorsgoch, Llanbydder SA40 9TR
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Cheryl Reid-Hammond	Bryngwyn, Cwrtnewydd, Llanbydder SA40 9YR
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Stephen and Rosemary Cripps	Blaenyrallt, Pontsian, Llandysul SA44 4VE
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Lynwen Evans	Brynarael, Mydroilyn, Llandysul SA48 7RN
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John Davies	Blaenglowan Fawr, Talgarreg, Llandysul SA44 4EX
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Kaye little	Tan y Glog, Cwmystwyth, Ceredigion SY23 4AF
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Lyn Rees	Llwynfedw Farm, Mydroilyn, Llandysul
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Wendy Gaskell	Llwynocrun Uchaf, Talgarreg SA44 4XJ
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Miss V A George

White Lodge, Mydroilyn

Gina Evans

Cwmgwyddau, Pontsian, Llandysul

DOCUMENTS

- 1 Council's letter of notification of the inquiry
- 2 Statement of Common Ground
- 3 List of Core Documents
- 4 List of suggested conditions
- 5 Operational Noise Management Scheme referred to in noise cond.
- 6 Environment Agency letter containing suggested conditions
- 7 Proof of evidence of R Davies and appendices
- 8 Plan showing site and location of existing wind farms and SSAs
- 9 Proof of evidence of D Stewart and appendices
- 10 Proof of evidence of G Soltys
- 11 Appendix A & B to Doc 10
- 12 Appendix C to Doc 10
- 13 Letter dated 13/12/07 from WAG to all Planning Authorities re TAN8 progress update
- 14 Plan showing refined SSAG boundary Brechfa Forest
- 15 Rhos Garn Wind Farm post consent project plan
- 16 Copy of agreement between RES and landowners re decommissioning
- 17 Plan showing LANDMAP Character Areas
- 18 Plan showing ZTV-Blade Tip Height 30 Km
- 19 Statement by John Roworth
- 20 Letter from David Longworth handed in by Helen Thomas
- 21 Statement by Cheryl Reid-Hammond
- 22 Statement by Stephen and Rosemary Cripps
- 23 Bundle of documents handed in by Lynwen Evans
- 24 Statement by Kaye Little