Reference	Quoted text or subject matter	Comment
Chapter 7 – Ecology (non-avian)		
7.9	"Decommissioning is considered to result in similar potential significant effects to construction, although the magnitude of the impact is likely to be lower. This is based on the access tracks and hardstandings likely remaining in situ so there will be no impacts associated with their removal (such as sedimentation, further disruption to habitats etc). Decommissioning is therefore scoped out of the assessment."	Why is it assumed that the access tracks and hardstanding will remain in situ? This suggests a firm intention to 'repower' beyond the lifetime of the scheme – in which case arguably this extended timeframe should be basis of the assessment. This has particular implications for the assessment of collision risk to bats and birds. It also has implications for the assessment of the wind farm as a facilitator for improved de facto public access and sources of disturbance to sensitive fauna in more remote parts of the site – something that is commonly catalysed by wind farm developments.
7.11 (bullet 2)	"In line with common practice for wind farm assessments, due to the size of the Site and small footprint of the Proposed Development a targeted survey for reptiles was not considered pragmatic. However, any incidental observations of reptiles were recorded during other surveys and mitigation for reptiles will be included within the CEMP where suitable habitat is present. Therefore, reptiles are scoped out of the assessment."	While the decision not to undertake reptile survey of the entire site is based on understandable logistical factors, there is no explanation given as to why targeted surveys of suitable habitats / areas (e.g. where the most suitable habitat is affected by proposed wind farm infrastructure) were not carried out. This would have yielded important information for the EIA and would have ensured compliance with relevant guidance and practice[1]. In any event, the decision to then go on to scope reptiles out of assessment is unjustifiable, as returned to below. This is not a correct approach to EIA or to the presence/absence of protected species. It is noted that the NRW consultation response cited at Table 7.1 is cited as NRW saying "*the EIA for this development should include sufficient information to enable the local planning authorities to determine the extent of any environmental impacts arising from the proposed scheme on legally protected species*". and also "*The EIA must include a description of all the existing natural resources and wildlife interests within and in the vicinity of the proposed development together with a detailed assessment of the likely impacts and significance of those impacts*.". The applicant claims in the same table that "*All existing natural resources and wildlife interests are described and impacts assessed in paragraphs 7.78-7.174 and 7.183-7.328*" However this is patently not

[1] E.g. TAN5 – para 6.2.2 "It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision".

Reference	Quoted text or subject matter	Comment
		the case as it has a) not determined the baseline as regards reptiles and b) not assessed the impact on that baseline. Ditto the comment "*All surveys/assessments required to assess the likelihood of habitats and protected species being present which may be impacted by the proposals, have included the Site and where necessary land adjacent to the Site*" and also "*All surveys were undertaken following best practice guidance*". These statements are not supported by the scope and content of the ES. See also further NRW comment cited at Table 7.1 on p7-14: "*Should protected species be confirmed, information must be provided identifying species-specific impacts in the short, medium and long term together with any mitigation and compensation measures proposed to avoid, reduce or offset the impacts identified. We advise comprehensive descriptions of the habitats affected are included to support robust conclusions about their significance for the species.*". The ES fails to do this wholly as regards protected reptiles (and as regards white clawed crayfish, salmonids and other species as is returned to below).
5.3	"No notable plant species were recorded during the field survey."	Much of the habitat and botanical work, including (critically) the NVC surveys, was in fact carried out outside the optimum period for such surveys, as is acknowledged in the relevant reports at Appendix 7.2 and 7.3. Therefore, the assertion that survey timings were optimal is challengeable, at least for parts of the site. In combination with the (again acknowledged by the applicant) significant impact on vegetation quality due to a legacy of high grazing pressure at this site, this is likely to have significantly suppressed the efficacy of the habitat and botanical surveys, at least in some areas. We consider the fact that "no notable plant species" were recorded" across this large land area with its significant representations of semi-natural plant communities, is likely more symptomatic of those suppressing limitations, than it is reflective of the true position. Two other factors are also likely implicated. First: the decision to adopt fairly large MMU (minimum mapping units) is, we contend, a highly questionable approach given that the scarcer and rarer species that might be expected to occur here are most likely to be found in small scale habitat representations below this coarse scale of granularity. For example, rock outcrops and small-scale sedge flushes are likely to be below this scale and yet they are
7.43	None of the notable plant species identified in the desk study as having been recorded on Site or within the local area were recorded in the habitat surveys despite optimal survey period timings. The main part of the Site is improved grassland, which has been significantly overgrazed in the past, although grazing pressures have since reduced. It is possible that some of the species occur in other parts of the Site where grazing levels have not been deleterious to these species but if that is the case, numbers are low or they would otherwise have been recorded. As such, this is not considered a survey limitation, and instead a change in habitat suitability.	

Reference	Quoted text or subject matter	Comment
		disproportionately likely to hold scarce species in upland habitats such as this. These will have been missed through homogenisation into surrounding areas through the adoption of MMUs of a scale as coarse as 150m^2. Similar comments apply to smaller and/or seasonal waterbodies – several of which do not appear on the habitat mapping presented in the ES but are evident on aerials and on the ground. Secondly, given that the cited interest features of the adjoining and part-overlapping Radnor Forest SSSI specifically include scarce plants and bryophytes, we fail to understand why no bryophyte surveys were carried out at all, or even apparently scoped/considered, and why no targeted attempts were made to search for the scarcer high plant (vascular) species that are cited. On a brief site visit on 18 June 2024 it was determined that significant areas of habitat appear to have been classified incorrectly by reference to the NVC and UKHab classifications. The issue was noted to apply in particular to several of the areas mapped as NVC type U4 grassland (many of which were noted in June 2024 to plainly be representations of H18 *Deschampsia/Vaccinum* heath), and to many of the areas mapped as MG6 or MG6/MG7 some of which are plainly referable to U4. This is an important issue as the ES presents quantitative assessments of the loss of Section 7 Priority Habitat (including H18) and yet those figures are evidently not reliable. The cumulative impact of these deficiencies significantly undermines confidence in the accuracy of the habitat surveys and the assessments based on their results.
7.50	[Bats] "no detectors have been sited within proximity (based on a static detector acoustic range of between 30m to 100m) to the final proposed turbine locations. However, as shown on Drawings 1 and 2 in Appendix 7.5, the static detectors have provided good coverage of the overall Site and different key habitats within. In 2020, 33 detectors were deployed with 16 of	The robustness of the baseline on bats is undoubtedly reduced by the fact that changes to the design means that some turbine locations have not been sampled. It is of course true that best practice is to survey and then adapt the design to survey results, but that is no more than is required by the mitigation hierarchy and the step-wise approach. But for the modified design to then be capable of being robustly assessed, it is self-evident that further targeted data sufficient to assess the modified design robustly ought to have been collected. In the absence of such data, decision makers are unsighted as to whether the

Reference	Quoted text or subject matter	Comment
	those within 250m of a proposed final turbine location. In 2022, 24 detectors were deployed with 13 of those within 250m of a proposed final turbine location. In conclusion, the lack of data at exact turbine locations is not considered to be a significant limitation to the overall Bat Risk Assessment"	modified design is actually better for bats as against the original unmodified design. There is little to reassure them that it could not be worse.
7.61	[white clawed crayfish/salmonids] "Through the use of aerial imagery/topography, the watercourse was assessed and is considered to be comparable with other areas comprising a mixture of overland runoff in the head reaches as well as a series of shallow runs and cascades which would be suitable for minor fish species such as bullhead and potentially white clawed crayfish."	Given that a) the suitability of the watercourses on the site for both the European Protected Species white clawed crayfish, and for species such as bullhead and salmonids is acknowledged by the applicant and b) it is also acknowledged that such species provide a functional linkage vector to the downstream SAC (as accepted in the shadow HRA – Appendix 7.11), the decision not to undertake appropriate surveys to determine presence/absence and the extent to which they may be affected, is inexplicable and entirely contrary to incumbent guidance[2]. This issue is returned to below.
7.65	"The current conservation status of the River Wye SAC and SSSI is mostly unfavourable due to invasive species, nutrient enrichment and habitat and population fragmentation."	As a generic statement this is broadly correct, but a more considered approach would be expected to have been applied which considered, specifically, whether the upper reaches of the Wye system (including the most proximal sections downstream of the site) were in unfavourable or favourable condition as compared with the whole. The negative factors cited here arguably apply more to lower reaches of the system than to those most relevant to the EIA and HRA.
7.66	"Radnor Forest SSSI covers an area of 836 ha. Designated features of Radnor Forest SSSI are listed on Natural Resources Wales [sic] as including: ■ Dry heath; ■ Blanket bog; ■ Rocks supporting a variety of mosses and liverworts including several scarce species;	See comment above in response to 5.3 and 7.43. Given that the adjoining and part overlapping SSSI is designated in part for 'rocks supporting a variety of mosses and liverworts including several scarce species' and that 'Locally rare plants' are given specific mention in the SSSI citation, the absence of any detailed search or consideration of such species on the application site is an omission. No bryophyte surveys were carried out at all.

[2] See in particular para 6.2.2 of TAN5. https://www.gov.wales/sites/default/files/publications/2018-09/tan5-nature-conservation.pdf

Reference	Quoted text or subject matter	Comment
	■ Locally rare plants; and ■ Upland breeding birds."	
7.96	[Bat] "Activity overall was higher in 2022 than 2020 with an average of 92.69 bat passes per night (BPPN) in 2022 compared to 30.24 in 2020. As discussed within the Bat Risk Assessment (Appendix 7.5) without weather data from 2022, it is not possible to definitively state whether weather was an influencing factor in the higher bat activity levels observed in 2022. The Met Office provide historic weather data and the nearest weather station is in Ross-on-Wye approximately 55km south-west of the Site. Using this weather station to compare the 2020 and 2022 weather data between May and October, would suggest that there was higher rainfall in 2020, particularly in June and August where in 2020 the rainfall was at least double that recorded in 2022. This may have resulted in reduced recorded bat activity in 2020 if the recording periods coincided with periods of heavy rain."	It is most unlikely that the significant difference between the bat survey results from 2020 to 2022 is solely down to different weather conditions/rainfall. There is no discussion as to whether methodological differences are responsible for both more genera (including lesser horseshoe) and more passes being recorded in the latter year, but this is more likely. In this context the 2020 data should be considered less reliable than the 2022 data. See also comment above about the absence of coverage for changed turbine locations.
7.102	"Overall, a site level importance of Regional is considered appropriate."	We would agree with the assessment that on the basis of the available data, the bat assemblage is Regionally important. Given that this assemblage includes species with fairly sparse population distributions (e.g. noctule) and an acknowledged high intrinsic risk of collision/barotrauma mortality from interaction with wind turbines, we also agree with the ES that the risk of significant mortality is likely high in some turbine locations. However in the absence of turbine-specific data for some locations, the ES does not permit very robust conclusions to be drawn overall.
7.174	"The survey identified suitable habitats to support minor fish species in 15 watercourses,	Given this conclusion, it is inexplicable and in our view a significant failing of the EIA that further surveys of these taxa were not carried out. The failure to

Reference	Quoted text or subject matter	Comment
	habitats suitable for juvenile salmonids in five watercourses and habitats suitable to support white-clawed crayfish populations in 12 watercourses."	determine the presence/absence and extent of risk to white clawed crayfish – a European Protected Species – fails to accord with incumbent planning policy and practice guidance and has implications for the legal robustness of both the EIA and HRA, as is returned to below.
Table 7.9 (page 7-85)	Row 2 (Radnor Forest SSSI) "Designated for habitats"	This is not wholly correct by reference to the citation which mentions individual species of higher and lower plants.
Table 7.9	Evaluation of habitats	The lumping of inherently species poor habitats (MG6/MG7) together with those of measurably higher quality U4, U5, M23 etc is not justified, is poor practice and is challengeable. By doing so, the assessors have felt justified in 'scoping out' (and consequently disregarding) impacts on U4 and U5 grasslands. However, U4 grassland in particular can be of high nature conservation interest (it is often associated with important fungal assemblages for example) and large-scale losses have the potential to be locally significant in EIA terms. There is also the fact that significant areas of H18 Priority habitat appear to have been misclassified as U5 grassland, and the fact that many areas mapped as U20 (bracken) are in fact a mosaic of bracken with higher value communities such as H18 or U4. Several standing water bodies also appear to have been overlooked. We consider this approach to evaluation to be unsupported by good practice (e.g. CIEEM Guidelines), or evidence and to introduce a serious weakness into the EIA that allows substantial losses of habitat with measurable value and importance to be disregarded. An example of the consequences of this homogenisation of poor quality with higher quality habitats, which has led to departure from the correct application of the mitigation hierarchy/step-wise approach to reducing harms, can be seen at Figure 7.3b of the ES. The proposed substation has been positioned across an area mapped as U4 where a minor adjustment could have seen it affecting lower value MG6. Indeed, as indicated later at Table 7.12, impacts on U5, U4, MG10 all exceed MG6, MG7 and MG6/7 in terms of area. The significant impact on H18 and M25 does not suggest avoidance was followed with due diligence and for the reasons expressed elsewhere, the quantitative figures given for these impacts are not reliable.

Reference	Quoted text or subject matter	Comment
		Elevating the value attributed to the sparse native species rich hedgerow resource on the site to 'Local', while at the same time scoping out the expansive areas of U4 & U5 as of lower value, is inconsistent with reliable value judgments, and suggests that formal/non-stat status is playing a greater role in evaluation in this ES than intrinsic value.
Table 7.9	Evaluation of plants	As set out in the comments under 7.43 and 7.66 above, the deficiencies in the habitat survey thoroughness and timing are as or more likely to be implicated in the absence of any notable plant species being recorded in the EIA surveys, and while the possibility of omission rather than absence is to some degree acknowledged by the applicant here, the attribution of 'less than local' to the value of this receptor cannot be taken as robust or reliable, and is certainly not precautionary. The absence of a species list for the site is somewhat telling and makes it difficult to assess the robustness of the habitat and botanical survey work.
Table 7.9	Evaluation of pine marten/polecat	Given that both species are acknowledged as present locally, additional targeted effort ought to have been made to establish presence or absence and in particular the extent to which these species might be affected by certain aspects of the proposed development (e.g. keyholing). As a corollary, because no specific survey effort was conducted for either species, the conclusion that they are 'likely absent' is baseless and unreliable.
Table 7.9	"The Site is likely to support common species of reptile, including slow worm and common lizard."	The decision to scope these protected species out of any further assessment is indefensible in the context that their likely presence is acknowledged and yet no survey has been undertaken. This clearly contradicts the advice set out in TAN5. It is further unclear that any consideration has been paid to the possibility that adder might be present on the site (e.g. in the overlapping parts of Radnor Forest and/or plantation areas and edges). The applicant states that it has consulted the NBN Atlas but it has not acknowledged recent records for the species in the locality.
7.182	Good Practice Measures (overarching comment)	Whilst various standard measures are described, nothing beyond nebulous reference to an ECA scheme (see comment below) is provided to indicate how these will be a) secured, b) enforced or c) independently scrutinised/reviewed.

Reference	Quoted text or subject matter	Comment
		Given the realities of wind farm construction in often challenging upland sites, we would argue that such assurances are required in order to avoid the problems that have been manifested on other sites where the reality of wind farm construction is a significant departure from the assumptions and commitments made at EIA stage. The absence of relevant assurances, mechanisms and commitments that provide surety/certainty and/or confidence in the assessment is a theme throughout this particular ES.
7.182 (Bullet 1)	"Protective fencing and buffer zones will be implemented around sensitive areas (designated sites, priority habitat, water features etc)."	There does not appear to be any discussion as to how protective fencing might be legitimately deployed on the common land elements of the application site without additional consents, and this does not appear to form part of the Commons Act application documentation.
7.182 (bullet 7)	"The Applicant will appoint a suitably qualified Ecological Clerk of Works (ECoW) prior to the commencement of any construction activities take place. The ECoW will be present on a regular basis to oversee site clearance and construction activities, provide toolbox talks to site personnel with regards to priority species and habitats, as well as undertake monitoring works, as appropriate".	It is a matter of concern that the ECoW is intended not to be a permanent presence during the construction phase, and that the specific qualifications of the ECoW, and how their independence and autonomy will be secured, are not discussed. The realities of wind farm construction and the empirical experience of those reviewing this ES reinforce the suggestion that a permanent ECoW that has sufficient independence, autonomy and powers to do their job properly, is essential if the measures sought ton be relied upon as embedded or additional mitigation are to be given anything close to the weight that the applicant asks be attributed to them.
7.182 (bullet 11)	"Where appropriate and safe to do so, all construction working areas with potentially suitable open habitats for reptiles will initially be cut during the active season for reptiles (April to October), under the guidance of the ECoW (e.g., using a brush cutter), to reduce the height of vegetation and make it less attractive for reptile habitation. The ECoW, or an approved contractor under the supervision of the ECoW, would move any potential refugia or hibernacula from working areas, either by hand or sensitively by machine. Working areas would then be kept	This measure seems to fall short of standard good practice by failing to stipulate that progressively shorter cuts would be employed initially. A single one-time initial cut, as is suggested, would pose an unacceptable risk of harm to any reptiles present at the time. Whilst this omission is easily rectified, the failure to specify how cutting/mowing would be implemented in soft ground conditions (e.g. where M25 habitat is affected), is a further omission). The level of risk to reptiles from this operation is also unable to be assessed due to the decision to carry out no survey work on this group.

Reference	Quoted text or subject matter	Comment
	unsuitable for reptiles through regular cutting until construction in that location commences".	
7.182 (bullet 11)	"In order to prevent pollution of watercourses within the Site (with particulate matter or other pollutants such as fuel), standard construction practice measures will be employed as set out in the Outline CEMP (Appendix 4.2). Full details of construction mitigation measures will be provided in the CEMP, post-consent but prior to the development commencing".	Given a) the critical importance of protecting the tributary watercourses on the site, with their scope to act as a vector for impacts to the River Wye SAC; b) their assumed or likely populations of European Protected white clawed crayfish and salmonids (indeterminate due to failure to carry out due surveys) and c) the particular challenges posed by site topography and prevailing (upland) weather conditions, this vague commitment to adhere to no more than standard construction practice is far short of adequate to give confidence that significant impacts, including on the SAC, can and will be avoided. This is a major failing of the ES. The particular sensitivities here require that tailored approaches to each watercourse crossing are a reasonable requirement of the EIA and planning processes in order to given confidence that significant environmental effects can either be avoided or mitigated. If they cannot, redesign of the scheme or refusal of consent would be necessary to ensure compliance with national policy and applicable legislation.
7.186 (bullet 12)	"The above activities have the potential to cause the following construction impacts to the IEFs identified:"	The four bullet-point list that follows this statement omits several significant sources of likely significant effect, including risk to the downstream River Wye SAC from silt and other water pollution and/or impact on functionally linked populations of fauna, and risks to other downstream habitats from indirect damage to vegetation, non-vegetated habitats and to aquatic fauna from silt and other water pollution mobilised in the vicinity of the site watercourses. The only indirect impacts on 'species' acknowledged are displacement and disturbance, and impacts on vegetation are assumed to be restricted to a 10m zone around all infrastructure. There is a failure to determine the likely or potential zone of influence of negative effects here.
7.186 (bullet 13)	"It is proposed that all ecological avoidance, mitigation and compensation works described in this chapter will be delivered through an Ecological Compliance Audit (ECA) scheme. The ECA scheme will be agreed with the LPA post consent but will identify Key Performance	No information is provided on how the LPA will be funded to ensure the ECA is appropriately resourced and policed. It is noted that no discussion or agreement with the LPA over this matter is reported upon here. For any weight to be attributed to this in the determination process and the exercise of the planning balance, such detail is necessary and important.

Reference	Quoted text or subject matter	Comment
	Indicators (KPIs) that are to be used for the purposes of assessing and evidence compliance of all identified ecological actions."	
Table 7.11	Decision to scope out ancient woodland	The assumption that significant impacts on ancient woodland will be avoided such that this IEF can be scoped out of further consideration is challengeable, given that several such ancient woodlands (as shown on Figure 7.1b) are associated with stream courses that will be at risk from sediment and other water quality impacts.
Table 7.11	Decision to scope out impacts on W7	W7 is a woodland type dependent on high water table and therefore where it occurs along stream courses downstream of proposed crossing points, it will at risk of indirect impacts from silt and other water pollution. The suggestion that such pollution vectors would be restricted to 15m in extent along stream features is palpably incorrect.
Table 7.11	Decision to scope out impacts on reptiles	See above under 7.11 and Table 7.9. The decision to scope out reptiles is clearly in contradiction of standard EcIA practice and planning policy guidance. Furthermore., the proposed preventative mowing regime would, as described, involve risk of harm to reptiles.
7.185	Predicted construction effects	It is worth noting that 25.65km of 5.5m wide track construction, with additional cut and fill, cable trenching and drainage, and numerous crossings of incised stream courses is a significant project in its own right.
7.186	"The above activities have the potential to cause the following construction impacts to the IEFs identified:" [list follows]	As remarked upon above under 7.186 (bullet 12), this list omits several potential construction phase impacts including risk to the downstream River Wye SAC from silt and other water pollution and/or impact on functionally linked populations of fauna, and risks to other downstream habitats from indirect damage to vegetation, non-vegetated habitats and to aquatic fauna from silt and other water pollution mobilised in the vicinity of the site watercourses. The only indirect impacts on 'species' acknowledged are displacement and disturbance, and impacts on vegetation are assumed to be restricted to a 10m zone around all infrastructure. There is a failure to determine the likely or potential zone of influence of negative effects here

Reference	Quoted text or subject matter	Comment
7.188	"Habitat lost to the Proposed Development has been calculated using the following assumptions: ■ Permanent loss: – All habitat under permanent dug track/hardstanding will be lost; and - A 3m radius of habitat from all dug track will be lost (due to embankments and drainage ditches)."	The assumed impact radius zones appear most unlikely to cover the true extent of habitat loss impacts. The access track is 'assumed' as 5.5m wide (no allowance appears to be given for widening on bends and junctions) over and above which will be construction landtake for drainage ditches and cable trenches. If the site was a billiard table this might be achievable, but the gradients on the site suggest significantly more than this will be required at many locations due to cut and fill. In addition, an impact radius of a mere 10m has been allowed for when considering hydrological impacts on habitats (inc peat). Indirect habitat losses in surface water systems around and downstream of proposed crossing points also appear to have been grossly underestimated (cf 'running water "worst case" assumption of a mere 110m affected on the basis of 432m of loss and associated disruption across 12 watercourse crossings (page 7-115)). This equates to less than 10m of downstream impact/effect at each crossing. On any realistic analysis this is optimistic, but given that the EIA relies upon only standard industry pollution prevention practice, it is unrealistic to the point of fanciful. By reference to Figures 2-6 and 2-7 of Appendix 11.2 (Outline Drainage Strategy) (p18-19 of that doc), it can be seen that the anticipated spatial extent of cut and fill exceeds this distance considerably in several areas of the site. Consequently, the habitat loss impacts of much of the area of proposed cut and fill have not been assessed in the EIA. The assumptions around direct landtake are thus perhaps 3ha short by a rough calculation from Figs 2-6 nd 2-7 of Appendix 11.2. This is a serious omission which undermines the habitat loss calculations in table 7.12 and the impact assessments predicated upon them.
Table 7.12	Groundwater Dependent Terrestrial Ecosystems (GWDTE)	This table confirms that landtake is proposed from GWDTE habitats such as M23 mire and M25 mire. It is noted that Appendix 7.4 (NVC/UKHab survey) cites SEPA guidance at para 5.2 of that document as follows: "*Where possible, habitats that are located within statutory designated sites or are sensitive must be avoided and protected from harm. As per the SEPA (2017) guidance on GWDTE, and as per PPW 12 Chapter 6 on irreplaceable habitats,*

Reference	Quoted text or subject matter	Comment
		buffer zones of 100m and 250m are proposed where all proposed development works are undertaken: • *Within 100m radius: all excavations less than 1m in depth; and* • *Within 250m radius: all excavations deeper than 1m*." This quoted advice and guidance does not appear to have been followed in the design of the scheme.
7.192-7.197	Assessment of Effects – River Wye SAC	The applicant acknowledges that the project has the scope for likely significant effects on the River Wye SAC from works associated with the crossing of tributary watercourses. However, due to a failure to conduct appropriate survey work in accordance with incumbent CIEEM guidance and planning practice guidance (TAN5), the assessment is carried out in an information vacuum about the scope for, significance of, and ability to mitigate impacts on functionally linked white clawed crayfish and salmonid fish that may occupy the downstream zone of impact. There is also an information vacuum around the technical challenges of implementing appropriate silt and chemical pollution controls in the constrained crossing locations and terrain. Consequently, there is no evidential support for the impact assessment offered at 7.197.
7.198-7.202	Assessment of Effects – Radnor Forest SSSI	The assumption that "indirect impact to habitats are assessed to within 10m of the footprint of a development" is unsupported by evidence. In situations where peat is fissured and subject to subsurface flows, a larger zone of indirect influence could be possible, potentially in excess of the 19m that is cited as separating project infrastructure from the SSSI boundary. Whilst it is correct for the applicant to state that downslope works are unlikely to give rise to spillages into the SSSI, the assumption that drying due to excavations is unlikely due to the same factor is fundamentally flawed. There is therefore insufficient evidence in the EIA to support the conclusion offered that effects on the SSSI will be "negligible and not significant in the context of the EIA regulations".
7.203-7.207	Assessment of Effects – Upland Dry Dwarf Shrub Heath (Priority Habitat)	The assessment concentrates solely on direct habitat losses (17.38ha) to the exclusion of indirect effects. It is unclear what assumptions this is based upon but it is assumed that the assessment proceeds on the basis that physically disturbed or damaged representations of this habitat outside the permanent landtake areas will recover quickly and completely. This is a flawed assumption

Reference	Quoted text or subject matter	Comment
		as Bioscan can testify to with empirical experience from wind farm sites elsewhere. We would also remark that a 17.38ha loss of a Priority habitat is arguably significant regardless of context. If a housing scheme were proposed on a 17.38ha priority heathland habitat site, the impact would not be dismissed as sub-significant and/or minor adverse. The scale of this project is being misused to set a misleading context for habitat losses that are significant in their own right.
7.208-7.212	Assessment of Effects – Purple Moor Grass and Rush Pasture (Priority Habitat)	Similar comments apply to those in the row above. Bioscan's experience is that this does not recover well or quickly from construction disturbance. The statement, at 7.210 that ""the adoption of standard good practice and environmental management techniques, as well as an appropriate and considered drainage design, will likely reduce potential indirect impacts considerably by way of maintaining hydrological flow throughout the peat macrotope and reduce the risk of impacts on purple moor grass and rush pasture." This is an incredibly vague and unsupported statement and offers no confidence in the robustness of the impact assessment.
7.237-7.243	Mitigation – River Wye SAC "In order to monitor water quality within the Site during construction, a water quality monitoring program must be developed to detect and rectify any pollution incidents that occur immediately. This will begin prior to construction to determine the baseline data and continue regularly throughout the construction period. The ECoW will also monitor the water quality and will have the right to stop work as deemed necessary. All details of water quality monitoring including locations will be agreed with statutory consultees and included within the CEMP".	In common with the theme throughout much of the ES, these paragraphs reveal how the assessment is predicated on no more than standard construction practice, incomplete or absent evidence and detail as to how and why they would work in the particular circumstances of the site, with the gaps left between that position and due/requisite certainty or confidence levels attempted to be bridged by assumption and/or deferral of detail to the post-consent stage. It is stated that the CIEEM approach - of starting from an assumption that adherence to good industry practice is a given – is followed, and yet these paragraphs read as an attempt to portray standard practice as additional mitigation. Great reliance is placed on monitoring as a proxy for mitigation, with little or no detail provided to enable an assessment of the likely efficacy of the latter. The ECoW will be responsible for water quality monitoring regime "to detect and rectify any pollution incidents" (rectify how?) but there is no illustration or detail of what measures would be taken in the (likely) event of a major silt pulse. It is stated that the ECoW will 'have the right to stop work as deemed necessary". But no detail is provided on how these stop powers would work in reality and how the

Reference	Quoted text or subject matter	Comment
		ECoW would be given the autonomy to decide when to deploy them. Overall, the safeguards offered to protect the River Wye SAC from indirect impacts (and by extension functionally linked populations of protected white clawed crayfish and fish) amount to little or nothing above the standard and everyday, despite the attempts to portray them otherwise.
7.244	"If white-clawed crayfish are found to be present during pre-construction surveys in areas likely to be directly impacted by the Proposed Development (i.e. watercourse crossings), a habitat compensation plan may be required to replace any habitat that may be lost. Additionally, translocating crayfish to another suitable habitat within the same catchment, may be necessary under a Natural Resources Wales (NRW) License; though the feasibility of this will need to be discussed with the regulator and a license application may be required".	This approach to a European Protected Species (white clawed crayfish) that is acknowledged by the applicant as likely to be present runs flat contrary to established guidance (e.g. TAN5 paras 6.2.1 and 6.2.2) and relevant case law (e.g. *Hardy*). The error is compounded by the fact that at the locations of potential impact, white clawed crayfish populations may be functionally linked to the River Wye SAC.
7.245	"Measures to avoid impacting the natural flow of water will be implemented including the use of the largest box culvert possible to maintain continuity of flow in any channels".	There seems to be no recognition on the likely implications such an approach would have for construction land-take, cut and fill, silt mobilisation and risk to downstream receptors. These factors sit diametrically at odds with the optimistic assumptions that the impact zone around the construction areas shown on the application plans will be a mere few metres.
7.248	Habitat Management Plan/ OHMP	This document, and the weight that should or should not be attached to it (and the benefits it purports to secure) in planning determination, is reviewed later in this table. In summary, the beneficial enhancements it proposes are undermined by an absence of any evidence that there is any 'buy-in' from landowners/graziers, particularly on the matter of conservation grazing.
7.254	Badger mitigation/compensation measures	The last bullet point (#8) states "Where identified badger tracks in regular use are intersected by th e access track it is recommended that these are connected using a mammal underpass beneath the access track.". This is one of multiple examples in the ES of throwaway reference to possible mitigation measures without any underlying commitment, and without any consideration of the

Reference	Quoted text or subject matter	Comment
		knock-on implications. The installation of mammal underpasses beneath tracks will either be wholly impractical, or it will generate significant additional landtake and construction disturbance implications that have not been assessed.
7.259-7.260	Residual construction phase effects – River Wye SAC "7.259 The mitigation strategy involves measures to prevent pollutants entering the watercourses and a water quality monitoring program will detect any incidents and rectify them immediately during construction. A surface water management plan is also included in the CEMP and this will detail measures to prevent contaminated run-off from construction. 7.260 Following implementation and monitoring of mitigation measures, residual effects on the protected sites during construction are considered to be negligible and not significant."	The measures proposed to protect the River Wye SAC and habitats and species functionally linked to it appear to amount to 'we will implement a water quality monitoring program which will detect any incidents (no explanation as to how, and/or how quickly) and rectify them immediately (ditto) during construction'. This is woefully short of sufficient to provide any confidence to decision makers or consultees that the SAC is not at risk of significant impacts from this scheme. See also comments on Shadow HRA below.
7.262	Residual construction phase effects - habitats	The residual effects on habitats are assumed to be net beneficial due to future management, but the OHMP does not provide confidence in this: it appears to be a fudge that will not (amongst other things) prevent continued and future overgrazing of the site. See review of OMHP below.
7.270-7.283	Operational phase impacts – bats	A 'moderate adverse' and 'significant' impact on bats, including in particular thinly distributed and high risk species such as noctule, is identified in the ES. It is noted that, in contrast to the position with bird species indicated to be at risk of regular collision mortality (e.g. red kite), no Population Viability Assessment is provided for the predicted impacts on this species with and without mitigation. We consider that this would be useful in determining the overall impact on bats, and bringing it up to an equivalent level of consideration as is given to birds. Without it, the local and regional population level implications for this species are unclear.

Reference	Quoted text or subject matter	Comment
7.290	"The OHMP incorporates measures such as riparian restoration to reduce the potential for impacts to the SAC downstream of the Site. Riparian restoration will reduce sedimentary runoff to the watercourses as well as improve habitat for SAC qualifying species. Further mitigation measures in relation to water quality are detailed in Chapter 11."	The reliance on 'riparian restoration' as mitigation for impact risk to SAC misses the highest risk construction phase and its enforceability and deliverability is in any event questionable without explicit evidence of landowner buy in, including the protection of new planting from grazing pressure.
7.291	Mitigation measures for impacts to bats	The high risk of significant impacts to bats is duly and fairly acknowledged in the ES. However, such mitigation as is offered is proposed to be secured by condition, rather than being subject to detail and an assessment of efficacy in the EIA. The statements in this para in fact amount to little more than nebulous reference to options and good practice, rather than anything tailored to the site conditions. This fetters due consideration of the Regulation 63 tests and runs counter to the case law around European Protected Species established in *Hardy*/*Morge.*
7.292-7.294 (inc Table 7.14)	Buffers between turbines and habitat features important for bats	Taking the appropriate three-dimensional approach, it is noted that some turbines will be within 33m of the "woodland edge". However, this does not appear to account for future growth of woodland trees which could bring that interface below 30m over time. We also note that the suggestion is made in Chapter 8 that scrub should be allowed to develop around the turbines to discourage red kites. It is unclear how this aligns with the measures proposed here and the guidance around buffering turbine locations from habitats likely to attract bats.
7.296-7.308	Collision risk conclusions and mitigation	The effectiveness of curtailment, and the appropriateness of the process of selecting turbines for curtailment, is undoubtedly reduced by the fact that changes in the development design have led to some turbine locations not being sampled. Best practice is indeed to survey and then adapt the design to survey results, but that is no more than is required by the mitigation hierarchy and the step-wise approach. But for the modified design to then be capable of being robustly assessed, further targeted data sufficient to assess the modified design

Reference	Quoted text or subject matter	Comment
		robustly ought to have been collected. How do we know that the modified design is not worse for bats without such data? Overall, these paragraphs read as a series of rather throwaway statements or commitments, the substance and applicability thereof deferred wherever possible to condition. In combination with the lived experience of the nearby Hendy windfarm, and the construction phase realities of other upland wind farm sites, this does not inspire confidence. The section on curtailment for example (7.306 – 7.307) merely references NatureScot guidance – it does not frame this within, or apply it to, the particular circumstances of this site. There is no discussion or evidence presented that decision-makers can rely upon to assess whether such measures will be effective in ameliorating the acknowledged 'high' risk to bats at all, and/or reducing it to an acceptable and policy/legally compliant level. Decision-makers are merely being asked to place confidence in efficacy because "it is in line with guidance". That is a low bar and one that does not take into account any of the specific circumstances or challenges pertaining to this site.
7.3.10	"On completion of the three -year post-construction monitoring the residual effect for bats is considered to be minor to negligible adverse and not significant."	This statement appears to pre-judge the results of the three-year monitoring and predict its conclusions before it has even happened. The borderline implication in this statement (and many others in the ES) is that monitoring is the same as mitigation. It is not.
7.313-7.319	Cumulative impact assessment	The cumulative assessment only considers the under-construction Hendy wind farm project. It is unclear whether other types of development project (and in the context of HRA requirements also other non-development projects) have been given any consideration at all. Self-evidently, siltation impacts on the feeder watercourses to the River Wye SAC from other projects could exacerbate risk to that site, as just one example. The ES, as written, dos not provide confidence that such matters have been duly considered and where appropriate assessed. As to the Hendy scheme, review of the ES reveals that it determined a number of negative effects, including on receptors common to the Nant Mithil site, that were sub-significant. The Nant Mithil EIA appears to take the view that such

Reference	Quoted text or subject matter	Comment
		effects cannot act in combination because they are sub-significant in EIA terms. That is a nonsense. A much more in-depth review of cumulative and in-combination effects is called for. One would also expect the Nant Mithil EIA to have sought to avail itself of monitoring data on bird and bat fatality, sediment pollution effects, displacement and other impacts from wind farm projects in the region in order to improve certainty of predictions and in accordance with best practice. That it fails to do so renders the cumulative impact assessment deficient. This matter is returned to under the consideration of impacts on certain scarce and protected bird species in the review of Chapter 8 below.
7.321	Further Survey Requirements and Monitoring "In order to determine the presence/absence of salmonids and white-clawed crayfish within the watercourses of the Site, further pre-construction surveys are proposed, which will involve electro fishing under an NRW licence within the watercourses likely to be impacted by watercourse crossings. eDNA metabarcoding for fish and white-clawed crayfish will also be undertaken. Should presence be confirmed, mitigation measures will be implemented as outlined under additional mitigation to prevent significant impacts on these qualifying species".	No explanation is offered as to why such surveys have not been carried out prior to submission of the ES in accordance with industry practice, incumbent planning practice guidance and case law, and especially in light of a) the acceptance by the applicant that these species are likely to be present in affected and/or immediately downstream sections of affected watercourses and thereby at risk of effects, and b) the similarly accepted likelihood of functional linkage to the River Wye SAC. The suggested approach – encapsulated by the statement "should presence be confirmed, mitigation measures will be implemented as outlined under additional mitigation to prevent significant impacts on these qualifying species" is precisely the approach found to be unlawful in *Hardy* and which consequently fails to accord with the planning practice guidance set out in TAN 5. Other than vague reference to standard practice the mitigation that would be deployed in the likely event that presence is confirmed is not specified or detailed, beyond a throwaway reference to a possible need for translocation. Again, this is precisely the approach that has been found to be unlawful elsewhere. There is no consideration for example of the physical and practical constraints to effective silt and run off management that will be imposed by the steeply incised water course channels that will need to be crossed. This is a major failing of the EIA.

Reference	Quoted text or subject matter	Comment
Chapter 8 – Ecology (Avian)		
Table 8.1	Wintering birds survey effort	We do not agree with the justifications presented in Table 8-1 in response to NRW queries about the wintering birds effort. Compression of survey effort into only a part of a survey season increases the chances of anomalous and/or unrepresentative data and can be crucial for detecting or missing some species. The confidence in the assessments on wintering birds is inevitably undermined by this limitation, which may be behind surprising and anomalous survey results, such (*inter alia*) as the low registrations of starling (section 7 species) when there are known large winter roosts in the locality. The issue is compounded by the concerns over spatial coverage as indicated below.
Table 8.1	Breeding birds scope	It is not encouraging in terms of the approach to assessment that the applicant originally tried to scope out some Section 7 species.
8.22-8.23	Wintering and breeding birds methodology	There is a major methodological issue with the claim that the site received adequate coverage during the breeding birds and winter walkover surveys. On the basis of the information provided in these paragraphs (and the supporting appendices), the claim is simply not tenable. Covering the site to within 100m on each visit - as is claimed - would entail each visit covering in the order of 140km of walking on challenging upland terrain for each survey. This would require very significant manpower hours. Yet the numbers of visit days spent on each survey averages at 6.25 in 2020 and 5.5 in 2021. This means surveyors would have needed to cover 21.12 km on each visit in 2020 and 26.4km on each visit in 2021 for the site to be covered to within 100m of each point (even before one considers the claimed 500m buffer beyond the site boundary). On this upland terrain this is wholly impractical, especially given that a) effective survey requires additional stopping time for observations and note taking, b) there is a need to complete breeding birds surveys before midday in accordance with best practice, and c) the daylight challenges of winter surveys compress the available survey time in the winter months. In short, the evidence indicates that this claim cannot be substantiated and that extensive areas of the site will have had a level of bird survey coverage that is far short of what is claimed, and

Reference	Quoted text or subject matter	Comment
		inadequate for robust results. These deficiencies are likely implicated in some of the anomalous or surprising results imported – including the paucity of crossbill records (a Schedule 1 species noted to be abundant in the plantations in the SE of the site in June 2024), the paucity of records of starling (with known major winter roosts nearby), and the conservative estimates of skylark and meadow pipit breeding densities, in comparison to the empirical position noted in June 2024.
8.23	Breeding birds survey methodology	Whilst the Brown and Shepherd methodology is a recognised technique for upland waders, it is less effective for other species groups – in particular passerines, and should not have been deployed for the farmland areas at the western fringes of the site and the plantation woodlands in the east where other techniques (e.g. CBC) are more appropriate. This limitation and its possible implications for varying robustness across species groups should have been acknowledged.
8.23	Breeding birds survey methodology "Four survey visits were therefore conducted during survey Year 1 from May to July 2020, inclusive, and in Year 2 April to July 2021, inclusive, with a minimum two-week gap between survey visits."	These surveys commenced too late to be robust and effective for certain species – e.g. goshawk. The late start in 2020 (late May) is a very significant limitation on the robustness of the survey results for that year.
8.29	Breeding birds survey methodology "it is considered that the truncated 2020 survey season has not resulted in significant limitations to the assessment."	For the reasons given in the above rows, we do not agree with this statement. In effect, short of two years' worth of breeding birds data has been collected and via use of methodologies highly unlikely to yield adequately representative and/or robust results for many key species.
8.30	Impact assessment methodology "an impact assessment is then undertaken for scoped-in IOFs that assumes construction industry standard mitigations will be followed".	This approach contrasts with the approach in Chapter 7 where such measures (e.g. adherence to a CEMP) are presented as additional mitigation, as they are in the HRA.

Reference	Quoted text or subject matter	Comment
Table 8.3	Definition of impact magnitude	In this table a 1-5% reduction in the regional population of a bird species is classed merely as a 'low' magnitude impact. This is a questionable approach that departs from the CIEEM approved EcIA method and which risks downgrading impacts that are significant in EIA terms. For example, a >1% reduction in regional population would be a negative impact significant at regional level following CIEEM methodology.
8.71-8.72	Red kite collision risk assessment	Operational collision risk is calculated at around ten birds a year. This level of mortality would likely give rise to local extinction in/around the site with the site then further acting as an ecological trap/population sink as birds seek to take up vacant niches and get exposed to high/unsustainable mortality pressures. The mitigation proposed to combat this is, frankly, hopeless (see below).
8.75	Golden plover collision risk	This is cited as "a mean wintering collision risk of 11.227, which equates to one bird every 0.09 years". A more accurate/representative way of presenting this is that the prediction is around two collisions per month during the winter periods when the bird is most likely to be present. No assessment of nocturnal movements (which do occur with this species) is made.
8.79	Nightjar collision risk "it was not recorded during flight activity surveys and as such no collision risk is predicted for this species"	This is an extraordinary statement and approach and belies a clear omission from the EIA. No collision risk assessment is undertaken for this high-profile species simply because no data was collected (because it flies at night). The challenges of documenting night flights are acknowledged but the impact risk on a species of conservation importance cannot simply be dismissed because there is no data upon which to perform a CRM exercise.
Table 8.12 (page 8-43)	Summary of evaluation of IOFs "No SPA within 20k m designated for peregrine"	The SPA management plan for Elenyl (<20km) mentions peregrine, even if the JNCC citation doesn't. The definitive position should be sought from NRW. (https://naturalresources.wales/media/671965/Elenydd_cSAC_core_English.pdf)
8.95	Applied mitigation - CEMP	The CEMP is referred to here as embedded standard practice but in Chapter 7 it is presented as mitigation – inconsistent approach. Chapter 7 is non-complaint with the CIEEM Guidelines and misleading.
8.209	Records of collision fatalities: hobby "A total of 47 fatalities due to collision with wind turbines have been reported across Europe	Bioscan can confirm there has been at least one UK recorded collision involving this species.

Reference	Quoted text or subject matter	Comment
	between 2002 and August 2023 (Dürr, 2023)73. Of the 47 fatalities, 22 were recorded in France, 17 in Germany and seven in Spain, with none recorded in the UK".	
8.231-8.232	Impact assessment – red kite	Failure to recognise that the population sink effect of local extinction due to high mortality (est: ten fatalities a year) will exacerbate the spatial and numerical scope of effects above simply taking ten kites out of the county/regional population. A basic omission of assessment. A significant impact on this species is duly acknowledged, but the proposed mitigation (see 8.252) is almost certain to be ineffectual, relying for example on management of grazing which is far from achievable (see comments on App 7.10 OMHP below).
8.249	Impact assessment – golden plover	The impact assessment acknowledges the potential for displacement effects, but does not assess that.
8.250	Mitigation for red kite impacts – land management "One significant food source for red kites within Welsh upland farms is found during the breeding season where red kites can be attracted to the waste and by-products associated with sheep farming and management practices and/or the by-product any sheep or lambs during lambing. In order to reduce red kite flight activity within 500m of the turbines, and therefore reduce the potential for collisions with turbines, during lambing all areas used for grazing sheep during the lambing season (April/May) will be checked (and moved if present) on a daily basis to areas away from the turbines and closer to breeding attempts. This will mean the food source is not lost to	This land management measure requires the cooperation and additional resourcing of landowner/tenant, and monitoring/enforcement, none of which is particularised or set out in the EIA documentation. Decision makers can therefore have no confidence that any such measures would occur in reality, quite apart from the fact that they would have a likely negligible effect on reducing the significant collision mortality indicated by the CRM outputs in any event. This is very likely to end up being exactly what it looks like – tokenistic, unimplementable, unenforceable and therefore ineffectual.

Reference	Quoted text or subject matter	Comment
	kites during the breeding season while also reducing the potential for collision."	
8.252-8.259	Discussion of benefits to ornithology from Outline Habitat Management Plan (OHMP)	The flaws and the very limited weight that can be attached to the OHMP at this stage are discussed where the document as a whole is reviewed below.
8.262-8.269	Population Viability Analysis (PVA) - red kite	The PVA is rendered deficient by the fact that it does not allow for in-combination effects beyond 10no windfarms nor consider the population 'sink' effect of wind farms with high collision mortality rates.
Table 8.18	Cumulative impact assessment	The CIA relies on absence of data to screen out some projects (e.g. Gareg Llwyd, Llandinam, Bryn Titli). It would be a far more robust approach to take a mean/median value of collision risk derived from local windfarm projects and apply that as an extrapolated/proxy figure where such data are absent. It is not stated how much effort was made to obtain these missing data, and there is no discussion of whether the CRM methodologies are comparable across these various assessments. Little confidence can be had that the cumulative impact assessment is sufficiently thorough to be a robust basis for determination of cumulative effects.
Appendix 7.10 – Outline Habitat Management Plan		
1.3.5	Net Benefit for Biodiversity	The ability of this project to achieve NBB hinges on substantial changes to land management practices delivering significant habitat improvements that act as compensation for habitat losses and other ecological impacts arising from the construction and operation of the wind farm. The necessity for such land-use changes to be realistically deliverable, enforced and enforceable is therefore a critical matter for the determination of policy compliance. Unfortunately, there is little in the OMHP to provide confidence on these matters, as articulated further in the rows below.
1.4	Stakeholder engagement (bullet 4) "it is understood these measures are dependent on landowner approval and buy-in."	It is a matter of acute concern that there appears to be an intention to submit a formal application for consent for the project in the absence of demonstrable and binding 'landowner approval and buy-in'. This is an absolutely critical consideration that cannot be left to the post-determination stage. If the landowners involved in this project wish to benefit from the financial incentives that hosting a wind farm will deliver, it is essential that they (and their

Reference	Quoted text or subject matter	Comment
		tenants) are fully committed to the quid pro quo element of changing management practices to provide the mitigation and compensation that is relied upon in the ES, and which will be essential for planning policy compliance. The determining authorities should accept nothing short of full and binding commitments to that end, and a commitment to resourcing the necessary independent monitoring and enforcement, if any weight is to be placed on the mitigation and compensation effects that the OHMP purports to deliver. This cannot be over-emphasised.
2.1	"Other recommendations based on survey results for protected species and ornithological surveys can be found within detailed species protection plans including bats, hazel dormouse (*Muscardinus avellanarius*)… "	Reference being made to a species action plan for dormouse does not align with this species being scoped out or otherwise given scant consideration in the ES. This needs to be clarified with the applicant.
2.2.1	Management recommendations – rivers and watercourses	The much-vaunted riparian habitat enhancements that are frequently mentioned in the ES as measures that will mitigate and compensate are here confirmed as amounting to no more than tree planting and scrub establishment. The establishment success of these is heavily depending on better management of grazing pressure (which is far from certain to happen – see under 1.4 above) and even if successful these measures would not, otherwise than is inferred, act as any form of mitigation for construction phase impacts from siltation into water courses, as is claimed in the ES. Given that a disproportionate amount of the botanical, bryological and faunal interest of the site is associated with riparian stream courses, it is possible in some instances that such planting may actually accentuate ecological harms.
2.2.2	Management recommendations – bracken	Consistent with the paucity of consideration for invertebrates generally in the EIA, this recommendation for bracken management should not be implemented without prior consideration of priority invertebrate species (e.g. small pearl bordered fritillary). It was noted on the site visit that many areas mapped as U20 actually comprise a mosaic of dense bracken stands, with U4 and H18. The 'dismissal' of these as 'merely' U20 undervalues such habitats and risks overlooking habitats.

Reference	Quoted text or subject matter	Comment
2.2.3-2.2.4	Management recommendations - heathland and grassland habitats	Overall, the purported net benefits from implementation of the OHMP hinge on control and reduction of grazing, inputs and reseeding yet there is little evidence to suggest confidence can be had in this ever happening. The references to landowner 'buy-in' being required (see 1.4 above) are rather ominous in this respect. The Welsh Ministers will need far more robust, clear-cut and enforceable commitments to change grazing on this site to a conservation regime before they should consider attaching any weight to the purported net benefits arising. It is accepted that a case can be made that if the management of this large area of upland and upland fringe were optimised to achieve a conservation targeted end-use, then this could be argued to deliver a level of benefit that would outweigh the habitat losses and risks (even if that would still leave issues around collision risk to species such as red kite, bats and nightjar). But the position is a long-way from that at the moment.
2.3.1.2	Management recommendations intended to help mitigate risks to red kite and benefit other species "Enable scrub development around turbine locations, particularly in the west and south-west of Site."	Again, the scope for this measure to even be implemented is wholly contingent upon grazing being properly and sustainably changed on this site, and there is no confidence that this is achievable at the moment (se 1.4 above). How will this measure be enacted on the common land elements of the site? How will the development of scrub accord with commitments to secure buffers from woodland and hedgerow/scrub habitats to mitigate bat collision risk (as set out in ES Chapter 7)? What will be the effect of scrub development on bat mortality risk? And passerine birds? None of these matters are addressed in the EIA.
3.2	Riparian Restoration and Planting	There is no indication given as to how these riparian planting areas will be protected from grazing during their establishment. If fenced, will this require common land consent?
3.5.2.2	Conservation grazing "A conservation grazing management plan should be produced and implemented to cover the heathland and acid grassland habitats within the Site. This should include a primary focus of controlling livestock grazing, alongside other potential modern management practices.	The guarded and non-committal syntax used here is instructive. There is no prospect of conservation grazing being implemented on this site without landowner (and, where relevant, tenant/commoner) buy-in. There is no evidence presented in the OHMP or anywhere else in the EIA that any graziers or landowners are invested in this – indeed the suggestion by syntax such as this is that they are not and/or are more likely to be resistant to it. This is critical – no credence can be placed in these measures and no weight attached to the purported betterment they bring and/or the mitigation/compensation benefits

Reference	Quoted text or subject matter	Comment
	This may be managed through involvement of local graziers in the proposed management scheme as early as possible to gain support”	founded upon them, until evidence of both long-term commitment and a willingness to accept monitoring and (where necessary) enforcement is forthcoming.