

## Examining Authority's Second Written Questions

Responses to the Examining Authority's (ExA) second written questions should be received by the ExA on or before **Wednesday 4 March 2015**. The questions are principally addressed to the parties stated. However, the ExA invites all interested parties to consider whether they have evidence on the issues raised and to provide answers to any questions where they can. The questions are not set out according to any order of importance or hierarchy.

Where questions are relevant to the applicant, relevant planning authorities or statutory bodies, it is expected that answers will be given by each party unless an agreed position on relevant matters is to be included in any further or updated Statement of Common Ground (SoCG), in which case an answer to a question should be clearly cross-referenced to that SoCG.

Ref No.	Respondent:	Question:
<b>1.0</b>	<b>Policy and general matters</b>	
<b>1.1</b>	<b>Applicant, interested Parties (IPs)</b>	Powys County Council (PCC) and Ceredigion County Council (CCC) undertook a refinement exercise of SSA D in accordance with Annex D of TAN 8 by ARUP in April 2007. Can a full version of this be provided as an Examination document?
<b>1.2</b>	<b>Applicant, PCC</b>	A report on the conjoined inquiry into five wind farms and the Llandinam grid connection was submitted to the Secretary of State last December. Has any indication been given as to when a decision on these is likely?
<b>1.3</b>	<b>Applicant, IPs</b>	The Cambrian Mountains National Park (Designation) Order 1972 was not confirmed. a) Had it been so, would the application site have been within the National Park? b) Does the fact that not designated as a National Park, whilst not providing the policy support that National Parks and Areas of Outstanding Natural Beauty have, diminish the intrinsic value of the landscape vis a vis these designated areas? c) It is suggested that there is a current proposal to recognise the value of the Cambrian Mountains landscape through designation as an Area of Outstanding Natural Beauty (Simon Ayres' submission,

		Deadline IV). Mr Ayres also suggests that as the area would effectively qualify for such status this means that it fulfils the International Union for Conservation of Nature criteria for Category 5 Protected Area status and is, de facto, of national and international significance. Please comment.
<b>1.4</b>	<b>PCC, Applicant</b>	What is the current total consented generating capacity of wind farms within SSAs B, C and D? Please provide updates of the current position regarding those proposals either with PCC, PINS or the Welsh Government (PCC's helpful tables in Section 2 of its LIR of schemes in development and their projected capacities is noted).
<b>1.5</b>	<b>Applicant</b>	Has the applicant any documentary evidence to back up the assertion that the area within which the application site is situated was left out of TAN SSA D only because of a misinterpretation of low fly zones when the original SSAs were produced?
<b>1.6</b>	<b>Applicant, PCC, CCC, NRW, IPs</b>	It is suggested that the proposed generating capacity of the scheme would represent less than 1% of currently installed UK wind generating capacity and around 0.1% of total electricity production capacity (and operating at a typical 25% of capacity the actual contribution to electricity production would be around 0.025% of the total) (Simon Ayres submission for Deadline IV). Please comment on these figures.
<b>1.7</b>	<b>Applicant, PCC, CCC, IPs</b>	<p>CCC in its Deadline III submission states that in terms of Welsh Government Policy the material considerations are Planning Policy Wales, TAN 8 and Policy Clarification letters which are either issued by the First Minister or by Planning Division; individual Ministerial Statements do not constitute policy clarification letters and therefore carry little or no weight in the context of Welsh Government Policy. However, the Ministerial letter of July 2011 sets out Welsh Government policy and this is confirmed by the Welsh Government in its response. Do parties agree with this assessment?</p> <p>What weight should be given in terms of policy considerations to the Written Statement by the First Minister: Planning for Renewable Energy in Wales (17 June 2011) and the letter by John Griffiths, Minister for Environment and Sustainable Development (July 2011)?</p>
<b>1.8</b>	<b>Applicant</b>	The applicant's answer to question 2.3 of the ExA's First Written Questions refers to a consultation document as included at Annex 1, but this was not provided. Please could the applicant provide a copy
<b>1.9</b>	<b>Cambrian Mountains Society</b>	<p>In its relevant representations the Cambrian Mountains Society (CMS) indicates that it is a membership-based registered charity whose objectives include sustaining and conserving the landscape of the wider area within which the proposal lies.</p> <p>Can the CMS provide more information about its organisation and membership numbers?</p>

<b>1.10</b>	<b>Applicant, PCC, CCC, IPs</b>	Reference has been made to the Sarn Sabrina annual walk which passes close to the application site (Mr Kibble, written representation). Is there any information as to the number of participants taking part in this walk on an annual basis?
<b>1.11</b>	<b>Applicant</b>	The applicant indicates that the car parking area to the south of the A44, currently used informally by the public, would be formalised. Can the applicant explain how this would be achieved?
<b>1.12</b>	<b>Applicant</b>	In its Deadline III submissions (para 10.7) the applicant indicates that it would be willing to offer additional permissive rights of way where a Public Right of Way is within 125m/200m of a turbine and not already on open access land, offering the opportunity to use a different route which would not pass as close to a turbine. Could the applicant point to the location of where these might be and in relation to which proposed turbine, and also indicate the mechanism by which such permissive rights of way could be secured?
<b>2.0</b>	<b>Landscape and visual</b>	
<b>2.1</b>	<b>Applicant</b>	CCC in its LIR indicates at para 4.34 that the applicant's LVIA categorises significant effects as only those over 'moderate to substantial' and above. This means that effects such as 'moderate' or 'moderate/moderate to substantial' significance are not considered significant. CCC goes on to suggest that whilst this is often used for wind farm developments, it is not consistent with most LVIA's for other developments where 'moderate' is considered to be the normal threshold for significance. Can the applicant please comment on this?
<b>2.2</b>	<b>Applicant, IPs</b>	In terms of landscape and visual impact, CCC suggests in its Deadline III comments that assessment of the study area to the west and south-west is conspicuous by its absence and there would potentially be cumulative effects. Can parties please comment on this assertion?
<b>2.3</b>	<b>Applicant, NRW, PCC, CCC, IPS</b>	Why are varying heights above ground level used for differing viewpoint photographs and montages (eg viewpoints 1, 3, 4, 6, 8, 14, 19, 21) and how do these relate to GLVIA advice that height should be between 1.5m and 1.7m to equate to the height of an average man/woman? What are the implications for assessment using these and accompanying photomontages?
<b>2.4</b>	<b>Applicant, NRW, IPs</b>	PCC LIR 5.25(6) notes that the applicant's LVIA identifies that for a landscape to be of 'high' value it has to be covered by a national designation. PCC considers that whilst appropriate to England and Scotland this is less so for Wales where LANDMAP has been developed to evaluate landscape quality; relating high value to designated landscapes only is not appropriate. It consequently means that no landscape within the study area can fall within the 'high' category, which ultimately lowers the final landscape sensitivity assessments. Please comment.

<b>2.5</b>	<b>PCC, applicant, IPs</b>	PCC states 'Plynlimon is one of the most significant and publically valued peaks in Wales' (LIR, para 5.78). Can justification for this statement be provided?
<b>2.6</b>	<b>Applicant, PCC, CCC, IPs</b>	The summary description drawn from LANDMAP of the Plynlimon VSAA suggests there is limited public access consisting of a couple of footpaths. However, other representations suggest that this is public access land, together with the unmarked Cambrian Way. Can the access situation be clarified?
<b>2.7</b>	<b>Applicant</b>	NRW in its written representation (para 5.5 of its Evaluation of Proposals and Landscape and Visual Impact Assessment) suggests that a ZTV overlaying all LANDMAP figures within the ES showing aspect areas with value, rather than just visual and sensory, would be useful in informing findings. Can these be provided?
<b>2.8</b>	<b>PCC, applicant</b>	NRW in its written representation Landscape and Visual Impact Assessment Evaluation (para 8.2) suggests that current activities within the application site do not have planning permission. Can the planning background to the different current land uses be provided?
<b>2.9</b>	<b>CMS, IPs</b>	At para 4.1.3 of its written representation CMS suggest that the A44 follows 'Telford's traditional and famous route'. This is not the applicant's understanding (para 3.88 of it Deadline III submission). Can this be clarified?
<b>2.10</b>	<b>PCC, CCC, NRW, IPs</b>	The applicant has provided an updated cumulative landscape and visual impact assessment for Deadline IV. Can parties please comment on its methodology and conclusions?
<b>2.11</b>	<b>Applicant, PCC, CCC, IPs</b>	NRW in its updated legal note submitted at Deadline IV states that the possibility of the use of turbines with a blade diameter of 105m has not been subject to environmental visualisation assessment (all visualisation has assumed a 90m rotor diameter). Please comment.
<b>3.0</b>	<b>Cultural Heritage</b>	
<b>3.1</b>	<b>PCC</b>	In its Deadline III submissions the applicant draws attention to the advice received by PCC from Atkins and that the Council seems to have dispensed with the services of the Clywd-Powys Archaeological Trust (CPAT) which customarily acts as an archaeological and historic environment adviser to PCC. The applicant contends that CPAT's correspondence and opinions on the scheme should be considered as part of the Examination. The applicant also considers PCC to be dismissive of Cadw's opinion of the scheme's impact and that it seeks to undermine the conclusions drawn, whereas the applicant considers these should be given significant weight, are valid and are supported by adequate knowledge of the scheme and its impact. Can PCC comment on this?

<b>3.2</b>	<b>NRW, Cadw</b>	NRW is critical of the scheme suggesting that there has been an underscoring of impacts on Scheduled Ancient Monuments (SAMs) within registered landscapes. The applicant suggests that NRW is not the relevant consultee with regard to the impact on SAMs, and that Cadw, which is the relevant consultee, is satisfied that the applicant has correctly assessed the effect; any points NRW makes which are dependent on the level of impact to, or effect on, SAMs should be disregarded. Please comment.
<b>3.3</b>	<b>NRW, IPs, Cadw</b>	The applicant suggests (Appendix 6.2, para 1.4.2 of its Deadline III submission) that parties, particularly NRW, have explicitly attempted to apply the same level of effect to a heritage asset as that which is reported in landscape and visual impact assessment for the area or location in which that asset lies. The applicant suggests that the conclusions of LVIA and cultural heritage assessments for the same scheme and the same location do not have to match since they look at differing impacts and receptors. Please comment.
<b>3.4</b>	<b>NRW, CCC, Cadw</b>	In looking at cumulative effects on heritage assets the applicant refers to the Upland Ceredigion Registered Historic Landscape (Appendix 6.2, Section 3.2 of its Deadline III submission). There are existing operational wind farms within this area and beyond, and the applicant suggests their presence, both physically within the registered landscape and in views out from it, is not significantly harmful to heritage significance. Please comment.
<b>4.0</b>	<b>Ecology</b>	
<b>4.1</b>	<b>Applicant</b>	The revised HRASR is dated July 2014, the same date as the version submitted with the application, and is it not apparent which text has been revised, or where additional text has been inserted. It would be helpful to all parties if a version could be provided showing the revisions as tracked changes, and including the revision date and version number, and if this approach could be applied to any subsequent iterations.
<b>4.2</b>	<b>Applicant</b>	Paragraph 42 of the revised HRASR refers to ES Figure 11.12a as showing the location of the five European sites included in the assessment but this has not been provided and it is not specified whether it replaces or is additional to ES Figure 11.12, which is a plan showing the location of the European sites. Please could the applicant clarify and provide the missing plan?
<b>4.3</b>	<b>Applicant</b>	In relation to the interest features of the Afon Gwy SAC, paragraph 128 states that white clawed crayfish, transition mires and sea lamprey 'are not present above Builth Wells', and that therefore they have not been considered in the assessment. It is not clear from this statement whether these species are present in the Afon Gwy SAC Management Units 2b and 8 selected for the assessment. Please could the applicant clarify?

4.4	<b>Applicant</b>	Paragraph 48 of the revised HRASR includes dry heaths in the list of features for which the Elenydd SAC is designated. However, no subsequent reference is made to it. Please could the applicant include in the HRASR an assessment of the potential impacts of the scheme on this feature?
4.5	<b>Applicant</b>	It is stated in the applicant's 'Comments on Written Representations, Local Impact Reports and Responses to the ExA's First Written Questions' that the revised HRASR has been changed to include all the features of the Afon Gwy SAC and Elenydd – Mallaen SPA within the screening report. However, while the conservation objectives have been included for the additional features, it is not clear whether an assessment has been made of the potential impacts on those features, and whether Tables 7 and 10 – 'Impacts and Significance' have been updated to reflect the findings. Can the applicant please clarify?
4.6	<b>Applicant</b>	Paragraph 101 of the revised HRASR, under 'Proposed Mitigation', states that since the application was submitted changes have been made to the proposed mitigation measures for culverts, river crossings, and settlement ponds, and that these are detailed at Appendix 5. However, although there is a cover sheet at the back of the HRASR titled Appendix 5, no such document has been provided. It is also not clear if and how these revised mitigation measures have been reflected in related documents such as relevant ES chapters and appendices such as, for example, the draft Construction Environmental Management Plan and the draft Surface Water Management Plan. Please could the applicant provide a copy of Appendix 5 immediately, explain how the revised mitigation measures relate to other application documents, and clarify whether any other documents should and will be updated accordingly?
4.7	<b>Applicant</b>	It is stated that an EPS licence could be required in relation to otters in the last row of column 3 of Table 10 (page 57) of the revised HRASR. There appears to be text missing about what would happen in the event that a pre-construction survey discovered otter holts or resting places. A new insertion in Table 10 on page 59 titled 'Barriers to movement', about the installation of new culverts etc, concludes no likely significant effects on the Afon Gwy SAC features as there is no evidence that any of the species except otter occur on site, and cross-refers to Appendix 5. In the absence of Appendix 5, it is not clear therefore whether effects on otters have been fully considered, and appropriate mitigation measures proposed if necessary. Please could the applicant clarify the position and provide the text missing from page 57?
4.8	<b>Applicant</b>	In the HRASR the scope of the in-combination effects assessment has been revised in relation to the Afon Gwy SAC and the Elenydd – Mallaen SPA and a number of additional projects have been included in the assessment in the revised HRASR. However, updated matrices have not been provided. Please could the applicant provide updated matrices to reflect the revised assessment?
4.9	<b>Applicant</b>	In relation to the in-combination assessment for the Elenydd – Mallaen SPA, paragraph 132 of the revised HRASR refers to Figure 11.12b as showing the location of each wind farm considered. However, this has not been provided. Please could the applicant provide it?

<b>4.10</b>	<b>Applicant</b>	The revised in-combination study area for the Afon Gwy SAC is described in paragraph 40 of the revised HRASR as extending as far as the catchment of the Afon Gwy SAC's upper management unit, on the basis that sites outside the catchment could not affect the water quality. No further justification is provided for this assumption. The extent and location of the revised study area is not clear from the text and no plan has been provided. Please could the applicant clarify the extent of the study area and provide a corresponding plan?
<b>4.11</b>	<b>Applicant, NRW</b>	Please could the applicant/NRW confirm if the revised scope of the in-combination assessment and the additional projects considered were agreed with NRW? Does NRW agree that only Afon Gwy SAC Management Units 2B and 8 need to be considered in the Afon Gwy SAC in-combination assessment?
<b>4.12</b>	<b>Applicant</b>	Paragraph 134 of the revised HRASR refers to effects of the two operational wind farms closest to the application site (Cefn Croes and Bryn Titli) and states that there is no evidence that they have had a negative effect on the Red Kite population. It also refers to a bird monitoring programme undertaken at Bryn Titli which it is stated shows that its effect on birds has been 'minimal'. Please could the applicant provide further information to substantiate or explain these statements?
<b>4.13</b>	<b>Applicant, NRW</b>	Paragraph 135 of the revised HRASR refers to the effects of the scheme on Red Kite. It is stated that a SNH 2011 literature review estimated that the core foraging range of Red Kite from nest sites during the breeding season is 4km with a maximum range of 6km, and during the winter the foraging range from roost sites is estimated as 10km. It is concluded that the Red Kite from the SPA are unlikely to be affected as only a 'small part' of the SPA is within 4km of the scheme site and only the 'northern part' of the SPA is within 10km of the scheme site; it can therefore be inferred that there is unlikely to be movement of Red Kite between the scheme site and the SPA during the breeding season and that only a small number of Red Kite from the SPA are likely to forage on the scheme site in winter. Please could the applicant provide further evidence to substantiate these conclusions? Please could NRW provide their views on these points?
<b>4.14</b>	<b>Applicant</b>	The information in paragraph 136 of the revised HRASR about the proposed wind farms is not consistent with the information in Table 11 about the proximity of those wind farms to the Elenydd – Mallaen SPA. It is stated that all are more than 6km away so are further than the maximum breeding foraging range (6km) and are 'located towards the edge of the regular winter foraging range' (10km). However, Table 11 shows that Bryn Blaen is within 6km of the SPA, and of the other three, two are 8km and one is 9km away. Please could the applicant explain the apparent inconsistency?

4.15	<b>Applicant, NRW</b>	<p>In the revised HRASR, in relation to the in-combination assessment for the Afon Gwy SAC, limited information on the other projects has been provided. Details of proximity of the wind farms to the SAC are only provided for Llandinam Wind Farm Repowering &amp; Extension. In relation to Hendy Wind Farm, it is stated that the impact of silt-laden-run-off is considered to be of minor significance. In relation to Garreg Lwyd Hill Wind Farm, reference is made to a 'Habitats Regulations Assessment letter' and it is stated that '...with the proposed mitigation measures the impact should not be significant'. In relation to Hirrdywell Wind Farm, the position is unclear. It is stated that through the use of mitigation measures any negative impact on the water environment would be at most of minor significance. It is then stated that no significant impacts are predicted on designated sites.</p> <p>In addition, the status of each wind farm is unclear. Paragraph 143 suggests that none have yet been constructed, so it is not clear if any mitigation measures have yet been put in place.</p> <p>a) Please could the applicant provide further information on these other projects and to substantiate these statements?  b) Please could NRW provide its comments on the applicant's assessment of in-combination effects with these other projects?  c) The applicant has provided a brief in-combination assessment of grid-connection Option 2 (para 147 of the revised HRASR). Does NRW agree with the applicant's conclusion regarding Option 2?  d) Whilst accepting that Option 2 would be the most likely route for grid connection, given a grid connection offer being in place, the ExA requests that the applicant provides an updated cumulative assessment of the scheme together with the Option 1 grid connection route.</p>
4.16	<b>NRW</b>	<p>NRW stated in its relevant representation that it considers that the project will have a significant effect on the Afon Gwy SAC, for which an appropriate assessment will need to be undertaken. Following receipt of information submitted for Deadline II and III by the applicant, does NRW remain of the view that additional information is needed from the applicant to inform an appropriate assessment in relation to the Afon Gwy SAC?</p>
4.17	<b>Applicant</b>	<p>Paragraph 5.23 of the applicant's comments submitted for Deadline III, refer to a Red Kite nest survey that was undertaken between March and July 2014. Please could the applicant provide a copy of the survey report, and state whether or how these findings affect the impact assessments in the ES Ecology chapter and the HRA? In the event that they do, an updated impact assessment will need to be provided.</p>

<b>4.18</b>	<b>Applicant, NRW, IPs</b>	<p>ES Chapter 17 confirms that the related, although separate, grid connection route has not yet been finalised, and that two possible options have been proposed, either of which could be progressed. NPS EN-1, para 4.9.3 states that where consent is to be sought for a separate application an applicant must provide sufficient information to comply with the EIA Directive including the indirect, secondary and cumulative effects, which will encompass information on grid connections. The applicant sets out in Section 11 of its Deadline III submission why it considers there is compliance with the EIA Directive.</p> <p>Given this response, do other parties agree?</p>
<b>4.19</b>	<b>Applicant</b>	<p>Can the applicant please comment on NRW's views (its Deadline III submission relating to FWQ 1.8) that:</p> <p>a) The Option 2 grid connection route does not appear to follow the Holford Rules.  b) Further information is needed on whether the grid connection to the proposed Mid Wales grid system would necessitate any step changes in the design of the system.  c) As it is stated that the grid connection would be interdependent on the Carno 3 wind farm it is unclear how consenting of this project would affect the grid line design for the MyG project.</p>
<b>4.20</b>	<b>Applicant</b>	<p>The in-combination assessment in the revised HRASR includes a number of wind farms that were not previously considered. Their current status in terms of stage of development is unclear. The ExA requests that the applicant confirms which of those schemes have been taken into consideration in the assessment of ecological impacts contained in the ES. In the event that any of these developments have not been considered as part of the baseline, the applicant will need to update the cumulative assessment in the ES.</p>
<b>4.21</b>	<b>Applicant</b>	<p>Paragraph 5.23 of the applicant's comments submitted for Deadline III states that although ES Figure 11.4 (Visibility from Viewpoints) appears to show that small areas of the site were not visible, they were in practice. Please could the applicant provide an updated Figure 11.4 to correct this inaccuracy in the information provided?</p>
<b>4.22</b>	<b>Applicant</b>	<p>The applicant's comments submitted for Deadline III, Appendix 14.3: 'Table detailing the pre- and post-mitigation significance levels' is split between pages and presented in such a way that it is not possible to view or understand the information. It is also not clear if this reflects the revised mitigation measures stated to be detailed in Appendix 5 (omitted). Please could the applicant provide an updated (as necessary), reformatted, accessible version?</p>

4.23	<b>Applicant</b>	Figure 6.6 shows details of the meteorological mast. This does not show cable supports. At the Issue Specific Hearing on the draft DCO it was suggested that it was self-evident that cable support for a mast of this type would be required. Can the applicant provide confirmation that such support is required and whether the presence of supporting cables has been accounted for in the assessment of impacts, particularly regarding bird flight/strike?
4.24	<b>Applicant, NRW</b>	NRW in its written representation (para A1.8) notes the potential for pollution and effects on the River Wye SAC from operational and post-decommissioning phases of use of the new and upgraded roads for rallying or other activities. In discussions, the applicant has suggested that mitigation could include limiting the use of tracks for rallying via a planning obligation. What is the situation regarding this and is the applicant intending offering such an obligation?
4.25	<b>Applicant</b>	In the applicant's comments submitted for Deadline III, Appendix 14.4: 'Table of proposed mitigation measures for effects on ecological receptors' there appears to be a problem with the formatting and lines of text are missing throughout from the mitigation column. It is also not clear if this reflects the revised mitigation measures stated to be detailed in Appendix 5 (omitted). Please could the applicant provide an updated (as necessary) and complete version?
4.26	<b>Applicant</b>	<p>During the course of the Examination, the applicant has produced other environmental information with the aim of addressing concerns raised by the statutory nature conservation bodies (SNCBs) and others. In addition to this, there is also relevant information included within other documents, such as Statements of Common Ground (SoCGs) and responses to the ExA's Questions. The ExA wishes to ensure that all interested parties are aware of all environmental information submitted to the Examination (which can be found on the project page on the National Infrastructure pages of the Planning Portal website).</p> <p>The ExA is concerned that over the course of the Examination it may become difficult to identify the most recent environmental information on each topic and the sequence through which it has developed. When the ExA submits his report to the Secretary of State it will also be important that he should be able to follow this evolution of the evidence.</p> <p>The applicant is requested to provide a signposting document to ensure that the evolution of all environmental information is captured, and to update this periodically throughout the Examination. An example of such a document can be found via this link:</p> <p><a href="http://infrastructure.planningportal.gov.uk/document/2528512/">http://infrastructure.planningportal.gov.uk/document/2528512/</a></p>

<b>4.27</b>	<b>Applicant/NRW</b>	A peat management plan is being produced and discussed with NRW (applicant's Deadline III submission, para 5.13). Can an indication be given as to when this is to be submitted as an Examination document?
<b>5.0</b>	<b>Highways</b>	
<b>5.1</b>	<b>NRW</b>	The applicant has provided further information regarding ecological impacts associated with works to the off-site access route (Appendix 5.1 of its Deadline III submission) following NRW's concerns. Can NRW please comment on this?