



The Hirwaun Power (Gas Fired Power Station) Order

Response to Brecon Beacons National Park Authority LIR

Planning Act 2008

The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

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Author: Peter Brett Associates LLP

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Hirwaun Power Project – Applicant Response to Brecon Beacons National Park Local Impact Report (LIR) submitted to PINS 21st August 2014

BBNP LIR Ref.	BBNPA Comment	Applicant Explanation/ Response	ES Ref.
1.4-1.6	<p>Whilst not within the administrative boundary of the BBNPA the development, by virtue of its nature, scale, and location, at its nearest 250m south of the southern boundary of the National Park, has the potential to have significant impacts on the special qualities of the National Park.</p> <p>In particular, and as referred to in the submitted RRs, the BBNPA raises concern that the proposal would have a negative impact on the Parks’ landscape and both statutory and non-statutory ecological areas thus undermining the Park’s key special qualities, which comprise some of the very reasons which make this area worthy of statutory protection.</p> <p>Whilst it is accepted that the development will not have a direct impact on the National Park given its location outside the boundary, the LIR seeks to identify the degree of indirect impact that the development would have on the National Park, particularly in relation to landscape, cultural heritage and ecological impacts. In accordance with guidance set out</p>	<p>Please refer to the sections on landscape and visual impact and heritage impacts below, including the summaries provided as to impacts in relation to LIR paragraph 5.21.</p>	

	<p>by the Planning Inspectorate, the impacts have been expressed in terms of whether they are positive, neutral or negative with the degree of impact, where relevant being expressed as major, moderate, minor or negligible.</p>		
1.7	<p>This LIR is informed by a consultant report, instructed by the BBNPA, which has reviewed the submitted application's supporting documentation to ascertain whether the assessment carried out by the applicant in relation to Landscape and Visual impact is sufficiently robust and accurate.</p>	<p>The Applicant considers that this response, providing clarifications and further assessment/consideration in this table in relation to LIR paragraphs 5.4-5.8, demonstrates that the Landscape and Visual Impact Assessment is robust, focussed and proportional and therefore adequate for the purpose of understanding the significant effects of the proposed development.</p> <p>HPL also consider that the Jellards' report to be flawed in a specific but important respect. It takes the cleared site (i.e. post Work no. 1) as the baseline and only considers the changes arising from the operational phase¹, whereas the Project includes the demolition of an existing large intrusive building (the main building) and other buildings (all comprising Work no. 1 in the draft DCO) and its replacement with the Power Generation Plant (Work no. 2) and other works as set out in the DCO and so (in accordance with industry guidance²) the change to the visual baseline resulting from the development is the change from the existing retained buildings to the</p>	

¹ The Jellards report states at paragraph 7.1 states "We are confining our commentary on the visual assessment to matters relating to the major timespan of the project, the operational stage." No reference to demolition, removal, or presence of existing buildings is made in the report.

² The Applicant notes that GLVIA III part 2 chapter 6 states at paragraph 6.2.7 that when setting the baseline that "the nature of the changes [, which] must be judged individually for each project, but may include, for example, changes in the existing skyline profile, creation of a new visual focus in the view, introduction of new man-made objects, changes in visual simplicity or complexity, alteration of visual scale, and change to the degree of visual enclosure".

		<p>operational Power Generation Plant.</p> <p>The Examining Authority's report to the Secretaries of State for the decision on the Thames Tideway Tunnel confirms the correct approach to take when an existing intrusive structure is to be removed from a view and replaced as part of a NSIP:</p> <p>10.101 "we must consider the application before us which includes relocation of the vessel. The Tattershall Castle is an established feature of the riverfront and, in the absence of the proposed development, there is no evidence that it would not continue to be so. For the purposes of the examination it is necessary to compare the current situation with the situation as it would be if all the proposals at Victoria Embankment Foreshore were carried out."³</p> <p>HPL consider that the baseline used by Jellards is not appropriate and has inevitably overestimated the adverse change resulting from the proposed development.</p> <p>This has been put to BBNPA, and the SoCG records agreement at paragraph 2.3.5 that "the change to the visual baseline resulting from the Project is the change from the existing retained buildings to the operational Power Generation Plant".</p>	
1.8	In relation to other matters, it is confirmed that	Constructive discussions have continued since the LIR	

³The Planning Act 2008 (as amended): Thames Tideway Tunnel: Examining authority's Report of Findings and Conclusions and Recommendation to the Secretary of State for Communities and Local Government and the Secretary of State for Environment, Food and Rural Affairs, dated 12 June 2014, page 126, available at: <http://infrastructure.planningportal.gov.uk/document/2706035>

	initial discussions with the applicant are currently underway for the agreement of a Statement of Common Ground (SOCG). However, at the time of writing no formal agreement has been reached and discussions/negotiations are ongoing.	and have resulted in a signed SOCG (Doc Ref SBBNPA, submitted at deadline 2) which is described at relevant points in this LIR response.	
2.1-2.4	SITE LOCATION AND PROPOSED DEVELOPMENT	No comment.	
3.1-3.16	RELEVANT LEGISLATIVE AND POLICY FRAMEWORK RELATING TO NATIONAL PARKS	HPL has no comment other than to add that NPS EN-1 5.9.13 states “The fact that a proposed project will be visible from within a designated area should not in itself be a reason for refusing consent” and to note that the SoCG records (Doc Ref SBBNPA, paragraphs 2.2.1-2.2.5) agreement between HPL and BBPNA as to the relevant policy context and confirmation that the parties do not intend to make further representations on this topic in any issue specific hearing.	
4.1-4.5	RELEVANT PLANNING HISTORY	No comment. See also the response to LIR paragraph 5.13, below.	
5.1-5.3	<p>This LIR considers the development’s principal indirect impacts on the National Park which have been deemed as: Landscape and Visual Impacts; Cultural Heritage Impacts; and Ecological Impacts</p> <p>Nevertheless, in addition to the above, consideration is also given to other indirect impacts such as Traffic and Transport, Noise and Vibration and Socio-Economic Impacts.</p> <p>In addressing the above impacts, the LIR also</p>	No comment.	

	considers the draft DCO requirements put forward by the applicants.		
5.4	Whilst the proposal is located at its nearest 250m to the south of the southern boundary of the National Park, due to its nature, scale and design it is considered that the current proposal would have, in general, a negative moderate landscape and visual impact on the National Park to the detriment of its natural beauty and special qualities.	<p>The assessment is based on the 'worst case scenario' of 5 stacks. As the site is located within an existing industrial estate, it is the stack(s) (rather than the generating equipment) where any significant adverse visual effects could arise from the Project. The SOCG (Document Reference SBBNPA) records at paragraph 2.7.4 that "it is AGREED between the Parties that the worst case parameters for the Project considered for assessment, as contained in section 11.3 of the ES, are appropriate for the assessment of landscape and visual impacts." The operation of the Project will be in keeping with other commercial and industrial uses in the area. The demolition and clearance of the existing buildings will be a positive enhancement to the character of the area; refer to applicant response to BBNP LIR Ref. 1.7 above. The SOCG (Document Reference SBBNPA) records at paragraph 2.3.5 that "the Parties AGREE that the Project includes the demolition of an existing large intrusive building (the main building)". As a result, there will be no significant adverse effects on key landscape character receptors within the locality, whether associated with the National Park, Special Landscape Areas or sensitive aspects identified through LANDMAP [11.8.9]</p> <p>In the initial stages of the operational phase of the Power Generation Plant the Project will have a Moderate significance of visual effect for VP4 Hirwaun Common; VP14 Penderyn reservoir; VP15 North of Hirwaun Common. However, over the long term (15yrs), the height</p>	<p>11.8.3/ 11.8.5/ 11.8.6</p> <p>11.8.9</p> <p>11.8.28</p> <p>11.8.48</p> <p>Refer also to 11.10 for a summary of residual effects</p>

		<p>of the screen planting is predicted to reduce the magnitude of effect to Minor, resulting in a reduction in the significance of effect for both these receptors to Slight. [11.8.28].</p> <p>The Electrical Connection will not have any significant landscape or visual effects which is recognised in the SoCG (Document Reference SBBNPA) states at paragraph 2.3.9 “It is AGREED that the final preferred options selected for the Electrical Connection as assessed would not have material impacts upon receptors within the National Park”. This matter is therefore settled between the parties.</p> <p>The Gas Connection will have a Slight short term effect, reducing to Neutral once the reinstatement works have established. The SOCG (Document Reference SBBNPA) at paragraph 2.7.12 states “it is AGREED between the Parties that there will be no landscape and visual impacts in so far as the BBNP is concerned associated with the operational Gas Connection.” This matter is therefore settled between the parties.</p>	
5.5	<p>This {LIR} report is informed by a review of the application submission, in particular the Landscape and Visual Impact Assessment set out in Chapter 11 of the submitted Environmental Statement, undertaken by independent consultants, Anthony Jellard Associates, instructed by the BBNPA. The full report is included at Appendix 1 to this LIR</p>	<p>This report has been reviewed and its conclusions informed the responses within this table.</p>	

	and summarised below.		
5.6	<p>In general, the scheme has evolved in a manner that seeks to reduce its landscape and visual impact by virtue of the proposed stack heights being a maximum of 35m rather than the 90m stack option and confirmation that the electricity connection is to be underground rather than the use of overhead lines.</p> <p>Therefore, given the site's location within an existing industrial area, the principal concern of the BBNPA is the visual impact of the proposed stacks on the special qualities of the National Park.</p>	Agreed	
5.7	<p>It has been concluded that whilst the description of the landscape baseline follows a logical progression from national through to local landscape designations, the assessment is not entirely clear in relation to LANDMAP Aspect Areas which does not aid interpretation. In relation to the visual baseline, visual receptors from within the National Park appear to have been equally assessed with those outside of the National Park, in particular specific emphasis has been given to users of nearby roads. This raises concerns that the sensitivity of visual receptors of the protected landscape of the National Park has not been appropriately assessed.</p>	<p>The LANDMAP Aspect Area information is set out in ES 6.2.0 Appendices Volume F; LVIA Appendix 11.1 Summary of LANDMAP Aspects.</p> <p>In relation to the visual baseline, the prominence of roads in the visual amenity assessment is only due to the local situation on the ground where the best vantage points are afforded from local roads. A wide range of representative viewpoints including representative sensitive receptors within the National Park were originally considered, but as a noted in the ES [11.6.49], much of the Project Site is not actually visible from key receptor points. As a result, the final selection may appear to have an over representation of views from nearby roads, but this is a reflection of those locations from which the site can be viewed rather than any specific emphasis given to road users.</p>	<p>ES 6.2.0 Appendices Volume F - LVIA Appendix 11.1 Summary of LANDMAP ES 6.1.0 Section 11.4 ES 6.1.0 Table 11.9 Baseline Views page 485-505</p>

		<p>Of the remaining viewpoints selected for study, seven are located within the National Park and a further four provide views back towards the Beacons:</p> <ul style="list-style-type: none"> • VP4 provides open long distance views looking north across the valley into the National Park • VP7 is within the National Park looking south (no view) • VP8 is within the National Park looking south • VP13 is within the National Park looking south (no view) • VP14 is within the National Park looking south • VP15 provides views looking north across the valley into the National Park • VP16 provides views looking north across the valley into the National Park • VP18 is within the National Park looking south • VP19 is within the National Park looking east • VP21 is within the National Park looking south west • VP22 is well visited viewpoint that has extensive views with the dramatic backdrop of the Brecon Beacons to the north. <p>The SOCG (Document Reference SBBNPA) records at paragraph 2.7.3 that “The Parties AGREE that baseline data presented in section 11.4 of the ES provides an appropriate basis for the identification and description of the changes that will result in the landscape and visual amenity of the area.” This matter is therefore settled between the parties.</p>	
5.8	The BBNPA previously advised that the initial	In a meeting with BBNP/ NRW on 17 th September 2013	ES Figure

	<p>viewpoints set out in the PEIR were generally considered acceptable but also suggested a number of other viewpoints to be considered. No further discussions were held with the applicant following the PEIR submission to seek formal agreement of the viewpoints chosen. It is therefore unclear whether the suggested viewpoints set out in BBNPA's response to the PEIR were taken into consideration and the reason for them to be discounted. In this respect, the Landscape Review report raises concerns over the viewpoints assessed as follows:</p> <ul style="list-style-type: none"> • The recommended Coed Morgannwg Way long distance footpath viewpoint would have offered an unobscured view into the site whereas the assessed viewpoint in this area (VP22) is partially obscured; • The assessment has failed to take into account users of the promoted National Cycle route 478 which would have been assessed had the other suggested viewpoints been included; and • VP7, as indicated on Figure 11.4, appears to have been included in preference to a viewpoint located on the footpath to the south of Pantcefnffordd. 	<p>viewpoints were discussed and it was requested that the Applicant look at the viewpoints used for the LVIA for the adjacent Enviroparks development and use what was relevant. This was carried out and these viewpoints were reviewed alongside the preliminary viewpoints under consideration.</p> <p>The suggested viewpoints set out in BBNPA's response to the PEIR were taken into consideration and reviewed in conjunction with the ZTV as shown on ES Figure 11.2: Landscape Context.</p> <ul style="list-style-type: none"> • VP22 was located at the popular public viewpoint located at Mynydd Beili-glas rather than further to the west on the long distance footpath. It was considered that the viewpoint has greater importance in terms of a visual receptor due to the numbers of users, that the users will be travelling to the location in order to enjoy the view, that its promoted as a viewpoint in tourist information and on maps, and that users of the Coed Morgannwg Way long distance footpath are likely to stop off at this point, rest and enjoy the view. • National Cycle Route 478 links with NCR 46 along the Penderyn Quarry Line. This route falls outside of the indicative area from which the 35m stacks would be visible (ZTV) and with intervening vegetation was considered unlikely to have a view of the Project Site. • Following the suggestion in the PEIR VP7 was located on a PRoW on the southern edge of Penderyn village and was considered to be a representative location for the nearby residential and cultural heritage receptors. There was no view of the Project Site and therefore no 	<p>11.2: Landscape Context</p>
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		<p>further assessment was carried out.</p> <p>All three of the above locations have now been further investigated and an additional assessment has been made:</p> <ul style="list-style-type: none">• A further assessment was made from a location approximately 500m west of the popular viewpoint of Mynydd Beili-glas, on the Coed Morgannwg Way long distance footpath. Access onto the footpath from the car park is not obvious and the first 100m follows the edge of the road on a narrow ridge of ground. This access path and the wet/ muddy condition of the Way, is likely to deter casual viewers straying west from the car park. Therefore, the users are likely to be long distance walkers and mountain bikers. The lower number of users and the fact that they will be traversing difficult terrain means that it is likely that for most users the main point of rest is likely to be the picnic facilities at Mynydd Beili-glas. This additional viewpoint to the west of VP22 will therefore be of Medium sensitivity. The magnitude of change will be Minor due to a combination of distance, the significant positive effect of the removal of the existing white buildings and the backgrounding of vegetation (looking from above). The significance of effect will be Slight (the same as VP22, so no change in the overall assessment).• As originally identified, no views are possible for the entire length of the cycle link with NCR46 (NCR 478/ Penderyn Quarry Line). The route has high hedges on both sides, except within woodland.	
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		<p>Very occasionally a view out is possible (e.g. gate) but this is directed to the south due to local topography blocking views west towards the site. With no intervisibility, no further assessment has been made.</p> <ul style="list-style-type: none"> • VP7 was located on the PROW south of Pantcefnfford and is therefore in accordance with the BBNP suggested location. A revisit to the site confirmed that for the whole length of this PROW views towards the site in the south are blocked by topography and woodland. With no intervisibility, no further assessment has been made. <p>The above clarification was provided to BBNPA in meeting (1.9.14) and accepted, and agreement is recorded in the SoCG (Document Reference SBBNPA) at paragraph 2.7.7: “Accordingly BBNP amend the position stated in LIR paragraph 5.8 and the Parties AGREE with the selection of viewpoint locations”. This matter is therefore settled between the parties.</p>	
5.9	<p>On this basis, it is questioned whether an adequate and robust assessment has been undertaken. Nevertheless, it is acknowledged that the above concerns could be addressed by the applicant in response to this LIR, albeit these matters have been raised directly with the applicant independent of this report for their comment.</p>	<p>The Applicant welcomes the invitation to provide a response to the LIR to address the concerns of the BBNPA.</p> <p>The Applicant considers that this response, providing clarifications and further assessment/consideration in this table in relation to LIR paragraphs 5.4-5.8, demonstrate that the Landscape and Visual Impact Assessment is robust, focussed and proportional and therefore adequate for the purpose of understanding the significant effects of the proposed development.</p>	

5.10	<p>With regards visual assessment from the assessed viewpoints, the reference in the submitted ES that the stacks are likely to be visible from various viewpoints is acknowledged, however it is questioned whether the statement that there would not be any visible plume emanating from the stacks during operation has fully taken into account the local weather conditions that may result in condensation creating a white plume. The BBNPA is concerned that vapour emanating from the stacks will condense upon release to cold air, especially in winter months when the plant is likely to be more active, and would particularly have a visual impact far wider than currently assessed. It is not considered that this is sufficiently set out in the supporting documentation to the application.</p>	<p>Due to the choice of technology, there will not be a visible 'plume' arising from the stacks [11.8.11] under different weather conditions. This is recognised and agreed in the SoCG between HPL and NRW (Document Reference SNRW, submitted at Deadline 2) at paragraph 2.4.16 and also in the SoCG between HPL and BBNPA (Document Reference SBBNPA, submitted at Deadline 2) at paragraph 2.7.11. As a consequence, this matter is considered settled.</p>	11.8.11 pg 512
5.11	<p>In terms of the visual assessment undertaken from relevant viewpoints, the report attached and Appendix 1 provides detailed commentary which in general accepts the majority of the assessment's conclusion with the exception of the following:</p> <ul style="list-style-type: none"> • VP8 Lay-by on Minor Road North of Penderyn Reservoir is assessed by the applicant as high sensitivity with a negligible magnitude of change resulting in slight predicated effects, whereas it is considered that the magnitude of change is minor not 	<p>The visual assessment undertaken at viewpoint VP8 takes into account the dominance of the existing white roof of the current main building on the proposed Power Generation site. The demolition and clearance of the existing 12m high 300m long main building that is clad in white will be a significant positive enhancement.</p> <p>The SoCG between HPL and BBNPA (Document Reference SBBNPA, submitted at Deadline 2) states at paragraph 2.3.5:</p> <p>"The Parties AGREE that the Project includes the demolition of an existing large intrusive building (the main</p>	11.8.5 11.8.6 Table 11.9 pg 485-505 11.8.18 pg514 11.8.19 pg514

	<p>negligible given that the stacks would appear as a new landscape element in this view, therefore raising the predicted effects to moderate rather than slight.</p> <ul style="list-style-type: none"> • VP14 this is the nearest viewpoint to the site which lies entirely within the National Park and as such its receptor sensitivity should be classed as high rather than medium. Concerns are raised in relation to the viewpoint assessment having regard to existing and planned development and those under construction to the extent that it has been concluded that this viewpoint assessment is inaccurate and unreliable and requires review. In addition, it is noted that there are two photomontages produced for VP14 one which appears to be on top of the reservoir embankment and the other on the foot of the embankment, it is therefore unclear which position has been assessed. • VP19 should be considered as being high sensitivity given its location within the National Park thus resulting in a moderate significance of effect. 	<p>building) and other buildings (all comprising Work no. 1 in the draft DCO) and their replacement with the Power Generation Plant (Work no. 2) and other works as set out in the DCO. Without the Project, the main building would in all likelihood be retained by its present owner for the foreseeable future, being in beneficial use for warehousing and storage, and conversely Work no. 2 cannot occur without Work no. 1. Accordingly and accordance with industry guidance the Parties AGREE that the change to the visual baseline resulting from the Project is the change from the existing retained buildings to the operational Power Generation Plant.”</p> <p>The ES notes that the demolition of the main building will have a positive benefit to views into and out of the National Park and surrounding countryside areas. Although the construction of the new power related infrastructure will reintroduce industrial structures to the site, the assessment takes into account the added benefit of the demolition of the current buildings; also refer to applicant response to BBNP LIR Ref. 1.7 above regarding the necessity of considering the existing baseline for assessment purposes.</p> <p>Regarding VP 8, the predominant visual impact will be from the stacks [agreed by BBNPA – Document Reference SBBNPA, paragraph 2.7.10] as the site and generating equipment will be well screened by existing vegetation. The view from VP8 is also from above and at a distance so that vertical structures (such as the stacks) are diminished in size. The magnitude of change will be Negligible and therefore the predicted effects will be</p>	<p>11.8.22 pg515</p>
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		<p>Slight. [11.8.18]</p> <p>Regarding VP14, although this lies within the Brecon Beacons National Park, the viewpoint is located in close proximity to the industrial estate, is situated on an engineered structure (reservoir) and is visually cut off from the countryside that makes up this part of the Park. Pylons are in the mid distance between the viewer and the industrial estate and the current open cast workings are considered a significant detractor in the background. As a result the sensitivity of the location is considered not to be High, but Medium. The viewpoint assessment considers the existing baseline and considers the magnitude of change will be Moderate due to the visibility of the upper parts of the new structures in winter. The significance of effect is considered to be Moderate. [11.8.19]. In terms of cumulative assessment from this location, the Enviroparks EfW will be seen in front of the Project, effectively blocking out views of the site. The pylons of the Rhigos substation will be visible to the right. The main substation would be screened by existing vegetation. All of which has been noted in Table 11.9. On the request of BBNPA, the Applicant has prepared additional photomontages (submitted to the Examining Authority at Deadline 2⁴) that illustrate this situation and which demonstrates that the assessment was correct in terms of the appearance of these developments within the view.</p> <p>VP19 is within the National Park, but was considered to be</p>	
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⁴ Available at: [http://infrastructure.planningportal.gov.uk/wp-content/ipc/uploads/projects/EN010059/2.%20Post-Submission/Representations/Additional%20Representations/Hirwaun%20Power%20Limited,%20Additional%20Submission%20\(2\).pdf](http://infrastructure.planningportal.gov.uk/wp-content/ipc/uploads/projects/EN010059/2.%20Post-Submission/Representations/Additional%20Representations/Hirwaun%20Power%20Limited,%20Additional%20Submission%20(2).pdf)

		<p>of less sensitivity than the Penderyn Bridleway, which is more likely to be used by visitors to the National Park as the Bridleway traverses Moel Penderyn and has visual connection with open country of the Park. The magnitude of change will be Minor due to only partial view of the tops of the stacks, backgrounding and intervening pylons. The significance of effect could be either Slight or Neutral. However, we have taken into account the importance of the National Park and assessed the viewpoint as Slight. [11.8.22].</p> <p>In general, a higher level of landscape and visual amenity sensitivity should be ascribed to receptors that are located within the National Park when compared to those outside. However, it is also the case that merely because a receptor is located within the National Park does not imply that it must be scored 'High' in a sensitivity assessment. On-the-ground assessment, combined with an understanding of the Special Qualities of the National Park and the value and significance of the receptor (and its context) should underpin the professional judgement of sensitivity. HPL has carefully considered the points raised by BBNPA and, for the reasons set out above, considers the conclusions of the ES remain correct.</p> <p>The SOCG (Document Reference SBBNPA) records at paragraph 2.7.3 that "The Parties AGREE that baseline data presented in section 11.4 of the ES provides an appropriate basis for the identification and description of the changes that will result in the landscape and visual amenity of the area." This matter is therefore settled between the parties.</p>	
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5.12	<p>Given the above concerns, it is considered that the assessment is not entirely accurate thus leading to an increased visual impact on the National Park than currently assessed.</p>	<p>The Applicant disagrees with this conclusion for the reasons set out above against LIR paragraphs 5.10 & 5.11, and stands by the assessment as reported in the ES. It is noted that BBNPA have agreed within the SoCG (Document Reference SBBNPA, submitted at Deadline 2) that the relevant baseline includes the existing, intrusive and partly unscreened main building (paragraph 2.3.5), and that the stacks are the principal visual impact since the lower structures would be narrower than the existing main building, would be well screened and are within an industrial setting (paragraph 2.7.10).</p>	
5.13	<p>It is noted from the report at Appendix 1 that a significant failing of the visual assessment is consideration of the cumulative impacts of planned development and those under construction, in particular the Pen y Cymoedd wind farm, Enviroparks and the Rhigos Substation, particularly as none of the photomontages produced include these developments to aid interpretation of the potential impacts. This matter has been raised with the applicant and it has been suggested that additional photomontages should be produced to include these cumulative impacts.</p>	<p>The cumulative assessment covers all the relevant schemes in the area including the ones highlighted by BBNP in 5.13. [Section 11.9] Photomontages (including Photomontages showing cumulative developments) are only a supporting tool and the landscape and visual assessment was conducted in the field in accordance with best practice. However, to help visualise the likely appearance of these three developments and their cumulative impacts, three additional photomontages have been produced for VP14; VP15; and VP18. The updated document (ref 7.1, revision1) now includes views of the cumulative schemes from VPs 14, 15 and 18 labelled 'cumulative view'. These were submitted at Deadline 2 in a revised Document Reference 7.1, which includes the other viewpoints without cumulative schemes.</p>	11.9 pg521
5.14	Turning to the photomontages produced,		

	<p>concerns raised are as follows:</p> <ul style="list-style-type: none"> • Generally dark and not easy to interpret; • the proposal is rendered in grey rather than the proposed gradation of colours as set out by the Design and Access Statement; • the viewing distance from the viewpoint to the proposed development has not been given; • inconsistency in the photomontage titles and those referred to in the ES text creates confusion; and • it appears that there is a compression of vertical scale between the photomontages and the actual view. 	<p>Regarding the first point, the site is well vegetated and the LVIA required winter views (no leaves on deciduous trees) in order to capture the 'worst case scenario'. Our photographers visited the site on a number of occasions and had issues with poor weather/ visibility and low sun on the southern horizon (resulting in under exposure to compensate). However, the assessment in the ES was carried out by a Chartered Landscape Architect who visited the site on three separate occasions and under different weather conditions, one visit with excellent long distance visibility across the Brecon Beacons.</p> <p>In relation to the other points, the Photomontages have been reviewed and viewpoints 14, 15 and 18 have been revised in all of these respects:</p> <ul style="list-style-type: none"> • An additional view has been prepared for each, showing the three most relevant schemes considered in the cumulative assessment (Enviroparks, Pen y Cymoedd wind farm and the Rhigos substation). For each of these three viewpoints we therefore have the existing view; the original photomontage view (just HPL Project); Wireframe of the same; and cumulative view (no wireframe due to the illustrative nature of the modelling of these schemes). <p>All photomontages (cumulative and non) for VPs 14, 15 and 18 also include an illustration of the graded cladding scheme that would be specified in detail in accordance with the Design Principles Statement (Document Reference 10.2.0, appendix 2) and in a submission under Requirement 4. In addition the wireframes for VP's 6, 10, 14, 19 and</p>	
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		<p>20 have been checked and realigned; the compression in vertical scale has been addressed; distance to nearest .001km has been shown on each photomontage; and the photomontage titles have been amended to be consistent with the ES.</p> <p>We await BBNPA's opinion as to the revised photomontages in order to conclude as to whether this matter is settled.</p>	
5.15	<p>These collectively raise concerns over the robustness of the photomontages produced and their reliability in presenting an accurate visual representation of the scheme.</p>	<p>Improved photomontage images have been provided to help with an understanding and reliability of the potential effects reported, as set out in the response to 5.14 above, and the updated photomontages (rev 1) were submitted at Deadline 2. However, the photomontages are only a supporting tool and the landscape and visual assessment was conducted in the field in accordance with best practice. We await BBNPA's opinion as to the revised photomontages in order to conclude as to whether the specific concerns about the photomontages have been addressed.</p>	
5.16	<p>The Authority has consistently requested that night time effects of the development should be taken into account having regard to the National Park's status as a Dark Sky Reserve. Whilst the content of the current Lighting Strategy is noted, the Authority is concerned over the impact of the development on its Dark Sky status. To this end, the Authority is aware that the applicant is seeking to undertake such an assessment to include a review of the baseline lighting situation and the proposed development and</p>	<p>Further appraisal of the baseline lighting situation and the proposed lighting for the new development has been set out in an updated Outline Lighting Strategy, which is secured by Requirement 16 in all drafts of the DCO. This has been reviewed by BBNPA and then the same submitted to the Examining Authority at Deadline 2, along with the revised DCO (v2) which includes (in agreement with BBNPA) that Requirement 16 shall be for the approval of RCT but in consultation with the BBNPA. These have allowed agreement to be reached as to night time lighting issues, which is recorded in the SoCG submitted at Deadline 2 (Document Reference SBBNPA)</p>	

	<p>additional information has very recently been submitted to the Authority for consideration (19 August 2014) and is being reviewed.</p>	<p>at paragraph 2.7.8: “The Parties AGREE that on the basis that this same Outline Lighting Strategy is submitted to the Examining Authority at Deadline 2 and is accepted by the Examining Authority, and remains secured by Requirement 16, and that the same Requirement lists the BBNPA as a consultee to the approving relevant planning authority (RCT), HPL has made sufficient consideration to the Dark Sky status and associated guidance, made sufficient assessment, and sufficient mitigation is secured in the DCO in respect of potential night time lighting impacts.” This matter is therefore settled between the parties.</p>	
5.17	<p>It is recognised that the application site is located within an established industrial area with lighting emanating from nearby towns and villages and the local highway network, however until such time an assessment has been undertaken and a revised lighting strategy produced, the BBNPA is unable to accept that the development would not have a night-time visual impact. Nevertheless, it is accepted that the applicant has now acceded to requests to formally include the BBNPA as a consultee for DCO Requirement 16 by agreeing to include the words “in consultation with the Brecon Beacons National Park Authority” after the words “approved by the relevant planning authority”.</p>	<p>See answer to 5.16 above and the position of agreement recorded in the SoCG submitted at Deadline 2 (Document Reference SBBNPA) at paragraph 2.7.8. This matter is therefore settled between the parties.</p>	
5.18	<p>With regards the proposed external appearance of the building, the efforts made</p>	<p>VP’s 14, 15 and 18 now include an illustration of the graded cladding scheme on both the cumulative and non-</p>	

	<p>in relation to the possible use of a gradation of colours reflecting the surrounding landscape is generally welcomed as a means of possibly mitigating the impact of the stacks from a visual impact perspective. However, the Authority raises concerns that the backdrop colours against which the stacks would be viewed change with the seasons, weather and the location the stacks are viewed from. As such, the Authority is not necessarily convinced that the proposal is a better solution to a single neutral colour as illustrated on the photomontages. It would therefore assist if the photomontages could be reviewed to include a representation of the visual impact of the development if the design principles set out in the design and access statement were applied.</p>	<p>cumulative views. The efficacy of this scheme is clearly apparent in all the VPs and particularly in VPs 15 and 18. Nonetheless it remains the case that the graded cladding scheme would be specified in detail in accordance with the Design Principles Statement (Document Reference 10.2.0, appendix 2) and in a submission under Requirement 4 for the prior approval of RCT, with consultation made with BBNPA. The Design Principles Statement allows the flexibility to select greyscale or coloured cladding providing it is “to minimise visibility in long distance views whilst adding visual interest at street level”. We await BBNPA’s opinion of the revised photomontages although we note that the request in 5.18 is immediately followed by the conclusion that the mitigation appears adequately secured, therefore we consider that, having assisted BBNPA in understanding the efficacy of the cladding scheme this matter appears to be settled.</p>	
5.19	<p>It is recognised that DCO requirement number 4(4) safeguards the submission of further details regarding the external appearance of the stacks as well as other proposed buildings and as such provided that the BBNPA are formally party to such discussions, it is considered that the finer details of the overall design and final appearance of the building could be satisfactorily addressed. The applicant has confirmed in writing on 15 August 2014 that they would be willing to include within requirement 4 (4) the words</p>	<p>HPL agrees that the precise selection of colour/s and tone/s would be a matter for detailed design stage. The SoCG submitted at Deadline 2 (Document Reference SBBNPA) records at paragraph 2.3.3 “The Parties AGREE that the Design Principles ... constitute reasonably practical mitigation within the Project with regard to material type, reflectance and colour, planting and hard surface types and boundary treatments”. The Draft DCO (rev 2 submitted at Deadline 2) includes within requirement 4 (4) the words “in consultation with the Brecon Beacons National Park Authority” after the words “approved by the relevant planning authority as sought by BBNPA. This matter is therefore settled</p>	

	<p>“in consultation with the Brecon Beacons National Park Authority” after the words “approved by the relevant planning authority” and as such, provided that this wording is included, the BBNPA considers that adequate safeguards are in place to finalise detailed designs at the post-decision phase.</p>	<p>between the parties.</p>	
<p>5.20</p>	<p>Similarly, in terms of landscape mitigation, the report at Appendix 1 has identified various issues with regards to the extent of information contained within the current landscaping proposals and concludes that insufficient detail has been provided to assess whether the proposed landscaping would provide the mitigation intended. In particular the report identifies that a full Landscape Strategy should be provided setting out full details of plant species, sizes, mixes and ground preparation as well as considering the use of alternative soft and hard landscaping that would be more representative of the locality. Specific comments on the landscape mitigation proposals are set out in paragraph 8.5 of the report at Appendix 1. Whilst it is recognised that DCO requirement 5 indicates that such details would be finalised and approved for each defined numbered work, and that the applicant has now agreed to include the words “in consultation with the Brecon Beacons National Park Authority” after the words “approved by the</p>	<p>The Landscape Strategy will be a DCO Requirement [Requirement 5] and the detail of which (plant species; sizes; mixes; and ground preparation) will be subject to approval by RCT.</p> <p>BBNPA has stated that its principal concern is the visual impact of the proposed stacks on the special qualities of the National Park [LIR 5.6]. Landscape mitigation is less likely to reduce the effects of the stacks. This means that the need for landscape mitigation is focused on a few key issues, improving the amenity of the area and enhancing the biodiversity/ providing ecological mitigation [11.7.11]. Accordingly HPL and BBNPA have resolved in the SoCG submitted at Deadline 2 (Document Reference SBBNPA) at paragraph 2.7.10.</p> <p>“The Parties AGREE that due to the principal concern being the stacks, and the topography and existing vegetation in the vicinity of the site acting to screen lower structures, the landscaping scheme (Figure 11.5 ES, Document Ref 6.1.0) secured by Requirement 5 focuses on ecological benefit and the amenity of users of the industrial estate and does not provide screening to the</p>	<p>11.7.11 pg508</p>

	<p>relevant planning authority”, it is considered that further landscaping detail at this stage of the application process would be beneficial.</p>	<p>stacks. Accordingly the Parties AGREE that Requirement 5 should remain for the approval of the relevant planning authority, RCTCBC”. This matter is therefore settled between the parties.</p>	
5.21	<p>In summary therefore, the BBNPA acknowledges that the scheme has progressed in a favourable direction in terms of the now proposed maximum height of the stacks and possible treatment of the external appearance to lessen its visual impact and that controls are being proposed via relevant requirements. However, it remains to be the case that the proposal will introduce new vertical features that break the existing built height line thus interrupting views out of and into the National Park, it can only therefore be concluded that this will have a negative impact on the National Park. In terms of the level of impact, at present, given the concerns raised above it is considered that the proposal would have a moderate impact, however subject to further detail and points of clarification from the applicant, this level of impact could be reduced.</p>	<p>The Applicant has met BBNP on two occasions since Deadline 1 in order to discuss the outstanding concerns and has carried out a range of further assessment and mitigation proposals and controls in the DCO. The dialogue has been constructive and it has been possible to address many of the concerns underlying the comments in the LIR.</p> <p>The position reached with BBNP is recorded in the SOCG and is set out in this table at relevant points.</p> <p>The use of locally appropriate shades of cladding to reduce visual impacts on long views has been commended by Design Commission for Wales (see Appendix 1 of Document Ref 10.2.0) which in turn is supported by RCT (see Document Ref SRCT, paragraph 3.1.1).</p> <p>NPS EN-1 policy on ‘developments outside nationally designated areas which might affect them’ requires that energy NSIPs “avoid compromising the purposes of designation and such projects should be designed sensitively given the various siting, operational, and other relevant constraints”. RCT in their SoCG (Document Ref SRCT) have stated at 2.1.8 that “the making of the Order</p>	

		<p>per the draft DCO (rev 2 to be submitted at Deadline 2 containing the Requirements referred to throughout this SoCG) would seem not to be in conflict with the twin purposes of the National Park designation”.</p> <p>HPL awaits the opinion of BBNPA on this but notes that NPS EN-1 states unequivocally at 5.9.13 that “The fact that a proposed project will be visible from within a designated area [including National Park] should not in itself be a reason for refusing consent.” The Project will be visible but with industrial background and, as seen in some photomontages, foreground and the visible elements will undergo a high level of design mitigation, namely the cladding scheme and layout to be for the prior approval of RCT, in consultation with the BBNPA, under requirement 4(4) and to be compliant with the Design Principles. HPL considers that the draft DCO, rev 2, is compliant with NPS policies.”</p>	
5.24	ES, Section 14 refers to superseded National Park documents (e.g. Local Plan and Deposit Local Development Plan) rather than the Local Development Plan that was adopted in 2013	The Local Development Plan and the Deposit Local Development Plan were the most up-to-date documents at the time of compiling the ES in 2013. Both the DBA and the ES were compiled before the adoption of the LDP (2013) but the change in policy does not affect the conclusions or other aspects of the ES assessment.	
5.24	Some of the non-designated heritage assets referred to in Table 14.16 as being within the National Park lies outside its boundary thus raising doubts over whether the assessment has been accurately undertaken.	The digital data for the BBNP boundary was provided by the GGAT HER and we had no reason to question its accuracy. The discrepancy does not affect the conclusions of the assessment which HPL confirms has been accurately undertaken, subject to the minor adjustments in respect of the designated status of East Fforest Fawr and Mynydd y Glog Landscape of Special Historic Interest, as set out below.	

5.24	<p>A number of heritage assets were not actually visited to undertake the assessment only the general area was visited e.g. Wernlas Ring Cairn and hut circle (01229m and 02136m) and as such it is questioned whether the assessment can be fully relied upon.</p>	<p>A number of the more remote assets were not found despite an on-foot search by two members of the team, and their location having been pin-pointed by GPS technology. This is in part due to vigorous vegetation growth. The grid references used were supplied by GGAT HER.</p> <p>Additionally, not all of the heritage assets could be approached due to access issues such as restrictive fencing. However, the general area of the assets and the setting of the heritage assets was visited and assessed and it is not considered that access restrictions materially affected or undermined the robustness of the assessment.</p>	
5.24	<p>East Fforest Fawr Historical Landscape (presumably this is a reference to East Fforest Fawr and Mynydd y Glog Landscape of Special Historic Interest) is listed in table 14.16 as a 'Non-Designated Assets within the Brecon Beacons National Park', whereas Registered Historic Landscapes are nationally designated heritage assets and are considered to be the best examples of different types of historic landscapes in Wales.</p>	<p>East Fforest Fawr and Mynydd y Glog Landscape of Special Historic Interest was incorrectly listed in Table 14.16 as highlighted.</p>	
5.24	<p>Reference to the East Fforest Fawr Historic Landscape appear to be inaccurate and refer in parts to the Fforest Fawr Geopark. The Registered Historic Landscape of East Fforest Fawr and Mynydd y Glog is the nationally designated landscape that is included on the 'Register of Landscape of Special Historic Interest in Wales'. The Fforest Fawr Geopark is</p>	<p>Agreed.</p>	

	a European landscape designation for landscapes which have geological heritage of European significance and therefore is not itself a heritage asset or a historic landscape.		
5.24	Furthermore the East Fforest Fawr and Mynydd-y-Glog Registered Historic Landscape of Special Historic Interest, lies at its nearest just 2km from the proposed development site with lines of sight down to the development site with three different Historic Landscape Character Areas (HLCA) within the Historic Landscape falling within the ZTV. It is not considered that this is adequately referred to in the documentation.	Further information concerning the Historic Landscape Characterisation can be found within the DBA at paragraph 4.4.6. The character areas have been referred to in the ES (paragraph 14.6.75), although only two were identified within the ZTV comprising Cwm Cadlan and Cefn Cadlan. Cwm Cadlan is typified by an upland landscape containing dispersed farms and fields of medieval or earlier origins. Cefn Cadlan is dominated by moorland with prehistoric and post-medieval settlement patterns. The significance of the setting of the two character areas has been assessed at three points. Cwm Cadlan character area is part of heritage assets 02061m, 02081m and 02095m, which are described in paragraphs 14.6.48, 14.6.49 and 14.6.50 of the ES. Cefn Cadlan is typified by the assets located within Penderyn and the Church of St Cynog and associated assets (e.g. 04297m, 04298m, 04299m). The significance of the setting of these assets is described in paragraphs 14.6.44 and 14.6.45 of the ES. A third area was assessed near the A465 and is presented in paragraphs 14.6.23 and 14.6.24.	
5.24	The assessment makes mention of the fact that Mynydd-y-Glog is a Landscape of Special Historic Interest, whereas Mynydd-y-Glog is part of the Registered Historic Landscape of East Fforest Fawr and Mynydd-y-Glog.	Agreed. This was not clear from the GGAT HER data.	
5.24	Chapter 11, Table 11.8 lists landscape designations within the 5km study area, including the National Park at a national level,	In accordance with the correction to its designated status, as East Fforest Fawr has been confirmed as being an asset of national importance, the impact on its setting has	

	<p>and at a local level a number of historic landscapes, but it does not include the nationally designated East Fforest Fawr and Mynydd-y-Glog Landscape of Special Historic Interest, which would suggest that the landscape and visual impact of the development on the setting of this asset has not be fully accounted for in the Landscape and Visual Impact assessment.</p>	<p>been re-assessed and has been adjusted from slight to moderate/slight, adverse, to reflect its change in status. This remains below the threshold for significance as explained at paragraph 3.3.7 of the ES and hence remains not a 'likely significant effect' in the context of the EIA Regulations.</p> <p>Mynydd y Glog comprises a number of cairnfields which have been assessed individually in accordance with the HER numbering. As is the case for East Fforest Fawr, its designated status has been corrected to confirm that it forms part of an asset of national importance. The impact on the setting of the majority of the cairnfields is neutral irrespective of the designated status however, for one, cairnfield 04494, the change in status requires an adjustment to the impact assessment, from slight to moderate/slight, adverse.</p> <p>This remains below the threshold for significance as explained at paragraph 3.3.7 of the ES and hence remains not a 'likely significant effect' in the context of the EIA Regulations.</p>	
5.25	<p>Whilst it is considered that clarification from the applicant in relation to the above mentioned inaccuracies would be welcomed, it is considered similar to the BBNPA's assessment of the Landscape and Visual Impact of the development that by virtue of the introduction of the development, in particular the stacks and their visibility from heritage assets within the National Park, that the proposal would have a negative impact on the setting of heritage</p>	<p>We consider that the above clarifications as to the assessment and mitigation measures may assist BBNPA in determining a minor or negligible level of impact.</p>	

	<p>assets, but in terms of the magnitude of that impact given the distances and possible mitigation measures as referred to in the landscape and visual impact section above, that the magnitude in relation to the setting of heritage assets would be minor and possibly could be reduced to a negligible magnitude subject to mitigation measures and the finer design details.</p>		
5.26	<p>The principal ecological impacts relate to the deposition of emissions emanating from the proposed stacks on ecological receptors within the National Park, especially having regard to the prevailing south westerly winds and the site's juxtaposition with the National Park. Whilst the BBNPA has no in-house expertise to fully assess the air quality impacts of this proposal on the National Park, based on the information available it is considered that the proposal would have a negative minor impact on ecological receptors within the National Park. However, the BBNPA will be guided by the expert opinion of NRW in relation to air quality impacts on ecological receptors.</p>	<p>HPL acknowledges the role of NRW on the particular ecological matters of relevance. The SoCG with NRW notes agreement that:</p> <p>(2.4.12) NRW agrees that, for 30m stacks, the air quality assessment has predicted a process contribution of 0.056kgN/ha/yr to Cors Bryn-y-Gaer SSSI, which is equivalent to 1.1% of the minimum critical load for the lowland raised bog habitat of 5kgN/ha/yr and therefore just above the 1% significance threshold of the Environment Agency's H1 Guidance, Annex F.</p> <p>(2.4.13) NRW agrees that the process contribution identified in the Assessments is "not categorised as significant" and that "it is unlikely that an emission at this level would make a significant contribution to air quality" (according to EA H1 Annex F Guidance).</p> <p>(2.4.14) "NRW has no objection to the predicted air quality impacts of the Project... it would be helpful to the more detailed understanding of baseline air quality in the local area for a scheme of Project-specific monitoring to be delivered The results of the baseline monitoring could then</p>	

		<p>be used to inform the development of future policy / local guidance and provide a more strategic and rigorous approach to air quality protection and improvement, in order to help improve the existing situation and assist in recovery to FCS.”;</p> <p>(2.4.22) “based on the information provided that the impacts on air quality predicted as a result of the Project would not have a significant effect on Blaen Cynon SAC, Coedydd Nedd a Mellte SAC or Cwm Cadlan SAC when considered alone or cumulatively / in-combination with other reasonably foreseeable plans or projects in the vicinity of the proposed site”.</p>	
5.27	<p>It is acknowledged that a full suite of ecological surveys has been undertaken at the development site and that the ecological impacts within the site are primarily local in nature. There will be some impacts on mobile species such as bats, breeding birds and otter; however, the species recorded present at the site are not rare or endangered and it is not considered that there will be ecological impacts on metapopulations within the National Park. It is understood that there was no evidence of the marsh fritillary butterfly being present on the development site; in spite of the presence of suitable habitat, no evidence of the primary food plant for the larvae (devil’s bit scabious) was found.</p>	No comment.	

5.28	The BBNPA agrees with the identified Valued Ecological Receptors and welcomes the inclusion of an assessment of the impacts on nearby Ancient Woodlands as requested at the meeting on 13th December 2013.	No comment.	
5.29	There are potential impacts during construction as well as operation; decommissioning impacts are likely to be similar to those during construction. Nitrogen oxides, carbon monoxides and particulate matter are the principal pollutants.	No comment.	
5.30	Natural Resources Wales has the responsibility for issuing an Environmental Permit for the operation of the Power Generation Plant with respect to the emissions from the stacks. As such the BBNPA will be guided by NRW as to the acceptability of the impacts, in particular with regard to the impacts on the nearby Special Areas of Conservation (SACs) within the BBNP – Blaen Cynon SAC, Coedydd Nedd a Mellte SAC and Cwm Cadlan SAC. Whilst it is accepted that there may be other factors affecting air quality within these sites, the BBNPA suggests that the full impact of the proposal could be assessed via a programme of monitoring of the designated features of the SACs prior to and during the operation of the Power Plant, the details of which could be secured by way of a Section 106 agreement.	<p>HPL acknowledges the role of NRW on the particular ecological matters of relevance. The SoCG with NRW notes agreement that:</p> <p>(2.4.14) “NRW has no objection to the predicted air quality impacts of the Project... it would be helpful to the more detailed understanding of baseline air quality in the local area for a scheme of Project-specific monitoring to be delivered. The results of the baseline monitoring could then be used to inform the development of future policy / local guidance and provide a more strategic and rigorous approach to air quality protection and improvement, in order to help improve the existing situation and assist in recovery to FCS.”;</p> <p>(2.4.15) HPL agrees that project specific baseline monitoring of air quality be undertaken and that it is proposed that the monitoring takes the form of diffusion tubes located at two sites as identified by NRW in the Written Representation (21st August) (subject to landowner agreement). HPL agrees that it will make a</p>	

		<p>financial contribution towards this monitoring, under a DCO Obligation.”</p> <p>(2.4.22) “based on the information provided that the impacts on air quality predicted as a result of the Project would not have a significant effect on Blaen Cynon SAC, Coedydd Nedd a Mellte SAC or Cwm Cadlan SAC when considered alone or cumulatively / in-combination with other reasonably foreseeable plans or projects in the vicinity of the proposed site”.</p>	
5.31	<p>The BBNPA welcomes the acknowledgement of the impacts on nearby locally important habitats including Ancient Woodlands, as well as the designated sites above. It is a concern that the daily mean critical levels may be exceeded on some sites, but it is acknowledged that provided the annual critical levels are not exceeded, the impacts are likely to be acceptable. Nevertheless, it is suggested that monitoring of the sites and habitats that are at most risk would further assist to understand whether the proposal is having an impact.</p>	<p>The SoCG with NRW notes agreement that:</p> <p>(2.4.14) “NRW has no objection to the predicted air quality impacts of the Project [...] it would be helpful to the more detailed understanding of baseline air quality in the local area for a scheme of Project-specific monitoring to be delivered. The results of the baseline monitoring could then be used to inform the development of future policy / local guidance and provide a more strategic and rigorous approach to air quality protection and improvement, in order to help improve the existing situation and assist in recovery to FCS.”</p> <p>(2.4.15) states that: “Both Parties AGREE that further baseline monitoring of air quality be undertaken. It is proposed that the monitoring takes the form of diffusion tubes located at two sites as identified by NRW in the Written Representation (21st August) (subject to landowner agreement) and that HPL make a financial contribution towards this under a S106 Agreement.</p>	
5.32	<p>The hydrology of the site is such that the main</p>	<p>HPL has engaged extensively with NRW and has agreed</p>	

	<p>drainage is to the west along the River Camnant and the Afon Sychryd to the confluence with the Afon Mellte and Afon Nedd; the river flows through the Coedydd Nedd a Mellte SAC. There are potential impacts for water quality, principally through pollution incidents. Again, the BBNPA does not have in-house expertise to assess the hydrological implications of the proposals, and will be guided by NRW as to the acceptability of the conclusions in the ES.</p>	<p>a SoCG on matters relating to the Project and the ES. No concerns have been raised by NRW at any point in respect of hydrology and as a result no additional consideration has been given to this aspect of the Project.</p>	
5.33	<p>It is however recognised that DCO requirement 12 includes provision for a Construction Environment Management Plan for each numbered work to be submitted to and agreed by the relevant planning authority prior to commencement. It is considered that adherence to an acceptable CEMP to avoid negative impacts will be essential. Given that the CEMP will cover issues to prevent negative impacts on habitats within the BBNP, principally pollution prevention measures to avoid impacts on air and water quality, the BBNPA should also be involved in the approval of the contents of this document. Similarly, it is noted that the Decommissioning Strategy will also need to include a similar Decommissioning Environmental Management Plan.</p>	<p>The CEMP is secured by Requirement 12.</p> <p>As noted in the SOCG (Doc Ref SBBNPA, paragraph 2.12.5) HPL do not presently agree to the inclusion of BBNPA as a consultee on this requirement as adequate control is provided by the relevant planning authority, who will seek advice of NRW where necessary just as BBNPA would; in any event, HPL considers, it should ordinarily be left to the relevant planning authority to decide who it should consult on the subject matter once it has received the information pursuant to the requirement.</p> <p>We note that RCT state in their SoCG (Doc Ref SRCT) at 3.17.4 “that it does not appear to be necessary or reasonable in planning terms to list BBNPA as a consultee to other Requirements” (other than Requirements 4(4) and 16(1) as noted in SoCG paragraph 3.17.2).</p>	
5.34	<p>In summary therefore, it is considered inevitable that the development will have a negative impact on ecological receptors within</p>	<p>NRW has stated in the SoCG with HPL, at paragraph 3.3.1 (Doc Ref SNRW) agreement that “the results of air quality modelling undertaken by HPL indicate that the</p>	

	<p>the National Park given that the proposal will represent an increase in emissions compared to the baseline position. The level of impact is more difficult to quantify without the expert advice of NRW, nevertheless, it is considered reasonable to conclude based on the assessment set out in the ES that the level of impact on the National Park would be minor, subject to NRW's conclusions.</p>	<p>Project will not give rise to likely significant effects on any European site alone, or in-combination.”</p> <p>Paragraphs 2.4.12 to 2.4.14 of the NRW/HPL SoCG (Doc Ref SNRW) state NRW agrees that, for 30m stacks, the air quality assessment has predicted a process contribution of 0.056kgN/ha/yr to Cors Bryn-y-Gaer SSSI, which is equivalent to 1.1% of the minimum critical load for the lowland raised bog habitat of 5kgN/ha/yr and therefore just above the 1% significance threshold of the Environment Agency's H1 Guidance, Annex F.</p> <p>(2.4.13) NRW agrees that the process contribution identified in the Assessments is “not categorised as significant” and that “it is unlikely that an emission at this level would make a significant contribution to air quality” (according to EA H1 Annex F Guidance).</p> <p>(2.4.14) NRW confirms that it has “no objection to the predicted air quality impacts of the Project”.</p> <p>This matter is therefore considered to be settled between the parties.</p>	
5.35	<p>The Authority has not raised specific concerns regarding traffic and transport impacts of the development on the National Park, given the proximity of the A465 and the intended traffic routes of construction vehicles on principal roads which lie outside the National Park. It is acknowledged that the greatest impact on nearby roads will be during the construction</p>	<p>The SoCG between HPL and BBNPA (Doc Ref SNRW, submitted at deadline 2) states at paragraph 2.8.2 that “no significant traffic and transport or related impacts are likely within the National Park” and goes on to state at 2.8.3 that “the Parties AGREE that they do not intend to make representations on this topic in any issue specific hearing”. This matter is therefore considered to be settled between</p>	

	<p>phase as indicated in the ES, however given the intended peaking use of the plant and limited employees required to be located at the site, it is not considered that there will be discernible impact during operation of the development. In this respect, and having regard to the traffic routes set out in the ES which avoids construction traffic travelling through the National Park, the development would have a neutral impact.</p>	<p>the parties.</p>	
5.36	<p>Similarly, in terms of Noise and Vibration, the Authority has not raised any specific concerns, and it is noted within the ES that such impacts would be mainly limited to the construction period. In this regard, given the nature of the proposal, distance from the National Park and the assessment set out in the ES, it is considered that the development would have a neutral Noise and Vibration impact.</p>	<p>The SoCG between HPL and BBNPA (Doc Ref SNRW, submitted at deadline 2) states at paragraph 2.4.3 that “no significant impacts are likely on receptors within the National Park” and goes on to state at 2.4.4 “they do not intend to make representations on this topic in any issue specific hearing.” This matter is therefore considered to be settled between the parties.</p>	
5.37	<p>In terms of Socio-Economic Impacts, it is considered that the proposal has the potential to impact upon tourism and the enjoyment of the National Park by virtue of the visual impact of the proposal on the local landscape and the effect that would have on the enjoyment of recreational users. The social-economic assessment concludes that in relation to tourism in general, the project would have a slight adverse impact. It is considered that it is reasonable to conclude that by virtue of the visual impact of the proposal on views from within the Park, that the development would</p>	<p>The SoCG between HPL and BBNPA (Doc Ref SNRW, submitted at deadline 2) states at paragraph 2.10.4 that “following the clarifications and additional assessment made of landscape and night time lighting issues as documented elsewhere in this SoCG, the design mitigation secured in the Design Principles and Requirement 4 in the draft DCO constitutes reasonable mitigation and are likely to reduce the magnitude of this impact from moderate to slight or negligible” and goes on to state at 2.10.5 that “they do not intend to make representations on this topic in any issue specific hearing.” This matter is therefore considered to be settled between the parties.</p>	

	<p>have a negative impact on recreational users of areas of open access land and public rights of way with views to the site. It is considered therefore in combination with the Authority's consideration of the landscape and visual affects that the effect of the development on tourism, particularly recreational users would be negative and of a moderate impact. However the magnitude of this impact could be reduced subject to the mitigation measures, including design principle proposals.</p>		
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