

Parry, Mathew

From: Parry, Mathew
Sent: 13 Ebrill 2015 14:49
To: Parry, Mathew
Subject: FW: ATI-070299 Information Request Fw: NRW - National Grid meeting

From: Hillier, Graham
Sent: 05 June 2013 09:23
To: Evans, Martyn P.; Hill, Maggie; Jardine, Rhian; Jenkins, Ruth; Davies, Keith; Jones, Tim; Owen, Trefor
Cc: Williams, Iwan; Wood, Sarah; Moore, Isobel; George, Jessica
Subject: RE: NRW - National Grid meeting

Martyn – I'm happy for you to attend, thanks.

For your info, Emyr and I met briefly with a few NG reps at the end of January this year, over at the WG offices
[REDACTED] I have a few notes from the meeting which I'll share with you, for background info.

Graham.

Cyfarwyddwr Gweithredol Gweithrediad-au'r De/Executive Director for Operations South
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Ein diben yw sicrhau bod adnoddau naturiol Cymru yn cael eu cynnal, eu gwella a'u defnyddio yn gynaliadwy, yn awr ac yn y dyfodol.
Our purpose is to ensure that the natural resources of Wales are sustainably maintained, enhanced and used, now and in the future.

From: Evans, Martyn P.
Sent: 29 May 2013 09:51
To: Hill, Maggie; Jardine, Rhian; Jenkins, Ruth; Davies, Keith; Jones, Tim; Hillier, Graham; Owen, Trefor
Cc: Williams, Iwan; Wood, Sarah; Moore, Isobel
Subject: RE: NRW - National Grid meeting

Hi Maggie, Thanks for this. I'd like to attend unless Graham proposes otherwise. The agenda items are fine. Perhaps a brief item on the policy position might be useful.

Martyn

Martyn Evans

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Manager South
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Flickr Flickr.com/NatResWales

Youtube youtube.com/NatResWales

From: Hill, Maggie

Sent: 28 May 2013 17:49

To: Jardine, Rhian; Jenkins, Ruth; Evans, Martyn P.; Davies, Keith; Jones, Tim; Hillier, Graham; Owen, Trefor

Cc: Williams, Iwan; Wood, Sarah; Moore, Isobel

Subject: NRW - National Grid meeting

Dear all

At the recent Energy Island programme Board, I picked up an action item to organise an across-NRW meeting with National Grid. The aim would be to discuss strategic issues, not the detail of current projects.

For example:

- (i) their forward programme in Wales (and therefore future requirements from us)
- (ii) joint working to fill evidence gaps
- (iii) common issues arising from individual projects which require a strategic solution
- (iv) funding NRW pre-app advice (building on the emerging agreement with Horizon).

Before I approach NG, I would be grateful for your advice on who you would wish to attend this meeting from NRW and whether this agenda covers the sort of ground you would find useful (and suggest additional agenda items).

Thanks

Maggie

Dr Maggie Hill

Head Sustainable Communities / [Pennaeth Cymenadau Cynladwy](#)

[Cyfoeth Naturiol Cymru](#) / Natural Resources Wales

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Parry, Mathew

From: Parry, Mathew
Sent: 13 Ebrill 2015 14:49
To: Parry, Mathew
Subject: FW: Your advice if possible please
Attachments: 130611 CoW clarification letter.doc

From: Hillier, Graham
Sent: 11 June 2013 18:29
To: Roberts, Emyr; Davies, Ceri; Cavell, David; Davies, Keith
Cc: Evans, Martyn P.; George, Jessica
Subject: Your advice if possible please

Emyr, Ceri, Dave, Keith;

I'm sorry to put upon you, but I'd be grateful for your objectivity on this one, if you have time in the short window I'm working to.....(I need to issue the attached before midday tomorrow).

We submitted a lengthy response to the local planning authority in Blaenau Gwent, confirming our objection in response to proposals for the 'Circuit of Wales', a bike/motor-racing circuit adjacent to the Brecon Beacons National Park on the Heads of the Valleys. On reflection, having rushed to meet the response deadline, we are of the view that the original response was not well constructed and appeared less than helpful. But it was issued and has already been noted by a number of parties so we feel unable to withdraw and modify the text. Although we're not proposing to alter our overall objection, we are keen to clarify and simplify our position, and be more constructive in what we say. With this in mind, we've put together the attached 3 page 'letter of clarification' - we're trying to strike the right balance between our new purpose as NRW, and our statutory role as consultee specifically on environmental issues.

I would be extremely grateful for any comments you may have on both principle and content, if you're able – before 10am tomorrow please. If not, don't worry.

For info, we've received today a standard letter from WG saying they've been asked to call in this application and are asking for our view on that, by the end of June. We're minded to respond saying that although we've raised an objection, we believe it can be adequately assessed by the LPA and does not require call-in.

Thanks,
Graham.

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Annwyl Syr / Dear Sir

LETTER OF CLARIFICATION / Supplementary information, to be read in conjunction with NRW submission dated 10 June 2013

PROPOSED DEVELOPMENT AT LAND NORTH OF RASSAU INDUSTRIAL ESTATE, RASSAU, EBBW VALE

We recognise that the Circuit of Wales development may bring substantial economic opportunity to the Blaenau Gwent area and beyond. Natural Resources Wales seeks to ensure that Wales' natural resources are sustainably maintained, used and enhanced. This requires optimising the balance between environmental, economic and social outcomes. It is in this spirit that we are commenting on the proposal.

Our response dated 10th June to the above proposed development covered a range of different issues and at a level of detail intended to fully inform your determination of this scheme. It focuses on the impacts of the proposed scheme on natural heritage and natural resources. This response has been driven by current legislation, Planning Policy and our statutory remit. However, we wish to now offer the following summary points by way of clarification to those responses, both to help distil the key remaining issues and to try to identify what could be done such that potential solutions to our concerns might be found to each of the five elements in our response.

Having also now reflected on our original response, we believe that the tone and detail needed to be refined in order to better reflect the purposes and intent of NRW as a new organisation. We now do this below.

1 Landscape and visual aspects

Our concerns relate predominantly to effects on the Brecon Beacons National Park (BBNP). While we accept that some development already exists in the general vicinity of the site, we believe the scheme would need to be re-configured to minimise significant degradation of the views within the landscape generally and from within the BBNP and the two registered historic landscapes. However, we would recommend that the respective views of BBNPA and CADW are considered as a priority for these issues and are given particular attention / priority.

2 Biodiversity

We believe the applicant needs to undertake a more accurate assessment of the existing habitat, particularly the ecology survey, impact on protected species, and mapping of habitat and peat depth. We would be happy to explain further any data and habitat assessment information we may have if this would be helpful.

The offer of a Section 106 management agreement is welcomed and improving the quality of other habitat on the adjoining common land is the most appropriate approach to addressing losses in this particular instance. We would however suggest that the size of the mitigation

area is reviewed to better compensate for the extensive loss of Biodiversity Action Plan (BAP) habitat proposed. Sufficient detail of the agreements between relevant parties should also be provided prior to the determination of the application, to ensure that the framework can be delivered and impacts mitigated with (greater) certainty.

We welcome the outline on management approaches and related issues identified within the Phase 1 report. Securing the appropriate level, timing and mix of stock type is fundamental to long term better management and improvement of condition/biodiversity. For example, burning often occurs on sites because the right stocking regime is not in place. Cutting is a potentially useful conditioning method in certain areas using appropriate methods and machinery for the ground conditions, but again finding an appropriate grazing regime is fundamental to achieving the potential benefit from cutting.

There is a need to consider spatial aspects of common grazing of flocks/stock on the wider commons and how this influences the grazing level and condition of areas locally on the common. The improved management on the common should be achieved without the use of fences.

There is a substantially lower number of flocks on the Mynydd Llangynidr and Llangatwg, as well as a substantial drop in headage, in the last 10-15 years, to the point where under grazing is a problem on substantial parts. There will need to be discussions with the active graziers over the wider common to ascertain the best approaches to achieving better management.

We accept that it is not possible to identify the ideal arrangement up front and there would need to be an element of trial and error to ensure that the identified objectives are achieved. A Section 106 would therefore need to include a process that allows this flexibility to fine tune management subject to appropriate agreement, whilst ensuring the measures are secured in perpetuity.

3 Loss of Common Land

Common land is a material planning consideration and our comments are based on the important contribution it makes to the management of biodiversity and the special qualities of the National Park.

While we recognise that the ES addendum states that the potential impacts are to be appropriately examined during the statutory process, we believe the ES needs to include an initial explanation of why it is necessary to develop on common land, how it will impact on the range of uses and ecosystems services it provides (including for example increased road-kill on the sustainability of grazing), and where the developer proposes, as required by law, to provide exchange land for the de-registration of this land. We would suggest the applicant needs to make it clearer in the ES how this will be delivered.

We have offered some suggestions on grazing considerations in the section on biodiversity (above).

4 Loss of peat soils

The extent of loss of peat due to the scheme and the implications of this loss for carbon sequestration, climate change contributions and ecosystem goods and services is a significant issue. We therefore recommend that its impacts need to be addressed as part of

the consideration of the outline application, and not as reserved matters. Good data on carbon loss is required prior to determining the application to enable your authority to consider all of the impacts associated with the development on this carbon-rich site. To this extent, we therefore welcome the applicant's comment that it is intended to develop an overarching strategy to manage this issue, though we would still contest that the developer should use a more appropriate tool to assess the carbon emissions impact of the lost peat.

5 Effects on water quantity and quality

We recognise that the development will result in a loss of watercourses. We also welcome the statement that "where feasible watercourses should be diverted in preference to being culverted". However, we would suggest that the ES needs to include details of the losses and any culverting, as well as a description of the avoidance, mitigation or compensatory measures proposed. For example, noting there appears little space within the site to accommodate additional features, we recommend that the applicant considers off-site compensatory measures. For instance, there may be an opportunity to re-open part of the Nant Melyn north of Ebbw Vale.

In terms of water quality, we need to know that the risks posed to groundwater can be satisfactorily managed. We note that a groundwater level monitoring programme is on-going and sight of this information may alleviate our concerns and then enable a suitable condition to be imposed.

We remain concerned about the removal of peat from the site and the impacts this could have on surface water quality, as well as water storage. The ES needs to provide reassurances that the removal of peat will not lead to a deterioration of the water environment. However, we are satisfied that our remaining concerns regarding potential pollution from construction and operation of the site could be dealt with by suitably worded conditions, in respect of a Surface Water Drainage Scheme and a Construction Method Statement.

Finally, we also raised a number of comments relating to traffic impacts potentially affecting future stock/habitat management and would recommend that Powys Highways department should be consulted as part of the planning application.

In conclusion, we recognise that the Circuit of Wales development may bring substantial economic and employment opportunity to the area and we are anxious to try and help identify a solution. Natural Resources Wales seeks to ensure that Wales' natural resources are sustainably maintained, used and enhanced. This requires decision making bodies, developers and advisors to work together to optimise the balance between environmental, economic and social outcomes. We believe that the proposal in its current form pays insufficient regard for the environmental impacts, and we would therefore encourage all parties to explore with the applicant how these impacts could be reduced and mitigated to achieve a more balanced and sustainable proposal overall.

We trust that these points of clarification and this supplementary information is helpful, but please don't hesitate to contact us directly should further discussion be of benefit.

Yours etc.

Parry, Mathew

From: Parry, Mathew
Sent: 13 Ebrill 2015 14:50
To: Parry, Mathew
Subject: FW: Your advice if possible please

From: Hillier, Graham
Sent: 12 June 2013 09:30
To: Cavell, David; Davies, Keith; Roberts, Emyr; Davies, Ceri
Cc: Evans, Martyn P.; George, Jessica
Subject: RE: Your advice if possible please

Ceri, Keith, Emyr, Dave - I'd like to say a very big 'thank you' to you all for making time to help us out at such short notice..... Your fresh eyes are exactly what we needed and Martyn's making the amendments as we speak. Ceri – just to confirm, your interpretation of the intent behind this was spot on.

Keith – seeing the draft note to [REDACTED] is very helpful context for this, and other cases to follow I'm sure. And Dave – I'd like to take you up on the offer of help with drafting a suitable internal file note please. Martyn and I will be happy to hear Keith/Dave's update following their meeting, but I sense we're pretty much there now anyway..... but we'll submit before noon.

Cyfarwyddwr Gweithredol Gweithrediad-au'r De/Executive Director for Operations South
Cyfoeth Naturiol Cymru/Natural Resources Wales

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From: Cavell, David
Sent: 12 June 2013 08:34
To: Davies, Keith; Hillier, Graham; Roberts, Emyr; Davies, Ceri
Cc: Evans, Martyn P.; George, Jessica
Subject: RE: Your advice if possible please

Graham,

In case Keith and my "catch up" does not fit in with the timetable we are working to here are my comments.

We really need to demonstrate in the latest correspondence - if it is the case - that we are not changing our stance and and merely clarifying our advice as -if it comes to it - any tribunal or court will look at the substance of our position rather than any "badge or label" we put on it.

So send the response to the local authority but I would also suggest that after we have put in our response that Graham produces a short but full **internal** file note which sets out and explains our current position;

such a note would be useful if this matter is subject to challenge in any way. I am happy to assist in drafting the internal note.

For the avoidance of doubt I have seen Ceri and Emyr's comments and have nothing further to add to the draft response.

Hope this assists

Dave.

David Cavell
Head of Legal and Solicitor
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From: Davies, Keith
Sent: 11 June 2013 22:02
To: Hillier, Graham; Roberts, Emyr; Davies, Ceri; Cavell, David
Cc: Evans, Martyn P.; George, Jessica
Subject: RE: Your advice if possible please

Graham

David and I have arranged a brief catch up session in Bangor tomorrow-we will try and meet up to meet your noon, if not 10am deadline. Like Ceri I believe we need to consider striking a balance between providing additional information and withdrawing an objection made within the past week-with potential implications for other cases..

Attached find draft response to a question from [REDACTED] in relation to NRW position on 'residual' legacy body objections to casework which provides context to the 'Circuit of Wales' discussion.

Keith Davies
Pennaeth Grwp Cynllunio Strategol/Head of Strategic Planning Group
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Gwefan / Website:

www.cyfoethnaturiolcymru.gov.uk / www.naturalresourceswales.gov.uk

Ar 1 Ebrill 2013, unodd Cyngor Cefn Gwlad Cymru, Asiantaeth yr Amgylchedd Cymru a Chomisiwn Coedwigaeth Cymru gan greu un corff, sef Cyfoeth Naturiol Cymru.

As of 1 April 2013, the Countryside Council for Wales, Environment Agency Wales and Forestry Commission Wales became Natural Resources Wales/Cyfoeth Naturiol Cymru.

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Flickr: Flickr.com/NatResWales

Youtube: youtube.com/NatResWales

Siaradwr Cymraeg

From: Hillier, Graham

Sent: 11 June 2013 18:29

To: Roberts, Emyr; Davies, Ceri; Cavell, David; Davies, Keith

Cc: Evans, Martyn P.; George, Jessica

Subject: Your advice if possible please

Emyr, Ceri, Dave, Keith;

I'm sorry to put upon you, but I'd be grateful for your objectivity on this one, if you have time in the short window I'm working to.....(I need to issue the attached before midday tomorrow).

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I would be extremely grateful for any comments you may have on both principle and content, if you're able - before 10am tomorrow please. If not, don't worry.

For info, we've received today a standard letter from WG saying they've been asked to call in this application and are asking for our view on that, by the end of June. We're minded to respond saying that although we've raised an objection, we believe it can be adequately assessed by the LPA and does not require call-in.

Thanks,
Graham.

Cyfarwyddwr Gweithredol Gweithrediad-au'r De/Executive Director for Operations South

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Parry, Mathew

From: Parry, Mathew
Sent: 13 Ebrill 2015 14:51
To: Parry, Mathew
Subject: FW: Circuit of Wales

From: Hillier, Graham
Sent: 14 June 2013 10:24
To: Davies, Keith; Evans, Martyn P.; O'Shea, Gareth; Davies, Ceri
Cc: George, Jessica
Subject: RE: Circuit of Wales

I need to confirm the meeting with the Minister asap – Gareth has confirmed he's OK for 11am in Ty Cambria, so can I take it that Martyn and either Keith or Karen can also make it?

Thanks,
Graham.

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From: Davies, Keith
Sent: 13 June 2013 17:28
To: Evans, Martyn P.; O'Shea, Gareth; Davies, Ceri; Hillier, Graham
Cc: George, Jessica
Subject: RE: Circuit of Wales

Yes, Karen or myself
I will discuss with Karen
keith

Keith Davies
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Ar 1 Ebrill 2013, unodd Cyngor Cefn Gwlad Cymru, Asiantaeth yr Amgylchedd Cymru a Chomisiwn

Parry, Mathew

From: Parry, Mathew
Sent: 13 Ebrill 2015 14:51
To: Parry, Mathew
Subject: FW: Circuit of Wales

From: Hillier, Graham
Sent: 14 June 2013 12:49
To: Evans, Martyn P.; O'Shea, Gareth; Davies, Keith
Cc: Roberts, Emyr; Price, Llinos; Hornung, Catrin; Townsin, Carol
Subject: FW: Circuit of Wales

Gareth, Martyn, Keith – meeting with Alun Davies now confirmed for 11am Tuesday next week. (Keith – I'll await your confirmation on whether its you or Karen who join us).

Carol – in Jessica's absence, please could you book us a meeting room if poss (6 might be a bit of a squeeze in my room, but we could do it if we've no other option). Thanks.

Others – for info.

Graham.

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From: Parry, Mathew
Sent: 13 Ebrill 2015 14:52
To: Parry, Mathew
Subject: FW: Circuit of Wales

From: Hillier, Graham
Sent: 14 June 2013 15:11
To: Davies, Keith
Cc: Evans, Martyn P.; O'Shea, Gareth; Townsin, Carol; George, Jessica
Subject: RE: Circuit of Wales

Thanks Keith – I agree it would be useful to have a quick discussion beforehand. I'd suggest we include all attendees (hence copied to Gareth and Martyn too). In Jessica's absence, I'll **ask Carol** to try to identify a mutually convenient hour on Monday (thanks Carol).

I'd like each of us to come prepared with a view on things like:

- clarity on what are the key issues,
- what may be possible in terms of finding a way forward, (process and solutions)
- the degree to which we're confident of the science/evidence behind our current position (vs 'scrubland' interpretation, for example),
- clarity over our duties, remit, purpose and aspirations, and
- what we need WG to do to make things clearer/easier in the future

I'm sure we'll be asked to withdraw our objection, so we need to be clear on how we should respond.

Thanks all,
Graham

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From: Davies, Keith
Sent: 14 June 2013 14:12
To: Hillier, Graham
Subject: RE: Circuit of Wales

Graham

It would be useful to arrange brief catch up before the meeting-I may be travelling in the morning therefore suggest we try and arrange for Monday.

Regards
Keith

Keith Davies
Pennaeth Grwp Cynllunio Strategol/Head of Strategic Planning Group
Cyfoeth Naturiol Cymru / Natural Resources Wales
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From: Hillier, Graham

Sent: 14 June 2013 12:49

To: Evans, Martyn P.; O'Shea, Gareth; Davies, Keith

Cc: Roberts, Emyr; Price, Llinos; Hornung, Catrin; Townsin, Carol

Subject: FW: Circuit of Wales

Gareth, Martyn, Keith – meeting with Alun Davies now confirmed for 11am Tuesday next week. (Keith – I'll await your confirmation on whether its you or Karen who join us).

Carol – in Jessica's absence, please could you book us a meeting room if poss (6 might be a bit of a squeeze in my room, but we could do it if we've no other option). Thanks.

Others – for info.

Graham.

Cyfarwyddwr Gweithredol Gweithrediad-au'r De/Executive Director for Operations South

Cyfoeth Naturiol Cymru/Natural Resources Wales

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Gwefan/Website: www.cyfoethnaturiolcymru.gov.uk / www.naturalresourceswales.gov.uk

Ein diben yw sicrhau bod adnoddau naturiol Cymru yn cael eu cynnal, eu gwella a'u defnyddio yn gynaliadwy, yn awr ac yn y dyfodol.

Our purpose is to ensure that the natural resources of Wales are sustainably maintained, enhanced and used, now and in the future.

Parry, Mathew

From: Parry, Mathew
Sent: 13 Ebrill 2015 14:52
To: Parry, Mathew
Subject: FW: CoW Meeting
Attachments: RE: Circuit of Wales

From: Hillier, Graham
Sent: 17 June 2013 13:13
To: O'Shea, Gareth; Maddock-Jones, Karen; Evans, Martyn P.; Davies, Keith
Cc: McCorkindale, Claire; Jones, Richard; Townsin, Carol
Subject: RE: CoW Meeting

...and I thought it was to be in Ty Cambria (email to Minister attached for ref.), though I've only got a room big enough for around 10 max in total (including NRW attendees).

Jessica is away today, so please could Karen clarify and confirm the arrangements? Carol Townsin maybe able to help with room availability questions here in Ty Cambria.

Thanks,
Graham

Cyfarwyddwr Gweithredol Gweithrediad-au'r De/Executive Director for Operations South
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Parry, Mathew

From: Parry, Mathew
Sent: 13 Ebrill 2015 14:52
To: Parry, Mathew
Subject: FW: Circuit of Wales: NRW

From: Hillier, Graham
Sent: 17 June 2013 15:59
To: Davies, Keith
Subject: RE: Circuit of Wales: NRW

Thanks Keith – understood.....

Cyfarwyddwr Gweithredol Gweithrediad-au'r De/Executive Director for Operations South
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From: Davies, Keith
Sent: 17 June 2013 15:58
To: Hillier, Graham
Subject: RE: Circuit of Wales: NRW

graham-it will be karen , not me(she has detailed understandinf of the case history and issues)
keith

Keith Davies

Pennaeth Grwp Cynllunio Strategol/Head of Strategic Planning Group

Cyfoeth Naturiol Cymru / Natural Resources Wales

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Keith.Davies@cyfoethnaturiolcymru.gov.uk Keith.Davies@naturalresourceswales.gov.uk

Gwefan / Website:

www.cyfoethnaturiolcymru.gov.uk / www.naturalresourceswales.gov.uk

Ar 1 Ebrill 2013, unodd Cyngor Cefn Gwlad Cymru, Asiantaeth yr Amgylchedd Cymru a Chomisiwn Coedwigaeth Cymru gan greu un corff, sef Cyfoeth Naturiol Cymru.

As of 1 April 2013, the Countryside Council for Wales, Environment Agency Wales and Forestry Commission Wales became Natural Resources Wales/Cyfoeth Naturiol Cymru.

Twitter: twitter.com/NatResWales

Facebook: facebook.com/NatResWales

Flickr: Flickr.com/NatResWales

Youtube: youtube.com/NatResWales

Siaradwr Cymraeg

From: Hillier, Graham

Sent: 17 June 2013 15:55

To: [REDACTED]

Cc: O'Shea, Gareth; Evans, Martyn P.; Maddock-Jones, Karen; Davies, Keith; George, Jessica

Subject: RE: Circuit of Wales: NRW

Dear [REDACTED]

Many thanks for your e.mail.

Following our discussion with Alun Davies (AM) last week, we had understood that tomorrow's meeting would involve him plus a representative of the developer. The purpose of the meeting is to provide greater clarity on the issues we have raised, and to agree next steps and a potential way forward, which our respective technical experts could then take forward. From NRW, we plan to bring the following to tomorrow's meeting:

Myself, as Operations Director for South Wales
Gareth O'Shea – Operations Manager for SE Wales (including Blaenau Gwent)
Martyn Evans – Ecosystems Planning & Partnerships Manager
Karen Maddock-Jones or Keith Davies – Planning Advisor

Our technical experts will not be attending, but will take forward, with your own technical experts, the actions that we agree tomorrow. I had earlier had sight of an email from your colleague Liam Hopkins, which suggests you were bringing 11 technical experts. I don't believe tomorrow's meeting is the most appropriate forum to have discussions at that level of detail and suggest that a smaller representation attends.

I hope this accords with your view, but please don't hesitate to call me to discuss arrangements further if this would be helpful.

Finally, we understood in correspondence with Alun Davies that the meeting was to be hosted in our Ty Cambria offices in Newport Road, Cardiff. Would this be feasible for you? It would be helpful if you could confirm the number of your attendees, as our meeting room has limited capacity.

Best regards,
Graham.

Cyfarwyddwr Gweithredol Gweithrediad-au'r De/Executive Director for Operations South

Cyfoeth Naturiol Cymru/Natural Resources Wales

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Parry, Mathew

From: Parry, Mathew
Sent: 13 Ebrill 2015 14:53
To: Parry, Mathew
Subject: FW: Atlantic Array Offshore Windfarm - Briefing note
Attachments: Updated briefing note on Atlantic Array offshore windfarm_19.June.2013_Final.doc

From: Hillier, Graham
Sent: 20 June 2013 21:56
To: Roberts, Emyr; Phillips, Nia
Cc: George, Jessica; Hill, Andrew; Hill, Maggie; Davies, Keith; Evans, Martyn P.
Subject: FW: Atlantic Array Offshore Windfarm - Briefing note

Emyr – please find briefing on the Atlantic Array, as requested.

Nia – many thanks for both the update and comments – very helpful. We'll need to further discuss the response options internally before we determine our final position, and these will clearly also be influenced by the further clarification on the ES.

I'd be grateful if you could help me understand where the timescales for our further inputs fit alongside the key dates from PINS in your summary point ix.

Many thanks,
Graham

Cyfarwyddwr Gweithredol Gweithrediad-au'r De/Executive Director for Operations South

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Briefing note on Atlantic Array Offshore Windfarm

Summary

- i. An application for development consent to construct and operate the Atlantic Array offshore windfarm (AAOWF), a nationally significant infrastructure project, was made by RWE NPower to the Planning Inspectorate (PINS) on the 14th June 2013. NRW has a key role in providing natural heritage advice on the potential impacts of the scheme.
- ii. NRW has liaised extensively with RWE and we continue to liaise on aspects of the assessment and mitigation. The final design and offer of mitigation will not become clear until NRW receive the final ES (expected the week commencing 24th June), at which point we will be able to produce a final NRW position on the development.
- iii. The project is located in the outer Bristol Channel covering an area of ca.200 km². AAOWF will have a maximum generating capacity of up to 1.2 GW. The maximum number of turbines that will be applied for will be 240. The scheme comprises the offshore windfarm, associated cabling and onshore infrastructure. Only a small part of the development will be in Welsh waters. Much of the windfarm and all of the grid connection and associated onshore infrastructure will be in England. Additional port capacity may be required to support installation, operation and maintenance.
- iv. In addition to a Development Consent Order (DCO) required from PINS, the project will also require both a Marine Licence and potentially a wildlife licence from NRW.
- v. The Habitats Regulations Assessment (HRA) as required by the Habitats Directive, and undertaken by the Secretary of State (SoS) as the competent authority for this consent, will involve statutory consultation with NRW.
- vi. In August 2012, NRW (then CCW) provided detailed advice on the formal draft Environmental Statement (ES) for AAOWF. We highlighted weaknesses in the assessment and a number of potentially significant implications for Welsh natural heritage; including impacts on coastal processes, mobile species and seascapes and landscapes.
- vii. Since August 2012, NRW have engaged extensively with RWE in an attempt to resolve residual issues of concern. Whilst a number of these issues have been adequately addressed by the developer, NRW still has a number of concerns, some of which are likely to remain significant.
- viii. The main areas of continuing concern for NRW relate to: physical processes, ornithology, marine mammals and seascape assessment. Of these, the effects on seascape and marine mammals are likely to be the most significant issues to be considered during the PINS Examination process.
- ix. Key dates for NRW involvement are:
 - **14th June 2013:** Full application to PINS
 - **12th July 2013:** PINS announce acceptance (or otherwise) of the project
 - **Mid July to Mid October 2013:** Pre-examination phase
 - **Mid October 2013 to Mid April 2014:** Examination
 - **Mid April to Mid July 2014:** Recommendation made by PINS to the SoS
 - **Mid July to Mid Oct 2014:** Decision on proposal announced by SoS
- x. The following provides a more detailed briefing on the development and, where possible, describes NRW's likely final position on its potential effects.

Introduction

1. This briefing note provides an overview of the Atlantic Array offshore wind farm (AAOWF) development, NRW's (and previously CCW's) involvement with the project and a summary of NRW's current position on the key issues that remain following the extensive and iterative pre-application discussions that have taken place.
2. The AAOWF project proposal is defined as a Nationally Significant Infrastructure Project under the Planning Act (2008) and so requires planning permission from the Secretary of State (SoS) for Energy and Climate Change via a Development Consent Order (DCO) application process made to the Planning Inspectorate (PINS).
3. **Note that the developer and NRW continue to liaise on aspects of the development and mitigation. Whilst the developer has now formally submitted an application to PINS for acceptance into examination, the final design and offer of mitigation will not become clear until NRW receive the final ES (anticipated week commencing 24th June). Only then will it be possible to produce a final NRW position on the development.** However, in order that partners and the developer can be informed of NRW's likely position on the development, this document recommends the options that NRW might adopt in advising on this development based on *Day 1 Interim Operational Instruction for responding to planning consultations as Natural Resources Wales. Version 4. 20 March 2013.*

The project

4. The AAOWF project proposed by RWE Npower Renewables is located in the outer Bristol Channel in the south-west of England (Figure 1). The project is located approximately 15.5 km from the north Devon coast, approximately 22 km from the south Wales coast and approximately 13.5 km north of Lundy Island. The project area is approximately 200 km².
5. Atlantic Array will have a maximum generating capacity of up to 1.2 GW. The maximum number of turbines that will be applied for will be 240 but the exact number and position of the turbines and the precise position of the associated grid infrastructure will be determined after the consent has been issued¹. The scheme comprises the offshore windfarm, associated cabling and onshore infrastructure. Only a small part of the development will be in Welsh waters. Much of the windfarm, and all of the grid connection and associated onshore infrastructure will be in England.
6. It is possible the additional port capacity may be required to support installation, operation and maintenance. Port infrastructure would form part of a separate project and the preferred location of any such infrastructure has yet to be determined.

Engagement and key dates

7. NRW has liaised extensively with RWE over the past 5-6 years as the project has been in development. Working closely with colleagues in Natural England, due to the cross-border nature of the development, NRW has provided advice on the potential impact of the project on protected sites and species of nature conservation importance in Wales (including the potential effects upon mobile species that are protected in Wales but may

¹ The consent application will include a range of turbine heights, sizes, and quantities. This principle is known as the 'Rochdale Envelope'. The Rochdale Envelope approach fixes key parameters, such as the maximum number of turbines, maximum dimensions and the maximum installed capacity of the project, and uses appropriate parameters to assess the realistic worst case scenario. Using the Rochdale Envelope is an accepted approach by PINS and is seen to provide a robust assessment of potential environmental impacts, whilst maintaining flexibility for final configuration, and allowing for construction of the most efficient scheme available.

spend some of their time outside Welsh waters), and the potential effects on Welsh seascape, landscape and cultural heritage.

8. Early pre-application discussion has helped to identify and resolve a range of potential issues prior to the PINS examination process. We commend RWE for the comprehensive and detailed assessment that has been undertaken to date.
9. Much of the earlier pre-application discussion focussed on data collection and refinement of survey. This is not uncommon for major offshore developments where a poor understanding of the marine environment necessitates gathering significant baseline information. However, it does mean that discussions about impacts and required mitigations have only started relatively recently.

10. Key dates for the project application process are:

- (1) **14th June 2013:** Full application to PINS
- (2) **12th July 2013:** PINS announce acceptance (or otherwise) of the project
- (3) **Mid July to Mid October 2013:** Pre-examination phase
- (4) **Mid October 2013 to Mid April 2014:** Examination
- (5) **Mid April to Mid July 2014:** Recommendation made by PINS to the SoS
- (6) **Mid July to Mid Oct 2014:** Decision on proposal announced by SoS

There may be some flexibility at the end of point (2) and the start of point (3) should RWE seek to delay the start of pre-examination (and therefore examination) to further resolve any outstanding issues not resolved prior to submission to PINS. For further information on the '*Application process*', please see figure 3 below

11. In addition to the DCO, the project will also require both a Marine Licence and potentially a wildlife licence from NRW.
12. The Habitats Regulations Assessment (HRA) as required by the Habitats Directive, and undertaken by the SoS as the competent authority for this consent, will involve statutory consultation with NRW (as the Statutory Nature Conservation Body). A shadow assessment prepared by the developer to inform the HRA was submitted to NRW for consultation on the 6th April 2013. We submitted our formal comments on the report on 8th May 2013, and raised a number of issues which called for clarification/justification/further consideration, primarily with regard to potential impacts on mobile species (e.g. mammal mitigation methodologies; in-combination assessment for grey seal; impact of Acoustic Deterrent Devices on grey seal; ornithological Potential Biological Removal input).
13. NRW's engagement with the developer is ongoing even at this submission and acceptance phase. We will continue to work closely with RWE and relevant stakeholders to identify, mitigate and resolve any residual environmental issues, prior to and during examination.

Site selection and boundary revisions

14. UK Governments plan to deploy large scale offshore wind across the UK has been subject to Strategic Environmental Assessment undertaken by The Department for Energy & Climate Change (DECC) supported by more detailed constraints analysis undertaken by the Crown Estate as leasing authority for the sea bed. This resulted in identification of a large potential development zone within the Bristol Channel (known as the Bristol Channel Zone).

15. A further process of site selection and review of alternatives for the Atlantic Array site has been undertaken since 2008 by the developer who won the rights to develop the zone, RWE Npower. This has been informed by detailed site specific studies and consultation with relevant stakeholders including the statutory nature conservation bodies (SNCBs). This process involved consideration of engineering, environmental and human constraints and has resulted in the current development boundary which is significantly changed and reduced in size from both the wider Bristol Channel "Zone" and the earlier proposals made by the developer to The Crown Estate during the Round 3 offshore wind leasing process (see figure 2).
16. As a result of both formal and informal consultation the windfarm footprint has been reduced from 414 km sq to 200 km sq with a corresponding reduction in turbines to 240 with a possible maximum height of 220m. In terms of environmental effects, the changes were introduced to reduce seascape and visual effects and reduce noise-related underwater disturbance to marine mammals and migratory fish caused by construction.

CCW advice on the draft Environmental Statement under S.42 of the Planning Act

17. We were formally consulted by RWE on the 4th July 2012 for comments on the draft Environmental Statement (ES) for the AAOWF. The consultation on the draft ES was part of the wider 'Section 42' consultation required by the planning Act (2008).
18. The draft ES was the first time that CCW had had sight of the results of the impact assessment undertaken by the developer, and we considered that some parts of the assessment were inadequate. CCW highlighted a number of potentially significant implications for Welsh natural heritage, including:
- Effects on physical processes (and knock-on effects on sea bed species and habitats)
 - Impacts on mobile species (grey seals, harbour porpoise and various seabirds),
 - Visual and seascape effects (most notably upon Gower Area of Outstanding Natural Beauty and Pembrokeshire Coast National Park).

Residual issues

19. Since reviewing the draft ES, a series of follow up discussions and meetings have taken place resulting in amendments to the assessment that will ultimately be those submitted to PINS, and that have addressed some of NRW's previously expressed concerns, particularly in relation to physical processes. However, NRW still has a number of concerns about the scheme, some of which are likely to remain significant. These are summarised in the following sections.

Physical processes

20. Previous NRW concerns revolved around the limitations to the adequacy of the assessment of sediment re-suspension over the very prolonged installation period. It is likely to take approximately 6 years to install the total turbine array but the physical processes assessment was based only on the installation of 6 of the possible 240 turbines. Following further modelling work NRW is now satisfied that the prolonged turbine installation will not have a significant effect upon physical processes.
21. NRW is awaiting confirmation, in the final ES, that cumulative interaction of between plumes created by aggregate dredging in the area and that created by the AAOWF construction process has been adequately assessed.
22. Subject to that one outstanding clarification, NRW is content that all physical process effects have been adequately considered and that the development will not have

significant effects on physical processes or on the sea bed species and habitats that depend on them.

Response Options:

- a) **No Objection** if issues outlined in 20 and 21 are adequately addressed (most likely)
- b) **Holding Objection** if either of issues outlined in 20 and 21 are not adequately addressed

Ornithology

23. Previous shortfalls in baseline data have been addressed however NRW remains concerned about the collision risk posed to birds by operating turbines and displacement of birds from favoured migratory routes and to sub-optimal areas. This has implications for birds that are features of Special Protection Areas designated under the Birds Directive (Skokholm & Skomer SPA, Grassholm SPA and Aberdaron Coast and Bardsey Island SPA). There may also be impacts on local populations of Great Back-back Gull and Herring Gull.
24. Of particular concern are those populations that are in decline as further impacts will mean that Conservation Objectives may not be met (Lesser Black Backed Gull, Kittiwake and Storm Petrel, features of Skokholm & Skomer SPA). We have now worked through additional assessments, provided to us after receipt of the shadow HRA report, with regard to collision and population risk modelling. There remain a number of input parameters for certain species and sites that concern NRW. Incorrect input parameters can lead to incorrect estimates of disturbance and collision risk to a species/population and therefore have a knock on effect for sites and conservation objectives. Those species and site that we continue to remain most concerned about are listed above.

Response Options:

- a) **No Objection** if, on the basis of further assessment (and the conclusions provided in the ES), effects on SPA features can be discounted.
- b) **No Objection** if effects on non SPA features (Greater Back Backed Gull) are confirmed, but NRW advise likelihood and significance of impact.
- c) **Objection in principle – recommending refusal** if significant adverse effects on SPA features cannot be discounted

Marine Mammals

25. Four species of marine mammal were highlighted by CCW and the developer as being at risk from potential impacts from AAOWF either from construction noise or increased vessel traffic. All are protected under the Habitats Directive either as a feature of Special Areas of Conservation (SACs) (Pembrokeshire Marine SAC, Cardigan Bay SAC and Pen Llyn a'r Sarnau SAC) or as a European Protected Species (EPS).
26. In our section 42 response to RWE, NRW advised that provided that adequate mitigation measures were agreed, which may include limiting the use of certain types of vessel, using alternative turbine foundation types, 'soft-start' piling, spatial or temporal zoning plans for pile driving/drilling and the use of marine mammal observers and acoustic

mammal detection technologies, then NRW did not consider that significant impacts on grey seal, common dolphin and minke whale can be avoided.

27. After reviewing the shadow HRA report, NRW are concerned that the measures proposed for mitigating impact on grey seal (species features of Pembrokeshire Marine SAC, Cardigan Bay SAC and Pen Llyn a'r Sarnau SAC) are either unclear or inappropriate. We have advised that RWE demonstrate compliance with best practice set out in the JNCC piling protocol in order to achieve adequate mitigation. We are also concerned that the in-combination assessment for grey-seal is not thorough (adequate consideration of the cumulative effects of underwater noise, as well as disturbance and displacement have not been considered), the potential impact at decommissioning stage has been excluded and the impact of Acoustic Deterrent Devices on grey seal been not considered. Finally, clarity is required on the size of the mitigation zones to be employed. Currently the draft ES and shadow HRA quote varying figures. Should the intention be to reduce the size of the mitigation zone, then the conclusions of the acoustic modelling and resulting assessments of impacts on marine mammals may be invalidated.
28. We have still not reached agreement on some aspects of the conclusions of assessment and mitigation proposed for harbour porpoise. Discussions are ongoing, but we are unable to currently confirm that the development will not have significant effects on, harbour porpoise – an European Protected Species - for the following reasons:
- The sound profile modelling for assessing the likelihood of effects on harbour porpoise should be directed at the worst case scenario of 2100kj sound levels rather than 1400kj, which is suggested by the developer as being the realistic case. The likely effects on harbour porpoise at 2100kj are considerably worse than at 1400kj and will need to be assessed.
 - Effect modelling has been based on application of a mitigation zone of 500m. Again we require clarity on the size of the mitigation zones to be employed, for the reasons outlined above.
 - We disagree with the assertion made by the developer that the effects on harbour porpoise will be reduced to below significant levels because the species spend the majority of their time at the surface (sound is attenuated at the surface). This is not in line with current best evidence which indicates that an animal spends as much time at lower depths. Time spent at depth will mean harbour porpoise are more prone to disturbance and displacement from sound.
 - The area is important for harbour porpoise in terms of numbers and life-history - a high proportion of calves - and peak breeding period occurs during the summer months. This necessitates seasonal mitigation (e.g. timing restriction on piling). Such seasonal mitigation was proposed previously by the developer but has since been removed from the approach, despite our concerns.
 - 24 hour piling is planned. Human observation of cetaceans and seals, as required by standard mitigation protocols, is impossible during hours of darkness, and the suggested alternatives (Passive Acoustic Monitoring) are not suitable for detecting grey seals because they do not vocalise. This is a significant matter because the grey seals in question are a feature of Pembrokeshire Marine SAC and, as such, significant effects on the populations of this species will need to be discounted.
 - We remain concerned that we have not received any draft documentation with regard to the licence requirements for marine EPS. This is most likely to be required.

Response Options:

- a) **No Objection** if, on the basis of further assessment and adequate mitigation, effects on SAC features (grey seal) can be discounted.
- b) **No Objection** if, on the basis of further assessment and adequate mitigation, effects on EPS (Harbour Porpoise) can be discounted.
- c) **Objection in principle – recommending refusal** if significant adverse effects on SAC features and, or EPS cannot be discounted.

Seascape, Landscape and Visual Resources

29. As the scheme has evolved the location of the project boundaries has been amended to have the least possible visual impact, considering the scale of the application on both the Welsh and English coast (Figure 2) and on Lundy Island. This has involved moving the nearest landward boundary of the development away from the Welsh coast fairly significantly. Despite this, and on the basis of the rigorous and detailed assessment that has been carried out, it remains NRW's view that the visual impact on the Welsh coast remains significant. The draft ES (June 2012) itself identifies '*significant adverse (moderate/major)*' effects on the Gower Area of Outstanding Natural Beauty; the maximum category of effect using standard methodologies. We have also advised that the ES should also have concluded similar effects on the Pembrokeshire Coastal National Park.
30. NRW has continued to discuss technical aspects of the assessment and clarification of our position to ensure that the methodology incorporated into the final assessment is robust. In practical terms this means that all parties have reached a position generally where any differences in the assessment of degree of effect is mainly the result of difference in professional opinion.
31. The number of viewpoints where the significance of effects is understated in the draft ES is significant. Assessment of night time effects is also incomplete. We have alerted the developer to our concerns in this regard and provided additional clarification. We await the final ES to see if those concerns have been addressed.
32. Given the landscape and seascape importance of both of these areas (Gower AONB and Pembrokeshire NP) and the difficulty that RWE are likely to face in further mitigating the visual effects of the development it is likely that these effects will remain significant concerns for NRW.
33. NRW's position will also need to specifically refer to the applicability of the Real Worst Case Scenario (RWCS) in terms of turbine height that has been assessed. NRW should advise that because maximal significant adverse effects had already been concluded, NRW saw limited value in further study. However, without this the developers may be taking on some risk in that the decision-maker and advisor would not be in a position to advise on the whether there is any value at all in reducing turbine height from 220m and 180m, but that the developer understands and accepts this situation.

Response Options:

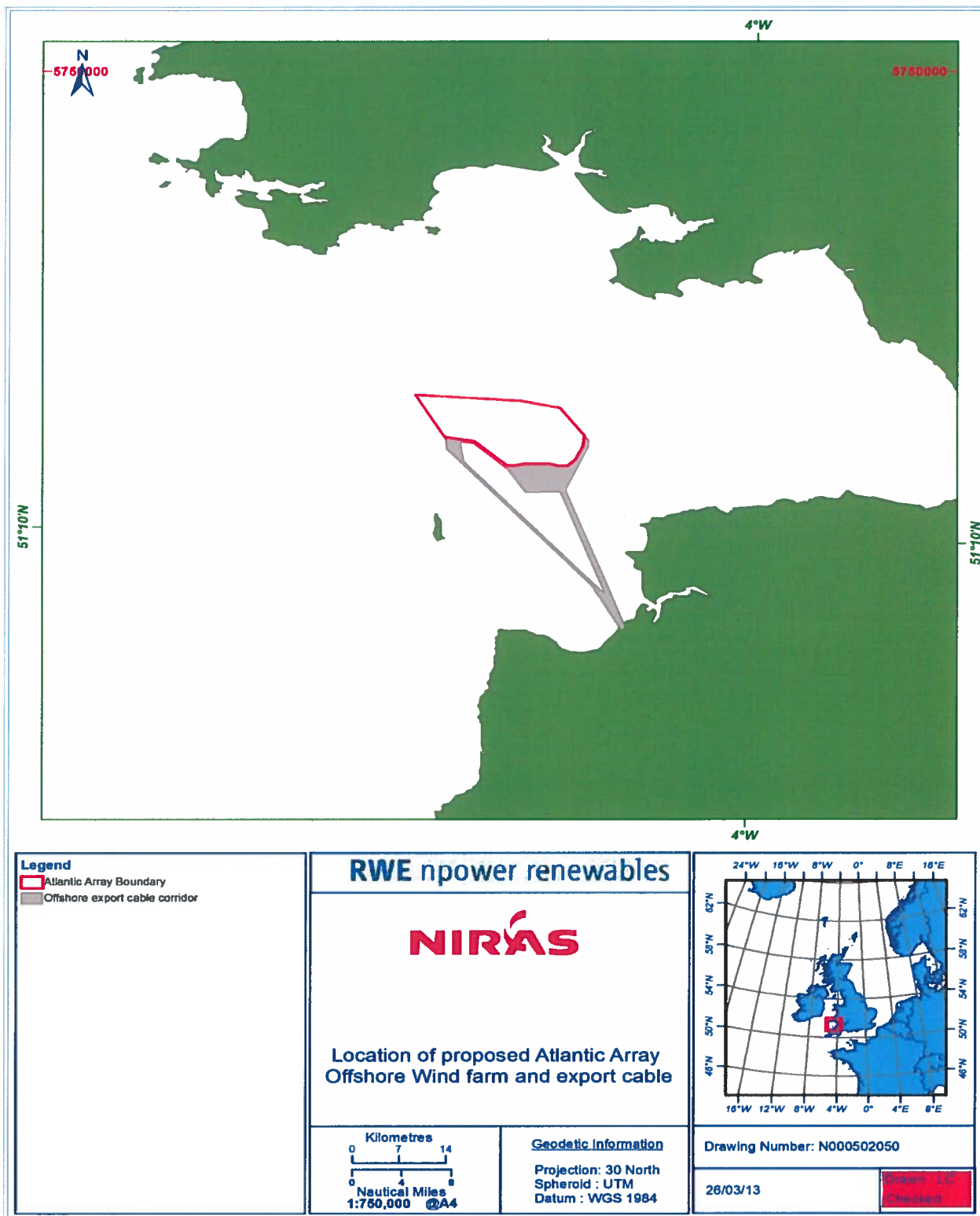
- a) **Objection in principle – recommending refusal** because of significant adverse (moderate/major) effects of Special Qualities for which the Gower AONB and Pembrokeshire Coast National Park have been designated.

OR

b) **No Objection.** The EIA correctly identifies significant adverse effects on the Special Qualities for which the Gower AONB and Pembrokeshire Coast National Park have been designated. However, NRW considers that the need to mitigate the environmental effects of climate change is of considerable importance and that the detrimental effects upon the landscape in this instance need might be accepted to accommodate the deployment of infrastructure to provide low carbon energy generation. This position would be in line with NRW's role established by the NRW (Establishment) Order 2012 to fulfil its statutory responsibilities set within the context of the Welsh Government's strategic aims. Our main purpose is to ensure that the environment and natural resources of Wales are sustainably maintained, sustainably enhanced, and sustainably used.

Prepared by Andrew Hill & Nia Phillips. Knowledge, Strategy & Planning.

Figure 1: 2013 Project Boundary for Atlantic Array offshore wind farm and export cable route

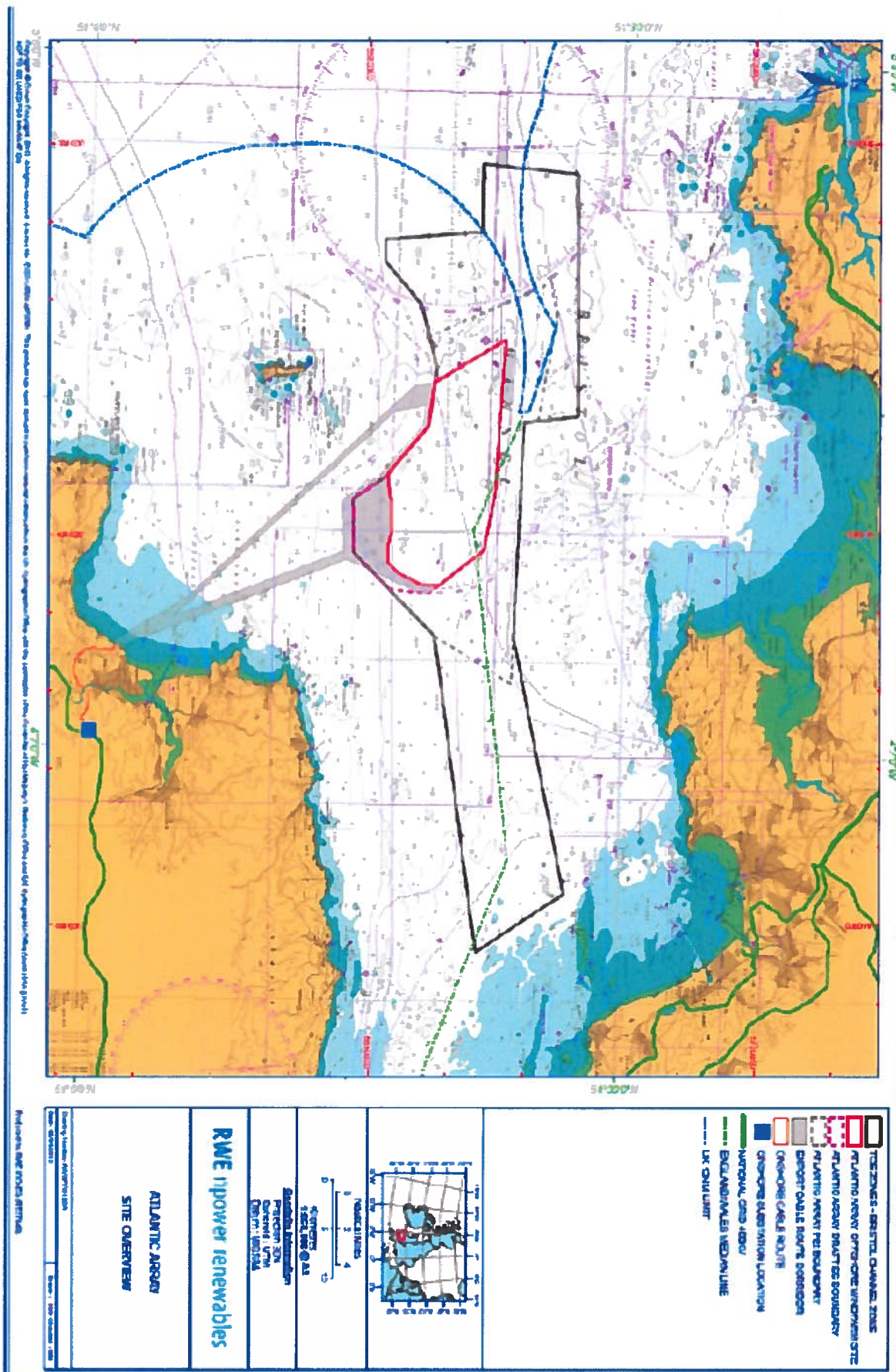


Source: BPAs boundaries © Natural England, Scottish National Heritage, Countryside Council for Wales and D oE Northern Ireland.

Produced by NIRAS

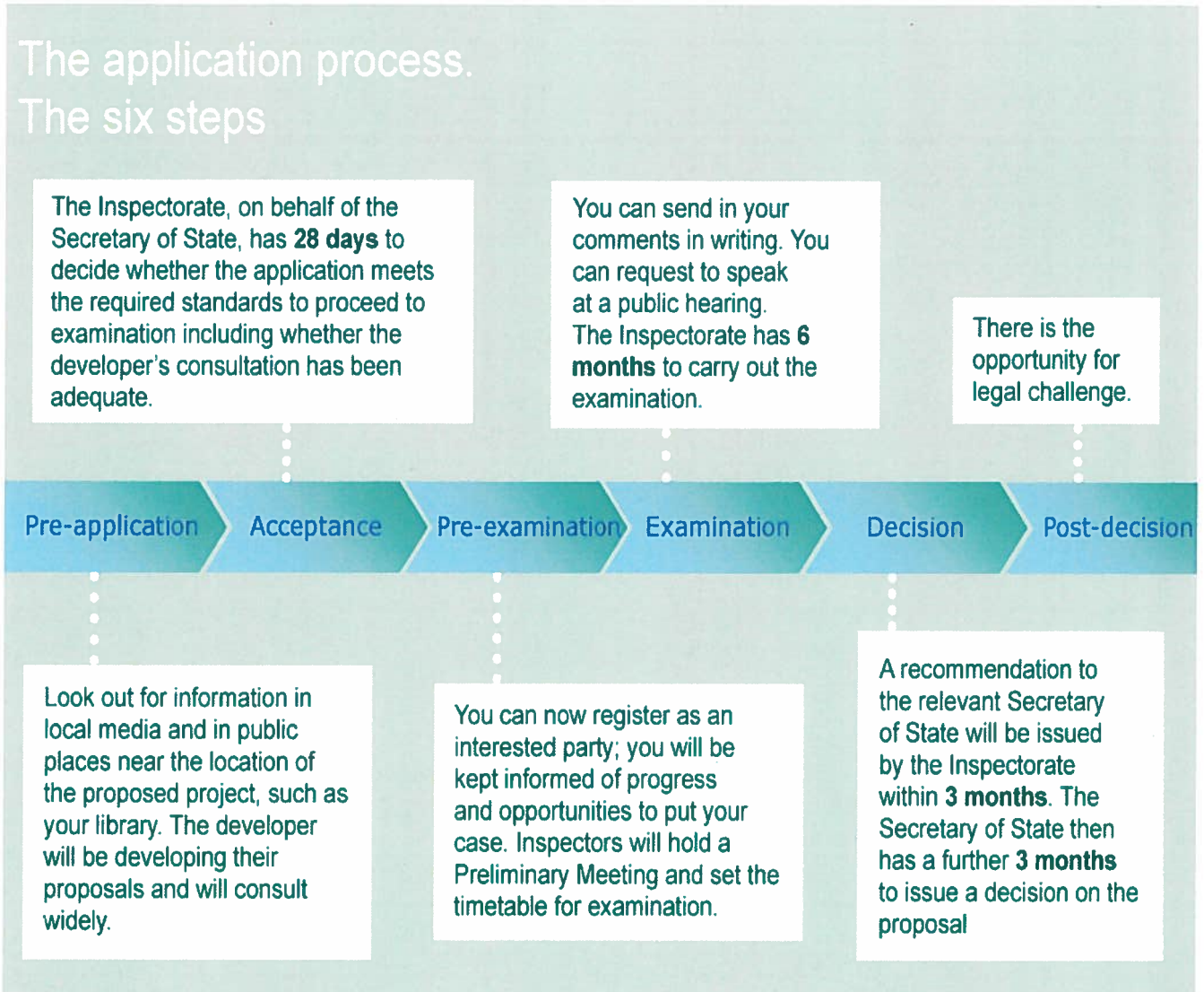
Source: RWE draft ES (2011)

Figure 2: Atlantic Array Boundary Revisions



Source: RWE Renewables website (2012)

Figure 3: The PINS application Process



Source: PINS website (2013)