



Llywodraeth Cymru  
Welsh Government

Eich Cyf / Your Ref:  
Ein Cyf / Our Ref:

**BY EMAIL - [deccnic@decc.gsi.gov.uk](mailto:deccnic@decc.gsi.gov.uk)**

Energy Infrastructure Planning Team  
Department of Business, Energy and Industrial Strategy  
Area C 4th Floor  
3 Whitehall Place  
London  
SW1A 2AW

28 July 2016

Dear Sir / Madam

**ELECTRICITY ACT 1989 & TOWN AND COUNTRY PLANNING ACT 1990**

**THE ELECTRICITY GENERATING STATIONS AND OVERHEAD LINES (INQUIRIES PROCEDURE) (ENGLAND AND WALES) RULES 2007**

**RE-DETERMINATION OF THE APPLICATION BY RES UK & IRELAND LIMITED ("RES") DATED 27 MARCH 2009 FOR CONSENT TO CONSTRUCT AND OPERATE A 100 MW WIND TURBINE GENERATING STATION IN POWYS, MID-WALES ("LLANBRYNMAIR")**

**RE-DETERMINATION OF THE APPLICATION BY RWE NPOWER RENEWABLES LIMITED ("RWE") DATED 11 DECEMBER 2008 FOR CONSENT TO CONSTRUCT AND OPERATE A 130-250MW WIND TURBINE GENERATING STATION IN POWYS, MID-WALES ("CARNEDD WEN")**

**Statement of matters with respect to which further representations are invited**

I write further to your letter of 6 July 2016, inviting additional representations to the Secretary of State, on the following matters, for both Llanbrynmair and Carnedd Wen wind farm applications.



Sam Mynach  
CYFFORDD  
LLANDUDNO /  
LLANDUDNO  
JUNCTION  
Conwy  
LL31 9RZ

GovernmentBusinessE&E@wales.gsi.gov.uk  
[www.cymru.gov.uk/](http://www.cymru.gov.uk/)  
[www.wales.gov.uk](http://www.wales.gov.uk)

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

1. **The individual landscape and visual impact of the proposed Llanbrynmair Development;**
2. **The individual landscape and visual impact of the proposed Carnedd Wen Development;**
3. **The combined landscape and visual impact of both the proposed Llanbrynmair and Carnedd Wen Developments;**
4. **The cumulative impact of the proposed Llanbrynmair Development with other wind farms in the Powys area which have already been granted planning permission or where planning permission has been applied for (excluding the proposed Carnedd Wen Development);**
5. **The cumulative impact of the proposed Carnedd Wen Development with other wind farms in the Powys area which have already been granted planning permission or where planning permission has been applied for (excluding the proposed Llanbrynmair Development);**
6. **The combined cumulative impact of the proposed Llanbrynmair and Carnedd Wen Developments with other wind farms in the Powys area which have already been granted planning permission or where planning permission has been applied for;**
7. **The extent to which proposed ecological mitigation, restoration or remediation measures and removal of individual wind turbines (including, as applicable, the “Carnedd Wen five” turbines R23,R26, R28, R29 and R30 referred to in the Inspector’s Report dated 8 November 2014) would offset any adverse landscape and visual impacts (whether individual, combined or cumulative) of the proposed Developments;**
8. **The adequacy of the environmental information produced in support of the applications for the Developments and whether further or updated environmental information is now necessary;**
9. **Any other matters arising since 7 September 2015 which interested parties consider are material to the Secretary of State’s re-determination of the applications.**

#### Additional Comments

- Nature Conservation

The Welsh Government position remains as previously stated, subject to any development of NRW’s response to the consultation and future advice to us.

The gathering of evidence and assessment of cumulative effects on nature conservation receptors should be rigorous and comply with the requirements of the Wildlife and Countryside Act 1981 (as amended), Habitats Regulations 2010 and International commitments.

- Transport

The position has not changed from the original application, stating no objection in principle, detailing a suggested number of conditions, as per correspondence attached, dated 25 February 2014 from \_\_\_\_\_, the Welsh Government Network Manager at the time, to \_\_\_\_\_ Programme Officer and first point of contact for all procedural matters associated with the inquiry.

Yours faithfully

**Deputy Director – Decarbonisation & Energy**

Enc – 2 letters from \_\_\_\_\_ to \_\_\_\_\_





Llywodraeth Cymru  
Welsh Government

Programme Officer  
Banks Solutions

Transport - Trafnidiaeth

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Eich cyf. Your ref  
Ein cyf. Our ref

25 February 2014

Dear

**ELECTRICITY ACT 1989 (SECTIONS 36, 37, 62(3) AND SCHEDULE 8)  
TOWN AND COUNTRY PLANNING ACT 1990 (SECTION 90)**

**Application by RES UK & Ireland Limited dated 27 March 2009 for consent to construct and operate a 100 MW Wind Turbine Generating Station in Powys, Mid-Wales ("Llanbrynmair")**

**Further Written Representation for Session 4: Matters in Common/Cumulative Effects**

Please consider this letter as a further written representation from the Welsh Government as highway authority for the trunk road network in Wales (hereafter referred to as "WG") for Session 4: Matters in Common/Cumulative Effects of the conjoined public inquiry covering the above application.

WG's Statement of Case dated 21 January 2014 strongly advised the inclusion of a number of conditions as part of any permission granted by the Department of Energy and Climate Change (DECC). WG wishes to amend the wording of these recommended conditions to maintain consistency with other applications currently before the inquiry. As such, WG strongly advises that any permission granted by DECC should include the conditions set out below.

**Structural Assessment**

1. No on-site development works shall be undertaken until:



BUDDSODDWR MEWN POBL  
INVESTOR IN PEOPLE

Sarn Mynach  
Cyffordd Llandudno  
LL31 9RZ

Sarn Mynach  
Llandudno Junction  
LL31 9RZ

Ffôn • Tel: 03  
Ffacs • Fax: 03

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- a. an assessment of the capacity and impact on all structures along those parts of the highway network which shall be utilised during the construction of the development including bridges, culverts, retaining walls, embankments; and
- b. details of any improvement works required to such structures as a result of construction of the development;

have been submitted to and approved by the local planning authority following consultation with the Welsh Government as Welsh trunk road highway authority or other relevant highway authority (as appropriate). The required improvement works identified in the assessment shall be completed prior to the commencement of any Abnormal Indivisible Load (AIL) deliveries to the development site.

### **Condition Surveys**

2. Condition surveys of all highway features along those parts of the highway network which shall be utilised during the construction of the development shall be undertaken prior to, during and on completion of the construction phase of the development. The survey reports shall be submitted to and approved by the local planning authority following consultation with the Welsh Government as Welsh trunk road highway authority or other relevant highway authority (as appropriate) within 28 days of the surveys.

### **Liability for Incidental Damage**

3. Prior to the commencement of development works, a scheme to provide for the remediation of any incidental damage directly attributable to the development to the parts of the highway network which will be utilised during the construction of the development including street furniture, structures, highway verge and carriageway surfaces shall be submitted to and approved by the local planning authority following consultation with the Welsh Government as Welsh trunk road highway authority or other relevant highway authority (as appropriate). The scheme shall be implemented as approved throughout the construction phase of the development.

### **Traffic Management Plan**

4. AILs associated with the development shall be delivered strictly in accordance with a Traffic Management Plan (TMP) as shall be agreed with the relevant highway authority. In this respect, the TMP shall be submitted to and approved in writing by Welsh Government as Welsh trunk road highway authority or other relevant highway authority (as appropriate) prior to the commencement of any works. The TMP shall include:
  - a. proposals for transporting AILs from their point of entry to the Welsh trunk road network to the site that minimise any impact on the safety and free flow of trunk road traffic;
  - b. evidence of trial runs that mimic the movement of the worst case AILs along the access route;
  - c. number and size of AILs, including loaded dimensions and weights;
  - d. number and composition of AIL convoys, including anticipated escort arrangements;
  - e. methodology for managing trunk road traffic during AIL deliveries, including identification of passing places and holding areas as necessary;
  - f. convoy contingency plans in the event of incidents or emergencies;

- g. estimated convoy journey durations and timings along the route, including release of forecast traffic queues;
  - h. swept path analysis modelling the movement of the worst case AILs at all potential horizontal and vertical constraints along the access route;
  - i. proposals for the temporary or permanent modification of any affected street furniture along the access route and details of how this would be managed;
  - j. plans for the reinstatement of any temporary works after completion of the construction phase;
  - k. land ownership must be clarified on all drawings showing proposed highway modifications. The developer shall be responsible for the acquisition and reinstatement of all third party land including re-instatement of boundary features;
  - l. proposals to liaise with all relevant stakeholders and members of the public regarding construction traffic and AIL movements;
  - m. consideration of the cumulative impact of other wind farm schemes proposing to use all or part of the same access route.
5. AILs associated with the maintenance and decommissioning of the development shall leave the site strictly in accordance with a TMP as shall be agreed with the relevant highway authority. In this respect, the TMP shall be submitted to and approved in writing by Welsh Government as Welsh trunk road highway authority or other relevant highway authority (as appropriate) prior to the commencement of any removal, replacement or decommissioning works.

### **Highway Works**

6. No development works shall be undertaken until full details of any highway works associated with the construction of layover areas, passing places and highway improvements as agreed with the relevant highway authority including:
- a. the detailed design of any works;
  - b. geometric layout;
  - c. construction methods;
  - d. drainage; and
  - e. street lighting;

have been submitted to and approved in writing by the local planning authority following consultation with the Welsh Government as Welsh trunk road highway authority or other relevant highway authority (as appropriate). The highway works shall be completed in accordance with the approved details prior to the commencement of any AIL deliveries to the development site.

7. No development works shall be undertaken until the developer demonstrates rights of access to all proposed works that are not part of the highway network to the satisfaction of the local planning authority.

### **Road Safety Audit**

8. The applicant shall undertake a Road Safety Audit of the scheme (Stages 1 – 4) in accordance with the Design Manual for Roads and Bridges HD 19/03. The applicant shall agree the required measures with the Welsh Government as Welsh trunk road highway

authority or other relevant highway authority (as appropriate) prior to the commencement of works on site.

### **Section 278 Agreement**

9. The applicant shall enter into an Agreement with the Welsh Ministers under Section 278 of the Highways Act 1980 to enable the Applicant to undertake agreed improvement works on the trunk road. This Agreement will contain details of the improvement works, construction conditions and financial arrangements under which agreed measures can be put in place, including indemnifying the Welsh Ministers against third party claims. Without such an agreement in place, any consent that may be granted cannot be implemented.

### **Use of Private Haul Road by other Abnormal Loads**

10. Any private haul road shown on the submitted plans shall be made available for use without penalty for the movement of any AIL as required by the Welsh Government as Welsh trunk road highway authority or other relevant highway authority (as appropriate) for the duration of the development.

The above conditions are included to maintain the safety and free flow of trunk road traffic. Please note that the wording for conditions 1 to 10 above is the same for all the wind farm schemes before the inquiry.

As highway authority for the trunk road network in Wales, WG recognises the effort that the applicant has expended in demonstrating that it could construct and maintain this development without causing undue effect on the trunk road network and users thereof.

WG does not propose to submit a proof of evidence for Session 4 or to give oral evidence at the inquiry in relation to the Llanbrynmair application. WG does not therefore propose to call witnesses or cross examine other witnesses.

Please note that as highway authority for the trunk road network in Wales, WG is unable to give any opinion on the planning merits of the Llanbrynmair application. The scope of this written representation is confined to the anticipated impact of development traffic on the safety and free flow of trunk road traffic.

Yours sincerely





Llywodraeth Cymru  
Welsh Government

Programme Officer  
Banks Solutions

Transport - Trafnidiaeth

Eich cyf. Your ref  
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25 February 2014

Dear Mr Banks,

**ELECTRICITY ACT 1989 (SECTIONS 36, 37, 62(3) AND SCHEDULE 8)  
TOWN AND COUNTRY PLANNING ACT 1990 (SECTION 90)**

**Application by RWE Npower Renewables Limited dated 11 December 2008 for consent to construct and operate a 130-250MW Wind Turbine Generating Station in Powys, Mid-Wales ("Carnedd Wen")**

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- a. an assessment of the capacity and impact on all structures along those parts of the highway network which shall be utilised during the construction of the development including bridges, culverts, retaining walls, embankments; and
- b. details of any improvement works required to such structures as a result of construction of the development;

have been submitted to and approved by the local planning authority following consultation with the Welsh Government as Welsh trunk road highway authority or other relevant highway authority (as appropriate). The required improvement works identified in the assessment shall be completed prior to the commencement of any Abnormal Indivisible Load (AIL) deliveries to the development site.

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2. Condition surveys of all highway features along those parts of the highway network which shall be utilised during the construction of the development shall be undertaken prior to, during and on completion of the construction phase of the development. The survey reports shall be submitted to and approved by the local planning authority following consultation with the Welsh Government as Welsh trunk road highway authority or other relevant highway authority (as appropriate) within 28 days of the surveys.

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  - a. proposals for transporting AILs from their point of entry to the Welsh trunk road network to the site that minimise any impact on the safety and free flow of trunk road traffic;
  - b. evidence of trial runs that mimic the movement of the worst case AILs along the access route;
  - c. number and size of AILs, including loaded dimensions and weights;
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  - e. methodology for managing trunk road traffic during AIL deliveries, including identification of passing places and holding areas as necessary;
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- g. estimated convoy journey durations and timings along the route, including release of forecast traffic queues;
  - h. swept path analysis modelling the movement of the worst case AILs at all potential horizontal and vertical constraints along the access route;
  - i. proposals for the temporary or permanent modification of any affected street furniture along the access route and details of how this would be managed;
  - j. plans for the reinstatement of any temporary works after completion of the construction phase;
  - k. land ownership must be clarified on all drawings showing proposed highway modifications. The developer shall be responsible for the acquisition and reinstatement of all third party land including re-instatement of boundary features;
  - l. proposals to liaise with all relevant stakeholders and members of the public regarding construction traffic and AIL movements;
  - m. consideration of the cumulative impact of other wind farm schemes proposing to use all or part of the same access route.
5. AILs associated with the maintenance and decommissioning of the development shall leave the site strictly in accordance with a TMP as shall be agreed with the relevant highway authority. In this respect, the TMP shall be submitted to and approved in writing by Welsh Government as Welsh trunk road highway authority or other relevant highway authority (as appropriate) prior to the commencement of any removal, replacement or decommissioning works.

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6. No development works shall be undertaken until full details of any highway works associated with the construction of layover areas, passing places and highway improvements as agreed with the relevant highway authority including:
- a. the detailed design of any works;
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have been submitted to and approved in writing by the local planning authority following consultation with the Welsh Government as Welsh trunk road highway authority or other relevant highway authority (as appropriate). The highway works shall be completed in accordance with the approved details prior to the commencement of any AIL deliveries to the development site.

7. No development works shall be undertaken until the developer demonstrates rights of access to all proposed works that are not part of the highway network to the satisfaction of the local planning authority.

### **Road Safety Audit**

8. The applicant shall undertake a Road Safety Audit of the scheme (Stages 1 – 4) in accordance with the Design Manual for Roads and Bridges HD 19/03. The applicant shall agree the required measures with the Welsh Government as Welsh trunk road highway

authority or other relevant highway authority (as appropriate) prior to the commencement of works on site.

### **Section 278 Agreement**

9. The applicant shall enter into an Agreement with the Welsh Ministers under Section 278 of the Highways Act 1980 to enable the Applicant to undertake agreed improvement works on the trunk road. This Agreement will contain details of the improvement works, construction conditions and financial arrangements under which agreed measures can be put in place, including indemnifying the Welsh Ministers against third party claims. Without such an agreement in place, any consent that may be granted cannot be implemented.

### **Use of Private Haul Road by other Abnormal Loads**

10. Any private haul road shown on the submitted plans shall be made available for use without penalty for the movement of any AIL as required by the Welsh Government as Welsh trunk road highway authority or other relevant highway authority (as appropriate) for the duration of the development.

### **Access onto the Trunk Road**

11. Full details of the highway works associated with the proposed new access onto the trunk road as indicated on the submitted plans including the detailed design, geometric layout, construction and drainage, shall be submitted to and approved in writing by the Welsh Government as Welsh trunk road highway authority prior the commencement of any works on the development site.
12. The proposed new access onto the trunk road as indicated on the submitted plans shall be completed to the satisfaction of the Welsh Government as Welsh trunk road highway authority prior to commencement of any works on the development site.
13. The visibility splays shown on the submitted plans of the proposed new access onto the trunk shall at all times be kept free of any planting, tree or shrub growth, or any other obstruction in excess of 1.05m above the adjoining carriageway.

The above conditions are included to maintain the safety and free flow of trunk road traffic. Please note that the wording for conditions 1 to 10 above is the same for all the wind farm schemes before the inquiry.

As highway authority for the trunk road network in Wales, WG recognises the effort that the applicant has expended in demonstrating that it could construct and maintain this development without causing undue effect on the trunk road network and users thereof.

WG does not propose to submit a proof of evidence for Session 4 or to give oral evidence at the inquiry in relation to the Carnedd Wen application, unless requested by the Inspector. WG does not therefore propose to call witnesses or cross examine other witnesses.

Please note that as highway authority for the trunk road network in Wales, WG is unable to give any opinion on the planning merits of the Carnedd Wen application. The scope of this written

representation is confined to the anticipated impact of development traffic on the safety and free flow of trunk road traffic.

Yours sincerely

