



**Cyfoeth
Naturiol
Cymru
Natural
Resources
Wales**

Ein cyf/Our ref: GB/CAS-68516-Y7T2

Swyddfa Llywodraeth Cymru/Welsh
Government Building,
Rhodfa Padarn,
Llanbadarn Fawr,
Aberystwyth
SY23 3UR

northplanning@cyfoethnaturiolcymru.gov.uk

30/11/2018

Er sylw / For the attention of:

Annwyl / Dear

BWRIAD / PROPOSAL: ELECTRICITY ACT 1989: RE-DETERMINATION BY THE SECRETARY OF STATE FOR BUSINESS, ENERGY AND INDUSTRIAL STRATEGY OF THE LLANBRYNMAIR & CARNEDD WEN WIND FARM PLANNING APPLICATIONS THE ELECTRICITY WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (ENGLAND AND WALES) REGULATIONS 2000 ("THE 2000 REGULATIONS") THE CONSERVATION OF HABITATS AND SPECIES REGULATIONS 2017 ("THE HABITATS REGULATIONS")

Thank you for your letter dated 6th of September 2018 consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above. Thank you also for allowing additional time to prepare our consultation reply.

The letter lists 3 questions for NRW to answer. The answers to these questions are provided below.

(1) *RES and Innogy have stated that Red Kite is no longer listed as a qualifying feature of the Berwyn SPA. Can NRW confirm this?*

NRW can confirm red kite is currently listed as a qualifying feature of the Berwyn SPA. Following the second Special Protection Area (SPA) Review (Stroud *et al.* 2001)¹ it was recommended that red kite be removed from the Berwyn SPA citation and Register of European Sites. However, the deletion of red kite as a qualifying feature of the Berwyn SPA has not been actioned, and it remains listed and subject to full protection afforded by the Birds Directive².

¹ Stroud, D.A., Chambers, D., Cook, S., Buxton, N., Fraser, B., Clement, P., Lewis, I., McLean, I., Baker, H. & Whitehead, S. 2001. The UK SPA network: its scope and content. Volumes 1-3. JNCC, Peterborough Available at: <http://jncc.defra.gov.uk/page-1418>

² Formerly 79/409/EEC

- (2) RES and Innogy have provided a summary of ornithological survey work undertaken at the proposed development sites, which includes the observed on-site movements of merlin, hen harrier and peregrine. While the observed movements differ between species, all three have been shown to occur in both proposed development locations. Information on the foraging ranges of these species has also been provided by RES.

An assessment of whether Llanbrynmair and Carnedd Wen are likely to have a significant effect on the Berwyn SPA qualifying feature populations is first a question of connectivity (i.e. foraging range). During tracking studies carried out in 2006 and 2007, SPA birds were not observed to use the Carnedd Wen site, which lies between the Berwyn SPA and Llanbrynmair2. However, NRW has previously advised that this tracking evidence was insufficient to demonstrate the absence of connectivity and questioned whether survey data would ever be able to confirm this. Furthermore, NRW has previously taken the position that Carnedd Wen birds are likely to be part of a single, larger Welsh metapopulation, within which there is interchange with the Berwyn SPA3. This appears to imply that if an individual merlin, hen harrier or peregrine is observed to use the Carnedd Wen site, there is a possibility that it would use or interchange into the habitats within the Berwyn SPA. As there is interchange throughout the Welsh metapopulation, the same logic could extend to those individuals observed in Llanbrynmair.

In view of the potential for metapopulation interchange, the presence of all three species in both proposed development sites, and the breeding foraging ranges of each species, NRW is requested to advise, with justification, if either project is likely to have a significant effect on the Berwyn SPA, either alone or in combination with other plans and projects. If a likely significant effect cannot be excluded NRW are requested to advise on any additional or new meaningful assessment requirements (such as collision risk modelling) to inform the Secretary of State's Appropriate Assessment.

As you will be aware NRW provided substantial representations to the mid Wales Wind Farms Conjoined Public Inquiry which commenced on the 4th of June 2013. Carnedd Wen and Llanbrynmair were two of the five wind farms considered during the inquiry.

On the 23 June 2015 the Secretary of State (SoS) published a Habitats Regulation Assessment which considered the five Mid-Wales wind farms together with the associated infrastructure of the Llandinam Windfarm to Welshpool substation 132kV overhead line. NRW was content with the conclusion of the assessment. At the end of the inquiry NRW did not have outstanding concerns regarding impact of Garnedd Wen and Llanbrynmair windfarms on the Berwyn SPA.

We have reviewed the additional ornithological survey work ('Llanbrynmair and Carnedd Wen Bird Survey Report 2016/17', file reference Llanbrynmair and Carnedd Wen Bird Survey Report 2016-17_public.docx by BSG Ecology dated 30 July 2018) provided to support the re-determination process. This work updates surveys to support the respective Carnedd Wen and Llanbrynmair developments and identifies any key changes in the community of bird species present (that may be subject to impacts from wind farm developments) in the area since previous work was completed. NRW note, the aims of this work was not to address connectivity and/or functionality between the Berwyn SPA qualifying features and the proposal developments.

NRW do not consider the additional survey information raises further concerns for the proposal. We agree with the report recommendation that more surveys should be undertaken for Goshawk prior to the works commencing on site, due to the changing forestry operations and forest dynamics near the site. For completeness and in line with good practice it would be beneficial if the report could also provide narrative on whether, in light of the updated survey information, it would be beneficial to run an updated collision risk model to inform the ES.

(3) For Llanbrynmair and Carnedd Wen, can NRW provide what it considers to be the complete list of projects that should be included in an in-combination HRA for the Berwyn SPA.

NRW does not have a comprehensive list of all the projects which should be considered. We advise that you contact Powys Council Planning Department for this information.

Please do not hesitate to contact us if you require further information or clarification on any of the points made above.

Yn gywir / Yours sincerely

'Development Planning Advisory Service

