

Planning Inspectorate ref:

EN010014

Council ref:

ENQ/25324



North Wales Wind Farm Connection Project
Conwy County Borough Council's
Response to the Examining Authority's Written Questions

August 2015

Question	CCBC Response
<p>0.1 In addition to unaccompanied site inspections, the Panel is considering inspecting sites and locations along the route of (and in close proximity to) the proposed development on Tuesday 22 September 2015 and/or Wednesday 23 September 2015, in the company of any interested parties who wish to attend. Do any interested parties have a view on which sites and locations are the priorities for the Panel to inspect and/or do they suggest additional locations for an unaccompanied site inspection by the Panel? Please could interested parties give a brief summary regarding why they are suggesting locations for the accompanied site inspection and any health and safety issues the Panel would need to be made aware of when visiting the site, and whether they would wish to attend if space was available.</p>	<p>The Council requests that the Panel inspects the route at the following locations:</p> <ul style="list-style-type: none"> (a) Berain – to assess the impact of the proposal on the setting of a group of Grade II* and II listed buildings; (b) The proposed crossing over the A543 – to assess the impact of the proposal on the A543 including views towards the Elwy and Aled Valleys Special Landscape Area. <p>The Council would like to attend both inspections, space permitting.</p>
<p>1.2</p> <ul style="list-style-type: none"> (b) The Panel invites legal submissions from the applicant that support its position that all of the proposed development is properly described as principal development, and from any party who wishes to argue against that position. 	<ul style="list-style-type: none"> (b) The Council does not wish to comment on this matter.
<p>1.3 The Applicant has made an assessment of the proposed development against National Policy Statements (NPS EN-1, the Overarching National Policy Statement for Energy) and EN-5 (Electricity Networks Infrastructure), as well as considering planning policy specific to Wales (PPW and TANs) and local development plan policies which are considered to be relevant to the development.</p> <ul style="list-style-type: none"> (a) Are the two Local Authorities in which the proposed development would be located and the Welsh Government satisfied that the Planning Statement addresses all relevant aspects of National Policy Statements, Welsh policy and development plan policies? 	<ul style="list-style-type: none"> (a) Please refer to Council’s response to question 1.15.

<p>(b) Are the two Local Authorities in which the proposed development would be located and the Welsh Government in agreement with the applicant’s conclusions that the ‘Proposed Development complies with the relevant planning policy tests’?</p>	<p>(b) The Council considers that the proposal complies with the relevant policies except with regard to the following matters:</p> <ul style="list-style-type: none"> i) The Council considers that the proposal would not preserve or enhance the setting of the listed buildings at Berain. The Council does not therefore agree with the applicant’s conclusions in paragraph 5.3.39 of the Planning Statement that the proposal complies with paragraph CTH/2 in this respect. ii) Whilst the Council agrees with the applicant that the proposal would not be located within the boundaries of any designated landscape areas in Conwy, it notes that the proposal would affect the setting of the Elwy and Aled Valleys Special Landscape Area (SLA) in the vicinity of the crossing of the A543. The Council considers that when viewed in this location, the proposal would disrupt views towards the SLA which forms an elevated backdrop to the west. The Council therefore considers that the proposal would not be satisfactorily integrated into the landscape, and is therefore contrary to Policy NTE/4.
<p>1.4 NPS EN-1 requires applicants to consider ‘good design’ in their proposals, having regard to regulatory and other constraints, ensuring that they are as attractive, durable and adaptable (including taking account of natural hazards such as flooding) as they can be. In so doing, the applicant should take into account both functionality (including fitness for purpose and sustainability) and aesthetics (including its contribution to the quality of the area in which it would be located) as far as possible. It is suggested in the NPS that the applicant could demonstrate good design in terms of siting relative to existing landscape character, landform and vegetation. Has the applicant, in the Environmental Statement (ES) documents suitably addressed ‘good design’ in the ES? If not, why not?</p>	<p>The Council considers that the project has demonstrated ‘good design’, subject to its concerns expressed in response to Question 1.3(b) above.</p>
<p>1.6</p> <p>(c) Can the Local Authorities provide their views on whether the workforce required to construct and maintain the development would have any impact on the linguistic balance of those</p>	<p>(c) On the basis of the labour requirements identified in the Design and Construction Report, the Council does not consider that the proposal would have a material impact on the linguistic balance of</p>

<p>communities, as the Act requires that the Welsh language is a material issue when considering applications.</p>	<p>those communities.</p>
<p>1.8 The Planning Statement identifies in paragraph 5.2.76 that the development would have potential effects for land allocated for mineral safeguarding as avoidance of these areas is not possible.</p> <p>(a) Please could the two LAs in which the proposed development would be located provide information regarding the mineral safeguarding areas that would be affected by the development;</p> <p>(b) Please could the two LAs identify whether the crossing of the mineral safeguarding areas by the proposed development would impact upon their future ability to ensure that sufficient minerals would be available to meet their area’s needs.</p>	<p>(a) The proposed development would cross safeguarded resources of sand and gravel and hard rock, as indicated by horizontal hatching and diagonal hatching respectively on the LDP proposals map.</p> <p>http://www.conwy.gov.uk/upload/public/attachments/589/Map_1_County.pdf</p> <p>(b) The Council considers that the proposal would have a limited impact on the safeguarded mineral resource due to the narrow footprint of the infrastructure.</p>
<p>1.9</p> <p>(a) Do the Welsh Government and the LAs accept the need case for the project is made, as set out in the Planning Statement?</p> <p>(b) In particular, that in principle, the project conforms with Planning Policy Wales (PPW7)?</p>	<p>(a) The Council accepts that the need case for the project is made.</p> <p>(b) The Council accepts that, subject to the matters raised elsewhere in this response, as a matter of principle, the project conforms with Planning Policy Wales (PPW7).</p>
<p>1.10 The LAs are invited to answer this question or in a SoCG or LIR as preferred, to set out:-</p> <p>(a) The Development Plan policies that they consider relevant; Any Development Plan policies with which the scheme is considered to conflict;</p> <p>(b) Whether any identified conflict would amount to a reason to refuse the consent; and</p>	<p>(a) The Council’s response is set out in the LIR.</p> <p>(b) The Council considers that consent should be refused in the vicinity of Berain and the proposed crossing over the A543, for the reasons stated in its Written Representations.</p>

<p>(c) Any further mitigation requested.</p>	<p>(c) The Council's suggests additional mitigation measures in the LIR.</p>
<p>1.11</p> <p>(a) With regard to consents set out in application document 5.9 (other consents and licences report), that would need to be granted by NRW/the LAs if the Development Consent Order (DCO) were to be made, are those consents likely to be ultimately forthcoming?</p>	<p>(a) The licences in respect of protected species can only be granted by NRW after consent is obtained, so document 5.9 is correct in identifying that the DCO must be granted first. The Council does not believe there is reason to suppose that such licences would not be forthcoming.</p>
<p>1.13 Does the proposed development help deliver the following:-</p> <p>(a) Climate Change Strategy for Wales (Welsh Government, 2010);</p> <p>(b) Low Carbon Revolution – Welsh Government Energy Policy Statement (2010);</p> <p>(c) Energy Wales: A Low Carbon Transition.</p>	<p>(a) Yes</p> <p>(b) Yes</p> <p>(c) Yes</p>
<p>1.14 The applicant states in the Planning Statement (document 7.4) that the following Technical Advice Notes (TANs) are considered to be relevant:-</p> <ul style="list-style-type: none"> • TAN 8: Renewable Energy (2005) • TAN 11: Noise (1997) • TAN 15: Development and Flood Risk (2004) • TAN 18: Transport (1997) <p>(a) Are there any aspects of the application that fail to conform with or contradict the above TANs?</p> <p>(b) Are there any other TANs that the applicant should have considered?</p>	<p>(a) The application would not be in breach of the above TANs;</p> <p>(b) Other relevant TANs include TAN5: Nature Conservation and Planning; TAN6: Planning for Sustainable Rural Communities.</p>
<p>1.15 Do the parties consider that within the Welsh national context, there are any other present or forthcoming future policies, strategies or initiatives that are relevant to the examination and should</p>	<p>The following Welsh Office / Welsh Government circulars are also relevant:</p>

<p>therefore be considered by the Panel during the examination?</p>	<p>60/96: Planning and the Historic Environment: Archaeology 61/96: Planning and the Historic Environment: Historic Buildings and Conservation Areas 11/99: Environmental Impact Assessment 016/2014: The Use of Conditions for Development Management.</p>
<p>3.2 Do the Local Authorities have any comments to make:</p> <p>(a) on the extent to which the local community (including local businesses, schools and farms) might be affected by the construction traffic routing and related arrangements as proposed by the applicant, and</p> <p>(b) on the suitability of the local road network for the size, quantity and type of construction traffic which is proposed would use it?</p>	<p>(a) The Council requests that Requirement (13) is amended to require the Traffic Management Plan to make adequate provision for vehicle parking.</p> <p>(b) The Council does not raise comments in respect of this matter.</p>
<p>3.3</p> <p>(a) Given the rural nature of the road network that would be used by construction and maintenance traffic are the Highways Authorities satisfied that the road network is capable of taking the loads proposed and would not be damaged as a result of the use by construction traffic?</p> <p>(b) If the road network is damaged by construction traffic who would be responsible for its repair?</p> <p>(c) Are there any requirements that the Highways Authority would suggest to minimise the effect of construction traffic on the road network and maintain the existing road conditions?</p>	<p>(a) Developer will need to confirm traffic movements / loads etc. to enable the LA to determine the impact that vehicles in connection with the development will have of the highway network.</p> <p>(b) Applicant will have to carry out a dilapidation survey on the approved route(s) with the LA Highway Inspector to ascertain the existing road network condition. On completion of the development, a second inspection will be carried out and any damaged caused by the development traffic will have to be rectified at the developers cost.</p> <p>(c) Due to the rural location of the development, the developer may wish to strengthen the sides of the highway where it’s likely vehicles will manoeuvre close to the edge of the carriageway (and thus risking damaging the carriageway), this would probably remove the risk of damaging the highway and improve manoeuvrability/swept paths of vehicles connected with the</p>

	development (it may also improve highway safety and free flow of all highway users).
3.4 Do the local authorities agree with the applicant’s description of the baseline situation regarding traffic flows and can they confirm whether they were involved in scoping out the transport surveys for establishing the baseline?	The Council is unable to confirm this matter.
3.5 The applicant has applied the ‘100 two way trip daily threshold’ as set out in the Planning Policy Wales’ Technical Advice Note (TAN) 18 ‘Transport’ (2007) and as a result has concluded that there would be no significant adverse impacts, can the local authorities comment as to whether they have any concerns regarding the assessment methodology and whether they are satisfied with the assessment of significance? (para 12.4.7 of the ES Chapter 12 page 11).	The Council is not aware from where the “100 two way daily threshold” information has been derived from.
3.7 Para 12.2.17 of ES chapter 12 (page 6) refers to CCBC developing planning supplementary policy for onshore wind developments which will include transport – can the council please provide an update as to where this document is in development and what advice it contains with regards to transport. If relevant can a copy of the most recent version of this document be made available to the Panel?	The Supplementary Planning Guidance has been published for consultation but has not yet been adopted. Section 12 of the SPG addresses the matters that need to be addressed in a Transport Management Plan. http://www.conwy.gov.uk/upload/public/attachments/630/LDP17_Onshore_Wind_Turbine_Development_Jan_15.pdf
3.16 Can the LA’s advise if they have agreed with the list of developments included in the cumulative assessment on Table 12.9 of Chapter 12 of the ES (pg 46)? Whether this list needs updating given it was compiled in March 2015 and if any other developments should be included in the list and if so details of what and where these developments are.	The projects identified in Table 12.9 are all outside Conwy, except for Llys Dymper which is referred to below. The Council is not aware of any other projects within Conwy that would need to be included within the cumulative assessment.
3.17 Can the Council please explain why they requested that the Llys Dymper Wind Farm be included in the cumulative assessment and if they are satisfied with the reasons given by the applicant as to why they have not included it (Table 12.19 of chapter 12 of the ES page 46).	The planning application for the Llys Dymper wind farm has now been refused, and the appeal withdrawn. The Council no longer requests that Llys Dymper be included in the cumulative assessment.

<p>3.18 Are the Local Authorities satisfied with the proposed mitigation measures for construction traffic that are included in the draft Construction Environmental Management Plan (CEMP)(Document 6.18) and the Design and Construction report (Document 7.1)?</p>	<p>The Council has not been able to confirm this matter within the timescale provided.</p>
<p>3.19 Chapter 12 of the ES gives limited consideration as to whether the mitigation measures proposed for traffic could have any adverse effect on any other topics. Can interested parties with an interest in transport matters confirm whether they consider there will be any adverse impacts on other topics as a result of the implementation and the proposed embedded mitigation?</p>	<p>The Council does not raise concerns in respect of this matter.</p>
<p>3.23 Do the local authorities have any comments to make on:-</p> <p>(a) the extent to which the local community (including local businesses, schools and farms) might be affected by the proposed working hours, and</p> <p>(b) what they consider would be appropriate hours for (i) working (ii) deliveries and (iii) operation of noisy plant?</p>	<p>(a) The Council considers that the working hours proposed in Requirement no. 10 of the draft DCO would have an adverse effect on the amenity of local residents.</p> <p>(b) The Council suggests alternative working hours in the LIR.</p>
<p>3.26 Para 2.4.2 of document 6.18 (page 12) indicates that the applicant would liaise with the relevant local authority over plant and working methods that have the potential to cause a noise nuisance.</p> <p>(b) whether the Local Authorities are satisfied with this proposed liaison and how much notice they consider would be appropriate for comment.</p>	<p>(b) The Council requests that Requirement no. (13) be amended to include noise mitigation measures as part of the CEMP.</p>
<p>3.29 The study area for the noise assessment included the order limits plus a 2km buffer can the Local Authorities and NRW confirm whether they are satisfied with the study area incorporated within the relevant assessments and if not what they consider would constitute an appropriate study area.</p>	<p>The Council does not raise concerns in respect of the adequacy of the buffer zone.</p>
<p>3.30 The application of professional opinion is referred to within the noise assessment. Can the Local Authorities and NRW confirm that they are satisfied with the areas of assessment where professional opinion has been relied upon?</p>	<p>The Council does not raise concerns in respect of the areas of assessment where professional opinion has been relied upon.</p>
<p>3.31 Table 13.12 of Chapter 13 of the ES (pg 32-33) identifies six</p>	

<p>specific locations where unmitigated significant impacts are predicted to occur. The subsequent paragraphs then set out the level of mitigation proposed for each of these locations.</p> <p>(a) Are the Local Authorities satisfied that the levels of mitigation proposed will be adequate to reduce these impacts to an insignificant impact and</p> <p>(b) if not what measure would they consider appropriate?</p>	<p>(a) Of the six receptors identified, two (nos. 267 and 157) are in Conwy. The Council considers that working hours during construction should be restricted as identified in its Local Impact Report.</p> <p>(b) As above.</p>
<p>3.35 There are several references within Chapter 13 of the ES regarding the application of professional opinion can the Local Authorities and NRW confirm that they are satisfied with the areas of assessment where professional opinion has been relied upon?</p>	<p>The Council does not raise concerns in respect of the areas of assessment where professional opinion has been relied upon.</p>
<p>3.37 Can the Local Authorities and NRW confirm if they are satisfied with the proposed assessment methodologies contained within Chapter 13 of the ES?</p>	<p>The Council does not raise concerns in respect of the proposed assessment methodologies contained within Chapter 13 of the ES.</p>
<p>4.19</p> <p>(b) Could the LAs confirm that there would be no Community Infrastructure Levy (CIL) payable on the proposed development, if the Order was made?</p> <p>(c) Would the LAs expect a development of this nature to make contributions to the local communities in which it would be located?</p>	<p>(b) The Council does not anticipate that CIL will be introduced before the completion of the Examination.</p> <p>(c) The Council does not seek community contributions from the developer.</p>
<p>5.1 The Panel notes that the DCO for Clocaenog Wind Farm (Requirement 4(1)) states that the development consent granted by the order expires 25 years after the first export date. Requirement 4(2) goes on to require the undertaker to provide to the Local Planning Authority confirmation of the first export date within 1 month of its occurrence.</p> <p>(a) Are there similar requirements attached to the planning consents for the three other wind farms which would be served</p>	<p>(a) The only other consented wind farm within Conwy that would be served by the North Wales Wind Farms Connection Project is that</p>

<p>by the NWWFC, including expiry dates for the termination of the permission or specified dates for the decommissioning, removal and restoration of the sites of the wind farms?</p> <p>(b) Please could a copy of the planning permissions, or links to their locations on the local councils’ websites be provided?</p>	<p>at Nant Bach (also known as Mwdwl Eithin). The planning conditions require that (2) no further construction be carried out beyond two years after the commencement date, and (3) that the operation shall cease following the period of 25 years from either the date of the substantial completion of the last turbine or the end of the construction period provided in condition 2 whichever is the sooner. Conditions (30) and (31) of that permission address decommissioning requirements, which include pre-commencement approval of a Decommissioning Method Statement (DMS). The applicant has recently announced that it is not proposing to implement the permission.</p> <p>(b) See planning permission attached.</p>
<p>5.3 If the Order were to be made, should there be a requirement within it providing for an end date for the proposed development (tied to the life of the wind farms), after which it must be removed and the land restored to its current use and quality?</p>	<p>The Council considers that it would be appropriate to impose such a requirement in order that the need for the connection and its impacts can be reviewed in the light of future changes to electricity generation.</p>
<p>5.4 Does the Proposed Development’s lack of clarity on decommissioning cause concern?</p>	<p>The Council requests the inclusion of a Requirement for a scheme of decommissioning upon the end of the period referred to in question 5.3.</p>
<p>6.11 There is no information in Chapter 6 to indicate that relevant stakeholders agreed with the applicant’s assessment of likely significant effects in relation to impacts upon biodiversity interests. Please could NRW, DCC and CCBC and other IPs provide their comments on the conclusions of the ecological assessment in relation to residual likely significant effects.</p>	<p>The Council agrees with the conclusions in the ES.</p>
<p>6.15 No reference is made in this chapter to agreement with any statutory bodies about the scope of the cumulative assessment. Paragraph 4.6.30 notes that the cumulative assessment has taken into account the scoping consultation response from DCC. However, and bearing in mind the discrepancy between the lists in Chapters 4 and 6, please could NRW, and DCC and CCBC provide their views on the scope of the cumulative assessment.</p>	<p>The Council does not have any concerns regarding the scope of the cumulative assessment for ecology. Strangely, there is no summary of the cumulative assessment presented in Chapter 6 (6.10), but the Council has no disagreement with the individual findings, as presented.</p>

<p>6.21</p> <p>(c) Are NRW and the LAs satisfied with this ratio?</p> <p>(d) Similarly there would be 106m of hedgerow lost (ES paragraph 6.9.2) with 550m of new hedgerow planted. (However, this figure for lost hedgerow appears to conflict with the figures quoted earlier). With hedgerow being reported to be replaced on a 2:1 basis, 212m would be mitigation and 338m is considered to be an enhancement. Are NRW and the LAs satisfied with this ratio of lost hedgerow to new planting?</p>	<p>(c) The ratio of new planting, provided it is carried out to a good standard, is acceptable.</p> <p>(d) Conflicting figures for hedgerow loss have been given in different places in the ES. However, the overall length is not great even if the higher figure is used. However, so far the locations of the replacement hedgerows are unclear, the specification of the planting is not given, and the maintenance regime has not been presented (except in very general terms).</p>
<p>6.22 ES Paragraph 6.3.1 states that statutory PEI consultation, and non-statutory consultation with NRW, informed the ES; paragraph 6.4.9 notes that the surveys undertaken were influenced by liaison with NRW; and paragraph 6.4.20 notes that the viewpoint (VP) survey methodology was agreed with NRW. Otherwise there is no information in this chapter to indicate that the approach and results of the assessment were agreed with key stakeholders.</p> <p>(b) Please can NRW, DCC and CCBC provide their views on the approach and results of the ecological assessment.</p>	<p>(b) The Council has no disagreement with the approach or results of the ecology and biodiversity chapter.</p>
<p>8.1 Do you agree with the applicant that the benefits that would be derived from undergrounding the cable as a means of reducing visual effects are likely to be outweighed by the effects of underground cables on habitats, ground cover, land management and unknown archaeology? Please provide a brief explanation.</p>	<p>The Council’s Ecologist advises that partial undergrounding <i>could</i> have greater ecological impacts, but this would not necessarily be so. Provided appropriate mitigation measures were incorporated into an undergrounding proposal, the ecological impacts could be reduced to insignificant levels.</p> <p>Undergrounding could potentially result in greater loss of trees and hedgerows. However, the two areas in which the Council has requested that the connection is buried are both in areas where existing tree cover is relatively sparse.</p>
<p>8.11 Section 7.8 proposes a number of planting schemes as mitigation measures for the significant landscape and visual effects, including tree planting, additional hedgerow and hedgerow tree</p>	<p>The Council does not disagree with the wording of Requirement no. 13, but considers that the measures proposed in the OLMP are too generic to be approved as submitted. The Council requests that the Applicant</p>

<p>planting, and linear belts and blocks of woodland planting. It cross-refers to Appendix 7.6, an ‘Outline Landscape Management Plan’ (OLMP)(titled ‘Landscaping Planting Method Statement’ in the front pages) (Doc 6.20.6), and Figure 7.13 (in ES Figures, Doc 6.16), which shows indicative locations of the proposed planting. Schedule 2 of the draft DCO defines the OLMP as the plan at ES Appendix 6 and Article 5 provides that no stage of the development may commence until a written landscaping scheme, ‘substantially in accordance with’ the OLMP (and ecological management plan), has been submitted to and approved by the LPA. Does this sufficiently secure the mitigation in the DCO?</p>	<p>be required to submit a more detailed scheme for the Council’s approval.</p>
<p>8.13 Requirements 5, 6 and 7 address planting schemes and five-year maintenance plans. Are DCC and CCBC satisfied that five years is sufficient, given the statements regarding hedgerow management which consider aspects over a longer timescale?</p>	<p>The Council considers that a 5-year maintenance programme is generally sufficient, but notes that certain maintenance practices may be inappropriate within certain habitats (e.g. of spraying with herbicide within ancient woodlands where hedge planting is proposed to restore connectivity). There are also references in Chapter 6 of the ES to management operations that would extend beyond the 5-year period, e.g. to laying hedgerows after 10-15 years growth (para. 6.8.14) and to coppice management on an eight or nine year rotation (para. 6.8.16). The Council requests that the maintenance period should continue beyond the initial 5-year period, unless the Council is satisfied, on the basis of the monitoring reports, that no further maintenance requirements are outstanding.</p>
<p>8.14 It is not stated in the landscape section whether the results of the assessment have been agreed with relevant bodies, however NRW, in their Relevant Representation, state that they consider the methods used to be appropriate and compliant with current guidance, and that they agree with the assessment of residual effects. Please could DCC and CCBC provide their views on the methods and assessment of residual effects.</p>	<p>The Council does not disagree with the methods and assessment of residual effects.</p>
<p>9.1 (b) Please could CADW, NRW, DCC and CCC state whether they agree with the findings of the historic assessment and if not, set out their specific concerns.</p>	<p>(b) The Council does not disagree with the findings of the historic assessment.</p>

<p>10.1 Paragraph 11.8.13 of the Socio-economic and tourism chapter of the ES (Chapter 11) states that the proposed development is likely to have a negligible/low adverse effect on the area’s tourism economy and in terms of overall significance (paragraph 11.8.15), the development is unlikely to have any significant adverse effects on the overall tourism economy during the construction, operation and decommissioning phase. Do IPs agree with this statement? If not, why not?</p>	<p>The Council does not consider that the proposal would have a significant effect on the area’s tourism economy.</p>
<p>11.14 Would the LAs require a mechanism in the DCO to ensure that sufficient funds needed to meet all of the CA liabilities would be available and in a form that would be acceptable to the LAs?</p>	<p>The Council does not wish to comment on this matter.</p>
<p>12.17 Requirement 6(2)</p> <p>(a) Do the two LAs accept that, as worded, this draft requirement would put the onus upon them to identify seriously damaged or diseased trees and shrubs during the 5 year aftercare period.</p> <p>(b) Do the LAs have the resources and expertise to do this?</p> <p>(c) If so, would they expect developer contributions for doing this?</p>	<p>(a) The Council understands that para. 4.12 of the OLMP places this obligation on the Applicant rather than on the Council.</p> <p>(b) See (a) above.</p> <p>(c) Unless the monitoring is carried out by the Applicant, the Council would expect to receive developer contributions for doing this.</p>
<p>12.20 Requirement 12 (archaeology):</p> <p>(b) Are the LAs satisfied that this requirement is sufficiently robust to ensure that if any significant unexpected archaeological features are discovered within the proposed development, there would be sufficient mechanisms and controls to provide for their protection / retention in situ and / or recording as necessary?</p>	<p>(b) The Council does not employ an in-house archaeologist, and the Examining Authority is requested to have regard to any representations made by Clwyd Powys Archaeological Trust in respect of this matter.</p>
<p>12.21 Requirement 13(1)</p> <p>(b) Does the use of this term render the whole of the requirement imprecise?</p>	<p>(b) The Council does not dispute the use of the word ‘substantial’ as it would provide an opportunity to remedy deficiencies in the CEMP.</p>

<p>(d) If this is an “outline method statement” how would the full method statement be later approved under the terms of the draft DCO?</p> <p>(e) Should the requirements and/or the Construction Environmental Management Plan (CEMP) include a section ensuring that reversing beepers on lorries and mobile plant are not audible beyond the Order Limits?</p>	<p>(d) The Council understands that the outline CEMP sets the general principles relating to environmental management, and that further specific proposals will be submitted for its approval pursuant to Requirement 13.</p> <p>(e) Given the narrow width of the site, the Council considers that it would not be practicable to require that reversing beepers are inaudible beyond the Order limits. The Council suggests that an additional paragraph (d) is included as part of Requirement no. 13 to require the CEMP to include details of reversing warning systems.</p>
<p>12.22</p> <p>(b) If retained in the DCO, would it give the applicant the ability to modify the scheme in such a way that it could achieve approval for aspects of the project that fall outside the ES as assessed and thus sidestep the statutory process?</p>	<p>(b) The Council does not consider that the Requirement would enable it to grant approval for any amendments that fall outside the ES as assessed.</p>
<p>12.23 Should additional requirements be included in Schedule 2 to specify:-</p> <p>(a) An expiry date of the development consent (if granted) tied to the life of the wind farms?</p> <p>(b) The time within which decommissioning of the wood pole line and restoration of its route must be undertaken after such expiry date?</p> <p>(c) Mitigation in relation to European Protected Species and important habitats that would be impacted?</p>	<p>(a) Given the potential uncertainties over the implementation of proposed wind farms, the Council suggests that the development consent should be restricted to a fixed period of, for example, to 30 years following the date of the Development Consent Order.</p> <p>(b) The decommissioning works should be carried out by the 1st March (i.e. prior to the bird nesting season) in the first calendar year following the expiry of the development consent.</p> <p>(c) The Council considers that mitigation can be adequately dealt with via the existing requirement, provided that the plans and reports submitted to comply with those requirements are sufficiently detailed and precise to ensure that appropriate mitigation is delivered.</p>