

Mynydd y Gwynt EN010020

This is the response to the ExA's First Round of Written Questions from **The Cambrian Mountains Society ID 10029997**

[The questions answered are highlighted in red and do not go beyond 2.20]

Responses to the Examining Authority's (ExA) first written questions should be received by the ExA on or before Thursday 18 ~~Examining Authority's First Written Questions~~ 2014. 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 a 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: |
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| 1.0 | Policy | |
| 1.1 | Applicant, Interested Parties (IPs) | <p>National Planning Policy Statement (NPS) EN-1 sets out the framework for energy policy in England and Wales. It establishes the need for low carbon energy infrastructure, with a particular emphasis on the role of onshore wind farms in meeting this need. Bearing in mind para 4.1.2 of the NPS, are there any specific and relevant policies in either this or any other NPS which would clearly indicate that the ExA should not start with a presumption in favour of granting consent to the MyG wind farm proposal?</p> <p>Yes - there are two key texts in EN-1 and N-3 as set out below.</p> <p>EN-1 para 4.1.5 states: <i>The energy NPSs have taken account of relevant Planning Policy Statements (PPSs) and older-style Planning Policy Guidance Notes (PPGs) in England and Technical Advice Notes (TANs) in Wales where appropriate.</i></p> <p>Although 4.1.5 earlier states that <i>'Other matters that the IPC may consider both important and relevant to its decision-making may include Development Plan Documents or other documents in the Local Development Framework. In the event of a conflict between these or any other documents and an NPS, the NPS prevails for purposes of IPC decision making given the national significance of the infrastructure'</i> this is clearly only intended to apply to any conflicts at this local level - and not to the TANs which are Wales-level and not local policies.</p> <p>Moreover, given the acknowledgement that the energy NPSs have [already] taken account of the TANs (and thus TAN8) it follows that for present purpose this position must be maintained in the present case, which could self-evidently not have been anticipated. Thus, there is not a presumption in favour of granting consent because due to the location of the proposal within an SSA, the terms and purposes of TAN8 re-surface as part of the policy consideration.</p> <p>EN-3 section 2.2 considers its <i>'Relationship with English and Welsh renewables policies'</i> which at 2.2.1 lists factors to be considered by applicants and continues at 2.2.2 that: <i>'Where the IPC considers that any refinement of boundaries of strategic search areas for onshore wind development that has been undertaken by LPAs in Wales is both important and relevant to its decision, the IPC should be satisfied that such an exercise has been undertaken in accordance with the relevant guidance published by the Welsh Assembly Government'</i>.</p> <p>It is argued by the CMS that this removes (and possibly even reverses) any presumption in favour because there is in effect a presumption against (to put it no more strongly) in the guidance and policy position of the Welsh Government. We note that this position is firmly stated in the initial representations made in this case by the Welsh Government on 13 December 2014.</p> |
| 1.2 | Natural Resources Wales (NRW), Powys County Council (PCC), Ceredigion County Council (CCC), IPs | <p>NPS EN-1 refers to the importance of good design. Para 4.5.3 notes that whilst there may be no or very limited choice open to applicants in the physical appearance of some energy infrastructure, there may be opportunities to demonstrate good design in terms of siting relative to existing landscape character, landform and vegetation (NPS EN-3 paras 2.7.48-49 also refers). To what extent is it considered the applicant has demonstrated that the best design in these terms has been achieved?</p> <p>The CMS maintains that this has not been achieved due to a) the choice of site and the consequent location of turbines close to breaks of slope rather than being recessed into plateaux; and b) the location of the site in the foothills of Pumlumon and associated Open Access land (the latter being a recreational asset but one which permits the appreciation of landscape character).</p> |
| 1.3 | PCC, NRW | Do PCC and NRW consider the applicant has met the requirements of para 5.9.12 of NPS EN-1 (and para 2.5.33 of EN-3) regarding impacts on nationally-designated areas? |

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| 1.4 | PCC, CCC, Welsh Government (WG) | Section 5.12 of NPS EN-1 relates to socio-economic impacts. Is it considered the applicant has carried out an adequate assessment of all relevant impacts? |
| 1.5 | PCC, CCC, NRW, IPs | <p>Section 5.9 of NPS EN-1 concerns landscape and visual impacts. To what extent do the local planning authorities, NRW and interested parties consider that the applicant's assessment of these impacts meets the requirements set out in paras 5.9.5 - 5.9.7?</p> <p>Especially in relation to 5.9.7, inadequate information in terms of the project's primary Zone of Theoretical Visibility. Following the CMS Note accepted at the PM this has been remedied (for which it thanks the applicants for their co-operation), but this should have been produced initially and available at that stage to all parties as part of the ES documentation.</p> |
| 1.6 | WG, NRW, CADW and Clwyd-Powys Archaeological Trust | Section 5.8 of NPS EN-1 relates to the historic environment. The WG (letter of 13 November 2014) indicates that CADW note that whilst there is potential for a number of indirect impacts to scheduled ancient monuments 'there is nothing significant enough for us to raise an objection at this stage'. Is there satisfaction that the potential impacts on archaeological and cultural heritage have been fully assessed by the applicant and that proposed mitigation and monitoring would avoid significant harm? |
| 1.7 | NRW, PCC | NPS EN-1 at para 4.13.1 recognises that the production and distribution of energy may have negative impacts on some people's health. Are there any potential health issues which could arise from the application proposal which are not subject to regulation under other legislation or which are not dealt with in the requirements of the draft DCO? |
| 1.8 | Applicant | <p>It is accepted in paras 4.9.1 - 4.9.3 of NPS EN-1 that an application for grid connection may not accompany an application for an electricity generation plant such as a wind farm. No such application has been made to connect the proposal, the applicant indicating that, if consent is granted for the MyG wind farm, grid connection would be the subject of a separate consent application. Chapter 17 of the applicant's Environmental Statement does provide information on potential grid connection options, concluding that there is no obvious reason why a grid connection would not be possible.</p> <p>NRW indicates in its relevant representation that assessment is missing from the Environmental Statement of the direct, indirect secondary and cumulative effects of what would be associated development (as required under the provisions of the Infrastructure Planning (Environmental Impact Assessment) Regulations). It also suggests that: further consideration and assessment of the implication of the routes proposed is required in respect of the design and locations of other proposed grid lines; there are inconsistencies in the ES with regard to the location of Option 1 of the two grid routes; no information has been provided on the routing process for the two grid connection options and they do not appear to conform with nationally-recognised routing considerations; and there are concerns about the two route options on natural heritage and the visual amenity of users of national and regional trails and users of the area around the Clywedog Reservoir and surrounding moorlands.</p> <p>Shropshire North Against Pylons (SNAP) similarly suggests that the current application is incomplete in that it is imprecise as to its means of exporting its generated electricity. Further, and specifically, it is considered that connection would rely for onwards transmission on the National Grid's Mid Wales Electricity Connection proposal and that the applicant should provide the necessary information about the indirect, secondary and cumulative effects of this.</p> |

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| 1.9 | Applicant | Chapter 17 of the ES (Grid Connection) indicates that a grid connection application was submitted in mid May. Can the applicant provide an update on the progress of this application and its implications? |
| 1.10 | PCC, NRW | Section 5.11 of NPS EN-1 relates to noise. Are PCC and NRW satisfied that the applicant has carried out an adequate assessment of noise impacts of both the wind farm during operation and the noise impacts likely during construction? Are they satisfied that the assessment of operation of the wind farm demonstrates compliance with ETSU-R-97? |
| 1.11 | Applicant | Has the applicant demonstrated that the proposed wind farm would be resilient to storms, as required in para 2.3.4 of NPS EN-3? |
| 1.12 | PCC | Is PCC satisfied that the applicant has carried out an adequate assessment of any potential impact from shadow flicker in accordance with paras 2.7.66-67 of NPS EN-3? |
| 1.13 | Applicant | NRW has expressed reservations (in its relevant representation) about the assessment of the carbon balance of the project (ES Appendix 2.1); absence of an Excel spreadsheet with full details of assessment; need for provision of the current version of the Scottish Executive carbon balance assessment; absence of incorporation of carbon gains from habitat restoration areas meaning that there is no provision of an assessment of whether the peat restoration mitigates for the impacts on peat; and need for further justification for some of the data used in the assessment. Can the applicant provide further information to address these concerns? |
| 1.14 | NRW | Is NRW satisfied that the applicant has incorporated adequate proposals for monitoring (and making the results publically available) of impacts on species such as specific birds and bats during the construction |

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| | | and operational phases of the wind farm in accordance with para 2.7.40 of NPS EN-3? |
| 1.15 | Applicant, PCC, WG | <p>The Environmental Statement (ES) refers to Planning Policy Wales edition 6 (February 2014). There is now edition 7 (July 2014). Are there any material differences in terms of policy applicable to the proposal?</p> <p>No - the position in relation to TAN8 remains materially the same</p> |
| 1.16 | Applicant, PCC, IPs | <p>TAN8 pre-dates the Welsh Government's 'A Low Carbon Revolution' and the latest 'Planning Policy Wales' as well as National Policy Statements EN-1 and EN-3. What weight should be accorded to TAN8 and its Strategic Search Areas (SSAs) in the determination of the proposal?</p> <p>The continuing up-dates to PPW continue to incorporate TAN8 as its principal spatial document for wind power proposals. Its persistence demonstrates its importance and resilience in that respect. The only changes that have been introduced relate to peripheral areas which are of no relevance to the location of the present proposal</p> |
| 1.17 | PCC, WG, NRW, IPs | <p>The applicant contends (para 3.69 of the ES) that TAN8 has been represented as if it is strict policy and that it prohibits the development of large-scale wind farms outside SSAs. It considers that this is both a misuse of the advice note and misinterpretation of it. Please comment on these assertions.</p> <p>The applicants misrepresent the responses made in respect of TAN8 and proceed to address assertions which have not been made in these stark and inflexible terms. In effect their ES assembles a house of straw and then demolishes it. In its initial representations CMS quoted the text of TAN8 and other relevant documents, together with formal and attributable statements and correspondence made by responsible and relevant individuals in the Welsh Government, and elsewhere. These are further detailed in Professor Earis' contribution to the CMS written representations.</p> |
| 1.18 | Applicant, PCC, WG, NRW, IPs | <p>In terms of Welsh Planning Policy, the applicant concludes (para 3.107 of the ES) that: a) A Low Carbon Revolution requires proposals such as the project to come to fruition and be constructed as quickly as possible to achieve specific targets and wider aspirations; b) Planning Policy Wales is strongly supportive of such developments; c) TAN8 does not seek to prevent development outside SSAs and is otherwise strongly supportive both of the delivery of suitable schemes and, in particular, (and very specifically) schemes in Powys and the large scale grid infrastructure required to enable their integration with the national and local electricity Grid; and d) the common thread running through such policies is that they are subsidiary to NPS EN-1 and EN-3 for NSIP schemes.</p> <p>i) Please comment on these conclusions. ii) How does the applicant's view compare with reference to TAN8 and Planning Policy Wales (2014) made by, for example, NRW in its relevant representation that these include an objective that in an area outside an SSA there should be no significant change in landscape character as a result of wind turbine development?</p> <p>i) PPW continues on the basis that the existing SSAs require no material changes in order to achieve the Welsh Government's policy aspirations. ii) The applicants' interpretation of this would undermine and invalidate the essence of Welsh Government policy</p> |
| 1.19 | WG, PCC, CCC, IPs | <p>A 2007 ARUP study was undertaken to refine the TAN8 SSA Area D. This did not include the project site. The applicant commissioned a report to replicate this study but with the inclusion of the project site. This was to assess whether this site could be considered to be 'unconstrained land close to the SSA' and if so whether it would have been likely to have been selected in the refinement exercise. This study concludes</p> |

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| | | <p>that the site is unconstrained and in landscape and visual terms is less disruptive than much of the core of SSA D; the site would, if it had been included in the original refinement exercise, possibly have been considered suitable for development as part of the 2010 target for renewable energy and that it was apparently only outside the TAN8 SSA D because of a misinterpretation of low fly zones when producing the original SSAs. Please comment on this assessment.</p> <p>The plain fact is that no SSA was defined which contained the site, or by which the site could be considered physically marginal. The applicants have to live with policy as it is, not as they wish it to be.</p> |
| 1.20 | PCC | What is the status of the Powys Interim Development Control Guidance on onshore wind farm developments (2008)? |
| 1.21 | CCC, Applicant | What weight should be attached to designated Special Landscape Areas within Ceredigion, the closest of which to the project site is SLA 12? |
| 1.22 | PCC | <p>The applicant suggests that the project is fully in accordance with the provisions of the Development Plan for the area, which includes the Powys Unitary Development Plan (UDP).</p> <p>i) Please comment on this assertion.</p> <p>ii) Are there any relevant policies of the UDP which the applicant has not considered and, if so, please provide reasons for their relevance and how the project might or might not comply?</p> |
| 2.0 | Landscape and environment | |
| 2.1 | Applicant, PCC, CCC, NRW | <p>ES Chapter 8 (Landscape) paras 8.30 -8.37 set out the consultation undertaken with relevant stakeholders. This consultation extended over the period 2004 - 2012. The scope of the Landscape and Visual Impact Assessment (LVIA) was agreed in writing in October 2005 with NRW and PCC. CCC was consulted later in 2011 - 2012.</p> <p>Can the applicant confirm whether there are more recent agreements regarding the scope of the LVIA between it, the relevant LPAs and NRW?</p> |
| 2.2 | Applicant, PCC, CCC, NRW, IPs | <p>The baseline for assessment is stated to be less than that recommended in The Guidelines for Landscape and Visual Impact Assessment. Para 4 of ES Appendix 8.1 states that 'These guidelines have been broadly adhered to in all respects other than they advocate a 35km study area for turbines of over 100m or over. Initial zone of influence diagrams, confirmed by wire frames, indicated that whilst there may be some views at distances over 20km, they will not be large elements of the view and over this distance would not bring about any significant effects'.</p> |

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| | | <p>i) Could the applicant explain how this conclusion is arrived at on the basis of the ZVI diagrams?</p> <p>ii) Do other parties agree with this approach?</p> <p>ii) Effects beyond 20km whether direct or in cumulation may not be individually significant, but can produce incremental impacts around an increasingly wide periphery. Critically this can also influence other subsequent proposals, rather than just Mynydd y Gwynt.</p> |
| 2.3 | Applicant | <p>Para 8.32 of ES Chapter 8 states 'in August 2008 clarification of the detail of the LVIA was sought from NRW. It was agreed with Dr Carol Fielding of NRW that account should be taken of the updated LANDMAP data for both Ceredigion and Powys, and that the landscape characterisation work commissioned by Powys County Council should also be used in the assessment and reporting of effects on the character of the study area. The detailed approach to the cumulative assessment was also agreed, as is set out in the e-mail sent from Anne Priscott to Carol Fielding in 2008'. As a copy of this e-mail has not been included with the ES could one be provided?</p> |
| 2.4 | Applicant, PCC, CCC, NRW, IPs | <p>At para 8.200 of ES Chapter 8 it is stated that 6.5km is a threshold at which in the most open locations significant effects would cease to be experienced by a viewer in the landscape. Para 8.233 suggests the magnitude of change of view would fall to medium at a distance of about 3.5km in the west, 6km in the north and 6.5km in the south and east from the project and at these distances highly sensitive receptors would cease to be significantly affected by the proposed wind turbines.</p> <p>i) Please explain the basis for this assessment.</p> <p>ii) Do other parties agree with this assessment?</p> <p>ii) Not at all. The proposed 125m turbines and their moving blades are readily visible in normal conditions at 15-20km, especially when seen as a large group with interacting movement against an open landscape background or on the horizon. Any assessment of medium magnitude perceived by high sensitivity receptors or with high sensitivity landscapes would create a Moderate/Major effect which is in its own right a significant effect - and adverse in terms of the receptor or landscape. Moreover, the threshold described in the ES is only the start of such a level of effect, and not even the end of it. Further, adverse effects should be weighed in the balance even when they reach the point of not being individually significant.</p> |
| 2.5 | Applicant, PCC, CCC, NRW, IPs | <p>TAN 8 (2005) indicates that intervisibility of the area within a 20-30km radius should be mapped using GIS. What are the implications of this given the chosen methodology and study area used?</p> <p>This would increase the area within which marginal but relevant impacts would be recorded. It is also to be noted that when TAN 8 was formulated turbines of the size and blade-sweep now proposed were not envisaged and could not be verified by observation.</p> |
| 2.6 | Applicant, PCC, CCC, NRW | <p>Para 8.70 of ES Chapter 8 refers to Scottish Natural Heritage (SNH) Guidance (2012) and GLVIA3 (2013) as the basis for the methodology used in the Cumulative Landscape and Visual Impact Assessment. SNH Guidance on Visual Representation of Wind Farms was issued in July 2014. What are the implications of this latest guidance in respect of the way the present project should be assessed?</p> |
| 2.7 | Applicant | <p>In terms of cumulative impact assessment, the methodology states that a significant effect is found when the impact is moderate to substantial. However, para 8.467 of the ES states that '...due to the high sensitivity would bring about some moderate to substantial and not significant effects'. Can the applicant confirm whether this should read 'significant' instead of 'not significant'? If it was intended to read 'not significant' could the applicant explain why they have departed from the methodology in this instance?</p> |

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| 2.8 | Applicant | <p>The format of Chapter 8 makes it difficult to easily establish where a significant effect on landscape and visual impact has been determined. The tables (Tables 8.7 to 8.18) do not set out significance. A table is provided in ES Chapter 18 which identifies the level of significance pre- and post-mitigation for all of the topics covered. However, it does not present all the conclusions clearly. For example, it does not indicate the level of significance applicable to cumulative landscape and visual residual effects and does not identify the magnitude of effects consistently.</p> <p>It would be helpful to have an updated table taking these points into account.</p> |
| 2.9 | Applicant | <p>There appears to be no indication in Chapter 8 of the ES that the methodology for the assessment of effects has been agreed with relevant stakeholders. Can the applicant confirm the position on this?</p> |
| 2.10 | Applicant | <p>The terms 'significant effects' and 'significant changes' are used in the ES. Can the applicant please confirm whether there is a difference in these terms?</p> |
| 2.11 | Applicant, NRW, PCC, CCC | <p>The cut-off date for inclusion of schemes in the cumulative impact assessment was August 2013 (para 8.76 of ES Chapter 8). Have any further schemes been advanced since this date within the study area which would require the cumulative impact assessment to be updated to take them into account?</p> <p>Yes. CMS will produce a list limited to Powys, which does not presume to be exhaustive</p> |
| 2.12 | Applicant | <p>Para 8.1 of ES Chapter 8 states that cumulative impact assessment for visual effects has a radius of 60km (Scottish Natural Heritage guidance). The approach of the cumulative assessment was agreed with NRW in 2008 (para 8.32 of the ES).</p> <p>Can the applicant please confirm whether any more recent agreements regarding the cumulative impact assessment have been reached with NRW or with other bodies, such as the relevant local planning authorities?</p> |
| 2.13 | Applicant, NRW, PCC, CCC | <p>Whilst the approach to assessment has been agreed, the ES does not provide evidence that the results of assessment have been agreed with NRW or the relevant local planning authorities. What is the position regarding the agreement or otherwise of the assessment results?</p> |
| 2.14 | Applicant, NRW, PCC, CCC, IPs | <p>Is there agreement that the 26 viewpoints analysed in the Landscape and Visual Impact Assessment (LVIA) are representative of the main landscape character types and visual receptors? If not, what other viewpoints should be assessed?</p> <p>CMS sets out and illustrates additional or alternative locations in its Written Representations</p> |

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| 2.15 | Applicant, NRW, PCC, CCC | <p>Some of the viewpoint photographs within the ES date from 2005 and most are from 2012. Have there been any substantive changes in the views (such as the development of other wind farms) that would suggest the views illustrated are no longer an accurate representation of what can be currently seen?</p> <p>CMS defers to other participants, but points out that the variety of seasonal and lighting conditions makes comparative assessment difficult.</p> |
| 2.16 | Applicant | <p>Para 2.20 of ES Chapter 2 (The Proposed Development) states that the approximate overall size of the proposed substation will be 58m x 35m and a control room of 18m x 9m. However, under Work No. 4 of the DCO the approximate size of the substation and control room is stated to be 4000m².</p> <p>Can the applicant please confirm the size of the substation including the control room and whether the worst case scenario has been assessed?</p> |
| 2.17 | Applicant | <p>Para 2.6 of ES Chapter 2 states that the visualisation and noise calculations have been based on a Vestas V90 3MW turbine which has a rotor size of 90m, yet para 2.32 states that a maximum envelope has been used to allow for worst case assessment of the scheme based on a turbine which has a maximum rotor diameter of 105m. It is not therefore clear whether the worst case scenario has been assessed in terms of visualisation and noise.</p> <p>Can the applicant clarify this position?</p> <p>CMS points out that a rotor radius of 45m as formally assessed sweeps an area of 6361 m², whilst one of 52.5m sweeps 8659 m² and would require a tower of at least 80m thus resulting in a minimum tip height of 132.5m, greater visual impact and an increased area of tip height ZTV.</p> |
| 2.18 | Applicant | <p>Para 8.134 of ES Chapter 8 states that due to the nature of the turbines effects on visual amenity cannot be mitigated. The ES states that it will be possible instead to enhance landscape features which are a key in defining the landscape character of the area.</p> <p>In this regard has the applicant considered, for example, whether off-site planting could be effective?</p> |

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| <p>2.19</p> | <p>PCC, CCC, IPs</p> | <p>There are long-distance footpaths which pass through or close to the application site (Wye Valley Walk, Severn Way, Cambrian Way). The applicant's assessment suggests that anticipated magnitude of view likely to be brought about by the development of wind turbines is generally substantial for footpaths within 3.5km in unforested areas and substantial under 1.8km for the named long-distance paths including the Wye Valley Walk and Severn Way. ES Chapter 8 para 8.615 and Appendix 8.3 suggest low usage of the footpaths crossing the site. User data has not been recorded for the Severn Way but it is suggested that use is highly unlikely to be anywhere near that of the peaks visited in National Parks.</p> <p>Are there any comments as to the accuracy of the analysis of footpath use?</p> <p>This question omits reference to Glyndwr's Way, which is persistently affected. The Cambrian Way is no a statutory path, we believe.</p> |
| <p>2.20</p> | <p>Applicant, PCC, IPs</p> <p>NB No further responses from CMS to questions below</p> | <p><u>Are there any data on use of the sections close to the application site of the long-distance Severn Way and</u> Para 8.137 of ES Chapter 8 states that a bridleway is located within 111m of turbine 1 and a second is within 79m of turbine 13; 'As a mitigation measure the landowners have made available a car park for horse riders to park their horseboxes on an existing surfaced area within the site landholding as compensation for any effect on horse riders using the bridleways'. The site is shown on Fig 8.49 but is shown outside of the red-line boundary and across the A44. The ES does not make clear what the intention is - whether it is so horse-riders will choose to access bridleways to the south of the proposed wind farm instead of ones located near the turbines.</p> <p>i) As this measure has already been put in place is it actually a mitigation measure or is it the intention to effectively remove horse-riders from the areas around where the turbines would be sited? (It is noted that para 2.27 of TAN 8 (2005) states that the British Horse Society has suggested a 200m exclusion zone either side of bridleways to avoid turbines frightening horses).</p> <p>The BHS 200m is a minimum distance. In its current policy statement it recommends a separation distance of 200m or three times turbine tip height (375m) whichever is the greater.</p> <p>ii) Para 8.137 suggests there may be effects from the wind farm on horse riders using the bridleways through the site. Can these potential effects be described?</p> <p>iii) What are the implications of the proximity of turbines for other users of the rights of way passing close to turbines, particularly having regard to safety?</p> |

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| 2.21 | Applicant, NRW | Screening of the proposed turbines from some locations would be provided by forestry plantations. The Hafren Forest Management Plan is at ES Appendix 8.2. It is not entirely clear from this what the regime of felling/replanting would be. Given the project lifetime of c25 years can any further information be provided as to the likely felling/replanting regime that may impact on the visibility of turbines from some locations, particularly in the Hafren Forest? |
| 2.22 | Applicant, CCC | Is there any update as to the position regarding the proposed Nant y Moch wind farm? |
| 2.23 | Applicant, PCC | Can an update on the conjoined mid-Wales Planning Inquiry be provided? |
| 2.24 | Ministry of Defence | Has the proposed wind farm development any implications for low-flying activities? |
| 2.25 | Applicant | Part of the project site appears to be used for rallying and as a firing range. Can the applicant please provide responses to the following: i) Are rallying and testing and the firing range likely to continue if the project gets consent? ii) What impacts would the existence of the wind farm have if it is to co-exist with rallying, testing and the firing range? |
| 3.0 | Archaeology and cultural heritage | |
| 3.1 | Applicant, IPs | CCC in its relevant representation considers there would be a significant cumulative effect on the heritage resource designated Bronze Age summit cairns on Pumlumon and that the assessment in the ES significantly underplays this. (See also Question 1.6). Can the applicant please respond to this view? |
| 3.2 | Applicant | In its relevant representation NRW considers that the applicant's assessment has underestimated the significance of impacts on the Upland Ceredigion, Clywedog Valley and Élan Valley Registered Historic Landscape Areas and their constituent historical landscape character areas from which the project would be visible; there would be a 'fairly severe' level of impact on the Pumlumon historic landscape character area within the upland Ceredigion HLA; and the applicant's assessment is deficient because it fails to take into account the cumulative effects of other wind farms and associated grid connections. (See also Question 1.6). |

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| | | Can the applicant respond to these comments and concerns? |
| 4.0 | Ecology | |
| 4.1 | Applicant, NRW, other IPs | <p>The currency of survey information varies within the ES and some is quite dated. This is acknowledged in para 11.18 and it is stated that the absence of comments from NRW in its S42 consultation response on this point indicates support for the applicant's view that the survey data provide accurate information on the ecology of the site.</p> <p>However, this does not reflect NRW's comments to its relevant representation in which concerns are raised about the age, methodology and analysis of results of the bat surveys, and about the age and methodology of the bird surveys.</p> <p>Can comment be provided on the relevance of the older surveys to the assessment of effects?</p> |
| 4.2 | Applicant | <p>It is stated in the introduction to ES Chapter 11 that 'full scale studies' (desk and field survey) were undertaken between 2004 and 2005 and that a number of these were updated, a list being provided. Reference is made throughout the chapter to the 2004/5 surveys but a comprehensive list of what was undertaken has not been provided in the chapter or appendices, so the full extent of the surveys is unknown.</p> <p>Could the applicant provide a full list of the surveys undertaken and their dates together with copies of the survey reports?</p> |
| 4.3 | Applicant | <p>The study area for the Phase 1 Habitat Survey undertaken in 2004 is unclear. It is stated in paragraph 11.19 that the application site and a section to the west of it were surveyed. No justification is provided for selection of the study area, and although reference is made to it being shown on Figure 11.1 that only appears to show land within the red-line boundary of the application site, and does not include any surveyed land outside of the site. In addition, the text in paragraph 11.21 also suggests that the survey information in the ES only relates to the application site. Para 11.22 notes that the National Vegetation Classification (NVC) survey was first undertaken in 2005, then updated and expanded in 2010 and 2013 to include a previously un-surveyed area near the proposed site compound, and effectively replaces the Phase 1 Habitat Survey information. However it is not clear whether the NVC survey study area replicated the Phase 1 Habitat Survey study area. The location of the NVC communities is shown on Figure 11.2, but the NVC Codes included in the Key are so small as to be almost unreadable.</p> |

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| | | Can the applicant please clarify? |
| 4.4 | Applicant | <p>It is noted that unless stated elsewhere the study area for all ecological surveys is the application area within the red line. No justification is provided for selecting this study area and it is not indicated that it was agreed with any other body, such as NRW.</p> <p>Can the applicant please provide justification and indicate whether the study area has been agreed with any other body?</p> |
| 4.5 | Applicant, NRW, IPs | <p>Para 11.6 sets out what the Applicant considers to be the key issues of the assessment but does not include bird strike under the potential operational effects, although this is assessed in the chapter.</p> <p>Is bird strike considered to be a key issue?</p> |
| 4.6 | Applicant | <p>In its relevant representation NRW considers the methodology for the bird surveys undertaken is not compliant with the most recent good practice guidance on wind farm assessments (Scottish Natural Heritage (2014)). It also considers that the methodology for the surveys is not compliant with the earlier version of this guidance from 2010. Specific concerns are: bird survey data are now relatively old; there is a lack of information on study areas for the surveys and it appears some of the study areas were not compliant with the 2010/2014 guidance; there is a lack of information on raptor breeding locations and surveys; the viewpoint surveys are not compliant with the 2010/2014 good practice guidance; a single year of data have been collected and this is not recognised as a limitation in the assessment; and bird flight data are shown for areas which the ES states are not visible from the viewpoints.</p> <p>Could the applicant please provide a response to these concerns?</p> |
| 4.7 | Applicant | <p>The terminology used to describe the study areas is inconsistent throughout the ecology chapter of the ES. It is stated in para 11.27 that peat survey work in 2010 focussed on the 'wind farm infrastructure footprint' but does not explain what this means. Other paragraphs, for example, refer to the 'application area', 'impact area', and 'application boundary'.</p> <p>Can the applicant please detail the extent of the survey areas for each feature surveyed, and the justification for selecting these parameters?</p> |

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| 4.8 | Applicant | It is not stated within ES Chapter 11 whether the scope and methodology of the 2009-2010 Vantage Point (VP) bird surveys were agreed with any other body. It is stated in para 11.34 that birds of prey and waders were targeted but does not explain why. Can the applicant please clarify? |
| 4.9 | Applicant | Para 11.37 of ES Chapter 11 notes that migratory surveys were undertaken during 2004-2005. Other than including a list in Appendix 11.4 of the birds recorded, no further information is provided, and they are not included in the Bird Surveys Overview in Appendix 11.16. Can the applicant please clarify? |
| 4.10 | Applicant | Para 11.49 of ES Chapter 11 provides brief information on Ring Ouzel and Black Grouse surveys but does not specify the date or the extent of the study area. Can the applicant provide these? |
| 4.11 | Applicant | No information is provided on the methodology for the brown hare and badger surveys. Can the applicant supply this? |
| 4.12 | Applicant | ES para 11.32 states that further peat depth readings will be taken to cover any new areas in the event that infrastructure design evolves outside of the areas covered. This seems to suggest that the location of site infrastructure could be changed and that further surveys would be undertaken. However, the stage at which these would be undertaken is not stated and the meaning of this statement is unclear. Could the applicant please clarify? |
| 4.13 | Applicant | The extent of the study area for the bat surveys is unclear. Para 11.72 of ES Chapter 11 states that 2010 surveys focussed on the 'infrastructure layout' but no further explanation is provided of what that is. Para 11.75 states that pre-2010 bat surveys were undertaken 'within the application area'. Appendix 11.17, dated March 2006, states in the title that it is a report of surveys undertaken between June and September 2005. However, it additionally describes 'car surveys' undertaken in June and July 2006, which are also referenced in para 11.75 of the Chapter 11. Can the applicant please clarify? |

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| 4.14 | Applicant | The study area for bullhead fish is unclear. Para 11.82 of Chapter 11 states that targeted searches were made of all suitable habitats in the River Wye and tributaries within the 'impact area'. Can the applicant please clarify? |
| 4.15 | Applicant | Neither the extent of the study area within which designated sites were considered is provided, nor is there justification for the selection of the identified sites. Para 11.86 of Chapter 11 notes only that designations have been identified 'within the vicinity of the application area'. Para 11.87 identifies that there are three SSSIs and one SAC within 3km of the application area, and states that their location is shown on Figure 5.2. This figure is titled 'Final Project Design Layout' and does not identify the SSSIs and SAC by name. The Elenydd Mallaen SPA, which is 3.4km from the project site, is separately described in paras 11.99 - 11.102 although its distance from the project site is not provided. Can the applicant please clarify? |
| 4.16 | Applicant | Paras 11.106 - 11.111 state that a data search was undertaken within a 2km radius of the study area, and provide some information on Priority Species, Species of Conservation Concern, and Locally Important Species. The study area is not defined, nor justification provided for selecting it. Some text has been omitted so that no definition of priority species has been provided. This section cross-refers to Appendix 11.10, which contains a list of species identified in the search. However, that list differs from the list provided in paragraph 11.109. Can the applicant please provide clarification? |
| 4.17 | Applicant | A plan entitled 'Ecological Constraints' is provided at Figure 11.7, although it only identifies vegetation and peat, and a brief description provided in para 11.158. The plan identifies areas of absolute, high, medium and low constraint but the implications for siting development on each of those areas are not explained. Can such implications be explained? |

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| 4.18 | Applicant | <p>It is stated in para 11.269 of Chapter 11 that Table 11.18 (page 65) describes the value of designated sites on or adjacent to the site. It is not explained why only sites in that area are considered. However, Table 11.18 does include, in addition to the River Wye SAC, the Elenydd Mallaen SPA (EM SPA), which is 3.4km away, but not the three other European sites identified in the HRA Report as within 10km of the site.</p> <p>Can the applicant provide clarification?</p> |
| 4.19 | Applicant | <p>A list of guidance documents on which the applicant relied to guide the assessment is provided in paragraph 11.7 of Chapter 11 and includes documents published by English Nature/Natural England (NE) but does not reference any publications by NRW.</p> <p>Reference is subsequently made to draft 2002 and published 2006 IEEM guidance on impact assessment, although these are not included in the list of guidance documents. In paragraph 11.9 it is stated that both have been used to inform the assessment, and then states that as the 2002 guidelines are considered to provide more explicit criteria for, and a more methodical approach to, the assessment of impact significance these have been applied. Notwithstanding that the IEEM guidance is advisory and not statutory, it appears that draft guidance was superseded in 2006. However the position is unclear.</p> <p>Can the applicant please clarify which guidance was relied upon for the purpose of assessment and provide justification for relying on superseded guidance?</p> |
| 4.20 | Applicant, NRW, PCC, CCC | <p>There is no indication that the assessment methodology was agreed with relevant bodies. ES Table 11.3 provides details of consultations undertaken. It states that discussion took place with CCW/NRW on several occasions and that it centred on survey methodologies for bird surveys and the scope of the vegetation survey. However, dates are not provided and the extent of consultation with NRW since 2005 is unclear. It is noted that CCW suggested in 2005 that the local authority biodiversity officer should be consulted. Other than a comment in Table 11.3 that the Applicant met with PCC in September 2009 to discuss the transport route, there is no indication that the methodology was agreed with PCC. NRW raises concerns in its relevant representation about the bat survey and bird surveys methodology. PCC in its relevant representation includes biodiversity in a list of concerns pending full assessment during the examination process.</p> <p>i) Could the applicant please provide more detailed information, including dates, on consultation with relevant bodies?</p> |

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| | | ii) Can NRW, PCC and CCC comment on the methodology applied? |
| 4.21 | Applicant, NRW | <p>The assessment criteria used to determine the significance of impacts is described in para 11.14 to 11.17 and Tables 11.1 and 11.2 of ES Chapter 11, but the explanation is unclear. Table 11.1 sets out the criteria for establishing the magnitude of an impact. Impacts are defined as: major negative; negative; neutral; positive; and major positive.</p> <p>It is stated that the IEEM guidelines were applied to categorising the value of ecological receptors, which are provided in Appendix 11.2 and defined as: parish/neighbourhood; district/borough; county/metropolitan; regional; national; and international. Table 11.2 provides definitions of the level of significance of effects, based on combining the value of a receptor and the magnitude of an impact. It is stated in para 11.17 that any effect of 'at least major significance at County/metropolitan level' is considered significant. However, significance values included in Table 11.2 are not described in the text and it is not made clear in Table 11.2 what constitutes a significant effect, for example references are made to 'major-moderate' and 'major-minor' effects. It is usual to describe effects of moderate or above as significant, and no justification for determining that only effects of major or above are considered significant is provided. Other than the receptor values, it is not indicated from where the criteria originated.</p> <p>i) Can the applicant please clarify the definition of what constitutes a significant effect? ii) Is NRW in agreement with the approach taken by the applicant with regard to determining the significance of ecological impacts?</p> |
| 4.22 | Applicant, NRW, PCC, CCC | <p>ES Chapter 11 considers direct and indirect impacts, such as on aquatic systems and species as a result of sedimentation of watercourses, and pathways for impacts, such as the hydrological link to the River Wye SAC via the tributaries on site. Effects are described as permanent or temporary, and adverse or beneficial. Table 11.28, 'Residual Effects' predicts the geographical extent of residual effects and whether they will be temporary or permanent.</p> <p>However, the extent of the study areas for each ecological receptor is not clear, and the reasoning for selecting them is not provided, so it is unclear whether all receptors that may be impacted by the project have been identified. For instance, the chapter only discusses European sites within about 3km of the project site (the River Wye SAC and the Elenydd - Mallaen SPA), although the HRA Screening Report identifies that there are five European sites within 10km of the project site.</p> |

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| | | <p>The terminology used to describe the study areas is inconsistent and it is not indicated in relation to the majority of surveys whether the study areas were agreed with relevant bodies.</p> <p>i) Can the applicant please clarify the study areas for each survey and provide justification for choosing them?</p> <p>Can NRW, PCC and CCC comment on the extent of the study areas and whether in their view all relevant receptors have been identified and assessed?</p> |
| 4.23 | Applicant, NRW, PCC, CCC | <p>An assessment of effects during the construction period is contained in paras 11.311 - 11.380 of ES Chapter 11 and it is concluded that there will not be any residual significant effects on receptors. However, the levels of significance are not clearly defined for each feature both pre-mitigation and post mitigation.</p> <p>Could the applicant set out clearly in tabular form the level of significance of effects both prior to mitigation and post-mitigation of all features identified in the Ecology Chapter? (Please also see question 2.8 above).</p> <p>Can NRW, PCC and CCC comment on these conclusions?</p> |
| 4.24 | Applicant, NRW | <p>NRW in its relevant representation has expressed concerns about the design of the proposed watercourse crossings and the potential impacts on fisheries (especially migration). There are also concerns with regard to proposed amendments to the dam on the River Bidno and the potential impact of this on fisheries and the release of contaminants, though in principle it is considered that these can be resolved through further discussion with the applicant.</p> <p>Can NRW and the applicant indicate whether these matters have been further discussed and how these issues may be resolved?</p> |
| 4.25 | Applicant | <p>An assessment is made in paras 11.326 - 11.329 of ES Chapter 11 (under the construction effects section) of the potential impacts on the interest features of the Elenydd-Mallaen SPA and cross-reference is made to the contents of the HRA Report. However, the assessment relates to effects during the operational stage rather than the construction stage. It is stated that a number of 'site criteria' have been assessed, such as coherence, environmental quality and resilience, and it is concluded that there will be no impacts on these. However, no justification for this statement is provided.</p> <p>It is concluded that there is potential for effects on Merlin, Red Kite and Peregrine, but that they 'should' not be significant, due to the low numbers recorded on site, a low level of anticipated bird strike, and an</p> |

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| | | <p>assumption that the birds on site do not originate from the SPA, although this assumption is not fully justified. Cross-reference is made to the HRA Screening Report which does not offer any further justification.</p> <p>Can the applicant provide fuller justification for the conclusions in relation to potential effects on the Elenydd-Mallaen SPA?</p> |
| 4.26 | Applicant | <p>Paragraph 11.342 of ES Chapter 11, in the construction effects section, notes that the construction of settlement ponds will be 'particularly critical' for some areas of the site. However, the project description only refers to the construction of one settlement pond. The HRA Screening Report variously refers to a pond or ponds.</p> <p>Could the applicant clarify the position, as the draft DCO includes only one pond (Work No. 9)?</p> |
| 4.27 | Applicant | <p>ES Chapter 11 paras 11.463 - 11.466 ('Conclusion') include a list of species and habitats considered as being of principal importance in the ecological assessment. However, it does not include the Elenydd- Mallaen SPA and the species for which it is designated, i.e. Red Kite, Merlin, and Peregrine Falcon.</p> <p>Can the applicant please explain this?</p> |
| 4.28 | Applicant | <p>ES Chapter 11 para 11.325 contains a brief discussion of the cumulative construction impacts, which appear to relate to effects on the River Wye SAC. Only other wind farms have been considered, and an extension to one wind farm identified, Bryn Titli. It is concluded that as a layout for that proposal has not been finalised and no timetable announced it is not possible to assess any potential cumulative effects. However, the information provided on Bryn Titli is very limited and it is not clear what stage it has reached.</p> <p>Has the applicant any further information on Bryn Titli that would lead to an updated cumulative impact assessment?</p> |
| 4.29 | Applicant, NRW, IPs | <p>There has been no assessment of potential cumulative impacts with the construction of possible related but separate grid connection and it is not indicated whether the scope or findings of the cumulative assessment were agreed with other bodies such as NRW.</p> <p>i) Can the applicant please provide fuller justification of the scope of the cumulative assessment?</p> <p>ii) Can NRW and other relevant bodies provide their views on the scope and findings of the assessment?</p> |

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| | | carried out? |
| 4.30 | Applicant | <p>Mitigation measures for effects on ecological receptors are scattered across ES Chapter 11, other chapters, and various appendices, so it is difficult to gain an understanding of the totality of the measures that have been proposed.</p> <p>Mitigation measures in relation to the construction period are contained in paragraphs 11.319 - 11.323 (in the section on construction period effects), paragraphs 11.381 - 11.407 ('Mitigation of Construction Period Effects'), paragraphs 11.443 - 11.448 ('Mitigation of Operational and Long-term Effects'), and Chapter 14, Geology, Hydrology and Hydrogeology, to which cross-reference is made. Cross-reference is also made to mitigation measures contained in a Construction Environmental Management Plan (Appendix 6.1), a Surface Water Management Plan (Appendix 14.3), and a draft Habitat Management Plan (HMP) (ES Appendix 11.21) all of which are included in the draft DCO. It is not stated in the HMP itself or Chapter 11 that the HMP is a draft version. However, Requirement 14 of the draft DCO states that a HMP to be agreed with the planning authority shall accord with the 'draft' HMP at ES Appendix 11.21.</p> <p>It would be helpful if the applicant could set out all the proposed mitigation measures in tabular form.</p> |
| 4.31 | Applicant | <p>No information is provided on decommissioning mitigation measures, although it is stated that 'proposed protection measures' will broadly mirror the mitigation measures contained in the Construction Environmental Management Plan and Surface Water Management Plan.</p> <p>Is the applicant able to provide any more detail regarding mitigation measures during decommissioning?</p> |
| 4.32 | Applicant | <p>Can the applicant provide further information on the investigations reported in the ES Appendix 6.2 on potential contamination of soils and groundwaters by historic mining activities, given NRW's views expressed in its relevant representation?</p> |
| 4.33 | NRW, PCC, | <p>ES Chapter 14 summarises the baseline conditions for geology and hydrogeology for various matters. Are NRW and PCC satisfied that the studies undertaken to inform the baseline at the site are sufficient?</p> |
| 4.34 | NRW | <p>A Flood Risk Assessment has been carried out. Does this satisfy any concerns NRW may have with regard to flood risk?</p> |

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| 4.35 | Applicant | The peat surveys referred to in ES Chapter 14 are reported in more detail in ES Chapter 11 (Ecology) and a peat depth contour map is included as Figure 11.3 to the ES. The precise locations for the peat sampling are not provided with the ES and it is unclear how the map has been informed by the sampling data, as the peat depth data has not been provided (a point raised by NRW in its relevant representation). Could the applicant please provide the detailed peat data used to inform the peat contour map, including information on sampling methodology and the modelling applied? |
| 4.36 | Applicant, NRW | <p>ES Chapter 14 does not describe the approach to the cumulative impact assessment for geology, hydrology and hydrogeology; however, para 14.140 describes that no cumulative impact or effect on hydrology is anticipated as a result of the proposed development. This is on the basis that the nearest existing wind farm that is within the catchment of the River Wye is located some 18km distant from the proposed development of MYG. The ES states that 'the proportion of the catchment draining into the Rivers Wye and Severn that will be permanently changed by the construction of the wind farm is such a small proportion of the overall catchment that the mitigated effect of the works will be minimal to the hydrological regime'.</p> <ul style="list-style-type: none"> i) Can the applicant confirm that their cumulative assessment applies also to effects on geology and hydrogeology? ii) Does NRW agree with the scope of the cumulative impact assessment? |
| 4.37 | Applicant | <p>ES para 14.16 describes criteria used to evaluate the significance of the effects. However, it is noted that the criteria listed in Paragraph 14.16 have not been applied to the impact assessment prior to mitigation. The criteria are only identified in Table 14.10 at the end of the chapter (the summary of residual effects), where the significance of residual effects is classified as: 'Major', 'Minor' or 'Not Significant'. Para 14.17 states that professional judgement has been used to assess the findings in relation to each of the significance criteria to give an assessment of significance for each effect.</p> <p>It is not clear whether the applicant's use of 'Not Significant' and two 'Significant' criteria (i.e. Minor and Major) is implying that both minor and major impacts are significant impacts in terms of the EIA Regulations.</p> <p>Can the applicant please confirm whether minor and major impacts are deemed to be significant in terms of the EIA Regulations?</p> |

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| 4.38 | Applicant, NRW | <p>It is noted from Table 14.10 of the ES 'Effects and evaluation of significance' in respect of geology, hydrogeology and hydrogeology that all receptors listed in the table have been assigned as of 'Local' policy importance/sensitivity. However, ES Chapter 14 acknowledges the importance of the nearby Rivers Severn and Wye, which are stated to be salmonid rivers. The Upper Wye Tributaries are also acknowledged to be designated as a nationally important SSSI and the River Wye is an internationally important SAC. Is it therefore appropriate that the assignation of 'local' value to all receptors is appropriate?</p> |
| 4.39 | Applicant, NRW | <p>ES Chapter 14 does not define the study area for the assessment. The Chapter does identify and assess the catchment areas in which the site is located. It also identifies private water supplies within 300m of the proposed development. The study area for the contaminated land assessment (Appendix 6.2) includes the area proposed for the compound and substation. Is the study area sufficient to identify environmental impacts likely to arise from the project?</p> |
| 4.40 | NRW | <p>The ES states in Chapter 14 that consultation was undertaken with statutory and non-statutory bodies to identify the interests and concerns regarding the water environment. It is unclear when this consultation was undertaken and whether the consultation also included the scope of the geological environment. Is NRW in agreement with the scope of the assessment?</p> |
| 4.41 | Applicant | <p>NRW has raised concerns in its relevant representation that no information has been provided on the volumes, management and after use of peat. The ES contains limited information on how peat will be managed or what will happen to peat removed or proposed to be 'used temporarily'. The ES states in paras 14.112 and 14.113 that excavated peat will always be stored on peat (avoiding areas of botanical importance) in covered stockpiles not exceeding 1m in height, and non-organic materials will never be stored on peat. Can the applicant please provide further information on how the volumes of peat affected during construction were calculated and how it is intended to handle, manage and temporarily use (or dispose of) peat?</p> |

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| 4.42 | Applicant | <p>NRW has expressed concerns that some infrastructure is located in proximity to high value peatlands and the impacts of this have not been fully considered in the ES. NRW has requested that the applicant provide maps showing both the peat depth data and habitat data, overlain with the 'Works plan'. Peat depths are reported in ES Chapter 14 to be between 0.1m to 0.8m; however, peat depths of up to 1.3m and >1.5 m were also recorded. The ES states that some areas contain no peat.</p> <p>Can the applicant please confirm whether they intend to provide this requested information?</p> |
| 4.43 | Applicant | <p>ES Table 14.10 includes a statement that some impacts to watercourses could disrupt ecology downstream. The description of baseline conditions acknowledges the designations of the nearby watercourses of the Wye and Severn, together with their associated fish species. ES Chapter 14 also makes brief reference to blanket bog at Paragraph 14.41. However, the ES does not appear to have considered the importance/sensitivity and impact assessments undertaken in Chapter 11 and also in the Habitats Regulations Assessment (HRA) report, in respect of the rivers and associated fish populations.</p> <p>Could the applicant please provide a clearer pointer to the inter-relationships between ES Chapters 14 and 11 and the HRA report and indicate how any mitigation measures proposed in each of these is compatible?</p> |
| 4.44 | Applicant | <p>ES Chapter 14 does not specifically discuss a 'Rochdale Envelope' approach; however, it does discuss the ability for micro-siting of the turbines within 50m. ES Chapter 14 refers to minimum sizes for the compound and substation and to both a 'maximum' width for the tracks of 5m and a 'typical' width of 5m. However, it is noted that ES Chapter 6 (Paragraph 6.10) states that the access tracks will be a 'minimum' of 5m wide. The location of the access tracks and cable route are included in the DCO and Works Plan and therefore it is assumed these locations are fixed; however, information on the dimensions of the access tracks and cable corridor are not included, and the information presented in various ES chapters is conflicting.</p> <p>Can the applicant confirm the width of the proposed access tracks and also whether ES Chapter 14 has considered the full and likely extent of the project in the impact statement?</p> |
| 4.45 | Applicant | <p>It is unclear whether the scope of the cumulative assessment in respect of geology, hydrology and hydrogeology has been agreed with key bodies.</p> |

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| | | Can the applicant confirm whether the extent and results of the cumulative assessment has been agreed with relevant stakeholders? |
| 4.46 | Applicant | <p>Mitigation measures also include for the use of Sustainable Drainage Systems (SuDS) to capture water and divert it to silt traps or retention/settlement ponds. Figure 14.3 presents the Surface Water Management Scheme for the project and the outline strategy is included as a Surface Water Management Plan (Appendix 14.3). ES Chapter 14 states that all of the SuDS features described in the ES are indicative and will require further refining during the detailed design stage of the Project.</p> <p>Can the applicant please explain how the drainage design for the scheme will be secured and delivered to ensure impacts are avoided/minimised?</p> |
| 4.47 | Applicant | <p>The ES states that Construction Method Statements, including a Construction Environmental Management Plan (Appendix 6.1) and a Surface Water Management Plan (Appendix 14.3), will include the mitigation measures identified for construction impacts on hydrology and hydrogeology. ES Chapter 14 states that these are currently supplied as first drafts and will be developed further.</p> <p>How will the mitigation measures stated in ES Chapter 14 be secured and delivered?</p> |
| 4.48 | Applicant | <p>The HRA report and draft Surface Water Management Plan include for water quality monitoring. How will this be secured and delivered to ensure no adverse effects on watercourses and their associated flora and fauna, including the River Wye tributaries SSSI, River Wye SAC and River Severn?</p> |
| 5.0 | Transport | |
| 5.1 | Applicant | <p>In setting the scope of the assessment para 13.32 of ES Chapter 13 (Transport Assessment) states that the assessment has used a similar study area and scope as that used by SSE Renewables for the assessment of the Nant y Moch scheme. No other details are provided about this scope or a justification given as to why it is appropriate for this development.</p> <p>Can the applicant more fully justify the spatial scope/study area used for the assessment?</p> |
| 5.2 | Applicant | <p>Can the applicant please explain:</p> <ul style="list-style-type: none"> i) Why the Automatic Traffic Count points were chosen? ii) Were these points agreed with relevant stakeholders? |

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| | | <p>iii) Why is no such data provided for the entirety of the proposed Abnormal Indivisible Load (AIL) route?</p> <p>iv) Is the traffic count data the most up-to-date available and representative of the worst-case baseline?</p> |
| 5.3 | Applicant | <p>In para 13.77 of ES Chapter 13 it is stated that because the maximum traffic increase of the proposal combined with Nant y Moch is 5% per day no further detailed review has been considered. The ES makes reference in paragraph 13.83 to the Institute of Environmental Management Assessment Guidelines for the Environmental Assessment of Road Traffic in terms of deciding when an assessment should be undertaken, and uses this guidance to identify categories of receptors. Specific receptors are not identified. A high-level assessment which appears to be a qualitative, screening assessment is shown in Table 13.20. This table provides statements of a predicted qualitative magnitude of effect but it is not shown how this effect is derived from the traffic count % increase figures. Comments are then provided on the effects in terms of their duration and other characteristics; however a determination of significance is not applied against most receptors. No assessment criteria for determining significance are provided.</p> <p>It is not apparent that discussion has been undertaken with relevant stakeholders regarding the determination of significant effects.</p> <p>Can the applicant please further explain the methodology applied to determine significance of effect?</p> |
| 5.4 | Applicant | <p>Can the applicant please clarify how the constraints identified along the AIL route have been factored into the impact assessment and clarify how impacts other than predicted increase in traffic volumes have been investigated?</p> |
| 5.5 | Applicant | <p>Remedial works along the AIL route are mentioned in the ES but no detail is provided on these. Works to lay-bys are mentioned in ES Chapter 11 but not in Chapter 13 on transport. NRW considers in its relevant representation that there is insufficient information on the impacts of, and mitigation for, the road amendments proposed in the General Traffic Management Plan. It also considers the ecological assessment insufficiently assesses impact on protected species and does not assess potential impacts at all the locations where works have been identified.</p> <p>Can the applicant please confirm what impacts require mitigation, provide detail of this, how it will be secured through the DCO, and describe any residual effects?</p> |

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| | Applicant, Carmarthenshire County Council | In its relevant representation Carmarthenshire County Council, through whose area the AIL route would pass, indicates that the ES does not contain mention of its UDP or LDP Transport and Highways policies. Would the use of the suggested route conflict with any of these relevant policies? |
| 6.0 | Noise | |
| 6.1 | Applicant, PCC | Para 46 of ES Appendix 9.3 states that the location of two monitoring positions at the properties of Maesnant and Manod was agreed with the Local Authority. It does not state whether the monitoring position at Bont Isaf was similarly agreed. Can the applicant please confirm whether PCC agreed to the monitoring position at Bont Isaf and, if not, why not? |
| 6.2 | Applicant, PCC | Paragraph 47 of Appendix 9.3 states that the receptor Blaenbythigion would be covered by the monitoring position at Maesnant. However, these properties appear to be in different directions from the proposed development and Maesnant is separated by forest and Blaenbythigion is in open land. Have impacts on all residential receptors been adequately assessed and are the results from monitoring positions sufficient to cover a wide range of locations which are in some cases widely separated? |
| 6.3 | PCC | Does PCC agree with the applicant's assessment that the resultant noise contribution from the proposed wind farm would be at levels which are reasonable and within relevant guidelines for wind farms (ETSU-R- 97)? |
| 6.4 | Applicant | The temporal scope of the assessment only gives consideration to the construction and operation of the project. An assessment of noise during decommissioning is not provided. Can the applicant please indicate why noise impacts from decommissioning have not been assessed? |
| 6.5 | Applicant | The ES chapter on noise has limited the type of receptor to inhabitants of nearby dwellings and does not consider the impact on other receptors such as wildlife. Can the applicant please explain why this is the case? |

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| 6.6 | Applicant | Paragraph 9.156 of ES Chapter 9 discusses traffic movements associated with the construction stage of the project but has not assessed whether these would give rise to significant impacts in terms of noise generation. Can the applicant please explain why this has not been assessed? |
| 6.7 | Applicant | Can the applicant please confirm whether the extent and results of the cumulative noise assessment of the project with other wind farms has been agreed with relevant stakeholders? |
| 6.8 | Applicant | The cumulative impact assessment has only assessed noise levels from other wind turbines. It has not undertaken an assessment of the proposed development along with the existing use of the site as a car rally track. Can the applicant please explain its approach in this regard? |
| 6.9 | Applicant, PCC, NRW | Amplitude Modulation (AM) is referred to within ES Chapter 9. Is there any further evidence that can be provided that would allow assessment of whether AM is likely to be a significant issue for the nearest residential receptors or other users of the area within the vicinity of the project site? |
| 7.0 | Habitats Regulation Assessment | |
| 7.1 | Applicant | There is a reference in Note a on page 7 of Appendix 1 to the Habitats Regulation Assessment Scoping Report (HRASR) to information on culverts being provided in paragraphs 25 - 30 of ES Appendix 14.3 - 'Surface Water Management Plan' (SWMP). However, the final paragraph in Appendix 14.3 is paragraph 21, and no information on culverts is provided elsewhere in the Appendix. Can the applicant please clarify? |
| 7.2 | Applicant | In relation to abstraction, Note f on page 9 of ES Appendix 1 refers to Table 1 in Appendix 6.1 (Draft Construction Environment Management Plan. This Appendix does not contain a Table 1 but does contain Schedule 1 (a 'Schedule of Mitigation'). This schedule confirms that there will be no abstraction from onsite rivers. Can the applicant please provide clarification to confirm the assumption that the reference to Table 1 was a textual error and should read 'Schedule 1'? |

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| 7.3 | Applicant | <p>In its relevant representation NRW expresses concerns that the scope of the HRA has been restricted to 10km. The applicant justifies the selection of the 10km study area on the basis that there can be no causal link between sites at a distance greater than 10km from the project.</p> <p>Can the applicant please provide the justification for this assertion in the absence of any specified reasoning?</p> |
| 7.4 | Applicant | <p>NRW's relevant representation indicates that it does not agree with the scope or conclusions of the HRASR. It states that it is unable to determine whether the proposal is likely to have a significant effect on the Elenydd Mallaen (EM) SPA, and also the Llawr y Glyn SAC, which was identified in the HRASR as within the 10km buffer zone but screened out by the applicant from subsequent assessment. It also considers that the project will have a significant effect on the River Wye SAC, for which an appropriate assessment will need to be undertaken. It considers that in principle it should be possible to demonstrate that mitigation measures will avoid likely significant effects on the integrity of any site but that there is an insufficient level of certainty at this stage to demonstrate that. This contrasts with the applicant's assessment in the HRASR that there would be no likely significant effect on any European site, either alone or in combination with other plans and projects, and therefore appropriate assessment is not required.</p> <p>Can the applicant please comment?</p> |
| 7.5 | Applicant | <p>Information on mitigation measures in relation to the EM SPA and River Wye SAC is scattered between the HRASR and the ES chapters and appendices. It would be helpful if the applicant could provide a composite document drawing together the totality of proposed mitigation measures and indicate how these measures are secured within the DCO.</p> |
| 7.6 | Applicant | <p>Table 10 of the HRASR includes 'reduced river flows' as a project characteristic that could cause adverse effects but provides no corresponding information. However, it is contradicted in Table 4 of the HRASR and in Note f to the Matrices (Appendix 1), which states there will be no river abstraction.</p> <p>Can the applicant please provide clarification?</p> |

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| 7.7 | Applicant | <p>Limited justification has been provided in the HRASR for only including selected management units in the Core Management Plan, and only including their key habitats and species, not all of which appear to have been assessed. One of NRW's concerns raised in its relevant representation is the need to include all designated features in the assessment, not just the key species.</p> <p>Can the applicant please explain its approach?</p> |
| 7.8 | Applicant | <p>The currency of the surveys varies for establishing baselines, some were undertaken in 2009/10 so are 45 years old. It is stated in paragraph 92 of the HRASR in relation to the survey data on Peregrine (2004/5 and 2009/10) that although it is older than 2 years there is nothing to suggest that it does not provide an accurate depiction, and that as NRW does not indicate any concerns in its S42 consultation response, it supports that view. This assertion has not been confirmed by NRW.</p> <p>In the absence of more recent surveys how can the applicant be sure that previous surveys provide an accurate depiction?</p> |
| 7.9 | Applicant | <p>In assessing the effects on European sites reference is made to guidance in Natural England's Habitat Regulations Guidance Note 3 (1999) (incorrectly titled in the HRASR section on 'An appraisal of the project's likely impacts on the European sites') and in EC guidance on the assessment of effects. Both of these documents have been superseded and there is no reference to any NRW guidance (although NRW did refer the applicant to relevant guidance in its consultation response of 25 February 2014).</p> <p>Can the applicant please comment on this?</p> |
| 7.10 | Applicant | <p>Two possible grid connection routes for the project have been proposed in the applicant's discussions with Scottish Power Manweb prior to the submission of the application, and are described as Option 1 and Option 2. NRW in its relevant representation raises concerns about the lack of consideration in the HRA of grid connection, including the potential for it to be routed through the Coedydd Llawr-y-glyn SAC.</p> <p>Can the applicant please comment on this?</p> |
| 7.11 | Applicant, NRW | <p>In relation to the EM SPA, one other proposed wind farm project is identified: Nant y Moch. The HRASR concludes no likely significant effect on the basis that Nant y Moch is not likely to proceed, and that more Red Kite nest and breed in the valleys around the SPA than the SPA itself so the birds associated with Mynydd y Gwynt are likely to come from nest sites outside the SPA, in which case the breeding</p> |

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| | | <p>populations on the SPA won't be affected. No further justification is provided for this assumption and conclusion, and no statement is made that NRW are in agreement with it. No assessment is made of effects on the other interest features of the SPA - Merlin and Peregrine.</p> <p>Can the applicant please comment on this?</p> <p>NRW may wish to comment on the applicant's approach to the assessment of the EM SPA, together with the applicant's conclusions.</p> |
| 7.12 | Applicant | <p>The HRASR also considers in combination effects as a result of rallying and forestry felling. In relation to rallying and its potential existing adverse effects on sedimentation of the watercourses, it is concluded that the situation will improve following construction of the wind farm as a result of the combined mitigation for the wind farm and that provided by the landowners in relation to water splash and run-off from the car park. However, the HRASR notes that discussions about the latter with the landowners are ongoing so the conclusion is based on an assumption about what will happen rather than a known measure.</p> <p>Can the applicant provide any update on discussions regarding potential mitigation?</p> |
| 8.0 | Draft Development | Consent Order (dDCO) and other matters |
| 8.1 | Applicant | <p>Definition of 'maintain' and Article 5 'Maintenance of authorised development'. The definition would appear to be worded too widely and would allow reconstruction and replacement which could go far beyond what has been consulted upon and assessed in the ES. Consideration should be given to the addition of the following wording to address this; '...but not so as to vary from the description of the authorised development in Schedule 1 and only to the extent assessed in the environmental statement'.</p> |

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| <p>8.2</p> | <p>Applicant</p> | <p>The following drafting issues warrant attention;</p> <ul style="list-style-type: none"> i) The definition of 'relevant authority' needs attention. ii) Article 14 refers to 'any other plans and documents'. It would be preferable to finalise and list the plans that are to be certified. iii) Colon needed after 'table' in Work No. 1. iv) 'Onsite' requires hyphenating in Work No. 5. v) Requirement 1; The definition of 'felling' should refer to Article 12, not 15. vi) Requirement 8; 'routeing' rather than 'routing'. vii) Requirement 9(1); Why is 'statement' needed after construction environment management plan? viii) Requirement 9(2)(j); Should this also refer to peat as well as soil? ix) Requirement 14(1); The Habitat Management Plan at Appendix 11.21 of the ES is not described as 'draft'. Consistency is needed as to whether Habitat Management Plan should be capitalised - other plans do not seem to be. x) Requirement 17; 'Wales' is repeated in the second line. xi) Requirement 22; Should 'hard standing' be one word? xii) Requirement 29; Should the final word read 'Requirement 5'? xiii) Requirement 35; there should be an 'and' in 'wind speed wind direction'. xiv) Generally the DCO should be redrafted to reflect modern drafting practice by avoiding the use of 'shall' and substituting where appropriate 'must'. xv) Part 3, page 24; Is there an error in the date after 'The Assessment and Rating of Noise from Wind Farms'? xvi) Note 4, page 27, fourth line; there should be a gap between '1' and 'and'. |
| <p>8.3</p> | <p>Applicant</p> | <p>Book of Reference</p> <p>There is no Book of Reference. Page 50 of the Consultation Report accompanying the application confirms there are Section 44 consultees, who are listed in Appendix 43 and described as 'participants in the scheme'. Their exact interest in the land is not identified and it is not known from the Consultation Report whether they fall within category 1, 2 or 3. It is therefore possible that they could fall within category 3 (claims by persons whose property is sufficiently close to be depreciated in value by execution of works for the authorised development). If they are in category 3 they should be listed in Part 2 of the Book of Reference, as this is required whether or not CA is proposed. This point was included in Section 51 advice.</p> |

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| | | Can the applicant confirm the position in light of this query? |
| 8.4 | Applicant | Land Plan The Land Plan has to identify the land required for (or affected by) the development. As it is currently labelled it just shows 'the application area'. This could be more clearly worded. |
| 8.5 | Applicant | In its relevant representation NRW has expressed concerns about the design of the proposed watercourse crossings and potential impact on fisheries (especially migration), and concerns about amendments to the dam on the River Bidno. In principle it considers these issues could be resolved through further discussion and secured through a requirement. Does the applicant consider a further specific requirement is needed to deal with these issues, or are existing requirements (such as Requirement 9 relating to a Construction Environment Management Plan) adequate to cover these matters? |
| 9.0 | Socio-economic matters | |
| 9.1 | Applicant | It is suggested (para 16.94 of the ES) that the applicant has pledged £3,500 per MW of installed capacity to be paid annually to a local community fund on commencement of generation to a local community fund. This would potentially represent some £7-7.8m over the 25-year life of the wind farm. i) What is the basis or justification for such payments? ii) What is the mechanism that would secure such payments? |
| 9.2 | PCC | Is there agreement with the applicant's suggested employment creation figures and economic impacts for the local area of the proposal as set out in Chapter 16 of the ES? |
| 9.3 | Applicant | The applicant suggests in ES Chapter 16 that proactive local sourcing of materials and labour will ensure that maximum benefits can be retained in the local areas in the vicinity of the project. How would this be secured? |