



The Planning Inspectorate  
Yr Arolygiaeth Gynllunio

# DNS: EIA Scoping Direction

## 3246727: Lluest y Gwynt

16/04/2020

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**This Scoping Direction is provided on the basis of the information submitted to the Planning Inspectorate on 10 February 2020, in addition to consultation responses received. The advice does not prejudice any recommendation made by an Inspector or any decision made by the Welsh Ministers in relation to the development, and does not preclude the Inspector from subsequently requiring further information to be submitted with the submitted DNS application under Regulation 24 of [The Town and Country Planning \(Environmental Impact Assessment\) \(Wales\) Regulations 2017](#) (“The 2017 Regulations”).**

## 1. Introduction

The Planning Inspectorate (“the Inspectorate”) received a request under Regulation 33 of the 2017 Regulations for a Scoping Direction in relation to a proposed development for a wind farm of up to 24 turbines, generating up to 100MW at Lluest y Gwynt Wind Farm, located near to Ponterwyd in the County of Ceredigion.

The request was accompanied by a Scoping Report (SR) ([EIA Scoping Report](#)) that outlines the proposed scope of the Environmental Statement (ES) for the proposed development.

This Direction has taken into account the requirements of the 2017 Regulations as well as current best practice towards preparation of an ES. In accordance with the 2017 Regulations the Inspectorate has consulted on the SR and the responses received from the consultation bodies have been taken into account in adopting this Direction.

The Inspectorate is authorised to issue this Scoping Direction on behalf of the Welsh Ministers.

## 2. Site Description

The Site is located in Ceredigion, Wales, to the north-east of Ponterwyd and north of the A44, and south of Plynlimon. The Site is south-east of the boundary line for Strategic Search Area (SSA) D: Nant y Moch.

The Site principally comprises upland grazing land with a single block of commercial forestry central to the principal development area. The majority of the land is privately owned, whilst the forestry block is under the ownership of Natural Resources Wales (NRW).

The land slopes in a southwards direction, from the high point at Plynlimon (752 m Above Ordnance Datum(AOD)) through Drum Peithnant (684 m AOD) and the Dyll Faen forestry block towards Drybedd (560 m AOD) and Bryn Glas (515 m AOD) near to southern boundary above the A44. Multiple streams radiate out from the Site, including: the several issues comprising Nant-y-Moch which descends into the reservoir of the same name; the Nant Rhudd and Nant Nod which run into the Afon Tarennig; the Nant Coch mawr, Nant Lladron and Nant Bowen to the south, and the Nant Ceiro and Hirnant to west and south west.

### 3. Proposed Development

The proposal is for a wind farm of up to 24 turbines, generating up to 100 MW. Section 4.6 of the SR describes the turbines as having a hub height up to 90 m, a rotor diameter of up to 160 m, and a tip height of up to 180 m.

Other wind farm infrastructure described in the SR are listed in paragraph 4.6.2 as:

- Turbine foundations;
- Crane hard-standing areas;
- Associated low to medium voltage transformers at each turbines;
- Energy storage;
- On-site tracks;
- Buried cables;
- Sub-station compound containing a control building and outdoor equipment including high voltage transformer and switchgear;
- Meteorological masts
- Borrow pits, and
- Temporary construction compounds.

Para 4.6.6 states that new and updated on site tracks will typically have a width of 5 m.

Turbines will be connected to the site substation by means of 33 kV on- site cabling which will terminate at the site sub-station compound.

The area required for the onsite sub-station will be in the region of 75 m x 75 m and will accommodate a control building and basic welfare facilities. Typically, the control building will be approximately 30 m x 15 m x 7 m.

Paragraph 4.6.11 states that some form of energy storage may be incorporated in the development. See additional comments at Table 1 of this Scoping Direction.

Borrow pits will be required to provide stone for various purposes, but primarily track and hardstanding construction. The number and size of borrow pits will be determined through site investigation and, within the constraints of acceptable environmental impact and available stone quality.

Temporary construction compounds will be required to house temporary portacabins to be used for site offices and welfare facilities; store fuels, tools, small parts and materials required during construction; provide parking space for cars and construction vehicles and a receiving area for incoming vehicles; and refuel construction vehicles. The largest of these will be up to approximately 75 m x 50 m.

The SR states that the location of all infrastructure will be clearly identified for the DNS planning application in the form of suitably detailed plans with grid coordinates for each element with a micro-siting tolerance of up to 100 m.

The construction period will be up to 30 months, including time required for felling and for ground clearance and preparation. The principal construction activities (in likely order of works) will include, but would not be limited to, the following:

- Highway improvement works;
- Felling (if required);
- Site entrance construction;
- Construction of temporary construction compound(s);
- Existing track upgrades and new track construction;
- Construction of turbine foundations and associated hardstanding;
- Construction of onsite substation and associated control building;
- Construction of meteorological mast(s);
- Cable laying;
- Delivery and erection of wind turbines;
- Connection of electrical cables;
- Commissioning of site equipment; and
- Site demobilisation.

The scope of the EIA should include all elements of the development as identified in the SR, both permanent and temporary, and this Scoping Direction is written on that basis.

In line with the requirements of [Regulation 17](#) and [Schedule 4](#) to the 2017 Regulations, any reasonable alternatives considered should be presented in the ES. The reasons behind the selection of the chosen option should also be provided in the ES, including where environmental effects have informed the choices made.

#### 4. History

No history is provided in the SR for the Site itself. The SR reports that an application for a nationally significant infrastructure project was refused in 2015 by the Secretary of State for the Mynydd y Gwynt Wind Farm, located directly to the east of the Site above Eisteddf Gurig. The basis of the refusal was that insufficient information had been submitted to give assurance that potential effects to the red kite population associated with the Elenydd – Mallaen Special Protection Area (SPA) would be acceptable.

Several wind farms are located within the immediate 10 km radius of the Site, including Cefn Croes to the south east, Bryn Blaen above Llangurig, and the Rheidol scheme near to Bwlch Nant yr Arian to the west.

#### 5. Consultation

In line with [Regulation 33\(7\)](#) of the 2017 Regulations, formal consultation was undertaken with the following bodies:

- Ceredigion County Council (CCC)
- Natural Resources Wales (NRW)
- Cadw

Responses received are included in **Appendix 1**.

It is noted that CCC could not complete the technical consultations in time due to the unprecedented circumstances caused by the national lockdown in response to the Covid-19 outbreak. The Planning Inspectorate recommends the Applicant to liaise with the relevant technical consultees at CCC. Should it be necessary, following discussions with the LPA, it is open to the applicant to request an updated Scoping Direction.

## 6. Environmental Impact Assessment Approach

The Applicants should satisfy themselves that the ES includes all the information outlined in [Schedule 4](#) of the 2017 Regulations. In addition, the Applicant should ensure that the Non-Technical Summary includes a summary of all the information included in Schedule 4. Consider a structure that allows the author of the ES and the appointed Inspector and Decision Maker to readily satisfy themselves that the ES contains all the information specified [Regulation 17](#) and Schedule 4 of the 2017 Regulations. Cross refer to the requirements in the relevant sections of the ES, and include a summary after the Contents page that lays out all the requirements from the Regulations and what sections of the ES they are fulfilled by. The Inspectorate welcomes the statement in Section 1.8 of the SR regarding the EIA capability of the persons preparing the ES. However, the statement to be included within the ES should set out the expertise of persons involved in all aspect chapters, collating information on sub-consultants as set out in the SR.

As the assessments are made, consideration should be given to whether standalone topic chapters would be necessary for topics that are currently proposed to be considered as part of other chapters, particularly if it is apparent that there are significant effects and a large amount of information for a particular topic.

There may also be topic areas scoped out of the ES where the developer may wish to include application documents that sit outside of the ES and provide information that will support their consultation(s) and the decision-making process. The developer is encouraged to liaise with key consultees regarding non-ES application documents which are not a legislative requirement of the DNS regime. If agreement cannot be reached over non-ES application documentation, then the developer may wish to explore whether the Inspectorate can help provide clarity via its statutory pre-application advice service.

The ES should focus on describing and quantifying significant environmental effects. Policy considerations / arguments relating to those impacts should be addressed in other documentation supporting the application (e.g. a Planning Statement), which cross references the ES where necessary.

Specific questions are raised in the cover letter to the SR in relation to micro-siting tolerance, the Rochdale envelope, and scoping flexibility.

**Micro-siting:** The Inspectorate is content with the principle of a micro-siting tolerance, but specific comments are raised in Table 1 below in terms of the micro-siting proposed in the SR.

**Rochdale Envelope:** As to whether the '[Rochdale Envelope](#)' approach is appropriate for a DNS application for wind turbine development, whilst this approach may be appropriate for the pre-application Environmental Impact Assessment work, it should be noted that a DNS application is an application for full planning permission under the Town and Country Planning Act 1990 (as amended). It is therefore not possible to submit a DNS application with as much uncertainty over what is proposed as is acceptable for an Outline application, or for a Development Consent Order under the Planning Act 2008. At the point of application, the following matters should be clear:

- Number of turbines
- Locations of the turbines (subject to micro-siting considerations)
- Maximum tip height
- Maximum hub height

It is open to the applicant to propose that final hub height and rotor diameter could be left to be dealt with via a written submission to the Local Planning Authority, as a pre-commencement condition (should planning permission be granted) provided the condition specifies that the hub height must not exceed (x) m and the rotor diameter shall not exceed (y) m. As with other conditions, the applicant should seek to agree a suitable form of wording with the Local Planning Authority, which can be submitted for the appointed Inspector's consideration.

Once that level of certainty is reached for the application, the ES should be reviewed and if necessary updated to ensure it properly captures the impacts of the application being submitted. If the applicant has any further queries about the scope for flexibility in the DNS application process, they should contact the Inspectorate.

**Scoping Flexibility:** Further to the stated position on micro-siting and the above comments on how the Rochdale Envelope is not an acceptable approach for the eventual application, the Inspectorate is content with the ES being prepared on the basis of design parameters (e.g. dimensions of turbines and associated infrastructure), but the locations of infrastructure should be fixed (subject to micro-siting) and the ES should assess the relevant worst-case scenario for each aspect chapter. The Inspectorate is content that the scoping is based on a maximum scale of development as a worst-case scenario, and revisions can be made to the scheme prior to submission, but the Applicant is advised to contact the Inspectorate where substantial changes are expected, or where changes would affect the worst-case scenario.

### 6.1 Reasonable Alternatives

In line with the requirements of [Regulation 17](#) and [Schedule 4](#) to the 2017 Regulations, any reasonable alternatives studied by the Applicant should be presented in the ES. The reasons behind the selection of the chosen option should also be provided in the ES, including where environmental effects have informed the choices made.

It is worth bearing in mind that under the [Conservation of Habitats and Species Regulations 2017](#) ("the Habitats Regulations") unless it can be clearly shown to the Welsh Ministers that the project would have no adverse effect on the integrity of any designated sites, it would have to be shown that there is no feasible alternative solution (see advice note from [IEMA](#)). Further advice regarding the Habitats Regulations is provided in the final chapter of this Screening Direction.

### 6.2 Currency of Environmental Information

For all environmental aspects, the applicant should ensure that any survey data is as up to date as possible and clearly set out in the ES the timing and nature of the data on which the assessment has been based. Any study area applied to the assessments should be clearly defined. The impacts of construction, operation and decommissioning activities should be considered as part of the assessment where these could give rise to significant environmental effects. Consideration should be given to relevant legislation, planning policies, and applicable best practice guidance documents throughout the ES.

The ES should include a chapter setting out the overarching methodology for the assessment, which clearly distinguishes effects that are 'significant' from 'non-significant' effects. Any departure from that methodology should be described in individual aspect assessment chapters. Where professional judgement has been applied this should be clearly stated.

The ES topic chapters should report on any data limitations, key assumptions and difficulties encountered in establishing the baseline environment and undertaking the assessment of environmental effects.

### 6.3 Cumulative Effects

Figure 4 of the SR shows the wind farms developments within 35 km of the Site and their planning status. Paragraph 4.8.1 of the SR states that details of the multiple single wind turbine generators are not presented in the Scoping Exercise but will be considered in the ES. The Developer attention is drawn to NRW and CCC comments at **Appendix 1** on the adequacy of the cumulative impacts and the projects considered.

Effects deemed individually not significant from the assessment, could cumulatively be significant, so inclusion criteria based on the most likely significant effects from this type of development may prove helpful when identifying what other developments should be accounted for. The criteria may vary from topic to topic.

Best practice is to include proportionate information relating to projects that are not yet consented, dependent on the level of certainty of them coming forward.

All of the other development considered should be documented and the reasons for inclusion or exclusion should be clearly stated. Professional judgement should be used to avoid excluding other development that is close to threshold limits but has characteristics likely to give rise to a significant effect; or could give rise to a cumulative effect by virtue of its proximity to the proposed development. Similarly, professional judgement should be applied to other development that exceeds thresholds but may not give rise to discernible effects. The process of refinement should be undertaken in consultation with CCC and other consultees, where appropriate.

The scope of the cumulative assessment should be fully explained and justified in the ES.

Although intended for larger schemes, the Inspectorate's guidance for Nationally Significant Infrastructure Projects – [Advice Note 17: Cumulative Effects Assessment](#) sets out a staged process for assessing cumulative impacts that may be of relevance to the Applicant.

### 6.4 Mitigation

Any mitigation relied upon for the purposes of the assessment should be explained in detail within the ES. The likely efficacy of the mitigation proposed should be explained with reference to residual effects. The ES should provide reference to how the delivery of measures proposed to prevent / minimise adverse effects is secured (through legal requirements or other suitably robust methods) and whether relevant consultees agree on the adequacy of the measures proposed.

## 6.5 Population and Human Health

The Applicant should ensure that the ES addresses any significant effects on population and human health, in light of the EIA Regulations 2017. This could be addressed under the separate topic chapters or within its own specific chapter.

## 6.6 Transboundary Effects

[Schedule 4 Part 5](#) of the EIA Regulations requires a description of the likely significant transboundary effects to be provided in an ES. The ES should address this matter as appropriate.

## 7. Environmental Impact Assessment Topics

This section contains the Inspectorate's specific comments on the scope and level of detail of information to be provided in the Applicant's ES. The comments provided refer to the description of the development, the Environmental Impact Assessment process, structure of the ES and any other matter deemed relevant in the preparation of the ES. Environmental topics or features are not scoped out unless specifically addressed and justified by the Applicant and confirmed as being scoped out by the Inspectorate. In accordance with Regulation 17(4)(c) the ES should be based on this Scoping Direction in so far as the Proposed Development remains materially the same as the Proposed Development described in the Applicant's SR.

The Inspectorate has set out in this Direction where it has / has not agreed to scope out matters on the basis of the information available at this time. The Inspectorate is content that the receipt of a SD should not prevent the Applicant from subsequently agreeing with the relevant consultees to scope such matters out of the ES, where further evidence has been provided to justify this approach. However, in order to demonstrate that the matters have been appropriately addressed, the ES should explain the reasoning for scoping them out and justify the approach taken.

### 7.1 Aspects scoped in

Subject to the comments provided at Table 1, the following aspect are scoped into the ES:

**Landscape and Visual Impact Assessment (LVIA)**

**Ecology and Nature Conservation**

**Ornithology**

**Archaeology and Cultural Heritage**

**Noise**

**Transport and Traffic**

**Hydrology, hydrogeology and geology**

**Health and Safety and Risk to human health**

**Air Quality**

**Aviation and Telecommunication**

**Socio-economic Assessment**

**Climate**

**Waste**

**Table 1: The Planning Inspectorate's Comments**

ID	Reference	Issue	Comment
	<b>Description of the Development</b>		
ID.1	4.5.1	Transport Access	The SR does not explain how access to the Proposed Development will be gained. Paragraph 4.5.1 refers to Section 5.7 Traffic and Transport which does not clearly provide this information.
ID.2	4.6.3	Peat Removal	For turbine foundations, paragraph 3.6.4 states that prior to excavation, peat will be lifted and carefully stored. The ES should make clear how much peat is expected to be removed for turbine foundations, or any other wind farm infrastructure.
ID.3	4.6.5	Crane Hardstanding	The SR describes the crane hardstanding areas but does not specify if these will be temporary during construction, or permanent throughout the operational lifetime of the development. The ES should specify which elements of the infrastructure will remain for the duration of the operational lifetime and give details of how areas will be restored where infrastructure is temporary.
ID.4	4.6.11	Energy Storage	The SR states that energy storage may be incorporate in the Proposed Development.. See also Comment ID 56.  The ES should include these parameters and define a worst case scenario. The assessment should be conducted in accordance with the parameters.
ID.5	4.6.12	Meteorological mast(s)	The SR states that a meteorological mast or perhaps two will be required. The ES should clarify how many masts are required and the location subject to micrositing.
ID.6	4.6.15	Tolerance in micro siting	Paragraph 4.6.15 states that the location of infrastructure will be identified in the application with a tolerance of up 100m. The Applicant is reminded that although a level of tolerance is accepted, the ES should be prepared using a clearly identified worst case scenario, as appropriate and that final design should not lead to greater likely significant effects than identified in the ES. The Inspectorate draws the Applicant's attention to NRW comment on the avoidance of deep peat at <b>Appendix 1</b> . It is understood that the Developer is not prepared to complete detailed ground investigation prior to submission.

ID	Reference	Issue	Comment
			However, the Developer should conduct a peat survey to inform the design of the project and ensure that deep peat is avoided.
ID.7	4.8.6	Grid Connection	<p>The ES should consider the effects of the grid connection to the electricity network. Paragraph 4.8.6 states that the connection will not be part of the Proposed Development and that consent will be sought separately. However the Applicant is reminded that the environmental effects of the grid connection should be considered within the ES.</p> <p>If the intention is to apply for consent separately, it should be noted that following <a href="#">amendments</a> to The Developments of National Significance (Specified Criteria and Prescribed Secondary Consents) (Wales) Regulations 2016, an electric line above ground of up to 132kV associated with a DNS Generating Station is specified as a DNS in itself.</p>
<b>Aspects proposed to be scoped out</b>			
ID.8	5.3.77	Dormouse Surveys	It is not agreed to scope out dormouse surveys at this stage. See Comment ID 31.
ID.9	5.3.87	Reptile surveys	It is agreed to scope out reptile surveys subject to avoidance measures being included in the ES.
ID.10	5.3.90	Great Crested Newts	It is not agreed to scope out Great Crested Newts surveys at this stage. See Comment ID 32.
ID.11	5.8.10	Flood risk	The Proposed Development does not appear to be located within an area at risk of flooding and as such a Flood Consequences Assessment may not be required. However, consideration should be given to the drainage of the Site and a drainage strategy presented in the ES.
ID.12	5.8.11	Coastal Flood Risk	It is agreed to scope out flood risk from the Coast.
ID.13	5.11.1	Ice Throw	It is agreed to scope out this aspect, subject to confirmation that there is sufficient distance between the turbine and potential receptors.
ID.14	5.11.5	Shadow Flicker	It is agreed to scope out this aspect, subject to confirmation that there is sufficient distance between the turbine and potential receptors.

ID	Reference	Issue	Comment
ID.15	5.11.7	Health and Safety and Risk to human health	The Applicant proposes to scope out Health and Safety and Risks to Human Health on the ground that they are not a land-use planning matter and that danger to human health arising from the construction and operation of wind farm scheme is rare. The Applicant is reminded that the <a href="#">Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017</a> requires the ES to include expected significant adverse effects of the development on the environment and population deriving from the vulnerability of the development to risks of major accidents and / or disasters which are relevant to the project concerned. The Inspectorate disagrees with the Applicant and confirms that these matters cannot be scoped out at this stage based on the limited information provided in the SR. Please see below comments on health and public safety.
ID.16	5.11.8	Air Quality	The Applicant proposes to scope out Air Quality on the basis that during operations the wind farm will not generate emissions, and that standard construction methods for dust suppression will be sufficient to ensure no significant impacts on air quality. However, the Inspectorate notes that the information provided to date does not consider whether there are nature conservation designated sites along the proposed construction traffic route which could be affected by the emissions generated by construction traffic, in particular HGVs. Additional information is required regarding construction traffic emissions and location of any ecological sensitive receptors before this aspect could be scoped out.
ID.17	5.12.3	Tourism	Paragraph 5.12.3 of the SR states that there is no evidence that wind farms detrimentally affect tourism, and that it is not anticipated that significant adverse effects to tourism would arise and as such it is proposed that an assessment is not warranted on this occasion. However, paragraph 5.12.9 states that the Socio-economic assessment will consider the effects on tourism and paragraph 5.12.15 states that the proposed development will be analysed within the socio-economic characteristics of the Study Area to identify the potential positive and negative effects on socio-economics, land use and

ID	Reference	Issue	Comment
			<p>tourism. Additionally, paragraph 5.12.19 states that anticipated impacts include potential negative impacts in terms of tourism and recreational activity and among businesses located in the area that meet the needs of tourists. Therefore, it is unclear based on the information provided in the SR whether a significant negative impact on tourism is anticipated. Thus, based on the SR, the Inspectorate cannot agree at this stage to scope out Tourism.</p>
	<b>LVIA</b>		
	<b>The Applicant is advised to consult the Snowdonia National Park Authority and Powys County Council regarding the LVIA chapter of the ES.</b>		
ID.18	5.2.15	Study Area	<p>The Inspectorate notes the Applicant's proposal to exclude turbines less than 50 m blade tip height from the cumulative assessment. The Applicant's attention is drawn to CCC's comment at Appendix 1 regarding the need to include all turbines more than 20 m blade tip height. Should the cumulative assessment exclude turbines with a blade tip height lower than 50 m, justification will need to be provided in the ES.</p>
ID.19	5.2.18	Significance Criteria	<p>Paragraph 5.2.18 of the SR states that greater than moderate effects are more likely to be significant. The Applicant should identify all significant landscape and visual effects taking into consideration that moderate effects are usually considered significant. The ES should justify significance criteria.</p>
ID.20	5.2.37	Viewpoints	<p>The Inspectorate notes the list of provisional viewpoints provided by the Applicant in the SR. It is noted that Snowdonia National Park is approximately 12 km north of the Proposed Development. Figures 5 and 6 provides the Zone of Theoretical View (ZTV) and show that the Proposed Development is likely to be visible from the southern part of the National Park, alone and in combination with other developments. It is noted that NRW and CCC have not commented on the provisional viewpoints included in the SR, at this stage. The Inspectorate recommends that the Applicant engages in discussion with the relevant authorities to consider whether additional/ amended viewpoints should be assessed in the ES, in particular with regard to the Snowdonia National Park.</p>

ID	Reference	Issue	Comment
ID.21	5.2.40	Photomontages	The Inspectorate notes that the Applicant is proposing to generate photomontages for each viewpoint. The Applicant is reminded that the ES should clearly explain the parameters used in the preparation of the photomontages i.e. turbines and other infrastructure dimensions, appearance and locations and that the parameters should be consistent with the worst case scenario used in the assessment.
ID.22	5.2.43	Night-time Visualisations	The Inspectorate draws the Applicant's attention to CCC's comment on night - time visualisations at <b>Appendix 1</b> .
ID.23	5.2.52	Cumulative Impacts	The SR provides a list of cumulative schemes to be considered in the ES at section 3.8. The Applicant's attention is drawn to NRW comment at <b>Appendix 1</b> suggesting that the list provided is not up to date. The Inspectorate recommends that the Applicant engages with the relevant authorities, including Snowdonia National Park and Powys CC, to agree which schemes should be considered as part of the cumulative assessment. See also section 6.8 of this Scoping Direction.
<b>Ecology and Nature Conservation</b>			
ID.24	5.3.27	Baseline- Plynlimon SSSI	The Applicant's attention is drawn to NRW's comment (paragraph 15- <b>Appendix 1</b> ) on the SSSI notable feature.
ID.25	5.3.31	Baseline – River Wye SAC	The Applicant's attention is drawn to NRW's comment (paragraph 16- <b>Appendix 1</b> ) on the SSSI notable feature.
ID.26	5.3.33	Non Statutory Nature Conservation Designation	The Applicant is reminded that the two Roadside Verge Reserves identified are of county value.
ID.27	5.3.35 – 5.3.40	Habitats – grasslands	The Applicant's attention is drawn to NRW's comments ( <b>Appendix 1</b> ) with regard to grassland species and their enhancement by the lack of grazing on Site. The Inspectorate agrees with NRW that habitats of principal importance may be present on Site and that this should be investigated through Phase 2 National Vegetation Classification surveys (Paragraph 35 – <b>Appendix 1</b> ) and that the results of the surveys should inform the layout of the Proposed Development.

ID	Reference	Issue	Comment
ID.28	5.3.47	Modified bogs	The Applicant's attention is drawn to NRW's comment (Paragraph 20- <b>Appendix 1</b> ) that modified bogs should be avoided where possible as they could be targeted for restoration.
ID.29	5.3.53	Peat survey	The Applicant's attention is drawn to NRW's alternative peat survey method presented <b>at Appendix 1</b> . The ES should include justification of the survey methods used, where alternative methods exist. The Inspectorate agrees with NRW that peat should be measured deeper than 1.5 m, where present. Paragraph 5.3.55 states that peat depth surveys would be conducted 25 m either side of proposed tracks. The detailed methodology of the peat depth survey should be agreed with the relevant authority. For clarity, the ES should identify all survey points on a Figure to illustrate the extent of the peat survey.
ID.30	5.3.67	Bat Survey Methodology	The Applicant's attention is drawn to NRW's suggestion of an alternative bat survey methodology. The Inspectorate understands the Applicant is proposing to survey the Site following the Bat Conservation Trust (BCT) guidelines for a low value site and notes that NRW does not agree with this approach. The Applicant is recommended to liaise with NRW to ensure an agreement is reached on the level of surveys required to support the assessment. Any methodology used should be justified in the ES. The Inspectorate also notes that no Study Area is identified in the SR. The ES should clearly show survey Study Areas.
ID.31	5.3.77	Dormouse	The Applicant's attention is drawn to CCC's comment ( <b>Appendix 1</b> ) regarding the potential presence of dormice on Site.
ID.32	5.3.90	Great Crested Newts	The SR does not provide enough information to justify the exclusion of Great Crested Newts surveys. Waterbodies within 500 m of the permanent works and 250 m of temporary construction works (including access road and any off-site improvement, if necessary) should be identified and assessed for their amphibian suitability. Where suitable waterbodies are identified, presence/absence surveys should be conducted.

ID	Reference	Issue	Comment
ID.33	5.3.99	Cumulative Impact Assessment	The SR does not provide enough information to justify the exclusion of cumulative impact assessment, in particular taking into account that the provisional list of schemes presented in the SR may be incomplete. The SR acknowledges the potential presence of important habitats and species which could be significantly affected by the Proposed Development. Therefore, a detailed cumulative impact assessment is required to inform the ES.
<b>Ornithology</b>			
ID.34	5.4.3	Target species	The ES should clarify which are target species as these are not clearly defined in the SR. The Applicant's attention is drawn to NRW comment ( <b>Appendix 1</b> ) on wintering and stop-over species. The SR does not provide enough information regarding how surveys targeting these species will be conducted. The Inspectorate also notes that the SR does not identify the Zone of Influence (ZoI) of the Proposed Development for target species.
ID.35	5.4.3	Vantage Points surveys	The Applicant should be clear on the proposed vantage point survey effort and consider guidance from Scottish Natural Heritage <sup>1</sup> for hours surveyed per vantage point and season.  The ES should identify the location and visibility arc of each vantage point. Further advice on vantage point surveys is provided in NRW's response.
ID.36	5.4.11	Red Kite	The Elenydd-Mallaen SPA is within 2 km of the development site boundaries. The ES should consider whether the Site is functionally linked to Elenydd-Mallaen SPA. The Inspectorate draws the Applicant's attention to the NRW response at <b>Appendix 1</b> with regards to Elenydd-Mallaen SPA. Considerations on the Habitat Regulations Assessment are reported at Section 8.1 of this Scoping Direction.

<sup>1</sup> Scottish Natural Heritage (March 2017) Recommended bird survey methods to inform impact assessment of onshore wind farms

ID	Reference	Issue	Comment
ID.37	5.4.21	Cumulative Impact Assessment	The SR does not provide enough information to justify the exclusion of cumulative impact assessment, in particular taking into account that the provisional list of schemes presented in the SR may be incomplete. Not enough information is provided in terms of the value of the Site for target species and functionality linked to Elenydd-Mallaen SPA at this stage. Therefore, a detailed cumulative impact assessment is required to inform the ES.
<b>Archaeology and Cultural Heritage</b>			
ID.38	5.5.12	Methodology – pre-submission archaeological investigation	The SR is unclear on whether the Applicant is proposing pre-submission archaeological investigation. CCC's response provided at <b>Appendix 1</b> does not include the technical advice of Dyfed Archaeological Trust. The Applicant should endeavour to agree the assessment methodology with the statutory consultees and the Dyfed Archaeological Trust.
ID.39	5.5.13	Baseline – peat	Baseline provided as part of the geology, hydrology and soils section indicates that the majority of the Site is underlain by slowly permeable wet and very acid upland soils with a peaty surface (Paragraph 5.8.12 of <b>Appendix 1</b> ). No information is provided on the depth of the peat present on Site. It is noted that a peat depth survey is proposed to inform the ES (see above). The Inspectorate notes the potential for paleo-environmental impacts. The Applicant should consider whether a coordinated approach would be appropriate for investigating the peat present on Site in consultation with NRW and CCC to inform the baseline of the ES.
ID.40	5.5.35	Guidance and Assessment of Significance	The Inspectorate welcome the stated intention to ensure that the relevant guidance from Cadw is adhered to. The Inspectorate notes reference to the Design Manual for Roads and Bridges (DMRB) 2007 within this and other paragraphs within Chapter 8. <a href="#">The DMRB</a> has been updated in 2019. The Applicant should use the most up to date guidance as part of the assessment.

ID	Reference	Issue	Comment
ID.41	5.5.33	Mitigation	The SR does not provide details of the mitigation proposed should a significant impact arise. The Applicant is reminded that the ES should include a detailed set of mitigation measures, where required, along with a clear delivery strategy to be agreed in consultation with the relevant authorities.
ID.42	5.5.37	Residual impacts	The ES should contain a robust assessment to ensure that if significant residual impacts are identified there is enough evidence provided that these cannot be mitigated further.
<b>Noise Assessment</b>			
ID.43	5.6.27 & 5.6.33	Methodology	The Applicant should consider that the noise limits set in ETSU-R-97 are not a definition of significance. The Applicant is reminded of paragraph 3.2.8 of the Institute of Acoustic Good Practice Guide to the application of ETSU-R-97 (2013) which states that single lower fixed limits can be used where background noise levels do not vary significantly between amenity periods and night-time periods, with the agreement of the relevant authorities. The ES should demonstrate compliance with ETSU-R-97 and clearly explain how significant impacts are identified.
ID.44	5.6.29	Survey Methodology	The Inspectorate notes that CCC Environmental Health Officer (EHO) has not responded to the consultation. Thus the Applicant is recommended to liaise with CCC to agree the background survey methodology.
ID.45	5.6.34	Cumulative impacts	The Applicant is reminded of the detailed methodology set by section 5 the Institute of Acoustic Good Practice Guide to the application of ETSU-R-97 (2013) regarding the derivation of the appropriate lower fixed limits in the cumulative impact assessment. The ES should clearly identify all the relevant wind farms affecting the same receptors and the correct noise limits the proposal should comply with as part of the cumulative assessment, in agreement with the relevant authorities.

ID	Reference	Issue	Comment
<b>Transport and traffic</b>			
ID.46	4.5.1 and Section 5.7	Access	Paragraph 4.5.1 of the SR refers to Section 5.7 with regard of access to the Site. However, the Transport and Traffic Section does not include information on where access to the Proposed Development will be gained. Thus, it is unclear whether improvement works will be required. The ES should not only include route assessment but also explain whether additional works will be required during construction.
<b>Hydrology, hydrogeology and geology</b>			
ID.47	5.8.10	Flood risk	The Proposed Development does not appear to be located within an area at risk of flooding and as such a Flood Consequences Assessment may not be required. However, consideration should be given to the drainage of the Site and a drainage strategy presented in the ES. The applicant should also be aware of the statutory SuDS regime, as referred to in section 8.3 of this Direction.
ID.48	5.8.18	Water Quality	This paragraph refers to Powys County Council. The Inspectorate believes this may be a typo.
ID.49	5.8.19	Groundwater Dependant Terrestrial Ecosystems (GWDTEs)	It is not currently known whether GWDTEs are present within the Proposed Development or its ZoI. The Planning Inspectorate recommends that the hydrological assessment should clearly define the ZoI of the Proposed Development and the ES should cross reference the ecological and hydrological assessments.
ID.50	5.8.21	Significant Impacts	The SR is not clear on how significant impacts will be determined. The ES should clearly define how significance is established.
ID.51	5.8.27	Water Framework Directive (WFD)	The SR is not clear on whether a WFD assessment will be undertaken, but the Inspectorate advises that one should be completed.

ID	Reference	Issue	Comment
ID.52	N/A	Mitigation Measures	The SR does not provide details of the mitigation proposed should a significant impact arise. The Applicant is reminded that the ES should include a detailed set of mitigation measures, where required, along with a clear delivery strategy to be agreed in consultation with the relevant authorities.
ID.53	5.8.28	Residual impacts	The ES should contain a robust assessment to ensure that if significant residual impacts are identified there is enough evidence provided that these cannot be mitigated further.
ID.54	5.9.4	Peat	The Inspectorate welcomes that the ES will include a Peat Management Plan. The Applicant's attention is drawn to comment ID 29 regarding NRW comments ( <b>Appendix 1</b> ) on the proposed peat survey methodology. The Inspectorate recommends that peat depth should be investigated deeper than 1.5 m (ID 29) and that survey methodology should be justified in the ES. It would also be beneficial for the ES to include an indication of hydrological flows through the peat.
<b>Aviation and Telecommunication</b>			
ID.55	No additional comment		
<b>Health and Public Safety</b>			
ID.56	N/A	Energy Storage Capacity	It is noted that the proposal may include energy storage capacity on Site. At this stage it is not clear which type of batteries are proposed. The Inspectorate notes that there is a potential fire risk associated with certain types of batteries such as lithium-ion and that safety measures are required in the design to minimise the risk of fire. The Inspectorate considers this to be part of the EIA process in line with Schedule 4 of the EIA Regulations (Wales) 2017. The Proposed Development should include adequate measures to ensure that an isolated fire would not become widespread and lead to a major incident. The Applicant may consider the submission of a Battery Safety Management Plan confirming that the risks are understood, accounted for and mitigated as far as practicable, in agreement with relevant consultees. The Applicant is reminded of the responsibilities set by the Regulatory Reform (Fire Safety) Order 2005. The ES should ensure that risks of accidents are accounted for and mitigated in line with Schedule 4.

ID	Reference	Issue	Comment
	<b>Socio- economics, Recreation and Tourism</b>		
ID.57	No additional comment. See Comment ID 17.		
	<b>Additional Comments &amp; Miscellaneous</b>		
ID.58	<b>Climate</b>	The SR does not address the impact of the project on climate and the vulnerability of the project to climate change, contrary to the requirements of the EIA Regulations (Wales) 2017. It is however noted that paragraph 5.9.2 suggests the use of a carbon calculator tool, where appropriate. The Inspectorate would expect the ES to address the carbon costs of the proposed wind farm if developed on deep peat (i.e. greater than 0.5 m). The Applicant may consider submitting carbon calculations as part of the ES. There is currently no up to date Welsh guidance on wind farm development on peatlands. However, the Applicant may consider the planning advice prepared by the Scottish Government <sup>2</sup> on wind farm developments on peat land.	
ID.59	<b>Waste</b>	The SR does not address the impact of generation and deposition of waste, contrary to the requirements of the EIA Regulations (Wales) 2017. However, the Inspectorate notes that the construction of the Proposed Development has the potential to generate waste which will require disposal in light of the proposal to win construction material on Site using borrow pits. Therefore, the ES should consider the generation and disposal of waste within an appropriate section.	

<sup>2</sup> <https://www.gov.scot/publications/wind-farm-developments-on-peat-land-planning-advice/>

## 8. Other Matters

**This section does not constitute part of the Scoping Direction, but addresses other issues related to the proposal.**

### 8.1 Habitats Regulation Assessment

[The Conservation of Habitats and Species Regulations 2017](#) require competent authorities, before granting consent for a plan or project, to carry out an appropriate assessment (AA) in circumstances where the plan or project is likely to have a significant effect on a European site (either alone or in combination with other plans or projects). The competent authority in respect of a DNS application is the relevant Welsh Minister who makes the final decision. It is the Applicant's responsibility to provide sufficient information to the competent authority to enable them to carry out an AA or determine whether an AA is required.

When considering whether or not significant effects are likely, applicants should ensure that their rationale is consistent with the [CJEU finding](#) that mitigation measures (referred to in the judgment as measures which are intended to avoid or reduce effects) should be assessed within the framework of an AA and that it is not permissible to take account of measures intended to avoid or reduce the harmful effects of the plan or project on a European site when determining whether an AA is required ('screening'). The screening stage must be undertaken on a precautionary basis without regard to any proposed integrated or additional avoidance or reduction measures. Where the likelihood of significant effects cannot be excluded, on the basis of objective information the competent authority must proceed to carry out an AA to establish whether the plan or project will affect the integrity of the European site, which can include at that stage consideration of the effectiveness of the proposed avoidance or reduction measures.

Where it is effective to cross refer to sections of the ES in the HRA, a clear and consistent approach should be adopted.

The Inspectorate's guidance for Nationally Significant Infrastructure Projects – [Advice Note 10: Habitat Regulations Assessment relevant to Nationally Significant Infrastructure Projects](#) may prove useful when considering what information to provide to allow the Welsh Ministers to undertake AA.

The Applicant should carefully consider the comments provided by NRW in their response (**Appendix 1**) on the potential for the Site to be functionally linked to Elenydd-Mallaen SPA. It is recommended for the Applicant to liaise with NRW on whether the Proposed Development will likely have any significance effects on European Protected Sites either alone or in combination with other projects ahead of the submission. The Applicant is reminded that it is the Applicant's responsibility to provide sufficient information to the competent authority to enable them to carry out their duties under the Conservation of Habitats and Species Regulations 2017 and that this will be explored during examination.

### 8.2 Well-being of Future Generations Act

The Well-being of Future Generations (Wales) Act 2015 places a duty on public bodies to carry out sustainable development. It is the responsibility of the decision maker to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales. Under the Well-being Act, the planning system is required to deliver an

improvement in all four aspects of well-being: social, economic, environmental and cultural. In order to demonstrate that appropriate consideration has been given to the Well-being goals and sustainable development principle in the decision-making process, public bodies are required to have regard to the 'five ways of working' contained in the Well-being Act. These require consideration of: involvement; collaboration; integration; prevention; and long term factors. It will be for each decision-making body to demonstrate how they have operated in this manner. Whilst not a legislative requirement, as part of the application documentation, the applicant may wish to consider submitting a statement to illustrate their view on how proposed developments contribute to the goals set by the Well-being Act.

### **8.3 SuDS Consent**

Whilst a separate legislative requirement from planning permission, the Applicant's attention is drawn to the statutory SuDS regime that came into force in Wales in January 2019. The requirement to obtain SuDS consent prior to construction may require iterative design changes that influence the scheme that is to be assessed within the ES and taken through to application. As such, it is recommended that the applicant contact the local SuDS Approval Body early on.



Llywodraeth Cymru  
Welsh Government

Plas Carew, Uned 5/7 Cefn Coed  
Parc Nantgarw, Caerdydd CF15 7QQ  
Ffôn 0300 025 6000  
Epost [cadw@gov.cymru](mailto:cadw@gov.cymru)  
Gwefan [www.cadw.cymru.gov.uk](http://www.cadw.cymru.gov.uk)

Plas Carew, Unit 5/7 Cefn Coed  
Parc Nantgarw, Cardiff CF15 7QQ  
Tel 0300 025 6000  
Email [cadw@gov.wales](mailto:cadw@gov.wales)  
Web [www.cadw.wales.gov.uk](http://www.cadw.wales.gov.uk)

Gemma James  
The Planning Inspectorate

[policy.wales@planninginspectorate.gov.uk](mailto:policy.wales@planninginspectorate.gov.uk)

Eich cyfeirnod  
Your reference

DNS 3246727

Ein cyfeirnod  
Our reference

Dyddiad  
Date

18 March 2020

Llinell uniongyrchol  
Direct line

[REDACTED]

Ebost  
Email:

[Cadwplanning@gov.wales](mailto:Cadwplanning@gov.wales)

Dear Gemma James,

### Potential DNS Application

**Site Address: Lluest Y Gwynt Wind Farm, Ponterwyd, Ceredigion**

**Proposed Development: 24 Wind Turbine generators with indicative installed capacity of 4MW each results in potential scheme of 100MW**

Thank you for your letter of 12 February asking for Cadw's view on scope of the EIA and the proposed methodologies outlined in the scoping report.

Cadw, as the Welsh Government's historic environment service, has assessed the characteristics of this proposed development and its location within the historic environment. In particular, the likely impact on designated or registered historic assets of national importance. In assessing if the likely impact of the development is significant Cadw has considered the extent to which the proposals affect those nationally important historic assets that form the historic environment, including scheduled ancient monuments, listed buildings, registered historic parks, gardens and landscapes.

These views are provided without prejudice to the Welsh Government's consideration of the matter, should it come before it formally for determination.

### Advice

The scoping request is accompanied by a report outlining the proposed contents of an environmental impact assessment produced by Dulas. Section 5.5 Archaeology and Cultural Heritage of this documents outlines the contents of a desk-based historic environment assessment that will be produced.

In general we concur with the contents of this document but recommend that the impact of the proposed development on the setting of all of the designated heritage assets listed in Annex A (which are located inside 5km of the proposed development and in the identified ZTV) should commence with a stage 1 assessment following the methodology given in the Welsh Government document "The Setting of Historic Assets in Wales",

Mae'r Gwasanaeth Amgylchedd Hanesyddol Llywodraeth Cymru (Cadw) yn hyrwyddo gwaith cadwraeth ar gyfer amgylchedd hanesyddol Cymru a gwerthfawrogiad ohono.

The Welsh Government Historic Environment Service (Cadw) promotes the conservation and appreciation of Wales's historic environment.

Rydym yn croesawu gohebiaeth yn Gymraeg ac yn Saesneg.  
We welcome correspondence in both English and Welsh.



BUDDSODDWR MEWN POBL  
INVESTOR IN PEOPLE



which will determine the need, if necessary, for stages 2 to 4 to be carried out for specific heritage assets.

It is also noted that it is proposed to carry out an ASIDOHL assessment to determine the impact of the proposed development on the registered historic landscape. This is an appropriate method to assess the scale of this impact. However, it is strongly recommended that Cadw are contacted in order to agree the historic landscape character areas that will be included in this study.

Yours sincerely

Jenna Arnold  
Diogelu a Pholisi/ Protection and Policy

**Listed Buildings**

9825 Yr Hen Bont II  
9870 Devil's Bridge / Pont ar Fynach II\*  
10706 Devil's Bridge Station II  
10734 Hafod Arms Hotel II\*  
24012 Ponterwyd Calvinistic Methodist Chapel and attached chapel house II  
24013 Ebenezer Wesleyan Chapel, forecourt wall and outbuilding II  
82808 Milestone between Goginan and Cwmbwyno II  
83326 Church of St John the Baptist II  
83327 Churchyard gateway and churchyard wall to right II  
83328 Clydfan II  
83329 Cottage attached to Clydfan II  
83330 Dolcarne II  
83331 Former chapel schoolroom II  
83332 Milestone on A4120 N of Devil's Bridge II  
83333 Milestone on A44 in Ponterwyd II  
83334 Milestone on A44 NE of Dyffryn Castell II  
83335 Milestone on A44 S of Eisteddfa Gurig II  
83338 Milestone on B4343 II  
83339 Milestone on B4343 II  
83341 Penybont II  
84246 Automobile Association call box by Hafod Arms Hotel II  
9825 Yr Hen Bont II  
9870 Devil's Bridge / Pont ar Fynach II\*  
10706 Devil's Bridge Station II  
10734 Hafod Arms Hotel II\*  
24012 Ponterwyd Calvinistic Methodist Chapel and attached chapel house II  
24013 Ebenezer Wesleyan Chapel, forecourt wall and outbuilding II  
82808 Milestone between Goginan and Cwmbwyno II  
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83329 Cottage attached to Clydfan II  
83330 Dolcarne II  
83331 Former chapel schoolroom II  
83332 Milestone on A4120 N of Devil's Bridge II  
83333 Milestone on A44 in Ponterwyd II  
83334 Milestone on A44 NE of Dyffryn Castell II  
83335 Milestone on A44 S of Eisteddfa Gurig II  
83338 Milestone on B4343 II

**Scheduled Ancient Monuments**

Within the application area:

CD023 Llys Arthur, Dyffryn-Castell  
CD034 Y Garn, 2400m NNW of Eisteddfa-Gurig  
CD038 Cairn on Pen Lluest-y-Carn  
CD042 Cairn Circle 400m SW of Lle'r Neuaddau  
CD043 Cairn 400m N of Lle'r Neuaddau

CD150 Southernmost Cairn on Pen Plynlimon-Fawr  
CD256 Garn Lwyd Round Cairn & Standing Stone

Within a 5km ZTV:

CD006 Hen Bont, Pont-Erwyd  
CD014 Stone Circle and Round Cairns, Hirnant  
CD023 Llys Arthur, Dyffryn-Castell  
CD030 Disgwylfa Fawr Round Barrow  
CD034 Y Garn, 2400m NNW of Eisteddfa-Gurig  
CD035 Cairns on Pen Plynlimon-Arwystli  
CD036 North Cairn on Pen Plynlimon-Fawr  
CD037 Central Cairn on Pen Plynlimon-Fawr  
CD038 Cairn on Pen Lluest-y-Carn  
CD041 Y Garnedd, Hirnant  
CD042 Cairn Circle 400m SW of Lle'r Neuaddau  
CD043 Cairn 400m N of Lle'r Neuaddau  
CD044 Round Barrow 290m SSW of Nant-y-Moch  
CD045 Carn Owen, Cerrig yr Hafan  
CD055 Dinas SW of Aber-Peithnant  
CD097 Bryn Rhosau Round Barrows  
CD118 Round Barrow SW of Pen-Rhiwlas  
CD150 Southernmost Cairn on Pen Plynlimon-Fawr  
CD176 Banc Erw Barfe Deserted Rural Settlement  
CD178 Lluest Pencraig Ddu Deserted Rural Settlement  
CD180 Esgair Naint Deserted Rural Settlement  
CD181 Nant yr Helygen Deserted Rural Settlement  
CD194 Pen y Garn Cairn  
CD195 Nant Yspryd Glan Deserted Rural Settlement  
CD201 Blaen Cwmsymlog Lead and Silver Mine  
CD209 Waun Llechwedd Llyfn long hut  
CD223 Temple Mine (*proposed scheduling*)  
CD228 Cairn Circle 200m NNW of Dolgamfa  
CD231 Buwch a'r Llo Standing Stones  
CD232 Nant Geifaes Cairn  
CD246 Carn Fawr Round Cairns  
CD250 Pencraig y Pistill Round Cairn  
CD251 Bwlch yr Adwy Round Barrow  
CD252 Carneddau Round Cairns, Drosgol  
CD256 Garn Lwyd Round Cairn & Standing Stone  
CD277 Nant y Baracs Deserted Rural Settlement  
MG057 Cae Gaer  
MG104 Carn Gwilym Round Cairns  
MG113 Carn Fach Bugeilyn  
MG248 Nant Iago Lead Mine (*proposed scheduling*)  
MG255 Hut Circle Settlement below Foel Isaf, Bugeilyn  
MG307 Banc Llechwedd-mawr round cairns  
MG308 Craig y Dullfan ring cairn  
MG309 Afon Hyddgen stone row

#### Registered Historic Landscapes

Upland Ceredigion

Er sylw / For the attention of Gemma James  
Crown Buildings,  
Cathays Park,  
Cardiff,  
CF10 3NQ

30/03/2020

Dear Ms James,

**BWRIAD / PROPOSAL: Scoping Direction for 24 Wind Turbine generators with indicative installed capacity of 4MW each results in potential scheme of 100MW**

**LLEOLIAD / LOCATION: Lluest Y Gwynt Wind Farm**

Thank you for consulting Natural Resources Wales (NRW) about the above, which was received on 12/02/2020.

NRW has reviewed the information provided in the Lluest y Gwynt Wind Farm, Scoping Report, Dulas Ltd., February 2019.

Our comments are without prejudice to advice we may wish to make when consulted on any subsequent planning applications, on the submission of a more detailed scoping report, or the full Environmental Statement. At the time of any application there may be new information available which we will need to consider in making a formal response.

These comments include those matters NRW consider will need to be taken into consideration and scoped into the Environmental Impact Assessment (EIA) and the resulting Environmental Statement (ES).

## **General Site Description**

1. With regards to paragraph 1.1.3, The site is hydrologically connected to the Wye Catchment. The Afon Tarennig is a tributary of the Wye and is part of the Upper Wye Site of Special Scientific Interest (SSSI).

## **Cumulative assessment**

### *Wind Farms*

2. The list of Mid Wales wind farms and their status is out of date and needs to be updated prior to the cumulative assessment being undertaken. At some stage, as suggested in the scope, the wind farms to be included in various cumulative assessments will need to be agreed. We cannot agree at this stage prior to survey result that a cumulative assessment will not be required for ecology (section 5.3.99). A cumulative assessment for bird strike mortality including red kite is likely to be required.

### *Grid infrastructure and transport impacts*

3. As the grid infrastructure and road access is an integral part of the project its impact should be included in any cumulative assessment.

## **Landscape and Visual Impact Assessment, including Residential Amenity**

4. We have reviewed the submitted information and consider that there is potential for significant adverse effects on the Snowdonia National Park, given the proximity and scale of the proposals, both individually and cumulatively. A detailed Landscape and Visual Impact Assessment of the proposals in relation to the Snowdonia National Park is required, including cumulative effects.

### *Detailed Review of the Scoping Report and Mapping*

5. A 45km Study Area has been defined, based on guidance within Scottish Natural Heritage's *Visual Representation of Wind Farms 2017*, which recommends an initial Zone of Theoretical Visibility (ZTV) distance of 45km for 150m+ sized turbines.
6. The Scoping Report (4.6.1) states that the proposed turbines would have a hub height up to 90m, a rotor diameter up to 160m and blade tip height up to 180m. The proposal is for 24 wind turbines.
7. Part of the Snowdonia National Park lie within this Study Area, including Cadair Idris and its surrounding uplands and hills to the north of the Dyfi Estuary. The National Park lies approximately 12.6km from the proposal site, at its closest point (paragraph 5.2.22). The report states (paragraph 5.2.11) that it is envisaged that the effects on all statutory landscape designations within the 45km Study Area would be considered. There is potential for significant adverse effects on the Snowdonia National Park, given the proximity and scale of the proposals, both individually and cumulatively.

8. The Brecon Beacons National Park lies approximately 47km distant at its closest point near Llandovery and the Pembrokeshire Coast National Park lies approximately 69km distant at its closest point near Aberteifi. At these distances there would be no effects and these National Parks and can be scoped out of the ES.
9. In addition, a 20km Study Area has been illustrated, showing degrees of visibility from different areas, including Snowdonia National Park.
10. Several existing wind farms lie within 10km of the proposal. This indicates that there is the potential for cumulative visual effects on the Snowdonia National Park since some existing windfarms are also visible from the park.
11. In paragraph 3.2.23 it is stated that, with regard to potential cumulative effects, all windfarms – operational, under construction, consented and in-planning, will be identified within a 35km radius of the proposal. We agree that all windfarms within this radius should be identified. A detailed assessment of the cumulative landscape and visual effects on Snowdonia National Park should be carried out.
12. In paragraph 4.3.3 it is stated that no alternative layouts for the scheme have yet been prepared due to the very early stage of the project development. We advise that the ES includes a section on the assessment of reasonable alternatives including items such as development design, technology, location, size and scale; and this should be presented and assessed in relation to their landscape and visual effects, including visual effects on Snowdonia National Park.
13. The Report (paragraph 5.2.10) states that for landscape character assessment the focus is a 5-10km distance. It is stated that the proposal is theoretically visible from much of the area within 5km. Given the scale of the proposal, we advise that landscape character areas at a greater distance from the proposal would be inter-visible and there is potential for significant landscape effects beyond 10km. LANDMAP Guidance Note 3: Guidance for Wales: Using LANDMAP for Landscape and Visual Impact Assessment of Onshore Wind Turbines (p.11 6.2) advises that, for Visual & Sensory Aspect Areas significant landscape effects could extend to around 20km+ where there are sensitive upland/mountainous areas in the overall study area.
14. The Report (paragraph 5.2.42) states that the turbine height means that they may require infra-red aviation lighting on nacelles and that night-time visualisations will be produced to assess the landscape and visual effects. We agree that night-time visualisations and assessment of effects should be included if the turbines require lighting. This should include visualisations and assessment from viewpoints within the Snowdonia National Park.

## **Ecology and nature conservation**

### *Statutory Nature Conservation Designations*

#### *Plynlimon SSSI*

15. In relation to paragraph 5.3.27, it should be noted Plynlimon SSSI also includes a range of arctic alpines including dwarf willow *Salix herbacea*, water avens *Geum rivale*, Bigelow's sedge *Carex bigelowii* and its hybrid with common sedge *Carex nigra* and a plethora of rare and scarce lower plant species.

#### *River Wye (Upper Wye) SSSI and River Wye Special Area of Conservation (SAC)*

16. Potential impacts on fish species, including those that contribute to the relevant SSSI and SAC designations, need to be considered. With regards to specific species, neither Atlantic salmon *Salmo salar* or brown trout *Salmo trutta* are considered. Atlantic salmon are features of the River Wye SAC. Atlantic salmon and brown trout are included on the Section 7 (Environment Act Wales) 2016) list of the living organisms of principal importance for the purpose of maintaining and enhancing biodiversity in relation to Wales. Populations of both species could, potentially, be impacted by these proposals. However, neither species are considered in part 5.3. Potential impacts on fish species could result through changes to water quality, morphology, habitat connectivity, water quantity etc. These issues should be given appropriate consideration in the ES, including those that may occur within and downstream of the site boundary.

#### *Habitats*

17. We advise reference is made to purple moor-grass *Molinia caerulea* in paragraph 5.3.37 and Bigelow's sedge in list the of species in paragraph 5.3.38.
18. With regards to paragraph 5.3.40, it should be noted reinstatement of the arctic-alpine flora has been enhanced by the lack of grazing and this should be acknowledged within the ES.
19. In relation to paragraph 5.3.47, we note that "aside from its presence on peat deposits, areas dominated by purple moor-grass have little intrinsic biodiversity value". We advise this wording is changed to areas "dominated by species-poor purple moor-grass". Degraded purple moor-grass (also described as *Molinia* bog) is described as of low value apart from the value of the peat. This fails to recognise that the habitat is of value because it can be restored to blanket bog which is a habitat of principal importance.
20. In relation to paragraph 5.3.48, we note the statement that "blanket bog vegetation is of higher biodiversity value due to its scarcity and susceptibility to modification. It should be avoided wherever possible." Modified bog should also be avoided and seen as areas to be targeted for restoration.
21. Regarding paragraph 5.3.49 we advise upland fen will be represented by flush communities on deep peat (>50cm) and are potentially frequently found in the area.

#### *Peat*

22. In relation to the proposed surveys for peat depth (paragraph 5.3.52), NRW requires all windfarm applications to conduct a general peat survey of the entire application area. Vegetation composition cannot be used as an indicator of deep peat. We have seen in Wales improved grassland on 6m peat and M18a (priority bog habitat) on 15 cm peat depth. It is inappropriate to map acid flushes as upland fen without knowing the depth of peat beneath.
23. The level 1 survey is to avoid the peat as part of the infrastructure layout. Avoiding deep peat (>50cm) will help to meet the Welsh Government environment Bill (2015) and Future Generations Act (2016). It will also support the Welsh Government Ministerial Commitment to ensure that all peatlands supporting semi-natural habitats are under active management by 2030 by supporting, enabling and coordinating the restoration and sustainable management of peatland, as well as utilising and maximising associated funding opportunities. Also, on designated sites the deep peat supports the functioning of peatland habitats such as blanket bog for example.
- Previously it was requested that Infrastructure Applications had an initial Phase 1 peat depth survey of 1 peat probe per hectare of application area i.e. a 500-ha site would require 500 peat probes on a 100m x 100m grid and 1 peat core per 10 peat probes so 50 peat cores in total in this example;
  - To broadly determine where deep peat occurs on a site, an initial 100m x 100m peat probe grid should be carried out;
  - If deep peat is encountered, peat probes should be carried out every 20 metres in all directions until deep peat is not encountered (<30cm) to determine accurately the edge of the peat body;
  - Areas of obvious bog and mire viewed on aerial photography that are missed by the grid should be visited and peat depths ascertained, and the extent of the peat body determined as above;
  - Checks should also be made with existing soil maps and the unified peat layer to check for omissions especially in areas of forestry where bog vegetation will not alert applicants to the presence of deep peat. The presence of 'checked' trees should be used in these situations to locate additional areas of deep peat within dense forestry that are missed by the above. The 100x100m grid of peat probes should cover all areas of forestry;
  - Once an accurate peat map has been produced, infrastructure layouts can then be informed to avoid all areas of deep peat;
  - The presence of deep peat is likely to require the re-siting or removal of infrastructure if alternative routes avoiding the peat resource cannot be determined.

The applicants could consider the following alternative method:

- 100m x 100m grid of peat probes across the application area to be fed into the Peat depth contour mapping programme Surfer 9.2, published by Golden Software ([www.goldensoftware.com](http://www.goldensoftware.com)).

- This will produce a peat depth contour programme that will need to be ground truthed, by going to areas depicted as deep peat and checking the peat depths generated by the program to actual peat depths. Applicant will need to calculate how many ground truthing points are required and confirm with NRW.
- Also, areas that can be seen on aerial photography as areas of bog/flush should also be visited if the peat depth contour model does not accurately depict them as areas of deep peat.

The Alternative approach may become more economic on larger sites.

24. All peat maps will be scrutinised by NRW ecologists and site visits to verify areas will be costed at current rates and charged to the applicant.
25. Regarding paragraph 5.3.54, peat should be measured to its full depth rather than a maximum of 1.5m, otherwise the effect of locating infrastructure in locations of deeper peat cannot be accurately predicted. In the case of tracks, turbine bases, crane pads and other infrastructure, measurements should be taken at intervals of 5m, 10m and 15m either side to allow for micro-siting away from deep peat (phase 2 survey).
26. There is no information on how the hydrological impacts on peat will be assessed as the only baseline information is peat depth with no mention of the need for collation of data on other peat characteristics. Any residual impact on peat and habitats should be fully mitigated via a habitat management plan.
27. There are steep slopes within the site boundary and historically there have been land slips in these areas. There is no mention in the scoping document of any peat slide risk assessment and this needs to be considered further.
28. The peat and peatland vegetation data should be cross referenced within the ES.
29. There is no reference of rivers and streams as a habitat in this section of the report. Rivers and streams are included on the Section 7 (Environment Act (Wales) 2016) list of habitats of principal importance for the purpose of maintaining and enhancing biodiversity in relation to Wales and should be considered as part of the EIA process.

#### *European Protected Species*

30. We advise that assessments in respect of European Protected Species (EPS) consider current conservation status and favourable conservation status (as well as significance).

#### *Bats*

31. We note section 5.3.67 suggests this a low impact site (in respect of bats). No rationale has been provided as to why the site is considered low risk. Field surveillance should be based on University of Exeter recommendations (Bats and Onshore Wind Turbines: Survey, Assessment

and Mitigation, January 2019, University of Exeter). Care should be taken on collecting appropriate weather data alongside the bat survey. It should be noted there are mine adits on site which may be used by hibernating bats.

*Otter and Water Vole*

32. We concur with the suggested approach in respect of these species.

*Dormouse*

33. We note dormouse are scoped out in respect of further survey. It is unclear whether there will be any loss or displacement of hedgerows, scrub or any type of woodland. Previous examples of wind energy schemes, such as the Clocaenog Forest, in conifer plantation have recorded dormouse as present. Therefore, should any hedgerows, scrub or woodland need to be removed to facilitate construction, then as a minimum, habitat suitability assessment will be required, and where this demonstrates suitability for dormouse then full surveys will be expected to be completed.

*Great Crested Newt (GCN)*

34. We advise that the justification for no GCN survey is unsatisfactory. As a minimum any ponds, ditches and/or waterbodies present should be surveyed using a Habitat Suitability Index and eDNA surveys. This information can then be used to assess whether further survey is required.

*Summary of Scope of Ecology Surveys*

35. Habitat surveys
- Habitat surveys should be to Phase 2 NVC level as phase 1 will not provide sufficient detail (in particular in a SSSI). Much of the vegetation within the red line boundary is semi-natural and potentially represents habitat of principal importance (Section 7 Habitat)
  - In relation to peat depth survey (5.3.91) and avoidance of areas of greater peat depth, we advise that the first course of action should be to avoid all areas of deep peat (>50cm) and where possible even those of 30-50cm.
  - Bats surveys to be based on University of Exeter recommendations (Bats and Onshore Wind Turbines: Survey, Assessment and Mitigation, January 2019, University of Exeter). Care taken for collecting weather data at the same time as the bat surveys are conducted.
  - Otter surveys to be based on Chanin (2003).
  - Water vole survey to be based on Strachan (2011).
  - Dormouse survey to include assessment of habitats for their suitability to support dormouse, and if suitable habitat is identified, further survey completed to determine presence or likely absence and population estimates.
  - GCN to include assessment of ponds, ditches and water bodies for their suitability to support GCN, and if suitable features are identified, further survey completed to determine presence or likely absence and population estimates.

## Ornithology

36. There is no reference to the Environment (Wales) Act 2016 and associated Section 7 within the scoping document e.g. section 5.4.2 (Legislative provisions and published guidance), section 5.4.4 (Assessment methodology) and section 5.4.14 (Target species). We would expect relevant bird species listed in Section 7 of the Act to be considered for scoping into the EIA.

### *Assessment Methodology*

37. In relation to paragraph 5.4.3, we advise wintering golden plover will be an important species to survey. It is stated in this paragraph that Breeding Bird Surveys (BBS) will be based on Brown and Shepherd method but does not indicate which methods would be followed for winter walkover and breeding red kite surveys.
38. The Plynlimon SSSI is used by dotterel as a stopover site and the Scottish Natural Heritage (SNH) guidance (2017) refers to Gilbert et al. (1998) to inform best practice for survey methodology for this species. As the use during migration is temporary, surveys should ensure these potential periods of use are not missed as part of the surveys. The report states vantage point (VP) surveys will be used for golden plover and dotterel stop over but this depends on surveys being timed when they are present. It is not clear if the VP surveys are recording birds at ground level and it is doubtful that the VP surveys will successfully estimate use of the site by these species. Dedicated surveys for these species on the summit ridge will be required.
39. With regards to bird surveys and target species (see paragraph 5.4.4 & 5.4.14) the developer should use Birds of Conservation Concern (BoCC) in Wales 3 (Johnstone & Bladwell, 2018).
40. Regarding paragraph 5.4.8, the Crump & Green (2011) survey is over 10 years old and was a partial survey of the area. It cannot be relied on in the ES to establish absence of species and should only be used as historical context.
41. In relation to paragraph 5.4.12, this statement is inaccurate. At the time of classification, the conservation objective for red kite was 15 breeding pairs, even if we accept no population growth within the Elenydd-Mallaen Special Protection Area (SPA) and with a current Welsh population of 1,000 pairs, this would still equate to 1.5% of the Welsh population. Though with a UK population of 4,388 pairs in 2016, the SPA would only represent 0.34% of the GB population.
42. In relation to paragraph 5.4.15 (Scope of ornithology surveys), VP surveys should follow SNH guidance (March 2017), with full justification provided for any deviation from this. Due to the proximity to the Elenydd-Mallaen SPA and Plynlimon SSSI and the sensitivity of notified and classified features of these sites NRW will require a minimum of two years survey. Paragraph 5.4.15 states that “in terms of spatial scope, the whole of the study area

- (i.e. within the site boundary) plus a 2km buffer area will be assessed". We understand this to refer to all bird surveys, not just the VP surveys.
43. Map 5.4 shows the viewshed analysis and the VP locations. We note that a proportion of the proposed development site (to the West of the main site in and around Disgwylfa Fawr) is not included in the view shed of the VPs. This may lead to complications with regard to the evidence base used for collision risk modelling (CRM).
  44. The red line boundary in map 5.4 appears to be different to the other maps in the report. Therefore, it is unclear on the coverage of the full site and it also does not include the 2km buffer as stated in Paragraph 5.4.15. This suggests the surveys are not in line with best practice. Furthermore, there is no information on the height and parameters used at which there is visibility for each VP.
  45. Due to the proximity of the proposed development to the Elenydd-Mallaen SPA and Plynlimon SSSI boundaries, NRW will require a full assessment of functional linkage of all classified features (see impact prediction and mitigation in paragraph 5.4.17). This will require the developer to define functional linkage and identify the necessary evidence base to demonstrate that the development will not have a significant adverse impact on any of the sites' features that are considered to be functionally linked.
  46. With regards to the cumulative assessment (paragraph 5.4.21), we would need to see the full survey results before confirming agreement that a detailed assessment is not required.

### **Hydrology, Hydrogeology and Geology**

47. We note the outlined approach for assessing the Hydrology, Hydrogeology, and Geology in Section 5.8 and the initial indications of potential impacts provided in Section 5.8. It will be important to minimise temporary and permanent changes to the soil and water environment both during construction and post-construction. Our main concerns are alteration of water runoff, soil and watercourse erosion, sedimentation and changes to soil moisture that will have implications on the viability of vegetation cover. Peat moorland is especially sensitive to changes in hydrology and can be quickly eroded by increased water flow in gullies and throughflow in natural 'pipes', a special feature of peat soils.

#### *Flood Risk*

48. The supporting information with regards to flood risk indicates most of the site is flood free. As there are no detailed site plans, if the site can be designed so all elements can be situated outside of the Flood Map, we would recommend an FCA is undertaken but not require one. If, following the provision of detailed site plans, there are elements that are within the Flood Maps, we would require an FCA.
49. The applicant should contact the land drainage team at Ceredigion County Council (CCC). As the Lead Local Flood Authority in this area, CCC will be

determining any impacts on surface water runoff or if ordinary watercourse consent will be required where works affect local watercourses.

#### *Construction Environmental Management Plan*

50. A draft CEMP will be required as part of the ES to demonstrate how impacts on waterbodies will be avoided and mitigated including on the River Wye (Upper Wye) SSSI and River Wye SAC. This should include water quality monitoring protocols and contingency measures.

#### *Watercourses*

51. The number of watercourse crossings should be minimised and all new or altered watercourse crossings should be designed such that they retain a natural bed and do not pose any barrier to migration to any fish species. Clear span structures are preferable to culverts. Any planning application would need to include detailed design drawings for each new or altered watercourse crossing proposed and it should be clear how the designs take into the account the requirement to facilitate fish passage and retain a natural river bed within the proposed structure. We are generally opposed to the culverting of watercourses because of the adverse ecological, flood risk, human safety and aesthetic impacts. However, where they can be clearly demonstrated as being essential and beneficial over the whole life of the structure we require this minimum specification;
- The length of any culvert should be restricted to the minimum necessary to meet the applicant's objective.
  - Should be significantly oversized, this is to ensure that any meandering that can or will occur within the internal width of the culvert.
  - Buried 600mm below the current bed level.
  - Must have sufficient capacity to convey flood flows (generally 1 in 100yr) bearing in mind the culvert will be buried as per the above specification of 600mm below the current bed level.
  - Culvert set at the same gradient as the current bed gradient.

#### *Historic Mining*

52. Parts of the site have historic metal mines. Information will be needed to demonstrate which parts of the site are contaminated and that mitigation can be implemented to avoid pollution of watercourses as a result of the construction or operation of the wind farm.
53. Based on information held by NRW, potential existing contaminated land in the vicinity of the development site include the former mine sites at Plynylmon West (SN 77000, 84500), Carn Llwyd (SN 76200, 283300), Nant Nod (SN 79100, 83900), Plynylmon South (SN 279400, 284100), and Peithnant (SN 77700, 85600). The ES should consider potential impacts to these, any other former mine and quarry sites, and the potential to release harmful sediment and contamination to water courses.

#### *Geology*

54. The following sites are partly within or close to the site of the proposed Llest y Gwynt Wind Farm and any development would need to consider the impact on the features.

- Maesnant Geological Conservation Review (GCR) site*
55. Maesnant GCR site falls partly within Plynlimon SSSI. The GCR site, situated on the western flank of Plynlimon Fawr, is underlain by what may be described as the type example of a soil pipe network in the humid, upland environment of Great Britain. The network has been the subject of an intensive, multidisciplinary research programme, which was designed to assess the role of piping in channel development, flood generation and hillslope drainage. The network also provides an important natural control against which the hydrological effects of ploughing and afforestation in upland areas, may be compared. The importance of conserving this site, both in its standing as a type example for future research, as key teaching locality and as a natural laboratory. The main conservation objective must be to maintain the soil pipe networks in as natural a condition as possible. This means that any scheme involving engineering works, disturbance of the substrate and interference with the natural hydrological regime, should be avoided.
56. From the scale of the map it is unclear whether part of the proposal area will include part of the Maesnant GCR site. However, given the nature of the GCR feature, engineering works or changes in hydrogeology outside the GCR site may have an impact on the feature and will need to be assessed.
57. The write-up from the GCR volume can be found at [http://www.thegcr.org.uk/Sites/GCR\\_v13\\_C03\\_Site2550.htm](http://www.thegcr.org.uk/Sites/GCR_v13_C03_Site2550.htm)
58. There are also two RIGS which are near the site.

*Cwm Gwerin RIGS*

Site description available at

[http://www.geologywales.co.uk/central-wales-rigs/PDFs/cwm\\_gwerin.pdf](http://www.geologywales.co.uk/central-wales-rigs/PDFs/cwm_gwerin.pdf)

*Craig y March RIGS*

Site description available at

<https://www.geologywales.co.uk/central-wales-rigs/PDFs/craig-y-march.pdf>

**General matters requiring further consideration**

*Micro-siting tolerance*

59. If no detailed peat depth investigations are undertaken the impacts on peat cannot be avoided and minimised during the design process. Although during the micro-siting process the impacts may be minimised within the micro-siting zone itself, this is not sufficient to meet the requirement to avoid and minimise impacts across the site as a whole. This would be an issue within the SSSI.

*Rochdale envelope*

60. We would expect worst case scenario to be used in any assessments if this is the approach.

*Scoping Flexibility*

61. We acknowledge this but if as the project develops new potential impacts are identified then we should be consulted for our advice e.g. if the grid line is identified as needing to go through the SSSI then we may need to be consulted for new scoping advice.

**Other Matters**

Our comments above only relate specifically to matters included on our checklist, *Development Planning Advisory Service: Consultation Topics* (September 2018), which is published on our [website](#). We have not considered potential effects on other matters and do not *rule out the potential for the proposed development to affect other interests*.

We advise the applicant that, in addition to planning permission, it is their responsibility to ensure they secure all other permits/consents/licences relevant to their development. Please refer to our website for further details.

Yn gywir / Yours faithfully,

*Daniel Davies*

Daniel Davies

Uwch Cynghorydd, Cynllunio Datblygu / Senior Advisor, Development Planning  
Cyfoeth Naturiol Cymru / Natural Resources Wales

# Cyngor Sir CEREDIGION County Council

Russell Hughes-Pickering

Swyddog Arweiniol Corfforaethol : Economi ac Adfywio  
Corporate Lead Officer : Economy and Regeneration

Neuadd Cyngor Ceredigion, Penmorfa, Aberaeron. SA46 0PA  
www.ceredigion.gov.uk



Ms. Gemma James,  
Assistant Planning Officer,  
The Planning & Environment Team,  
The Planning Inspectorate,  
Crown Buildings,  
Cathays Park,  
Cardiff,  
CF10 3NQ.

Dyddiad Date	01/04/2020
Gofynnwch am Please ask for	Catrin Newbold
Llinell uniongyrchol Direct line	[REDACTED]
Fy nghyf My ref	Q200048
Eich cyf Your ref	[REDACTED]
Ebost Email	[REDACTED]

Dear Ms. James,

**RE: TOWN AND COUNTRY PLANNING ACT 1990  
THE DEVELOPMENTS OF NATIONAL SIGNIFICANCE (PROCEDURE) (WALES) (AS  
AMENDED)  
TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) (WALES)  
REGULATIONS 2017 (AS AMENDED)**

**REQUEST FOR SCOPING DIRECTION – POTENTIAL DNS APPLICATION – CONSULTATION  
WITH CEREDIGION COUNTY COUNCIL UNDER REGULATION 30(7) OF THE 2017  
REGULATIONS:**

**Site Address: Lluest Y Gwynt Wind Farm, Ponterwyd, Ceredigion  
Proposed Development: 24 wind turbine generators with indicative installed capacity of  
4MW each (results in potential scheme of approx. 100MW)**

**Ceredigion County Council reference no: Q200048.**

I refer to the above mentioned request for a Scoping Direction, which was received by the Local Planning Authority on the 11<sup>th</sup> February, 2020.

Please note that due to the current COVID-19 pandemic, technical specialists within the Council have not been able to provide an input into this response. The views provided are therefore limited to the views of the Planning Officer and Ecologist only.

## **COMMENTS ON SCOPING REPORT:**

Whilst Officers broadly agree with the scope and content of the Scoping Report as outlined within the submission, the Local Planning Authority hereby gives the following advice on the scope of the EIA and the proposed methodologies outlined in the Scoping Report.

## **CEREDIGION LOCAL DEVELOPMENT PLAN (LDP) 2007 – 2022:**

Rydym yn croesawu gohebiaeth yn Gymraeg a Saesneg. Cewch ateb Cymraeg i bob gohebiaeth Gymraeg ac ateb Saesneg i bob gohebiaeth Saesneg. Ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome correspondence in Welsh and English. Correspondence received in Welsh will be answered in Welsh and correspondence in English will be answered in English. Corresponding in Welsh will not involve any delay.

Prif Weithredwr / Chief Executive :  
Cyfarwyddwyr Corfforaethol / Corporate Directors :

Eifion Evans  
Sue Darnbrook  
Barry Rees

## INCLUSION OF ADDITIONAL LDP POLICIES REQUIRED:

The scoping report needs to take into account the following additional LDP policies:

- DM06 – High Quality Design and Placemaking
- DM14 - Nature Conservation and Ecological Connectivity
- DM15 - Local Biodiversity Conservation
- DM20 - Protection of Trees, Hedgerows and Woodlands

## CONSIDERATION OF POLICY LU25 NEEDS TO BE EXPANDED:

- The scoping report indicates that alternative renewable energy technologies have been considered for the area and not deemed suitable. Paragraph 7.185 of the adopted LDP and the relevant SPG indicates that a comparison of other renewable technologies should be provided with the application in order to adhere to Policy LU25.
- Paragraph 4.8.6 indicates there is uncertainty regarding transmission updates in the region and design and grid routing are at an early stage. Thus, grid connectivity infrastructure is not included in the application. This may raise questions regarding whether the scheme is the most effective and viable option. Moreover, the Scoping Report simply states the area has high wind speed and does not appear to express this numerically or spatially. Additional information regarding viability and effectiveness would need to demonstrate compliance with criterion 1 of Policy LU25.
- The proposal wishes to disregard assessments regarding tourism. Though identifying public support for wind energy, the justification provided does not place this within the context of tourism and in turn does not justify why an assessment should not be undertaken. Tourism plays a key role in the economy of Ceredigion and it is considered that this is vital for the future economic development of the County and that tourism is not detrimentally impacted upon. Demonstration that the proposal would not undermine tourism is required under criterion 2(ii) of policy LU25 and also under policy LU26 (see below). As such, it is considered that tourism should be scoped into the Environmental Statement, including an assessment of how the use of public rights of way, registered commons etc will be impacted upon.
- Decommissioning is taken into account in the Scoping Report with regards to potential issues and mitigation. However, a suitable scheme for decommissioning will need to be provided.

## CONSIDERATION OF POLICY LU26 NEEDS TO BE EXPANDED:

The scheme lies outside the TAN 8 SSA D boundary (predominantly) and thus contravenes Policy LU26.

As this is a large scale wind development, approximately 100MW, the conditions of policy LU26 should be satisfied. This includes the following;

Development should:

1. Not give rise to adverse cumulative visual impacts by virtue of incongruous variation in turbine design.
2. Not undermine significant tourism projects and associated income streams.

3. Not give rise to unmanageable health and safety risks for recreational and other users of the area within the SSA.
4. Potential detrimental cumulative effects within Ceredigion of construction and maintenance traffic, in particular of abnormal loads on:
  - i. the amenity, health and safety of communities that lie on the delivery routes;
  - ii. and infrastructure fabric ; and
5. Include a suitable scheme for decommissioning at the end of the operational design life of the facility and associated infrastructure.

The proposal does outline assessments with regards to the cumulative visual impact, socio-economic impacts and traffic. However, as aforementioned there is a lack of focus on tourism.

It is also deemed health and safety will be covered by alternative regulations outside the planning system. It should be ensured the development does not give rise to unmanageable health and safety risks for users of the area in line with criterion 3.

As previously highlighted a decommissioning scheme is required.

## **LANDSCAPE AND VISUAL IMPACT ASSESSMENT (LVIA):**

### POLICY DM17:

The size and scale of the proposed development is likely to incur significant visual impacts.

However, the effects of which remain unknown until the completion of the proposed LVIA.

Agree that a 45km radius is an appropriate study area for the LVIA.

Agree that a list of the final viewpoints should be agreed with consultees, including the LPA.

Disagree that any turbines less than 50m blade tip should not be considered in the cumulative assessment. It is recommended that all turbines of 20m and above should be included within the scope of the cumulative assessment.

### POLICY DM18:

The scheme would be within a Special Landscape Area (SLA). The LVIA's adherence to the guidance set out in LANDMAP Guidance Note 3, with regards to looking at the geological landscape, historic landscape, cultural landscape, landscape habitats and visual and sensory criteria, appears to be consistent with Policy DM18's focus.

### POLICY DM19:

The proposal will encompass part of the Upland Ceredigion Historic Landscape Area. Furthermore, the Scoping Report identifies 158 listed buildings within 10km of the site (although none are within the site boundary). The identification of heritage assets, the quantification of the significance and magnitude of impacts, and the intentions of primary mitigation appears to comply with DM19 in avoiding adverse impacts. Further elaboration regarding what secondary mitigation entails is needed to ensure this complies with DM19.

### POLICY DM21:

Despite not being within SSA Area D, the proposal should nevertheless abide by the requirements outlined in Policy DM21. This includes demonstrating that it minimises its impact on the visual, historic, geological, ecological and cultural landscape, both within and outside the boundaries of the strategic search area. The Scoping Report does provide an indication that assessments will be undertaken to assess its impacts on the respective areas.

### **RESIDENTIAL AMENITY (INCLUDING NOISE IMPACTS):**

The scheme does outline proposed assessments in order to understand the impacts for communities and local residents. These include a Residential Visual Amenity Assessment for a 2km radius (5.2.12), an ETSU-R-97 noise assessment in line with TAN 8, a Socio-Economic Impacts Assessment and a Transport and Traffic Assessment.

The Scoping Report indicates that impacts will be mitigated against.

It is agreed that Noise Sensitive Properties should be selected following consultation with Ceredigion County Council's Environmental Health Department.

All operational and consented wind turbines of any scale should be included within the cumulative noise assessment.

### **SHADOW FLICKER:**

Agree that shadow flicker can be scoped out on the basis that there are no residential properties identified within the 10 rotor diameters of the wind turbines.

However, should this change at all as a result of turbine re-locations or increases in blade lengths, then shadow flicker will need to be scoped into the ES.

### **ECOLOGY:**

- Cumulative impact: cumulative impacts on other issues, not only visual should be scoped in e.g. peat, hydrology, kites and the cumulative impact assessments should also include the potential grid connection routes.
- The cumulative impact of the ground take for each turbine with crane pads plus access, borrow pits, welfare and the substation should be assessed for impacts on ecology, hydrology etc
- Paragraph 5.3.7 refers to non-statutory sites but does not reference Roadside Verge Reserves, although these are referenced later in the document. The two RSVRs on Pumlumon are of county-wide importance and need to be included in the EIA.
- Need to include assessment of the impacts on Environment (Wales) Act 2016 Section 7 species and habitats in the ES whether they are a BAP habitat or species or not: ref paragraph 5.3.18. Under section 7 of the above Act, Welsh Government (WG) must, following consultation with NRW, publish a list (known as a section 7 list) of the living organisms and types of habitat which in WG's opinion are of principal importance for the purpose of conserving biodiversity (WG, 2016). Section 7 provides statutory underpinning to the UK BAP. Thus, all habitats and species listed under the UK BAP are also Section 7 habitats and species. 5.3.19 Reference will be made to the above legislation where relevant, in the sections that follow.

- Noise assessment should consider impact on sensitive species as well as humans.
- Lighting for aviation, possibly infrared, therefore scope in potential impacts of this on bats and owls etc.
- Transport assessment needs to include ecological impact of any potentially necessary “road improvements”, even if they may be temporary such as the site specific and cumulative impact of hedgerow and tree removal and verge disturbance, and any mitigation.
- In the light of the recent flooding events and the evidence of increased rainfall and storms, the impact of the development and any habitat improvement on flooding or reducing flooding of areas downstream needs to be scoped in.
- Dormice in Carmarthenshire, Pembrokeshire and Ceredigion are not confined to traditionally accepted dormouse habitat and so an assessment of the habitat within the site should be included, and therefore perhaps dormice surveys might be necessary.
- Scope in amphibians – especially toads as this area is a known breeding area and amphibian populations are decreasing.
- Great crested newts are unlikely to be present as this is an upland site and there are no records in this part of Ceredigion. However, no surveys have been carried out.
- The cumulative impact of the ground take for each turbine with crane pads plus access, borrow pits, welfare and the substation should be assessed for impacts on ecology, hydrology and CO<sub>2</sub> emissions.

#### Policy DM22

The proposal may have impacts on water quality due to accidental release of pollutants, permeability and surface water runoff. The design process does state it will avoid such impacts with further mitigation measures put in place where this is not feasible. This appears to show some intention to protect the environment, however, it does not propose any measures for enhancement. There is a duty to maintain and enhance biodiversity under the Environment (Wales) Act 2016.

The Scoping Report indicates that following surveys, impacts on ecosystems and wildlife can be avoided by design and in some cases, i.e. woodland, be enhanced. The avoidance of any adverse impacts on natural processes and ecosystem services would be in line with Policy DM22, however, a step-wise approach should be taken.

#### **ARCHAEOLOGY & CULTURAL HERITAGE:**

It is recommended that a consultation be carried out with the Dyfed Archaeological Trust. (No response received to date).

#### **HYDROLOGY:**

Agree that coastal flood risk can be scoped out.

#### **AIR QUALITY:**

Agree that an air quality assessment can be scoped out.

**ICE THROW:**

Agree that ice throw can be scoped out, provided that receptors are located a sufficient distance away, including from public rights of way.

**TRANS-BOUNDARY EFFECTS:**

Agree.

Please note, this response is made at officer level and is given without prejudice. It is not to be held as binding on the Local Planning Authority or any of its elected members.

Yours sincerely,

Mrs. Catrin Newbold

**Rheolwr Gwasanaeth (Rheoli Datblygu)**

**Service Manager (Development Management)**

**Ar ran Swyddog Arweiniol Corfforaethol: Economi ac Adfywio**

**On behalf of the Corporate Lead Officer: Economy and Regeneration**