



The Planning Inspectorate
Yr Arolygiaeth Gynllunio

DNS: EIA Scoping Direction

DNS/3253147

Pen March Wind Farm

17/07/2020

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Appendix 1: Consultation Responses

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This Scoping Direction is provided on the basis of the information submitted to the Planning Inspectorate on 22 May 2020, in addition to consultation responses received. The advice does not prejudice any recommendation made by an Inspector or any decision made by the Welsh Ministers in relation to the development, and does not preclude the Inspector from subsequently requiring further information to be submitted with the submitted DNS application under Regulation 24 of [The Town and Country Planning \(Environmental Impact Assessment\) \(Wales\) Regulations 2017](#) ("The 2017 Regulations"). Where there is evidence to refine the scope of the ES in the future, it will be possible to request an updated Scoping Direction.

1. Introduction

The Planning Inspectorate ("the Inspectorate") received a request under [Regulation 33](#) of the 2017 Regulations for a Scoping Direction in relation to a proposed development for Pen March Wind Farm, by Innogy Renewables UK Ltd (the Planning Inspectorate were informed on 2 July 2020 that Innogy Renewables UK Ltd have transferred to RWE Renewables) ("the Applicant").

The request was accompanied by a Scoping Report (SR) [[DNS-3253147-000001, Pen March Wind Farm EIA Scoping Report, May 2020](#)] that outlines the proposed scope of the Environmental Statement (ES) for the proposed development. The SR includes several specific questions addressed to stakeholders. Where the Inspectorate have specific comments in relation to these questions, they have been included in Table 1 of this Direction.

This Direction has taken into account the requirements of the 2017 Regulations as well as current best practice towards preparation of an ES. In accordance with the 2017 Regulations the Inspectorate has consulted on the SR and the responses received from the consultation bodies have been taken into account in adopting this Direction.

The Inspectorate is authorised to issue this Scoping Direction on behalf of the Welsh Ministers.

2. Site Description

The site straddles the boundary between Merthyr Tydfil County Borough Council (MTCBC) and Caerphilly County Borough Council (CCBC), and lies north of the A465 Heads of the Valleys Road, and to the south of the Brecon Beacons National Park (BBNP). The site is approximately 604.5 ha, with the developable area for all infrastructure in the eastern part of the site, and the developable area for turbines located in the northeastern part of the site.

The SR describes the site as a broadly sloping area of purple moor grass dominated grassland, with small scattered areas of dense scrub, exposed rock, dry heath and standing open water habitats.

3. Proposed Development

The proposal is for construction and operation of up to seven wind turbines with a maximum blade tip height of up to 180m and associated infrastructure.

The scope of the EIA should include all elements of the development as identified in the SR, both permanent and temporary, and this Scoping Direction is written on that basis.

In line with the requirements of [Regulation 17](#) and [Schedule 4](#) to the 2017 Regulations, any reasonable alternatives considered should be presented in the ES. The reasons behind the selection of the chosen option should also be provided in the ES, including where environmental effects have informed the choices made.

4. Consultation

In line with [Regulation 33\(7\)](#) of the 2017 Regulations, formal consultation was undertaken with the following bodies:

- Merthyr Tydfil County Borough Council (MTCBC)
- Caerphilly County Borough Council (CCBC)
- Natural Resources Wales (NRW)
- Cadw

Responses received are included in **Appendix 1**.

5. Environmental Impact Assessment Approach

The Applicants should satisfy themselves that the ES includes all the information outlined in [Schedule 4](#) of the 2017 Regulations. In addition, the Applicant should ensure that the Non-Technical Summary includes a summary of all the information included in Schedule 4. Consider a structure that allows the author of the ES and the appointed Inspector and Decision Maker to readily satisfy themselves that the ES contains all the information specified in [Regulation 17](#) and Schedule 4 of the 2017 Regulations. Cross refer to the requirements in the relevant sections of the ES, and include a summary after the Contents page that lays out all the requirements from the Regulations and what sections of the ES they are fulfilled by.

As the assessments are made, consideration should be given to whether standalone topic chapters would be necessary for topics that are currently proposed to be considered as part of other chapters, particularly if it is apparent that there are significant effects and a large amount of information for a particular topic.

There may also be topic areas scoped out of the ES where the developer may wish to include application documents that sit outside of the ES and provide information that will support their consultation(s) and the decision-making process. The developer is encouraged to liaise with key consultees regarding non-ES application documents which are not a legislative requirement of the DNS regime. If agreement cannot be reached over non-ES application documentation, then the developer may wish to explore whether the Inspectorate can help provide clarity via its statutory pre-application advice service.

The ES should focus on describing and quantifying significant environmental effects. Contrary to NRW's consultation response, policy considerations / arguments relating to those impacts should not be included within the ES, but be addressed in other documentation supporting the application (e.g. a Planning statement), which cross references the ES where necessary.

5.1 Baseline

[Schedule 4](#) of the 2017 Regulations states that the 'baseline scenario' is "A description of the relevant aspects of the **current** state of the environment" (emphasis added). The baseline of the ES should reflect actual current conditions at that time.

5.2 Reasonable Alternatives

In line with the requirements of [Regulation 17](#) and [Schedule 4](#) to the 2017 Regulations, any reasonable alternatives studied by the Applicant should be presented in the ES. The reasons behind the selection of the chosen option should also be provided in the ES, including where environmental effects have informed the choices made.

It is worth bearing in mind that under the [Conservation of Habitats and Species Regulations 2017](#) ("the Habitats Regulations") unless it can be clearly shown to the Welsh Ministers that the project would have no adverse effect on the integrity of any designated sites, it would have to be shown that there is no feasible alternative solution (see advice note from [IEMA](#)). Further advice regarding the Habitats Regulations is provided in the final chapter of this Screening Direction.

5.3 Currency of Environmental Information

For all environmental aspects, the applicant should ensure that any survey data is as up to date as possible and clearly set out in the ES the timing and nature of the data on which the assessment has been based. Any study area applied to the assessments should be clearly defined. The impacts of construction, operation and decommissioning activities should be considered as part of the assessment where these could give rise to significant environmental effects. Consideration should be given to relevant legislation, planning policies, and applicable best practice guidance documents throughout the ES.

The ES should include a chapter setting out the overarching methodology for the assessment, which clearly distinguishes effects that are 'significant' from 'non-significant' effects. Any departure from that methodology should be described in individual aspect assessment chapters. Where professional judgement has been applied this should be clearly stated.

The ES topic chapters should report on any data limitations, key assumptions and difficulties encountered in establishing the baseline environment and undertaking the assessment of environmental effects.

5.4 Cumulative Effects

Based on the information set out in the scoping request, the approach to the assessment of cumulative impact is considered largely appropriate. Effects deemed individually not

significant from the assessment, could cumulatively be significant, so inclusion criteria based on the most likely significant effects from this type of development may prove helpful when identifying what other developments should be accounted for. The criteria may vary from topic to topic.

Best practice is to include proportionate information relating to projects that are not yet consented, dependent on the level of certainty of them coming forward.

All of the other development considered should be documented and the reasons for inclusion or exclusion should be clearly stated. Professional judgement should be used to avoid excluding other development that is close to threshold limits but has characteristics likely to give rise to a significant effect; or could give rise to a cumulative effect by virtue of its proximity to the proposed development. Similarly, professional judgement should be applied to other development that exceeds thresholds but may not give rise to discernible effects. The process of refinement should be undertaken in consultation with CCBC, MTCBC and other consultees, where appropriate.

The scope of the cumulative assessment should be fully explained and justified in the ES.

Although intended for larger schemes, the Planning Inspectorate's guidance for Nationally Significant Infrastructure Projects – [Advice Note 17: Cumulative Effects Assessment](#) sets out a staged process for assessing cumulative impacts that may be of relevance to the Applicant.

5.5 Mitigation

Any mitigation relied upon for the purposes of the assessment should be explained in detail within the ES. The likely efficacy of the mitigation proposed should be explained with reference to residual effects. The ES should provide reference to how the delivery of measures proposed to prevent / minimise adverse effects is secured (through legal requirements or other suitably robust methods) and whether relevant consultees agree on the adequacy of the measures proposed.

5.6 Transboundary Effects

[Schedule 4 Part 5](#) of the 2017 Regulations requires a description of the likely significant transboundary effects to be provided in an ES. The ES should address this matter as appropriate.

5.7 Population and Human Health

The Applicant should ensure that the ES addresses any significant effects on population and human health, in light of the EIA Regulations 2017. This could be addressed under the separate topic chapters or within its own specific chapter.

5.8 Transboundary Effects

[Schedule 4 Part 5](#) of the EIA Regulations requires a description of the likely significant transboundary effects to be provided in an ES. The ES should address this matter as appropriate.

6. Environmental Impact Assessment Topics

This section contains the Inspectorate's specific comments on the scope and level of detail of information to be provided in the Applicant's ES. Environmental topics or features are not scoped out unless specifically addressed and justified by the Applicant, and confirmed as being scoped out by the Inspectorate. In accordance with Regulation 17(4)(c) the ES should be based on this Scoping Direction in so far as the Proposed Development remains materially the same as the Proposed Development described in the Applicant's Scoping Report.

The Inspectorate has set out in this Direction where it has/ has not agreed to scope out matters on the basis of the information available at this time. The Inspectorate is content that the receipt of a Scoping Direction should not prevent the Applicant from subsequently agreeing with the relevant consultees to scope such matters out of the ES, where further evidence has been provided to justify this approach. However, in order to demonstrate that the matters have been appropriately addressed, the ES should explain the reasoning for scoping them out and justify the approach taken.

6.1 Aspects scoped in

Subject to the comments provided at Table 1, the following aspects are scoped into the ES:

Landscape and Visual Impact Assessment (LVIA)

Geology, Hydrology, Hydrogeology and Peat

Ecology

Ornithology

Noise

Access, Traffic and Transport

Cultural Heritage and Archaeology

Telecommunications and Utilities

Aviation

Shadow Flicker

Table 1: The Planning Inspectorate's Comments

ID	Reference	Issue	Comment
	Description of the Development		
ID.1	Figure 1.2	Site Boundary and Developable Area	As illustrated on Figure 1.2, the site boundary covers approximately 604.5 ha, but not all the site is identified as developable. The ES should clarify reasons for including any undevelopable areas within the site boundary, and set out how the design of the scheme has refined over time e.g. when considering reasonable alternatives.
ID.2	Paragraphs 3.29 – 3.31	Grid Connection	<p>The ES should consider the effects of the grid connection to the electricity network, and the Planning Inspectorate welcomes the intention to include a high level assessment as set out in paragraph 3.31 of the SR.</p> <p>If the intention is to apply for consent separately (as stated in paragraph 3.30 of the SR), it should be noted that following amendments to The Developments of National Significance (Specified Criteria and Prescribed Secondary Consents) (Wales) Regulations 2016, an electric line above ground of up to 132kV associated with a DNS Generating Station is specified as a DNS in itself.</p>
	Whole aspects proposed to be scoped out		
ID.3	Question 11.2	N/A	The Planning Inspectorate is generally in agreement with the proposals set out in Chapter 11 of the SR. However, due to the lack of information available at this advanced stage it is impossible to rule out significant effects on Telecommunications and Utilities, Aviation and Shadow-Flicker, and as such the Planning Inspectorate cannot agree to scope out these aspects (see comments ID.5 - ID.7 below). If further assessments and consultation as set out in the SR rule out significant effects, then the absence of a detailed assessment should be justified in the ES.
ID.4	Paragraphs 11.2-11.8	Socio-economics	Due to the likelihood of significant socio-economic effects being low, and in the interest of a proportionate ES, the Planning Inspectorate agrees that this aspect can be scoped out of the ES. The intention to submit standalone statements (paragraphs 11.6 and 11.8 of the SR) is welcomed.

ID	Reference	Issue	Comment
ID.5	Paragraphs 11.9-11.14	Telecommunications and Utilities	The Applicant has identified that further consultation is required with relevant stakeholders in relation to telecommunications and utilities. The initial assessments described in the SR have not ruled out the potential need for mitigation that would need to be secured through measures such as section 106 agreements. As the final turbine layout is yet to be determined and consultation with the relevant stakeholders is yet to be completed, the Planning Inspectorate does not agree to scope out this aspect at this stage.
ID.6	Paragraphs 11.15-11.17	Aviation	In light of the initial feasibility assessments described in paragraph 11.15 of the SR, the Applicant has identified that further consultation is required with relevant stakeholders. As the initial assessments have identified potential aviation constraints and consultation with the relevant stakeholders is yet to be completed, the Planning Inspectorate does not agree to fully scope out effects on aviation at this stage. The Planning Inspectorate agrees that where no objections are raised by the stakeholders, and no technical mitigation is required to overcome significant effects, there will be no need for a detailed assessment in the ES. The intention to include justification within the project description chapter is welcomed.
ID.7	Paragraphs 11.18-11.21	Shadow Flicker	As the final turbine layout is yet to be determined and the relevant shadow flicker assessment unable to be undertaken until that is finalised, the Planning Inspectorate does not agree to scope out shadow flicker effects at this stage. As highlighted in paragraph 11.20 of the SR, any occurrence of shadow flicker should be treated as significant. However, the Planning Inspectorate agrees with the outline methodology set out in the SR, and if no properties are located within the shadow flicker range set out in paragraph 11.19 of the SR, there will be no need for a detailed assessment in the ES. The intention to include justification within the project description chapter is welcomed.
	LVIA		
ID.8	Question 4.1	Study Area	The Planning Inspectorate considers the initial 45 km Study Area to be appropriate, but advises that the assessment of effects should ultimately be based on the extent of potential impacts (see comments ID.10 and ID.13 below).
ID.9	Question 4.2	Consultation	The consultees identified in Section 4.7 of the SR are considered appropriate. In addition, Cadw and the Glamorgan Gwent/Ciwyd Powys Archaeological Trusts as

ID	Reference	Issue	Comment
			identified in Section 10 of the SR should be consulted with regards to historic landscapes, where the effects of those landscapes are relevant to the LVIA.
ID.10	Question 4.3	Approach to Landscape Character assessment	The Planning Inspectorate expects the ES to assess any significant effect on landscape character, and do not consider it appropriate at this stage to scope out effects on landscape receptors beyond 15km (as stated in paragraph 4.50 of the SR). NRW highlight that the assessment of effects on landscape character should consider the effects on the character of the area affected by the proposal, rather than simply on the whole of a given Aspect Area or Landscape Character Area, which can be very large areas of land.
ID.11	Question 4.4	Effects on designated landscapes	In addition to the designated landscapes identified at paragraph 4.25 of the SR, the ES should consider the effects on the locally designated landscapes identified by MTCBC and CCBC in their Scoping consultation responses. Brecon Beacons National Park is also designated as an International Dark Sky Reserve, and this designation should also be considered, regarding aviation lighting on turbines.
ID.12	Question 4.5	Viewpoints	The Planning Inspectorate notes that NRW, MTCBC and CCBC all suggest additional viewpoints in their Scoping consultation responses. Viewpoints included within the ES should be agreed with consultees referred to in comment ID.9 above.
ID.13	Question 4.6	Cumulative schemes	The Inspectorate advises that the cumulative study area should be based on the extent of potential impacts. The cumulative assessment should not only consider the impacts where the development would be visible in relation to other turbines, but should also consider other vantage points where there would be an increased awareness of wind turbines visible from the same location but in multiple directions. The cumulative assessment should also include all projects that may lead to cumulative visual effects within the study area (such as other major energy infrastructure projects) rather than just wind energy schemes. The list of cumulative schemes should be agreed with the relevant consultees.
ID.14	Question 4.7	Residential Visual Amenity	The Planning Inspectorate notes that MTCBC and CCBC highlighted residential properties to be included in the assessment of residential visual amenity within their Scoping consultation responses. The scope of the residential visual amenity assessment should be agreed with relevant consultees.

ID	Reference	Issue	Comment
Geology, Hydrology, Hydrogeology and Peat			
ID.15	Question 5.1	Flood model data	The Applicant should engage with NRW to ensure they have the relevant flood model data for the assessment.
ID.16	Question 5.2	Known flooding issues	Neither of the consultees identified known flooding issues, and the Planning Inspectorate agrees to scope out this matter from the ES, as stated in paragraph 5.50 of the SR.
ID.17	Question 5.3	Peat assessment	The Inspectorate welcomes that an assessment of effects upon peat resource will be included in the ES, as stated in paragraph 5.44 of the SR. Whether or not this is presented in a standalone chapter or within one of the other aspect chapters is a matter for the Applicant. The peat assessment should consider the impact of all infrastructure required for the scheme. Other aspect chapters of the ES should refer to the peat assessment where relevant e.g. where peat contributes to habitat, carbon capture, or water drainage.
ID.18	Question 5.4	Hydrogeology	The effects of the Development on hydrogeology is proposed to be scoped out under paragraph 5.50 of the SR. Based on the current information provided within the SR (paragraphs 5.20-5.22), the Planning Inspectorate does not agree to scope out these effects from the ES. A proportionate assessment of hydrogeological effects should be included. Please see NRW comments at Appendix 1.
ID.19	Questions 5.5 and 5.6	Records of private water supplies	Please see MTCBC comment at Appendix 1 highlighting that Dŵr Cymru Welsh Water may hold information about water supply.
Ecology			
ID.20	Question 6.1	Reptile surveys	As the presence of common lizard and adder has already been confirmed during the Phase 1 habitat survey, the Planning Inspectorate agrees to scope out further formal reptile surveys provided the mitigation, compensation and enhancement measures are robust and appropriate. Comments on the survey effort for other species are provided in the rows below.
ID.21	Paragraph 6.24	Great Crested Newt (GCN) surveys	The SR states that eDNA presence/ absence surveys will be conducted in 2020. The Applicant is reminded that if GCNs are found to be present, a population assessment should be conducted to inform future licences. The correct survey methodology and timing should be followed. See also NRW comment at Appendix 1 regarding the need to consider waterbodies within 500 m and not just 250 m.

ID	Reference	Issue	Comment
ID.22	Paragraph 6.25	Bat surveys	It is unclear why only five static detectors were employed in 2019 and no transect surveys were undertaken. The SR states that six different species of bat were detected although bat activity was considered low. This could be due to the use of static detection only on a limited amount of locations. Without further information to justify the survey rationale, it is not possible to exclude that the results may be due to limited survey effort. The Applicant is therefore advised to have regards to the full set of survey techniques available, and not just repeat the 2019 survey effort. The ES should include enough information to ensure that the survey effort has been adequate to the conservation value of the site. See also NRW and MTCBC comments at Appendix 1.
ID.23	Paragraph 6.25	Bat surveys	The SR does not include information on the risk of collision. The ES should consider the risk of collision as part of the assessment and collision monitoring plans should be presented.
ID.24	Paragraph 6.26	Otters and water voles surveys	Please see NRW comment at Appendix 1 regarding surveys timings.
ID.25	Paragraph 6.27	Survey timing	The SR states that changes to survey effort due to the COVID 19 restrictions will be presented in the ES as part of the limitations, if necessary. The Planning Inspectorate recommends that the Applicant discuss possible deviation from guidance in advance with the relevant stakeholders to ensure that the future ES is supported by an adequate level of information.
ID.26	Paragraph 6.36	Grid connection	The SR states that a high level assessment of the potential effects of the grid connection will be summarised within the ES for the proposed wind farm. Although the Grid connection may be part of a separate consenting process, the potential impacts on ecology and biodiversity during construction should be considered as part of the ES submitted to support this application, as far as possible. A summary may not be sufficient. Any limitation in the information provided should be justified in the ES.
ID.27	Paragraph 6.37	Cumulative Effects	The Applicant's attention is drawn to MTCBC comments at Appendix 1 regarding other wind turbines developments that should be considered as part of the cumulative impact assessment. In addition, the Inspectorate expects the cumulative assessment to consider all projects that may lead to cumulative effects (such as other major energy infrastructure projects) rather than just wind energy

ID	Reference	Issue	Comment
			schemes. The list of cumulative schemes should be agreed with the relevant consultees.
ID.28	Paragraph 6.44	Mitigation and Habitat Management Plan	The SR states that, following the Phase 1 Habitat assessment conducted in 2019, the majority of the habitat present on site is considered of low conservation value (see Paragraph 6.12). The Planning Inspectorate understand that the majority of the site comprises two Sites of Importance for Nature Conservation (SINC). Therefore, a comprehensive mitigation plan should be provided in the ES, including details of micro-siting to reduce construction and decommissioning impacts. The Applicant is reminded that the proposed development should include enhancing measures, for example through the implementation of a sustainable grazing regime. This should be presented in the ES, along with a clear system to quantify, where possible, the benefit and gain of the proposals. The ES should also include monitoring provisions (including a collision monitoring plan) and clear indications of triggers which would prompt a change in the management of the site, if necessary.
	Ornithology		
ID.29	Question 7.1 and paragraph 7.9	Survey effort	The SR states that Year 2 breeding bird surveys will be carried out in 2020 but does not include wintering and migration surveys for 2020. Both NRW and MTCBC has expressed concern over this survey limitation. The Applicant is recommended to consult with the relevant stakeholders and agree a suitable methodology for a comprehensive set of surveys to cover Year 2. See also NRW and MTCBC comments on Appendix 1.
ID.30	Paragraph 7.9	Nocturnal species	Target specific nocturnal species surveys should be included in ES. See MTCBC comment on Appendix 1.
ID.31	Question 7.2 and paragraph 7.12	Study Area	NRW advise that there is evidence that gulls from breeding colonies at Flat Holm and Steep Holm SSSIs forage as far inland as the application area. The Flat Holm and Steep Holm breeding colonies also lie within the Severn Estuary Ramsar site, with the breeding lesser black-backed gull population being a designated feature. Therefore, further consideration of the Flat Holm and Steep Holm SSSI and the Severn Estuary Ramsar conservation objectives is necessary, and should be addressed within the ES even if outside the 10 km search area.
	Noise		

ID	Reference	Issue	Comment
ID.32	Question 8.1 and paragraph 8.26	Methodology	The Applicant should consider that the noise limits set in ETSU-R-97 are not a definition of significance. The Applicant should have regard to paragraph 3.2.8 of the Institute of Acoustic Good Practice Guide on the application of ETSU-R-97 (2013) which states that single lower fixed limits can be used where background noise levels do not vary significantly between amenity periods and night-time periods, with the agreement of the relevant authorities. The ES should demonstrate compliance with ETSU-R-97 and clearly explain how significant impacts are identified.
ID.33	Paragraph 8.27	Cumulative impacts	The Applicant should comply with the detailed methodology set by section 5 the Institute of Acoustic Good Practice Guide to the application of ETSU-R-97 (2013) regarding the derivation of the appropriate lower fixed limits in the cumulative impact assessment. The ES should clearly identify all the relevant wind farms affecting the same receptors and the correct noise limits the proposal should comply with as part of the cumulative assessment, in agreement with the relevant authorities.
ID.34	Question 8.2 and paragraph 8.34	Elements of the Noise assessment to be scoped out	The Planning Inspectorate agrees to scope these elements out.
Access, Traffic and Transport			
ID.35	Question 9.1	Operational and decommissioning effects	The Planning Inspectorate agrees that the operational effects of the Development on access, traffic and transport can be scoped out of this assessment. As highlighted in paragraph 2.8 of the SR, decommissioning will involve the removal of all above ground infrastructure, including the turbines, and therefore there will be some effects associated with this phase. As the decommissioning effects would be expected to be no greater than those associated with construction, the Inspectorate agrees that a separate detailed assessment of decommissioning effects can be scoped out of the ES, but expects to see a statement setting out the similarities and differences between construction and decommissioning effects associated with the Development.
Cultural Heritage and Archaeology			
ID.36	Chapter 10	Approach to Cultural Heritage and	The Planning Inspectorate agrees with the approach set out in Chapter 10 of the SR in relation to assessment of effects on cultural heritage and archaeology,

ID	Reference	Issue	Comment
		Archaeology assessment	including the matters to be scoped out. The Applicant should note the comments of Cadw in Appendix 1 on designated heritage assets, and on the use of LIDAR to assist field surveys.
	Other EIA Topics		
ID.37	11.22	Climate Change	The Planning Inspectorate welcomes a calculation of net carbon savings from the wind farm. The assessment of carbon emissions associated with the construction of the Development should also give proportionate consideration to the carbon associated with the manufacturing of infrastructure components.
ID.38	11.23	Major Accidents and Disasters	The Planning Inspectorate agrees that consideration of major accidents and disasters can be addressed in a project description chapter, and welcomes that the ES will set out how these considerations will influence the final design of the scheme.
ID.39	11.24-11.26	Human Health	As highlighted in section 5.7 of this Direction, the Planning Inspectorate agrees that rather than include a separate chapter addressing effects on human health, the ES can consider these effects as part of other assessments, including noise and access, and traffic and transport. The Planning Inspectorate welcomes that the ES will set out how consideration of human health will influence the final design of the scheme.

7. Other Matters

This section does not constitute part of the Scoping Direction, but addresses other issues related to the proposal.

7.1 Habitats Regulation Assessment

[The Conservation of Habitats and Species Regulations 2017](#) require competent authorities, before granting consent for a plan or project, to carry out an appropriate assessment (AA) in circumstances where the plan or project is likely to have a significant effect on a European site (either alone or in combination with other plans or projects). The competent authority in respect of a DNS application is the relevant Welsh Minister who makes the final decision. It is the Applicant's responsibility to provide sufficient information to the competent authority to enable them to carry out an AA or determine whether an AA is required.

When considering whether or not significant effects are likely, applicants should ensure that their rationale is consistent with the [CJEU finding](#) that mitigation measures (referred to in the judgment as measures which are intended to avoid or reduce effects) should be assessed within the framework of an AA and that it is not permissible to take account of measures intended to avoid or reduce the harmful effects of the plan or project on a European site when determining whether an AA is required ('screening'). The screening stage must be undertaken on a precautionary basis without regard to any proposed integrated or additional avoidance or reduction measures. Where the likelihood of significant effects cannot be excluded, on the basis of objective information the competent authority must proceed to carry out an AA to establish whether the plan or project will affect the integrity of the European site, which can include at that stage consideration of the effectiveness of the proposed avoidance or reduction measures.

Where it is effective to cross refer to sections of the ES in the HRA, a clear and consistent approach should be adopted.

The Planning Inspectorate's guidance for Nationally Significant Infrastructure Projects – [Advice Note 10: Habitat Regulations Assessment relevant to Nationally Significant Infrastructure Projects](#) may prove useful when considering what information to provide to allow the Welsh Ministers to undertake AA.

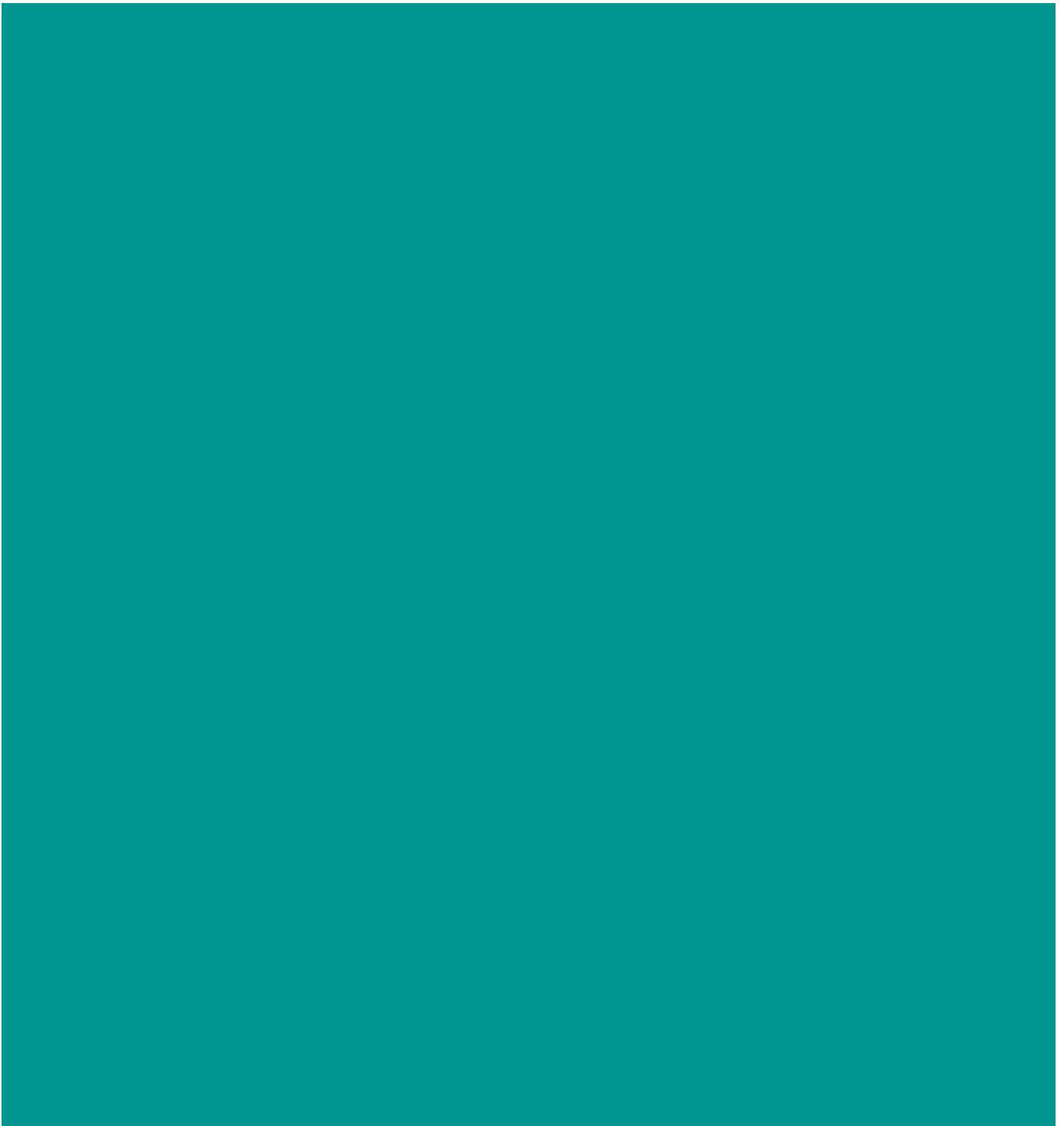
The Applicant should carefully consider the comments provided by NRW in their response (**Appendix 1**) on the evidence that gulls from breeding colonies at Flat Holm and Steep Holm SSSI's forage as far inland as the Site. Flat Holm and Steep Holm breeding colonies also lie within the Severn Estuary Ramsar site. Breeding lesser black-backed gull population is a designated feature of the European Protected Site. It is recommended for the Applicant to liaise with NRW on whether the Proposed Development will likely have any significance effects on European Protected Sites either alone or in combination with other projects ahead of the submission. The Applicant is reminded that it is the Applicant's responsibility to provide sufficient information to the competent authority to enable them to carry out their duties under the [Conservation of Habitats and Species Regulations 2017](#) and that this will be explored during examination.

7.2 SuDS Consent

Whilst a separate legislative requirement from planning permission, the Applicant's attention is drawn to the statutory SuDS regime that came into force in Wales in January 2019. The requirement to obtain SuDS consent prior to construction may require iterative design changes that influence the scheme that is to be assessed within the ES and taken through to application. As such, it is recommended that the applicant contact the local SuDS Approval Body early on.

Appendix 1

Consultation Responses





f.a.o. Ifan Gwilym
Planning & Environment Team
Planning Inspectorate
Via email: dns.wales@planninginspectorate.gov.uk

Dyddiad/Date: 29.06.2020

Ein Cyf / Our ref: Screening Req/Op 2020
Eich Cyf / Your ref: 3253147

Gofynnwch am / Please ask for: David Cross
Llinell Uniongyrchol / Direct Line: 01685 724632
e-bost / e-mail: David.cross@merthyr.gov.uk

Dear Sir/Madam

Pen March Wind Farm - Scoping Direction for a Potential DNS Application by: Innogy Renewables UK Ltd
Site Address: Merthyr Common, Caerphilly and Merthyr Tydfil County Borough.

Proposed Development: Construction and operation of up to seven wind turbines with a maximum blade tip height of 180m and associated infrastructure.

I write in regards to your letter dated 29th May 2020, which seeks advice on the scope of the EIA for the above mentioned proposed windfarm development. Consideration has been given to the information provided on the EIA Scoping Report and the questions raised therein. Our advice is set out below in response to the respective chapters.

Chapter 1 – Introduction

It is acknowledged that part of the development (a single turbine and potential infrastructure works) would be situated to the north of Pengarnddu Industrial Estate, Dowlais, with the remainder of the development largely falling within Caerphilly County Borough.

Chapter 2 – The Environmental Impact Assessment

Table 2.1 sets out the location of nearby wind turbine developments within 20km of the site. The reference to the height and position of the Pengarnddu Industrial Estate turbine is incorrect. There are also other medium sized turbines that have not been included in the table. The following should be taken into consideration in the cumulative assessment:

- The turbine at St Merryn Meat Factory has recently been erected and is now operational.
- An operational turbine with a blade tip height of 77m is located to the north of St Merryn Meat (Plot 5 Pengarnddu Ind. Est. – Planning ref P/12/0078).
- A turbine with a blade tip height of 77m has been granted permission to the north of the Asda Superstore (Unit 3, Pengarnddu Ind. Est. – Planning ref P/15/0241).
- A turbine with a blade tip height of 20.2m has been granted on land adjacent to the Valley Heights Filling Station along the Heads of the Valleys Road (Planning ref P/16/0384).
- At the southern part of Merthyr Tydfil (within 10-12km of the development) are two operational wind turbines with a blade tip height of 77m located at Tir Cook Farm (Planning ref P/13/0215) and Cefn Fforest (Planning Ref P/14/0228).

See attached plan for indicative locations of the above mentioned turbines.

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Chapter 3 – Chapter and Site Description

The various components to the proposed development are understood. It is noted that a grid connection is anticipated to a substation in Dowlais. Further information should be sought from Western Power Distribution to establish if the existing infrastructure has the capacity to accommodate the development. It is recalled when dealing with the planning applications for the existing turbines in Pengarnddu Industrial Estate, that there were potential connection issues. This should be investigated to determine whether it would be necessary to upgrade/improve the existing infrastructure, which would provide a clear understanding of the extent/nature of any impacts arising from such works.

Chapter 4 – Landscape & Visual Amenity

Section 4.2 refers to the locally designated landscapes that would be considered in the assessment. This should include the Nant Morlais & Cwm Taf Fechan Special Landscape Area within Merthyr Tydfil, as well as the Merthyr Tydfil Landscape of Outstanding Historic Interest (LOHI) and the Gelligaer Landscape of Special Historic Interest (LSHI).

The cumulative assessment should not only consider the impacts where the development would be visible in relation to other turbines, but should also consider other vantage points where there would be an increased awareness of wind turbines visible from the same location but in multiple directions. For example, there are long distant panoramic views towards Merthyr Common and Brecon Beacon National Park from Gelligaer Landscape of Special Historic Interest to the south. There are already a number of turbines visible from the summit at Pengarnbugail (within the northern part Gelligaer LSHI) in various directions that have some impact on the broad uninterrupted views. In this respect, the cumulative assessment should consider the capacity of the landscape to absorb additional turbines of various scales within the landscape from such vantage points.

The restoration of the Ffos Y Fran open cast mine, particularly the reduction in the height of the overburden mounds, should be taken into consideration in the LVIA. The production of wireframes and photomontages to illustrate the changes in the landscape would be appropriate.

In terms of the preliminary LVIA viewpoints (VP) set out in Table 4.2, it is considered that a VP should be included at the summit of Pengarnbugail and within the Registered Cyfarthfa Park and Gardens. With reference to the ZTV, both locations appear to have the potential for all 7 of the proposed turbines to be visible.

Section 4.38 highlights that consideration will be given to the potential impact on residential amenity. It should be noted that there are two residential properties in the eastern part of Pengarnddu Industrial Estate and a two residential properties situated to the north of the industrial estate.

Notwithstanding the above comments, the overall approach to the assessment of the potential impacts on the landscape and visual amenity is agreed. The initial 45km radius study area is also deemed to be appropriate.

Chapter 5 – Geology, Hydrology, Hydrogeology and Peat

The proposed assessment and methodologies set out in this chapter are acceptable. There are no specific local flooding issues identified. However, it is acknowledged that there is a network of ponds and watercourses that likely form part of the Dowlais Free Drainage System, which should be considered in the assessments.

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Croesawn ohebu yn Gymraeg a fydd gohebu yn y Gymraeg ddim yn arwain at oedi. Rhwch wybod inni beth yw'ch dewis iaith e.e Cymraeg neu'n ddwyieithog.
We welcome correspondence in Welsh and corresponding with us in Welsh will not lead to a delay. Let us know your language choice if Welsh or bilingual.

No records of private water supply have been identified within the site boundary. However, it is noted that there are two residential properties situated to the north of Pengarnddu Industrial Estate. Welsh Water may hold further information on the water supply and Natural Resources Wales may be able to indicate if there are any extraction permits to extract water from the ground.

Chapter 6 – Ecology

Under the title 'Habitat Surveys' it is acknowledged that a Phase 1 Habitat Survey has been undertaken. Full details of this would be required in the EIA, including the methodologies and results of the completed surveys, which should concentrate on those areas that will be adversely impacted (directly or indirectly) by the development.

In regards to the protected species surveys, it is noted that the bat surveys were undertaken between May and October following the 'Bats and onshore wind turbine: survey, assessment and mitigation, Jan 2019'. Full details of these surveys should be provided in the EIA and should include, but not be limited to, the following:

- Weather conditions during each night that a static bat detector was deployed - how was the weather data collected (e.g., automated weather meter?). What height were wind speeds collected at?
- Exact dates for static survey work.
- Height the static detectors were deployed at? If only deployed at ground level, can it be guaranteed that the detectors would have picked up all of the bat activity at height?
- No walked transect or vantage point surveys have been detailed? Although the 'guidelines' say their applicability is discretionary, it is felt that these surveys would be of great use in fully understanding flight lines and the numbers of bats present in the area.
- Has there been consideration of the additional survey methods detailed in the guidelines (if so, why were they ruled out?)
- Although bat activity for all species (apart from common pipistrelle) was found to be low following the surveys, the EIA should acknowledge the The National Bats and Wind Turbines study which found that some sites with low activity had high bat casualty rates.
- Vulnerability to collision should be considered and the risks (in Wales) taken into account during the assessment. So, of the species detected on site, long-eared sp and *Myotis* sp are low risk, serotine are medium risk and common pipistrelle, soprano pipistrelle, noctule are high risk.
- Other considerations - will there be any land use changes on the site?
- Has the impact on favourable conservation status been considered?
- What of mitigation, compensation and enhancement? Has turning off turbines at night in the bat activity season been considered to protect bats?

eDNA is mentioned in relation to Great Crested Newts (GCN). If presence is established, further survey work to ascertain population sizes should be undertaken. Full details of any other survey work would be required e.g. additional bat surveys, badger, otter, water vole. Additionally, consideration should be given to the possible adverse impacts on invertebrates or things like bryophytes, lichens and fungi.

All Avoidance, Mitigation, Compensation and Enhancement measures must be robust and appropriate, following the completion of all relevant survey work, along with a Habitat Management Plan. Notwithstanding the above points, the general scope of the survey work is acceptable. The intention to scope out formal reptile surveys is acceptable provided the mitigation, compensation and enhancement measures are robust and appropriate.

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Whilst data has been sought from SEWBRc, there may be other sources of information available from the work undertaken in relation to the A465 Dualling Project. Other conservation bodies, such as the Wildlife Trust, The Amphibian and Reptile Conservation Trust, RSPB and the Merthyr Tydfil Biodiversity Partnership may be able to offer local knowledge.

Chapter 7 – Ornithology

The completed surveys as set out in Section 7.7 are duly noted. Further details on the results of these surveys should be included in the EIA, along with the results of non-target bird species. The following additional survey work would be required:

- Surveys for nocturnal species, especially owls.
- Surveys for wintering and migratory waterfowl, especially geese and swans.
- Surveys for all birds on passage from wintering to breeding and breeding to wintering. One example would be Ospreys that have been observed following the line of the River Taff both in Cardiff and moving further north in Merthyr Vale.

Notwithstanding the above points, the general scope of the completed and proposed survey work is acceptable. However, it is not agreed that the non-breeding season flight surveys in Year 2 (Winter 2020-2021) should be scoped out. Relatively low flight activity is cited as partial justification for only a single year of surveys, however, the current guidance recommends survey for two years to allow for variation in bird use. The second year of survey work is required, therefore, for a more robust assessment of whether this level of activity is normal for the area. Without this, an informed assessment cannot be made.

The heads of the valleys are, as the name implies, at the northern heads of the South Wales valleys. These valleys act as funnels with migratory birds or birds on passage being funnelled up or down the valleys at certain times of the year. The cumulative impact assessment need to take this into consideration.

Chapter 8 – Noise

The proposed approach to the noise assessment and the effects that can be scoped out are deemed to be acceptable. The nearest sensitive receptors to the development within Merthyr Tydfil, would likely be the residential properties both within and to the north of the Pengarnddu Industrial Estate.

Chapter 9 – Access, Traffic and Transport

The proposed approach to the access and transport assessment is deemed to be acceptable. There is no objection to the scoping out of operational and decommissioning effects.

Chapter 10 – Cultural Heritage and Archaeology

With reference to the comments made by Cadw in Section 10.21, it should be noted that the current proposal indicates at least 1 turbine and associated infrastructure would be located within the Merthyr Tydfil Landscape of Outstanding Historic Interest (LOHI). Therefore, it is advised that an ASIDOHL2 should be included in the EIA.

The assessment of the potential impacts on historic assets should have regard to Pitwellt Pond, Prehistoric Hut Circle Settlement (proposed) GM623. This proposed scheduled monument comprises the remains of an enclosure and adjacent circle hut settlement, which probably date to the late prehistoric period.

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The submitted ZTZ indicates the development has some potential to impact on Gelligaer Landscape of Special Historic Interest. There are also a number of recorded and un-recorded burial cairns along the ridges of the surrounding valleys between Fochriw and Bedlinog, where the open upland environment is an important aspect to their setting. Additionally, it appears that they may be some inter-visibility between Morlais Castle (GM028) and Cyfarthfa Castle (Grade I Listed).

Chapter 11 – Other EIA Topics

The additional EIA topics to cover the effects on aviation, telecommunications and utilities, shadow flicker, climate change, human health and major accidents/disasters are agreed.

Given the close proximity of the development to the Brecon Beacons National Park and its location within a landscape of outstanding historic importance, it is considered that the socio-economic implications of the development should be considered within the EIA. This should also be considered cumulatively with other wind turbine development that have been introduced to the area.

The quality and unique characteristics of the historic landscape are key factors that define the importance of the upland environment and form one of the main draws to the area for leisure and recreational activities. It is not anticipated that the development will necessarily prevent leisure/recreational pursuits from taking place, but it may nonetheless have an impact on the expectations and experiences sought from such areas.

For example, some of the minor roads across the upland areas, including the routes to Gelligaer Common from the Heads of the Valleys Road, provide desirable and scenic environments. Traffic speeds along these roads can be relatively slow allowing the travellers to purvey the expansive landscape. To what extent might the development dishearten and remove from the visitor's expectation the experience of a wild windswept and remote upland with significant historic landscape context.

It is advised that consultation be undertaken with the Paragliding Associations to determine whether the development would impinge on any areas currently used for take-off/landing or gliding, which may be limited by specific requirements i.e. access, topography and air space etc.

I trust the above advice is of some assistance. Don't hesitate to contact the planning officer David Cross should you have any further information.

Yours sincerely


P. J. JUDITH JONES
CHIEF OFFICER PLANNING & NEIGHBOURHOOD SERVICES

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Gwilym, Ifan

From: dns.wales
Sent: 07 July 2020 07:48
To: Gwilym, Ifan
Cc: Bazzoni Abbiati, Giulia
Subject: FW: EIASCO/20/0002 - Land At Grid Ref 308961 210054 - Pen March Wind Farm

From: Powell, Carwyn <POWELC2@CAERPHILLY.GOV.UK>
Sent: 06 July 2020 18:05
To: dns.wales <dns.wales@planninginspectorate.gov.uk>
Subject: EIASCO/20/0002 - Land At Grid Ref 308961 210054 - Pen March Wind Farm

Dear Sirs,

Please accept this communication as the Scoping Opinion of Caerphilly County Borough Council in respect of the above development.

Ecology

The applicant shall follow the Chartered Institute of Ecology and Environmental Management 'Guidelines for Environmental Impact Assessment in the UK and Ireland 2018'.

In particular the applicant should include the following information:

Baseline Information:

- A desk study including a search of designated sites in the vicinity of the site and existing species and habitat data from the South East Wales Biodiversity Records Centre (SEWBRc) and from records held by the CCBC Ecologists. For Statutory Designated Sites and European Protected Species a search within 5km of the site is required. For Locally Designated Sites, Protected Species and LBAP species, a search within 2km of the site is required.
- Extended Phase 1 Habitat Survey.
- National Vegetation Classification (NVC) Survey.
- Great Crested Newt Surveys (relating to breeding and terrestrial habitat). Great crested newt have been recorded in some ponds present on the common. Also potential for newts to be using the terrestrial habitat on the site.
- Ground Nesting Bird Survey. Ground nesting species have been recorded on site. The use of this site by these species needs to be established.
- Breeding Bird Survey.
- Winter, Spring, Summer and Autumn Bird Flight Surveys. These will also establish if there are any migratory routes within the vicinity of the proposed site.
- Winter Bird Walkover Survey.
- Reptile Survey.
- Bat Activity and Habitat Survey.
- Bat Activity Monitoring at Height Survey.
- Waxcap Survey. The habitat present within and around the site has the potential to support these species.
- Otter Survey. Otter has been recorded using some of the ponds on the common for feeding.

- Water Vole Survey. The habitat present on site is suitable for these species.
- The potential for other species should be identified in the Extended Phase 1 Habitat Survey and if necessary additional surveys to be undertaken.
- Surveys should include the proposed site together with any ancillary development including cable routes, temporary and permanent access roads and construction and storage compounds.

Value:

- An assessment of the value of the habitats and species on site together with the value of nearby ecological sites of value.

Impact Assessment:

- The Impact Assessment should include the immediate, short term, medium term and long term impacts on the habitats and species identified during the baseline surveys.

Mitigation, Compensation and Enhancement:

- Where there is likely to be an impact on European Protected Species the applicant will need to provide sufficient information to enable the three tests under the Habitats Regulations 2010 to be met, including the consideration of alternative options.
- Avoidance of impacts should be a priority and where this is not possible, measures to mitigate the impact should be provided that have been agreed by the developer.
- If proposed mitigation is not sufficient then compensation measures should be provided.
- Opportunities for enhancement should also be included.
- Monitoring of any measures put in place are likely to be required.

Highways and Transportation

The site and associated works will involve an increase in traffic on the local highway, such as construction and maintenance. In order to quantify these effects the applicant should consider submitting a Transport Statement so that the Local Authority can understand the likely impact upon the highway. A Construction Traffic Management Plan (CTMP) should also be submitted, this is in the interest of further understanding the likely impact upon the highway and its users and also in the interests of health and safety. The CTMP should also illustrate how mitigation would be used in order to lessen any construction traffic upon the highway, such as designated routes in/out of site and also mitigation of environmental impacts deriving from the development. The EIA mentions a desktop study of potential pinch points for abnormal loads; given the maximum blade tip height of 180m will be employed, tracking should be utilised in order provide confidence vehicles bearing these loads can safely manoeuvre along the highway. Moreover, consideration should also be given to a 'trial run' of HGVs that would bear an abnormal load to ascertain if it is safe to manoeuvre along the highway and not have a detrimental impact upon all users of the highway.

Public Health and Protection

No issues raised with the information proposed.

Landscape

I broadly welcome the general approach outlined for the assessment of the landscape and visual amenity section of the EIA and I understand that we will be consulted further on the detailed approach to the assessment of effects on landscape and visual amenity: in particular, the selection of viewpoints for the visual assessment, as the VP's selected within the Caerphilly Borough are currently limited to only 4, given the 180m potential turbine tip height the 7 turbines are highly likely to be seen from a number of sensitive viewpoints.

Viewpoints

Further viewpoints within the Caerphilly Borough I'd expect to be included, in addition to those already outline include, *(please note, this list is not exhaustive and is likely to require further expansion as the more accurate picture of the effects and adverse visual impacts become apparent).*

Name	Easting	Northing	Approximate distance from nearest turbine	Reason for selection
PRoW Gelligaer FP101	309735	209815	1km	Representative of SLA and view from PRoW.
Fochriw	310833	206020	5km	Representative of views from the VILL, settlement edge and Rhymney Valley Ridgeway Walk north.
Rhymney common	311845	208669	5km	Representative of SLA, and views from PRoW.
Manmoel Road	317010	205650	8km	Representative of views from the VILL and from Sirhowy Valley Walk north.

Designated Landscapes

The North Rhymney Valley Visually Important Local Landscape designation with the Caerphilly LDP should be included in the assessment as this area affords extensive views of the application site.

Residential Visual Amenity

The northern edge of Rhymney should be included in the residential visual amenity assessment.

Settlements

The settlement of Fochriw, at approximately 5km to the south of the site, which is likely to afford direct views of the should be included.

Popular walking routes

The Rhymney Valley Ridgeway Walk which affords direct views north within 5km of the site and Sirhowy Valley Walk, both long distance paths to the south and southeast respectively, to be included in the visual assessment.

Cumulative assessment

I understand that further information regarding developments is to be included in the cumulative assessment and that the methodology is to be finalised following this initial consultation process.

The cumulative assessment should also include all major energy infrastructure projects within the study area including the recently approved Wauntysswg Solar Farm located approximately 5km to the southwest, which will be seen in views afforded from the Rhymney Valley Ridgeway Long Distance path.

Historic Environment

In its Introduction to Chapter 10, paragraph 10.1 says that 'it sets out the proposed approach to the assessment of effects of the development on cultural heritage receptors (hereafter 'historic

assets'), both during the construction and operation' but it does not include any such approach to the decommissioning, remediation and aftercare of its proposals. This is a requirement under paragraph 5.9.18 of PPW Edition 10.

Whilst mention is made in paragraph 2.8 'Assessment of Effects' generally on the matter of decommissioning and future discussions with the Landowner and Commoner's Association at that time, no mention is made to the site's remediation or aftercare. This subject has not been included under the cultural heritage and archaeology topic area in Chapter 10.

Paragraph 8.4 of TAN 8 Planning for Renewable Energy July 2005 states 'In the rest of Wales outside the SSAs (Strategic Search Areas), the implicit objective is to maintain the landscape character i.e. no significant change in landscape character from wind turbine development.'

Policy

Attention must also be paid to and consideration given within the Scoping Report to Adopted Supplementary Planning Guidance (SPG) to the Caerphilly County Borough LDP up to 2021 (Nov 2021) as follows: -

Wind Turbine technical guidance

[Planning Guidance for Smaller Scale Wind Turbine Developments – Landscape and Visual Impact Assessment Requirements \(PDF\) April 2015](#)

This document was prepared by Gillespies LLP for The Heads of the Valleys Landscape Officers and Planners with support from The South Wales Landscape Liaison Group. Also,

[Smaller Scale Wind Turbine Development - Landscape Sensitivity and Capacity Study Final Report November 2015 \(Part 2\) \(PDF\)](#)

[And to the accompanying Figs 1-15.](#)

Reference is made to **Landscape Unit 17 Upland North of the Heads of the Valleys corridor** within an area of '**High Sensitivity**' to '**Very Large**' Typology Wind Turbine development such as these 7 no. turbines with a maximum blade height of up to 180m & associated infrastructure. (see Table below).

	Landscape Unit 17 Upland North of the Heads of the Valleys corridor
	Landscape Capacity and Guidance for siting wind turbines
Landscape objective	Objective 2: Maintain the landscape character.
Indicative overall capacity	There is no capacity for very large scale development due to the proximity of the BBNP. There is limited capacity for large scale development that is associated with the HoV road corridor and associated development away from the BBNP boundary. There is some capacity for medium and small scale development and capacity for micro

scale development that is carefully sited on the south side of the unit closely associated with industrial development on the Heads of the Valleys road. The consented motor racing track may provide opportunities to locate associated wind turbine development but cumulative impacts will also be a consideration.

All documents can be found on the Council's website.

Gelligaer Common

In addition, in accordance with PPW Ed 10 Dec 2018, the impact of the proposed development on this common land should be explored through a Green Infrastructure Assessment.

I hope the above information is of assistance and clearly sets out the Council's requirements in respect of this matter.

Regards

Carwyn Powell

Prif Gynllunydd | Principal Planner

Cyngor Bwrdeistref Sirol Caerffili | Caerphilly County Borough Council

☎ 01443 864424

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Gallwch ohebu mewn unrhyw iaith neu fformat. Ni fydd gohebu yn Gymraeg yn creu unrhyw oedi.

Correspondence may be in any language or format. Corresponding in Welsh will not lead to any delay.

Mae'r e-bost hwn ac unrhyw ffeiliau sy'n atodol yn gyfrinachol a dim ond ar gyfer defnydd yr unigolyn neu'r sefydliad y cyfeiriwyd atynt. Os ydych wedi derbyn yr e-bost hwn ar gam rhwch wybod i reolwr eich system. Nodwch fod unrhyw sylwadau neu farn o fewn testun yr e-bost yw sylwadau a barn yr awdur yn unig ac nid yn angenrheidiol yn cynrychioli barn Cyngor Bwrdeistref Sirol Caerffili. I orffen, dylai'r person sy'n derbyn yr e-bost sicrhau nad oes firws ynghlwm nac mewn unrhyw ddogfen atodol i'r e-bost. Nid yw'r Cyngor yn derbyn unrhyw gyfrifoldeb am unrhyw ddifrod achoswyd gan unrhyw firws sy'n cael ei drosglwyddo gan yr e-bost hwn.

Rydym yn croesawu gohebiaeth yn Gymraeg, Saesneg neu'n ddwyieithog (yn unol ?'ch dewis), ac mewn ieithoedd a fformatau eraill. Cewch ymateb yn unol ?'ch dewis iaith os nodwch hynny i ni, ac ni fydd cyfathrebu ? ni yn Gymraeg yn arwain at oedi.

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to

Rivers House,
St Mellons Business Park,
St Mellons,
Cardiff,
CF3 0EY

The Planning Inspectorate
Crown Buildings
Cathays Park
Cardiff
CF10 3NQ

ebost/email:
southeastplanning@cyfoethnaturiolcymru.gov.uk
Ffôn/Phone: 03000 65 3095

03/07/2020

Annwyl Syr/Madam / Dear Sir/Madam,

BWRIAD / PROPOSAL: EIA SCOPING OPINION FOR CONSTRUCTION AND OPERATION OF UP TO SEVEN WIND TURBINES WITH A MAXIMUM BLADE TIP HEIGHT OF UP TO 180M AND ASSOCIATED INFRASTRUCTURE.

LLEOLIAD / LOCATION: GELLIGAER AND MERTHYR COMMON, CAERPHILLY AND MERTHYR TYDFIL COUNTY BOROUGH COUNCILS.

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which we received on 29 May 2020.

Based on the information submitted we provide the following advice in relation to landscape and visual amenity, biodiversity and the water environment.

The following are matters we consider should be scoped into the Environmental Impact Assessment (EIA) and included in the Environmental Statement (ES).

Landscape and Visual Amenity

Our advice on landscape and visual amenity relates to the potential impacts on the Brecon Beacons National Park and its purposes. Advice from the Local Planning Authorities (LPA's) should also be considered.

We have reviewed the submitted EIA Scoping Report prepared by LUC, dated May 2020, and policy context. We anticipate at this location, a proposal of this scale and nature would result in significant adverse effects on the National Park and we do not believe that it could comply with policy. The proposal does not lie within a Strategic Search Area for wind energy development as defined by Planning Policy Wales (PPW) and TAN8: Planning for Renewable Energy, nor within a Priority Area for Renewable Energy as defined in the Draft National Development Framework (NDF). However, progression of the proposal is a matter for the Applicants' consideration and below we provide advice on Scoping with respect to the proposed LVIA approach and policy.

Please note, our LANDMAP Guidance Note 3 and Draft Landscape Sensitivity and Capacity in relation to on-shore wind and solar pv developments (2018) are currently under review, in light of the forthcoming NDF and increasing size of wind turbines.

Policy context

The following policy documents should be addressed within the ES. We identify sections that we consider relevant.

PPW 5.9.5 indicates that development plan policies, whilst being supportive of renewable energy, should direct development to the right locations. **PPW 6.3.5** states that planning authorities have a statutory duty to have regard to National Park and AONB purposes. This duty applies in relation to all activities affecting National Parks and AONBs, whether these activities lie within, or in the setting of the designated areas. This duty applies to all public bodies.

TAN 8: Planning for Renewable Energy (July 2005) states at 2.2 that ‘... large onshore wind developments (over 25MW) should be concentrated into particular areas defined as Strategic Search Areas (SSAs).’ Annex D, 8.4 states that ‘There is an implicit objective in TAN8 to maintain the integrity and quality of the landscape within the National Parks/AONBs of Wales i.e. no change in landscape character from wind turbine development. In the rest of Wales outside the SSAs, the implicit objective is to maintain the landscape character i.e. no significant change in landscape character from wind turbine development.’

The Draft NDF 2020-2040, Consultation Draft, 7 Aug-1 Nov 2019, p.36-42, sets out the spatial strategy for wind and solar renewable energy, including Priority Areas for Renewable Energy (PAREs) for wind and solar energy developments. Page 37 sets out a traffic light approach to wind and solar energy, with the proposal lying outside PAREs, within an amber area. In amber areas, proposals will not carry explicit Welsh Government support and will be determined on their individual merits. Large scale on-shore wind and solar energy development is not appropriate within National Parks and AONBs.

Policy 11 states that planning applications must demonstrate that there are no unacceptable adverse effects due to landscape and visual impacts or on the setting of National Parks and AONBs. Policy 12 states that large scale proposals close to the boundaries of these designated areas must demonstrate that the development will not undermine the objectives that underpin the purposes of the designation. Large scale energy developments are classed as DNS (on-shore wind energy developments over 10MW).

Merthyr Tydfil Replacement LDP paragraphs 6.8.65-6.8.66, refer to the Authority’s Renewable Energy Assessment, which identified local search areas for solar energy but more uncertainty for large scale wind energy. Policy EcW8 states that development proposals for renewable energy will be permitted where they do not have an unacceptable landscape and visual impact, including on the setting of the Brecon Beacons National Park.

Caerphilly Council SPG - Smaller Scale Wind Turbine Development-Landscape Sensitivity & Capacity Study Final Report Nov 15 (Part 2). The proposal lies within Landscape Unit 17: Upland north of the Heads of Valley Corridor (the area also includes the part of the site within the Merthyr Tydfil authority). The unit is inter-visible with the Brecon Beacons National Park, provides a setting for the National Park and is a buffer between the Heads of the Valleys road corridor and National Park. The large/vast scale and upland moorland and grazed landscape has high sensitivity to very large development on the edge of the National Park. The objective is to maintain the landscape character, and the area has no capacity for very large developments due to the proximity of the National Park.

With specific reference to the questions posed in the EIA Scoping Report, we provide the following responses:

Q4.1 - A 45km study area has been defined, based on guidance within Scottish Natural Heritage's *Visual Representation of Wind Farms* 2017, which recommends an initial ZTV distance of 45km for 150m+ sized turbines. We consider this to be acceptable.

Q4.2 - We consider Cadw and the Glamorgan Gwent/Clwyd Powys Archaeological Trusts should be consulted with regards to the Merthyr Tydfil, East Fforest Fawr & Mynydd-y-Glog and Gelli-gaer Common Landscapes of Historic Interest, which are included in the Register of Landscapes of Historic Interest in Wales. We note reference is made to the Historic Landscapes in the Cultural Heritage Chapter and recommend cross-referencing with regard to historic landscape character should be made between the Cultural Heritage and LVIA assessments.

Q4.3 - Given the scale of the proposal, we advise that landscape character areas at a greater distance from the proposal would be inter-visible and there is potential for significant landscape effects beyond 15km. LANDMAP Guidance Note 3: Guidance for Wales. Using LANDMAP for Landscape and Visual Impact Assessment of Onshore Wind Turbines (p.11 6.2) advises that, for Visual and Sensory Aspect Areas, significant landscape effects could extend to around 20km+ where there are sensitive upland/mountainous areas in the overall study area. With regard to assessment of effects on landscape character, this should assess the effects on the character of the area affected by the proposal, rather than simply on the whole of a given Aspect Area or Landscape Character Area, which can be very large areas of land.

Q 4.4 - We note reference to the National Park's Management Plan, Special Qualities and SPG Landscape Character 2012, which includes the Landscape Character Assessment. We agree consideration of these documents is required in the LVIA. As well as visual effects from receptors within the National Park, consideration should be given to visual effects looking towards the park from viewpoints outside and within its setting. Since the turbines are anticipated to be up to 180m in height, the effects of aviation lighting on the National Park need to be considered, with visualisations from the National Park. It should be noted that the National Park is an International Dark Sky Reserve.

Q4.5 - We note the intention to consult with regard to selected viewpoints. There are 8 selected viewpoints within the National Park. From an initial desk-based assessment, we also anticipate visibility from: areas within the park to the east of the A470, around Cefn Cil-Sanws and Garn du; from Mynydd Llangynidr; from the Beacons horseshoe, including Graig Fan Ddu; from areas to the south and north of the A4059 around Cadair Fawr and Fan Fawr; and, from Gelli-gaer Common to the south, looking towards the park. With regard to presentation of visualisations, SNH Visual Representation of Wind Farms Guidance 2.2 states that photomontages are of most value for views within 20km for turbines up to 150m. We recommend this guidance is used.

Q 4.6 – With regard to cumulative effects, it should be noted that, in accordance with the Guidelines for Landscape and Visual Impact Assessment 3rd Edition, NRW considers the combined effects of wind farms/turbines on the National Park. The Scoping proposes consideration of only the additional effects of the proposal on landscape character and visual amenity. GLVIA3 does not require applicants to consider the wider strategic effects, however

strategic bodies such as NRW will consider the full implications of cumulative effects on the National Park. The Scoping Report, at 4.49 considers that cumulative effects are not likely to be a determining issue as there are few other schemes within 10km. We consider that cumulative effects have the potential to occur beyond 10km, given that there is potential for significant landscape effects between 15 & 20km and cumulative effects up to these distances should be considered in the assessment.

Q4.7 - The proposals for the residential amenity assessment are unlikely to be a major concern with regards to the National Park. We recommend the Applicant consults the relevant LPAs in relation to this.

Q4.8 - With regard to effects scoped out, as for Q4.3, that landscape effects up to 20km should be considered, in line with LANDMAP GN3. Landscape and Visual effects during construction are likely to occur in the surrounding area as well as on the site. We recommend these should be considered in the assessment. Section 4.51 of the Scoping report considers that the primary mitigation is intended to be through the design of the layout of the turbines and infrastructure as seen from key viewpoints. We do not consider that this type of mitigation would substantially reduce impacts on the National Park, given the proximity of the large scale turbines.

Biodiversity

Our advice is focussed on matters on our consultation topics list (see below). Advice from the LPA's should also be considered.

In general, we consider the ES for the proposed development should include sufficient information to enable the decision maker to determine the extent of any environmental impacts arising from the proposed scheme on designated conservation sites and legally protected species, including those which may also comprise notified features of designated sites affected by the proposals.

The ES should 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.

Evaluation of the impacts of the scheme should include: direct and indirect; secondary; cumulative; short, medium and long term; permanent and temporary; positive and negative, and construction, operation and decommissioning phase and long-term site security impacts on the nature conservation resource and landscape.

Within the ES, the proposed scheme should be described in detail in its entirety. This description should cover construction, operation and decommissioning phases as appropriate and include detailed, scaled maps and drawings as appropriate.

We would expect the description to include:

- The purpose and physical characteristics of the proposals;
- Location, development size and configuration of the development including flexibility of the site layout;
- Procedures for good working practices;

- Identification of appropriate pollution contingency and emergency measures for watercourses on site;
- Timing of all works and contingency plans should slippage in the programme occur;
- Maintenance requirements of structures;
- Maintenance of any habitats within the site;

Whilst we note that the grid connection is proposed to be covered by a separate consenting process, and as such the detailed ecological impact assessment is proposed to be covered as part of the application for that, we understand that ancillary development necessary for the operation of the windfarm should be considered as part of the main windfarm application. The ES should assess and indicate the likely extent of the environmental effects of the grid connection and any ancillary development and operations, considering the most likely option(s) and the worst-case scenario for impacts. The ancillary development assessed should include any new or upgraded access tracks.

Any maps, drawings and illustrations that are produced to describe the project should be designed in such a way that they can be overlaid with drawings and illustrations produced for other sections of the ES such as biodiversity.

Key Habitats

We note that Phase 1 Habitat Surveys of the proposed development site have been undertaken. All habitat surveys should accord with the NCC Phase 1 survey guidelines (NCC (1990) Handbook for Phase 1 habitat survey. NCC, Peterborough). We advise Phase 1 surveys are undertaken and completed during the summer to ensure the best chance of identifying the habitats present. Survey results should be provided as part of the ES.

We welcome the approach outlined in Section 6.23 of the Scoping Report to avoid impacts on '*habitats of potential conservation importance*' through development layout and the acknowledgement that more detailed (Phase 2, NVC) botanical surveys may be required if areas of ecological importance are likely to be affected by the scheme.

In Section 6.12 of the Scoping Report, reference is made to the survey area containing '*...primarily habitats of limited conservation value with marshy grassland...approximately 85%*'. Heavy modification by sheep grazing is cited as the main reason for the species-poor nature of the vegetation. However, it should be acknowledged that the overall condition (and species richness) of the sward could be improved with better management, including changes to grazing practice. Where habitats are currently degraded, their current value and potential value may be of importance to biodiversity objectives and ecosystem and species population resilience. The ecological importance of the development site should be fully assessed as part of the ES along with all opportunities for ecological enhancement.

Protected Species

We advise the site is subject to assessment to determine the likelihood of protected species being present in the area and likely to be affected by the proposals. Targeted species surveys should be undertaken for all species scoped in and be undertaken by qualified, experienced and where necessary, licensed ecologist; and, comply with current best practice guidelines. In the event that the surveys deviate from published guidance, or there are good reasons for deviation, full justification for this should be included within the ES.

Some comments on specific species are included below. Should the developer require more specific advice on the proposed surveys, we would be happy to advise as part of the statutory pre-application process.

Bats: Surveys to assess bat activity across the site were undertaken in 2019 in relation to a 5 turbine scheme, and that due to a revision to the development proposals, surveys in 2020 relating to a 7 turbine development are now proposed. We note that 7 static detectors are proposed to be used, we assume to relate to each of the turbine locations. There are some watercourses running across the site, in some instances relatively close to the turbine locations. We therefore advise static detectors are also deployed in the watercourse valleys as, in this open location, those are the areas where bat activity is to be expected, and information should be obtained about the relationship of bat activity in those locations compared to the proposed turbine locations.

GCN: We note the proposals for presence/absence eDNA surveys. In the event that positive results are obtained, a full suite of traditional surveys, in accordance with published guidance, should be undertaken to establish the size of the population concerned. We advise that waterbodies within 500m of the development site are considered.

Otters and water voles: Surveys for otters and water voles are proposed. We welcome both and consider it will be particularly important to survey for water voles given the known increased distribution of this species in upland situations in South Wales identified following from recent survey work. Water vole surveys are best timed for mid-April to end of June, and later in the period July-September. For otters we advise surveys are timed throughout the year (e.g. spring, summer, autumn and winter) to be able to assess seasonal variation in use of the site by the species.

We expect the results of surveys to be presented in the ES. Should protected species be found during the surveys, information must be provided identifying the species specific impacts in the short, medium and long term together with any mitigation and compensation measures proposed to offset the impacts identified.

Where proposals implicate protected species, which are also notified features of designated sites, we advise the ES will need to consider the impacts on those species from both perspectives.

We advise the ES sets out how the long term site security of any mitigation or compensation will be assured, including management and monitoring information and long term financial and management responsibility. Where the potential for significant impacts on protected species is identified, we advocate that a Conservation Plan is prepared for the relevant species and included as an Annex to the EIA.

Where a European Protected Species is identified and the development proposal will contravene the legal protection they are afforded, a licence should be sought from us. The ES must include consideration of the requirements for a licence and set out how the works will satisfy the three requirements as set out in the Conservation of Habitats and Species Regulations 2017 (as amended). One of these requires that the development authorised will 'not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range'. These requirements are also translated into planning policy through Planning Policy Wales (December 2018), section

6.4.22 and 6.4.23 and Technical Advice Note 5, Nature Conservation and Planning (September 2009). .

Ornithology

With respect to the approach proposed, we consider two winters worth of survey should be undertaken to capture potential-interannual variation. Furthermore, we are of the opinion that passerines should not be scoped out at this stage, as they may be affected during the construction phase. We also expect gulls to be included within the target species as these are likely to be present in larger numbers. Clarity is needed on the timing of surveys, i.e. how are potential impacts on crepuscular/nocturnal species or movements/aggregations being considered?

A post construction collision monitoring plan will be required, which should include operational responses should collision be found to be higher than predicted or at levels that could have impact on the conservation status of protected species. This plan should be included within the ES.

It may be possible in due course to scope out significant effects on designated bird features of SPA, Ramsar and SSSI sites. However, at this stage we advise that there is evidence that gulls from breeding colonies at Flat Holm and Steep Holm SSSI's forage as far inland as the application area. The Flat Holm and Steep Holm breeding colonies also lie within the Severn Estuary Ramsar site, with the breeding lesser black-backed gull population being a designated feature. Therefore, we advise that further consideration of objective information is necessary currently and should be addressed within the ES.

We recommend that advice is also taken from the LPA's, who may wish to advise further on local ornithological interests.

Designated Sites

We agree with the approach of considering the potential for impacts on designated sites within a 10km radius of the site of the proposed development, excepting the comments we raise above with regard to gulls and designates sites in the Severn Estuary, which currently should be screened in.

The SSSIs with geological features have been included in Chapter 6: Ecology, of the Scoping Report. Whilst none are within the site boundary the potential for indirect effects outside the site should be considered (e.g. from silt and sediment movement during construction or use of the geological designated site for any ancillary activities/operations).

Peat

We note the intention to complete a site-wide peat probing exercise and that this will be used (in conjunction with data from other relevant surveys) to determine layout of the turbines and associated infrastructure.

Peat depth should be mapped across the site and a detailed assessment be made of the impact of the whole scheme (including all infrastructure and ancillary development) on peat.

Section 5.25 of the Scoping Report notes a '*...predominant absence of peat...*' across the majority of the site, with peat depths reported as <0.5m. While the report suggests that areas of deep peat are scarce across the development site (data will need to be provided in the

ES to confirm this), peat is nonetheless present, albeit to a shallower depth. The proposed development will result in habitat loss and CO₂ release from the modification and drainage of the habitat and the impact of this should be assessed fully in the ES.

Local Biodiversity Interests

We recommend the Applicant seeks the advice of the Local Authorities ecologists in relation to the scope of the work to ensure that regional and local biodiversity issues are adequately considered, particularly those habitats and species listed in the relevant Local Biodiversity Action Plan, and that are considered important for the conservation of biological diversity in Wales.

We further recommend the Applicant contacts any other relevant local interest groups (for example, the Local Records Centre, bat groups, ornithological groups, mammal groups etc.) to inform the assessment of impacts of the proposals.

With specific reference to the questions posed in the EIA Scoping Report, we provide the following responses:

Q6.1 – We have no comment to make regarding scoping out reptiles. We recommend the Applicant consults the relevant LPA Ecologists in relation to this.

Q6.2 – See comments above.

The Water Environment

Ground and Surface Water

The northern and north-eastern portions of the proposed development site overlie the Northern Limestone Outcrop Source Protection Zone (SPZ). SPZs are designated as being close to drinking water sources, where the risk associated with groundwater contamination is greatest. The SPZ is therefore sensitive to the potential effects of pollution to groundwater. We consider activities associated with the proposed development have the potential to negatively impact groundwater within an SPZ, for example, through pollution incidents during the construction or during operation of the windfarm development. Therefore, we cannot rule out likely significant effects on the SPZ and consider hydrogeology or hydrological-hydrogeological linkages should be scoped into the EIA and included in the ES.

The hydrology/hydrogeology information in the Scoping Report does not discuss the degree to which hydraulic linkages between surface water and groundwater may exist across the development site. It is possible some degree of shallow groundwater baseflow supports some sections of the surface water bodies present within the study area. Figure 3.3. of the Scoping Report describes much of the site as being 'marshy grassland'. This may indicate some degree of reliance on shallow groundwater dynamics/flows.

There is no information in the Scoping Report that describes whether the water courses are perennial or ephemeral. If the water bodies are largely perennial and notably during dry periods, this would suggest that their flow is supported in part by shallow groundwater baseflow. The potential for increased interference of the natural surface water-groundwater dynamic as a result of the proposed development should be assessed in the ES and, if found to have an effect, appropriate avoidance measures proposed.

The baseline study area hydrodynamics between surface runoff, infiltration, groundwater and surface water body replenishment have not been discussed within the Scoping Report. This is important and should be scoped into the ES as these dynamics and associated water quality characteristics could be interacted with/disturbed and changed by both the construction of wind farm infrastructure such as haul roads, cabling runs or wind turbine foundations, and also by operational infrastructure. The local topography of the study area suggests that radial flow is likely present with flow taking place largely from the north to areas to the west, southwest, south, southeast and east. Hydro morphological changes taking place within the study area as a result of the construction and operation of the wind turbines and associated infrastructure may affect down-gradient areas by changing flow components. The ES should assess this affect and at this stage we advise that the operational surface water and groundwater flow net conditions must mimic baseline conditions as closely as possible. This is particularly important with respect to groundwater baseflow components under low-flow conditions that support minor water courses.

In consideration of the above, we consider the following need to be included in the ES:

Water Features Survey: A water features survey should be performed of the study area with a reasonable buffer around the study area. The requirements of a water feature survey are a preliminary site assessment, which should include the following:

- Identification of all water features both surface and groundwater (boreholes, wells, ponds, springs, ditches, culverts etc.) within a 500 metre radius of the site.
- Use made of any of these water features. This should include the construction details of wells and boreholes and details of the lithology into which they are installed;
- An indication of the flow regime in the spring or surface water feature, for example whether or not the water feature flows throughout the year or dries up during summer months;
- Accessibility to the spring/well;
- This information should be identified on a suitably scaled map (i.e. 1:10,000), tabulated and submitted to Natural Resources Wales. It would be useful for the developer to photograph each of the identified water features during the survey.

Based on the results of the survey, the ES should assess the likely effects from the development on both quantity and quality of the surface water and groundwater. This should consider both the preferred methods of construction and the assumed hydrogeology in the vicinity of the development.

Depending on the findings of the ES, we may require identified groundwater features to be monitored during the construction stage. We would therefore recommend the survey be undertaken as soon as possible to enable the developer to carry out suitable baseline monitoring prior to the commencement of construction at the site.

Consideration should also be given to the relationship between the location of the turbines and the likely catchment area for the identified water features;

- If the turbine is likely to be in the catchment for any of these features, then the reduction in recharge to the system and potential effects of this (such as loss of supply) should be considered;

- Should a potential effect on the water balance be identified then we are likely to require proposals for monitoring water features and mitigation plans for any loss.

Pollution Prevention: A Construction Environmental Management Plan (CEMP) will be required detailing the design and construction methods of any proposed tracks and turbines (including foundation design and likely depth) and the pollution prevention measures that will be put in place to minimise impacts to the water environment. The CEMP should be created following thorough desk study and field surveys and comply with all relevant [Guidance for Pollution Prevention \(GPPs\)](#). To ensure the effectiveness of the CEMP, a water quality monitoring plan should be incorporated to manage any effects on water quality during the construction phase of the proposal.

Information will be required on the location of any compounds, storage of oil and the foul drainage arrangements required during site construction and operation.

It is unconfirmed whether borrow pits will be required. If borrow pits are proposed and excavation will take place below the groundwater table, requiring dewatering, we will require a Hydrogeological Impact Appraisal to assess the impact of the development on water features at risk, and if necessary, mitigation measures. Dewatering more than 20 m³/d will also require an abstraction licence from us.

Additional Advice

We do not consider the following information necessary for inclusion in the ES, however recommend the Applicant considers this advice when preparing their application.

Drainage Maps: It would be useful to have a baseline surface water drainage map generated as well as similar maps for the construction and operational phases.

Provisional Infrastructure Plan: It would be useful for a provisional wind farm infrastructure plan to be drafted that shows the likely wind turbine locations, foundation design, haul road and cable run locations and any other infrastructure required for the windfarm. A provisional construction plan should also be drafted that highlights how particular aspects of the wind farm will be constructed, how chemicals that will be required during the construction phase will be managed and stored, where particular heavy plant may be required and whether or not dewatering may be required e.g. for foundation construction including the nature and location of the dewatering.

We have adopted the [Environment Agency's Approach to Groundwater Protection - February 2018, V1.2](#) and this guidance provides definitions and details on the importance of SPZs in the protection of groundwater. Useful guidance related to groundwater and windfarms can be found: [Land Use Planning System SEPA Guidance Note 4](#) and [Windfarms and Groundwater Impacts](#).

The following are other matters we advise the Applicant that should be considered as part of any planning application:

Flood Risk

We agree fluvial flood risk is a matter that can be scoped out of the Environmental Impact Assessment (EIA) and does not need to be included in the Environmental Statement (ES).

Section 5.19 of the Scoping Report states: *The entirety of the Site is shown by NRW to lie entirely outside of Flood Zones 2 or 3.* Our Flood Risk Map confirms the north west tip of the site is within Zone C2 of the Development Advice Map (DAM) contained in TAN15 and the 1% (1 in 100 year) and 0.1% (1 in 1000 year) annual probability fluvial flood outlines. However, the Indicative Site Layout identifies this part of the site does not form part of the developable area.

The EIA Scoping Report identifies a FCA will be undertaken for the site which will be appended to the ES Project. To help prepare an FCA, we have developed [guidance](#), which contains technical advice and recommendations.

With specific reference to the questions posed in the EIA Scoping Report, we provide the following responses:

Q5.1 – To determine what flood modelling data we have available, please contact our Access to Information Team: accesstoinformationteam@cyfoethnaturiolcymru.gov.uk.

Q5.2 – To satisfy TAN15, the planning application and FCA should assess the effect the proposed development may have on flooding beyond the site and demonstrate that there is no increase in flooding elsewhere.

Other Matters

We have considered the likelihood of significant effects from the scheme on environmental interests listed on our consultation topics list which is published on our [website](#). Our advice does not rule out the potential for the proposed development to affect other interests such as human health. You may wish to consult other bodies for their expert advice on those effects.

Our advice is made without prejudice to comments we may subsequently wish to make when consulted on any planning application, any environmental permit, the submission of more detailed information, or an Environmental Statement.

We advise the applicant that, in addition to planning permission, it is their responsibility to ensure they secure all other permits/consents/licences relevant to their development. Please refer to our [website](#) for further details.

If you have any queries on the above, please do not hesitate to contact us.

Yn gywir / Yours faithfully

Sarah Lund

Cynghorydd - Cynllunio Datblygu / Advisor - Development Planning
Cyfoeth Naturiol Cymru / Natural Resources Wales



Llywodraeth Cymru
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Eich cyfeirnod
Your reference

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Ein cyfeirnod
Our reference

Dyddiad
Date

3 July 2020

Llinell uniongyrchol
Direct line

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Dear Mr Gwilym

EIA Scoping DNS Pen March Wind Farm At Gelligaer and Merthyr Common

Thank you for your letter of 29 May 2020 asking for Cadw's comments on the Environmental Impact Assessment (EIA) scoping opinion for the above proposal.

Cadw, as the Welsh Government's historic environment service, has assessed the characteristics of this proposed development and its location within the historic environment. In particular, the likely impact on designated or registered historic assets of national importance. In assessing if the likely impact of the development is significant Cadw has considered the extent to which the proposals affect those nationally important historic assets that form the historic environment, including scheduled ancient monuments, listed buildings, registered historic parks, gardens and landscapes.

These views are provided without prejudice to the Welsh Government's consideration of the matter, should it come before it formally for determination.

Our records show that the historic assets listed in Annex A are potentially affected by the proposal.

A scoping report has been produced by LUC and includes a series of questions they would like consultees to answer as part of this consultation. This advice will only consider those questions relating to Cultural Heritage and Archaeology.

Question 10.1: Do consultees consider the study areas appropriate?

Yes. We have identified above the designated historic assets that are located inside 5km of the proposed development boundary and which are included in the ZTV provided with the scoping report. We would expect, in accordance with the Welsh Government guidance given in the document "The Setting of Historic Assets in Wales", a stage 1 assessment should be carried out for all of these designated historic assets, which will determine the need, if necessary, for stages 2 to 4 to be carried out for specific heritage assets.

Mae'r Gwasanaeth Amgylchedd Hanesyddol Llywodraeth Cymru (Cadw) yn hyrwyddo gwaith cadwraeth ar gyfer amgylchedd hanesyddol Cymru a gwerthfawrogiad ohono.

The Welsh Government Historic Environment Service (Cadw) promotes the conservation and appreciation of Wales's historic environment.

Rydym yn croesawu gohebiaeth yn Gymraeg ac yn Saesneg.
We welcome correspondence in both English and Welsh.



BUDDSODDWR MEWN POBL
INVESTOR IN PEOPLE



Question 10.2: Are there any other relevant consultees who should be consulted about this topic?

None known

Question 10.3: Are consultees aware of any other supplementary guidance of relevance to assessment of cultural heritage and archaeology effects?

No

Question 10.4: Is the approach to the assessment of effects, including those effects scoped in and out and the cumulative assessment, appropriate?

Yes.

Question 10.5 Is the approach to field survey considered appropriate?

The use of LIDAR would assist the field survey given the problems of understanding the area and the difficulties of navigating the terrain

Yours sincerely

Jenna Arnold

Diogelu a Pholisi/ Protection and Policy

Annex A

Scheduled Monuments

BR118 Cae Burdydd Castle
BR123 Y Gaer, Dol-y-Gaer
BR254 Cwm Criban Prehistoric Settlement
BR277 Carn y Bugail and Carn Felen
BR278 Waun y Gwair Cairn
BR279 Nant Morlais Hafod
BR286 Buarth y Caerau Cairn
BR322 Garn Fawr round cairn
BR362 Pontsticill platform cairn
BR389 Twyn Ceilog Round Cairn
GM028 Morlais Castle
GM222 Merthyr Common Round Cairns
GM331 Ynys Fach Iron Furnaces
GM403 Rhymney Upper Furnace
BR415 Cefn Car Hut Circles and Enclosures (proposed scheduling)
GM425 Remains of Blast Furnaces, Cyfarthfa Ironworks
GM467 Cyfarthfa Canal Level
GM478 Gurnos Quarry Tramroad & Leat
GM479 Tai Mawr Leat for Cyfarthfa Iron Works
GM486 Iron Canal Bridge from Rhydycar
GM494 Sarn Howell Pond and Watercourses
GM495 Cyfarthfa Tramroad Section at Heolgerrig
GM496 Deserted Iron Mining Village, Ffos-y-fran
GM518 Enclosure East of Nant Cwm Moel
GM519 Enclosure on Coedcae'r Ychain
GM563 Morlais Hill ring cairn
GM567 Cefn Cil-Sanws ring cairn
GM568 Coetgae'r Gwartheg barrow cemetery
GM569 Garn Pontsticill ring cairn
GM570 Carn Ddu platform cairn
GM571 Cefn Car settlement
GM599 Cefn Cil-sanws, cairn on SW side of
GM600 Cefn Cil-sanws defended enclosure
GM611 Cwm Glo pit and ironstone tip
GM623 Pitwellt Pond, Prehistoric Hut Circle Settlement (proposed scheduling)
GM624 Rhaslas Pond South Dam
MM185 Sirhowy Ironworks, Site of
MM287 Tredegar Ironworks Cholera Cemetery
MM338 Trefil Quarries North
MM339 Trefil Tramroad
MM344 Twyn Bryn March round cairn
MM347 Afon Sirhowy hut circle

Registered Parks and Gardens

PGW (Gm) 1(MER) Cyfarthfa Castle (grade I)
PGW (Gt) 39 Bedwellty Park, Tredegar (grade II)
PGW (Gm) 70(MER) Cefn Coed Cemetery & Jewish Burial Ground (grade II)

Registered Historic Landscape

HLW (MGL) 2 Merthyr Tydyil
HLW (MGI) 3 East Fforest Fawr and Mynydd-y-Glog
HLW (MGI) 4 Gelli-gaer Common

Listed Buildings/ Conservation Areas

1860	Blaen y Cwm Viaduct	II
11376	The Court House	II
11377	Cefn Railway Viaduct	II*
11382	Cefn Railway Viaduct	II*
11384	Tower of Old Church of St Gwynno	II
11387	Christ Church	II
11388	Jackson's Bridge	II
	Vulcan House including attached rear range, and forecourt	
11389	wall and gate	II
11393	Our Lady of the Rosary Roman Catholic Church	II
11394	Capel Tabernacl (Welsh Baptist Church)	II
11395	Church Hall at Capel Tabernacl	II
11403	Grawen	II
11408	Pont-y-Cafnau	II*
	NO.1 CHAPEL ROW,GEORGETOWN,,,,MID	
11409	GLAMORGAN,	II
	NO.2 CHAPEL ROW,GEORGETOWN,,,,MID	
11410	GLAMORGAN,	II
	NO.3 CHAPEL ROW,GEORGETOWN,,,,MID	
11411	GLAMORGAN,	II
	NO.4 CHAPEL ROW,GEORGETOWN,,,,MID	
11412	GLAMORGAN,	II
	NO.5 CHAPEL ROW,GEORGETOWN,,,,MID	
11413	GLAMORGAN,	II
11414	Remains of chapel/Warehouse at the end of Chapel Row	II
	NOS.9,9A & 9B DYNEVOR	
11424	STREET,GEORGETOWN,,,,MID GLAMORGAN,	II
11425	Primrose Hill	II
11426	Merthyr Christian Centre	II
11427	Bryn Heulog	II
11428	Sunny Bank	II
11429	The Rectory	II
11430	Springfield Villa	II
	NO.6 COEDCAE'R COURT,TWYNYRODYN,,,,MID	
11432	GLAMORGAN,	II
	NO.7 COEDCAE'R COURT,TWYNYRODYN,,,,MID	
11433	GLAMORGAN,	II
	NO.8 COEDCAE'R COURT,TWYNYRODYN,,,,MID	
11434	GLAMORGAN,	II
	NO.9 COEDCAE'R COURT,TWYNYRODYN,,,,MID	
11435	GLAMORGAN,	II
11436	Crown Inn	II
11437	Barclay's Bank	II
11438	Lloyds Bank	II
11439	St David's Church	II
11440	Church Hall at St David's Church	II
11441	Memorial Fountain in St David's Chuchyard Wall	II
11442	Carnegie Library	II
11443	Statue & Plinth to Henry Seymour Berry	II
11444	Town Hall	II*
11445	Former County Court	II
11446	Pillar Box at NE corner of Town Hall	II
11447	Flooks	II
11448	Ironwork Fountain Canopy	II
11449	St Tydfil's Church	II
11450	Gates & Railings at St Tydfil's Churchyard	II
11451	High Street Baptist Church	II

11452	Zoar Chapel (Welsh Congregational)	II
11453	Gates & Gatepiers at Entry to Zoar Chapel	II
11454	Former Wesley Methodist Church	II
11455	Merthyr Tydfil War Memorial	II
11456	Guard Rail & Steps at Merthyr Tydfil War Memorial	II
11457	Former Unitarian Chapel	II
11458	NO.13 NEW CASTLE STREET,,,,,MID GLAMORGAN,	II
11459	NO.13A NEW CASTLE STREET,,,,,MID GLAMORGAN,	II
11460	NO.14 NEW CASTLE STREET,,,,,MID GLAMORGAN,	II
11461	Trengrove House	II
11462	NO.16 NEW CASTLE STREET,,,,,MID GLAMORGAN,	II
11463	NO.17 NEW CASTLE STREET,,,,,MID GLAMORGAN,	II
11464	Theatre Royal	II
11465	Thespian House at Theatre Royal	II
11468	District Education Office of Mid-Glamorgan County Council	II
11469	Boer War Memorial & Railings	II
11470	Zion Chapel (Capel Seion)	II
11471	Schoolroom at Zion Chapel	II
11472	Tydfil House	II
11473	Newton House	II
11474	Newton House	II
11475	St Tydfil's Hospital: Entrance Block (Centre Part Only)	II
11476	Statue & Plinth to Sir W.T. Lewis	II
11477	Stables House	II
11478	Dowlais Works Stables	II
11479	Ffrwd Uchaf Farmhouse and attached outbuilding	II
11480	Barn range at Ffrwd Uchaf	II
	NOS.11 & 12 NEW CASTLE STREET,,,,,MID	
11481	GLAMORGAN,	II
11484	Pontsarn Railway Viaduct (also in Vaynor)	II*
11487	Gwaelodygarth House	II
	NOS.1-16 (CONSEC) UPPER COLLIERS ROW,,,,,MID	
11488	GLAMORGAN,	II
	Ivor English Congregational Church including forecourt	
11489	walls	II
11490	Former Guest Memorial Library	II*
11491	Dowlais Works Blast Engine House	II*
	NOS.15-21 (CONSEC) SWANSEA	
11516	ROAD,GELLIDEG,,,,,MID GLAMORGAN,	II
11517	St Illtyd's Roman Catholic Church	II
13546	Nos 1-14 (consec) Collins Row	II
13547	Nos 14-28 (consec) Lower Row	II
	Nos 1-13 (consec) Middle Row & attached Windsor Arms	
13548	PH	II
13549	Rhymney House Hotel	II
	St David's (Masonic Hall) and attached NE and SW garden	
13554	walls	II
13555	No.2 The Terrace and attached garden wall with gate piers	II
13556	House and attached garden wall	II
13578	Church of St David	II*
13587	1-4 Susannah Houses (consec)	II
13588	Railway Viaduct	II
15676	Rhydycar Skew Bridge	II
15677	Rhydycar Canal Bridge	II
16073	Ynysfach Engine House	II*
16143	Timber Aqueduct over Former Taff Bargoed Railway	II
16882	Old Furnace Farmhouse	II

17931	Church of St John	II
21135	Ystradgynwyn	II
21210	Barn and byre range at Coed Hir	II
21314	Bethania Independent Chapel	II
21317	Tabor Independent Chapel	II
21430	Penuel Baptist Church	II*
21431	Ebenezer Calvinistic Methodist Chapel including vestry	II
22494	Milgatw	II*
22495	Agricultural Range at Milgatw	II
22496	Sirhowy Ironworks	II*
22497	Former Tramroad Bridge over Sirhowy River	II
22498	Ironworks Boundary Stone	II
25179	Church of St Tyfaelog	II
25180	War Memorial	II
25181	Boundary Wall and Railings at St David's Churchyard	II
25182	Former Pay Office Noddfa Buildings	II
25183	Nos 1 and 2 The Lawn	II
25184	The Vicarage	II
25185	Ysgol Lawnt	II
25186	No.3 The Terrace and attached garden wall with gate piers	II
25187	No.4 The Terrace and attached garden wall with gate piers	II
25188	No.5 The Terrace and attached garden wall with gate piers	II
25189	No.6 The Terrace and attached garden wall with gate piers	II
25190	No.7 The Terrace and attached garden wall with gate piers	II
25191	No.8 The Terrace and attached garden wall with gate piers	II
27083	Dowlais Public Library	II
27084	Mile Post	II
27085	Lower Row	II
27086	Industrial building at former Ivor Works	II
80765	No 10 Upper Colliers Row,,,,,,	II
80766	No 13 Upper Colliers Row,,,,,,	II
80767	No 14 Upper Colliers Row,,,,,,	II
80768	No 16 Gelli-deg,,,,,,	II
80769	No 17 Gelli-deg,,,,,,	II
80770	NO 19 Gelli-deg,,,,,,	II
80771	NO 21 Gelli-deg,,,,,,	II
80772	No 9 Upper Colliers Row,,,,,,CF48 1UN	II
80773	Nos 11-12 Upper Colliers Row,,,,,,	II
80774	Nos 15-16 Upper Colliers Row,,,,,,	II
80775	Nos 3-4 Uppier Colliers Row,,,,,,	II
80776	Nos 5-6 Upper Colliers Row,,,,,,	II
80777	Nos 7-8 Upper Colliers Row,,,,,,	II
80958	The War Memorial, screen walls and surrounding railings	II
80959	Blaenygarth	II
80961	Centre ventilation shaft to Morlais Tunnel	II
80962	SE Ventilation Shaft to Morlais Tunnel	II
80963	White Gate Road Bridge and Aqueduct	II
80964	Aqueduct on Dowlais Free Drainage System	II
81187	Direction post near Church of St Gwynno	II
81188	Gravestone of Robert Thompson Crawshay and surrounding railings	II
81189	Hy Brasail	II
81196	Pontsarn Railway Viaduct (also in Pant Community)	II*
81197	Road bridge near former Pontsarn Station	II
	Dam, valve tower, bridge and outflow on Pontsticill	
81199	Reservoir	II
82671	Former Miner's Welfare Hall	II

87475	,12,New Castle Street ,,,,	II
87476	,18,New Castle Street,,,,	II
87477	,19,New Castle Street,,,,	II
87478	,20,New Castle Street,,,,	II
87479	Former Chapel	II
87660	115 High Street	II