

CEREDIGION COUNTY COUNCIL

Introduction

Ceredigion is a large, sparsely populated county in mid and West Wales – 1,795 square kilometres, with a population of around 75,000 (fluctuating with the student population in Aberystwyth and Lampeter, which increases it by around 7,000). Most of the population live in the main towns – Aberystwyth, Aberaeron, Cardigan, Lampeter, Tregaron and Llandysul – market towns and centres of administration. The northern boundary stretches to the Dyfi estuary, with Snowdonia beyond. To the south, Ceredigion borders the fertile farmlands of Pembrokeshire and Carmarthenshire. The extensive coastline of Cardigan Bay borders the western boundary, and, like a geological spine the 600 million years old ancient rocks of the Cambrian Mountains stretch from north to south. (See map Appendix 1). The economy depends upon tourism, agriculture and the public services (local government, universities, hospital, schools). It is a poor county, with a GDP only 75% of the European average. As such it is eligible for European Objective One funding administered by the Ceredigion Objective One Partnership Management Board with monies from the Welsh European Funding Office.

Former parish councils, now known as community councils, and town councils are at the grass roots. Each 'ward' elects a county councillor who represents the views of his local electorate. 44 of these sit on various committees of Ceredigion Council. The real power-base, however, is the controversial all-powerful Cabinet – a relatively new structure since reorganisation of local government in 2000 – consisting of eight members. There is a ruling Independent/Liberal Democrat alliance.

The Development Control and Licensing Committee has 24 members drawn from the whole county, some living as much as 50 miles apart, and meets on the 2nd Wednesday of each month, in the Council Chamber at Penmorfa in Aberaeron. Meetings are conducted in a mixture of Welsh and English, with the chairman flanked by council planning officers, and representatives from Environmental Control, Highways, and Legal Services. The councillors sit in rows in front them with translators and press to each side. Members of the public sit at the back and are not allowed to speak.

Despite the installation of an expensive electronic voting system, this remains unused, and votes generally pass on verbal agreement, or a hasty show of hands. Only if a recorded vote has been requested formally via a councillor is the vote recorded. Even then the decision to allow a recorded vote has to be approved by the committee. Usually therefore, there is NO record as to who voted for or against a particular application. Following numerous requests from the public, the votes on the Cefn Croes decision were recorded for posterity and public scrutiny.

The proceedings are neither audio nor video-taped despite increasing public disaffection with the current procedure. The only record of the meetings, therefore, are the minutes – which are only as good as the minute-taker and can be objected to by councillors whose ‘recall’ might be different from that of the minutes secretary. There is no means of checking either the accuracy or completeness of the minutes. They can be incredibly detailed for minor matters, or suspiciously brief for important decisions. They can be inaccurate, or misleading and only infrequently are individual councillors named. Councillors who advocate approval or rejection of an application against the advice of their officers cannot therefore be held accountable. Approval of the minutes, a month after the meeting, relies upon councillors’ memories in the absence of any other record that can be checked.

Correspondence with Miss Bronwen Morgan, Director of Ceredigion’s Corporate and Legal Services Department does not indicate that the Council plans to effect any changes to the current system which is complacently assumed to be satisfactory. The National Assembly also appear unconcerned about the present procedures despite letters from the public pointing out inadequacies within the system which mitigate against accountability and transparency.

Welsh Affairs Select Committee Report 1992-1993

In its Third Report, 1992–1993, the Welsh Affairs Select Committee at the House of Commons examined the implementation of housing policy by the then district councils. In Ceredigion, it found many examples of maverick conduct. Dai Lloyd Evans, Independent Councillor for Lledrod ward and Council Leader was singled out for opprobrium. (He is still in power today and is now Cabinet Leader.)

The Report stated: (Editor’s note: we have underlined sentences particularly relevant to Ceredigion but the emboldened text appears in the original report.):

- ’56. Many of the most disturbing aspects of the evidence we have received have related to the conduct of members of the planning committees. It does not matter what status the legislation may give to local plans or to Welsh Office guidance in making individual decisions. Most prevalent is the practice of councillors of basing decision upon the personal circumstances of the applicant. Ceredigion’s Director of Planning described the planning system as having “become personalised to the extent that the circumstances of the applicant are frequently considered more important than the planning merits of the application.”
59. In practice, the amount of consideration given by individual planning committees in particular cases depends upon a number of factors including the nature of the application and the conscientiousness of the members, but it is a matter of concern that, in the Local Commissioner’s experience, many decisions are made “on hearsay evidence or the subjective views of one

individual councillor.” Of even more concern is the apparent belief of councillors from a number of authorities that the practice is acceptable.

61. In Ceredigion a Site Inspection Panel of the Chairman of the Planning Committee and the past Chairman, Vice Chairman and the appropriate local member(s), meet on site and hear representation. At the full committee it is the rule that the Panel’s findings are accepted and the Committee’s decision is “merely formal”....
62.Indeed our evidence shows that in a number of planning authorities, site visits are treated as an opportunity to persuade councillors to grant a permission contrary to the officers’ recommendation.’

On the subject of ‘departure applications’, i.e. at variance with Local Structure Plans:

- ‘68.. We have already noted that Ceredigion’s planning committee refused to allow a limit on the size of the property into their S.106 agreement in respect of local needs. The Deputy Director of Planning at Ceredigion told us that in his view, the departures were “more manifestations of opportunity rather than need.”

Relations Between Councillors and Officers

74. Where a planning committee approves significant numbers of planning applications against the advice of their planning officers (and, on occasions, their local officers also), the relationship between officers and councillors is bound to be put under some strain. The most notable example of this is Ceredigion District Council, where the Director of Planning describes meetings of the planning committee as being “characterised by an air of conflict” between members and officers.
78.local authorities must recognise that they are required, not least by their obligations to the national value of the countryside, to operate within the legislative framework. The Local Commissioner told us:
- “...some local authorities believe that merely because a decision has been made by the elected members in committee that that of itself means that it is immune from any criticism of being a perverse decision.”
- Similarly, Councillor Dai Lloyd Evans of Ceredigion District Council maintained that when the council disagreed with Welsh Office policy guidelines “surely we are entitled to do so as a democratically elected group of people. We are entitled to act differently.” **We trust that the Parliamentary Under-Secretary of State, in a meeting which he told us he had requested with Ceredigion, will explain to members of that council that the powers of local authorities, however democratically elected, are not untrammelled. They are given to local authorities, defined, and limited by legislation passed by Parliament and in discharging their functions local authorities must act within the terms of that legislation.**
84. ...We have noted that Ceredigion’s councillors believe that their local plan will endorse their present practices. It is not unreasonable to presume that they may consider unitary status to confer additional freedoms. Ceredigion is

likely to be replaced by the proposed Cardiganshire which covers the same area, and seems likely therefore to elect the same councillors. We believe that the Secretary of State should consider very carefully whether he can be comfortable with allowing the status of unitary authority to a council which has Ceredigion's record for ignoring government guidance and legislation and some of whose procedures (for example in relation to site inspections and the influence of the local member) are frankly unacceptable.

And the final damning conclusion states:

91. **In our view many of the local decisions which we have come across, and certainly the procedures by which they were granted, have indeed been seriously detrimental to proper planning. We would also describe the protection of the countryside from sporadic, unsuitable and unsightly development as a planning objective of more local importance.** We were therefore disappointed to hear that the Welsh Office has not even considered the revoking of a permission for an isolated dwelling in the countryside. We were struck by the view of the Chief Planning Officer of Ceredigion that the "revocation of planning permissions granted in conflict of policy would no doubt be a salutary lesson."

Little appears to have changed since 1993.

Ceredigion's role in the consent for Cefn Croes

The fateful decision by Ceredigion's Planning Committee on July 11th 2001 to support the Cefn Croes proposals, was absolutely crucial for the developers and the Secretary of State (SoS) at the Department of Trade and Industry (DTI). Patricia Hewitt gave her approval for the power station whilst exercising her 'discretion' not to hold a public inquiry – something the DTI and the developers were anxious to avoid at all costs. In her formal decision letter, she stressed the importance to her of the formal view expressed by the Elected Members of the Council rather than the Council Officers.

Referring to the application for the Grid Connection the consent letter reads:

'The Secretary of State notes that concern has been expressed that the Council's Development Control and Licensing Committee did not accept the report of the Council's officers in making the Council's representations to her. However, she concludes that, in the final analysis, it is the formal view of the Council itself set out on the official Form B to which she has to pay regard in the section 37 process.'

Therefore it was clear that the Secretary of State preferred to rely upon the 'formal view' of the local county councillors, rather than the detailed report of the council officers, despite this council's reputation for 'departure applications' and the continuing 'watching brief' maintained over it by the National Assembly. She had obviously not read the Welsh Affairs Select

Committee Report, or chose deliberately to ignore it. It had been brought to the attention of her civil servants.

Campaigners maintain that Ceredigion councillors' decision not to object was perverse and flawed, and although it was challenged by many objectors through the council's local complaints procedure, the Local Government Ombudsman and the National Assembly for Wales (NAW), we were not, until too late, told that we could have taken it to judicial review at that juncture. (Advice from the Ombudsman and Edwina Hart, Minister in charge of Local Government came just as the six week time limit expired.)

How was the decision reached? The ensuing saga shows how many small incidents, cumulatively damaging to our case, occurred during the decision-making process of the Cefn Croes application. Individually, these may appear insignificant, but taken together, a pattern emerges that facilitated the application.

The groundwork was laid in 1998 when the British Wind Energy Association (BWEA) the Welsh Office, and Friends of the Earth Cymru (FoE Cymru) all made representation to Ceredigion Council to alter, and weaken Ceredigion's Windfarm Design Criteria, as enshrined in the 1998 Deposit Version of the Local Plan (DVLP). The BWEA, a London-based trade organisation, representing the commercial interests of the wind lobby and developers – including many foreign utility companies, made nine separate representations through solicitors Bond Pearce, to change the Windfarm Design Criteria and in January 1999, at a Special Planning Meeting, this was done. It should be pointed out that Bond Pearce are also solicitors for the Cefn Croes developer, Renewable Development Company (RDC), which in turn, together with its sister companies, is a corporate member of the BWEA. They also represented RDC in the High Court during our judicial review application, and we have already referred to the triumphant message on their website by Marcus Trinick declaring: '*Landmark Case Opens Way for Wind Energy Expansion.*' (See Developers chapter).

Campaigners first heard in early 2000 about the proposed wind power station, and made their first visit to Penmorfa (Ceredigion Council's Offices) to request sight of Ceredigion's policies relating to energy and wind farms in particular. We were only shown the 1998 Deposit Version of the Local Plan (DVLP) and we were reassured by what we read.

ESD 11. Windfarm design criteria.

Windfarm developments will be permitted provided they comply with the following design criteria.

1. The development would not require the substantial upgrading of local roads or bridges to accommodate heavy vehicles, or create hazards to other road users by virtue of the nature and quantity of traffic introduced and routes used.

It may however be possible to agree arrangements for the necessary improvement of the road network resulting from the development.

2. The appearance, siting and arrangement of associated developments, such as access roads, power lines, ancillary buildings and structures, fences, etc., would not significantly detract from the visual appearance of the area, nor from the amenities enjoyed locally. It will be expected that all such developments be kept to a minimum, and it is desirable that all or part of new connections to the National Grid will be located underground.
3. The development would not lead to noise levels detrimental to the amenity of occupiers of nearby properties or of the surrounding area. In particular, wind farm noise of mechanical origin should be inaudible at any dwelling. In assessing the impact of noise it must be recognised how much of an effect topography and local conditions can have.
4. The development would not lead to any risk or nuisance to the public arising from the wind turbine structures, shadow flicker or visual disturbance caused by the rotation of the turbine blades. In particular there should be no such risks on or near to public roads and public rights of way.
5. The development will not lead to any television or radio interference, or interference to other telecommunications services, and especially those of the emergency services. It may however be possible to agree arrangements for remedial measures where the consequences of development are difficult to assess.
6. Provision is made for the removal of all temporary structures, plant and equipment from the site and the restoration of land, including access roads after completion of the construction phase.
7. Provision is made for the removal of all structures, plant and equipment including the turbine(s) from the site and the restoration of the land following the cessation of the production of electricity from the turbine(s). The period of restoration work shall be linked to the date of cessation and will be determined before any permission is granted.
8. The proposed turbines are horizontal axis, 3 bladed machines with a solid (i.e. non-lattice) tower construction of a maximum height of 30m (i.e. from ground level to the base of the nacelle).
9. A wind farm shall comprise no more than 30 turbines.

We were not informed that modifications had been made in January 1999, which had removed criterion 1 relating to the access roads, criterion 8, the 30 metre height constraint and criterion 9, the maximum of 30 turbines restriction. Objection Input/Analysis form obtained from Ceredigion Council shows that FoE Cymru made 4 objections, BWEA made 8, the Welsh Office (before NAW came into being) made 2. All are at odds with their written denials that they had made representation. Zond, a Continental wind turbine manufacturer owned by ENRON, also made representation.

The new 1999 Policy now reads: (in bold are additions, requested by BWEA, which subtly weaken the original policy)

ESD 11 Wind farm design criteria

(i) To amend Policy ESD11 to read:

'Wind energy developments will be permitted provided they comply with all of the following design criteria;

1. *The appearance, siting and arrangement of associated developments, such as access roads, power lines, ancillary buildings and structures, fences, etc., would not significantly detract from the visual impact of the area, nor from the amenities enjoyed locally. It will be expected that all such developments be kept to a minimum, and that all or part of new connections to the local distribution network will be located underground.*
2. *The development would not lead to noise levels detrimental to the amenity of occupiers of nearby properties or of the surrounding area. In particular, wind farm noise of mechanical origin should be inaudible at any dwelling or unit of holiday accommodation. In assessing the impact of noise it must be recognised how much of an effect topography and local conditions can have.*
3. *The development would not lead to **unacceptable impact*** or nuisance to the public arising from the wind turbine structures, shadow flicker or visual disturbance caused by the rotation of the turbine blades. In particular there should be **no unacceptable adverse impacts**** on or near to public roads and public rights of way. [Editors note: this replaced *'any risk'* and replaced *'no such risks'*.]*
4. *The development will not lead to any television or radio interference, or interference to other telecommunications services, and especially those of the emergency services. It may however be possible to agree arrangements for remedial measures where the consequences of development are difficult to assess.*
5. *Provision is made for the removal of all temporary structures, plant and equipment from the site and the restoration of land, including **where appropriate*** access roads after completion of the construction phase. [Editors note: * this was added]*
6. *Provision is made for the removal of all structures, plant and equipment including the turbine(s) from the site and the restoration of the land following the cessation of the production of electricity from the turbine(s). The period of restoration work shall be linked to the date of cessation and will be determined before any permission is granted.*
7. *Wind turbines shall be sited in sympathy with existing landscape features – in particular, where they adjoin a hill top or ridge, they shall be sited at an elevation at least 20m below these levels. Where turbines constitute a wind farm they shall be grouped in a formation to reflect the topography of the locality. In assessing compliance with this criterion, particular consideration will be given to the visual impact from near or distant viewpoints.*
8. *The site is not within 5kms of another existing or authorised wind farm'*

This is a much weakened policy facilitating applications for much larger turbines and increased numbers and permitting alteration to access tracks and bridges. Despite the other constraints, these modifications were the most significant permissive changes. We believe that the changes and the way in which they were made is illegal. Before January 1999 councils had been advised to discontinue any further work on the DVLP and prepare for consultations on the new Unitary Development Plan (UDP) – so the changes at the special meeting in January 1999 ‘snuck in by the back door’ at the very last minute, thus by-passing the need for a Public Local Inquiry.

Independently, David Bradney of Ceredigion Green Party picked up on this tampering with the DVLP. David Bradney reported his ‘Odyssey’ to try and unravel the truth at the 2001 Campaign for the Protection of Rural Wales AGM, and through the press. He met with a similar lack of success in finding out how criteria 1, 8 & 9 were deleted. David lodged a formal complaint and reports a ‘limping, repetitious correspondence’ with Bronwen Morgan from Ceredigion’s Legal Department, between June 2nd 2000 and October 5th 2000. His experience mirrors exactly what we subsequently experienced in attempting to use the council’s official complaints procedure administered by Miss Morgan. Campaigners also met with questions being answered obliquely or incompletely, or totally ignored.

We question why an organisation such as BWEA with no manufacturing base in Ceredigion and no permanent local employees should exercise such influence over a local structural plan and whether this ought to be allowed? One campaigner has repeatedly asked the local council and the National Assembly for Wales whether it is appropriate for this kind of lobbying and if so, what rules determine who makes representation. No substantive replies have been received.

Before discovering the lobbying activities of BWEA, FoE and the Welsh Office a campaigner had written directly to all of them, asking if they or any of their members or representatives had attempted to alter Ceredigion’s wind farm policy. BWEA’s response from Chris Tomlinson: *‘I have looked through our files of BWEA representations on Local Plans and can’t find a submission for Ceredigion.’* A letter dated 23rd February 1998, discovered in the council offices from Bond Pearce (solicitors to the BWEA), however, tells the full story. It is quoted here:

‘CEREDIGION LOCAL PLAN – DEPOSIT VERSION 1998

BRITISH WIND ENERGY ASSOCIATION

We act on behalf of the British Wind Energy Association and write to enclose representations in respect of the following policies and paragraphs:

Policies: PO1, ESD09, ESD10, ESD11, SUP01, ENV01, ENV02, ENV03, ENV05, ENV07, ENV08, and ENV09; and paragraphs: KID and 4.7.

Please note representations have also been made to paragraphs

supporting policies referred to above. As those paragraphs do not have individual paragraph numbers, the comments made in respect of the paragraphs are included in the representations on the policies themselves.'

It is signed; 'Bond Pearce'.

In a letter from the Friends of the Earth (FoE) dated 20th May 2002, it was stated that Friends of the Earth had '*no involvement in changing Ceredigion Council's wind farm design criteria*'. It should be noted that Mobbs Environmental Consultants made representations on their behalf.

Linda Scott at the National Assembly on September 12th 2002 stated she could find no trace of a Welsh Office response for Ceredigion Council's Deposit Version of the Local Plan. Yet the Objection Input/Analysis from the council office and the council's representation file contradicts this.

The planning application for Cefn Croes

With an altered set of Windfarm Design Criteria to its advantage, the Renewable Development Company (RDC) submitted its application in July 2000. A letter with the application and dated July 24th 2000 addressed to Mr E. Lewis, Director of Environmental Services and Housing, states:

'Dear Mr Lewis.

*Re: Electricity Act 1989, Town and Country Planning Act 1990
Proposed Wind Farm at Cefn Croes, Canolbarth Forest, Devil's
Bridge, Ceredigion*

I am writing to inform you that the Renewable Development Company Limited (RDC) has submitted proposals for the Cefn Croes Wind Farm to the Secretary of State for Trade and Industry. A copy of the letter which has been submitted with the development proposals is attached for your information, together with a plan which indicates the location of the proposed wind farm.

As you will be aware, by virtue of Section 36 of the Electricity Act 1989, proposals for electricity generation capacity above 50MW capacity require the consent of the Secretary of State for Trade and Industry. In giving consent the Secretary of State may also direct that deemed planning

permission be granted for the development under Section 90(2), of the Town and Country Planning Act 1990.

However, the Electricity Act, and the accompanying regulations, together with Welsh Office Circular 20/90, set out detailed procedures for consultation with the local Planning Authority, Statutory Agencies, and other interested parties.

Therefore, in accordance with the Regulations and Circular advice, four copies of Form B are enclosed, duly completed (as far as possible) by RDC. I think that the form is self explanatory.

The application which has been submitted to the Secretary of State for Trade and Industry comprises of the following documents:-

- *The covering letter to the Secretary of State*
- *A Planning Statement in support of the application*
- *The Environmental Statement which is made up of*
Volume 1 Non Technical Summary (in English and Welsh)
Volume 2 Environmental Assessment
Volume 3 Technical Appendices
Volume 4 Figures and Plans

To assist you consultation processes, and as agreed with Mr John Evans, 15 copies of the application are enclosed with this letter. The application will also be advertised in accordance with the Regulations and I will send you copies of the Press Notices in due course.

A new 132 kV overhead line will be required to connect the wind farm to the existing electricity network. This line will also be the subject of a separate application to the Secretary of State for Trade and Industry under Section 37 of the Electricity Act 1989. This application will be accompanied by an Environmental Statement, which will be prepared over the next two – three months. I am sure you will be aware that the Cefn Croes proposals have been developed over a four year period which has involved a staged process of project development and formal environmental assessment. At all stages the opportunity has been taken to involve statutory consultees, interested organisations and individuals. Particular attention has been given to the local community consultations process via the recent public information exhibitions and this dialogue will continue over the coming months.

RDC believes that the proposal meets Government policy for the development of renewable energy in the UK without compromising local planning policies for the protection of the environment and local amenity. Moreover, RDC is of the opinion that the proposal offers clear local, economic and nature conservation benefits to the local areas. It is hoped therefore that your Council will be able to support the proposals in your consultation response to the Secretary of State.

Over the next few weeks, I will be discussing with Mr Evans how best to involve the local community in the consultation process, but in the meantime, please do not hesitate to contact me if you require any clarification of RDC's intentions or require further copies of the application details etc.

Signed

Geraint Jewson

Managing Director [Editor's text emphasis].

At a local level the developers attempted to influence the Community Councils of Blaenrheidol and Pontarfynach in their favour and there was much loose talk of 'Community Trust Funds' and a 'Community Turbine' to benefit the locals – but nothing specific, and no offers of cheap electricity for locals as a 'sweetener' for destroying the landscape.

The Cefn Croes planning application was announced via a small ad in the local paper, the 'Cambrian News', which is produced in Aberystwyth, on July 24th 2000. Instead of the announcement being submitted by the Council, as is usual, it was placed by the developers. It made value judgements about 'clean, green energy' – surely prejudicial and inappropriate. The developers invited copies of the responses. We objected to this departure from usual procedure, and the following week Ceredigion Council inserted its own announcement .

Local residents, warned in a notification letter from the council headed '**This may affect your property**' were given a scant 9 days to formally respond (although the developers told us they had spent 5 years consulting FE, RSPB, CCW, the Local Planning Authority etc., so why the rush?).

The letters, dated July 26th 2000, posted 2nd class stamp July 27th arrived July 29th! Written comments had to be received by the Director of Planning 'within 14 days of the date of the letter'. Allowing 2 days for return delivery this meant only 9 days for a development which could devalue properties, affect householders' water supplies, lose cherished views and cause

noise disturbance problems – the biggest land-based wind power station in the UK, with the biggest turbines to date, and on public land!

It is noteworthy that the application was timed to coincide with the start of the school summer holidays – timed therefore when many people go away and would not see the local paper, or receive their mail.

The detailed plans and files could be inspected at Penmorfa on working weekdays only – a round trip of 64 miles for those living in the vicinity of the proposed development. Plans could also be seen at Devil's Bridge post office and the George Borrow Hotel in Ponterwyd. But why were none available in the library in Aberystwyth, which is the main town of North Ceredigion? Aberystwyth residents would see the turbines from high points and also be affected by the increased traffic on the A44 and the possible impact on visitor numbers to the town. Tourism is at the heart of Aberystwyth's economy.

Notwithstanding the very short consultation period, inaccessibility of the plans, and the reluctance of the developers to hold a public meeting in Aberystwyth, before the first meeting on Sept 13th 2000 of the Planning Committee, 180 letters of objection had been received by Ceredigion Planning Office but only 11 letters in support of the development.

September 13th 2000 planning meeting

A campaigner attended the September 13th 2000 planning meeting, where the Cefn Croes planning application was first discussed, full of optimism that the councillors would act in Ceredigion's best interest, and at an early stage totally reject a plan that would clearly be detrimental to tourism interests in this wild and beautiful part of the county. Notes taken during the meeting are transcribed below.

Dai Lloyd Evans (Leader of the Council - Independent.) *'I've had lots of correspondence with the developers.'*

Unnamed Plaid councillor *'Where will the final decision be made? In London?'*

Alun Lloyd Jones (Cabinet Member - Independent) *'I must put the objections in context. 30% are not from Ceredigion, and 25% are from England. Some objectors have the same address.'*

Hag Harris (Ungrouped Labour) – Objected to this analysis and said that it was allowable for partners to each express an opinion, and 4 of the 13 supporters i.e. 30% came from England too.

Fred Williams (Liberal Democrat local councillor from Melindwr ward) reported that only one of his constituents was in favour of the development.

The chairman said he thought 30 – 40 were in favour

Fred Williams retorted *'ONLY SINCE MONEY'S BEEN FLASHING AROUND.'*

The council officer, Richie Williams, recommended deferral in order to allow a site visit by the full Committee, a public meeting (which the developers had refused), more time for the consultees to respond, and reports from the Council's landscape and acoustics consultants.

Dai Lloyd Evans however was against any further delay or a public meeting. He said: *'This must be decided today – how is a public meeting to be controlled? There will be 200 – 300 people? Do we hear them individually? It could take all day.'*

Why was Dai Lloyd Evans so anxious that there should be no delay? He wanted a decision before all the consultees had responded.

After September 13th 2000, the DTI decided that the turbines should not be considered in isolation from the infrastructure of the power station – particularly the grid connection of cables and pylons connecting to the nearest sub-station at Rhydlydan, which transforms power from the Cwmrheidol Hydroelectric station and the eight wind turbines at Banc Bwa Drain, Ystumtuen, and feeds electricity into the National Grid.

The most economical route for RDC for the connection of the turbines to Rhydlydan, which connects to the National Grid distribution network, was the direct route of 9 kilometres. This crosses the famed Rheidol valley near Ysbyty Cynfyn and Parson's Bridge, just downstream from the George Borrow Hotel in Ponterwyd and close to Devil's Bridge – famous beauty spots and referred to in George Borrow's 'Wild Wales'.

Lord Geraint Howells of Ponterwyd – retired Liberal MP for Ceredigion, local resident and farmer, rejected the developer's financial incentives to allow the 45 ft high Trident pylons and 133,000 volt overhead cables across his land, as did another local farmer and landowner and the National Trust which own Bryn Bras, a small hill farm along the route. The developers were therefore forced to submit a longer 14 km route, crossing and re-crossing the A44 trunk road and traversing the foothills of Plynlimon. This was their second-choice route, not their preferred route as they have claimed. Obviously the shorter route would have been cheaper for them.

October 2000 – July 2001

Several other events intervened between October 2000 and July 2001 when the joint application for turbines and grid connection was considered. On October 26th only half of the councillors on the Development Control Committee (Planning) attended a site meeting although in September officers had recommended a full council turn-out.

On December 11th 2000, Ceredigion Planning Officer, John Evans, asked the National Assembly for their views and on January 18th 2001 a public meeting was organised by the council and held in Capel Bangor. Within the restricted question and answer time of a formal meeting there was insufficient time for local residents to express their views.

On February 20th 2001, an application to move the site sub-station was made to take account of the revised grid connection route and approved. An application for retention of the anemometry equipment was made, and passed, although objectors were not notified as to the date of approval or the decision. It should be noted that it was subsequently discovered that the decision was made on April 11th 2001 before the consultation period ended.

In February 2001, a disaster struck the farming communities of the UK, which had profound knock-on effects throughout the country. The countryside effectively closed down, as animal movements were halted and public footpaths closed for several months – the tragic foot and mouth disease epidemic in which 60,000 animals were confirmed to have had the disease and 3,700,000 animals slaughtered.

As a result of the foot and mouth restrictions, the final route for the 14 km overhead power lines grid connection could not be inspected. A delay was requested by the objectors but was not allowed.

The planning application for the route was submitted on April 26th 2001, just before the Easter Holidays, the 10 yearly National Census, and the General Election in May 2001. Residents' minds may not have been focussed on a small notice in the local paper.

July 11th 2001 planning meeting

The joint application for turbines and connecting pylons and cables was discussed at the July 11th 2001 Development Control Committee Meeting. It was item 7 on the agenda. For the main application for the turbines, there were 253 individual objections plus petitions with 586 signatures submitted within the deadline and 130 individual letters of support and a 130 signature petition. There was a mass mailing from employees of Cambrian Engineering which makes wind turbine tower sections in North Wales. Other supporters' letters were on the same paper, with similar handwriting, and some were from owner/occupiers at addresses in North Wales and not even signed. In opposition to the grid connection there were 68 letters but no letters of support were recorded. The Report of the Director of Environmental Services and Housing stated: *'The majority of letters of objection are from Ceredigion and Mid Wales addresses. The majority of letters of support are from residents outside Mid Wales and Ceredigion.'*

Report from Ceredigion Council's Director of Environmental Services.

The most significant objection, came from the Director of Ceredigion's Environmental Services and Housing. The 124 page report, written by Senior Planning Officer, John Evans, with maps, and a 48 page Appendix from an Environmental Information Services consultant, detailed the application, the legislative framework, the site and its surrounds, the developer's Environmental Statement, representations, consultation responses and planning policy. In the appraisal, all the national and local policies which the application contravened were detailed, together with all the landscape designations that should have afforded protection against industrialisation of the site.

Extracts from the Report:

Section 1 – The Legislative Framework

Under the 1989 Electricity Act, generators or suppliers of electricity should:

- 1.4 'Have regard to the desirability of preserving natural beauty'
 '....mitigate any effect which the proposal would have on the natural beauty of the countryside.'

The mandatory requirement for a full Environmental Impact Assessment recognises that the development is :

- 1.8 '.....likely to have significant effects on the environment by virtue of factors such as noise, size and location.'

Section 4 – The Environmental Statement.

The developers' own Environmental Impact Assessment recognises the impact of the development

- 'There would be a major alteration to key features of the baseline landscape (skyline, pattern of elements) through the addition of the windfarm to the landscape fabric.....the change would be of high magnitude an effect of major significance.'

This is justified by the developers on the basis that the area has already '*undergone substantial modification*' and the '*flowing form of the windfarm would be compatible with the presence of moorland and afforestation, since it would associate well with elevated, horizontal, rolling landscape and windswept exposed location.*'

Section 5 – Details of representation.

- 5.21 'The application has been the subject of considerable objection'
 'The value of energy conservation has to be set against the costs to the landscape. To weigh those costs an assessment of the energy implications of the proposal have to be set against the quality and value of the landscape concerned. Substantial representation has been made on the contribution that the energy generated at Cefn Croes would made to overall UK production and the efficiency of wind generated electricity has been questioned.'

Objectors pointed out that it was projected that wind power will contribute 4.4% of the UK's electricity supplies in the long term. This equates to 0.009% of global CO₂ emissions, an amount that will have no effect on global warming. The claimed output of 58.5 MW is a maximum. The average output over a year will be nearer a quarter of that figure, approximately 0.03% of UK generating capacity. There is already surplus capacity of 17,413 MW on the National Grid. The output from Cefn Croes is not needed. There are more efficient ways of making and saving energy and that measures for reducing electricity consumption would achieve the same reductions in CO₂ emissions.

Landscape impact was the most important consideration for most objectors, linked to the effect on the local economy from damage to tourism. The disproportionate number of turbines already in Mid Wales was referred to and respondents also expressed dismay at the contravention of landscape designations and anxieties about the damage to bird life, hydrology and the rare blanket bog. The cumulative impact and intervisibility of the development occasioned much anxiety, as did the concerns about lack of any local community benefit. Noise disturbance, shadow flicker, safety of low-flying aircraft within the Tactical Training Area (TTA), disruption of TV reception, poor public consultation, decision being taken in Westminster and the disruption of traffic on the A44 were all cited by objectors.

Section 6 – Consultation Responses.

6.2 **Blaenrheidol Community Council:** Objected 5 votes to 3. '....very strong feelings expressed in opposition to the proposal by RDC company to erect approximately 40 turbines at Cefn Croesthe council should be requested to urge the Government to conduct a Public Investigation before coming to a final decision.'

6.3 **Pontarfynach Community Council:** Against. 'The response in the locality is very negative towards the proposed wind farm.'

6.4 **Powys County Council:** 'The development would have a severe landscape impact within the Wye Valley SLA and the issue of intervisibility has not been addressed.'

6.16 **Cambria Archaeology:** 'The impact upon the setting of the historic environment is however, in our view, far more serious than the EIA suggests.'

6.17 **Campaign for the Protection of Rural Wales:** objected on landscape grounds.

6.18 **Ramblers Association:** 'A gross and unacceptable visual intrusion in the Cambrian Mountains.Cumulative adverse effect on the visual environment is reaching a level where they cannot be viewed by any reasonable person as being compatible with the government's and Welsh Assembly's other statements on protecting and enhancing the landscape... a recent paper by Professor Peter Midmore of the Welsh Institute of Rural Affairs which estimated a total value of £55 million annually to the economy of rural Wales alone from walking activities.....

The Ramblers Association have concluded that the Cefn Croes wind turbines will have an overwhelmingly adverse impact on the Ceredigion upland

landscape which substantially outweighs the value generators might have for adding to the country's existing electricity generating capacity for other purposes.' (Editors emphasis.)

6.19 **British Horse Society:** objected due to the proximity of bridleways to the development.

6.20 **Ceredigion County Council's Rights of Way Officer:** 'It is the enjoyment and the public's appreciation of the landscape as a tranquil environment that is important in the consideration of this application.'

6.21 **Environment Agency:** was concerned about the impact on controlled waters 'No attempt has been made to assess impacts on the local ground water regime.'

6.24 **Countryside Council for Wales:** 'The Countryside Commission designated this area as the Cambrian Mountains National Park some thirty years ago, in recognition of its outstanding natural beauty and the opportunities it afforded for public outdoor recreation. The designation was not confirmed. Government at that time did not contest the assessment of natural beauty, but asked that the area be conserved in other ways. In such a landscape a significant development such as that proposed should be subject to the most rigorous assessment. An assessment of the impact on the enjoyment of the natural beauty when viewed from significant viewpoints indicates that the impact would be significant and detrimental. The proposal would bring a major intrusion into a relatively unspoiled area which is of a nature which is becoming scarce in Wales.'

Section 8 - The Appraisal.

8.2.2 'A key issue, therefore in the consideration of this application will be to weigh the Government's general aims to ensure that needs for energy are met, particularly by the exploitation of renewable energy sources, against the continuing commitment to policies for the protection of the countryside.'

8.2.4 'A key issue, therefore, is to weight the national interest served by the contribution that the renewable energy supplies from Cefn Croes will made set against the contribution already made by Mid Wales.'

8.2.6 From the 1972 Countryside Commission Cambrian Mountains National Park (Designation) Order; 'The Cambrian Mountains were described by the Commission as not climbers country like Snowdonia, but cut by deep wooded valleys and gorges, their rolling moorlands are colourful at all seasons and are one of Britain's loveliest and most attractive countrysides...attracting discerning visitors in increasing numbers who appreciate that this 'spirit of Wales' is equal in beauty of many existing national parks.' The Cambrian Mountains were regarded as being ideally suited for walkers, pony trekkers, fishermen and students of natural history.

8.8.16 In that wider context the Cambrian Mountains Landscape Assessment for monitoring published by the Welsh Office Agricultural Department in 1991 gives a snapshot of the general character of the area. It states: '*The Cambrian Mountains form a large scale, exposed upland area dominated by extensive open moorland of semi-natural rough grazing which creates a homogenous landscape. A lack of*

human impact exaggerates the wild, remote and natural character. The extent of the area and its isolation create a distinct wilderness quality of particular importance in the overall perspective of England and Wales.'

8.8.29The landscape issue alone results in a significant amenity objection to the proposal confirming the proposal to be contrary to the provisions of Structure Plan Policy EN18 and SPG policy W2.

It is clear in the report that the site selection process had not been adequately explained by the developers;

8.4.7 'The applicant has given limited information on the merits of the other sites investigated, nor has the application fully justified reasons for the choice of Cefn Croes or the criteria chosen.'

8.8.14 concludes: 'It is not essential to site the development here, it may be economically attractive and technically feasible and desirable but not essential.'

8.8.23 'On balance it is considered that the siting and design of the proposed wind farm will not be compatible with the character of the area and the proposal therefore prejudices policies EN18 of the Structure Plan and policies P01 and U16 of the Deposit Version of the Local Plan.'

The Council's independent landscape consultant did not agree with the developer's EIA that the impact of the wind turbines on landscape character and visual amenity would be acceptable.

Paragraph 8.5.14 refers to the 'Sinclair-Thomas Matrix' for 2nd and 3rd generation machines, and the new 90+ metres machines which states that developers EIA significantly underestimate the impact of the turbines.

Paragraph 8.7 deals with noise considerations. Only four properties were selected by the developers for assessment and there is no agreement as to the potential for noise nuisance, or its affect on wildlife or disturbance to walkers and horse riders.

The proposed application contravenes the Special Landscape Area of the Eastern Uplands – Cambrian Mountains designation, the Environmentally Sensitive Area (ESA) designation, the Landscape of Special Historic Importance (CADW, ICOMOS register), and it is immediately adjacent to two SSSIs Elenydd and Llynoedd Ieuan and the Elenydd Mallaen Special Protection Area – a site of European Community importance for both habitat and flora.

Para 8.8.54 in considering Supplementary Planning Guidance states:

The County Council clearly intended that the Cambrian Mountains should not be permitted to be used as a site for wind farms. The view taken by the County Council is that Special Landscape Areas are not appropriate for wind farm development and this is a material consideration.

Finally the Report's Conclusion is reproduced in its entirety, as it is regarded as the strongest most cogent summary of the case against the development.

10. 'Conclusion and Recommendation

- 10.1 The recurring message through this report is that of weighing each material consideration and arriving at a balanced judgement. The final recommendation must be based on a judgement of overall advantage and this will depend on the weight given to what are very often disparate planning issues.
- 10.2 Does the exceptional nature of this application justify the grant of planning permission, or does the exceptional quality of the landscape carry more weight?
- 10.3 The proposal clearly breaches development plan and local plan policies therefore Section 54A of the Town and Country Planning Act 1990 (as amended) is the starting point and the applicant is expected to demonstrate that other material considerations carry substantial weight in order to overcome the planning policy objections. The Government have made it clear that it does not accept the need for a presumption in favour of wind farm proposals. There is a presumption in favour of the development plan.
- 10.4 **The National Interest**
The applicants argue that the need for the development is reflected at national level by:-
The 1500MW target set for the deployment of new renewable energy generation capacity by the year 2000;
The targets of 5% generation from renewables by 2003 and 10% by 2010.
- 10.5 They also argue that the weight to be given to Government policy is even greater than before because the Government attaches greater importance to the need to reduce greenhouse gases.
- 10.6 The applicants, however, have not argued that this project is particularly crucial to the government's objectives and RDC have other contracts for projects under NFFO 4 and 5 which are being progressed through the planning process. Nor have the applicants argued the lack of alternative sites. They have discounted sites based on their own site selection criteria but have not produced evidence of a lack of alternative sites. In national terms the fact that they are pursuing other projects is clear evidence that other sites exist. The fact that this site is not regarded as particularly crucial and the fact that there are alternative sites gives the applicants case on need less weight.
- 10.7 The Government's targets for energy from renewables means that the use of all the available renewable energy sources will need to be expanded at the maximum practicable rate, however, the Government recognize that it is unrealistic to expect that all NFFO projects will obtain

planning permission, particularly as the NFFO scheme has been criticized for not addressing environmental issues sufficiently effectively.

- 10.8 Is there a compelling national or local need for this particular project which could not be met elsewhere or by other means? Evidence presented suggests that no such compelling case exists. As stated other sites are available and existing NFFO tranche 4 and 5 contracts demonstrate this. The Government's UK Climate Change Programme recognises that CO₂ emissions can be reduced by other means as evidenced by the speech made by the PM on the 6th March 2001, therefore the appellants' case on these grounds carries less weight. There is, however, clearly a positive case to be made for the development of renewable energy.

10.9 Landscape

The applicant, as a matter of judgement, has been somewhat economic with the extent of the environmental effects of the proposal in landscape terms. The applicant argues that visibility does not automatically equate to an adverse effect, however, that case has not been proven. The argument then follows that even if a negative effect is proven that, by itself, should not result in an objection. The visual impact has to be weighed against other advantages and the other advantages may tip the balance in favour of the development. It is axiomatic that, in assessing the balance of advantage, that will be the case. The applicant uses the reversibility argument to justify the development. How far can such an argument be employed to exploit the physical or financial advantages of such a location?

- 10.10 It is accepted that the technology has locational needs which the applicant claims mean that the resource can only be exploited where it occurs. However, the wind blows in most locations and the resource has been exploited successfully at or near sea level both in this country and abroad therefore an elevated site is not essential. It is accepted that there may be economic advantages to this location, however, as the appraisal has already stated, it is not essential to locate wind turbines at this location. The Authority are not concerned with the attractiveness of the scheme from the economic point of view but are concerned with the environmental acceptability.
- 10.11 On the face of it the local planning authority is expected to weight the advantage of a scheme which will have a relatively small contribution to the national objectives and be of imperceptible or little benefit locally against local impact which will be all too apparent. A grant of planning permission will not alter substantially the nation's reliance on fossil fuels. A grant of planning permission will alter substantially the character and appearance of the locality.
- 10.12 The reversibility argument does not alter the material considerations. What it does do is claim advantage for the restoration of the site after the

resource has been taken. This is often the case in minerals applications where a specific time horizon is given for the extraction of the resource. Problems invariably arise where the resource is not extracted within the specified time. Does an authority insist that the use cease or does it, in the national interest, extend the time? In mineral cases the resource is generally finite. In the case of wind, unless wind speeds change dramatically over the next 25 years, the resource is infinite.

- 10.13 The applicants have made reference to a landscape on loan in describing the concept of reversibility. Most, if not all, development is reversible. It is unusual for a developer to request that significant weight be attached to the ability of the development to be reversed. The precedent established by granting planning permission for a period of 25 – 30 years would, it is contended, diminish the weight to be attached to the reversibility argument. If any harm from the development is reversible any benefit to the carbon economy also becomes reversible and ends when the wind farm ceases to operate. The essential judgement remains the same whether the development is reversible or not. Does the benefit derived from the energy produced from the wind farm outweigh any damage caused to the landscape.
- 10.14 The site and its surroundings have another resource besides wind, the quality of its landscape and its wildness. The applicant has stated that the proposal need not be regarded as a negative visual influence. The assessment of the degree of environmental harm that may occur must be realistic. The applicant has, in the opinion of the Council's Landscape Consultant, underplayed the degree of environmental harm and this has been confirmed in the advice given by the CCW and in the supplementary objection made by CPRW.
- 10.15 It is inevitable that a development of this scale and character will have a degree of environmental impact the question is whether the degree assessed is acceptable?
- 10.16 On landscape impact the applicant appears to want the best of both worlds. On the one hand the claim is that effects can be positive as well as negative. This view is based on the surveys of public attitudes towards wind energy development. The applicant also claims that there is an explicit acceptance of a degree of environmental effect in national policy which suggests that a degree of negative effect is acceptable. This is the view expressed by the ES. The degree of effect must be balanced against the need for and the benefits of the development. Where there is a risk of significant environmental damage a precautionary approach should be adopted.
- 10.17 The balance of evidence suggests that the proposed wind farm will have a detrimental impact on the landscape and therefore there is an important planning objection to the proposal.

10.18 The other issues

The applicant points to the conservation benefits accruing from the development and considers this material to the advantage of the proposal. It is the case that the Land Management Plan will restore land to SSSI standard and this is material, however, the Land Management Plan is proposed in mitigation for certain ecological effects that may occur. The balance, in ecological terms, favours a precautionary approach.

10.19 It is accepted that Nant Rhys will be affected by the proposal and that the conclusions of the ES on the effects of noise on residential property in the locality is fair and reasonable. The impact of noise on wildlife and the enjoyment of landscape has not been properly assessed and therefore a precautionary approach on these issues is required.

10.20 The proposal is unlikely to have any adverse effects on scheduled or unscheduled monuments or on the character of the Historic Landscape of Upland Ceredigion, however, there are presently unquantified archaeological resources which require further investigation.

10.21 The applicant attaches significant weight to the economic benefits of the proposal. This major development involves considerable investment, however, the major proportion of this investment will take place outside Wales and the impact on the local economy is considered to be limited. The impact on tourism is difficult to fully assess in the absence of meaningful research. The balance, therefore, in terms of impact on Tourism, favours a precautionary approach.

10.22 The applicants also point to the saving of electricity by the reduction or avoidance of electricity distribution loss as a material consideration. The advantage of embedded generators, as they are known, is that they deliver electricity to consumers in a more direct way than centralized generators. The power is generated in closer proximity to the user reducing the electrical losses normally encountered in transmission of electricity over long distances. Embedded plant can also reduce the likelihood of power failure and the electricity is delivered at or closer to the correct voltage for distribution. There would be advantage to embedded plant however the weight to be attached to the potential transmission savings is not regarded as being significant.

10.23 The balance of advantage hinges on the weight of national policy on renewables on the one hand and the quality of the landscape on the other. If the Cambrian Mountains National Park (Designation) Order 1972 had been confirmed it is likely than an application would not be before the Authority. The fact that the Order was not confirmed does not reduce the quality of the landscape. The National Parks Commission, and the Countryside Commission considered the landscape to be of national significance. The quality of the landscape is therefore considered exceptional although not statutorily regarded as such. The economic benefits to the locality are, at best, overstated and relatively short term.

The ecological benefits may not occur if the development does not take place however the need to mitigate would not arise if the development did not take place and the avoidance or reduction of electricity grid loss is not a matter that carries significant weight in the consideration of the application.

- 10.24** The failure of the applicant to justify the final choice of Cefn Croes and the reasons, on what appears to be the basis of the most limited assessment of other sites, for their dismissal, does not instill confidence in the site selection process and gives little insight into the selection criteria. The shortcomings in this process justify a precautionary approach to the proposal and tip the balance of advantage in favour of landscape protection. **The Cambrian Mountains are cherished for the quality of landscape and wildness and, unless compelling environmental arguments for siting a wind farm at this particular location rather than another can be sustained the exceptional qualities of the landscape should be protected.** [Editor's note: this crucial conclusion has been emboldened]

Recommendation

The Authority object to the proposal

Council have received a request that any voting on the application is recorded as a matter of public record.'

It is worth noting at this point that DTI officials told one campaigner that the quality of representations made in the individual objectors' letters was of the highest order, as was John Evans report, setting a 'gold standard' benchmark for other local authorities. His comprehensive report says everything there is to say about the Cefn Croes proposals and his conclusion that it should be opposed could not be stronger. '**Cherish**' is not a word used lightly and is most unusual for a planner. **[One wonders if any of the County Councillors, Cabinet Ministers in the National Assembly for Wales, Brian Wilson and Patricia Hewitt at the DTI or Judge Burnton bothered to read and understand this report in its entirety].**

We were told that the quality of all the representations would be taken into account when the SoS came to make her decision. However, both she and the Ceredigion Councillors were unmoved by the local objectors' letters, the wishes of the local councillor, the objections of the official consultees, and the letters from others further afield, despite the admitted high 'quality' of same.

Contemporaneous notes were taken at that meeting and extracts are quoted below:

Council Leader, Dai Lloyd Evans *'This is the biggest and most important application before the council in its short lifetime'*. He waved around a map – not submitted with the other documents in the application to justify the site selection.

He then detailed consultees who had not objected (e.g. CADW, Wildlife Trusts, Environment Agency, RSPB) but without mentioning the reservations expressed. He stated that the Ramblers said there would be no loss of access, whilst failing to report their strong objection. CPRW's objection was dismissed: *'they object to every application involving wind farms'*.

'We have the responsibility to deliver national government targets.'

'The CCW have objected on landscape grounds only – this publicly funded body needs to change its remit – they've been making some odd decisions lately.'

'I note from the list of objectors that only 93 live in the Melindwr Ward ie only 11% of the 834 inhabitants, the majority have not objected. Other objectors come from all parts of the UK and their opinions are irrelevant'

'The votes of the local Community Councils are divided without clear majority and should therefore be disregarded or not taken into account.'

Hywel Evans (Plaid Cymru) opined that CCW's current views are to the detriment of jobs and that they should change their remit. He said: *'What we need is jobs, not landscape.'*

Ray Quant (Cabinet Member) *'This is an extremely well-chosen site. There could be the attraction of a viewing platform – that would attract visitors. Ceredigion should be proud of producing 50% of its electricity. The landscape objectors are subjective and overstated'*.

The contraventions of the various site designations and all the local policies as detailed in John Evans report were not addressed at all.

Another councillor raised the threat of a nuclear power station if the wind power station was not accepted and there was general chat about CO₂ emissions, global warming, benign energy production and quotations from Michael Meacher MP, Labour Government Environment Minister. It appeared that the councillors had undergone a very sudden 'green' conversion! To those of us present at the meeting, they appeared to be reading from prepared scripts. We were shocked and dismayed by the proceedings.

A recorded vote was taken and was 18 in favour with 3 against and 3 members absent. In reaching their decision, the councillors did not cite any planning grounds for their support. It was understood that if councillors reject their planning officer's advice, they must do so on planning grounds.

After the morning session, a local resident from Pontrhydygroes saw one of the developers in the entrance hall to Penmorfa shake Dai Lloyd Evans by the hand and congratulate him saying, 'Well done, Dai!' This was in advance of the full meeting adjourning for lunch.

After lunch, the grid connection route was discussed.

The Grid Connection – initial discussions planning meeting July 11th 2001

Less attention has been paid to the Section 37 application for the grid connection linking the Cefn Croes turbines to the sub station at Rhydydan. Arguably, the environmental and landscape damage which will be caused by the 14 km of 133,000 volt overhead cables, supported by 45 foot Trident pylons every 100 metres or so, will be even greater than for the turbines.

The Director of Planning's report was 54 pages long and its conclusion recommended that the council object to the route of the grid connection because of its impact on the lower reaches of the Plynlimon Massif. See resume below:

1. The legislative framework was the same as for the turbines.
2. The construction (about 3 months) would be undertaken by Manweb, who would then be responsible for operation and maintenance.
3. The Environmental Statement: the developers made much of the fact that they had rejected the shorter route across the Rheidol gorge, because of its sensitive landscape. In fact, the landowners refused permission and were not persuaded to take up the wayleave payments. That is why the developers were forced to find an alternative route. To justify not undergrounding the cables the developers claimed that it would involve extension of the construction period; insulation of cabling; 2m wide trenches 2m deep; difficulty in locating and repairing faults; greater electrical losses; they claimed that the trenches might affect the hydrology and archaeology of the area. In fact, the real reasons for the developers not wanting to underground the cables is that it costs 5 – 8 times more than overhead cables.
(Although the developers professed concerns for the disturbance to hydrology and archaeology which might be caused by the excavation of the trenches, they showed no concern for the impact of the concrete-filled turbine foundations, 14.5m (i.e. 45 feet) hexagon, 3.1m deep (10 ft) using 300 cubic metres of concrete and 18 tonnes of steel reinforcement.
4. Representations: 68 individual letters of objection were received, the majority objected on landscape grounds and all but 4 were from Wales. Most of them were from local people. There were no letters of support. Objectors claimed that the Welsh countryside is not just something to be preserved for aesthetic reasons – it has a high economic value as one of Wales's greatest assets. The view was expressed that the Council can't

pretend to support tourism if the wild and beautiful areas of the county are industrialised and ruined.

Quotes from 2 letters clearly state the problems

The visual concerns:

'The proposed line is 14kms long, compared with a straight-line distance from the Cefn Croes power station to Rhydlydan electricity sub-station of 9kms. This might be understandable if it had been done so as to minimise the visual impact by seeking lower ground, but the reverse is true, and from Cefn Croes the line climbs, after crossing the A44 (power station and sub-station are on the same side of this road), up to the crest of the southern spur of Plynlimon, the most famous mountain in Mid Wales, crossing the ridge at an altitude of 500m, just 3kms from the mountain summit. In descending across open hillside from this ridge to pass south of Dinas reservoir, the line will cross the line of the scenic road from Ponterwyd to Talybont. Its subsequent route along the ridge top to the north of Ponterwyd and Llywernog, rather than below the skyline, will also ensure that it is a prominent landscape intrusion from many viewpoints.'

Avian worries were expressed by Peter Davis former Ceredigion bird recorder:

'The proposed overhead line crosses the two cols (or bwlchau) at Bwlch Eisteddfa Gurig and at Bwlch Nantyrarian close to their highest points, and at almost right angles to the lie of the land. These two cols are on the flight-path of considerable numbers of migratory birds, making the lowest possible crossing of the mountains hereabouts, and often running into poor visibility as they reach the highest points in their journeys. The winter thrushes (fieldfares and redwings especially) and also starlings can occur in their thousands at times, particularly in the autumn. Smaller numbers of wildfowl (ducks), pigeons, and other species also pass through. Small parties of the scarce Icelandic Whooper Swans also visit Bray's Pool from time to time, and commute to Pond-yr-Oerfa and to Dinas Reservoir. The risk of bird strike on the new power lines would not be negligible.' (See RSPB chapter).

The Council's policy on undergrounding of cables was referred to:

'The days when overhead power lines of this nature through areas of recognised natural beauty were thought acceptable have surely long gone. This is a blatant attempt of the company concerned to limit the cost to itself, at the expense of damage to a visually sensitive and valuable environment. An underground cable would of course cost more and may require more complex arrangements but this is surely something which anyone pursuing a development such as the Cefn Croes wind farm must accept.'

5 Official consultee responses came from the local community council which voted to object.

Evidence came from the Council's Rights of Way and Common Land Officer;

'Common land makes an important contribution to the visual appearance to the uplands in Ceredigion, and perhaps this is the most widely appreciated

aspect of public enjoyment of common land in the district. It has recreational and nature conservation value and its development may have affect upon these elements. The major impact will be visual impact on this remote area of the lower slopes of Plynlimon, and its interruption on wild nature of the landscape.'

CCW observed that it had not been possible to carry out a full landscape assessment, due to the foot and mouth situation. (It did however ask for more time.)

CPRW objected.

The Ramblers Association objected and particularly noted that the developers did not even attempt a visual portrayal of the position and impact of the proposed line.

6. Planning policy and the relevant national and local policies were considered: Welsh Office Circulars, Planning Policy Guidance, and Technical Advice Notes (TAN) together with County Council Policies from the Structure Plan. **U16 of the Structure Plan requires undergrounding of cables, and 'this is not subject to negotiation.'** Council policy expects the grid connection to be undergrounded in the same way that the Elan Valley and Llyn Brianne hydro electric schemes have situated their distribution lines underground.'
7. The Appraisal: The planners identified the following key issues:
- Government's needs for the exploitation of renewable energy versus commitment to protection of the countryside.
 - Assessment of the landscape impact, and wider nature conservation interests during construction, operation and decommissioning.
 - Impact on archaeological interests and historic landscape of Upper Ceredigion.
 - Common land.
 - Health and public safety.
 - Impact on tourism.
 - Mitigation measures.
 - Traffic disruption.
10. **Conclusion; It was stressed that no benefits accrue from the erection of the overhead line, which is only necessary if the turbines are built. Any objection to the turbines therefore, results in an objection to the grid connection.** [Editors emphasis].

Discussion of the grid connection route:

(From contemporaneous notes)

Hag Harris: *'I am strongly against a route which crosses the foothills of the Plynlimon Massif.....it is an act of landscape desecration to put it across this route.'*

Dai Lloyd Evans: *'We can't leave the applicant with approval for the turbines and fail to let him take the power off.'*

With reference to the route:-

Dai Lloyd Evans:- *'We need to give people the opportunity to talk, but I wouldn't want anyone to think that this is to place difficulties in front of the developers.'*

'Visual impact is not an overriding concern.'

Hag Harris: *'I don't see why we should bend over backwards and fawn to the developers.'*

Dai Lloyd Evans: *'That's not true, it's more important to route the line away from the houses, and that's what we have done.'*

John Evans (Planning Officer): *'I am concerned with the landscape effect'. The developers say undergrounding (the cables) is too costly when they were referred to the Council's policy on this.'*

Dai Lloyd Evans: *'We have an application. We need to address the concerns. I am firmly of the opinion that this is the preferred route. There are other considerations which outweigh the visual effects.'*

Hag Harris said that if the case came to a public inquiry he would like to represent the opposition. Dai Lloyd Evans said he would represent the council as its councillors' votes were so overwhelmingly in favour. It was obvious he did not want Hag Harris to go as well. Why not?

Ceredigion Councillors approval

The official minutes are reproduced below:-

83. Application for Proposed Windfarm and Ancillary Development at Cefn Croes, Devil's Bridge.

Consideration was given to the Reports of the Director of Environmental Services and Housing upon application A000737 for the erection of thirty nine wind turbines at Cefn Croes, Devil's Bridge and application A010368EL for the construction of 132Kv overhead transmission line from proposed substation at Cefn Croes wind farm to network substation at Rhydlydan, Llywernog. It was noted that the Council would merely be required to express its views on the applications as the final decision for development consent lay with the Secretary of State for Trade and Industry.

The reports recommended that the Authority object to the proposal for the erection of wind turbines as referred to in application A000737, for the reasons given in the Report; and with regard to application A010368EL for the construction of overhead transmission lines, to object to the route of the grid connection because of its impact on the lower reaches of the Plynlimon Massif.

The Senior Planner (Development Control) gave a brief resume of the application's relevant applicable policies, representations received and consultation responses.

There followed a detailed discussion on the matter and Members spoke both for and against the development. It was proposed by Councillor D.LI. Evans

and seconded by Councillor A.L.I.Jones that the Authority support the proposal for the reason that the UK policies for providing non-fossil sourced energy outweighed the loss of visual amenity in this remote location.
(Editors emboldening and underlining)

The Committee agreed to a recorded vote being taken in respect of application A000737 and the voting was as follows:-

For the proposal: Councillors T.J.Adams-Lewis, J.E.Davies, J.T.O.Davies, D.L.I.Evans, H.G.Evans, T.E.Evans, E.J.Griffiths, Dr.J.G.Jenkins, A.L.I.Jones, L.L.I.Jones, T.J.Jones, R.P.Quant, S.H.Richards, L.I.M.Roberts-Young, J.D.Thomas, S.M.Thomas, T.A.Thomas and A.Williams.

Against the proposal: Councillors R.G.Harris, D.M.James and F.Williams.

In respect of application A010368EL, Members expressed concern over the proposed route and possible dangers emanating from the overhead cables. Following discussions, at the request of Members, with the DTI, it was suggested that a holding objection be issued in respect of the application to enable further discussions with the developers to alleviate the concerns raised.

It was **RESOLVED** as follows:-

1. to inform the Department of Trade and Industry of the following:-
 - a) that the Authority was supportive of application A000737 for the erection of thirty nine wind turbines at Cefn Croes, Devil's Bridge.
 - b) that the Authority was minded to place a holding objection relating to application A010368EL for the construction of the overhead transmission line to enable further discussions with the developers to alleviate concerns raised regarding the route and possible undergrounding of the lines.
2. that, should the proposed development be subject of a public inquiry, the Authority be represented at the inquiry by the Leader of the Council together with relative Officer(s).

Very scant minutes for such a massive development, recognised even by Cllr. Dai Lloyd Evans as *'the biggest and most important application before the Council in its short lifetime.'* By contrast the minutes relating to the consideration of double-glazed windows for a house in Aberystwyth ran to 3 pages!

September 12th 2001 planning meeting for the grid connection.

Although the turbines had been approved at the July 11th meeting, the 'holding objection' for the grid connection route was intended to allow the developers to present a more acceptable route and the undergrounding of the cables at sensitive sections. This 'holding objection' was

with the approval of the DTI, but despite much correspondence with Bronwen Morgan of the Legal Services Dept of the Council, its exact status has not been determined. In a letter dated Sept 4th 2001 and ignoring the reasons for the 'holding objection', the developers re-submitted the identical route, without any undergrounding. This letter was received a few days later. The meeting was re-scheduled for Sept 12th – hardly time therefore for planners to analyse and respond, and John Evans, Senior Planning Officer commented on this. As a sop to opponents, the developers offered to underground a small section of cable alongside the A44 - nothing to do with the Cefn Croes development and dismissed by John Evans. He recommended the councillors to reject the plans.

It should be noted that Cllr Dai Lloyd Evans opened the discussion by referring to the September 11th terrorist attack in the USA and said '*I can't help thinking what would have happened if this had been a nuclear power station*'. (From contemporaneous notes). This was totally irrelevant scaremongering. A nuclear power station for Ceredigion was not, and never has been, on the agenda!

Notwithstanding the lack of any amelioration of the visual aspect of 45 metre pylons, 14 kms of 133 kv cables the councillors voted by a majority of 14 to 5 to approve – significantly fewer than previously with more absentees (5). Details of the voting are as follows:

For the proposal:- Councillors TJ Adams Lewis, JE Davies, DJ Evans, D LI Evans, TE Evans, EJ Griffiths, DR JG Jenkins, JDR Jones, L LI Jones, SM Morris, RP Quant, SH Richards, LI M Roberts-Young.

Against the proposal:- Councillors RG Harris, DM James, TJ Jones, TA Thomas, Fred Williams.

Absent:- Councillors HG Evans, A LI Jones, JD Thomas, SM Thomas, A Williams.

At the following Development Control Committee meeting, however, in October 2001, Councillor Hag Harris of Lampeter, one of the councillors who objected, challenged the minutes which failed to refer to his objections and his wish to disassociate himself from any legal proceedings which might be taken against the council for overriding this holding objection. The minutes omitted this, and he insisted that the record be put straight.

Complaints regarding the Councillors' approval.

Subsequent to the approval, numerous complaints were made about the way in which decisions had been taken and aspects of the application procedure. The Local Government Ombudsman, Elwyn Moseley in Bridgend will not, however, allow any complaint unless the complainant can prove a 'personal injustice' – but until the development goes up, how can one prove that one will not be affected by noise or vibration or that one's water supply won't be damaged by changes to the hydrology caused by the giant concrete bases?

We now know that we should have applied for a Judicial Review (JR) into Ceredigion's decision at this juncture, but complicated by the two decisions, two months apart and failure to inform the objectors that this was an option an application for a JR was not made at that time. Mr Justice Burnton in his judgment on November 22nd 2002 confirmed that judicial review proceedings could have been taken in respect of Ceredigion County Council's decision not to object on July 11th 2001.

A letter from a disaffected campaigner to Ceredigion's Chief Executive, Owen Watkin dated July 21st 2001 specifically asked; *'Can you advise if there is any route available to contest the decision of the County Council?'* and *'We would welcome any advice and assistance from you as to other channels of complaint.'*

Owen Watkin replied on July 24th 2001; *'....The decision of the County Council was to recommend to the Secretary of State that it had no objection to the proposed development. As such, the decision is part of the process ultimately coming to a decision by the Secretary of State and I would respectfully suggest that if you wish to make representations concerning the development, they should be addressed to the Rt. Hon. Stephen Byers at the DTI.'*

A further letter to Owen Watkin regarding his lack of advice regarding a possible legal challenge to the Council decision, dated February 8th 2003 received this response on February 13th *'My reply sought to assist you in making representations regarding the decision taken by the Local Planning Authority. My view was, and remains, that the Council acted properly in its consideration of the matter. My duty is to advise the Council and to act in accordance with its policies and decisions. There are well publicised procedures available to persons, such as yourself, who wish to complain. It was always open to you to seek your own legal advice on making a legal challenge against the Committee's decision. The question put in your letter of 21st July 2001 was considered to be in the context of making further representations with regard to the issue at hand, not challenging the legality of the Council's position.'*

The Chief Executive and the Ombudsman could have been more helpful and open in their advice during the complaints procedure after the Council decision on July 11th 2001. One wonders why they were not!

Letters from Mr Walter Gusmag at the DTI refer to the 'local democratic process' and there are references to local councillors being in the best position to make decisions, because they are familiar with the local terrain. Yet Llandysul and Cardigan councillors live 50 or so miles away from Cefn Croes and cannot be expected to know the locality as well. Would Westminster residents want councillors in Brighton making planning decisions for them 56 miles away? It is not their patch. Fred Williams, the local councillor who lives in Ponterwyd opposes Cefn

Croes. Even Dai Lloyd Evans who lives about 15 miles away admitted he '*did not know the area well*'.

As far as we, the opponents of Cefn Croes are concerned, the so called 'local democratic process' has been at best a bad joke, at worst, a dishonest travesty of local democracy with a Secretary of State preferring to take the vote of councillors already discredited by the Welsh Affairs Select Committee, and subject to numerous complaints to the Ombudsman and National Assembly. The NAW 'calls in' CCC's 'application departures' (which usually relate to housing) in cases where the councillors ignore their officer's advice. Why was this 'watching brief' not activated by this major 'application departure'?

The Leader of the Council, Dai Lloyd Evans, still in power after all these years, is currently under investigation by the Dyfed Powys police, and in the House of Commons in March 2003 was accused of corruption, in matters relating to the settlement boundaries of the Unitary Development Plan, by Ceredigion's MP, Simon Thomas. At the time of writing (June 2003) the Fraud Squad continue their investigations into Dai Lloyd Evans' activities – an on-going investigation lasting 12 months so far.

Yet, this is the same man who made the strongest representations in favour of the development at all the meetings relating to Cefn Croes so as not to delay its construction.

It remains to be seen how he 'directs' the other councillors in an even bigger Ceredigion wind development waiting in the wings – the Camddwr Trust proposals.