

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 Llawr-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.

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 Llwr-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.

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

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			Heavy Metals		
Stage of development	C	O	D	C	O	D	C	O	D	C	O	D
Atlantic Salmon	✓a	✓a	✓a	n/a	✓b	✓b	✓c	n/a	✓c	✓d	✓d	✓d
Otter	✓a	✓a	✓a	n/a	✓b	✓b	✓c	n/a	✓c	✓d	✓d	✓d
Watercourses of plain to montane levels	✓a	✓a	✓a	n/a	✓b	✓b	✓c	n/a	✓c	✓d	✓d	✓d
Sea Lamprey	✓a	✓a	✓a	n/a	✓b	✓b	✓c	n/a	✓c	✓d	✓d	✓d
Brook Lamprey	✓a	✓a	✓a	n/a	✓b	✓b	✓c	n/a	✓c	✓d	✓d	✓d
River Lamprey	✓a	✓a	✓a	n/a	✓b	✓b	✓c	n/a	✓c	✓d	✓d	✓d
Twait Shad	✓a	✓a	✓a	n/a	✓b	✓b	✓c	n/a	✓c	✓d	✓d	✓d
Bullhead	✓a	✓a	✓a	n/a	✓b	✓b	✓c	n/a	✓c	✓d	✓d	✓d
White Clawed Crayfish	✓a	✓a	✓a	n/a	✓b	✓b	✓c	n/a	✓c	✓d	✓d	✓d
Alice Shad	✓a	✓a	✓a	n/a	✓b	✓b	✓c	n/a	✓c	✓d	✓d	✓d
Transition Mires	n/a	n/a	n/a	n/a	✓b	✓b	✓c	n/a	✓c	✓d	✓d	✓d

European site feature(s)	Likely Effects of NSIP											
	Chemical Pollution			Abstraction			Disturbance			In Combination		
Stage of development	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
Twaiite 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 otter 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 complete 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., McLoughlin, 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								
Stage of development	C	O	D	C	O	D						
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 Llwr-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 Llwr-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