



Asesiad o Ddatganiad Amgylcheddol

gan Rynd Smith LLB MA MRTPI FRSA
Arolygydd a benodir gan Weinidogion Cymru
Dyddiad: 03/04/2025

Assessment of Environmental Statement

by Rynd Smith LLB MA MRTPI FRSA
an Inspector appointed by the Welsh Ministers
Date: 03/04/2025

Ref: CAS-03540-M8J8M5

Site address: Land at Mynydd Llanhilleth, approximately 300 m from the eastern edge of Llanhilleth and approximately 500 m to the north east west of Brynithel (Grid ref 323634E 201932N) ('the wind farm'); and an approximately 2km connection alignment between the wind farm and the existing distribution network at Abersychan ('the distribution network connection').

- The Environmental Statement which is the subject of this assessment has been submitted in relation to the above case in accordance with the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017 (as amended).
 - The application is made by Pennant Walters Ltd.
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Introduction

1. An Environmental Statement (ES) has been prepared to support a Development of National Significance (DNS) application submitted to Planning and Environment Decisions Wales (PEDW) for determination.
2. Aspects of the ES preparation process took place during the transition from the Planning Inspectorate (Wales) (PINS) to PEDW. References in this assessment to documents or actions prepared by, for or undertaken by PEDW include references to documents or actions prepared by, for or undertaken by PINS.

Proposed Development

3. The proposed development is described in the ES as comprising:
 - a wind farm of up to seven wind turbine generators with maximum heights up to 180m to blade tip, each with foundations, crane pads and temporary construction, laydown and storage areas;
 - a distribution network connection between the wind farm and the existing distribution network; and
 - ancillary infrastructure and construction-enabling works within or relating to the wind farm, including an access point to the B4246 at Abersychan, new and upgraded access tracks, a substation and transformer housing, underground electricity cables between the turbines and an onsite substation and control building.

The ES assesses an operational period for the wind farm of 30 years and a total installed generating capacity for the wind farm of up to 34MW.

Completeness of Environmental Statements

4. The aim of an Environmental Statement (ES) is to provide a systematic and objective account of the significant environmental effects likely to arise from the proposed development, including sufficient information to verify the conclusions and identify the source of the information provided. Regulation 17 and Schedule 4 of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017 (the 2017 Regulations) specifies the information to be included in an ES. My assessment of completeness is based on these requirements.

The Environmental Statement

5. This assessment is based on an ES prepared in December 2024 which comprises the following parts:
 - Volume 1: Non-Technical Summary;
 - Volume 2: ES Chapters 1 – 17;
 - Volume 3: Appendices; and
 - Volume 4: ES Figures.
6. The structure and content of the ES is summarised in Volume 2, chapter 1, section 1.4.
7. The application for which the ES has been prepared is a re-submission. ES paragraphs 1.1.4 and 1.1.5 explain the withdrawal of an application for Mynydd Llanhilleth Wind Farm (DNS Application Ref DNS/3273368) by the Applicant in June 2024 (the withdrawn submission). The withdrawn submission was accompanied by an ES dated July 2023 and an ES Addendum dated April 2024 (the withdrawn ES documents).
8. Volume 2, chapter 2, section 2.3 of the ES summarises the scoping process that was undertaken. The scoping report was prepared in May 2021 and is found in ES Volume 3, at Appendix 1A. The scoping direction was made on 6 August 2021 and is found in ES Volume 3, at Appendix 1B. I have considered the scoping direction and am satisfied that the structure and content of the ES has addressed the matters identified as within scope in general terms, subject to a reservation relating to a particular site and species which I set out further below.
9. In terms of ES quality and useability more broadly, my review of ES Volume 2 found multiple instances of missing cross references. As a result of this higher-than-typical level of such errors, the ES is less easy and efficient to use, and relevant environmental information is harder to locate and to verify than it should be. If the current version of the ES were to proceed to examination unamended, it would impose additional time and cost on the examination process for all parties. The referencing errors are sufficiently large in number to lead me to the conclusion that they amount to a failure to meet Schedule 4 paragraph 10 of the 2017 Regulations.
10. For these reasons, in **Annex 1** I have asked for further information consisting of replacement ES Volumes in which internal referencing has been reviewed and improved by the applicant, to be provided before the application proceeds to examination. I have provided advice about the reference errors which I have found. However, it remains possible that there are further reference errors that I have not found. The Applicant's response to this request should include a complete check of referencing in all ES volumes.
11. I note the absence of technical or summary documentation in Welsh and that in describing the host community, ES Chapter 16 does not identify any need or request for engagement through Welsh. There is no formal pre-requisite for Welsh documentation and so this does not indicate against the completeness of the ES.

Description of the Development

12. The development is described in ES Volume 2 Section 1.1 and Chapter 4, where the likely dimensions and method of construction of wind turbine generators, wind monitoring equipment, wind turbine foundations, the proposed grid connection alignment, hardstandings and access tracks are found. These parts of the ES refer to the site location plans (Volume 4 Figures 1.1 and 1.2, the 'Typical wind turbine' drawing (Volume 4 Figure 3.1), the Proposed turbine locations (Table 4.1) and the proposed grid connection route plan (Volume 4 Figure 4.3). Paragraphs 4.2.6 and 4.2.7 describe the site as approximately 267.59 hectares in extent, including a former quarry, coniferous woodland and intensively managed grassland. Parts of the site are designated as Llanhilleth Common, and the application is accompanied by a secondary consent request to deregister and exchange land (under Section 16 of the Commons Act 2016), and for consent to carry out works on Common Land (under Section 38 of the Commons Act 2016).
13. With reference to the withdrawn submission, the proposed development described in the current ES omits former Turbine 5 and has an amended distribution network connection location. The proposed network connection is still located within the connection corridor that was assessed in the withdrawn ES documents. Other main aspects of the proposed development remain unchanged between the withdrawn submission and the development as currently proposed. Specifically, the numbering of the retained wind turbine generators remains unchanged. It follows that numbered references to wind turbine generators in the ES which omit former Turbine 5 are not in error. This approach ensures direct referability between the unchanged elements of the withdrawn submission and the current submission and provides welcome continuity.
14. The maximum blade tip heights of 180m for all seven proposed wind turbine generators are shown on Volume 4 Figure 3.1 and their locations are shown in Volume 4 Figure 1.2. The maximum rotor diameter of 150m on which the ES assessments have been based, is described in Volume 2 paragraph 4.5.8 and illustrated in Volume 4 Figure 3.1. Volume 2 Section 4 (paragraph 4.5.4) confirms that a micro-siting allowance (limit of deviation) of 50m has been assumed for wind turbine generators and of 100m for associated infrastructure. Limits of deviation do not permit a change in location closer to a watercourse for an element that is within 50m of a watercourse.
15. Volume 2 Chapter 3 of the ES addresses site selection and design evolution. Key siting, design and operational considerations affecting the proposed development are then described in Chapter 4. The content of a Construction Method Statement (CMS) is outlined in Volume 2 Section 4.8 and 4.9.
16. Vehicular access from the public road network (the B4246) to the proposed development is described in ES Chapter 12 and Volume 4 Figure 4.2. Chapter 12 assesses abnormal indivisible load (AIL) routings to the site, and general construction traffic effects. Operational traffic levels would be low and are scoped out of the ES. The proposed development would be served internally by a network of existing and proposed access tracks. Chapter 4 confirms that aggregates for access track works would be imported from local sources off-site (paragraph 4.5.2).
17. The provision of electricity infrastructure within the site including cabling, a substation and switch room are described in Volume 2 Chapter 4, with references to relevant plans in Volume 4 of the ES. The proposed connection would consist of a 2km 66 kilovolt (kV) underground cable to Rhiw Franc Farm, followed by an overhead line to a new Tee-off structure H pole to form the connection to the existing network.
18. Volume 2 Chapter 6 (paragraph 6.7.6) confirms that the construction phase is anticipated to be approximately 22 months, followed by an operational phase envisaged to be up to 30 years to the commencement of decommissioning.

19. Overall, I consider the description of the development to be satisfactory in EIA terms. However, I have noted unclear information in relation to effects on the Usk Bat Site SAC and on bats and I seek further information in relation to that matter in **Annex 2**. This is a matter that is of particular relevance to the description of the aspects of the environment likely to be significantly affected (from paragraph 23 below) and assessment methodology (from paragraph 26). Taken together, my assessments of this issue under those criteria also bear on my assessment of the description of the likely significant effects of the development on the environment provided in the ES and have some bearing on the degree to which appropriate design and mitigation measures are included and assessed.

Description of the reasonable alternatives

20. The approach to alternatives is considered in ES Volume 2 Chapter 3. The primary proposal is for a wind farm, with an export cable location driven by the location of the wind farm site relative to available connection locations. To be reasonable, alternatives for the wind farm and connection alignment must be viable. Chapter 3, section 3.2 and table 3.2 describe the site selection process, the parameters guiding site selection (including a review of current planning policy, constraints mapping, wind speed data and a review of suitable access and transportation effects).
21. Site selection for the wind farm was influenced by the Pre-Assessed Areas (PAAs) for renewable energy set out in Future Wales: the National Plan 2040 (FW) (Policies 17 and 18) which is the national development framework for Wales and forms part of the development plan. The proposed wind farm site lies partly within and partly adjacent to PAA10. The applicant notes the strategic nature of PAAs and existence of local constraints which limited its ability to achieve a location wholly within a PAA. That is a matter for consideration in examination, noting that the description of the applicant's approach in the ES is clear.
22. The selected site was considered to offer a large available and useable area with commercially valuable wind speeds, low accident, disaster and climate vulnerability, good highway access, an ability to accommodate cumulative visual effects with other wind farm development, proximity to the electricity distribution system, and likely low/ mitigable effects on designated natural and cultural assets. It was selected on that basis. Subject to my observations on the Usk Bat Site SAC and on bats, I consider that the consideration of the main alternatives to the wind farm site to be satisfactory.

Description of the aspects of the environment likely to be significantly affected

23. The ES is supported and informed by a comprehensive suite of surveys including studies explaining the baseline conditions and likely impacts of all elements of the proposed development.
24. A phase 1 ecological survey was undertaken in April 2020 but updated in July 2022 and July 2024 in relation to the proposed site access and August 2022 and July 2024 in relation to the grid connection corridor. Detailed botanical surveys of the site were undertaken in May 2020, June 2021, May 2022 and July 2024. Bat roost surveys: ground-level visual assessment of trees associated with the proposed turbine locations were undertaken during March, April and May 2021 and during April 2022. Ground-level and aerial tree inspections of trees with potential bat roost features were undertaken during July and September 2021, April and May 2022 and ground level visual assessments were updated on 15 and 16 July 2024 to determine any material changes during, which provide recent data.
25. On this basis, I am broadly satisfied that the surveys remain current and that, with the exception of the documentation of the effects on the Usk Bat Site SAC and on bats arising from the surveys, the aspects of the environment that are likely to be significantly affected are sufficiently described.

In relation to the bat survey work, it is not clear that this has been adequately taken into account in the biodiversity assessment (ES Chapter 8) and so equivalently it is not clear that the description of potential effects on bats and particularly on the lesser horseshoe bat as a qualifying feature of the Usk Bat Site SAC is sufficiently reliable.

Assessment Methodology

26. The assessment methodology is summarised in ES Volume 2 Chapter 2, sections 2.5 to 2.8 and augmented in relation to cumulative effects in Chapter 17. Individual assessments of significance are found in the technical subject matter chapters. Chapter 2 sets out the general approach to determining the baseline, evaluating impacts and effects, and establishing the basis for determining whether effects are 'significant' or 'potentially significant' (in table 2.1), either in isolation, cumulatively with other factors within the Proposed Development ('intra-project' and 'inter-related effects') (in Chapter 17) and cumulatively with other development (in section 2.8 and tables 2.2, 2.3 and 2.4). Individual Matters arising from the scoping request and the scoping direction have largely been addressed.
27. The description of the assessment methodology is generally satisfactory. However, I remain unclear about the conclusions reached in response to the Usk Bat Site SAC and on bats. ES Section 8.4 outlines the methodology employed for the biodiversity assessment, identifying that this follows guidance from the Chartered Institute for Ecology and Environmental Management (CIEEM) and recommended by Natural Resources Wales (NRW). The scope of the Ecological Impact Assessment is described as having been determined by the Scoping Direction and consultation responses from NRW and the host local planning authorities, which raised effects on the Usk Bat Site SAC and on bats as specific items for consideration. This notwithstanding, it remains unclear how bat utilisation data has informed the assessment. Direct references from the Scoping Direction and advice from NRW seeking clarity on effects of Usk Bat Site SAC and on bats are not fully addressed. There is ambiguity in Chapter 8 about whether these effects are within scope or not. If they are, they remain un-addressed, and it is not clear that is a conclusion that is methodologically justified. This contributes to my request for further information on this point in **Annex 2**.

Description of the likely significant effects of the development on the environment

28. The likely significant effects (LSE) of the development on the environment have been assessed in the ES broadly in line with the overall methodology and these are set out in each chapter. The information requested in the scoping direction has largely been provided. Assessments of cumulative effects are provided. The description of the LSE of the development on the environment is generally satisfactory, subject to examination. A reservation in relation to the presence of and description of a LSE on the Usk Bat Site SAC and on bats must however be noted. This has arisen because the ES makes a finding of no LSE on the SAC or on bats, without fully explaining the relationship between this finding and underlying bat utilisation data presented in the appendices. I request further information on this point in **Annex 2**.

Prevention and / or mitigation measures

29. The ES describes the mitigation measures that have either been embedded in the design of the development or where other significant environmental effects are identified, for example during construction. The description of mitigation measures in the ES appears to be satisfactory, subject to examination, with an exception identified below.
30. Bat mitigation measures for wind turbine generators in operation are discussed in Vol 2 Chapter 8. However, because this discussion proceeds from a standpoint of no LSE on the Usk Bat Site SAC,

it does not engage with or assess potentially relevant preventative actions or mitigations. Further, without clearer analysis, the legal framework for HRA and the HRA process may not be supported by the ES in its current form in relation to that site and on bats. I request further information on this point in **Annex 2**.

Indication of any difficulties in compiling the required information

31. The ES is based on site surveys, desktop evaluations of publicly available data and consultation with statutory and non-statutory consultees. The assessments note the assumptions adopted and limitations affecting their findings. In using the ES however, the same comment on effects on bats in Vol 2 Chapter 8 apply.

Provision of a Non-Technical Summary

32. A non-technical summary has been provided. The information contained within it is a sufficient summary of the substantive content of the ES. It is desirable that an ES should contain a Non-Technical Summary in Welsh, but again, this is not a formal pre-requisite. Its absence does not indicate against the completeness of the ES.

Overall Conclusions

33. In general terms (and with specific exceptions in relation to cross referencing and to the Usk Bat Site SAC which I address below), I conclude that the ES prepared by WSP UK Ltd and submitted on behalf of Pennant Walters Ltd. contains the level of information identified in Regulation 17 and Schedule 4 of the 2017 EIA Regulations and was complete for the purposes of those Regulations on the date of its submission. However, that conclusion is not applicable to the following exceptions, which I also address in requests for further information.
34. I have referred above to errors in cross referencing affecting the usability of a number of Chapters in the ES. Schedule 4 paragraph 10 of the 2017 EIA Regulations requires that an ES must include '[a] *reference list detailing the sources used for the descriptions and assessments included in the environmental statement*'. In circumstances where cross references to sources and analysis are substantially incomplete, that requirement is not currently met. I have set out a request for further information in **Annex 1** to address this point.
35. I have identified above that ambiguity in relation to the conclusions in relation to a LSE on the Usk Bat Site SAC, and an apparent disjuncture between bat survey data in ES Volume 3 and the primary conclusions on bat impacts in ES Volume 2 combine to lead me to the conclusion that the level of information identified in Regulation 17(4) (c) and (d) and Schedule 4 (paragraphs 4, 5 and 7) of the 2017 EIA Regulations has not been provided for conclusions relating to the SAC and the lesser horseshoe bat. A request for further information to address that point is set out in **Annex 2**.
36. The cross referencing errors and the presentation and discussion of information on the Usk Bat Site SAC in its current form lead me to conclude that the ES is not complete without the further information sought.

Rynd Smith

INSPECTOR

Annex 1

Cross referencing errors: Request for further information

During the ES Assessment process, cross references within the main ES Volume 2 were followed to provide assurance that the requirement of Schedule 4 paragraph 10 of the 2017 Regulations (that there is a reference list detailing the sources used for the descriptions and assessments included in the ES) has been met and consistently applied.

The list required by the regulations is present, but for it to be usable, the list of references also needs to be embedded in the text of the ES at appropriate locations in a manner that is reasonably complete and correct and enables the user to locate the references that are identified. There were a substantial number of instances in which cross references to sources or to other parts of the ES set out in Volume 2 of the ES were found to be broken. This appears to have occurred as a consequence of late changes to the ES structure affecting text into which digital cross references had been embedded, leaving the intended cross references reading as '*Error! Reference source not found*'. The ES had not been systematically checked by the authors for incomplete or broken digital links prior to submission.

The main areas affected by these broken links are:

- Chapter 6 – Landscape and Visual Impact Assessment (LVIA) (1 broken link);
- Chapter 8 – Biodiversity (2 broken links and 1 table of contents error);
- Chapter 9 – Ornithology (27 broken links);
- Chapter 11 – Ground Conditions (11 broken links); and
- Chapter 16 – Socio economics (1 broken link).

It should be noted that whilst the links summarised above were evidently broken, not all cross-references in the ES have been checked and it is possible that a complete review would find further instances of incorrect or broken links.

A small number of cross-referencing errors are normal in an ES and will not impact its quality or completeness overall, as long as the data referred to is present and can be found without significant time implications for the Inspector or parties to the examination. However, where there are a large number of errors, ES usability is reduced. A threshold can be reached where the time required to work out which documents are being referred to and where to find these becomes so substantial, that an ES ceases to be an efficient source for examination purposes. The large number of errors in ES Chapter 9 Ornithology and Chapter 11 Ground Conditions give rise to this concern. They indicate work that has not been proof read prior to submission and raise broader quality concerns. They make sources harder for a reader to find and follow than they need to be and render these two chapters effectively un-usable within the timescales normally available for these purposes within consultation and examination.

For these reasons, the applicant is requested to review the ES as a whole and to ensure that references and cross references are returned to an acceptable standard of accuracy. A revised version of the ES should be submitted in which the broken digital links have been repaired and where, following an audit, the applicant can vouch for the accuracy of references and cross references as a whole.

Annex 2

Effects on the Usk Bat Site SAC and features of that designation: Request for further information

The Scoping Direction (ES Vol 3 Appendix 1B) sought analysis of effects on the Usk Bat Site SAC and the lesser horseshoe bat *Rhinolophus hipposideros* (a qualifying feature of the SAC). At item ID.12 the Direction “*draws the applicant’s attention to the comments from NRW, and particularly with regards to the presence of lesser horseshoe bat roosts triggering the requirement for HRA of the Usk Bat Site SAC*”. NRW comments on this matter were set out in a letter of 6 July 2021, which is appended to the Direction. The correspondence highlights the potential relevance of lesser horseshoe bat utilisation of the site to a possible HRA process.

Regulation 17(3) (b) of the 2017 Regulations requires the ES to describe the likely significant effects of the proposed development on the environment. Regulation 17(3) (c) requires the ES to describe any features of the proposed development, or measures envisaged in order to avoid, prevent or reduce and, if possible, offset likely significant adverse effects on the environment. Schedule 4 paragraph 5 requires the ES to provide a description of the likely significant effects of the development on the environment. To address these requirements, the ES needs to provide a clear explanation of how the question raised in the Scoping Direction has been resolved in the light of evidence available to the applicant. Whilst a substantial body of bat survey work has been carried out, the analysis that is provided in the ES is ambiguous and not as clear as it should be about whether a LSE on the Usk Bat Site SAC and the lesser horseshoe bat can be excluded.

ES Vol 2 Chapter 8 provides the main analysis of biodiversity topics and is the location in which a discussion of and conclusions on effects on the Usk Bat Site and its relevant qualifying feature is found. In a column headed ‘[l]ikely significant effects’, Table 8.14 identifies ecological receptors scoped in for further assessment. This table notes that the proposed development gives rise to “[p]otential impacts on bat populations within this SAC”. The following Table 8.15 provides a summary of effects scoped out of the biodiversity assessment. It removes the Usk Bat Site from scope, identifying that there are “[n]o likely significant effects given distance from the Site and nearest turbine”. The rationale for this finding is stated as being primarily due to the distance of the proposed development from the SAC, which is generally beyond a 10km radius, despite the fact that elements of the site lie within this radius. Reference is made to Turbine 2, which at 9.9km is the nearest wind turbine generator to the SAC. But this discussion does not engage with survey data about the utilisation of the site by the lesser horseshoe bat and, having regard to the ambiguous and potentially contradictory conclusions drawn in the two tables, it remains unclear whether this analysis is sound.

Detail is provided in paragraphs 8.9.3 to 8.9.5 of the ES which consider internationally and nationally designated sites. Here, the decision to record no LSE on the Usk Bat Site SAC is described as based primarily on the distance of the proposed development from the core sustenance zone (CSZ) for lesser horseshoe bats and its location at between 8 and 10km range from the SAC, suggesting a limited contribution in terms of effects on connectivity corridors or in terms of direct or indirect disturbance to relevant bat species. In reaching this conclusion, considerable weight seems to have been placed by the authors on the approach taken to the Usk Bat Site for HRA purposes in the Torfaen Replacement Local Development Plan, but it must be noted that this plan has now been withdrawn. Neither this analysis nor ES Chapter 8 more broadly rests firmly on the bat survey work undertaken or explains how the survey work informs the conclusion of no LSE that has been reached. Nor does it extend consideration of effects on bats beyond the operational effects of wind turbine generators. Construction phase effects in terms of habitat loss or disturbance are not well considered. The conclusion that “*no adverse impacts either alone or in combination with any other plans of projects upon this SAC are considered likely*

to arise, such that a project HRA is not deemed necessary” is one that appears to have been formed in strong reliance on a spatial policy approach taken in the Torfaen plan and with regard to the operational effects of the proposed wind farm, but without specific reference to bat survey work or to the possible effects of construction or decommissioning processes on the bat.

ES Vol 3 Appendix 8F is the Outline Landscape and Ecology Management Plan (oLEMP). This sets out important ecological features within the application site potential zone of influence and characterises these in terms of potential significance of effects in the absence of mitigation. Table 3.1 identifies the Usk Bat Site SAC as of international importance but records that there are “*no significant effects*” upon it. Table 3.1 then characterises effects on commuting and foraging bats as ‘local’ in importance. It identifies the presence of the lesser horseshoe bat but does not discuss the potential for effects on this species as a qualifying feature of the Usk Bat Site SAC, which would indicate international importance. But it does identify scope for effects on bats including “[p]otential for killing/injury of bats commuting and foraging within and through the Site”. The table goes on to consider roosting bats and notes the presence of numerous trees with potential to support bats on the site. Whilst the oLEMP observes that no bats have been confirmed as roosting, the potential loss of bat roost and killing or injury of bats that colonise these trees is also noted in the oLEMP as a potential effect. These are matters raised at the scoping stage by NRW and addressed in the Scoping Direction, but which the ES and oLEMP as currently drafted do not clearly address. They are matters of potential relevance to the need for, and if required, the conduct of a Habitats Regulations Assessment (HRA) process.

ES Vol 3 Appendix 8B, the Bat Collision Risk Assessment, identifies a presence of lesser horseshoe bat (amongst other bat species) on the proposed development site, with activity broadly towards the north of the site and peaking in the months August to October. Paragraph 3.59 of this appendix identifies that Turbine 2 (identified in ES Chapter 8 as within a 10km radius of the Usk Bat Site) is one of two turbines that “*will have the highest impacts on bats*”. Trees with roosting potential are noted (paragraphs from 3.62) although direct roosting observations are not recorded. The Volume 2 ES reasoning for a ‘no LSE’ finding and the approach taken in the oLEMP do not engage clearly with the discussion of site utilisation by bats (and by the lesser horseshoe bat) in ES Vol 3 Appendix 8B or address the potential for effects on corridor movements or disturbance of bats due to processes other than wind turbine generator operation. Construction or decommissioning processes as potential sources of disturbance are not considered in Volume 2. For these reasons, again, the evidential and methodological basis for a ‘no LSE’ finding in relation to this site and feature are not as clear as they should be.

Taking these factors into consideration, I am not satisfied that the current conclusion of no LSE on the Usk Bat Site SAC in relation to the lesser horseshoe bat is sufficiently clearly explained in the ES and justified with reference to the underlying data. For this reason, I take the view that Regulation 17(3)(b) and of Schedule 4 paragraph 5 of the 2017 Regulations have not been met. If the conclusion were to change and a LSE finding were to be made, then a description of design and other mitigation measures to address the LSE would also be required pursuant to Regulation 17(3)(c) and this information is not provided.

Further information in the form of a revision to the analysis in ES Volume 2 Chapter 8 is requested to address this point. Where revised documents are provided, these should be accompanied by marked up / tracked change versions, showing how the revision differs from the current ES. The revision should remove ambiguities such as that currently present in the contradiction between the findings in Tables 8.14 and 8.15, and draw conclusions on effects on the Usk Bat Site and the lesser horseshoe bat, making direct reference to the condition of the application site and bat utilisation data from the Appendices in its reasoning. It should address the

effects of activities including construction and decommissioning on the bat population and processes such as disturbance, in addition to the effect of the operation of wind turbine generators.

This additional information will either:

- clarify and sustain a finding that there is no LSE on the Usk Bat Site or its qualifying feature the lesser horseshoe bat for clearly stated reasons, referencing the underlying survey data; or
- reach a conclusion that an LSE on the Usk Bat Site or its qualifying feature the lesser horseshoe bat cannot be excluded. Again, this should be for clearly stated reasons and reference the underlying survey data.

If a conclusion that there is an LSE is drawn, further information enabling relevant consideration of design and mitigation approaches should also be set out in amendments to the ES indicatively in Chapter 8 and in the oLEMP. Consequential amendments to other elements of the ES and to application documents more broadly should be made as required to give effect to any design or mitigation changes that might be required to support such a finding.

The need for revised conclusions on this matter is central to a judgment about completeness of the ES. Additionally however, noting the effect that unclear conclusions in this area could also have on the need for and conduct of an HRA process, having undertaken the analysis outlined above, the applicant is requested to review its conclusion that no HRA is required. It is requested either to confirm that conclusion (for reasons stated, based on clear analysis in the revised ES) or, if that conclusion is no longer supported, to add an HRA report to the application document set.

The examination of the application will need to draw conclusions arising from the ES in relation to the Usk Bat Site and the lesser horseshoe bat. The evidence will need either to substantiate the applicant's view that no HRA is required or enable the HRA process to be carried out. As the ES stands, it does not support either of those outcomes and so it is not complete.