

## Project Profile

### Llanbrynmair Wind Farm Public Inquiry: Expert Witness Support

#### Background

A planning application for a 30 turbine wind farm between the villages of Llanbrynmair and Llanerfyl (Powys), was submitted to the Department of Energy and Climate Change (DECC) in 2009 by Renewable Energy Systems (RES) Ltd. An objection was received from Powys County Council (PCC) in September 2012. The objection and subsequent refusal triggered a Public Inquiry, which was conjoined with four other applications for wind farm projects in Powys and an overhead grid connection line.

In response to consultee feedback on the Ecological Impact Assessment (EclA), Supplementary Environmental Information (SEI), including information relating to bats, was provided to accompany the application.

#### BSG Ecology's role in the project

BSG Ecology was appointed by RES in 2013 to examine the ecological reasons for refusal and to resolve outstanding objections in relation to potential impacts on bats for both the wind farm and the access route. BSG was not involved in the site prior to planning permission for the application being refused.

BSG Ecology initially reviewed objection letters from nature conservation consultees including Natural Resources Wales (NRW) and PCC. Additional bat surveys were carried out to address gaps in the baseline data set, both at the wind farm site and along the access route from the site to Llanerfyl.

#### Aims of Additional Survey Work

The aim of the additional bat survey work was to provide an informed basis for NRW and PCC to remove their objection and/or to suggest appropriate planning conditions. Additional surveys were completed between May and August 2013.

These included walked transects, automated bat detector surveys, and roost surveys at the wind farm; driven transects, automated bat detector surveys and roost surveys were undertaken along the access route.

BSG Ecology prepared a SEI report that included an updated impact assessment for bats. It was submitted to the Inquiry in October 2013. Having reviewed the bat SEI both PCC and NRW maintained their objections to the scheme.

#### Provision of Expert Witness Support

Dr Peter Shepherd provided expert witness support in relation to bats during the Public Inquiry. During the pre-Inquiry process, the Bat SEI was scrutinised by Powys County Council (PCC) and Natural Resources Wales (NRW). Although NRW and PCC removed their objections to the wind farm scheme following the agreement of common ground over post-construction monitoring conditions, they objected to the access route proposals through their Proofs of Evidence and subsequent rebuttals of BSG evidence. Both NRW and PCC favoured an option for RES to use the same access route as the adjacent proposed Carnedd Wen Wind Farm, another application being considered as part of the conjoined Public Inquiry, and maintained that the access route proposals would lead to a potentially significant negative impact on roosting and foraging bats. BSG Ecology held a position that impacts on foraging and roosting bats would be minor and temporary.

The Public Inquiry was held between 6 June 2013 and 30 May 2014 in Welshpool, Powys. At Inquiry NRW conceded that there was unlikely to be a significant effect on bats from the access route proposals and common ground was agreed with NRW, although PCC maintained their position. A decision is expected in early 2015.

#### Public Inquiry Decision and Subsequent Events

The Public Inquiry was held between 6 June 2013 and 30 May 2014 in Welshpool, Powys. At Inquiry NRW conceded that there was unlikely to be a significant effect on bats from the access route proposals and common ground was agreed with NRW, although PCC maintained their position.

The inspector passed his report to the Secretary of State in December 2014 and, in early March 2015, DECC announced that the decision would not be made until the next Parliament. On 7 September 2015, the Secretary of State for Energy and Climate Change refused planning permission for the scheme on visual impact grounds, despite the planning inspector recommending approval in his report. RES requested a judicial review of this decision in October 2015. Subsequently, DECC's decision was quashed by the High Court on 21 December 2015 and was referred back to the Secretary of State. DECC accepted this decision but had not provided a response at the time of writing (August 2016).