



The Planning Inspectorate Yr Arolygiaeth Gynllunio

The Planning Act 2008 (as amended)

Mynydd y Gwynt Wind Farm

Examining Authority's Report of Findings and Conclusions

and

**Recommendation to the
Secretary of State for Energy and Climate Change**

Philip Asquith

Examining Authority

20 August 2015

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Examining Authority's findings and conclusions and recommendation in respect of the Mynydd y Gwynt Wind Farm application

File Ref EN010020

The application, dated 30 July 2014, was made under section 37 of the Planning Act 2008 and was received in full by The Planning Inspectorate on 31 July 2014. The Applicant is Mynydd y Gwynt Limited.

The application was accepted for examination on 20 August 2014. The examination of the application began on 20 November 2014 and was completed on 20 May 2015.

The development proposed comprises up to 27 turbines each with a generating capacity of between 3 and 3.3 megawatts (MW), providing a total generating capacity of up to 81 - 89.1 MW, underground electrical and communications cables, a substation, control building and satellite link, widening of 9.5km of existing tracks, approximately 6.9km of new tracks and installation of a meteorological monitoring mast up to 80m high.

Summary of Recommendation:

The Examining Authority recommends that the Secretary of State should make the Order in the form attached.

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1 INTRODUCTION

1.0 INTRODUCTION

- 1.0.1 Mynydd y Gwynt Ltd (the Applicant) was founded by the owners of the Sweet Lamb Rally complex together with a local businessman, specifically for the Mynydd y Gwynt (MyG) Wind Farm (the proposed development). The Applicant operates under the support and direction of the independent power producer Renewable Energy Holdings Plc.
- 1.0.2 The proposed development for which consent is sought comprises an onshore wind farm in Powys, east of Aberystwyth, of up to 27 turbines with a generating capacity of up to 81- 89.1 megawatts (MW). The location of the application site is shown in Figures 1.1 [AD-123] and 1.2 [AD-124] of the accompanying environmental statement (ES), as well as on the Land Plan, a final updated version of which was received at Deadline X [D10-025]. The site lies wholly in Wales and therefore comprises a Nationally Significant Infrastructure Project (NSIP) as defined by sections (s)14(1)(a) and 15(2) of the Planning Act 2008 (PA2008).
- 1.0.3 On 2 May 2013 the Applicant notified the Planning Inspectorate ('the Inspectorate') under regulation 6(1)(b) of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (as amended)¹ (the EIA Regulations) that an ES would be provided in respect of the scheme. The application was accompanied by an ES which satisfied the definition in Regulation 2(1) of the EIA Regs [AD-054 to AD-071].
- 1.0.4 A range of issues has been assessed and set out in the ES. The ES includes details of measures proposed to mitigate likely significant effects (LSE) identified by the Applicant. Additional information was provided by the Applicant throughout the Examination in response to my questions, and comments and queries raised by Interested Parties (IPs). These matters are addressed in my assessment in this report. The Applicant provided information within the ES on the main alternatives studied. This relates to the consideration of alternative turbines and their transport, and flexibility in choice given the continuing technological development of turbine design [ES Chapter 2, AD-055]. I am satisfied that the ES, together with the additional information provided during the course of the Examination, was adequate and meets the requirements under the EIA Regulations.
- 1.0.5 The application [AD-001 to AD-356], dated 30 July 2014, was made under section 37 of the PA2008 and was received in full by the Inspectorate on 31 July 2014. It was accepted for examination on 20 August 2014 [PrD-02].

¹ Statutory instrument 2009 No. 2263

- 1.0.6 The Inspectorate issued s51 advice² to the Applicant on 21 August 2014 to be read in conjunction with the published s55 Acceptance of Applications Checklist [PrD-01]. The s51 advice was issued due to concern as to whether a Book of Reference should be provided with the application since s44 consultees had been identified in the Consultation Report [AD-007]. In response to my First Written Questions (FWQ) [PrD-05], the Applicant confirmed that no Book of Reference was required; the consultees referred to and listed as 'participants in the scheme' are the landowners. No compulsory acquisition of land or rights has been sought or is required.
- 1.0.7 On 20 October 2014 the Applicant gave notice [PD-01] under s56 of the PA2008 and confirmed to the Inspectorate under s58 that its duty under s56 had been carried out.
- 1.0.8 My appointment as a Single Examining Inspector to be the Examining Authority (ExA) for this application was confirmed in Annex F to my Rule 4 and 6 letter [PrD-03], dated 27 October 2014, inviting IPs to the Preliminary Meeting (PM).
- 1.0.9 This report sets out my findings, conclusions, and recommendations to the Secretary of State (SoS) for the Department of Energy and Climate Change (DECC).
- 1.0.10 A list of the procedural decisions [PrD-01 to PrD-22] I have made as the appointed ExA is provided in the Examination Library appended to this report (Appendix B).

1.1 THE PRELIMINARY MEETING

- 1.1.1 The PM was held on 20 November 2014 at which the Applicant and all IPs, Statutory Parties and other parties were able to make representations about how the application should be examined and what the key issues were that needed to be examined. The Rule 8 letter [PrD-04], which included my timetable for the Examination, was issued on 27 November 2014 to those invited to attend the PM and was accompanied by my FWQ, an invitation to submit written representations (WR), and requests for notification to attend hearings and an accompanied site inspection (ASI).

1.2 THE EXAMINATION PROCESS

LOCAL IMPACT REPORTS

- 1.2.1 Under s60 of the PA2008 an invitation was issued to the relevant Local Authorities in my Rule 8 letter [PrD-04], dated 27 November 2014, to submit a Local Impact Report (LIR). LIRs were submitted by

² Post-acceptance s51 advice issued to the Applicant

Ceredigion County Council (CCC) [D2-038] and Powys County Council (PCC) [D2-039 to D2-041 and D3-008].

WRITTEN QUESTIONS

- 1.2.2 I posed two rounds of written questions. My FWQ [PrD-05] was issued on 27 November 2014 and I subsequently issued my second written questions (SWQ) [PrD-08] on 17 February 2015.
- 1.2.3 I issued several requests for further information and/or comments under Rule 17 of The Infrastructure Planning (Examination Procedure) Rules 2010 (EPR). These were issued on:
- 7 January 2015 to all IPs requesting further information and/or comments [PrD-07];
 - 2 April 2015 to all IPs requesting further information and/or comments [PrD-12];
 - 15 April 2015 to the Applicant [PrD-14] and PCC [PrD-15] requesting further information and/or comments;
 - 24 April 2015 to all IPS requesting further information and/or comments [PrD-17];
 - 5 May 2015 to all IPs requesting further information and/or comments [PrD-19]; and
 - 19 May 2015 to the Applicant requesting further information [PrD-20].
- 1.2.4 Only the Rule 17 letters issued on 15 April 2015 and 19 May 2015 constituted amendments to the timetable under Rule 8(3) of the EPR.
- 1.2.5 I also issued on 15 April 2015 letters under Rule 23 of the Examination Procedure Rules (EPR) [PrD-13] in which I highlighted my decision to allow further time for comments from the Applicant on cultural heritage matters and further time to allow PCC to provide comments on landscape matters.

STATEMENTS OF COMMON GROUND

- 1.2.6 At Annex C to my Rule 8 letter [PrD-04] I suggested it would be helpful to receive the following Statements of Common Ground (SoCG) during the examination process:
- SoCG with the local highways authorities through whose areas the proposed transport route for Abnormal Indivisible Loads (AILs) of wind turbine components would pass;
 - SoCG with PCC;
 - SoCG with CCC;
 - SoCG with the Welsh Government (WG);
 - SoCG with Natural Resources Wales (NRW).

- 1.2.7 The Applicant submitted draft SoCGs between it and the following parties for Deadline II:
- NRW [D2-033];
 - PCC [D2-034];
 - CCC [D2-035];
 - Local highway authorities [D2-036];
 - Cambrian Mountains Society (CMS) [D2-037].
- 1.2.8 The Applicant submitted updated versions of these SoCGs regarding the progress on agreed and/or un-agreed matters with relevant parties throughout the Examination. These updated versions and/or progress of SoCGs were received at Deadline III [D3-017], Deadline VIII [D8-001], Deadline X [D10-018] and Deadline XI [D11-002] to D11-005]. The SoCGs received at Deadline XI were signed versions of agreements between the Applicant and PCC on landscape and visual impact, cultural heritage, public rights of way, and geology, hydrology and hydrogeology.
- 1.2.9 It is noted that NRW submitted a draft SoCG between it and the Applicant at Deadline III [D3-018]. However, by the close of the Examination no agreement on a SoCG with NRW had been reached.
- 1.2.10 SoCGs were also not agreed between the Applicant and the following parties by the close of the Examination:
- CCC [D10-018] on policy, landscape and visual impact, and cultural heritage;
 - Carmarthenshire County Council, Neath Port Talbot County Borough Council and Swansea County Council [D10-018] on transport and access (the local highway authorities through whose area the proposed transport route for AILs of wind turbine components would pass).

HEARINGS

- 1.2.11 As set out in s93(1) of the PA2008, following requests from Statutory Parties and IPs, an Open Floor Hearing [HG-003] was held at Llanidloes Community Centre, Llandilo, Powys on 5 February 2015. All hearings were held at this venue.
- 1.2.12 Two hearings were held regarding the draft Development Consent Order (DCO) [HG-001, HG-002, HG-007, HG-015 and HG-016]. I also held two Issue Specific Hearings (ISHs) in relation to policy matters [HG-005, HG-008 and HG-009], and landscape, noise, biodiversity and socio-economic impacts [HG-006 and HG-010 to HG-014].
- 1.2.13 On 5 March 2015 the Applicant submitted correspondence, which I accepted as an Additional Submission [AS-07], advising that the statutory 21-day notice had not been advertised under Rule 13(6) of the EPR for the ISHs scheduled for 17, 18 and 19 March 2015. The

correspondence highlighted the anomaly and requested retrospective authorisation for the delay under Rules 13(6) or 23 of the EPR.

- 1.2.14 In response to this correspondence I issued a procedural decision [PrD-11] on 9 March 2015 to the Applicant. This stated that I would not make a direction under Rules 13(6) or 23 of the EPR and would instead raise the issue at the scheduled ISH on 17 March 2015 and accept further correspondence [PrD-12] from IPs on the matter in order to allow representations as to any prejudice caused to other parties. No issues were raised or representations received relating to this.

SITE VISITS

- 1.2.15 In my Rule 8 letter dated 27 November 2014 [PrD-04] I requested nominations of locations to be inspected for the ASI scheduled for 3 February 2015. An itinerary [SV-001] comprising view points, predominantly in the Sweet Lamb Rally Complex, was prepared and issued on 6 January 2015. However, owing to severe weather conditions forecasted for 3 February and information provided by the Applicant as to ground conditions at the application site, this meant that I had to issue a letter to cancel the ASI [SV-002].
- 1.2.16 A second ASI was scheduled for 16 March 2015 and again I requested further nominations of locations to be inspected in my notification letter dated 17 February 2015 [PrD-09]. A confirmed itinerary [SV-003] and plan [SV-004] were issued. These included several locations from the cancelled ASI as well additional viewpoints such as the source of the River Severn, Hafren Forest, Plynlimon³ ridge and the Wye Valley Walk following suggestions from NRW [D5-037].
- 1.2.17 The ASI was undertaken in the company of the Applicant, PCC, NRW, the British Horse Society (BHS), Ramblers Cymru, CMS⁴ and members of the public who had registered as IPs.
- 1.2.18 I also undertook various unaccompanied site inspections (USIs) between November 2014 and May 2015 to inspect Cefn Croes wind farm, various sections of the Wye Valley Way and the Cambrian Way on the Plynlimon massif, and viewpoints from the surrounding area that were assessed in the ES⁵.

³ 'Plynlimon' rather than the Welsh 'Pumlumon' has been mostly used throughout this report for consistency except where context requires the latter.

⁴ CMS is a charity with a constitution adopted in 2005, membership of between 350-400 and objectives including the promotion of measures to sustain or enhance the landscape, natural beauty, biodiversity archaeology, scientific interest, cultural heritage and geo-diversity of the Cambrian Mountains [D5-027].

⁵ These are listed in Appendix D 'Events in the Examination'.

OTHER CONSENTS

- 1.2.19 In addition to consent required under the PA2008 (the subject of this report and recommendation), the proposed development requires other consents and permits. Section 24 of the application form [AD-001] lists the following:
- Generating Licence under Section 6 of the Electricity Act 1989;
 - European Protected Species (EPS) Licences;
 - Consent under the Countryside and Rights of Way (CROW) Act to restrict access to access land during construction;
 - Highway works under an agreement made pursuant to Section 278 of the Highways Act 1980;
 - Construction or alteration of culverts requiring consent under the Land Drainage Act 1991.
- 1.2.20 As well as the above, NRW has drawn attention to the probable need for an impoundment licence under the Water Resources Act 1991. Furthermore, a development consent obligation by way of a Unilateral Undertaking (UU) made under s106 of the Town and Country Planning Act (TCPA) 1990 provides for the provision of off-site car parks for equestrian users and non-equestrian users. Planning permission for these car parks under this Act would be required from PCC, the relevant planning authority (RPA).

REPORT ON IMPLICATIONS FOR EUROPEAN SITES (RIES)

- 1.2.21 Under Regulation 5(2) of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (APFP Regulations), where required, an application must be accompanied with sufficient information to enable the relevant SoS to meet their statutory duties as the competent authority under the Habitats Regulations and Offshore Marine Regulations relating to European Sites.
- 1.2.22 A Habitats Regulations Assessment Screening Report (HRASR) [AD-350] was submitted with the application and an updated HRASR (Version 5) was submitted for Deadline VII - 16 March 2015 [D7-022]⁶. A table of amendments to the HRASR was submitted shortly before the close of the Examination and included reference to Version 6 of the HRASR. However, no complete version of this was received prior to the close of the Examination. As a result, I have relied on Version 5 in my consideration of the relevant issues.

⁶ Although reference was made to a HRASR Version 6 in documents submitted towards the end of the Examination, the two documents listed in the Examination Library as a clean and as a tracked changes version of the HRASR Version 6 [D10-016 and D10-017] are identical and comprise some complete and some partial appendices to the HRASR.

- 1.2.23 The RIES [PrD-18], which compiles, documents and signposts the information received with the application and during the Examination, was issued on 24 April 2015 [PrD-17] to all IPs. Comments on the RIES were requested for Deadline X - 14 May 2015, as set out in the amended Examination timetable [PrD-13]. The only comments received were those from NRW [D10-002].

1.3 REQUESTS TO BECOME OR WITHDRAW FROM BEING AN INTERESTED PARTY (S102A, S102B AND S102ZA)

- 1.3.1 Charles Green on behalf of Shropshire North Against Pylons (SNAP), an unregistered party, submitted a representation on 12 November 2014. I accepted the submission as an additional submission [AS-001] and granted him 'Other Person' status on 13 November 2014.
- 1.3.2 Helen K. Little, in correspondence dated 21 February 2015, stated she no longer wished to be an IP but still wanted to be notified of the SoS's decision.

1.4 UNDERTAKINGS/OBLIGATIONS GIVEN TO SUPPORT THE APPLICATION

- 1.4.1 The Applicant submitted an unsigned s106 agreement (TCPA 1990) for Deadline VI - 26 March 2015 at Appendix 8 to its comments on responses to the ExA's SWQ [D6-025]. This was superseded by a signed development consent obligation UU on the part of the Applicant and landowners [D10-019 and D10-020]. This covered the following matters:
- provision of off-site car parks for equestrian and non-equestrian users;
 - provision of alternative bridleways and footpaths within the application site;
 - prohibition of rallying on new access tracks and use of existing tracks within the site during construction and no subsequent use of existing tracks within the application site without prior agreement of mitigation to protect the River Wye;
 - an Access Improvement Fund;
 - establishment of a Community Benefit Fund.

1.5 STRUCTURE OF REPORT

- 1.5.1 The following Sections of the report set out the main features of the proposal and its site, the legal and policy context, my findings and conclusions on all important and relevant issues relating to development consent and finally my recommendation to the SoS as to whether the Order should be made. Should the SoS decide to make the Order, a recommended version is attached at Appendix A, as are the Examination Library (Appendix B), the Report on Implications for European Sites (RIES) (Appendix C), lists of events in the Examination (Appendix D), and a list of abbreviations (Appendix E).

2 MAIN FEATURES OF THE PROPOSAL AND SITE

2.0 THE APPLICATION AS MADE

The application proposal

- 2.0.1 The proposed development consists of up to 27 turbines each with a generating capacity of between 3 and 3.3MW, underground electrical and communications cables, a substation, control building and satellite link, widening of 9.5km of existing tracks, approximately 6.9km of new tracks and an installation of a meteorological monitoring mast up to 80m high. There would be improvements to the existing site access [D7-022, p6].
- 2.0.2 No specific make or model of turbine is applied for although visualisation and noise calculations have been based on a particular model - a Vestas V90 3MW turbine - to demonstrate that the site is technically feasible with turbines of this size. Dependent on the type of turbines installed, the hub height would be up to 80m and the blades would have a swept diameter of between 90-105m; the maximum height to blade tip would be 125m irrespective of the eventual turbine type chosen. The proposed wind farm would have a total installed capacity of 81-89.1MW.
- 2.0.3 Each turbine's base would have a diameter of approximately 17.6m, be on average 2.2m deep, with the bottom of the excavation typically between 2.5m and 3m below the existing ground level and backfilled with soil to ground level.
- 2.0.4 Certain minor off-site highway works would be required to facilitate transporting AIL deliveries to the site during construction. These include adaptations of street furniture, the extension of three existing lay-bys, and the construction of two new lay-bys.
- 2.0.5 Existing tracks inside the Sweet Lamb Rally Complex would be widened where necessary to achieve a minimum running surface width of 5m along with the construction of some 6.9km of new tracks. Access to the site, which would be improved as part of the proposal, would be directly off the A44 trunk road.
- 2.0.6 Limits of deviation (LoD) are described within Article (A) 6 of the DCO [AD-005]. These would only authorise deviation laterally from the lines or situations as shown on the Works Plan [AD-003] during construction and maintenance. The LoD shown on the Works Plan do not extend into the area south of the A44 as this land has merely been included to allow delivery of loads to oversail the hedge when turning into the site.

Scope of the proposed works

- 2.0.7 The proposed authorised development is described in Schedule 1, Part 1 of the recommended DCO. In Wales the PA2008 makes limited provision for consent to be given within a DCO for works which are not ancillary to the project, and which would comprise associated development⁷.
- 2.0.8 As the difference between ancillary and associated development was not addressed in the application, I sought the views of the Applicant and IPs in a Rule 17 letter on whether the various works described in addition to the wind turbine generators (WTGs) constituted ancillary development [PrD-19].
- 2.0.9 The project would include infrastructure such as an on-site substation, access tracks (some of which are pre-existing), cable routes, a temporary construction compound, meteorological mast, access road improvements and temporary blade storage areas. Annexes A and B to the Department for Communities and Local Government (DCLG) advice include substations and improvements to vehicular accesses as examples of associated development. The advice does, however, state that the development listed in the annexes should not be treated as associated development as a matter of course. Whether a specific element of a proposal is associated with an NSIP for the purposes of s115 of the PA2008 is a matter of fact and degree.
- 2.0.10 The Applicant is quite clear that all the proposed works taken together comprise the generating station which is the NSIP [D10-006]. PCC, in its response on this matter, refers to previous NSIP decisions in Wales, which I too have considered: in the Brechfa Forest Wind Farm Order 2013 a substation and access tracks were included in the Order and the Clocaenog Forest Wind Farm Order 2014 works package also includes similar works to those now proposed [D10-008]. The substation and access tracks in the present case lie clearly within the body of the application site, as shown on the Works Plan [AD-003] and are integral to the project. No other party sought to comment on this issue.
- 2.0.11 I consider that it is the project as a whole that comprises the electricity generating station NSIP, rather than the individual WTGs. All elements of the proposed project would be integral and ancillary parts of the NSIP. None of them has a purpose other than the construction and/or operation of the wind farm and without them the generating station would not be able to be constructed and operate. As such, I consider that there is no associated development within the meaning of s115(2)(a) of the PA2008 included with the application.

⁷ DCLG Guidance - Planning Act 2008: associated development applications for major infrastructure projects, April 2013

Grid connection

- 2.0.12 The proposed development would be connected to the grid via a 132kV line, between 32km and 45km in length, to a new substation located near to Cefn Coch. This connection does not form part of the proposed development and would be subject to a separate NSIP application by the Distribution Network Operator (DNO), Scottish Power Manweb Plc (SPM). The grid connection is dealt with in more detail in Sections 4 and 5 of this report. There is no requirement for the grid connection to be in place or approved before a consent for the wind farm proposal can be made.

The site context

- 2.0.13 The site is located wholly within the Sweet Lamb Rally Complex and farm north of the A44 in the Cambrian Mountains, approximately 25km east of Aberystwyth, 8km west of Llangurig and 9.5km north-east of Ponterwyd in the Powys.
- 2.0.14 As noted in Section 1.0, the location of the site is shown in Figures 1.1 [AD-123] and 1.2 [AD-124] of the ES as well as on the Land Plan, a final updated version of which was received at Deadline X [D10-025].
- 2.0.15 The proposed development site lies within the northern part of the Cambrian Mountains in Powys on the watershed between the Wye, Severn and Afon Bidno valleys. The Sweet Lamb Rally Complex landholding extends to approximately 2,000ha, the application site comprising about 584ha of this. The landholding is used predominantly for agriculture as well as motorsports and target shooting. The landscape within the surrounding area is dominated by upland rural farming, water storage and forestry.
- 2.0.16 Whilst there are some areas of enclosed pasture around the River Wye in the extreme south of the site, and small scattered areas of plantation, the majority is covered by rough grassland under sheep and cattle grazing. The site is traversed by a number of gravelled tracks and there is a substantial hard-surfaced area on which there is a large agricultural building and structures connected with a shooting enterprise. A total of 27.88ha of the site would be utilised for the development, 14.34ha permanently and 13.54ha during construction only [ES para 2.3, AD-055].
- 2.0.17 The siting of the turbines would occupy the top of a plateau of undulating farmland and moorland that has a high point of 546m Above Ordnance Datum (AOD) at Y Foel. The hill top plateau is typical of the mountains and foothills along the Ceredigion and Montgomeryshire border in the Cambrian Mountains. The scale of hills increases to the west onto the Plynlimon massif where the highest

point in the Cambrians is Pumlumon⁸ Fawr at 752m AOD. To the immediate east and north of the application site are broad tracts of the largely coniferous Hafren Forest which is under the management of NRW.

- 2.0.18 Two principal rivers emanate from the adjacent Plynlimon ridge; the upper course of the River Wye bounds the south-western edge of the application site, with its source some 2km to the north-west. The source of the River Severn lies 3km to the north.
- 2.0.19 The Sweet Lamb Rally Complex is an enterprise used principally for rally car testing and rally events and includes many kilometres of track. It has hosted the Welsh Rally and rallying and training has taken place for 20-25 years [AD-074]. The site is visited by an estimated 9,000-17,000 people per year, making it one of the largest business/leisure sites in mid-Wales. Table 16.7 of Chapter 16 of the ES [AD-069] sets out the on-site leisure use during 2012.
- 2.0.20 There are no settlements within the proposed development area. The nearest villages to the proposed turbines are Ponterwyd, 9.5km to the south-west, Staylitttle 8km to the north-north-east and the hamlet of Pant Mawr adjacent to the site entrance to the Sweet Lamb Rally Complex. Llangurig lies 8.1km to the east-south-east and the town of Llanidloes lies 10-11km to the east of the proposed turbines.
- 2.0.21 There are several individual dwellings in the vicinity of the proposed development. These are shown on ES Figure 9.1 [AD-269]. The closest - Maesnant - is situated in Hafren Forest, about 940m from the nearest proposed turbine (turbine 12).
- 2.0.22 No national landscape designations cover the site or the local context of the site. The nearest National Park is Snowdonia, which lies 18km to the north-west of the site. The Brecon Beacons National Park lies 51km to the south of the site.
- 2.0.23 There are three Sites of Special Scientific Interest (SSSIs) and one Special Area of Conservation (SAC) within 3km of the application site: the Pumlumon SSSI; the Mwynglodda Nantiago SSSI; and the Afon Gwy (River Wye) SSSI/SAC. The location of the SSSIs and SAC are shown on ES Figure 5.2 [AD-127]. In addition, the Elenydd - Mallaen Special Protection Area (SPA) is located at its nearest point some 3.4km to the south-west [ES Figure 11.12a, D6-030].
- 2.0.24 The Afon Gwy (River Wye) SSSI/SAC lies outside the application site to its western side. Small streams and springs from the southern and western slopes of the application site drain into the river. The Wye is

⁸ According to John Morgan, (Ramblers Cymru) [HG-003], Pumlumon is probably best translated as 'five beacons' It comprises a south-west to north-east running ridge on which there are five high points, the main ones being Pumlumon Fawr, Pen Pumlumon Arwystli and Pumlumon Cwmbiga.

designated as a SAC for much of its length, being of conservation importance for a large number of features along it. The Elenydd - Mallaen SPA qualifies for designation under the Habitats Directive for its breeding populations of Red Kite, Merlin and Peregrine Falcon [ES Chapter 11, p11.93-11.96, AD-064].

- 2.0.25 The Pumlumon SSSI covers a large area of blanket bog communities, dwarf-shrub heath and acid grassland to the north-east of the application site, with its upland bird assemblage being one of the qualifying features of its designation. The Mwynglodda Nantiago SSSI comprises an old mine shaft just within the north-western corner of the application site. It is a site of geological interest containing minerals of special note [ibid p11.88-11.92].
- 2.0.26 There are no sites designated as County Wildlife Sites within 3km of the application site.
- 2.0.27 Since 1 January 2014 land within the site boundary has been managed under the WG Glastir agri-environmental scheme, prior to which it was managed under the predecessor scheme, Tir Gofal. These are not planning designations affording protection to the land but are areas where Government financial support is provided to achieve specific environmental objectives. These are to combat climate change, improve water management and maintain and enhance biodiversity [Ibid. p11.104].
- 2.0.28 There are ten Scheduled Ancient Monuments (SAMs) inter-visible with the proposed development; none of these is located within the development boundary.
- 2.0.29 Approximately half of the site is classed as Open Access Land and under the CRoW Act, members of the public have a right of access over this land. There are four Public Rights of Way (PRoWs) within the site boundary (shown together with Open Access Land on ES Figures 8.10a and 8.10b [AD-359 and AD-360]):
- BW48 is a bridleway that enters and leaves the site in the north-west corner;
 - BW49 is a bridleway that enters on the west of the site (just north of the proposed substation) and runs across the site and leaves on the east side;
 - FP139 is a footpath that splits off from BW49 just above the proposed substation and leaves through the north-east of the site;
 - FP47 enters the site in the north-west and runs to the edge of Hafren Forrest where it follows the site boundary until it enters the forest on the north-east of the site.
- 2.0.30 A number of long-distance footpaths/trails start/finish or pass within the vicinity of the application site: the Wye Valley Walk, the Severn Way, the Cambrian Way and, slightly more distantly, Glyndwr's Way.

2.1 THE APPLICATION AT THE CLOSE OF EXAMINATION

- 2.1.1 Concerns regarding minimum turbine distances from PRoWs were raised by PCC in its LIR [D2-039] and their subsequent WR [D2-021]. This concern was shared by the BHS in its WR [D2-020]. The Applicant addressed these concerns in Part 10 of its response to WRs [D3-002] and submitted additional information in the form of a proposed alternative rights of way plan at Appendix 10.2a [D3-006]. A final updated plan (Figure 8.10e) was submitted for Deadline VI [D6-029]. These proposed alterations are also reflected in A6 of the recommended DCO.
- 2.1.2 Amendments were made to the description of the authorised development at Schedule 1 to the DCO during the Examination. These amendments were made to reflect concerns regarding the proposal's capacity output and details of works, raised by NRW at the ISH into the DCO [HG-002] and its post-hearing submissions [D4-004].
- 2.1.3 The details of changes to the key application documents, including the wording of the proposed DCO and the content of the HRASR, were submitted and updated during the Examination. The changes in the documentation seek to address points raised by IPs and my questions and to reflect improved information and changes arising during the Examination. These included matters such as the removal of a proposed settlement pond, additional permissive rights of way where a PRoW is within 125/200m of a turbine, and other environmental matters.
- 2.1.4 The Applicant also submitted a range of updated, revised and/or additional information, including additional photomontages, a Surface Water Management Plan (SWMP), a Carbon Balance Report (CBR), a Bat Protection Plan (BPP), a Land and Works Plan, a Water Quality Management Strategy (WQMS), a Species Protection Plan (SPP), an Access Management Plan (AMP), a Construction and Environment Management Plan (CEMP), a Peat Management Plan (PMP) and a Cumulative Landscape and Visual Impact Assessment (CLVIA).
- 2.1.5 All the updated, revised and/or additional information was accepted into the Examination.
- 2.1.6 It should be noted that the Applicant's complete updated HRASR (Version 6) for Deadline X was not received during the Examination. The submissions received for Deadline X only included the appendices in clean and tracked change format to this report titled 'Version 6 of the Habitats Regulations Assessment Screening Report (Part 2 of 2)' [clean version, D10-016 and track changed version, D10-017].
- 2.1.7 References to the HRASR in this report are to Version 5 submitted for Deadline VII [D7-022] unless otherwise specified.

2.2 RELEVANT PLANNING HISTORY

- 2.2.1 No previous NSIPs relating to the Sweet Lamb Rally Complex have been submitted to date. There is, however, extensive planning history to the application site, which is set out in paragraph 1.7 of PCC's LIR [D2-039] and its subsequent late submission [D2-041], received on 28 January 2015. This history includes permissions for the erection of a farm/rally workshop, agricultural buildings, a withdrawn application for two 10KW wind turbines (2013), and the refusal of 38 wind turbines, ancillary roads and a grid connection building (1993). A late submission was also received from PCC on 23 December 2014 as an update to its LIR appendix [D2-040], which reflected the position relating to existing and proposed wind farm schemes in Powys. I accepted both late submissions into the Examination.

3 LEGAL AND POLICY CONTEXT

- 3.0.1 This section sets out the main legal and policy context which has been taken into account in carrying out the examination of the application and in making my findings and recommendation in this report.
- 3.0.2 Secondary legislation and guidance under the PA2008 has been fully taken into account throughout the Examination as far as it is relevant. Where appropriate, this legislation and guidance is referenced within the individual Sections of this report.
- 3.0.3 Other relevant UK Government and WG policy has also been taken into account where relevant and where it is covered below it specifically applies in Wales. Where necessary this has also been referenced within the individual Sections of this report.
- 3.0.4 The application describes policy considerations in the Planning Statement [AD-347] and in ES Chapter 3 [AD-056]. An ISH on Policy was held on 17 March 2015 [HG-008 and 009].

3.1 PLANNING ACT 2008 (AS AMENDED)

- 3.1.1 S104 imposes an obligation on the SoS to decide an application in accordance with any relevant NPS except where that would result in a breach of international obligations, duty or law, where the adverse impacts of the development would outweigh the benefits, or where it would be contrary to regulations as to how decisions are to be taken.
- 3.1.2 NPS EN-1, The Overarching National Policy Statement for Energy, applies to onshore wind farms generating more than 50MW, as proposed in this case. It has effect in combination with the relevant technology-specific NPS, which is EN-3, Renewable Energy Infrastructure.
- 3.1.3 In addition to the NPSs, s104(2) also requires the SoS to have regard to any LIR and to any other matters which the SoS considers important and relevant as part of the decision-making process⁹.

3.2 NATIONAL POLICY STATEMENTS

EN-1 The Overarching National Policy Statement for Energy

- 3.2.1 The UK has a commitment to meeting its legally-binding target to cut greenhouse gas emissions (GGEs) by at least 80% by 2050, compared to 1990 levels. The Government is concerned to ensure that

⁹ The Government issued a Written Ministerial Statement 'Local planning' regarding onshore wind energy development on the 18 June 2015. This was supported by a number of consequential changes to its Planning Practice Guidance on renewable and low carbon energy. As these followed the close of the Examination I have not taken them into account.

developers deliver the required levels of investment in low carbon generation to decarbonise the way energy is produced. Renewable energy investment would reinforce the UK's security of supply whilst retaining efficiency and competitiveness, and reducing GGEs. As part of the UK's need to diversify and decarbonise electricity generation, the Government is committed to increasing dramatically the amount of renewable generation capacity. Applications should be assessed on the basis that the Government has demonstrated that there is a need for this type of infrastructure and that substantial weight should be given to the contribution which projects would make to satisfy this need¹⁰.

- 3.2.2 The NPS recognises that in the short to medium term much of the new capacity is likely to come from onshore and offshore wind. New projects are needed to come forward urgently to meet the Government's target of sourcing 15% of energy from renewable sources by 2020¹¹. Paragraph 3.4.3 notes that in relation to renewable energy generation "onshore wind is the most well-established and currently the most economically viable source of renewable electricity available for future large-scale deployment in the UK".

EN-3 National Policy Statement for Renewable Energy Infrastructure

- 3.2.3 EN-3 sets out policy specific to renewable energy infrastructure. Para 2.2.1 of EN-3 notes that where a proposal is located in Wales planning policy and advice issued by the WG relevant to renewables will provide important information to Applicants for energy NSIPs. Applicants will be expected to have taken this into account when working up proposals and should explain how proposals fit with the guidance and support its targets or, alternatively, why they depart from it. Whether an application conforms to the guidance or the targets will not, in itself, be a reason for approving or rejecting an application.
- 3.2.4 EN-3 includes factors which should influence site selection. The key considerations identified are predicted wind speed, proximity of dwellings, site capacity, electricity grid connection and access. These matters have been considered by the Applicant within the ES. Technical considerations for the decision-maker are also identified. These include access tracks, project lifetime, flexibility in the project details, micro-siting and repowering¹². All these matters are included within the application.
- 3.2.5 The impacts which should be addressed in the application and taken into consideration by the SoS in reaching a decision are set out in the NPS as follows:

¹⁰ NPS EN-1, paras 2.2.1, 2.2.15, 3.1.3, 3.1.4, 3.3.10

¹¹ Ibid, para 3.4.5

¹² Ibid, paras 2.7.11 - 2.7.28

- Biodiversity and geological conservation,
- Historic environment,
- Landscape and visual,
- Noise and vibration,
- Shadow flicker,
- Traffic and transport.

These matters are covered in detail within the Applicant's ES.

- 3.2.6 The Applicant and PCC agreed an overarching SoCG [D10-018] in which it is noted that EN-1 and EN-3 contain the primary policies relevant to this application.
- 3.2.7 Having regard to the guidance set out in relation to the form and content of NSIP applications, the Applicant has included within the application, and subsequently through the Examination, the technology-specific information required for an assessment of adverse impacts to be carried out. Any adverse impacts of the development should be weighed in accordance with the provisions of s104(2)(7) of the PA2008.

3.3 WELSH NATIONAL POLICIES AND GUIDANCE

- 3.3.1 The principal planning policy and advice documents in Wales that are relevant to this application are Planning Policy Wales 2014 (Edition 7) (PPW), Energy Wales: A Low Carbon Transition (2012), and Technical Advice Note 8: Planning for Renewable Energy (TAN 8) [D5-044].

Planning Policy Wales

- 3.3.2 PPW sets out the land use planning policies of the WG [D5-044]. Para 12.8.1 indicates that the WG is committed to playing its part in meeting the UK's required target of 15% of energy being from renewables by 2020. It seeks to deliver an energy programme which contributes to reducing carbon emissions as part of the approach to tackling climate change whilst enhancing the economic, social and environmental well-being of the people and communities of Wales, as outlined in Energy Wales: A Low Carbon Transition.
- 3.3.3 PPW para 12.8.12 notes that, in the short to medium term, wind energy continues to offer the greatest potential for delivering renewable energy. There is an acceptance that the introduction of new, often very large, structures for onshore wind needs careful consideration to avoid and, where possible, minimise their impact. PPW also states that the most appropriate scale at which to identify areas for large-scale onshore wind energy development is at an all-Wales level (para 12.8.13). It also details that TAN 8 identifies areas in Wales which, on the basis of substantial empirical research, are considered to be the most appropriate locations for large-scale wind farm development, these areas being referred to as Strategic Search Areas (SSAs).

- 3.3.4 Development of a limited number of large-scale wind energy developments in these areas are required to contribute significantly to the WG's aspiration for 2GW in total capacity by 2015/17, UK and European renewable energy targets, and to mitigate climate change and deliver energy security (ibid).
- 3.3.5 Para 12.9.5 of PPW states that policies for strategic renewable energy¹³ development in areas outside SSAs, if appropriate, should be included in development plans informed by local authority renewable energy assessments.

Technical Advice Note 8, July 2005 (TAN 8)

- 3.3.6 TAN 8 provides technical advice to supplement the policy set out in PPW [D5-044]. Para 1.1 of the TAN confirms that it is intended to be relevant to the authorisation of electricity generating schemes with a capacity in excess of 50MW under s36 of the Electricity Act 1989. As schemes of this size now qualify as NSIPs they fall to be considered in accordance with the PA2008.
- 3.3.7 NPS EN-1¹⁴ states that account has been taken of the relevant TANs in Wales, TAN 8 being the applicable one in relation to wind energy. TAN 8 identifies seven SSAs and para 2.2 notes that these are the areas within which large-scale (over 25MW) onshore wind developments should be concentrated for efficiency and environmental reasons. A WG Ministerial letter of July 2011 sets out that TAN 8 seeks to facilitate Wales' potential output of renewable energy and restrict the proliferation of large wind farms in other parts of Wales. The application site does not lie within an SSA, the nearest being SSA D - Nant-y-Moch - over 6km in distance [AD-347]. The relationship of the project in relation to TAN 8 is considered in detail within Section 4 of this report.

Energy Wales: A Low Carbon Transition

- 3.3.8 This reiterates the WG's aim to enhance the economic, social and environmental well-being of the people and communities of Wales and its ambition to create a sustainable, low carbon economy for Wales.

Other policies and guidance

- 3.3.9 The Applicant's Planning Statement [AD-347] also refers to the UK Renewable Energy Roadmap (2011) and Low Carbon Revolution – WG Energy Policy Statement (2010). Its WR also refers to the UK Renewable Energy Roadmap Update 2013 and the Annual Energy Statement 2014 [D2-017]. Where relevant, I have taken account of these policy documents mentioned in this Section of the report. I have

¹³ Defined in PPW as being over 25MW for onshore wind and over 50MW for all other technologies.

¹⁴ NPS EN-1, para 4.1.5

also taken note of the Wales Spatial Plan (updated 2008) as referenced within the LIRs.

3.4 UK LEGISLATION

Wildlife and Countryside Act 1981 (as amended) (W&CA)

3.4.1 The W&CA is the primary legislation which protects animals, plants, and certain habitats in the UK. The Act provides for the notification, confirmation, protection and management of SSSIs. These sites are identified for their flora, fauna, geological or physiographical features by the nature conservation bodies (NRW in Wales).

3.4.2 The Act is divided into four parts: Part I relating to the protection of wildlife, Part II relating to the designation of SSSIs and other designations, Part III relating to public rights of way and Part IV relating to miscellaneous provisions. As noted in Section 2 of this report, there are three SSSIs within 3km of the application site: Mwyngloddfa Nantiago being within the site, and the Afon Gwy (River Wye) and Pumlumon SSSIs adjacent [AD-064, p18-19 and AD-127].

3.4.3 If a species protected under Part I is likely to be affected by development, a protected species licence will be required from the appropriate nature conservation body (NRW in Wales). This has relevance to consideration of impacts on SSSIs and on protected species and habitats. Whether any such licences are required is discussed in Section 4 of this report.

Natural Environment and Rural Communities Act 2006 (NERC Act)

3.4.4 The NERC Act made provision for bodies concerned with the natural environment and rural communities, in connection with wildlife sites, SSSIs, National Parks and the Broads. It includes a duty that every public body must, in exercising its functions, have regard so far as is consistent with the proper exercising of those functions, to the purpose of biodiversity. In complying with this, regard must be given to the United Nations Environment Programme Convention on Biological Diversity of 1992.

3.4.5 This is of relevance to biodiversity, biological environment and ecology and landscape matters in respect of the proposed development. These matters are discussed in Section 4 of this report.

Countryside and Rights of Way Act 2000

3.4.6 Part 1 of the CRoW Act is intended to give greater freedom for people to explore open countryside. It contains provisions for a statutory right of access for open-air recreation to, amongst others, mountain and moor as 'access land'.

- 3.4.7 This is relevant to the consideration of the application as significant areas of the application site have been designated as 'access land' and if the development proceeds there would be a need to temporarily prevent public access during construction activities.

3.5 EUROPEAN POLICIES AND RELATED UK REGULATIONS

Habitats Directive (Council Directive 92/43/EEC)

- 3.5.1 The Habitats Directive (together with Council Directive 2009/147 EC on the conservation of wild birds (the Wild Birds Directive)) forms the cornerstone of Europe's nature conservation policy. It is built around two pillars: the Natura 2000 network of protected sites and the strict system of species protection. The Directive protects over 1,000 animals and plant species and over 200 habitat types (for example, special types of forests, meadows, wetlands etc.), which are of European importance.

Birds Directive (Council Directive 2009/147/EC)

- 3.5.2 The Birds Directive is a comprehensive scheme of protection for all wild bird species naturally occurring in the European Union. The Directive recognises that habitat loss and degradation are the most serious threats to the conservation of wild birds. It therefore places great emphasis on the protection of habitats for endangered as well as migratory species. It requires classification of areas comprising the most suitable territories for these as SPAs. Since 1994 all SPAs form an integral part of the Natura 2000 ecological network.
- 3.5.3 The Birds Directive bans activities that directly threaten birds, such as the deliberate killing or capture of birds, the destruction of their nests and taking of their eggs, and associated activities such as trading in live or dead birds. It requires Member States to take the requisite measures to maintain the population of species of wild birds at a level which corresponds, in particular, to ecological, scientific, and cultural requirements while taking account of economic and recreational requirements.
- 3.5.4 The Elenydd - Mallaen SPA is classified as it supports internationally or nationally important breeding populations of three Annex 1 species - Merlin, Red Kite and Peregrine Falcon [AD-064, paras 11.99 and 11.100]. The SPA extends to within 3.4km of the application site.

The Conservation of Habitats and Species Regulations 2010 (as amended) - The Habitats Regulations

Habitats

- 3.5.5 The Habitats Regulations (which are the principal means by which the Habitats Directive is transposed in England and Wales) updated the legislation and consolidated all the many amendments which have

been made to the Regulations since they were first introduced in 1994.

3.5.6 The Habitats Regulations apply in the terrestrial environment and in territorial waters out to 12 nautical miles. Regulation 61 requires that a 'competent authority', before deciding to give consent for a plan or project which is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and which is not directly connected with or necessary to the management of that site, must make an appropriate assessment of the implications for that site in view of that site's conservation objectives.

3.5.7 Amendments made by the Conservation of Habitats and Species (Amendment) Regulations 2012 placed new duties on public bodies to take measures to preserve, maintain and re-establish habitat for wild birds.

3.5.8 The SoS is a competent authority for the purposes of the Regulations.

Species

3.5.9 The Habitats Regulations impose criminal penalties for various activities in relation to protected European species of wild animals and plants. Regulation 53 enables licences to be issued for specified activities; anything done under and in accordance with the terms of a licence is then not an offence under the Regulations. The licensing body in Wales is NRW.

3.5.10 NPS EN-1 states that the decision-maker will need to take into account whether the appropriate nature conservation body has granted or refused, or intends to grant or refuse, protected species licences. The latest position on protected species licences is discussed in Section 4 of this report.

Project context

3.5.11 A total of five European sites were screened for LSE by the Applicant in an updated HRASR [Version 5, D7-022]. I issued a RIES on 24 April 2015 [PrD-18]. The RIES documents and signposts information in the application and that received during the Examination in relation to potential effects on European sites.

3.5.12 Section 2 of the RIES identifies the European sites that have been considered, either alone or in-combination with other projects and plans. Section 3 considers the likelihood of significant effects. Habitats Regulations Assessment (HRA) issues are discussed in Section 5 of this report.

Renewable Energy Directive 2009

- 3.5.13 The Renewable Energy Directive sets out legally-binding targets for Member States with the expectation that, by the year 2020, 20% of the European Union's energy mix and 10% of transport energy will be generated from renewable energy sources. The UK's contribution to the 2020 target is that by then 15% of energy will be from renewable sources.

UK Renewable Energy Strategy 2009

- 3.5.14 This Strategy sets out how the UK proposes to meet the targets. It states "(O)ur lead scenario suggests that by 2020 about 30% or more of all our electricity (about 117 TWh) – both centralised and small-scale generation – could come from renewable sources, compared to around 5.5% today. We expect the majority of this growth to come from wind power, through the deployment of more onshore and offshore wind turbines" (para 2.18).

3.6 THE LOCAL IMPACT REPORTS

- 3.6.1 Two LIRs were prepared and submitted: one by PCC, the authority within whose area the application site is situated; and one by the neighbouring authority, CCC. The following are the main issues raised by the PCC and CCC LIRs:
- Landscape fabric, character, protected areas and visual amenity;
 - Visual impact and degradation of the quality of landscape;
 - Archaeology and cultural heritage;
 - Noise from the turbines;
 - Economic, socio-economics and community;
 - Construction impacts;
 - Operational impacts;
 - Cumulative impacts;
 - Transport movements and construction traffic, rights of way and public access;
 - Ecology and biodiversity;
 - Geology, hydrology and hydrogeology;
 - Public safety and health including private drinking water supplies.
 - Flooding;
 - Grid connection;
 - Utilities and telecommunications.
- 3.6.2 I have paid full regard to the LIRs in my examination of the application, including at the ISHs on policy and the environment, which included consideration of many of the matters referred to in the LIRs. The principal issues raised in the LIRs are considered in Section 4 of this report.

3.7 RELEVANT DEVELOPMENT PLAN AND OTHER LOCAL POLICIES

- 3.7.1 Paragraph 4.1.5 of NPS EN-1 indicates that the decision-maker may consider Development Plan Documents (DPDs) or other documents in the Local Development Framework (LDF) both important and relevant to their consideration of the application. In Wales I have considered the relevant Local Development Plans.
- 3.7.2 The application site lies within the jurisdiction of PCC. The current development plan is its Unitary Development Plan (UDP), which was adopted in March 2010 [D5-044]. In its LIR [D2-039] PCC has identified the principal strategic policies as:
- SP3 (Natural, Historic and Built Heritage) - this strategic policy requires development to take account of the need to protect, conserve and wherever possible enhance the natural, historic and built heritage;
 - SP12 (Energy Conservation and Generation) - this policy states that proposals for energy generation from renewable sources will be approved providing that they meet the landscape, environmental, amenity and other requirements set out in the UDP.
- 3.7.3 PCC also notes, at paras 2.42 and 2.43 of the LIR, a number of other relevant policies to be taken into account. The primary one relating to wind farm proposals is Policy E3 and is a criteria-based permissive policy. This seeks to ensure that such proposals are, amongst other matters, protective of the county's environmental and landscape quality, wildlife habitats and species, residential amenity and do not unacceptably adversely affect the use of highways and public rights of way. In addition to these, PCC listed the Draft Interim Development Control Guidance – Onshore Wind Development (July 2008) (though this was not adopted). In conjunction with CCC, the Council in 2007 undertook a refinement exercise of SSA D: Nant-y-Moch, in accordance with Annex D of TAN 8, the application site lying beyond this refined boundary.
- 3.7.4 The UDP states at para 12.9.1 that the Council believes that experience to date suggests that a criteria-based policy on its own does not represent a particularly good basis for future decision-making. It is considered to be desirable for the Council to be more pro-active in steering wind power developments to areas where they would be most acceptable.
- 3.7.5 The Ceredigion Local Development Plan identifies Special Landscape Areas (SLAs) within the County, the aim of Policy DM 18 being to protect areas of landscape value through development management [D2-038]. Large areas of the Cambrian Mountains, including Plynlimon, are covered by the SLA and the designation is shown on ES Fig 8.51 [AD-268]. Whilst this designation does not apply to the

application site, because of the proximity of the SLA CCC has drawn attention to it in terms of the proposal's impact on its character.

3.8 THE SECRETARY OF STATE'S POWER TO MAKE A DCO

- 3.8.1 I need to consider whether changes to the application made during the course of the Examination mean that the application has changed to the point where it is a different application and whether the SoS would have power therefore under s114 of the PA2008 to make a DCO having regard to the development consent applied for by the Applicant.
- 3.8.2 The SoS will be aware of the letter dated 28 November 2011 from Bob Neill MP, then Parliamentary Under-Secretary of State for Planning to the then Infrastructure Planning Commission. The view expressed by the Government during the passage of the Localism Act was that s114(1) places the responsibility for making a DCO on the decision-maker, and does not limit the terms in which it can be made.
- 3.8.3 In exercising this power the SoS may wish to take into account my view that the nature and scope of the application did not materially change during the course of the Examination to such a degree that by the close of the Examination it represented a different application. There were no representations received to suggest otherwise.

4 FINDINGS AND CONCLUSIONS IN RELATION TO POLICY AND FACTUAL ISSUES

4.0 MAIN ISSUES IN THE EXAMINATION

Preliminary identification of principal issues

4.0.1 In accordance with s88 of the PA2008 I made an initial assessment of principal issues based on the matters raised in the Relevant Representations (RRs) and my reading of the application documents. This was included as Annex B to my Rule 4 and 6 notification letter to all IPs and was also included as an item on my agenda (Annex A) for the PM on 20 November 2014 [PrD-03].

4.0.2 The issues I identified at the outset of the Examination were:

- The draft DCO;
- The Environment;
- Health and Safety;
- Policy.

4.0.3 Further detail was listed under each of these broad headings in the Rule 4 and 6 notification letter.

4.0.4 In discussing principal issues at the PM, cumulative impacts relating to grid connection, and the need for the wind farm and grid connection to be considered as a whole, were raised [PM-001]. As noted in Section 2 of this report, the grid connection would be subject to a separate DCO application although broad-level information regarding possible grid connection routes has been supplied with the current application [AD-070]. Further information and questioning on grid connection took place during the course of the Examination and this issue is further considered later in this Section and in Section 5.

4.0.5 Reference was also made to a concern that, as lead mining had formerly taken place within part of the application site, the proposed development could result in the release of lead into the River Wye. I explained that this issue was encompassed within the broad heading of environmental issues [PM-001]. This was a further matter considered during the course of the Examination.

Issues arising from the Written Representations

4.0.6 Written submissions reiterated a number of issues which I identified under the broad headings of the principal issues above. In summary these included:

- Impact on landscape and visual amenity;
- Policy interpretation;

- Disagreement that evidence on climate change is compelling and about the urgency of need for renewable wind generation and the contribution that the proposal would make;
- Impact on historic landscape and on the setting of heritage assets;
- Impact on tourism and the economy;
- Impact of construction on transport and amenity;
- Relationship with grid connection;
- Ecological concerns.

4.0.7 All the matters raised in the written submissions were taken into account during the Examination. They informed many of my written questions and matters discussed at the hearings. The Applicant responded to matters raised by IPs at the various stages of the Examination.

Issues arising in Local Impact Reports

4.0.8 The principal matters raised in the two LIRs are summarised at Section 3.6 of this report and relate mainly to impacts during the construction and operational phases. The issues raised in the LIRs are generally embraced in my preliminary assessment of issues. Those issues raised by PCC and CCC in their LIRs and in the subsequent submissions are dealt with in my consideration of the key issues below.

4.1 KEY ISSUES FOR THE DETERMINATION OF THE APPLICATION

4.1.1 I deal with the HRA and the DCO in Section 5 of this report. In this present Section I deal with the other main issues on which the Examination focussed. From the Councils' LIRs, submitted WRs, responses to my written questions and evidence provided orally at the hearings, the following are matters that arose as key issues and are therefore relevant to the SoS's decision:

- Policy context;
- Landscape and visual impact;
- Cultural heritage impacts;
- Impact on ecology, biodiversity and protected species;
- Hydrology;
- Public access and recreation;
- Socio-economic impacts including impact on tourism;
- Traffic and highway implications of the construction phase.

4.2 POLICY CONTEXT

Conformity with NPSs

- 4.2.1 NPS EN-1, together with the relevant technology-specific energy NPS, in this case EN-3, provide the primary basis for a decision on this NSIP¹⁵. Applications should be assessed on the basis that the Government has demonstrated that there is an urgent need for this form of infrastructure. This need is summarised in Section 3 of this report. Substantial weight should be given to the contribution which a project would make to satisfy this need¹⁶. This is qualified in para 3.2.3 of EN-1 which sets out that the weight that is attributed to considerations of need in any given case should be proportionate to the anticipated extent of a project's actual contribution to satisfying the need for a particular type of infrastructure.
- 4.2.2 In its LIR, CCC contends that the imperative for renewable forms of energy production, as set out in EN-1, has been lifted from the UK Government. This is on the basis of the Government's opposition to European binding targets for renewable energy [D2-038]. Nonetheless, EN-1 para 2.2.1 states the Government's commitment to meeting our legally binding target to cut GGEs by at least 80% by 2050, compared to 1990 levels. The binding EU Renewable Energy Directive requirement for the UK to meet 15% of its total energy requirements from renewable sources by 2020 (across the sectors of transport, electricity and heat) remains [D3-002].
- 4.2.3 PCC, in its LIR, notes that onshore wind is acknowledged to be the most well-established and currently most economically viable source of renewable electricity available for future large-scale deployment in the UK, and the proposed development would make a significant contribution to meeting the need [D2-039, para 2.6]. However, in its summary of its oral case at the ISH on policy, by reference to its response to SWQ, its view was that the project's contribution would be limited, the scheme representing about 0.74% of current generating capacity from wind power [D6-007 and D5-025, response to question 1.6]. In its response to the same question, CCC calculates this figure as 0.67% [D5-029].
- 4.2.4 B A Kibble suggests that when security of supply is taken into account the likely output of the proposal is very much reduced¹⁷ and this would be of insufficient magnitude to offset the project's harmful impacts [D2-016]. CCC, whilst recognising the urgency for low or zero carbon forms of infrastructure covered by the NPSs, takes the view that

¹⁵ EN-1, para 1.1.1

¹⁶ EN-1, paras 3.1.3 and 3.1.4

¹⁷ By reference to an Electricity Network Steering Group report it is suggested that for security of supply wind farms can only be relied upon at about 5% capacity, meaning that output in security of supply terms would only be about 4.45MW (89.1MW x 5%) [D2-010].

priority should be focussed on forms other than wind that are more cost-effective and secure [D2-014].

- 4.2.5 However, the conclusion of the ExA relating to the Clocaenog Forest Wind Farm NSIP, whose generating capacity would be of a similar order of magnitude (between 64 and 96MW), was that that project would make a "significant contribution" to meeting the urgent need for the provision of renewable energy infrastructure. This conclusion was accepted by the SoS [D5-044].
- 4.2.6 The Applicant's calculations concur with PCC's assessment, suggesting that the output from the proposal is expected to be around 0.75% of the total UK wind capacity (6.9% of Welsh onshore capacity) and the equivalent to producing roughly the same electricity per year as needed for all households in Powys [D5-002, response to SWQ 1.6]. Notwithstanding the views of PCC and others¹⁸, I am of the view that, with a generating capacity of between 81 and 89.1MW, the proposed development would make a meaningful contribution to meeting the urgent need for this form of infrastructure identified in EN-1.
- 4.2.7 Given the level and urgency of need, EN-1 sets out that a starting point for deciding such applications is that there should be a presumption in favour of granting consent for this form of energy¹⁹, though this presumption is also subject to the provisions of the PA2008 referred to in para 1.1.2 of the NPS. The various caveats as set out in para 1.1.2 include that any resulting adverse impacts from the development should not outweigh the benefits. Further, the presumption in favour should apply unless any more specific and relevant policies set out in relevant NPSs clearly indicate that consent should be refused²⁰. In considering a proposal it is therefore necessary to weigh any adverse impacts against its benefits. In this context environmental, social and economic benefits and adverse impacts at national, regional and local levels need to be considered and balanced²¹. This is carried out later in this report.
- 4.2.8 Part 4 of EN-1 sets out assessment principles against which proposals should be considered, whilst EN-3 sets out the forms of impacts generally associated with onshore wind farms. The Applicant's ES has addressed the broad range of issues and they are considered in the following paragraphs.
- 4.2.9 EN-1 deals with the circumstances in which a new grid connection would be required, but where the grid connection is not included as part of the application project²². This is addressed later in this Section

¹⁸ For example Simon Ayres [D4-031] and B A Kibble [D2-010]

¹⁹ EN-1, para 4.1.2

²⁰ EN-1, para 4.1.2

²¹ EN-1, paras 4.1.3 and 4.1.4

²² EN-1, section 4.9

and in Section 5, as is the technical and financial viability of the scheme (Section 4.11) and whether the development consent obligations contained within the Applicant's s106 UU are matters to be taken into account (Section 6).

- 4.2.10 In respect of the contribution to meeting the urgent need for renewable energy generation, I consider that the proposal would be in general accordance with national policy as set out in EN-1 and EN-3. In terms of overall accordance I reach a conclusion later in my report after consideration of the other matters upon which the proposal would have an impact.

Planning Policy Wales (PPW) and Technical Advice Note 8 (TAN 8)

- 4.2.11 EN-3 indicates that in determining NSIP proposals regard should be had to planning policy and advice issued by the WG relevant to renewables. It expects that applicants should explain how their proposals fit with guidance and support its targets or, alternatively, why they depart from them. Whether an application conforms to the guidance or targets will not in itself be a reason for approving or rejecting an application²³. EN-1 confirms that the energy NPSs have taken account of the TANs in Wales where appropriate²⁴.
- 4.2.12 As noted in Section 3.3 above, the WG is committed to playing its part in meeting the UK target of 15% of energy from renewables by 2020. PPW, para 12.8.13 states that the most appropriate scale at which to identify areas for large-scale onshore wind energy development is at an all-Wales level [D5-044]. In this context the SSAs set out in TAN 8 are considered by the WG to be the most appropriate locations for large-scale wind farm development. The SSAs have been selected following technical analysis in the preparation of TAN 8, with boundaries being refined in a further study in 2007 in compliance with TAN 8 Annex D [D2-021]. The refinement exercise included a 5km buffer around the original TAN 8 boundary and resulted in the exclusion of the most environmentally-sensitive areas of the original boundary. This technical work accords with the approach required in EN-3, para 2.2.2.
- 4.2.13 Although TAN 8 is now somewhat aged, para 12.8.2 of PPW confirms its relevance in seeking to meet the WG's renewable energy commitments. Given that the proposed development would be located outside any SSA, the WG views the proposal as not being in accordance with the strategic approach as set out in TAN 8 [RR-54]. This is a view shared by, amongst others, PCC, CCC, NRW, and CMS who further view the fact that a location outside an SSA precludes the favourable consideration of a large-scale wind farm proposal there on

²³ EN-3, para 2.2.1

²⁴ EN-1, para 4.1.5

policy grounds [e.g. D2-011, D2-014, D2-021, D2-028, D2-030, D4-030, D6-003 and D6-010].

- 4.2.14 This is the first NSIP proposal in Wales which is located outside a defined SSA to come to determination (the consented Brechfa Forest West and Clocaenog Forest wind farms both being within SSAs). There has been expressed concern relating to the future application of TAN 8 guidance, and control over the location of other large-scale wind farms, should this proposal be consented in a location outside the SSAs [D6-003].
- 4.2.15 Two principal considerations flow from the above: whether the proposal does actually conflict with TAN 8; and the relationship with NPSs and the consequent weight to be given to TAN 8.
- 4.2.16 The Applicant argues that TAN 8 represents a policy of concentration of large-scale renewable energy rather than one of confinement solely within the SSAs [D6-015]. Its contention is that:
- neither EN-1 nor EN-3 make such a suggestion;
 - such a preclusion is not articulated in PPW;
 - it is PPW which sets out the land use planning policies for Wales, supplemented by TANs;
 - the detailed wording of PPW expressly does not seek to confine strategic-scale wind farms to SSAs;
 - TAN 8 does not on its own terms say as much - stating that "most areas outside SSAs should remain free of large wind power schemes" (para 2.13), using the terms "concentrated" not "confined" (para 2.2) and, therefore, not meaning exclusively, and using "within and outside", referring to the possibility of development other than within SSAs.
- 4.2.17 The Applicant argues that it follows from the above that para 8.4 of Annex D of TAN 8 (that outside SSAs the implicit objective is to maintain landscape character i.e. no significant change in landscape character from wind turbine development) must be read in the primary context of EN-1 and EN-3 (in particular the recognition that strategic-scale wind farms will inevitably give rise to significant landscape change) and in the context of the general approach of concentration and not confinement. Hence, the phrase in para 8.4 "no significant change in landscape character from wind turbine development" cannot have the preclusive effect that is contended by other parties.
- 4.2.18 I also note that para 12.9.5 of PPW states: "Policies for strategic renewable energy development in areas outside SSAs, if appropriate, should be included in development plans informed by local authority renewable energy assessments". Furthermore, para 2.4 of TAN 8 states that "(I)f there is robust evidence that land outside (but close to) the SSA is suitably unconstrained Local Planning Authorities (LPAs) might wish to consider the possibility of development of wind farms in

these areas as well". This would appear to further strengthen the notion that large-scale proposals outside SSAs are not necessarily to be precluded *per se* through the operation of TAN 8.

- 4.2.19 As set out in Chapter 3 of the ES [AD-056], the Applicant considers the proposed development site displays all of the characteristics of the SSAs identified in TAN 8 para 2.9 and is suitably unconstrained: it is part of an extensive area with a good wind resource; it is an upland area which contains a dominant landform that is flat (plateau) rather than a series of ridges; is sparsely populated; dominated by conifer plantation and/or improved/impooverished moorland; has a general absence of nature conservation or historic landscape designations; is of sufficient capacity to accommodate at least 70MW installed capacity; and is largely unaffected by broadcast transmission, radar, Ministry of Defence (MoD) Mid Wales Tactical Training Area and other constraints. Nonetheless, it lies some 6km beyond the refined SSA D boundary, with the Plynlimon massif as a high intervening feature.
- 4.2.20 Whilst recognising the force in the Applicant's argument, I also note the letter of July 2011 from John Griffiths, the WG Minister for Environment and Sustainable Development. In this it is stated that: "(O)ur approach is to limit the development of large scale wind farms to areas of Wales which were independently and empirically assessed to be the most suitable. These are the seven SSAs in TAN 8" [D5-044]. PCC points to the fact that this was issued with express reference to the then newly issued NPSs and decision-making in that context [D6-007]. In my view this would therefore appear to show a clear WG intent to wish to confine such proposals within the boundaries of SSAs. It also points to a degree of tension between the actual wording of TAN 8 and the espoused intent behind it.
- 4.2.21 The Applicant suggests that the weight to be accorded to TAN 8 is in any event limited. This is on the basis that:
- planning policy for Wales is that set out in PPW not TAN8, which supplements this, as clear from para 1.1.1 of PPW²⁵. Further, PPW contemplates large-scale renewable energy developments outside of SSAs;
 - TAN 8 was drafted on the basis of a much lower target for renewable energy, contemplating an installed capacity of 800MW from schemes over 25MW in size. This is well below the present target for 2015/17 of 2GW for which the SSAs would contribute the vast majority;
 - TAN 8 is failing to deliver; there are no consented/approved wind farms within SSA D (the closest SSA to the application site and which has an assessed indicative capacity of 140MW) after a ten-year period of a policy which seeks to encourage this form of

²⁵ Paragraph 1.1 of TAN 8 confirms that it provides technical advice to supplement the policy set out in PPW.

development in such a location. There is a similar situation within SSA C²⁶ [D5-025, PCC response to SWQ 1.4]. 0.5GW of renewable energy has been achieved against a 2GW target;

- EN-3, para 2.2.1 indicates that compliance or conflict with such guidance will not be a reason for granting or refusing consent.

- 4.2.22 The above points were raised at the ISH on Policy but have not elicited a response from other parties, the Applicant suggesting that this is because they are factually correct and not capable of rebuttal [D6-015]. These arguments have some degree of force. However, TAN 8 was produced at a time when the output from individual wind turbines was lower than those of today and there would be the possibility of repowering wind farms within SSAs to increase installed capacity with newer, larger turbines.
- 4.2.23 Concern has been raised that if the proposal was to be consented this would create a precedent for other large-scale schemes outside the SSAs, contrary to the intent of TAN 8. However, the Applicant considers that, if consented, this would not alter the planning context in which future applications would have to be determined given that TAN 8, properly read, does not restrict all large-scale wind farms to SSAs [D4-028 and D7-003].
- 4.2.24 In relation to para 2.2.1 of EN-3, NRW notes that the Applicant's case relies exclusively on conformity with, and no case advanced that it departs from, TAN 8. As such, if the Applicant has in fact departed from TAN 8 it has advanced no evidence to show how it has departed and there is therefore no evidence of the relevant explanation required by para 2.2.1 [D6-010]. The Applicant rebuts this, considering that through its evidence it has demonstrated how the proposal fits with TAN 8 guidance [D7-003]. Having adopted such a position, I consider it would be unreasonable to expect the Applicant to also have to explain to the contrary why its proposal does not conform to guidance and advice.
- 4.2.25 In conclusion, I consider that the Applicant has demonstrated the proposal's relationship with TAN 8, as required by EN-3 para 2.2.1. In my view, consent for the proposed development would run counter to what is the WG's espoused intent of guidance within TAN 8. Nevertheless, it would not be contrary to the letter of the guidance for the reasons set out by the Applicant. In any event, as stated in EN-3 para 2.2.1, whether or not the proposal fits in with guidance will not in itself be a reason for approving or rejecting it.

²⁶ In its LIR [D2-039, 2.47-2.50], PCC refers to two wind farm proposals that are within SSA C (Llaithddu and Llanbadarn Fynydd) that were subject to consideration at a conjoined Inquiry held between June 2013 and May 2014 relating to five wind farm proposals and a grid connection scheme. The result of this Inquiry was not known at the close of the Examination. Three other proposals within SSA C (Bryngydfa, Garreg Lwyd and Neuadd Goch) were similarly at appeal or were under consideration by PCC.

- 4.2.26 Even if it were to be accepted that the proposal was contrary to TAN 8 guidance, this has to be set within the context of the primary policy within NPSs. EN-1 indicates that it is not appropriate for planning policy to set targets for or limits on different technologies²⁷. It also makes clear that in circumstances of a conflict between 'any other document' and an NPS, the NPS prevails for the purpose of decision-making, given the national significance of the infrastructure²⁸. If TAN 8 were to be viewed as confining large-scale wind farms to the SSAs then this would be in conflict with EN-3 as this does not seek to direct applicants to particular sites for renewable energy infrastructure (other than in the limited circumstances of off-shore wind)²⁹.

Conformity with local planning policy

- 4.2.27 Whilst NPS EN-1 and EN-3 are the key policy documents against which the proposed development should be assessed, Development Plan Documents can be an important and relevant consideration. The relevant local development plan is the Powys UDP. PCC's LIR lists policies which it considers relevant, the principal ones being summarised in Section 3.7 above. The Council's chief concerns regarding the proposal relate to landscape and visual impacts, those on cultural heritage, and protection of users of the PRoW network which would potentially result in conflict with policies of the UDP. These matters are the subject of criteria within Policy E3 and are considered later in this Section of my report.
- 4.2.28 In response to FWQ, PCC indicated that the proposed development was not in accordance with UDP policies. However, in the summary of its oral case at the ISH on Policy [D6-007], PCC accepted that the UDP policies are somewhat out-of-date and should be afforded little weight. There are no site-specific policies relevant to the present proposal, criteria-based Policy E3 being the only policy directly applicable.

Grid connection

- 4.2.29 Section 4.9 of EN-1 notes that the PA2008 aims to create a holistic planning regime so that the cumulative effect of different elements of the same project can be considered together. It is recognised, however, that this may not always be possible nor the best course in terms of delivery of a project in a timely way. The proposed development relates solely to a generating wind farm and does not include a grid connection. This would be the subject of a separate NSIP application which would be promoted by SPM, the local DNO. In such circumstances EN-1 states that an applicant should explain the reasons for a separate application.

²⁷ EN-1, para 3.1.2

²⁸ EN-1, para 4.1.5

²⁹ EN-3, para 2.1.3

- 4.2.30 TAN 8 recognised the very restricted capacity for further wind power developments in north and mid-Wales and that the construction of new high voltage distribution and transmission lines was vital if significant additional generating capacity and the provision of a stronger more reliable electricity network was to be realised³⁰. Necessary improvements are currently in consultation, with a major element being the Mid Wales Grid Connection Project, CCC describing this as a project involving "several complex parts, each interacting with one another and being delivered by different organisations" [D2-038]. The Applicant's proposed development would be connected to this project, the different components of which are described in Section 5 of this report in the context of grid connection and HRA.
- 4.2.31 There would be multiple wind farm projects to accommodate into the distribution network as well as transmission system upgrades associated with the Mid Wales Grid Connection Project. These require detailed coordination and this has inevitably resulted in the longevity of discussions. Both the proposed development and improvements to the electricity network in mid-Wales have had long gestation periods, the Applicant receiving a first grid connection offer from SPM in 2008 [D3-002]. I consider it perfectly understandable in light of this background why a grid connection does not form part of the present proposal. Consented DCOs such as those for Triton Knoll and Burbo Bank wind farms also deal with circumstances where a grid connection does not form part of the application.
- 4.2.32 An updated grid connection offer has now been made by SPM for one of the two option routes considered within the ES [AD-070, D2-027, response to FWQ 1.9 and D3-002]. There can be no certainty that the Mid Wales Grid Connection Project would be acceptable and progress as presently conceived. The Applicant's project could not proceed without connecting its generating capacity to the grid and the fact that the application has been made independently of grid connection is a commercial risk on the Applicant's part.
- 4.2.33 Within the context of HRA, NRW has raised concerns relating to the potential impact of grid connection via the Mid Wales Grid Connection Project on the Tanat and Vyrnwy Bat Sites SAC. This is discussed in more detail in Section 5 of this report together with consideration of a Grampian-type Requirement (R) (R40 of the recommended DCO) which would prevent the Applicant's proposed development until grid connection had been consented. Against this background, there are no obvious reasons why the necessary approval for the grid connection element is likely to be refused, as required by para 4.9.3 of EN-1.

³⁰ TAN 8 Annex C

Conclusion on policy issues

- 4.2.34 The proposed development would be counter to what is the WG's espoused strategic approach and intent of guidance with regard to renewable energy within TAN 8 although it would not be contrary to the letter of this guidance. There is a degree of tension between TAN 8 and policy within NPS EN-3, which does not seek to direct applicants to particular sites for NSIPs. TAN 8 is not underpinned by any site-specific policy within the Powys UDP. NPSs EN-1 and EN-3 provide the primary basis for a decision for a case of this nature. The absence of a grid connection element within the application has been adequately justified.

4.3 LANDSCAPE AND VISUAL IMPACTS

- 4.3.1 NPS EN-1 at Section 5.9 requires that the landscape and visual effects of energy projects should be assessed. Para 5.9.8 states that "(L)andscape effects depend on the existing character of the local landscape, its current quality, how highly it is valued and its capacity to accommodate change. All of these factors need to be considered in judging the impact of a project on landscape".
- 4.3.2 EN-1 para 5.9.15 notes that "the scale of such projects means that they will often be visible within many miles of the site of the proposed infrastructure" and that there should be judgement as to whether any adverse impact on the landscape would be so damaging that it is not offset by the benefits (including need) of the project. This is echoed in EN-3 para 2.7.48 which, in terms of wind farms, is slightly more forthright in stating that "there will always be significant landscape and visual effects from their construction and operation for a number of kilometres around a site". Care needs to be taken in the design of turbines within a site to minimise effects on landscape and visual amenity while meeting technical and operational siting requirements and other constraints, in accordance with para 2.7.49.
- 4.3.3 The Applicant included such an assessment of potential impacts during the construction, operation and decommissioning phase of the project within ES Chapter 8 and an accompanying appendix [AD-061 and AD-075]. Construction and eventual decommissioning stages would be relatively short-term (the construction phase likely to be in the order of 13 months [AD-357]. Decommissioning would result in the removal of all above-ground structures and restoration of ground conditions.
- 4.3.4 With a projected lifespan of about 25 years, it would be the operational phase that would be the more enduring in terms of impact and it is this phase upon which assessment and debate has concentrated. Although this is not permanent, it is a considerable timeframe - more than a generation in human lifetime terms - and, as such, I consider landscape and visual impact should be assessed on the basis that the project would be effectively a permanent feature. Discussion regarding landscape and visual impacts formed a principal

element of the Examination, eliciting further assessment as it progressed.

- 4.3.5 The methodology used by the Applicant for the landscape and visual impact assessment (LVIA) was based on Guidelines for Landscape and Visual Impact Assessment (GLVIA) Second Edition, partially updated to take account of the updated Third Edition (GLVIA3) [D5-045]³¹. NRW considered the methodology employed to be broadly acceptable whilst requiring some clarification regarding the methodology for the cumulative assessment [RR-66]. It remained concerned about the methodology of the Applicant's updated CLVIA and particularly the failure to consider the likelihood of a proposal at Nant-y-Moch within SSA D to the west of Plynlimon [D5-002].
- 4.3.6 In its LIR, PCC also considered there had been a failure to interpret properly landscape value with the effect of de-sensitising the landscape impact assessment, thereby substantially undermining its value [D2-039 and D5-038]. NRW notes that GLVIA3 now indicates that sensitivity should be more explicitly derived from an assessment of susceptibility to change combined with value [D2-012].
- 4.3.7 CMS, whilst accepting the broad approach used, considered that the Applicant's assessment contained some idiosyncratic details that were contrary to the methodology employed in CMS's own assessment. It shared PCC's concerns regarding sensitivity of receptors [D2-001 and D2-037]. Nonetheless, through additional submissions during the course of the Examination, including that relating to cumulative assessment of the proposal together with other wind farm proposals, assessment across the board has been sufficiently detailed and robust so as to be able to properly judge impact.
- 4.3.8 The study area for the LVIA was agreed with NRW (then CCW), PCC and other consultees. The initial study area extended out to 35km in line with GLVIA but this was refined to 20km following field study by the Applicant's landscape consultant [D2-018 and D2-027, response to FWQ 2.2].
- 4.3.9 Effects on landscape character are considered separately from visual effects. Landscape character assessment is concerned with identifying and assessing the importance to be placed on the landscape characteristics, landscape quality and its condition, and defining the sensitivity of the landscape to a particular type of change. The visual assessment is based on the extent of visibility of a development, and the perception of viewers and visually sensitive receptors.

³¹ The assessment was carried out whilst GLVIA3 was still in draft and unpublished. In such circumstances the Landscape Institute has stated that assessments begun using the Second Edition can remain appropriate. It is clear that the Applicant's assessment has taken note of GLVIA3 where possible [D2-018, Appendix 3.3]

- 4.3.10 Cumulative impact with other existing, proposed or likely wind farm developments in terms of both landscape and visual effects was carried out as part of the original CLVIA. This was updated to take account of the six-turbine wind farm planning application at Bryn Blaen, to the south-west of Llanidloes and about 6km from the application site, submitted to PCC in November 2014³². The updated CLVIA also addressed the cumulative effect on the Ceredigion Northern Uplands SLA [AS-05].
- 4.3.11 The ES CLVIA considered the cumulative impacts on the landscape and visual amenity of the area of any combination of wind farms within a 60km radius of the site [AD-061, Table 8.19]³³. However, the LVIA identified that significant effects would be contained for the most highly sensitive receptors within a 6.5km radius of the site so that only sites with sufficient proximity and within the Zones of Theoretical Visibility (ZTV) of the proposed development would be likely to result in effects on landscape character or visual amenity³⁴. I have taken account of the likely cumulative impact in my assessment below.
- 4.3.12 The methodology to assess the significance of landscape and visual impacts combines the sensitivity (or nature) of a receptor with the magnitude of change (nature of effect) to produce a determination of the significance of impact. Receptors potentially most impacted by the development would be: recreational walkers, particularly those using the long-distance trails of the Wye Valley Walk, the Severn and Cambrian Ways and, more distantly, Glyndwr's Way, as well as those walking on other PRoW and Access Land; horse riders using local bridleways; cyclists; and those travelling on a short stretch of about 300m on the A44 to the south-west of the application site, and on some local minor roads.
- 4.3.13 Concerns relating to both the landscape and visual impacts have been raised by amongst others, NRW, PCC, CCC, CMS and various individuals [e.g. D2-002, D2-010, D2-012, D2-014, D2-021, D2-031, D2-038 and D2-039]. NRW, PCC and CMS have conducted their own reviews and assessment of the Applicant's LVIA [D2-012, Appendices B and C, D2-038 and D2-001] and I have considered all these in reaching my own conclusions on impact. Landscape and visual impacts are considered separately below.
- 4.3.14 People's opinions as to the acceptability or otherwise of wind farms differ. In considering landscape and visual impact I have assumed, on a precautionary basis, that most receptors that would experience the

³² No information was provided by the close of the Examination to indicate whether this application had been determined by PCC.

³³ The updated CLVIA notes that there are 16 operating wind farms in the 60km study area, 17 in planning and two with permission. Five schemes were subject to consideration at a conjoined mid-Wales planning Inquiry, the result of which was unknown at the close of the Examination.

³⁴ Llandinam P&L or Llandinam re-powering, Cefn Croes, Carno (A and B), Carno Extension, Bryn Titli, Rheidol and Nant-y-Moch [AD-061, para 8.633]. The updated CLVIA added Bryn Blaen and Carno C.

proposal in the vicinity of the site would see the development in a negative light. This is the assumption adopted in the assessments carried out. I have followed the methodology that any effect assessed as moderate or greater is significant in terms of EIA.

Landscape impact

- 4.3.15 Because of topography and features such as the Hafren Forest, landscape impact would be principally confined to within about 6.5-7km. As distance from the site increases the physical impact of the project on the landscape would decline. Part of the Snowdonia National Park is the only nationally-designated landscape within the study area and from which some views near its southern edge towards the site would be possible. Being about 18km from the National Park, the scheme would have no significant effects on the character or appreciation of its protected landscape, an assessment shared by NRW [D2-012, para 6.28].
- 4.3.16 In Wales landscape character is presented and assessed through the LANDMAP³⁵ process. The LANDMAP information system is endorsed by PPW as an important tool for use in landscape assessment and is recognised in GLVIA3 as being useful information to determine the value of landscape. The ES includes a series of figures on which various evaluated aspect areas in the vicinity of the application site are shown [Figs 8.2(i)-8.2iii, AD-244 to AD-246 and Fig 8.3ai to Fig 8.3e, AD-138 to AD-147]. The definition of these aspect areas provides a useful basis for assessment of the project's likely landscape impact for those parts of its surroundings from which the scheme would be experienced.
- 4.3.17 The majority of the site, including all of the wind turbine locations, lies within the Plynlimon Moorlands visual and sensory aspect area (VSAA). The VSAA is split into four units, with the application site forming part of the rolling uplands to the east of the Plynlimon ridgeline. This is part of an extensive area of open moorland that occupies the borderlands between Powys and Ceredigion characterised by rough moorland and upland grazing interspersed with stream valleys, the stream sources of the Rivers Wye and Severn being the most notable.
- 4.3.18 The key characteristics and the perceptual and sensory qualities of the Plynlimon Moorlands VSAA as drawn from LANDMAP include being an

³⁵ This is an all-Wales Geographical Information System-based resource where landscape characteristics, qualities and influences on the landscape are recorded and evaluated into a nationally consistent data set devised by the CCW and now under the auspices of NRW. LANDMAP describes and evaluates aspects of landscape and comprises five spatially-related data sets (Evaluated Aspect layers); geological landscape, landscape habitats, visual and sensory, historic landscape and cultural landscape. The value of landscape is defined primarily in Wales by a combination of LANDMAP aspect values and designations. Values are calibrated as 'outstanding' - international/national importance, 'high' - regional/county importance, 'moderate' - local importance or 'low' - little or no importance.

exposed area of vast scale, remoteness and wildness. Open exposed wide skies dominate and there are expansive panoramic views across land. LANDMAP summarises the key qualities to be conserved as the openness, exposure, remoteness and wildness [D2-038, Section 5]. Within this designation, the part in which the application site lies is categorised as 'outstanding'.

- 4.3.19 In the context of the site, the surrounding aspect areas to the west and north-west (Plynlimon³⁶ and Cambrian Mountains (north³⁷)) are in LANDMAP terms evaluated as of outstanding character and scenic quality. These have broadly similar characteristics to the Plynlimon Moorlands, being of vast scale, exposed, having attractive views both in and out and having the perceptual and other sensory qualities of being attractive, exposed, remote, threatening and wild [D2-019, Appendix 3.2 and D2-038, Section 5]. Together these three aspect areas form the main upland massif within the immediate area, with Plynlimon Fawr being the highest point in mid-Wales.
- 4.3.20 The above qualities and characteristics were emphasised during the Examination by NRW, PCC, CMS and concerned individuals. I noted these at first hand on my numerous inspections, which included walks along the ridge of the Plynlimon massif. These qualities and characteristics are underlined by CMS's reference to the past consideration given to designation of the Cambrian Mountains as a National Park³⁸ and the belief that such a designation is still warranted [D4-030, D6-015, D5-002 SWQ 1.3, D5-027 and D6-019].
- 4.3.21 Although not part of its case, and in response to a point raised at the ISH on landscape, environment and ecology, NRW notes that the fact that most of this area is in LANDMAP visual and sensory aspect terms evaluated as outstanding means that there may be some basis for the area to be designated as an Area of Outstanding Natural Beauty (AONB) in the future [D4-031 and D6-011, Appendix NRW-ISHL 1(b)]. However, there is no review presently underway in respect of the designation of new nationally-protected landscapes³⁹.
- 4.3.22 The Applicant considers the history of afforestation over the last 40 years would suggest that the landscape of the northern parts of the Cambrian Mountains would be unlikely to meet the criteria expected for either national park or AONB status [D5-002, SWQ 1.3 and D6-015]. Nonetheless, the Applicant notes that the intrinsic value of the landscape is not solely dependent on, or related to, any designations, and rather stems from factors such as landscape quality, rarity and

³⁶ LANDMAP Unit CRDGNVS1521

³⁷ LANDMAP Unit CRDGNVS508

³⁸ The Cambrian Mountains National Park (Designation) Order 1972 was not confirmed.

³⁹ NRW notes that it is aware of interest in proposing the area as an AONB for consideration in any future designation programme. Any such consideration is on hold pending the outcome and implementation of the Welsh Government's review of designated landscapes in Wales [D5-013, response to SWQ 1.3].

perceptual aspects; the fact that it is not designated doesn't diminish the intrinsic value of the landscape, a view shared by CMS [D5-002, SWQ 1.3 and D5-027].

- 4.3.23 There is little doubt from the expressed views during the Examination that this area is, rightly, highly valued for its landscape and wildness, with Plynlimon as the highest point in mid-Wales noted as one of the chief mountains in the principality [e.g. AS-15, D2-011, D2-038, D2-039, D3-002 Part 9, D4-033, D5-027 and D5-031].
- 4.3.24 In my view, landscape value is not dependent on or diminished by the number of people who might use or visit an area. The Applicant undertook automated counts of users of the PRoW alongside and crossing the application site⁴⁰. These showed low usage. The area is, clearly not as visited as other locations such as the Welsh national parks. Nevertheless, national trails and long distance footpaths pass close to the site: the Wye Valley Walk passes down the valley from its start/finish adjacent to the site; the Cambrian Way runs along the Plynlimon massif to the west; and the Severn Way has its start/finish to the north of the site above the Hafren Forest. The Glyndwrs Way national trail passes more distantly to the north. To varying degrees there would be views of the proposal from these PRoW.
- 4.3.25 Information could not be provided to the Examination about numbers of users of the Cambrian and Glyndwrs Ways but an automated counter on a stile along the Severn Way near the river's source indicated that this path appeared to one of the best used paths in Powys⁴¹. From representations made it is apparent that the area as a whole is notable as a visitor and recreational area [e.g. D2-003, D2-016, D2-023 and D6-021].
- 4.3.26 The Applicant has provided a table in its WRs [D2-018, Part 3, para 5.18 Table AP1] setting out the LANDMAP evaluations for the various aspect areas, an assessment of sensitivity of the aspect areas and the magnitude of effect of the project on these areas. This is an augmented version of Table 8.7 within the ES [AD-061].
- 4.3.27 PCC, in its LIR, considers that the most valuable characteristics of Plynlimon Moorlands VSAA are the vast scale, openness and exposure and these are highly vulnerable to change from the effects of a large-scale wind farm. This is because the wind farm would have the capacity to reduce these characteristics, if not literally then

⁴⁰ These recorded 89 walkers and horse riders in August 2013 using the Wye Valley Way past the site although as a recording camera was stolen full data were not gathered. No walkers were recorded using bridleway No. 49 crossing the site during August 2013, with three walkers recorded in the following month. The ES compares this with the 400,000 who walk up Snowdon and the 67,000 who walk up Cadair Idris in an average year [AD - 61 and AD-077].

⁴¹ Of counters on recreational trails across the county, that near the source of the Severn recorded the second highest number of users with an average of 3,964 visits per annum over the last three years [D2-028 response to FWQ 2.19]

perceptually, interrupting and significantly detracting from attractive views to peaks and valued landscapes. PCC considers there is a sense of remoteness of the landscape, notwithstanding the presence of the Sweet Lamb rally tracks and the shooting range, which are dwarfed by the surrounding landscape. There would also be a reduction in the sense of wildness of the landscape through the provision of large-scale, moving modern structures and an alteration of sense of place [D2-039, Section 5].

- 4.3.28 However, the application site is only one part of the more widely-defined Plynlimon Moorlands. I consider its character is defined in part by its existing arrangement of tracks through the site and the modified flattened and surfaced area where target shooting takes place and is the host to a large agricultural building and other structures. There are small coniferous plantations within the site and nearby within the Wye Valley (but outside the application site) there are other structures and surfaced areas associated with agriculture and rally car testing. It is also adjoined by the presence of the Hafren Forest with its somewhat hard, linear edges. The sense of remoteness is diminished through the structures that exist on and around the site and the activities including rallying and shooting that take place there. For these reasons I do not view the site as being as sensitive to change as other parts of this aspect area and that it has some degree of robustness to accept the proposed development.
- 4.3.29 Large-scale, open and exposed landscapes can be appropriate attributes for receiving wind farms, as the Applicant suggests in this case, and are more appropriate characteristics for successfully accepting wind farms than intimately scaled and enclosed landscapes [D3-002]. Nevertheless, as articulated by PCC, a key consideration is the way in which such characteristics interact with other important characteristics such as dramatic and attractive views and particular perceptive qualities such as remoteness and wildness [D2-038, Section 5]. The interaction with the wider landscape context is a critical consideration.
- 4.3.30 The application site would be on the fringe of the higher, core area of Plynlimon/Plynlimon Moorlands/Cambrian Mountains (north). In my view, the core area is the more highly sensitive part of the landscape in terms of the valued characteristics such as the vast scale, remoteness, wildness, openness and exposure. The experience from this elevated landscape block is of panoramic views and domination by wide skies. The historic landscape features such as the group of cairns located on the upland summits, as at Pumlumon Arwystli and the group at Pumlumon Fawr, complement the visual and sensory aspect in terms of landscape character.
- 4.3.31 The dramatic views to peaks and valued landscapes referenced by LANDMAP which are to the north towards the Snowdonia National Park would not be reduced by the presence of the turbines since these would be to the east of the main upland massif and not as elevated.

From the Plynlimon massif the turbines would be seen in certain views and in suitable weather conditions in conjunction with the existing wind farm at Cefn Croes to the south and more distant wind farms such as Bryn Titli and Carno.

- 4.3.32 The proposed turbines would be tall and strident features imposed on an undulating upland plateau. When seen from the Plynlimon massif it would be these elements rather than the tracks and buildings which would dominate. Because they would be seen at closer quarters than existing wind farms⁴² from some vantage points on the Plynlimon massif they would reduce the sense of remoteness and wildness experienced from there and there would be a high magnitude of change.
- 4.3.33 Overall, I agree with the Applicant's assessment of sensitivity of the landscape of the site itself as being medium to high. For the wider Plynlimon Moorlands, Plynlimon and Cambrian Mountains (north) I consider sensitivity to be high. Whilst recognising that impact will vary according to distance from the application site, and taking account of the Applicant's augmented Table 8.7 [AD-061] and other submissions, I consider the impact is major adverse and hence significant.
- 4.3.34 This is underlined having regard to cumulative impact; from Plynlimon Fawr (Viewpoint 1) [Fig 8.11a(ii), D7-027] the proposal would introduce a wind farm in closer distance and would be seen in conjunction with six other existing wind farms, as would be the case from the environs of the source of the River Severn. From Plynlimon Fawr and its environs any development of a wind farm at Nant-y-Moch within SSA D to the west would be evident. Should such a scheme progress, this would result in the Plynlimon massif being flanked to both east and west by wind farms and result in a major adverse and hence significant cumulative impact.
- 4.3.35 A small portion of the application site lies within the upland section of the Wye Valley VSAA⁴³. This VSAA landscape is classed as having moderate character evaluation, moderate overall evaluation and high scenic quality. Other than from the upper reaches of the Wye Valley, and along and close to a short length of the A44, there would be very few views of the proposal from within the VSAA. In terms of the upper reaches, the proposal could be experienced from along what would be about a 5.8km stretch of the Wye Valley Walk, a long distance footpath of about 221km that follows the river from near its source on the flanks of Plynlimon. The turbines would be positioned on higher ground to the eastern side of the valley and would form a prominent landscape element. NRW considers that the proposal would compete

⁴² The turbines at Cefn Croes are smaller than those proposed on the application site, on a lower plateau separated by a valley and forestry plantation.

⁴³ LANDMAP Unit MNTGMVS907. This unit consists of the winding valley floor from its upland source on the flanks of Plynlimon extending to the south of Llanidloes.

visually with the landform and character of the uplands close to the source and would visually dominate what is the final/initial stretch of this walk [D2-012].

- 4.3.36 Proposed turbines 1 and 4 would be sited within 200m of the existing PRoW that is part of the trail and would be dominating elements for those passing by. Other turbines would have a distinct presence above the eastern slopes in changing vistas along the valley although topography and intervening vegetation would limit views and cause vistas to be ever-changing. The turbines would result in some altering of the perception of scale, sense of enclosure and reduction in wildness.
- 4.3.37 However, the presence of modern agricultural and rally-related buildings, tracks and hardstanding area used for rally vehicle testing already impact on the valley character and reduce to some degree the 'wild' perceptual quality listed by LANDMAP. PCC considers that the magnitude of landscape character effects would be medium adverse between 1 to 2.5km from the nearest proposed turbine, compared with the Applicant's LVIA conclusion of a moderate to substantial magnitude of effect at up to 1km [D2-039]. Because of the nature of the steep valley of the upper Wye, and the fact that this is host to the source of this major river and the start/finish of a recognised long-distance path, I consider its value is high with a high sensitivity to change. In terms of impact on the landscape character of the upper section of the Wye Valley I find there would be a major adverse and hence significant effect.
- 4.3.38 The VSAA to the east - Hafren Forest⁴⁴ - is assessed as moderate for, character evaluation, overall evaluation and scenic quality [D2-018, Part 3, para 5.18 Table AP1 and AD-061]. The level of tree cover considerably restricts visibility of the application site and the susceptibility of the landscape to change arising from indirect effects of development is low.
- 4.3.39 The LVIA states that the only impact on the Northern Uplands SLA (within Ceredigion) is on views out from the area and there would be no impact on the purpose and objectives of the SLA. The SLA, which is a non-statutory designation of landscape value, includes Plynlimon. As already noted, landscape impact here would be significant and adverse. Policy DM18 of the Ceredigion Local Development Plan [D2-027, response to FWQ 1.21] relates to development within the SLA so the proposed development would not directly conflict with this. However, there would be major adverse effects on the landscape character of that part of the SLA which encompasses Plynlimon for the reasons set out above [D2-012, Appendix E and D2-038].

⁴⁴ LANDMAP Unit MNTGMVS917

- 4.3.40 In terms of slightly more distant landscapes, the updated CLVIA concludes that there would be some significant cumulative landscape effects in both the Upper Severn Valley⁴⁵ and Clywedog Upland Grazing⁴⁶ character areas [AS-05]. These lie to the east and north-east of the application site and are separated from it by the Hafren Forest VSAA. However, the proposed development itself would result in a very low magnitude of change of views. Any changes would be predominantly due to the addition of the Bryn Blaen wind farm proposal, if permitted. Nonetheless, the CLVIA concludes that there would be significant cumulative landscape effects as a result of the addition of both the proposed development and that at Bryn Blaen.
- 4.3.41 The application site is not within a TAN 8 SSA. Its distance from the Nant-y-Moch SSA D to the west, the nearest SSA, together with both the physical and perceptual separation from it by the Plynlimon massif, mean that the application site is not immediately adjacent. This is accepted by the Applicant [D2-018, para 5.39]. In such areas, para 8.4 of TAN 8 notes that outside the SSAs "the implicit objective is to maintain the landscape character i.e. no significant change in landscape character from wind turbine development".
- 4.3.42 The Applicant argues that the addition of the proposal would not change the landscape from what is presently a landscape with turbines (with the existing Carno wind farm and SSA B some 9km to the north east, Cefn Croes wind farm some 4.3km to the south and Bryn Titli about 9km to the south-east) into a wind farm landscape, i.e. a landscape dominated by wind farms [D2-018, para 5.37]. If Bryn Blaen was to be permitted and constructed this would add further change to the landscape. When seen from elevated viewpoints on the Plynlimon massif, for some people, the addition of the proposed development would signal a change to a wind farm-dominated landscape, particularly if there was to be a subsequent wind farm development in SSA D. However, whilst rendering considerable change in the landscape, I do not consider that the proposal would change the wider landscape character to one dominated by wind farms.
- 4.3.43 Evidence has been provided as to the history of the selection and refinement of the boundaries for SSA D and the assertion that the area in which the application site is located was left out only because of a misinterpretation of MoD low fly zones when the SSAs were produced. The Applicant has made it clear that it does not rely on the potential for the site to have been included in the SSA [D7-004]. Nonetheless, it considers that the site performs well when assessed against the TAN 8 para 2.9 listed characteristics referred to in Section 4.2 of this report.

⁴⁵ LANDMAP Unit MNTGMVS420

⁴⁶ LANDMAP Unit MNTGMVS457

Visual impact

- 4.3.44 The Applicant's assessment of visual impact within the ES includes a set of visual graphics including baseline photographs, photomontages and wireframe depictions. These were produced following the identification of potential visibility of the proposal within the landscape using maps of ZTVs [AD-061 and AD-137]. The ZTVs provide accurate displays of zones of influence of the proposed development based only on terrain data and do not take into account the screening influence of surface features. Cumulative ZTVs were also produced to show the zones of influence of the proposal in combination with other wind farms within the study area [AD-226 - AD-265].
- 4.3.45 Twenty-six viewpoints were chosen in consultation with NRW and PCC to illustrate the range of views within the 20km study area and to be representative of the main character types and visual receptors where views would be afforded. In line with best practice in undertaking wind farm LVIAs, the baseline and subsequent assessment concentrated on the identification of significant effects, and landscape and visual receptors considered having a greater potential to experience higher magnitudes of change, notably those closer to the proposed development [AD-061, AD-137 and AD-154 - AD-225].
- 4.3.46 Further viewpoint assessments were provided during the Examination as a result of representations from PCC, NRW and CMS. Additional cumulative assessment and graphic representations were also prepared [AS-05 and D7-027]. This was to take into account the proposal for a wind farm at Bryn Blaen, which had been submitted to PCC following submission of the MyG proposed development [AS-05].
- 4.3.47 The original photomontages and wireframes submitted with the ES illustrate turbines with hub heights of 80m and rotor diameters of 90m. As a result of representations from NRW during the Examination, additional comparative photomontages and wireframes showing turbines with hub heights of 72.5m and rotor diameters of 105m were provided⁴⁷. This was to illustrate the differences in impact should the latter configuration of turbine be provided and in answer to NRW's criticisms that it was not apparent whether the 'worst case' scenario had been assessed [D6-011, Appendix NRW-ISHL-1b and D9-001].
- 4.3.48 Visual graphics can be a useful assessment tool. They can provide a helpful reference in terms of the numbers and positions of the turbines that would be potentially seen in views. There was no dissent during the Examination that those provided represent a reasonable portrayal of how the turbines would appear.

⁴⁷ A visualisation of the two turbine configurations is provided by NRW at D5-017.

- 4.3.49 In addition to the accompanied site inspection I made several unaccompanied visits to the area during the Examination, visiting illustrated viewpoints as well as walking on and past the application site and on the adjoining upland massif of Plynlimon. The provided graphics assisted in my assessment although I believe some caution must be applied in their use, particularly as actual impact as perceived by the viewer will be influenced by differing weather and lighting conditions and levels of visibility.
- 4.3.50 There would be some differences in visual impact between the two illustrated turbine options (those with 105m diameters/72.5m hub height and those with 90m diameter rotors/80m hub height) though the overall height of the swept blades of the turbines would be the same for both options (125m). There would be greater blade sweep with the larger rotors, extending closer to the ground and, with a shorter hub height, they would appear squatter and less elegant than those with a taller hub height. However, there would only be a marginal visual difference that might be perceived from closer viewpoints [D7-002 and D9-001]. I agree with the Applicant's view that, should longer or shorter blades be used on corresponding shorter or taller towers, the relative impacts would not alter the assessment conclusions in terms of predicted magnitude of effect [D2-027, response to FWQ 2.17].
- 4.3.51 The relationship of the application site to, and distance from, the Snowdonia National Park and the nearest settlements (for example Llanguig and Staylitttle) is such that the proposal would not have any material visual impact there [AD-061, para 8.596]. Visual impact would be confined primarily to those using and passing through area.
- 4.3.52 The Applicant's LVIA suggests that effects on visual amenity would not be significant beyond about 3.5km of the application site to the west (as the landform falls towards Nant-y-Moch and would be outside the ZTV), 6km to the north and 6.5km to the south and east but that significant effects on visual amenity for highly sensitive visual receptors up to these distances are likely [AD-061, para 8.594]. I consider this to be reasonable conclusion.
- 4.3.53 From Access Land and footpaths on Pumlumon Fawr, and over which the Cambrian Way passes, there would be expansive views eastward from its upper sections. These would include the proposed development in the middle-ground, the nearest turbine being some 3.9km distant. This is illustrated by Viewpoint 1 [AD-155 - AD-160 and Fig 8.11a(ii), D7-027]. The turbines would be seen at a lower level and against a more distant landscape backdrop. The presence and spread of turbines, in places their overlapping configuration, and their movement, would result in reducing the simple and uncluttered near landscape that appears part of this upland block.
- 4.3.54 In some views the existing large, white-roofed agricultural building within the area of hardstanding on the application site can be seen

and is a detractor. Nonetheless, it is the turbines which would be the new and far more dominant and intrusive landscape element. There would be a significant adverse impact for walkers within this upland area, as they should be considered as highly sensitive to landscape and visual influences. Adverse impact would be heightened by the fact that in certain views the turbines would be seen cumulatively with the nearby Cefn Croes wind farm and more distantly with other wind farms noted in the CLVIA. Impact would be further exacerbated for receptors on the ridge if wind farm development within Nant-y-Moch was to occur, providing a major adverse visual impact as a result of the massif being flanked by such development to both east and west [D2-029].

- 4.3.55 There would be an even greater adverse impact for walkers continuing north-eastwards as the proposal would be seen in parts of the approaches to and at the summit of Pumlumon Arwystli. This overlooks the application site at a closer distance of about 2km, (although this is not illustrated). Some views of the proposed substation would be possible and in certain views the agricultural building within the site, together with buildings within the upper Wye Valley and existing tracks, would be seen.

- 4.3.56 Continuing further to the north-east, on the open moorland of Pumlumon Cwmbiga, (Viewpoint 3) turbines would be seen beyond the moorland foreground [AD-166]. The more distant turbines at Cefn Croes form part of this southerly view but the proposed development would be closer causing a greater spread of turbines, reducing the sense of openness and increasing the clutter of the open vista. I consider this would result in a moderate to major adverse impact. Depending on exact route taken along the Cambrian Way over this upland massif (since the route is not well-defined) there would be intermittent changes of view resulting in adverse impact for walkers extending over about 6km [AS-05].

- 4.3.57 Some elements of turbines would be seen from the source of the River Severn⁴⁸ and along sections of the footpath from the Hafren Forest which forms part of the Severn Way to and from its start/finish. The magnitude of impact would be moderate along an approximate 450m length of the path at its western end. However, since the receptors should be regarded as of high sensitivity, the overall adverse impact would be significant, as accepted by the Applicant.

- 4.3.58 From the PROW at Esgair y Maen, to the west of the application site (which from my inspection does not appear to be a well-defined or

⁴⁸ The numbers of users of this path have been noted in footnote 42 above. Reference has been made to the use of the path for the annual Sarn Sabrina circular walk which attracts up to 200 participants [D5-025 and D5-030, responses to SWQ 1.10] The numbers of users of this path have been noted in footnote 42 above. Reference has been made to the use of the path for the annual Sarn Sabrina circular walk which attracts up to 200 participants [D5-025 and D5-030, responses to SWQ 1.10]

used route), there would be views of a spread of turbines as skyline features across a presently undeveloped upland ridge (Viewpoint 4 [AD-172]). There would be a resultant substantial adverse impact, as there would also be from land to the north-west in the vicinity of the Bryn Du meteorological station (CMS viewpoint C) [D2-001].

- 4.3.59 For those using the PRoW running up the Wye Valley and along which runs part of the Wye Valley Way to/from close to the river's source, turbines would dominate eastern views, with some close to the edge of steep slopes. Although the PRoW passes through the Sweet Lamb site on engineered wide tracks and past modern agricultural buildings and those associated with the rally complex, the turbines would be prominent and would dominate views at close quarters on what are open valley sides. From certain sections of the walk there would also be views of the Cefn Croes wind farm and the more distant Bryn Titli. There would consequently be both cumulative and sequential visual impact, and this could be added to by the presence of Bryn Blaen [D5-017, AS-05]. I consider the proposal would result in a major adverse visual impact, which would harmfully detract from the experience for some receptors for a length of about 5.8km of the Wye Valley Way [AD-061].
- 4.3.60 Viewpoint 13 [AD-190] at Pont Rhydgaed on the A44 shows turbines screened by trees. However, a short distance to the west vistas are opened up along a length of about 300m of the A44 and Viewpoint 22 [AD-218] illustrates that parts of eight turbines would be visible at a distance of about 1km. There would also be views from parts of the Wye Valley Walk just to the south of Pont Rhydgaed, as illustrated in CMS photograph B [D2-001]. The presence of the turbines would result in the loss of an uncluttered upland skyline and lead to an apparent reduction in scale of the hillside. The magnitude of change would be substantial and overall their presence would have a major adverse effect within this relatively restricted area. There would be no cumulative or sequential visual impacts resulting from the proposal and Bryn Blaen for travellers on the A44, a position agreed by NRW [AS-05, D5-017].
- 4.3.61 The LVIA records there being a substantially significant effect for those using the Rhyd-y-Benwch picnic area within the Hafren Forest (Viewpoint 5) [AD-175]. This is the closest car park with visitor facilities to the sources of the Wye and Severn and walks within the extensive forested areas. A number of turbines would dominate the currently open upland ridgeline framed by trees, less than 2km away, resulting in a significant adverse visual impact. This would extend to impact on National Cycle Route 8 which the LVIA assesses as of substantial significance of effect over some 0.5km adjacent to the picnic site.
- 4.3.62 The proposal's impact would be generally less intrusive when seen from more distant viewpoints. Nonetheless, from the Llyn Clywedog viewpoint (Viewpoint 7 [AD-180]) at a distance of about 7.5km a

number of turbines would appear above the skyline and would be seen in conjunction with turbines of the still more distant Cefn Croes wind farm. I consider that the viewpoint provides a scenic elevated vista across the Llyn Clywedog reservoir into which the proposal would be an intruding and animated element. There are views also to Llandinam wind farm to the south-east and the Bryn Blaen wind farm would be evident such that, cumulatively, the visual impact of all the visible wind farms would have a major adverse impact when seen from this viewpoint [D5-017].

- 4.3.63 Sections of the Glyndwr's Way, a 217km national long distance walk trail, pass to the north of the site mostly through the Hafren Forest where there would be no views of the proposal because of tree cover. Glyndwr's Way also passes through farmland and from a 1.2km section some 4km from the site, and a 400m section about 5.6km from the site, there would be significant changes in view. From Viewpoint 18 [AD-210] on the route of the trail and from Viewpoint 19 [AD-212] on more elevated land close by I consider there would be a limited adverse visual impact. This would result from the introduction of turbines as distant skyline features within a rural landscape, impact being modified to a degree by the presence of tracts of coniferous planting. I consider there would also be some limited cumulative impact when seen in conjunction with the proposed Bryn Blaen but only for around 200m [D5-017, AS-05].
- 4.3.64 From the bridleway to the east of the application site (Viewpoint 10 [AD-183]) I consider there would be a moderate adverse impact on visual amenity. Turbines would be seen widely spread against the background of Plynlimon in what is a presently distant, largely uncluttered upland, although the existing tracts of coniferous plantations would have some mitigating effect.
- 4.3.65 From viewpoints at greater distance (Viewpoints 6, 14, 15, 20, 21, 23-26) I consider the proposal would result in no significant visual harm [AD-176, 192, 193, 214, 216, 220, 222, 224 and 225].

Visual impact on residential amenity

- 4.3.66 The immediate surrounds of the application site are very sparsely populated. The Applicant's LVIA identifies that significant visual effects would be experienced by the occupiers of six properties, all of which are either part of the landowner's property holding or the occupants are financially involved in the landowner's farmed estate or proposed development. The nearest property to proposed turbines would be the farmhouse at Pont Rhydgaed, the landowner's property, where there would be views of five turbines, the nearest being at a distance of some 800m [AD-061 para 8.601].
- 4.3.67 There is an established principle that those with a financial stake in a wind farm can reasonably be expected to experience higher thresholds in change in outlook before the change would become unacceptable

[AD-061 para 8.601]. Notwithstanding this, although there would be a significant change in view because of the prominence of some of the turbines, the LVIA concludes the turbines would not be an overbearing presence. There have been no representations to indicate otherwise. As such, I do not consider visual amenity for these occupiers would be unacceptably harmed.

- 4.3.68 The other five properties are more distant from the application site and there would be similarly no unacceptable impact on visual amenity for their occupants [AD-061 para 8.606 and D2-038 para 5.91]. Having regards to the Human Rights Act 1998, there would be no substantive interference with private and family life and home of these occupants in contravention of A8 of this Act. Nor would there be substantive interference with the peaceful enjoyment of possessions in contravention of Part 1 of the First Protocol of the Act. Any interference would be proportionate and justified in the wider public interest.

Design and mitigation

- 4.3.69 EN-1⁴⁹ requires that an applicant should be able to demonstrate how the design process was conducted and how the proposed design evolved. This is provided in a Design and Access Statement accompanying the application [AD-352] and in Chapter 5 of the ES [AD-058]. An applicant should be able to show how it has taken into account as far as possible both functionality and aesthetics⁵⁰. EN-3 indicates that the arrangement of wind turbines should be carefully designed within a site to minimise effects on the landscape and visual amenity while meeting technical and operational siting requirements and other constraints⁵¹.
- 4.3.70 The design of the turbine layout was an iterative process, starting with the physical characteristics of the site, in particular topography and wind regime, and the required spacing between each turbine. The layout and number of turbines evolved to accommodate the constraints of the development and within those constraints to optimise the potential output. These included ecological considerations, landscape and visual effects, economic efficiency, technical feasibility (access and grid capacity) and noise [AD-058].
- 4.3.71 Layout evolved over eight principal iterations which tested different layouts with up to a theoretical maximum of 49 turbines and ending with the scheme's proposed 27 [AD-126]. The reduction in number largely stems from the removal of turbines near the source of the River Wye and a central group on Y Drum. The objective of each iteration was to maximise energy yield whilst minimising

⁴⁹ EN-1, para 4.5.4

⁵⁰ EN-1, para 4.5.3

⁵¹ EN-3, para 2.7.49

environmental effects. The evolved layout now comprises a series of informal lines of turbines largely on the plateau ridge tops.

- 4.3.72 I accept that within the landholding of over 2,000ha the application site represents the most suitable part where turbines would be located the greatest distance from the Plynlimon SSSI and away from the Afon Gwy SAC and SSSI. Consideration has been given to the avoidance of areas of deep peat but micro-siting of the turbines, with a tolerance of 50m, would help to ensure their positioning is optimised to avoid sensitive habitat and features. The final project design layout is shown in relation to features and constraints at ES Figure 5.2 [AD-127].
- 4.3.73 The location of individual turbines has been influenced by the need for: optimum distance between turbines to improve technical performance; the need to minimise visual impact; take account of the location of watercourses and water bodies; avoid key habitats of nature conservation importance (including peat) and impacts on protected species; avoid areas of archaeological interest; and avoid close proximity to PRow [D2-018 Part 13].
- 4.3.74 The scheme would make use of an area that has already undergone some landscape modification in terms of infrastructure and buildings as a result of agricultural, rallying and shooting activities. This would include the siting of the substation and construction compound on part of the existing large expanse of hardstanding that currently hosts part of a shooting range and is used for car parking for major rally events. The latter two activities, in particular, result in periodic loss of tranquillity in the immediate area. The substation would be smaller than the existing agricultural building located on this hardstanding area and would be screened in near-distance views from the Wye Valley Walk by landform. In terms of detailed design there would be a loss of 3ha of coniferous plantation to accommodate proposed turbine 9.
- 4.3.75 There would also be removal of some grassland and semi-natural vegetation to accommodate the widening of existing access tracks and the provision of additional tracks and hardstandings. These in my view are not significant elements of the proposal in terms of design. R20 to R24 would provide control over detailed design elements relating to the turbines and the substation.
- 4.3.76 The turbines would be randomly spaced across ground of similar level. They would present a cohesive grouping when viewed from elevated points on Plynlimon and from the few closer views from the Wye Valley Walk and the A44, with none appearing as outlying isolated features. Whilst breaking the skyline when seen from closer vantage points within the Wye Valley, and from limited points on the A44, the turbines in more distant views from Plynlimon would be seen against a backdrop of landform. There would, however, be some degree of visual clutter where turbines would appear to be tightly grouped and

overlap towards the southern end of the array, as illustrated in ES Viewpoint 1 [AD-155 and D7-027].

- 4.3.77 NRW refers to Scottish Natural Heritage (SNH) guidance note 'Siting and designing wind farms in the landscape', which underlines the importance of siting and designing a wind farm so that it appears visually balanced with the underlying and surrounding landform [D2-012 para 8.3]. The guidance encourages the setting back of turbines from the edges of hill ridges in order to reduce intrusion into smaller-scale valleys. It is also suggested in the guidance that the turbines should be less than one third the vertical height of key features of the landscape.
- 4.3.78 The positioning of some of the turbines would not accord with this advice: some being very close to the valley edge (turbines 15 and 16) and others being adjacent to steep slopes and which, because of their height, would present a proportion of height of turbine to height of slope of nearer 1:1, rather than the SNH suggested 1:3 (turbines 20, 21 and 25). Whilst I acknowledge the constraints of the site which have influenced detailed siting, these factors do serve to exacerbate the intrusive impact of the proposal from the closer vantage points. From more distant western viewpoints these drawbacks would not be as apparent. Generally, despite this, I consider the layout and grouping to be largely coherent.
- 4.3.79 I have not considered the possibility of removal or reduction in the number of specific turbines. This is particularly as the layout has evolved from a much larger concept to one that tries to balance impact with generation and because the removal of certain turbines would not, in my view, appreciably affect the overall assessment of visual and landscape impact.
- 4.3.80 The height of each turbine above ground level would be 125m but hub height and rotor diameter may vary depending on the eventual turbine model chosen. I agree with NRW that turbines with the larger rotor diameter of 105m, and therefore a larger blade sweep, set on a lower tower would appear squatter and have less elegant proportions than those with 90m diameter rotors with a taller hub height. By reason of the larger diameter of rotor sweep there would be some marginally greater degree of visual overlapping in some views where turbines appear clustered. Nevertheless, the differences are not such that they would alter the overall assessment of visual impact.
- 4.3.81 I conclude that the Applicant has made considerable efforts to mitigate the impact of the scheme in terms of its landscape and visual effects as far as possible in accordance with EN-1 and EN-3. With a scheme of this nature it is impossible to do so completely and there are some elements, as detailed above, where mitigation through design and layout has not been wholly successful and which contribute to the overall significant adverse visual impact within a localised context.

Conclusion on landscape and visual impact

- 4.3.82 In summary, I conclude that the proposal would have a significant adverse impact on landscape character and visual amenity. The changes in character and in views would be relatively localised. However, they would be particularly pronounced within the immediate environs of the upper Wye Valley as it runs parallel with the application site and in respect of the upland Plynlimon massif to the west and north of the site. There would be conflict with Policy E3 of the Powys UDP. In the context of s104(7) of the PA2008 these are impacts which must be weighed in the planning balance.
- 4.3.83 The Applicant has made considerable efforts to mitigate the impact of the scheme in terms of its landscape and visual effects as far as possible in accordance with EN-1 and EN-3. With a scheme of this nature it is impossible to do so completely and there are some elements, as detailed above, where mitigation through design and layout has not been wholly successful and which contribute to the overall significant adverse visual impact within a localised context.

4.4 CULTURAL HERITAGE

- 4.4.1 EN-1 requires that as part of the ES an applicant should provide a description of the significance of heritage assets affected by a proposed development and the contribution of their setting to that significance⁵². The particular nature of the significance of heritage assets and the value they hold for this and future generations should be taken into account.
- 4.4.2 Para 5.8.15 of this NPS requires that any harmful impact on the significance of a designated heritage asset should be weighed against the public benefit of development, recognising that the greater the harm to the significance of the heritage asset the greater the justification will be needed for any loss. It further notes that where a proposal would lead to substantial harm to, or loss of, significance of a designated heritage asset consent should be refused unless it can be demonstrated that this is necessary in order to deliver substantial public benefits that outweigh that loss or harm.
- 4.4.3 The Applicant's ES includes assessment of the project's impact on designated heritage assets and Registered Historic Landscapes (RHLs) [AD-065 and AD-109 - AD-111]. A range of studies was carried out between 2006 and 2012 and are included as appendices to the ES [AD-109 - AD-111]. These included a 2011 archaeology and cultural heritage assessment of the site and a 500m buffer zone. Following advice from Clwyd Powys Archaeological Trust (CPAT), the potential for impacts on setting was assessed for designated heritage assets

⁵² EN-1, Section 5.8

(comprising SAMs, listed buildings and conservation areas) lying within a 5km buffer from the site boundary.

- 4.4.4 The application site is located within 10km of three historic landscape areas (HLAs) included on the non-statutory Register of Landscapes of Historic Interest in Wales, now operated by NRW: the Upland Ceredigion landscape of outstanding historic interest; the Clywedog Valley landscape of special historic interest; and the Elan Valley landscape of special historic interest⁵³. The Register's Guide to Good Practice states that landscapes included on the Register should be taken into account by LPAs in considering the implications of developments which are of such a scale that they would have more than a local impact on an area on the Register [D5-044, File 3, Appendix 4].
- 4.4.5 In line with the Register's Guide to Good Practice the application is supported by an 'Assessment of the Significant Impact of Development on Historical Landscapes' (ASIDOHL 2) that was carried out in 2011. This assessed the indirect visual impacts of the proposed development on the three registered landscapes by providing a scoring mechanism to measure the impact. Cadw, the WG's historic environment service, notes that turbines may have a wide visual impact but, because of the small ground area physically impacted by the turbines themselves, the ASIDOHL 2 methodology may occasionally provide results showing the development to have only a local impact [D2-026].
- 4.4.6 The scope and extent of the studies were discussed and agreed with both CPAT and Cadw [D2-018, Part 7]. A 2012 desk-based assessment focussed on potential effects associated with construction traffic and on the five lay-bys identified as potentially suitable for vehicles carrying AILs. The ES reports on the value of receptors, magnitude of impact and the significance of effect of identified impacts using criteria from the Design Manual for Roads and Bridges issued by the Highways Agency in 2007. The Applicant notes that whilst this methodology was designed for highway schemes, it has been commonly used for reporting cultural heritage impacts within an EIA context. Consultation responses from Cadw and CPAT indicated satisfaction with the studies and assessments. Neither body identified a specific requirement to consider cumulative impacts with other wind farms on heritage assets [D2-018, Part 7]. CPAT records its agreement in a SoCG that the ES and supporting baseline studies have used the relevant guidance and policy on archaeology and cultural heritage [D10-018].
- 4.4.7 However, the manner in which effects on heritage assets are reported in the ES does not articulate whether harm arises to these assets and

⁵³ These are shown on Fig 12.16 [AD-307]

the approach to setting has been refined since preparation of the ES in 2011. As a consequence, the Applicant produced a further report at Deadline III of the Examination [D3-003, Appendix 6.1]. This assessed the level of harm having regard to the English Heritage guidance document 'The Setting of Heritage Assets' [D5-048]. Whilst applicable in England and not formally adopted in Wales, the Applicant notes that this guidance has been widely used in Wales [D3-002, Appendix 6.2]. It explains how setting relates to an asset's heritage significance and what effect change in setting has on the significance of assets. It aligns with policy in EN-1, noted above. Particularly in light of criticism by PCC as to the absence of any cumulative assessment of impacts, such an assessment was also carried out [D3-002, Appendix 6.2, D2-038 and D2-039].

Impact on heritage assets within the application site

- 4.4.8 There are no designated heritage assets within the application site. Other known archaeological features within the site are limited, being confined to a cairn in the northern part of the application site - the Waun Goch cairn⁵⁴ - and features related to later post-medieval to early 20th century lead mining. These include the majority of the features of the Nantiago mine at the north-western tip of the site⁵⁵. This has a very well-documented history and the ES states that it is one of the best preserved of its kind in Wales. It has been recommended by CPAT as a SAM and the ES notes that it may be regarded as of national significance. The proposed development would have no direct impact on either the Nantiago Mine or the Waun Goch cairn.
- 4.4.9 Other mining features include the Wye Valley mine at Nant y Gwrdd which survives in poor condition, the ES categorising it as of low importance with the proposed development being unlikely to have any direct impact. In its LIR, PCC agrees that no significant effects are anticipated on the Wye Valley mine [D2-039, Section 4].
- 4.4.10 Removal of peat deposits related to the proposed development could result in impact on any as yet unrecorded archaeological features of prehistoric date. The heritage significance of any assets present would vary and derive their value from their evidential value chiefly related to the potential of the deposits to be of importance in understanding human activity during this period. R27 of the recommended DCO requires a scheme of archaeological investigation to be submitted and approved. This would provide for recording of any archaeological features within areas likely to be affected by construction and this could inform micro-siting of the turbines and associated elements. It is

⁵⁴ Site marked as No. 3 on ES Figure 12.1 [AD-292]

⁵⁵ Shown on Photograph 5 in D3-003 and numbered 25 to 65 on ES Figure 12.1 [AD-292]

not suggested by any party that substantial harm would arise as a result.

- 4.4.11 In terms of impact on setting, I accept the Applicant's contention that it is the effect that a change to an asset's setting has upon that asset's significance and not the change in setting *per se* which is the important consideration [D2-018, Part 7]. It is necessary to understand the relationship between the setting and the contribution it makes to significance for conclusions to be drawn as to any harm that might arise from a proposed development. This is a factor to be taken into account in assessing impacts on significance arising from a change to an asset's setting, whether that asset is within the application site or in its surroundings.
- 4.4.12 The Applicant's supplementary assessment [D3-002, Appendix 6.2] notes that the Waun Goch cairn, consisting of a low cairn of stones about 3.6m in diameter and some 0.4m in height, has been tentatively attributed to the Bronze Age and a funerary function although it remains possible that it could simply be a clearance cairn⁵⁶. PCC considers it unlikely to be a clearance cairn as its location adjacent to a change of slope overlooking a watercourse/watershed, and occupying a prominent position in the landscape, are all key features in the siting of burial monuments [D5-040].
- 4.4.13 There is agreement that extensive change to the setting of the cairn would result as it would lie within the northern part of the turbine area, with the nearest turbine being about 40m distant. PCC considers that the proposal would result in substantial harm to the significance of this asset, a view not shared by the Applicant [D5-040 and D3-002, Appendix 6.2]. The difference in assessment stems largely from the values ascribed: the Applicant considering that the cairn's value is evidential and historical whereas PCC considers the cairn also has aesthetic value⁵⁷. PCC considers the environs in which the cairn is situated and its relationship to that environment is central to its significance; the openness and uncluttered nature of the landscape broadly reflecting the historical form of the landscape which helps in the understanding of the relationships with the landscape.
- 4.4.14 The Applicant acknowledges that the presence of the turbines would affect the ability to appreciate views to the wider landscape which are likely to have been important concerns when siting the asset. Since this element of the cairn's setting would contribute to its heritage significance if it were a Bronze Age burial cairn this would be a

⁵⁶ Removal of stones into a pile to reduce obstruction to farming or other activities.

⁵⁷ Evidential value being value deriving from the potential of a place to yield evidence about past human activity; historical value being value deriving from the ways in which past people, events and aspects of life can be connected through a place to the present; and aesthetic value being that deriving from the ways in which people draw sensory and intellectual stimulation from a place (Cadw's Conservation Principles (2011)) [D5-040, para 4.9].

harmful effect. But as the cairn's evidential and historical value and other aspects of its setting which contribute to its heritage significance would remain unaffected, the Applicant concludes the harm would not be substantial. This is a conclusion with which I agree and which is underlined by the doubt which exists as to the cairn's origins.

- 4.4.15 Having regard to the Nantiago Mine, PCC considers that the open rural character of the upland landscape around the mine and its remoteness contribute directly to its significance and the ability to understand why the site developed in the way it did and why it eventually failed [D2-039, D5-040 and D6-008]. The presence of turbines would impinge on views to and from the mine and would alter its setting by reducing the sense of remoteness, isolation and openness and which contribute to its significance. PCC concludes that there would be harm to this asset's significance although this would be less than substantial [SoCG, D11-005 and D5-040].
- 4.4.16 The Applicant acknowledges that there would be an extensive change in the setting but the legibility of the mining remains and their relationship to the Nant Iago stream, which provided much of its power, are the elements of setting which contributes to the asset's significance. Remoteness and isolation are experienced at the mine but are not factors which form an aspect of its heritage significance [D3-002].
- 4.4.17 In my view the heritage value of the mine is principally historic and evidential. The mine existed where it is to exploit the resource found there and is not there to command views or aid-intervisibility, as may be the case with a hilltop cairn [D6-015]. Isolation and remoteness of the mine might have been contributors in its decline but I agree with the Applicant that these are not factors that are obvious from viewing the mine in its present setting; understanding would come from historical information gained from other sources. Whilst there would be considerable visual change in setting, this would not fundamentally change the significance of this asset since it would not affect from where its significance derives. Nonetheless, I do consider that there would be some degree of harm to significance in terms of reducing the sensory experience of the asset through the resultant change in landscape setting. But, in an overall context, as the mine's principal significance derives from its historical and evidential value, this would be minor.
- 4.4.18 There is an area of pitting and a possible mine level around Nant y Crug in the south-eastern portion of the application site [Refs 71- 76 on ES Figure 12.1, AD-292]. It comprises an area of shallow earthworks which have been interpreted as the remains of failed prospecting. I agree with the Applicant's assessment that the heritage significance of these derives from their evidential value as a document of attempts to find workable mineral deposits and their setting does not contribute to their heritage significance [D3-002].

Impact on heritage assets beyond the application site

- 4.4.19 In the ES indirect visual impacts on designated heritage assets lying within a 5km buffer from the edge of the site were assessed - the Designated Heritage Asset (DHASA) Study Area [ES Figure 12.2, AD-293 and Figure 1, D3-002]. There are no conservation areas within the DHASA. Of the eight listed buildings within the area none are inter-visible with the proposal and there would be no resultant visual impact. The ES notes that there are ten SAMs that are inter-visible with the proposed development, comprising a series of Bronze Age cairns on elevated land to the west and north of the site on the Plynlimon massif, the Nant yr Eira mine to the site's north and the Cae Gaer Roman fort to the south-west [AD-065, paras 12.35-12.37 and D2-018].
- 4.4.20 There is disagreement between the Applicant and PCC in terms of the interpretation of the significance of the cairns and the contribution their setting makes to that significance. The Applicant considers their significance is drawn from evidential value, as documents of Bronze Age funerary practices and creation of monuments, and historical value as illustrations of how the dead were buried and commemorated during the Bronze Age period; their significance would remain unaffected by the proposed development [D3-002 and D6-015]. PCC considers that these monuments were deliberately sited in relation to the landscape, other monuments, watercourses, movement routes and in a manner that reflected cultural and social trends and traditions in that society; the majority of the cairns' evidential value and significance resides in the relationship between them and the landscape [D6-006].
- 4.4.21 In this context PCC considers that the openness and uncluttered nature of the landscape broadly reflects the ancient and historical form of the landscape in which the cairns were established and have existed for millennia [D6-006]. PCC also believes that the Applicant fails to acknowledge the communal value of the summit cairns on Plynlimon in terms of their role in the Mabinogion legends of Wales⁵⁸ [D6-008]. The Applicant's conclusion is that there would be less than substantial harm. Impact on the Plynlimon cairns is also an expressed concern of NRW and CCC. NRW emphasises the connection of the Plynlimon landscape with the nationally-important Mabinogion tales and considers the proposed development would result in substantial harm [D6-011, Appendix NRW-ISHL-3, D2-038 and D10-011].

⁵⁸ This is a classic text, first written down in the 14th century, which is the Welsh equivalent to Beowulf. NRW notes that it is retold to all Welsh school children. The Mabinogion includes a number of place names and topographic references and identifies Plynlimon (Pumlumon) and the Rivers Wye and Severn leading to their nearby sources, Pen Pumlumon Fawr being the dwelling place of a rogue giant. In the tale 'Culhwch and Olwen' there is reference to two characters, Cei and Bedwyr, on a quest and sitting on top of Pumlumon looking to the south. Their ability to see smoke enabled them to complete their quest [AS-14, D6-011, D8-002 and D10-011].

- 4.4.22 The Applicant notes that elements of the setting of cairns, chiefly their positioning in the landscape, often contribute to their heritage significance. This is through matters such as being sited so as to be prominent in the landscape, in positions with commanding views and where there would be intervisibility with contemporary ritual and funerary monuments [D3-002]. The proposed development would be generally well separated from the Plynlimon cairns and would only appear in certain views from them. The cairns' commanding views into the landscape would remain and the existing intervisibility of cairns on the ridge would not be affected.
- 4.4.23 Turbines would provide a backdrop in views from the three cairns on Plynlimon Fawr (SAMs CD036, CD037 and CD150) towards Pen Lluest-y-Carn cairn which lies to the east, about 1.2km distant (CD038) [Figure 1, D3-003]. This would make the visual relationship between them harder to appreciate given that the presence and movement of the turbines would provide a dynamic backdrop rather than one of a static landscape. As a legible visual relationship is one of the elements of the Plynlimon summit cairns' setting which contributes to their heritage significance, this would have some harmful impact. As a result, I consider that the degree of harm to the assets' significance would be moderate. Cadw is also of the view that the proposal's impact is unlikely to be significant and would not affect any sense of place or understanding of the group of cairns [D2-026].
- 4.4.24 Cairns along the Plynlimon ridge are locally prominent and form landmark features that are clearly of human origin. The proposed development would alter eastward views experienced from this ridge. It would not alter the prominence of the ridgeline cairns. In my view the present landscape within which the cairns are set is likely to have been much modified since their construction. Whilst it is open in character there are many modern features, including reservoirs within the Nant-y-Moch area to the west and existing nearby wind farm development at Cefn Croes. Farming and land management, together with the rally tracks of the Sweet Lamb complex and modern forestry, have clearly modified the landscape.
- 4.4.25 The Applicant also draws attention to gaps in the understanding of landscape change and land use patterns in Wales during and since prehistory [D8-002]. As such, I am not convinced that the landscape within which the cairns exist can be categorised as being one which would have reflected the ancient and historical form of the landscape in which the cairns would have been established [D6-006].
- 4.4.26 I do accept that some element of the cairns' significance derives from their aesthetic role in the landscape as a result of their physical visual presence and relationship to the landforms they occupy but this is very much secondary to their historical and evidential significance. Even if communal value was to be ascribed to the significance of the cairns as a result of the connection to a tale in the Mabinogion reference to the Pumlumon area, the proposed development would not

materially reduce this; the view to the south has already been modified by land use and the presence of the Cefn Croes wind farm. The present proposal would not impinge further on such southerly aspects [D6-011, Appendix NRW ISHL-3(b)].

- 4.4.27 In respect of onshore wind farms, EN-3 notes that as these are generally time-limited in operation account should be taken of the time for which consent is sought when considering any indirect effect on the historic environment, such as the effect on the setting of designated heritage assets⁵⁹. The duration of the proposed development is 25 years and there is the inherent possibility that its impact in terms of creating change to the setting of heritage assets could be reversed on decommissioning. Whilst this might be the case, 25 years represents a timeframe in excess of a human generation. This would be a considerable period over which any effect on setting would be experienced and appreciated. Consequently, I do not consider that this is in its own right an important mitigating factor in assessing the impact of changes to setting on the significance of heritage assets in this particular case.
- 4.4.28 Overall, I conclude that there would be a moderate harmful impact on the significance of the scheduled cairns arising from changes in their setting.
- 4.4.29 Nant yr Eira mine⁶⁰ is a SAM consisting of the remains associated with prehistoric copper mining and 19th century lead mining. It lies to the north of the application site on the edge of the Hafren Forest adjacent to the Nant yr Eira stream, which provided water power for the 19th century mining activity [Photographs 3 - 5, D3-002]. The prehistoric mining features are nationally rare and form a key part of the evidential value for which the site was scheduled [D3-002]. PCC considers the proposed development would result in less than substantial harm to this heritage asset [D11-005].
- 4.4.30 The proposed development would change views out from the site as turbines would appear as skyline features. Views from the south towards the mine would remain unchanged. Extensive changes to the setting of the mine would result and are acknowledged by the Applicant. However, as with Nantiago Mine, I consider the significance of this asset derives principally from its historic and evidential value. Whilst a sense of remoteness and isolation may be reduced, these are not the most important elements in its significance as a historic asset. Impact on setting in respect of these attributes has already occurred with nearby afforestation modifying the landscape. Reduction in sensory value would be small resulting in a minor harmful impact on significance.

⁵⁹ EN-3, para 2.7.43

⁶⁰ Site marked as No. MG226 on ES Figure 12.1 [AD-292]

- 4.4.31 The Cae Gaer Roman fort consists of earthwork remains lying in the Afon Tarennig valley about 2.4km to the south-west of the nearest proposed turbine [MG057 shown on Figure 1, D3-003]. It is believed to have been sited to control movement through the valley. I accept the Applicant's view that the significance of the asset is primarily derived from evidential value (relating to archaeological deposits contained within the site) and historical value as a visible document of the presence of the Roman army in this area. Some turbines would appear as skyline features in views to the north-east from the fort [ES Figure 12.15, AD-306]. Whilst creating a change in view from the fort in a north-easterly direction this would not compromise the ability to appreciate the fort being sited so as to have commanding views of the landscape. There would be no effect on visibility of the fort in the landscape. Those aspects of the fort's setting which contribute to its heritage significance would remain unaltered. I agree with the Applicant's assessment that impact on the significance of this asset as a result in change to its setting would be neutral [D3-002].

Impact on Historic Landscape Areas (HLAs)

- 4.4.32 The proposed scheme lies adjacent to the Upland Ceredigion Landscape of Outstanding Historic Interest and areas from where it would be visible are restricted to its north-eastern corner. Five of the component 132 Historic Character Areas (HCA) which make up this HLA would be inter-visible with the proposed turbines. These include the Pumlumon HCA, which is a defining area of Upland Ceredigion and contains many of its key characteristics. In these areas potential for impacts relates to visual intrusion in views out to the wider landscape [D3-003].
- 4.4.33 The ES concludes that there would be some visual intrusion from the proposed development in areas of the Pumlumon, Fuchses Wen, Peraidd Fyndd and Blaen Peithnant HCAs. With the exception of the Pumlumon HCA, this is assessed as being generally slight, often at a distance and would result in negligible impact on the heritage significance of the Upland Ceredigion HLA [AD-065, para 12.66].
- 4.4.34 Chief concern has focussed on the Pumlumon HCA and impact on a principal characteristic of the summit Bronze Age cairns. Impact was assessed by the Applicant in accordance with the ASIDOHL 2 methodology. It was concluded that there would be a moderate impact on this HCA, leading to a minor impact on the Upland Ceredigion Historic Landscape as a whole. NRW considers the Applicant's ASIDOHL 2 assessment to have been underscored and views the impact on the HLA as a whole as being significant, resulting in unacceptable harm to the landscape [D6-011, Appendix NRW ISHL-3(b) and D10-011].
- 4.4.35 The Register of Landscape of Historic Interest explains that the historic landscape is a broader concept than the discrete buildings and structures within it and which have their own particular settings. NRW

refers to the concept of 'time-depth' engendered by the summit cairns on Plynlimon being within what is still today a Bronze Age landscape and with long distance views and intervisibility [D6-011, Appendix NRW ISHL-3(b)].

- 4.4.36 As discussed above, I consider this notion of the present landscape as being somewhat overstated by reason of the modern elements and land uses that have wrought change. Commanding vistas and intervisibility from the landscape containing the cairns would not be significantly changed and the proposed development would not affect the reason for the registering of the Upland Ceredigion HLA. The presence of other pre-existing wind farms within and in proximity to the Upland Ceredigion HLA has clearly not been considered so harmful to the key characteristics of the area that designation was not warranted. These wind farms have been part of the perception of this historic landscape since the mid - late 1990s [D6-015 and D8-002]. The Applicant acknowledges that there would be some harmful impact on the significance of this landscape through visual encroachment but that it would be less than substantial, a view I share [D6-015].
- 4.4.37 In the Clywedog Valley and Elan Valley RHLs no views across the application site have been identified that were relevant to the appreciation of either individual character areas or the relationships between them. Potential for impacts therefore relate only to visual intrusion to views out to the wider landscape.
- 4.4.38 The ES assessment concludes that in both RHLs the extent of visibility would lead to a negligible impact on the value of these landscapes. This would leave them essentially unchanged, resulting in only a slight adverse significance of effect [AD-065, para 12.67 and D3-003]. In its Deadline II submission, NRW considered that the proposal would lead to a moderate change overall to the value and character of these two HLA's [D2-011]. This was not articulated further. In my view this overstates the impact on these HLA's since visibility of turbines from within them would not impinge on characteristics for which they have been registered and which are summarised in the ES [AD-111].

Cumulative effects

- 4.4.39 The Applicant has considered the potential effects on heritage assets which may be associated with cumulative change brought about by the sequential or concurrent development of wind farms lying close to assets affected by the present scheme. This assessment was produced with reference to the CLVIA in the ES and to material prepared for the updated CLVIA [D3-002]. There is no formal guidance for the assessment of cumulative effects on heritage assets, the Applicant noting that the ASIDHOL 2 methodology cannot be used to assess cumulative impacts to RHLs [D3-002].
- 4.4.40 With reference to ZTV's, there would only be a minor extension of turbine visibility in the context of the majority of heritage assets

identified as susceptible to cumulative effects. The Applicant's assessment indicates that the Clywedog Valley RHL is the only asset where other proposed wind farm development in combination with the project would create a greater degree of change in setting than that which would be created by the project on its own. The assessment considers that the effect of change associated with the proposed development on the setting of this RHL would not be harmful since visibility of the turbines would not affect the heritage significance for which the area was designated. As a result, whilst the proposal would contribute to a cumulative change in views from this RHL, the assessment concludes that this would not lead to a cumulative effect on its heritage significance since it would not affect the heritage significance for which it was designated [D3-002].

- 4.4.41 PCC levelled several criticisms at the Applicant's cumulative assessment with reference to lack of detail, descriptive text, wireframes and photomontages [D5-040 and D6-008]. NRW has also queried the absence of a cumulative assessment involving the possibility of a wind farm development in SSA D at Nant-y-Moch. This is on the basis that a proposal here is likely and should have been considered: there is an assigned option to lease an area of land for a wind farm within the refined SSA D boundary; there has been the registration of an NSIP project; and plans have been included in an ES [D10-032].
- 4.4.42 The Applicant's detailed response to points raised by PCC [D8-002], however, lead me to conclude that the cumulative assessment was sufficiently robust and that its conclusions are realistic. The lack of inclusion of consideration of a scheme in SSA D is understandable and reasonable given the current dormancy of the only scheme that has ever come forward. I agree with the cumulative assessment that any past putative scheme does not constitute a valid baseline for the assessment of cumulative impact since there is no guarantee that any future scheme for SSA D would use the same site or similar layout and generation infrastructure [D3-002 and D10-007].

Conclusion

- 4.4.43 The proposed development would have some harmful impact on the significance of certain heritage assets within and surrounding the application site through indirect effect on their setting. In the case of the non-scheduled Waun Goch cairn, and the Nantiago mine which whilst not currently a SAM is considered to be of national significance, harm would be less than substantial or would be minor. Beyond the site there would be minor harm to the significance of the Nant yr Eira mine, a neutral impact on the Cae Gaer Roman fort and a moderate harmful impact on the scheduled cairns on the Plynlimon massif.
- 4.4.44 There would be some harmful impact on the significance of the Upland Ceredigion HLA but this would not be substantial. There would be a negligible impact on the significance of the Clywedog Valley and Elan

Valley HLAs. R27 of the recommended DCO would adequately address any potential impact on archaeological features within the application site that might be affected by the proposed works.

4.5 ECOLOGY, BIODIVERSITY AND PROTECTED SPECIES

- 4.5.1 NPS EN-1 para 5.3.7 states that as a general principle development should aim to avoid significant harm to biodiversity and geological conservation interests, including through mitigation and consideration of reasonable alternatives; and that where significant harm cannot be avoided appropriate compensation measures should be sought. In deciding NSIP applications, para 5.3.8 indicates that it should be ensured that appropriate weight is attached to designated sites of international, national and local importance, protected species, habitats and other species of principal importance for the conservation of biodiversity, and to biodiversity and geological interests within the wider environment.
- 4.5.2 ES Chapter 11 deals with ecology, indicating that ecological studies have been undertaken from 2004 up to the production of the ES (2014) [AD-064]. Further work has taken place during the course of the Examination. Studies have included those for vegetation, peat, birds, fish, reptiles and mammals (water voles, otters, badgers and bats). Potential impacts of the construction, operation and decommissioning stages of the project have been reviewed and study recommendations regarding species and habitats have been incorporated into the project design, operation and maintenance where possible.
- 4.5.3 Various assessment guidelines relating to specific matters have been referenced including those of the Institute of Ecology and Environmental Management. A Habitat Management Plan (HMP) has been produced [AD-108].
- 4.5.4 In its RR, NRW notes that pre-application advice was provided to the Applicant, in particular in response to the EIA Scoping Report prepared in 2005, s42 (draft ES) consultation in 2013, and the draft HRA Screening Report in 2014. NRW comments that, whilst welcoming changes made to the ES since publication of the draft ES, a number of its comments had not been taken into account in the final ES. It also notes that there have been significant changes in policy, guidance and knowledge with regard to wind farms and their impacts since the EIA scoping was completed in 2005 and these have not been reflected in the ES [RR-66].
- 4.5.5 NRW's concerns within its RR about assessment and impact (in addition to those relating to European sites considered in Section 5 of this report on HRA) related to: bats (aged survey data not consistent with the most recent British Standard, pre-dating current good practice guidance, and location of some turbines likely to be high risk for bats); birds (aged survey data, lack of information on survey

methodology including how some of the proposed mitigation can be achieved, and non-compliance with most recent good practice guidance); habitats and peat (ground disturbance around infrastructure during construction and potential for hydrological effects not taken into account, and impacts of proximity to high-value peatland habitats not fully considered); potential contamination of soils and groundwater from historic mining activities; concerns about watercourse crossings and potential impacts on fisheries (especially migration) [RR-66].

- 4.5.6 PCC's LIR also identified concerns regarding uncertainty regarding the impacts on peatland habitats, risk to bats, and bird surveys. It additionally noted uncertainty regarding the effects on protected species of off-site road amendments [D2-039, Section 7].
- 4.5.7 NRW's RR considered that surveys of other European and nationally protected species (otters, water voles, badgers and reptiles) were sufficient but that it would be necessary to ensure that appropriate avoidance and mitigation measures for these species are secured through Requirements of the DCO [RR-66]. This was reiterated in its WR and in a draft SoCG [D2-011 and D3-018]. PCC's LIR suggests a neutral impact on these species [D2-039].
- 4.5.8 Towards the end of the Examination the Applicant provided an updated and expanded Appendix 11.20 of the ES - SPP [D10-028]. This covers mammals (otters, water voles and badgers), and reptiles (common lizard) as well as birds (breeding birds, Red Kite and Golden Plover). The plan details proposed monitoring and mitigation.
- 4.5.9 The Applicant discussed with NRW the possible need for a EPS Licence in respect of otters in January 2014. Following further otter surveys in March 2014, and subsequent correspondence, NRW agreed with the Applicant's conclusion that a licence for otter would not be required. However, NRW considers that update surveys will be required prior to the start of construction because of the length of time that would be likely to have elapsed since the original surveys.
- 4.5.10 As otters are peripatetic creatures and their status may have changed by the time of construction, NRW considers a licence application at that time would have to be considered on its merits. Nonetheless, based on knowledge of the project from the ES and subsequent information, NRW concludes that it should be possible to conclude no detriment to the favourable conservation status of the otter population at the site subject to the agreement of suitable avoidance and mitigation measures [D7-012].
- 4.5.11 R15 of the recommended DCO (Appendix A) requires the submission and approval of a plan for the mitigation of potential adverse impacts on any European or nationally protected species. This would include a survey method statement for works and proposals for monitoring before, during and post-construction. The Requirement incorporates

revisions following comments from NRW [D4-004 and D10-010]. I consider that in terms of reptiles, otter, water vole and badgers this Requirement would adequately ensure mitigation and protection so as to avoid any significant adverse impact on them.

Birds

- 4.5.12 The RRs prompted my FWQ [PrD-05] and the Applicant responded in detail to both these and to the LIRs and WRs [D2-027, D3-002, paras 5.15-5.35]. NRW expressed concern about the adequacy of bird surveys, suggesting insufficient information had been provided regarding survey methodologies, there was a lack of compliance with good practice guidance and that some of the surveys were somewhat aged [D2-011].
- 4.5.13 In summary, the Applicant acknowledges that some of the bird surveys are of an age where, taken in isolation, they would not be reliable for an application of this nature. However, the Applicant suggests that this is substantially outweighed by the unusually long history of site investigation and monitoring; five types of ornithological survey have been carried out between 2004 and 2011 with a Red Kite nest survey in 2014 and an updated survey in 2015 [D2-027, the Applicant's response to FWQ 4.1]. As a consequence, the Applicant considers that rather than providing a snapshot of avifauna interest, study has ranged over a number of years to provide a far deeper understanding of the site.
- 4.5.14 The SPP [D10-028], which updates that in Appendix 11.20 of the ES [AD-107], indicates that breeding bird surveys carried out in 2010 found a total of seven Species of Conservation Concern plus Buzzard and Snipe. The overall conclusion arising is that the bird assemblage at the site is poor (both breeding and those flying through) and that there would be no significant scheme impacts in relation to birds.
- 4.5.15 Having regard to raptor use of the application site, as recommended by NRW, an updated Red Kite nest survey was carried out. Given frequent Red Kite⁶¹ activity across the site, this was undertaken to see whether breeding within and in the vicinity of the site was taking place. No breeding locations were identified within 2km of the site. Surveys revealed low use of the site by Peregrine, Merlin, Hen Harrier and Short-eared Owl, with no known breeding pairs of these species within 3km to 10km of the site. No significant detrimental impact to these latter four species from disturbance or collision risk is therefore likely.

⁶¹ Red Kite are a qualifying feature of the Elenydd - Mallaen SPA, and are considered in the context of HRA in Section 5 of this report.

- 4.5.16 Collision Risk Assessment (CRA) with operational turbines has been carried out for Red Kite and Golden Plover, both high Conservation Priority species [AD-092]. The ES indicates that a high level of Red Kite activity within the site correlates with the lambing season. To mitigate against potential collision risk with operational turbines the Applicant suggests that a HMP could impose restrictions on certain agricultural activities within 150m of turbines in order to reduce attractiveness to Red Kite [AD-064, paras 11.445-11.447]. This is reiterated in the Applicant's SPP [D10-028] although NRW states it has little confidence that this measure would reduce the risk since it is unclear whether it represents a change from the existing situation [D6-023]. R14 of the recommended DCO (Appendix A) stipulates the need for the submission and approval of an HMP, which should accord with the principles set out in the HMP within the ES at Appendix 11.21 [AD-108].
- 4.5.17 The CRA predicts a collision risk of less than two Golden Plover per annum (the wintering Wales population being estimated at between 15,000 and 20,000 birds). That for Red Kite is predicted to be less than one pair per annum (0.08% of the Welsh population) [AD-064, paras 11.428-11.431].
- 4.5.18 The Pumlumon SSSI of some 3,848ha and of special interest for its vegetation types and bird fauna extends close to the northern part of the application site. Surveys comparing bird populations in 2011 with those present in 1984 revealed a large reduction in wader species such as Curlew, Common Sandpiper and Golden Plover. Very low numbers of species (and on very few occasions) that are listed as part of the Pumlumon SSSI assemblage were recorded during many hours of vantage point and other bird surveys. The Applicant indicates that the application site is not an important foraging area for these species coming from the SSSI or elsewhere [D3-002, para 5.28]. The ES concludes that, post-mitigation, there would be minor residual adverse effects from the proposal for Golden Plover and Red Kite with possible moderate-minor displacement effects of the turbines on Snipe [AD-064, para 11.466].
- 4.5.19 Despite criticism by NRW of some of the survey work undertaken, and the absence of any agreed SoCG between it and the Applicant, NRW does not dispute the assessments of likely impact in relation to the above bird species except for Red Kite.

Peat

- 4.5.20 NPS EN-3 notes at para 2.7.32 that "peat is a sensitive habitat that is important for many species of flora and fauna. In some instances soil disturbance may lead to change in the local hydrological regime which can affect biodiversity. Further, peat is rich in carbon so disturbance of peat can result in a release of carbon stored in soils". Para 2.7.37 indicates that where developments are proposed on peat, wind farm layout and construction methods should be designed to minimise soil

disturbance to ensure that there will be a resultant minimal disruption to ecology or release of CO₂, and that the carbon balance savings of the scheme are maximised.

- 4.5.21 The ethos of the proposed development's design has been to minimise loss of habitats and areas of peat. The existing peat habitat has been a key constraint in the location of turbines and other infrastructure. To this end, existing tracks within the site would be used where possible, the substation and construction compound would be sited on previously disturbed ground, and the overall layout aims to avoid the loss of deep peat where practicable [AD-055, para 2.27].
- 4.5.22 Peat survey work to measure peat depth was carried out resulting in a peat depth contour map [ES Fig 11.3, AD-274]. This has informed the detailed siting of turbines and access tracks. Various concerns regarding impacts on peat were raised in RRs and WRs principally by NRW and PCC [D2-039, D2-011 and D2-016]:
- uncertainty over peat depths;
 - uncertainty over the magnitude of peat impacts, both totals extracted and indirect effects on peat hydrology in surrounding habitats, resulting in uncertainty over whether proposed mitigation and compensation would be adequate;
 - a need to assume the worst case scenario within the LoD for effects on blanket bog habitats;
 - a need for information in the HMP to demonstrate that there would be full compensation for impacts;
 - a lack of a PMP;
 - particular concern in respect of the siting of Turbine No. 19.
- 4.5.23 Impact on peat habitat was an issue considered at the ISH on landscape, noise, biodiversity and socio-economics. NRW's position was that: the baseline with regard to both habitat and peat was insufficient to demonstrate that disturbance to peat had been minimised; assessment had not adopted a worse-case scenario; and assessment of impacts relied on mitigation measures which were not secured. Overall, it had not been demonstrated that the carbon benefits had been maximised [D6-010, para 68 (wrongly labelled as para 64 within the document)].
- 4.5.24 NRW, in making its s42 comments, had requested that a PMP should be provided. Such a plan was not produced until well into the Examination [D7-025] although, as a result of NRW's comments, further peat surveying was carried out [D7-007].
- 4.5.25 The draft PMP states that the plan has been formulated to ensure peatlands are managed in accordance with best practice and, specifically, that peat habitats are wherever possible avoided during construction. Where this is not possible, peat should be reinstated effectively with a minimum loss of carbon. Outside the footprint of the development the PMP notes that there are areas of degraded peat-

based habitats - peat islands - and that there is an opportunity to use peat from the development to stabilise, expand, re-profile and reinstate these areas. The Applicant's carbon balance assessment indicates that it is peat islands and habitat at Waun Goch and Esgair y Maesnant that would be the location for this work [D10-023, paras 17-18].

- 4.5.26 The PMP calculates the amount of peat to be excavated based on the depth of peat measured at the infrastructure locations. NRW has queried the accuracy of the Applicant's peat depth modelling because of the methodology that was used. The ES presents the baseline peat information as interpolated peat contours rather than individual data points. It is the contours which are used in the PMP to calculate the volumes of peat on which there would be an impact and which would be excavated.
- 4.5.27 NRW suggests that modelling appears to have used an approach of averaging data between data points rather than taking account of factors such as topography and drainage which may significantly affect likely peat depths [D10-034 and D6-010, para 73]. The Applicant indicates that the NRW guidance 'Assessing the Impacts of Wind farms on Peatlands in Wales' (2010), was followed, which contains a description of the methodology for recording peat depths. Regard was also paid to the Scottish Natural Heritage (SNH) Guidance: 'Developments on Peatland: Site Surveys' [D7-007].
- 4.5.28 In light of NRW's comments at the ISH and subsequent submission [D6-010], additional peat sampling was undertaken to verify original survey work. The Applicant concludes that: this additional work confirmed the accuracy of the original survey; as the overwhelming majority of samples indicate that the depth of peat below all infrastructure is less than 0.5m there is no justification for a higher intensity of sampling advocated by NRW; and there is conformity with the relevant guidance and this has accurately informed the baseline that none of the infrastructure would be located on deep peatlands.
- 4.5.29 Despite the above contentions, NRW maintains that this guidance has not been fully adhered to in establishing baseline peat depths and that the additional data collected in April 2015 at 13 turbine locations and along three track alignments does not conform to the SNH guidance. As a consequence, NRW maintains there are still areas with insufficient data to provide certainty regarding the peat baseline [D10-034].
- 4.5.30 The DCO provides for post-consent micro-siting of the differing elements of the development (A6 of the recommended DCO, Appendix A). This would allow the possibility of minimising effects on the peat resource by locating infrastructure where, within the defined LoD set out on the Works Plan, peat depth is shallower. As NRW notes, options for micro-siting would be constrained by other factors; engineering considerations, archaeology, proximity to PRow, watercourses and habitats, and bat flight lines. A6 of the recommended DCO imposes

various constraints on the ability to microsite, although the majority of the proposed infrastructure would be largely unconstrained.

- 4.5.31 NRW also compiled some of its own peat depth data to compare against the Applicant's model [D6-010, paras 74-75], conclusions drawn from this differing between the two parties. The Applicant suggests that NRW's data should not be relied upon to form a conclusion on the adequacy and accuracy of its own peat assessment. NRW submits that comparison does provide information on the accuracy of the modelling, supporting its conclusion that the PMP has not assessed the worse-case scenario.
- 4.5.32 NRW is also concerned that there are locations along tracks within the site where there are still insufficiencies in peat depth data [D6-010 para 75]. Although the Applicant responded to these [D7-007, Table 3], NRW provided further detailed comments to corroborate this assertion. This indicates that peat depths can vary over short distances and that more intensive sampling in some locations provides different results to the predicted modelled depths [D10-034, paras 19-20]. I consider that this casts doubt on the effectiveness of micro-siting to avoid areas of deeper peat within the LoD in the absence of more intensive sampling to establish peat depth variation.
- 4.5.33 Construction and associated drainage can lead to a lowering in the level of the water table on the fringe of peat deposits. This can result in degradation of the peat habitat and a loss of carbon from the peat. NRW expressed concern at the rudimentary assessment of the potential impacts on peat as a result of drainage, with assessment based on un-quantified changes in vegetation along existing roads within the site [D7-012, para 27 et seq]. It also referred to the need for comprehensive assessment as contained in its guidance document 'Assessing the Impacts of Wind farm Developments on Peatlands in Wales' [D6-010, para 76]. Furthermore, NRW commented that the Applicant's limited approach contrasts with the detailed information within the guidance for carrying out a hydro-ecological impact assessment.
- 4.5.34 The draft PMP indicates that observation of existing tracks at the application site suggests that vegetation, and therefore underlying peat, is typically affected to 2-3m from the infrastructure. A figure of 3m has been used to estimate the volume of peat degradation and input to the Carbon Assessment Tool. The use of this figure is based on experience of other recently-constructed wind farms and observation along transects where tracks traversed or edged peat deposits of 0.5m and over. The conclusion drawn is that, once established, tracks have a modest negative impact on adjacent peatland habitats but that this is limited to the first 3m. It is also noted, however, that mire habitat then deteriorates in the 10m to 20m zone [D10-07, Annex 4 and Appendix 1].

- 4.5.35 NRW comments that this approach does not comply with any recognised good practice methodology for assessing drainage impact on peat and that the Applicant's vegetation survey has not been conducted at a fine enough scale to be able to record potential changes [AS-15]. The 3m figure is much lower than used for many other wind farms. It contrasts with the 10m drainage impact extent assumed in the assessments for the Carnedd Wen and Clocaenog Forest wind farms and the calculated distance of 30 - 64m impacted by water drawdown in peat at the Llanbrynmair wind farm [D7-012, para 30]. The Applicant suggests that the smaller drainage zone is because of the shallower peats than in these other consented wind farm proposals [D10-034, para 22]. These three wind farms are referred to within the draft PMP as comparators in terms of peat volumes affected by development.
- 4.5.36 Given the nature of the Applicant's investigation, NRW submits little confidence should be attached to it, there is insufficient information on potential impacts of drainage on peatlands and assessment should proceed on the basis of a worse-case scenario; this should use a 10m drainage impact zone, an estimate comparable to the drainage zones for the other wind farms used in the Applicant's peat comparison report. If used, NRW considers the carbon losses resulting from disturbance to peat would be 2.3 times the carbon gains from peat management and restoration. Having regard to para 2.7.37 of EN-3, this would point to the Applicant not having maximised its carbon balance savings [AS-15].
- 4.5.37 NRW's further concern is that the absence of a hydrological assessment means that there is a lack of assessment of potential impacts on high quality blanket bog communities close to infrastructure. This concern is specified by reference to the location of turbines 10, 11, 12 and 16 where the siting of turbines, crane hardstandings or the LoD encroach onto areas of blanket bog [D10-034, paras 21-23].
- 4.5.38 The Applicant has drawn comparisons with three other permitted and consented Welsh wind farms (referred to above) to illustrate the considerably smaller volumes of peat that would need to be excavated for the present project (for example c17,000m³ for the proposed development compared with 101,000m³ for Clocaenog Forest, a recently consented NSIP within a TAN 8 SSA) [D7-007 and D7-025 p8]. NRW considers that, in its view, unlike the present proposal, the other schemes referred to had undergone assessment of their worst-case scenarios with regards to peat, demonstrated that they had minimised their impacts, and mitigated their potential impact on peat by undertaking to restore blanket bog.
- 4.5.39 The Applicant's Carbon Balance Report has included assessment of peat removal, and changes to site drainage with subsequent greenhouse gas emission through peat oxidation, together with impact from mitigation measures such as peat habitat construction. The

carbon payback period for the project as a whole⁶² is estimated to be 0.4 years, approximately 1.6% of the development's 25-year lifetime. After this payback period an estimated annual saving of 159,360 tonnes of CO₂ would be achieved compared to a fossil fuel grid generation mix, providing a carbon saving of about 3.9m tonnes of CO₂ over the development's lifetime [D10-023]. Sensitivity analysis has adopted a 10m extent for drainage impact on peat as a variable. The assessment concludes that there is relatively little sensitivity to the outcome from changing individual variable values, thereby providing confidence in the estimated carbon payback period of 0.4 years.

- 4.5.40 There has been considerable iterative assessment carried out by the Applicant on the impact of peat. Nonetheless, bearing in mind NRW's detailed criticisms, I do not consider that this assessment has been fully comprehensive to the extent that it can be confidently stated that peat loss and CO₂ would be minimised, and carbon balance savings maximised. That said, R16 of the recommended DCO stipulates that no development can commence until a PMP has been approved following prior consultation with NRW. Amongst other matters, this would require details of methods of pre-construction sampling to be undertaken and details of mitigation measures to be provided, including the micro-siting of turbines.
- 4.5.41 Whilst a draft PMP has been submitted in the context of the Examination, the need for the formal approval of such a plan would provide scope for the agreement of further assessment that could ensure more ready compliance with policy within para 2.7.37 of EN-3.

Bats

- 4.5.42 Bat surveys used to inform the ES demonstrate that bats are using water bodies, streamlines and woodland interfaces at the application site. R17 of the recommended DCO requires the approval of a BPP, following prior consultation with NRW. The wording of this Requirement substantially follows a suggested draft by NRW in its WR [D2-011, para 95]. Current good practice guidance⁶³ seeks to ensure that turbines are sited so that their blade tips are more than 50m from habitat features likely to be used by bats [D7-012].
- 4.5.43 The Applicant has produced a draft BPP [D10-027]. However, this was submitted late in the Examination (15 May 2015) and NRW notes that there was no prior discussion as to its content [AS-15]. NRW has concerns as to details of the plan in terms of sufficiency of survey

⁶² The period of energy generation using an alternative method that has the same GGEs as the emissions from the wind farm development and operation (coal-fired, fossil fuel and the UK average grid mix of electricity generation are compared).

⁶³ Natural England Technical Information Note TIN051 Bats and onshore wind turbines Interim guidance, Third Edition 2014

information and evidence, definition of terms, and avoidance and mitigation measures required.

- 4.5.44 The provisions of R17 of the recommended DCO would include the need for pre-commencement surveys, monitoring, and agreement of procedures for remedial measures for reducing or avoiding bat mortality, which must include wind turbine curtailment and/or land management changes. Nonetheless, because of its concerns regarding the draft plan, NRW suggests substantial amendments would require to be made to a final plan [AS-15].
- 4.5.45 NRW has also made the point that there is the potential for turbines to be micro-sited closer to bat habitat features, even if the current turbine positions maintain the good practice stand-off distances.
- 4.5.46 A6(d) of the recommended DCO requires all turbines (including turbine blades) to be located more than 50m from any part of any tree within the Hafren Forest. A6(c) requires all turbines and turbine foundations to be located more than 50m from all relevant watercourses. A6(c) qualifies turbines and turbine foundations "as described in Work No 1", and therefore should be read as including the extent of blades. Nevertheless, to provide clarity and certainty, the wording could be more consistent with A6(d) and refer to "all turbines (including turbine blades)" as being located more than 50m from any relevant watercourse. This would better accord with NRW's concerns that turbines should be micro-sited to ensure their blade tips are more than 50m from habitat features likely to be used by bats [D7-012 paras 34-36, D10-034 para 27]. I have made this change in the recommended DCO.
- 4.5.47 At the close of the Examination NRW's position was that it was unable to advise that there would be no detriment to the favourable conservation status of the population of bats in their natural range. This was because of the uncertainty as to whether the additional necessary avoidance and mitigation measures can be secured in a final BPP, and the late timing of material from the Applicant [AS-15].
- 4.5.48 The proposed layout of turbines has sought to achieve siting of turbines away from high risk locations for bats. Despite NRW's concerns, I consider that, in combination, the recommended DCO A6(b) and 6(c) and R17 (Appendix A) are capable of providing sufficient measures to ensure adequate mitigation and protection for bats using the site, but this would be on the assumption that agreement of a BPP could be reached [D7-006 and D10-007, Annex 5].

SSSIs

- 4.5.49 There are three SSSIs within 3km of the application site, one of which is within the site and two of which are adjacent and shown on ES Figure 5.2 [AD-127 and AD-064]⁶⁴. The Mwyngloddfa Nantiago SSSI is an old mine shaft just within the north-western corner of the application site, being a site of geological interest containing minerals of note. Therefore, due to the nature of the designation the proposed development would have no impact on this SSSI as it would not physically impinge upon it. The Plynlimon SSSI has been referred to in earlier in Section 4.5 on birds. The upland bird assemblage forms one of the qualifying features for its designation and it is concluded that the proposed development would have a minor residual adverse impact on birds that are associated with this SSSI.
- 4.5.50 The River Wye which runs close to the site's western boundary is both an SSSI and a SAC. The implications of the proposed development on the SAC are considered in Section 5 of this report. Tributary streams flow from the application site into the river. The CEMP, SWMP and the WQMS, intended to ensure pollution control and an absence of adverse siltation, would be secured by R9 and R29 of the recommended DCO. These are considered in more detail in the section of this report on hydrology, hydrogeology and geology.

Off-site ecological works

- 4.5.51 The Applicant's traffic management plan [AD-356] details proposed new and extended lay-bys (all off-site) along the proposed transport route for AIL components. Only indicative designs for the works have been provided at this stage. NRW has suggested that the lack of detail with regards to the works means that the necessary avoidance and mitigation measures for European and nationally protected species cannot be identified at this stage [D5-013, response to SWQ 5.1].
- 4.5.52 During the Examination the Applicant carried out an ecological walkover survey on sections of the delivery route for wind farm components where the creation of new hold points (lay-bys) may need to be created [D3-002, Appendix 5.1]. NRW notes that, taking into consideration the locations and the limited extent of the proposed works, there would be no detriment to the maintenance of the favourable conservation status of any of the populations of protected species potentially affected by the proposed works. This is subject to avoidance and mitigation measures being included within the recommended DCO and confirmation by the Applicant that trees with bats and those with the potential to support bats will not be removed [D5-013, response to SWQ 5.1].

⁶⁴ Citations for the SSSIs are at D2-011.

- 4.5.53 R8 of the recommended DCO (Appendix A) relates to the submission and agreement of a CTMP. This includes 8(1)(j) - the need for pre-commencement update surveys for protected species. This incorporates a provision for the necessary consultation with NRW and for the identification of avoidance and mitigation for protected species, with which the Applicant is in agreement. If the proposed development is consented, and as construction could be a number of years away, I consider such a Requirement is necessary.

Conclusion

- 4.5.54 A considerable level of work and discussion has taken place in the assessment of the proposal's impact on ecology and biodiversity. A6 and R8, 9, 14-17 and 29 of the recommended DCO would offer satisfactory levels of control over the various impacts identified. Nonetheless, because of NRW's outstanding concerns regarding methodology in respect of peat, and mitigation in respect of bats, there would remain the possibility that eventual approval of a PMP and a BPP may prove problematic.

4.6 HYDROLOGY, HYDROGEOLOGY AND GEOLOGY

- 4.6.1 EN-1 Section 5.15 relates to water quality and resources and is concerned with potential adverse effects that development can have on the water environment during construction, operation and decommissioning phases. ES Chapter 14 assessed likely impact in terms of geology, hydrology and hydrogeology and an accompanying Flood Risk Assessment (FRA) was carried out [AD-067, AD-348 and AD-114].
- 4.6.2 The application site occupies 15 sub-catchment areas of the upper reaches of the Rivers Wye and Severn, shown on ES Figure 14.2 [AD-327]. The ES hydrological assessment indicates that the site is in a sensitive water environment because of high rainfall, presence of blanket bog, large areas of shallow peat soils over shales, moderate run-off and an existing system of tracks. A number of potential impacts are highlighted relating to on-site hydrology, primarily during construction, but also possibly during site operation and decommissioning. These are associated with a wide range of activities including track construction and the placement of turbine foundations [AD-067].
- 4.6.3 Mitigation measures are proposed in a draft CEMP and a draft SWMP. These were contained in the ES [AD-073 and AD-116]. Amongst other matters, these would aim to minimise change to the hydrology and groundwater conditions within the site, reduce erosion potential, ensure pollution control and prevention, and minimise sediment loads in run-off entering the Rivers Wye and Severn and their tributaries.
- 4.6.4 Discussions took place during the Examination between the Applicant, NRW and PCC relating to these aspects, in particular culverting details

and means of track crossings, resulting in the submission of revised draft versions of both the CEMP and the SWMP [D10-012 and D10-014]. R9 and R29 of the recommended DCO require the approval by PCC as the RPA, following consultation with and the written advice of NRW, of both a CEMP and a SWMP prior to commencement of development.

- 4.6.5 A SoCG between the Applicant and PCC indicates agreement as to: the adequacy of the scope and content of the assessment and supporting baseline studies; that issues around surface water drainage have been suitably addressed; and that the SWMP will suitably manage erosion and surface run-off through the use of suitable drainage techniques. PCC has no outstanding issues relating to geology, hydrology or hydrogeology [D11-002].
- 4.6.6 As detailed in discussion of potential impacts relating to the Afon Gwy (River Wye SAC) in Section 5 of this report, NRW has concerns regarding control over track width and construction and possible impacts relating to increase in sedimentation. However, I consider the stipulations of R9 and R29 would provide sufficient control and scope for adequate mitigation. Furthermore, the Applicant's s106 UU specifies that on completion of construction, in order to protect the River Wye, rallying would not recommence on existing tracks until mitigation is agreed, following consultation with NRW.
- 4.6.7 NRW raised in its WR the importance of a water quality monitoring plan as a mitigation measure [D2-011]. The SWMP sets out that a regime of water quality monitoring will be established during the operation of the proposed development to monitor changes in water quality during operations within the water courses that feed into the River Wye. R29 requires that before the start of development a Water Quality Monitoring Strategy should be approved by PCC following consultation with and the written advice of NRW. Together with modification to A6 of the recommended DCO (power to deviate), which is discussed in Section 6 of this report, I consider these Requirements would be sufficient to ensure no adverse impact on the existing hydrological regime.
- 4.6.8 Having regard to flood risk, the FRA notes that the site lies above the floodplain of the River Wye and is not at risk of flooding. New hard surfaces associated with the development would represent less than 3% of the total site area and run-off from tracks would be shed sideways into soak away ditches (to be designed as part of the final SWMP) suggesting a negligible increased flood risk downstream [AD-114 and D10-021]. The Applicant recognises the need to comply with the requirement under the Land Drainage Act 1991 to obtain Land Drainage Consent from PCC before undertaking any works in or adjacent to any ordinary watercourse [D3-002, Part 8].
- 4.6.9 Five properties to the south of and within the southern tip of the application site rely on private water supplies (shown on ES Figure

14.2 [AD-327]). PCC, in its LIR and WR, considered that potential impacts on these supplies had not been fully assessed although it considered these could be mitigated by ensuring provision of a monitoring programme [D2-039 and D2-021].

- 4.6.10 The Applicant indicates in its response to the LIR that there would be a very low risk of any impact to these supplies: nearly all construction work would take place in separate surface water catchments; where track widening is to take place within a water supply catchment it is downslope of the extraction point; and all water supplies are ground-water sourced, with all deep excavation taking place substantial distances from private water supplies in low permeability ground [D3-002, Part 8]. R9 regarding the CEMP contains the need for a programme of monitoring of private water supplies, including action to be taken if monitoring indicates adverse effects on private water supplies. As a consequence, I consider the proposal would pose no identifiable risk to private drinking water supplies.
- 4.6.11 There are remnants of two past lead/zinc mines within the application site boundary, both of which closed in 1880, their location being shown on ES Figure 14.1 [AD-326]. No work is proposed in the northern area of the former Nantiago mine. The southern area of the Wye Valley lead mine is crossed by existing tracks and has been historically excavated and re-graded to form the large levelled and stoned area that is used for farm and rally complex use. There are no extant spoil heaps that would be affected by the proposed development.
- 4.6.12 The proposed substation and construction compound would occupy part of this re-graded area. A contaminated land report [AD-074] on this part of the site indicated that soil and leachate samples were not significantly affected by any of the metals commonly associated with lead mining activities - lead, copper and zinc. The report concluded that there was a low residual risk to groundwater from any mobile contaminants.
- 4.6.13 Implementation of a water management system (which would be secured through the SWMP) would reduce risk of any contamination from the lateral movement of sediment-rich water via over-land flow to a low level [AD-326]. The CEMP also provides for a programme of sampling for the construction compound area and any necessary mitigation if sampling indicates any potential risk to watercourses.

Conclusion

- 4.6.14 Through the measures that would be incorporated into the CEMP and the SWMP and which would be secured by R9 and R29, together with A6 of the recommended DCO, the risk of contamination can be adequately controlled.

4.7 NOISE AND VIBRATION AND SHADOW FLICKER

Noise and vibration

- 4.7.1 The Applicant has assessed noise impact in relation to the operation of the proposed wind farm in accordance with advice in ETSU-R-97:1996 'The Assessment & Rating of Noise from Wind Farms'. Consideration has also been given to the Institute of Acoustics 'A good practice guide to the application of ETSU-R-97 for the assessment and rating of wind turbine noise', 2013 [D2-018, Part 4]. This is in line with EN-3, para 2.7.56. The use of ETSU-R-97 for determining the significance of impact on the nearest residential neighbours to the proposal was agreed with PCC.
- 4.7.2 EN-3 further notes that where the correct methodology has been followed and a wind farm is shown to comply with ETSU-R-97 recommended noise limits, it may be concluded that little or no weight should be given to adverse noise impacts from the operation of wind turbines⁶⁵. There are very few residential properties within the vicinity of the application site, these being mostly along the A44 and with two properties situated within the Hafren Forest⁶⁶, the closest being some 800m from the nearest proposed turbine.
- 4.7.3 Whilst noting that the wind farm was shown to operate within ETSU-R-97 limits, PCC expressed reservations within its LIR as to the use of background data from a location which it considered was not representative of the properties for which it is a surrogate [D2-039, Section 11 and D2-018, Section 1.16]. Discussion between the parties during the Examination led to the position whereby there is now a SoCG with PCC agreeing with the approach adopted and appropriate noise limits at the nearest noise-sensitive properties [D10-018]. These are now tabulated in R33 of the recommended DCO [D4-029]. There is no disagreement regarding the other Requirements relating to the need for any assessment in the event of a complaint, and the continuous logging of wind speed, wind direction and power output at the site (R34 - R37, Appendix A).
- 4.7.4 The cumulative effect of other wind turbines in the area was considered in the ES. Separation distances between the proposal and existing, consented or other known proposals is such that there would be no significant change in predicted noise levels at the application site's nearest residential neighbours [D2-018, section 1.15, RR-09].
- 4.7.5 There may be an increase in noise and vibration experienced by residents of properties along the local road network as a result of the addition of passing construction road traffic [D2-038]. Any increase

⁶⁵ EN-3, para 2.7.58

⁶⁶ The location of these is shown on ES Figure 9.1, 11 properties being within about 3.3km from the nearest proposed turbine [AD-269].

would be of a short-term temporary nature and given the volumes of traffic predicted (and discussed in Section 4.10 of this report) would be unlikely to be significant or unduly disturbing. R9 of the recommended DCO requires the approval of a CEMP, one element of which is the need for details of the management of construction noise and vibration, including mitigation and noise monitoring. This should provide further assurance having regard to minimising impact on residential amenity. The SoCG between the Applicant and PCC notes agreement that there is no reason for refusing consent on the basis of vibration levels, low frequency noise or infrasound.

- 4.7.6 Noise from construction operations on the application site may result in some disturbance to nearby residents. Separation distance, the temporary duration of such activity, necessary compliance with British Standard 5228 Part 1 in relation to construction noise, and stipulations within the CEMP (secured by R9 of the recommended DCO) and restriction on construction hours (R12) should ensure that this would not be a significantly adverse impact.
- 4.7.7 Representations have made reference to the possibility that the proposal could result in a level of Amplitude Modulation (AM) of audible noise which could affect living conditions and that a Requirement should be included to deal with this [D2-038, D3-002 and AS-03]. CCC suggests that as the potential effects of AM are unknown a precautionary approach should be adopted. This could be achieved by removing the protection which exists within s158 of the PA2008 in respect of statutory nuisance from noise arising as a result of AM [D10-018]. However, A9(4) of the recommended DCO already states that nothing in the Order confers any defence in respect of any nuisance arising from noise attributable to the operation of the development (Appendix A).
- 4.7.8 The Applicant notes that there is no defined understanding or agreement on the causal mechanisms of why, at some limited wind farm sites, what is termed 'Other Amplitude Modulation' occurs. There is currently no accepted means of assessing this or determining whether complaints from neighbours are justified. PCC agrees this to be the case [D10-018]. Research by a working group of the Institute of Acoustics into this phenomenon was ongoing at the time of the Examination [D2-018, Section 1.15].
- 4.7.9 I agree with the Applicant that until such time as AM is better understood, and methods of assessment agreed, then AM effects cannot form part of any Requirement regarding noise as such a requirement may be either unnecessary or could contradict pending research and conclusions on the issue.
- 4.7.10 With the imposition of the Requirements within the recommended DCO, I have no reason to find that noise from the proposed operational wind farm, or noise and vibration associated with its construction, would be such as to warrant consent being withheld.

Shadow flicker

- 4.7.11 The possible impact of shadow flicker at residential properties has been modelled in the ES [AD-063 and AD-087]. This has followed the methodology in national guidance and that which is commonly used in the wind farm industry. PCC agrees that it was appropriate [D2-039]. In terms of impact on residential amenity, EN-3⁶⁷ notes that shadow flicker is likely to be sufficiently diminished so as to have no significant effect on occupied buildings more than 10 rotor diameters distant from a turbine.
- 4.7.12 The ES assessment indicates that there are only three properties that would be within 1,050m of a turbine (this distance being ten times the maximum rotor diameter of the largest assessed turbines). Of these, because of orientation relative to the turbines, only one dwelling within the Hafren Forest would be potentially affected for up to 32 hours a year as a result of flicker from two turbines [AD-271, property referenced No. 9].
- 4.7.13 At present, views from the property are obstructed by trees. However, on the basis that these may be felled during the lifetime of the proposed development, mitigation is suggested to offset any potentially significant adverse impacts. This would be in the form of equipment fitted to the two turbines to 'park' them during the period identified when shadow flicker could occur [AD-063]. R25 of the recommended DCO requires the submission, agreement and implementation of a scheme to avoid shadow flicker. As such, I consider that any possible adverse impacts on residential amenity as a result of shadow flicker could be eliminated.

Conclusion

- 4.7.14 Through the Requirements of the recommended DCO noise and shadow flicker could be adequately controlled to ensure that there would be no significant adverse residual impacts that would warrant consent being withheld. Having regard to the Human Rights Act 1998, any interference with occupants' private and family life and home, or the peaceful enjoyment of possessions, would be proportionate and justified in the wider public interest.

4.8 PUBLIC ACCESS AND RIGHTS OF WAY

- 4.8.1 Public footpaths and bridleways pass through and close to the application site. In addition, much of the site is designated as Access Land under the CRow Act⁶⁸. Bridleway 48 follows the track to the west of the application site but passes through it at its north-western tip. The Wye Valley Walk follows this track. Bridleway 49 branches off this

⁶⁷ EN-3, para 2.7.66

⁶⁸ These are shown within the ES at Figure 8.10a and in more detail on Figure 8.10e [D6-029].

to pass through the site and into the Hafren Forest, as do footpaths 139 and 47.

- 4.8.2 Discussion took place throughout the Examination, principally between the Applicant and PCC, regarding the positioning of turbines in relation to PRow. This was in light of concerns expressed about impact on users because of proximity and safety, particularly for horse riders who may feel constrained about using routes because their horses may react badly to the sight and sound of turbines. Concerns on this latter front were expressed by the BHS and have been referred to by the Campaign for the Protection of Rural Wales (CPRW) [D2-020, D2-025, D4-032, D5-026 and D6-016].
- 4.8.3 Reference has been made to TAN 8 regarding the advisability of setting back all wind turbines a minimum distance, equivalent to the height of the blade tip, from the edge of any public highway. TAN 8 also notes that the BHS has suggested a 200m exclusion zone either side of public bridleways in order to avoid wind turbines frightening horses, though this is not a statutory requirement and circumstances pertaining at any particular site should be taken into account (TAN 8 Annex C, paras 2.25 and 2.27). Bridleway 48 would pass within 200m of proposed turbines 1 and 4 and bridleway 49 would be within this distance from proposed turbines 13 and 14. Footpath 47 would be within 125m of proposed turbines 4 and 8 [Figure 8.10e, D6-029].
- 4.8.4 The Applicant has proposed the provision of permissive footpaths and bridleways to allow users to pass at greater distance. These would result in footpath 47 avoiding passing within 125m of turbine 4 and bridleway 49 passing within 200m of turbines 13 and 14. Bridleway 48 would still be within a linear distance of 200m of turbines 1 and 4 but these turbines would be at a higher level above the bridleway thereby increasing the actual physical separation. PCC acknowledges that the permissive route for bridleway 48, which would follow the existing surfaced track, would be an improvement on the present definitive line [Fig 8.10e, D6-029, D7-021 and D7-031].
- 4.8.5 Footpath 47 would remain passing close to and within 125m of proposed turbine 8, although as this would be positioned on Access Land walkers would have the option of being able to pass further away should they wish. PCC accepts that, subject to minor works to improve ground conditions, the suggested permissive rights of way would be acceptable.
- 4.8.6 The provision of these alternatives, which would endure for the life of the project, would be secured through the development consent s106 UU [D10-019 and D10-020]. The Undertaking would also secure the provision (subject to planning permission being granted) of a car park for equestrian users to be sited adjacent to bridleway 48, to the north

of the farmstead at Pont Rhydgaled. The Undertaking would also secure the provision of a car park for non-equestrian users on the southern side of the A44⁶⁹ together with a one-off payment to PCC towards access improvement works in the vicinity of the application site. R18 of the recommended DCO necessitates the approval of an access management plan and this would include the need for agreement of signage and furniture for PRow and the surfacing of permissive rights of way (Appendix A).

- 4.8.7 PCC's position by the close of the Examination was that it had no objection to the proposed development on the grounds of effect on PRow in light of the obligations within the UU [D11-003]. Further protection regarding the positioning of turbines in relation to PRow would be secured by A6 of the recommended DCO relating to the power to deviate. Separation distances for rights of way from turbines would obviate any likely safety concerns regarding matters such as ice throw from turbine blades [D2-030].
- 4.8.8 The presence of turbines may dissuade some potential users of the PRow across and in the vicinity of the site because of concerns regarding safety and other considerations such as noise or visual intrusion. CPRW suggests that the proposed development would effectively prevent two equestrian businesses that organise horse trekking from using the PRow near the site [D6-016]. However, the Applicant notes that one of the businesses - Free Rein - does not appear to operate routes within 20km of the application site. The other - Trans Wales Trails - uses bridleway 48 and has confirmed that the proposal would not compromise its commercial horse riding activities [D7-031]. Furthermore, any potential deterrent effects of the presence of the wind farm have to be set within the context of what appears to be the current generally low use made of these rights of way [D2-017, Section 10 and D2-018, Part 10]⁷⁰.

Conclusion

- 4.8.9 I consider that with the mitigation resulting from the provision of the permissive routes any adverse impact for users of PRow as a result of the presence of the proposed wind farm would not be sufficient to warrant consent for the scheme being withheld.

⁶⁹ The positions of the two car parks are shown on Plans 1 and 2 attached to the UU [D10-020].

⁷⁰ Eighty-nine users during August 2103 on bridleway 48 and 10 users of bridleway 49 over 149 days in 2013, although the BHS suggests that low use of Bridleway 49 might in part be due to operation of machinery, barriers and blockage of the route [D2-020].

4.9 SOCIO-ECONOMIC IMPACTS

Local resourcing

- 4.9.1 In accordance with EN-1⁷¹ the Applicant has undertaken an assessment of the socio-economic impacts of the proposed development [AD-069]. Socio-economic impacts may be linked to other impacts such as the visual impact of a development and those on tourism and local businesses⁷². The Policy Statement states that it may be concluded that limited weight is to be given to assertions of socio-economic impacts that are not supported by evidence (particularly in view of the need for energy infrastructure as set out in the NPS)⁷³.
- 4.9.2 From a review of different sources of estimates relating to capital investment in onshore wind projects, the ES suggests that the proposal could result in between £11m and £47m benefitting the local and Welsh economy through the award of contracts to local and regional companies. Based on results from a DECC and Renewable UK study, it is estimated that the project would create some 17 full-time equivalent jobs locally and 65 in Wales, the majority being within the development and construction phases. This relates to direct employment, the use of local contractors for suitable elements of the work, and tertiary benefits such as the provision of accommodation and catering for those employed on site [AD-069].
- 4.9.3 Scepticism has been expressed about such predictions of job creation potential by CPRW [D2-023]. It draws attention to a Cardiff University study on the economic impact of wind farms on rural communities, not referred to within the ES. This concludes, amongst other things, that the economic development outcomes of wind farm provision are questionable and provide limited opportunities for genuine local purchasing of goods and services in areas surrounding wind energy sites. CPRW also notes that Powys is an area of high employment and skill levels and is not an area requiring a temporary injection of predominantly unskilled construction activity. Others consider any benefits would be only transitory and that data do not suggest that communities with wind farms are in any way economically better off than either neighbouring or wider national communities [D2-015].
- 4.9.4 In its LIR, PCC states that the application fails to make provisions to secure benefits for the local economy but suggests this could be suitably addressed through the imposition of a relevant Requirement within the DCO [D2-039, Section 6]. R39 of the recommended DCO provides for the submission, approval and subsequent implementation of a training and employment management plan and is on the lines of

⁷¹ EN-1, para 5.12.2

⁷² EN-1, para 5.12.5

⁷³ EN-1, para 5.12.7

that suggested by PCC. The plan would promote training and employment opportunities at all stages of the development for local people and maximise the use of local contractor and supply chains, insofar as commercially viable.

- 4.9.5 Therefore there would be some potential local benefits to be derived from the proposal in terms of employment and training which would be secured by the above Requirement. However, in the absence of any firmer evidence to support the putative employment and capital investment figures, I give these only limited weight.
- 4.9.6 Through its UU the Applicant has made provision for the establishment of a community benefit fund [D10-019 and D10-020]. Such benefits are referred to in TAN 8 but are not a relevant consideration in the determination of the DCO. This has not therefore been dealt with in this report.

Tourism

- 4.9.7 Concerns have been expressed as to the possible impact of the project on tourism and visitor numbers to the area. Tourism is said to contribute significantly to the economy of Powys, with about £240m in visitor spend estimated in 2007 [D2-039, Section 6]. This is reinforced by CPRW's reference to various studies and surveys that emphasise the importance of tourism to the Welsh economy and the contribution of walking day-visitors [D2-023]. The ES undertook a review of published data and documents on the impact of wind farms on tourism [AD-069].
- 4.9.8 Both the Applicant and CPRW refer to a 2014 study for the WG into the potential impact of wind farms on tourism in Wales⁷⁴ [AD-069, D2-023, D3-002, Part 9 and D6-021]. The study undertook a literature review, an analysis of visitor economies in nine local areas with existing and planned wind farms, and looked at three case studies. It notes that some areas of Wales, particularly remote parts of Powys, may be more sensitive to wind farm development due to their landscape, type of visitor (older people visiting for the tranquillity, remoteness and natural scenery), limited product diversity and proximity to wind farms.
- 4.9.9 CPRW points to the report's conclusion that, because of the nature of tourism and the tourist attraction in north Powys, there is far greater sensitivity to wind farm development, and vulnerability to reaching the 'tipping point' where tourism would be adversely affected. The Applicant notes however that the study concluded that there is "little evidence of impact to date at a more local level, despite the presence

⁷⁴ Study into the Potential Economic Impacts of Wind farms and Associated Grid Infrastructure on the Welsh Tourism Sector. A report for the Welsh Government prepared by Regeneris Consulting and the Tourism Company.

of large wind farms in close proximity to tourism centres. While there were clearly challenges for consultees in accurately assessing the effects of wind farms on visitor numbers, the majority believe that there has been no impact to date. This view was held by most businesses, local authority and trade body consultees" [D6-014]. The various studies referred to would appear to provide no definitive answer as to how or to what degree a particular proposal may influence decisions to visit a location.

- 4.9.10 The presence of the proposal may well deter some visitors who seek the scenery, remoteness and the tranquillity the area has to offer. On the other hand, I am not persuaded that those who may be undertaking one of the long distance trails that start/finish or pass through the area close to the application site - The Wye Valley Walk, The Severn Way, Cambrian Way and Glyndwr's Way - are likely to be deterred in their endeavours by the presence of the proposed development, even if their perception of wind farms in general, and the proposal in particular, was to be negative. These trails are lengthy and multi-day experiences with the proposed wind farm potentially affecting only a very limited element, albeit no doubt perceived as a very important one, particularly in the context of the two river walks.
- 4.9.11 Furthermore, the application site has to be seen within the context that in its own right it operates as a visitor facility, with the Sweet Lamb complex catering for rallying events and testing, including having hosted the Wales Rally GB, off-road motorbike training and shooting. The ES notes that an estimated 9,000 - 17,000 people visit the site each year, making it one of the largest business/leisure sites in mid-Wales [AD-069]. Surveys of business users of the site indicate that they would not be deterred by the presence of the proposed development. As referred to in Section 4.8 of this report, Trans Wales Trek (sic)⁷⁵, which provides horse riding holidays and which currently infrequently passes up the Wye Valley adjacent to the application site, would similarly not be deterred. [D3-002, Part 9]. I consider it unlikely that those attending one of the uses or events within the complex would similarly be put off by the presence of a wind farm.

Conclusion

- 4.9.12 The proposed development could result in some potential employment and training benefits within the locality, secured through R39 of the recommended DCO. However, in the absence of firmer evidence I give these only limited weight. I find that there is no substantive evidence to suggest that the proposal would lead to any significantly adverse overall impact on tourism.

⁷⁵ It is assumed that this is a reference to Trans Wales Trails.

4.10 TRAFFIC AND TRANSPORT

- 4.10.1 A traffic assessment has been included in ES Chapter 13 [AD-066] and has been carried out using guidance contained with TAN 18: Transport. Of the three phases of the development (construction, operation and decommissioning), the greatest traffic volumes would be associated with the construction phase. Traffic associated with the operation of the proposed development would be minimal, up to two vehicles per week for maintenance purposes being anticipated. The life of the project is likely to be 25 years. A revised traffic assessment would be undertaken at that time for decommissioning, but it is anticipated that there would be about a 40% lesser volume of traffic than during construction.
- 4.10.2 Construction traffic would access the site directly off the A44 trunk road, requiring a modification to the existing road junction [ES Figure 6.1, AD-128]. The track network used by the rally complex would be used by construction and delivery vehicles with widening where necessary.
- 4.10.3 The ES suggests construction spreading over a 13-month period which would result in a temporary increase in traffic flows [AD-357]. The maximum associated traffic would be in month six with an average of 80 High Gear Vehicle movements per day and a further 52 cars and light van movements for construction workers are predicted. The impact of the development on overall road capacity is assessed as not significant in capacity terms. This assessment applies having undergone sensitivity testing, including that which anticipates a worst case of the possible contemporaneous construction of a wind farm at Nant-y-Moch (though there is no current proposal for such a project) [AD-066].
- 4.10.4 Turbine components, because of weight, length, width or height, would be classified as AILs requiring delivery by road. The application was accompanied by a Traffic Management Plan [AD-356] in which three route options were considered for bringing components from port locations. Extensive meetings between the Applicant and the WG were held to discuss the level of information needed to support the application [D2-027, response to FWQ 5.1].
- 4.10.5 The route chosen is from Swansea as the port of entry. This is predominantly trunk road with about 64km of motorway/dual carriageway and some 144km of district distributor trunk road [ES Figure 13.2, AD-325]. The route is considered suitable for the movement of the anticipated loads but would require the provision of a number of new or expanded lay-bys within the highway boundary to aid delivery. A test run has been undertaken and indicates that the expected average delay caused by movement of AILs would not be excessive. The conclusion of the Traffic Management Plan is that the chosen route would be safe, efficient and practical.

- 4.10.6 The WG has expressed common ground with the Applicant that all matters relating to transport and access on the trunk road network can be addressed by Requirements [D2-026]. Points that the WG wished to be covered have been incorporated into the recommended DCO at R8 (Construction Traffic Management Plan (CTMP)) and R10 and R11 relating, respectively, to improvements to and reinstatement of the highway (Appendix A).
- 4.10.7 There is a SoCG between the Applicant and Pembrokeshire County Council through whose authority part of the AIL route would pass [D10-018]. This notes agreement that transport and access can be safely and conveniently undertaken, appropriate conditions are capable of securing controls over transport and access, and there are no matters of disagreement on transport and access for the scheme. PCC considers the proposed means of delivering AILs is acceptable [D2-021]. This Council has also welcomed the Applicant's commitment to providing an on-site concrete batching plant which should reduce the intensity of movement of materials to the site and thereby lessen impact on local roads [D5-041]. There is a SoCG between the Applicant and PCC agreeing that the proposal would have minimal impacts on the local highway network subject to suitable Requirements within the DCO [D10-018].
- 4.10.8 Concerns have been raised in a number of representations about highway safety implications, delay caused by the movement of AILs and noise, air quality and general disturbance resulting from construction traffic movement [RR-05, RR-08, RR-09, RR-52, RR-70, RR-71, D2-010 and D2-022]. CCC considers there would be disruption and that this would be locally significant and adverse, although it provides no substantive evidence to support this contention [D2-014].
- 4.10.9 I consider that there would be some inevitable inconvenience and delay to road users arising during the construction phase but this would be of relatively short duration. Mitigation to be achieved through the CTMP, which would need to be approved by the RPA following consultation with the WG and relevant highway authorities, should minimise any short term impacts.

Conclusion

- 4.10.10 Through the operation of the CTMP and having regard to advice within EN-1 and EN-3⁷⁶, which the Applicant has followed, I consider there is nothing of such significance in terms of traffic impacts as to weigh against the benefit of the proposed development.

⁷⁶ EN-1, Section 5.13 and EN-3. Paras 2.7.73-2.7.83

4.11 OTHER MATTERS

- 4.11.1 The application provides little detail of the nature and standing of the Applicant other than the fact that Mynydd y Gwynt Ltd is a company set up for the specific purpose of promoting a wind farm by the landowners and local businessmen. It operates in collaboration with REH, a renewable energy developer [AD-007, paras 39 and 40]. As a consequence, at the ISH on the DCO I referred the Applicant to NPS EN-1, para 4.1.9 relating to information on technical and financial viability. This elicited some limited further information which related to the net capacity factor of the project [D7-011].
- 4.11.2 I asked in a Rule 17 letter whether there was any further information the Applicant wished to provide on this matter [PrD-12]. The Applicant responded, indicating that a commercial agreement had been agreed between the Applicant as seller, and REH as buyer. Such a financial investment by a public limited company could not be undertaken without detailed financial analysis. REH is supported by Utilico Investments Ltd.
- 4.11.3 The Applicant notes that wind farm projects such as this are typically bank financed on the basis of an equity:debt ratio in the region of 25:75. Assuming a total project cost of c. £140m, then £35m of equity would be required. Utilico has group assets of c.£450m, which would be well able to fund such equity investment alone if required [D7-011]. No compulsory acquisition is necessary with this project and therefore funding to cover this aspect is not required. On this basis, should the Order be consented, I consider the SoS can be assured as to the financial viability of the project proceeding. I have seen no evidence to suggest that provision of the proposed wind farm would not be technically feasible.
- 4.11.4 The Civil Aviation Authority (CAA) in initial consultation on the proposed development raised no site specific observations though it referred to the probable need to install aviation obstruction lighting to some or all of the turbines. The MoD in consultation prior to the submission of the application requested the fitting of aviation lighting [AD-068]. Neither the CAA nor the MoD has made representations during the Examination. R31 of the recommended DCO provides for the approval, following consultation with the MoD, of infra-red lighting and its subsequent installation and maintenance (Appendix A).
- 4.11.5 The operation of wind farms can cause interference with electromagnetic transmissions. The ES notes that although wind turbines have the potential to create interference with television and telecommunication transmissions, such effects can be mitigated. The switchover to digital TV has been completed in Wales and interference with signals is less than for analogue transmission. As the nearest property would be over 800m from a turbine there would be compliance with the Ofcom report on 'Tall structures and their impact on broadcast and other wireless services'. This recommends that

turbines are sited more than 500m from any viewers [AD-068]. R26 of the recommended DCO requires the submission, approval and implementation of a scheme for the investigation and remediation of any interference with television reception. In its LIR, PCC agrees that such a Requirement would provide suitable mitigation [D2-039, Section 13].

- 4.11.6 Consultation with National Air Traffic Services Ltd, television broadcasters, emergency services and mobile phone operators, has not identified any significant operational problems with the turbine layout [AD-068]. There have been no representations during the Examination to suggest otherwise.
- 4.11.7 I have considered all other matters raised by IPs and find no evidence to suggest that any matter which is not addressed in my report would be of such significance as to weigh against the benefit of the proposed development. Section 5 of this report now considers matters relating to HRA, with consideration of the DCO in Section 6. My overall conclusions on the proposed development are set out in Section 7.

5 FINDINGS AND CONCLUSIONS IN RELATION TO THE HABITATS REGULATIONS

5.0 BACKGROUND

- 5.0.1 The SoS is the competent authority for the purposes of the Habitats Regulations for applications submitted under the PA2008.
- 5.0.2 NPS EN-1 (Section 4.3) sets out the policy context to which the decision-maker must have regard under the Habitats Regulations. It states that an Applicant should provide the competent authority with the information it can reasonably require to determine whether an Appropriate Assessment (AA) (under Regulation 61 of the Habitats Regulations) is required; and if one is required, the information necessary to allow the competent authority to conduct the AA, including any information on mitigation measures proposed to minimise or avoid effects. Consent can only be granted if, having assessed the effects the project would have on European sites, the competent authority considers it passes the relevant tests in the Regulations.
- 5.0.3 This section of the report discusses the assembled evidence regarding LSE for all European sites potentially affected by the proposed development. To assist the SoS in performing her duties under the Habitats Regulations, I draw conclusions and make recommendations regarding LSE on European sites and the available mitigation options where they are considered to be necessary.
- 5.0.4 The Applicant provided with the application documents a HRASR, together with screening matrices [AD-350, duplicated at ES Appendix 11.19, AD-106]. The information provided within that report and matrices was determined to be sufficient to accept the application for examination.
- 5.0.5 In response to my FWQ, and the RR received, including those of NRW as the statutory nature conservation body (SNCB), the Applicant submitted an updated HRASR [D3-006]. In response to my additional questions, and comments from IPs, further versions of the HRASR were submitted during the course of the Examination [D5-005, D5-006, D6-028 and D7-022]⁷⁷.

Report on the Implications for European Sites (RIES)

- 5.0.6 In order to assist the SoS in carrying out her responsibility as competent authority I have, with the support of the PINS Environmental Services Team, prepared a RIES (attached at Appendix

⁷⁷ As noted in footnote 6, I have not seen Version 6 of the HRASR and all references in this Section of the report are to Version 5 unless otherwise stated.

C). The RIES is based on the original HRASR and the updated versions, together with RRs, WRs and additional information and evidence from IPs, including NRW, produced during the course of the Examination as a response to queries raised by IPs and my questions.

- 5.0.7 The purpose of the RIES (and the consultation responses received on it) is to compile, document and signpost information provided within the DCO application, and the information submitted throughout the Examination by both the Applicant and IPs. It is issued to ensure that all IPs, including the SNCB, are consulted formally on Habitats Regulations matters. In my view, this process may be relied on by the SoS for the purposes of Regulation 61(3) of the Habitats Regulations in the event that it is concluded that an appropriate assessment is required.

5.1 PROJECT LOCATION

- 5.1.1 The project is not connected with or necessary to the management for nature conservation of any of the European sites considered within the HRASR. In relation to the assessment of the effects of the project alone, the proposed development identified all the European sites within a 10km buffer of the application site, with the HRASR identifying five sites and their features for inclusion within the assessment of LSE [locations shown on Fig 11.12a, D6-030]:

- Afon Gwy (River Wye) SAC
- Elenydd - Mallaen SPA
- Elenydd SAC
- Coedydd Llawr-y-glyn SAC
- Coedydd a Cheunant Rheidol SAC

- 5.1.2 The Applicant provided in-combination assessment of effects for the Afon Gwy SAC and the Elenydd - Mallaen SPA. For the Afon Gwy SAC, the study area extended as far as the catchment of the Afon Gwy upper management units [plan at Appendix 6 of the HRASR, D7-022]. In relation to the Elenydd - Mallaen SPA, all schemes within a 10km buffer of the SPA boundary were identified [D5-007 Fig 11.12b]. This was on the basis of the foraging range of Red Kite, a key feature for which this SPA is designated.

- 5.1.3 NRW, in its RR, did not identify any other UK European site or site features that could be affected by the project. Nevertheless, in NRW's WR it noted that, as a result of uncertainty about the location of the grid connection for the project, there may be further European sites which "may be relevant to the consideration of the project as a whole" [D2-011 to D2-013]. In response to SWQ 4.18, NRW referred to potential impacts on bats in the Tanat and Vyrnwy Bat Sites SAC. This was in respect of a further onward grid connection route, beyond that considered within the context of the application (i.e. from the Carno substation to the Mid Wales West substation and from there to the national network in Shropshire) [D5-018].

- 5.1.4 NRW raised concerns about the lack of consideration of the Option 1 grid connection (described in ES Chapter 17 [AD-070]) in the in-combination assessment for the Afon Gwy SAC and the Elenydd - Mallaen SPA. It was also concerned about the lack of any in-combination assessment in relation to grid connection generally for the three sites screened-out for further consideration after an initial assessment (the Elenydd SAC, Coedydd Llawr-y-glyn SAC and Coedydd a Cheunant Rheidol SAC) [D2-011]⁷⁸.
- 5.1.5 The Applicant's updated HRASR provided additional information on the conservation objectives for all of the features present in the Elenydd - Mallaen SPA and in the Afon Gwy SAC management units 2B and 8 [AD-106]. Responding to SWQ 4.11, NRW commented that the in-combination assessment also needed to consider effects on different parts of the Afon Gwy SAC, referring to management unit 7 [D5-013].
- 5.1.6 Principal matters focussed upon in relation to HRA through the Examination were:
- concerns about the methodology applied and reliance on superseded guidance;
 - the currency and scope of baseline data, particularly in relation to Red Kite, a feature of the Elenydd - Mallaen SPA, and the potential for mortality from collision risk;
 - the efficacy of proposed mitigation;
 - the scope of the in-combination assessment, including in relation to the initial omission of consideration of the Option 1 grid connection route, and the identification of other plans and projects;
 - in the absence of an agreed grid connection route, concerns about the lack of consideration of possible in-combination effects on the Elenydd - Mallaen SPA and the three European sites which were screened out after an initial assessment;
 - concerns about the omission from the in-combination assessment of the onward grid connection route from the proposal's grid connection point.

5.2 HRA IMPLICATIONS OF PROJECT

- 5.2.1 The five European sites identified above were screened by the Applicant prior to the Examination. At the completion of the screening process the Applicant concluded that the project would have no LSE, either alone or in combination with other plans or projects, on any of the qualifying features of these five European sites [Stage 1 Screening assessment, D7-022].

⁷⁸ See later in this Section for discussion on grid connection.

- 5.2.2 The Applicant's conclusions in relation to the effects of the project alone and in combination with other plans and projects on the Afon Gwy SAC and the Elenydd - Mallaen SPA were disputed by NRW. At the close of the Examination NRW had remaining queries as to whether proposed mitigation would be adequately secured to avoid adverse effects on the site integrity of the Afon Gwy SAC. Having regard to the Elenydd - Mallaen SPA, NRW noted that remaining un-collated information of in-combination mortality rates for Red Kites meant that it would be difficult to conclude that the project would have no adverse effects in-combination on the integrity of the SPA [D10-002].
- 5.2.3 The Applicant screened out the Elenydd SAC, Coedydd Llawr-y-glyn SAC and the Coedydd a Cheunant Rheidol/Rheidol Woods and Gorge SAC from further consideration after initial assessment and there was no consideration of in-combination effects. NRW notes that in the absence of an agreed connection route no certainty has been provided that any grid connection could be provided to avoid these three SACs. Any in-combination LSE from any potential grid line routed through the SACs would primarily arise in the construction and decommissioning stages when physical impacts on sensitive habitats would be likely to arise, although there may also be other effects from maintenance works [D10-002]. The position at the time of production of the RIES is summarised at Table 3.1 of the RIES [PrD-18].

Afon Gwy (River Wye) SAC

- 5.2.4 The River Wye and several of its tributaries represent a large ecosystem which acts as an important wildlife corridor, a migration route and a key breeding area for many nationally and internationally important species. The river is a SAC for the majority of its length although the designation ends south of the A44 so that at its closest it is less than 100m from the southern limit of the application site. The SAC is designated for the following features: Atlantic Salmon, Otter, Sea, Brook and River Lamprey, Twaite Shad and Alice Shad, Bullhead, White Clawed Crayfish, watercourses of plain to montane levels and transition mires [D7-022, para 45].
- 5.2.5 The Countryside Council for Wales⁷⁹ Core Management Plan for the SAC divides it into a number of units [HRASR Appendix 2, D7-022]. The lower part of the application site is adjacent to the Upper Wye Unit 2B. The lower sections of the Afon Bidno, whose source is within the application site, form part of the Upper Wye Tributaries (Unit 8) and these have been included in the assessment [D7-022, para 124].

⁷⁹ As of 1 April 2013, the Countryside Council for Wales, Environment Agency Wales and Forestry Commission Wales became Natural Resources Wales/Cyfoeth Naturiol Cymru. NRW brought together the work of the Countryside Council for Wales, Environment Agency Wales and Forestry Commission Wales, as well as some functions of the Welsh Government.

- 5.2.6 The detailed conservation objectives for the relevant SAC features are set out in the HRASR⁸⁰ [D7-022, p44 - 47 and reproduced in D10-021]. Broadly, the objectives aim to ensure the maintenance of the capacity of the habitats to support each feature at near-natural population levels, and the maintenance of water quantity and quality, physical habitat, and community composition and structure.
- 5.2.7 The Applicant's HRASR identifies the potential impacts on the SAC that could arise from the proposal, with the most pronounced effects stated as occurring during construction and decommissioning [see PrD-18 Notes to Stage 1 Matrix 1 for summary]. These include:
- increased sedimentation caused by surface run-off from roads, the substation, contractor's compound and foundation pits and as a result of disturbance during the construction of culverts. This could lead to occlusion of salmon spawning beds, increased turbidity, blockage of minor watercourses and drains and detrimental impact on biological oxygen demand;
 - increased runoff leading to flash flooding with vegetation damage and possible effects on otter lie-ups or holts;
 - invasive species brought into the development on wheels;
 - transportation of heavy metal elements into the river with detrimental impact on water quality and, by extension, aquatic fauna;
 - effects of concrete residue and spilt fuel and oils on aquatic species and vegetation;
 - disturbance to otters during construction with potential impacts on their conservation status;
 - potential in-combination effects between rallying and the proposed development.
- 5.2.8 Through the course of the Examination NRW worked with the Applicant to agree mitigation measures in relation to the SAC. Mitigation would include measures set out within a CEMP, a SWMP and a WQMS. Effectiveness of mitigation would be dependent on the detailed design, implementation and management of the mitigation. Drafts of these plans have been produced: CEMP [D7-023], SWMP [D10-012] and WQMS [D10-021]. Recommended DCO R9 and R29 prevent development until these plans have been submitted to and approved by the RPA (PCC) following consultation with and written advice from NRW.
- 5.2.9 By the close of the Examination NRW had remaining issues and uncertainties relating to possible impact on this SAC. These include the lack of specificity regarding the location and size of infrastructure (and therefore assessment of the worse-case scenario), with the example being given of the lack of reference to the maximum width of

⁸⁰ This is version 5 of the HRASR - see footnotes 6 and 77.

upgraded and new tracks within the site. The ES refers to a minimum of 5m width for tracks and includes Figure 6.2 showing typical cross-sections of tracks. The Applicant considers that by virtue of A14 (requiring certification of the ES) and R7 of the recommended DCO the dimensions are specified and secured [D7-006, paras 6-7].

- 5.2.10 Nevertheless, the absence of a specified maximum for track widths means that they could be increased above 5m. Within the context of HRA, the concern relating to such an increase would be a possible increase in sedimentation and run-off impacts. The CEMP and SWMP would provide the opportunity for detailed agreement of water and sediment control together with the provision of detailed method statements for access track construction in consultation with NRW. Control of surface water from the construction compound, substation and crane hardstandings could include check dams, drainage ditches and swales to capture water and divert it to silt traps or retention/settlement ponds. On this basis, I do not consider the lack of specificity in this regard would be likely to lead to additional uncontrolled impacts that could not be adequately mitigated.
- 5.2.11 A6 of the recommended DCO has been amended to ensure that all turbines and turbine foundations must be located more than 50m from all relevant watercourses. NRW considers this should be further amended in light of the proposed LoD that would allow micro-siting. This is to preclude the potential for other infrastructure such as crane hardstandings and roads (whilst accepting that provision would need to allow for necessary road water crossings to be within a 50m stand-off distance) to be less than 50m from watercourses. This would be to avoid the possibility of soil disturbance creating a high risk of sediment run-off. In light of this, I have amended A6 (power to deviate) of the recommended DCO (Appendix A) to include reference to these infrastructure features. I consider this, in conjunction with R9 and R29 relating to the need for agreement of a CEMP, and a SWMP and WQMS respectively, would provide the necessary mitigation.
- 5.2.12 The Applicant's completed development consent obligation UU [D10-019 and D10-020] prevents rallying use of new tracks within the site at any time, and of existing tracks during construction. NRW suggests that there would still be potential for an in-combination effect resulting from rallying west of the River Wye (outside the application site) and construction activity taking place simultaneously [D10-002]. However, the Applicant indicates that, presently, rallying takes place to the east of the River Wye and only testing to the west. Rallying events could not be displaced to the west as the upper car park lies on land which would be used for construction and would therefore not be available. As there are no car park facilities to the west of the river, no rallying events could take place there [D10-007, Annex 2]. Consequently, I consider the possibility of such in-combination effects to be unlikely and that obligations within the s106 would secure mitigation in respect of rallying activity within the site.

- 5.2.13 In Version 5 of the HRASR the in-combination assessment includes several previously unconsidered projects but NRW notes that the proposed grid connection to the development's substation from the proposed Bryn Blaen wind farm has not been included. The Applicant indicates that this has not been included as it would be subject to its own HRA. Furthermore, the Applicant states that it would appear not to be economically sensible to adopt that route to connect. This is because the Bryn Blaen scheme would require longer cable runs and a longer 132kV line to connect to the development's substation than would an option to connect to the proposed development's grid link at a point north of both sites [D10-007, Annex 2, para 5]. In any event, NRW considers that inclusion of this additional project would be unlikely to change the overall conclusions of the HRASR, subject to adequate mitigation being applied to avoid an adverse effect on site integrity [D10-002, para 17].
- 5.2.14 In relation to its concerns expressed about mitigation considered to be unsecured, NRW suggests that it is unclear as to whether the definition of 'authorised development' includes site clearance, site investigations, felling of planting around proposed turbine 9 and any further felling required under A12 of the DCO; it therefore remains unclear as to whether the provisions of the various plans, such as the CEMP, would be in place and enforceable during these phases [D10-002, para 19].
- 5.2.15 Under R1 of the recommended DCO 'commencement' means the PA2008 definition of such. This in turn refers to the TCPA 1990 definition - 'the carrying out of building, engineering, mining or other operations in, on over or under land'. The activities referred to by NRW would fall within 'other operations' and so the various pre-commencement provisions referred to should be effectively controlled. This would enable consideration of mitigation for issues such as sediment release that might arise from ground disturbance through felling.
- 5.2.16 NRW points out that whilst no night-time working is planned, R12 of the recommended DCO allows for working from 08:00 to 18:00 which for winter months, could mean that lighting would be necessary [HRASR, Stage 1 Matrix 1 note g, D7-022]. This has relevance concerning possible disturbance for otters. However, no otter breeding or resting places have been found on the site, although surveys indicate that occasional otter feeding and travelling takes place to the north-eastern end of the application site [D10-028].
- 5.2.17 Areas where lighting may be needed would be several hundred metres from the River Wye and the draft SPP provides for mitigation during construction [ibid.]. As with other plans, this plan in its final form would need to be approved by PCC after consultation with and written advice from NRW. This would thereby provide the opportunity for agreement of any further detailed mitigation that might be deemed to be required. I have seen no evidence to suggest that the limited

periods of work and possible use of lighting would be likely to give rise to any significant impacts on this feature of the SAC.

- 5.2.18 I consider the combination of Articles and Requirements of the recommended DCO, together with the Applicant's development consent obligations within the s106 UU, would provide adequate safeguards to ensure no LSE in respect of the Afon Gwy (River Wye) SAC.

Elenydd - Mallaen SPA

- 5.2.19 This SPA is a large upland area of heath, blanket mire and dry grasslands with small areas of deciduous woodland within the valleys, extending to over 30,000ha. The site's qualifying species and main significance are the populations of Red Kite (9.3% of the British breeding population at a 1997 count), about 0.5% of the British breeding Merlin population, and 1% of the British breeding Peregrine Falcon population. Its location relative to the application site is shown on ES Figure 11.12a, the SPA's northern boundary extending to within about 3.4km of the application site [D7-022, paras 89-90 and D6-030].
- 5.2.20 The conservation objectives for the relevant species as set out in the CCW Core Management Plan [D7-022 Appendix 3] for the SPA are for it to continue to support at least 15 pairs of breeding Red Kites (0.5% of the British population), 7 pairs of breeding Merlin (0.5% of the British population and 15 pairs of breeding Peregrines (0.5% of the British population). In terms of Red Kite, the last monitoring report in 2011 recorded 18 pairs within the SPA and 66 pairs within 2km of this SPA [D6-10, para 82].
- 5.2.21 There is no dispute that: the development proposal would not pose a barrier to movement from the SPA; there would be no direct impact on the SPA habitat; and there are no connections between the application site and SPA that would lead to hydrological degradation [RIES Stage 1 Matrix 2, notes a-d, PrD-18].
- 5.2.22 The Applicant's surveys have shown the use of the application site by Merlin and Peregrine to be very low. A significant impact is not predicted on the SPA population of either of these species as a result of collision risk [RIES Stage 1 Matrix 2 Notes a-d, PrD-18].
- 5.2.23 NRW's responses during the Examination in respect of possible impact on this SPA's qualifying features focussed on Red Kite. This being the case, the RIES made the assumption that NRW's concerns related only to this species [RIES Stage 1 Matrix 2 Note d, PrD-18].
- 5.2.24 However, NRW's response to the RIES notes remaining concerns about compliance of baseline bird surveys with good practice guidance, the methodology employed and the age of the surveys. These led NRW to conclude that there remains a level of uncertainty regarding these

surveys, in particular the potential for Merlin to have been under-recorded given the acknowledged difficulties with recording this species in vantage point surveys. Additionally, NRW notes that the proposed turbines would lie within the core area for Peregrine and Merlin, and that the proposed Llandinam wind farm should have been considered within the in-combination assessment [D10-002, paras 29-30]. Nonetheless, NRW's representations do not conclude that, despite its reservations, the proposed development would be likely to have a significant effect on either of these two SPA features [D10-002, para 29].

- 5.2.25 Having regard to Red Kite, the Applicant's HRASR Version 5 states that it is considered that those which have been noted on the application site are unlikely to have originated from within the SPA [D7-022]. The Applicant suggests that, instead, they are likely to come from roost and breeding sites in the valleys around Llangurig and other locations outside the SPA; only a small number of the birds within the SPA and its buffer are likely to be within foraging distance of the application site, with the vast majority of the SPA being outside this distance, and the predicted collision risk of less than one pair per annum would be more likely to affect the population outside rather than within the SPA [AD-064, para 11.431, AD-092, D10-007 Annex 3].
- 5.2.26 These conclusions were disputed by NRW, with concerns expressed about the currency and methodology of the surveys informing the assessment, incorrect statistics and little confidence that proposed mitigation - reducing activities which provide for foraging Red Kite - would reduce collision risk [D6-010, D6-023]. In response, the Applicant referred to SNH guidance⁸¹. This quotes a core range of 4km and maximum range of 6km for connectivity distances between proposals and SPAs, with the core distance to be used in situations such as this where there is ample foraging habitat between a nest site and a proposal. These distances were accepted in the RIES for the Clocaenog Forest wind farm NSIP [RIES Stage 1 Matrix 2, Note d, PrD-18 and D10-007, Annex 3].
- 5.2.27 NRW states that the Applicant has not considered the non-breeding season when SNH guidance indicates that Red Kite are thought to forage up to 10km from roosting locations. The Applicant counters this by saying that guidance about connectivity quotes a maximum and core range and there is no requirement to consider the winter foraging range [D10-007, Annex 3].
- 5.2.28 A draft HMP is contained within the ES. It includes suggested mitigation measures to reduce potential collision risk with the turbines (by reducing the potential food source for Red Kite close to the turbines). The HMP includes measures relating to lambing and

⁸¹ Scottish Natural Heritage (2013) Assessing Connectivity with Special Protection Areas

stocking of lambs, spreading of manures and hay/silage cutting [ES Appendix 11.21, AD-108 and D7-022, para 105]. Whilst NRW acknowledges that mitigation may reduce Red Kite numbers on the site, this is qualified by suggesting that there is no certainty of this [D6-010]. The HMP is one of the plans which would need approval following consultation with and written advice from NRW and is secured by R14 of the recommended DCO. This therefore provides potential scope for the formulation of an agreed strategy.

- 5.2.29 Following the ISH on environmental issues, the Applicant carried out a survey of all areas of the SPA and its buffer that lie within 6km of the turbines⁸². This found no nests or nesting activity within this area [D10-007, Annex 3]. The survey also identified that the closest portion of the SPA and buffer provide sub-optimal nesting habitat due to altitude, absence of suitable trees and exposure. These results correlate with a response provided by NRW that it has no records of Red Kite nesting within the SPA area lying within 4km of the proposed turbines⁸³.
- 5.2.30 NRW's position during the Examination was that there can be no certainty about the origin of Red Kite using the application site in the absence of survey data [D7-012]. Given the Applicant's up-to-date survey data compiled from visits in March and April 2015 (albeit that this covered only the early breeding season), I consider this provides a reasonable degree of certainty that Red Kite do not originate from the SPA or its buffer close to the application site. It is notable that, in its final comments before the close of the Examination, NRW does not specifically conclude that there would be any LSE on the Red Kite qualifying feature of the SPA as a result of the proposal alone [AS-15].
- 5.2.31 The HRASR Version 5 has included an in-combination assessment of the proposed development with other wind farms within 10km of the SPA [D7-022, paras 131-141]. NRW advised that the assessment should collate collision risk data for all the wind farms to allow for an assessment of whether the in-combination mortality rate had the potential to affect the Red Kite population. The Applicant's position is that, as the proposed wind farms are further from the SPA than the application site, there would be no connectivity between them and the SPA; whilst there may be an effect on Red Kite there would be no effect on those from within the SPA [D10-007, Annex 3].
- 5.2.32 NRW states that there has been no monitoring of the effects of existing wind farms and risk of collision. However, the Applicant points to the fact that during the time (since 1994) that Bryn Titli, which borders the SPA, has been operating the population of Red Kite has

⁸² Some 0.5% (167ha) of the SPA and 5.6% (2,184ha) of the buffer are within the 6km foraging range [D10-007 Annex 3 Appx 1]

⁸³ This response indicated a record of one nest within 6km, the record for which was believed to date from 2011 [D10-007 Annex 3 Appx 2]

increased from 41 pairs to 66 pairs. Over the past six years Cefn Croes wind farm has also been operating adjacent to the SPA.

- 5.2.33 The Option 1 grid connection route, discussed below under 'grid connection', passes some 3km to the closest part of the SPA. The Applicant considers collision with overhead lines is not considered to be a great risk for Red Kite and that electrocution, documented as a risk, could be mitigated through pole design and insulation of key parts of the overhead line [RIES Stage 1 Matrix 2 Note d, PRD-18 and D7-022 para 138]. The Applicant states that, in any event, the Option 1 route has now been superseded in favour of the Option 2 route to the north, away from the SPA.
- 5.2.34 NRW's position at the end of the Examination was that it considered it had insufficient information to advise on whether there would be an adverse in-combination effect on the integrity of the SPA in respect of the Red Kite feature [AS-15]. However, I consider that, on the basis of the evidence presented: there a reasonable certainty that Red Kite observed within the application site do not originate from the SPA; that the proposal would not have a LSE on this feature; and this must feed through to any in-combination effect. As such, irrespective of any shortfall in data about other proposed or existing wind farms close to the SPA, I am satisfied that the proposal would not contribute to any adverse effect on the integrity of the Elenydd - Mallaen SPA in terms of this feature.

Elenydd SAC

- 5.2.35 The SAC is designated for a number of Annex 1 habitats: blanket bog, calaminarian grasslands, dry heaths, floating water plantain and oligotrophic to mesotrophic standing waters [D7-022 para 48]. The site lies some 5.6km to the south of the application site [see ES Figure 11.12, AD-288].
- 5.2.36 Although part of the site lies within the River Wye catchment, the habitats are upland habitats and feed into the river rather than being fed by it. NRW agrees that there is no potential pathway for effects on this SAC from the application site and no potential for LSE from the proposed development alone [RIES Stage 1 Matrix 3, PrD-18].
- 5.2.37 The Applicant screened this SAC out from further consideration after an initial assessment and did not consider the potential for in-combination effects. In its RR NRW refers to the potential for a grid connection route to pass through the SAC. Whilst recognising that the connection could be routed to avoid the SAC, no certainty had been offered by the Applicant that this would be the case [RR-66, D10-002, para 35].
- 5.2.38 Neither of the two grid route options considered for the purposes of HRA passes near this SAC. The Applicant notes its agreement to the inclusion of a Requirement that would prevent the carrying out of

development until such time as a consent for grid connection was in place [D6-015 para 98]. Such a Requirement is included within the recommended DCO (R40). NRW acknowledges that this would appear to ensure that the project would not progress unless it could be demonstrated that a grid connection had no adverse effect on the integrity of European sites alone or in-combination [D10-002, para 35].

Coedydd Llawr-y-glyn SAC

5.2.39 This SAC consists of five complementary blocks of woodland displaying a range of upland acid oak woodland ecotypes [D6-028, para 49]. It is some 7.3km to the north-east of the application site [see ES Fig 11.12, AD-288]. NRW agrees with the Applicant's assessment that there is no possible connection between the SAC and the application site, no potential pathway for effects from the proposed development alone and no habitat loss [RIES Stage 1 Matrix 5 note a, PrD-18]. This SAC was screened out from further consideration after an initial assessment with no consideration of in-combination effects.

5.2.40 NRW's views about the inclusion of a Requirement, as referred to in connection with the Elenydd SAC above, apply to this SAC also. R40 would ensure that the project could not progress unless the grid connection had been consented/approved [D10-002, para 35].

Coedydd a Cheunant Rheidol/ Rheidol Woods and Gorge SAC

5.2.41 This SAC is a large example of old sessile oak woodland, extending along a steep-sided river valley some 8.3km to the south-west of the application site [see ES Fig 11.12, AD-288].

5.2.42 The Applicant states there would be no connection between this SAC and the application site as they lie in different catchments and there would be no habitat loss [RIES Stage 1 Matrix 4 Note a, PrD-18]. NRW agrees that there is no potential pathway for effects on this site from the proposed development alone. This SAC was screened out from further consideration after an initial assessment and the HRASR does not consider the potential for in-combination effects.

5.2.43 NRW's views about the inclusion of a Requirement, as referred to above, apply to this SAC also and would ensure that the project would not progress until a grid connection was in place [D10-002, para 35].

Grid connection

5.2.44 Grid connection does not form part of the present application and would be subject to a separate NSIP application. Nonetheless, for the purposes of HRA, reference has been made both in the ES and the HRASR to two grid connection options from the proposed development to an existing substation serving the Carno wind farms [AD-070 and D7-022]. Details of grid connection options are contained in the

Applicant's Grid Connection Statement, with routes shown in ES Fig 17.11 [AD-351 and AD-339]. During the course of the Examination it became clear that Option 1 had been superseded, with Option 2 the favoured route for which a connection offer had been made by SPM as DNO [D2-027].

- 5.2.45 In terms of avoidance of effects on the Afon Gwy SAC, the proposed development's future grid connection would be subject to a separate NSIP application. The Option 2 route would run north from the site within the Wye catchment for about 2.1km. The Applicant states that this section of cable route would be principally alongside existing tracks with minimal disturbance caused by the installation of around 84 poles to carry 132kV lines [D6-015, paras 101-102]. NRW agrees that it should be possible to impose mitigation measures on any future NSIP consent to avoid adverse effect on the integrity of this SAC [D6-027, comment on response to SWQ 4.8].
- 5.2.46 Full grid connection from the proposal would need to comprise three elements or stages:
- a 132kV connection between the application site and the Carno substation (stage 1);
 - a 132kV connection between the Carno substation and the Mid Wales substation (stage 2); and
 - a 400kV connection between the Mid Wales substation and the existing national electricity network at Lower Frankton, Shropshire (stage 3) [D5-018]. This latter stage is National Grid's (NG) Mid-Wales Grid Connection Project.
- 5.2.47 The question of grid connection and relationship with HRA has been subject to substantive representations by NRW. In summary, NRW notes that only the first stage of the above grid connection scenario has been considered by the Applicant: in HRA terms this is inadequate as there is a gap in the information provided and assessment of the whole of the necessary three stages needs to be considered; grid connection has not been considered as part of the in-combination assessment with other plans or projects [D5-018].
- 5.2.48 In response to SWQ 4.18, NRW suggests that it cannot be said that approval for all of the necessary grid connection element is not likely to be refused [D5-018]. This is because the known route of this element of the grid connection is planned to pass close to roosts within the Tanat and Vyrnwy Bat Sites SAC. The SAC is designated for maternity and hibernation roosts of Lesser Horseshoe Bats. Potential impact on bats from grid connection could be disturbance during construction, removal of vegetation used as flight lines, loss of foraging areas and disturbance through electromagnetic fields. NRW considers there is currently insufficient information to demonstrate that the grid connection project would not have an adverse effect on the integrity of this SAC [D5-018, paras 48-49].

- 5.2.49 NRW had advised the Applicant that potential impacts of all stages of the grid connection should have been assessed as part of the HRA process, given that the Mid-Wales Grid Connection was a known project which was included in the PINS National Infrastructure Programme of Projects and in respect of which a Scoping Opinion had been issued. Nevertheless, whilst advising that an HRA of the in-combination effects of the Applicant's proposed development, together with all stages of the Mid-Wales Grid Connection is required if the application is to be granted consent, it would, alternatively, be a matter for consideration as to whether a Requirement attached to the DCO would address the matter [D6-010, para 123 and D10-032].
- 5.2.50 The Applicant does not accept that the stage 2 and 3 connection elements would be a consequence of the proposed development since "these parts of the DNO and NG network are proposed to be constructed in any event"⁸⁴. They are proposals for the reinforcement and extension of the electricity network pursuant to those bodies' statutory duties and which arise out of a number of proposals which are unrelated to MYG" [D6-015, para 96]. I consider there is force in this argument and I have seen nothing to suggest that the details of onward transmission at stages 2 and 3 would materially differ as a result of the proposed development feeding into the system.
- 5.2.51 Without a grid connection to export the generated electricity the proposed development would not and could not proceed (for financial reasons). The Applicant has suggested the inclusion of a Requirement in the DCO which would prevent the carrying out of works having potential to affect European sites until such time as a consent was in place for a grid connection from the on-site substation to the National Grid.
- 5.2.52 Although NRW's response to the RIES states that such a Requirement has not been included in the DCO, R40 of the ExA's DCO did address this [D10-002]. This would ensure that no development could take place unless and until a grid connection had been consented [D6-015, paras 96-99]. I consider that this Grampian-type Requirement would provide an appropriate mechanism for ensuring that the project could not proceed if future HRA of the grid connection were to identify, either alone or in combination with other projects, any significant adverse effect on a European site including the Tanat and Vyrnwy Bat Sites SAC.

Conclusions

- 5.2.53 Having regard to the three SACs that were identified for the initial assessment - Elenydd, Coedydd Llwr-y-glyn and the Coedydd a

⁸⁴ See SP Mid Wales Connections Third Strategic Optioneering Report [D5-020] Table 1 for schemes that would potentially utilise the Mid-Wales connection.

Cheunant Rheidol/Rheidol Woods and Gorge SACs - I consider there would be no LSE arising from the proposed development alone. Grid connection does not form part of the application. In respect of any in-combination effects, R40 of the recommended DCO would prevent development until any necessary grid connection had been consented/approved. Such a grid connection consent/approval would be on the basis that any necessary HRA had been carried out and had shown that grid connection would have no adverse effect on the integrity of these sites. This would be applicable also in respect of any possible impact from grid connection on the integrity of Tanat and Vyrnwy Bat Sites SAC which, whilst not considered in the Applicant's HRA, has been raised as an issue by NRW.

- 5.2.54 Having regards the Afon Gwy SAC and its conservation objectives, and despite NRW's uncertainties, there is sufficient evidence to conclude that, through the operation of the various Requirements of the recommended DCO, the proposed development, either alone or in combination with other projects, would not have any LSE on the integrity of this European site.
- 5.2.55 Regarding the Elenydd - Mallaen SPA, I consider that there is sufficient evidence to conclude that there would not be a LSE from the proposed development alone or in combination with other projects on any qualifying feature of this European site. Nonetheless, NRW's position differs and it considers that it has insufficient information to advise on whether there would be an adverse in-combination effect on the integrity of the SPA in respect of Red Kite. In part, this arises from uncertainty as to the efficacy of proposed mitigation. Under the above circumstances, pursuant to Regulation 61 of the Habitats Regulations the SoS, as the competent authority, may decide that an appropriate assessment of the implications for this site in view of its conservation objectives is necessary.

6 DRAFT DEVELOPMENT CONSENT ORDER AND RELATED MATTERS

6.0 INTRODUCTION

- 6.0.1 The application was accompanied by the Applicant's draft DCO which constituted the consent that was sought for the proposed development [AD-005]. It sets out the authority to be given to the Applicant and includes the obligations that the Applicant is prepared to accept to facilitate the development, the further approvals required before specified works can start and the Requirements (corresponding to planning conditions) to be met in implementing the consent.
- 6.0.2 The Order seeks to apply and modify statutory provisions in relation to the determination of procedures for approval or appeals concerning Requirements provided for in Part 2 of Schedule 1 to the Order. For this reason, under s117(4) and s120(5) of the PA2008, the Order is in the form of a Statutory Instrument. The DCO was accompanied by an Explanatory Memorandum to explain the purpose and effect of each Article and Schedule [AD-006].
- 6.0.3 At the PM I proposed that an early ISH be held to assist in the understanding of how the draft DCO was intended to work [HG-002]. The ISH followed the issue of my FWQ. Responses to these questions and to Relevant and WRs enabled me to put together a schedule of comments on the draft DCO. This was circulated to parties with an agenda in order to aid and focus discussion at the Hearing [HG-001]. The iterative process continued throughout the Examination and was constructive in refining the draft DCO.
- 6.0.4 Following the first ISH and the issue of my SWQ, the Applicant submitted an amended DCO in clean and tracked change versions [D5-032 and D5-033]. This formed the basis of further examination at a second ISH on 19 March [HG-015 and HG-016]. There followed an amended version of the DCO by the Applicant on 16 April [D7-029 and D7-030], with a copy of the final preferred version of the DCO on 14 May 2015 [D10-004b (with tracked change versions at D10-004a and D10-004c)].
- 6.0.5 I issued my version of the draft DCO for comment on 24 April 2015 [PrD-16]. Responses to this were received by 14 May [D10-001 to D10-003]. As a consequence of the response from PCC relating to matters in my draft DCO, I requested the Applicant's views on points raised by that council in a Rule 17 letter [PrD-19] on the penultimate day of the Examination to which the Applicant responded the following day [D11-001].
- 6.0.6 As a result of my consideration of responses and all the issues raised during the Examination, I have made some further amendments in order to produce my recommended version of the draft DCO which is attached at Appendix A. References to the recommended DCO in the

following paragraphs are to this version of the recommended DCO unless otherwise specified. I recommend that should development consent be granted for the proposed development the DCO attached at Appendix A is appropriate.

- 6.0.7 Through the iterative process described, the DCO has remained substantively in the form as originally submitted. However, there have been refinements, additions and drafting corrections resulting from the discussion, debate and consideration of the many various issues with which the DCO deals. The following paragraphs discuss the more significant issues which have been considered in relation to the examination of the DCO. I do not deal with every change made to the DCO where there has been a clarification or general consensus between parties and which I share, or where there have been minor drafting changes.
- 6.0.8 The structure of the DCO is straightforward. It comprises 15 Articles (A) followed by a single Schedule, which is in three parts. Part 1 describes the authorised development (the Works) (W) and Part 2 the 40 Requirements (R). Part 3 is a schedule of noise guidance notes which form part of R33 to R37. For clarity, I shall start with consideration of the authorised development.

Authorised development

- 6.0.9 The development which would be authorised by the recommended DCO is described in Schedule 1 to the Order. It is a NSIP and is identified as Works Nos. 1 to 9⁸⁵. It is described as an onshore wind turbine generating station having a gross electrical output of more than 50MW and no more than 89.1MW. In summary it comprises:
- up to 27 wind turbines;
 - temporary blade storage areas;
 - improvements to the site access road at its junction with the A44;
 - an on-site electricity substation;
 - a temporary construction compound;
 - a series of on-site access tracks and improvement to existing tracks;
 - an underground cable network;
 - a meteorological mast; and
 - a surface water drainage system.
- 6.0.10 I have concluded in Section 2.0 that all elements of the proposed project would be integral and ancillary parts of the NSIP. Without them the generating station would not be able to be constructed and

⁸⁵ As defined in s14 and s15 of the PA2008

operate. None of these elements constitutes associated development therefore.

- 6.0.11 NRW, at and following the first DCO ISH, expressed concerns about the precision of description of Work No. 1 - the turbines - and relationship with the 'Rochdale Envelope' approach to flexibility and assessment of impact. It was keen to ensure that the correct approach to permitting flexibility (such as in final choice of turbine size and design and precise siting) is that the terms (and therefore the scope) of the DCO are such that the authorised development remains the development that has been subject to environmental assessment, and not some other. It considered the parameters within which subsequent details could be worked out should be more clearly set out. Peter Foulkes also asked that the actual number of turbines should be stipulated [D4-002, D4-003, D6-011, Appendix NRW-ISHD-1, D6-018 and D7-012].
- 6.0.12 It is clear that during the course of the Examination turbines up to the maximum rotor diameter specified in Work No. 1 have been considered and that the 'worst case' has been assessed. NRW considered that the output capacity should range between 81 and 89.1 MW as this is the range referred to in ES Chapter 2 [AD-055]. This also applies to NRW's suggested insertion in A7 [D6-011, Appendix NRW-ISHD-1]
- 6.0.13 The Applicant considered that to set a minimum output of 81MW would mean that if for any reason one or more of the turbines could not be commissioned and the 81MW capacity could not be met, development could be prevented. The approach taken by the Applicant follows that adopted in the recently-made Clocaenog Forest Wind Farm Order, and the Brechfa Forest West Wind Farm [D4-010 and D4-007]. This is in terms of specifying maximum dimensions for the turbines and a broad range of power output, the minimum output being 50MW that qualifies the project as an NSIP [D7-009]. All the Works are restricted through the stipulation that they are to be in accordance with the ES. NRW offered no comments in this regard on the ExA version of the DCO [PrD-16]. I consider that the approach set out in the DCO is reasonable and suitably specific.
- 6.0.14 In its suggested draft amendments to the DCO dated 26 March, NRW made a number of suggestions as to augmenting and specifying the description of the various works to more clearly bring them within clear parameters of the Rochdale Envelope approach [D6-011, Appendix NRW-ISHD-1].
- 6.0.15 Unlike the Brechfa and Clocaenog wind farm Orders, the DCO for the proposed development does not include specified commencement and termination points for cable runs or for access tracks. Nonetheless, by reference to the Works Plan, LoD set out in A6 and inclusion of reference to all works to be in accordance with the ES, I do not consider such insertions to be necessary to adequately establish the

parameters within which the development could take place. As such, the suggested additions have not been included in the submitted DCO. NRW has not made any further comments on this aspect in relation to the submitted DCO.

Articles

- 6.0.16 The Articles set out the principal powers that would apply if consent is granted. The Order is based on the Model Provisions in SI 2009:No.2265. Although the Localism Act 2011 has changed the approach to the Model Provisions, there was no dissent during the Examination to using these as the basis for framing the Order.
- 6.0.17 A2 provides the definition of words and phrases used in the Order. The list has been expanded from the application DCO to encompass the various plans and strategies referred to within the subsequent Requirements, and with definition of the ES expanded for clarity. The definition of 'maintain' has been expanded to ensure that such works remain consistent with the development assessed in the ES.
- 6.0.18 A3 follows Model Provision 2 but with an additional paragraph which links the authorised development to the Works Plan by explaining that, subject to A6 (power to deviate), the works in Part 1 of Schedule 1 are to be constructed in the lines or situations shown on the Works Plan. NRW suggested revisions to the wording of A3 to bring this into line with the terms of the Model Provisions and to ensure clarity of scope for the proposed development [D6-011, Appendix NRW-ISHD-1]. As Requirements are defined by reference to Schedule 2 and the authorised development by reference to Schedule 1, I do not think the suggested amendments add anything to clarity and they have not been included in the recommended DCO.
- 6.0.19 Similarly, in respect of A4 (Procedure in relation to approvals etc under requirements) NRW has suggested additions for clarification, which the Applicant considered to be unnecessary [D7-009]. I agree that these are not necessary and they have not been included in the recommended DCO. NRW has made no comment on the absence of its suggested alterations to either A3 or A4.
- 6.0.20 No issues (other than minor drafting changes) are raised in respect of A5, 7, 9, 10 and 13. A5 permits the maintenance of the project, whilst A7 authorises the undertaker to operate the generating station comprised in the development. A9 deals with defence to proceedings in respect of statutory nuisance. A10 overrides the application of landlord and tenant law insofar as it may prejudice agreements for the operation etc of the authorised project. A13 concerns the removal of human remains. Whilst it is not expected that human remains would be encountered in the construction and use of the project, should they be so the Article requires their removal before any work is carried out that would or may disturb them.

- 6.0.21 A6 deals with the power to deviate within the LoD and this Article has undergone changes through the Examination in light of concerns expressed by NRW and PCC. NRW's suggested reference to a PMP within this Article is accommodated by the inclusion of R16 requiring the approval of such a plan by the RPA following consultation with NRW. NRW indicated that it would be content with a Requirement subject to accurate surveys being carried out before the close of the Examination [D7-012]. Whilst NRW has reservations about the additional survey work carried out, I consider the Requirement provides necessary control and safeguards although this is predicated on the ability for agreement of a PMP.
- 6.0.22 To minimise any potential impact on bats, A6(d) has been included to ensure turbines are more than 50m from any tree within the Hafren Forest. A6(c) ensures that turbines and their foundations are more than 50m from tributary watercourses of the River Wye. This has the dual purpose of mitigating sediment runoff from soil disturbance in construction areas and ensuring protection for bats using water corridors for feeding.
- 6.0.23 However, NRW considers further amendment to be necessary to include other infrastructure such as crane hardstandings, associated turbine construction zones and roads with this minimum degree of separation because of the potential for increase in sedimentation [D10-002, para 13]. I agree and have incorporated amendments to this effect in the recommended DCO.
- 6.0.24 NRW also notes that the Article would not provide this 50m buffer for tributaries of the River Severn, which may therefore be vulnerable to increased sedimentation. From the Works Plan the LoD for turbine 8 extends within this distance of the Nant yr Esgair, which feeds to the Severn. This could be brought within the scope of the Article by amending the definition of 'relevant watercourses' to apply to watercourses that are tributaries of the Wye or the Severn and this is what I have done.
- 6.0.25 PCC considers that turbines should be a minimum distance of 125m from public footpaths and 200m from paths of a higher status, whilst recognising that six of the proposed turbines would fail to meet these distances. Nonetheless, through discussions with the Applicant it recognises that if these particular turbines and their relationship with PRoW are considered acceptable, they should be no closer than as shown on the Works Plan [D4-029]. A6(a) and (b) aim to ensure this separation.
- 6.0.26 In commenting on the ExA DCO, PCC has suggested alternative wording in respect of turbine positions in relation to PRoW which it considers would bring the Article in line with its agreement with the Applicant [D10-003]. However, I agree with the Applicant that, in connection with this issue, the Article as drafted provides the same

protection and assurance of separation as the revision suggested by PCC [D11-001].

- 6.0.27 I have included a further clarification in A6(c) to make it clear that it is turbines including their blades that should be more than 50m from watercourses, to ensure protection for bats, in line with NRW's concerns [AS-15].
- 6.0.28 A8 relates to the benefit of the Order. Peter Foulkes queried whether 8(1) (a) and (b) would allow the Applicant or any subsequent developer to reach an agreement with any transferee or lessee not to hand on the restoration bond or similar form of security (which are provided for in R5). He suggested the addition of a further clause to A8 to deal with this [D10-001]. However, I consider this to be unnecessary since existing clause 8(3) would have the effect of securing obligations against transferees.
- 6.0.29 A11 provides that for the purposes of s264(3)(a) of the TCPA 1990, the consent granted by the Order shall be treated as specific planning permission. One purpose of this is to ensure that permitted development rights under Part 17 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (GPDO) would apply in relation to the generating station.
- 6.0.30 Because these rights would be potentially wide ranging, NRW suggested additional wording to A11 to exclude various statutory provisions. This would be to ensure that the authorised development would remain subject to the Forestry Act 1967 licensing regime in respect of tree felling, would not dis-apply elements of the CRoW Act (large areas of the application site having been designated as Access Land), and would not allow for a range of activities, including building, that would otherwise be permitted development. This would then ensure that the development would proceed in line with the intended operation of the Order and would not stray beyond the assessment of the worst case scenario in the ES [D6-011, Appendix NRW-ISHD-1 and D7-012]. The Applicant notes that NRW's suggestions would be contrary to the purpose of the PA2008 to streamline the consenting process for NSIPs and that this approach has not been adopted for either the Clocaenog Forest or the Brechfa Forest wind farm DCOs [D10-007, Annex 1].
- 6.0.31 I agree with the Applicant that as far as the Forestry Act 1967 is concerned, A12 provides adequate protection against any unnecessary felling or lopping of trees. Furthermore, whilst s9 of this Act removes the need for a forestry licence where felling is required for the purpose of development authorised by a planning permission, the present proposal is for development consent so the licence exclusion does not apply in this case.
- 6.0.32 The operator of the wind farm would require a generating licence and so would be a statutory undertaker. It would be able to erect certain

buildings within tolerances set out in the GPDO for the purpose of the undertaking. The Government's Planning Practice Guidance states that conditions restricting the future use of permitted development rights will rarely pass the test of necessity and should be only used in exceptional circumstances. Whilst acknowledging that there are various sensitivities of the application site, I am not convinced that a case has been sufficiently made out for the removal of the rights from which a statutory undertaker would be entitled to benefit.

- 6.0.33 Regardless of A11, the application site would be operational land because the operator would be a statutory undertaker. The land would therefore be excluded land for the purposes of the CRoW Act 2000. S1(1) of this Act makes it clear that even if land "is shown as open country on a map in conclusive form issued by the appropriate countryside body for the purposes of this Part [of the Act]", excluded land will not be access land.
- 6.0.34 A12 - Felling or lopping of trees etc - has had an additional clause added to provide protection to the broad-leafed trees and hedgerows alongside the site access track close to the River Wye. This follows NRW's concerns to protect the amenity value of these for walkers along the neighbouring Wye Valley Walk [D6-011, Appendix NRW-ISHD-1].
- 6.0.35 A14 lists the plans necessary for submission to the SoS for certification, the list having been refined through the Examination. Although NRW suggested specification of certain detailed plans [D6-011, Appendix NRW-ISHD-1 and D7-012], since these are contained within the ES, which itself is to be certified, such specification is unnecessary. Similarly, like the Applicant, I do not consider any amplification of A14(2) to be necessary [D7-009]. NRW has not commented further on this aspect in respect of the ExA DCO, which did not contain its suggested amendments.
- 6.0.36 A15 deals with arbitration, NRW having made the suggestion that this should take place in Cardiff (unless otherwise agreed by the parties) [D6-011, Appendix NRW-ISHD-1]. This stipulation has not been applied in either the Brechfa or Clocaenog wind farm Orders and I consider such specificity to be unnecessary.

Requirements

- 6.0.37 I deal below only with those Requirements that have been subject to discussion and debate or where there have been substantive drafting changes from the application DCO.
- 6.0.38 R3 as drafted in the application DCO sets an eight-year limit for commencement of development. This is on the basis that this is what the Applicant has requested to allow for slippage in SPM programme for approval, construction and energising of any grid connection. The

Explanatory Memorandum indicates that any grid connection would not be constructed until at least 2019 [AD-006].

- 6.0.39 At the first ISH on the DCO, the Applicant drew attention to the history of grid connection, with concern being related to the slow progress and repeated slippage of the Mid Wales Connection Project by both SPM and National Grid⁸⁶. This is emphasised by reference to para 17.3 of the grid connection chapter of the ES [AD-070].
- 6.0.40 The combined grid project has slipped more than five years in the last seven. The Applicant considers that based on this performance a five-year consent, as would be normal, would be likely to be inadequate, with a consent possibly expiring before the grid connection project had made progress. The inclusion of R40, which precludes development until a grid connection had been consented, further emphasises the need for an eight-year commencement period. Whilst it has no wish to delay construction, the Applicant seeks an extended time limit for no other reason than its concern that consent for the wind farm could expire before the commencement of construction, this being dependent on satisfactory progress with grid connection [HG-002, D7-009, AD-070 and D11-001].
- 6.0.41 Both PCC and NRW consider there to be no justification for extending the normal time limit for commencement of five years, given that, as an NSIP, the scheme is said to be nationally urgent, and because of concerns about environmental baseline data changing over a prolonged period [HG-002, D7-009 and AD-070].
- 6.0.42 PCC notes that the latest published information from SPM is that grid connection would be operational by 2019. However, the Applicant states that the August 2014 SPM grid connection offer indicates that the earliest the grid connection will be available is 31 October 2019 [D4-029, D6-009, D6-011 Appendix NRW-ISHD-1 and D10-003].
- 6.0.43 I note and understand the Applicant's concerns about past delay. Nonetheless, given the timescale for the SoS to grant consent for the present application, and a projected construction programme of around 13 months [AD-357], I consider a five-year commencement period would be appropriate since this would extend beyond the latest indication of the operational date for grid connection. This would still allow for some slippage in a grid connection programme. It would be more reflective of the acknowledged urgency, as expressed in para 3.3.15 of EN-1, for this form of infrastructure. I have amended R3 of the recommended DCO accordingly.

⁸⁶ The Applicant points to information from SPM and National Grid that the connection projects were on hold pending the outcome of the Mid Wales Conjoined Inquiry relating to several wind farm projects. At the time of the Examination, this Inquiry had been concluded and the Inspector's report submitted to the SoS, with a decision awaited.

- 6.0.44 PCC has suggested amended wording to 5(2)(b) to require "removal of turbine foundations and bases and cabling to a depth of 1m below ground level, unless agreed otherwise in the decommissioning and site restoration scheme, which shall be subject to the prior consultation with and the issue of written advice by Natural Resources Wales" [D10-003]. Although the Applicant considers the wording in the ExA version of the DCO offers the same protection as the wording proposed by PCC, it is agreeable to such an amendment. For greater clarity I agree that PCC's proposal is acceptable and I have amended the recommended DCO accordingly.
- 6.0.45 R5 has been augmented from the application DCO to secure a mechanism to ensure that adequate funding is in place for decommissioning, site restoration and any remediation costs (R5(4) and (5)). This approach was agreed between the Applicant and PCC at the two ISH on the DCO and follows the approach adopted at the Mid Wales Conjoined Inquiry. However, in its submission for Deadline X, PCC refers to a recently-received WG decision on an appeal under s78 of the TCPA⁸⁷. In this, the Welsh Minister for Natural Resources deleted two agreed drafted conditions which required the setting up and operation of a financial agreement for the provision of monies to cover decommissioning and site restoration costs. This was on the basis that these were not something that could be required by condition and should instead be subject of a legal agreement between the parties [D10-003].
- 6.0.46 In response to this point, the Applicant notes that the wording deleted in this decision differed from that agreed for the present scheme and that decision was made under the TCPA 1990 and not the PA2008. The Applicant does not consider the mechanism within R5 to be defective. If this is not capable of being secured by way of a Requirement, the Applicant states that it would work with PCC to secure the funding by way of an alternative mechanism [D11-001].
- 6.0.47 In the absence of full background information, it is difficult to draw a comparison of the present approach with that referred to by PCC. Nevertheless, R5 is not a planning condition but a Requirement and is not seeking a specific financial contribution but agreement of a mechanism whereby funding would be secured. I consider it is important, because of the sensitivities of the application site in terms of landscape and peat habitat, that there is in place an adequate mechanism for decommissioning, site restoration and any remediation costs. In the circumstances, the Requirement is both reasonable and necessary to achieve its aims.

⁸⁷ Referred to as the Garreg Lwyd Hill decision but not submitted as an Examination document. As a consequence I have not seen the detail of the decision.

- 6.0.48 On the basis that the suggested approach to R5 is correct, both this Requirement and R6 (failure of turbines) together would provide adequate safeguards relating to restoration and remediation. Along with A8, which ensures the transfer of liabilities to any transferee or lessee, these should allay concerns expressed at both ISHs on the DCO by the CMS, and by Peter Foulkes, relating to restoration and remediation in the event of the project being started but not completed [HG-002, HG-016 and D4-001].
- 6.0.49 R8 provides for the submission and approval of a CTMP. PCC considers the need for pre- and post- construction condition surveys of roads (in relation to the making good of any damage by construction traffic and secured by 8(1)(k)(i)) should be for the whole route affected by the development. It suggests such surveys should extend to 5km of the site entrance, and off-site highway works, rather than 100m as in the ExA DCO. [D10-003].
- 6.0.50 The Applicant disagrees noting that the road concerned - the A44 - is a trunk road. It is designed and intended to carry the type and quantity of traffic that would be associated with the proposal and in respect of which the project construction traffic would only be a minor component of traffic overall⁸⁸. However, the Applicant would be agreeable to a revision so that the survey distance would be within 1km of the site entrance. This would be on the basis that any effect on the trunk road is likely to be concentrated on the area where traffic is turning into and out of the site and accelerating away from or braking towards the site entrance. I consider this justification to be reasonable and I have amended the DCO accordingly.
- 6.0.51 R9 requires the approval of a CEMP. The Applicant has indicated the intention that a concrete batching plant would be provided on-site to provide surety of supply for concrete for the turbine bases and to allow materials to be moved to site in a less intensive manner. This is welcomed by PCC as reducing potential impact on Powys' roads [D5-041]. I have added this to the list of matters to be agreed within this plan.
- 6.0.52 R15 requires the approval of a plan for the mitigation of potential adverse impacts on any European and nationally protected species. In responding to the RIES, NRW suggested amendment to the ExA DCO to refer to a SPP (rather than 'a plan') [D10-010]. It also considered that wording should be altered to make it clear that this plan should be submitted to and approved by the RPA subject to prior consultation with and the issue of written advice by NRW. This would bring it into line with R8, 9, 14, 16, 17 and 18 which all have wording relating to

⁸⁸ Predicted impact of construction phase trips at 2019 on the A44, 12-hour flows, range from 0.43% to 1.91% [ES Table 13.16, AD-066]

prior consultation with NRW. For clarity and consistency I have accordingly amended the wording of this Requirement in the DCO.

- 6.0.53 R17 requires the agreement of a BPP, the wording of which NRW has not expressed disagreement. However, NRW has remaining uncertainties in respect of impact on bats and there must be some doubts as to whether a BPP could be agreed without substantial amendments to the presently drafted BPP.
- 6.0.54 R33 to R37 relate to noise and include the specification of noise limits at the nearest noise-sensitive properties, to ensure the protection of residential amenity. There have been modifications as a result of liaison between the Applicant and PCC, the latter being content with the Requirements as drafted [D6-009]. Part 3 of Schedule 1 provides further explanation of R33 to R37 and specifies the methods to be deployed in the assessment of any complaint about noise emissions from the wind farm.
- 6.0.55 R38 requires the provision of a community liaison scheme to ensure the local community is kept informed of the project at all its stages and to establish a mechanism for dealing with complaints. Peter Foulkes expressed concern that this was insufficiently encompassing and could exclude organisations and individuals who might use the site and surroundings such as Ramblers Cymru, the BHS and the CMS [D4-001]. However, as the scheme would need to be approved by the RPA, there would be scope for ensuring the devising of an appropriate and proportionate scheme applicable to those who might be affected by the development.
- 6.0.56 As discussed in Sections 4 and 5 of this report in relation to grid connection, R40 has been added to restrict development until consent has been granted for all stages of the grid connection from the proposed development. This would effectively provide certainty that no development could take place pursuant to a consented DCO unless and until any necessary HRA had been undertaken which considered potential in-combination effects of all stages of the grid connection with the proposed development. It would address NRW's concerns on this matter and is an appropriate means of doing so.
- 6.0.57 In its 16 April version of the DCO, the Applicant had included R41: "The authorised development must be constructed, operated and decommissioned in accordance with the section 106 agreement" [D7-030]. A s106 UU has now been submitted. In the ExA DCO and in the recommended DCO I have removed this Requirement (together with the consequential definition in R1) since it would duplicate the statutory power to enforce such obligations.

Other Schedules and Protective Provisions

- 6.0.58 The DCO contains no other Schedules or any Protective Provisions.

Other legal agreements

- 6.0.59 As described in Section 1.4 of this report, a completed development consent obligations UU under s106 of the TCPA 1990 has been provided by the Applicant and landowners which would become operative if the DCO is made [D10-019 and D10-020]. Schedule 1 would provide for off-site car parks for equestrian users and non-equestrian users. Schedule 2 would provide for alternative and diverted bridleways and a footpath on the application site, together with necessary signage, and restrictions on use of tracks within the site for rallying. These would result in improved facilities for users of the site and surrounding area, would allow for further separation of rights of way from proposed turbines for the benefit and safety of users, and mitigate any detrimental environmental effects.
- 6.0.60 The undertaking would secure an Access Improvement Fund, to be paid to PCC to assist in work in improving public access to the environs of the site. It would also secure the establishment of a Community Benefit Fund. This would result in an annual fund contribution for the life of the development to ensure that the community hosting the wind farm would receive long-term socio-economic benefits in line with the WG's backing to a 'Declaration for community benefits by onshore wind farm developers and operators'.
- 6.0.61 Whilst the establishment of a Community Benefit Fund would undoubtedly be welcome, as noted in Section 4.9 of this report, the provision of such a fund is not a relevant consideration in the determination of this DCO. Save for this element, I consider the development consent obligations are necessary to make the development acceptable in planning terms, are directly related to the proposal and are fairly and reasonably related in scale and kind to the development.

Conclusion on the DCO

- 6.0.62 I conclude that in the event that development consent is granted by the SoS, the Order should be made in the form set out in Appendix A.

7 SUMMARY OF FINDINGS AND CONCLUSIONS

- 7.0.1 The project which is the subject of the submitted application is a NSIP as defined in s14(1)(a) and s15(2) of the PA2008. All the works listed in Schedule 1 of the recommended DCO, which define the authorised project, would be an integral part of the NSIP. There would be no associated development.
- 7.0.2 NPSs EN-1 and EN-3 are applicable. Section 104(3) of the PA2008 requires the SoS to determine the application in accordance with the relevant NPSs except where that would result in any breach of international obligations, statutory duty or legislation, or where the adverse impacts of the development would outweigh the benefits.
- 7.0.3 The proposed development would make a meaningful contribution to meeting the Government's espoused urgent need to cut GGEs and meet its target of obtaining 15% of energy from renewable sources by 2020. Substantial weight should be given to the contribution a project would make to satisfying this need. Where a development accords with NPSs EN-1 and EN-3 the starting point for the decision-maker is one of a presumption in favour of that development.
- 7.0.4 The relevant technology-specific NPS for the determination of the application is EN-3. The general approach to site selection for an onshore wind farm as set out in this NPS has been followed by the Applicant. The technical considerations required for the decision to be made have been addressed within the application.
- 7.0.5 The provisions of s104(4)(d) of the PA2008 allow for the SoS to consider other matters deemed to be important and relevant as part of the decision-making process in addition to the NPSs.
- 7.0.6 Policies of the WG are important and relevant. PPW confirms the Welsh commitment to playing its part in meeting the UK's target of providing 15% of energy from renewables by 2020. It sets out that the most appropriate locations for large-scale wind farm developments are within the SSAs identified within TAN 8; these are the areas where this form of development should be concentrated. The application site lies outside a SSA.
- 7.0.7 The proposal would be contrary to what appears to be the intent of guidance within TAN 8 and would not align with the WG's view, and that of others, that the development would not accord with the strategic approach set out in TAN 8. However, it would not be strictly contrary to the letter of the guidance which seeks to concentrate rather than confine large-scale wind farm projects to the SSAs. The NPSs have taken account of the Welsh TANs. If TAN 8 is viewed as confining large-scale wind farms to SSAs then this would conflict with EN-3 since this NPS does not seek to direct applicants to particular sites for onshore renewable energy infrastructure. As EN-1 notes, in the event of conflict between an NPS and any other document the NPS

prevails for the purpose of decision-making given the national significance of the infrastructure.

- 7.0.8 The policies of the relevant Development Plan - the Powys UDP - are important and relevant. These are supportive of renewable energy schemes providing matters such as landscape, environment, heritage and amenity considerations are not adversely affected.
- 7.0.9 From the above, I conclude that the proposed development would contribute to meeting UK strategic objectives for the development of renewable energy in accordance with the thrust of national policy, though there would be tension with PPW. The NPSs recognise that significant impacts are to be expected, particularly in landscape and visual terms. These should be balanced against the presumption in favour of renewable energy infrastructure projects which contribute to reducing harmful GGEs.
- 7.0.10 I consider below the nature and scale of impacts that would be likely to arise from the proposal and whether these would be so significantly adverse that they would outweigh the presumption in favour of the scheme conferred by EN-1.

Landscape and visual impact

- 7.0.11 Because of the nature of the proposal and topography of the area significant impact on the landscape would be principally restricted to about 6.5 - 7km from the site. Beyond this, there would be no significant adverse landscape impact.
- 7.0.12 No nationally-designated landscapes would be adversely impacted. Principal impact would be on the landscape of the Plynlimon massif and its associated expanses of upland. Despite having no nationally-recognised landscape designation, Plynlimon and its environs, as part of the Cambrian Mountains, are clearly well-regarded, valued and important, forming the highest land in mid-Wales, being the source of two major rivers, and possessing characteristics including remoteness and wildness.
- 7.0.13 The application site is on the fringes of the Plynlimon/Plynlimon Moorlands/Cambrian Mountains (north) landscape area. The existing nature of the site itself, with its present uses, tracks and buildings, means that it is not as sensitive to landscape change as the higher landscape tracts to the west. However, in terms of the landscape of the Plynlimon massif the proposal would have, both individually and cumulatively with other wind farms, a significant adverse impact. Such an impact on this landscape would be exacerbated in the event of a wind farm scheme coming forward within SSA D at Nant-y-Moch to the western side of Plynlimon. There would also be a significant adverse landscape impact on the upper Wye Valley running close to the application site.

- 7.0.14 There would be no major adverse visual impact from within any nationally-designated area. Visual impact would be relatively localised, largely confined to between 3.5km and 6.5km, the principal effects being from the west and north-west on the Plynlimon massif and from within the upper Wye Valley. This would be experienced principally by walkers, including those on long-distance trails, and users of bridleways. From the Plynlimon massif the proposal would be seen cumulatively in some views with the nearby Cefn Croes wind farm and more distantly with others. Both individually and cumulatively it would result in a major adverse visual impact.
- 7.0.15 There would be a similar adverse impact for those passing the site at closer quarters in the upper Wye Valley, a short length of the A44, more distantly on a short stretch of the Severn Way near the river's source, from the Rhyd-y-Benwch picnic area in the Hafren Forest and from the viewpoint at Llyn Clywedog. Such levels of impact are implicitly recognised within EN-1 and EN-3 although I consider this should be seen within the context of the nature and quality of the surroundings.
- 7.0.16 The layout of the proposal has evolved through an iterative process. Whilst some degree of mitigation has been achieved in line with EN-3, there are elements of the layout that have not been as successful in visual terms and which contribute to the overall localised visual impact.
- 7.0.17 There are very few residential properties from which there would be close views of the proposed development and there would be no significant loss of residential amenity as a result of visual intrusion.

Heritage assets

- 7.0.18 Within the context of the Examination there has been a comprehensive assessment of the potential impacts on historic assets and landscape in and around the application site. There would be no physical impact on any historic asset. No impact on conservation areas or on any listed buildings and their settings would arise. There would be suitable mitigation, through the operation of R27 of the recommended DCO, to secure any archaeological resource within the application site that may potentially be affected through construction of the proposed development.
- 7.0.19 Within the application site there would be no direct physical impact to the undesignated Waun Goch cairn but there would be harm as a result of change to its setting although this would be less than substantial. There would be minor impact on the significance of the Nantiago Mine as a result of a change to its setting, with its significance chiefly deriving from its historic and evidential value.
- 7.0.20 Beyond the application site there are ten SAMS which would be inter-visible with the proposed development. There would be moderate

harm to the significance of the series of Bronze Age cairns on the Plynlimon massif as a result of change in their setting. For the same reason, there would be minor harm to the significance of the scheduled Nant yr Eira mine and a neutral impact on the Cae Gaer Roman fort.

- 7.0.21 The application site lies adjacent to the Upland Ceredigion Landscape of Outstanding Historic Interest, which is contained on the non-statutory Register of Landscapes of Historic Interest in Wales. Some elements of this wider landscape, notably parts of the Plynlimon massif, are inter-visible with the application site. Much of the significance of these areas derives from the presence of the summit cairns. There would be some harmful impact on this landscape's significance as a result in a change in setting but it would be less than substantial. From other neighbouring registered historic landscapes of the Clywedog Valley and the Elan Valley impact on significance would be low. Overall, whilst negative factors, these impacts would be proportionate to the scale and importance of the proposed development.

Ecology, biodiversity and protected species

- 7.0.22 Measures secured through the Requirements of the recommended DCO would provide for mitigation of adverse impact in relation to ecology and biodiversity. There are some unresolved methodology and survey concerns raised by NRW, as the relevant SNCB, in respect of matters such as bats, peat and Red Kite. Requirements of the recommended DCO would necessitate agreement of plans to ensure mitigation of impact but in light of remaining uncertainties there must be some doubt as to their eventual agreement. In respect of the duty in Section 40(1) of the NERC Act 2006 to have regard to the purpose of conserving biodiversity, the information supplied considers biodiversity to sufficiently accord with this duty.

Hydrology and Geology

- 7.0.23 Requirements include the need for consultation on and agreement of various plans and strategies that would include measures for mitigating the development's impact on hydrology and possible contamination. These would be adequate to ensure no potential adverse effects on the hydrological regimes of the Rivers Wye or Severn, no increased risk of downstream flooding, and protection of private water supplies.

Noise, vibration and shadow flicker

- 7.0.24 Requirements of the recommended DCO are agreed which establish noise limits, controls and safeguards that should be adequately protective of the living conditions of residents of the few dwellings closest to the application site both when the wind farm is operational and during its construction. Any increase in noise and vibration for

occupiers along routes used by construction and delivery vehicles would be temporary and unlikely to be significantly disturbing.

- 7.0.25 Only one property would be potentially affected by shadow flicker and R25 would provide for agreement of a scheme to mitigate this. Any interference with the human rights of residential occupiers would be proportionate and justified in the public interest.

Public access and rights of way

- 7.0.26 The proposed development would result in a change of experience for those using the PRoW past and through the site. The presence of turbines may deter some users, particularly horse riders. The Applicant has proposed the provision of some alternative permissive routes that would allow users to pass turbines at a greater distance than on existing routes. The provision of these would be secured through the Applicant's development consent s106 UU. This Undertaking would also secure the potential provision of car parks for both equestrian and non-equestrian users. As a consequence, the impact on public access and rights of way would not be such as to weigh against the proposed development.

Socio-economic impacts

- 7.0.27 The proposed development would make provision through R39 for a scheme to promote training and employment for local people and to maximise the use of local contractors and supply chains. The scheme could result in financial benefits to both the local and Welsh economies. Although advantageous, I give these potential benefits limited weight in the absence of firmer evidence as to their likely outcome. Whilst representations have suggested that the presence of the proposal could deter visitors and tourism in the area, there is no substantive evidence to support this, particularly when set against the fact that the application site is part of a complex which itself attracts visitors.

Habitats Regulation Assessment

- 7.0.28 I find that there is sufficient evidence to allow the SoS to conclude that, subject to mitigation secured through Articles and Requirements of the recommended DCO, and the obligations in the Applicant's development consent UU, adverse effects on the integrity of any protected European site as a result of the proposal can be excluded. However, NRW, as the relevant SNCB, considers there to be insufficient information to advise whether there would be an adverse in-combination effect on the integrity of the Elenydd - Mallaen SPA in respect of the Red Kite qualifying feature. NRW also has remaining uncertainties regarding impact on the Afon Gwy SAC in respect of water and sediment control and otter disturbance. Under these circumstances the SoS, as competent authority, may decide that an appropriate assessment of the implications for this site is necessary.

Overall conclusion

- 7.0.29 The proposed development would accord with policy in NPS EN-1 and EN-3 in that it would make a meaningful contribution towards meeting the Government's renewable energy targets. It would not accord with what is the WG's intent to concentrate this form of renewable infrastructure within SSAs as set out in TAN 8, although this guidance does not specifically preclude such development beyond the defined SSAs. In any event, EN-1 states that in circumstances of a conflict between 'any other document' and an NPS, the NPS prevails for the purpose of decision-making given the national significance of the infrastructure.
- 7.0.30 The SoS has an obligation to determine the application in accordance with the relevant NPSs except under certain conditions. These include where the adverse impacts of the development would outweigh the benefits.
- 7.0.31 There would be some significant local adverse effects from the proposed development in terms of notable landscape character, and visual intrusion, for which there would be little possible further mitigation. This impact is underpinned by additional adverse effects on various aspects of local heritage in terms of impact on significance through changes in setting of certain SAMs and historic landscape. These are important factors to which I attach considerable weight. Nonetheless, the NPSs acknowledge that such infrastructure will inevitably have significant landscape and visual effects from their construction and operation for a number of kilometres around a site.
- 7.0.32 Other than adverse visual and landscape impacts and those on heritage assets, effects of the proposed development are capable of being suitably controlled and mitigated through the recommended DCO and the Applicant's development consent obligations UU to ensure that there would be no residual significant adverse effects. However, lack of complete resolution of matters including impact on bats, Red Kite and peat is an issue that creates some uncertainty and weighs against the scheme.
- 7.0.33 EN-1 states that the Government is committed to increasing dramatically the amount of renewable energy generation and that new projects are needed urgently. Whilst a judgement is in this case is finely balanced, I do not consider the adverse impacts identified would be so damaging that these outweigh the presumption in favour of the development set out in EN-1 and the benefits of increasing the contribution of renewable energy. I have had regard to the tests for consideration set out in s104 of the PA2008 and consider a decision to make the DCO as recommended would be in accordance with relevant policy in EN-1 and EN-3.

7.1 RECOMMENDATION

- 7.1.1 For all of the above reasons and in the light of my findings and conclusions on important and relevant matters set out in the report, I recommend that the Order is made in the form set out in Appendix A.

APPENDICES

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APPENDIX A: RECOMMENDED DEVELOPMENT CONSENT ORDER

201[4] No.

INFRASTRUCTURE PLANNING

The Mynydd Y Gwynt Wind Farm Order

<i>Made</i>	- - - -	<i>201X</i>
<i>Laid before Parliament</i>		<i>201X</i>
<i>Coming into force</i>	- -	<i>201X</i>

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11. Operational land for purposes of the 1990 Act
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-
- SCHEDULE 1 — Authorised Project
PART 1 — Authorised Development
PART 2 — Requirements
PART 3 — Schedule of Noise Guidance Notes

An application has been made to the Secretary of State in accordance with the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009^(a) for an Order under sections 37, 114, 115 and 120 of the Planning Act 2008^(b) (“the 2008 Act”).

^(a) S. I. 2009/2264, amended by S.I. 2010/602, 2012/635, 2012/2732.

^(b) 2008 c.29. The relevant provisions of the 2008 Act are amended by Part 6 of Chapter 6 of, and Schedule 13 to, the Localism Act 2011 (c.20).

The application was examined by a single appointed person appointed by the Secretary of State pursuant to Chapter 3 of Part 6 of the 2008 Act(a) and carried out in accordance with Chapter 4 of Part 6 of the 2008 Act, and the Infrastructure Planning (Examination Procedure) Rules 2010(b).

The single appointed person, having examined the application with the documents that accompanied the application, and the representations made and not withdrawn, has, in accordance with section 83(1) of the 2008 Act, made a report and recommendation to the Secretary of State.

The Secretary of State, having considered the report and recommendation of the single appointed person, and decided the application, has determined to make an Order giving effect to the proposals comprised in the application with modifications which in the opinion of the Secretary of State do not make any substantial change to the proposals.

The Secretary of State, in exercise of the powers conferred by sections 114, 115 and 120 of the 2008 Act, makes the following Order:

Citation and Commencement

1. This Order may be cited as the Mynydd y Gwynt Wind Farm Order 201[X] and shall come into force on [●] 201[X].

Interpretation

2.—(1) Except for Part 2 of Schedule 1 (Requirements), which is subject to the additional definitions provided in that Schedule, in this Order—

“the 1961 Act” means the Land Compensation Act 1961(c);

“the 1980 Act” means the Highways Act 1980(d);

“the 1990 Act” means the Town and Country Planning Act 1990(e);

“the 2008 Act” means the Planning Act 2008;

“the access management plan” means the plan described in Requirement 18;

“the authorised development” means the development described in Part 1 of Schedule 1 (authorised development), which is development within the meaning of section 32 of the 2008 Act;

“the bat protection plan” means the plan described in Requirement 17;

(a) Following the abolition of the Infrastructure Planning Commission on 1st April 2012 the single person appointed under section 61(2) of the 2008 Act is treated as if appointed by the Secretary of State by virtue of a direction given by the Secretary of State under section 129 of the Localism Act 2011.

(b) S. I. 2010/103, amended by SI 2012/635.

(c) 1961 c.33. Section 2(2) was amended by section 193 of, and paragraph 5 of Schedule 33 to, the Local Government, Planning and Land Act 1980 (c. 65). There are other amendments to the 1961 Act which are not relevant to this Order.

(d) 1980 c.66. Section 1(1) was amended by section 21(2) of the New Roads and Street Works Act 1991 (c.22); sections 1(2), 1(3) and 1(4) were amended by section 8 of, and paragraph (1) of Schedule 4 to, the Local Government Act 1985 (c.51); section 1(2A) was inserted, and section 1(3) was amended, by section 259 (1), (2) and (3) of the Greater London Authority Act 1999 (c.29); sections 1(3A) and 1(5) were inserted by section 22(1) of, and paragraph 1 of Schedule 7 to, the Local Government (Wales) Act 1994 (c.19). Section 36(2) was amended by section 4(1) of, and paragraphs 47(a) and (b) of Schedule 2 to, the Housing (Consequential Provisions) Act 1985 (c.71), by S.I. 2006/1177, by section 4 of, and paragraph 45(3) of Schedule 2 to, the Planning (Consequential Provisions) Act 1990 (c.11), by section 64(1) (2) and (3) of the Transport and Works Act (c.42) and by section 57 of, and paragraph 5 of Part 1 of Schedule 6 to, the Countryside and Rights of Way Act 2000 (c.37); section 36 (3A) was inserted by section 64(4) of the Transport and Works Act 1992(c.42) and was amended by S.I. 2006/1177; section 36(6) was amended by section 8 of, and paragraph 7 of Schedule 4 to, the Local Government Act 1985 (c.51); and section 36(7) was inserted by section 22(1) of, and paragraph 4 of Schedule 7 to, the Local Government (Wales) Act 1994 (c.19). Section 329 was amended by section 112(4) of, and Schedule 18 to, the Electricity Act 1989 (c.29) and by section 190(3) of, and Part 1 of Schedule 27 to, the Water Act 1989 (c.15). There are other amendments to the 1980 Act which are not relevant to this Order.

(e) 1990 c.8. Section 206 was amended by section 192(8) of, and paragraphs 7 and 11 of Schedule 8 to, the 2008 Act (date in force to be appointed see section 241(3), (4)(a), (c) of the 2008 Act). There are other amendments to the 1990 Act which are not relevant to this Order.

“building” includes any structure or erection or any part of a building, structure or erection;

“carriageway” has the same meaning as in the 1980 Act;

“the construction environment management plan” means the plan described in Requirement 9;

“the construction traffic management plan” means the plan described in Requirement 8;

“the environmental statement” means the document submitted with the application entitled Environmental Statement (references MYG-ES-1-18, MYG-NTS-ENG and MYG-NTS-CYM, dated July 2014), with incorporated figures and appendices, and certified as the environmental statement by the Secretary of State for the purposes of the Order;

“figure SW2” means the plan described in article 12(5);

“the habitat management plan” means the plan described in Requirement 14;

“highway” and “highway authority” have the same meanings as in the 1980 Act;

“the land plan” means the land plan submitted with the application (reference MYG-AD-LANDPLAN) and certified as the land plan by the Secretary of State for the purposes of this Order;

“the limits of deviation” means the limits of deviation referred to in article 6;

“maintain” includes inspect, repair, adjust, remove, reconstruct and replace but not so as to vary from the description of the authorised development in Schedule 1 and only to the extent assessed in the environmental statement, and “maintenance” shall be construed accordingly;

“Natural Resources Wales” means the Natural Resources Body for Wales or any successor to its functions for the area in which the authorised development is located;

“the Order limits” means the order limits shown on the works plan as the limits within which the authorised development may be carried out;

“owner”, in relation to land, has the same meaning as in section 7 of the Acquisition of Land Act 1981(a);

“the peat management plan” means the plan described in Requirement 16;

“the Requirements” means the requirements set out in Part 2 of Schedule 1 (requirements);

“the relevant planning authority” means Powys County Council or any successors to its statutory functions as local planning authority the local planning authority for the area in which the land to which the provisions of this Order apply is situated;

“relevant highway authority” has the same meaning as in section 1 of the 1980 Act;

“relevant watercourses” means any watercourse mapped on the works plan that is a tributary of the Rivers Wye or Severn;

“the species protection plan” means the plan described in Requirement 15;

“the surface water management plan” means the plan described in Requirement 29;

“the training and employment management” plan means the plan described in Requirement 39;

“the water quality monitoring strategy” means the strategy described in Requirement 29;

“watercourse” includes all rivers, streams, ditches, drains, canals, cuts, culverts, dykes, sluices, sewers and passages through which water flows except a public sewer or drain;

“the works plan” means the plan submitted with the application (ref MYG-AD-WORKSPLAN) certified as the works plan by the Secretary of State for the purposes of this Order; and

“undertaker” means, subject to article 8(1) of this Order, Mynydd y Gwynt Ltd (company number 4366209).

(a) 1981 c.67. Section 7 was amended by section 70 of, and paragraph 9 of Schedule 15 to, the Planning and Compensation Act 1991 (c.34). There are other amendments to the 1981 Act which are not relevant to this Order.

(2) References in this Order to numbered Requirements are to the Requirements with those numbers in Part 2 of Schedule 1 (requirements).

(3) References in this Order to Works are to the Works set out in Part 1 of Schedule 1 (authorised development) and shown on the works plan.

(4) All distances, directions and lengths referred to in this Order are approximate.

Development consent etc. granted by the Order

3.—(1) Subject to the other terms of this Order, including the Requirements, the undertaker is granted development consent for the authorised development to be carried out within the Order limits.

(2) Subject to article 6 (power to deviate) the authorised development must be constructed in the lines or situations shown on the works plan.

Procedure in relation to approvals etc under requirements

4.—(1) Where an application is made to the relevant planning authority for any consent, agreement or approval required by a Requirement, the following provisions apply in respect of that application as they would apply if the consent, agreement or approval so required was required by a condition imposed on a grant of planning permission—

- (a) sections 78 and 79 of the 1990 Act (right of appeal in relation to planning decisions);
- (b) any orders, rules or regulations which make provision in relation to a consent, agreement or approval of a local planning authority required by a condition imposed on the grant of planning permission.

(2) For the purposes of the application of section 262 of the 1990 Act (meaning of “statutory undertaker”) to appeals pursuant to this article, the undertaker is deemed to be a holder of a licence under section 6 of the Electricity Act 1989.

Maintenance of authorised development

5. The undertaker may at any time, and from time to time, maintain the authorised development, except to the extent that this Order or an agreement made under this Order, provides otherwise.

Power to deviate

6. In constructing or maintaining the authorised development, the undertaker may deviate laterally from the lines or situations shown on the works plan to the extent of the limits of deviation shown on the works plan except-

- (a) any such deviation must not result in turbines 1, 4, 7, 8, 13 and 14 being located closer to any footpath, bridleway or higher public right of way than their position currently shown on the works plan;
- (b) all other turbines, save those located in open access land, must be located more than 125 metres from any footpath or 200 metres from any path of a higher status (bridleways, restricted byways and byways open to all traffic);
- (c) all turbines (including turbine blades) and turbine foundations and hardstanding for cranes (as described in Work No 1), and new access tracks (as described in Work No 6) (except the water-crossing tracks shown on the works plan), must be located more than 50 metres from all relevant watercourses; and
- (d) all turbines (including turbine blades) must be located more than 50 metres from any part of any tree in the Hafren Forest.

Operation of generating station

7.—(1) The undertaker is authorised to operate the generating station comprised in the authorised development.

(2) This article does not relieve the undertaker of any obligation to obtain any permit or licence or any other obligation under any other legislation that may be required to authorise the operation of a generating station.

Benefit of Order

8.—(1) The undertaker may, with the written consent of the Secretary of State—

- (a) transfer to another person (“the transferee”) any or all of the benefit of the provisions of this Order and such related statutory rights as may be agreed between the undertaker and the transferee; or
- (b) grant to another person (“the lessee”) for a period agreed between the undertaker and the lessee any or all of the benefit of the provisions of this Order and such related statutory rights as may be so agreed.

(2) Where a transfer or agreement has been made in accordance with paragraph (1) references in this Order to the undertaker, except in paragraph (3), must include references to the transferee or the lessee.

(3) The exercise by a person of any benefits or rights conferred in accordance with any transfer or grant under paragraph (1) is to be subject to the same restrictions, liabilities and obligations as would apply under this Order if those benefits or rights were exercised by the undertaker.

Defence to proceedings in respect of statutory nuisance

9.—(1) Where proceedings are brought under section 82(1) of the Environmental Protection Act 1990^(a) (summary proceedings by person aggrieved by statutory nuisance) in relation to a nuisance falling within paragraph (g) of section 79(1) of that Act (noise emitted from premises so as to be prejudicial to health or a nuisance) no order is to be made, and no fine may be imposed, under section 82(2) of that Act if the condition set out in paragraph (2) has been satisfied.

(2) The condition to be satisfied for the purposes of paragraph (1) is that the defendant shows that the nuisance relates to premises used by the undertaker for the purposes of or in connection with the construction of the authorised development and that the nuisance is attributable to the carrying out of the authorised development in accordance with a notice served under section 60 (control of noise on construction site), or a consent given under section 61 (prior consent for work on construction site) or 65 (noise exceeding registered level), of the Control of Pollution Act 1974^(b).

(3) Section 61(9) of the Control of Pollution Act 1974 (consent for work on construction site to include a statement that it does not of itself constitute a defence to proceedings under section 82 of the Environmental Protection Act 1990) and section 65(8) of that Act (corresponding provision in relation to consent for registered noise level to be exceeded), shall not apply where the consent relates to the use of premises by the undertaker for the purposes of or in connection with the construction or maintenance of the authorised development.

(4) Nothing in this Order or section 158 of the 2008 Act (nuisance: statutory authority) or any rule of law having similar effect confers on the undertaker any defence in respect of any nuisance arising from noise attributable to the operation of the authorised development.

Application of landlord and tenant law

10.—(1) This article applies to—

-
- (a) 1990 c.43. There are amendments to this Act which are not relevant to this Order.
 - (b) 1974 c.40. Sections 61(9) and 65(8) were amended by section 162 of paragraph 15 of Schedule 3 to, the Environmental Protection Act 1990 (c.25). There are other amendments to this Act which are not relevant to this Order.

- (a) any agreement for leasing to any person the whole or any part of the authorised development or the right to operate the same; and
- (b) any agreement entered into by the undertaker with any person for the construction, maintenance, use or operation of the authorised development, or any part of it, so far as any such agreement relates to the terms on which any land which is the subject of a lease granted by or under that agreement is to be provided for that person's use.

(2) No enactment or rule of law regulating the rights and obligations of landlords and tenants shall prejudice the operation of any agreement to which this article applies.

(3) Accordingly, no such enactment or rule of law shall apply in relation to the rights and obligations of the parties to any lease granted by or under any such agreement so as to—

- (a) exclude or in any respect modify any of the rights and obligations of those parties under the terms of the lease, whether with respect to the termination of the tenancy or any other matter;
- (b) confer or impose on any such party any right or obligation arising out of or connected with anything done or omitted on or in relation to land which is the subject of the lease, in addition to any such right or obligation provided for by the terms of the lease; or
- (c) restrict the enforcement (whether by action for damages or otherwise) by any party to the lease of any obligation of any other party under the lease.

Operational land for purposes of the 1990 Act

11. Development consent granted by this Order is to be treated as specific planning permission for the purposes of section 264(3)(a) of the 1990 Act (cases in which land is to be treated as operational land for the purposes of that Act).

Felling or lopping of trees etc

12.—(1) Subject to paragraph (5), the undertaker may fell or lop any tree or shrub within the Order limits, or cut back its roots, if it reasonably believes it to be necessary to do so to prevent the tree or shrub—

- (a) from obstructing or interfering with the construction, maintenance or operation of the authorised development or any apparatus used in connection with the authorised development; or
- (b) from constituting a danger to persons using the authorised development.

(2) In carrying out any activity authorised by paragraph (1), the undertaker must not cause unnecessary damage to any tree or shrub and must pay compensation to any person for any loss or damage arising from such activity.

(3) Any dispute as to a person's entitlement to compensation under paragraph (2), or as to the amount of compensation, is to be determined under Part 1 of the 1961 Act.

(4) The exercise of any power under paragraph (1) must be exercised with the consent of the owner of the land concerned.

(5) Paragraph (1) does not apply to broad-leaved trees or to the hedgerows that are within the areas marked in orange on figure SW2.

Removal of human remains

13.—(1) In this article “the specified land” means the land within the limits of deviation.

(2) Before the undertaker carries out any development or works which will or may disturb any human remains in the specified land it must remove those human remains from the specified land, or cause them to be removed, in accordance with the following provisions of this article.

(3) Before any such remains are removed from the specified land the undertaker must give notice of the intended removal, describing the specified land and stating the general effect of the following provisions of this article, by—

- (a) publishing a notice once in each of two successive weeks in a newspaper circulating in the area of the authorised development; and
 - (b) displaying a notice in a conspicuous place on or near to the specified land.
- (4) As soon as reasonably practicable after the first publication of a notice under paragraph (3) the undertaker must send a copy of the notice to the relevant planning authority.
- (5) At any time within 56 days after the first publication of a notice under paragraph (3) any person who is a personal representative or relative of any deceased person whose remains are interred in the specified land may give notice in writing to the undertaker of that person's intention to undertake the removal of the remains.
- (6) Where a person has given notice under paragraph (5), and the remains in question can be identified, that person may cause such remains to be—
- (a) removed and re-interred in any burial ground or cemetery in which burials may legally take place; or
 - (b) removed to, and cremated in, any crematorium,
- (7) If the undertaker is not satisfied that any person giving notice under paragraph (5) is the personal representative or relative as that person claims to be, or that the remains in question can be identified, the question must be determined on the application of either party in a summary manner by the county court, and the court may make an order specifying who is to remove the remains and as to the payment of the costs of the application.
- (8) The undertaker must pay the reasonable expenses of removing and re-interring or cremating the remains of any deceased person under this article.
- (9) If—
- (a) within the period of 56 days referred to in paragraph (5) no notice under that paragraph has been given to the undertaker in respect of any remains in the specified land; or
 - (b) such notice is given and no application is made under paragraph (7) within 56 days after the giving of the notice but the person who gave the notice fails to remove the remains within a further period of 56 days; or
 - (c) within 56 days after any order is made by the county court under paragraph (7) any person, other than the undertaker, specified in the order fails to remove the remains; or
 - (d) it is determined that the remains to which any such notice relates cannot be identified,
- subject to paragraph (10) the undertaker must remove the remains and cause them to be re-interred in such burial ground or cemetery in which burials may legally take place as the undertaker thinks suitable for the purpose; and, so far as possible, remains from individual graves are to be re-interred in individual containers which are to be identifiable by a record prepared with reference to the original position of burial of the remains that they contain.
- (10) If the undertaker is satisfied that any person giving notice under paragraph (5) is the personal representative or relative as that person claims to be and that the remains in question can be identified, but that person does not remove the remains, the undertaker must comply with any reasonable request that person may make in relation to the removal and re-interment or cremation of the remains.
- (11) On the re-interment or cremation of any remains under this article—
- (a) a certificate of re-interment or cremation must be sent by the undertaker to the Registrar General by the undertaker giving the date of re-interment or cremation and identifying the place from which the remains were removed and the place in which they were re-interred or cremated; and
 - (b) a copy of the certificate of re-interment or cremation and the record mentioned in paragraph (9) must be sent by the undertaker to the relevant planning authority.
- (12) The removal of the remains of any deceased person under this article must be carried out in accordance with any directions which may be given by the Secretary of State.

(13) Any jurisdiction or function conferred on the county court by this article may be exercised by the district judge of the court.

(14) Section 25 of the Burial Act 1857^(a) (bodies not to be removed from burial grounds, save under faculty, without licence of Secretary of State) shall not apply to a removal carried out in accordance with this article.

Certification of plans etc

14.—(1) The undertaker must, as soon as practicable after the making of this Order, submit to the Secretary of State copies of—

- (a) the land plan;
- (b) the works plan;
- (c) figure SW2;
- (d) the following management plans:
 - (i) access management plan;
 - (ii) bat protection plan;
 - (iii) construction environment management plan;
 - (iv) construction traffic management plan;
 - (v) habitat management plan;
 - (vi) peat management plan;
 - (vii) species protection plan;
 - (viii) surface water management plan;
 - (ix) training and employment management plan;
 - (x) water quality monitoring strategy; and
- (e) the environmental statement,

for certification that they are true copies of the documents referred to in this Order.

(2) A plan or document so certified is to be admissible in any proceedings as evidence of the contents of the document of which it is a copy.

Arbitration

15. Any difference under any provision of this Order, unless otherwise provided for, is to be referred to and settled by a single arbitrator to be agreed between the parties or, failing agreement, to be appointed on the application of either party (after giving notice in writing to the other) by the Secretary of State.

Signed by authority of the Secretary of State for Energy and Climate Change

Date

Name
Head of Unit
Department of Energy and Climate Change

^(a) 1857 c.81; section 25 was amended by Criminal Law Act 1977 (c.45), section 31(6), and the Criminal Justice Act 1982 (c.48), sections 37 and 46.

SCHEDULE 1

Authorised Project

PART 1

Authorised Development

In the County of Powys

A nationally significant infrastructure project as defined in sections 14 and 15 of the 2008 Act at the Sweet Lamb Rally Complex, Y Foel, Llangurig, Powys being an onshore wind turbine generating station with a gross electrical output capacity of more than 50 MW and no more than 89.1MW comprising the following Works:

Work No. 1 - up to 27 wind turbines each sited on concrete foundations incorporating hardstanding for cranes and fitted with rotating blades having a height to blade tip of up to 125 metres and rotor diameter up to 105 metres and including external transformers located at the base of the turbines and situated within the limits shown on the works plan at the locations set out in the following table:

Wind Turbine Grid References (at turbine centres)		
<i>Turbine number</i>	<i>Easting</i>	<i>Northing</i>
1	282822	286380
2	283261	286411
3	283675	286567
4	282917	286091
5	283065	285815
6	283342	285737
7	283588	285612
8	283974	285954
9	283827	285436
10	284217	285616
11	284480	285522
12	284765	285449
13	283387	285055
14	283912	285049
15	283520	284799
16	283714	284609
17	283937	284453
18	284154	284283
19	284579	284406
20	283742	284010
21	283968	283851
22	284417	283978
23	284778	284223
24	284995	284009
25	284240	283600
26	284592	283485
27	284799	283297

Work No. 2 – temporary blade storage areas comprising designated areas located adjacent to each of the wind turbines as required;

Work No. 3 – Improvements to the site access road at its junction with the A44 at Ordnance Survey National Grid Reference Point SN 84240 82650;

Work No. 4 – An on-site electricity substation (the “Substation”) comprising an enclosed area of hardstanding of up to approximately 2,050 square metres located at Ordnance Survey National Grid Reference Point SN 83088 85005 and including a control building to house switch gear, control equipment and welfare facilities;

Work No. 5 – A temporary construction compound (the “Construction Compound”) comprising an enclosed area of hardstanding of up to approximately 16,575 square metres located adjacent to the on-site electricity substation and including a temporary office and staff welfare building together with an area for the storage of materials for use in the construction of the authorised development;

Work No. 6 – A series of access tracks between the site entrance, the Construction Compound, the Substation and the wind turbines including improving any track already in existence along the line of the work, as shown on the works plan;

Work No. 7 – A network of cables laid underground between the wind turbines, the meteorological mast and the substation for the transmission of electricity and electronic communications between these different structures, including one or more cable crossings, as shown on the works plan;

Work No. 8 – A meteorological mast for the purpose of monitoring and recording wind speed and direction as well as air temperature, having a maximum height of approximately 80 metres and located at Ordnance Survey National Grid Reference Point SN 83865 84153;

Work No.9 – A surface water drainage system;

all such Works are to be in accordance with the environmental statement and to be located in the approximate positions shown on the works plan and within the Order limits.

PART 2

Requirements

Definitions

1. In this Part of this Schedule:

“abnormal indivisible load” has the same meaning as in the Road Vehicles (Authorisation of Special Types) (General) Order 2003(a);

“commencement”, in relation to the authorised development, means the date on which the authorised development begins by the carrying out of a material operation as defined in section 155 of the 2008 Act other than operations consisting of groundwork investigation and “commence” and “commenced” shall be construed accordingly;

“European protected species” means a species listed in Schedules 2 or 5 of the Conservation of Habitats and Species Regulations 2010(b);

“felling” means any felling or lopping undertaken pursuant to article 12 of this Order;

“first export date” means the date the authorised development first exports electricity on a commercial basis;

“Guidance Notes” means the noise guidance notes in Part 3 of this Schedule;

(a) S.I. 2003/1998.

(b) S.I. 2010/490, to which there are amendments not relevant to this Order

“nationally protected species” means all European Protected Species and species which are specially protected under The Wildlife & Countryside Act 1981(a) or under the Protection of Badgers Act 1992(b);

“site” means land within the Order limits; and

“wind turbines” means the wind turbine generators forming part of the Works and “wind turbine” shall be construed accordingly.

Submission and approval of details

2. Where under any Requirement details or a scheme or plan are to be submitted for the approval of the relevant planning authority then unless the Requirement provides otherwise-

- (a) those details or scheme or plan and that approval must be in writing by the local authority;
- (b) those details, schemes or plans must be implemented as approved; and
- (c) the approved details, scheme or plan is to be taken to include any amendments that may subsequently be approved in writing by the relevant planning authority, provided that no amendments may be approved by the relevant planning authority where such amendments may give rise to any materially different environmental effects to those assessed in the environmental statement.

Time limits

3.—(1) The authorised development must be commenced within 5 years of the date this Order comes into force.

(2) Notice of the intended commencement of the authorised development must be given to the relevant planning authority prior to such commencement and in any event within 7 days from the date that the authorised development is commenced.

Expiry of development consent

4.—(1) The development consent granted by this Order shall expire 25 years after the first export date.

(2) Confirmation of the first export date must be provided by the undertaker to the relevant planning authority within one month of its occurrence.

Decommissioning and site restoration

5.—(1) Not less than 18 months before the expiry of the development consent granted by this Order, a decommissioning and site restoration scheme for the authorised development must be submitted to the relevant planning authority for its approval.

(2) The decommissioning and site restoration scheme must include provision for:

- (a) removal of all above-ground elements of the authorised development which shall be subject to prior consultation with and issue of written advice by Natural Resources Wales (with the exception of the existing access tracks as shown on the works plan);
- (b) removal of turbine foundations and bases and cabling to a depth of 1m below ground level, such depth to be specified in the decommissioning and site restoration scheme, which shall be subject to prior consultation with and the issue of written advice by Natural Resources Wales; and
- (c) restoration of the areas disturbed by the authorised development.

(a) 1981 c. 69

(b) 1992 c. 51.

(3) Decommissioning and restoration of the authorised development must be completed in accordance with, and within the period set out in, the approved decommissioning and site restoration scheme.

(4) No authorised development is to commence until the undertaker has submitted to the local planning authority details of a mechanism, such as a restoration bond or similar form of security, and arrangements which will ensure that funds sufficient to cover the completion of the decommissioning, site restoration, monitoring and any subsequent remediation costs, in accordance with paragraphs (1), (2) and (3) of this Requirement, are available to the undertaker and local planning authority prior to the commencement of decommissioning and site restoration. The mechanism must include arrangements for funds to increase with inflation and shall include a review provision upon the 5th, 10th, 15th and 20th anniversary of the first export date to ensure that the provision remains sufficient to cover the completion of the decommissioning and site restoration costs in accordance with paragraphs (1), (2) and (3) of this Requirement.

(5) No authorised development is to commence until the local planning authority has approved the arrangements in paragraphs (1), (2) and (3) of this Requirement, the mechanism approved in paragraph (4) is in place and arrangements have been secured to ensure that funds will be in place prior to the commencement of decommissioning and site restoration. The security mechanism shall be maintained throughout the duration of the permission and reinstatement period.

Failure of turbines

6. If any wind turbine fails to provide electricity to the grid for a continuous period of 12 months the undertaker must:

- (a) notify the relevant planning authority within one month of the expiry of that 12 month period;
- (b) if so instructed by the relevant planning authority, submit to the relevant planning authority for approval within 2 months of that instruction a detailed scheme setting out how the wind turbine and its ancillary equipment, including cabling (but excluding the removal of turbine bases and cabling to a depth of over 1 metre below ground level, the exact depth to be specified in the decommissioning and site restoration scheme) will be removed from the site and how the disturbed areas will be restored; and
- (c) implement the approved scheme no later than 6 months from its approval unless a longer period is agreed in writing by the relevant planning authority.

Plans

7. Subject to the power to deviate set out in article 6 of this Order and any other Requirement the authorised development must be carried out in accordance with the plans or other documents certified in accordance with article 14 of this Order.

Construction traffic management plan

8.—(1) No authorised development is to commence until a construction traffic management plan has been submitted to and approved by the relevant planning authority subject to prior consultation with the Department for Transport of the Welsh Government and any relevant highway authority and prior consultation with and the issue of written advice by Natural Resources Wales. The construction traffic management plan must include-

- (a) construction vehicle routeing plans;
- (b) evidence of trial runs demonstrating the suitability of the route from point of entry onto the highway network to the site for all abnormal indivisible loads;
- (c) site access plans;
- (d) proposals for the management of junctions to and crossings of highways and other public rights of way;

- (e) proposals for scheduling the timing of movements of delivery vehicles including details of abnormal indivisible loads;
 - (f) details of escorts for abnormal indivisible loads;
 - (g) proposals for temporary warning signs and banksman and escort details;
 - (h) proposals for assessing the existing condition of affected highways;
 - (i) details of any temporary or permanent improvements to highways; and
 - (j) provision for pre-commencement update surveys for protected species which must include a provision requiring consultation with Natural Resources Wales, including the issue by it of written advice, and provision for the identification of avoidance and mitigation measures; and
 - (k) proposals for the making good of any incidental damage to highways by construction traffic associated with the authorised development, to include:
 - (i) the undertaking of condition surveys in the vicinity (1km) of the site entrance and offsite highway works prior to construction and after first export; and
 - (ii) Provision of details and timescale for works to remediate damage or deterioration to all parts of the highway including street furniture, structures, highway verge and carriageway and footway surfaces.
- (2) The construction traffic management plan must be implemented as approved.
- (3) Before any wind turbine is removed or replaced a revised construction traffic management plan, dealing with that removal or replacement, must be submitted to and approved by the relevant planning authority.

Construction environment management plan

9.—(1) No authorised development is to commence until a construction environment management plan has been submitted to and approved by the relevant planning authority subject to prior consultation with and the issue of written advice by Natural Resources Wales.

- (2) The construction environment management plan must include details of:
- (a) the mitigation measures to be implemented to avoid harm to protected species and minimise damage to Local Biodiversity Action Plan habitats;
 - (b) the timing of construction works, including the timing of vegetation removal to avoid the potential for effects on reptiles and nesting birds;
 - (c) the wheel washing facilities, including siting;
 - (d) the timing of works and methods of working for cable trenches, foundation works and erection of the wind turbines;
 - (e) the timing of works and construction of the Substation, control building and meteorological mast;
 - (f) the cleaning of site accesses, site tracks and the adjacent public highway and the sheeting of all heavy goods vehicles taking spoil or construction materials to/from the site to prevent spillage or deposit of any materials on the highway;
 - (g) the pollution control and prevention measures to be implemented including-
 - (i) sediment control;
 - (ii) the bunding of fuel, oil and chemical storage areas;
 - (iii) sewage disposal;
 - (iv) measures for the protection of water courses and ground water and soils; and
 - (v) a programme for monitoring private water supplies, water courses and water bodies before and during the authorised development, including details of the action to be taken if monitoring indicates adverse effects on private water supplies, water courses or water bodies;

- (h) the disposal of surplus materials;
- (i) the management of construction noise and vibrations (including identification of access routes, locations of materials lay-down areas, details of equipment to be employed, operations to be carried out, mitigation measures and a scheme for the monitoring of noise);
- (j) the handling, storage and re-use on site of soil;
- (k) the handling, storage and management of any peat excavated in accordance with the peat management plan;
- (l) the design and construction methods of the access tracks including drainage provisions, and the pollution prevention measures to be implemented to ensure there are no polluting discharges from tracks and disturbed areas including provision to ensure that no polluting discharge from the access tracks and disturbed areas enters any watercourse;
- (m) the landscaping of the access tracks;
- (n) the nature, type and quantity of materials to be imported on site for backfilling operations or construction of access tracks;
- (o) the management of ground and surface water (including mitigation to protect private water supplies);
- (p) the management of dust;
- (q) the proposed temporary site compounds for storage of materials, machinery and parking within the site clear of the highway, including the siting of the temporary buildings and all means of enclosure, oil/fuel and chemical storage and any proposals for temporary lighting, and details of proposals for restoration of the sites of the temporary compounds and works within 12 months of the first export date;
- (r) the design and construction of any culverts;
- (s) the proposed concrete batching plant;
- (t) the restoration of the site which will be temporarily used for construction;
- (u) a programme of sampling for the Construction Compound area to allow comparison QS values for heavy metals to include details of suitable sampling points, methodologies, results and appropriate and reasonable mitigation measures if the sampling indicates a potential risk to watercourses including the River Wye Special Area of Conservation;
- (v) methods, timing and location of archaeological investigations;
- (w) protocols and programme for any required environmental monitoring to be made publicly available on an annual basis;
- (x) proposed communications protocol and mechanism for investigating complaints, including the action to be taken where complaint investigations indicate materially adverse effects have occurred as a result of the construction of the authorised project; and
- (y) routeing strategy to ensure that construction vehicles use agreed routes.

(3) Before any wind turbine is removed or replaced a revised construction environment management plan, dealing with that removal or replacement, must be submitted to and approved by the relevant planning authority.

(4) The construction environment management plan must be implemented as approved.

Highways

10. No authorised development is to commence until, following consultation with the Department for Transport of the Welsh Government and any relevant highway authority, details of temporary or permanent improvements to the public highway have been submitted to and approved by the relevant planning authority. The improvement works must be implemented in accordance with the approved details.

11. No authorised development is to commence until, following consultation with the Department for Transport of the Welsh Government and any relevant highway authority, details of the reinstatement of the public highway and its associated street furniture following completion of the construction of the authorised development have been submitted to and approved by the relevant planning authority. The reinstatement works must be implemented in accordance with the approved details.

Construction hours

12. The hours of work during the construction phase of the authorised development and any traffic movements into and out of the site associated with the construction or maintenance of the authorised development are to be 0800 to 1800 hours on Mondays to Fridays and 0800 to 1300 hours on Saturdays other than as allowed for under Requirement 13. No work is to take place outside these hours, or on public holidays, unless otherwise previously agreed by the relevant planning authority.

13. Notwithstanding the provisions of Requirement 12, delivery of turbine and crane components may take place outside the times specified in Requirement 12 subject to such deliveries first being approved by the relevant planning authority.

Habitat management plan

14.—(1) No authorised development is to commence until a habitat management plan has been submitted to and approved by the relevant planning authority subject to prior consultation with and the issue of written advice by Natural Resources Wales. The habitat management plan must accord with the principles set out in the habitat management plan at Appendix 11.21 of the environmental statement.

(2) The habitat management plan must be implemented as approved.

European and nationally protected species

15.—(1) No part of the authorised development, and no felling, is to commence until a species protection plan for the mitigation of potential adverse impacts on any European or nationally protected species has been submitted to and approved by the relevant planning authority.

(2) The species protection plan must include:

- (a) a comprehensive survey report which details the methods and timings of surveys to be undertaken;
- (b) details of mitigation measures to be provided appropriate for the species present, including a timetable of when the mitigation will be in place;
- (c) a method statement for the works detailing the methods, timing, and phasing of works, which seeks to minimise the impacts on any European protected species present, in line with best-practice guidelines; and
- (d) proposals for monitoring before, during and post-construction which must include mechanisms to initiate and direct any remedial works required. The applicant must undertake remedial works, as directed by the relevant planning authority in consultation with Natural Resources Wales.

(3) The species protection plan must be implemented as approved.

Peat management plan

16.—(1) No authorised development is to commence until a peat management plan has been submitted to and approved by the relevant planning authority subject to prior consultation with and the issue of written advice by Natural Resources Wales.

(2) The peat management plan must include details of:

- (a) the timing of works and methods of working for cable trenches, foundation works and erection of the wind turbines;
 - (b) the timing of works and construction of the substation, control building and meteorological mast;
 - (c) a comprehensive report which details the methods and timings of pre-construction sampling to be undertaken;
 - (d) details of mitigation measures to be implemented including the micro-siting of turbines; and
 - (e) the handling, storage and management of any peat excavated.
- (3) The peat management plan must be implemented as approved.

Bat protection plan

17.—(1) No authorised development is to commence until a bat protection plan has been submitted to and approved by the relevant planning authority subject to prior consultation with and the issue of written advice by Natural Resources Wales.

- (2) The bat protection plan must include details of:
- (a) pre-commencement surveys to be undertaken for bats and if necessary mitigation measures detailed to ensure the protection of the species during felling and site clearance works and construction of the authorised development;
 - (b) a monitoring procedure to record bat activity and weather conditions;
 - (c) a monitoring procedure to record bat mortality at wind turbines;
 - (d) annual reporting of the results of monitoring, and where necessary details of any remedial action to reduce bat mortality;
 - (e) a procedure for agreeing and implementing remedial measures aimed at reducing or avoiding bat mortality, such measures must include wind turbine curtailment and/or land management changes; and
 - (f) an agreed timeframe for monitoring, sufficient to determine the impact of the operation of the authorised development on bats and the efficacy of any remedial measures to be implemented.
- (3) The bat protection plan must be implemented as approved.

Access management plan

18.—(1) No authorised development is to commence until an access management plan has been submitted to and approved by the relevant planning authority subject to prior consultation with and the issue of written advice by Natural Resources Wales.

- (2) The access management plan must include:
- (a) details of the provision of signage and other information alerting the public to construction works;
 - (b) details of any fencing or barriers to be provided during the construction period;
 - (c) details as to how public rights of way, paths and roads will be inspected prior to and monitored during the construction period;
 - (d) a commitment to return all public rights of way, paths and roads to the same condition as they were, or better, once the construction period has ceased;
 - (e) details of an active management plan for crossing points for public rights of way;
 - (f) details of the temporary re-routeing of public rights of way during construction of the authorised development;
 - (g) details of furniture and signage to be provided on any public rights of way; and

- (h) details of routes, furniture, signage and surfacing of any permissive rights of way to be provided.
- (3) The access management plan must be implemented as approved.

Felling

19.—(1) All felling must be undertaken in accordance with the relevant guidance specified in paragraph (2) and Natural Resources Wales’ best practice (as amended from time to time).

(2) The relevant guidance is:

- (a) The UK Forestry Standard;
- (b) UKFS Guidelines – Forests & Water (2011);
- (c) UKFS Guidelines – Forests & Soil (2011);
- (d) UKFS Guidelines – Forests & Biodiversity (2011); and
- (e) UKFS Guidelines – Forests & Historic Environment (2011).

Appearance

20. The wind turbines must not be erected until details of their external appearance and colour and surface finish and the design and appearance of the external transformer /switchgear units (if any) have been submitted to and approved by the relevant planning authority. The authorised development must be completed in accordance with the approved details.

21. Notwithstanding any design or colour approved by the relevant planning authority pursuant to Requirement 20, all wind turbines must be of a three-bladed configuration and must be of a semi-matt finish.

22. No wind turbines are to display any name, sign, symbol or logo on any external surface unless required by law or for health and safety reasons.

23. All wind turbines’ blades must rotate in the same direction. Without prejudice to Requirement 31, the wind turbines must not be illuminated, save for a sensor-operated access light.

24. Before construction of the Substation, details of the external design, appearance and finish of the Substation, including any hardstanding areas and the electrical compound must be submitted to and approved by the relevant planning authority. The authorised development must be completed as approved.

Shadow Flicker

25. The authorised development must not commence until a scheme for the avoidance of any shadow flicker effect at any dwelling which lawfully existed or had planning permission at the date of this Order has been submitted to and approved by the relevant planning authority. The scheme must be implemented as approved.

TV Interference

26. No authorised development is to commence until a scheme has been submitted to and approved by the relevant planning authority providing for the investigation of and remediation of any interference with television reception at any dwelling which lawfully existed or had planning permission at the date of this Order. The scheme must be implemented as approved.

Archaeology

27.—(1) No authorised development is to commence until a scheme of archaeological investigation has been submitted to and approved by the relevant planning authority.

- (2) The scheme of archaeological investigation must include:
- (a) a walkover survey of the areas to be affected by construction before commencement of the authorised development;
 - (b) targeted intrusive archaeological investigations prior to construction of the crane hardstandings, turbine foundations, new lengths of access road and other works in areas of land that have not been subject to modern ground disturbance. The need for intrusive investigation in each location and the methods and scope of investigations must be agreed with the relevant planning authority;
 - (c) further targeted archaeological works in the areas of development where the pre-construction investigations identify archaeological/palaeo-environmental remains that warrant further investigation. The need for further intrusive investigation in each location and the methods and scope of investigations must be agreed with the relevant planning authority;
 - (d) palaeo-environmental sampling, including peat core sampling, within the limits of deviation in accordance with an approved methodology supplied by a palaeo-environmental specialist; and
 - (e) a targeted watching brief of areas agreed with the relevant planning authority during construction to record known archaeological remains and any remains subsequently identified as present.
- (3) The scheme of archaeological investigation shall be implemented as approved.
- (4) Fencing is to be provided around the probable Bronze Age cairn on Waun Goch, the 19th century features associated with the Wye Valley Mine at Nant y Gwrdd and, subject to prior consultation with Natural Resources Wales and the issue by it of written advice, the area of the Nantiago Mine.

Ecological clerk of works

28.—(1) No authorised development is to commence until an ecological clerk of works has been appointed in consultation with the relevant planning authority to oversee the development as set out in paragraph (2).

(2) The ecological clerk of works must be a suitably qualified environmental professional and must be retained throughout the duration of civil construction works on site to advise on minimizing ecological effects of the construction activities of the authorised development.

Surface water drainage

29.—(1) No authorised development is to commence until:

- (a) the surface water management plan containing details of the surface water drainage system (including means of pollution control) has been submitted to and approved by the relevant planning authority subject to prior consultation with and the issue of written advice by Natural Resources Wales;
- (b) the water quality monitoring strategy has been submitted to and approved by the relevant planning authority subject to prior consultation with and the issue of written advice by Natural Resources Wales; and
- (c) an environmental permit for the discharge of treated surface waters from the areas of work has been granted by Natural Resources Wales.

(2) The surface water drainage system must be constructed in accordance with the approved details.

Accumulations and deposits

30.—(1) No authorised development is to commence until, following consultation with Natural Resources Wales, a written scheme for the management of any accumulations and deposits has been submitted to and approved by the relevant planning authority.

(2) The approved scheme for the management of accumulations and deposits must be implemented before and maintained during the construction, operation and decommissioning of the authorised development.

Infra-red aviation lighting

31. No wind turbine is to be erected until, after consultation with the Ministry of Defence, details of the installation of infra-red aviation warning lights have been submitted to and approved by the relevant planning authority. The lights must be installed in accordance with the approved details and maintained until the wind turbines are decommissioned in accordance with Requirement 5.

Defence Geographic Centre

32. No wind turbine is to be erected before information on the accurate location of the wind turbines has been provided to the Defence Geographic Centre of the Ministry of Defence.

Noise

33. The level of noise imissions from the combined effects of the wind turbines (including the application of any tonal penalty) when calculated in accordance with the Noise Guidance Notes in Part 3 of this Order must not exceed the values set out in Table 1 below. Noise limits for dwellings which lawfully existed or had planning permission at the date of this Order and which are not listed in Table 1 shall be those of the physically closest location listed in Table 1 below, unless otherwise agreed with the relevant planning authority. The coordinate locations to be used in determining the location of each of the dwellings listed is shown in Table 1.

Table 1

Noise limits expressed in dB LA90 (10min) as a function of the standardised wind speed (m/s) at 10m height - applies at all times											
<i>Location</i>	<i>Coordinate Locations</i>		<i>Standardised wind speed at 10m height (m/s) within the site averaged over 10 minute periods</i>								
	<i>Easting</i>	<i>Northing</i>	<i>4</i>	<i>5</i>	<i>6</i>	<i>7</i>	<i>8</i>	<i>9</i>	<i>10</i>	<i>11</i>	<i>12</i>
Maesnant	284956	286372	45	45	45	45	45	45	45	45	45
Rhyd-y-benwch	285952	286581	35	36	38	39	41	43	43	43	43
Manod	283950	282670	45	45	45	45	45	46	47	48	49
Bont Isaf	284162	282802	45	45	45	45	45	45	45	45	45
Penrhiwgaled	283634	282740	43	43	43	43	44	46	47	48	49
Glansevern Arms New Property	284718	282467	43	43	43	43	44	46	47	48	49
Siop Newydd	284531	282564	43	43	43	43	44	46	47	48	49
Bryn Gwy	284314	282652	45	45	45	45	45	46	47	48	49
Gwyn-y-Nant	284865	282398	43	43	43	43	44	46	47	48	49
Glanrhyd	284031	282761	45	45	45	45	45	46	47	48	49

34. Within 21 days from the receipt of a written request from the relevant planning authority and following a complaint to the relevant planning authority from the occupant of a dwelling which lawfully existed or had planning permission at the date of this Order, the undertaker must, at its own expense, employ an independent consultant approved by the relevant planning authority to

assess the level of noise imissions from the authorised development at the complainant's property following the procedures described in the Noise Guidance Notes.

35. The undertaker must, if directed by the relevant planning authority, switch off any of the wind turbines in order to assess compliance with the noise limits.

36. The undertaker must provide to the relevant planning authority the independent consultant's assessment and conclusions regarding the noise complaint, including all calculations, audio recordings and the raw data upon which those assessments and conclusions are based. Such information must be provided within 3 months of the date of the written request of the relevant planning authority unless otherwise extended in writing by the relevant planning authority.

37. The undertaker must continuously log wind speed and wind direction at the site and power generation relating to authorised development. The undertaker must provide all logged data to the relevant planning authority at its written request and in accordance with the Guidance Notes within 28 days of such request. All data must be retained until the commencement of a decommissioning and site restoration scheme under Requirement 5.

Community liaison

38.—(1) No authorised development is to commence until a community liaison scheme has been submitted to and approved by the relevant planning authority.

(2) The community liaison scheme must include:

- (a) details of how the undertaker will liaise with the local community to ensure residents are informed of how the construction, operation and decommissioning of the authorised development are progressing;
- (b) a mechanism for dealing with complaints from the local community during the construction, operation and decommissioning of the development; and
- (c) a nominated representative of the undertaker who will have the lead role in liaising with local residents and the relevant planning authority.

(3) The undertaker must comply with the approved community liaison scheme throughout the construction, operation and decommissioning of the authorised development.

Training and employment management plan

39.—(1) No authorised development is to commence until details of a training and employment management plan has been submitted to and approved in writing by the relevant planning authority.

(2) The plan is to promote training and employment opportunities at all stages of the development for local people and maximise the use of local contractor and supply chains, in so far as commercially viable.

(3) The training and employment management plan must be implemented as approved and any amendments must be agreed in writing with the local planning authority.

Grid

40. No authorised development is to commence until development consent or planning permission, as required, has been granted for all stages of the grid connection from the substation to the National Grid.

PART 3

Schedule of Noise Guidance Notes

These notes form part of Requirements 33 to 37. They further explain these Requirements and specify the methods to be employed in the assessment of complaints about noise imissions from the authorised development. The rating level at each integer wind speed is the wind farm noise level as determined from the best-fit curve described in Note 2 of these Notes and any tonal penalty applied in accordance with Note 3. Reference to ETSU-R-97 refers to the publication entitled “The Assessment and Rating of Noise from Wind Farms” (1996) published by the Energy Technology Support Unit (ETSU) for the Department of Trade and Industry (DTI).

Note 1

1.—(1) Values of the LA90, 10 min noise statistic must be measured at the complainant’s property, using a sound level meter of EN 60651/BS EN 60804 Type 1, or BS EN61672 Class 1 quality (or the equivalent UK adopted standard in force at the time of the measurements) set to measure using the fast time weighted response as specified in BS EN 60651/BS EN 60804 or BS EN 61672-1 (or the equivalent UK adopted standard in force at the time of the measurements). This is to be calibrated in accordance with the procedure specified in BS 4142: 1997 (or the equivalent UK adopted standard in force at the time of the measurements). Measurements must be undertaken in such a manner to enable a tonal penalty to be applied in accordance with Note 3.

(2) The microphone should be mounted at 1.2 – 1.5 metres above ground level, fitted with a two-layer windshield (or suitable alternative approved in writing by the relevant planning authority), and placed outside the complainant’s dwelling. Measurements should be made in “free field” conditions. To achieve this, the microphone should be placed at least 3.5 metres away from the building façade or any reflecting surface except the ground at a location that must be approved by the relevant planning authority. In the event that the consent of the complainant for access to his or her property to undertake compliance measurements is withheld, the undertaker must submit for the written approval of the relevant planning authority details of the proposed alternative representative measurement location prior to the commencement of measurements and the measurements must be undertaken at the approved alternative representative measurement location.

(3) The LA90, 10 min measurements should be synchronised with measurements of the 10-minute arithmetic mean wind and operational data logged in accordance with Note 1(d), including the power generation data from the turbine control systems of the authorised development.

(4) The undertaker must continuously log arithmetic mean wind speed in metres per second and wind direction in degrees from north at hub height for each turbine and arithmetic mean power generated by each turbine, all in successive 10-minute periods. Unless an alternative procedure is previously agreed in writing with the relevant planning authority, this hub height wind speed, averaged across all operating wind turbines, must be used as the basis for the analysis. All 10 minute arithmetic average mean wind speed data measured at hub height are to be ‘standardised’ to a reference height of 10 metres as described in ETSU-R-97 at page 120 using a reference roughness length of 0.05 metres. It is this standardised 10 metre height wind speed data, which are correlated with the noise measurements determined as valid in accordance with Note 2, such correlation to be undertaken in the manner described in Note 2. All 10-minute periods must commence on the hour and in 10-minute increments thereafter.

Note 2

2.—(1) The noise measurements must be made so as to provide not less than 20 valid data points as defined in Note 2 paragraph (b). Such measurements must provide valid data points for the range of wind speeds, wind directions, times of day and power generation requested by the relevant planning authority. In specifying such conditions the relevant planning authority must have regard to those conditions which were most likely to have prevailed during times when the complainant alleges there was disturbance due to noise. At its request the undertaker must provide within 28 days of the completion of the measurements all of the data collected under Requirement 37 to the relevant planning authority.

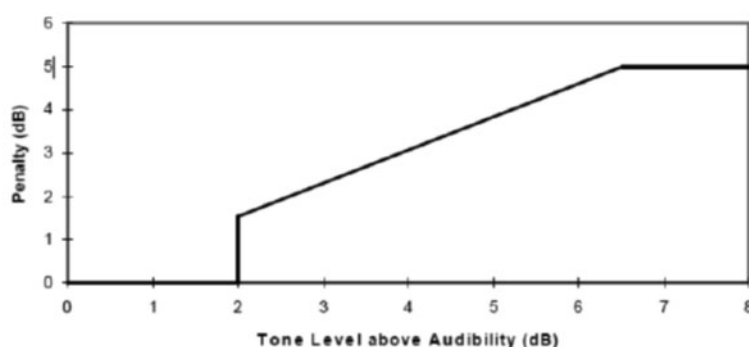
(2) Valid data points are those that remain after all periods of rainfall have been excluded. Rainfall must be assessed by use of a rain gauge that shall log the occurrence of rainfall in each 10 minute period concurrent with the measurement periods set out in Note 1(c) and is situated in the vicinity of the sound level meter.

(3) The “best fit” curve (linear to fourth order polynomial or otherwise as may be agreed with the relevant planning authority) must be fitted between the standardised mean wind speed (as defined in Note 1 paragraph (d)) plotted against the measured LA90,10min noise level. The noise level at each integer speed must be derived from this best-fit curve.

Note 3

3. Where, in the opinion of the relevant planning authority, noise imissions at the location or locations where assessment measurements are being undertaken contain a tonal component, the following rating procedure must be applied-

- (a) For each 10 minute interval for which LA90, 10 min data have been determined as valid in accordance with Note 2 a tonal assessment must be performed on noise imissions during 2 minutes of each 10 minute period. The 2 minute periods must be spaced at 10 minute intervals provided that uninterrupted clean data are available (“the standard procedure”). Where clean data are not available, the first available uninterrupted clean 2 minute period out of the affected overall 10 minute period must be selected. Any such deviations from the standard procedure, as described in Section 2.1 on pages 104-109 of ETSU-R-97, must be reported.
- (b) For each of the 2 minute samples the tone level above or below audibility must be calculated by comparison with the audibility criterion given in Section 2.1 on pages 104-109 of ETSU-R-97.
- (c) The tone level above audibility must be plotted against wind speed for each of the 2 minute samples. Samples for which the tones were below the audibility criterion or no tone was identified, a value of zero audibility is to be used.
- (d) A least squares “best fit” linear regression line must then be performed to establish the average tone level above audibility for each integer wind speed derived from the value of the “best fit” line at each integer wind speed. If there is no apparent trend with wind speed then a simple arithmetic mean must be used. This process must be repeated for each integer wind speed for which there is an assessment of overall levels in Note 2.
- (e) The tonal penalty is derived from the margin above audibility of the tone according to the figure below.



Note 4

4. If the authorised development noise level (including the application of any tonal penalty as per Note 3) is above the limit set out in the Requirements, measurements of the influence of background noise must be made to determine whether or not there is a breach of Requirement. This may be achieved by repeating the steps in Notes 1 and 2 with all of the wind turbines switched off in order to determine the background noise, L3, at the assessed wind speed. The wind

turbine noise at this wind speed, L_1 , is then calculated as follows, where L_2 is the measured authorised development noise level at the assessed wind speed with turbines running but without the addition of any tonal penalty—

$$L_1 = 10 \log \left[10^{L_2/10} - 10^{L_3/10} \right]$$

The authorised development noise level is re-calculated by adding the tonal penalty (if any) to the authorised development noise.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order grants development consent for, and authorises Mynydd y Gwynt Limited to construct, operate and maintain a wind electricity generating station (comprising up to 27 wind turbine generators) at the Sweet Lamb Rally Complex, Y Foel, near Llangurig, Powys. The Order imposes requirements in connection with the development for which it grants development consent.

A copy of the plans and other documentation certified in accordance with article 14 (certification of plans, etc) of this Order may be inspected free of charge during working hours at the offices of Powys County Council at County Hall, Llandrindod Wells, Powys LD1 5LG.

APPENDIX B: EXAMINATION LIBRARY

The following list of documents has been used during the course of the Examination. The documents are grouped together by Examination deadline.

Each document has been given an identification number (i.e. AD-001), and all documents are available to view on the Planning Inspectorate website on the Mynydd y Gwynt Wind Farm (MYG) page:

<http://infrastructure.planninginspectorate.gov.uk/projects/wales/mynydd-y-gwynt-wind-farm/?ipcsection=docs>

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AD-002	<u>MYG-AD-Worksplan Key</u>	31/07/2014
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AD-360	<u>MYG-ES-Fig8.10b - Public Rights of Way and Turbine Buffers - Figure 8.10b of the Environmental Statement for Mynydd y Gwynt Wind Farm - Public Rights of Way and Turbine Buffers</u>	20/08/2014
Other Documents		
AD-346	<u>MYG-AD-4 Book of Reference Explanatory Note</u>	31/07/2014
AD-347	<u>MYG-AD-6 Planning Statement</u>	31/07/2014
AD-348	<u>MYG-AD-7 Flood Risk Assessment</u>	31/07/2014
AD-349	<u>MYG-AD-8 Statement re Statutory Nuisance</u>	31/07/2014
AD-350	<u>MYG-AD-9 HRA Report</u>	31/07/2014
AD-351	<u>MYG-AD-10 Grid Connection Statement</u>	31/07/2014
AD-352	<u>MYG-AD-11 Design and Access Statement</u>	31/07/2014
AD-353	<u>MYG-AD-12 Section 48 Notices</u>	31/07/2014
AD-354	<u>MYG-AD-13 Scoping Opinion Report</u>	31/07/2014
AD-355	<u>MYG-AD-14 Health Report</u>	31/07/2014
AD-356	<u>MYG-AD-TMP Traffic Management Plan</u>	31/07/2014
Project Documents		

PD-01	<u>Certificates of compliance with section 56 of the Planning Act 2008 and regulation 13 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009</u>	22/10/2014
Procedural Decisions		
PrD-01	<u>Mynydd y Gwynt Wind Farm - s55 checklist</u>	20/08/2014
PrD-02	<u>Notification of Decision to Accept Application</u>	20/08/2014
PrD-03	<u>Rule 4 and 6 Notification Letter</u>	27/10/2014
PrD-04	<u>Rule 8 Letter</u>	27/11/2014
PrD-05	<u>Examining Authority's First Round of Written Questions</u>	27/11/2014
PrD-06	<u>Accompanied Site Inspection and Open Floor Hearing notification letter</u>	06/01/2015
PrD-07	<u>Rule 17 letter - 7 January 2015</u>	07/01/2015
PrD-08	<u>Examining Authority's Second Round of Written Questions</u>	17/02/2015
PrD-09	<u>Accompanied Site Inspection and Open Floor Hearing notification letter</u>	17/02/2015
PrD-10	<u>Notification of Procedural Decision (Rule 9) to Interested Parties</u>	09/03/2015
PrD-11	<u>Notification of Procedural Decision (Rule 9) to Applicant</u>	09/03/2015
PrD-12	<u>Rule 17 Letter - 2 April 2015</u>	02/04/2015
PrD-13	<u>Rule 23 and 8(3) letter</u>	15/04/2015
PrD-14	<u>Rule 17, 23 and 8(3) letter to applicant</u>	15/04/2015
PrD-15	<u>Rule 17, 23 and 8(3) letter to Powys</u>	15/04/2015
PrD-16	<u>Examining Authority's draft Development Consent Order</u>	24/04/2015
PrD-17	<u>Rule 17 - Request for further information and notification of ExA's dDCO and RIES</u>	24/04/2015
PrD-18	<u>Report on the Implications for European Sites (RIES)</u>	24/04/2015
PrD-19	<u>Rule 17 - Examining Authority's request for further information</u>	05/05/2015
PrD-20	<u>Rule 17 and 8(3) letter to the Applicant - Request for further information and notification to variation of the</u>	19/05/2015

	<u>timetable issued to the Applicant on 19 May 2015</u>	
PrD-21	<u>Rule 8(3) letter to IPs - Notification to variation of the examination timetable issued 19 May 2015</u>	19/05/2015
PrD-22	<u>Section 99 Notification of completion of the Examination</u>	21/05/2015
Adequacy of Consultation		
AoC-01	<u>Caerphilly County Borough Council</u>	31/07/2014
AoC-02	<u>Herefordshire Council</u>	01/08/2014
AoC-03	<u>Powys County Council</u>	13/08/2014
Relevant Representations		
RR-01	<u>Wyck Gerson Lohman</u>	
RR-02	<u>Michael Blood</u>	
RR-03	<u>Geoffrey Weller</u>	
RR-04	<u>Steve Wood</u>	
RR-05	<u>Kristine Moore</u>	
RR-06	<u>Dr Dominic Costa</u>	
RR-07	<u>Simon Ayres</u>	
RR-08	<u>Richard Wilson</u>	
RR-09	<u>Ellen Smethurst</u>	
RR-10	<u>Andrew Williams</u>	
RR-11	<u>David Bateman</u>	
RR-12	<u>Peter Foulkes</u>	
RR-13	<u>Alec Dauncey</u>	
RR-14	<u>Jane Evans</u>	
RR-15	<u>Michael Norman</u>	
RR-16	<u>Robert Dennison</u>	
RR-17	<u>Peter Loughran</u>	
RR-18	<u>William Frazier</u>	

RR-19	<u>Aberystwyth Ramblers</u>	
RR-20	<u>Dr SAH Young</u>	
RR-21	<u>Steven Davies</u>	
RR-22	<u>Professor Alex Maltman</u>	
RR-23	<u>Susan Brown</u>	
RR-24	<u>Gillian Foulkes</u>	
RR-25	<u>Powys Ramblers</u>	
RR-26	<u>Michael Davies</u>	
RR-27	<u>Jiri George Novak</u>	
RR-28	<u>Public Health England</u>	
RR-29	<u>Dr Roger P Bray</u>	
RR-30	<u>Helen Woodley</u>	
RR-31	<u>Philip Evans</u>	
RR-32	<u>Janet Pitt-Lewis</u>	
RR-33	<u>Ray Woods</u>	
RR-34	<u>Chris Tombleson</u>	
RR-35	<u>Dr.Reiner Bader</u>	
RR-36	<u>D.J. Batten</u>	
RR-37	<u>Lorna Brazell</u>	
RR-38	<u>Stephen Evans</u>	
RR-39	<u>Anne Smith</u>	
RR-40	<u>John Escott</u>	
RR-41	<u>Prof. Thomas Roger Earis</u>	
RR-42	<u>The Cambrian Mountains Society</u>	
RR-43	<u>D. G. Taylor</u>	
RR-44	<u>Tav Ratcliffe</u>	

RR-45	<u>Christopher Hodgson</u>	
RR-46	<u>Campaign for the Protection of Rural Wales (CPRW) Montgomeryshire Branch</u>	
RR-47	<u>William R Johnson</u>	
RR-48	<u>Ramblers Cymru</u>	
RR-49	<u>Alun Jones</u>	
RR-50	<u>Welsh Water</u>	
RR-51	<u>British Horse Society</u>	
RR-52	<u>Ceredigion County Council</u>	
RR-53	<u>Llangurig Community Council</u>	
RR-54	<u>Welsh Government</u>	
RR-55	<u>Robert Davies</u>	
RR-56	<u>Eryl Bray</u>	
RR-57	<u>Dr Martin Wright</u>	
RR-58	<u>SP Manweb</u>	
RR-59	<u>Philip Thornely</u>	
RR-60	<u>Powys County Council</u>	
RR-61	<u>Pentir Pumlumon</u>	
RR-62	<u>Nigel Smith</u>	
RR-63	<u>Malcolm F Tunley</u>	
RR-64	<u>Sean Wroe</u>	
RR-65	<u>Carmarthenshire County Council</u>	
RR-66	<u>Natural Resources Wales - Cyfoeth Naturiol Cymru</u>	
RR-67	<u>Brett Kibble</u>	
RR-68	<u>Peggy Liford</u>	
RR-69	<u>Mr Michael Catley</u>	
RR-70	<u>Mrs Alison Catley</u>	

RR-71	<u>Dr Helen K Little</u>	
RR-72	<u>Roland Baskerville</u>	
RR-73	<u>Alison Michael</u>	
RR-74	<u>David Morgan-Jones</u>	
RR-75	<u>Sophia Smith</u>	
Additional Submissions		
AS-01	<u>Charles Green on behalf of Shropshire North Against Pylons (SNAP) - Additional Submission from an un-registered party, accepted by the Examining Authority on 13 November 2014</u>	14/11/2014
AS-02	<u>Welsh Government - Additional Submission</u>	24/11/2014
AS-03	<u>Charles W Green on behalf of Shropshire North Against Pylons - Additional submission and notification of wish to speak at an Open Floor Hearing</u>	18/12/2014
AS-04	<u>Margaret Tregear - Additional submission</u>	22/12/2014
AS-05	<u>Mynydd y Gwynt Limited - Cumulative Landscape and Visual Impact Assessment Update</u>	13/02/2015
AS-06	<u>Roland Baskerville - Additional Submission</u>	06/03/2015
AS-07	<u>Mynydd y Gwynt Limited - Additional Submission</u>	09/03/2015
AS-08	<u>Powys County Council - Appendices to the note on matters relating to private rights of way submitted late and accepted by the Examining Authority</u>	06/03/2015
AS-09	<u>Sally George, Pixi Holness and Bert Holness</u>	27/03/2015
AS-10	<u>Jitka Novak</u>	27/03/2015
AS-11	<u>Mynydd y Gwynt Limited - Letters requesting extension to Deadline VII</u>	15/04/2015
AS-12	<u>Powys County Council - Email requesting extension to Deadline VII</u>	15/04/2015
AS-13	<u>Roland Baskerville - Additional Submission</u>	29/04/2015
AS-14	<u>Sophia Smith - Additional Submission accepted by the Examining Authority on 20 May 2015</u>	20/05/2015

AS-15	<u>Natural Resources Wales - Comments on the Applicant's submission for Deadline X accepted as an Additional Submission by the Examining Authority on 20 May 2015</u>	20/05/2015
Deadline I		
D1-001	<u>Mynydd y Gwynt Ltd. - suggested itinerary for the ASI</u>	12/12/2014
D1-002	<u>David Morgan Jones - ASI itinerary location suggestion</u>	12/12/2014
D1-003	<u>British Horse Society - ASI itinerary location suggestion</u>	12/12/2014
D1-004	<u>Dr Helen K Little - ASI itinerary location suggestion</u>	12/12/2014
Deadline II		
Written Representations		
D2-001	<u>Geoffrey Sinclair on behalf of Cambrian Mountains Society</u>	22/12/2014
D2-002	<u>Peter and Gillian Foulkes</u>	22/12/2014
D2-003	<u>John Morgan on behalf of Ramblers Cymru</u>	22/12/2014
D2-004	<u>Kristine Moore and Dominic Costa</u>	22/12/2014
D2-005	<u>Richard Wilson</u>	22/12/2014
D2-006	<u>David Morgan-Jones</u>	22/12/2014
D2-007	<u>Wyck Gerson Lohman</u>	22/12/2014
D2-008	<u>Roland Baskerville</u>	22/12/2014
D2-009	<u>Helen Woodley</u>	22/12/2014
D2-010	<u>Dr Helen K Little</u>	22/12/2014
D2-011	<u>Natural Resources Wales - Written Representation and response to the Examining Authority's First Written Questions</u>	22/12/2014
D2-012	<u>Natural Resources Wales - Annex B1 of Written Representation</u>	22/12/2014
D2-013	<u>Natural Resources Wales - Annex B2 of Written Representation</u>	22/12/2014
D2-014	<u>Ceredigion County Council</u>	22/12/2014
D2-015	<u>Steve Wood</u>	22/12/2014

D2-016	Brett Kibble	22/12/2014
D2-017	Mynydd y Gwynt Ltd - Written Representation summary	22/12/2014
D2-018	Mynydd Y Gwynt Ltd - Part 1 of Written Representation	22/12/2014
D2-019	Mynydd y Gwynt Ltd - Part 2 of Written Representation	22/12/2014
D2-020	Michael Mosse on behalf of British Horse Society	22/12/2014
D2-021	Powys County Council	22/12/2014
D2-022	Ray Woods	22/12/2014
D2-023	Jill Kibble on behalf of Campaign for the Protection of Rural Wales Montgomeryshire Branch	22/12/2014
D2-024	Sophia Smith - Late written representation	07/01/2015
Response to ExA First Written Questions		
D2-025	Michael Mosse on behalf of British Horse Society	22/12/2014
D2-026	Welsh Government	22/12/2014
D2-027	Mynydd y Gwynt Ltd	22/12/2014
D2-028	Powys County Council	22/12/2014
D2-029	Ceredigion County Council	22/12/2014
D2-030	John Morgan on behalf of Ramblers Cymru	22/12/2014
D2-031	Geoffrey Sinclair on behalf of Cambrian Mountains Society	22/12/2014
D2-032	Sophia Smith - Late response received to the Examining Authority's (ExA's) First Written Questions	07/01/2015
Statements of Common Ground (SoCG)		
D2-033	Mynydd y Gwynt Ltd - Draft Statements of Common Ground between Mynydd y Gwynt Ltd and National Resources Wales	22/12/2014
D2-034	Mynydd y Gwynt Ltd - Draft Statements of Common Ground between Mynydd y Gwynt Ltd and Powys County Council	22/12/2014
D2-035	Mynydd y Gwynt Ltd - Draft Statements of Common Ground between Mynydd y Gwynt Ltd and Ceredigion	22/12/2014

	<u>County Council</u>	
D2-036	<u>Mynydd y Gwynt Ltd - Draft Statements of Common Ground between Mynydd y Gwynt Ltd and Local Highway Authorities</u>	22/12/2014
D2-037	<u>Mynydd y Gwynt Ltd - Draft Statement of Common Ground on Landscape and Visual Impact between Mynydd y Gwynt Ltd and Cambrian Mountains Society</u>	22/12/2014
Local Impact Reports (LIR)		
D2-038	<u>Ceredigion County Council - Local Impact Report</u>	22/12/2014
D2-039	<u>Powys County Council - Local Impact Report</u>	22/12/2014
D2-040	<u>Powys County Council - Updated Local Impact Report appendix submitted late on 23 December 2014 and accepted by the Examining Authority on 5 January 2015.</u>	06/01/2015
D2-041	<u>Powys County Council - Addendum to Powys County Council's Local Impact Report submitted late and accepted by the Examining Authority on 28 January 2015</u>	29/01/2015
Comments on Relevant Representations		
D2-042	<u>Mynydd y Gwynt Ltd - Comments on Relevant Representations</u>	22/12/2014
D2-043	<u>Sophia Smith - Late comments on Relevant Representations</u>	07/01/2015
Open Floor Hearing requests		
D2-044	<u>Geoffrey Sinclair on behalf of Cambrian Mountains Society - Notification of wish to speak at an Open Floor Hearing</u>	22/12/2014
D2-045	<u>John Morgan on behalf of Ramblers Cymru - Notification of wish to speak at an Open Floor Hearing</u>	22/12/2014
Deadline III		
Multiple submissions for Deadline III		
D3-001	<u>Mynydd y Gwynt Limited - Accompanying letter with submissions for Deadline III</u>	21/01/2015
D3-002	<u>Mynydd y Gwynt Limited - Part 1 of comments on: Written Representations, Local Impact Reports and responses to the ExA's first written questions</u>	21/01/2015

D3-003	<u>Mynydd y Gwynt Limited - Part 2 of comments on: Written Representations, Local Impact Reports and responses to the ExA's first written questions</u>	21/01/2015
D3-004	<u>Mynydd y Gwynt Limited - Part 3 of comments on: Written Representations, Local Impact Reports and responses to the ExA's first written questions</u>	21/01/2015
D3-005	<u>Mynydd y Gwynt Limited - Part 4 of comments on: Written Representations, Local Impact Reports and responses to the ExA's first written questions</u>	21/01/2015
D3-006	<u>Mynydd y Gwynt Limited - Part 5 of comments on: Written Representations, Local Impact Reports and responses to the ExA's first written questions</u>	21/01/2015
D3-007	<u>Ceredigion County Council - Comments on Written Representations, responses to comments on Relevant Representations and comments on responses to the ExA's first written questions</u>	21/01/2015
D3-008	<u>Powys County Council - Updated wind related development map (appendix to Powys County Council's Local Impact Report)</u>	21/01/2015
D3-009	<u>Michael Mosse on behalf of British Horse Society - Comments on Written Representations and responses to comments on Relevant Representations</u>	21/01/2015
D3-010	<u>Geoffrey Sinclair on Behalf of Cambrian Mountains Society - Comments on Written Representations, responses to comments on Relevant Representations and comments on responses to the ExA's first written questions</u>	19/01/2015
Comments on responses to the ExA's written questions		
D3-011	<u>Natural Resources Wales - Comments on responses to the ExA's first written questions</u>	21/01/2015
D3-012	<u>Natural Resources Wales - Comments on responses to the ExA's first written questions</u>	21/01/2015
Comments on Written Representations		
D3-013	<u>Natural Resources Wales - Comments on Written Representations</u>	21/01/2015
D3-014	<u>Dr Helen K Little - Comments on Written Representations</u>	21/01/2015
D3-015	<u>Jill Kibble on behalf of Campaign for the Protection of Rural Wales Montgomeryshire Branch - Comments on Written</u>	21/01/2015

	<u>Representations</u>	
D3-016	<u>Brett Kibble - Comments on Written Representations</u>	21/01/2015
Statements of Common Ground (SoCG)		
D3-017	<u>Mynydd y Gwynt Limited - Agreed Statements of Common Ground (SoCG)</u>	21/01/2015
D3-018	<u>Natural Resources Wales - Draft Statements of Common Ground (SoCG)</u>	21/01/2015
Deadline IV		
Post Hearing Documents		
D4-001	<u>Peter Foulkes - Written summary of an oral case put at the Issue Specific Hearing on the draft DCO held on 4 February 2015</u>	13/02/2015
D4-002	<u>Peter Foulkes - Written summary of an oral case put at the Open Floor Hearing held on 5 February 2015</u>	13/02/2015
D4-003	<u>Natural Resources Wales - Post-Hearing document following the Issue Specific Hearing on the draft DCO held on 4 February 2015</u>	13/02/2015
D4-004	<u>Natural Resources Wales - Post-Hearing document following the Issue Specific Hearing on the draft DCO held on 4 February 2015</u>	13/02/2015
D4-005	<u>Natural Resources Wales - Post-Hearing document (Appendix 1)</u>	13/02/2015
D4-006	<u>Natural Resources Wales - Post-Hearing document (Appendix 2)</u>	13/02/2015
D4-007	<u>Natural Resources Wales - Post-Hearing document (Appendix 3)</u>	13/02/2015
D4-008	<u>Natural Resources Wales - Post-Hearing document (Appendix 4)</u>	13/02/2015
D4-009	<u>Natural Resources Wales - Post-Hearing document (Appendix 5)</u>	13/02/2015
D4-010	<u>Natural Resources Wales - Post-Hearing document (Appendix 6)</u>	13/02/2015
D4-011	<u>Natural Resources Wales - Post-Hearing document (Appendix 7)</u>	13/02/2015

D4-012	<u>Natural Resources Wales - Post-Hearing document (Appendix 8)</u>	13/02/2015
D4-013	<u>Natural Resources Wales - Post-Hearing document (Appendix 9)</u>	13/02/2015
D4-014	<u>Natural Resources Wales - Post-Hearing document (Appendix 10)</u>	13/02/2015
D4-015	<u>Natural Resources Wales - Post-Hearing document (Appendix 11)</u>	13/02/2015
D4-016	<u>Natural Resources Wales - Post-Hearing document (Appendix 12)</u>	13/02/2015
D4-017	<u>Natural Resources Wales - Post-Hearing document (Appendix 13)</u>	13/02/2015
D4-018	<u>Natural Resources Wales - Post-Hearing document (Appendix 14)</u>	13/02/2015
D4-019	<u>Natural Resources Wales - Post-Hearing document (Appendix 15)</u>	13/02/2015
D4-020	<u>Natural Resources Wales - Post-Hearing document (Appendix 16)</u>	13/02/2015
D4-021	<u>Natural Resources Wales - Post-Hearing document (Appendix 17)</u>	13/02/2015
D4-022	<u>Natural Resources Wales - Post-Hearing document (Appendix 18)</u>	13/02/2015
D4-023	<u>Natural Resources Wales - Post-Hearing document (Appendix 19)</u>	13/02/2015
D4-024	<u>Natural Resources Wales - Post-Hearing document (Appendix 20)</u>	13/02/2015
D4-025	<u>Natural Resources Wales - Post-Hearing document (Appendix 21)</u>	13/02/2015
D4-026	<u>Natural Resources Wales - Post-Hearing document (Appendix 22)</u>	13/02/2015
D4-027	<u>Mynydd y Gwynt Limited - Post-Hearing document following the Issue Specific Hearing on the draft DCO held on 4 February 2015</u>	13/02/2015
D4-028	<u>Mynydd y Gwynt Limited - Post-Hearing document</u>	13/02/2015

	<u>following the Open Floor Hearing held on 5 February 2015</u>	
D4-029	<u>Powys County Council - Written summary of an oral case put at the Issue Specific Hearing on the draft DCO held on 4 February 2015</u>	13/02/2015
D4-030	<u>Professor Roger Earis on behalf of Cambrian Mountains Society - Written summary of an oral case put at the Open Floor Hearing held on 5 February 2015</u>	13/02/2015
D4-031	<u>Simon Ayres - Written summary of an oral case put at the Open Floor Hearing held on 5 February 2015</u>	13/02/2015
D4-032	<u>Michael Mosse on behalf of British Horse Society - Written summary of an oral case put at the Open Floor Hearing held on 5 February 2015</u>	13/02/2015
D4-033	<u>Gillian Foulkes - Written summary of an oral case put at the Open Floor Hearing held on 5 February 2015</u>	13/02/2015
Deadline V		
Response to ExA Second Written Questions		
D5-001	<u>Mynydd y Gwynt Limited - Accompanying letter</u>	06/03/2015
D5-002	<u>Mynydd y Gwynt Limited -Response to the Examining Authority's second round of written questions</u>	06/03/2015
D5-003	<u>Mynydd y Gwynt Limited - Part 1 of appendices</u>	06/03/2015
D5-004	<u>Mynydd y Gwynt Limited - Part 2 of appendices</u>	06/03/2015
D5-005	<u>Mynydd y Gwynt Limited - Part 3 of appendices</u>	06/03/2015
D5-006	<u>Mynydd y Gwynt Limited - Part 4 of appendices</u>	06/03/2015
D5-007	<u>Mynydd y Gwynt Limited - Part 5 of appendices</u>	06/03/2015
D5-008	<u>Mynydd y Gwynt Limited - Part 6 of appendices</u>	06/03/2015
D5-009	<u>Mynydd y Gwynt Limited - Part 7 of appendices</u>	06/03/2015
D5-010	<u>Mynydd y Gwynt Limited - Part 8 of appendices</u>	06/03/2015
D5-011	<u>Mynydd y Gwynt Limited - Part 9 of appendices</u>	06/03/2015
D5-012	<u>Mynydd y Gwynt Limited - Part 10 of appendices</u>	06/03/2015
D5-013	<u>Natural Resources Wales - Response to the Examining Authority's second round of written questions</u>	06/03/2015

D5-014	<u>Natural Resources Wales - Appendix 1</u>	06/03/2015
D5-015	<u>Natural Resources Wales - Appendix 2</u>	06/03/2015
D5-016	<u>Natural Resources Wales - Appendix 3</u>	06/03/2015
D5-017	<u>Natural Resources Wales - Appendix 4</u>	06/03/2015
D5-018	<u>Natural Resources Wales - Appendix 5</u>	06/03/2015
D5-019	<u>Natural Resources Wales - Appendix 6</u>	06/03/2015
D5-020	<u>Natural Resources Wales - Appendix 7</u>	06/03/2015
D5-021	<u>Natural Resources Wales - Appendix 8</u>	06/03/2015
D5-022	<u>Natural Resources Wales - Appendix 9</u>	06/03/2015
D5-023	<u>Natural Resources Wales - Appendix 10</u>	06/03/2015
D5-024	<u>Natural Resources Wales - Appendix 11</u>	06/03/2015
D5-025	<u>Powys County Council - Response to the Examining Authority's second round of written questions</u>	06/03/2015
D5-026	<u>Michael Mosse on behalf of British Horse Society - Response to the Examining Authority's second round of written questions</u>	06/03/2015
D5-027	<u>Geoffrey Sinclair on behalf of Cambrian Mountains Society - Response to the Examining Authority's second round of written questions</u>	06/03/2015
D5-028	<u>John Morgan on behalf of Ramblers Cymru - Response to the Examining Authority's second round of written questions</u>	06/03/2015
D5-029	<u>Ceredigion County Council - Response to the Examining Authority's second round of written questions</u>	06/03/2015
D5-030	<u>Brett Kibble - Response to the Examining Authority's second round of written questions</u>	06/03/2015
D5-031	<u>Peter and Gillian Foulkes - Response to the Examining Authority's second round of written questions</u>	06/03/2015
Updated Draft DCO		
D5-032	<u>Mynydd y Gwynt Limited - Amended draft Development Consent Order (clean version)</u>	06/03/2015

D5-033	Mynydd y Gwynt Limited - Amended draft Development Consent Order (track change version)	06/03/2015
Other Documents		
D5-034	Mynydd y Gwynt Limited - Appendix 5 of the HRASR	06/03/2015
D5-035	Mynydd y Gwynt Limited - Updated Figure 6.5	06/03/2015
D5-036	Mynydd y Gwynt Limited - Updated Land Plan	06/03/2015
D5-037	Natural Resources Wales - Accompanied Site Inspection itinerary suggestions	06/03/2015
D5-038	Powys County Council - Response to submissions by Mynydd y Gwynt Limited	06/03/2015
D5-039	Powys County Council - Note on matters relating to public rights of way	06/03/2015
D5-040	Powys County Council - Note on matters relating to cultural heritage	06/03/2015
D5-041	Powys County Council - Note on matters relating to highways	06/03/2015
D5-042	Michael Mosse on behalf of British Horse Society - Accompanied Site Inspection itinerary suggestions	06/03/2015
D5-043	Ceredigion County Council - SSAD Final Report produced for Ceredigion and Powys County Council by ARUP	06/03/2015
Core Documents submitted by the Applicant and published on 27 March 2015		
D5-044	Mynydd y Gwynt Limited - Core Documents Schedule with Hyperlinks	27/03/2015
D5-045	Mynydd y Gwynt Limited - File 2 - Tab 1 (part 1) - Guidelines for Landscape and Visual Impact Assessment 3rd edition	27/03/2015
D5-046	Mynydd y Gwynt Limited - File 2 - Tab 1 (part 2) - Guidelines for Landscape and Visual Impact Assessment 3rd edition	27/03/2015
D5-047	Mynydd y Gwynt Limited - File 2 - Tab 5 - NRW LANDMAP - Plynlimon Moorlands Visual and Sensory aspect area value evaluation	27/03/2015
D5-048	Mynydd y Gwynt Limited - File 3 - Tab 5 - English Heritage - The Setting of Heritage Assets	27/03/2015

D5-049	<u>Mynydd y Gwynt Limited - File 5 - Tab 8 - RSPB Designated Sites Bird Monitoring Project report 2012 (non confidential version for wider circulation)</u>	27/03/2015
D5-050	<u>Mynydd y Gwynt Limited - File 7 - Tab 1 - CCW Guidance Note (2010). Assessing the Impact of Windfarms on Peatlands in Wales</u>	27/03/2015
Deadline VI		
Post Hearing Documents		
D6-001	<u>Michael Mosse on behalf of British Horse Society - Written summary of an oral case on Landscape put at the Issue Specific Hearing</u>	27/03/2015
D6-002	<u>Geoffrey Sinclair on behalf of Cambrian Mountains Society - Post-Hearing document</u>	27/03/2015
D6-003	<u>Professor Roger Earis on behalf of Cambrian Mountains Society - Written summary of an oral case put at the Issue Specific Hearing on Policy</u>	27/03/2015
D6-004	<u>Professor Roger Earis on behalf of Cambrian Mountains Society - Post-Hearing documents</u>	27/03/2015
D6-005	<u>Ceredigion County Council - Post-Hearing document</u>	27/03/2015
D6-006	<u>Powys County Council - Written summary of an oral case on Cultural Heritage</u>	27/03/2015
D6-007	<u>Powys County Council - Written summary of an oral case put at the Issue Specific Hearing on Policy</u>	27/03/2015
D6-008	<u>Powys County Council - Written summary of an oral case on Landscape</u>	27/03/2015
D6-009	<u>Powys County Council - Written summary of an oral case put at the 2nd Issue Specific Hearing on the draft Development Consent Order</u>	27/03/2015
D6-010	<u>Natural Resources Wales - Written summary of an oral case put at the Issue Specific Hearings held 17-19 March</u>	27/03/2015
D6-011	<u>Natural Resources Wales - Appendices to written summary of an oral case put at the Issue Specific Hearings held 17-19 March 2015</u>	27/03/2015
D6-012	<u>Natural Resources Wales - Appendix 1 to RK Summary Appendix-NRW-ISHL-3(b) - RoOHI Wales extract</u>	30/03/2015

D6-013	Natural Resources Wales - Appendix 2 to RK Summary Appendix-NRW-ISHL-3(b) - RoOHI Wales extract	30/03/2015
D6-014	Mynydd y Gwynt Limited - Note on the oral evidence of Mrs Kibble put at the Issue Specific Hearing on Landscape, Environment and Ecology	27/03/2015
D6-015	Mynydd y Gwynt Limited - Written summary of an oral case put at the Issue Specific Hearings on Policy held 17 March 2015 and Landscape, Environment and Ecology	27/03/2015
D6-016	Jill Kibble on behalf of Campaign for the Protection of Rural Wales Montgomeryshire Branch - Post-Hearing document	30/03/2015
D6-017	Peter Foulkes - Written summary of an oral case put at the Issue Specific Hearing on Policy	30/03/2015
D6-018	Peter Foulkes - Written summary of an oral case put at the 2nd Issue Specific Hearing on the draft Development Consent Order	27/03/2015
D6-019	Peter Foulkes - Written summary of an oral case put at the Issue Specific Hearing on Landscape, Environment and Ecology	27/03/2015
D6-020	Wyck Gerson Lohman - Post-Hearing document	27/03/2015
D6-021	Jill Kibble on behalf of Campaign for the Protection of Rural Wales Montgomeryshire Branch - Written summary of an oral case put at the Issue Specific Hearing on Landscape, Environment and Ecology (Late submission)	01/04/2015
Comments on Responses to ExA Second Written Questions		
D6-022	Ceredigion County Council - Comments on responses to ExA's second written questions	27/03/2015
D6-023	Natural Resources Wales - Comments on responses to ExA's second written questions	27/03/2015
D6-024	Natural Resources Wales - Appendix 1 to comments on responses to ExA's second written questions	27/03/2015
D6-025	Mynydd y Gwynt Limited - Comments on responses to ExA's second written questions	27/03/2015
Other Documents		
D6-026	Powys County Council - Comments on the applicant's revised draft Development Consent Order	27/03/2015

D6-027	<u>Mynydd y Gwynt Limited - Responses to submissions for Deadline V</u>	27/03/2015
D6-028	<u>Mynydd y Gwynt Limited - Updated Habitats Regulations Assessment Screening Report (Version 4)</u>	27/03/2015
D6-029	<u>Mynydd y Gwynt Limited - Figure 8.10e</u>	27/03/2015
D6-030	<u>Mynydd y Gwynt Limited - Updated figure 11.12a</u>	27/03/2015
D6-031	<u>Mynydd y Gwynt Limited - Correspondence between Mynydd y Gwynt Limited and Natural Resources Wales in relation to otters and the need for a licence</u>	27/03/2015
D6-032	<u>Mynydd y Gwynt Limited - Note on financial viability of the wind farm</u>	27/03/2015
Deadline VII		
Comments on submissions for Deadline VI		
D7-001	<u>Peter Foulkes - Comments on submissions for Deadline VI</u>	17/04/2015
D7-002	<u>Geoffrey Sinclair on behalf of Cambrian Mountains Society - Comments on submissions for Deadline VI</u>	17/04/2015
D7-003	<u>Mynydd y Gwynt Limited - Comments on submissions for Deadline VI relating to policy matters</u>	17/04/2015
D7-004	<u>Mynydd y Gwynt Limited - Comments on submissions for Deadline VI relating to landscape and visual impact matters</u>	17/04/2015
D7-005	<u>Mynydd y Gwynt Limited - Comments on submissions for Deadline VI relating to Red Kite matters</u>	17/04/2015
D7-006	<u>Mynydd y Gwynt Limited - Comments on submissions for Deadline VI relating to River Wye SAC and bats matters</u>	17/04/2015
D7-007	<u>Mynydd y Gwynt Limited - Comments on submissions for Deadline VI relating to peat matters</u>	17/04/2015
D7-008	<u>Mynydd y Gwynt Limited - Comments on submissions for Deadline VI relating to miscellaneous matters</u>	17/04/2015
D7-009	<u>Mynydd y Gwynt Limited - Comments on NRW's Proposed Amendments to the DCO</u>	17/04/2015
D7-010	<u>Mynydd y Gwynt Limited - A note on observations on the participation of NRW in the Examination</u>	17/04/2015

Response to Rule 17 Letter of 2 April 2015		
D7-011	<u>Mynydd y Gwynt Limited - Response to "Other Matters" raised in Annex A of the ExA's Request for Further Information dated 2 April 2015</u>	17/04/2015
D7-012	<u>Natural Resources Wales - Response to ExA's request for further information and comments on submissions for Deadline VI</u>	17/04/2015
D7-013	<u>Natural Resources Wales - Appendix 1</u>	17/04/2015
D7-014	<u>Natural Resources Wales - Appendix 2</u>	17/04/2015
D7-015	<u>Natural Resources Wales - Appendix 3</u>	17/04/2015
D7-016	<u>Natural Resources Wales - Appendix 4</u>	17/04/2015
D7-017	<u>Natural Resources Wales - Appendix 5</u>	17/04/2015
D7-018	<u>Natural Resources Wales - Appendix 6</u>	17/04/2015
D7-019	<u>Natural Resources Wales - Appendix 7</u>	17/04/2015
D7-020	<u>Natural Resources Wales - Appendix 8</u>	17/04/2015
Other Documents		
D7-021	<u>Powys County Council - Note on matters relating to public rights of way</u>	17/04/2015
D7-022	<u>Mynydd y Gwynt Limited - Updated Habitat Regulations Assessment (HRA)</u>	17/04/2015
D7-023	<u>Mynydd y Gwynt Limited - Updated draft Construction Environmental Management Plan (CEMP)</u>	17/04/2015
D7-024	<u>Mynydd y Gwynt Limited - Updated draft Surface Water Management Plan (SWMP)</u>	17/04/2015
D7-025	<u>Mynydd y Gwynt Limited - Updated draft peat management plan</u>	17/04/2015
D7-026	<u>Mynydd y Gwynt Limited - Environmental Information Signposting Document</u>	17/04/2015
D7-027	<u>Mynydd y Gwynt Limited - Additional visualisations</u>	17/04/2015
D7-028	<u>Mynydd y Gwynt Limited - Updated works plans</u>	17/04/2015

Updated Draft DCO		
D7-029	<u>Mynydd y Gwynt Limited - Amended draft Development Consent Order (clean version)</u>	17/04/2015
D7-030	<u>Mynydd y Gwynt Limited - Amended draft Development Consent Order (track change version)</u>	17/04/2015
Late Submission		
D7-031	<u>Mynydd y Gwynt Limited - Comments on submissions for Deadline VI - 26 March 2015 relating to miscellaneous matters submitted for Deadline VII - 16 April 2015 and accepted late by the Examining Authority on 22 March 2015</u>	22/04/2015
Deadline VIII		
D8-001	<u>Mynydd y Gwynt Limited - Table setting out the present position regarding Statements of Common Ground</u>	21/04/2015
D8-002	<u>Mynydd y Gwynt Limited - Comments on submissions for Deadline VI- 26 March 2015 relating to Cultural Heritage matters</u>	21/04/2015
Deadline IX		
D9-001	<u>Powys County Council - Comments on submissions for Deadline VI - 26 March 2015 relating to Landscape matters</u>	23/04/2015
Deadline X		
Written comments on the ExA's revised draft DCO / comments on RIES		
D10-001	<u>Peter Foulkes - Comments on the ExA's draft Development Consent Order</u>	15/05/2015
D10-002	<u>Natural Resources Wales - Comments on the RIES</u>	15/05/2015
D10-003	<u>Powys County Council - Comments on the ExA's draft Development Consent Order</u>	15/05/2015
Updated Draft DCO		
D10-004	<u>Mynydd y Gwynt Limited - PDF version of the DCO showing tracked changes from the original application version of the DCO to the DCO submitted for Deadline VII</u>	15/05/2015
D10-004a	<u>Track changed version of Deadline VII draft DCO compared to original application version submitted for Deadline X - 14 May 2015.</u>	15/05/2015

D10-004b	<u>Applicant's final preferred word version of the draft DCO in the form of the current SI template submitted for Deadline X - 14 May 2015.</u>	15/05/2015
D10-004c	<u>Applicant's final preferred version of the draft DCO showing tracked changes from the DCO submitted for Deadline VII submitted for Deadline X - 14 May 2015.</u>	15/05/2015
Response to Rule 17		
D10-005	<u>Mynydd y Gwynt Limited - Response to the ExA's request for further information dated 24 April 2015</u>	15/05/2015
D10-006	<u>Mynydd y Gwynt Limited - Response to the ExA's request for further information dated 5 May 2015</u>	15/05/2015
D10-007	<u>Mynydd y Gwynt Limited - Response to NRW's response to ExA's request for further information letter dated 24 April 2015 and Comments on responses provided at Deadline VI</u>	15/05/2015
D10-008	<u>Powys County Council - Response to ExA's request for further information dated 5 May 2015</u>	15/05/2015
D10-009	<u>Powys County Council - Comments on submissions for Deadline VI and responses to ExA's request for further information regarding Cultural Heritage matters for Deadline VIII</u>	15/05/2015
D10-010	<u>Natural Resources Wales - Response to ExA's request for further information dated 24 April 2015</u>	15/05/2015
D10-011	<u>Natural Resources Wales - Comments on submissions for Deadline VI and responses to ExA's request for further information regarding Cultural Heritage matters for Deadline VIII</u>	15/05/2015
Other Documents		
D10-012	<u>Mynydd y Gwynt Limited - Version 3 of the Surface Water Management Plan (clean)</u>	15/05/2015
D10-013	<u>Mynydd y Gwynt Limited - Version 3 of the Surface Water Management Plan (tracked changes)</u>	15/05/2015
D10-014	<u>Mynydd y Gwynt Limited - Version 3 of the Construction Environmental Management Plan (clean)</u>	15/05/2015
D10-015	<u>Mynydd y Gwynt Limited - Version 3 of the Construction Environmental Management Plan (tracked changes)</u>	15/05/2015
D10-016	<u>Mynydd y Gwynt Limited - Version 6 of the Habitat</u>	15/05/2015

	<u>Regulations Assessment Screening Report (Part 2 of 2) (clean)</u>	
D10-017	<u>Mynydd y Gwynt Limited - Version 6 of the Habitat Regulations Assessment Screening Report (Part 2 of 2) (tracked changes)</u>	15/05/2015
D10-018	<u>Mynydd y Gwynt Limited - Updated list of Statements of Common Ground (with statements attached)</u>	15/05/2015
D10-019	<u>Mynydd y Gwynt Limited - Signed Unilateral Undertaking (Part 1 of 2)</u>	15/05/2015
D10-020	<u>Mynydd y Gwynt Limited - Signed Unilateral Undertaking (Part 2 of 2)</u>	15/05/2015
D10-021	<u>Mynydd y Gwynt Limited - Version 2 of the Water Quality Management Strategy (clean)</u>	15/05/2015
D10-022	<u>Mynydd y Gwynt Limited - Version 2 of the Water Quality Management Strategy (tracked changes)</u>	15/05/2015
D10-023	<u>Mynydd y Gwynt Limited - Version 2 of the Carbon Balance Report (clean)</u>	15/05/2015
D10-024	<u>Mynydd y Gwynt Limited - Version 2 of the Carbon Balance Report (tracked changes)</u>	15/05/2015
D10-025	<u>Mynydd y Gwynt Limited - Updated Land Plan</u>	15/05/2015
D10-026	<u>Mynydd y Gwynt Limited - Access Management Plan</u>	15/05/2015
D10-027	<u>Mynydd y Gwynt Limited - Bat Protection Plan</u>	15/05/2015
D10-028	<u>Mynydd y Gwynt Limited - Species Protection Plan</u>	15/05/2015
D10-029	<u>Mynydd y Gwynt Limited - Table of amendments to the Habitat Regulations Assessment Scoping Report</u>	15/05/2015
D10-030	<u>Mynydd y Gwynt Limited - Figure 14.3</u>	15/05/2015
D10-031	<u>Mynydd y Gwynt Limited - Figure SW2 - Location of trees and hedgerows to be protected along access road</u>	15/05/2015
D10-032	<u>Natural Resources Wales - Response to Deadline VII submissions and update to the ExA</u>	15/05/2015
D10-033	<u>Natural Resources Wales - Response on Landscape and Visual Amenity</u>	15/05/2015
D10-034	<u>Natural Resources Wales - Responses to submissions</u>	15/05/2015

	<u>regarding peat and bats submitted for Deadline X</u>	
D10-035	<u>Natural Resources Wales - Appendix 1</u>	15/05/2015
D10-036	<u>Natural Resources Wales - Appendix 2</u>	15/05/2015
D10-037	<u>Natural Resources Wales - Appendix 3</u>	15/05/2015
D10-038	<u>Natural Resources Wales - Appendix 4</u>	15/05/2015
D10-039	<u>Natural Resources Wales - Appendix 5</u>	15/05/2015
D10-040	<u>Dr Helen K Little</u>	15/05/2015
Late Submission		
D10-041	<u>Welsh Government - Response to ExA's request for further information dated 5 May 2015 submitted for Deadline X - 14 May 2015 and accepted late on 15 May 2015</u>	15/05/2015
Deadline XI		
D11-001	<u>Mynydd y Gwynt Limited - Response to ExA's request for further information (rule 17) dated 19 May 2015</u>	20/05/2015
D11-002	<u>Mynydd y Gwynt Limited - Statement of Common Ground with Powys County Council on Geology, Hydrology and Hydrogeology</u>	20/05/2015
D11-003	<u>Mynydd y Gwynt Limited - Statement of Common Ground with Powys County Council (unsigned) on Public Rights of Way</u>	20/05/2015
D11-004	<u>Mynydd y Gwynt Limited - Statement of Common Ground with Powys County Council on Cultural Heritage</u>	20/05/2015
D11-005	<u>Mynydd y Gwynt Limited - Statement of Common Ground with Powys County Council on Landscape and Visual Impact</u>	20/05/2015
Preliminary Meeting		
PM-001	<u>Mynydd y Gwynt Preliminary Meeting note</u>	26/11/2014
PM-002	<u>Mynydd y Gwynt Preliminary Meeting audio recording</u>	24/11/2014
PM-003	<u>Professor Roger Earis on behalf of Cambrian Mountains Society Preliminary Meeting note</u>	14/11/2014
PM-004	<u>Aaron & Partners LLP on behalf of Mynydd y Gwynt Ltd</u>	14/11/2014

	<u>Preliminary Meeting note</u>	
PM-005	<u>Peter Foulkes Preliminary Meeting note</u>	14/11/2014
PM-006	<u>Geoffrey Sinclair on behalf of Cambrian Mountains Society Preliminary Meeting note</u>	24/11/2014
Hearings		
HG-001	<u>Agenda for the Issue Specific Hearing on the draft Development Consent Order scheduled for 4 February 2015.</u>	29/01/2015
HG-002	<u>Audio Recording for Issue Specific Hearing held in Llanidloes Community Centre, Mount Lane, Llanidloes on 4 February 2015.</u>	09/02/2015
HG-003	<u>Audio Recording for Open Floor Hearing (English Translation) held in Llanidloes Community Centre, Mount Lane, Llanidloes on 5 February 2015.</u>	09/02/2015
HG-004	<u>Notice of Accompanied Site Inspection, Issue Specific Hearings and 2nd written questions</u>	17/02/2015
HG-005	<u>Agenda for Issue Specific Hearing on Policy Matters</u>	09/03/2015
HG-006	<u>Agenda for ISH into Landscape, Environment and Ecology</u>	11/03/2015
HG-007	<u>Agenda for ISH into the draft DCO</u>	11/03/2015
HG-008	<u>Issue Specific Hearing on Policy audio recording part 1</u>	20/03/2015
HG-009	<u>Issue Specific Hearing on Policy audio recording part 2</u>	20/03/2015
HG-010	<u>Issue Specific Hearing on Landscape audio recording part 1</u>	20/03/2015
HG-011	<u>Issue Specific Hearing on Landscape audio recording part 2</u>	20/03/2015
HG-012	<u>Issue Specific Hearing on Landscape audio recording part 3</u>	20/03/2015
HG-013	<u>Issue Specific Hearing on Landscape audio recording part 4</u>	20/03/2015
HG-014	<u>Issue Specific Hearing on Landscape audio recording part 5</u>	20/03/2015
HG-015	<u>2nd Issue Specific Hearing on draft DCO audio recording part 1</u>	20/03/2015
HG-016	<u>2nd Issue Specific Hearing on draft DCO audio recording part 2</u>	20/03/2015

Site Visits

SV-001	<u>Accompanied Site Inspection itinerary - Confirmed itinerary for the Accompanied Site Inspection (ASI) scheduled for 3 February 2015.</u>	06/01/2015
SV-002	<u>Notification of cancellation of Accompanied Site Inspection scheduled for 3 February 2015.</u>	02/02/2015
SV-003	<u>Accompanied Site Inspection itinerary and routes scheduled for 16 March 2015</u>	09/03/2015
SV-004	<u>Accompanied Site Inspection itinerary plan</u>	11/03/2015

APPENDIX C: REPORT ON THE IMPACT ON EUROPEAN SITES (RIES)

REPORT on the IMPLICATIONS for EUROPEAN SITES Proposed Mynydd y Gwynt Wind Farm

An Examining Authority report prepared with the support
of the Environmental Services Team



April 2015

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Report on the Implications for European Sites for
Mynydd y Gwynt Wind Farm

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1.0 INTRODUCTION

Background

- 1.1 Mynydd y Gwynt Limited (the applicant) has applied to the Secretary of State for a development consent order (DCO) under section 37 of the Planning Act 2008 (as amended) for the proposed Mynydd y Gwynt Wind Farm (the application). The Secretary of State has appointed an Examining Authority (ExA) to conduct an examination of the application, to report its findings and conclusions, and to make a recommendation to the Secretary of State as to the decision to be made on the application.
- 1.2 The relevant Secretary of State is the competent authority for the purposes of the Habitats Directive¹ and the Habitats Regulations² for applications submitted under the Planning Act 2008 regime (as amended). The findings and conclusions on nature conservation issues reported by the ExA will assist the Secretary of State in performing their duties under the Habitats Regulations.
- 1.3 This Report on the Implications for European Sites (RIES) compiles, documents and signposts information provided within the DCO application, and the information submitted throughout the examination by both the applicant and interested parties to date in relation to potential effects on European Sites³. It is not a standalone document and should be read in conjunction with the examination documents referred to in this report.
- 1.4 It is issued to ensure that interested parties, including the statutory nature conservation body, Natural Resources Wales (NRW), are consulted formally on Habitats Regulations matters. This process may be relied on by the Secretary of State for the purposes of Regulation 61(3) of the Habitats Regulations. Following consultation the responses will be considered by the ExA in making their recommendation to the Secretary of State, and made available to the Secretary of State along with this report. The RIES is not revised following consultation.
- 1.5 The applicant has not identified any potential impacts on European sites in other EEA States⁴. Only UK European sites are addressed in this report.

¹ Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (as codified) (the 'Habitats Directive').

² The Conservation of Habitats and Species Regulations 2010 (as amended) (the Habitats Regulations).

³ The term European Sites in this context includes Special Areas of Conservation (SACs) and candidate SACs, Special Protection Areas (SPAs), potential SPAs, Sites of Community Importance (SCIs), Ramsar sites, and any sites identified as compensatory measures for adverse effects on any of the above. For a full description of the designations to which the Habitats Regulations apply, and/ or are applied as a matter of Government policy, see PINS Advice Note 10 and the Habitats Regulations Assessment Handbook (DTA Publications July 2014).

⁴ European Economic Area (EEA) States.

Documents used to inform this RIES

- 1.6 The applicant provided a 'No Significant Effects' report with the DCO application in July 2014, entitled 'Mynydd y Gwynt Wind Farm Habitats Regulations Assessment Screening Report' (AD-350, duplicated at ES Appendix 11.19, AD-106), together with screening matrices (AD-350, Appendix 1).
- 1.7 The applicant concluded (paragraph 135 of the Screening Report) that there would be no likely significant effects on any European sites. The Screening Report and screening matrices were provided by the applicant in support of this conclusion.

Examination

- 1.8 In response to the ExA's questions and relevant representations made by interested parties including NRW during the examination, the applicant submitted an updated Screening Report to the ExA on 19 January 2015 (contained within Deadline III MYG Part 5 comments [D3-006]), date unchanged from the application version). Revised matrices were not provided with the revised Screening Report.
- 1.9 In response to further questions from the ExA during the examination, and comments from interested persons, further updates were made and Version 2 (contained in D5-005), Version 3 (contained in D5-005 and D5-006) and Version 4 of the Screening Report (contained in D6-028) were submitted in March 2015. A further update of the Screening Report was submitted by the applicant in April 2015 (Version 5, Deadline VII MYG submission [D7-022]). The applicant's conclusions have remained the same in each version of the Screening Report.
- 1.10 The April 2015 Screening Report (D7-022), current at the time of writing this RIES, includes the following Appendices:
 - Appendix 1: Screening Matrices (April 2015)
 - Appendix 2: CCW Core Management Plan for the River Wye SAC (July 2014)
 - Appendix 3: CCW Core Management Plan incorporating the Elenydd – Mallaen SPA and the Elenydd SAC (July 2014)
 - Appendix 4: NRW correspondence of 25 February 2014 (July 2014)
 - Appendix 5: Revised Proposed Mitigation for Culverts and River Crossings (March 2015)
 - Appendix 6: Upper Wye Catchment Plan (March 2015)
- 1.11 For those European sites and qualifying features where the applicant's conclusions have been disputed or queried during the examination, the

matrices have been revised in this RIES, using the documents listed at Annex 1 of this report. The revised matrices are included at Annex 2 of this report.

Structure of this RIES

1.12 The remainder of this report is as follows:

- **Section 2** identifies the European sites that have been considered within the DCO application and during the examination period to date. It provides an overview of the issues that have emerged during the examination.
- **Section 3** identifies the European sites and qualifying features screened by the applicant for potential likely significant effects, either alone or in-combination with other projects and plans. The section also identifies where interested parties have disputed the applicant's conclusions, together with any additional European sites and qualifying features screened for potential likely significant effects during the examination.

2.0 OVERVIEW

European Sites Considered

- 2.1 The project is not connected with or necessary to the management for nature conservation of any of the European sites considered within the applicant's assessment, although this is not stated in the Screening Report (D7-022).
- 2.2 In relation to the assessment of the effects of the project alone, the applicant identified all the European sites within a 10km buffer of the project site (shown on ES Figure 11.12a, Appendix 12, Deadline V MYG Part 4 Appendices [D5-006]).
- 2.3 The applicant's Screening Report (D7-022) identified the following five European sites (and features), for which the UK is responsible, for inclusion within the assessment:

Table 2.1: Sites Screened into the HRA by the applicant

Name of European Site	Features
Afon Gwy (River Wye) Special Area of Conservation (SAC)	Atlantic Salmon
	Otter
	Watercourses of plain to montane levels
	Sea Lamprey
	Brook Lamprey
	River Lamprey
	Twaite Shad
	Bullhead
	White Clawed Crayfish
	Alice Shad
	Transition Mires
Elenydd – Mallaen Special Protection Area (SPA)	Merlin
	Red Kite
	Peregrine Falcon
Elenydd Special Area of Conservation (SAC)	Calaminarian grasslands
	Oligotrophic to mesotrophic standing waters

Name of European Site	Features
	Floating water-plantain
	Blanket Bogs
	European dry heaths
Coedydd Llawr-y-glyn Special Area of Conservation (SAC)	Old sessile oak woods with Ilex and Blechnum
Coedydd a Cheunant Rheidol (Rheidol Woods and Gorge) Special Area of Conservation (SAC)	Old sessile oak woods with Ilex and Blechnum

- 2.4 Of these five sites, the applicant provided an in-combination assessment of effects for the Afon Gwy SAC and Elenydd-Mallaen SPA. For the in-combination assessment for the Afon Gwy SAC, the applicant identified a study area that extended as far as the catchment of the Afon Gwy upper management units (shown on a plan at Appendix 6 of the Screening Report [D7-022]). In relation to the Elenydd-Mallaen SPA, the applicant identified all schemes within a 10km buffer of the SPA boundary (shown on ES Figure 11.12b, Appendix 14, Deadline V MYG Part 5 Appendices [D5-007]), based on the foraging range of red kite, the key feature for which the SPA is designated.
- 2.5 The following projects and activities have been included in the in-combination assessment carried out by the applicant:

Afon Gwy (River Wye) SAC

- proposed Bryn Blaen wind farm
- proposed Garreg Lwyd wind farm
- proposed Hendy wind farm
- proposed Hirrdywel wind farm
- proposed Llandinam wind farm repowering and extension
- proposed Llaithddu wind farm
- proposed Llanbadam Fynydd wind farm
- proposed Neuadd-goch Bank wind farm
- rallying activity on the application site
- tree-felling in the Hafren Forest and the Esgair Ychion woods

- proposed Mynydd y Gwynt Options 1 and 2 grid connection routes⁵

Elenydd – Mallaen SPA

- Bryn Titli wind farm
- Cefn Croes wind farm
- Rheidol wind farm
- proposed Bryn Blaen wind farm
- proposed Hirddywell wind farm
- proposed Llaithddu wind farm
- proposed Pantyceln Farm wind farm
- proposed Mynydd y Gwynt Option 1 grid connection route

- 2.6 NRW did not identify in their relevant representation (RR-66) any other UK European site or European site features that could be affected by the project. They stated in their Written Representation (paragraph A1.6, D2-011) that they did not consider that any other European sites need to be considered in the Screening Report in relation to the application site, but as a result of the uncertainty about the location of the grid connection there may be further European sites which 'may be relevant to the consideration of the project as a whole'. NRW do not identify any other European sites in this document. However, in Appendix 5 of their Response to the ExA's Second Round of Written Questions (NRW response to ExA Question 4.18 [D5-018]), they refer to potential impacts on bats in the Tanat and Vyrnwy Bat Sites SAC in relation to a further grid connection route, ie beyond the Mynydd y Gwynt grid connection.
- 2.7 NRW, in their 'Written Representation and Response to the ExA's First Written Questions' (paragraph A1.19 [D2-011]), and in their response to Question 4.36, raised concerns about the lack of consideration of the Option 1 grid connection in-combination assessment for the two sites assessed in the Screening Report, ie the Afon Gwy SAC and Elenydd-Mallaen SPA, and also about the lack of an in-combination assessment in relation to the grid connection generally for the three sites screened out after an initial assessment, ie the Elenydd SAC, Coedydd Llawr-y-glyn SAC, and Coedydd a Cheunant Rheidol (Rheidol Woods and Gorge) SAC. In response to Question 4.11 of the ExA's Second Written Questions (D5-013), NRW stated that they had not agreed with the applicant the scope of the in-combination assessment.

⁵ Two potential grid connection routes for the Mynydd y Gwynt wind farm are identified and described in Chapter 17 of the ES: Option 1 and Option 2. The applicant notes that the provider's (SP Manweb) preferred route is Option 2. However, at the time of writing, it is understood that this has not yet been formally agreed.

- 2.8 The applicant's Screening Report submitted with the application (AD-106) considered the conservation objectives only for the features classed as Key Habitats and Species present in the Elenydd Mallaen SPA and in the Afon Gwy SAC Management Units selected for the purposes of the assessment, ie 2B and 8. In response to points raised in NRW's relevant representation (paragraph 2.1 [RR-66]) and Question 7.7 of the ExA's First Round of Written Questions (D2-027), the applicant provided additional information in the updated HRA Screening Report (AD-106) on the conservation objectives for all of the features present in the Elenydd Mallaen SPA and in the Afon Gwy SAC Management Units 2B and 8. In response to Question 4.11 of the ExA's Second Written Questions, NRW commented that the in-combination assessment also needed to consider effects on different parts of the Afon Gwy SAC and made reference to Management Unit 7, although it is unclear whether it is their view that it should also be included.
- 2.9 All five European sites listed in Table 2.1 have been incorporated into the matrices in this RIES.

HRA Matters Considered During the Examination

- 2.10 The examination has focussed on the following main issues:
- concerns about the methodology applied and reliance on superseded guidance;
 - concerns about the efficacy of the proposed mitigation, particularly in relation to increased sedimentation of the Afon Gwy SAC;
 - concerns about the currency and scope of the baseline data, particularly in relation to red kite, a feature of the Elenydd-Mallaen SPA, and the potential for mortality from collision risk;
 - concerns about the scope of the in-combination assessment, including in relation to the initial omission of consideration of the Option 1 grid connection route, and the identification of other plans and projects;
 - in the absence of an agreed grid connection route, concerns about the lack of consideration of possible in-combination effects on the Elenydd-Mallaen SPA and the three sites which were scoped out after an initial assessment, ie the Elenydd SAC, Coedydd Llaur-y-glyn SAC and Coedydd a Cheunant Rheidol SAC; and
 - concerns about the omission from the in-combination assessment of the onward grid connection route from the Mynydd y Gwynt grid connection point, ie from the Carno substation to the Mid Wales West substation and from there to the national network in Shropshire (see in particular NRW response to Question 4.18 of the ExA's Second Written Questions, D5-018).

- 2.11 The evidence to identify these main issues is set out below.
- 2.12 The ExA included questions in relation to HRA issues in the First Round of Written Questions (Questions 4.1 – 4.48 and 7.1 – 7.12, PrD-05), to which the applicant and NRW responded (Deadline II, D2-027 and D2-011 respectively). NRW also provided comments on HRA issues in their Written Representation (Deadline II, D2-011, pages 4 and 11 – 16). The applicant provided draft Statements of Common Ground (SOCGs) (included in D2-033, pages un-numbered) between themselves and NRW, including one in relation to HRA, which is yet to be finalised.
- 2.13 The applicant provided further comments in relation to HRA in their 'Part 5 comments on the Written Representations, Local Impact Reports and responses to the ExA's First Written Questions' (Deadline III, D3-006). This included an updated Screening Report (Version 2, although not labelled as such). NRW provided further comments in their 'Comments on responses to the ExA's First Written Questions' (D3-011) and 'Comments on Written Representations' (D3-013).
- 2.14 The ExA included further questions in the Second Round of Written Questions in relation to HRA issues (Questions 4.1 – 4.27, PrD-08), to which the applicant and NRW responded (Deadline V, D5-002 and D5-013 respectively). Part 3 of the applicant's appendices to their response (D5-005) contained a tracked changes version of Version 2 of their Screening Report, and also Version 3, an updated version of the Report.
- 2.15 The applicant's 'Written summary of an oral case put at the Issue Specific Hearings on Policy held 17 March 2015 and Landscape, Environment and Ecology' (Deadline VI, D6-015) and their 'Comments on responses to ExA's Second Written Questions' (D6-025) contain comments on HRA issues. The applicant also submitted an updated Screening Report (Version 4, D6-028). NRW's 'Written summary of an oral case put at the Issue Specific Hearings held 17-19 March' (D6-010) and their 'Comments on responses to ExA's Second Written Questions' (D6-023) contain comments on HRA issues.

3.0 LIKELY SIGNIFICANT EFFECTS

- 3.1 The applicant has not described how they have determined what would constitute a 'significant effect' within their Screening Report.
- 3.2 The applicant has addressed potential in-combination effects of the proposed development in paragraphs 131 -155 of their Screening Report (D7-022), in relation to the Afon Gwy (River Wye) SAC (paragraphs 142 – 155) and the Elenydd – Mallaen SPA (paragraphs 131 – 141).
- 3.3 The applicant's Screening Report (D7-022) concluded that the project would have no likely significant effects, either alone or in-combination with other plans or projects, on any of the qualifying features of the European sites identified by the applicant, and listed below (see Table 3.1 below):
- Afon Gwy (River Wye) SAC
 - Elenydd – Mallaen SPA
 - Elenydd SAC
 - Coedydd Llawr-y-glyn SAC
 - Coedydd a Cheunant Rheidol/ Rheidol Woods and Gorge SAC
- 3.4 The applicant's conclusions were disputed by NRW during the examination in relation to effects from the project alone and in combination with other plans and projects on the following European sites (see Table 3.1 below):
- Afon Gwy SAC
 - Elenydd – Mallaen SPA
- 3.5 The applicant's conclusions were disputed by NRW in relation to in-combination effects only on the following European sites (see Table 3.1 below):
- Elenydd SAC
 - Coedydd Llawr-y-glyn SAC
 - Coedydd a Cheunant Rheidol/ Rheidol Woods and Gorge SAC

Table 3.1: The applicant's screening exercise and degree of agreement with Interested Parties

Features	Screening result*: LSE alone?	Agreed with SCNB and other relevant parties?	Screening result*: LSE in combination?	Agreed with SCNB and other relevant parties?	Assessment of effects on integrity required?	Agreed with SNCB and other relevant parties?
European site: Afon Gwy (River Wye) Special Area of Conservation						
All features	No Paragraphs 122 – 130 and Table 8 (pages 43 – 64), and Appendix 1: Screening Matrices, MYG HRA Screening Report (D6-028)	No (NRW written summary of oral case at ISHs held 17-19 March, paragraphs 88 - 90 and 93 [D6-010])	No Paragraphs 142 – 155 and Appendix 1: Screening Matrices, MYG HRA Screening Report (D6-028)	No (NRW written summary of oral case at ISHs held 17-19 March, paragraphs 91 - 93 [D6-010])	Unknown at this time.	Unknown at this time.
European site: Elenydd – Mallaen Special Protection Area						
Red Kite	No Paragraphs 118 – 121 and Table 7 (pages 30 – 42), and Appendix 1:	No (NRW written summary of oral case at ISHs held 17-19 March,	No Paragraphs 131 – 141 and Appendix 1: Screening Matrices, MYG HRA Screening	No (NRW written summary of oral case at ISHs held 17-19 March,	Unknown at this time.	Unknown at this time.

Report on the Implications for European Sites for
Mynydd y Gwynt Wind Farm

Features	Screening result*: LSE alone?	Agreed with SCNB and other relevant parties?	Screening result*: LSE in combination?	Agreed with SCNB and other relevant parties?	Assessment of effects on integrity required?	Agreed with SNCB and other relevant parties?
	Screening Matrices, MYG HRA Screening Report (D6-028)	paragraphs 81 – 85 and 87 [D6-010])	Report (D6-028)	paragraphs 86 – 87 [Ecology] and 98 – 124 [Grid Connection] [D6-010])		
All other features	No Paragraphs 118 – 121 and Table 7 (pages 30 – 42), and Appendix 1: Screening Matrices, MYG HRA Screening Report (D6-028)	Unclear. NRW do not specifically state whether they agree no LSE on peregrine or merlin but raise concerns about the baseline data in various documents, including their Comments on Written Representations (paragraph 2.2, D3-013)	No Paragraphs 131 – 141 and Appendix 1: Screening Matrices, MYG HRA Screening Report (D6-028)	Unclear. NRW do not specifically state whether they agree no LSE on peregrine or merlin but raise concerns about the baseline data in various documents, including their Comments on Written Representations (paragraph 2.2, D3-013)	Unknown at this time.	Unknown at this time.

Features	Screening result*: LSE alone?	Agreed with SCNB and other relevant parties?	Screening result*: LSE in combination?	Agreed with SCNB and other relevant parties?	Assessment of effects on integrity required?	Agreed with SNCB and other relevant parties?
European site: Elenydd Special Area of Conservation						
All features	No Paragraphs 113 - 114 and Appendix 1: Screening Matrices, MYG HRA Screening Report (D6-028)	Yes Paragraph A1.10 (pages 12 - 13) of NRW's Written Representation (D2-011)	Screened out after initial assessment and in-combination effects not assessed.	No Paragraph A1.10 (pages 12 - 13) of NRW's Written Representation (D2-011)	Unknown at this time.	Unknown at this time.
European site: Coedydd Llawr-y-glyn SAC						
All features	No Paragraph 113 and Appendix 1: Screening Matrices, MYG HRA Screening Report (D6-028)	Yes Paragraph A1.10 (pages 12 - 13) of NRW's Written Representation (D2-011)	Screened out after initial assessment and in-combination effects not assessed.	No Paragraph A1.10 (pages 12 - 13) of NRW's Written Representation (D2-011)	Unknown at this time.	Unknown at this time.

Features	Screening result*: LSE alone?	Agreed with SCNB and other relevant parties?	Screening result*: LSE in combination?	Agreed with SCNB and other relevant parties?	Assessment of effects on integrity required?	Agreed with SNCB and other relevant parties?
European site: Coedydd a Cheunant Rheidol / Rheidol Woods and Gorge SAC						
All features	No Paragraph 113 and Appendix 1: Screening Matrices, MYG HRA Screening Report (D6-028)	Yes Paragraph A1.10 (pages 12 - 13) of NRW's Written Representation (D2-011)	Screened out after initial assessment and in-combination effects not assessed.	No Paragraph A1.10 (pages 12 - 13) of NRW's Written Representation (D2-011)	Unknown at this time.	Unknown at this time.

* From applicant's HRA report (D6-020) and screening matrices (Appendix 1).

Summary of the HRA screening outcome

- 3.6 A total of five European sites were screened by the applicant prior to examination (Table 2.1). The applicant concluded that there would be no likely significant effects on any of these sites or their qualifying features alone or in combination with other plans and projects (Table 3.1 above). NRW disputed the conclusion of no likely significant effects for all five sites and their qualifying features (Table 3.1 above). Revised screening matrices have therefore been produced for these sites and features in this RIES (see Annex 2).
- 3.7 The main changes that have been made by the applicant to their Screening Report and appendices during the examination are as follows:
- Version 2 (contained in D5-005): more information provided on the non-key features of the Elenydd-Mallaen SPA and Afon Gwy SAC; expanded information on potential impacts on and mitigation measures for the two sites; additional sites identified in the in-combination assessments; updates to the matrices; and the addition of Appendix 5: Revised Proposed Mitigation for Culverts and River Crossings.
 - Version 3 (contained in D5-005 and D5-006): additional information on potential impacts on red kite, and on mitigation measures in relation to otter; the inclusion of the Option 1 grid connection route in the in-combination assessment for the SPA and SAC; updates to the matrices; and the addition of Appendix 6: Upper Wye Catchment Plan.
 - Version 4 (D6-028): the addition of information on mitigation measures in relation to salmon and sea lamprey in the Afon Gwy SAC; and additional sites identified in the in-combination assessment for the SAC.
 - Version 5 (D7-022): the deletion of references to settlement ponds.
- 3.8 The following issues appear to remain a concern for NRW:
- the efficacy and securing of the proposed mitigation, particularly in relation to increased sedimentation of the Afon Gwy SAC;
 - the currency and scope of the baseline data, particularly in relation to red kite, a feature of the Elenydd-Mallaen SPA, and the potential for mortality from collision risk;
 - scope of the in-combination assessments and the identification of other plans and projects;

- in the absence of an agreed grid connection route, the potential in-combination effects of the grid connection route on the Elenydd-Mallaen SPA and the three sites which were scoped out after an initial assessment, ie the Elenydd SAC, Coedydd Llawr-y-glyn SAC and Coedydd a Cheunant Rheidol SAC;
- the omission from the in-combination assessment of the onward grid connection route from the Mynydd y Gwynt grid connection point, ie from the Carno substation to the Mid Wales West substation and from there to the national network in Shropshire (see in particular NRW response to Question 4.18 of the ExA's Second Written Questions, D5-018).

- 3.9 In NRW's response to Question 4.16 of the ExA's Second Round of Written Questions (pages 12 – 13 [D5-013]), about whether further information is required to inform an appropriate assessment in relation to the Afon Gwy SAC, NRW state that they are working with the applicant to develop the Water Quality Monitoring Plan (WQMP⁶), SWMP and CEMP, and that further information is still required. In NRW's 'Comments on Responses to ExA's Second Written Questions' (pages 14 – 15 [D6-023]) they state, in relation to the applicant's answer to Question 16, that it is not clear how the applicant's current version of the DCO secures the micro-siting of infrastructure further than 50m from a watercourse, and that they are considering the revised WQMP. NRW advise that further comments about the Afon Gwy SAC assessment are contained in their summary of their oral case made at the ISH on 18 March (D6-010). However they do not state in that summary whether they consider that further information is required to inform an appropriate assessment.
- 3.10 In their 'Response to ExA's request for further information and comments on submissions for Deadline VI' (D7-012), NRW state that they remain of the view at this time that there is likely to be a significant effect on the Afon Gwy SAC, and that uncertainty remains about how mitigation will be secured. However, they consider that it should be possible to secure mitigation in the DCO to ensure that there would be no adverse effect on the integrity of the SAC alone or in-combination.
- 3.11 The applicant considers that the proposed development will not have any likely significant effects on any European site either alone or in combination with other plans and projects, and has not provided information on any potential effects on the integrity of any European site.

⁶ This is referred to as a Water Quality Management Strategy within the applicant's Deadline VII version of the dDCO.

ANNEX 1: DOCUMENTS USED TO INFORM THIS RIES

Application Documents

(Ordered according to the Examination Library Index)

- Mynydd y Gwynt Wind Farm Environmental Statement, July 2014, Chapters, Appendices and Figures:
 - Chapter 6: Construction (AD-059)
 - Chapter 11: Ecology (AD-064)
 - Chapter 14: Geology, Hydrology and Hydrogeology (AD-067)
 - Appendix 6.1: Draft Construction Environmental Management Plan (AD-073)
 - Appendix 11.9: River Wye SAC Qualifying Features Description (AD-096)
 - Appendix 11.20: Species Protection Plan (AD-107)
 - Appendix 11.21: Habitat Management Plan (AD-108)
 - Appendix 14.3: Surface Water Management Plan (AD-116)
 - Figure 11.12: Designated Sites within 10km (AD-288)
- Mynydd y Gwynt Wind Farm Habitats Regulations Assessment Screening Report and Appendices, March 2015 (AD-350):
 - Appendix 1: Screening Matrices
 - Appendix 2: Core Management Plan for the River Wye SAC
 - Appendix 3: Core Management Plan for the Elenydd-Mallaen SPA and Elenydd SAC
 - Appendix 4: HRA Screening Report consultation response from NRW to ADAS, dated 25 February 2014

Relevant Representations

- Natural Resources Wales (RR-66)
- Powys County Council (RR-60)
- Ceredigion County Council (RR-52)

- Campaign for the Protection of Rural Wales Montgomeryshire Branch (RR-46)

Documents received for Deadline II (18 December 2014)

Written Representations

- Natural Resources Wales – Written Representation and response to ExA's First Written Questions (D2-011)
- Natural Resources Wales – Annex B1 of Written Representation (D2-012)
- Natural Resources Wales – Annex B2 of Written Representation (D2-013)
- Ceredigion County Council Written Representation (D2-014)
- Powys County Council Written Representation (D2-021)
- Mynydd y Gwynt Ltd - Written Representation summary (D2-017)
- Mynydd y Gwynt Ltd- Part 1 of Written Representation (D2-018)
- Mynydd y Gwynt Ltd- Part 2 of Written Representation (D2-019)

Responses to ExA First Written Questions

- Mynydd y Gwynt Ltd (D2-027)
- Powys County Council (D2-028)
- Ceredigion County Council (D2-029)

Statements of Common Ground

- Mynydd y Gwynt Ltd - Draft Statements of Common Ground between Mynydd y Gwynt Ltd and National Resources Wales (D2-033)

Local Impact Reports

- Ceredigion Local Impact Report (D2-038)
- Powys County Council Local Impact Report (D2-039)
- Powys County Council - Updated Local Impact Report appendix submitted late on 23 December 2014 and accepted by the ExA on 5 January 2015 (D2-040)
- Powys County Council - Addendum to Powys County Council's Local Impact Report submitted late and accepted by the ExA on 28 January 2015 (D2-041)

Documents received for Deadline III (19 January 2015)

- Mynydd y Gwynt Ltd Comments on Written Representations, Local Impact Reports and Responses to the ExA's First Written Questions - Part 1 (D3-002)
- Mynydd y Gwynt Ltd - Part 5 of comments on: Written Representations, Local Impact Reports and responses to the ExA's First Written Questions (D3-006) including:
 - Appendix 12.2 - Revised Mynydd y Gwynt Wind Farm Habitats Regulations Assessment Screening Report, received 19 January 2015 (also dated July 2014)
 - Appendix 14.1 - Mynydd y Gwynt 2004-05 Ecology Surveys
 - Appendix 14.2 - Mynydd y Gwynt Proposed Wind Farm Bullhead Surveyed Area
 - Appendix 14.3 - Table detailing the pre and post mitigation significance levels
 - Appendix 14.4 - Table of proposed mitigation measures for effects on ecological receptors
 - Appendix 14.5 - Schedule of decommissioning mitigation
- Powys County Council - Updated map of wind energy related development proposals in Powys (appendix to Powys County Council's Local Impact Report) (D3-008)
- Natural Resources Wales - Comments on responses to the ExA's first written questions (D3-011)
- Natural Resources Wales - Comments on Written Representations (D3-013)

Statements of Common Ground

- Natural Resources Wales - Draft Statements of Common Ground (D3-018)

Documents received for Deadline V (4 March 2015)

- Mynydd y Gwynt Ltd - Response to the ExA's Second Written Questions (D5-002)
- Mynydd y Gwynt Ltd - Appendix 5 of the Screening Report – Revised Proposed Mitigation for Culverts and River Crossings (D5-034)
- Mynydd y Gwynt Ltd - Part 3 Appendices (Screening Report Version 2 and Version 3 (part) [D5-005])

- Mynydd y Gwynt Ltd - Part 4 Appendices (Screening Report Version 3 cont.; Screening Report Appendix 6: Upper Wye Catchment; ES Figure 11.12a: European sites) (D5-006)
- Mynydd y Gwynt Ltd - Part 5 Appendices (ES Figure 11.12b: Elenydd Mallaen SPA, Afon Gwy SAC and Wind Farm Planning Applications) (D5-007)
- Mynydd y Gwynt Ltd - Part 6 Appendices (Further information on red kite and the SPA, Further information on the in-combination assessment for the Afon Gwy SAC (D5-008)
- Mynydd y Gwynt Ltd - Part 7 Appendices (Further information on the in-combination assessment for the Afon Gwy SAC cont.) (D5-009)
- Mynydd y Gwynt Ltd - Part 8 Appendices (Red Kite nest survey) (D5-010)
- Mynydd y Gwynt Ltd - Part 9 Appendices (Red Kite nest survey cont.) (D5-011)
- Mynydd y Gwynt Ltd - Part 10 Appendices (Updated pre and post-mitigation significance table, Reformatted table of proposed mitigation measures, for effects on ecological receptors) (D5-012)
- Natural Resources Wales - Response to the ExA's Second Written Questions (D5-013)
- Natural Resources Wales - Response to the ExA's Second Written Questions, Appendix 5 (NRW submission on response to question 4.18 of ExA's Second Written Questions) (D5-018)

Documents received for Deadline VI (26 March 2015)

- Mynydd y Gwynt Ltd - Core Documents Schedule (MYG Core Documents: File 5 – Habitats Regulations Assessment (D5-044)
- Mynydd y Gwynt Ltd - RSPB Designated Sites Bird Monitoring Project Report 2012 (D5-049)
- Natural Resources Wales - Written summary of an oral case put at the Issue Specific Hearings held 17-19 March (D6-010)
- Natural Resources Wales - Appendices to written summary of an oral case put at the Issue Specific Hearings held 17-19 March 2015 (Appendices NRW-ISHL- 4(b), NRW-ISHL-5(d), NRW-ISHL-5(e), NRW-ISHL-5(f), NRW-ISHL-5(g), NRW-ISHL-5(h), and NRW-ISHL-5(h)) (D6-011)
- Natural Resources Wales - Comments on responses to the ExA's Second Written Questions (D6-023)
- Mynydd y Gwynt Ltd - Comments on responses to ExA's Second Written Questions (D6-025)

- Mynydd y Gwynt Ltd - Updated Habitats Regulations Assessment Screening Report (Version 4) (D6-028)
- Mynydd y Gwynt Ltd - Written summary of an oral case put at the Issue Specific Hearings on Policy, Landscape, Environment and Ecology (D6-015)
- Mynydd y Gwynt Ltd - Updated Figure 11.12a: MYG Proposed Wind Farm - Designated Sites Within 10km (dated 24 March 2015) (D6-030)
- Mynydd y Gwynt Ltd - Correspondence between Mynydd y Gwynt and Natural Resources Wales in relation to otters and the need for a licence (D6-031)

Documents received for Deadline VII (16 April 2015)

- Mynydd y Gwynt Ltd - Comments on submissions for Deadline VI relating to red kite matters (D7-005)
- Mynydd y Gwynt Ltd - Comments on submissions for Deadline VI relating to River Wye SAC and bats matters (D7-006)
- Mynydd y Gwynt Limited - Comments on NRW's Proposed Amendments to the DCO (D7-009)
- Natural Resources Wales - Response to ExA's request for further information and comments on submissions for Deadline VI (D7-012)
- Natural Resources Wales - Appendix 5 to Response to ExA's request for further information and comments on submissions for Deadline VI (D7-017)
- Mynydd y Gwynt Ltd - Updated Habitat Regulations Assessment (Version 5) (D7-022)
- Mynydd y Gwynt Ltd - Updated draft Construction Environmental Management Plan (D7-023)
- Mynydd y Gwynt Ltd - Updated draft Surface Water Management Plan (D7-024)

ANNEX 2: STAGE 1 MATRICES: SCREENING FOR LIKELY SIGNIFICANT EFFECTS

Stage 1 Matrices: Screening for Likely Significant Effect

This annex of the RIES identifies the European sites and features for which the Applicant's conclusions were disputed by Interested Parties. This information is presented in revised screening matrices below, which have been produced by the Planning Inspectorate.

Key to Matrices:

- ✓ Likely significant effect cannot be excluded
- × Likely significant effect can be excluded
- C construction
- O operation
- D decommissioning

Information supporting the conclusions is detailed in footnotes for each table with reference to relevant supporting documentation.

Where an impact is not considered relevant for a feature of a European Site the cell in the matrix is formatted as follows:

n/a

Stage 1 Matrix 1: Afon Gwy (River Wye) Special Area of Conservation

Site Code: UK0012642

Distance to project: less than 100m from the site boundary

European site feature(s)	Likely Effects of NSIP											
	Sedimentation				Surface Water Run off				Importation of invasive species			
Stage of development	C	O	D		C	O	D		C	O	D	
Atlantic Salmon	✓a	✓a	✓a		n/a	✓b	✓b		✓c	n/a	✓c	
Otter	✓a	✓a	✓a		n/a	✓b	✓b		✓c	n/a	✓c	
Watercourses of plain to montane levels	✓a	✓a	✓a		n/a	✓b	✓b		✓c	n/a	✓c	
Sea Lamprey	✓a	✓a	✓a		n/a	✓b	✓b		✓c	n/a	✓c	
Brook Lamprey	✓a	✓a	✓a		n/a	✓b	✓b		✓c	n/a	✓c	
River Lamprey	✓a	✓a	✓a		n/a	✓b	✓b		✓c	n/a	✓c	
Twait Shad	✓a	✓a	✓a		n/a	✓b	✓b		✓c	n/a	✓c	
Bullhead	✓a	✓a	✓a		n/a	✓b	✓b		✓c	n/a	✓c	
White Clawed Crayfish	✓a	✓a	✓a		n/a	✓b	✓b		✓c	n/a	✓c	
Alice Shad	✓a	✓a	✓a		n/a	✓b	✓b		✓c	n/a	✓c	
Transition Mires	n/a	n/a	n/a		n/a	✓b	✓b		✓c	n/a	✓c	

European site feature(s)	Likely Effects of NSIP											
	Chemical Pollution			Abstraction			Disturbance			In Combination		
	C	O	D	C	O	D	C	O	D	C	O	D
Atlantic Salmon	✓e	n/a	✓e	xf	xf	xf	✓g	✓g	✓g	✓h	✓h	✓h
Otter	✓e	n/a	✓e	xf	xf	xf	✓g	✓g	✓g	✓h	✓h	✓h
Watercourses of plain to montane levels	✓e	n/a	✓e	xf	xf	xf	✓g	✓g	✓g	✓h	✓h	✓h
Sea Lamprey	✓e	n/a	✓e	xf	xf	xf	✓g	✓g	✓g	✓h	✓h	✓h
Brook Lamprey	✓e	n/a	✓e	xf	xf	xf	✓g	✓g	✓g	✓h	✓h	✓h
River Lamprey	✓e	n/a	✓e	xf	xf	xf	✓g	✓g	✓g	✓h	✓h	✓h
Twaite Shad	✓e	n/a	✓e	xf	xf	xf	✓g	✓g	✓g	✓h	✓h	✓h
Bullhead	✓e	n/a	✓e	xf	xf	xf	✓g	✓g	✓g	✓h	✓h	✓h
White Clawed Crayfish	✓e	n/a	✓e	xf	xf	xf	✓g	✓g	✓g	✓h	✓h	✓h
Alice Shad	✓e	n/a	✓e	xf	xf	xf	✓g	✓g	✓g	✓h	✓h	✓h
Transition Mires	✓e	n/a	✓e	xf	xf	xf	n/a	n/a	n/a	✓h	✓h	✓h

Notes

a. Table 3 (pages 17 and 18), Table 4 (pages 24 – 25) and Table 10 (pages 48 – 64) of the applicant's Screening Report (D6-028), and evidence note a. to Matrix 1 of the Screening Matrices at Appendix 1, consider sedimentation. The applicant states that sedimentation could be caused by surface run-off from roads, the substation, the contractor's compound and foundation pits, and as a result of disturbance caused during construction of culverts. The applicant states that potential effects are the occlusion of salmon spawning beds (an important element of management Unit 8 in particular), increased turbidity, blockage of minor watercourses and drains, and detrimental impacts on Biological Oxygen Demand (BOD). The applicant considers that potential effects will be more pronounced during construction and decommissioning, and that prior to mitigation there is a relatively high risk of this effect occurring, which will be a short-term, one-off, irreversible effect.

In evidence note a. to Matrix 1 of the Screening Matrices at Appendix 1 the applicant refers to mitigation measures detailed in the Surface Water Management Plan (SWMP) (ES Appendix 14.3, paragraphs 6 - 16 [AD-073]) and the Construction Environment Management Plan (CEMP) (Appendix 6.1, paragraphs 15 -30 [AD-073]), which are: the installation of blind ditches, cross drains, checkdams and settlement ponds beside new and upgraded tracks. It is stated that these will be constructed in discrete sections as blind ditches and water will infiltrate the substrate into the ground water, and drainage ditches will provide temporary storage of run-off and allow settlement of any suspended solids.

The applicant states that any exposed face of a slope that is created will be stabilized by creating shallow slopes and re-vegetated using an appropriate geotextile mat or grid in order to prevent erosion and incipient failure in the soils at the top of the slope (SWMP, ES Appendix 14.3, paragraph 6). It is stated that surface water cut off ditches will be installed to intercept water above the tracks and to transfer it under the track where it will be allowed to percolate back into the vegetation lower down the slope (SWMP, ES Appendix 14.3, paragraphs 7 - 13).

The applicant states that culverts will be installed during dry spells where possible (ES Chapter 14, paragraph 14.87 [AD-067] and Screening Report, Appendix 5) and over-pumping techniques will be used (SWMP, ES Appendix 14.3, paragraphs 25 to 30).

The applicant states that water from the hillsides above the compound will be collected in ditches both sides of the compound and diverted away from the stoned compound area. It is proposed that water from around the substation compound and construction compound will flow through silt traps/buffer areas and, if required by NRW, through the large existing retention pond south east of Y Drum on Nant Cwm y foel (SWMP, ES Appendix 14.3, paragraphs 9 and 10).

The applicant states that exposed slopes where erosion is occurring along the tracks will be stabilized and re-vegetated to prevent erosion and sediment ingress into the Afon Gwy (SWMP, ES Appendix 14.3, paragraph 6). The applicant concludes that removal of cattle from the site in winter and the provision of a water supply to prevent livestock drinking from the watercourses will remove two of the greatest existing sources of sediment discharge from the site, and that these measures are considered to be wholly effective (ES Chapter 11, paragraphs 11.319 and 11.339 to 11.345 [AD-064]).

b. Evidence note b. to Matrix 1 of the Screening Matrices, Appendix 1 of the applicant's Screening Report (D6-028), states that apart from sedimentation, potential effects of run off include an increased risk of flash flooding, which could damage vegetation such as that which is a feature of the SAC, and have effects on other lie-up areas or holts. The applicant states that an increased area subject to run-off could also exacerbate sediment and pollutant loading in the watercourse, with concomitant effects on BOD and water quality. The applicant notes that during periods of lower water levels in the Afon Gwy there is a decreased ability of the river to dilute pollutants.

The applicant proposes mitigation in the form of tracks that will be designed to run along the contours, and drainage ditches that are blind or drain to catchpits (SWMP, ES Appendix 14.3, paragraphs 6 to 13, and CEMP, ES Appendix 6.1, paragraphs 15 to 23), so that surface run-off collects and infiltrates into shale. The applicant states that this will replenish ground water supplies and allow water to enter the surface water system. The applicant states that no lengths of ditch cross catchment boundaries, and suggests that this will reduce the risk of flash flooding and the risk of erosion and sedimentation caused by scouring from fast flowing water.

c. Evidence note c. to Matrix 1 of the Screening Matrices, Appendix 1 of the applicant's Screening Report (D6-028), states that invasive species brought into the development site on wheels could be transported into the river and affect

- the habitat, and that mitigation measures will be based on relevant guidance from Defra and NRW (ES Appendix 6.1, paragraph 117).
- d.** Evidence note d. to Matrix 1 of the Screening Matrices, Appendix 1 of the applicant's Screening Report (D6-028), states that run-off could transport heavy metal elements to river systems, and that acid conditions could dissolve lead, and lead to contaminated leachate reaching the river. The applicant notes that an increase in heavy metal concentrations in the Afon Gwy could have detrimental impacts on water quality and, by extension, on aquatic fauna (including salmon and otter). The applicant states that sampling of the area around the mine shaft and compound has indicated lead levels in leachate below the levels of the Drinking Water Directive, and levels in the soil below the Contaminated Land Exposure Assessment Model intervention levels, and therefore considers that the potential for this effect is extremely unlikely (ES Appendix 6.2: Contaminated Land Report [AD-074]).
- e.** Evidence note e. to Matrix 1 of the Screening Matrices, Appendix 1 of the applicant's Screening Report (D6-028), states that concrete residue and spilt oil and fuels in the water could have detrimental effects on aquatic species (including otter and fish), and an increase in pH levels could affect aquatic vegetation such as that which is a feature of the SAC. The applicant proposes the following mitigation: if concrete batching is undertaken off-site vehicles will wash-out at their depot, if batching is carried out on-site specialist wash-out areas will be used and water treated off-site; refuelling will only take place at a distance of more than 50m from watercourses, and spill trays and kits will be used at all times (ES Chapter 14, paragraph 14.110 [AD-067]); and appropriate bunding will be used around fuel storage areas (ES Appendix 6.1, paragraphs 75 to 80). The applicant suggests that this will reduce the risk of spillages occurring. The protocols to be adopted in the event of a fuel spillage or similar incident within the compound area are contained within the draft CEMP (ES Appendix 6.1, paragraphs 75 to 80).
- f.** Although abstraction is included in the applicant's matrices in Appendix 1 of the Screening Report (D6-028), it is confirmed in Table 4 of the Screening Report (page 24) and evidence note f. to Matrix 1 (page 9) that no abstraction will take place from the Afon Gwy river during any phase of the proposed development.
- g.** Evidence note g. to Matrix 1 of the Screening Matrices, Appendix 1 of the applicant's Screening Report (D6-028), states that disturbance to otter during the construction period could potentially have an impact on their conservation status as it could disturb them from breeding and resting places. The applicant states that no breeding or resting

places were found on the development site (ES Chapter 11, paragraphs 11.226 to 11.230 [AD-064]), no night time working is planned, and work sites which require lighting will be several hundred metres from the Afon Gwy thereby limiting disturbance to fish.

- h.** Evidence note h. to Matrix 1 of the Screening Matrices, Appendix 1 of the applicant's Screening Report (D6-028), states that there is one operational wind farm within 10km of the development site and within the upper reaches of the Wye catchment, Bryn Titli, for which an extension has been proposed. The applicant states that based on the consultation responses from NRW it is clear that potential effects on watercourses are much more likely to occur during the construction period than the operational period of the proposed development, and concludes that with appropriate controls and mitigation the potential effects can be completely avoided.

The applicant states that a review of environmental information for Llandinam, Llaithddu, Llanbadarn Fynydd, Garreg Lwyd, Hendy, Garreg Lwyd Hill, Bryn Blaen, Neuadd Goch and Hirrdywel wind farms did not identify the prediction of significant impacts with the incorporation of mitigation. The applicant concludes that given the proposed mitigation, the distance from the proposed development and the amount of additional water flows providing dilution, there is unlikely to be a significant cumulative impact even if all of the wind farms were to be constructed at the same time.

The applicant notes that potential in-combination effects could occur between rallying and the proposed development, and that the period of greatest risk would be during construction when no rallying will take place. The applicant considers that the mitigation for the wind farm would be entirely effective in mitigating the effects of both rallying on the site and the construction and operation of the wind farm. The appellant considers that as the proposed mitigation outlined in the CEMP (ES Appendix 6.1) and the SWMP (ES Appendix 14.3) is considered to be wholly effective, there would be no in-combination effect with any felling proposed for the Hafren Forest and Esgair Ychion woods.

The applicant states that Mynydd y Gwynt grid connection Option 2 runs through the Afon Gwy catchment for about 2.1km, and considers that the only disturbance caused would be during the installation of each pole along this section of the route, which they consider covers a very small area unlikely to give rise to significant effects.

The applicant states that Mynydd y Gwynt grid connection Option 1 runs in the Afon Gwy catchment for about 11.9km, and that the overhead line follows the access track to the site for 3.3km and can be erected from the surfaced track,

avoiding the need for vehicles to travel across open ground. The applicant proposes that for the remaining 8.6km, in areas where no existing access route exists temporary access can be provided by trackways which it is suggested will avoid damaging the surface and creating potential flow paths for sedimentation. The applicant states that the production of a detailed CEMP will allow sensitive areas to be identified and suitable working methods to be adopted to prevent pollution risks.

The applicant concludes that there are no in-combination effects associated with the other wind farms identified above or other activities such as rallying, forest-felling and grid connection.

NRW comments in relation to evidence notes a - e and g above

It is not clear whether NRW consider that there is likely to be a significant effect during all phases of the proposed development in relation to the potential effects set out above, so it has been assumed for the purposes of this matrix that their concerns apply to all phases.

NRW, in their 'Written summary of an oral case put at the Issue Specific Hearings held 17-19 March' (paragraphs 88 – 90 [D6-010]) state that they are working with the applicant to agree mitigation measures in relation to the SAC, including provisions within the CEMP and SWMP, and are considering a revised Water Quality Monitoring Plan. They state that the effectiveness of the measures will be dependent on the detailed design, implementation and management of the mitigation and that it is essential to ensure that the necessary measures are secured in the DCO and draft plans. They raise concerns about the lack of specificity in the dDCO and consider that the Screening Report does not currently assess the worst scenario, eg such as in relation to the lack of dimensions of the construction compound and therefore its proximity to watercourses that drain into the Afon Gwy SAC and potential for pollution. They also raise concerns about Requirement 6 of the dDCO, which provides for infrastructure to be moved within the Limits of Deviation (LoD), and state that this would allow infrastructure to be moved close to watercourses that drain to the Afon Gwy SAC. They suggest that this could make it difficult to mitigate impacts. They state that it cannot be currently demonstrated that the project would not have a likely significant effect on the Afon Gwy SAC (paragraph 93).

Mynydd y Gwynt Ltd, in their 'Comments on submissions for Deadline VI relating to River Wye SAC and bats matters' (paragraphs 6-7, D7-006), respond to the points made by NRW in relation to the worst case assessment. The applicant highlights the cross-referencing of dDCO Article 14 to ES Chapter 2, and states that as Chapter 2 provides the dimensions for the infrastructure these are the dimensions to which the construction must adhere, and therefore that they are specified and secured in the dDCO, and as they cannot be exceeded the worst case has been assessed. In relation to NRW's point about the LoD in the dDCO allowing potential for infrastructure to be moved closer to watercourses, the applicant states that Article 6 of the latest version of the dDCO prevents this, as it states that all turbines and turbine foundations must be located more than 50m from all restricted watercourses.

In relation to NRW's concerns about securing and delivering mitigation to ensure that there is no significant effect on the SAC, the applicant states (in D7-006) that the dDCO has been updated to incorporate measures suggested by other parties, the principal of which are: Article 6, which limits the ability of the applicant to locate turbines closer than 50m to watercourses within the Afon Gwy catchment; Requirements 9 and 29 which specify that construction cannot commence until the CEMP and SWMP, respectively, have been approved by the relevant planning authority following consultation and written advice of NRW; and a S106 agreement that prevents the use of rallying during the construction phase, and during the operational phase until NRW is content that appropriate mitigation has been provided, prevents the use of all new tracks other than for the purpose of the authorised development, and ensures that the new tracks are removed at the decommissioning stage. The applicant considers that the mitigation delivered by these measures enables them to conclude that there would be no likely significant effects on any European sites, either alone or in combination with other plans and projects.

NRW, in their 'Response to ExA's request for further information and comments on submissions for Deadline VI' (D7-012), state their view that the ExA needs to be satisfied that the proposed S106 is an appropriate mechanism to secure the measures set out in paragraph 64 of the applicant's written summary of their oral case made at the ISH (D6-015), as NRW consider that these are necessary to ensure that there will not be any adverse effect on the integrity of the SAC. They highlight that the Screening Report (and ES) state only that no rallying will take place during the construction phase, however the proposed S106 provides (also) for no rallying to occur on existing tracks, and suggest that the Screening Report should be revised so that it is consistent with the S106. NRW highlight that

paragraph 64ii of the applicant's written summary states that no turbines or hardstanding will be located within 50m of any watercourse but note that this is not secured in the dDCO.

In NRW's response (D7-012) they state that they welcome the mitigation measures, referenced on page 51 of Version 4 of the Screening Report (D6-028), proposed to ensure a reduction of sediment load in relation to use of the existing 9.5km of roads, but note that the baseline sediment loads of the existing 20km of roads and other infrastructure on the application site which are not part of the Mynydd y Gwynt infrastructure and therefore not subject to mitigation may still be of concern.

In relation to the in-combination assessment for the SAC, NRW note that the assessment has been updated to include Bryn Blaen and Neuadd Goch wind farms but that the Llandinam 132kV line and Bryn Blaen grid connection have not been included.

NRW state that they remain of the view that there is likely to be a significant effect on the SAC, and that uncertainty remains about how mitigation will be secured, but consider that it should be possible to secure mitigation in the DCO to ensure that there would be no adverse effect on the integrity of the site alone or in-combination.

NRW comments in relation to evidence note h above

NRW consider, in their 'Written summary of an oral case put at the Issue Specific Hearings held 17-19 March' (paragraphs 91 – 92 [D6-010]), that the in-combination assessment for the River Wye SAC contained within the Screening Report is incomplete, as it does not consider: in relation to the SAC features other than otter, that part of the proposed Bryn Blaen wind farm that is within the Wye catchment, ie part of the access road from the A470 and the 8km grid connection between Bryn Blaen and Mynydd y Gwynt, and in relation to otters the compete project; the Neuadd Goch wind farm, or the Llandinam 132kV overhead line.

Version 4 of the Screening Report (D6-028) contains new insertions in relation to these three projects, based on environmental information prepared for each project by the project developers, such as environmental statements. In relation to Bryn Blaen (paragraph 145), the applicant refers to the proposed mitigation measures contained in the developer's ES and concludes that they will prevent sedimentation of the SAC, and that therefore there will be no in-

combination effect together with the Mynydd y Gwynt proposed development. The applicant does not make any reference to the proposed grid connection between the two proposed developments. In relation to the Neuadd Goch wind farm (paragraph 146), the applicant refers to the developer's HRA Report, and states that the HRA concluded that with the implementation of the proposed mitigation and avoidance measures, there would be no significant effects on the River Wye SAC, alone or in-combination with any other wind farm projects. In relation to the Llandinam 132kV overhead line (paragraph 146), the applicant refers to the developer's ES and its conclusion that, given the distance from the SAC and the limited disturbance to ground within the catchment, there would be no significant effect. The applicant concludes that for the same reasons it is extremely unlikely that any in-combination effects would occur and that any sediment from the disturbance would settle before it reached the SAC.

NRW state, in their 'Written summary of an oral case put at the Issue Specific Hearings held 17-19 March' (paragraphs 98 – 123), that the in-combination assessment for the proposed development needs to include the Mid-Wales grid connection project, for which NRW have previously advised that a HRA would need to consider the potential for impacts from electro-magnetic fields on bats in the Tanat and Vymwy SAC. (See also NRW's 'Comments on responses to ExA's Second Written Questions [D6-023.] NRW consider that the application cannot be granted consent without such an assessment, but also that the applicant could alternatively consider whether a DCO requirement could address the issue.

NRW state, in their 'Comments on responses to ExA's Second Written Questions' (page 13, D6-023), that in relation to the measures to secure that rallying will not have an in-combination effect during the construction and operational phase of the proposed development, the applicant is currently relying on a yet to be signed S106 agreement, and the measures should be provided in the Screening Report. (See also NRW's 'Comments on responses to ExA's Second Written Questions', page 19.)

NRW state, in their 'Comments on responses to ExA's Second Written Questions' (page 14), that the in-combination assessment needs to consider disturbance effects on otters. In their 'Response to the Examining Authority's Second round of written questions (D5-013), they state that they do not agree the scope of the in-combination assessment for this SAC, and make reference to the Afon Gwy SAC Management Unit 7, in which salmon spawn, in addition to in management units 2B and 8.

In relation to NRW's point that the in-combination assessment for the SAC is incomplete, the applicant refers (in D7-006) to Version 4 of the Screening Report (D6-028), and states that with the exception of the Bryn Blaen grid connection all those projects identified by NRW have been included, ie the Bryn Blaen wind farm, the Neuadd-goch wind farm and the Llandinam 132kV line.

In relation to NRW's concerns about in-combination effects of the proposed development with rallying, the applicant has proposed a Requirement in the latest version of the dDCO preventing work beginning until a 'suitable' S106 agreement has been signed.

In relation to otter, the applicant states that NRW agreed at the ISH that as there were no significant populations of otter on the application site there could be no disturbance, and that if Mynydd Gwynt (alone) caused no effect on otters there could be no in-combination effect.

Stage 1 Matrix 2: Ellenydd - Mallaen Special Protection Area

Site Code: UK9014111

Distance to project: 3.4km

European site features	Likely Effects of NSIP											
	Barrier			Habitat destruction and vegetation structure			Hydrological changes			Collision risk		
Stage of development	C	O	D	C	O	D	C	O	D	C	O	D
Merlin	n/a	xa	n/a	xb	xb	xb	xc	xc	xc	xd	xd	xd
Red Kite	n/a	xa	n/a	xb	xb	xb	xc	xc	xc	xd	√d	xd
Peregrine Falcon	n/a	xa	n/a	xb	xb	xb	xc	xc	xc	xd	xd	xd
	In combination											
	C	O	D									
Merlin	xe	xe	xe									
Red Kite	xe	√e	xe									
Peregrine Falcon	xe	xe	xe									

Notes

- a.** Evidence note i. to Matrix 2 of the Screening Matrices, Appendix 1 of the applicant's Screening Report (D6-028), states that the SPA is located 3.4km south of the development site and therefore that the development site cannot create an effective barrier to movement from the SPA. This is not disputed by NRW.
- b.** Evidence note j. to Matrix 2 of the Screening Matrices, Appendix 1 of the applicant's Screening Report (D6-028), states that due to the physical separation of the development site from the SPA there will be no land loss or change in the physical quality of the designated site and that therefore there are no anticipated direct impacts on the SPA habitats. This is not disputed by NRW.
- c.** Evidence note k. to Matrix 2 of the Screening Matrices, Appendix 1 of the applicant's Screening Report (D6-028), states that as the SPA is in a separate watershed to the development site there are no hydrological connections between the development site and the designated sites and that therefore there is also no likelihood of hydrological degradation. This is not disputed by NRW.
- d.** Evidence note l. to Matrix 2 of the Screening Matrices, Appendix 1 of the applicant's Screening Report (D6-028), states that surveys carried out at the development site have shown that the numbers of Merlin using the development site are very low (ES Chapter 11, paragraph 11.200 & 278) and, over the whole study period, total sightings amounted to four separate individuals. The applicant states that the hunting habit of Merlin is to mount surprise attacks by keeping close to the ground and that this is a strategy that is likely to render them less susceptible to turbine blade strike (ES Chapter 11, paragraph 11.327).
- Evidence note l. to Matrix 2 of the Screening Matrices, Appendix 1 of the applicant's Screening Report (D6-028), states that surveys carried out at the development site have shown that the numbers of Peregrine Falcon using the site are very low (ES Chapter 11, paragraph 11.165 & 200) and that Peregrine is a very occasional hunter over the development site. The applicant states that due to their on-site rarity, it is considered extremely unlikely that the development will result in a significant impact on the SPA population (ES Chapter 11, paragraph 11.327).

Evidence note I. to Matrix 2 of the Screening Matrices, Appendix 1 of the applicant's Screening Report (D6-028), states that it is considered that the red kite noted on the development site are not likely to originate from within the SPA but from roost and breeding sites in the valleys around Llangurig and other locations outside the SPA. The applicant states that only a small number of red kite in the SPA and its buffer are likely to be within the foraging distance of the development site and that the predicted collision risk of less than one pair per annum would be more likely to affect the population outside the SPA than within it (ES Chapter 11 paragraph 11.431 and Appendix 11.5).

NRW does not agree that it has been demonstrated in relation to potential collision risk that the project will have no likely significant effects on the SPA red kite population alone or in-combination with other projects (see paragraphs 81 - 87 of NRW's Written summary of their oral case made at the Issue Specific Hearings held 17-19 March, [D6-010], and pages 12 and 15 of NRW's Comments on responses to ExA's second Written Questions [D6-023]). NRW state that: they have concerns about the currency and methodology of the surveys that informed the assessment; the statistics provided by the applicant in relation to the SPA red kite population are incorrect; the applicant's data do not allow for a conclusion that the red kite found on the development site are unlikely to be from the SPA or its buffer zone; and they have little confidence that the mitigation proposed for collision risk (to reduce activities which provide foraging for red kite) would reduce the risk as it is unclear whether the proposed mitigation represents a change from the existing situation.

Mynydd y Gwynt Ltd respond to NRW's Deadline VI comments in their 'Comments on submissions for Deadline VI relating to red kite matters' (D7-005). The applicant refers to the report cited by NRW in relation to foraging distances, 'Pendlebury, C., Zisman, S., Walls, R., Sweeney, J., McLoghlin, E., Robinson, C., Turner, L. & Loughrey, J. (2011): Literature review to assess bird species connectivity to Special Protection Areas' on which, it is noted, the SNH guidance, 'Assessing Connectivity with Special Protection Areas', is based. The applicant states that the guidance quotes a core range of 4km and a maximum range of 6km for connectivity distances between proposals and SPAs, and also that the guidance clearly states that the core distance should be used except in exceptional circumstances where there is, for example, no foraging habitat between a nest site and a proposal. The applicant states that there is ample foraging habitat between the SPA and the Mynydd y Gwynt application site. The meaning of paragraph 9 of the applicant's comments is unclear as it is stated that '...none of the SPA lies within 4km of the turbines and only 0.87% of the SPA and the 2km buffer lies within that foraging distance.', and paragraph 15 refers to 0.87% of the SPA lying

within 4km of the application site. The applicant advises that, following the ISH, they commissioned a survey of the section of the SPA buffer that lies within 4km of the turbines in order to identify nesting activity within that area, and that after two visits no nesting activity was observed 'either within the SPA or the buffer section'. The applicant concludes that all suitable nest sites within the SPA and its buffer are further than 4km from the application site and states that the only published guidance on connectivity is clear that sites further than 4km should not be considered as having connectivity with an SPA in respect of red kite.

NRW, in their 'Response to ExA's request for further information and comments on submissions for Deadline VI (D7-012)', state their view that in the absence of survey data about the origins of the red kite observed on the application site it cannot be shown that they do not originate from the SPA, and there is no certainty about the origin of red kite using the application site in the breeding season and their connectivity to the SPA. They state that the applicant has not considered the non-breeding season, when, according to the 2011 Literature Review referenced above, red kite are thought to forage up to 10km from roosting locations. NRW remain of the view that it should be assumed that the red kite that use the application site may be connected to the SPA, and that the assessment should then assess whether the likely mortality rates are likely to affect the SPA red kite population.

NRW note that the SPA is a large site of approximately 30,000 hectares, but state that where a project is considered to affect only a small proportion of a European site it cannot be directly translated into no likely significant effect or no adverse effect on site integrity. NRW advise that consideration is required of the distribution of features, their conservation objectives and the ecological function of the area potentially affected. NRW note the applicant's statement that less than 3.5% of the SPA and its 2km 'buffer' for red kite is within 6km of the nearest turbine, but that this equates to just over 1000 hectares.

e. Paragraphs 131 – 141 of the applicant's Screening Report (D6-028) provide an assessment of potential in-combination effects on the SPA of the proposed development together with other developments. Evidence note m. to Matrix 2 of the Screening Matrices, Appendix 1 of the applicant's Screening Report (D6-028), states that there are two proposed schemes within 10km of the development site and a further three schemes proposed within 10km of the SPA. The applicant states that the Nant y Moch Wind Farm is not being progressed, and that the other proposed wind farms are all located further from the SPA than the development site and are further away than the red kite's maximum breeding foraging range and located towards the edge of the regular winter foraging range. The applicant

states that these proposed wind farms are likely to have less of an impact than the existing wind farms and the proposed Mynydd y Gwynt wind farm; as there is no evidence that the existing wind farms have had a significant negative impact on red kites, no significant impact is predicted on them from the proposed Mynydd y Gwynt wind farm, and the other proposed wind farms are all at a greater distance from the SPA, so no significant cumulative (sic) impacts are predicted.

The applicant states that the Option 1 grid connection route passes 3km to the closest part of the SPA, and that collision with the overhead line is not considered to be a great risk for red kite but electrocution has been documented as a risk, which they consider can be entirely mitigated through insulation of key parts of the overhead line.

The applicant concludes that the absence of any significant habitat loss, fragmentation, significant disturbance or mortality indicates that there will be no significant in-combination effects.

NRW state, in their relevant representation (paragraph 2.1, RR-66) that on the basis of the information provided in the application they are unable to determine whether the proposal will have a likely significant effect on the designated features of the SPA. They do not agree that it has been demonstrated that there is unlikely to be a significant in-combination effect on red kite, on the basis that: the red kite collision risk figures for the other developments have not been provided and considered by the applicant; the applicant's conclusion that there is no evidence that operational wind farms have had a negative impact on red kite cannot be substantiated as NRW are not aware of any red kite collision or mortality monitoring having been completed at any wind farm in Wales; and the applicant's proposed mitigation for potential in-combination effects with the Mynydd y Gwynt grid connection, ie overhead line designed in such a way as to avoid bird electrocution, is not secured in the DCO so there is no certainty that the mitigation will be delivered. See paragraphs 86 - 87 of NRW's Written summary of their oral case made at the Issue Specific Hearings held 17-19 March, [D6-010] and page 14 of NRW's Comments on responses to ExA's second Written Questions [D6-023].

In NRW's Appendix 5 to their Response to the Second Round of Questions ('NRW Submission on Response to Question 4.18', D5-018) they state that they consider that the proposed development will have a likely significant effect on this SPA.

Mynydd y Gwynt Ltd respond to NRW's Deadline VI comments in relation to the in-combination assessment for the SPA in their 'Comments on submissions for Deadline VI relating to red kite matters' (D7-005). The applicant states their view that on the basis that all the wind farms to which NRW refer are further than 4km from the SPA it can be concluded from the SNH Guidance that they are not likely to have a significant effect on the SPA as there is no connectivity between them and the SPA. The applicant concludes that therefore there will not be any in-combination effect on the SPA populations. The applicant also states that NRW's comments in relation to the Grid Connection Option 1 '...are no longer pertinent as this option has been withdrawn from the scheme.' It is not clear what is meant by this.

NRW, in their 'Response to ExA's request for further information and comments on submissions for Deadline VI' (D7-012), note that the applicant's revised in-combination assessment in Version 4 of the Screening Report considers a number of other projects, and concludes no likely significant effect in-combination on the basis that the other wind farms are further than the application site is from the SPA, and that the three operational wind farms identified have had no effects on red kite. NRW advise that they cannot agree with this conclusion because there has been no monitoring of the effects of the existing wind farms, and collision risk is likely to be primarily determined by numbers of red kite using an area which is not necessarily directly correlated with distance from the SPA. NRW state their view that the in-combination assessment should use the information contained in the ES about the various projects with regard to likely collision risks.

NRW have raised concerns about the data relating to potential impacts on the SPA bird species, but not made their position clear in relation to whether they consider that there may be likely significant effects on merlin and peregrine. As references generally in their documents are to potential collision risk impacts in relation to red kite it has been assumed for the purposes of this matrix that their concerns relate only to red kite.

Stage 1 Matrix 3: Elenydd Special Area of Conservation

Site Code: UK0012928

Distance to project: 5.6 km

European site feature(s)	Likely Effects of NSIP									
	All effects (excluding in-combination)			In-combination						
	C	O	D	C	O	D				
Stage of development										
Calaminarian Grasslands	xa	xa	xa	✓c	✓c	✓c				
Oligotrophic to mesotrophic standing waters	xa	xa	xa	✓c	✓c	✓c				
Floating water-plantain	xa	xa	xa	✓c	✓c	✓c				
Blanket bogs	xa	xa	xa	✓c	✓c	✓c				
European dry heaths	xb	xb	xb	✓c	✓c	✓c				

Notes

- a.** The Elenydd SAC is described in paragraph 48, and assessed in paragraphs 74 -76 of the applicant's Screening Report (D6-028). It is stated by the applicant in evidence note n. to Matrix 3 of the Screening Matrices, Appendix 1 of the applicant's Screening Report (D6-028) that none of the habitats for which SAC are designated are connected to the proposed development, either directly or indirectly. The applicant states that although part of the site lies within the catchment of the Afon Gwy, the habitats are upland habitats and therefore feed into the Afon Gwy rather than being fed by it. The applicant concludes that all the pathways that could cause an effect are via the river itself and that there is therefore no route by which pollutants released on the proposed development site could reach the SAC and cause an effect on the habitats. NRW state, in paragraph A1.10 (pages 12-13) of their Written Representation (D2-011), that they agree that there is no potential pathway for effects on this SAC from the application site.
- b.** European dry heaths are included in the description of the site features in the applicant's Screening Report but are not referenced elsewhere in the Report or in the applicant's matrices. In response to Question 4.4 of the ExA's Second Written Questions requesting that the applicant provide an assessment of potential impacts on it, the applicant referred the ExA to paragraphs 74 – 76 of the Screening Report, as above. NRW state, on page 12 of their 'Comments on responses to the ExA's Second Written Questions' (D6-023), that they agree that there is no potential for likely significant effects on this SAC feature.
- c.** The applicant screens this SAC out from further consideration after an initial assessment and does not consider the potential for in-combination effects. NRW state, in their relevant representation (paragraph 2.1 [RR-66]), that on the basis of the information provided in the application they are unable to determine whether the proposal will have a likely significant effect on the designated features of the SAC. They refer to the potential for the route of the proposed grid connection, not yet finalised, to pass through the SAC. In paragraph A1.10 (pages 12-13) of NRW's Written Representation (Deadline II, D2-011), NRW state that as a result of the lack of any agreement between the applicant and the grid provider on the potential grid route there is potential for the grid route to be amended. They consider that the potential need to clear a way leave through the habitat could result in a likely significant effect on the SAC.

It is not clear whether NRW consider that there is likely to be a significant effect during all phases of the proposed development in relation to the potential effects set out above, so it has been assumed for the purposes of this matrix that their concerns apply to all phases.

Stage 1 Matrix 4: Coedydd a Cheunant Rheidol/ Rheidol Woods and Gorge Special Area of Conservation

Site Code: UK0012748

Distance to project: 8.3 km

European site feature(s)	Likely Effects of NSIP							
	All effects (excluding in-combination effects)			In-combination				
Stage of development	C	O	D	C	O	D		
Old sessile oak woods with Ilex and Blechnum	xa	xa	xa	√b	√b	√b		

Notes

- a.** The Coedydd a Cheunant Rheidol/ Rheidol Woods and Gorge Elenydd SAC is described in paragraph 50 and assessed in paragraphs 74 -75 and 77 of the applicant's Screening Report (D6-028). It is concluded by the applicant in evidence note o. to Matrix 4 of the Screening Matrices, Appendix 1 of the applicant's Screening Report (D6-028), that although the Mynydd y Gwynt grid route would pass close to the site there would be no direct impact on the SAC from the proposed Mynydd y Gwynt wind farm. The applicant states that there is no possible connection between this SAC and the proposed Mynydd y Gwynt wind farm as they lie in different catchments and

there is no habitat loss. NRW state, in paragraph A1.10 (pages 12-13) of their Written Representation (D2-011), that they agree that there is no potential pathway for effects on this SAC from the application site.

- b.** The applicant screens this SAC out from further consideration after an initial assessment and does not consider the potential for in-combination effects. NRW state, in their relevant representation (paragraph 2.1 [RR-66]), that on the basis of the information provided in the application they are unable to determine whether the proposal will have a likely significant effect on the designated features of the SAC. They refer to the potential for the route of the proposed grid connection, not yet finalised, to pass through the SAC. In paragraph A1.10 (pages 12-13) of NRW's Written Representation (Deadline II, D2-011), NRW state that as a result of the lack of any agreement between the applicant and the grid provider on the potential grid route there is potential for the grid route to be amended. They consider that the potential need to clear a way leave through the woodland could result in a likely significant effect on the SAC.

It is not clear whether NRW consider that there is likely to be a significant effect during all phases of the proposed development in relation to the potential effects set out above, so it has been assumed for the purposes of this matrix that their concerns apply to all phases.

Stage 1 Matrix 5: Coedydd Llawr-y-glyn Special Area of Conservation

Site Code: UK0030119

Distance to project: 7.3 km

European site feature(s)	Likely Effects of NSIP							
	All effects			In-combination effects				
Stage of development	C	O	D	C	O	D		
Old sessile oak woods with Ilex and Blechnum	xa	xa	xa	✓b	✓b	✓b		

Notes

- a.** The Coedydd Llawr-y-glyn SAC is described in paragraph 49, and assessed in paragraphs 74 -75 and 77 of the applicant's Screening Report (D6-028). It is concluded by the applicant in evidence note p. to Matrix 5 of the Screening Matrices, Appendix 1 of their Screening Report (D6-028) that there will be no direct impact from the wind farm, that there is no possible connection between this SAC and the proposed development as they lie in different catchments, and there will not be any habitat loss. NRW state, in paragraph A1.10 (pages 12-13) of their

Written Representation (D2-011), that they agree that there is no potential pathway for effects on this SAC from the application site.

- b.** The applicant screens this SAC out from further consideration after an initial assessment and does not consider the potential for in-combination effects. NRW state, in their relevant representation (paragraph 2.1 [RR-66]), that on the basis of the information provided in the application they are unable to determine whether the proposal will have a likely significant effect on the designated features of the SAC. They refer to the potential for the route of the proposed grid connection, not yet finalised, to pass through the SAC. In paragraph A1.10 (pages 12-13) of NRW's Written Representation (Deadline II, D2-011), NRW state that as a result of the lack of any agreement between the applicant and the grid provider on the potential grid route there is potential for the grid route to be amended. They consider that the potential need to clear a way leave through the woodland could result in a likely significant effect on the SAC.

It is not clear whether NRW consider that there is likely to be a significant effect during all phases of the proposed development in relation to the potential effects set out above, so it has been assumed for the purposes of this matrix that their concerns apply to all phases.

Report on the Implications for
European Sites for Mynydd y Gwynt
Wind Farm

APPENDIX D: EVENTS IN THE EXAMINATION

The table below lists the main events occurring during the Examination and the main procedural decisions taken by the Examining Authority.

Date	Examination Event
18 November 2014	Unaccompanied Site Inspection – various ES viewpoints
19 November 2014	Unaccompanied Site Inspection – the site
20 November 2014	Examination begins
27 November 2014	Issue by ExA of: <ul style="list-style-type: none"> • Examination Timetable • Examining Authority’s First Written Questions • Request for Statement of Common Grounds
11 December 2014	DEADLINE I Receipt by the ExA of: <ul style="list-style-type: none"> • Notification by Statutory Parties to inform the ExA of a wish to be considered an Interested Party • Notification of wish to attend the ExA’s inspection of a site to which the application/specific matters relate in the company of Interested Parties (an Accompanied Site Inspection (ASI))
18 December 2014	DEADLINE II Receipt by the ExA of: <ul style="list-style-type: none"> • Local Impact Reports (LIRs) • Statements of Common Ground (SoCGs) • Written Representations (WRs) • Any summaries of WRs exceeding 1500 words • Comments on relevant representations (RRs) • Comments on additional submissions • Any summaries of RRs exceeding 1500 words • Responses to the ExA’s First Written Questions • Comments on, and suggested changes to, the draft Development Consent Order (dDCO) Notifications <ul style="list-style-type: none"> • Notification by Interested Parties of wish to speak at an Open Floor Hearing • Notification by Interested Parties of wish to make oral representations at an Issue Specific Hearing on the dDCO
19 January 2015	DEADLINE III Receipt by the ExA of: <ul style="list-style-type: none"> • Comments on LIRs

	<ul style="list-style-type: none"> • Comments on WRs and responses to comments on RRs • Comments on responses to the ExA's First Written Questions • Comments on SoCGs received for Deadline II • SoCG • Any further information requested by the ExA for this deadline
2 February 2015	Issue by ExA of: <ul style="list-style-type: none"> • Notification to cancel the Accompanied Site Inspection scheduled for 3 February 2015
3 February 2015	Unaccompanied Site Inspection – various ES viewpoints
4 February 2015	Issue Specific Hearing <ul style="list-style-type: none"> • Draft Development Consent Order (dDCO)
5 February 2015	Open Floor Hearing
11 February 2015	DEADLINE IV Receipt by the ExA of: <ul style="list-style-type: none"> • Post-Hearing documents including any written summary of an oral case put at any Hearing • Any further information requested by the ExA for this deadline • Comments on SoCGs received for Deadline III
17 February 2015	Issue by ExA of: <ul style="list-style-type: none"> • ExA's Second Written Questions
4 March 2015	DEADLINE V Receipt by the ExA of: <ul style="list-style-type: none"> • Applicant's revised dDCO taking account of issues raised and comments to date • Response to the ExA's Second Written Questions • Notification of wish to make oral representation at Issue Specific Hearings between 16 and 20 March 2015, if any are required • Notification of wish to attend the ExA's inspection of a site to which the application/specific matters relate in the company of Interested Parties (ASI), if required
9 March 2015	Issue by ExA of: <ul style="list-style-type: none"> • Rule 9 notification letter to Applicant and Interested Parties
15 March 2015	Unaccompanied Site Inspection – various ES viewpoints

16 March 2015	Accompanied Site Inspection
17 March 2015	Issue Specific Hearing <ul style="list-style-type: none"> • Policy matters
17 March 2015	Unaccompanied Site Inspection – Cefn Croes Wind Farm
18 March 2015	Issue Specific Hearing <ul style="list-style-type: none"> • Landscape, noise, biodiversity and socio-economic impacts
19 March 2015	Issue Specific Hearing <ul style="list-style-type: none"> • Draft Development Consent Order (dDCO)
20 March 2015	Unaccompanied Site Inspection - Plynlimon
26 March 2015	DEADLINE VI Receipt by the ExA of: <ul style="list-style-type: none"> • Post-Hearing documents including any written summary of an oral case put at any Hearing and any documents/amendments requested by the ExA • Any comments on responses to ExA's Second Written Questions • Any comments on the applicant's revised dDCO
2 April 2015	Issue by ExA of: <ul style="list-style-type: none"> • Rule 17 notification letter
15 April 2015	Issue by ExA of: <ul style="list-style-type: none"> • Rule 17, Rule 23 and Rule 8(3) notification letters
16 April 2015	DEADLINE VII Receipt by the ExA of: <ul style="list-style-type: none"> • Any further information requested by the ExA for this deadline
20 April 2015*	DEADLINE VIII Receipt by the ExA of: <ul style="list-style-type: none"> • Comments from Applicant regarding Cultural Heritage Matters and an update summary on SoCG
22 April 2015*	DEADLINE IX Receipt by the ExA of: <ul style="list-style-type: none"> • Comments from Powys County Council regarding Landscape matters
24 April 2015	Issue by ExA of: <ul style="list-style-type: none"> • ExA's revised dDCO taking issues raised and comments into account • ExA's Report on the Implications for European Sites

	(RIES) for consultation <ul style="list-style-type: none"> Any further request for information if required
5 May 2015	Issue by ExA of: <ul style="list-style-type: none"> Rule 17 notification letter
11 May 2015	Unaccompanied Site Inspection - Plynlimon
12 May 2015	Unaccompanied Site Inspection – parts of the Wye Valley Way
14 May 2015	DEADLINE X Receipt by the ExA of: <ul style="list-style-type: none"> Any updated SoCGs Any written comments on the ExA’s revised dDCO Any further information requested by the ExA for this deadline Any written comments on the ExA’s RIES
19 May 2015	Issue by ExA of: <ul style="list-style-type: none"> Rule 17 and Rule 8(3) notification letter
20 May 2015*	DEADLINE XI Receipt by the ExA of: <ul style="list-style-type: none"> Comments from Applicant regarding Powys County Council's submission for Deadline X
20 May 2015	Close of examination

* Rule 8(3) amendment to the Examination timetable. Due to procedural decisions made by the Examining Authority during the examination, this consequently made variations to the original dates within the Examination Timetable issued on 27 November 2014

APPENDIX E: LIST OF ABBREVIATIONS

Abbreviation or usage	Reference
A	Article
AIL(s)	Abnormal Indivisible Load(s)
AM	Amplitude Modulation
AOD	Above Ordnance Datum
AONB	Area of Outstanding Natural Beauty
ASIDOHL 2	Assessment of the Significance of Impacts of Development on Historic Landscape
BHS	British Horse Society
BPP	Bat Protection Plan
CAA	Civil Aviation Authority
CBR	Carbon Balance Report
CCC	Ceredigion County Council
CEMP	Construction and Environmental Management Plan
CLVIA	Cumulative Landscape and Visual Impact Assessment
CMS	Cambrian Mountains Society
CPAT	Clwyd Powys Archaeological Trust
CPRW	Campaign for the Protection of Rural Wales
CRA	Collision Risk Assessment
CRoW	Countryside and Rights of Way Act
CTMP	Construction Traffic Management Plan
dB	Decibels
DCLG	Department for Communities and Local Government
DCO	Development consent order (made or proposed to be made under the Planning Act 2008 (as amended))
DECC	Department of Energy and Climate Change
DHASA	Designated Heritage Asset Study Area
DNO	Distribution Network Operator
DPD	Development Plan Documents
EN-1	Overarching National Policy Statement for Energy
EN-3	National Policy Statement for Renewable Energy
EIA	Environmental Impact Assessment
EPS	European Protected Species
EPR	Examination Procedure Rules
ES	Environmental Statement
ExA	Examining Authority
FWQ	First Written Questions
GGE(s)	Greenhouse gas emissions
GLVIA	Guidelines for Landscape and Visual Impact Assessment
GPDO	General Permitted Development Order

Abbreviation or usage	Reference
GW	Giggawatt
ha	Hectare
HCA	Historic Character Area
HLA	Historic Landscape Area
HMP	Habitat Management Plan
HRA	Habitats Regulations Assessment
HRASR	Habitats Regulations Assessment Screening Report
IP	Interested Party
ISH	Issue Specific Hearing
km	Kilometre
LDF	Local Development Framework
LIR	Local Impact Report
LoD	Limits of Deviation
LPA	Local Planning Authority
LSE	Likely Significant Effect
LVIA	Landscape and Visual Impact Assessment
m	metres
MoD	Ministry of Defence
MW	Megawatts
NERC Act	Natural Environment and Rural Communities Act 2006
NPPF	National Planning Policy Framework
NPS	National Policy Statement
NRW	Natural Resources Wales
NSIP(s)	Nationally Significant Infrastructure Project(s)
OFH	Open Floor Hearing
PA2008	Planning Act 2008
PCC	Powys County Council
PMP	Peat Management Plan
PM	Preliminary Meeting
PINS	Planning Inspectorate
PPW	Planning Policy Wales
PRoW	Public Right of Way
R	Requirement
REH	Renewable Energy Holdings Plc
RIES	Report on the Implications for European Sites
RPA	Relevant Planning Authority
RR(s)	Relevant Representation(s)
SAC	Special Area of Conservation
SAM	Scheduled Ancient Monuments
SLA	Special Landscape Area
SNCB	Statutory Nature Conservation Body
SNH	Scottish Natural Heritage
SoCG	Statement of Common Ground
SoS	Secretary of State
SPA	Special Protection Area
SPM	Scottish Power Manweb Plc

Abbreviation or usage	Reference
SPP	Species Protection Plan
SSA	Strategic Search Area
SSSI	Site of Special Scientific Interest
SWMP	Surface Water Management Plan
SWQ	Second Written Questions
TAN	Technical Advice Note
TCPA	Town and Country Planning Act
TWh	Terrawatt-hour
UDP	Unitary Development Plan
UU	Unilateral Undertaking
VSAA	Visual and sensory aspect area
W&CA	Wildlife and Countryside Act 1981
WG	Welsh Government
WR(s)	Written Representation(s)
WTG(s)	Wind Turbine Generator(s)
WQMS	Water Quality Management Strategy
ZTV	Zones of Theoretical Visibility