

Appendix 2 EIA METHODOLOGY

2.1 Full Scoping Direction



DNS: EIA Scoping Direction 3244499: Garn Fach Windfarm



05/03/2020

0

1 DNS: EIA Scoping Direction 3244499

Contents

1. Introduction	2
2. Site Description.....	2
3. Proposed Development.....	3
4. History.....	3
5. Consultation	4
6. Environmental Impact Assessment Approach	4
6.1 Reasonable Alternatives	5
6.2 Currency of Environmental Information.....	5
6.3 Cumulative Effects.....	5
6.4 Mitigation.....	6
6.5 Population and Human Health.....	6
6.6 Transboundary Effects.....	6
7. Environmental Impact Assessment Topics.....	6
Table 1: The Planning Inspectorate’s Comments	8
8. Other Matters	20
8.1 Habitats Regulation Assessment	20
8.2 Well-being of Future Generations Act.....	20
8.3 SuDS Consent.....	21
Appendix 1: Consultation Responses	22

Prepared by:
G. Bazzoni PIEMA MA
I. Gwilym BSc MSc

2 DNS: EIA Scoping Direction

3244499

This Scoping Direction is provided on the basis of the information submitted to the Planning Inspectorate on 10 January 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 22 turbines, generating up to 110MW, tip height of up to 150m at Garn Fach Windfarm, Llandrindod, Powys by EDF Renewables.

The request was accompanied by a Scoping Report (SR) ([DNS/3244499](#), [Scoping Report, January 2020](#)) 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 approximately 2km west of Llaithddu, 5km north west of the village of Llanbadarn Fynydd and 8km to the south of Newtown, entirely within the Powys County Council administrative area. The Site occupies three separate parcels of land.

The northern parcel of land is located to the south and east of the operational Llandinam Wind Farm, situated on the Waun Ddubarthog ridge which runs north-south at a height of approximately 520m AOD. Land is characterised by open upland moorland; to the west the land rises up onto land occupied by the Llandinam turbines and to the east the land falls into the valley of the Blue Lins Brook. Numerous small streams cross the northern parcel draining into the Blue Lins Brook. Bridleways run north south and east west across the Site. Garn Fach forestry area is located to the south of the northern parcel. The central parcel of land is located to the south of Garn Fach. It includes parts of the Brondre Fawr ridge, at a height of approximately 500m, and several valleys including the Custogion Brook and Cwm Craf. Land cover is a combination of open upland moorland and enclosed improved grazing, defined by small blocks of forestry and coniferous shelterbelts. Footpaths and bridleways cross the Site.

There are residential properties in close proximity to the proposed central parcel boundaries. There is a scheduled monument in the western part of the parcel comprising a stone circle and round cairns. The southern parcel consists of a small area of open upland moorland at the southern end of the Brondre Fawr ridge, separated from the middle parcel by forestry.

3 DNS: EIA Scoping Direction

3244499

The ridge rises to approximately 470m AOD and is dissected by the narrow valley of the Cwm Nant-y-stabl which flows east to west, draining into the valley of the Afon Marteg to the west of the southern parcel. There are several properties approximately 100m to the west of the parcel.

The Proposed Development does not fall within any nationally or locally designated landscapes. Shropshire Hills Area of Outstanding Natural Beauty (AONB) is approximately 10 Km to the east of the Site.

3. Proposed Development

The proposal is for a wind farm of up to 22 turbines, generating up to 110MW. Section 3.6 of the SR describes the turbines as having a hub height up to 83.5m, a rotor diameter of up to 133m, and a tip height of up to 149.9m. The indicative location of individual turbines are shown at a high level on Figures in Chapter 5 of the SR. No wind turbines are proposed within the southern parcel of the Site, with paragraph 1.2.2 stating that this area has the potential to be utilised for mitigation and enhancement measures.

Other wind farm infrastructure described in the SR are listed in paragraph 3.6.3 as:

- Turbine foundations
- Crane hard-standing areas
- External transformers at each turbine
- Up to 50MW energy storage
- On-site access tracks
- Buried cables
- Sub-station compound
- Up to 2 meteorological masts
- Borrow pits, and
- Temporary construction compounds.

Paragraph 3.6.3 does not refer to the grid connection, but as identified in paragraph 3.6.10 of the SR, the sub-station will be connected to the electricity network by 132kV electrical cabling on wooden poles.

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

The site has previously been subject to a planning application in May 2008, under Section 36 of the Electricity Act 1989, for a wind farm under the name Llaithddu Wind Farm. The application sought permission for 29 wind turbines (up to 2.3MW each).

4 DNS: EIA Scoping Direction 3244499

The application was subject to a conjoined Public Inquiry in combination with four other wind farms and a 132kV grid connection. The Inspector recommended refusal, and the Secretary of State refused the application on the basis of landscape and visual impact.

5. Consultation

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

- Powys County Council (PCC)
- Natural Resources Wales (NRW)
- Cadw
- Health & Safety Executive

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

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 expertise 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 (e.g. paragraph 5.1.2 of 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 preapplication 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.

5 DNS: EIA Scoping Direction 3244499

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

Based on the information set out in the scoping request, the approach to the assessment of cumulative impact is considered largely appropriate. Effects deemed individually not significant from the assessment, could cumulatively be significant, so inclusion criteria based

6 DNS: EIA Scoping Direction 3244499

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 PCC 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

7 DNS: EIA Scoping Direction 3244499

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 Scoping Direction 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. Further comments on the proposed scope of the ES are set out below in Table 1.

8 DNS: EIA Scoping Direction

3244499

Table 1: The Planning Inspectorate’s Comments

ID	Reference	Issue	Comment
Description of the Development			
ID.1	1.2.2 & 5.4.2	Development parcels and turbine layout	The SR states that the Proposed Development occupies three separate parcels of land (para 5.4.2). Paragraph 1.2.2 states that the area to the south is not used for wind turbines. It is not clear from the information currently provided why the southern parcel is required. The ES should explain the rationale behind the proposal’s design. The ES should provide grid references for the turbines within the final layout (subject to micrositing) and provide detail on the measures to be implemented in the southern parcel of the Site.
ID.2	3.6.17 & 5.1.4	Tolerance in micro siting	There is some inconsistency in the micro siting tolerance sought by the Applicant. Paragraph 3.6.17 states that the location of infrastructure will be identified in the application with a tolerance of up to 50m. Paragraph 5.1.4 states that the micro siting for wind turbines is up to 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 PCC Countryside Service at Appendix 1.
ID.3	3.6.3 & 3.6.15	Borrow pits	There is some inconsistency in the stated need for borrow pits. The SR states (paragraph 3.6.3) that borrow pits are expected to be included in the proposal. However, paragraph 3.6.15 states that borrow pits are unlikely to be required to provide stone due to the local grade of stone not being suitable for construction. The ES should clarify the need for borrow pits and quantity of material extracted. Relevant aspects in the ES should consider whether construction material is won on site or imported, as appropriate, including the production of waste.

8

9 DNS: EIA Scoping Direction

3244499

ID	Reference	Issue	Comment
ID.4	3.6.4	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.5	3.6.6	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 details of how areas will be restored where infrastructure is temporary.
ID.6	3.6.10	Grid connection	The ES should consider the effects of the grid connection to the electricity network – the level of the assessment will depend on whether the connection will be part of the Proposed Development or whether consent will be sought separately. The grid connection can be included within the Garn Fach DNS application, with the effect of the grid connection considered within the ES. If the intention is to apply for consent separately, it should be noted that following amendments 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.
Aspects proposed to be scoped out			
ID.7	9.8.1	Assessment of Low Frequency Noise, infrasound and Vibration	It is agreed to scope out the assessment of low frequency noise, infrasound and operational vibration subject to the provision of evidence within the ES confirming the conclusions made by the Applicant at paragraph 9.8.1 of the SR.
ID.8	11.8.1	Flood Risk Assessment (FRA)	The Applicant is proposing that a detailed FRA is not necessary and NRW is in agreement that one should not be required. The Inspectorate agrees that a detailed FRA can be scoped out of the ES, but the ES should set out the

9

10 DNS: EIA Scoping Direction

3244499

ID	Reference	Issue	Comment
			evidence that supports the conclusion that the site is not at risk from fluvial flooding, and as such would not require a detailed FRA.
ID.9	13.3.1.	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 Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017 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 disagree 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.10	15.2.1	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 up 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.
LVIA			
ID.11	Cover Letter to SR (Annex 1)	LVIA Scoping Questions	The Inspectorate notes the specific questions raised in the cover letter to the Applicant’s SR. PCC are in a better position to respond to the questions raised, and the assessment should be refined following engagement with PCC. Specific

10

11 DNS: EIA Scoping Direction

3244499

ID	Reference	Issue	Comment
			questions on study area (Q5.4/Q5.10) and viewpoints (Q5.9) are addressed below. In relation to Q5.1, the Inspectorate confirm that GLVIA3 is an appropriate methodological starting point for the assessment.
ID.12	5.3.5 & 5.3.9	Methodology- Landscape assessment study area	Paragraph 5.3.5 states that the landscape assessment focuses on a 15km radius study area from the proposed turbines. It is noted that paragraph 5.3.9 states the Study Area for the LVIA (presumably both landscape and visual impacts) will cover a radius of 40km. Furthermore, paragraph 5.3.10 states that cumulative effects arising in conjunction with proposed wind farms within a 35km radius will be considered in the assessment. Therefore, it is not clear whether a 15km radius study area proposed at paragraph 5.3.5 is correct. The ES should explain how Study Areas are derived, following agreement with the statutory consultees.
ID.13	5.3.13	Selection of viewpoints	It is noted that the selection of the viewpoints and projects to be considered in the assessment of the cumulative effects will be undertaken in consultation with statutory consultees including NRW, PCC, Ceredigion County Council and Gwynedd Council. However, it is noted that the proposed development may affect Shropshire Hill AONB. See NRW recommendation (Appendix 1) to consult Natural England as a relevant consultee in relation to effects on the AONB.
ID.14	Table 5.2	Provisional LVIA Viewpoint Locations	PCC and NRW have provided additional/amended viewpoints locations. See Appendix 1 of the Scoping Direction.
Ecology and Nature Conservation			
ID.15	Table 6.2	Species Specific Legislation	As identified by NRW in their response, neither Atlantic salmon nor brown trout are considered in the SR. As Atlantic salmon are features of the River Wye Special Area of Conservation (SAC), and both species could potentially be impacted by the Proposed Development, consideration should be given to

11

12 DNS: EIA Scoping Direction

3244499

ID	Reference	Issue	Comment
			these species, and where significant effects are likely to occur, these should be included within the ES.
ID.16	6.4.4	Study Area & Zone of Influence (ZoI) and nature conservation sites	It is unclear from paragraph 6.4.4 how the proposed study area and the ZoI has been defined as part of the ecological assessment. The Applicant is reminded of the CIEEM Guidance which include key considerations of how to determine the ZoI for different ecological features. At this stage, the SR does not provide any information to understand how the ZoI was determined and which nature designated sites or features are considered. It is noted, for example, that Elenydd-Mallaen Special Protection Area (SPA) is not included in either the ecological or ornithological section of the SR (6 and 7 respectively) despite being 7km away from the site boundary and sharing qualifying features with the site (i.e. red kites). The ES should explain how the ZoI is defined, and for which features. If a designated site is excluded from the assessment, the ES should provide enough information to understand the rationale behind the exclusion. This comment applies to the ornithological assessment as well.
ID.17	6.4.16 & 6.4.19 6.5.15	Great Crested Newts (GCN)	One pond – Pond 3 – returned a positive eDNA result for GCN. The SR identifies that Pond 5 is similar in suitability for amphibians. Currently, no absence/presence surveys have been undertaken for GCN, but paragraph 6.5.15 refers to population estimate surveys to be undertaken in 2020. The ES should include enough information (including the results of the most up to date surveys) to support the assessment conclusions on the likely significant effects of the proposal on European Protected Species.
ID.18	6.4.36	Further Survey work	Further survey work on the southern parcel of land should be undertaken where relevant if any wind farm infrastructure or mitigation/ enhancement measures are proposed within the area. As noted by PCC, surveys for this additional area to the south should also include an assessment of ZoIs for other features of ecological importance and protected species.

12

13 DNS: EIA Scoping Direction

3244499

ID	Reference	Issue	Comment
ID.19	6.4.38 & 6.5.5 15.2.1	Further Survey work – Peat	The Inspectorate welcomes that a detailed peat depth survey will be conducted concentrating around infrastructure, with a detailed peat management plan to be completed. These should inform the ES. Paragraph 6.4.38 states that peat depth surveys would be conducted “5m and 10m 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. Peat is identified as a proposed matter to be scoped out as set out in paragraph 15.2.1, but the Inspectorate cannot agree to scoping this matter out until after further survey work has been undertaken. Where significant effects are likely to occur, these should be included within the ES.
Ornithology			
ID.20	7.4.6 & 7.6.1	Target species	The ES should clarify which species are considered target species as recorded on site following 2017-2019 surveys, as these are not defined in the SR. Reasons should be given for scoping the initial target species in/out of further assessment.
ID.21	Table 7.4	Vantage Points surveys	The Applicant should be clear on the proposed vantage point survey effort and consider guidance from Scottish Natural Heritage¹ 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.22	7.5.3	Red Kite	Red kite is identified as the main species of concern. However, the proposal ZoI is not clearly defined – see comment ID.16 above.

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

13

14 DNS: EIA Scoping Direction

3244499

ID	Reference	Issue	Comment
			The Elenydd-Mallaen SPA is approximately 7km southwest of the development site. Due to the high number of red kite flights recorded at the development site 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 Appendix 1 with regards to Elenydd-Mallaen SPA. Considerations on the Habitat Regulations Assessment are reported on Section 8.1 of this Scoping Direction.
Archaeology and Cultural Heritage			
ID.23	8.1.3	Assessment Study Area	The Inspectorate notes PCC response (Appendix 1) disagreeing with the proposed Study Area. The ES should explain the rationale behind the selection of the Study Area following agreement with the relevant statutory consultees.
ID.24	8.1.3 & 8.7.1	Cumulative impacts Study Area	Paragraph 8.1.3 states that the assessment of potential cumulative impacts will consider other relevant developments within 10km of the Site boundary that may have an impact on designated and registered heritage assets, while paragraph 8.7.1 considers cumulative impacts within 35 km of the Site boundary. The ES should clarify the spatial extent of the cumulative impact assessment.
ID.25	8.2.8	Guidance	The Inspectorate notes reference to the Design Manual for Roads and Bridges (DMRB) 2007 within this and other paragraphs within Chapter 8. The DMRB has been updated in 2019. The Applicant should use the most up to date guidance as part of the assessment.
ID.26	Section 8.3	Methodology – pre-submission archaeological investigation	The Inspectorate draws the Applicant’s attention to the request by PCC (see Appendix 1) for pre-application archaeological investigation to inform the ES. The Applicant should endeavour to agree the assessment methodology with the statutory consultees and the Clwyd Powys Archaeological Trust.

14

15 DNS: EIA Scoping Direction

3244499

ID	Reference	Issue	Comment
ID.27	8.3.1	Production of visualisations	The Inspectorate draws the Applicant’s attention to the PCC response (Appendix 1) with regards to the production of visualisations to assess the impact of the proposals on heritage settings.
ID.28	8.3.7	Assessment of significance	The Inspectorate recommends that the most up to date guidance is used in the assessment and that what constitutes a significant impact is clearly defined in the ES.
ID.29	Section 8.4	Baseline – peat	Baseline provided as part of the geology, hydrology and soils section (Paragraph 11.4.11) indicates that the majority of the Site is underlain by slowly permeable wet and very acid upland soils with a peaty surface. 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 comment ID.19 above). The Inspectorate draws the Applicant’s attention to the response provided by Clwyd Powys Archaeological Trust which is part of PCC response letter (Appendix 1) regarding 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 PCC to inform the baseline of the ES.
ID.30	8.5.2	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.31	8.6.1	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.
Noise Assessment			
ID.32	9.2.3	Reference to Guidance	The Applicant is reminded that the ES should be prepared following the most up to date guidance.

15

16 DNS: EIA Scoping Direction

3244499

ID	Reference	Issue	Comment
ID.33	9.5.1	Impact prediction	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 explained how significant impacts are identified.
ID.34	9.6.1	Mitigation	The SR does not contain information about how significant impacts will be mitigated, if identified. The Applicant is reminded of the mitigation hierarchy where avoidance of significant impacts should be sought in the first instance.
ID.35	9.7.1	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. See also PCC response at Appendix 1 .
Transport and traffic			
ID.36	10.3.8	Methodology – reference to guidance	The Applicant is reminded that the ES should be prepared following the most up to date guidance.
Hydrology, hydrogeology and geology			
ID.37	11.4.1	Catchments	The Applicant should note that Afon Marteg and Afon Llaithddu lie within the Upper Wye SSSI/SAC catchment rather than the River Severn catchment.

16

17 DNS: EIA Scoping Direction

3244499

ID	Reference	Issue	Comment
ID.38	11.5	Predicted Impacts	The Applicant should consider potential heavy metal deposits into waterbodies, and where significant effects are likely to occur, these should be included within the ES.
ID.39	N/A	Water Framework Directive (WFD)	The Site lies within a WFD groundwater catchment (Wye Uplands Lower Palaeozoici), and three WFD water body catchments (Ithon, Llaithddu Brook, and Afon Marteg). The SR does not refer to any WFD assessments to be undertaken, but the Inspectorate advises that one should be completed.
ID.40	11.5.3	Peat	The Inspectorate welcomes that the ES will consider water quality impacts from erosion of disturbed peaty soils. As identified by NRW, it would also be beneficial for the ES to include an indication of hydrological flows through the peat.
Aviation and Telecommunication			
ID.41	No additional comment		
Health and Public Safety			
ID.42	3.6.3 & 3.6.12	Energy Storage Capacity	It is noted that the proposal includes up to 50MW of energy storage capacity on Site. Paragraph 3.6.12 states that the Applicant intends to build a large-scale energy storage which would encompass a series of batteries stored within prefabricated units. 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

17

18 DNS: EIA Scoping Direction

3244499

ID	Reference	Issue	Comment
			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.
Socio- economics, Recreation and Tourism			
ID.43	No additional comment		
Additional Comments & Miscellaneous			
ID.44	Study Area The Inspectorate notes that the study area is not clearly defined for some aspects considered within the SR. Specific comments have been made in this table in relation to the study area for different aspects (ID.12, ID.16, ID.23 and ID.24). The ES should identify the study area for each assessment, and give reasons to justify how the area was determined.		
ID.45	Climate 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 peat may be present on Site. At this stage, it is not known whether peat will be affected by the Proposed Development. 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 0.5m). The Applicant may consider submitting carbon calculations as part of the ES. There are 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 ² on wind farm developments on peat land.		
ID.46	Waste 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.		
ID.47	Cumulative Schemes As noted in Section 2 above, there is an existing wind farm adjacent to the northwest of the application site. Paragraph 1.1.1 of the SR calls the adjacent development the Penrhyddlan and Llidiartywaun (P&L) wind farm. Table 3.8 of the SR lists other		

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

18

19 DNS: EIA Scoping Direction

3244499

ID	Reference	Issue	Comment
			developments considered in the cumulative assessments, with tip heights identified. This table does not include reference to a P&L wind farm but refers to a Llandinam wind farm (a revised name for the P&L wind farm). Llandinam wind farm is the name used in Section 5.4 to describe the adjacent development. Table 3.8 and Figure 5.7 also refer to a repowering of the Llandinam scheme, but no further details of the repowering are provided.
			The Inspectorate welcomes the inclusion of details of cumulative schemes as presented in Table 3.8 of the SR. As the P&L/Llandinam wind farm is adjacent to the proposed DNS site, the ES should include a description of the existing wind farm, including details of plans to repower. The ES should be consistent with what the adjacent development is called.

19

20 DNS: EIA Scoping Direction

3244499

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-Mallaeln 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. NRW are also not in agreement on the conclusion set out in the Ecological Appendix to the SR, that an assessment is likely to determine no Likely Significant Effects on River Wye SAC at this stage. 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

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

20

21 DNS: EIA Scoping Direction

3244499

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.

21

DNS: EIA Scoping Direction

3244499

**Appendix 1: Consultation Responses**

The Planning Inspectorate
Crown Buildings
Cathays Park
Cardiff
CF10 3NQ

dns.wales@planninginspectorate.gov.uk

Gwilym Davies

Head of Property, Planning and Public Protection

County Hall
Spa Road East
Llandrindod Wells
LD1 5LG

Our Ref: 20/0065/SC

Date: 14 February 2020

Direct Line: [REDACTED]

Email: planning.services@powys.gov.uk

Dear Sir/Madam,

Reference: 20/0065/SC

Proposal: Scoping Direction in respect of Regulation 33 of the Town and Country Planning (Environmental Impact Assessment)(Wales) Regulations 2017 in relation to wind farm of up to 22 turbines, generating up to 110MW, tip height of up to 150m

Site Address: Garn Fach Windfarm, Davids Well, Llandrindod, Powys

Thank you for your correspondence in respect of the above. The Local Planning Authority hereby gives the following opinion as to what information should be included within an Environmental Statement.

As part of the Scoping Opinion request a consultation has been undertaken and the following consultees have responded;

Clwyd Powys Archaeological Trust

We note the content of section 8 Archaeology and Cultural Heritage and have the following comments:

In general the archaeological assessment methodology is robust and includes direct, indirect, setting and cumulative impacts. Cadw have the principal remit for historic landscapes and scheduled monuments and they should be consulted for their comments on the scope of assessment for these cultural heritage elements of the scheme. ASIDOHL2 assessment of registered historic landscapes was not required on the previous 2008 assessment for the Llaithddu windfarm, but Cadw should be consulted to determine if it will be required for the current proposals.

In the baseline study section 8.4 no mention is made of the potential palaeo-environmental impact which will largely relate to the disturbance of peat. Relatively shallow peat can contain important evidence of past landscapes and landscape change over time and may include ecofacts and artefacts relating to human activity. The potential for palaeo-environmental impacts should therefore be assessed with areas of particularly high value marked on suitable plans. This assessment will need to draw on the peat assessment normally completed for NRW which will map the distribution and depth of peat within the application boundary. Generally, areas of peat of more than 40cm in depth should be avoided by all ground disturbing works, but some assessment using specialist advice may be required where shallower peat deposits are directly impacted.

With the addition of points raised above, and the caveat that Cadw may require additional assessment, we would be content with the scope and content of the proposed cultural heritage assessment.

Countryside Services

Thank you for these documents. Having reviewed them, the Countryside Services and Outdoor Recreation team's comments are as follows.

The proposed site location affects a number of public rights of way, as shown on the attached plan. It is located on open access land, where the public have a right of access on foot for recreation; part of the site is located on registered common land, being part of MCL114. The northern edge of the site abuts registered common MCL101.

It is noted that the developer proposes that the tourism aspect be scoped out of the Environmental Statement. However, there may be direct impacts on the public rights of way and on the registered common, which are protected by statute. The impacts of the development on them must be considered, even if the impact on tourism is not part of the Environmental Statement. Open access land that is not registered common land may also be affected.

The attached scoping information does not indicate the proposed locations of the turbines or access tracks. This information is important, because changes to the surface, gradient and levels of the ground to construct tracks and turbine bases can have a significant impact on public rights of way. We will need detailed information about the turbine locations to assess whether they would be located on the public rights of way; if they are, a legal diversion of the affected path would be required. Micro-siting of 50 metres could bring a turbine close enough to a public right of way to be within the topple zone. In addition, any construction work on the area of registered common land is highly likely to require separate common land consent, which will need to be sought via the Planning Inspectorate.

There is an extensive network of bridleways within and connecting with the site, which allow for walking, cycling and horse riding. The development is likely to have a direct impact on the public rights of way network. Given that, the Countryside Services and

Outdoor Recreation team would be seeking mitigation, in the form of a financial contribution towards maintaining and improving the public rights of way in the vicinity of the site. In addition, permissive paths may be needed to provide alternative access for the life of the wind farm, if turbines are located close to public rights of way within the site.

We would welcome a meeting with the developer to discuss this in more detail. If you need any more information at this stage, please let me know.

Cultural Heritage

Please see response provided by Heritage Consultants Chris Blandford Associates in Appendix A.

Environmental Health

Please see response provided by Dick Bowdler Acoustic Consultant in Appendix B.

Landscape

Please see response provided by Enplan in Appendix C.

Ecology

Thank you for consulting me with regards to the Scoping Direction request made in relation to the Potential DNS Application which concerns a proposed development of a Wind farm of up to 22 turbines, generating up to 110 MW, tip height of up to 150m at Garn Fach, South of Newtown, Powys.

I have reviewed the information submitted to support the request for a scoping direction which includes the following documents:

- Garn Fach Wind Farm Scoping Report V.5 produced by Dulas Ltd for EDF Renewables dated 6th January 2020
- Garn Fach Wind Farm Scoping Report: Ecology Appendices produced by Dulas Ltd for EDF Renewables - Appendix 1 & Appendix 2

The scoping Report identifies that a series of desk and field tasks were completed to provide a baseline for the development site, it has been identified that this information has been used to

- Identify the likely ecological constraints associated with the potential wind farm and
- any potentially significant effects;
- Identify any mitigation measures likely to be required, as far as practically possible given the potential for further design evolution of the wind farm layout;
- Identify additional surveys that may be required to inform the full EclA; and
- Identify the opportunities that the project offers to deliver ecological enhancement.

The method of baseline assessment and subsequent evaluation have been undertaken in accordance with current CIEEM guidelines 'Guidelines for Preliminary Ecological Appraisal (CIEEM, 2017)' and 'Guidelines for Ecological Impact Assessment in the UK and Ireland' (CIEEM, 2018), these are the recognised industry standards for assessment and the methodology is therefore considered to be acceptable.

Baseline surveys of the 'initial site boundary' and associated Zones of Influence (Zols) have been undertaken to determine the features of ecological importance and protected species that should be included within the ES, whilst I am generally satisfied with the assessment of the 'initial site boundary' and potential impacts it is noted that Section 6.4.36 of the Scoping Report identifies that 'Following a change in site boundary from the original planning application, an area to the south has not been included in the vegetation surveys or bat surveys to date. Should any development be proposed within these areas, surveys for both receptors will need to be included in the survey effort.' Surveys for this additional area to the south should also include an assessment of Zols for other features of ecological importance and protected species.

In addition to the 'development site' the ecology section of the ES will need to be extended to include ancillary and associated development. This information will enable potential indirect and cumulative impacts and impact interactions arising from that development to be considered in the EIA. Failure to consider the impacts of related development linked to this proposed development is likely to render the EIA incomplete as it will not have considered all the impacts of the proposal. Types of ancillary development that should be considered in the Environmental Assessment include:

- access roads;
- off-site road amendments
- grid connection (overhead lines or buried cables);
- electricity sub-stations;
- quarries or borrow pits for the supply of materials;
- construction compounds;
- disposal sites.

In addition to being required to inform the EIA this information is also likely to be necessary to inform a Habitats Regulations Assessment of the proposed development by the Competent Authority.

The ES should include details and assessment of activities/processes associated with the construction phase of the proposed development e.g. concrete associated with the construction of the turbine pads – is this to be delivered to site by tanker or is it proposed to be made on site in a batching plant? If a batching plant is proposed how would water required for the process be obtained i.e. would it be delivered to the site by tanker or is a borehole (or other means of accessing water) proposed – this information would be required in order to assess impacts to features of ecological importance at and around the site as well as to inform a Habitats Regulations Assessment.

The EIA should also consider the potential effects of the proposals on habitats and species listed under Part 1 Section 7 of the Environment (Wales) Act 2016 as living

organisms and habitats of principal importance for the purpose of maintaining and enhancing biodiversity in relation to Wales. Additional survey work may be required in this respect. If any such habitats and species are likely to be affected by the proposals, the Environmental Statement should detail all of the measures that will be put in place to conserve and enhance the populations of the species concerned.

The combined effects of topic areas (in combination effects) on individual receptors need to be assessed. Mitigation for one interest feature may have an adverse impact on another interest feature and care is required to avoid this in designing mitigation measures. It is therefore essential that different topics are cross referenced within the ES.

The ES would need to take into account the impact of building new access tracks to previously remote areas and the potential impacts on land management. For instance better access may result in a landowner grazing an area differently or undertaking agricultural improvement. Any potential changes in the baseline will need to be taken into account as part of the assessments for different topics within the ES.

With regards to ornithological assessment I note in NRW's comments (Appendix 2) that they have been provided with additional detailed survey information which have not been provided as part of the Scoping Direction request. Whilst I have reviewed the Ornithology chapter of the Scoping Report I recommend that you refer to the comments provided by NRW with regards to additional survey effort – or full justification for survey effort below the recommended minimum as set out in Scottish Natural Heritage (2017) guidance, Clarification of VPs and associated buffers, species to be taken forward for collision risk modelling and the Ornithological Assessment and approach to collision risk modelling.

I agree with the advice provided by NRW with regards to required surveys to assess the impact of the proposed development on peat and associated habitats and note that both the Scoping Report and associated Appendix 1 make reference to peat depth surveys being required - the results of these surveys and details of mitigation to minimise impacts to peat habitats will need to be included in the ES. The assessment and associated mitigation in relation to impacts to peat habitats will need to be carried out in accordance with NRW's Guidance Note 'CCW Guidance Note - Assessing the impact of wind farm developments on peatlands in Wales' (14th January 2010) which establishes these three key principles when considering windfarms with peatland areas:

- that peat should be avoided where possible,
- that impacts on peat will require detailed assessment as part of an EIA, including assessment of the whole peatland resources within the application site, and
- that compensation for loss or degradation of peat should demonstrate equivalence by taking the form of peat restoration elsewhere within the development site, or as close to it as possible.

To aid interpretation of the EIA the ES should include peat depth maps clearly illustrating the extent and depth of peat deposits overlaid on to Phase 1 and NVC habitat survey maps which also feature infrastructure locations. Peat depths should be given to the nearest 5-10cm.

The Scoping Report identifies the presence of a European designated site within 2km of the proposed development – River Wye SAC - Appendix 1 of the Scoping Report identifies that the closest point of the River Wye SAC (and River Ithon SSSI) is approximately 1.9km east of the Site boundary at the Llaithddy Brook and it is separated from the Site by the Bwlch-y-Sarnau to Esgairdraenllwyn road. The Custogion Brook which largely forms within the Site boundary converges with the Llaithddy Brook at Llaithddu Bridge - sufficient information will need to be provided within the ES to enable the competent authority to determine whether there would be a potential for an impact to the SAC as a result of the construction and/or operation phase of the proposed development, should the assessment identify the potential for an impact to the SAC and/or its associated features then sufficient information will be required to be submitted to enable the competent authority to undertake a Habitats Regulations Assessment of the proposed development. The first stage of this – Screening Stage – is to determine whether there would be a likely significant effect (in the absence of mitigation) if a likely significant effect either alone or in combination with other plans or projects cannot be ruled out then it will be necessary for the proposed development to be subject to an Appropriate Assessment to determine whether there would be an adverse effect to the integrity of the designated site in light of its conservation objectives. I note that NRW have identified in their response that a robust Pollution Prevention Plan will need to be submitted which demonstrates measures are being implemented to prevent pollution entering the watercourses at this site – this pollution prevention plan will need to consider all aspects of potential pollution pathways associated with the construction phase of the proposed development. The Pollution Prevention Plan will be required to assess the impact of the proposal for the HRA process.

Further information regarding the HRA process in relation to DNS and required information can be found at <https://gov.wales/sites/default/files/publications/2019-08/developments-of-national-significance-guidance-habitats-regulations-assessment.pdf>

In addition to planning permission the proposed development will be likely to require approval from the SUDs Approval Body (SAB) and any surface water management strategy will need to demonstrate how it meets the statutory standards including water quality, amenity & biodiversity. Whilst the technical details of any SUSs proposed for the scheme would be dealt with by the SAB it is considered that details of any SUDs systems proposed for the development should be included within the ES as assessment of these proposed features would be required to determine any impacts (positive/negative) to features of ecological importance and would be required to inform the Habitats Regulations Assessment. It should also be noted that should the SAB identify that the proposals are unacceptable and that changes are required then this could result a need for amendments to the planning permission if granted prior to SAB approval – causing delays and additional costs to the applicant – therefore it is recommended that pre-application advice is also sought from the SAB to ensure any proposed surface water drainage strategy would be acceptable and meet the required standards. Further information regarding SAB can be found at <https://en.powys.gov.uk/article/5578/Sustainable-Drainage-Approval-Body-SAB>.

I welcome the statement within the Section 6.6.1 of the Scoping Report and on Page 27 of Appendix 1 that the EclA chapter will identify potential ecological enhancements that would be proportionate to the Proposal and which would deliver ecological benefits commensurate to the wind farm. The requirement to identify enhancements for biodiversity through development proposals has been further clarified by the letter from Welsh Government to Wales LPA Heads of Planning dated 23rd October 2019 which states that '*where biodiversity enhancement is not proposed as part of an application, significant weight will be given to its absence, and unless other significant material considerations indicate otherwise it will be necessary to refuse permission.*'

Consideration

Whilst Officers broadly agree with the Scope and Content of the EIA as outline within the submission, following consultation with relevant consultees and technical experts some concerns have been raised.

Cultural Heritage

Please see Appendix A for full comments which should be addressed in the preparation of the Environmental Statement which include comments on various sections and paragraphs of the submitted report and the use of relevant guidance and policies. However significant concerns have been raised regarding the following;

- Definition of the study area
- The need for, and scope of, pre-submission investigations relating to potential onsite archaeology
- The assessment of impact on setting and visualisations
- The assessment of grid distribution infrastructure
- Cumulative impacts.

Clwyd Powys Archaeological Trust have also raised concerns regarding the scoping out of peat as there is potential for the development to have paleo-environmental impacts. As such it is considered that any Environmental Statement be amended in line with the comments attached in Appendix A and comments made from CPAT regarding the scoping in of impact on peat.

Environmental Health and Amenity

Whilst broadly content with the submission regarding impacts an amenity consideration should be given to the comments attached in Appendix B regarding noise. The concerns surround the following;

- Use of the correct policies and guidance for assessment
- Using the correct baseline
- Turbine noise levels
- Ensuring the ES demonstrated that limits are met (using ETSU-R-976)
- Cumulative noise assessment

- Method statement regarding construction noise

As such it is considered that any Environmental Statement be amended in line with the comments attached in Appendix B.

Landscape Impact

Whilst broadly content with the submission consideration should be given to the comments attached in Appendix C regarding landscape and visual impact. It is advised however that prior to submission that the following information is provided to the LPA for review and comments;

- The full proposed methodology, to include the criteria and thresholds that will inform judgements as to the value, susceptibility and sensitivity of both landscape and visual receptors, as well as the degrees of magnitude of landscape and visual effects and, in particular, the levels of significance of effect that may result;
- A further proposed list of viewpoints, addressing the recommendations set in Tables 1 and 2 below, and an opportunity to refine the location of these, either during the iterative design stage and/or immediately following the 'design freeze';
- Assuming that wireframes will be provided for all of the agreed viewpoints, the proposed list of full photomontages for both the scheme individually and in combination with other wind farms under construction, consented but not yet constructed, refused but appealed and in the planning process, where sufficient detail is in the public domain;
- At the appropriate time, draft details of the chosen location of the turbines and an opportunity to attend and input to the 'Design Workshop(s)' identified at section 3.7;
- Draft details of the proposals for all of the various related infrastructure including the onsite tracks and crane hardstandings, the sub-station building and the energy storage facility; and
- Draft details of the indicative information of the likely grid routing and likely infrastructure.

Any Environmental Statement should consider the comments submitted in Appendix C in full. The consultant has also advised on replacement viewpoints for the LVIA and additional viewpoints as follows;

Table 1: Preliminary Recommendations for Selected Provisional Viewpoints

<i>Viewpoint No.</i>	<i>Viewpoint Location</i>	<i>Enplan Preliminary Recommendations</i>
6	A483 South of Devil's Elbow	Recommend that this is replaced with a viewpoint located on the footpath to the north east of the Devil's Elbow, i.e. Llaithddu Viewpoint 6 at 309229, 284710
8	B4518 South of Nantgwyn	Recommend that this is replaced with a viewpoint located on the same road but close to the chapel at Nantgwyn at approximately 297880, 276600
12	NCN Route 825 North of Llanbister	Recommend that this is replaced with a viewpoint located on the same route but at the finger post to the west at approximately 311590, 274480
15	Beacon Hill	
		Recommend that this is replaced with a viewpoint located at Gors Lydan at approximately 312610, 276850

Table 2: Preliminary Recommendations for Additional Viewpoints

Viewpoint Location	Enplan Preliminary Recommendations
Minor Road, Pen-shwa Lane, North of Newtown	High Value VSAA north of Newtown, at the intersection of Pen-shwa Lane and a footpath, at approximately 310220, 290640
Glyndwr's Way at Upper Lethr	High Value VSAA and national trail at approximately 307490, 276280
Minor Road at Banc Gorddwr	High Value VSAA at approximately 311150, 283440
Intersection of Minor Roads at Black Mountain, Shropshire AONB	View from the AONB at approximately 318480, 283150
Garreg-Hir	High Value VSAA north of Clatter, generally used as a cumulative assessment viewpoint for the mid-Wales wind farm assessments, at approximately 299840, 298200
Bridleway at Banc Du / Fowler's Arm Chair	Viewpoint within the site, same as Llaithddu Viewpoints 35 (Right and Left), at 304192, 279016
Glyndwr's Way, Bwlch-y-Sarnau	Viewpoint on the national trail at the edge of the settlement, same as Llaithddu Viewpoint 34, at 302896, 274735

As such it is considered that any Environmental Statement be amended in line with the comments attached in Appendix C.

Rights of Way and Tourism

It is noted that tourism has been scoped out of the Environmental Statement. Tourism plays a key role in in the economy of Powys and it is considered that this is vital for the future economic development of the Council that tourism is not detrimentally impacted upon.

It is noted that Countryside Services have advised that there may be direct impacts on the public rights of way and on the registered common, which are protected by statute. The impacts of the development on them must be considered. Open access land that is not registered common land may also be affected.

As such, it is considered that tourism should be scoped into the Environmental Statement.

Ecology and Biodiversity

Please see ecology response above for full consideration of the scoping report. They have identified areas that need to be scoped in, such as highways and peat, along with potential amendments and additional information required.

As such it is considered that the issues raised by Ecology should be scoped in to the Environmental Statement.

Yours faithfully,

Tamsin Law

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

Data Protection and Privacy / Diogelu Data a Chyfrinachedd

In order to deliver the Planning Service (applications, complaints and appeals etc.) it is necessary for the council to process personal data, in accordance with relevant planning legislation, as listed on the Welsh Governments planning website (<https://gov.wales/topics/planning/?lang=en>). Information held by the Planning Service will be retained in accordance with the legislation and the Councils retention schedule. If you have any concerns regarding the use of your personal data please contact the Data Protection Officer by email at Information.Compliance@powys.gov.uk or by phone at 01597 826400. Please note that further information on the Data Protection and Privacy can be found at the following address: <https://en.powys.gov.uk/privacy>.

Er mwyn cyflawni ceisiadau, cwynion ac apeliadau'r Gwasanaeth Cynllunio mae angen i'r cyngor brosesu data personol yn unol â'r ddeddfwriaeth gynllunio berthnasol, sydd i'w weld ar wefan gynllunio Llywodraeth Cymru (<https://gov.wales/topics/planning/?skip=1&lang=cy>). Bydd y Gwasanaeth Cynllunio'n cadw Gwybodaeth yn unol â'r ddeddfwriaeth ac amserlen cadw'r Cyngor. Os oes gennych bryderon am sut rydym yn defnyddio'ch data personol cysylltwch â'r Swyddog Diogelu Data trwy e-bost Information.Compliance@powys.gov.uk neu drwy ffonio 01597 826400. Cofiwch y gallwch gael hyd i fwy o wybodaeth am Ddiogelu Data a Chyfrinachedd trwy fynd i: <https://cy.powys.gov.uk/article/653/Defnyddio-Cwciis>.

CHRIS BLANDFORD ASSOCIATES
landscape | environment | heritage



Tamsin Law
Principal Planning Officer
Planning Services,
Powys County Hall
Spa Road East
Llandrindod Wells
Powys
LD1 5LG

Our Ref:
Your Ref:
By: Email

27th January 2020

Dear Tamsin

GARN FACH WIND FARM SCOPING REPORT: DRAFT COMMENTS

Please find attached our draft comments on the Scoping Report, with reference to historic environment matters. Our comments have focussed on Chapter 8, with some other comments on Sections 2, 3 and 4. We have also read Section 5 (Landscape and Visual) for context.

We have identified concerns with the applicant's proposed approach to:

- The definition of study areas
- The need for, and scope of, pre-submission investigations relating to potential onsite archaeology
- The assessment of impact on setting and visualisations
- The assessment of grid distribution infrastructure
- Cumulative impacts

We hope these comments are of use to you. We have prepared them so that, if you wish, they can be cut and paste into your response to the Inspectorate.

If you have any questions or comments on the draft comments, please do not hesitate to get in touch. I can be reached by email or on 07803 258592

We will issue a final version of the comments following receipt of your comments.

Yours sincerely



Andrew Croft

Director

Midlands Office: Third Floor, The Birkin Building, 2 Broadway, Nottingham, NG1 1PS | +44 (0)15 8386737 | E: mail@cbastudios.com | W: www.cbastudios.com
South East Office: The Print Rooms, Studio 511, 164/180 Union St, Waterloo, London, SE1 0LH
Directors: D Watkins BSc MSc MRTPI FRGS • A Croft BA MA MCIFA
Senior Consultant: C J Blandford BA DipLD MLA FLI
Chris Blandford Associates is the trading name of Chris Blandford Associates Ltd, registered in England No 03747860. Registered Office: Third Floor, The Birkin Building, 2 Broadway, Nottingham, NG1 1PS.

-2
T Law
27th January 2020



Comments on the Scoping Report: Historic Environment considerations

Our view is that the Scoping Report requires a degree of clarification and numerous changes to address a number of matters. The following provides our views, suggestions and comments on a section-by-section basis.

Section 2.5 Local Development Plan

Section also needs to address:

- Strategic Policy SP7 - Safeguarding of Strategic Resources and Assets
- Policy DM4 – Landscape
- Policy DM13 – Design and Resources (with ref. to historic environment considerations)

Section 3.3 Consideration of Alternatives

Would request that the development and assessment of alternatives includes consideration of potential impacts on the setting of designated historic assets (within and outside of the development boundary) and the potential physical impacts on designated and non-designated assets within the development boundary.

Section 3.5 Transport Access

Any physical changes to routes would need to be accompanied by an assessment of impacts on the historic environment, as well as other topics in the ES

Paragraph 3.7.4

It will be important to ensure that off-site issues such as impact on the setting of historic assets are also taken into account within the design process and that these considerations are clearly documented in the ES.

Section 3.8 Cumulative

3.8.1 It should be acknowledged that some single wind turbines may need to be included within the historic environment assessment, along with all the identified other wind farm developments

Paragraphs 3.8.6 and 3.8.7: Grid Distribution Infrastructure

We have significant concerns regarding the separation of the grid infrastructure from the cumulative assessment. Our view is that this should form part of the cumulative impact assessment as it is directly related to the scheme. We note that other grid infrastructure connection proposals in the area would have resulted in significant impacts on the historic environment and were refused consent

-3
T Law
27th January 2020



Paragraphs 4.2.23 - 4.2.24: Cumulative Effects

As indicated above we would expect to see the Grid Distribution Infrastructure included in the cumulative effects assessment

Chapter 8: Archaeology and Cultural Heritage

Paragraph 8.1.3: Study Areas

We disagree with the three proposed study areas. The development is seeking to install up to 150m tall turbines, significantly above the height of other consented and constructed turbines in the region. As such we would require the following study areas:

- **Site boundary** (inc. any works on approach roads etc) - all historic assets (as defined in National Planning Policy Wales)
- **6km Study Area** - all designated historic assets including Registered Historic Landscapes, Registered Historic Parks and Gardens, Listed buildings, Conservation Areas, Scheduled Monuments, and other assets identified as being of national importance.
- **10km Study Area** - Registered Historic Landscapes, Registered Historic Parks and Gardens, Scheduled monuments, and Grade I and II* Listed Buildings

Paragraph 8.1.3: Cumulative Impacts

This text should be amended to align with the scope of assessment set out in 8.7.1 of the Scoping Report

Section 8.2 Legislative Provisions, Planning Policy and Published Guidance

Section should also note the relevant aspects of the “Well-being of Future Generations (Wales) Act 2015”

Paragraph 8.2.3

Update to reflect fact that CPAT provides advice to PCC. It is PCC that advises the developer.

Update to reflect fact that PCC's Conservation Officers are responsible for the listed buildings and conservation areas in Powys, not CPAT

Paragraph 8.2.8

DMRB has been updated. If this standard is to be used, which we have concerns regarding given its focus on linear infrastructure schemes, the correct guidance should be referred to, as follows:

- Design Manual for Roads and Bridges: Volume 11: Section 3 Environmental Assessment Techniques: Part 2: LA 106 Cultural heritage assessment (2019)
- Design Manual for Roads and Bridges: Volume 11: Section 2 General Principles of Environmental Assessment: Part 4: LA 104 Environmental assessment and monitoring

-4
T Law
27th January 2020



Paragraph 8.2.9

CIfA Standard and guidance for archaeological geophysical survey (2014) is also relevant

CIfA Standard and guidance for commissioning work or providing consultancy advice on archaeology and the historic environment (2014) is also relevant

Section 8.3 Assessment Methodology

We are not content with the proposed Assessment Methodology (as summarised in 8.3.1). We would wish to see the following two elements added.

A) Pre-submission archaeological investigations

Our view is that there is significant potential for archaeological remains within the site boundary and that these may require more detailed investigation prior to submission to enable the production of a robust ES.

In this context we would suggest that once the desk-based Assessment and site walkover surveys area complete the applicant should prepare an assessment of the site's archaeological potential. This should identify whether further investigation is required to inform the baseline and / or assessment of impacts. This could include for example geophysical surveys, UAV-based LiDAR survey, evaluation trenching / pitting, palaeo-environmental sampling.

The need for, and scope of, these works should be discussed and agreed with PCC (and their advisors) and any works should be completed before submission of the application and ES.

B) Analysis of impacts on setting

We would require wireframes and montages to be produced to illustrate the potential impact of proposals on the setting of historic assets. These should include potential impacts on views from, to and of the assets (as required). We would expect the location and nature of these visualisations to be agreed with PCC, CADW and NPW (as required) following initial field research and production of ZTVs. Visualisations may also be required for cumulative impacts.

Paragraph 8.3.3

As set out above, we would expect the need for, and scope of, further on-site investigations to be agreed and completed prior to submission of the ES to ensure that a robust understanding of the baseline situation is achieved.

Paragraph 8.3.6

We would expect consultation during the production of the ES to agree locations for visualisations.

It is important that when assessing the impact of the development on the setting of assets that ZTVs are used appropriately. It is possible for an asset to sit outside of a ZTV but for views of it

-5
T Law
27th January 2020



(which may form part of its setting and contribute to its significance) to be affected by the development. Historic assets outside of the ZTVs should not be automatically excluded.

Paragraph 8.3.7

Please see above re: use of current DMRB guidance. The Scoping Report uses superseded guidance.

We would expect the guidance provided by Cadw in "The Setting of Historic Assets in Wales" (2017) to be used to structure the approach to the assessment of impacts on setting and significance.

As set out in Paragraph 4.2 of TAN 24, *"When considering development proposals that affect scheduled monuments or other nationally important archaeological remains, there should be a presumption in favour of their physical preservation in situ, i.e. a presumption against proposals which would involve significant alteration or cause damage, or would have a significant adverse impact causing harm within the setting of the remains."* We would request that the ES clearly identifies what a "significant impact" is in terms of the terminology used in the ES (note this refers to impacts, not effects).

Paragraph 8.5.1

We are concerned by the emphasis on *"principal views to and from"*. The emphasis should be on all views to and from that contribute to setting

Paragraph 8.5.2

Further detail regarding secondary mitigation options is required.

Paragraph 8.5.4

See above regarding out of date DMRB

Paragraph 8.6.1

We are concerned that pre-construction archaeological investigations will be used to justify / reduce physical impacts on historic assets. This is in our view and incorrect approach

Paragraph 8.7.1

We agree with the 35km study area

Paragraph 8.7.2

No evidence has been provided to justify this statement. Suggest it is removed

-6
T Law
27th January 2020



Paragraph 8.7.3

This statement does not belong in this part of the report and no evidence has been provided to justify it. Suggest it is removed.



GARN FACH WIND FARM
Scoping Response on Noise
24th January 2020
Dick Bowdler

The Haven, Low Causeway, Culross, Fife. KY12 8HN

GARN FACH WIND FARM
Scoping Response on Noise

- 1 INTRODUCTION AND GENERAL**
- 1.1 This report is prepared for the Planning Department of Powys Council to provide a response to the noise section of the scoping report by Dulas on Behalf of EDF. My comments are set out below.
- 2 SECTIONS 9.1, 9.2 AND 9.3 INTRODUCTION, GUIDELINES AND ASSESSMENT**
- 2.1 In 9.2.3 the reference TAN 8 1996 is out-of-date. As implied by 9.2.4 this is superceded by TAN 8 2005 which is different.
- 2.2 Selected details of the Institute of Acoustics Good Practice Guide (IOAGPG) are set out in 9.2.12 and 9.3.1. It is sufficient to state that guidance to be used for assessment purposes is ETSU-R-97 as clarified and supplemented by the IOAGPG. This covers all parts of both documents.
- 3 SECTION 9.4 - BASELINE**
- 3.1 Either 9.4.1 or 9.4.2 appears to be redundant. Selection of properties for assessment should take place with the co-operation of the Local Authority.
- 3.2 The baseline measurements should be made, in accordance with ETSU-R-97, in areas that are clearly those used for "rest and relaxation" by the occupiers and their assistance in identifying these areas will be helpful. They should not be made in areas where there is non-wind related noise (boiler flues, water courses and so on) unless these are representative of the conditions around the whole of the property throughout the year.
- 3.3 The duration of measurements should be sufficient to comply with ETSU-R-97 and the IOAGPG, that is to say, long enough to obtain sufficient wind speeds and directions for the site. With regard to rainfall exclusions careful examination of noise data should be made to ensure that water running in watercourses after rain (sometimes for several days) is excluded unless it is typical of most of the year.
- 4 TURBINE NOISE LEVELS**
- 4.1 The calculation of turbine noise levels is not covered in the Scoping Report though it is dealt with in IOAGPG. The IOAGPG methodology is acceptable but it should be noted that it must be demonstrated that warranted sound power levels include an adequate margin of uncertainty over measured figures by

providing measured figures. An adequate margin would be the confidence level "K" as calculated in BSEN61400 Part 14. In the absence of a manufacturers confidence level an adequate margin will normally be 2dB.

- 4.2 Valley effects and barrier effects should be taken into account in turbine noise calculations in accordance with IOAGPG.

5 SECTION 9.5 AND 9.6 – IMPACT AND MITIGATION

- 5.1 It is not correct to say as in 9.5.1 that compliance with ETSU-R-97 means there is no impact. The purpose of ETSU-R-976, set out in 9.2.8 of the Scoping Report, is to establish limits. The ES should demonstrate that the application meets those limits.

6 SECTION 9.7 – CUMULATIVE NOISE

- 6.1 ETSU-R-97 and IOAGPG set out methods for dealing with cumulative impacts. Consideration should also take account of the methodology in the article at p44 and following of Acoustics Bulletin vol 41-1, Jan/Feb 2016 which proposes windfarms to be accounted for and assumed noise levels from them among other things.

7 SECTION 9.8 – LOW FREQUENCY NOISE, INFRASOUND AND VIBRATION.

- 7.1 It is agreed that these items need not be assessed but that references should be provided to studies into their impact.

8 SECTION 9.9 - CONSTRUCTION NOISE

- 8.1 9.9 is agreed with the proviso that the threshold values in 9.9.5 should not be considered as acceptable and that construction noise levels should generally be kept significantly lower than those.
- 8.2 Detailed calculations of construction noise levels on a day by day or week by week basis are not required but a clear method statement as to how the construction is to be carried out and where the main noise generating activity is to be. The effect of this on local properties should be clearly stated in qualitative terms and a description of the mitigating measures to be taken included. In particular any activity likely to take place outside 0700 to 1900 on a normal weekday should be identified.

GARN FACH WIND FARM

South of Newtown, Powys

Development of National Significance

ES SCOPING REPORT

January 2020

RESPONSE TO THE LVIA, INCLUDING RESIDENTIAL AMENITY, SECTION OF THE ES SCOPING

Prepared by Enplan

February 2020

1.0 INTRODUCTION

- 1.1 Enplan, landscape architects, planners and environmental consultants, have been instructed by Powys County Council (PCC) to review the Landscape and Visual Impact Assessment section of the ES Scoping Report (LVIA Section) for the proposed Garn Fach Wind Farm. This review has been undertaken by a Chartered Landscape Architect with over 35 years of experience of landscape and visual impact assessments and who is familiar with the landscape context of the proposals including the proposed site and the previous refused application for the Llaithddu Wind Farm.
- 1.2 The main purpose of the review is to advise PCC as to the efficacy of the LVIA Section in respect of the intended methodology, the criteria selected, the process to be followed and the baseline content for the assessment. As part of this review a site visit was undertaken on 28th and 29th January 2020 to review the location of the proposed viewpoints.
- 1.3 There are a number of limitations to this review, due to the relatively high-level exercise undertaken by the landscape specialists on behalf of the developer, and further review work would be required beyond this ES Scoping stage in order for Enplan to fully advise on the scope, method and approach intended for the LVIA. Enplan recommend that PCC request, at the appropriate time in the developer's process prior to submission, that the following information is provided for review and comment:

- The full proposed methodology, to include the criteria and thresholds that will inform judgements as to the value, susceptibility and sensitivity of both landscape and visual receptors, as well as the degrees of magnitude of landscape and visual effects and, in particular, the levels of significance of effect that may result;
- A further proposed list of viewpoints, addressing the recommendations set in Tables 1 and 2 below, and an opportunity to refine the location of these, either during the iterative design stage and/or immediately following the 'design freeze';
- Assuming that wireframes will be provided for all of the agreed viewpoints, the proposed list of full photomontages for both the scheme individually and in combination with other wind farms under construction, consented but not yet constructed, refused but appealed and in the planning process, where sufficient detail is in the public domain;
- At the appropriate time, draft details of the chosen location of the turbines and an opportunity to attend and input to the 'Design Workshop(s)' identified at section 3.7;
- Draft details of the proposals for all of the various related infrastructure including the onsite tracks and crane hardstandings, the sub-station building and the energy storage facility; and
- Draft details of the indicative information of the likely grid routing and likely infrastructure.

2.0 PROJECT DESCRIPTION AND DESIGN APPROACH

- 2.1 The current scale of the development includes for 22 wind turbines with an indicative installed capacity of 5MW each, resulting in a potential scheme of 110MW. The parameters for the turbines, for the purposes of the assessment, assume a hub height of 83.5m and a rotor blade of 133m; an overall blade tip height envelope of 149.9m. The other infrastructure items will include crane hardstandings, external transformers at each turbine, a 50MW energy storage facility, onsite tracks, sub-station building and compound, two met masts and various borrow pits for the extraction of construction stone (should these be required). Currently there are no design proposals available for the other infrastructure items, other than written descriptions of their likely scope.

- 2.2 Some of the ES Scoping figures indicate broad locations for the wind turbines. At section 3.7 an iterative 'Design Process' is set out. This refers to inputs by the developer's landscape specialist to assist in siting and refining the location of the turbines, in order to minimise landscape and visual effects, it is inferred, and as defined in more detail at paragraph 5.3.14. A number of 'Design Workshops' are proposed, to which some stakeholders would be invited as appropriate. Enplan would recommend that PCC's involvement to the design process and attendance at the Design Workshops is essential.
- 2.3 The list of wind farm schemes to be included within the cumulative assessment is set out at Table 3.8. PCC should consider this list and provide any details necessary to supplement or modify the list appropriately, in so far as these are proposals within Powys. As set out at 3.8.1 Enplan would agree that the majority of single turbine schemes can be omitted for cumulative assessment purposes, except where these are present close to the site and residential receptors (for example Bailey Bog at Bwlch-y-Samau).
- 2.4 The provision of indicative information of the likely grid routing and likely infrastructure, presumably as part of the design process, is to be welcomed.
- 3.0 LANDSCAPE AND VISUAL IMPACT ASSESSMENT, INCLUDING RESIDENTIAL AMENITY**
- 3.1 The guidance documents to be used to inform the approach to the design and assessment process, as set out at paragraph 5.2.5, are appropriate. Enplan agree that NRW's draft guidance '*Landscape Sensitivity and Capacity in relation to on-shore wind and solar photo-voltaic developments: An assessment approach for Wales*' is related to defining inherent landscape sensitivity to these developments at the plan-making stage, rather than for the detailed assessment process.
- 3.2 At paragraphs 5.3.5 and 5.3.6, study areas of 15km and 40km are defined for the assessment of landscape and visual effects respectively. There is, however, possibly some confusion with paragraph 5.3.9 which refers to a study area of 40km; it should be clarified that this refers to the study area for visual effects only. Also, at paragraphs 5.4.15, 5.4.18 and at Figure 5-3, there is confusion, as the study area for landscape effects is referred to as 20km. This should be clarified. Enplan would recommend a 20km study area for landscape effects.

- 3.3 The 35km and 20km radii referred to in paragraph 5.3.10, for the cumulative assessments of landscape and visual, are appropriate.
- 3.4 The process of establishing and applying significance criteria to the landscape and visual effects is set out at paragraphs 5.3.7 and 5.3.8. Whilst reliance on '*Guidelines for Landscape and Visual Impact Assessment*', 3rd edition (GLVIA3), for this process is appropriate of course, the scoping provides no detail as to the criteria and thresholds that will inform judgements as to the value, susceptibility and sensitivity of both landscape and visual receptors, as well as the degrees of magnitude of landscape and visual effects and, in particular, the levels of significance of effect that may result. The review of these details, with a view to agreeing them with the developer's landscape specialist in advance of the final LVIA, is one of a number of key interactions of the consultation between the applicant and PCC.
- 3.5 At paragraph 5.3.7, there should also be a reference to GLVIA3, Figure 6.1, Page 99, to cover the process of assessment of the visual effects.
- 3.6 The provision of wireframes and photomontages of the proposal, including those wind farms defined as part of the cumulative assessment, is welcomed. It is not explicit within the scoping as to which viewpoints will be illustrated in these ways. Enplan would recommend that wireframes are produced for all viewpoints, as indicated at paragraph 5.4.31, and that the developer's landscape specialist consults with PCC and the other relevant bodies, on the list of proposed viewpoints for full photomontages.
- 3.7 The comparative ZTV assessments for the Llaithddu proposal and the current proposal (Figure 5-4), which indicates a relatively limited increase in overall area of the ZTV, is noted. However, this outcome is not surprising given the character of the mid-Wales topography. Notwithstanding, Enplan considers that the comparison of the magnitude and significance of the landscape and visual effects of the proposals with the Llaithddu scheme, as refused by the Secretary of State at appeal, will be of assistance to the current decision-maker.
- 3.8 At paragraph 5.4.18, the overall approach for establishing the landscape baseline primarily through the application of LANDMAP Guidance Note 3 is appropriate, noting that the Shropshire Hills AONB lies between 10km and 15km of the site and, therefore, within the recommended 20km study area. Reference will need to be made

to the appropriate landscape character assessment and the 'Special Qualities' identified by the current Management Plan for the AONB.

- 3.9 It is appropriate that the consideration of the Registered Landscapes of Outstanding/Special Historic Interest are considered in the Cultural Heritage section of the Environmental Statement.
- 3.10 At paragraph 5.4.28, a list of the relevant "*popular*" walking and cycling routes is set out. The assessment of the effects on the visual amenity of people using these routes should be considered through the selection of appropriate individual viewpoints, where there would be views of the proposals, as well as both sequentially and cumulatively with the other defined wind farms.
- 3.11 The viewpoints set out in Table 5.2: Provisional LVIA Viewpoint Locations have been considered by Enplan, including a site visit to review these in the field. It is noted that this is a "*provisional*" list and Enplan has set out preliminary recommendations in Table 1 below. For the sake of clarity, the following provisional viewpoint locations are considered appropriate as proposed: Viewpoints 1, 2, 3, 4, 5, 7, 9, 10, 11, 13, 14, 17 and 18.

Table 1: Preliminary Recommendations for Selected Provisional Viewpoints

Viewpoint No.	Viewpoint Location	Enplan Preliminary Recommendations
6	A483 South of Devil's Elbow	Recommend that this is replaced with a viewpoint located on the footpath to the north east of the Devil's Elbow, i.e. Llaithddu Viewpoint 6 at 309229, 284710
8	B4518 South of Nantgwyn	Recommend that this is replaced with a viewpoint located on the same road but close to the chapel at Nantgwyn at approximately 297880, 276600
12	NCN Route 825 North of Llanbister	Recommend that this is replaced with a viewpoint located on the same route but at the finger post to the west at approximately 311590, 274480
15	Beacon Hill	

		Recommend that this is replaced with a viewpoint located at Gors Lydan at approximately 312610, 276850
--	--	--

3.12 In addition to the above locations, it is recommended that the viewpoints set out in Table 2 below are also included for assessment purposes on a preliminary basis.

Table 2: Preliminary Recommendations for Additional Viewpoints

<i>Viewpoint Location</i>	<i>Enplan Preliminary Recommendations</i>
Minor Road, Pen-shwa Lane, North of Newtown	High Value VSAA north of Newtown, at the intersection of Pen-shwa Lane and a footpath, at approximately 310220, 290640
Glyndwr's Way at Upper Lethr	High Value VSAA and national trail at approximately 307490, 276280
Minor Road at Banc Gorddwr	High Value VSAA at approximately 311150, 283440
Intersection of Minor Roads at Black Mountain, Shropshire AONB	View from the AONB at approximately 318480, 283150
Garreg-Hir	High Value VSAA north of Clatter, generally used as a cumulative assessment viewpoint for the mid-Wales wind farm assessments, at approximately 299840, 298200
Bridleway at Banc Du / Fowler's Arm Chair	Viewpoint within the site, same as Llaithddu Viewpoints 35 (Right and Left), at 304192, 279016
Glyndwr's Way, Bwlch-y-Sarnau	Viewpoint on the national trail at the edge of the settlement, same as Llaithddu Viewpoint 34, at 302896, 274735

3.13 The 2km study area proposed for the Residential Visual Amenity Study and the methodology advised in the Landscape Institute's Residential Visual Amenity Assessment (RVAA) Technical Guidance Note 2/19 are both appropriate.

Enplan Ref 01/912 - RESPONSE TO THE LVIA, INCLUDING RESIDENTIAL AMENITY, SECTION OF THE ES
SCOPING – February 2020



Ein cyf/Our ref: CAS-107104-M7G2
Eich cyf/Your ref: 3244499

Maes y Ffynnon,
Penrhosgarnedd,
Bangor,
Gwynedd,
LL57 2DW

northplanning@cyfoethnaturiolcymru.gov.uk

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

24/02/2020

Dear Mr Sparey,

BWRIAD / PROPOSAL: EIA Scoping direction for a wind farm of up to 22 turbines, generating up to 110 MW, tip height of up to 150 m.

LLEOLIAD / LOCATION: Garn Fach, South of Newtown, Powys

Thank you for consulting Natural Resources Wales (NRW) about the above, which was received on 13/01/2020.

NRW has reviewed the information provided in the 'Scoping Report' document (Garn Fach Wind Farm, South of Newtown, Powys, Mid Wales, Scoping Report, Dulas Ltd January 2020) and the associated appendices (Garn Fach Wind Farm, Scoping Report: Ecology Appendices, Dulas Ltd, no date).

Please note that our comments are without prejudice to any comments we may wish to make when consulted on any subsequent planning applications or on the submission of a more detailed scoping report or the full Environmental Statement. At the time of any planning application there may be new information available which we will need to take into account 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).

www.cyfoethnaturiolcymru.gov.uk

www.naturalresourceswales.gov.uk

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

Chapter 3: Description of the Potential Development

1. With regards to paragraph 3.6.4, in relation to the storage of peat more detail will be required with regards to the method of storage, including long-term care.

Chapter 5: Landscape

2. NRW's landscape planning remit relates to the potential development effects upon the character, qualities, visual amenity and setting of National Parks and Areas of Outstanding Natural Beauty (AONBs) in Wales.
3. The Garn Fach proposal is for up to 22 turbines, 5MW installed capacity each, 150m high to rotor tip. A 20km study area, measured from the proposed wind turbine site is proposed for the Landscape and Visual Impact Assessment. We consider this is adequate for assessing the potential for significant visual effects of turbines 150m high to rotor tip.
4. Within and close to the extents of the study area boundary there are no National Parks, or AONBs in Wales. We therefore have no comments to make on the content of the scoping report with regards to landscape impact.
5. The Shropshire Hills AONB lie 12km to the east of the Garn Fach Wind farm site. Natural England will need to be consulted on the content of the EIA scoping report, to ensure harmful impacts on the setting of the Shropshire Hills AONB, singularly or cumulatively are avoided in the planning of this scheme. Powys Local Planning Authority will need be consulted with regards to the scope of the assessment of effects on local landscapes and visual amenity.

Chapter 6: Ecology and Nature Conservation

6. With regards to Table 6.2: Species Specific Legislation, neither Atlantic salmon or brown trout are considered. Atlantic salmon are features of the River Wye Special Area of Conservation (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 Chapter 6 of the Scoping Report. 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 downstream of the site boundary.
7. In relation to Rhos Cwmderw Site of Special Scientific Interest (SSSI), the report states (paragraph 6.4.5.) the main management aim is to maintain wetness and the low fertility of the soils. NRW would add that there should be no hydrological change to the site and its environs or pollution impacts to the site.
8. Paragraph 6.4.37 states that survey was carried out on a provisional layout of infrastructure. Whilst micro-siting tolerances are understood this provisional

layout would also be helpful to NRW in making a response to this scoping report.

9. We do not support the statement in the scoping report at this stage that a HRA assessment is likely to determine no Likely Significant Effects on the River Ithon and River Marteg SSSIs (Upper Wye Special Area of Conservation (SAC) / Site of Special Scientific Interest (SSSI)). The full scope of the development proposal needs to be fully assessed before this can be determined.
10. With regards to paragraph 6.4.38, it should also be noted that even shallow peats contain significant amounts of carbon. For example, a 2km x 2km area of 25cm deep peat will contain the same amount of carbon as a 1 x 1km square of 1m deep peat.
11. With regard to paragraph 6.5.5, it would be beneficial to include an indication of hydrological flows through the peat. This will give the developer an idea of where and how much deep peat will be affected by wind farm track construction. In relation to paragraph 6.5.6, the physical presence of a track will have an effect on hydrological flows throughout the life of the wind farm and not just during its construction.

Protected Species

12. NRW advise that the ES should clearly set out any effects on protected species and, where adverse effects are identified, should propose and deliver appropriate mitigation and/or compensation schemes to ensure the Favourable Conservation Status of the affected species is maintained (see Section 6.3.6 of the Scoping Report).

Otter & Water Vole

13. We agree with the submitted approach.

Dormouse

14. We agree with the submitted approach.

Great Crested Newt (GCN)

15. We note the details of the submission. We agree that short grazed grassland does not represent optimal GCN habitat. However, this type of habitat does support the species. We agree that impacts are most likely to occur during construction. Habitat creation enhancement will, in our view, be required to off-set construction impacts.

Bats

16. Field surveillance should be based on University of Exeter recommendations (Bats and Onshore Wind Turbines: Survey, Assessment and Mitigation, January 2019, University of Exeter). We agree that the ES needs to consider impacts during construction and operational phases. Monitoring of incidental

injury killing will be required. Consideration of curtailment/smart curtailment is advocated.

Chapter 7: Ornithology

17. Paragraph 7.4.6 lists the target species for the site based on historical surveys and legal protection. However, it is unclear which of these are still considered target species following the 2017-2019 surveys as there is no updated list provided nor the criteria used to determine them (e.g. Annex 1, Schedule 1, section 7, red-listed Birds of Conservation Concern (BoCC)). We therefore require clarification as to which species are to be included within the phrase "*all species recorded on site which are considered target species*" (paragraph 7.6.1) as these are not defined in the Scoping Report, along with the reasons for scoping the initial target species in/out of further assessment.

18. Table 7.4 states that six vantage points (VPs) were set up and monitored for six hours per month for a period of 24 months. This would equate to 36 hours of observations for winter and 36 hours for summer to give a total of 72 hours. However, the table suggests only 32 hours for winter and 32 hours for summer; this gives a total of 64 hours and not 72 hours per VP as per Scottish Natural Heritage (2017) guidance. We therefore require clarification on the number of hours surveyed per VP and season. This could be provided in tabular format showing the number of summer and winter survey hours completed per VP.

19. Table 7.4 also notes that an additional four VPs were set up covering a revised site area for the 2019 breeding period. We require clarification on the number of survey hours per additional VP for winter and summer. We advise a minimum of 72 hours survey work per additional VP location divided between seasons (36 hours breeding and 36 hours non-breeding) according to SNH (2017) guidance. Survey effort below this recommended minimum should be fully justified.

20. We have not been able to locate a figure within the submitted scoping documents that shows the location and visibility arcs for each historic or new VP. We are therefore unable to advise on VP location, line of sight or bias.

21. The approach proposed for collision risk modelling appears to be reasonable. However, please note that the SNH 2016 guidance referred to in paragraph 7.5.3 was updated in September 2018. We would therefore expect the updated guidance to be used, which recommends an avoidance rate for red kite of 99%.

22. Paragraph 7.5.3 suggests red kites represented 66% of recorded flights (number of red kite flights recorded = 702). However, it is unclear if this refers to 66% of all flights recorded or just target species. We therefore seek clarification on the number of recorded red kite flights that were at Collision Risk Height (CRH) for the total development area, the mean per turbine and a value for turbines that may cause concern. We require the information to be presented in a table such as the example table provided below:

Example Table:

Species	VP	Number of flights	Number of flights at CRH	% of flights at CRH	Total flight time	Total flight time at CRH	% of flight time at CRH
Red kite	A	760	650	86%	15:24:34	10:12:35	66%
Total	A-F						

23. The Elenydd – Mallaen SPA is approximately 7km south-west of the development site. Due to the high number of red kite flights recorded at the development site we advise that its functional linkage with the Elenydd - Mallaen SPA should be considered further by addressing the following questions:

- Will the development have an adverse impact on the conservation objectives for breeding red kite of the Elenydd - Mallaen SPA? This appears unlikely considering the maximum 6km foraging range of breeding red kites according to SNH guidance, but an evidenced conclusion should be presented.
- Is the development site important for producing red kite chicks contributing to the SPA breeding population? This also appears unlikely considering the maximum 6km foraging range of breeding red kites according to SNH guidance, but an evidenced conclusion should be presented.
- Do the habitats at Garn Fach represent a significant contribution to the requirements of wintering red kite from Elenydd - Mallaen SPA? This appears to be of most concern and evidence will be required to demonstrate that it has been effectively considered.
- If so, would additive mortality of red kite caused by death by collision with turbines at Garn Fach represent a significant adverse impact to the favourable condition of red kite at Elenydd - Mallaen SPA? These questions would need to be addressed and presented in a statement to inform the competent authorities Habitats Regulations Assessment.

24. We note that paragraph 7.7.1 explains how cumulative effects with other projects will be assessed. We advise that cumulative impacts will need to be assessed in relation to red kite, particularly with the two nearby Llandinam wind farm developments identified in Table 3.8 of the Scoping Report.

Chapter 11: Hydrology, Hydrogeology and Geology

25. With regard to Table 11.1, the developer should consider the Cranfield soil maps as another source of information in their assessment of soil types on the application site.
26. There are inaccuracies in paragraph 11.4.1. The development is mainly in the catchment of the Llaithddu brook which is a tributary of the Afon Ithon SSSI itself a tributary of the Upper Wye SSSI/SAC and not the River Severn as stated. The Afon Marteg is also a tributary of the Upper Wye SSSI/SAC.

27. With regards to paragraph 11.4.23, NRW would request a copy of the National Vegetation Classification Survey.

28. In relation to section 11.5 Impact Prediction and Mitigation, it is unclear whether this section considers the issue of mobilising or releasing heavy metal deposits into waterbodies. This issue should be given appropriate consideration in the ES.

29. With regards to paragraph 11.5.2, the issues identified have the potential to impact brown trout and Atlantic salmon populations, including those located downstream of the site boundary. This should be given appropriate consideration in the ES.

30. Section 11.6 states appropriate mitigation measures, where deemed necessary, will reduce the potential impacts on the site from the proposed development. We advise that opportunities such as natural flood management (NFM) and working with natural processes (WWNP) be considered as mitigation and enhancement measures to better manage water and the local environment.

31. We would like to make the developer aware that NRW has a non-culverting policy due to the negative environmental impacts caused by these structures. The developer should consider alternative solutions especially along the access tracks to the site and any alterations to the highway network. NRW advise the importance of discussing this issue and detailed design options with us at an early stage in the process.

32. 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 the migration of any fish species. Clear span structures are preferable to culverts. Any 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 account the requirement to facilitate fish passage and retain a natural river bed within the proposed structure.

Water Framework Directive (WFD) Assessment

33. There is no mention of a WFD assessment being included within the ES. NRW expect this to be included in the document. The recent Court of Justice (CJEU) ruling (Weser judgment/Bund case) highlighted the importance of completing a WFD assessment at the project planning stage.

Potential Impact of Construction

34. Whilst it is recognised that particular construction details may not be currently available, the construction phase is of particular importance because it must address the following reasonable questions that focus on potential impacts to the environment. The ES should give the following issues appropriate consideration:

- a. In broad terms what is the likely duration of the construction phase/sub-phases for the construction of the windfarm, energy storage facility, cabling routes and access roads? What are the general construction sub-phases (e.g. interim conditions such as extent and duration of denuded soils)?
- b. Has there been any Early Contractor Involvement (ECI) to discuss and assess how the windfarm could be constructed with the least amount of impact to the Environment? This should include some provisional plans showing the potential wind-turbine foundation locations, cabling routes (cut-and-cover?), laydown areas for construction materials and both temporary haul-roads and permanent roads.
- c. What is the proposed nature and spatial characteristics of the proposed foundations for the 22 turbines and energy storage facility e.g. piles (e.g. depths, types, number etc.) or foundation rafts (e.g. diameter, depth and thickness)? Would significant cement truck road traffic be required including the construction of temporary haul roads to construct the turbine rafts?
- d. It is noted that there are eight private water supplies within or in close proximity to the proposed development redline. The nature (e.g. well depth, abstraction rate and reliance upon) of these private water supplies is unknown but excavation for the wind turbines may impact on the groundwater flows that may be supporting the private water supplies. If excavation is required, what is the likely excavation invert level and what provisions would be put in place to safeguard the local groundwater regime if dewatering of the turbine excavations is required?
- e. If excavation and dewatering are the proposed method for preparing the foundation construction area, how would the abstracted groundwater be managed/treated and disposed of? The need for a discharge consent would need to be assessed.
- f. Is there any potential for sub-artesian conditions to be encountered which could pose challenges from a groundwater dewatering perspective as the flow components are largely vertical?
- g. If excavation is required, over what time period would this take place? Would the excavation for each of the turbine foundations be performed sequentially or at the same time? Sequential excavation for the wind turbines and construction of the wind turbines may take longer but may have a lower impact on the local water environment. If turbine excavation takes place contemporaneously, what is the expected spatial extent of denudation/excavation including for haul roads? What is the degree of land-use segmentation that is likely to be required?
- h. The type of foundations adopted for the turbines in particular may impart some degree of compressibility and/or heave on near surface ground materials that may affect the local groundwater regime, private water supplies and potentially groundwater dependent terrestrial ecosystems (GWDTE's). Has this possibility been considered?

- i. Where will the laydown area(s) be for the construction of the wind turbines and energy storage facility be? Temporary heavy plant such as excavators and piling rigs may be required, and these could also affect the local water-rich environment through loading impacts.
- j. What is the proposed routing of cables and how will they be laid; e.g. cut-and-cover? Will the operational cabling require access points for operation and maintenance and if so, will these access points need permanent roads constructed? Could the cabling during the operational phase, interfere with the operational performance of a number of the private water supplies?
- k. If local farms rely on the private water supplies, what provisions are in place to address potential temporary or permanent impacts to the groundwater supply?

Baseline Assessment

35. Baseline assessments of the proposed development areas and local catchments must include an understanding of the local groundwater regime, notably if this regime supports the supply of sustainable groundwater to the 8 known private water supplies. A private water supply assessment must be performed for each private water supply which should include a risk assessment of the potential that the proposed construction and operation of the windfarm, notably the foundations and associated cabling, could disrupt the supply of surface water and/or groundwater that the particular private water supply relies upon. Conceptual models should be developed that focus on how the private water supplies are sourced, i.e. how they 'work'.
36. A Water Features Survey should be performed to assess the degree to which these features are likely to be recharged by rainfall and runoff which in turn support the local groundwater flow regime and hence the private water supplies. The focus of the Water Features Survey should be on the potential risks that the construction and operation of the windfarm and associated infrastructure could have on these water features.
37. The nature of Groundwater Dependent Terrestrial Ecosystems (GWDTEs) should be determined as part of the baseline studies and the potential impacts should be assessed as part of the spectrum of potential impacts to these ecosystems and on the wider water environment.
38. Cumulative and in-combination assessments notably with the existing windfarms to the west and NW of the current windfarm development must be assessed as part of the Scoping exercise. The results of these assessments must then be incorporated into the EIA.
39. Future baseline conditions, notably conditions arising from a changing climate and anthropogenic influence, must also be included as a Scoping item as this is a requirement for the generation of a meaningful EIA.

Flood Risk

40. We agree with the proposed approach to flood risk and the intention to scope fluvial flooding out. The applicant should contact the land drainage team at Powys County Council (CC). As the Lead Local Flood Authority in this area, Powys CC will be determining any impacts on surface water runoff or if Ordinary watercourse consent will be required where works affect local watercourses.

41. As stated in part 11.8.1 a detailed Flood Risk Assessment should not be required. However, a portion of overland flows and groundwater baseflow, albeit small, in the headwaters sections of the Blue Lins Brook and the Custogion Brook, could be disrupted/lost by the construction and operation of the windfarm. Potential loss is particularly important during periods of low river levels when flows are largely driven by groundwater. The potential for some degree of flow loss, albeit small, of the waters that contribute to the flows of the two Brooks should be assessed.

Chapter 14: Socio-economics, Recreation and Tourism*Public Rights of Way*

42. Powys CC must be consulted with regard potential impacts on the numerous Public Rights of Way on this land.

National Trails

43. All the National Trails have been approved by the government as 'long-distance routes' under section 51 of the National Parks and Access to the Countryside Act 1949.

44. National Trails are the flagship routes of the Public Rights of Way network. They are long-distance paths through some of the country's finest scenery, the routes having been chosen to provide walkers with some of the best and least unspoilt views possible. NRW is responsible for the mapping and creation of National Trails in Wales.

45. Glyndwr's Way National Trail is situated to the west, south and east of the turbine area as shown on the OS 1:25,000 map (Explorer map). It is one of three national trails in Wales. The other nearby National Trail is the Offa's Dyke Path National Trail which runs along the England/Wales border.

46. Wind turbines may have an effect upon the visual amenity for national trail walkers and for that reason it would be appropriate to consult Helen Tatchell, the Glyndwr's Way National Trail Officer who is based in the Countryside Section of Powys County Council. It may also be appropriate to consult Rob Dingle, Offa's Dyke Path National Trail Officer, based in the same office.

Countryside and Rights of Way Act (CRoW) Act 2000 - Open Access Land

47. Powys CC must be consulted with regard potential impacts on the numerous Public Rights of Way on this land. This should include the potential impact on visual amenity for the users of these routes and the continued usability of the routes bearing in mind their proximity to turbines.

48. The existence of access land does not prevent developments such as windfarms. But there is a presumption that the land and access to the land will remain open to walkers after construction works were completed. The area being considered for the turbines includes some areas of CRoW Act access land.

Chapter 16: Structure of the Environmental Statement

49. We would expect that the statement to inform HRA and WFD assessment would form separate sections in the appendices.

Appendix 1: Detailed Ecological Survey Findings and Potential Effects*Table 1: Habitat Description*

50. Marshy grassland: We would generally agree that M23 is of limited ecological value however it can be a valuable habitat for curlew. In addition, there is potential for ecological restoration/enhancement.

51. The various woodland types high-lighted should be assessed in light of potentially providing breeding opportunities for red kite and other birds of prey, and in some locations conifer woodland provide suitable habitat for nightjar.

52. There is no mention of rivers and streams as a habitat. 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.

Further Survey

53. With regards to peat depth survey, initially there should be a general peat survey to establish the extent and depth of peat across the entire development area. NRW requests 1 peat probe per hectare and 1 peat cores per ten peat probes as a bare minimum. The latter to ensure that the 'peat' is actually peat and not fine in-washed clays that can feel like peat during probing.

Impact prediction and mitigation

54. Rhos Cwmdwrw SSSI: (page 17); NRW do not agree that this receptor can be scoped out of the impact assessment process until the full detail and location of the proposed infrastructure including cables, access tracks, turbine locations, substation, battery stores and indicative grid etc. have been provided. The main botanical interest of Rhos Cwmdwrw SSSI is M24 (*Molinia caerulea* - *Cirsium dissectum* fen-meadow), which is a ground-water dependent community dependent on flows of base-enriched water.

55. We note the comment (page 20) that *'the construction phase effect of loss to habitats of high and medium ecological value is considered, reversible, of low magnitude and not significant'*.

56. NRW's view is that although we would agree most construction impacts are largely reversible over time the statement around impacts being of low magnitude and not significant has not yet been demonstrated by the developer especially in relation to peatland, water and wetland habitats.

57. Tracks are the primary cause of bog and mire degradation due to their construction impeding hydrological flows through the surface layers of peat. They can potentially drain areas of deep peat up to 250m downslope of the track, if the track is run along a contour through the area of deep peat. The most effective way to lessen such impacts is to avoid all areas of deep peat and this should be given due consideration.

Table 3: Summary of Potential impacts (page 25)

58. Row 1-4: NRW believe that conclusions on significance of impact cannot confidently be demonstrated at this stage until the full details of the proposal and measures of avoidance, mitigation and compensation along with habitat management plan (HMP) and construction environmental management plan including method statements (CEMP) have been provided in the ES.

Residual effects (page 27)

59. Paragraphs 1-3; NRW do not believe that sufficient information is available at this point in time to agree with the conclusions of this section.

General matters requiring further consideration

60. At this point in time the scoping assessment has not been separated out the difference between direct, indirect, short term, long term, permanent and non-permanent predicted impacts of the development which would be typically included in an Environmental Impacts Assessment (EIA) and Environmental Statement (ES).

61. Invasive Non-Native Species (INNS) and Biosecurity; This important environmental issue has not been addressed in the scoping report. We would expect to see survey information identifying what species are present across the development footprint including road transport route modifications and site access route. This information would inform a risk assessment that identifies likely risks with avoidance and mitigation measures and a draft CEMP in the ES that lists the mitigating actions to be undertaken during construction.

62. NRW's pre-application comments regarding freshwater fisheries do not appear to have been considered (please refer to our letter dated 10/07/2019 to Rachel Kennedy, Dulas Ltd.).

63. We note the 50 metres micro-siting tolerance, which is accepted. We support the Rochdale envelope approach provided that it does not in any way lead to

mis-representation, limit or constrain consultees ability to assess the potential and actual environmental impacts of design iterations or the final proposal.

64. We agree with the requested flexible approach adopted in the scoping consultation on the basis that ongoing consultations on design iterations will result in reducing environmental impacts.

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



Plas Carew, Uned 5/7 Cefn Coed
Parc Nantgarw, Caerdydd CF15 7QQ
Ffôn 0300 025 6000
E-bost cadw@gov.cymru
Gwefan 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
Web www.cadw.wales.gov.uk

Robert Sparey
The Planning Inspectorate

Eich cyfeirnod
Your reference: DNS 3244499
Ein cyfeirnod
Our reference:
Dyddiad
Date: 13 February 2020
Linell uniongyrchol
Direct line:
E-bost
Email:

Dear Robert

Scoping - potential DNS application - Garn Fach Windfarm, Garn Fach, South of Newtown, Powys

Thank you for your email of 13 January asking for Cadw's view on the above.

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.

Our records show that the following historic assets are potentially affected by the proposal.

Listed Buildings:

17325	Esgairgeiliog Hall	II
17782	Middle Esgair Cottage	II
17783	Berth-ddu barn	II
17787	Farm building at Bryn coch cottage	II
23027	Llaithddu Baptist Church	II
82993	Cow house & stable W of Upper Llaithddu Farmhouse	II
82995	Pen Ithon Hall	II
82996	Upper Llaithddu Farmhouse	II
83091	Cwm Derw	II
83134	No 7 Llaithddu	II
83135	Former Smithy attached to Llaithddu Baptist Church	II

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.



83375 Field barn at Gors Farm

II

Scheduled Ancient Monuments:

MG079 Domen Ddu Round Barrow
MG086 Polyn y Groes-Ddu Round Barrow, Waun Lluest Owain
MG121 Glog Round Barrows
MG125 Pegwn Mawr Round Barrows
MG126 Pegwn Bach Round Barrow
MG127 Crugyn Llwyd
MG253 Waun Lluest Owain Round Hut and Long Hut
MG280 Bryn Cwmyrhiwdre Round Barrow
MG290 Polyn y Groes Ddu Round Cairn II
MG298 Bryn Hafod Standing Stone
MG333 Pegwn Mawr, Standing Stone 620m NNE of
RD038 Castell Tinboeth
RD039 Fowler's Arm Chair Stone Circle & Round Cairns, Banc Du
RD041 Round Barrows 400m NNW of Beili Hwlyn
RD042 Bronze Age round barrow NW of Glan-marteg
RD073 The Mount Round Barrow near Maes-y-Gwaelod
RD114 Castell y Garn
RD115 Cnych Round Barrow
RD129 Beili-Bedw Earthworks
RD163 Abbey Cwmhir Great Park Shed
RD192 Bronze Age tumulus north of Beili Haulwen
RD193 Fualt Standing Stone
RD248 Domen-ddu round barrows
RD249 Moel Dod round barrow

Registered Historic Parks and Gardens:

PGW (Po) 46(POW) The Hall, Abbey Cwmhir (grade II)

A scoping report has been produced by Dulas of which section 8 Cultural Heritage and Archaeology outlines the guidance and methodology that will be used to assess the impact of the proposed windfarm on the heritage assets. We concur that these are appropriate.

We have used the submitted ZTV to identify the above designated heritage assets (which are located inside 5km of the proposed development) who's setting could be affected by the proposed windfarm. This impact should be considered using the Welsh Government guidance given in the document "The Setting of Historic Assets in Wales". We would expect a stage 1 assessment to be carried out (and documented) for all of the above designated heritage assets, which will determine the need, if necessary, for stages 2 to 4 to be carried out for specific heritage assets.

Yours sincerely

Jenna Arnold
Diogelu a Pholisi/ Protection and Policy

FAO Robert Sparey,
The Planning Inspectorate,
Cardiff

Dear Rob,

We have been forwarded the potential Development of National Significance (DNS) EIA Scoping Direction correspondence for the Garn Fach Wind farm. HSE does not comment on EIA Scoping Reports but the information below will be of interest.

Will the proposed development fall within any of HSE's consultation distances?

With reference to Plan (Figure 2, Development Boundary, revision A, January 2020)[Scoping Report: Garn Fach Wind Farm, EDF, Jan 2020], the proposed project/development does not currently fall within the consultation distances of any Major Hazard Installation(s) or Major Accident Hazard Pipeline(s).

However, if prior to the granting of a development consent order for this proposed development, Hazardous Substances Consent is granted for a Major Hazard Installation or there is notification of a Major Accident Hazard Pipeline within or in the vicinity of the development, the HSE reserves the right to revise its advice.

Would Hazardous Substances Consent be needed?

The presence of hazardous substances on, over or under land at or above set threshold quantities (Controlled Quantities) may require Hazardous Substances Consent (HSC) under the Planning (Hazardous Substances) Act 1990 as amended. The substances, alone or when aggregated with others, for which HSC is required, and the associated Controlled Quantities, are set out in The Planning (Hazardous Substances) Regulations 2015.

HSC would be required if the site is intending to store or use any of the Named Hazardous Substances or Categories of Substances and Preparations at or above the controlled quantities set out in schedule 1 of these Regulations.

Further information on HSC should be sought from the relevant Hazardous Substances Authority.

Explosives sites

HSE has no comment to make, in this regard, as there are no licensed explosive sites in the vicinity.

Kind regards,

Dave Adams

Dave.MHPD.Adams

Major Hazards Policy – Chemicals & Land Use Planning | Chemicals, Explosives & Microbiological Hazards Division | Health and Safety Executive.

Please note that on 24/9/18 I moved to 1.2 Redgrave Court.

1.2 Redgrave Court, Merton Road, Bootle, Merseyside L20 7HS


www.hse.gov.uk | <http://hse.gov.uk/landuseplanning>

----- Forwarded by Sue Howe/STAFF/HSL on 16/01/2020 12:16 -----