



**Cyfoeth  
Naturiol  
Cymru  
Natural  
Resources  
Wales**

Mr. Martin Broderick,  
Examining Authority,  
Planning Inspectorate,  
3/18 Eagle Wing,  
Temple Quay House,  
2 The Square,  
Bristol,  
BS1 6PN

**Our ref:** Brechfa EI Con. NSIP  
**Your ref:** EN020016  
**Date:** 28 January 2016

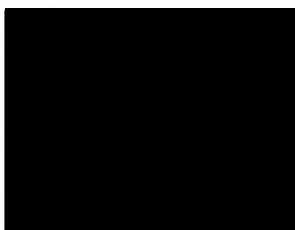
Annwyl/Dear Mr. Broderick,

**Re; Brechfa Forest Electricity Connection NSIP.  
Natural Resources Wales responses to Examining Authority's 2<sup>nd</sup> round of  
questions – issued 11 January 2016.**

Please find attached our written responses in relation to the 2<sup>nd</sup> round of questions,  
issued by the Planning Inspectorate on 11th January 2016.

We hope the above information is of assistance, if you require any further information  
please do not hesitate to contact David Watkins, david.watkins@  
cyfoethnaturiolcymru.gov.uk.

Yn gywir / Yours sincerely,



**Pete Jordan  
Development Planning Manager, Operations South**

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Croesewir gohebiaeth yn y Gymraeg a'r Saesneg  
Correspondence welcomed in Welsh and English

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# The Planning Inspectorate

**Application by Western Power Distribution (South Wales) plc for Brechfa Forest Connection**

**The Examining Authority's second round of written questions and requests for information**

**Issued on 11 January 2016.**

<b>DCO</b>	<b>The Development Consent Order.</b>	
<b>Schedule 3 – Requirements</b>		
<b>DCO2-10</b>	<b>Applicant, Natural Resources Wales (NRW)</b>	<p><b>Requirement 24[REP3-048]</b> - a definition of 'frac-out contingency plan' appears in Article 2(1), so a new second definition of it should not appear here;</p> <p>- If the Applicant uses the term 'Natural Resources Wales' they should add the following definition to Article 2(1) (as per The Swansea Bay Tidal Generating Station DCO): ""Natural Resources Wales" means the Natural Resources Body for Wales";</p> <p>- paragraph (1) refers to submission of a plan in outline, but there appears to be no requirement for that? When will that outline be submitted, and to whom?;</p>

		<p>- in paragraph (1) should “the persons responsible for implementing the measures to be set out within the plan” be one of the lettered sub paragraphs below where it currently appears?</p> <p><b>We agree with the term and definition that ““Natural Resources Wales” means the Natural Resources Body for Wales”.</b></p>
<p><b>DCO2-11</b></p>	<p><b>Applicant and NRW</b></p>	<p><b>Requirement 29 (otter survey) [REP3-048]</b> - The ExA notes that Requirement 29 (otter surveys) applies to Works No 2 only (the undergrounded section) [REP3-049]. The ExA notes that a disused otter resting site was recorded in the Nant Morlais woodland, in Works No 3 [APP-053] and that the Applicant’s HRA NSER [APP-053] (and revised NSER [REP3-037]) states the following at paragraph 1.3.16/1.3.17:</p> <p><i>‘pre-construction otter surveys will be carried out at the proposed HDD crossing points <b>(and at all the survey locations shown in Figure 2)</b> prior to works commencing to check for any newly created holts or couches close to the proposed working areas (as these are more sensitive to disturbance). The requirement to carry out these surveys will be secured via a written requirement within the DCO. Works will not be able to commence until this requirement has been ‘discharged by the LPA.’</i></p> <p>Figure 2 [REP1-079] shows otter survey locations in Works No 1, 2 and 3.</p>

		<p>Could the Applicant confirm whether they intend to undertake pre-construction otter surveys at the locations described in the NSER [REP3-037] and as shown on Figure 2. If so, could the Requirement 29 be amended to accurately reflect this.</p> <p>Can NRW confirm whether they would also wish to see Requirement 29 extended to include for any habitat suitable for otters in Works No 1 and 3?</p> <p>Also, in relation to the revised wording of Requirement 29 (otter surveys) included in the draft DCO [REP3-049], the ExA queries the location of the inserted text 'in consultation with Natural Resources Wales'. The requirement currently reads:</p> <p><i>'Prior to the commencement of development within Work No. 2 pre-construction otter surveys shall be undertaken and the results submitted to the relevant planning authority in consultation with Natural Resources Wales.'</i></p> <p>Should this be 'submitted to the relevant planning authority <b>and</b> Natural Resources Wales'?</p> <p>Also, would 'in consultation with NRW' text also be appropriate in the final sentence of the requirement, in relation to the mitigation proposed, as follows:</p> <p><i>'Development shall not commence until the either the absence of otters is confirmed or the mitigation proposed is agreed by the relevant planning authority <b>in consultation with Natural Resources Wales</b> and implemented.'</i></p> <p>Could the Applicant and NRW provide comment on these points?</p>
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		<p><b>Natural Resources Wales confirm that we seek pre construction otter surveys at Works No 2 and additionally the important Nant Morlais woodland area, as highlighted in the Habitats Regulations Assessment, NSER May 2015 (revised December 2015 ) (Otter Survey Site 1,see Figure 3 within Appendix 10.6 Otter and Water Vole Technical Report).</b></p> <p><b>We appreciate the suggestion of additional pre construction survey work within the Works areas No 1 &amp; No 3 forming part of the relevant Requirement but consider on balance that this may be unnecessary. We advise that the applicant implements robust working protocols and methods to avoid inadvertently affecting existing otter resting places within these areas.</b></p> <p><b>Natural Resources Wales are satisfied with proposed final sentence of Requirement 29 reading;</b></p> <p><b>'Development shall not commence until either the absence of otters is confirmed or the mitigation proposed is agreed by the relevant planning authority in consultation with Natural Resources Wales and implemented.'</b></p>
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<p><b>DCO2-12</b></p>	<p><b>Applicant, CCC and NRW</b></p>	<p><b><i>Restrictions of working width in the bog habitats</i></b></p> <p>The ExA notes there is no reference to restrictions to the working width in the bog habitats in the Applicant's notes of the DCO hearings. At Deadline 2, the Applicant stated in response to the ExA's question EIA15 the following [REP2-033]:</p> <p><i>'The works will be restricted as noted in the ES Chapter 10 [APP-065] including restricted access routes over protective trackways to access poles in the vicinity of the bog and the pingos, as shown on Figure 4 of the CEMP (APP-127). The restrictions will be achieved via an additional DCO requirement which shall be included within the next issue of the draft DCO.'</i></p> <p>The draft DCO submitted for Deadline 3 [REP3-048 and REP3-049] did not include a specific requirement in relation to restrictions in the bog habitat.</p> <p>The ExA wishes to clarify with the Applicant whether or not such a requirement will be included in the next draft DCO and what are the views of CCC and NRW in this regard?</p> <p><b>Natural Resources Wales would defer to Carmarthenshire County Council on this matter.</b></p>
<p><b>DCO2-14</b></p>	<p><b>CCC, NRW, Interested Parties (IPs)</b></p>	<p>Do CCC, NRW and IPs have any comments on the revised HMP [REP3-039]?</p> <p><b>Natural Resources Wales are satisfied with the revised Habitats Management Plan (HMP) and have no further comments.</b></p>

<b>DCO2-15</b>	<b>Applicant, NRW, CCC</b>	<p>Can the Applicant clarify whether the HMP [REP3-039] remains as an annex to the CEMP or whether it will be an entirely standalone document, as suggested at the environmental matters hearing on 8 December 2015 [REP3-043]?</p> <p>Are NRW and CCC content with the HMP [REP3-039]?</p> <p><b>Natural Resources Wales would favour that the CEMP &amp; HMP be separate documents as suggested at the Environmental hearing on 8 December 2015.</b></p>
<b>DCO2-17</b>	<b>Applicant, NRW, CCC</b>	<p>Article 34 details the plans which will be subject to certification by the Secretary of State. Requirements 15, 21 and 24 refer to "outline" plans. This should be reflected in Article 34. Can the Applicant also amend Article 2(1) definitions to reflect the differences between "outline" and "detailed" plans?</p> <p><b>Natural Resources Wales would recommend that any future submitted plans are appropriately cross referenced within the overall project documentation package.</b></p>
<b>EIA</b>	<b>Environment Impact Assessment (EIA).</b>	
EIA2-06	<p>Alan Rentmore, Susanna Rentmore and Pauline Medland</p> <p>NRW</p>	<p>In your respective representations [RR-016], [REP2-016], [REP3-030] and [REP3-013] you refer to the potential of the wooden poles to taint your water supplies. Can you point to any published evidence where such incidents have occurred?</p>



		<p>Does NRW have any record of such pollution incidents?</p> <p><b>Natural Resources Wales do not have evidence of any standard electricity industry wooden poles causing pollution to a water supply.</b></p>
<b>HA</b>	<b>Habitats Regulations Assessment (HRA)</b>	
<b>HA2-03</b>	<b>Applicant and NRW</b>	<p>Paragraph 1.3.12 of the NSER [REP3-037] specifies that the bridge would be subject to the mitigation measures described in the NSER. Can the Applicant confirm whether the construction and operation of the bridge may require additional mitigation which is not currently specified in the NSER or secured in the DCO in order to ensure there are no adverse effects on any European Sites?</p> <p><b>Natural Resources Wales are satisfied with the current mitigation and in our view no further mitigation would be required.</b></p>
<b>HA2-04</b>	<b>Applicant, NRW</b>	<p>The Applicant is requested that, when they submit the information in respect to the undergrounding option for poles 84, 85 and 86, this should be accompanied by a statement to confirm whether or not the undergrounding option would affect the information provided and conclusions presented in the revised NSER [REP3-037]. The Applicant should also obtain the opinion of NRW in relation to the information provided and conclusions reached.</p> <p><b>Natural Resources Wales favours the undergrounding of poles 84, 85 and 86 as previously expressed to the Examining Authority. We have been</b></p>

		<p><b>consulted by WPD on this alternative project option and will respond by 5<sup>th</sup> February 2016 with our comment/opinion to both WPD &amp; Planning Inspectorate.</b></p>
<b>HA2-05</b>	<b>Applicant, NRW, CCC</b>	<p>The Water Management Plan ([APP-127] Annex 3) does not outline what actions would be taken should the water sampling indicate that the water quality has declined as a result of the construction of the development to ensure no effects on the water environment or European Sites occur.</p> <p>The ExA would like to clarify with the Applicant what measures would be employed, and whether they will seek agreement on any such measures with CCC and NRW?</p> <p><b>Natural Resources Wales would seek to liaise and agree with the applicant any measures in respect of this matter. The CEMP should be robust in tenor and content with an aim of addressing such issues.</b></p>
<b>HA2-06</b>	<b>NRW</b>	<p>The ExA notes that confirms in their Deadline 3 response [REP3-008] that they agree with the information provided within and the conclusions reached in the revised NSER, which was provided to NRW in draft by the Applicant on Friday 11 December 2015 and submitted into the examination by the Applicant for Deadline 3 (17 December 2015) [REP3-037]. The ExA notes that NRW's response appends a version of the NSER dated May 2015; however, it does appear to contain revised text.</p>

		<p>For clarification, could you confirm whether you are in agreement with the conclusion of the revised NSER (dated December 2015) as submitted by the Applicant for Deadline 3 [REP3-037].</p> <p><b>Natural Resources Wales can confirm that we are in agreement with the conclusion of the revised NSER (dated December 2015) as submitted by the Applicant for Deadline 3 [REP3-037].</b></p>
<b>OM</b>	<b>Other Matters</b>	
<b>OM2-05</b>	<b>Applicant and NRW</b>	<p>Does the Marine licence application submitted to and accepted by NRW on 11 November 2015 (CML1551) have any implications on "Inshore Marine Plans"?</p> <p><b><u>Natural Resources Wales have interpreted the question to refer to Shoreline Management Plans.</u></b></p> <p><b>A Shoreline Management Plan (SMP) provides an objective, large-scale assessment of the risks to people, the developed, historic and natural environment resulting from the evolution of the coast and estuaries. It provides a policy framework that addresses these risks in a way that does not tie future generations to costly and unsustainable management. The SMP attempts to balance potentially conflicting interests along the coastline.</b></p>

		<p><b>Natural Resources Wales confirm that the South Wales Shoreline Management Plan SMP2 (Lavernock Point to St Ann's Head Shoreline Management Plan) is the relevant SMP for this area of Welsh coastline.</b></p> <p><b>The proposed location of the Brechfa Electricity Connection cable is outside the SMP area. Reference to the SMP map, indicates that the policies don't extend to the location of the electricity cabling under the River Towy. <a href="http://www.southwalescoast.org/content.asp?id=58">http://www.southwalescoast.org/content.asp?id=58</a></b></p> <p><b>Accordingly Natural Resources Wales confirm that the Marine licence application submitted to and accepted by us does not have any implications for the SMP.</b></p>
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**Final Copy.**

**Dated 28<sup>TH</sup> January 2016.**

**DW. Natural Resources Wales.**