

REPORT BY THE HEAD OF PLANNING AND PUBLIC PROTECTION
CONSULTATION UNDER SECTION 42 OF THE PLANNING ACT 2008
DYFNANT FOREST WINDFARM (POWYS)

1. PURPOSE OF REPORT

- 1.1 The report arises from the receipt of a notification from Scottish Power Renewables (SPR) of their intention to submit a consultation under Section 42 of the 2008 Planning Act in relation to a wind turbine development in Dyfnant Forest, Powys. The Council is offered an opportunity to comment on the draft environmental statement and other details of the proposal as an adjoining Local Authority.
- 1.2 Due to the limited timescale given to make a response on this submission and as such responses are not a delegated function, it is necessary to raise the matter at Committee at an early stage to seek a resolution permitting Officers to respond on the Council's behalf.

2. BACKGROUND

- 2.1 Scottish Power Renewables proposes to apply to the Secretary of State under Section 37 of the Planning Act 2008 for a Development Consent Order (DCO) for the erection of 32 no. Wind Turbines and supporting development.
- 2.2 The proposed application relates to the construction and operation of an onshore windfarm to be known as Dyfnant Forest Windfarm (the proposed Project) which would consist of 32 wind turbine generators with an installed capacity of up to 116 megawatts. As the proposed Project would have an installed capacity of over 50 megawatts, it is classed as a Nationally Significant Infrastructure Project which is authorised by the grant of a DCO. The proposed Project would be located within Dyfnant Forest, approximately five kilometres to the south of Lake Vyrnwy and to the north of Llangadfan in Powys, Wales.
- 2.3 The requirements for applications to the Secretary of State for a DCO are set out in the Planning Act, the accompanying Regulations and subsequent guidance issued by the Planning Inspectorate, who are responsible for administering the application process. Under section 42 of the Planning Act, SPR is required to undertake formal consultation with a prescribed list of bodies, local authorities and those people with an interest in the land or whose properties may potentially be affected by the operation of the proposed Project.

SPR intends to commence its formal pre-application consultation with the consultees and other interested parties on 25 January 2013.

- 2.4 Further consultation requirements are imposed by the fact that the proposed Project is classed as 'EIA development' for the purposes of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (the EIA Regulations), and so an Environmental Impact Assessment for the proposed Project is required. The application for the DCO will therefore be accompanied by an Environmental Statement. SPR has produced a report on Preliminary Environmental Information (PEI) which is the primary consultation material summarising the results of the environmental assessment work carried out so far.
- 2.5 Regulation 11 of the EIA Regulations requires that consultees receive a copy of the formal notice publicising the proposed application, known as the Section 48 Notice, which has been published.
- 2.6 Denbighshire County Council has therefore been consulted as a neighbouring Local Authority and has been given until the 15th March to make a response.
- 2.7 A copy of the full Section 42 consultation is available for members to view at Caledfryn, Denbigh, or can be made available on request.

3 PROPOSAL

- 3.1 The main proposal is to erect 32 no. Wind turbines up to 145 metres in height in the Dyfnant Forest area. The plan at the end of the report shows the indicative proposals. There will also be some additional supporting development such as crane hardstandings, substation, control building, etc.
- 3.2 The location for the development is in Dyfnant Forest within the County of Powys, approximately 5 km to the south of Lake Vyrnwy and to the north of Llangadfan. The site is just to the east of the boundary of the Snowdonia National Park. Welshpool is approximately 18 to 20 kms to the east.
- 3.3 The site is also within Strategic Search Area B as referred to in Planning Policy Wales 2011 and TAN 8 2005.

4 INITIAL ASSESSMENT

- 4.1 The site is located some distance from the boundary with the Denbighshire County Council.
- 4.2 The site is approximately 20 to 25kms south of Corwen.
- 4.3 The applicants have indicated that the submission will be accompanied by an Environmental Impact assessment and an initial view of the draft components

indicates the topics to be assessed.

- 4.4 The development is unlikely to have any direct effect on Denbighshire; however, it is likely the turbines will be visible from locations within the County boundary. It is considered that visual impact on the Denbighshire Countryside will not be significant.

5 RECOMMENDATION

- 5.1 That the final response on the Section 42 Consultation be delegated to Officers, in consultation with local members (Corwen and Llandrillo).