



The Planning Inspectorate
Yr Arolygiaeth Gynllunio

DNS: EIA Scoping Direction

3278009: Abertillery Wind Farm

07/09/2021

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This Scoping Direction is provided on the basis of the information submitted to the Planning Inspectorate on 29 June 2021, 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](#) (as amended) (“The 2017 Regulations”).

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 up to seven wind turbines and associated infrastructure by RWE Renewables UK Ltd.

The request was accompanied by a Scoping Report (SR) [[3278009, Scoping Report](#)] that outlines the proposed scope of the Environmental Statement (ES) for the proposed development.

This Direction has been prepared in accordance with 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 duly considered in adopting this Direction.

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

2. Site Description

The site is made up of some 385 ha of upland moorland located between Abertillery to the west and Abersychan to the east, with elevation ranging between 450 m to 550 m AOD around Twyn Pentre and Twyn Du. The site is located within the Blaenau Gwent County Borough Council (BGCBC) and Torfaen County Borough Council (TCBC) planning areas. Further details are set out at section 2.3 of the SR.

3. Proposed Development

The proposal is for up to seven wind turbines and associated infrastructure including:

- Transformers, foundations, crane pads and laydown/storage areas;
- Underground cables;
- Onsite substation/control building;
- Energy storage equipment;
- Site entrance and access from the main road;
- Internal access roads;
- Permanent anemometer mast;
- Borrow pits (where technically feasible);
- Habitat Management Area;
- One or more temporary construction compounds; and,
- Off-site works to facilitate the transport of abnormal loads.

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. History

The site is registered common land and has no relevant planning history.

5. Consultation

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

- Local Planning Authority [Torfaen County Borough Council (TCBC)]
- Local Planning Authority [Blaenau Gwent County Borough Council (BGCBC)]
- Caerphilly County Borough Council (CCBC)
- Brecon Beacons National Park Authority (BBNPA)
- Natural Resources Wales
- Cadw
- Dŵr Cymru
- The Health and Safety Executive
- The Coal Authority

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

6. 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 preapplication advice service.

The ES should focus on describing and quantifying significant environmental effects. Policy considerations / arguments relating to those impacts should be addressed in other documentation supporting the application (e.g. a Planning Statement), which cross references the ES where necessary.

Rochdale Envelope: Whilst not specifically raised in the SR for this project, the Inspectorate has previously been asked whether the '[Rochdale Envelope](#)' approach is appropriate for a DNS application for wind turbine development. Whilst this approach may be appropriate for the pre-application Environmental Impact Assessment work, it should be noted that a DNS application is an application for full planning permission under the Town and Country Planning Act 1990 (as amended). It is therefore not possible to submit a DNS application with as much uncertainty over what is proposed as is acceptable for an Outline application, or for a Development Consent Order under the Planning Act 2008. At the point of application, the following matters should be clear:

- Number of turbines
- Locations of the turbines (subject to micro-siting considerations)
- Maximum tip height
- Maximum hub height

It is open to the applicant to propose that final hub height and rotor diameter could be left to be dealt with via a written submission to the Local Planning Authority, as a pre-commencement condition (should planning permission be granted) provided the condition specifies that the hub height must not exceed (x) m and the rotor diameter shall not exceed (y) m. As with other conditions, the applicant should seek to agree a suitable form of wording with the Local Planning Authority, which can be submitted for the appointed Inspector's consideration.

The Applicant should also consider that, in some cases, different methods of construction may lead to different significant effects. This is particularly relevant in wind farm projects where different type of foundations may be required. The ES should be clear that the worst-case scenario is addressed consistently in terms of development footprint including construction areas.

Once an appropriate level of certainty is reached for the application, the ES should be reviewed and if necessary updated to ensure it properly captures the impacts of the application being submitted. If the applicant has any further queries about the scope for flexibility in the DNS application process, they should contact the Inspectorate.

Micro-siting: The Inspectorate accepts the principle of micro-siting in applications for wind turbines. The ES should be prepared using a clearly identified worst case scenario and final design should not lead to greater likely significant effects than identified in the ES.

Scoping Flexibility: Further to the stated position on micro-siting and the above comments on how the Rochdale Envelope is not an acceptable approach for the eventual application, the Inspectorate is content with the ES being prepared on the basis of design parameters (e.g. dimensions of turbines and associated infrastructure), but the locations of infrastructure should be fixed (subject to micro-siting) and the ES should assess the

relevant worst-case scenario for each aspect chapter. The Inspectorate is content that the scoping is based on a maximum scale of development as a worst-case scenario, and revisions can be made to the scheme prior to submission, but the Applicant is advised to contact the Inspectorate where substantial changes are expected, or where changes would affect the worst-case scenario.

Shadow Flicker: The Inspectorate notes that in '[Review of Light and Shadow Effects from Wind Turbines in Scotland](#)' (L.U.C. for climateXchange, 2017) it was found that "there is a lack of evidence to support the use of ten rotor diameters as a cut off, and this is entirely down to misinterpretation of the original reference to this distance."

The ES should provide a clear rationale as to the methodology adopted, and why it is considered appropriate given the scale of turbines proposed and the requirement for more nuanced assessment suggested by the concerns raised in the above document.

6.1 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.

6.2 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 Scoping Direction.

6.3 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.

6.4 Cumulative Effects

The Inspectorate **does not agree** that only other wind farm sites need to be considered in terms of cumulative effects; whilst other wind schemes will be relevant there may be other schemes where the environmental effects could have cumulative implications for relevant receptors. 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 should be applied when considering what schemes should be included.

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.

The Inspectorate also **does not agree** that schemes which are at the EIA scoping stage should be excluded from assessment. As noted by several consultees, there are a number of potential DNS wind farm schemes in the area around the application site which have reached the scoping stage. In particular, the applicant's attention is drawn to the following DNS schemes:

[3270299 – Mynydd Carn y Cefn Wind Farm](#)

[3253147 - Pen March Wind Farm](#)

[3239181 – Manmoel Wind Farm](#)

[3273368 – Mynydd Llanhilleth Wind Farm](#)

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. The applicant's attention is drawn to requests for additional schemes for inclusion raised by consultees and encouraged to keep a watching brief during the process of assessment, to ensure completeness at the time the ES is finalised.

All of the other developments 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 the relevant LPAs and other consultees, where appropriate.

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

6.5 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.

6.6 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.

6.7 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.

6.8 Topics Scoped In but not subject to a standalone chapter

For such topics it may be helpful to users of the ES if it includes a summary table that signposts the chapters where these matters are addressed.

7. Environmental Impact Assessment Aspects

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.

7.1 Aspects Scoped In

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

Landscape and Visual Impact
Cultural Heritage
Ecology

Ornithology

Hydrology, hydrogeology, geology and soils

Traffic and Transport

Noise and vibration

Shadow Flicker

Telecommunications

Aviation

Vulnerability to risks of major accident or disaster

Climate Change

8. Table 1: The Planning Inspectorate's Comments

ID	Reference in Scoping Report	Issue	Comment
	Description of the Development		
ID.1	2.4.3	Turbine Height	The Inspectorate notes that the Scoping Report has assumed a likely maximum height to blade tip of 180 m. The ES should be clear and consistent about the height that has been considered in the various chapters to ensure that the final decision maker has a reliable picture of the worst-case scenario that has been assessed.
ID.2	2.4.7	Substation Building	The SR states that the dimensions and location of the substation building are not yet finalised. The ES should provide clear details and ensure that potential effects from the substation building are assessed appropriately.
ID.3	2.4.8	Energy Storage	The SR states that the form of energy storage technology that might be proposed has not yet been confirmed. The ES should be clear as to the technology proposed, include sufficient detail and ensure that likely effects assessed appropriately.
ID.4	2.4.9	Anemometer Mast	The SR states that the location of the anemometer mast is not yet known. Given the similarity, the applicant's attention is drawn to comments set out above regarding final location, micro-siting, etc.
ID.5	2.4.16	Grid Connection	The Inspectorate notes that the application for the scheme's grid connection will likely be made by the Distribution Network Operator. As stated in the SR, the potential effects of the grid connection route options should nonetheless be considered in the ES as appropriate. The applicant's attention is drawn to comments from consultees in this respect. Where relevant the impact of the grid connection should be captured in each

ID	Reference in Scoping Report	Issue	Comment
			Chapter of the ES.
ID.6		Traffic Routes and Access Point(s).	The Inspectorate notes that transport routes and access points to the site have not yet been finalised. The ES should be clear as to the routes and access points proposed, include sufficient detail and ensure that likely effects assessed appropriately. It is recommended that the applicant consult with the relevant highways and trunk road authorities when finalising proposals.
Landscape and Visual Assessment			
ID.7	3.2.19	Initial Search Area	<p>The Inspectorate agrees that a 45km initial search area is appropriate.</p> <p>The applicant should note that there appears to be a discrepancy in the SR regarding the search area recommended by LANDMAP Guidance Note 46 (GN46). As noted by NRW, GN46 recommends a search area of 26-33 km for turbines with a height of 176-225 m, rather the 23-26 km stated in the SR.</p>
ID.8	Figure 3.3	Study Area	<p>Figure 3.3 shows a study area of 15 km though it may be that this is solely for illustrative purposes in the SR.</p> <p>The SR suggests that significant effects are less likely at distances over 20 km. However, as noted by NRW, GN46 recommends a study area of 26-28 km for turbines of the height proposed. The applicant's attention is drawn to NRW's view that a minimum 26 km study area should be used and is advised to liaise directly with the relevant consultees before finalising the approach to assessment, as set out in the SR.</p>
ID.9	Table 3.5	Viewpoints	NRW, BBNPA and CCBC all request additional viewpoints to be included in the LVIA, including night time viewpoints. The applicant's attention is drawn

ID	Reference in Scoping Report	Issue	Comment
			<p>to consultees' comments in these respects, and they are advised to include the information requested and to liaise with the consultees to agree the final list of viewpoints.</p> <p>As NRW highlight, it will be necessary to undertake a night-time assessment of the impact of aviation lighting on the BBNP. This should also be considered in terms of cumulative impacts.</p>
	Cultural Heritage		
ID.10	3.3.8	Blaenavon World Heritage Site	<p>The applicant's attention is drawn to Cadw's recommendation that advice given in "<i>Guidance on Heritage Impact Assessments for Cultural World Heritage Properties</i>" (ICOMOS, 2011) along with that given in "<i>Managing Change in World Heritage Sites in Wales</i>" (Welsh Government 2017) is utilised when assessing impacts on the WHS.</p>
ID.11	3.3.27	Study Area	<p>In its consultation response, Cadw suggests a minimum study area of 5km for all nationally designated historic assets and points to a discrepancy between the LVIA section of the SR, where a viewpoint is included at Pontypool Park, and the Cultural Heritage section, where the study area proposed would exclude assessment of impacts on the Park's setting.</p> <p>The Inspectorate shares Cadw's view and therefore directs that a minimum 5km study area should be used for nationally designated historic assets in the Cultural Heritage section of the ES and that the applicant should strongly consider including such assets within a greater radius, where the potential for impacts on setting to occur are identified. Further consultation with Cadw on this matter is encouraged where necessary.</p>

ID	Reference in Scoping Report	Issue	Comment
ID.12	3.3.30	Walkover Survey	The applicant's attention is drawn to Cadw's strong recommendation that the walkover survey is undertaken once the results of desk-based research are known, so that they can be checked on the ground.
ID.13	3.3.31	ASIDOHL	It is agreed that an ASIDOHL is not required in relation to the Blaenavon Registered Landscape of Outstanding Historic Interest, but the applicant's attention is drawn to the recommendation from Cadw that impacts on the setting of the historic landscape should be assessed within the ES.
ID.14	3.3.48	Cumulative Assessment	As set out at section 6.4 above and in line with comments provided by consultees, the applicant is strongly advised to include relevant DNS schemes that have reached the EIA scoping stage in the assessment of cumulative effects for this ES.
ID.15	3.3.53	Archaeology	The approach to the assessment of archaeological assets set out in the SR is considered appropriate. The applicant is encouraged to consult with the relevant bodies during the course of assessment, as set out at paragraph 3.3.55 of the SR.
	Ecology		
ID.16	3.4.23	Dormice	The SR states that habitats on the high ground and slopes on the common are unsuitable for dormice. This is not correct as heath and bracken, although suboptimal, can offer nesting opportunities for dormice.
ID.17	3.4.25	Statutory sites	The SR states that it is unlikely that there will be significant effects on the ecological interest of statutory designated sites alone or cumulatively as a result of the proposed development. This statement is not substantiated as the information included in the SR is not sufficient to exclude impact on the Usk Bat Site SAC nor the Bloreng SSSI. The Applicant's attention is drawn

ID	Reference in Scoping Report	Issue	Comment
			to NRW's response at Appendix 1. NRW also recommend the future ES to include Llandegfedd Reservoir SSSI in the assessment. Further liaison with statutory consultees is recommended to establish the scale of the potential impacts on statutory designated sites. The Applicant should also consider the cumulative impact with other proposed windfarm developments in the area.
ID.18	3.4.26	Impacts on non-statutory sites and National Vegetation Classification (NVC) surveys	The SR states that impacts on Annex 1 priority habitat and SINCs will be minimised and the loss of Section 7 habitats will be avoided. At this stage it is unclear how this will be achieved as only a Phase 1 Habitat survey has been conducted. Due to the presence of the priority habitats identified, a NVC survey is required. The survey should follow the methodology described in Rodwell, J. S. (2006). National Vegetation Classification: Users' handbook. Representative quadrats should be selected taking into consideration not only the final location of the turbines (including micro-siting) but associated infrastructure and construction areas (including borrow pits). The survey results should inform the assessment of the potential impact on non-statutory designated sites.
ID.19	3.4.28	Badger	It is not clear what "ensure legislative compliance" means in this context. For the avoidance of doubt, badger surveys should be undertaken at the correct time of the year and the results should inform a badger mitigation strategy to be included in the ES.
ID.20	3.4.28	Reptiles	The SR is not clear whether the ES will consider reptiles or not. However, it is noted that there is potential for reptiles to be present on site as indicated by previous records identified during the desk-based assessment and the presence of supporting habitats in site. The SR does not include sufficient information to understand the significance of the potential impacts of the proposal on reptiles and it is not clear whether reptiles are assumed

ID	Reference in Scoping Report	Issue	Comment
			<p>present. Thus, based on the information provided, it is considered premature to scope out any further survey work in regard to these species. It would be more appropriate to undertake targeted survey to establish presence / absence once the turbine locations are known if the developable areas intersect with suitable habitat. It is the Inspectorate's understanding that this would be necessary to estimate the potential magnitude of any impacts, and that would inform the approach to mitigation.</p> <p>Therefore, the Inspectorate does not agree to scope out Reptiles at this stage.</p>
ID.21	3.4.29	Silurian moth and invertebrates survey	<p>BGCBC has raised concern about the impact of the proposal, alone and in combination with other large windfarm developments, on Silurian moth. The Inspectorate agrees that an invertebrate survey should be conducted. The Applicant should ensure that survey work is undertaken at the correct time of year. Survey effort should always be proportionate to the development, taking into account seasonal limitations. Further liaison with the relevant local authorities is recommended once the layout of the development is known.</p> <p>The survey should not only focus on establishing the presence of Silurian moth but also gather an understanding of the effect of the proposal on the population potentially affected, taking into consideration the other schemes mentioned in section 6.4 of this Scoping Direction. The assessment should consider the conservation status of this species. The survey should also investigate the potential for other priority invertebrates to be affected by the proposal.</p>
ID.22	3.4.29	Dormice	<p>As noted above, sub-optimal habitats capable of supporting dormice are present on site. It is not clear whether dormice will be considered present and it is not clear whether supporting habitats will be affected by the</p>

ID	Reference in Scoping Report	Issue	Comment
			<p>development. The ES should include avoidance measures and mitigation. See also NRW comments at Appendix 1.</p> <p>Therefore, the Inspectorate does not agree to scope out Dormice at this stage.</p>
ID.23	Table 3.9	EcIA consideration	Based on the comments above, the Inspectorate does not agree that the following will not require detailed assessment: statutory protected sites, reptiles, badgers, dormice and invertebrates. It is however agreed that water voles can be scoped out.
ID.24	3.4.33	Great Crested Newts (GCN)	The Inspectorate agrees with the approach described in the SR. It is agreed that, should GCN found to be present, a population assessment will be required.
ID.25	3.4.33	Bats (activity surveys)	The SR states that the "Scottish Natural Heritage (2019). Bats and onshore wind turbines - survey, assessment and mitigation. NatureScot, Inverness" guidance will be followed but it is noted that no transect surveys or vantage point surveys are proposed. The SR states that "it is otherwise left to the professional judgement of the consultant to advise what complementary surveys are appropriate. However, the guidance is clear that these surveys methods are to complement the information gathered from static detectors. Transects surveys should be conducted at the appropriate time of the year. The Applicant's attention is also drawn to NRW comments regarding bat roosts.
ID.26	3.4.36	Cumulative Assessment	As set out at section 6.4 above and in line with comments provided by consultees, the applicant is strongly advised to include relevant DNS schemes that have reached the EIA scoping stage in the assessment of cumulative effects for this ES.

ID	Reference in Scoping Report	Issue	Comment
ID.27	3.4.40	Approach to mitigation	The SR indicates that a draft Construction Environmental Management Plan (CEMP) will be included. The Inspectorate agrees with this approach but it is noted that no details of enhancement are available at this stage. The ES should include a detailed ecological management plan, including targets and enhancement objectives specific to the habitats and species present on site. The plan should include monitoring and indicate triggers which would prompt changes in the management of the site. Any net benefits should be clearly identified. At this stage, the Inspectorate is not in a position to provide further recommendations for the delivery of specific mitigations. It is recommended that relevant consultees are further engaged once a draft mitigation proposal is emerging.
ID.28		Groundwater Dependent Terrestrial Ecosystems (GWDTEs)	The SR does not mention the potential for GWDTEs to be affected by the proposal even though there is potential for peat deeper than 0.5m to be present. The Ecological assessment should consider GWDTEs, with reference to the hydrological assessment (see below).
	Ornithology		
ID.29	3.5.9	Vantage Point (VP) survey	The Inspectorate agrees with NRW (see Appendix 1) that the exclusion of August and September in the survey effort may have resulted in a under estimation of the potential presence of wader and migratory wildfowl. The Inspectorate agrees with the concern expressed by NRW and BGCBC with regards to survey timing that could have led to the underestimation of potential presence of owl species. Survey limitations indicated by statutory consultees should be robustly justified in the ES. The Applicant may consider additional survey effort during the second survey year to compensate for the limitations indicated.

ID	Reference in Scoping Report	Issue	Comment
ID.30	3.5.13	Designated sites	It is not clear why only sites within 2 km of the proposal are considered. A search radius of 10km is commonly considered at the early stages of the assessment. The Inspectorate's view is that at least the Severn Estuary Special Protection Area and Ramsar should have been considered, along with the Blorengie SSSI. Therefore, the Inspectorate directs that the ES should include at least those sites in the assessment. The applicant should also include other designated sites that are found to be relevant during the process of assessment.
ID.31	3.5.19	Breeding birds survey	As noted by NRW (appendix 1) it is not clear why only VP surveys have been employed. This should be justified in the ES and the Applicant may consider additional survey effort during 2021/2022 to compensate for the limitation.
ID.32	3.5.31	Red grouse and nightjar	The Applicant's attention is drawn to BGCBC response at Appendix 1.
ID.33	Table 3.10	Detailed assessment	The Inspectorate does not agree with the summary in Table 3.10. The survey information provided in the SR is limited and statutory consultees have raised concerns regarding the methodology of the surveys conducted so far. The Inspectorate does not agree with the species and the protected sites to be scoped out.
ID.34	3.5.38	Wader assessment	As mentioned above, due to the limitations of the surveys, the Inspectorate does not agree to scope out wader surveys.
ID.35	3.5.39	Impact Assessment	At this stage it is not possible to agree with the scope of the assessment identified. The concerns raised by the statutory consultees are noted. The Applicant should consider that the cumulative impacts within this area may be significant. The Inspectorate does not have the expertise to

ID	Reference in Scoping Report	Issue	Comment
			advise on this matter and thus it is recommended that the applicant continue to engage with NRW and relevant LPAs once the baseline surveys are complete and the collision model prepared. As this is a highly technical subject, the applicant may want to explore the possibility of engaging the relevant parties in the preparation of Statements of Common Ground.
ID.36	3.5.41	Cumulative Assessment	As set out at section 6.4 above and in line with comments provided by consultees, the applicant is strongly advised to include relevant DNS schemes that have reached the EIA scoping stage in the assessment of cumulative effects for this ES.
ID.37	3.5.43	Approach to mitigation	No details of enhancement are available at this stage, but the ES should include a detailed ecological management plan, including targets and enhancement objectives specific to the habitats and species present on site. The plan should include monitoring and indicate triggers which would prompt changes in the management of the site. Any net benefits should be clearly identified. At this stage, the Inspectorate is not in a position to provide further recommendations for the delivery of specific mitigations. It is recommended that relevant consultees are further engaged once a draft mitigation proposal is emerging.
Hydrology, Hydrogeology, Geology and Soils			
ID.38	3.6.38	Peat probing and GWDTes	The Inspectorate notes the intention to conduct a two steps peat probing exercise. It is recommended that a survey area is clearly identified on a plan. Areas where peat is deeper than 0.5 should be avoided. Peaty areas that cannot be avoided should be surveyed in accordance with the Scottish Government Guidance "Guidance on Developments on Peatland" (2017). A 10 m by 10 m grid is considered acceptable. As peat depth probing is not provided in the SR, the Inspectorate recommends that peat should be measured deeper than 1.5 m, where present. Peat depth surveys should be

ID	Reference in Scoping Report	Issue	Comment
			<p>conducted 25 m either side of proposed tracks. The ES should identify all survey points on a Figure to illustrate the extent of the peat survey. The ecological effects of disturbing peat on site should be addressed in the ecology chapter of the ES. Depending on the results of the survey, a peat management plan may be included in the ES.</p> <p>The ES should include an indication of hydrological flows through the peat and whether Groundwater Dependant Terrestrial Ecosystems (GWDTEs) are present within the Site or its Zone of Influence (ZoI). The Inspectorate recommends that the hydrological assessment should clearly define the ZoI of the Proposed Development and the ES should cross reference the ecological and hydrological assessments.</p>
ID.39	3.6.11	Coal Mining Risk Assessment	<p>The Applicant's attention is drawn to the Coal Authority consultation response at Appendix 1. The ES should include a Coal Mining Risk Assessment, including risk of subsidence. Areas at risk should be avoided. Where different types of turbine foundations are required, the Applicant should consider that this may have an impact on other aspects (for example ecology, noise and traffic). The ES should include a detailed description of construction methods and the worst-case scenarios considered as appropriate.</p>
ID.40	3.6.41	Impact assessment	<p>The Inspectorate notes NRW's potential requirement for groundwater monitoring during construction. The Inspectorate encourages the Applicant to liaise with NRW regarding the need for groundwater monitoring following surveys and further site assessment.</p>
Traffic and Transport			
ID.41	3.7.2	Approach and Consultation	<p>The approach set out in the SR is considered appropriate. The intention to consult with the South Wales Trunk Road Agency and Local Highways Authorities is welcomed.</p>

ID	Reference in Scoping Report	Issue	Comment
ID.42	3.7.15	Cumulative Assessment	<p>As set out at section 6.4 above and in line with comments provided by consultees, the applicant is strongly advised to include relevant DNS schemes that have reached the EIA scoping stage in the assessment of cumulative effects for this ES.</p> <p>The intention to agree the final list of schemes for assessment with the relevant consultees is welcomed and agreed.</p>
ID.43	3.7.16	Effects proposed to be scoped out	<p>Based on the information available, the Inspectorate accepts that the effects of operational and maintenance traffic can be scoped out of the ES.</p> <p>The Inspectorate accepts that the effects of traffic associated with decommissioning activities can reasonably be assumed to be less than those that would occur during construction and that this aspect can therefore be scoped out of the ES. The rationale for scoping this aspect out should be covered proportionately in the ES.</p>
Noise and Vibration			
ID.44	3.8.27	Cumulative Assessment	<p>As set out at section 6.4 above and in line with comments provided by consultees, the applicant is strongly advised to include relevant DNS schemes that have reached the EIA scoping stage in the assessment of cumulative effects for the ES.</p>
ID.45	3.8.30	Effects proposed to be scoped out	<p>The Inspectorate accepts that the noise and vibration effects of decommissioning activities can reasonably be assumed to be less than those that would occur during construction and that this aspect can therefore be scoped out of the ES. The rationale for scoping this aspect out should be covered proportionately in the ES.</p>

ID	Reference in Scoping Report	Issue	Comment
			<p>The Inspectorate agrees that vibration during the operational stage can be scoped out of the ES.</p> <p>There is a lack of clarity in the SR, which sets out the approach to be taken to the assessment of construction noise (paras 3.8.7 & 3.8.23), but then goes on to suggest that aspect should be scoped out at the current stage.</p> <p>However, construction techniques are not known at this stage and certain types of turbine foundations may require the import of materials. Additionally, it is noted that borrow pits are proposed but the location is unknown, thus construction noise may affect nearby properties. Therefore, the level of assessment included in the future ES should reflect the potential for significant impacts to arise from construction and construction traffic noise (including cumulatively), which cannot be excluded at this stage.</p> <p>Additionally, the results of the construction noise assessment should be considered as part of the ecological assessment, should construction noise potentially affect protected and notable species.</p> <p>Based on the above, the Inspectorate does not agree that construction noise can be scoped out of the ES.</p>
Applicant's proposed Aspects proposed to be scoped out			
ID.46	3.9.1	Forestry	The approach to Forestry set out in the SR is considered appropriate and the Inspectorate agrees this aspect can be scoped out.
ID.47	3.9.3	Socio-economics	<p>The Inspectorate agrees that this aspect can be scoped out of the ES based on the available information.</p> <p>The Inspectorate welcomes the assurance that the potential effects of the</p>

ID	Reference in Scoping Report	Issue	Comment
			scheme on the Registered Common Land will be covered in the ES and that tourist and recreational receptors will be assessed in relation to landscape and cultural heritage.
ID.48	3.9.7	Shadow Flicker	<p>The Inspectorate notes that in 'Review of Light and Shadow Effects from Wind Turbines in Scotland' (L.U.C. for climateXchange, 2017) it was found that "there is a lack of evidence to support the use of ten rotor diameters as a cut off, and this is entirely down to misinterpretation of the original reference to this distance." Whilst the approach set out in the SR is acknowledged, the ES should provide a clear rationale as to the methodology adopted, and why it is considered appropriate given the scale of turbines proposed and the requirement for more nuanced assessment suggested by the concern raised in the above document.</p> <p>Given that further assessment is required, the Inspectorate does not agree that shadow flicker can be scoped out at this stage.</p> <p>Shadow flicker is therefore provisionally scoped into the ES.</p>
ID.49	3.9.11	Telecommunications	<p>The approach set out in the SR is considered appropriate. If further assessment and consultation shows that significant effects are unlikely, then it may be possible to scope this aspect out of the ES. However, given that further assessment is required, the Inspectorate does not agree that telecommunications can be scoped out at this stage.</p> <p>Telecommunications is therefore provisionally scoped into the ES.</p>
ID.50	3.9.14	Aviation	<p>The approach set out in the SR is considered appropriate. If further assessment and consultation shows that significant effects are unlikely, then it may be possible to scope this aspect out of the ES. However, given that</p>

ID	Reference in Scoping Report	Issue	Comment
			<p>further assessment is required, the Inspectorate does not agree that aviation can be scoped out at this stage.</p> <p>The applicant should note that, although submitted prior to the relevant formal stage, the Inspectorate has received representations from NATS Safeguarding in relation to the proposed Manmoel Wind Farm DNS, based on potential effects on the performance of its Brecon DME/DVOR navigational aid. Given the proximity of that site to the Abertillery Wind Farm site, the applicant should ensure that effective consultation with NATS is undertaken in relation to this scheme.</p> <p>Aviation is therefore provisionally scoped into the ES.</p>
ID.51	3.9.12	Air Quality	<p>The approach set out in the SR is considered appropriate and the Inspectorate agrees that air quality can be scoped out of the ES. If during the design process / preparation of the ES it becomes apparent that there may be sensitive ecological receptors that could be impacted by localised air quality changes during construction or based on construction transport routes, this may need to be revisited.</p>
ID.52	3.9.22	Transboundary Effects	<p>The Inspectorate agrees that this aspect does not require a standalone section in the ES. However, as noted at paragraph 6.7 above, the EIA regulations require a description of the likely significant transboundary effects to be provided in an ES. The ES should therefore address this matter as appropriate.</p>
ID.53	3.9.23	Human Health	<p>The approach set out in the SR is considered appropriate. The Inspectorate agrees that a standalone chapter is not required, and that Human Health can instead be covered under individual aspect chapters where relevant.</p>

ID	Reference in Scoping Report	Issue	Comment
ID.54	3.9.26	Vulnerability of the proposed development to risks of major accidents and/or disasters	<p>The proposal includes energy storage facilities and at this stage it is not clear which type of technology will be proposed. The Inspectorate notes that there is a potential fire risk associated with certain types of batteries such as lithium-ion and that safety measures are required in the design to minimise the risk of fire. The Inspectorate considers this to be part of the EIA process in line with Schedule 4 of the EIA Regulations.</p> <p>If appropriate, the applicant may consider the submission of a Battery Safety Management Plan confirming that the risks are understood, accounted for and mitigated as far as practicable, in agreement with relevant consultees. The applicant is reminded of the responsibilities set by the Regulatory Reform (Fire Safety) Order 2005. The ES should ensure that risks of accidents are accounted for and mitigated in line with Schedule 4. A proportionate section on this aspect should be included in the ES.</p> <p>Given that this is dependent on final design details, the Inspectorate does not agree that this aspect can be scoped out at this stage.</p> <p>The applicant's attention is drawn to comments received from the Coal Authority regarding the risks in relation to former mine workings and the need to adjust the location of development accordingly. The ES should address this issue as appropriate.</p> <p>The applicant's attention is also drawn to the response received from HSE, which indicates the presence of two Major Hazard Pipeline safety zones within the proposed development area:</p> <ul style="list-style-type: none"> - Gilwern to Hafodyrynys [Transco ref: 2731, HSE ref 4123525] - Gilwern to Hafodyrynys [Transco ref: 1532, HSE ref 4133469]

ID	Reference in Scoping Report	Issue	Comment
			<p>The applicant should liaise with HSE over this issue and address it as appropriate in the ES.</p> <p>Vulnerability to risks of major accident or disaster is therefore provisionally scoped into the ES.</p>
ID.55	3.9.29	Climate Change	<p>This aspect is included in the applicant's list of topics to be scoped out, but the text of the SR at para 3.9.29 suggest that it will in fact be included. The Inspectorate welcomes the inclusion of a carbon balance assessment within the ES.</p> <p>Vulnerability of the proposal to climate change / extreme climate events should also be covered in aspect chapters of the ES where relevant and a summary table to draw this information together should be included.</p>

9. Other Matters

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

9.1 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.

9.2 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. The applicant's attention is drawn to the response received from DCWW in this respect.

9.1 The National Development Framework (Future Wales: the national plan 2040), Planning Policy Wales (PPW) 11, and the revocation of TAN 8

On [24 February 2021](#), the Welsh Government published the [National Development Framework](#) (NDF). The NDF has development plan status, forming the highest tier of the

development plan hierarchy in Wales. Planning Policy Wales has been updated to [edition 11](#). TAN 8 was revoked on the same date.

10. Appendix 1: Consultation Responses

Your ref/Eich
cyf:

Our ref/Ein cyf: 21/P/0581/DNS

Date/Dyddiad: 5 August 2021

Please contact/Cysyllter
â

Direct line/Llinell union:

Direct fax/Llinell ffacs:

Email/Ebost:

Mrs Helen Smith

planning@torfaen.gov.uk

Giulia Bazzoni
The Planning Inspectorate
Crown Buildings
Cathays Park
Cardiff
CF10 3NQ

Dear Giulia

RE: Consultation on EIA Scoping request for Wind farm of up to seven wind turbines and associates infrastructure

AT: Land between Abertillery and Abersychan

Thank you for the consultation on the above EIA Scoping request made to you under Regulation 33 of the Town and Country Planning (Environmental Impact Assessment (Wales) Regulations 2017, in respect of a 'Development of National Significance' (DNS) on land between Abertillery and Abersychan.

The proposal comprises up to 7 wind turbines (180 metres to tip height) with ancillary development comprising up to seven wind turbines and associated infrastructure including transformers, foundations, crane pads and laydown/storage areas; underground cables; onsite substation/control building; energy storage equipment; site entrance and access track from the main road; internal access roads; permanent anemometer mast; borrow pits (where technically feasible); Habitat Management Area; one or more temporary construction compounds; and off-site works to facilitate the transport of abnormal loads. The site is located between the towns of Abertillery and Abersychan to the immediate west and east of the site. The site covers approximately 385 ha, of upland moorland with elevation ranging between 450 m to 550 m AOD around Twyn Pentre and Twyn Du. The site is largely comprised of dry heath and is grazed by sheep and is registered as common land and incorporates parts of Common Land.

The submitted Scoping Report (SR) provides details of the proposed works, consideration of the likely significant effects on the environment, the assessment methodologies to assess these effects, and confirmation of what they believe should be scoped in and out of the EIA.

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The SR has been circulated to TCBC's internal consultees. A list of consultees and their responses is provided in Appendix A. Further advice on some of the unanswered questions may be given at the pre-application stage.

Consultees have responded positively and the approach set out in the scoping report is generally acceptable. Some additional comments have been made by some consultees which the applicant is advised to take into account when preparing their Environmental Statement (ES). The proposed EIA covers the main elements required by the regulations and provides a good level of detail on how the assessment will be carried out. However, in summary, the scope of the ES should address the grid connection in a proportionate manner based on the level of certainty as to the likely connection route at the time of the DNS application being made, despite the SR indicating that the grid connection may be subject to a separate consent regime. The ES needs to assess the whole impact of the development which includes the grid connection.

We have recently been consulted regarding DNS/3270299 Mynydd Carn-y-Cefn Wind Farm which proposes up to 8 wind turbines of 180 metres on the ridge to the west of Abertillery and also DNS/3273368 Land At Mynydd Llanhilleth Common Wind Farm which proposes up to 12 wind turbines also of up to 180 metres on upland between Abertillery and Abersychan. Due to their proximity to this site and the potential cumulative impacts then it is advised that these developments are assessed when considering the cumulative impacts of the proposal.

Advice has also been given in relation to the LVIA, assessing cumulative impacts of other developments already in the DNS process but not yet consented. The site is in close proximity to the Blaenavon World Heritage Site. The SR states that the LVIA will be undertaken in consultation with the Blaenavon World Heritage Site Partnership (BWHSP). This is welcomed.

I can confirm that TCBC as Local Planning Authority, is satisfied the information provided in the Scoping Report provides an acceptable basis for preparing an ES to support an application for this development subject to the comments from the Consultees as set out in Appendix A.

Yours sincerely

Mrs Helen Smith
Prif Cynllunydd/Principal Planner
RHEOLI DATBLYGAU / DEVELOPMENT MANAGEMENT

Appendix A – Consultee comments

Landscaping

Comments have been requested with regards to scoping report for DNS application to construct wind farm on land between Abertillery and Abersychan.

Question 1: 45km radius study area is appropriate

Question 2: Agree with approach and scope for assessments of effects on landscape character, designated landscape and LANDMAP character areas.

Question 3: Agree with initial representative viewpoints and method of presentation though supplementary viewpoints may be required should additional impacts come to light during the design process.

Question 4: Agree with scope of cumulative impact and schemes to be assessed. Consideration may also need to be given to the cumulative impact on the visual amenity and tranquillity of this area should consent be given for vehicles to use the existing trackways within this landscape as haul road for extraction of stone from Tirpentwys Cut. The cumulative impact of this and any permissions granted on sites at Mynydd Llanhilleth will potentially create a very industrial landscape in this area of landscape classed as outstanding visual and sensory character.

Question 5: Agree with approach to the assessment of impact on residential amenity. Consideration should be given to the impact of night-time lighting on the landscape as well as noise and dust within these aspect area which are currently evaluated as of high visual and sensory quality upland areas with attractive upland views, strong sense of place and generally unspoilt.

Ecology

I've read through the EIA Scoping Report for the above proposal and broadly agree with the scope of further ecology survey work to be appropriate. There are just a few of points I would like to add.

1. Whilst mitigation requirements have been signposted, there should also be proposals offered for ecological enhancements.
2. Long-eared Owl are known to breed in mature conifer plantations close to the development area. As this species uses the moorland for feeding, further work should be considered to determine if there is likelihood of impact through turbine collision.
3. There is reference to road widening and the removal of stone from nearby quarries. Should the ecological impacts of these proposals be included in the scope of an EIA?

Environmental Health (Noise/Contamination)

From Environmental Health's perspective the environmental impacts due to noise, vibration and air quality would be our primary considerations in assessing this scoping report.

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The comments in relation to air quality, noise and vibration in the report seem satisfactory and no doubt once more detail is provided via predictive noise assessments etc. then we will be in a position to comment further and with greater accuracy.

Regeneration

Having read the Scoping Report, it is recognised that the Blaenavon Industrial Landscape World Heritage Site is acknowledged as an area requiring further consideration of the potential visual impact of the proposed turbines on the cultural landscape which is recognised by UNESCO as being of Outstanding Universal Value. In view of the recognition within the Report of the potential visual impact on the cultural landscape, it is recommended that John Rodger, ICOMOS UK's representative to the Blaenavon WHS Partnership is consulted by the Planning Inspectorate/ WG on any proposal subsequently submitted. I can provide John's contact details if required.

Forward Planning

Comments Based upon Abertillery Wind Farm Scoping Report (RWE Renewables UK Ltd - May 2021).

The proposal comprises up to 7 wind turbines (max 180 metres tip height) with ancillary development comprising substation / control building, electricity transformers and anemometry mast, foundations, crane pads and laydown/storage areas, underground cables, energy storage equipment, internal access roads, site entrance and access track from the main road, off-site works to facilitate the transport of abnormal loads, borrow pits (where technically feasible), Habitat Management Area, and one or more temporary construction compounds. The site is located on upland moorland, currently grazed by sheep, between Abersychan and Abertillery, with access to the site yet to be determined.

It is noted that the applicants have determined that an EIA is required and this consultation is for an EIA scoping request. The proposal comprises a Development of National Significance (DNS) and is therefore submitted to Welsh Ministers for determination.

The principle of wind turbine development in general is supported. Torfaen has had a Renewable and Low Carbon Energy Assessment undertaken by the Carbon Trust which identifies the ridge to the west of Abersychan as one of the key areas for potential renewable energy generation in Torfaen. This is re-inforced by the designation of the Welsh Governments Pre-Assessed Area for large scale wind turbines which extends into the western boundary of Torfaen to the south of this area and work to identify a suitable Local Search Area for sub 10MW renewable energy schemes has also initially focussed on this part of Torfaen.

A key consideration for Torfaen is the potential cumulative impact from other similar proposals which have yet to gain consent and therefore may not be considered within the scope of the EIA.

The Scoping Report (pp 3.1.12-13) states:

"An assessment will also be made of the likely significant cumulative effects of the proposed development. This will include consideration of schemes that are:

- Operational;

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- Under construction;
- Consented; and,
- In planning.

Wind farms at the scoping stage will not be included unless they are likely to have a bearing on wind farm design and assessment of effects."

We have recently been consulted regarding DNS/3270299 Mynydd Carn-y-Cefn Wind Farm which proposes up to 8 wind turbines of 180 metres on the ridge to the west of Abertillery and also DNS/3273368 Land At Mynydd Llanhilleth Common Wind Farm which proposes up to 12 wind turbines also of up to 180 metres on upland between Abertillery and Abersychan (south of the current consideration).

In our responses, we raised concern regarding the potential sterilisation of the ridge to the east of Abertillery due to cumulative visual impact. It is noted that Future Wales states "Both within and outside Pre-Assessed Areas, communities should be protected from significant cumulative impacts to avoid unacceptable situations whereby, for example, smaller settlements could be potentially surrounded by large wind schemes".

Advice on this matter received by email from WG dated 19/05/21 stated the following:
 "Ultimately the consideration of cumulative impact requires detailed assessment in light of FW, PPW, your LDPs, SPGs, the details of the proposal, the supporting assessments and other material considerations...I would also add that the consideration of the impacts of wind turbines on settlements is specific to each case. There may be circumstances where on account of for example topography, landscape, turbine design and siting it may be acceptable to have wind turbines around a settlement without an unacceptable impact on nearby communities. Again such a judgement would be made through careful consideration and detailed assessment of the proposal."

The Council has commissioned TACP to undertake a Landscape Sensitivity and Capacity Study with relation to wind turbines and solar farm development. Preliminary results identify that the proposed site lies within a landscape of high sensitivity to wind turbine development. Guidance on siting of turbines at this location comprises the following principles:

- o Respect the setting of Blaenavon WHS and associated historic landscape and SM.
- o Avoid placing turbines on narrow sections of ridge where they will appear on the skyline.
- o Consider opportunities to use existing forestry to partially screen wind development.
- o Respect the setting of St Illytid, Swyffrd-ganol Farm and their historic landscape character.

Section 3.1 Question 1 and Section 3.2 Question 4.

We would request that in this instance, the cumulative impact assessment includes the current proposals for wind turbine development at Mynydd Carn Y Cefn and Mynydd Llanhilleth despite them currently being at Scoping stage, due to all three schemes being on a similar timescale for consent and implementation.

Section 3.2 Landscape work should include reference to Blaenavon Registered Landscape of Outstanding Historic Interest as distinct to the World Heritage Site designation.

Section 3.3 Question 1. Consult with UNESCO regarding cultural impact on World Heritage Site.

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Include DNS proposal at Mynydd Llanhilleth in cumulative impact on cultural assets.

Forward Planning would also request that Torfaen's Landscape Officer is consulted upon the Landscape and Visual Impact section of the scoping report and her advice noted. These initial comments are given without prejudice to any future consultation response when further details of the proposal are made available.

Highways

No response

Drainage

Depending on the infrastructure and access arrangements, this application may require SuDS and SAB approval. I will be able to comment further once engineering details are finalised.

Conservation

No response

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Our Ref./Ein Cyf. CON/2021/0007

Your Ref./Eich Cyf. DNS 3278009

Contact:/Cysylltwch â: Joanne White

05 August 2021

Giulia Bazzoni
Planning Inspectorate
Crown Buildings
Cathays Park
Cardiff
CF10 3NQ

Dear Giulia,

**Re: Development of National Significance Abertillery Wind Farm
Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations
2017 - Request for a Scoping Direction**

I write in response to your request for advice regarding a Scoping Direction made to you under Regulation 33 of the Town and Country Planning (Environmental Impact Assessment (Wales) Regulations 2017, in respect of a 'Development of National Significance' (DNS) on land between Abertillery and Abersychan.

The development proposes the construction and operation of a wind farm that would generate a combined capacity of over 10MW of electrical power and would have a 35-year operational life. The proposed development comprises of the following:

- Up to 7 wind turbines, with an indicative height of up to 180m to tip together with external transformer housing;
- Turbine foundations, crane pads and laydown/storage areas;
- Onsite substation and control building;
- Underground power cables;
- Site entrance and access track from main road;
- Permanent anemometer mast for wind turbine performance monitoring;
- Habitat Management Area,
- One or more temporary construction and storage compounds, and;
- Off-site works to facilitate the transport of abnormal loads.

Mae'r Cyngor yn croesawu gohebiaeth yn Gymraeg a Saesneg a byddwn yn cyfathrebu gyda chi yn eich dewis iaith, dim ond i chi roi gwybod i ni pa un sydd well gennych. Ni fydd gohebu yn Gymraeg yn creu unrhyw oedi.

The Council welcomes correspondence in Welsh and English and we will communicate with you in the language of your choice, as long as you let us know which you prefer. Corresponding in Welsh will not lead to any delay.

The site is located to the east of Abertillery and to the west of Abersychan and covers approximately 385 hectares. The site spans across two Local Planning Authorities; Blaenau Gwent to the west and Torfaen County Borough (TCBC) to the east. The site access point has not been identified. A number of public rights of way (PRoW) cross the site which is also covered by Access Land under the Countryside and Rights of Way Act 2005. The site is also registered as common land.

Two existing turbines are sited adjacent to the southern boundary of the site at Coed-y-Gilfach Farm, Six Bells.

Within the surrounding area, the site is located approx. 5km from the SAC, Usk Bat Sites and 3.3km from Blorenge SSSI, which are located to the north/north-east of the proposed development. The Usk Bat Sites SAC supports dry heaths, raised and blanket bogs, calcareous rocky slopes, caves and Tilio-Acerion forests. Lesser horseshoe bats are also a qualifying feature. Blorenge SSSI is designated for its sub-montane heath (heather moorland community), limestone exposures, scree and waterbodies.

Whilst the site itself is not covered by any statutory environmental designations, a number of local designations occupy the site. The Sites of Importance for Nature Conservation (SINCs) that fall within the site include Mulfran, Mynydd Coity, Mynydd James & Gwastad; Gwastad Common; and Mynydd Llanhilleth Common. These SINCs are designated for a range of upland habitats including dry heath, acid grasslands, wet heath and blanket mire and some ancient woodland. The Mulfran, Mynydd Coity, Mynydd James & Gwastad is the only known breeding site in Britain for the Silurian moth.

Other SINC's which are adjacent to the site include East Gwastad Farm, Coed y Gilfach, Coity and Mynydd James mountains and Greenmeadow Farm. These SINCs are designated for upland fringe habitats including acid grassland, marshy grassland, wet woodland, mire, beech woodland and ancient woodland.

Section 3.4 Ecology of the Screening Report (SR) provides further information on these designations. A location plan of the designated sites is presented on Figure 3.9 of that report.

The site also features two locally designated Special Landscape Areas (SLA) - ENV2.2 SLA Eastern Ridge and Mynydd James; and ENV2.3 SLA Cwm Tyleri and Cwm Celyn

The [REDACTED] exceeds the threshold for wind developments as set out in Schedule 2 of the Environmental Regulations (Wales). On the basis that the developer has made the judgement that the development could result in 'significant' environmental effects according to the Regulations, in line with Schedule 3, the Development is classified as an Environmental Impact Assessment (EIA) development and an Environmental Statement (ES) is required to consider the potential significant environmental effects as a consequence of the proposed development.

The submitted SR provides details of the proposed works, consideration of the likely significant effects on the environment, the assessment methodologies to assess these effects, and confirmation of what Savills believe should be scoped in and out of the EIA.

The SR has been circulated to statutory consultees and Blaenau Gwent County Borough Council's (BGCBC) internal advisors. A list of consultees is provided at Appendix A and copies of their responses provided in Appendix B.

As you will see, consultees have responded positively and the approach set out in the scoping report is generally acceptable. However, as noted in the ecology comments in Appendix B, the Council's Ecologist does not agree with the receptors to be scoped out for the reasons provided. Some additional comments have been made by other consultees which the applicant is advised to take into account when preparing their ES. The proposed EIA covers the main elements required by the regulations and provides an adequate level of detail on how the assessment will be carried out.

Notably, there is a strong emphasis that the ES needs to assess the cumulative impacts of other developments already in the DNS process but not yet consented.

In summary I can confirm that, BGCBC as Local Planning Authority (LPA), is satisfied the information provided in the Scoping Report provides an acceptable basis for preparing an ES to

support an application for this development subject to the comments from Consultees as set out in Appendix B.

Yours sincerely,



Joanne White
 Planning Officer – Development Management

Appendix A: List of Consultees

Consultee	Resp. Received	General Comments
<u>Internal</u>		
Environmental Health	✓	Generally agree with approach – see full comments in Appendix B
Highways	✓	Agree with approach
Landscape	✓	Generally agree with approach - See full response in Appendix B
Ecology	✓	Agree with scoped in – don't agree with scoped out. See full response in appendix B
Rights of Way	✓	Insufficient information - See full response in Appendix B.
Drainage	✓	SAB required.
Geotech/Structures	No response	
A response has also been received from Glamorgan Gwent Archaeological Trust (GGAT)		Agree with approach

Appendix B – Consultee Responses

Below are the full responses received from consultees:

Landscape

A [REDACTED] clear methodology that follows established processes.

In regard to the LVIA approach a number of questions are raised to which I offer the following responses:

1. The 45 km radius study area is considered appropriate and agree that significant effects are less likely beyond 20km.
2. The correct Landmap aspect areas have been identified within the scope.
3. A good range of viewpoints have been identified that will help to demonstrate representative effects. Appropriate visualisation is also proposed.
4. In terms of cumulative effects – it is noted that the whilst Mynydd Carn y Cefn has been identified and included, there are also wind farm developments in planning at Mynydd Llanhilleth and Manmoel that must also be included.
5. The approach to the residential visual amenity is proposed to follow the Landscape Institutes guidance note 11 for such assessments.

It is also noted from the information provided that the main entrance to access the site and internal access network are unknown at this point in time. However, it is noted that depending on the final agreed locations this issue in itself is likely to have significant environmental impacts. The particular areas of interest relate to the PROW network that covers the area, and includes the potential to exacerbate problem with illegal off road activity as well as off-site access improvement requirements.

Ecology

With regards to both the ecological and ornithological approach the two same questions have been asked:

q.1 Do consultees consider the scope of works for ecological assessment appropriate?

In relation to ecology

To date a desk based review and Phase 1 survey method have been conducted. Further surveys are to be carried out to assess the potential on other protected species i.e. bats, Great

Crested Newt and otter, with the methodologies outlined in the report. Methodologies have followed the relevant guidelines ensuring a more robust approach.

In relation to ornithology

To date a desk study review and Vantage Point, breeding raptor surveys conducted. There are further surveys to be carried out following the recommended methodologies.

q.2 Do you agree on the receptors to be scoped out?

In relation to ecology:

I do not agree with scoping out Silurian moth. The moth is a Section 7 species and of local importance with its strong hold within Blaenau Gwent being associated with the Coity Mountain. Even though the report suggests that negative impacts are likely to be minimal on the larval food plant, it must be noted that there are other wind farms in planning: Myndd Llanhilleth and Mynddy Carn Y Cefn. Taking these into consideration, over a larger scale area with the development associated infrastructure, there may be more significant impacts on the suitable breeding habitat for Silurian moth through loss of ecological connectivity and habitat fragmentation. Therefore, I feel before they are scoped out that further invertebrate surveys are conducted.

In relation to ornithology

I do not agree with the receptors to be scoped out. There are recovering populations of Red Grouse. There have been anecdotes that long eared owls are breeding in the area and using the area to forage. With short eared owls wintering along the ridge. Therefore, I feel before they are scoped out that further surveys would be required to fully assess any impacts on the species identified not needing further assessment.

Rights of Way

The potential for impacts on the legal rights of way network within the development area is significant, but as the development proposal has not been developed to a detailed stage this cannot be defined at this stage. It is important that access issues are fully explored within the EIA process.

Highways

In respect of the scoping questions at the end of *Section 3.7 Traffic and Transport* the following responses are applicable:

Question 1: Can the consultees confirm the acceptability of scoping out operational and decommissioning effects?

Yes, agreed

Can you name any other relevant consultees who should be consulted about the A166 transport assessment?

BGCBC as Local Highway Authority are to be formally consulted.

Environmental Health

The BGCBC public protection team are generally happy with the approach and the proposed effects scoped out. However, they would expect to see a noise assessment submitted as documented in the report and would expect it to follow the relevant guidance with background readings undertaken. There are also other projects in the area for more turbines and they would expect to see these included in the assessment for cumulative noise.

In addition, approximately 400m to the south west of turbine 4, there is a closed former domestic refuse land fill site. This should be taken into consideration from a gas risk assessment perspective.

Other Matters

In response to para 3.1.14 of the SR, the LPA would advise that an application for 1 turbine at Unit 19 Rassau Industrial Estate is currently pending a determination. The tip height is for 80m and will be located approximately 9.4km from the development site. However, it should be noted that the approved turbine at Unit 18 Rassau Industrial Estate (not referred to in the SR) and the pending turbine at Unit 19 cannot co-exist and thus should not impact the cumulative assessment.

GGAT

GGAT have submitted the following comments to the LPA:

We note that the Cultural Heritage section (Section 3.3) indicates that there are 15 records of non-designated archaeological sites within the proposed development, including a Post-medieval earthwork, boundary posts, prehistoric find spots, buildings and mining/quarrying features.

As a result, it is intended to carry out an archaeological desk-based assessment to the Standards and Guidance of the Chartered Institute for Archaeologists (CIfA). Such an approach is entirely appropriate, and we look forward to reading the assessment. As stated by the CIfA Standards and Guidance, the assessment will need to be carried out to a submitted and approved Written Scheme of Investigation (WSI).

It [REDACTED] that, depending on the results of the desk-based assessment, further archaeological works may be required. Depending on the nature of such works it may be appropriate to conduct them pre or post-determination. Furthermore, it is our policy to recommend that all archaeological work is carried out by a Registered Organisation (RO) with the Chartered Institute for Archaeologists, or by a full Member (MCIfA) of the Chartered Institute for Archaeologists.

Good Evening

**TOWN AND COUNTRY PLANNING ACT 1990
THE DEVELOPMENTS OF NATIONAL SIGNIFICANCE (PROCEDURE)
(WALES) ORDER 2016 (AS AMENDED)
TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT
(WALES) REGULATIONS 2017**

Potential DNS Application No: DNS/3278009

Project Name: Abertillery Wind Farm.

Site Address: Upland moorland plateau separating the valley towns of Abertillery and Abersychan.

Proposed Development: Wind farm of up to 7 wind turbines with associated infrastructure.

Thank you for your consultation received on 05 July 2021 concerning the above matter.

The comments offered from Caerphilly County Borough Council (CCBC) are as follows:-

The development proposal seeks to erect up to seven wind turbines outside of the outside of the unitary boundary for CCBC and taken into consideration any 50 metres micro siting tolerance, the proposal for consideration would still be outside of the unitary boundary for CCBC

Notwithstanding the above, it is likely that views of the proposed windfarm from the upland areas within CCBC would be visible and the suggested viewpoints contained with the Scopin Report from CCBC are welcomed. However, one additional viewpoint from Cefn Y Brithdir looking East on the Rhymney Valley Ridgeway Walk and within the North Rhymney Valley VILL. OS Grid Ref 313565,203055 is suggested.

Finally please be advised that the turbine identified at *Pen-yr-heol Farm* included in **Table 3.1** whilst constructed, has never been operational and a replacement turbine (planning reference 21/0083/FULL) was granted on 24.05.2021.

Caerphilly County Borough Council would welcome the opportunity to provide further detailed comments should the LPA be formally consulted as a neighbouring authority regarding any future Environmental Statement.

Please do not hesitate to contact me if you have any further queries.

Kind Regards

Liz Rowley

Prif Gynllunydd | Principal Planner

Cyngor Bwrdeistref Sirol Caerffili | Caerphilly County Borough Council



**PARC CENEDLAETHOL BANNAU BRYCHEINIOG
BRECON BEACONS NATIONAL PARK**

Giulia Bazzoni
The Planning Inspectorate
Crown Buildings
Cathays Park
Cardiff
CF10 3NQ

Date: 11 August 2021
Officer: Davina Powell
Your Ref: 3278009
Our Ref: 21/20163/FRI

Dear Sir/Madam,

Town and Country Planning Act 1990 (as amended)
Town and Country Planning (Development Management Procedure) (Wales) Order 2012

Proposal: "Construction of a wind farm of up to 7 wind turbines with associated infrastructures."

Address: Land Between Abertillery And Abersychan, (Abertillery Wind Farm),

The Authority welcomes feedback from agents and applicants on the quality of the service received. For further information, please visit www.beacons-npa.gov.uk/planningsurvey to fill in a brief online survey.

Thank you for your consultation received 5 July 2021 regarding the above.

It is understood that the Planning Inspectorate has received a request for a Scoping Opinion in relation to the above development and you are consulted the Brecon Beacons National Park Authority under Regulation 33(7) of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017.

The proposed development

Up to 7 turbines (although this number could change) with a maximum tip height of 180m (max capacity over 10MW) together with associated and ancillary development including a substation/control building, electricity transformers and anemometry mast, access works, energy storage equipment, borrow pits, temporary construction compound and associated works. The site measures 385 hectares and is located on Common Land including designated Open Access Land.

It is noted that the development site is located in Blaenau Gwent County Borough Council and Torfaen County Borough Council local planning authority areas but is located around 3.7km away from the Brecon Beacons National Park Authority boundary (at its closest point). It is noted that the Scoping Report appears to note a 4.4km separation distance from the National Park boundary at its closest point which is slightly different.

It is noted that this development is one of number of similar requests being considered by the Planning

Inspectorate and other bodies in the general vicinity. The Authority has been recently made aware of the following:

- Land at Mynydd Llanhilleth Common PINS Ref: 3273368,
- Land at Penpergwn, Monmouthshire pre-application consultation stage; and
- Land at Manmoel Common, Manmoel Raod, Near Ebbw Vale PINS Ref: 3239181.

Comments on the EIA Scoping Report

The Brecon Beacons National Park Authority has the following comments on the Abertillery Wind Farm EIA Scoping Report (May 2021) prepared by RSK:

1. We note the applicant is proposing to prepare a Landscape and Visual Impact Assessment (LVIA) Chapter as part of the Environmental Impact Assessment process which is welcomed.
2. Cumulative impact – as raised above, the National Park Authority has recently been consulted on a number of new wind farm proposals on the fringes of the National Park boundary and the Authority has concern regarding their cumulative impact. Given this proliferation, we would argue that these will need to be considered as part of any cumulative impact assessment. Also – it is unclear why proposals within a 20km radius has only been considered.
3. Please note the National Park boundary (including the International Dark Sky Reserve) (at its nearest point) is circa 3.7km away from the site boundary.
4. We note that the number and location of turbines might change therefore we assume the viewpoints (and Zone of Theoretical Visibility) being presented might be subject to change. Therefore, we reserve our consideration of the appropriateness of the viewpoints once further detail has been set on these matters. It is noted that 18 viewpoints are identified in total, with 6 viewpoints (10, 11, 13, 16, 17 and 18) within the National Park boundary. An additional viewpoint from Sugar Loaf (within the National Park boundary) is requested. It is assumed winter views will be provided of these viewpoints.
5. We note that night-time views are proposed to be provided for just 2 viewpoints. We consider that a full night-time assessment is required as part of the LVIA - as well as consideration of glint and glare. We would be happy to provide a perspective on which viewpoint would be appropriate once we have had the opportunity of seeing the day-time viewpoints.
6. The statutory and planning section of the Environmental Statement (ES) should draw upon the Brecon Beacons National Park current Management Plan 2015-2020. This is the document which sets out the Special Qualities of the National Park. Planning Policy Wales (PPW) requires that the special qualities of designated areas are given weight in the development planning and development management process. Therefore this document (as well as the Special Qualities) will need to be carefully considered as part of the Environmental Impact Assessment process. Please note initial work is underway regarding a new Management Plan.
7. Photomontages are requested of all viewpoints from within the National Park irrespective of whether they are within the 20km distance or not.
8. The chapters in the Environmental Statement need to consider of the impact of the proposal on the special qualities of the National Park. Particular special qualities the Authority is concerned about relate to:
 - *“A National Park offering peace and tranquillity with opportunities for quiet enjoyment, inspiration, relaxation and spiritual renewal”.*
 - *“The Park’s sweeping grandeur and outstanding natural beauty observed across a variety of harmoniously connected landscapes, including marvellous gorges and waterfalls, classic karst geology with caves and sink holes, contrasting glacial landforms such as cliffs and broad valleys carved from old red sandstone and prominent hilltops with extensive views in all directions”.*

We trust the above comments are of assistance however if you wish to discuss any aspect further please do not hesitate to contact me.

Yours faithfully,



Tracy Nettleton
Planning and Heritage Manager

Yr ydym yn croesawu gohebiaeth yn y Gymraeg. Bydd unrhyw ohebiaeth yn y Gymraeg yn cael ei ateb yn y Gymraeg a ni fydd unrhyw gyswllt trwy gyfrwng y Gymraeg yn arwain at oedi yn y mater sy'n cael ei drin.
We welcome correspondence in Welsh. Any correspondence in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in the matter being dealt with.

The Planning Inspectorate
Crown Buildings
Cathays Park
Cardiff
CF10 3NQ

ebost/email:
southeastplanning@cyfoethnaturiolcymru.gov.uk

09/08/2021

Annwyl Syr/Madam / Dear Sir/Madam,

**TOWN AND COUNTRY PLANNING ACT 1990
THE DEVELOPMENTS OF NATIONAL SIGNIFICANCE (PROCEDURE) (WALES)
ORDER 2016 (AS AMENDED) TOWN AND COUNTRY PLANNING (ENVIRONMENTAL
IMPACT ASSESSMENT) (WALES) REGULATIONS 2017**

**BWRIAD / PROPOSAL: CONSTRUCTION OF A WIND FARM OF UP TO 7 WIND
TURBINES WITH ASSOCIATED INFRASTRUCTURES.**

LLEOLIAD / LOCATION: LAND BETWEEN ABERTILLERY AND ABERSYCHAN.

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which we received on 5 July 2021.

Based on the information submitted we provide the following advice in relation to landscape and visual assessment, ecology, ornithology, hydrology, hydrogeology, geology and soils.

We have reviewed the Abertillery Wind Farm Scoping Report prepared by RSK, dated 18 May 2021.

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 Assessment

Our advice relates to the potential impacts on the Brecon Beacons National Park and Wye Valley Area of Outstanding Natural Beauty (AONB).

The proposal is for up to 7 wind turbines and associated infrastructure, located within 5km of the National Park boundary to the east and north at its closest points and approximately 25km from the boundary of the Wye Valley AONB. The assumed maximum height of the turbines would be 180m high to blade tip and would require aviation lighting. The proposal lies on an area of upland moorland between Abertillery to the west and Abersychan to the

east. The open upland forms part of a series of plateaus and lies between 450-550m AOD around Twyn Pentre and Twyn Du. Two existing turbines of 45m in height are situated adjacent the south boundary at Coed y Gilfach, Six Bells, Abertillery. The site is overlapped by two Special Landscape Areas within Blaenau Gwent, Eastern Ridge of Mynydd James and Cwm Tyleri and Cwm Celyn.

The proposal lies outside of Pre-Assessed Areas for Wind Energy, as defined under Policy 17 of Future Wales: The National Plan 2040. It lies approximately 1km from Pre-Assessed Area 10, and Policy 18 criteria apply.

Figure 3.2 in the report provides an indicative ZTV and references SNH Guidance (2017) which recommends a 45km radius from the outermost turbines for a height greater than 150m. We consider this is acceptable for an initial Search Area. LANDMAP Guidance Note 46 (GN46) recommends a 26-33km Search Area for turbines of 176-225m, (not 23-26km as stated in the report), which would also be considered acceptable. The report considers that significant effects at distances over 20km are less likely. Figure 3.3 in the report indicates a smaller 15km Study Area. GN46 recommends a 26-28km Study Area for turbines of 176-225m, therefore we advise a Study Area of at least 26km should be used.

Section 3.2.12 of the report notes the National Park boundary lies 4.4km to the north and east of the site at its closest point.

Section 3.2.13 of the report notes a number of existing and consented wind energy developments lie within 20km and these are listed in Table 3.1, including one proposal at Scoping (Mynydd Carn y Cefn). Although it is not a requirement of EIA to include developments at Scoping stage in the cumulative assessment, it is worth noting there are several proposals at this stage, including one at Mynydd Llanhilleth, immediately south of this proposal. The applicant should be reminded that EIA Scoping is an iterative process which should be carried out throughout the project, if necessary.

It is unclear why a 20km radius has been used, since GN46 recommends at least 26km for the Study Area. We advise the cumulative LVIA (CLVIA) Search Area should be slightly larger than the LVIA Study Area, to include large wind turbine developments just beyond 26km e.g. Maerdy/Mynydd Bwlfa approximately 27-28km to the west.

Section 3.2.19 of the report refers to LANDMAP and GN46. As noted above, the recommended Search Area for 176-225m turbines is 26-33km (not 23-26km) and the Study Area 26-28km. Tables 3.2-3.4 indicate aspect areas included in accordance with the GN46 filters. No Geological aspect areas are scoped in. We advise outstanding or high evaluation Geological aspect areas under survey question 33 or for rarity/uniqueness under survey question 31 overlapping with the site area should be included.

Section 3.2.21-3.2.23 of the report states a preliminary exercise for Visual and Sensory and Historic Landscape aspect areas would be undertaken within 20km, to see if aspect areas further than 5km should be included in the assessment, and states only Historic Landscape aspect areas within 5km and outstanding would be included. GN46 advises the retention of all historic landscape and visual and sensory aspect areas at Filter 3 within the Study Area (26km), i.e. outstanding and high aspect areas under question 40 for Historic Landscape

and under overall evaluation, scenic quality (question 46) or character (question 48) for Visual and Sensory.

Section 3.2.24 of the report states the effects on the Special Qualities of the Designated Landscapes would be assessed. With regard to the National Park, we advise the effects on the Special Qualities as set out in the National Park's Management Plan should be assessed. The landscape and visual effects on the National Park landscape should also be assessed, with reference to the National Park's Landscape Character Assessment and SPG as well as to the Special Qualities. The report also notes that the National Park is an International Dark Sky Reserve. This is of particular relevance to the potential effects of night time aviation lighting.

Section 3.2.38 of the report references relevant methodology guidance including GLVIA3, Natural England Landscape Character Assessment guidance (2014), IEMA guidance, LANDMAP and GN46, Landscape Institute TGN 06/19, SNH Visual representation of wind farms (2017) and TGN 02/19 Residential amenity assessment, Designing Wind Farms in Wales (2012) and SNH Siting and designing wind farms in the landscape version 3a (2017). All are relevant to the LVIA and CLVIA. Also of relevance would be SNH Guidance: Assessing the Cumulative Impact of Onshore Wind Farm Developments. A night time assessment of the effects of the aviation lighting would also be required along with details of the method of assessment.

Section 3.2.40 of the report refers to potential viewpoints within 20km, with the viewpoints set out in Table 3.5. Six viewpoints from the Brecon Beacons National Park are included, viewpoints 10, 11, 13, 16, 17 and 18. No reference is made to the Wye Valley AONB, which lies approx. 25km away at its closest point around Llanishen. We advise viewpoints up to 26km away should be included and beyond this where highly sensitive (as with Pen Y Fan) or cumulative effects on the National Park are likely. We advise a viewpoint from the Wye Valley AONB is included e.g. from Llanishen. Photographs, wirelines and photomontages, including cumulative, are proposed. Photomontages are not proposed for viewpoints over 20km. We advise that, in accordance with Landscape Institute TGN06/19 Visual Representation of Development Proposals, Type 4 representations with photomontages should be provided for viewpoints within the National Park, given the sensitivities. Cumulative photomontages/wirelines should also be produced illustrating cumulative effects on the National Park.

Night time visualisations from two roadside viewpoints are proposed, one within the National Park and one within the Blaenavon World Heritage Site (WHS). Viewpoint 13 is suggested for the night time assessment. A night time assessment viewpoint from the park will be considered if necessary. Given that the National Park is an International Dark Sky Reserve, and that lighting outside the park can affect the experience inside the park, we advise at least one viewpoint within the park should be included. Viewpoints from dark areas of landscape should be included as appropriate, not only from lit roads and settlements. We have recently commissioned a report on Dark Skies, which we advise should be referred to in the assessment. Please refer to the [Dark Skies and Light Pollution in Wales](#) webpage for further guidance.

We advise there are a number of other areas within the National Park with likely visibility of the development, within 26km. We advise additional viewpoints within the National Park should be included, given the sensitivities. Notably, a substantial area of the park across Cefn yr Ystrad, Mynydd Llangynidr and Mynydd Llangatwg, within approximately 15km, all of which are covered by Common Land or other open access land, as is Craig Fan Du to the south east of Pen y Fan. We suggest two of these viewpoints is included. Pen Cerrig Calch and The Sugar Loaf in the Black Mountains are both higher than the chosen viewpoint at Crug Hywel and may have more visibility, and we suggest one of these viewpoints is included. The Blorengel lies both within the National Park and WHS and is highly sensitive. A viewpoint from here is advised. It should also be noted the WHS boundary runs along Coety Mountain and the proposal would be highly visible from this point.

With specific reference to the questions posed in the Scoping Report, we consider they have been answered in the text above. For clarity we provide the following responses:

Question 1: We have concerns regarding the proposed reduced 20km detailed Study Area and CLVIA Study Area.

Question 2: We have concerns regarding the proposed Study Areas, use of GN46 and omission of Wye Valley AONB from the assessment.

Question 3: We provide detailed advice regarding additional viewpoints in the National Park and suggest photomontages from viewpoints in the National Park.

Question 4: We suggest an increased CLVIA study area.

Question 5: We consider there are unlikely to be residential amenity effects within the National Park or Wye Valley AONB.

Ecology

In general the ES for this development should include sufficient information to determine the extent of any environmental impacts arising from the proposed scheme on 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, landscape and public access.

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;

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 EIA such as biodiversity.

Any habitat surveys should accord with the NCC Phase 1 survey guidelines (NCC (1990) Handbook for Phase 1 habitat survey. NCC, Peterborough). We advise that Phase 1 surveys are undertaken and completed during the summer to ensure the best chance of identifying the habitats present.

Protected Species

A Phase 1 habitat survey has been undertaken by RSK in July and August 2020 and note the proposals to continue surveying in 2022. We advise the site is subject to assessment to determine the likelihood of protected species being present in all areas likely to be affected by the proposals. Further 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 EIA.

We note and welcome that bats, otter and Great crested newt (GCN) are scoped in to the ES. We advise full justification as to why additional protected species have been scoped out is also provided.

Bats

We note the proposal to deploy static detectors at the turbine locations for a minimum of 10 nights during spring, summer and autumn. We recommend the [Bats and onshore wind turbines - survey, assessment and mitigation](#) guidance is adhered to with regards to bats and turbines, specifically the use of the Ecobat tool to assess activity levels of study site.

We also advise tree inspection surveys are carried out where any moderate and high potential trees within 100m of proposed turbine locations and 50m of associated infrastructure are to be impacted by the proposals.

We note the presence of a lesser horseshoe hibernation roost Siambre Ddu within close proximity of the proposal and that this roost is known to support bats which contribute to the population for which the Usk Special Area of Conservation (SAC) is notified. Due to the directional call of the Lesser Horseshoe Bat (LHB), they can often be missed from automated recordings. We advise further consideration is given to the location of the roost and likely flight paths used in the locality and an impact assessment undertaken alongside a Habitats Regulations Assessment (HRA) to ensure impacts upon LHB are minimised.

GCN

We note the proposal to carry out environmental DNA (eDNA) and high suitability index (HIS) surveys on the one pond identified within 250m of the site and, should evidence of GCN be determined, population estimate surveys be carried out. We advise these are carried out in accordance with the 2004 GCN Mitigation Guidelines.

Otter

We note the proposals to carry out otter surveys within 200m of the wind farm infrastructure. We advise this also includes any associated infrastructure works.

Badger

Table 3.9 states badger consideration will be 'compliance only'. It is unclear what this means and what level of survey this will entail. We note the surveys have recorded some badger activity onsite and we therefore advise further consideration is given to badger when considering associated infrastructure works and transport links for this proposal and/or full justification is provided as to why they have been scoped out.

Dormice

Although no current records for dormice exist in this area, we note the presence of habitats potentially suitable to support the species including woodland, scrub and bracken. Although habitat to support dormice is not present in the immediate footprint of the proposed turbines locations, we note the potential for dormice to be present in the wider area. We therefore advise further consideration is given to dormice when considering associated infrastructure works and transport links for this proposal and/or full justification is provided as to why they have been scoped out.

Impact Assessment

Should additional protected species surveys be required and species identified; 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 concern protected species which are also notified features of designated sites (e.g. SAC, SSSI), we advise the ES considers the impacts on those species from both perspectives.

We advise the ES sets out how any long term mitigation or compensation will be secured and 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 a Conservation Plan is prepared for the relevant species and included as an Annex to the ES.

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 NRW. 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 (FCS) in their natural range'. These requirements are also translated into planning policy through Planning Policy Wales (PPW) February 2021, section 6.4.22 and 6.4.23 and Technical Advice Note (TAN) 5, Nature Conservation and Planning (September 2009). The planning authority will take them into account when considering the ES where a European Protected Species is present.

Protected Sites

We note the location of the Usk Bat Site SAC within 5.2km of the proposal. We also note the presence of a lesser horseshoe hibernation roost Siambre Ddu within close proximity of the proposal. Section 3.4.25 of the report states 'it is unlikely that there will be significant effects on the ecological interest of statutory designated sites (alone or cumulatively) as a result of the proposed development. There are no statutory sites within 2 km of the site, and no clear effect pathway for impacts on the species for which the Usk Bat Site SAC (5.2 km north of the site) is designated.' However, we advise the proposal should be screened through a HRA. The HRA should be informed by the ES, and the hibernation roost included in this assessment (supported with the additional surveying as referred to above) as it is likely to include bats that form the SAC population even though it is not within the SAC boundary.

Llandegfedd Reservoir Site of Special Scientific Interest (SSSI) is within approximately 8.6km of the proposal. This site is designated mainly for its overwintering wildfowl and it also supports a significant gull roost. We consider there is potential for the proposal to affect birds and bird movements to and from this SSSI. Therefore, we advise Llandegfedd Reservoir SSSI should be scoped in to the ES and assessed in combination with other wind farm proposals in the area.

Local Biodiversity Interests

We recommend that the developer consults the local authority Ecologist on 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 would expect the developer to contact other relevant people/organisations for biological information/records relevant to the site and its surrounds. These include the relevant Local Records Centre and any local ecological interest groups (e.g. bat groups, mammal groups).

With specific reference to the questions posed in the Scoping Report, we consider they have been answered in the text above.

Ornithology

We note surveys were conducted during 2020 and further surveys are being carried out. We advise all survey reports be submitted as part of the ES. Submission of comprehensive survey reports will enable us to determine numbers, locations of birds and birds at collision risk height and provide advice accordingly.

Section 3.5.8 of the report states 'Target species included...all waders and all migratory wildfowl...' however, the Vantage Point (VP) surveys do not cover August and September. We consider these are potentially important months for passage/migratory waders and wildfowl. Given the inclusion of these species, it is not clear why the assessment did not consider potential protected sites further than 2km e.g. the Severn Estuary Special Protection Area and Ramsar. It is also unclear whether species listed in Section 7 of the Environment (Wales) Act (2016) and Red-listed Birds of Conservation Concern 3 Wales ([Johnstone and Bladwell, 2016](#)) were considered. They are not mentioned in Section 3.5.8 of the report but are mentioned in Sections 3.5.33 and 3.5.35 of the report.

Furthermore, it is also unclear why non-VP surveys, e.g. Brown and Shepherd, have not been conducted for upland breeding species, e.g. waders.

In addition, there were no day level timings associated with the surveys so we consider it is unclear whether sufficient dawn/dusk survey effort was undertaken to rule out impacts on owls at this stage.

We therefore advise consideration is given to the matters above and/or full justification is provided in the ES as to why these matters have been scoped out.

With specific reference to the questions posed in the Scoping Report, we consider they have been answered in the text above. For clarity we provide the following responses:

Question 1: We have concerns regarding the VP survey dates, the protected sites included in the assessment and the lack of non-VP surveys for upland breeding species.

Question 2: We consider it is unclear whether sufficient dawn/dusk survey effort was undertaken to rule out impacts on owls at this stage.

We recommend advice is also taken from the Local Authority, who may wish to advise further on local ornithological interests.

Hydrology, Hydrogeology, Geology and Soils

Section 3.6.37 of the report confirms a detailed site visit and walkover survey will be undertaken. We advise all survey results be submitted as part of the ES. We note land contamination from historical land use has not been discussed. We advise a preliminary risk assessment should be conducted and included in the ES to consider this aspect. We advise the following information regarding water feature surveying is considered:

Details for a water feature survey

The developer must undertake a preliminary site assessment, which should include the following:

- Identification of all water features both surface and groundwater (ponds, springs, ditches, culverts etc.) within a 300 metres 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 us. 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 impacts from the development on quality of the surface water and groundwater. This should take into consideration both the preferred methods of construction and the assumed hydrogeology in the vicinity of the development.

We may require identified groundwater features to be monitored during the proposed workings. We would therefore recommend that the survey be undertaken as soon as possible to enable the developer to carry out suitable baseline monitoring prior to the commencement of workings at the site.

We note the potential use of borrow pits on site to provide material for the access track etc. It is unclear whether the borrow pits will be worked below the water table and therefore whether the borrow pits will require dewatering. If so, dewatering more than 20 m³/day may require an abstraction licence. We refer the Applicant to our [website](#) for further advice and guidance.

Peat

We note the intention to complete a peat depth survey. We advise peat depth should be mapped across the site and a detailed assessment made of the impact of the whole scheme (including all infrastructure and ancillary development) on peat. 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.

Where deep peat / modified bog are present, we advise this should be avoided by the scheme design, but there may also be an opportunity to restore the habitat as part of any mitigation measures.

Any disturbance of ground (e.g. through laying of cables), should follow best practice of separating layers of top soil, sub-soils etc. and lifting turf in areas with high quality vegetation, to ensure that habitats quickly restore. We are aware a large gas pipeline runs along the western side of the proposal area. The results of the various treatments applied to restore the habitat there may be available to guide habitat restoration for this proposal.

Flood Risk

Our Flood Risk Map confirms the site to be located outside of the Zone C2 or Zone C1 of the Development Advice Map (DAM) contained in Technical Advice Note 15: Development and Flood Risk.

Section 3.6.44 of the report confirms a Flood Consequences Assessment (FCA) will be prepared. This will include an outline drainage strategy which will set out the principles for drainage design and water management which will be adhered to in the design and construction of the proposed development, to avoid any significant effect on either the proposed development or areas downstream of the development.

Whilst we recognise the importance of this, we advise the Applicant we would not provide comments in relation to drainage. We therefore recommend the Lead Local Flood Authorities (LLFAs) are contacted in relation to surface water.

Pollution Prevention

Section 3.4.40 of the report confirms a Construction Environmental Management Plan (CEMP) will be produced. A CEMP will manage the potential adverse environmental impacts from construction of the development. We advise the CEMP should secure all relevant avoidance and mitigation measures, identify and seek to implement relevant Guidelines for Pollution Prevention, Biosecurity Risk Management, Soil Protection and Management and demonstrate how constraints and restrictions on the project will be adhered to through construction. The CEMP should note the hydrological connectivity to the Ebbw Fach and its tributaries and should identify what mitigation measures are needed.

In general, the CEMP should include:

- Construction methods: details of materials, how waste generated will be managed;
- General Site Management: details of the construction programme including timetable, details of site clearance; details of site construction drainage, containments areas, appropriately sized buffer zones between storage areas (of spoil, oils, fuels, concrete mixing and washing areas) and any watercourse or surface drain;
- Biodiversity Management: details of tree and hedgerow protection; invasive species management; species and habitats protection, avoidance and mitigation measures;
- Soil Management: details of topsoil strip, storage and amelioration for re-use;
- CEMP Masterplan: details of the extent and phasing of development
- Control of Nuisances: details of restrictions to be applied during construction including timing, duration and frequency of works; details of measures to minimise noise and vibration from piling activities, for example acoustic barriers; details of dust control measures; measures to control light spill and the conservation of dark skies;
- Resource Management: details of fuel and chemical storage and containment; details of cement/concrete delivery/mixing area(s) and containment; details of waste generation and its management; details of water consumption, wastewater and energy use;
- Traffic Management: details of site deliveries, plant on site, wheel wash facilities;
- Pollution Prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan;

- Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details.

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

Question 1: There is no hydraulic model for this area that would benefit the FCA.

Question 2: We are not aware of any particular issues downstream on these catchments. The Applicant is advised to contact the LLFAs with regards to surface water. The LLFAs will also be able to advise if there are any known issues on the ordinary watercourses in this area.

Question 3: Generally, peat is not a matter we provide comment on through the planning process. If the Applicant would like further advice in relation to peat, they can contact Peter Jones, Terrestrial Habitats and Species: [REDACTED]

Question 4: We recommend the local authorities are contacted for details on private water supplies (PWS) and details of the PWS are presented as part of the water feature survey.

Question 5: Please see question 3. Given the historical land uses in the local area, we consider there is the potential for old mine workings to be present within the site boundary. We recommend the Coal Authority is contacted about the potential for and details on the location of old mine workings.

Other Matters

Our comments above only relate specifically to matters included on our checklist, *Development Planning Advisory Service: Consultation Topics* (September 2018), which is published on our [website](#). We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests.

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
Welsh Government

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The Planning inspectorate

Eich cyfeirnod
Your reference

3278009

By email

Ein cyfeirnod
Our reference

DH

Dyddiad
Date

18 August 2021

Llinell uniongyrchol
Direct line

[REDACTED]

Ebost
Email:

cadwplanning@gov.wales

Dear Sir/Madam

Abertillery Wind Farm - EIA Scoping Consultation

Thank you for your letter of 5 July 2021 asking us to provide a scoping direction in respect of the above proposed development of national significance (DNS).

Advice

Our assessment is provided below.

The national policy and Cadw's role in planning are set out in Annex A.

Assessment

This advice is given in response to a scoping opinion as to the contents of an Environmental Impact Assessment (EIA) that will be submitted in support of an application for the proposed Abertillery Wind Farm that will be determined by Welsh Ministers following the Development of National Significance procedures, to be accompanied by an Environmental Impact Assessment (EIA).

A scoping report prepared by RSK has been submitted with the request for the scoping opinion with section 3.3 concerning Cultural Heritage. In general we agree with the contents of this section but in our opinion a study area of 2km for grade II listed buildings proposed in section 3.3.27 is inadequate given that these are nationally designated. In our opinion a minimum study area for all nationally designated historic assets would be 5km. However, it is noted that the landscape and visual assessment section of the scoping report has identified a specific view (number 12) from Pontypool Park. This is some 6km from the boundary of the proposed development. The study area given in section 3.3.27 would preclude an assessment of the impact on this registered historic park and garden in the Cultural Heritage Section of the EIA but as a potential impact has been identified it is strongly recommended that the study area should be increased to include this designated historic asset.

We would expect a stage 1 assessment following the guidance given in "The Setting of

Mae 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



Historic Assets in Wales” to be carried out for all of the designated heritage assets in this area, which will determine the need, if necessary, for stages 2 to 4 to be carried out for specific heritage assets. It is recommended that the results of the stage 1 assessment should be included as an appendix to the EIA, to demonstrate that all designated heritage assets have been considered.

Section 3.3.30 indicates that a walkover survey will be carried out. We strongly recommend that any walkover survey is carried out after the results of the desk-based research, including the study of the Lidar datasets, have been completed so that any information produced from that work can be checked on the ground.

The potential need for archaeological evaluation should not be discounted at this time, in case the extent nature and importance of any archaeological features identified during the desk-top work and walkover survey needs intrusive investigation.

The benefits of carrying out a geophysical survey of the areas surrounding the proposed turbine bases should also be considered to aid in any micro siting of these structures.

Section 3.3.31 notes that as the proposed development is not located within a Registered Historic Landscape an ASIDOHL assessment will not be carried out. We agree that ASIDOHL assessment is not required but recommend that the impact of the proposed development on the setting of the historic landscape should be assessed using the guidance given in “The Setting of Historic Assets in Wales”.

No specific guidance documents for considering the impact for the proposed development on the setting of the World Heritage Site is provided in the scoping document. It is recommended that the advice given in “Guidance on Heritage Impact Assessments for Cultural World Heritage Properties” (ICOMOS, 2011) along with that given in “Managing Change in World Heritage Sites in Wales” (Welsh Government 2017) should be considered when assessing the impact on the World Heritage Site.

Sections.3.48 – 3.50 refer to the potential cumulative effects of the proposed development along with other wind turbines. These sections provides criteria for which existing structures will be considered in this study but does not provide any consideration of the impact of other proposed windfarms, in particular the proposed Mynydd Llanhilleth Wind Farm for which a scoping opinion has recently been issued. The cumulative effect of proposed wind farms will therefore also need to be considered during this assessment

Finally, there may be undesignated historic assets that could be affected by the proposed development and, if you have not already done so, we would advise that you consult the Historic Environment Record held by the Glamorgan Gwent Archaeological Trust.

Yours sincerely,

Denise Harris
Diogelu a Pholisi/ Protection and Policy

Annex A

Our role

Details about our role in the DNS process are available [online](#).

National Policy

Applications for planning permission are considered in light of the Welsh Government's land use planning policy and guidance contained in Planning Policy Wales (PPW), Conservation Principles for the Sustainable Management of the Historic Environment in Wales, Technical Advice Notes and related guidance.

PPW ([Chapter 6 – The Historic Environment](#)) explains that it is important that the planning system looks to protect, conserve and enhance the significance of historic assets. This will include consideration of the setting of an historic asset which might extend beyond its curtilage. Any change that impacts on an historic asset or its setting should be managed in a sensitive and sustainable way.

The Planning Inspectorate
Crown Building
Cathays Park
Cardiff
CF10 3NQ

Date: 10/08/2021
Our Ref: PPA0005891

Dear Ms Bazzoni,

Grid Ref: 323233 205460
Site Address: Abertillery
Development: EIA Scoping Con - Abertillery Wind Farm

I refer to your pre-planning enquiry received relating to the above site, seeking our views on the capacity of our network of assets and infrastructure to accommodate your proposed development. Having reviewed the details submitted I can provide the following comments which should be taken into account within any future planning application for the development.

SEWERAGE

It appears the applicant does not propose to connect to the public sewer, the development will therefore require the provision of satisfactory alternative facilities.

You are advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

Surface Water Drainage

Having reviewed the scoping report (reference: 663279) we acknowledge reference to local rivers and brooks between the Ebbw Fach and the Afon Lwyd that will be utilised for drainage, and offer no objection to this in principle. With respect to surface water flows, as of 7th January 2019, this proposed development is subject to Schedule 3 of the Flood and Water Management Act 2010. The development therefore requires approval of Sustainable Drainage Systems (SuDS) features, in accordance with the

'Statutory standards for sustainable drainage systems – designing, constructing, operating and maintaining surface water drainage systems'. As highlighted in these standards, the developer is required to explore and fully exhaust all surface water drainage options in accordance with a hierarchy which states that discharge to a combined sewer shall only be made as a last resort. Disposal should be made through the hierarchical approach, preferring infiltration and, where infiltration is not possible, disposal to a surface water drainage body in liaison with the Land Drainage Authority and/or Natural Resources Wales. It is therefore recommended that the developer consult with the local County Council, as the determining SuDS Approval Body (SAB), in relation to their proposals for SuDS features. Please note, DCWW is a statutory consultee to the SAB application process and will provide comments to any SuDS proposals by response to SAB consultation.

In addition, please note that no highway or land drainage run-off will be permitted to discharge directly or indirectly into the public sewerage system.

I trust the above information is helpful and will assist you in forming water and drainage strategies that should accompany any future planning application.

Please note that our response is based on the information provided in your enquiry and should the information change we reserve the right to make a new representation. Should you have any queries or wish to discuss any aspect of our response please do not hesitate to contact our dedicated team of planning officers, either on 0800 917 2652 or via email at developer.services@dwrcymru.com

Please quote our reference number in all communications and correspondence.

Yours faithfully,



Owain George
Planning Liaison Manager
Developer Services

Please Note that demands upon the water and sewerage systems change continually; consequently the information given above should be regarded as reliable for a maximum period of 12 months from the date of this letter.

Thank you for your email dated 5 July 2021 consulting HSE on the Abertillery Wind Farm - EIA Scoping Consultation Development of National Significance (DNS). Please find HSE's advice below.

HSE's Land Use Planning Advice

With reference to the drawing (**Figure 1.1: Site Location, 20/05/2021, Revision 00**), found in RSK Document (**RWE Renewables UK Ltd, Abertillery Wind Farm, Scoping Report, 663279, May 2021**) the central section (running North/South) of the proposed development area, fall within HSE public safety zones associated with Major Accident Hazard Pipeline(s):

- Gilwern to Hafodyrynys [Transco ref: 2731, HSE ref 4123525]
- Gilwern to Hafodyrynys(VS001) [Transco ref: 1532, HSE ref 4133469]

Providing no populations, either temporary or permanent, are introduced within any of HSE's public safety zones associated with Major Accident Hazard Pipeline(s), HSE does not advise against the proposed project.

There are currently no Major Hazard Installations in the vicinity of the proposed project.

Should a new Major Accident Hazard Pipeline be introduced or existing Pipeline modified prior to the determination of the present application, then the HSE reserves the right to revise its advice.

If prior to the determination of the present application, a Hazardous Substances Consent be granted for a new Major Hazard Installation or a Hazardous Substances Consent is varied for an existing Major Hazard Installation in the vicinity of the proposed project, then the HSE reserves the right to revise its advice

Would Hazardous Substances Consent be needed?

The presence of hazardous substances on, over or under land at or above set threshold quantities (Controlled Quantities) may require Hazardous Substances Consent (HSC) under the Planning (Hazardous Substances) Act 1990 as amended. The substances, alone or when aggregated with others, for which HSC is required, and the associated Controlled Quantities, are set out in The Planning (Hazardous Substances) (Wales) Regulations 2015.

Hazardous Substances Consent would be required if the site is intending to store or use any of the Named Hazardous Substances or Categories of Substances and Preparations at or above the controlled quantities set out in schedule 1 of these Regulations.

Further information on HSC should be sought from the relevant Hazardous Substances Authority.

Explosives sites

There are no licensed explosive sites in the vicinity so HSE has no comment to make in this regard.

Thank you for using the dedicated email account for HSE to respond to NSIPs and DNSs at nsip.applications@hse.gov.uk .

Kind regards

Monica

Monica Langton
Divisional Support Team
CEMHD
1.2 Redgrave Court
Bootle



The Coal
Authority



INVESTOR IN PEOPLE



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Tel: 01623 637 119 (Planning Enquiries)

Email: planningconsultation@coal.gov.uk

Web: www.gov.uk/coalauthority

For the Attention of: Planning Inspectorate

[By Email: dns.wales@planninginspectorate.gov.uk]

29 July 2021

Dear Sir or Madam

Re: DNS/3278009 EIA Scoping consultation - Abertillery wind farm; between the valley towns of Abertillery and Abersychan, to the immediate west and east of the site.

Thank you for your notification of 5 July 2021 in respect of the above.

The Coal Authority is a non-departmental public body sponsored by the Department of Business, Energy & Industrial Strategy. As a statutory consultee, the Coal Authority has a duty to respond to planning applications and development plans in order to protect the public and the environment in mining areas.

Our records indicate that there are 8 mine entries within the site, and a further 4 mine entries within 20m of the site boundary. The site is also in an area of recorded and likely unrecorded coal mine workings at shallow depth and within the boundary there have been 3 reported surface hazards.

We are pleased to see that Section 3.6.11 of the Scoping Report, dated May 2021 and prepared by RSK Environment Ltd acknowledges the recorded coal mining legacy and the potential risks posed. The authors of the Scoping Report note in Section 3.6.34 that initial desk studies will be undertaken to determine and verify baseline conditions, which would constitute as the equivalent to a Coal Mining Risk Assessment. A more detailed review and the potential risks will be required during the EIA.

Where mine entries are recorded as being present on a site we would expect their exact location to be established and the findings of these investigations used to inform the layout of development, in order to ensure that adequate separation is provided by these features and any structures proposed.

The Coal Authority is of the opinion that building over the top of, or in close proximity to, mine entries should be avoided wherever possible, even after they have been capped, in line with our adopted policy:

<https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries>

On the basis of the conclusions of the Scoping Report, consideration of the risks posed to the development by past coal mining activity will be included within the EIA. We would be pleased to comment on the EIA report in due course.

Please do not hesitate to contact me if you would like to discuss this matter further.

Yours faithfully,

Chris MacArthur

Chris MacArthur *B.Sc.(Hons), DipTP, MRTPI*
Planning Liaison Manager

Disclaimer

The above consultation response is provided by The Coal Authority as a Statutory Consultee and is based upon the latest available data on the date of the response, and electronic consultation records held by The Coal Authority since 1 April 2013. The comments made are also based upon only the information provided to The Coal Authority by the Local Planning Authority and/or has been published on the Council's website for consultation purposes in relation to this specific planning application. The views and conclusions contained in this response may be subject to review and amendment by The Coal Authority if additional or new data/information (such as a revised Coal Mining Risk Assessment) is provided by the Local Planning Authority or the Applicant for consultation purposes.

In formulating this response The Coal Authority has taken full account of the professional conclusions reached by the competent person who has prepared the Coal Mining Risk Assessment or other similar report. In the event that any future claim for liability arises in relation to this development The Coal Authority will take full account of the views,

conclusions and mitigation previously expressed by the professional advisers for this development in relation to ground conditions and the acceptability of development.