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By email only to: nwwfconnection@pins.gsi.gov.uk

1st September 2015

Dear Sir/Mdm

North Wales Wind Farms Connection Project Proposed Development Consent Order

Written Representation from Natural Resources Wales (NRW) NRW Answers to Examining Authorities Questions

1.1 The purpose of the Natural Resources Body for Wales (NRW) is to ensure that the environment and natural resources of Wales are sustainably maintained, sustainably enhanced and sustainably used. In this context sustainably means with a view to benefitting and in a manner designed to benefit the people, environment and economy of Wales now and in the future. Our functions are set out in the Natural Resources Body for Wales (Functions) Order 2013

1.2 This letter contains:-

- A summary of our written representations
- Our full written representations
- An Appendix containing NRW's answers to the Examining Authority's written questions

2.0 Summary of Written Representations

2.1 *Flood Matters* – We state that the contents of the Flood Consequences Assessment are, in our opinion, generally commensurate to the scale and nature of the development proposals but we would welcome further consultation regarding the design measures for a pole assembly within a flood zone. We say that we require clarity as to the detailed design and method of installation at main river crossings before these can be consented.

2.2 *European Protected Sites* – We reiterate our response to the No Significant Effects Report, saying that in our view significant effects on European sites (either alone or in combination with effects from other plans or projects of which we are aware)

are unlikely to occur as a result of granting a development consent order for the scheme.

- 2.3 *Sites of Special Scientific Interest (SSSI)* - granting the application is unlikely to damage the features of any SSSI.
- 2.4 *Landscape and Visual Amenity* - In view of the scale of the proposed development, we believe that there will be no effect upon Statutory Landscape Designations. Elements which contribute to the study area's landscape character resource are of regional/county to local value and we believe that the landscape specialists of planning authorities are better placed to consider effects at these scales.
- 2.5 *European and Nationally Protected Species* - the content of Environmental Statement Chapter 6 is sufficient to inform decisions concerning methods and procedures needed to protect nationally and internationally protected species. Licences will probably be needed for compliance with legislation. Method Statements for some species should clarify how decisions regarding licence application are to be made.
- 2.6 *Contaminated Land* - risks from land contamination are expected to be low but it is not clear to us what has been done to confirm that contaminated land is not present within the order boundary. The applicant should therefore demonstrate that appropriate measures have been taken.
- 2.7 *Ground Water* - we are satisfied that the risks to groundwater from the proposed scheme are likely to be low if the measures included in the Outline Construction Environmental Management Plan (CEMP) are followed.
- 2.8 *Construction Environmental Management Plan (CEMP)* – The CEMP and its Appendices should be subject to NRW approval.
- 2.9 *Land Interest* - NRW's land agency function relates to land management issues and is separate to and independent of NRW's role as Statutory and Interested party for the purpose of the DCO application.
- 2.10 *Development Consent Order (DCO)* - the applicant is seeking the disapplication of certain legislative provisions that apply to flood defence. NRW is currently assessing the implications of such a disapplication.

3.0 NRW's Full Written Representations

- 3.1 The advice and comments contained in this Written Representation are provided as a Statutory Party under the Planning Act 2008 and Infrastructure Planning (Interested Parties) Regulations 2010 (as amended) and 'interested party' under s102(1) of the Planning Act 2008 (as amended). Further, NRW is consulted:

- In relation to proposals in Wales that have the potential to impact on species protected by Schedules II and IV of the Conservation of Habitats and Species Regulations 2010 (as amended)
- In respect of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (as amended)
- In respect of proposals likely to damage any of the flora and fauna or geological or physiographical features for which a Site of Special Scientific Interest (SSSI) has been notified pursuant to the Wildlife and Countryside Act 1981.

3.2 NRW provided a summary of its principle concerns in its Relevant Representations, submitted to the Planning Inspectorate on 5th of June 2015, and will continue to provide advice to the Applicant with the aim of reaching positions of common ground wherever possible during the examination. We will also continue to advise on the content of the Construction Environmental Management Plan and its constituent plans, and any other relevant Plans and documents under the draft DCO.

3.3 Our written representation is based solely on the information provided within the application documents. Any changes in our position will be reflected in further representations and Statement of Common Ground (SoCG) (wherever possible). These written representations indicate the principal submissions that we currently wish to make. NRW will develop these points further as is appropriate during the examination process; however, we reserve the right to make further submissions during the course of the examination,

3.4. Flood Matters

3.4.1 *Flood Risk* - The contents of the Flood Consequences Assessment (document reference: 5.3) and Chapter 9 of the Environment Statement (document reference: 6.9) are, in our opinion, generally commensurate to the scale and nature of the development proposals.

3.4.2 We note that (from Paragraph 4.1.9 of the Flood Consequences Assessment) that at least one pole may be required within the floodplain of the River Elwy. As a consequence of this, alternative design measures are proposed in order to mitigate potential flood flow stresses and the effects of flood water levels on ground clearances. NRW would welcome further consultation regarding this part of the project.

3.4.3 *Flood Defence Consent* – Section 109 of the Water Resources Act 1991 states that consent is required for the erection of any structure “in, over or under a watercourse which is part of a main river”. Therefore flood defence consents will be required for the crossings of the Afon Ystrad and the Afon Elwy. The applicant has indicated that it may wish to disapply such consents under s150. NRW does not consider at this stage that the applicant has provided sufficient information to support such a request. Discussions are continuing around this and other

provisions relating to flood protection but we will write to the applicant to make our position on clear on Section 150 requests.

3.4.4 For 132kV overhead cable lines which span 'main rivers', NRW usually requires:-

- A vertical clearance above the river and any flood banks of 12 metres
- A horizontal clearance of 15 metres between electrical support structures and the bank top of the watercourse.

We recognise that these figures are greater than statutory requirements, but because local circumstances vary at each crossing location, final designs are usually subject to negotiations dependant on our operational requirements for undertaking maintenance and/or improvement works at affected "main river" crossing points.

3.4.5 Flood Defence Consents should be considered by the applicant in the *Other Consents and Licences Report* (document reference: 5.9) and the Construction and Environmental Management Plan (document reference: 6.18) given that NRW may not potentially provide its agreement to dis-apply the requirements under s150.

3.5 European Protected Sites

3.5.1 NRW was consulted by SP Manweb about their draft No Significant Effects Report (NSER). We concurred with the conclusions of the report and stated that "In our view significant effects on European sites (either alone or in combination with effects from other plans or projects of which we are aware) are unlikely to occur as a result of granting a development consent order for the scheme.

3.5.2 We are aware that Welsh Government has raised the issue of potential impact on White-fronted Geese that are features of the Dyfi Estuary Special Protection Area (SPA). As stated in Section 3.5.1 in relation to all European sites, we consider significant effects on this feature resulting from the proposed development to be unlikely.

3.6 Sites of Special Scientific Interest

3.6.1 No part of the scheme or its associated works will be within the boundaries of a Sites of Special Scientific Interest (SSSI), and granting the application is unlikely to damage the features of any SSSI.

3.7 Landscape and Visual Amenity

3.7.1 NRW notes that the proposal lies at 7km to the west of the Clwydian Range and Dee Valley AONB and 17km to the east of Snowdonia National Park. In view of the

scale of the proposed development, we believe that there will be no effect upon Statutory Landscape Designations at these distances.

3.7.2 We consider the methods used in the Landscape and Visual Impact Assessment to be appropriate, compliant with current guidance and we concur with the assessment of residual effects.

3.7.3 The LANDMAP evaluation indicates that the elements which contribute to the study area's landscape character resource, against which the proposed development would be viewed, are of regional/ county to local value. We believe that the landscape specialists of planning authorities are better placed to consider effects at these scales and therefore recommend that their opinions are used in the determination of the development proposal.

3.7.3 We note that there are minor revisions to photomontages such that their definition has been increased. The amendments to these documents do not change the views expressed in this section.

3.8 European and Nationally Protected Species

3.8.1 In our view the content of Environmental Statement Chapter 6 is sufficient to inform decisions concerning methods and procedures needed to protect nationally and internationally protected species. The applicant acknowledges that it may require a European Protected Species licences under the Conservation of Habitats and Species Regulations 2010, and a badger's licence under the Protection of Badgers Act 1992. NRW is the licensing authority for these licences

3.8.2 The Outline Ecological Management Plan (EcMP) which forms Appendix D of the Outline Construction Environmental Management Plan (CEMP) acknowledges in Section 2.4 that licences for certain species could be required and that the EcMP will form part of detailed method statements required to support licences for the species concerned. It also states that for bats (in paragraph 2.8.20) liaison with NRW will be needed to determine the need for a licence, and for badgers in para 2.8.31 that a licence will be required. However, for great crested newts and dormice, though the document states that a suitably licenced ecologist should carry out or supervise certain tasks, there is no explanation as to how or whether the need for a licence will be determined. For this reason, and as the CEMP is described as a 'live' document that will be "...updated and will be refined and/or enhanced where this is required", we consider that there should be a Development Consent Order requirement for the CEMP to be subject to NRW approval.

3.9 Contaminated Land

3.9.1 With reference to *Environmental Statement Chapter 10 – Land Use and Agriculture* - The majority of the site is located on greenfield sites and therefore

risks from land contamination are expected to be low. However, it is not clear to us from the information provided what has been done to confirm that contaminated land is not present within the order boundary. If such land is present and not managed properly, pollution of controlled waters could occur during construction. The applicant should therefore demonstrate that appropriate measures have been taken to take account of such risks.

- 3.9.2 If during construction/excavation works any contaminated material is revealed, then the movement of such material either on or off site should be made in consultation with Natural Resources Wales. Any waste excavation material or building waste generated in the course of the development must be disposed of satisfactorily and in accordance with Section 34 of the Environmental Protection Act 1990. Carriers transporting waste from the site must be registered waste carriers and movement of any Hazardous Waste from the site must be accompanied by Hazardous waste consignment notes.

3.10 Ground Water

- 3.10.1 From the information provided in the Flood Risk and Water Quality Chapter of the Environmental Statement (Chapter 9) we are satisfied that the risks to groundwater from the proposed scheme are likely to be low if the measures included in the Outline Construction Environmental Management Plan (CEMP) are followed.

3.11 Construction Environmental Management Plan

- 3.11.1 Chapter 2 of The Environmental Statement - *Description of Proposed Development Technical Appendices* – incorporates an outline Construction and Environmental Management Plan (CEMP), to which we have already referred in Section 3.8 (above). It states (in its Section 1.8.3) that it is a ‘live’ document, to be “continuously updated” and “refined and/or enhanced where this is required”. Among other functions the CEMP is said (in Section 1.4.5), to have the objective of “securing environmental management controls in one cohesive document for the construction works associated with the Proposed Development and securing mitigation identified in the Environmental Statement (ES) to mitigate the impact of the Proposed Development”.
- 3.11.2 Annex D of the CEMP is the Outline Ecological Management Plan (EcMP). The stated function of which is to set out “the ecological management measures which SP Manweb PLC will require its contractors to adopt and implement for relevant construction works for the Proposed Development. Also that “Where relevant, the detail of this outline EcMP shall be completed in consultation with the relevant local authority (Denbighshire County Council and Conwy County Borough Council) and/or Natural Resources Wales (NRW).

3.11.3 In view of its environmental subject matter and as it will be subject to change, there is a clear requirement for the continued involvement of NRW in the CEMP and its annex's development. This is exemplified in paragraph 3.8.2 (above) where we have highlighted what we perceive as being omissions from method statements in the EcMP. We therefore reiterate the point we make above in paragraph 3.8.2, that the CEMP should be subject to NRW approval and suggest that DCO Requirement 13 is amended to take account of this.

3.12 Land Interest

3.12.1 It should be noted that NRW acts as land agent on behalf of Welsh Government in respect of part of the land which is subject to the development consent order that being land within the most southerly 0.5km of the proposed overhead line route as identified as "Former FCW Landholdings" on the plan provided at Annex 1 to our Relevant Representations. NRW's agency function derives under provisions of the Forestry Act 1967. It should be noted that NRW's land agency function relates to land management issues and is separate to and independent of NRW's role as Statutory and Interested party for the purpose of the DCO application. Any issues affecting the Welsh Government Estate land and the Minister's interests will be dealt with separately by NRW's Energy Delivery team.

3.13 Development Consent Order

3.13.1 Under Article 31 of the DCO, the applicant is seeking the disapplication of certain legislative provisions that apply to flood defence. As indicated above in Section 3.4, this is a matter that NRW has not yet agreed with the applicant. We are currently assessing the implications of such a disapplication for NRW, but our current understanding of Section 150 of the Planning Act 2008 is that it relates to specific, individual consents, and does not provide a blanked release from the requirement to obtain consents under the acts concerned if further works or activities normally requiring consent are envisaged.

3.13.2 As stated above in Sections 3.8 and 3.11, in our view DCO Requirement 13 should be amended such that the development may not commence until the CEMP is approved by NRW, as well as by the relevant planning authority.

3.14.1 We reserve the right to make further submissions on the issues raised above during the course of the examination and at the relevant Issue Specific Hearings.

Please contact David Hatcher (david.hatcher@cyfoethnaturiolcymru.gov.uk) should you require further advice or information regarding this representation.

Yours faithfully,



Richard Nines
Head of Ecosystems, Planning and Partnerships
North and Mid Wales

NORTH WALES WIND FARMS CONNECTION PROJECT PROPOSED DEVELOPMENT CONSENT ORDER

APPENDIX TO NATURAL RESOURCES WALES' (NRW'S) WRITTEN REPRESENTATION

NRW's Written Response to the Examining Authorities First Round of Written Questions dated 3rd August 2015

No.	Question to:	Question Subject Matter	NRW Response
1.0		Principles of Development: Assessment Approach and Policy	
		Planning Policy and Legislative Matters	
1.11	The Applicant, NRW and the Local Authorities	<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>(b) Please could the applicant provide an updated list of consents and licences required, in order to inform the Examination on matters related to any other permissions and licence matters that have progressed since the application documents were prepared..</p>	<p>European Protected Species Licences (issued under the Conservation of Habitats and Species Regulations 2010):-</p> <p>Based on existing information it is NRW's view is that licences are likely to be required for dormice and great crested newts. The requirement for licences for other European Protected Species will not be known until pre-construction surveys have been completed. Based on the information provided to date we consider that the developer would be able to avoid the project being detrimental to the maintenance of the populations of the species concerned at favourable conservation status in their natural ranges, provided that suitable avoidance and mitigation measures are implemented</p>

			<p>Licence to authorise work affecting badgers (issued under Protection of Badgers Act 1992):-</p> <p>The requirement for such a licence will not be known until completion of pre-construction surveys.</p> <p>Protected Species Licence (Wildlife and Countryside Act 1981):-</p> <p>The ecological and methods information provided in the application indicate that such a licence is unlikely to be required.</p> <p>Discharge consent under the Environmental Permitting (England and Wales) Regulations 2010</p> <p>Without detailed information about the nature or volume of any discharge NRW cannot assess the likelihood of a licence being granted. However, the applicant states in their Planning Statement (Document 7.4 in para 5.2.99) that “There are no discharges or abstractions and no changes to the physical characteristics of watercourses proposed”, and that consequently these have not been considered further in the ES. It therefore seems unlikely that any discharge consent will be required.</p>
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			<p>Hazardous Waste registrations (under the Environmental Permitting (England and Wales) Regulations 2010)</p> <p>Without detailed information about the nature or volume of any hazardous waste NRW cannot pre-empt its registration decision. However the applicant states in their Planning Statement (Document 7.4 in para 5.2.94) that “The Proposed Development would not generate any hazardous waste”. Therefore, it seems unlikely that any such registration will be required. If during construction/ excavation works any contaminated material is revealed, then the movement of such material either on or off site should only be made after consultation with NRW.</p>
1.13	Welsh Government, relevant Local Authorities and NRW	<p>Does the proposed development help deliver the following:-</p> <ul style="list-style-type: none"> (a) Climate Change Strategy for Wales (Welsh Government, 2010); (b) Low Carbon Revolution – Welsh Government Energy Policy Statement (2010); (c) Energy Wales : A Low Carbon Transition. 	NRW would defer to Welsh Government as the appropriate body to comment on Policy matters in Wales.
1.14	Welsh Government, relevant Local Authorities and NRW	<p>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) 	NRW would defer to Welsh Government as the appropriate body to comment on Policy matters in Wales.

		<ul style="list-style-type: none"> • 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>	
1.15	Welsh Government, relevant LAs and NRW	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 therefore be considered by the Panel during the examination?	NRW understands that there are proposals to change flood defence consenting legislation including certain powers under the Water Resources Act 1991. This is a matter for Welsh Government to comment further upon.
1.16	NRW	<p>In its relevant representation, NRW states that:- “The purpose of the Natural Resources Body for Wales (NRW) is to ensure that the environment and natural resources of Wales are sustainably maintained, sustainably enhanced and sustainably used.”</p> <p>(a) How does the current application for the proposed development fit with this overall statement of purpose?</p> <p>(b) In particular, how does the broad design of the development relate to sustainability considerations in NRW’s purpose statement?</p>	Natural Resources Wales’ purpose is set out in the Functions Order and Establishment Order. The purpose is not a threshold that a specific development must meet in law or policy, rather it is an overarching objective which NRW is required to pursue in relation to the natural resources of Wales as a whole.

3.0		Construction Impacts including Noise and Vibration, Traffic and Aerial Emissions	
		Noise and other disturbance	
3.29	The Local Authorities and NRW	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.	The proposed overhead line will not be a facility regulated by The Environmental Permitting (England and Wales) Regulations 2010. Therefore noise associated with its construction and operation is matter for the planning authorities and the Health and Safety Executive
3.30	The Local Authorities and NRW	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?	The proposed overhead line will not be a facility regulated by The Environmental Permitting (England and Wales) Regulations 2010. Therefore noise associated with its construction and operation is a matter for the planning authorities and the Health and Safety Executive
		Emissions	
3.35	The Local Authorities and NRW	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>The term professional opinion is used twice in Chapter 13 in paragraphs 13.1.5 and 13.3.5. In both instances it is in relation to the assessment of operational noise. As stated in our answer to Question 3.30, noise associated with the scheme's construction and operation is a matter for the planning authorities and the Health and Safety Executive.</p> <p>The term 'professional judgement' is used is in paragraph 13.4.50 in reference to an assessment In paragraph 13.7.21. The paragraph says "With</p>

			the embedded mitigation measures include within the Construction Environmental Management Plan the effects are likely to be negligible". We are satisfied with the use of the term 'professional judgement' in this context.
3.37	The Local Authorities and NRW	Can the Local Authorities and NRW confirm if they are satisfied with the proposed assessment methodologies contained within Chapter 13 of the ES?	NRW is satisfied with the proposed assessment methods
3.39	NRW	Can NRW confirm that they have no outstanding concerns regarding the approach to the assessment of emissions contained within chapter 13 of the ES?	We have no outstanding concerns regarding the approach to the assessment of emissions contained within chapter 13.
4.0		Operational Impacts Including Land-use, Land-take and Land-management, Electro-Magnetic Fields (EMFs), Noise and Community Benefits	
		Land-use, land-take and Land Management	
4.7	The Applicant, NRW, NFU Cymru and other IPs	Land Use and Agriculture. The Applicant has stated (paragraph 5.10.15) that no Best and Most Versatile (BMV) land, is within the Order limit. However the applicant used a "provisional reclassification by the Department for Environment, Food and Rural Affairs (DEFRA) to remove sub-classifications within Grade 3" so that only Grades 1 and 2 were considered to be BMV land in the assessment. However PPW7, paragraph 4.10 states that "in the case of agricultural land, land of grades 1,2 and 3a of the	NRW is not involved in the classification of agricultural land.

		<p>Department for Environment, Food and Rural Affairs (DEFRA) Agricultural Land Classification (ALC) is the best and most versatile and should be considered as a finite resource for the future.”</p> <ul style="list-style-type: none">(a) Please can the Applicant provide a revised ALC map for the route of the proposed development showing Grades 2, subgrades 3a and 3b separately, and Grades 4 and 5.(b) If sub-grades 3a and 3b are considered over the route of the development corridor, how much of the route would pass over sub grade 3a?(c) Are NRW and NFU Cymru satisfied that the applicant has used the provisional DEFRA reclassification, removing subgrades within grade 3 land to identify BMV land?(d) Many of the agricultural holdings that might be affected by the proposed application contain grades 5, 4, and 3b and therefore are heavily dependent on the productive capacity of sub-grade 3b land to maintain a balanced agricultural unit. Have any of the holdings expressed a concern that that balance may be compromised by the proposed development?	
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6.0		Species and Habitats – European Sites and Other Designated Sites and Protected Species	
		European Sites – No Significant Effect Report (NSER)	
6.3	NRW and other IPs	Are NRW and other IPs that have an interest in the European Sites satisfied that the features for the relevant European sites have been correctly identified in the NSER?	NRW is satisfied that the features for the relevant European sites have been correctly identified in the NSER
		Environmental Statement Biodiversity Matters	
6.11	NRW, Local Authorities and other Interested Parties (IPs) which have an interest in biodiversity issues	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.	Natural Resources Wales considered potential effects in respect of nationally and internationally protected species. We agreed with the applicant's conclusion that there is potential for significant effects on protected species, but we consider that these would be mitigated by the measures described in the Outline Construction Environmental Management Plan (CEMP) and through any necessary licencing processes (See question 1.11 above and our written representations). No such effects are envisaged for nationally or internally protected sites.
6.15	NRW and Local Authorities	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	We note that there are discrepancies between the listed schemes to be included in cumulative assessments in Chapters 4 and 6. However, in our view, the scope of the cumulative assessment in Chapter 6 is adequate for the assessment of impacts on nationally and internationally protected sites and species, and the list of developments

		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.	included for cumulative assessment provided in Chapter 4 is adequate for other topic areas that we have evaluated.
6.20	The Applicant and NRW	<p>(a) Which species would be the subject of European Protected Species Licence applications needed for the construction phase of the development?</p> <p>(b) Please could the Applicant provide/identify the location in the application documents of the draft protected species licence application details in relation to dormice.</p> <p>(c) Please could the applicant and NRW provide an update on any discussion that has taken place in relation to protected species licensing.</p>	<p>(a) We refer the Examining Authority to our answer to question 1.11 concerning such species in which we said “Based on existing information it is NRW’s view is that licences are likely to be required for dormice and great crested newts. The requirement for licences for other European Protected Species (EPSs) will not be known until pre-construction surveys have been completed”.</p> <p>(c) Table 6.4 in Chapter 6 – Summarises discussions between NRW and the applicant up to the date of submission. We have raised a concern in our written representations with regard to a lack of clarity in the CEMP and its Appendix D as to the point in the applicant’s process when a licence would be sought. We have discussed this and licencing generally with the applicant since submission and they have sent us a draft EPS licence and method statement for comment.</p>
6.21	The Applicant (part a and b), NRW (part c and d) and Local	<p>(a) The applicant proposed to plant two trees for every tree that would be felled. Is this the same for both deciduous and coniferous trees?</p>	<p>(c) We believe this to be a standard ratio that has been used by electricity supply companies for power line clearance work. We accept this as a general principal but this is without prejudice to any licencing</p>

	<p>Authorities (part c and d)</p>	<p>(b) What size would the replacement trees be and from where would they be sourced?</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>conditions we might attach to a protected species licence.</p> <p>(d) We accept this as a general principal but this is without prejudice to any licencing conditions we might attach to a protected species licence.</p>
<p>6.22</p>	<p>The Applicant, NRW and Local Authorities</p>	<p>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>(a) Please can the Applicant confirm whether agreement of relevant bodies was sought and received.</p> <p>(b) Please can NRW, DCC and CCBC provide their views on the approach and results of the ecological assessment.</p>	<p>(b) NRW considers the applicant's approach to the ecological assessment of nationally and internationally protected sites and species to be acceptable, and that the methods used and levels of effort applied are satisfactory for the purposes of informing the decision making process. Consequently we accept the results as a reasonable assessment.</p>

7.0		Flood Risk, Water Resources and Climate Change Adaptation	
7.11	NRW	Can NRW confirm that they have no outstanding concerns with regards to flooding?	<p>Our views concerning flooding are expressed in Section 3.4 of our written representations. In summary we state that:-</p> <p>The contents of the Flood Consequences Assessment are, in our opinion, generally commensurate to the scale and nature of the development proposals but we would welcome further consultation regarding the design measures for a pole assembly within a flood zone. We say that we require clarity as to the detailed design and method of installation at main river crossings before these can be consented.</p>
9.0		Heritage Impacts	
9.1	The Applicant, CADW, NRW and LAs	<p>(a) Please could the Applicant confirm whether CADW, NRW, DCC and CCC have agreed the results of the heritage assessment.</p> <p>(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>	We accept the findings of ES Chapter 8, Historic Environment in regard to sites in the register of historic landscapes.

11.0		Compulsory Acquisition of Rights over Land etc	
		Crown Land	
11.1	The Welsh Government (part a), NRW (parts b-d); Applicant for parts (c and d and e)	<p>Please could the Welsh Government confirm that NRW is authorised to provide any s135 PA2008 consent(s) that may be required from the Welsh Ministers in relation to the application.</p> <p>(a) Please could NRW confirm whether or not its letter of 2nd July 2015 to Richard Griffiths of Pinsent Masons LLP, entitled, “SP Manweb Plc – North Wales Wind Farms Connection Order Planning Inspectorate Reference Number : EN020014 Section 135 of the Planning Act 2008”, is intended to provide consent on behalf of the Welsh Ministers, to both:-</p> <p>(i) the inclusion in the proposed DCO of a provision or provisions authorising the compulsory acquisition interests in Crown land, including by the creation of new rights and imposition of restrictions described in the Book of Reference (BoR), for the purposes of s135(1) PA2008, and, if so, in which plots of land identified in the BoR; <u>and</u></p> <p>(ii) the inclusion in the proposed DCO of all other provisions proposed by the applicant, applying in relation to Crown land, or rights benefitting the Crown, for the purposes of s135(2) PA2008, and, if</p>	<p>(b),(i) and (ii) No.</p> <p>(c) The intention of the 2nd July 2015 letter was to provide SP Manweb Plc with the authority to apply for development consent on Crown land i.e. land managed by NRW on behalf of Welsh Ministers, it was not intended to authorise the compulsory acquisition of an interest in Crown land. This function is distinct and independent to that of NRW’s role in the DCO process and that NRW has not formed a view or otherwise on the merits of the application in its role as agent in the management consent.</p> <p>It is the view of NRW that in this case the absence of CPO powers will not hinder completion of the project.</p> <p>The Welsh Minister, have agreed to grant the developer (SP Manweb Plc) sufficient and relevant interest in the land (lease of rights) to enable the construction of a 132kV circuit.</p>

		<p>so, in which plots of land identified in the BoR?.</p> <p>(b) If the answer to (b) is “no”, how could the development proceed under an Order in which the Crown land plots remain within the Order land and the BoR?</p> <p>(c) The recently identified land plots containing Crown interests are shown on the June 2015 Crown Land (sheet 3) Document reference 2.3.1 v1 and noted as Plots 19,19A, 19B, 19C, 21A and 21B on the June 2015 submission by the applicant to the Planning Inspectorate. Are the Crown interests in these plots restricted to an interest in mines and minerals within them?</p> <p>(d) Paragraph 11.5 of the SoR refers to s135(2) of the PA2008 in relation to Crown Land. Please could the applicant confirm that s135(1) is also relevant?</p>	<p>(d) Plots 19,19A, 19B, 19C, 21A and 21B do not form part of the Welsh Minister’s estate managed by NRW.</p>
11.2	Applicant, the Welsh Government and NRW	<p>The Panel notes that NRW acts as the land agent on behalf of the Welsh Government in respect of some land plots which are subject to the development consent order, (land within the most southerly 0.5km of the proposed development). Would this land be considered to be Crown Land in its own right, in respect of it being owned by the Welsh Ministers, as well as the stated mineral and mine interests?</p>	<p>Yes – the area managed by NRW on behalf of Welsh Minister’s is considered to be Crown Land, however, Mineral & mine interests are owned by the Crown Estate.</p>

12.22	The Applicant (both parts), Local Authorities and Interested Parties (b only)	<p>Requirement 16:</p> <p>(a) Please could the applicant explain why this is required?</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>NRW has concerns in relation to the inclusion of this requirement. The authorised development must remain within the scope of what has been assessed and must establish clearly defined parameters on future decision makers. NRW reserves the right to make further submissions on this issue during the course of the examination.</p>
12.23	The Applicant, Welsh Government, LAs and IPs	<p>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>(c) Operations that might affect European Protected Species are likely to require a licence. Such licences may themselves include conditions stipulating measures for mitigation which would not need to be replicated as DCO requirements. However, decisions concerning licencing requirements will be formulated by the CEMP and its Appendix D – the Ecological Management Plan (EcMP). Both these documents are provided in outline within Chapter 2 of the ES. We have therefore requested in our written representations that that the CEMP should be subject to NRW approval and suggest that DCO Requirement 13 is amended to take account of this.</p>