

STATEMENT OF COMMON GROUND ON BIRDS BETWEEN CELTPOWER AND NATURAL RESOURCES WALES

1 Introduction

1.1 This is a statement of common ground arrived at for the Mid-Wales Wind Farm Inquiry between CeltPower Ltd (CPL) and Natural Resources Wales (NRW). This statement refers to information presented in Chapter 7 of the Original ES, and the subsequent 2011 SEI, and 2013 SEI for the repowering of the Llandinam wind farm (referred to below as "the Development").

2 Birds other than curlew

2.1 CPL and NRW agree that

2.1.1 the assessment methodology was appropriate and baseline survey results for birds as described by the original ES, 2011 SEI and 2013 SEI are not questioned;

2.1.2 leaving aside the issue of impact on curlew (which is dealt with below in this statement of common ground) NRW has not raised any concerns about impact of the Development on any other ornithological interest and that the Development will not have any significant adverse effect on such ornithological interests, either alone or in combination with other schemes, subject to the implementation of (a) the breeding birds protection plan (BBPP) set out in technical appendix 7-D in volume 2 of the 2011 SEI and (b) a post-construction monitoring programme.

3 Curlew

3.1 CPL and NRW agree the following facts:

3.1.1 Curlews are not protected under schedule 1 of the Wildlife and Countryside Act 1981. However, they are listed as Declining at European level on the International Union for Conservation of Nature Red List, and as Near Threatened and therefore a Category 1 Species of European Conservation Concern. They are listed under the Natural Environment and Rural Communities Act 2006 as a species of principal importance for the purpose of conserving biodiversity in Wales.

- 3.1.2 The Development will not cause any significant adverse effect on breeding curlew through collision with rotating turbine blades;
- 3.1.3 In 2008 there were a recorded five breeding curlew territories within the current application boundary.
- 3.1.4 In 2012 and 2013, the surveys carried out indicated that there was one occupied breeding territory within the environs of the existing and proposed turbines, at the extreme southern edge of the existing wind farm;
- 3.1.5 Leaving aside the question of cumulative impacts, the displacement (i.e. the potential loss to the population) of one breeding pair of curlew during the decommissioning of existing turbines or construction of new turbines would not have a significant impact on the conservation status of curlew in Wales or the UK.

3.2 CPL and NRW further agree:

- 3.2.1 In the original ES and the 2011 SEI CPL considered that curlews are unlikely to be displaced by being disturbed during decommissioning, construction and operation of the proposed application. CPL's position was therefore that displacement effects would not be significant, and no mitigation was proposed, although an objective to improve habitat for curlew was indicated in a draft habitat management plan attached to the 2011 SEI.
- 3.2.2 In response to the original ES and the 2011 SEI, based on the 2008 surveys, the Countryside Council for Wales (now NRW) indicated it had a concern that curlews would be displaced during decommissioning, construction and operation of the Development, that these impacts would be significant, and that no mitigation was proposed by the applicant to avoid these impacts.
- 3.2.3 In the 2013 SEI, CPL re-assessed the possibility of curlew displacement during all phases of the proposed re-powering development. The 2013 SEI concluded that it was unlikely that curlew would be displaced.
- 3.2.4 The 2013 SEI found that, even were the literature on the subject to be viewed as demonstrating a displacement effect during decommissioning of the existing wind farm or construction of the new wind farm, it would, in any event, be

possible to mitigate any such potential effect. It proposed that the breeding bird protection plan (BBPP) for the Development should include curlew during decommissioning and construction, and a revised proposed BBPP was provided with the 2013 SEI. Following discussion with NRW, this has gone through several revisions, of which the latest is before the inquiry as document CPL-ORN-015C.

3.2.5 Similarly, the 2013 SEI included a revised draft habitat management plan (HMP). This also has been revised to take account of CPL's discussions with NRW. The latest version is before the inquiry as CPL-ECO-013A. This latest version of the HMP includes provisions to improve habitat for curlew at the Llandinam site.

3.3 CPL and NRW now agree:

3.3.1 That regardless of their dispute over whether curlews will or will not be displaced by the re-powering scheme, any possibility of displacement can be reduced to an acceptable minimum by a suitable BBPP and any residual effects mitigated by a suitable HMP.


3.3.2 The draft BBPP for curlew in its most recent form (CPL-ORN-15C) and the draft HMP in its most recent form (CPL-ECO-13A) are suitable models for the final versions to be approved under conditions.

4 Conclusion

4.1 NRW therefore withdraws its objection on the ground of impact on breeding curlew, subject to imposition of conditions 22 and 23 in the form set out in CeltPower's revised draft schedule of conditions CPL-SOCG-005C or in a form with similar effect.

Signed:


..... For and on behalf of CeltPower Limited


.. For and on behalf of Natural Resources Wales