

From: Mynydd y Gwynt Windfarm NSIP [mailto:mynyddygwyntnsip@cyfoethnaturiolcymru.gov.uk]
Sent: 19 January 2015 21:07
To: MYG
Subject: EN10020 Mynydd y Gwynt: Natural Resources Wales SOCGs

Dear Sir/Madam,

The correspondence below and attached draft SOCGs are submitted by NRW for Deadline III with regard to reporting on progress on agreeing SOCGs between NRW and the applicant. The draft SoCGs are attached and although progress is being made on agreeing these, none of the SoCGs have yet been agreed between NRW and the Applicant.

The email below and draft SOCGs can be submitted as one scanned document tomorrow if this would be helpful with regard to making this correspondence available on your website.

Kind regards

Carol

Dr Carol Fielding
Arweinydd Tim Maldwyn/Montgomeryshire Team Leader
Cyfoeth Naturiol Cymru/Natural Resources Wales
Ffôn/Tel: 0300 065 5211
E-bost/E-mail: carol.fielding@cyfoethnaturiolcymru.gov.uk
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Ein diben yw sicrhau bod adnoddau naturiol Cymru yn cael eu cynnal, eu gwella a'u defnyddio yn gynaliadwy, yn awr ac yn y dyfodol.

Our purpose is to ensure that the natural resources of Wales are sustainably maintained, enhanced and used, now and in the future.

From: Gwyn, Emyr
Sent: 19 January 2015 17:38
To: Keith.McKinney@aaronandpartners.com; claire.riding@aaronandpartners.com
Subject: RE: Proposed Mynydd y Gwynt Wind Farm - NRW - SOCGs

Dear Sirs,

I am instructed by the Natural Resources Body for Wales in the above matter and would refer you further to my previous email dated 19 December 2014, copied below for ease of reference.

I refer to your letter dated 15 January 2015 addressed to our Dr Fielding wherein you expressed concerns as to the delay by NRW in responding to the draft SOCGs. For the avoidance of doubt, there has been no delay on NRW's part and I refer further to my email dated 19 December in this regard.

I enclose herewith amended draft SOCGs relating to Historic Landscape, LVIA, Ecology, Hydrology, Land Contamination and Carbon Capture for your consideration. The draft SOCG on the grid connection was provided to NRW on 16 January 2015 . Whilst this will be reviewed as soon as possible, insufficient time has been afforded for its consideration and at present it is not agreed as drafted.

At present, the SOCGs are drafted upon the basis that matters are agreed save as to those issues raised in NRW's written representations. NRW would suggest that a greater degree of particularity is required in order to specify those matters upon which there is agreement and disagreement, along with the reasons for this.

It should be noted that these do not represent the 'final' SOCGs as you have suggested, rather their development should evolve during the course of the examination. Whilst their overriding purpose is to identify consensus and material differences, the parties are expected to work together in order to further narrow the issues and this should be led by the applicant.

Yours faithfully,

Emyr Gwyn
Cyfreithiwr Ymgynghorol/ Advisory Solicitor
Cyfoeth Naturiol Cymru / Natural Resources Wales
Tŷ Cambria
Caerdydd / Cardiff
CF24 0TP



Ebost /Email: Emyr.Gwyn@cyfoethnaturiolcymru.gov.uk
Rhif ffon /Landline: Externa DDI: 03000654298 (Internal: 4298)

Mae'r gohebiad yma gan aelod o dîm cyfreithiol Cyfoeth Naturiol Cymru. Gan ei fod yn cynnwys cyngor cyfreithiol, mae wedi ei freintio'n gyfreithlon ac efallai yn eithred o gael ei ddatgelu. Siaradwch efo ni'n gyntaf cyn trafod yr ebost neu'r atodiadau efo unrhyw un allanol, neu cyn ei ddanfôn yn allanol.

This correspondence is from a member of Natural Resources Wales, Legal Services team. To the extent that it contains legal advice it is legally privileged and may be exempt from disclosure. Please talk to us first before you discuss this email or any attachments with anyone outside Natural Resources Wales, or send it outside Natural Resources Wales.

DATED

DECEMBER 2014

IN THE MATTER OF

AN APPLICATION BY MYNYDD Y GWYNT LIMITED FOR DEVELOPMENT
CONSENT TO CONSTRUCT AND OPERATE A WIND TURBINE
GENERATING STATION IN POWYS, MID-WALES

STATEMENT OF COMMON GROUND

On

HISTORIC LANDSCAPE

Between Mynydd y Gwynt Ltd (1) and Natural Resources Wales (2)



AARON & PARTNERS^{LLP}

SOLICITORS

Grosvenor Court

Foregate Street

Chester

CH11HG

Tel: 01244 405555

Fax: 01244 405566

Ref:KM.CPR.MYN1.1

1. Introduction

- 1.1 Mynydd y Gwynt Limited (“MYG”) has made an application (“the Application”) to the Secretary of State for development consent to construct and operate a 81-89.1MW wind turbine generating station (“the Wind Farm”) at the Sweet Lamb Rally Complex, near Llangurig, Powys, Mid Wales (“the Site”).
- 1.2 The Secretary of State has appointed the Examining Authority to carry out an examination of the Application.
- 1.3 This is a statement of common ground between (1) MYG and (2) Natural Resources Wales (“NRW”) on Registered Historic Landscape Areas matters relating to the Application.

2. Policy and Legislative Context

- 2.1 The parties to this statement agree that the relevant national, regional and local policies that relate to the historic landscape impacts of the Wind Farm are:

- 2.1.1 National Policy Statements for energy infrastructure: Overarching National Policy Statement for Energy (EN-1) and National Policy Statement for Renewable Energy Infrastructure (EN-3)

- 2.1.2 Planning Policy Wales: Chapter 6 Conserving the Historic Environment (Welsh Government, [July 2014](#));

[* Technical Advice Notice 8](#)

- 2.1.3 Welsh Office Circular 60/96: Planning and the Historic Environment: Archaeology (Welsh Office, 1996a);

- 2.1.4 Welsh Office Circular 61/96: Planning and the Historic Environment: Historic Buildings and Conservation Areas (Welsh Office, 1996b); and

- 2.1.5 Powys County Council policies:

- i. ENV 16 Landscapes, parks and gardens of special historic interest;

- ii. ENV 17 Ancient Monuments and Archaeological Sites; and
- iii. ENV 18 Development proposals affecting archaeological sites.

iii.iv. E3 -Wind Power

2.2 The Environmental Statement for the Wind Farm was issued to the Planning Inspectorate in July 2014 and cites Version 6 of Planning Policy Wales. Version of 7 Planning Policy Wales was adopted subsequent to the issuing of the Environmental Statement, also in July 2014. Changes from Version 6 to Version 7 affect only *Chapter 4: Planning for Sustainability; Paragraph 4.12 - Planning for sustainable building* so have no bearing on the scope or conclusions of the historic landscape assessment presented in the Environmental Statement.

3. Baseline and Assessment Methodology

3.1 Details of the baseline and assessment methodologies for the assessment of the historic landscape impacts of the Wind Farm are set out in chapter 12 (including its appendices and figures) of the Environmental Statement. The parties to this statement are in agreement that the Environmental Statement and supporting baseline studies have used relevant guidance and policy on historic landscape.

3.2 The parties to this statement are in agreement that the prescribed ASIDOHL2 methodology has been adequately applied and reported on within the Environmental Statement with the exception of those matters. ~~However, NRW has concerns with MYG's assessment of historic landscape effects as NRW considers that it 'fails to take into account cumulative effects with other wind farms, including that proposed for Strategic Search Area D (Nant y Moch) and the associated proposed grid connection for Mynydd y Gwynt'. set out in NRW's Written Representation 18 December 2014, appendix B3, para 3.1 – 6.7.~~

4. Historic Landscape Effects

4.1 An assessment of the historic landscape effects of the Wind Farm is set out in paragraphs 12.65 – 12.67 of chapter 12 of the

Environmental Statement and appendix 12.3 (ASIDOHL-2 assessment report) of the Environmental Statement. The parties to this statement are in agreement that the effects noted in these paragraphs and the appendix reflect the historic landscape effects of the Wind Farm save for the concerns raised in ~~paragraphs 4.2 and 4.3 of this statement~~NRW's Written Representation 18 December 2014 Appendix B3, para 3.1-6.7.

~~4.2 NRW are concerned that the assessment has underestimated the significance of the impacts on the Upland Ceredigion, Glywedog Valley and Elan Valley registered Historic Landscape Areas (HLAs) and their constituent historical landscape character areas from which the proposal would be visible. It is NRW's view that the overall impact on all three HLAs should have been scored as 'moderate' rather than 'slight' according to the ASIDOHL2 assessment.~~

~~4.3 NRW also considers that there would be a 'fairly severe' level of impact according to the ASIDOHL2 scoring on the Pumlumon historic landscape character area within the Upland Ceredigion HLA, an area which NRW considers to have important historic associations and panoramic views from its summit cairns.~~

This statement has been agreed by:

Signed.....

On behalf of Mynydd y Gwynt Limited

Date.....

This statement has been agreed by:

Signed.....

On behalf of Natural Resources Wales

Date.....

DATED

DECEMBER 2014

IN THE MATTER OF

AN APPLICATION BY MYNYDD Y GWYNT LIMITED FOR DEVELOPMENT
CONSENT TO CONSTRUCT AND OPERATE A WIND TURBINE
GENERATING STATION IN POWYS, MID-WALES

STATEMENT OF COMMON GROUND

On

LANDSCAPE AND VISUAL IMPACT

Between Mynydd y Gwynt Ltd (1) and Natural Resources Wales (2)



AARON & PARTNERS LLP

SOLICITORS

Grosvenor Court

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Tel: 01244 405555

Fax: 01244 405566

Ref:KM.CPR.MYN1.1

1. Introduction

- 1.1 Mynydd y Gwynt Limited (“MYG”) has made an application (“the Application”) to the Secretary of State for development consent to construct and operate a 81-89.1MW wind turbine generating station (“the Wind Farm”) at the Sweet Lamb Rally Complex, near Llangurig, Powys, Mid Wales (“the Site”).
- 1.2 The Secretary of State has appointed the Examining Authority to carry out an examination of the Application by MYG.
- 1.3 This is a statement of common ground between (1) MYG and (2) Natural Resources Wales (“NRW”) on landscape and visual (including cumulative) matters relating to the Application.

2. Policy and Legislative Context

- 2.1 The parties to this statement agree that the relevant national, regional and local policies that relate to the landscape and visual impacts of the Wind Farm are:

2.1.1 Planning Policy Wales, Edition ~~67~~, ~~February-July~~ 2014

~~2.1.2 The Overarching National Policy Statement for Energy (EN-1)~~

~~2.1.2.1.3 National Policy Statement for Renewable Energy Infrastructure (EN-3). The National Policy Statements (“NPS”) relevant to this application are:~~

- ~~• The Overarching National Policy Statement for Energy (EN-1) and~~
- ~~• National Policy Statement for Renewable Energy Infrastructure (EN-3).~~

~~2.1.3~~ 2.1.4 Technical Advice Note (TAN) 8: Planning for Renewable Energy

~~2.1.4~~ 2.1.5 Powys Unitary Development Plan Policy ENV2 - Safeguarding the Landscape; ~~E3 – Wind Power~~

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3. Baseline and Assessment Methodology

3.1 Details of the baseline and assessment methodologies for the assessment of the landscape and visual impact of the Wind Farm are set out in chapter 8 (and its accompanying appendices and figures) of the Environmental Statement (“ES”). The parties to this statement are in agreement that the baseline and assessment methodologies used were ~~broadly~~-appropriate ~~with some~~ exceptions of those matters set out in the NRW’s Written Representation 18 December 2014–Appendix B1 para 5.1 to 5.16.

~~3.32 NRW requested that further clarification be provided regarding the methodology for the cumulative assessment however this request has not been particularized by NRW.~~

4. Landscape Effects

4.1 An assessment of the landscape effects of the Wind Farm is set out at paragraphs 8.133-211 and at paragraphs 8.138-146 of chapter 8 the ES. The parties to this statement are in agreement that the effects noted in these paragraphs reflect the landscape effect of the Wind Farm save for the concerns raised in the NRW statement Written Representation 18 December 2014, Appendix B1, para 6.3 to 6.33 and Appendix B and summarized in paragraph 4.2 of this statement.

~~4.2 NRW has concerns with the impact of the proposal on landscapes that are classified as outstanding and high value in LANDMAP including the Site, the Pumlumon Mountains and associated moorlands and the upper stretches of Wye Valley. NRW also consider that the development of the Wind Farm would result in significant landscape change and harm to an area outside an SSA. NRW also has concerns about the location and layout of turbines on the series of steep sided ridges, some close to the ridge edge.~~

5. Visual Effects

5.1 An assessment of the visual effects of the Wind Farm is set out at paragraphs 8.299-350 of the ES. The parties to this statement are in agreement that the effects noted in these paragraphs reflect the

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visual effect of the Wind Farm save for the concerns raised by ~~NRW~~ in the NRW statement Written Representation 18 December 2014, Appendix B1 para 6.34 to 6.52 and Appendices C and D (showing comparative viewpoint assessments). and summarized in paragraph 5.2 of this statement.

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5.2 ~~NRW has concerns about the effect of the Wind Farm on the visual amenity of recreational users and visitors to the Pumlumon Mountains including the sources of the Rivers Severn and Wye with their associated Severn Way and Wye Valley regional paths. NRW also has concerns about the effect on the amenity of users of the Glyndŵr's Way national trail, the Cambrian Way, the A44 road across the Cambrian Mountains, and users of the paths and recreational facilities around Llyn Clywedog Reservoir.~~

6. Cumulative Effects

6.1 An assessment of the cumulative effects of the Wind Farm is set out at paragraphs 8.351-569 and 8.407-569 of the ES. ~~The parties to this statement are in agreement that the effects noted in these paragraphs reflect the cumulative effect of the Wind Farm save for the concerns raised by NRW~~ There is a more substantial disagreement between the parties on the relevance and level of cumulative effect in respect of an SSA D/Nant y Moch wind farm and other windfarms in conjunction with the proposal. The applicant does not agree with NRW's position as set out in NRW's Written Representation 18 December 2014, statement Appendix B1 para 7.1 to 7.16. sets out both additional and combined cumulative effects

6.2 ~~NRW contends that 'there is a Welsh Government policy acceptance in TAN 8 that there will be significant landscape change in SSA D (Nant y Moch), to the north west [sic] of the proposal, when the SSA is developed'. NRW considers that the cumulative effects of the proposal with development in SSA D would be significant and unacceptable.~~

7. Residential Amenity

~~7.1 An assessment of the effects of the Wind Farm on residential properties is set out at 8.244-254 and 8.597-606 of the ES. The parties to this statement are in agreement that the effects noted in these paragraphs reflect the residential amenity effect of the Wind Farm.~~

Comment [A1]: Deleted as residual amenity is not part of NRW's remit

This statement has been agreed by:

Signed.....

On behalf of Mynydd y Gwynt Limited

Date.....

This statement has been agreed by:

Signed.....

On behalf of Natural Resources Wales

Date.....

DATED

DECEMBER 2014

IN THE MATTER OF

AN APPLICATION BY MYNYDD Y GWYNT LIMITED FOR DEVELOPMENT
CONSENT TO CONSTRUCT AND OPERATE A WIND TURBINE
GENERATING STATION IN POWYS, MID-WALES

STATEMENT OF COMMON GROUND

On

ECOLOGY AND ORNITHOLOGY

Between Mynydd y Gwynt Ltd (1) and Natural Resources Wales (2)



AARON & PARTNERS LLP

SOLICITORS

Grosvenor Court
Foregate Street
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Tel: 01244 405555

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Ref:KM.CPR.DAH.MYN1.1

1. Introduction

- 1.1 Mynydd y Gwynt Limited (“MYG”) has made an application (“the Application”) to the Secretary of State for development consent to construct and operate a 81-89.1MW wind turbine generating station (“the Wind Farm”) at the Sweet Lamb Rally Complex, near Llangurig, Powys, Mid Wales (“the Site”).
- 1.2 The Secretary of State has appointed the Examining Authority to carry out an examination of the Application.
- 1.3 This is a statement of common ground between (1) MYG and (2) Natural Resources Wales (“NRW”) on ecology and ornithology matters relating to the Wind Farm.

2. Policy and Legislative Context

- 2.1 The parties to this statement agree that the relevant national, regional and local policies that relate to the ecology and ornithology impacts of the Wind Farm are:
 - 2.1.1 National Policy Statements for energy infrastructure: Overarching National Policy Statement for Energy (EN-1) and National Policy Statement for Renewable Energy Infrastructure (EN-3);
 - 2.1.2 Planning Policy Wales: Chapter 5 Conserving and Improving Natural Heritage and the Coast (Welsh Government, [Edition 7](#), 2014);
 - 2.1.3 Technical Advice Note 5: Nature Conservation and Planning (Welsh Government, 2009);
 - 2.1.4 Powys County Council [Unitary Development Plan \(UDP\)](#) policies:
 - i. SP3: Natural, Historic and Built Heritage;
 - ii. ENV 3: Safeguarding Biodiversity and Natural Habitats;
 - iii. ENV 4: Internationally Important Sites;

- iv. ENV 5: Nationally Important Sites;
- v. ENV 6: Sites of Regional and Local Importance;
- vi. ENV 7: Protected Species;
- vii. E3: Wind Power.

2.1.5 Details of the legislative context for ecology and ornithology are as set out in **Appendix 11.1** of the Environmental Statement.

Comment [A1]: There are some omissions in Appendix 11.1 e.g. no mention of the Conservation of Habitats and Species Regulations 2010 (as amended) and European Protected Species. We therefore consider a section needs to be added to the SOCG on legislation.

3. Ecological Surveys

3.1 MYG has undertaken a number of ecological surveys of the Site, all of which are **detailed** in chapter 11 of the Environmental Statement (and its accompanying appendices and figures).

Comment [A2]: Information is missing from Chapter 11 as detailed in NRW's Written Representation and the ExA Questions., Further information has also been supplied or will be supplied to NRW. This section therefore needs amending.

3.2 NRW commented on the ecological surveys as part of its Relevant Representation dated 17 October 2014 and Written Representations dated 18 December 2014. The ecological and ornithological issues raised in NRW's Relevant Representation were divided into four sections: European and Nationally Protected Species, Bird Surveys, Habitats and Peat **and Grid Connection**. Subsequently, a meeting was held with NRW on 10th November 2014 to discuss some of these issues.

Comment [A3]: As comment below we suggest that the grid connection is placed in a separate SOCG and a separate SOCG on this matter was received on 16 January 2015.

4. European and Nationally Protected Species

Matters of agreement

4.1 The parties to this statement agree that:

4.1.1 Survey information in relation to the European and nationally protected species Otter, Water Vole, Badger and Reptiles has been undertaken using appropriate methodologies and the results of these surveys are agreed. ~~It is agreed that this is~~ subject to appropriate avoidance and mitigation measures being agreed for these species to be being secured through Requirements attached to the DCO including approval by -NRW of a Species Protection Plan.

4.1.2 MYG has undertaken bat surveys in 2005 and 2010.

4.1.3 ~~The Site is a low risk site in terms of the Bat Conservation Trust (BCT) guidance.~~

Comment [A4]: This is not agreed. NRW considers it is medium risk.

4.1.4 ~~The Site is also rated as low risk in terms of the Natural England Bats and onshore wind turbines TIN051 (2014) Interim guidance.~~

Comment [A5]: The BCT guidance as quoted in section 4.1.3 supersedes TIN051. Also we would not agree it meets the criteria in TIN051 for a Low risk site.

4.1.4 ~~It is not agreed that the bat surveys that MYG carried out followed appropriate methodologies in light of 2012 guidance for the time they were carried out.~~

Comment [A6]: The last surveys were undertaken 5 years ago in 2010 and the good practice guidance came out in 2012. It is not clear which methodologies were being followed and reference should be inserted. Further information is required from the applicant as made clear in our WR at para C1.33 – C1.35

~~The frequency of bat transects in 2010 exceed the BCT 2012 guidelines for a low risk site. NRW does not agree that the application site is a 'low risk site'. The level of automated detection at potential roost sites is in keeping with that recommended as a minimum by the BCT 2012 guidelines.~~

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Comment [A7]: We do not agree it is a low risk site. Also it does not meet other parts of the 2012 BCT guidance which is not included in the SOCG .

Matters where the parties are working towards agreement

4.2 ~~At the request of NRW, MYG is making amendments to the draft Species Protection Plan (SPP) and the draft Habitat Management Plan (HMP). The parties are hopeful that further agreement can be reached on these matters.~~

Comment [A8]:

5. Bird Surveys

Matters of agreement

5.1 The parties to this statement agree that:

5.1.1 MYG has undertaken five types of bird surveys between autumn 2004 and February 2011, including Vantage Point surveys, Brown and Shepherd breeding wader surveys and non-breeding bird (winter walkover) surveys. ~~In addition, a Red Kite nest survey was conducted in 2014.~~

Comment [A9]: We have not seen the details of this survey

5.1.2 ~~The site no longer hosts any A survey undertaken in 2011 did not record any breeding pairs of Curlew although they~~

Comment [A10]: It is unknown if it supports curlew now

~~were previously recorded in 2005 and 2008. The surveys undertaken in *2011 did not record site does not support any~~ other breeding waders apart from Snipe.

5.13 The site ~~and surrounding 2km buffer~~ does not support any breeding Red Kite.

Comment [A11]: We have not seen these surveys to confirm this

5.1.4 The site ~~and surrounding 2km buffer~~ does not support any breeding Hen Harrier.

Comment [A12]: We have not seen these surveys and/or the study area has not been confirmed

6. Habitats and Peat

Matters of agreement

6.1 The parties to this statement agree that:

6.1.1 At NRW's request ~~in its S42 response~~, MYG has re-surveyed ~~small~~ areas of vegetation within the Site. ~~Subject to NRW verifying these changes through a site visit, these surveys are agreed and all vegetation mapping of the Site is complete and accurate.~~

Comment [A13]: NRW cannot agree the surveys are accurate in all locations.

6.1.2 ~~Subject to clarification of specific management proposals in the HMP, that the HMP itself is fit for purpose with regard to mitigation of impacts on habitats and peat.~~

Comment [A14]: We reserve our position on this until we receive the peat management plan and updated carbon calculator

Matters where the parties are working towards agreement

6.2 ~~Following NRW's Relevant Representation MYG has:~~

~~6.2.1 Provided shape files for the peat depth survey, Phase 2 vegetation (NVC) and 'worksplan' to NRW.~~

~~6.2.2 Is working on updated proposals for the re-use of the peat.~~

~~6.3 The parties to this statement are hopeful that working towards reaching further agreement can be reached on the issues relating to habitats and peat, bats and birds that were raised in NRW's Relevant Representation and Written Representation.~~

7. ~~Grid Connection~~

Comment [A15]: We suggest this is included in a separate SOCG on grid

~~7.1 NRW has raised the following issues in relation to grid connection:~~

~~7.1.1 NRW considers It is agreed that under the provisions of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (as amended) MYG is required to assess the environmental effects of any associated development and to ensure that the Environmental Statement considers the direct, indirect, secondary and cumulative effects of the development under Part 1 of Schedule 4. NRW consider It is agreed that such an assessment is missing from the ES.~~

~~7.1.2 NRW accepts that the grid connection for the Wind Farm is a matter for Scottish Power Manweb (as the distribution network operator for the area) and is not being considered as part of the Application and that at this stage, it is not possible to provide further information as to the impacts of the potential grid connections.~~

Comment [A16]: It may not be possible to provide further information on the environmental effects but information should be provided on the implications for the proposed Mid Wales grid project

This statement has been agreed by:

Signed.....

On behalf of Mynydd y Gwynt Limited

Date.....

This statement has been agreed by:

Signed.....

On behalf of Natural Resources Wales

Date.....

DATED

DECEMBER 2014

IN THE MATTER OF

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CONSENT TO CONSTRUCT AND OPERATE A WIND TURBINE
GENERATING STATION IN POWYS, MID-WALES

STATEMENT OF COMMON GROUND

On

GEOLOGY, HYDROLOGY AND HYDROGEOLOGY

Between Mynydd y Gwynt Ltd (1) and Natural Resources Wales (2)



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Ref:KM.CPR.MYN1.1

1. Introduction

- 1.1 Mynydd y Gwynt Limited (“MYG”) has made an application (“the Application”) to the Secretary of State for development consent to construct and operate a 81-89.1MW wind turbine generating station (“the Wind Farm”) at the Sweet Lamb Rally Complex, near Llangurig, Powys, Mid Wales (“the Site”).
- 1.2 The Secretary of State has appointed the Examining Authority to carry out an examination of the Application.
- 1.3 This is a statement of common ground between (1) MYG and (2) Natural Resources Wales (“NRW”) on geology, hydrology and hydrogeology matters relating to the Wind Farm.

2. Policy and Legislative Context

2.1 The parties to this statement agree that the relevant national, regional and local policies and legislation that relate to ~~the~~ geology, hydrology and hydrogeology are:

2.1.1 ~~The Powys County Structure Plan (Replacement) (February 1996);~~

2.1.2 The Powys Unitary Development Plan 2011-2016 (Adopted March 2010);

2.1.3 The Powys Local Development Plan (“LDP”) Delivery Agreement was approved by the Welsh assembly Government on 2 November 2010;

2.1.4 Technical Advice Note (TAN) 15 ‘Development and Flood Risk’, Planning Policy Wales, July 2004;

2.1.5 Water Framework Directive (or WFD) 2000/60/EC;

2.1.6 Groundwater Daughter Directive to WFD 2006/118/EC;

2.1.7 Groundwater Directive dangerous substances 80/68/EEC;

2.1.8 Freshwater ~~for~~ Fish Directive 78/659/EEC;

2.1.9 Environmental Protection Act 1990;

Comment [A1]: Deleted as uncertain as to the relevance of this document which the UDP superseded.

- 2.1.10 The Water Resources Act 1991;
- 2.1.11 Environment Act 1995;
- 2.1.12 Groundwater Regulations 1998;
- 2.1.13 The Groundwater (England and Wales) Regulations 2009;
- 2.1.14 The Anti-Pollution Works Regulations 1999;
- 2.1.15 The Water Act 2003;
- 2.1.16 The Water Supply (Water Quality) Regulations 2010;
- 2.1.17 Private Water Supplies (Wales) Regulations 2010; and

[2.1.18](#) Land Drainage Act 1991.

[2.1.19](#) [Conservation of Habitats and Species Regulations 2010 \(as amended\)](#)

[2.1.18](#)[2.1.20](#) [Wildlife and Countryside Act 1981 \(as amended\)](#)

3. Geology, Hydrology and Hydrogeology Assessment Process

3.1 Chapter 14 of the [Environmental Statement \(ES\)](#) details geology, hydrology and hydrogeology issues associated with the proposed development. The survey and assessment methodologies used are detailed within Chapter 14. Within the related appendices of Chapter 14 of the ES are a draft Surface Water Management Plan (SWMP) and a flood risk assessment (FRA).

3.2 Chapter 6 of the ES details the construction method for the Project. A draft Construction Environmental Management Plan (CEMP) is provided in Appendix 6.1 of the ES.

3.3 NRW made a number of comments on the potential hydrology impacts of the Wind Farm as part of its Relevant Representations dated 17 October 2014 [and Written Representations of 18 December 2014](#).

3.4 Following NRW's [relevant](#) representation, meetings have been held between MYG and NRW in order to try to reach agreement on the

issues of concern.

~~4. Matters where the parties are working towards agreement~~

Comment [A2]: The SOCG should not include items on which there could or may be agreement at a future date

~~4.1 Following a site meeting on the 25th November 2014 MYG and NRW hope to reach agreement about the efficacy of the mitigation measures for the Afon Gwy (River Wye) Special Area of Conservation and watercourses draining to the SAC and are in the process of agreeing:~~

~~4.1.1 methods of crossing watercourses with new roads;~~

~~4.1.2 the need for new and upgraded settlement ponds; and~~

~~4.1.3 a protocol for water quality monitoring.~~

~~4.2 A Schedule of Specific Hydrological Items has been prepared or is being prepared to conciliate NRW's concerns regarding:~~

~~4.2.1 the preferred method of providing watercourse conveyance at each watercourse track crossing.~~

~~4.2.2 Water quality monitoring and response to change in water quality;~~

~~4.2.3 Additional improvements requested by NRW including at:~~

~~4.2.3.1 The large car park (grid ref 283053,284913);~~

~~4.2.3.2 The eroding bank alongside the track west of the Nant Cwm-y-Foel (grid ref 283059,284685); and~~

~~4.2.3.3 The two existing large online settlement ponds on the Nant Cwm-y-Foel (grid refs 283076,284299 and 282968,283957).~~

~~4.3 It is hoped by both parties to this statement that agreement will be reached on these points.~~

5.4. Matters of Concern

~~5.1 There are no matters of concern aside from those where agreement is being worked towards as discussed in paragraph 4.~~

Comment [A3]: Other concerns are raised in our Written Representation which need addressing in para 4

6.5. Matters of General Agreement

6.15.1 It is common ground between MYG and NRW that:

6.1.1 Construction sites involving earthworks are particularly vulnerable to erosion and careful working practices will need to be employed on site to manage the risk of soil erosion.

6.1.2 ~~Hazards of this nature are common and widespread in development projects, such as wind farms and cross country pipelines, and various standard methods exist to manage hazards to an acceptable degree the respective inherent risks.~~

Comment [A4]: This statement needs to make clear that the River Wye is a SAC and the test is not whether the risks are managed to an acceptable degree but whether it can be demonstrated that they can be managed to ensure there would be no adverse effect on the integrity of the site alone or in-combination.

6.1.3 Chapters 14 and 6 of the Environmental Statement, and their relevant appendices and figures, provide hydrology mitigation methods in accordance with standard practice and implementation of these methods will provide ~~an acceptable~~ mitigation.

6.1.4 ~~It will be possible to satisfactorily address all the hydrological issues of concern raised by NRW (as discussed in paragraph 4 of this statement) using standard available methods.~~

Comment [A5]: NRW cannot agree at this stage.

6.1.5 ~~No online settlement ponds are to be used for water treatment.~~

Comment [A6]: But they are already being used as part of the existing use of the site?

6.1.6.1.4 ~~The final~~ A CEMP and SWMP will be finalised and required ~~agreed with NRW~~ before construction, site clearance and forestry felling takes place and these must be approved by NRW.

Comment [A7]: The DCO should include a provision for prior approval by NRW.

6.1.7.1.5 ~~A water quality monitoring process can be installed that will allow MYG to identify any change in water quality and respond as necessary.~~

Comment [A8]: NRW has not yet received the water quality protocol for comment. The issue is whether WQ monitoring could detect incidents in a time frame to allow mitigation to be put in place.

6.1.8 ~~NRW will be allowed access to the water quality data recorded upon request.~~

Comment [A9]: This requires amendment – there will need to be an agreed system of compliance and incident reporting to a EcoW and NRW as part of the CEMP.

This statement has been agreed by:

Signed.....

On behalf of Mynydd y Gwynt Limited

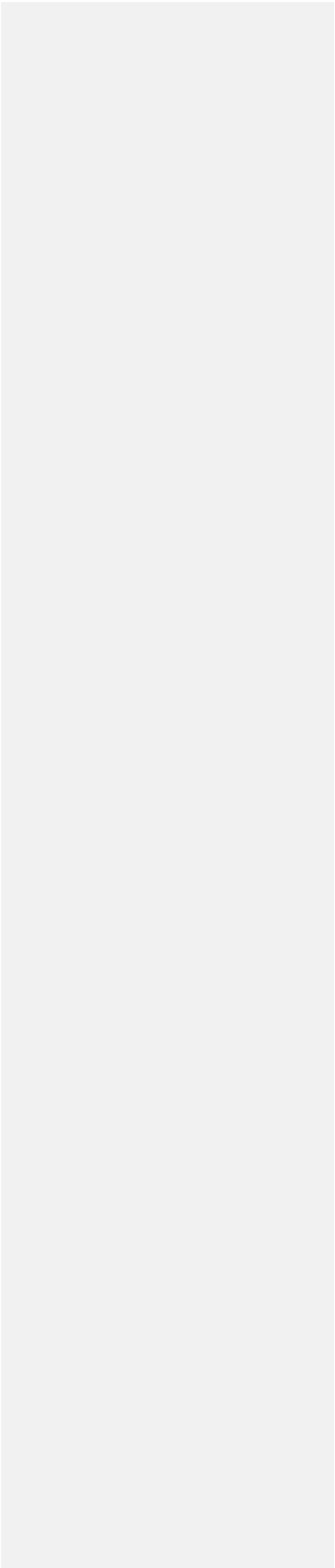
Date.....

This statement has been agreed by:

Signed.....

On behalf of Natural Resources Wales

Date.....



DATED

DECEMBER 2014

IN THE MATTER OF

AN APPLICATION BY MYNYDD Y GWYNT LIMITED FOR DEVELOPMENT
CONSENT TO CONSTRUCT AND OPERATE A WIND TURBINE
GENERATING STATION IN POWYS, MID-WALES

STATEMENT OF COMMON GROUND

On

LAND CONTAMINATION

Between Mynydd y Gwynt Ltd (1) and Natural Resources Wales (2)



AARON & PARTNERS LLP

SOLICITORS

Grosvenor Court

Foregate Street

Chester

CH11HG

Tel: 01244 405555

Fax: 01244 405566

Ref:KM.CPR.MYN1.1

1. Introduction

- 1.1 Mynydd y Gwynt Limited (“MYG”) has made an application (“the Application”) to the Secretary of State for development consent to construct and operate a 81-89.1MW wind turbine generating station (“the Wind Farm”) at the Sweet Lamb Rally Complex, near Llangurig, Powys, Mid Wales (“the Site”).
- 1.2 The Secretary of State has appointed the Examining Authority to carry out an examination of the Application.
- 1.3 This is a statement of common ground between (1) MYG and (2) Natural Resources Wales (“NRW”) on land contamination matters relating to the Wind Farm.

2. Land Contamination

~~2.1 NRW made a number of comments on the potential land contamination issues relating to the Wind Farm as part of its Relevant Representations dated 17 October 2014.~~

~~2.2 Following NRW's representation, MYG provided further information.~~

~~2.3 NRW and MYG agree that there are no issues relating to Land Contamination.~~

Comment [A1]: What is this information?

Comment [A2]: This cannot be agreed at present

This statement has been agreed by:

Signed.....

On behalf of Mynydd y Gwynt Limited

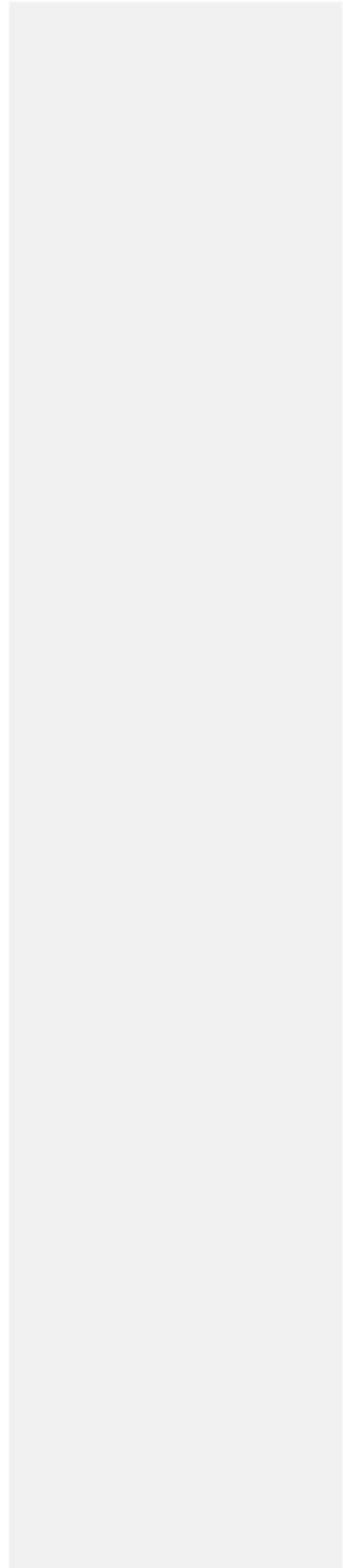
Date.....

This statement has been agreed by:

Signed.....

On behalf of Natural Resources Wales

Date.....



DATED

DECEMBER 2014

IN THE MATTER OF

AN APPLICATION BY MYNYDD Y GWYNT LIMITED FOR DEVELOPMENT
CONSENT TO CONSTRUCT AND OPERATE A WIND TURBINE
GENERATING STATION IN POWYS, MID-WALES

STATEMENT OF COMMON GROUND

On

CARBON BALANCE

Between Mynydd y Gwynt Ltd (1) and Natural Resources Wales (2)



AARON & PARTNERS_{LLP}

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- 1.2 The Secretary of State has appointed the Examining Authority to carry out an examination of the Application.
- 1.3 This is a statement of common ground between (1) MYG and (2) Natural Resources Wales (“NRW”) on the carbon balance assessment that MYG has undertaken in relation to the Wind Farm.

2. Carbon Balance Assessment

- 2.1 NRW made a number of comments on the carbon balance assessment that MYG has undertaken in relation to the Wind Farm as part of its Relevant Representations dated 17 October 2014.

2.2 ~~Following NRW's representation, MYG is in the process of compiling further information to provide to NRW and the Examining Authority.~~

~~2.3 Agreement on the carbon balance assessment has not yet been reached however NRW and MYG are hopeful that it will be in the near future once the further information has been provided.~~

2.42.3 _____

This statement has been agreed by:

Signed.....

On behalf of Mynydd y Gwynt Limited

Date.....

This statement has been agreed by:

Signed.....

On behalf of Natural Resources Wales

Date.....

