

Dear Sir/Madam

Please find attached the Carmarthenshire County Council's response to the Examining Authority's first round of written questions.

Please can you confirm receipt.

Kind Regards

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Mae'r e-bost hwn ac unrhyw atodiadau yn gyfrinachol ac wedi'u bwriadu at ddefnydd yr unigolyn y'u cyfeiriwyd ato/ati yn unig. Os derbyniwch y neges hon trwy gamgymeriad, rhowch wybod i'r sawl a'i hanfonodd ar unwaith, dil?wch y neges o'ch cyfrifiadur a dinistriwch unrhyw gop?au papur ohoni. Ni ddylech ddangos yr e-bost i neb arall, na gweithredu ar sail y cynnwys. Eiddo'r awdur yw unrhyw farn neu safbwyntiau a fynegir, ac nid ydynt o reidrwydd yn cynrychioli safbwynt y Cyngor. Dylech wirio am firysau eich hunan cyn agor unrhyw atodiad. Nid ydym yn derbyn unrhyw atebolrwydd am golled neu niwed a all fod wedi'i achosi gan firysau meddalwedd neu drwy ryng-gipio'r neges hon neu ymyryd ? hi.

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Brechfa Forest Connection (EN020016)

Carmarthenshire County Council's Response to the Examining Authority's First Round of Written Questions

The Council's answers are based on the technical assessment of the evidence presented in WPD's submission documents and professional judgement of officers of the Council and its landscape advisers Anthony Jellard Associates (AJA). This document does not contain the views of the Council's elected members, as these have been placed within the Council's Written Representation.

CA19 Can the Applicant provide a jointly agreed statement between the applicant and each affected party as to the progress made in, and current position of, negotiations on reaching any agreement (as mentioned in paragraphs 8.2 to 8.6 of the Statement of Reasons,[APP-139]) on the acquisition of land, rights or easements, as applicable.

In each case, can the Applicant state whether or not all reasonable alternatives to compulsory acquisition have been explored, and, if so, why have those alternatives been rejected?

Wooden poles will be positioned on local highway authority land, whilst the associated wires will be strung above this land. The Local Highway Authority has raised no objection to this.

DLV04 The draft s106 Agreement [APP-123] does not confirm who would be responsible for implementing and maintaining the landscape and ecological enhancement measures.

How does the Applicant intend to ensure that the enhancement measures are implemented and successfully established and maintained?

WPD and the Council have jointly prepared the response to this question and is submitted under separate cover by WPD.

DLV07 Do CCC and NRW agree with the observation by the Applicant in paragraph 9.5.33 of ES Chapter 9 [APP-064] that ZTV "considerably overstates the extent of actual visibility"?

The Council has dealt with this matter in some detail in response to the second Draft Landscape SOCG issued on behalf of WPD on 3rd November 2015.

We have suggested that the word 'considerably' be omitted from the SOCG, on the basis that the Environmental Statement (ES) does not actually quantify the degree of

overstatement, or provide any specific evidence to that effect. It is an established fact that the computerised modelling of a 'Zone of Theoretical Visibility' (ZTV) which is based upon theoretical visibility assuming the presence of bare ground overstates the likely visibility to some degree, since no mitigating effects of intervening buildings or vegetation – particularly woodland and hedgerows with mature trees – are taken into account. This proposal is for a linear development, in excess of 28 kilometres in length, and the nature and extent of the intervening vegetation, and the incidence of intervening buildings, vary markedly along the route. To insert the qualifying term 'considerably' into the statement in the ES has no sound basis in fact and it should be ignored. CCC cannot agree with its inclusion and have deleted it from the Draft SOCG.

DLV14 Are CCC and NRW content with the:

- **representative viewpoints; and**
- **Visualisations**

of the proposed development as set out by the Applicant in the ES [APP-064]?

The viewpoints used in the assessment of visual effects are a representative range of viewpoints relevant to the assessment. This does not mean that the use of additional viewpoints to illustrate the predicted visual effects at particularly sensitive locations should be precluded. With regard to the serious concerns expressed throughout the consultation process, by both CCC and NRW, regarding the landscape and visual sensitivity of the crossing of the Towy Valley, these would justify the assessment from additional local viewpoints. These additional viewpoints should also be used to evaluate the predicted visual effects of removing Poles 84, 85 and 86, erecting the four-pole terminal pole to the south of the line of the Byway Open to All Traffic, at the local horizon on the southern side of the Towy Valley, and placing an additional 260-metre section of the line route underground.

As regards the visualisations provided, whilst the applicant has claimed in the Draft Landscape SOCGs submitted to date that these portray the worst-case scenario in each case, CCC and NRW cannot agree with this opinion. The supporting poles are depicted on the photomontages in a dark colour, which is consistent with the appearance of their finish immediately after installation. This finish gradually pales through exposure to sunlight, resulting in a pale brown-grey colour which is actually much more visible against a land or dense vegetation backdrop than the dark colour as depicted in the photomontages. In addition, the metal cross arms which support the insulators carrying the conductors have a galvanised finish which, when new, is more prominent than appears in the photomontages. This finish weathers gradually to a duller mid-grey colour over time. (This colouration is evident in the illustrations of pole design at ES Appendix, Volume 06.3, Figures 2.8 and 2.13.) Also, the insulators carrying the conductors are not shown as being reflective in the photomontages. They are fabricated from ceramic materials which - particularly when seen in clear, strong sunlight at low angles - can be highly reflective and draw the eye to the line. (Figure 2.13 of the ES Appendix provides a photograph where the insulators are clearly visible – and note that this illustrates only a two-pole terminal pole.) This effect can be intensified following rainfall. The raw galvanised finish to the cross arms and wire stay tensioners is also quite reflective in such conditions. These

effects are intensified when there are double poles at changes of angle along the route and at the four-pole terminal poles.

DLV18 Are CCC and NRW satisfied with the adequacy of provisions relating to the control of design? Should these be required to be discharged by the relevant planning authority? This question specifically relates to:

- **DCO Requirement 3. (“Compliance with approved details”);**
- **DCO Requirement 4. (“Restrictions on Limits of Deviation”);**
- **DCO Requirement 20 (“Construction Environmental Management Plan”).**

If not what further details are required in the DCO or elsewhere to secure appropriate control?

CCC does not have any further comment to make in relation to Requirements 3 and 4, whilst comments made in respect of the CEMP (Requirement 20) are made in section D of the LIR and in response to DC019, DCO31 below.

If the additional information requested by the Council for inclusion in the CEMP (in the LIR and at DCO19, DCO31) cannot be provided and agreed at this stage, the Council advises that the Requirement is re-worded so that details are submitted to and agreed in writing by the Local Authority prior to commencement of works.

The LIR also raises the issue of the lack of a decommissioning Requirement if the line becomes redundant and is no longer used for transporting energy.

DLV23 CCC in its Relevant Representation says it intends to provide further comments and assessment of the proposal’s impact upon landscape character and visual amenity. This will include assessment of the southern slopes of the Tywi valley where the grid connection crosses a Special Landscape Area (SLA) and Registered Landscape of Outstanding Historic Interest (RLOHI) and the proposal’s cumulative impacts with existing high voltage electricity lines in the southern corridor. Assessment of the ES’ conclusions on the visual impact upon residential occupiers and other receptors will also be undertaken. What is the current status of this assessment?

This matter has been the subject of further detailed scrutiny by AJA on behalf of CCC and discussed with WPD, following a detailed site inspection on October 20th 2015.

The detailed response, which reflects the views of CCC on this important matter, is contained within the Local Impact Report being submitted by CCC.

DCO19 Article 33: *Felling or lopping of trees and removal of hedgerows*

This provides wide powers in relation to the felling and lopping or the cutting back of the roots of trees and removal of hedgerows. Would the relevant requirement (Requirement 5) set out in Schedule 3 provide sufficient protection for important hedgerows?

ES Chapter 10 Ecology para 10.9.25 explains that there will be four instances of hedgerow translocation along the underground sections where 8m gaps will be created and then the hedge replaced once the undergrounding is complete. There is also reference to the requirement for 4 new gateways and some gateway widening.

CCC considers that if the translocation is carried out in line with an approved method statement, such as outlined in para 5.1.7 of the CEMP, these sections of hedgerow will be successfully re-instated and as such the hedge will not have been removed, and the original hedgerow will have been successfully conserved. It is noted that the method statement outlined in para 5.1.7 does require some further clauses.

In terms of gateways both new, and those that will be made wider, CCC accepts that there will be some very limited loss of important hedgerows, but considers that this small amount of loss will be offset by the new hedgerow planting and management that is referred to in the draft S106, the purpose of which is to implement and maintain landscape and ecological enhancement measures on land near the proposed line.

CCC does request that while cabling is in progress, either the sections of hedge being moved are placed into a temporary receptor trench or that the section of the hedgerow to be translocated are kept damp and prevented from drying out by other means such as using damp hessian. If using a trench, this will have to be back filled while cabling is carried out. These measures are required in order to prevent the roots from drying out - the roots of the hedge can dry out in just one day if not covered with soil and protected from drying winds, and this can result in the roots dying back. Any trench, or temporary storage area must be close to the location from where the translocation is taking place. In addition the Method Statement should include a statement which states that should the proposed translocation fail, the developer will replant and maintain the gap with a species mix similar to that of the hedge that has failed to re-grow.

DCO26 Requirements 8: *Highways accesses*, 9: *Public rights of way*, 10: *Fencing and other means of enclosure*; and 12: *Archaeology*

Could CCC confirm whether they are content with these requirements?

If not, could CCC provide further comment/suggested amendment?

8. Highways accesses - The highway accesses are in the majority existing and the proposed use is considered to be within existing permitted usage levels for such field accesses. However, on the advice of CCC Highways, significant improvements have been proposed for some of these accesses, e.g. see examples at accesses 1, 39, 52, amongst others, where such improvements are proposed; in some other cases Traffic Management and the use of banksmen is proposed.

New accesses are to be provided to Carmarthenshire's Agricultural Access Standards for Field or Farm Complex Entrance ways together with the required visibility splays, as advised by Technical Advice Note 18 (Transport, 2007) (TAN18) and consideration of advice given within Manual for Streets (I & II) (MfS).

Carmarthenshire's Agricultural Access Standards for Field or Farm Complex Entrance do not detail the visibility splays required along the nearside carriageway

edge or forward visibility requirements. These matters would be dictated by consideration of advice given in TAN 18 and MfS which are related to vehicle speeds and character of a location/road e.g. see access 47 proposals. This affects proposals such as those made for access 72.

It is considered unlikely that proposed visibility splays suggested for accesses Nos 8 & 9 can be provided due to the horizontal and vertical alignment of the A484 at this location. It is however considered that, having regard to the fact that these accesses have existing permitted usage, the proposed number and type of movements at them is acceptable. Improvement to the visibility splays at these and other accesses is considered beneficial but not a requirement. This affects proposals such as those made for access 72. Providing details are provided that meet the Council's satisfaction there is no objection to this Requirement.

9. Public rights of way - Schedule 3 Requirement 9 (above) refers to '*the public right of way management plan*'. There does not appear to be a document with this title in the Developer's application. Part 1, clause 2. of the Draft DCO 'Interpretation' refers to: "public right of way management plan" means the plan certified as the public right of way management plan by the Secretary of State for the purposes of this Order. The Council presume that these clauses intend to refer to the 'Public Rights of Way Management Strategy' document which forms Appendix 1 to the Construction Traffic Management Plan (BFC Volume 8.7). Assuming that is the case we would suggest that the wording of Requirement 9 is amended accordingly to refer to 'the public rights of way management strategy'. Otherwise, the clause is satisfactory. The Council have commented on the content of the CTMP Appendix 1 'ProW Management Strategy' within the Local Impact Report.

10: Fencing and other means of enclosure – The Council has no further comments to make in relation to this Requirement.

12: Archaeology – The Council's advisers on archaeological matters are satisfied with the content of this Requirement.

DCO27 Requirement 14: *Habitat management plan*

Are NRW satisfied with its content? If not, could NRW provide further comment/suggested amendment?

NRW guidance states that NRW will comment on development proposals regarding ecological issues as follows:

1. Within or likely to affect European sites: Special Areas of Conservation (SAC) (designated and candidate), Special Protection Areas (SPA) (classified and potential) and Ramsar sites (designated and proposed).
2. Within or likely to affect a site of special scientific interest; or is within a consultation area around a SSSI notified to the LPA by NRW.

3. In or likely to affect National Nature Reserves (NNR), Marine Nature Reserves (MNR) and Geological Conservation Review (GCR) sites.
4. Likely to affect European Protected Species, when the need for a survey has been identified, a survey has been undertaken and LPA need further advice.
5. Likely to affect nationally fully protected species protected under the Wildlife & Countryside Act, when the need for a survey has been identified, a survey has been undertaken and LPA need further advice.

In commenting on CCC development proposals, NRW specify that they will not consider possible effects on all species and habitats (including nesting birds) listed in Section 42 of the Natural Environment and Rural Communities (NERC) Act 2006, or on the Local Biodiversity Action Plan or other local natural heritage interests. NRW state that to comply with Section 40 of the NERC Act, to have regard to conserving biodiversity, CCC must take account of possible adverse effects on such interests.

It is therefore considered that CCC must also be required to comment on the relevant content of the HMP in this respect. We note that NRW do have an interest in the Brechfa Forest Plantation Woodland as land managers.

Our comments in relation to the adequacy of the HMP can be found in sections 9 of the CCC Local Impact Report.

DCO28 Requirements 15: *Trees to be affected*, 17: *Construction traffic management plan*, and 19: *Construction Hours*

Are CCC satisfied with their content?

If not, could CCC provide further comment/suggested amendment.

15: Trees to be affected - The Council would recommend that the word 'type' be replaced with species and consider that the proposed two week timescale be revised to three weeks, to allow for periods of annual leave.

17: Construction Traffic Management Plan - A reference made at 2.8.8 is considered to have been to DMRB – Design Manual Roads and Bridges and not DRMB. The visibility standards applied in Carmarthenshire are those advised in TAN 18 and MfS. Improvements to existing accesses were advised wherever they fall below the given standard; however are not a requirement, based on the permitted use of the access itself. Safety for all road users is considered to benefit from the proposed improvements, even when those improvements themselves fall below the standard applicable for new accesses (see TAN 18 B11, p46 for general considerations). It is to be reiterated that the level of usage proposed at each access is not considered to require improvements though provision of same would be beneficial.

It is considered that management of a robust travel plan will reduce the number of trips undertaken by employees with private cars. The Council has requested that this forms part of the CTMP.

The two highway condition surveys will need to be accompanied surveys with representatives of the Local Highways Authority, Street Scene Department in attendance.

19: Construction hours: The Council is content with the hours of work stipulated in the Requirement.

DCO31 Requirement 20: Construction Environmental Management Plan (CEMP)

The ExA notes that draft versions of the CEMP [APP-127] and associated plans have been provided to CCC, NRW and others for comment; however, the DCO does not specify that the final versions of the CEMP and CTMP are to be approved by the relevant planning authority. Nor do the plans such as the CEMP, Frac-out Contingency Plan or Habitat Management Plan specify that approval should be sought from the relevant planning authority in consultation with NRW and others (as appropriate). Could the applicant confirm whether it intends to seek the approval of the relevant planning authority (in this case CCC), in consultation with NRW and/or others (as appropriate), prior to the implementation of the CEMP and Frac-out Contingency Plan.

If this is the case, could the Applicant amend the wording of relevant draft DCO requirements to include for these approvals?

CCC ecology section has concerns regarding DCO requirement 20 which states that the authorised development shall be implemented in accordance with the approved CEMP. The current submitted CEMP is considered outline in nature and whilst acceptable for the purposes of granting permission (from an ecological point of view), it will require amendment and further detail incorporated into it before it is considered finalised, such as fully specify detailed plans and method statements for works, up to date survey work for species and we would therefore recommend that the provision of a final CEMP is secured by DCO requirement, to be provided to CCC prior to commencement of the development. This must also apply to the HMP and Frac-Out Contingency Plan. CCC would as standard consult NRW and other interested parties on any discharge of condition application.

Of further note is that currently the HMP requirement 14, contradicts requirement 20 as the HMP currently sits as an annex of the CEMP. Requirement 20 requires works to be carried out in accordance with the CEMP as provided, when requirement 14 specifies the current HMP within the CEMP is outline in nature. It is considered that the HMP should therefore sit as a standalone document separate to the CEMP. It is also recommended that the HMP description is altered to indicate that it is not a finalised HMP but Outline or Draft. The DCO requirement must secure additional detail to be incorporated into the HMP to include, detailed planting design, identifying areas targeted for habitat and feature creation, provide a detailed programme of monitoring and aftercare. A full HMP must be provided to the LPA prior to commencement of the development.

In their current format both the CEMP and CTMP are lacking in detail and the Council are unable to agree to the wording of the Requirement until agreed information is submitted. If this information is not submitted at this stage the Council

has suggested to the applicant that the wording of the Requirements in the CEMP and CTMP is changed to refer to the submission of details to be agreed with the Council prior to the commencement of works

EIA09 ES Chapter 10 [APP-065] states that extensive consultation has been undertaken with NRW and CCC as part of the EIA scoping phase (Section 10.3). Table 10.1 summarises the information and advice received during the scoping process with regard to ecology. Paragraph 10.4.5 states that Table 10.3 is a full list of agreed Phase 2 ecological surveys. The evidence of agreement (such as correspondences) has not been provided.

Could NRW and CCC confirm whether they agree with the scope of the ecological surveys, including survey methodologies, and whether they are appropriate to inform the EIA in respect of ecology.

A meeting was held on the 13th March 2014 regarding EIA scoping, following this meeting CCC made comment on the scope of the proposed ecological surveys in our Stage 2 consultation response dated 11th April 2014. This response was made having reviewed the draft document WPD Brechfa Forest Connection Proposed Ecology Survey Scope Document produced by RSK. A further consultation was undertaken on the EIA scoping report in July 2014 and further comments were provided. These comments related to general expected content of the EIA. No representations at the time were made on the proposed scope of the ecological surveys or survey methodologies as they were considered to be appropriate to inform the EIA as proposed in the relevant documents and this remains our current view.

EIA10 ES Chapter 10 [APP-065] states at paragraph 10.4.11 that sufficient surveys have been undertaken to inform the ecological impact assessment. It is noted that reptiles have been considered and assessed in the ES, although no detailed surveys for reptiles have been undertaken (paragraph 10.5.69).

Could NRW and CCC comment on the approach the Applicant has undertaken to the assessment of reptile populations. Are they satisfied that impacts on reptiles are correctly predicted and the mitigation proposed is appropriate?

Our comments in relation to the adequacy of the reptile assessment can be found in section 9.27 of the Local Impact Report. CCC is satisfied that with the incorporation of embedded mitigation measures for the proposed scheme including, checking suitable vegetation prior to clearance, the timing of vegetation clearance works and implementation of appropriate sensitive clearance techniques where suitable habitat is present under supervision of the Ecological Clerk of Works. CCC considers the works and scale of the works proposed will be unlikely to result in a breach of the relevant legislation, and therefore consider it not necessary and unreasonable to request full reptile surveys.

EIA14 Table 10.1 and Table 19.1 of ES Chapter 10 [APP-065] indicate that consultations were held with CCC with regard to other projects and plans that should be considered for cumulative effects.

Could NRW and CCC confirm whether all relevant projects and plans have been considered for cumulative effects on ecology with the proposed development in the Applicant's ES?

Regarding cumulative impacts on ecology we agree with the ES that potential cumulative effects between the proposed development and other projects are limited to the consented Brechfa Forest West Wind Farm and associated works. It should be noted that a recent planning application has been submitted for two bridges within the forest (considered associated works) (Application W/32672), this application may be a consideration when assessing cumulative impacts on ecology.

Please also see question HA13 regarding habitats regulation assessment in combination assessment.

EIA18 In respect of ecology, CCC commented:

The project will result in the loss of habitat features such as trees, hedgerows and sections of woodland which could also have an impact upon species of biodiversity interest. For example the impact upon and mitigation proposed for dormice at the southern end of Section A. The Council will provide further representations on the extent of impacts and appropriateness of the mitigation and monitoring proposed in the Habitat Management Plan and Construction Environmental Management Plan (CEMP).

Could NRW and CCC confirm whether they agree with the approach and results of the ecological impact assessment?

Where there are areas of disagreements/concerns? Could NRW and CCC expand on these concerns if so?

Our comments and concerns in relation to the adequacy of the EIA ecological assessment, HMP and CEMP can be found in section 9 of the CCC Local Impact Report, also see concerns raised under question DCO 31 (above).

HA06 Could NRW and CCC comment on the Applicant's approach to the Frac-Out Contingency Plan to be produced by the contractor prior to construction? Could NRW and CCC confirm whether they require sight of this plan now to satisfy themselves that there would no significant effect on the Afon Twyi/River Towy SAC and the Bae Caerfyrddin ac Aberoedd/Carmarthen Bay and Estuaries SAC?

Our comments in relation to the requirement for a Frac-Out Contingency Plan can be found in section 9.6 of the CCC Local Impact Report.

HA13 Correspondence from NRW dated 16 April 2015 and included as Annex A to the HRA NSER [APP-053], indicates that in-combination effects have been the subject of ongoing discussions between the applicant and NRW. NRW previously insisted that all projects hydrologically linked to the SACs should be considered in the assessment, including those beyond a 2km buffer being considered by the Applicant.

CCC provided a similar response dated 20 March 2015. The HRA NSER [APP-053] does not include reference to a 2km buffer for the consideration of in-combination projects. Further correspondence with NRW (dated 23 April 2015) and CCC (dated 10 April 2015), as included in Annex A to the NSER, state that NRW and CCC are happy with the list of projects considered in the Applicant's in-combination assessment.

Could NRW and CCC comment on whether they are satisfied with the Applicant's in-combination assessment of the proposed development on the Afon Tywi/River Towy SAC and Bae Caerfyrddin ac Aberoedd/Carmarthen Bay and Estuaries SAC?

If there are any outstanding concerns with

Regarding in combination assessment we agree with the HRA NSER [APP-053] assessment and we are content with the in-combination assessment carried out to date.

It should be noted that two recent planning applications have been submitted which may be a consideration when assessing in combination impacts by the competent authority. These applications will be subject to a Test of Likely Significant effect due to the proximity of the Afon Tywi SAC.

W/32185 - Redevelopment of United Counties Showground Site (Part of) For a Caravan and Motorhome Sales Yard, Associated Sales Office and Vehicle Repairs / Servicing Facilities and Ancillary Works.

W/32424 - Outline Planning Application With All Matters Reserved For The Demolition Of Existing Structure And Redevelopment For Up To 19 Residential Dwellings (Use Class C3).