



To: Powys County Council,
RES UK & Ireland Limited and
Innogy Renewables UK Limited

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Our ref:

ci. Natural Resources Wales

19 December 2018

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

**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”)**

1. The Secretary of State’s letter of 6 September 2018 raised three specific questions for Natural Resources Wales (“NRW”) to inform the Secretary of State’s re-determination of the Habitats Regulations Assessment (“HRA”) for the proposed Llanbrynmair and Carnedd Wen projects. Other interested parties were also invited to comment. The Secretary of State has now considered the representations¹ received, including NRW’s representation of 30 November 2018.
2. **The Applicants** are now invited to review all the representations relating to HRA matters and offer any comments. It is requested that this should include consideration of the following specific matters raised by NRW in its response to the September 2018 consultation.
3. In response to Question (1), NRW has confirmed in its recommendation of 30 November 2018 that red kite is currently listed as a qualifying feature of the Berwyn Special Protection Area (“SPA”). In light of the clarification provided by NRW, the Secretary of State invites **the Applicants** to submit any further information they may wish to provide to support their own HRA conclusions for this species.

¹ Published alongside this letter at: <https://www.gov.uk/government/publications/llanbrynmair-and-carnedd-wen-wind-farm-applications-redetermination>

4. NRW was also requested to advise in Question (2), 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 were 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.
5. NRW's response confirms that it was content with the conclusion of the Secretary of State's HRA published on 23 June 2015, which considered the five Mid-Wales wind farms together with the associated infrastructure of the Llandinam Windfarm to Welshpool substation 132kV overhead line. However, it should be noted that the Secretary of State will need to carry out a new HRA in respect of the redetermination of the Carnedd Wen and Llanbrynmair wind farms. NRW also confirm that at the end of the public inquiry, it did not have outstanding concerns regarding impact of Carnedd Wen and Llanbrynmair windfarms on the Berwyn SPA.
6. NRW's representation also confirms it has 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. It is noted that NRW do not consider the additional survey information raises further concerns for the proposal. NRW 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.
7. NRW also considers 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. The Secretary of State would welcome any comments **the Applicants** wish to submit to inform the HRA in light of NRW's representation.
8. For Question (3), NRW was asked to provide for Llanbrynmair and Carnedd Wen what it considers to be the complete list of projects that should be included in an in-combination HRA for the Berwyn SPA. NRW's response confirms it does not have a comprehensive list of all the projects that should be considered and advises that Powys County Council ("PCC") be contacted for this information. In considering this request, the Secretary of State notes that PCC's first round representation of 29 July 2016² [REP4 PCC] included a table of wind farms in Powys and their current status at that time.

² <https://www.gov.uk/government/publications/llanbrynmair-and-carnedd-wen-windfarm-applications-first-round-representations>

9. In order that the Applicants are also able to consider the current list of projects to be included in the in-combination HRA, it is requested that **PCC** provides this information to the Secretary of State and the Applicants **by 9 January 2018**. Following receipt of the information from PCC, **the Applicants** are then invited to offer their comments **by 30 January 2018**.

10. All representations received to this consultation on the further environmental information, will be handled in accordance with BEIS' General Data Protection Regulation handling policy, which is annexed to this letter.

11. 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 projects currently being re-determined, and nothing in this letter is to be taken to imply what those decisions might be.

Yours faithfully

Gareth Leigh
Head of Energy Infrastructure Planning

Personal data

The following is to explain your rights and give you the information you are be entitled to under the Data Protection Act 2018.

Note that this section only refers to your personal data (your name, address and anything that could be used to identify you personally) not the content of your response to the consultation.

1. The identity of the data controller and contact details of our Data Protection Officer

The Department for Business, Energy and Industrial Strategy (BEIS) is the data controller. The Data Protection Officer can be contacted at GDPR@beis.gov.uk

2. Why we are collecting your personal data

Your personal data is being collected as an essential part of the consultation process, so that we can contact you regarding your response. We may also use it to contact you about related matters.

3. Our legal basis for processing your personal data

The Data Protection Act 2018 states that, as a government department, BEIS may process personal data as necessary for the effective performance of a task carried out in the public interest. i.e. a consultation.

3. With whom we will be sharing your personal data

Your personal data will not be shared with others outside of BEIS. However, anonymised data (i.e. representations with all personal data removed) will be published on the GOV.UK website at: <https://www.gov.uk/guidance/consents-and-planning-applications-for-national-energy-infrastructure-projects> .

4. For how long we will keep your personal data, or criteria used to determine the retention period.

Your personal data will be held for three years from the date the applications (that is subject to this consultation) have been determined by the Secretary of State. It is necessary to retain your data for accountability purposes in the event that the Secretary of State's decisions on the applications are judicially reviewed or infringed, in such instance it may be retained longer until the end of any such actions.

5. Your rights, e.g. access, rectification, erasure

The data we are collecting is your personal data, and you have considerable say over what happens to it. You have the right:

- a. to see what data we have about you;
- b. to ask us to stop using your data, but keep it on record;
- c. to have all or some of your data deleted or corrected; and
- d. to lodge a complaint with the independent Information Commissioner's Office (ICO) if you think we are not handling your data fairly or in accordance with the law. You can contact the ICO at <https://ico.org.uk/>, or telephone 0303 123 1113.

6. Your personal data will not be sent overseas.**7. Your personal data will not be used for any automated decision making.**

- 8. Your personal data will be stored in a secure government IT system.**
- 9. You have the right to withdraw your consent at any time where BEIS is relying on consent to process your personal data.**