



Department for
Business, Energy
& Industrial Strategy

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To:
RES UK & Ireland Limited
Innogy Renewables UK Limited

Your Ref:
Our Ref:
Date: 16 February 2018

Copy to:
Natural Resources Wales

Dear Sir/Madam,

ELECTRICITY ACT 1989: RE-DETERMINATION BY THE SECRETARY OF STATE FOR BUSINESS, ENERGY AND INDUSTRIAL STRATEGY OF THE LLANBRYMAIR & CARNEDD WEN WIND FARM PLANNING APPLICATIONS

REQUEST FOR INFORMATION TO INFORM THE HABITATS REGULATIONS ASSESSMENT

1. Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (“the Habitats Regulations”) requires the Secretary of State to consider whether the proposed Development would be likely to have a significant effect on a European site as defined in the Habitats Regulations. This process is commonly known as a Habitats Regulations Assessment (“HRA”).
2. In undertaking the HRAs for the re-determination of the planning applications for onshore wind farms at Carnedd Wen and Llanbrynmair, under section 36 of the Electricity Act 1989, the Secretary of State would be grateful if the parties identified in bold could provide an update or further information on each of the matters set out below:

Llanbrynmair’s connectivity to the Berwyn Special Protection Area (“SPA”)

3. The environmental documentation provided in support of RES’s application concludes that there is no likely significant effect upon the Berwyn SPA due to its distance from the Llanbrynmair project site (5.3 km). However, foraging ranges greater than this distance are recorded in the literature for merlin, red kite, peregrine and hen harrier¹. Can **RES** provide further information on why this project is beyond the potential range of the Berwyn SPA qualifying features?

¹ http://www.snh.org.uk/pdfs/publications/commissioned_reports/390.pdf

Berwyn SPA ornithological interest feature populations

4. Innogy's supplementary environmental information² uses regional bird populations to assess the effect of modelled collisions on the Berwyn SPA rather than the populations as described in the Berwyn SPA Core Management Plan³. This approach infers that the SPA population could be supported by the wider population of birds in the event of mortality. Can **Innogy** explain further how the SPA population would be able to replenish/draw from the regional population and how this meets the conservation objectives of the SPA?

In-combination assessment for Berwyn SPA

5. Innogy has provided a list of plans and projects⁴ for consideration within the Secretary of State's in-combination assessment for the Berwyn SPA. Can **Innogy** provide further evidence to justify the exclusion of other developments within foraging range of the SPA from the in-combination assessment?

Montgomery Canal SAC

6. The Montgomery Canal SAC was considered during the mid-Wales public inquiry (Paragraph 527 of the Inspector's Report refers⁵). However, in reviewing the information publically available, the Secretary of State considers that there is limited evidence. **RES** and **Innogy** are requested to provide any further information that they hold on the likely effects, or why it should be excluded from consideration, for the Carnedd Wen and Llanbrynmair projects, in combination with other plans or projects, on the Montgomery Canal SAC.

7. **The Deadline for your response is 17:00 hours on 16 March 2018.**

8. The response should be submitted by email to beiseip@beis.gov.uk. Please also send any hard copy responses to:

Llanbrynmair & Carnedd Wen Wind Farms Re-determinations
Energy Infrastructure Planning Team,
Department for Business, Energy and Industrial Strategy,
Level 3, Orchard 2,
1 Victoria Street,
London SW1H 0ET.

² Carnedd Wen Windfarm and Habitat Restoration Project SEI, Chapter 8 Avian Ecology (2011)

³ [https://www.naturalresources.wales/media/670888/Berwyn%20man%20plan%20\(E\)%20\(table%20revis%2010.09.09\).pdf](https://www.naturalresources.wales/media/670888/Berwyn%20man%20plan%20(E)%20(table%20revis%2010.09.09).pdf)

⁴ Carnedd Wen Windfarm and Habitat Restoration Project SEI, Chapter 8 Avian Ecology (2009)

⁵ <https://itportal.beis.gov.uk/EIP/pages/projects/InspectorsReportEnglish.pdf>

9. If you will have difficulty in submitting a response by the consultation deadline, please inform the Energy Infrastructure Planning Team by contacting us on the number indicated above.
10. This letter is without prejudice to the Secretary of State's decisions whether or not to grant consent for the Llanbrynmair and Carnedd Wen wind farm applications currently being re-determined, and nothing in this letter is to be taken to imply what those decisions might be.
11. Where further information relevant to the applications is received by the Secretary of State then this will be consulted on further, including consulting members of the public where appropriate.

Yours faithfully,

Gareth Leigh

Gareth Leigh
Head of Energy Infrastructure Planning