



14 May 2015

3/18 Eagle Wing
Temple Quay House
2 The Square
Bristol, BS1 6PN

Welsh Government response: Mynydd y Gwynt Ltd for an Order Granting Development Consent for the Mynydd y Gwynt Wind Farm– Statutory Consultation Under the Planning Act 2008 (as amended) and the Infrastructure Planning (Examination Procedure) Rules 2010 (as amended) – Rule 23 and Rule 8 (3)

I am writing on behalf of Welsh Government in respect of your statutory public consultation on Mynydd y Gwynt Wind Farm.

Under the Government of Wales Act 2006 the Welsh Government has responsibilities in respect of Wales for a range of environmental and related issues. The proposed development has the potential to affect the environment in Wales.

As a general comment, the proposed development should be in accordance with the policies set out within the Welsh Government's Planning Policy Wales with particular reference to Technical Advice Note (TAN) 8: Planning for Renewable Energy <http://wales.gov.uk/topics/planning/policy/tans/tan8/?lang=en>.

Planning

The Welsh Government is of the view that nothing in the NSIP proposal could be considered to be an associated development in Wales.

The Welsh Government has to date taken the collective view that for an element to be included in a DCO there needs to be the presence of a sufficient link between the substance and the principal development (i.e. it forms part of the NSIP). Therefore it is our view that the element must go some way to enabling the operation of the principal development, or facilitating its use in some significant way, perhaps to the extent that if consent were not granted for the secondary consent in question, then the consequence would be that the principal development could not function effectively.

As such, if you take the view that an element contained in the draft DCO would not meet these tests, then in our view planning permission from the relevant Welsh LPA would be required, and as such the development should not be included within the scope of the draft DCO. This is the view of the Welsh Government and the courts might have a different interpretation and therefore you should seek your own legal advice.

In addition while the draft DCO includes various works and apparatus capable of generating electricity, there appear to be no works specified which relate to the actual grid connection itself. As it stands it is not clear whether consent is going to be sought through Town & Country planning act 1990 or via a separate DCO and clarity on this matter would be welcomed.

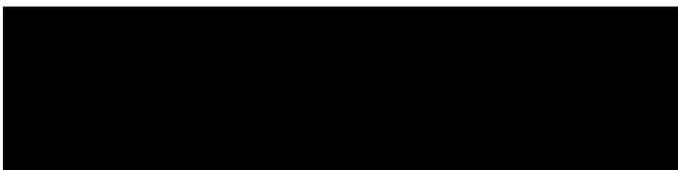
Heritage/Historic Environment

With regard to the reference within the draft DCO to fencing, we recommend that it should be reworded so that -

Fencing will be provided around:

- (i) the probable Bronze Age cairns on Waun Goch and the 19th Century features associated with the Wye Valley Mine at Nant y Gwrddy subject to the prior approval of the archaeological advisor to the local planning authority, and
- (ii) Nantiago Mine, subject to the prior approval of the Welsh Ministers (in practice, Cadw). [Please also include NRW if that was the original intention and it is not a question of mistaking NRW for Cadw].

Yours faithfully



Gwenllian Roberts
Deputy Director Energy & Environment Sector