

**IN THE MATTER OF**

**The Infrastructure Planning (Examination Procedure) Rules 2010**

**Application by Mynydd y Gwynt Ltd for an Order Granting Development Consent for  
the Mynydd y Gwynt Wind Farm**

**RESPONSES TO THE EXAMINING AUTHORITY'S FIRST WRITTEN QUESTIONS**

**On behalf of MYNYDD Y GWYNT LIMITED**

**(THE APPLICANT)**

**PLANNING INSPECTORATE REFERENCE: EN010020**

**18th December 2014**



**AARON & PARTNERS LLP**

**SOLICITORS**

**ExA's Written Questions**

<b>No</b>	<b>Respondent</b>	<b>Question</b>	<b>Response</b>
<u><b>Policy</b></u>			
1.1	<b>Applicant, Interested Parties (IPs)</b>	<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.</p> <p>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>	The presumption in favour of granting permission applies 'unless any more specific and relevant policies set out in the relevant NPSs clearly indicate that consent should be refused.' There are considered to be no such policies.
1.2	<b>NRW, PCC, CCC, IPs</b>	<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).</p> <p>To what extent is it considered the applicant has demonstrated that the best design in these terms has been achieved?</p>	N/A
1.3	<b>PCC, NRW</b>	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?	N/A
1.4	<b>PCC, CCC, Welsh Government (WG)</b>	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?	N/A
1.5	<b>PCC, CCC, NRW, IPs</b>	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 -	N/A

**ExA's Written Questions**

<b>No</b>	<b>Respondent</b>	<b>Question</b>	<b>Response</b>
		5.9.7?	
<b>1.6</b>	<b>WG, NRW, CADW and Clwyd-Powys Archaeological Trust</b>	<p>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'.</p> <p>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?</p>	N/A
<b>1.7</b>	<b>NRW, PCC</b>	<p>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.</p> <p>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?</p>	N/A
<b>1.8</b>	<b>Applicant</b>	<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.</p> <p>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</p>	<p>The Applicant is unsure what inconsistencies are said to exist with regard to the option1 route, but can confirm the figure MYG-ES-FIG17.11 shows correctly the two route options.</p> <p>The Option1 routing methodology was to follow the route corridor then suggested by the Distribution Network Operator ("DNO"), who will be responsible for the connection, SP Manweb. For the more recent Option 2 the 'Holford Rules' routing principles for overhead lines were followed.</p> <p>As is acknowledged in the question NPS EN-1 accepts that an application for grid connection may not accompany an application such as this, as has been the case in the recent Clocaenog and Brechfa Forest West NSIP wind farm projects.</p>

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		<p>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 routeing process for the two grid connection options and they do not appear to conform with nationally-recognised routeing 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> <p>Can the applicant provide comments on these views?</p>	<p>Whilst 4.9.2 of EN-1 aims to create a holistic planning regime so that the cumulative effect of different elements of the same project can be considered together, the scale and complexity of the mid Wales grid connection projects, mean that it is not simply a case of the Distribution Network Operator bringing forward the grid connection at the same time this applicant brings forward this wind farm application. In this case there are multiple wind farm projects to accommodate into the distribution network, as well as Transmission system upgrades that require detailed coordination from a project planning consideration. This is recognised in 4.9.2 and 4.9.3 of EN-1. By way of example: the current grid connection offer from SP Manweb (SPM) explains that the grid connection to the proposed new grid substation is also interdependent on the Carno III wind farm project currently being considered under the Electricity Act. Further, SPM explained the reason the grid corridor was switched from MYG Option 1 was due to changes in sizing and capacity of the line planned to serve those wind farm schemes currently involved in the Mid Wales conjoined enquiry in and around SSA C.</p> <p>This Planning Act 2008 regime ensures each part of the system will be properly considered. Later projects will have the necessary information publicly available from previous projects to carry out accurate cumulative impacts assessments alongside previously consented schemes. If the cumulative impacts are considered unacceptable, or any other impacts of the later schemes unacceptable, then the grid lines or sub-stations would not be consented and that commercial risk is with the applicant as recognised in 4.9.3.</p>
<b>1.9</b>	<b>Applicant</b>	<p>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?</p>	<p>MYG is in receipt of a valid grid connection offer and is currently in commercial negotiations with SP Manweb over the terms of their grid connection offer. It remains MYG's intention to accept the offer and contract with SP Manweb, subject to agreeing commercial terms. An update will be provided when those</p>

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			<p>negotiations are concluded.</p> <p>Once contracted SPM would initiate an NSIP project to provide a 132kV line and look to integrate the project into their wider Mid Wales Connection Project.</p>
<b>1.10</b>	<b>PCC, NRW</b>	<p>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?</p>	<p>N/A</p>
<b>1.11</b>	<b>Applicant</b>	<p>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?</p>	<p>A fundamental design principle of a wind turbine is that it must withstand the worst case wind conditions likely to be experienced onsite. Wind turbines are designed and built to a variety of national and international standards. The most widely recognised are the IEC Standards.</p> <p>Wind data was collected onsite for 34 months and correlated with long term datasets from nearby meteorological stations to gain a detailed understanding of the expected wind conditions onsite. Computer algorithms were used to predict the worst case conditions over the life of the turbine and a suitable IEC class of wind turbine specified. For the Sweetlamb Rally Complex these studies categorised the site as a high wind or 'IEC Class 1A site', meaning only turbines built to withstand those weather conditions are suitable for selection. The four candidate turbines are all IEC Class 1A rated machines. However each potential turbine manufacturer also carries out their own Site specific 'climatic conditions' study to satisfy themselves that their turbines would operate safely and reliably at the proposed location. As a result of this detailed analysis modern wind turbines are only installed in locations where the worst case gust of wind or storm is within the design envelope of the turbine and foundation. That this process is appropriate and successful is demonstrated by the fact that in the UK there are now 4,692</p>

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			<p>turbines installed onshore with a total capacity of 7,777MW.</p> <p>Across Europe there are more than 70,000 turbines installed with a capacity of 117.3GW.</p>
<b>1.12</b>	<b>PCC</b>	<p>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?</p>	N/A
<b>1.13</b>	<b>Applicant</b>	<p>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.</p> <p>Can the applicant provide further information to address these concerns?</p>	<p>The carbon balance excel spreadsheet version 2.8.0 was submitted to NRW on 24th February 2014. This version was requested by NRW on the 21st February 2014. The ES Appendix 2.1 is based on the carbon balance excel spreadsheet version 2.8.0 which was submitted to NRW.</p> <p>Carbon gains from habitat restoration areas were not included in order to show the worst case scenario as stated in the Appendix.</p> <p>The Scottish Government has since released an updated version 2.9.0. We have now transferred the input data into the updated spreadsheet version 2.9.0 and we are working on calculating the habitat restoration areas.</p>
<b>1.14</b>	<b>NRW</b>	<p>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 and operational phases of the wind farm in accordance with para 2.7.40 of NPS EN-3?</p>	N/A
<b>1.15</b>	<b>Applicant, PCC, WG</b>	<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>The Summary of Changes in PPW 7 sets out the changes that have been made to Edition 6. The main changes are identified as being Planning for Sustainable Buildings. These changes do not impact upon PPW Edition 7 Section 12.8 Renewable and Low Carbon Energy.</p>
<b>1.16</b>	<b>Applicant, PCC, IPs</b>	<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</p>	<p>This is addressed in the Applicant's written representations at part 2</p>

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		be accorded to TAN8 and it's Strategic Search Areas (SSAs) in the determination of the proposal?	
1.17	<b>PCC, WG, NRW, IPs</b>	<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.</p> <p>Please comment on these assertions.</p>	N/A
1.18	<b>PCC, WG, NRW, IPs, Applicant</b>	<p>In terms of Welsh Planning Policy, the applicant concludes (para 3.107 of the ES) that:</p> <p>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;</p> <p>b) Planning Policy Wales is strongly supportive of such developments:</p> <p>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</p> <p>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.</p> <p>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>These points are discussed in detail in parts 2 and 3 of the Applicant's written representations. In summary, however:</p> <p>a) The 'aim' for onshore wind (P14) should be set into context with the provision of NPS that there is in effect unconstrained need, i.e. no ceiling. Aim is to have 4.5kwh/d/p of installed capacity by 2015 / 2017. Appendix 1 envisages this output will be achieved by 2GW of onshore wind. The 'aim' is to be fulfilled by:</p> <p><input type="checkbox"/> Optimising the use of existing SSAs and 'keeping the TAN under review in the light of progress towards these targets' Energy Wales: Low Carbon Transition Delivery Plan March 2014 says 'at the end of 2013, Wales had an onshore wind capacity of approximately 520MW.'</p> <p>The need for this project is therefore demonstrable.</p> <p>b) Yes – for example 'LPAs, particularly those containing SSAs should take the Welsh Governments imperative for renewable energy into account when consulted on applications for large scale wind power projects considered by the NID within the Planning Inspectorate.(PPW 7 (12.8.5)) and "Planning policy at all levels should facilitate delivery of both the ambition set out in [the Energy Policy Statement (2010)] and UK and European targets on renewable energy (PPW7 (12.8.2)).</p> <p>c) With regard to development outside SSAs see part 2 of</p>

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<b>No</b>	<b>Respondent</b>	<b>Question</b>	<b>Response</b>
			<p>the Applicant's written representations.</p> <p>With regard to TAN8's support for development of grid infrastructure in Powys TAN 8 Annex C paragraph 2.13 says "There is currently very restricted capacity for further wind-power developments in North and Mid Wales (Scottish Power/Manweb network) and the re-enforcement of the network through the construction of new high voltage distribution and transmission lines is vital to the realisation of any significant additional generating capacity as well as providing a stronger, more reliable network for electricity users in the western mid Wales area. The Assembly Government strongly supports the principle of this scheme."</p> <p>d) The Minister acknowledges in his July 2011 Statement that the NPSs are the 'primary basis' for decisions over the devolved threshold of 50MW in Wales'. This status is confirmed by paragraph 1.1.1 of NPS EN-1, which states:</p> <p>'This National Policy Statement (NPS) sets out national policy for the energy infrastructure defined in Section 1.3 below.....For such applications this NPS, when combined with the relevant technology, specific energy NPS provides the primary basis for decisions by the [IPC].'</p>
1.19	<b>WG, PCC, CCC, IPs</b>	<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.</p> <p>This study concludes that the site is unconstrained and in landscape and visual terms is less disruptive than much of the</p>	N/A

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		<p>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.</p> <p>Please comment on this assessment.</p>	
<b>1.20</b>	<b>PCC</b>	What is the status of the Powys Interim Development Control Guidance on onshore wind farm developments (2008)?	N/A
1.21	<b>CCC. Applicant</b>	What weight should be attached to designated Special Landscape Areas within Ceredigion, the closest of which to the project site is SLA 12?	<p>Special Landscape Areas (SLAs) are a non-statutory designation of landscape value, other than being identified as parts of 'Ceredigion's landscape which deserve special considerations' (paragraph 8.162 Ceredigion LDP). The LDP states that SSA D falls within a Special Landscape Area.</p> <p>Policy DM18 states:</p> <p><i>'Proposals for development within Special Landscape Areas (SLAs) will be assessed in relation to a scale and nature of development and their ability to be accommodated without significant damage to and where possible the enhancement of the valued visual, historic geological, ecological and cultural characteristics of the SLA.'</i></p> <p>In considering the impact of the proposal on the surrounding landscape, such an assessment is not confined to administrative boundaries. Insofar as the proposal may impact upon the SLA within Ceredigion CC administrative area, weight may be given to its identification as to a locally valued landscape.</p>
<b>1.22</b>	<b>PCC</b>	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).	N/A

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<b>No</b>	<b>Respondent</b>	<b>Question</b>	<b>Response</b>
		<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>	
<b><u>Landscape</u></b>			
<b>2.1</b>	<b>Applicant, PCC, CCC, NRW</b>	<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>	<p>Yes, there was a scoping consultation meeting held with Dr Carol Fielding in August 2011 as a result of this a number of viewpoints, as cited in Table 1 Chapter 8 of the ES were selected by NRW (then CCW) and photographed in 2012. These viewpoints are Viewpoints 3, 5, 7, 12, 13, 16, 17, 18, 20, 21, 22, 24 and 25.</p> <p>There has been further been consultation with NRW following the receipt of their Section 42 Consultation Response.</p> <p>Primarily, all of the issues and points raised relating to landscape and visual matters were taken on board in the Section 42 Consultation Response from NRW and clarification sought over any matters that were not obvious in their Consultation Response. As a result two viewpoints were added being Viewpoints 14 and 19.</p> <p>There has been no specific scoping consultation with PCC. It was the Applicant's understanding from the meeting held in August 2011 that as PCC did not have an in-house landscape architect and were working in close consultation with NRW, NRW would take the lead.</p>
<b>2.2</b>	<b>Applicant,</b>	The baseline for assessment is stated to be less than that	The initial studies in 2005 did extend out to 35km. Through going into the field with a set of 35km ZTVs and a series of

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<b>No</b>	<b>Respondent</b>	<b>Question</b>	<b>Response</b>
	<b>PCC, CCC, NRW, IPs</b>	<p>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> <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>wireframes in 2005 Anne Priscott, the Applicant's landscape architect, made the following observations:</p> <p>Starting in the north and heading clock-wise: Due north there would be some potential hill-top views between 20-25km north of fewer than 5 turbines and these would be in the context of afforested land and unlikely to be greater than negligible changes in view. Between 25-35km north there would be the potential for views from the higher peaks within the Snowdonia National Park, the greatest being from Cadair Idris. However, as shown in Viewpoint 23 (Figure 8.11w), at a distance of 29km the wind farm would be barely perceivable. It is common ground between NRW and PCC as well as the Snowdonia National Park that there would be no impact on this National Park.</p> <p>Towards the north-east of the site in the range of 18-26km there would be some potential visibility from the peaks of the south-west facing flanks of the Dovey Valley above the A470. I visited this area in 2005 and concluded that these would be in the context of a series of ridges and areas of high ground and unlikely to be of a magnitude greater than a negligible change in view.</p> <p>In the east there would be the potential for views from the Severn Valley where it broadens out from its hill source east of Llanidloes, however, field visits identified that the landscape is more enclosed by vegetation and trees and there would be no views from the majority of this area, and those views afforded would be of a negligible change in view.</p> <p>Due east of the site there are almost no potential views over 20km and those views shown on the ZTV would be over 28km, and of a negligible or barely perceivable magnitude.</p> <p>South-east of the site the ZTV shows potential views from forested land 20-24km south-east. These would be in the</p>

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<b>No</b>	<b>Respondent</b>	<b>Question</b>	<b>Response</b>
			<p>context of afforested land and unlikely to be greater than negligible changes in view.</p> <p>To the south of the proposed site the landscape has a very remote character. Potential visibility is identified on the ZTV from the higher hills around the Elan Valley. I walked these very remote areas in 2005. I had wireframes from a number of the higher locations and concluded that whilst there is the potential for a view from some of the highest areas, the landscape is notable for peat and craggy and the combination of this and the distance of 20-25km mean that any views would be unlikely to be greater than negligible changes in view.</p> <p>With the exception of a view of fewer than 5 turbines in two forested areas 10-15km west there would be no views of the proposed turbines in an arc between Aberystwyth and the Dovey Valley (Afon Dyfi) beyond the Plynlimon ridge.</p> <p>As a result of these observations I made the decision that the study should focus on where significant effects would be likely to occur. The assessment of effects on landscape in relation to LANDMAP was then conducted within a 20km radius of the site.</p>
<b>2.3</b>	<b>Applicant</b>	<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'.</p> <p>As a copy of this e-mail has not been included with the ES could</p>	<p>This is a typographical error and should read 'in August 2011...'. The consultation is included at Annex 1 to this document.</p>

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		one be provided?	
<b>2.4</b>	<b>Applicant, PCC, CCC, NRW, IPs</b>	<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.</p> <p>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>Paragraph 8.200 concludes the section on landscape receptors and sets the farthest distance a significant landscape effect would be experienced.</p> <p>Paragraph 8.233 deals with visual effects identified from the viewpoint analysis and landscape effects from the previous section dealing with landscape effects and sets out how the terrain in particular contains views in some direction more than others, such that only in the south and east will significant effects be experienced at 6.5km.</p> <p>There are no views over 3.5km to the west due to the rising land of Plynlimon containing any views over the ridge. In the north the landform is noted for undulating hills around the Dylife and the land adjacent to the north of the Hafren Forest and west of the Llyn Clywedog. Here the views are less open than on the higher ground north-east of Llyn Clywedog. To the south of the site the land rises from the A44 corridor along the Wye Valley onto the landmass of Cefn Croes, and here open views, such as from Cefn at 526m AOD would be significant.</p>
<b>2.5</b>	<b>Applicant, PCC,CCC, NRW, IPs</b>	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>TAN8 Annex D paragraph 6.4 says “The visibility assessment should be computer based, using a Geographical Information System (GIS) and an Ordnance Survey Digital Elevation model. The analysis should have two several separate but interlinked elements:-</p> <ul style="list-style-type: none"> <li>• The relative visibility from outside the SSA of the different sub-areas within the SSA. The inter-visibility of the area within a 20-30km radius should be mapped using a GIS. The visibility information should be prepared for the likely size of wind turbines rather than be undertaken at ground level; wind turbines</li> </ul>

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<b>No</b>	<b>Respondent</b>	<b>Question</b>	<b>Response</b>
			<p>of a minimum of 110m in height should be assumed. The visibility of existing and consented proposals should also be considered and mapped.</p> <ul style="list-style-type: none"> <li>The identification of landscape and visual sensitive receptors, typically key viewing points from which visibility of wind turbines will be assessed e.g. roads, National Trails, National Parks/AONBs, areas of settlement, key viewing points or visitor sites. Typically 6 view points would be used, the locations for which would be agreed in conjunction with the appropriate local authority officers.</li> </ul> <p>Answer</p> <p>The implications of the chosen study area used are that in relation to paragraph 6.4, bullet one, are appropriate. This part of TAN 8 is about ZTV mapping of the turbines themselves, and then cumulative ZTVs of other wind farms. The ES contains a comprehensive suite of ZTVs (Figure 8.1 and then Figures 8.5-8.8 and 8.13-8.48), covering both 35km and 10km radii, that more than adequately cover the suggested 20-30km radius. They have been generated using GIS and are on OS map backgrounds in accordance with paragraph 6.4.</p> <p>In relation to the second bullet point of paragraph 6.4 26 viewpoints have been included from representative locations.</p>
2.6	<b>Applicant, PCC, CCC, NRW</b>	<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.</p> <p>What are the implications of this latest guidance in respect of the way the present project should be assessed?</p>	<p>In relation to GLVIA, the implications are that the results are the same it is just that the process of getting to the results is broken down into more detail when using GLVIA3 rather than GLVIA2.</p> <p>The implications of the issue of the Visual Representation of Wind Farms 2014 are that post-2014 applications should be supported by a suite of visualisations that are more prescribed. Notably, a Viewpoint Pack should be included to make it easier</p>

**ExA's Written Questions**

<b>No</b>	<b>Respondent</b>	<b>Question</b>	<b>Response</b>
			<p>for individuals to examine the visualisations in the field to improve public access. 40-degree extracts of the viewpoints have been included in the ES that go a long way to covering this point. There are a number of other changes that have been introduced to increase the level of standardisation to make the viewing of visualisations more transparent. These impact on the way that the wind farm is presented, and are essentially tweaks to the previous standards. They are not changes to the scheme, and it needs to be noted that the assessment of effects used a number of tools including ZTVs and wireframes from a greater number of locations that presented in the ES. The ES images are cylindrical rather than planar projection and only have a comfortable arms length view when presented at A1. However, a 40-degree extract was included for each photowire or photomontage, and this comparable to the images anticipated to be included in the Viewpoint Pack which would include a single frame image to make it easier to examine visualisations in the field and to improve public accessibility.</p>
<p><b>2.7</b></p>	<p><b>Applicant</b></p>	<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'.</p> <p>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>	<p>This is an error and should say “significant”, as noted in the final sentence of that paragraph.</p>
<p><b>2.8</b></p>	<p><b>Applicant</b></p>	<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</p>	<p>A table recording all of the significant effects identified through the LVIA and CLVIA process has been created, clearly identifying where significant effects would occur. It is hoped that this will make it much easier for the ExA and other parties to identify effects.</p>

**ExA's Written Questions**

<b>No</b>	<b>Respondent</b>	<b>Question</b>	<b>Response</b>
		<p>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>	
<b>2.9</b>	<b>Applicant</b>	<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.</p> <p>Can the applicant confirm the position on this?</p>	<p>The methodology was not agreed in detail, however, through the Section 42 Consultation Response from NRW there were concerns raised and almost all of these were taken on board. The exception was that they suggested that a plan of LCAs and the visual and sensory areas used as surrogates in Ceredigion needs to be included in the ES. However, we decided that as the Visual and Sensory layer aspect areas within the ZTV were already covering broad areas in Ceredigion, this additional work would not aid the assessment of effects.</p>
<b>2.10</b>	<b>Applicant</b>	<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>	<p>There is no difference.</p>
<b>2.11</b>	<b>Applicant, NRW, PCC, CCC</b>	<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>Four small-scale single turbines have been erected and two are in planning within a 10km radius of the site and a six turbine scheme was registered with PCC on 5<sup>th</sup> December 2014. The principal parties are discussing how to present any further cumulative impact assessments to the Examination.</p>
<b>2.12</b>	<b>Applicant</b>	<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</p>	<p>No more recent agreement has been reached with NRW or other party regarding the CLVIA.</p>

**ExA's Written Questions**

<b>No</b>	<b>Respondent</b>	<b>Question</b>	<b>Response</b>
		<p>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>	
<b>2.13</b>	<b>Applicant, NRW, PCC, CCC</b>	<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 of the relevant local planning authorities. What is the position regarding the agreement or otherwise of the assessment results?</p>	<p>The Consultation Report (MYG-APP-5) sets out how the developer has dealt with all of the S42 responses and where they have been incorporated into the final submission. There is no other existing form of agreement over the assessment results. Through the Statements of Common Ground it is hoped that some agreement may be found regarding the assessment results.</p>
<b>2.14</b>	<b>Applicant, NRW, PCC, CCC, IPs</b>	<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?</p> <p>If not, what other viewpoints should be assessed?</p>	<p>As set out in the answer to question 2.1 above the viewpoints were selected in consultation with NRW and PCC. It is not believed that any other viewpoints should be assessed. Formal agreement has not been confirmed but given the consultation the Applicant believes there is no reason that it should not be.</p>
<b>2.15</b>	<b>Applicant, NRW, PCC, CCC</b>	<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>Viewpoints 1, 2, 6, 8, 10, 11 and 15 were photographed in 2005, Viewpoints 3, 5, 7, 12, 13, 16, 17, 18, 20, 21, 22, 24 and 25 in 2012 and Viewpoints 14 and 19 in 2014.</p> <p>With the exception of some felling in the Hafren Forest in the foreground to the site that is visible when viewing from the Viewpoint 15 location above Staylittle, there are no other changes that would suggest the views illustrated are no longer an accurate representation of what can be currently seen.</p> <p>Since the application was submitted two single turbines have been erected in the environs of Llyn Clywedog and on 5<sup>th</sup></p>

**ExA's Written Questions**

<b>No</b>	<b>Respondent</b>	<b>Question</b>	<b>Response</b>
			<p>December 2014 a six-turbine scheme was registered with PCC above Llanidloes that would be visible from the environs of Viewpoints 6 and 15. Discussions are underway between the principal parties (applicant, PCC and NRW) as to how to deal with these subsequent cumulative schemes in terms of the presentation of an assessment to the examination.</p>
<b>2.16</b>	<b>Applicant</b>	<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 4000m<sup>2</sup>.</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>	<p>58m x 35m is the size of substation compound we currently estimate as being required and this has been confirmed as adequate by SP Manweb.</p> <p>4000m<sup>2</sup> is an error and it should read approximately 2050m<sup>2</sup>. It is confirmed that the worst case has been assessed.</p>
<b>2.17</b>	<b>Applicant</b>	<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>The worst case scenario for the envelope of turbine sizes has been assessed by assessing the worst case for each characteristic. For example the V90 turbine is 2 decibels noisier than the V105 so it is used in the noise assessment as it represents the worst case turbine for noise, despite having shorter blades and smaller capacity.</p> <p>As set out in paragraph 8.90 of Chapter 8 of the ES Whilst a 90m rotor on an 80m tower has been used for the visual representations of the wind farm in the photomontages, other combinations of rotor length and tower height, up to a maximum tip height of 125m have been considered. Should longer or shorter blades be used on corresponding shorter or taller towers, the relative impacts would not alter the assessment conclusions in terms of predicted magnitude of impact.</p>

**ExA's Written Questions**

<b>No</b>	<b>Respondent</b>	<b>Question</b>	<b>Response</b>
2.18	<b>Applicant</b>	<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>	Consideration will be given to off-site planting.
2.19	<b>PCC, CCC, IPs</b>	<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>Are there any data on use of the sections close to the application site of the long-distance Severn Way and Cambrian Way?</p>	<b>N/A</b>
2.20	<b>Applicant, PCC, IPs</b>	<p>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</p>	<p>Horse riders could safely un-box, tack and mount their horses before crossing the road to enter the farm and access the bridleways running through the site. There are no bridleways accessible from this location to the south.</p> <p>i) The area is private land under the Applicant's participating landowner's ownership and control and any use of</p>

**ExA's Written Questions**

<b>No</b>	<b>Respondent</b>	<b>Question</b>	<b>Response</b>
		<p>bridleways'.</p> <p>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>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>	<p>it by the public is presently informal and unauthorised, but would become formally permitted. It is not the intention to remove horse riders from the bridleways through the site.</p> <p>ii) The effects on horse riders referred to in para 8.137 are that horse riders will see the wind turbines when using the bridleways.</p> <p>iii) In general there are no unacceptable health and safety risks from the proximity of the PROW to turbines. In fact much of the site is open access land allowing users to walk underneath and around turbines. There is no evidence to support a position that the public are exposed to an unacceptable safety risk with regards to the safe siting of wind turbines.</p> <p>The Applicant has addressed the concerns regarding the public rights of way in detail in part [ ] of its written representations.</p>
<b>2.21</b>	<b>Applicant, NRW</b>	<p>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.</p> <p>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?</p>	<p>The trees around Maesnant belong to the property, not the Forestry Commission. The owners have indicated to MYG that they will not fell the trees surrounding Maesnant. MYG asked NRW on the 16th of June 2014 for copies of Forest Management Plans and again at a meeting with NRW on 10th November 2014; but these are still awaited. We therefore have no further information to add.</p>
<b>2.22</b>	<b>Applicant, CCC</b>	<p>Is there any update as to the position regarding the proposed</p>	<p>The Welsh Government website for windfarm interest shows no plan for SSA D. It is also known that the grid connection contract</p>

**ExA's Written Questions**

<b>No</b>	<b>Respondent</b>	<b>Question</b>	<b>Response</b>
		Nant y Moch wind farm?	between the developer and NGET has been cancelled. The developer had contracted for a direct connection to the National Grid. The Applicant's understanding is that the developer, SSE, has abandoned its plans for the scheme.
2.23	<b>Applicant, PCC</b>	Can an update on the conjoined mid-Wales Planning Inquiry be provided?	On 9th December 2014 the Planning Inspector's report was received by DECC. It is not known when the Secretary of State's decision will be announced.
2.24	<b>Ministry of Defence</b>	Has the proposed wind farm development any implications for low-flying activities?	N/A
2.25	<b>Applicant</b>	<p>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:</p> <p>i) Are rallying and testing and the firing range likely to continue if the project gets consent?</p> <p>ii) What impacts would the existence of the wind farm have if it is to co-exist with rallying, testing and the firing range?</p>	<p>i) Yes. Not during the construction phase, but both before and after.</p> <p>ii) The wind farm is not expected to hinder any of the commercial activities that currently take place onsite and vice versa (see also ES Chapter 16 para 16.81 &amp; 16.82). Operational health and safety plans will be drawn up as required.</p>
<b><u>Cultural Heritage</u></b>			
3.1	<b>Applicant, IPs</b>	<p>CCC in its relevant representation considers there would be a significant cumulative effect on the heritage resource designated Bronze Age summit cairns on Punlumon and that the assessment in the ES significantly underplays this. (See also Question 1.6).</p> <p>Can the applicant please respond to this view?</p>	<p>A cumulative assessment will be presented for Deadline III which will describe potential cumulative impacts which may arise to aid the examining authority's decision making. This will have particular regard to the Pumlumon cairns since they have been identified as an area for concern by interested parties.</p> <p>The reason a cumulative assessment has not been provided before now is because using professional judgement it was considered that there are unlikely to be significant cumulative</p>

**ExA's Written Questions**

No	Respondent	Question	Response
			<p>impacts and therefore this was not reported in the ES. In addition, it was not required by either CPAT or Cadw when the scope of the ES and supporting studies were discussed and agreed with them in 2011 in advance of the commencement of any assessment work. Accordingly, no cumulative impacts are discussed in the ES. The consultation responses from both Cadw and CPAT indicated that these bodies were satisfied with the execution of these studies and assessments and concurred with their findings. Neither body, in consultation responses received during preparation of the ES, stated that they would have expected to see a cumulative assessment presented.</p> <p>See also the answer to question 3.2 below.</p>
3.2	Applicant	<p>In its relevant representation NRW considers that the applicant's assessment has underestimated the significance of impacts on the Upland Ceredigion, Clywedog Valley and Elan 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).</p> <p>Can the applicant respond to these comments and concerns?</p>	<p>NRW's remit with regard to cultural heritage extends to historic landscapes and the application of ASIDOHL 2. In section 42 correspondence, NRW acknowledge that we have applied the ASIDOHL 2 methodology appropriately. We believe that NRW's assessment of a differing level of impact is due to extrapolation of LVIA impact levels directly to comparable locations within the register landscapes. Such direct extrapolation is inappropriate since the conclusions of LVIA and cultural heritage assessments do not necessarily match since they look at differing receptors and impacts. We believe that our assessment of impact levels to register landscapes and their component character areas is accurate. This view is supported by correspondence with Cadw and CPAT during the course of ES preparation, which shows that they, as specialist heritage bodies, agreed with the findings of our ASIDOHL 2 report.</p>
<b><u>Ecology</u></b>			
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</p>	<p>Initial bat surveys were carried out in 2005 with full surveys carried out in 2010. The site is a low risk site for bats as it is</p>

**ExA's Written Questions**

<b>No</b>	<b>Respondent</b>	<b>Question</b>	<b>Response</b>
		<p>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>	<p>isolated and exposed. The level of transect activity survey effort in 2010 exceeds current (BCT 2012) recommended minimum survey standards for low risk sites and is consistent with a medium risk site.</p> <p>The bat surveys have resulted in a time series of data which is to a large extent comparable. It shows that little has changed in the species composition and abundance at the site in the intervening years. Therefore it is considered that more recent bat survey is unlikely to highlight a significant change that could affect the levels of impact significance in the Environmental Statement.</p> <p>Extensive ornithological surveys have taken place at the site of the Mynydd y Gwynt Wind Farm. Five types of ornithological surveys were carried out between autumn 2004 to February 2011 plus a Red Kite nest survey in 2014. These surveys used appropriate methodologies for the time they were carried out and there was consultation with NRW (then CCW) about the methodologies.</p> <p>Although not carried out in consecutive years, the surveys encompassed three years of breeding bird surveys, two years of non-breeding bird surveys and almost two years of Vantage Point surveys (this includes the migratory surveys which were carried out using Vantage Points).</p> <p>The number of surveys carried out from autumn 2004 to February 2011 has enabled a good understanding to be developed of the type and abundance of bird species using the site and the changes in site use over the years. Some of the changes include the increase of Red Kite activity levels over the site between 2004 and 2011, which is consistent with the apparent increase populations of Red Kite. The breeding bird surveys in 2005, 2008 and 2010 also indicate a decline in breeding Curlew. Overall, the surveys provide an accurate picture of an unexceptional bird assemblage and chart the</p>

**ExA's Written Questions**

<b>No</b>	<b>Respondent</b>	<b>Question</b>	<b>Response</b>
			<p>decline of some of the more notable species. This mirrors work carried out by Mick Green [Ref Changes in breeding bird abundances in the Plynlimon SSSI 1984 – 2011] which records a similar pattern on the adjacent land at Plynlimon.</p> <p>Although the most recent surveys are now more than three years old, it is highly unlikely that further survey would highlight a significant change that could affect the levels of impact significance in the Environmental Statement. In addition, pre-construction bird surveys are proposed since it is recognised that breeding locations are subject to change. These will enable breeding locations to be identified immediately before construction with a view to avoiding these areas through micro-siting and scheduling of the construction works.</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>	<p>List of all surveys are:</p> <ul style="list-style-type: none"> <li>• Extended Phase 1 Habitat survey carried out in autumn 2004;</li> <li>• National Vegetation Classification (NVC) survey carried out in summer 2005, 2010 and 2013;</li> <li>• Peat depth measurements carried out in 2004, 2009, 2010, 2011 and 2013;</li> <li>• Bird surveys:             <ul style="list-style-type: none"> <li>o Vantage Point surveys carried out between November 2009 to November 2010 based on the Scottish Natural Heritage (SNH) (2005) guidance;</li> <li>o Migratory bird surveys carried out in autumn 2004 and spring 2005 based on Vantage Point counts;</li> <li>o Breeding bird surveys carried out in April – June 2005, 2008 and 2010 based on the Brown and Shepherd (1993) methodology;</li> <li>o Winter bird surveys carried out December 2010 – February 2011 based on the Brown and Shepherd (1993) methodology;</li> <li>o Non-breeding bird survey carried out July 2004 to</li> </ul> </li> </ul>

ExA's Written Questions

No	Respondent	Question	Response
			<p>March 2005 based on the Brown and Shepherd (1993) methodology;</p> <ul style="list-style-type: none"> <li>o Targeted Ring Ouzel survey carried out in May 2005 based on the Gilbert et al (1998) methodology.</li> <li>o Targeted Black Grouse survey carried out in March 2005 based on Etheridge and Baines (1995) methodology.</li> <li>o Red Kite nest search surveys carried out in March - July 2014, based on Hardey et al. (2009) methodology.</li> <li>• Bat surveys;</li> <li>o Bat transect surveys carried out in May - October 2010 based on the Bat Conservation Trust guidelines;</li> <li>o ANABAT surveys of mine adits carried out in May, June, September and October 2010;</li> <li>o Daytime survey of disused mine structure carried out in June 2005;</li> <li>o Remote monitoring of one mine adit was undertaken in August 2005;</li> <li>o 'Car survey' carried out in June – July 2005 based on method originally devised by The Mammals Trust UK and The Bat Conservation Trust).</li> <li>• Other mammal surveys:             <ul style="list-style-type: none"> <li>o Otter survey carried out in September – October 2005, October – November 2009 and March 2014 based on Chanin (2003) methodology;</li> <li>o Water Vole survey carried out in September – October 2005, October 2009 and March 2014 based on Strachan and Moorhouse (2006) methodology;</li> <li>o Badger survey carried out in September – October 2005 and October – November 2009;</li> </ul> </li> <li>• Reptile survey carried out August - September 2010 based on Herpetofauna Workers Manual (JNCC 1998) methodology;</li> <li>• Targeted search for reptile basking sites and refugia carried out in summer/autumn 2008;</li> <li>• Bullhead survey carried out in October 2010 based on an</li> </ul>

**ExA's Written Questions**

<b>No</b>	<b>Respondent</b>	<b>Question</b>	<b>Response</b>
			<p>amalgam of 'Bankside Counts' method and 'Lift Netting' method, as described in Sutherland (1997);</p> <ul style="list-style-type: none"> <li>Ecological walkover survey carried out in June 2012 of proposed lay-by locations along the transport route. A further survey of revised lay-bys carried out in December 2014.</li> </ul> <p>These reports will be provided.</p>
<b>4.3</b>	<b>Applicant</b>	<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> <p>Can the applicant please clarify?</p>	<p>The original Phase I Habitat Survey included a large area of land to the west of the River Wye. This was based on an early site layout, prior to a number of subsequent iterations. At this stage, potential turbine locations were included in this area i.e. west of the River Wye. Therefore, since it was included within the red line boundary at the time, a Phase I Habitat Survey of this area took place. The reference to this area being included in Figure 11.1 is erroneous (However, Phase I habitat mapping of this area can be provided if necessary). The text in para. 11.21 is correct in saying that the survey information in the ES only relates to the application site (i.e. within the red line boundary).</p> <p>The NVC survey is a more detailed habitat classification than the Phase I Habitat Survey. It does not replace it, but provides a more in-depth categorisation of habitats. The area that was surveyed to an NVC level replicated the Phase I Habitat Survey area. The only caveat to this is that NVC survey did not take place in improved habitats i.e. improved grassland, poor semi-improved grassland and semi-improved acid grasslands. Whilst the NVC codes in the key are difficult to read in a hard copy of the plan, with a digital copy these codes can be increased in size and are therefore easily interrogated.</p>
<b>4.4</b>	<b>Applicant</b>	<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</p>	<p>The study area for each species or ecological group (e.g. bats) was chosen based on professional judgement. The developer's ecology consultants have worked on many large upland wind</p>

**ExA's Written Questions**

<b>No</b>	<b>Respondent</b>	<b>Question</b>	<b>Response</b>
		<p>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>	<p>farms (e.g. Nant y Moch, Carno II, Carno III, Llandinam) and all relevant species and ecological groups in many different scenarios. They are fully familiar with ecological processes and parameters exhibited by each species/ecological group e.g. home ranges, mobility, lifecycles and behaviour at different times of year. Based on this knowledge and professional judgement, the most relevant survey area was chosen for each species/ecological group. Because of this considerable experience, it was considered unnecessary to discuss survey areas with NRW or other consultees.</p> <p>Original fieldwork was conducted in a buffer area which extended to at least 0.5km from all turbine bases, access tracks and other infrastructure (considerably more in most cases). In the case of a small number of turbine locations, this distance was less. This was because these turbines were situated relatively close to the Hafren Forest edge. However, the buffer area surveyed in each turbine location was entirely adequate to take account of all relevant ecological groups. In the large majority of cases, the buffer area was in excess of 0.5km. For example, in the case of more mobile species (in particular, birds) the buffer area was greater, in order to take account of this mobility. In the case of birds, the buffer area encompassed areas of the Hafren Forest, where these abutted the red line boundary. In all cases, the area encompassed as the study area was more than adequate to take account of any iterations in turbine or other infrastructure layout.</p>
4.5	<b>Applicant, NRW, IPs</b>	<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>	<p>The Applicant believe this is covered by the third bullet point of paragraph 11.6: direct and indirect effects of the wind farm operation on ecological receptors. Bird strike is not considered to be a key issue.</p>

**ExA's Written Questions**

<b>No</b>	<b>Respondent</b>	<b>Question</b>	<b>Response</b>
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>	<p>Concerns regarding the age of the bird survey are addressed above under 4.1.</p> <p><b>Study Areas</b></p> <p>The study area for the bird surveys was based upon the area within the site boundary apart from the Vantage Point surveys which were based on a radius of 200m around the site boundary and the Red Kite nest survey which was based on a radius of 2km around the site boundary. Although the study area may not be in line with the most recent Scottish Natural Heritage (SNH) guidance 'Recommended bird survey methods to inform impact assessment of onshore wind farms' May 2014 which states that "the main breeding and wintering bird survey should extend at least 500m beyond the development/planning application boundary", the site boundary encompasses a much larger area than the extent of the outermost turbines, particularly to the west and south of the site, where the site boundary in many cases is 500m beyond the outermost turbines. Although the site boundary is much closer to outermost turbines to the north and east, the boundary is bordered by the Hafren Forest, which supports a low density of birds and primarily low collision risk species. The only 'target' species that is likely to use dense plantation forestry is Goshawk, and, if present within the buffer zone, these would have been recorded.</p> <p>The SNH (2014) guidance advocates carrying out distribution/abundance surveys for raptors within a 2km radius of the development. Whilst this was carried out for Red Kite, it was not for Hen Harrier, Peregrine, Merlin or Short-eared Owl. However, this was considered unnecessary as locations for these species are well known. For example, it is known that no pairs of Hen Harrier breed within 5km of the proposal. Similarly, no pairs of Peregrine breed within 5km of the proposal. No pairs of Merlin breed within at least 3km of the proposal. No</p>

**ExA's Written Questions**

<b>No</b>	<b>Respondent</b>	<b>Question</b>	<b>Response</b>
			<p>pairs of Short-eared Owl are known to breed within 10km of the proposal. In addition, very few individuals of these species were recorded from Vantage Point and other surveys. Therefore, there is no likelihood of collision risk or disturbance affecting these species. Furthermore, Merlin and Hen Harrier both hunt at a low height and are not considered to be collision risk species. They are however, more prone to disturbance. Since there are no known breeding locations for these species for several km (corroborated by the fact that very few individuals of these species were recorded), it can be stated with confidence that there is no likelihood of detrimental impacts.</p> <p><b>Raptor Breeding Locations and Surveys</b></p> <p>As recommended by NRW, a Red Kite nest survey was carried out between March and July 2014. As there was frequent Red Kite activity across the wind farm site, the nest survey was carried out to help ascertain where the Red Kites using the site were breeding. However, no Red Kite breeding locations were identified within 2km of the site. The breeding, non-breeding and Vantage Point surveys showed low use of the site by Peregrine, Merlin, Hen Harrier and Short-eared Owl and further 2km surveys was not considered to be warranted (see above for further information).</p> <p><b>Vantage Point Surveys and Flight Data</b></p> <p>The Vantage Point survey methodology was based on the SNH 2005 guidance which was the relevant guidance at the time of the start of the survey. Nevertheless, the survey still complies with the main criteria of the 2014 guidance. One hundred and eight hours of observation was made from each Vantage Point which is more than the 72 hours recommended in the 2014 guidance. More than 36 hours of observation were undertaken during the breeding season and more than 36 hours during the non-breeding season. The same Vantage Points were used</p>

**ExA's Written Questions**

<b>No</b>	<b>Respondent</b>	<b>Question</b>	<b>Response</b>
			<p>throughout the survey and watches were based on three hour durations at a time. Whilst the Vantage Point surveys did not record secondary species in a manner consistent with the SNH (2014) guidance, target species encompassed all relevant Annex 1, Schedule 1 and red-listed species (and was thus in line with the 2014 guidance). For this site, in this location, these were certain birds of prey and wader species. Target species that are relevant for other locations, such as waterfowl, were not recorded, simply because they were not present. If, for example, a flock of Barnacle Geese (or other relevant species) had flown through the site, this would definitely have been recorded.</p> <p>Vantage Point assessment took place across the whole of the core study area. The Vantage Point surveys were based on a survey area of 200m around the site boundary. Although the SNH 2014 guidance recommends that Vantage Points are located outside of the survey area, this was not possible for the Southern Vantage Point due to the landform of the area. The surrounding hills were either too far away or had their view obscured by Y Foel. The 2014 guidance states that if Vantage Points are located within the site, the Vantage Points should not be surveyed simultaneously. For most of the survey, Vantage Points were not surveyed simultaneously apart from on four occasions, as the 2005 guidance advised that some of the observations should be made simultaneously from a number of Vantage Points.</p> <p>The viewshed areas for the chosen Vantage Points in Figure 11.4 appear to show that small areas of the site were not visible. However, in the field a number of these areas were in fact visible, as target species were recorded within these areas. The attached figure shows the extent of target bird flight sightings during the VP surveys. This shows that a number of bird records were made in the areas which the viewshed map shows as 'not visible'. Although no records of target birds were made around</p>

**ExA's Written Questions**

<b>No</b>	<b>Respondent</b>	<b>Question</b>	<b>Response</b>
			<p>Turbines 10, 11 and 12, these areas are within the 'visible' viewshed and within 2km.</p> <p>The viewshed map in Figure 11.4 was created using OS Panorama height data (DTM) with a 50m posting. Twenty meters was then added to the DTM measurements to give an indication of visibility at 20m above ground level, which is in line with the SNH 2014 recommendations. The SNH guidance emphasises that being able to view all or most of the site to ground level is helpful but not as important as being able to view the collision risk volume. The height and the vantage point positions data were processed in ArcGIS software using spatial analyst tools to create zones of theoretical visibility that are plotted over the site. It is considered that due to the 50m resolution of the DTM map, the viewsheds that have been calculated in ArcGIS do not give a true representation of visibility out in the field.</p> <p><b>Other Bird Surveys</b></p> <p>Black Grouse surveys were based on Etheridge and Baines (1995) methodology, quoted in Gilbert et al, 1998. The SNH 2014 guidance recommends the survey techniques from Gilbert et al are used.</p> <p>Breeding bird surveys were based on The Brown and Shepherd (1993) methodology. The SNH 2014 guidance recommends the use of The Brown and Shepherd (1993) methodology for moorland breeding birds, but recommends it is adapted to include four survey visits at least seven days apart, covering the whole breeding season from mid April to early July. The main species that would have been targeted by the Brown and Shepherd surveys is Curlew. This species is highly vocal when breeding, and it is considered that had Curlew pairs been present in the study area, they would have been recorded. Two</p>

**ExA's Written Questions**

<b>No</b>	<b>Respondent</b>	<b>Question</b>	<b>Response</b>
			<p>visits are considered sufficient for this purpose. However, is also the case that Curlew would have been recorded during the course of other surveys (e.g. botanical) if conducted during the breeding season. Many of the surveys within the study area took place at a suitable time of year for recording Curlew had they been present.</p>
<p><b>4.7</b></p>	<p><b>Applicant</b></p>	<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>	<p>As stated in 4.4, in all cases, the most relevant study area was chosen for each species/ecological group (based on knowledge of the species/ecological group). In the majority of cases, this was the area encompassed by the red line boundary. The red line boundary was deemed to be the logical limit of survey for the majority of species/habitats. This is because this was always recognised as the limit of the area in which development might take place. Furthermore, this was more than adequate to take account of the various species/ecological groups and potential impacts on them from the wind farm. Thus, this was the area surveyed for vegetation (Phase I Habitat Survey and NVC). It was also the area surveyed for Badger, Brown Hare, Water Vole, Otter and Bats. It should be noted, however, that within this red line boundary, only areas of potential suitability were surveyed for specific species or habitats. Therefore, watercourses and adjacent areas were surveyed for otter and water vole (this latter including rush-dominated areas). Bats were surveyed using transects close to potential impact areas (i.e. close to turbine locations). They were also surveyed for comparative purposes alongside forest edges. In addition, potential roost sites in mine adits were surveyed.</p> <p>For some of the bird surveys (i.e. Vantage Point survey and Red Kite nest survey), a larger study area was surveyed, as described in 4.4. This was to take account of some birds' greater mobility and use of larger home ranges/hunting areas. For clarification, the term 'wind farm infrastructure footprint' refers to all turbine base areas, all tracks and all other infrastructure areas, such as site compounds and sub-station.</p>

**ExA's Written Questions**

<b>No</b>	<b>Respondent</b>	<b>Question</b>	<b>Response</b>
			<p>Peat survey was primarily directed at these areas, since these were the areas in which impacts on peat could be manifest. Additional leeway was allowed in peat surveying of these areas to account for any changes in track or turbine position. It is recognised that NRW (CCW) guidance is that the whole application site be surveyed for peat. On such a large site, this is obviously impractical.</p> <p>The terms 'application area' and within the 'application boundary' refer to the area encompassed by the red line boundary.</p> <p>The term 'impact area' in para. 11.82 refers to the core area that could be potentially impacted by changes in water chemistry or sedimentation (and thus have an impact on Bullhead and other fish species). The 'impact area' therefore includes the River Wye (immediately to the west of the western red line boundary) and tributaries running into this from within the red line boundary.</p>
4.8	Applicant	<p>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.</p> <p>Can the applicant please clarify?</p>	<p>As detailed in 4.4. the developer's ecology consultants have worked on many upland wind farms, in Wales and elsewhere. They are therefore highly familiar with standard survey requirements for these developments. This includes bird survey requirements. The Scottish Natural Heritage (SNH) scope and methodology for Vantage Point surveys (Survey methods for use in assessing the impacts of onshore windfarms on bird communities) is the standard approach for Vantage Point bird survey. It is the approach advocated by NRW and is thus the approach always adopted by the developer's ecology consultants. It includes guidance on selection of survey area, number and position of vantage points and timing and scope of surveys. It is therefore unnecessary to agree the use of this methodology with NRW in every case. Similarly, the selection of target species are well prescribed under this methodology. The ones of relevance to this development are certain birds of prey</p>

**ExA's Written Questions**

<b>No</b>	<b>Respondent</b>	<b>Question</b>	<b>Response</b>
			<p>(potentially prone to collision risk and also listed as Annex 1 (Birds Directive) and/or Schedule 1 (Wildlife and Countryside Act) species. Other species of relevance to the project are waders (potentially prone to collision risk and also suffering declines in a Welsh context e.g. Lapwing, Golden Plover and Curlew). No other species were considered relevant in terms of the development context (e.g. the development will not support waterfowl species such as geese or swans).</p>
<b>4.9</b>	<b>Applicant</b>	<p>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.</p> <p>Can the applicant please clarify?</p>	<p>Migratory surveys were undertaken during the autumn of 2004 and the spring of 2005. These followed an early version of the SNH Vantage Point methodology and were targeted at recording migrating birds during the key migration months (principally October, April and May). Species targeted included waders and waterfowl; however, 'secondary' target species (i.e. non migratory but collision risk species such as birds of prey) would also have been recorded. In reality, few species from any of these groups were recorded and no waterfowl. Small numbers of Golden Plover (wader) and Red Kite (bird of prey) were recorded. Results were entirely in keeping with other similar wind farm proposals in mid Wales and no additional species or high numbers of birds were recorded.</p>
<b>4.10</b>	<b>Applicant</b>	<p>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.</p> <p>Can the applicant provide these?</p>	<p>Ring Ouzel and Black Grouse were only surveyed in the early years of the proposal. They were both surveyed in 2005. In the case of each species only relevant areas were surveyed i.e. potential habitat areas. In the UK, Ring Ouzel breed on cliff slopes, screes and gullies in the mountains. They were known to breed on Pumlumon, though have declined and are no longer present (Crump and Green, 2011). Only the northernmost extent of the red line boundary was surveyed, as this area was closest to Pumlumon and there was the potential for disturbance on Ring Ouzel here. Survey took place in May 2005.</p>

**ExA's Written Questions**

<b>No</b>	<b>Respondent</b>	<b>Question</b>	<b>Response</b>
			<p>There are historical records of Black Grouse in the Pumlumon/Eisteddfa Gurig area, and it was thought prudent to survey for this species along forest edge habitat (some potential for small remnant population). Survey took place in March 2005. No Black Grouse were recorded.</p>
<b>4.11</b>	<b>Applicant</b>	<p>No information is provided on the methodology for the brown hare and badger surveys. Can the applicant supply this?</p>	<p>Brown Hare were surveyed by the most expedient method, which was through incidental recording, alongside other surveys. Brown Hare is a relatively straightforward mammal to record since they are large and usually conspicuous in open habitat. The developer's ecology consultants always record them in conjunction with other surveys (for example whilst covering large areas during the habitat surveys). The numbers recorded within the red line boundary were low (for reasons outlined in the ES chapter). These numbers can be compared to numbers recorded on other upland wind farm proposals, which are often higher.</p> <p>The basic methodology for Badger survey is provided in the ES. Badger survey followed standard guidance from the Mammal Society (Harris et al, 1991). Targeted areas featured slopes and track margins, and especially any areas with free-draining soils, which would be most suitable for sett excavation. Field signs of Badger included tracks, paths, feeding signs, latrines and setts. Survey concentrated on the recording of active Badger setts, as these may constrain the siting of infrastructure. It is anticipated that a further pre-construction survey for Badger will take place should the development proceed.</p>
<b>4.12</b>	<b>Applicant</b>	<p>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</p>	<p>This would appear to be text that has carried over from a previous consultation. Any infrastructure would only move within the permitted micro siting allowance and within the limit of deviation shown on the Works Plan. Additional surveying would</p>

**ExA's Written Questions**

<b>No</b>	<b>Respondent</b>	<b>Question</b>	<b>Response</b>
		<p>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.</p> <p>Could the applicant please clarify?</p>	<p>be carried out if required.</p>
<b>4.13</b>	<b>Applicant</b>	<p>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.</p> <p>Can the applicant please clarify?</p>	<p>As stated in 4.7, the study area for bats was the area encompassed by the red line boundary. This is commensurate with the 'application area' referred to in 11.75. Both surveys (2005 and 2010) focused on relevant sections within the red line boundary, and thus transects (walked or driven) incorporated those areas proposed for infrastructure (in particular, potential turbine locations). The term 'infrastructure layout' in para. 11.72 refers to the potential turbine locations. These are the areas in which potential impacts could occur (e.g. collision with blades, barotrauma) and it is logical that these were the areas of focus. Comparative data was however recorded from adjacent habitat features and in particular forest edge habitat. Both bat surveyors (in 2005 and 2010) are highly qualified and recognised as experts in their field. Both employed methods that, at the time, were considered to provide representative data on bat use of the site. Both also recognised the need to survey potential roost sites (i.e. mine adits). A further comparison of data with current methods has been undertaken and this shows that the methods employed were, to a certain extent, in excess of current requirements.</p> <p>The reference to 'car surveys' being undertaken in June and July 2006 is erroneous and should read June and July 2005.</p>
<b>4.14</b>	<b>Applicant</b>	<p>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'.</p>	<p>A map showing areas surveyed titled 'Bullhead Surveyed Areas' will be provided. All water-courses within the Study Area were assessed and all rivers and streams considered likely to possibly support Bullhead were surveyed, other water courses were considered very unlikely to support Bullhead, these being</p>

**ExA's Written Questions**

<b>No</b>	<b>Respondent</b>	<b>Question</b>	<b>Response</b>
		Can the applicant please clarify?	generally narrow, seasonal vegetated flow lines, which were either dry or with very low water levels at the time of survey and lacking a coarse stony bed and large stones and debris.
<b>4.15</b>	<b>Applicant</b>	<p>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.</p> <p>Can the applicant please clarify?</p>	<p>The extent of the study area for designated sites was 3km, as based on professional judgement, this was considered to be the area within which there could be the potential for significant impacts. Three SSSIs and one SAC were identified within 3km, all within the vicinity of the application area. These sites were taken into consideration as a constraint to the development and informed the development layout. Therefore they have been included in Figure 5.2 Final Project Design Layout.</p> <p>A search was also carried out for European designated sites within 10km, which is detailed in the HRA Report (MYG-AD-9). The search identified five European designated sites within the 10km study area, one of which was the SAC within 3km. Assessment of these sites resulted in three SACs being screened out as there was no connectivity which could cause either a direct or indirect effect. Consultation with NRW on the 8th Nov 2011 indicated that the Elenydd Mallaen SPA has potential to be affected and should be considered for further assessment. Therefore the SPA was included in the Ecology Chapter, but it was not felt necessary to include the three sites that had been screened out as they are covered in the HRA Report.</p> <p>As stated in para 11.87, the SPA is 3.4km to the south-west of the site.</p>
<b>4.16</b>	<b>Applicant</b>	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	The data search was undertaken within a 2km radius around the study area. The study area in this case refers to the application area (see answer to 4.7 for definition of application area). The 2km radius was considered to be a suitable radius from which to

**ExA's Written Questions**

<b>No</b>	<b>Respondent</b>	<b>Question</b>	<b>Response</b>
		<p>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.</p> <p>Can the applicant please provide clarification?</p>	<p>obtain relevant data for the majority of species. The desk study serves a dual purpose – to act as a guide to the likely primary species interest at the site but also to identify any species that might be affected by the development in the surrounding area. The only groups of species that would not be fully addressed by a 2km buffer area are birds and, potentially, bats. A wider desk study area is potentially appropriate for these more mobile species (particularly birds). However, this additional requirement is met through the identification of designated sites for these species (i.e. SPAs for birds, SACs for bats and SSSIs for which these species are mentioned as a feature). A 10km search for SPAs and SACs was carried out as part of the HRA Report and 3km for SSSIs.</p> <p>Priority Species are species with European and UK Legal Protection, Section 42 [NERC] Species and UK BAP Priority Species. Text was omitted from the ES chapter in error during editing.</p> <p>Appendix 11.10 contains the data search results from the Powys BIS search. Records that were either not Priority species, were not deemed as Locally Important, or where the grid reference was too vague or where the record was actually over 2km away, were deleted.</p> <p>Some of the species in Appendix 11.10 such as the moths, were not considered to be important in the context of the development and were therefore not reproduced in para 11.109. Small Pearl-bordered Fritillary, Brown Hare and Stag's-horn Clubmoss, which are listed in para 11.109, were included in the records from Powys BIS, but had been missed off the Appendix 11.10 in error.</p>
4.17	Applicant	<p>A plan entitled 'Ecological Constraints' is provided at Figure 11.7, although it only identifies vegetation and peat, and a brief</p>	<p>There are four categories of constraint which were developed to advise the wind farm design consultant of constraints to the</p>

**ExA's Written Questions**

<b>No</b>	<b>Respondent</b>	<b>Question</b>	<b>Response</b>
		<p>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.</p> <p>Can such implications be explained?</p>	<p>location of turbines. The constraints were: Absolute, High, Medium and Low. The aim was to site all turbines on areas of Low constraint where feasible. The absolute constraint was to inform the designer that these areas must be avoided. High constraints were to be avoided by turbines and crossed by infrastructure only if there was no less damaging option. Medium constraints could be used, after agreement with the ecologists involved in the assessment of impacts.</p>
<p><b>4.18</b></p>	<p><b>Applicant</b></p>	<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>	<p>Given the type of development and the limited nature of off-site effects, the sites identified in Table 11.18 were considered to be the sites that could potentially be affected by development. The three European sites referred to above and identified in the HRA had been screened out as there was no connectivity which could cause either a direct or indirect effect, as these three sites are all designated for their habitats. While it may be argued that the grid connection could pass through or close to the Coedydd Llawr-y-Glyn SAC (oak woodland); it is clearly not necessary that it should do so and given its status it is the applicant's belief that such a route would never be proposed.</p>
<p><b>4.19</b></p>	<p><b>Applicant</b></p>	<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</p>	<p>In all cases, the developer's ecology consultants would have used the most relevant guidance. The majority of this has been published by English Nature/Natural England or SNH and there is no published equivalent guidance from NRW. Where guidance from NRW was available, this was used, such as the guidance produced by NRW on assessing the impact of wind farms on peatland habitats in Wales.</p> <p>As stated in the ES, both sets of IEEM guidance (2002 and 2006) were employed, though a greater use was made of the 2002 guidance. The ES chapter wrongly states that the 2006 guidance supersedes the 2002 guidance. Whilst the 2006 guidance took a different approach to the 2002 guidance, it did not supersede it, and the earlier guidance was not withdrawn.</p>

**ExA's Written Questions**

<b>No</b>	<b>Respondent</b>	<b>Question</b>	<b>Response</b>
		<p>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>	<p>The overwhelming emphasis in the 2006 guidance is on professional judgement. Whilst this is an important element in the process, as stated, the 2002 guidance provides a more methodical approach to the assessment of impacts, combining professional judgement, with the use of set criteria. Matrices are used to combine the ecological value of a particular receptor (largely based on geographical criteria) and the magnitude of a particular impact. Professional judgement is still important, for example, in determining the value of a receptor in relation to a specific site. However, the 2002 guidance is a more objective approach that is able to be replicated more easily. It is also a clearer, and more explicit, approach for those reading the ES to follow.</p>
<p><b>4.20</b></p>	<p><b>Applicant, NRW, PCC, CCC</b></p>	<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> <p>ii) Can NRW, PCC and CCC comment on the methodology</p>	<p>Consultation with CCW/NRW prior to the Section 42 Consultation.</p> <p>Early consultation in 2004 and 2005 consisted mainly of telephone conversations.</p> <p>11th Aug 2005 - CCW letter in response to wind farm scoping report, including comments on EIA survey proposals.</p> <p>29th Sept 2008 - Letter sent to CCW requesting advice on River Wye SAC, response received 27th Mar 2009 detailing what needs to be assessed.</p> <p>14th Sept 2009 - Meeting with Dr Carol Fielding, CCW, Gwilym Davies, Powys CC Planning Officer and other Powys Officers. Hannah Powell, Powys CC Ecologist, was not able to attend.</p> <p>1st Nov 2011 - Draft Ecology Chapter sent to Dr Carol Fielding, CCW, Rachel Pryce and Hannah Powell, Powys CC Ecologists, Steve Packer and Trystan Mabbitt, Powys CC Planning Officers.</p>

**ExA's Written Questions**

<b>No</b>	<b>Respondent</b>	<b>Question</b>	<b>Response</b>
		<p>applied?</p>	<p>8th Nov 2011 - Meeting with Dr Carol Fielding, CCW, Rachel Pryce and Hannah Powell, Powys CC Ecologists, Powys CC Ecologists, Steve Packer and Trystan Mabbitt, Powys CC Planning Officers.</p> <p>15th Mar 2012 - Draft Habitat Management Plan sent to Dr Carol Fielding, CCW, Rachel Pryce and Hannah Powell, Powys CC Ecologists, Huw Lewis, Tir Gofal Project Officer, James Byrne, RSPB. Draft Habitat Management Plan was also sent to Tammy Stretton &amp; Clive Faulkner, Montgomeryshire Wildlife Trust on 1st Aug 2012.</p> <p>Details of the consultation responses are provided in Consultation Report (MYG-AD-5). While early consultation covered survey methodology and scope the later consultation revolved around assessment of key issues such as designated sites, Red Kites, peat, provision of a Habitat Management Plan.</p> <p>Consultation with NRW post Section 42 Consultation:</p> <p>24th Jul 2013 – Telephone conversation with Dr Carol Fielding, NRW, regarding presentation of bird survey maps, NVC, HMP and HRA.</p> <p>1st Aug 2013 – On-site meeting with Dave Reed, NRW, regarding NVC.</p> <p>12th Aug 2013 - Email to Dr Carol Fielding, NRW, detailing information on the creation of peat contours.</p> <p>27th Jan 2014 – Draft HRA Report sent to Dr Carol Fielding, NRW. Response received 25th Feb 2014.</p> <p>12<sup>th</sup> March 2014 – Meeting with Dr Carol Fielding, NRW to discuss HRA response and agree way to resolve issues.</p>

**ExA's Written Questions**

<b>No</b>	<b>Respondent</b>	<b>Question</b>	<b>Response</b>
			<p>21<sup>st</sup> March 2014 – onsite meeting with Dr Carol Fielding to review HRA related issues.</p> <p>10th Apr 2014 – Revised Draft HRA Report sent to Dr Carol Fielding, NRW.</p>
4.21	<b>Applicant, NRW</b>	<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?</p> <p>ii) Is NRW in agreement with the approach taken by the applicant with regard to determining the significance of</p>	<p>The criteria used in the impact assessment originated from the 2002 IEEM guidance. Based on this guidance, and as identified in the question, the significance of an impact is determined by combining the value of a receptor with the magnitude of an impact. The question of whether an impact is significant (in terms of the EIA Regulations) must be determined in relation to its geographical context. Thus, a moderate impact at the County/metropolitan level is not considered significant, whereas, for example, a moderate impact at the national level is considered significant. Any impact on an ecological receptor that is above moderate at a County/metropolitan level (or higher geographical level) is considered significant in terms of the EIA Regulations. Where a range of significance is quoted, for example moderate to minor, this is because it refers to receptors of varying quality. If impacts occur on those of higher quality (for example, blanket bog in one location), this is likely to be moderate; if impacts occur on those of lower quality (for example, wet degraded bog in a separate location), this is likely to be minor.</p>

**ExA's Written Questions**

<b>No</b>	<b>Respondent</b>	<b>Question</b>	<b>Response</b>
		ecological impacts?	
4.22	<b>Applicant, NRW, PCC, CCC</b>	<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> <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>	<p>The extent of the study areas for all terrestrial ecological receptors i.e. habitats, Otter, Water Vole, bats, Badger, Brown Hare and Birds is described in the replies to 4.4, 4.7 and 4.13. Whilst the ES chapter only describes European sites within 3km, as stated, the HRA provides a comprehensive assessment of effects on all European sites up to 10km. The 10km was determined in verbal consultation with NRW. It was also determined, in consultation with NRW, that there would be no effects on three of these European sites (as they were designated for habitats, which would not be affected by a wind farm development several km distant. Effects on aquatic systems (principally the River Wye and its tributaries) were also discussed in various correspondence with NRW. The extent of potential impacts on aquatic systems is discussed at length in the HRA in relation to the River Wye SAC.</p>
4.23	<b>Applicant, NRW, PCC, CCC</b>	<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</p>	<p>Table detailing the pre and post mitigation significance levels is attached as [document to follow].</p>

**ExA's Written Questions**

<b>No</b>	<b>Respondent</b>	<b>Question</b>	<b>Response</b>
		<p>defined for each feature both pre-mitigation and post mitigation.</p> <p>i) 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>ii) Can NRW, PCC and CCC comment on these conclusions?</p>	
<b>4.24</b>	<b>Applicant, NRW</b>	<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>	<p>A site meeting was held on the 25th November 2014 with the Applicant's hydrologist and construction manager, and NRW's water quality, fisheries, geomorphologist, flood risk and Powys CC. Each watercourse crossing was inspected and reviewed, with NRW stating a preference for the type of track crossing to be employed, except for a few locations where NRW were to seek further advice internally as to their preferred design. The applicant is composing a schedule of crossing points and the NRW requested crossing type which the Applicant will agree to employ. Powys CC was satisfied that the proposal's by the Applicant and crossing types requested by NRW, if properly designed and constructed, would not cause adverse impacts on PCC roles and responsibilities.</p>
<b>4.25</b>	<b>Applicant</b>	<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>Due to the distance between the two sites, it was concluded there would be no direct effects on the SPA as there is no hydrological connectivity and there are no construction period effects that could affect habitats within the SPA. The only effect identified during the assessment was bird strike which only occurs during the operational phase of the wind farm. The Collision Risk Assessment concluded that this would not have a significant effect on the Red Kite population within the SPA and that because the use of the site by Merlin was extremely low (four sightings between 2005 and 2010) and also by Peregrine (2 minutes total flight time over the site recorded during VP</p>

**ExA's Written Questions**

<b>No</b>	<b>Respondent</b>	<b>Question</b>	<b>Response</b>
		<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 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>	<p>surveys) there would be no effect on these species.</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>	<p>Only one new pond may be constructed at Turbine 27; the remaining three settlement ponds that may be used already exist. There is one on the Afon Bidno and two on the Nant Cwm y Foel, these may be improved. However, at the site meeting on the 25th November (See 4.24) NRW expressed a desire that the existing ponds were removed and questioned the need for the new pond at Turbine 27. The applicant agreed to review the need for the ponds and this work is ongoing.</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>	<p>Paragraph 11.464 refers to the 'ecological evaluation' as opposed to the assessment; because the ecological assessment and HRA had concluded that there was no significant effect on the SPA and Red Kite, Merlin and Peregrine Falcon these were not judged to be of principal importance to the evaluation of potential effects.</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</p>	<p>On 9<sup>th</sup> December 2014 RWE confirmed "that there has been no change to the status of the Bryn Titli Wind Farm Extension project which is still at the pre-planning stage", therefore there are no details to inform an updated cumulative impact</p>

**ExA's Written Questions**

<b>No</b>	<b>Respondent</b>	<b>Question</b>	<b>Response</b>
		<p>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>	<p>assessment.</p>
<b>4.29</b>	<b>Applicant, NRW, IPs</b>	<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 carried out?</p>	<p>See answer 1.8 above. To the extent predictable, cumulative impacts have been assessed as set out in Chapter 17 of the ES, and it has been concluded that there is no obvious reason why a connection would not be possible.</p>
<b>4.30</b>	<b>Applicant</b>	<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</p>	<p>A Table detailing all of the proposed mitigation measures is to follow.</p>

**ExA's Written Questions**

<b>No</b>	<b>Respondent</b>	<b>Question</b>	<b>Response</b>
		<p>Management Plan (HMP)</p> <p>(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	<b>Applicant</b>	<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>	<p>A schedule of decommissioning mitigation has been drafted and is included as document [document to follow]</p>
4.32	<b>Applicant</b>	<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>	<p>In their Relevant Representations NRW made the following Comment:</p> <p><i>10.1 NRW consider further information is required on the investigations reported in the ES for potential contamination of the soils and groundwaters by historic mining activities. Section 6.1 of the Contaminated Land Report (Appendix 6.2) states there is no evidence of the site being used to tip mining spoil. However Section 4 seems to contradict this stating that the historic (1981) maps of the site show a small tip is marked within the compound boundary and recent maps show the whole area as a tip. If there is a risk to the water environment from</i></p>

ExA's Written Questions

No	Respondent	Question	Response
			<p><i>this area then remediation measures may be required. Therefore sampling should be adapted to take the potential contaminants from this tip into account.</i></p> <p>The Wye Valley Mine buildings and entrance to the adit was located adjacent to the River Wye at approximately 282901, 285027. The buildings are shown on the 1st edition OS maps, but by the 2nd edition the buildings had disappeared. The remains of the old adit is still visible from what is now the rally complex at 282741, 285079. Also visible approximately 142m south east of the entrance to the adit is the remains of an air shaft (OS 282866, 284990); a further shaft is also visible from aerial photographs about 290 m north east of the first shaft (OS 283150, 285070). A third shaft, between these two is marked on the plan, but is not clearly visible.</p> <p>The tip referred to in section 4 of the contaminated land report relates to the overburden heaps from the excavation of the air shafts; not the mine tailings (the materials left over after the process of separating the valuable fraction from the uneconomic fraction of the ore) which were removed from the adit at the mine workings adjacent to the River Wye some 30m below the level of the car park which was the subject of the contaminated land assessment. As the tip referred to in section 4 was spread 20 or 25 years ago, when the upper car park was built, sampling was targeted around the areas where the overburden heaps may have been spread. Therefore sampling was targeted to take the potential contaminants into account.</p> <p><i>10.2 In Table 2 under 'Sample Analysis' surface water is</i></p>

**ExA's Written Questions**

<b>No</b>	<b>Respondent</b>	<b>Question</b>	<b>Response</b>
			<p><i>highlighted as being at more of a risk than groundwater in the sensitivity assessment. Taking this into account the leachate results should also be compared against the most recent EQS values.</i></p> <p>‘The River Basin Districts Typology, Standards and Groundwater threshold values (Water Framework Directive) (England and Wales) Directions 2009’ in which the River Wye is specifically mentioned, identify a level of 7.2 µg / l as the EQS value. Analysis of the samples found that metal levels normally associated with lead mining were not significant and lay in the range &lt;0.1 – 5.2µg/l. The mean value was 1.8µg/l. As both the man value and highest level in the range are below the EQS it is concluded that there is no risk to surface waters from the car park which is proposed to be used as a contractor’s compound.</p>
<b>4.33</b>	<b>NRW, PCC,</b>	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?	N/A
<b>4.34</b>	<b>NRW</b>	A Flood Risk Assessment has been carried out. Does this satisfy any concerns NRW may have with regard to flood risk?	N/A
<b>4.35</b>	<b>Applicant</b>	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	The detailed peat data was sent to NRW on 2 <sup>nd</sup> December 2014.  Shape files showing all Infrastructure; NVC communities, peat

**ExA's Written Questions**

<b>No</b>	<b>Respondent</b>	<b>Question</b>	<b>Response</b>
		<p>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).</p> <p>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?</p>	<p>depths and limits of deviation were included.</p>
<p><b>4.36</b></p>	<p><b>Applicant, NRW</b></p>	<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> <p>i) Can the applicant confirm that their cumulative assessment applies also to effects on geology and hydrogeology?</p> <p>ii) Does NRW agree with the scope of the cumulative impact assessment?</p>	<p>i) Yes</p>
<p><b>4.37</b></p>	<p><b>Applicant</b></p>	<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</p>	<p>There appears to have been an error in the reporting of significance in table 14.10. The criteria should have been:</p> <ul style="list-style-type: none"> <li>• Negligible</li> <li>• Minor</li> <li>• Major</li> </ul>

**ExA's Written Questions**

<b>No</b>	<b>Respondent</b>	<b>Question</b>	<b>Response</b>
		<p>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>	<p>with the threshold of significance lying above Minor.</p>
<p><b>4.38</b></p>	<p><b>Applicant, NRW</b></p>	<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.</p> <p>Is it therefore appropriate that the assignation of 'local' value to all receptors is appropriate?</p>	<p>It is debateable but pollution from soil erosion could be regarded as Regional, as it could be traced and cause problems many miles downstream. However, were this to be changed where applicable inTable 14.10, nothing else would change, i.e. all conclusions and mitigation would remain the same.</p>
<p><b>4.39</b></p>	<p><b>Applicant, NRW</b></p>	<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.</p> <p>Is the study area sufficient to identify environmental impacts</p>	<p>The study area for the assessment comprises of the following zones: Site walkover surveys focused upon areas within a 300m radius of the site boundary which is in excess of the footprint of the proposed turbines and other infrastructure. A wider spatial scope was adopted for the desk study, with data for water quality being collected for the sub catchments of the upper Severn and River Wye and their tributaries and the potential for impacts were assessed for the sub-catchment of the tributaries that feed the River Wye and arise on site and feed into the SSSI</p>

**ExA's Written Questions**

<b>No</b>	<b>Respondent</b>	<b>Question</b>	<b>Response</b>
		likely to arise from the project?	and SAC. The spatial scope of assessment defined is considered to be sufficient for the inclusion of all potentially affected surface and groundwater resources.
<b>4.40</b>	<b>NRW</b>	<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.</p> <p>Is NRW in agreement with the scope of the assessment?</p>	N/A
<b>4.41</b>	<b>Applicant</b>	<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.</p> <p>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>	Discussions are ongoing with NRW regarding peat management and as a result this may affect the carbon balance calculations
<b>4.42</b>	<b>Applicant</b>	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	As set out in the answer to 4.35 the data was sent on 2 <sup>nd</sup> December 2014 to NRW.

**ExA's Written Questions**

<b>No</b>	<b>Respondent</b>	<b>Question</b>	<b>Response</b>
		<p>0.8m; however, peat depths of up to 1.3m and &gt;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>	
<p><b>4.43</b></p>	<p><b>Applicant</b></p>	<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>	<p>In order to avoid 'double counting' of impacts, Chapter 14 identified the project characteristics that could give rise to an impact on rivers and water quality; the potential effects on the ecological receptors, that is the SSSI, aquatic and terrestrial ecology were assessed by the ecologists in Chapter 11. Where the effect was judged to be sufficient to warrant mitigation; this was reported to the hydrologist and drainage engineer who then developed appropriate mitigation and assessed its efficacy. The residual impact on the ecological receptors was then assessed by the ecologists and reported in Chapter 11.</p> <p>The HRA draws on the information from both chapters to assess the potential significance of effects on the features of the Natura 2000 sites. The HRA only uses mitigation proposed in Chapter 14, which deals principally with the engineered mitigation such as SUDS, bank stabilisation etc.; and Chapter 11 which proposes further mitigation which is achieved through changes in management of the site.</p> <p>There should be no additional mitigation proposed in the HRA which is not contained in Chapters 11 and 14 of the ES.</p>
<p><b>4.44</b></p>	<p><b>Applicant</b></p>	<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</p>	<p>Paragraph 11.331 describes the assumptions made about land loss and the width of tracks. The paragraph below is taken from Chapter 11:</p> <p>On-site tracks will be typically 5m wide, however in calculating figures for the assessment a worst case width of 7m has been assumed, with an additional 2.5m either side which will be taken</p>

**ExA's Written Questions**

<b>No</b>	<b>Respondent</b>	<b>Question</b>	<b>Response</b>
		<p>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>	<p>or directly damaged by tracks on level ground, and 8.5m either side on steep ground, so as to account for edge impacts from cabling, ditching and damage inflicted by construction machinery.</p>
4.45	<b>Applicant</b>	<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> <p>Can the applicant confirm whether the extent and results of the cumulative assessment has been agreed with relevant stakeholders?</p>	<p>This is an ongoing process with NRW and PCC. The Applicant met with NRW and PCC on site to review NRW concerns about watercourse crossings and water quality monitoring. The aim is to produce a document that both parties will agree to.</p>
4.46	<b>Applicant</b>	<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>	<p>It will be a condition of contract that the successful contractor will have to produce their own detailed Construction Environmental Plan and Surface Water Drainage Strategy that meets the standards laid down in the ES and its appendices. The Contractor's Surface Water Drainage Strategy can be submitted to NRW and Powys CC for approval before starting construction.</p>
4.47	<b>Applicant</b>	<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</p>	<p>All of the mitigation proposed should be contained in one of the following documents:</p> <ol style="list-style-type: none"> <li>1. The CEMP</li> </ol>

**ExA's Written Questions**

<b>No</b>	<b>Respondent</b>	<b>Question</b>	<b>Response</b>
		<p>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>	<p>2. The Surface Water Management Plan            3. Habitats Management Plan            4. Species Protection Plan; or            5. referred to directly by a proposed Requirement in the dDCO</p>
<b>4.48</b>	<b>Applicant</b>	<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>	<p>A suitable water quality monitoring procedure is being drafted in consultation and to be agreed with NRW.</p>

**Transport**

<b>5.1</b>	<b>Applicant</b>	<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>	<p>The study area encompasses the main access links leading to the site and allows a worst case assessment to be established on those links that would be most affected by the temporary construction traffic.</p> <p>The project shares the same access routing (via a direct access onto the A44) as that of the now moribund Nant y Moch scheme, with no other alternative access routes available to construction traffic. The scope of the impact assessment for Nant y Moch was scoped with the appropriate authorities by Halcrow Group and Dulas at that time and was subsequently used by WYG when both sites were proposed to run in tandem for the purposes of the Traffic Management Plan. When Nant y Moch was withdrawn, the scope for the transport assessment was still considered valid and appropriate and was continued. We have held extensive meetings with the Welsh Government on the topic of transport to determine the level of information required to support the application.</p>
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**ExA's Written Questions**

<b>No</b>	<b>Respondent</b>	<b>Question</b>	<b>Response</b>
			<p>The scope of the traffic impact assessment has not been questioned to date by any of the statutory consultees, with the Welsh Government more concerned with the movement and associated measures required to allow the transport of Abnormal Indivisible Loads (AIL) from Swansea to the site.</p>
<b>5.2</b>	<b>Applicant</b>	<p>Can the applicant please explain:</p> <ul style="list-style-type: none"> <li>i) Why the Automatic Traffic Count points were chosen?</li> <li>ii) Were these points agreed with relevant stakeholders?</li> <li>iii) Why is no such data provided for the entirety of the proposed Abnormal Indivisible Load (AIL) route?</li> <li>iv) Is the traffic count data the most up-to-date available and representative of the worst-case baseline?</li> </ul>	<ul style="list-style-type: none"> <li>i) The locations reflect locations where representative traffic information could be obtained for the various links on the highway network.</li> <li>ii) General discussions with the Welsh Government on traffic impact were held and no objections on the traffic survey locations used have been received. Data was indeed sourced from Traffic Wales, a body of the Welsh Government.</li> <li>iii) Traffic count data from Government traffic count sites is provided along the AIL delivery route to estimate potential delays for convoy traffic. This is provided in the Transport Management Plan. Given the very low number of vehicles involved in a convoy per day, it was not considered necessary to undertake a percentage impact review along the route.</li> <li>iv) The ATC sites used to estimate the traffic impact are considered up to date at the time the assessment was undertaken in 2012. With the use of High NRTF traffic growth on the traffic surveys provides a robust platform for assessment.</li> </ul> <p>The use of Traffic Wales data ensures that the data provided is representative of traffic patterns as it is used for network management and operational uses.</p>
<b>5.3</b>	<b>Applicant</b>	<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</p>	<p>The assessment has reviewed the impact of the Mynydd y Gwynt scheme on its own as well as a sensitivity assessment including the now indefinitely postponed Nant y Moch scheme.</p>

**ExA's Written Questions**

<b>No</b>	<b>Respondent</b>	<b>Question</b>	<b>Response</b>
		<p>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>	<p>The impact assessment for Mynydd y Gwynt indicates an increase in traffic on the A44 of 1.91%.</p> <p>The traffic associated with the construction of the scheme is low with less than 66 inbound trips predicted within the peak month, equating to an average hourly traffic flow of less than 10 vehicles per hour.</p> <p>The threshold assessment within the Guidelines for the Environmental Assessment of Road Traffic indicates thresholds of 30% for general links and 10% for sensitive links. Given that the percentage impact within the 12 hour period is significantly less and that the road network at the most affected point is part of the main trunk national distributor road network for Wales, no highly sensitive receptors can be located on the road network that can be adversely and permanently affected by the proposed development.</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>	<p>The works required to deliver the required mitigation along the AIL access route are minor in nature and have not be included within the overall impact assessment which has solely examined the impact of construction activity with the application boundary.</p> <p>The construction of the laybys is predicted to attract no more than 20 vehicle movements per day on what is predominantly trunk or local distributor roads. The impact of this very low level of traffic is predicted to be insignificant in percentage terms.</p> <p>The impacts of the mitigation measures are short lived as the use of the proposed measures is temporary in nature and located within road verge areas where localised works and maintenance similar in scale and duration to the proposed</p>

**ExA's Written Questions**

<b>No</b>	<b>Respondent</b>	<b>Question</b>	<b>Response</b>
			<p>mitigation can be reasonably expected.</p> <p>The operational impacts of using the mitigation measures for the safe and efficient movement of AIL traffic is described in the Transport Management Plan.</p>
<b>5.5</b>	<b>Applicant</b>	<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>	<p>The mitigation works to accommodate the laybys in the detailed Transport Management Plan are located within the existing road verge, an area that is subject to regular maintenance works by the local and trunk road authorities. The works themselves would only be used for a short time period, thereafter they could be further utilised by the road authorities for their day to day network management.</p> <p>Further ecological assessment of laybys is being considered with a view to meeting NRW's concerns.</p>
<b>5.6</b>	<b>Applicant, Carmarthenshire County Council</b>	<p>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.</p> <p>Would the use of the suggested route conflict with any of these relevant policies?</p>	<p>The applicant does not consider that the short lived movement of AIL convoys on a short section of County road conflicts with the LDP, UDP or Local Transport Plan policies.</p>
<b>6.1</b>	<b>Applicant, PCC</b>	<p>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</p>	<p>The PCC EHO agreed in person all background noise monitoring positions including Bont Isaf and in fact the EHO asked for the noise monitoring position to be moved from its initial proposed location at the front of the Bont Isaf property to</p>

**ExA's Written Questions**

<b>No</b>	<b>Respondent</b>	<b>Question</b>	<b>Response</b>
		<p>the monitoring position at Bont Isaf was similarly agreed.</p> <p>Can the applicant please confirm whether PCC agreed to the monitoring position at Bont Isaf and, if not, why not?</p>	<p>the rear. The rear of Bont Isaf is very well screened from the A44 road and other noise sources in the area by the cliff of the hillside, the dwelling and outbuildings and background noise levels recorded are therefore unique to this property (refer to photographs in Appendix 9.8 within the ES).</p>
<p><b>6.2</b></p>	<p><b>Applicant, PCC</b></p>	<p>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.</p> <p>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?</p>	<p>Blaenbythigion is circa 3.4km distance from the nearest wind turbine and the resultant noise contribution from the wind farm site would be between 15dB to 24dB LA<sub>90 10mins</sub> at a range of wind speeds (without any further topography screening attenuation). This is well below the minimum noise criteria set by ETSU-R-97 and the trigger level of 35dB LA<sub>90, 10mins</sub> to provide a background noise survey as advised by the IOA 'Good practice guide to the application of ETSU-R-97 for the assessment and rating of wind turbine noise'. The guidance states under section 2.2.1 the following:</p> <p><b>'Scoping for Background Noise Surveys</b></p> <p><b>Definition of Study Area</b></p> <p><i>The 'study area' for background noise surveys (and noise assessment) should, as a minimum, be the area within which noise levels from the proposed, consented and existing wind turbine(s) may exceed 35 dB LA<sub>90</sub> at up to 10 m/s wind speed.'</i></p> <p>PCC was consulted in respect of the requirements for background noise monitoring and the positions at which this was required to inform the assessment. Carrying out background noise surveys at wind farm neighbours that are below 35dB LA<sub>90 10mins</sub> would be a pointless exercise as the site complies with the lowest noise level requirement according to ETSU-R97, which is the correct and approved assessment criteria.</p>

**ExA's Written Questions**

<b>No</b>	<b>Respondent</b>	<b>Question</b>	<b>Response</b>
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)?	N/A
6.4	Applicant	<p>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.</p> <p>Can the applicant please indicate why noise impacts from decommissioning have not been assessed?</p>	<p>Noise from the construction phase of the development would be very similar to that generated at the decommissioning stage and as noise from the construction phase. Noise from construction works has been calculated and the results of the highest likely noise levels shows no significant impact, which would apply to the decommissioning phase. Noise from construction and decommissioning works is temporary in nature and would be controlled by applying best practice guidance as provided within BS5228: 2009 'Code of Practice for noise and vibration control on construction and open sites'.</p>
6.5	Applicant	<p>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.</p> <p>Can the applicant please explain why this is the case?</p>	Chapter 11 of the ES assesses the potential effects of anthropogenic disturbance, which include noise and movement.
6.6	Applicant	<p>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.</p> <p>Can the applicant please explain why this has not been assessed?</p>	This has been dealt with in Appendix 4.2 of the Noise Written Representation.

**ExA's Written Questions**

<b>No</b>	<b>Respondent</b>	<b>Question</b>	<b>Response</b>
6.7	<b>Applicant</b>	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?	The nearest wind farm to MYG is around 3.2km distance and the cumulative impact would be insignificant based on a pessimistic view of turbine noise levels to the extent that it would not alter the assessment conclusions. No agreement has been agreed with stakeholders as this issue was not deemed to be necessary given the separation distances.
6.8	<b>Applicant</b>	<p>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.</p> <p>Can the applicant please explain its approach in this regard?</p>	Noise from the car rally track is unique to that type of development and noise levels can vary considerably depending on a large number of factors. Additionally the car rally events and testing take place during the daytime and occur irregularly. The noise profiles from different cars being tested varies widely. There is no scope or requirement for the assessment of wind turbines to consider noise from other types of noise sources as these have their own method of assessment and guidance that is not comparable. For example if that argument was to follow, then you would have to assess the cumulative impact of all other types of noise sources such as road traffic, aircraft, industrial noise etc which is not necessary or required by the assessment methodology detailed in IOA 'Good practice guide to the application of ETSU-R-97 for the assessment and rating of wind turbine noise'. Due to the site remoteness and separation distance from site to nearest receptors, noise from the rally complex is not deemed to be significant and was not ever raised by the EHO as being an issue.
6.9	<b>Applicant, PCC, NRW</b>	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?	The ES Chapter on 'Noise' provides details of the latest research on Wind Turbine Amplitude Modulation (AM). Whilst there have been many studies undertaken over the last few years on the subject matter, there is still no defined understanding or agreement on the causal mechanisms of why, <b>at some limited wind farm sites</b> , that Other AM occurs (OAM), which is said to be excessive. Research by Salford University in 2007 found that out of 133 operational wind farms investigated, 27 were associated with noise complaints; but

ExA's Written Questions

No	Respondent	Question	Response
			<p>OAM was considered to be a factor in noise complaints at only four sites and a possible factor in a further eight locations.</p> <p>There is also, at this point in time, no accepted means of assessing OAM or determining whether complaints from neighbours are justified.</p> <p>Recent in depth studies carried out by Renewable UK, which published research in December 2013 entitled <i>'Wind Turbine Amplitude Modulation: Research to Improve Understanding as to its cause and effect'</i>. This work was undertaken by a consortium of UK companies and universities in partnership with the lead contractor, Hoare Lea Acoustics. Additional complementary research was commissioned from a specialist at the National Aerospace Laboratory in the Netherlands.</p> <p>The study provided some explanation of the potential causes including the separation of airflow ("stall") at the top of the blade will depend on a number of factors including air velocity, angle of blade and blade profile. Whether or not a wind turbine on a specific site is likely to exhibit OAM will be dependent upon a large number of other complex factors including the local atmospheric conditions and local topography. The report summary concluded that in terms of OAM (i.e. excessive AM is termed as 'Other AM' in the report) <i>"There is nothing at the planning stage that can presently be used to indicate a positive likelihood of OAM occurring at any given proposed wind farm site, based either on the site's general characteristics or on the known characteristics of the wind turbines to be installed."</i></p> <p>In response to a request from the Institute of Acoustics Noise Working Group (IOA NWG) the IOA agreed to set up a working group to look at the issue known as 'Amplitude Modulation' (AM), which commenced in September 2014. The goal of the 'AM Working Group' is to develop the technical elements of an assessment method for amplitude modulated noise from wind turbines and wind farms. The group is not expected to provide</p>

**ExA's Written Questions**

<b>No</b>	<b>Respondent</b>	<b>Question</b>	<b>Response</b>
			<p>a consultation draft report until or around February 2015 with a submission not likely until or around May 2015.</p> <p>Until such time as AM is better understood and methods of assessment are agreed with the experts, then this effect cannot form part of any noise condition at this stage as it may by either un-necessary or contradict pending research and conclusions into the subject matter.</p> <p>The expert recently attended an IOA workshop on the subject matter on 27<sup>th</sup> November 2014 with members of the NWG and other consultants and EHO's in attendance. It was evident that establishing an appropriate method of assessing 'Other AM' (OAM) is still in its early days as issues relating to minimising the likelihood of 'false positives' due to the influence of existing ambient noise not associated with the wind turbines, has to be addressed. Criticism has been made in respect of existing and proposed planning conditions including those from Den Brook wind farm (West Devon) due to the potential problem of generating a high percentage of 'false positives' and the RUK latest proposal due to concerns over capturing all OAM events. We await further advice, which is due next year.</p>
<b>7.1</b>	<b>Applicant</b>	<p>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.</p> <p>Can the applicant please clarify?</p>	<p>This is a mistake on behalf of the Applicant, the reference should have been to paragraphs 24 to 29 of Appendix 6.1: The draft Construction Environment Management Plan. However, please refer to our answer to question 4.24 as following a site visit with NRW further work is being done to agree a schedule with NRW of the precise method to be employed for the construction of each crossing.</p>
<b>7.2</b>	<b>Applicant</b>	<p>In relation to abstraction, Note f on page 9 of ES Appendix 1</p>	<p>Confirmed</p>

**ExA's Written Questions**

<b>No</b>	<b>Respondent</b>	<b>Question</b>	<b>Response</b>
		<p>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.</p> <p>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'?</p>	
7.3	<b>Applicant</b>	<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>	<p>Following a meeting with NRW on the 10th November, it was agreed that the scope, for the purposes of cumulative assessment should be extended to any project within 10km of the SPA.</p> <p>Moreover, a 10Km working distance is commonly adopted in HRA's for both plans and for projects. Any such distance is a matter of judgment, but no other distance or rationale has been identified or contended for.</p>
7.4	<b>Applicant</b>	<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</p>	<p>In relation to the (EM) SPA NRW reservations relate to the possibility of a grid connection going south from the site. The extract below from a letter from NRW dated 25.2.14 illustrates this:</p> <p><i>The HRA screening report concludes that the project is not likely to have a significant effect on the Elenydd Mallaen SPA either alone or in-combination. NRW agrees that it is unlikely that there is any connectivity between the population of birds using the windfarm site and the SPA. However as identified above the windfarm cannot operate without the construction of a new grid connection. The screening report identifies two potential routes for the grid connection which would not have a likely significant effect on the site because of their location in relation to the SPA. As referred to above, it appears that the potential locations for the grid connection corridor have</i></p>

**ExA's Written Questions**

<b>No</b>	<b>Respondent</b>	<b>Question</b>	<b>Response</b>
		<p>combination with other plans and projects, and therefore appropriate assessment is not required.</p> <p>Can the applicant please comment?</p>	<p><i>not been agreed or discussed with the grid provider and no planning application submitted by them for the proposed corridors. The lack of any agreement between yourselves and the grid provider suggests that there is a reasonable likelihood that the potential grid connection corridors may be amended. If the location for the final grid connection was to be amended to route to the south then it could have a likely significant effect on the Elenydd Mallaen SPA.</i></p> <p>NRW therefore concur that the windfarm itself is unlikely to have a significant effect, but cannot confirm this until the grid route is decided. However, in the case of the EM SPA, the grid route could not go south as the connection offer is from MANWEB and the area south of the site lies within WPD's district. We have no offer from WPD and as we understand it; there is no capacity to export electricity over WPD's network.</p> <p>NRW raise a similar comment in relation to the Llawr y Glyn SAC:</p> <p><i>One of the suggested grid connection corridors lies in close proximity to the Coedydd Llawr y Glyn SAC and any small amendment to this route could similarly lead to a likely significant effect on the site.</i></p> <p>While the comment is theoretically true, it is inconceivable that any route would be proposed which goes through the Coedydd Llawr y Glyn SAC as it is easily avoided, in any event it is impossible for the applicant to answer this question as the selection of the final route is not our decision. However, in as far as the development which is the subject of the DCO is concerned, the above extracts from the letter, indicate that NRW do not consider that it is likely to give rise to a significant effect on the EM SPA or the Coedydd Llawr y Glyn SAC</p>
<b>7.5</b>	<b>Applicant</b>	<p>Information on mitigation measures in relation to the EM SPA and River Wye SAC is scattered between the HRASR and the</p>	<p>This can be provided although such a document exists, as the</p>

**ExA's Written Questions**

<b>No</b>	<b>Respondent</b>	<b>Question</b>	<b>Response</b>
		<p>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>	<p>mitigation is summarised in Schedule 1 of the draft CEMP.</p> <p>Applicant is content to accept amendment to secure these measures via the DCO.</p>
7.6	<b>Applicant</b>	<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>	<p>The applicant can confirm there will be no abstraction from the River Wye. The reason for the inclusion of 'reduced river flows' in table 10 is that it would be normal practice to abstract water, but a specific undertaking has been given not to. This was at the request of NRW.</p>
7.7	<b>Applicant</b>	<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>	<p>Following a meeting with NRW the HRA has been amended, it now includes all designated features. The management units were selected because they represent the upper reaches of the Wye. Given the likely levels of dilution from other sources below this point the project is unlikely to have any effect beyond these management units.</p>
7.8	<b>Applicant</b>	<p>The currency of the surveys varies for establishing baselines, some were undertaken in 2009/10 so are 4/5 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</p>	<p>Please see answer to Question 4.1 which addresses the same issue.</p>

**ExA's Written Questions**

<b>No</b>	<b>Respondent</b>	<b>Question</b>	<b>Response</b>
		sure that previous surveys provide an accurate depiction?	
7.9	<b>Applicant</b>	<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>	<p>Paragraph 7 of the HRASR lists the guidance that was reviewed as part of the HRA. This includes the guidance identified by NRW. However, paragraph 102 and subsequent paragraphs was not changed. This was an error and the text at paragraph 102 has been changed.</p>
7.10	<b>Applicant</b>	<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>	<p>It is our view that while the final route of the grid corridor has yet to be determined by SP Manweb, we cannot envisage a situation where, given the number of potential routes, the only possible route would result in passing through the Coedydd Llawr-y-glyn SAC.</p>
7.11	<b>Applicant, NRW</b>	<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 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</p>	<p>Please see the answer to Q7.4. It is our understanding that NRW agree that the wind farm as a discrete development will not affect the SPA. The basis for this understanding is taken from NRW letter of the 25.2.2014 about an earlier draft of the HRASR which stated:</p> <p><i>NRW agrees that it is unlikely that there is any connectivity between the population of birds using the windfarm site and the SPA.</i></p>

**ExA's Written Questions**

<b>No</b>	<b>Respondent</b>	<b>Question</b>	<b>Response</b>
		<p>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	<b>Applicant</b>	<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>	<p>The water splash has been replaced by a bridge and work has been carried out on the upper car park to build a settlement ditch. Both works have been seen by NRW.</p>
<b><u>DCO</u></b>			
8.1	<b>Applicant</b>	<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>	<p>It is agreed that the additional wording proposed is acceptable.</p>

**ExA's Written Questions**

<b>No</b>	<b>Respondent</b>	<b>Question</b>	<b>Response</b>
8.2	Applicant	<p>The following drafting issues warrant attention;</p> <ul style="list-style-type: none"> <li>i) The definition of 'relevant authority' needs attention.</li> <li>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.</li> <li>iii) Colon needed after 'table' in Work No. 1.</li> <li>iv) 'Onsite' requires hyphenating in Work No. 5.</li> <li>v) Requirement 1; The definition of 'felling' should refer to Article 12, not 15.</li> <li>vi) Requirement 8; 'routeing' rather than 'routing'.</li> <li>vii) Requirement 9(1); Why is 'statement' needed after construction environment management plan?</li> <li>viii) Requirement 9(2)(j); Should this also refer to peat as well as soil?</li> <li>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.</li> <li>x) Requirement 17; 'Wales' is repeated in the second line.</li> <li>xi) Requirement 22; Should 'hard standing' be one word?</li> <li>xii) Requirement 29; Should the final word read 'Requirement 5'?</li> <li>xiii) Requirement 35; there should be an 'and' in 'wind speed</li> </ul>	<ul style="list-style-type: none"> <li>i) The applicant cannot find any matches for this in the dDCO. "relevant planning authority" is defined and the definition follows previous wind farm DCOs in format.</li> <li>ii) Whilst this follows the form of the Clocaenog Forest DCO, the Applicant is not of other plans requiring certification at this stage and so if required Article 14 (d) could be deleted.</li> <li>iii) Noted.</li> <li>iv) Noted.</li> <li>v) Noted, thank you.</li> <li>vi) Noted.</li> <li>vii) Apologies, it is a typographical error and should be deleted.</li> <li>viii) The final DCO for Clocaenog Forest has an additional provision "the handling, storage and management of any peat excavated" and it is suggested that the dDCO be amended to include this as 9.(2)(k) with subsequent sub-sections being re-lettered.</li> <li>ix) Noted. For consistency it should not be capitalised, and to avoid confusion the word "draft" should be deleted from this requirement.</li> <li>x) Noted.</li> <li>xi) Confirmed.</li> <li>xii) Confirmed.</li> <li>xiii) Noted.</li> </ul>

**ExA's Written Questions**

<b>No</b>	<b>Respondent</b>	<b>Question</b>	<b>Response</b>
		<p>wind direction'.</p> <p>xiv) Generally the DCO should be redrafted to reflect modern drafting practice by avoiding the use of 'shall' and substituting where appropriate 'must'.</p> <p>xv) Part 3, page 24; Is there an error in the date after 'The Assessment and Rating of Noise from Wind Farms'?</p> <p>xvi) Note 4, page 27, fourth line; there should be a gap between '1' and 'and'.</p>	<p>xiv) Noted.</p> <p>xv) It should read "1996"</p> <p>xvi) Noted.</p>
<b>8.3</b>	<b>Applicant</b>	<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> <p>Can the applicant confirm the position in light of this query?</p>	<p>They are the landowners, have a direct financial interest in the success of the scheme, and are involved in the promotion of the scheme.</p>
<b>8.4</b>	<b>Applicant</b>	<p>Land Plan</p> <p>The Land Plan has to identify the land required for (or affected by) the development. As it is currently labelled it just shows 'the</p>	<p>The legend on the Land Plan has been amended to add: after "Application Area": "the land required for (or affected by) the development"</p>

**ExA's Written Questions**

<b>No</b>	<b>Respondent</b>	<b>Question</b>	<b>Response</b>
		application area'. This could be more clearly worded.	<p>and by the addition of:</p> <p>“The location of the works and the limits of deviation for those works within the Application area are shown on the Works Plan”</p> <p>A copy of the revised land plan accompanies this document.</p>
<b>8.5</b>	<b>Applicant</b>	<p>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.</p> <p>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?</p>	<p>It is the Applicant’s belief that such are best dealt with in the CEMP which sets out the need for the CEMP to deal with these matters at, for example, Article 9.(2)(a) “mitigation measures to be implemented to avoid harm to protected species and minimise damage to Local Biodiversity Action Plan habitats” and particularly (k) “the design and construction methods of the access tracks to include drainage provisions, and the pollution prevention measures to be implemented to ensure there are no polluting discharges from tracks and disturbed areas including provision to ensure that no polluting discharge from the access tracks and disturbed areas enters any watercourse”.</p>
<b><u>Socio-Economic</u></b>			
<b>9.1</b>	<b>Applicant</b>	<p>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.</p> <p>i) What is the basis or justification for such payments?</p> <p>ii) What is the mechanism that would secure such payments?</p>	<p>i) In 2009 Powys County council produced a guidance document “Community Benefits from Wind Energy”. As a result MYG decided to offer £2000 per MW to be used for local community good causes. It was intended to look at best practice elsewhere before finalising how to set up the local interest company or Trust. It was suggested by MYG that this should be shared mainly between the two closest communities ‘either side of the development’ being Bleinrheidol (Ponterwyd) to the West and Llangurig to the east. During the Section 42 consultation process feedback</p>

**ExA's Written Questions**

<b>No</b>	<b>Respondent</b>	<b>Question</b>	<b>Response</b>
			<p>from Llangurig Community Council made it clear they felt short changed from the Cefn Croes wind farm community fund which focussed solely on financing good causes in Ceredigion. Based on this and the increasing funds being provided elsewhere, MYG decided to increase the amount offered to £3500/MW with a split to reflect the previous funding from Cefn Croes.</p> <p>Development funds are encouraged by the UK and Welsh Governments. In June 2013 the Welsh government gave its backing to a 'Declaration for community benefits by onshore wind farm developers and operators' a Declaration to ensure that Welsh communities hosting wind farms receive long-term positive socio-economic benefits.</p> <p>Commenting on the declaration, the First Minister Carwyn Jones said:</p> <p>“The Welsh Government is committed to ensuring that communities affected by energy developments genuinely see the benefits of those developments. This declaration is a way of bringing tangible benefits to communities across Wales which host wind projects.”</p> <p>ii) It is secured by PCC entering into an agreement with MYG pursuant to Section 2 of the Local Government Act 2000. This would be a planning requirement. A commitment has been made by MYG to make the fund available on a yearly basis for the life of the wind farm. However as it is likely there will be several years between consent and construction, due to the grid issues, MYG has suggested it would leave the detailed organisation and legal incorporation until after the consenting process. This would save unnecessary legal costs in the event the project does not gain consent. The Powys guidance document and more</p>

**ExA's Written Questions**

<b>No</b>	<b>Respondent</b>	<b>Question</b>	<b>Response</b>
			<p>latterly the RenewableUK and Welsh Government 'Register of Community and Economic Benefits' provide a wealth of information about how best to set up the community fund.</p>
<b>9.2</b>	<b>PCC</b>	<p>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?</p>	<p>N/A</p>
<b>9.3</b>	<b>Applicant</b>	<p>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.</p> <p>How would this be secured?</p>	<p>Although it will be stipulated in construction contracts awarded to the major contractors that a certain percentage of sub-contractors and materials must be local, in reality it is hard to police. More successful exercises involve local contractor days when local firms get to meet the major contractors. It is increasingly common that large contractors are aware of the need to utilise local companies, and in fact they also recognise that their local knowledge, reduced overheads (travel and subsistence) often make the small local companies naturally competitive. MYG therefore intends to organise local contractor days and invite local firms to meet the shortlisted major contract tenderers.</p> <p>The applicant is willing to make appropriate amendments to the Order in this regard.</p>