

**LLANDINAM WINDFARM
REPOWERING & EXTENSION**

PROOF OF EVIDENCE ADDENDUM

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ECOLOGY

[CPL-ECOLOGY-ADDENDUM-MACARTHUR]

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SECTION 1 INTRODUCTION

1.1 This is a first addendum to proof of evidence submitted on 6 August 2013. It updates the original proof of evidence for the purposes of Session 4 of the inquiry.

SECTION 2 QUALIFICATIONS OF WITNESS AND DECLARATION

2.1 See paragraphs 1.1 to 1.9 of my original evidence.

2.2 The evidence which I have prepared and provide in this proof of evidence is true and has been prepared and is given in accordance with the guidance of my professional institution and I confirm that the opinions expressed are my true and professional opinions.

SECTION 3 FRAMEWORK AND SCOPE OF EVIDENCE

3.1 My evidence to this inquiry draws principally on the elements of the ecology assessment that are relevant to the Habitats Regulations Assessment (HRA) of the River Wye Special Area of Conservation (SAC) and the relevant Technical Appendices (A8-3 and A8-6) within the 2013 SEI. The 2011 SEI and the 2008 ES and associated appendices are referred to also where appropriate. I do not repeat that material save in so far as necessary for emphasis or clarity; nonetheless it should be regarded as forming part of my evidence.

3.2 My evidence within this addendum focuses on the two key topics which have been raised by consultees with regards to ecology; (1) Impact on the River Wye SAC, and (2) In combination impacts on the River Wye SAC. An addendum to my original evidence is required for these topics to allow the full consideration of the proposed options for the Bailey bridge crossing which were confirmed in January 2014 (CD-CPL-TRA-003). Furthermore, a revised version of the Habitats Regulations Assessment (HRA) is provided in Appendix 1 to this proof. The updated HRA takes into account the additional details now available for the Bailey bridge and updates other sections of the HRA, including the Pollution Risk Appraisal (Annex C of the HRA).

3.3 NRW in discussions relating to a statement of common ground for the Inquiry on 10 February 2014 asserted that, in their view, otters were to be considered in an HRA relating to the proposed temporary Bailey bridge across the River Wye. There are standard mitigation measures that would make a significant impact on the conservation objectives of otters unlikely. However, in order to address the issue NRW have raised, an assessment is provided within Appendix 2 to this proof of evidence.

- 3.4 Regarding the impact on the River Wye SAC, the conclusions of my original evidence remain the same; the Development will not have a significant effect on the integrity of the SAC either alone or in combination with other plans or projects. This conclusion is reached regardless of whether mitigation forms part of the project design. Section 3 of my evidence provides a detailed consideration of this.
- 3.5 This proof of evidence is based on the information presented within the 2008 ES, 2011 SEI and 2013 SEI. It is not intended to rehearse this material within this proof of evidence; instead the relevant chapters and technical appendices of these documents should be read in conjunction. These documents are referred to where relevant.
- 3.6 Due to the linkages with hydrology and construction, this proof of evidence Addendum should also be read in conjunction with Beverley Walker's (Geology, Hydrology, Hydrogeology & Ecohydrology) and Gary Parker's (Construction) proof of evidence and related Addendums.

SECTION 4 EFFECT ON THE RIVER WYE SAC

- 4.1 The Countryside Council for Wales (CCW - now replaced by NRW) disagreed with the conclusions of the 2008 ES and 2011 SEI regarding the effect on the River Wye SAC (CPL-ECO-003 and CPL-ECO-009).
- 4.2 The 2008 ES and 2011 SEI concluded that the effect on the River Wye SAC would not be significant either alone or in combination with other plans or projects. This conclusion was based on a number of mitigation measures which are proposed as an integral part of the Development. Section 8.6.13 of the 2011 SEI provides further details of these.
- 4.3 In their consultation response to the 2011 SEI (CPL-ECO-003) CCW asserted that the proposed mitigation measures were not sufficient to avoid any likely significant effects which may arise from any increase of sediment loading in run-off to the SAC during construction. CCW advised that the mitigation proposals should be revised to include "*more robust measures*" to avoid a likely significant effect.
- 4.4 To address CCW's concern, the Environmental Management & Pollution Prevention Plan (EMPPP) was updated within Technical Appendix A12-1 of the 2013 SEI. An example construction method statement was also provided in Technical Appendix A12-2. Based on the updated mitigation measures, it is concluded that the Development is not likely to have a significant effect on the River Wye SAC either alone or in combination with other plans or projects.
- 4.5 The 2013 SEI explains that there is sufficient objective information to conclude that the Development is not likely to have any significant effect on the River Wye SAC. However, and

without prejudice to this conclusion, Technical Appendix A8-6 of the 2013 SEI presented 'information to inform a Habitats Regulations Assessment which provides consideration of the effect that a pollution incident at the Development may have on the integrity of the SAC. Chapter 12 Geology, Hydrogeology, and Hydrology of the 2013 SEI provided a detailed consideration of the likely effect of a pollution incident from the Development. Based on the assessment undertaken, it was considered "highly unlikely" that any pollution incident would reach the River Wye SAC.

- 4.6 Although the qualifying features of the River Wye SAC have been assumed to be sensitive to pollution events (despite the fact that, in practice, they exhibit some natural resilience), the information that a pollution event would be highly unlikely to reach the River Wye SAC leads to the conclusion that the Development is not likely to have any significant effect on qualifying feature's conservation objectives and therefore the integrity of the River Wye SAC either alone or in combination with other plans or projects under the terms of the Habitats Regulations.
- 4.7 In their consultation response to the 2013 SEI (CON-003-003) NRW requested that further information should be submitted with regards to the assessment of impact on the River Wye SAC, specifically with regard to the in combination impacts. NRW also issued the document 'Scope of Habitats Regulation Assessment (HRA) of proposed windfarms and gridline in the River Ithon sub-catchment on the River Wye SAC' as advice on the factors which the assessment should consider within the in combination assessment.
- 4.8 Much of this information has already been considered within the 2011 and 2013 SEIs. However, to address these points, Technical Appendix A8-6 of the 2013 SEI (information to inform a Habitats Regulations Assessment) was updated and included within Appendix 2 to of my original evidence. This included a 'Pollution Risk Appraisal' (Annex C to Appendix 2).
- 4.9 The information to inform a Habitats Regulations Assessment has been updated further to allow consideration of the confirmed AIL route (including the temporary Bailey bridge crossing). This is provided in Appendix 1 to this Addendum.
- 4.10 The conclusions of the updated Habitats Regulation Appraisal in Appendix 1 remain the same; there will be no adverse significant effect of the Development on the integrity of the River Wye SAC either alone or in combination with other plans or projects.
- 4.11 Regarding the Abnormal Indivisible Loads (AIL) route temporary crossing, NRW asserted a number of concerns in their letter of 24 May 2013. These are considered in turn below. So far as concerns the HRA of the Development on the River Wye SAC, the AIL route temporary crossing is considered within the in combination assessment. The AIL route, which includes the temporary Bailey bridge crossing will be subject to a separate planning application and detailed environmental information

will be produced at that time to support that application. This will include information to support an HRA. However, adequate information is required at this stage to address the potential in combination impacts on the River Wye SAC with Llandinam Repowering and Extension. The responses provided below should therefore be considered within this context. Appendix 1 to this proof also provides a consideration of the AIL temporary Bailey bridge crossing with regards the in-combination effects of the Llandinam project on the impact on the River Wye SAC.

4.12 In their letter of 24 May 2013, NRW asserted that, *'This proposal (the temporary crossing) has the potential to impact directly (through habitat loss or damage) or indirectly (eg through increased sediment run-off etc) on the River Wye SAC and SSSI'* and *'To enable the likely impacts of the proposals on the SAC to be assessed, further information is required from the applicant which should include details of the potential impacts on the SAC's designated features, and robust measures to avoid a likely significant effect'*. Potential pollution impacts on the relevant River Wye SAC's qualifying features (twaites shad) are detailed in Beverley Walker's proof and Appendix 1 and Annex C to this proof). In terms of direct impacts; because the abutments of the temporary Bailey bridge would be placed on the banks of the River Wye SAC & SSSI at an appropriate distance from the river (as detailed in Mr Gary Parker's proof) there will be no direct loss of habitats that are listed on Annex 1 of the Habitats Directive arising from the construction or operation of the bridge. Indirect siltation impacts on the relevant qualifying feature twaites shad will be avoided through construction design (including timing constraints) and an EM&PPP as presented in Annex 3 to Gary Parker's evidence. Even in the event of a realistic worst case scenario pollution incident, it is considered that, *'the mitigation proposed would be adequate and would result in a low risk of low levels of sediment transport into the River Wye'* as stated in Beverley Walker's evidence. Thus, no adverse significant effect on the integrity of the SAC would occur from the AIL route temporary bridge crossing.

4.13 NRW in discussions relating to a statement of common ground for the Inquiry on 10 February 2014 asserted that otters should also be considered in the HRA for the proposed temporary Bailey bridge across the River Wye. As explained above, the application before the Inquiry for the Llandinam Project does not include an application for consent for the proposed Bailey bridge. The bridge would be the subject of a separate planning application. Nonetheless, a high-level assessment has been carried out of the likelihood of significant effect on otter, in order to address the new issue NRW have raised. This assessment is detailed within Appendix 2 to this addendum and concludes that a significant effect on otter is not likely as a consequence of the temporary Bailey bridge.

- 4.14 In their letter of 24 May 2013, NRW referred to what they characterised as, ‘... a limited phase 1 survey, carried out in February (ie an inappropriate season), which appears to have been largely carried out from the public highway and public rights of way’ (CON-003-003). The purpose of this survey was to identify any high level constraints across the AIL temporary crossing area which will inform the crossing point siting process (2013 SEI, Technical Appendix A8-3). Figure A8-3A of Appendix A8-3 has been updated to show the crossing area as presented within the draft TMP (CD-CPL-TRA-003) and is appended to this addendum. At this crossing area, ecological features were identified which the proposed AIL route temporary crossing would need to take account of (these include trees and hedgerows and protected species interests). However I consider that these can be easily taken into account through the use of standard good practice mitigation techniques. The vast majority of the AIL crossing area is within low ecological value improved fields interspersed by areas of hedgerows and some scattered mature trees. Given the prevailing habitats in the area and the aim of the survey of identifying high level constraints, I consider that this survey was undertaken during an appropriate season. Additional detailed vegetation and protected species would be provided to inform any detailed layout at such time as the planning application is made for the crossing. However, from the information gathered by this initial ecological appraisal it can be concluded that it will be possible to avoid these ecological constraints or to minimise impacts to a sufficient extent to allow the AIL route temporary crossing to progress.
- 4.15 NRW asserted that, ‘No desk study appears to have been undertaken’ and ‘No information has been presented or requested on important fish spawning areas that may be located in this stretch of the river’ (CON-003-003). NRW provided information on Atlantic salmon, twaite shad spawning areas which has been fully considered within Appendix 1 to this Addendum. After NRW raised otter as a further issue, further information was obtained from them on otter, and this has been fully considered in Appendix 2.
- 4.16 Therefore based on the above consideration and the detailed information provided within Gary Parker’s and Beverley Walker’s proof and within Appendix 1 and 2 to this proof, my evidence concludes that the Development and the AIL temporary crossing are unlikely to have a significant effect on the integrity of the River Wye SAC either alone or in combination with other projects.

SECTION 5 CUMULATIVE ASSESSMENT

- 5.1 The in combination effects on the River Wye SAC are dealt with in section 4 above.

SECTION 6 ISSUES RAISED BY 3RD PARTIES

- 6.1 I have undertaken a review of the third parties letters of objection to the Development and the Alliance's statement of case for session 4 to identify the ecological concerns raised.
- 6.2 It is my opinion that, in the main, these letters of objection and statement of case focus generally on similar themes to the statutory concerns associated with the ecological elements of the Development and have therefore been captured within my submissions.
- 6.3 I have sought in my proof of evidence to deal with the main points raised in the letters of objection, as I understand them. If I have not commented on any points this does not signify that I agree with them or have deliberately ignored them. In any event, I consider all relevant potential for ecological effect already to have been adequately and appropriately covered in the ES and SEI material, upon which I continue to rely.

SECTION 7 SUMMARY AND CONCLUSIONS

- 7.1 The Development is not likely to have a significant effect on the integrity of the River Wye SAC either alone or in combination with other plans or projects.
- 7.2 The AIL temporary Bailey bridge crossing, is not likely to have a significant effect on the integrity of the River Wye SAC.
- 7.3 Given that there is no likely significant effect on the River Wye SAC there is no requirement for an appropriate assessment under the Habitats Regulations. In the event that the Secretary of State considers that an appropriate assessment is required, then the evidence submitted supports a conclusion of no adverse effect on the integrity of the River Wye SAC.
- 7.4 There is no reason within my area of expertise to refuse consent for the Development.

SECTION 8 REFERENCES

CPL-ECO-003 CCW Letter 11 September 2012.

CPL-ECO-009 CCW Letter 29 August 2008.