

EIA Scoping Direction

DNS CAS-03018-G7G6H7

Mynydd Ty-Talwyn Energy Park

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This Scoping Direction is provided on the basis of the information submitted to Planning and Environment Decisions Wales on 27 November 2023, 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

Planning and Environment Decisions Wales (PEDW) received a request under [Regulation 33](#) of the 2017 Regulations for a Scoping Direction in relation to a proposed development for the construction and operation of; up to 10 wind turbines, ground mounted solar photovoltaic modules, Battery Energy Storage Systems, substation, permanent anemometer mast, ancillary infrastructure works, habitat management, and, works to facilitate vehicular access by Galileo 03 Limited.

The request was accompanied by a Scoping Report (SR) Information to Support a Scoping Opinion Request Mynydd Ty-Talwyn Energy Park, dated November 2023, Ref: 663844, that outlines the proposed scope of the Environmental Statement (ES) for the proposed development.

Planning and Environment Decisions Wales (PEDW) is authorised to issue this Scoping Direction on behalf of the Welsh Ministers.

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 PEDW has consulted on the SR and the responses received from the consultation bodies have been duly considered in adopting this Direction.

2. Site Description

The site is located across an area of elevated land to the north-west of Bridgend and approximately 7 km from the Welsh coast. The site comprises rough grassland and agricultural land with hedgerows, scattered trees and patches of woodland. The site is located within the administrative boundaries of Bridgend County Borough Council (BCBC) and Neath Port Talbot County Borough Council (NPTCBC).

Further information is available in section 2.3 of the SR.

3. Proposed Development

The proposal as described in the SR is for:

- Up to 10 wind turbines and associated infrastructure, including; transformers, foundations, crane pads, and laydown/storage areas;
- Ground mounted solar photovoltaic (PV) generating station. The generating station will include solar PV modules and mounting structures;

- Balance of Solar System (BoSS) which comprises; inverters, transformers, switchgear;
- A Project Substation compound, which will include; substation, switching and control equipment, office / control / welfare buildings, storage areas, and provisions for vehicular parking and material laydown;
- Battery Energy Storage System (BESS) compound and associated inverters, transformers, switchgear and ancillary equipment and their containers, enclosures, monitoring systems, air conditioning, electrical cables and fire safety infrastructure;
- Permanent anemometer masts for monitoring wind speeds and wind turbine performance;
- Works to facilitate vehicular access to the Site;
- Landscaping, habitat management, biodiversity enhancement and amenity improvements;
- Ancillary infrastructure works including; underground cables, boundary treatments, security equipment (including CCTV and fencing), lighting, landscaping, access tracks, earthworks, surface water management, and any other works identified as necessary to enable the development;
- One or more temporary construction and storage compounds;
- Where possible, borrow pit(s) to source stone and aggregate required for construction proposes.

Further information is available in section 2.4 of the SR.

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

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

4. Consultation

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

- Bridgend County Borough Council (BCBC) Local Planning Authority (LPA)
- Neath Port Talbot County Borough Council (NPTCBC) LPA
- Natural Resources Wales (NRW)
- Cadw
- Soil, Peatland and Agricultural Land Use Planning Unit (LQAS), Welsh Government
- Transport Directorate, Welsh Government
- Defence Infrastructure Organisation (DIO)

- NATS
- Civil Aviation Authority (CAA)
- The Coal Authority (CA)
- Health and Safety Executive (HSE)
- Mid and West Wales Fire and Rescue Authority (M&WW Fire and Rescue)
- South Wales Fire and Rescue Authority (SW Fire and Rescue)
- Dŵr Cymru Welsh Water (DCWW)

PEDW also received additional submissions from Britain's Hidden History.

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

5. Environmental Impact Assessment Approach

The Applicants should satisfy themselves that the ES includes all the information outlined in [Schedule 4](#) of the 2017 Regulations. In addition, the Applicant should ensure that the Non-Technical Summary includes a summary of all the information included in Schedule 4. Consider a structure that allows the author of the ES and the appointed Inspector and Decision Maker to readily satisfy themselves that the ES contains all the information specified [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 PEDW can help provide clarity via its statutory pre-application 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. This does not imply that ES chapters should not be prepared in accordance with relevant advice in policy documents (e.g. Technical Advice Notes), rather that the ES should concentrate on identifying significant effects on the environment rather than dealing with policy arguments or exhaustively listing policies.

Rochdale Envelope: Whilst not specifically raised in the SR for this project, PEDW 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 that 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 PEDW.

Micro-siting: PEDW 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, PEDW 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. PEDW 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 PEDW where substantial changes are expected, or where changes would affect the worst-case scenario.

Shadow Flicker: PEDW 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.

5.1 Baseline

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

5.2 Reasonable Alternatives

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

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

5.3 Currency of Environmental Information

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

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

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

5.4 Cumulative Effects

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 which the Applicant should follow when preparing the list of projects for inclusion in the ES; the Applicant should ensure that relevant schemes identified are addressed in the ES using the tiered approach set out in Advice Note 17.

Based on the information set out in the scoping request, the approach to the assessment of cumulative impact is considered largely appropriate. Effects deemed individually not significant from the assessment, could cumulatively be significant, so inclusion criteria based on the most likely significant effects from this type of development may prove helpful when identifying what other developments should be accounted for. The criteria may vary from topic to topic.

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

All of the other 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 LPAs, NRW, Cadw and other consultees, where appropriate.

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

5.5 Mitigation

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

5.6 Population and Human Health

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

5.7 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.

5.8 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.

6. Environmental Impact Assessment Aspects

This section contains PEDW'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 PEDW. 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.

PEDW 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. PEDW is content that the receipt of a Scoping Direction should not prevent the Applicant from subsequently agreeing with the relevant consultees to scope such matters out of the ES, where further evidence has been provided to justify this approach. However, in order to demonstrate that the matters have been appropriately addressed, the ES should explain the reasoning for scoping them out and justify the approach taken.

6.1 Aspects Scoped In

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

- Biodiversity**
- Climate**
- Cultural Heritage**
- Land and Soils**
- Landscape and Visual**
- Noise and Vibration**
- Traffic and Transport**
- Cumulative Effects**

7. Table 1: Planning and Environment Decisions Wales Comments

ID	Reference in Scoping Report	Issue	Comment
General			
ID.1	2.4.55-56	Grid connection	<p>The SR states the route and specification of the grid connection are still subject to design and assessment, and that the grid connection will be subject to a separate consent application. The applicant's attention is drawn to comments from NPTCBC and BCBC, within which they highlight the requirement for the associated grid connection to be considered as part of the ES.</p> <p>PEDW states that the proposed grid connection routing options should be included in the ES with an assessment of the likely significant effects of the associated grid connection, including cumulative impacts. Therefore, a high level assessment of the grid connection is scoped in to the ES.</p>
ID.2		Decomissioning	<p>The applicant's attention is drawn to LQAS's comments requesting a detailed scheme for site decommissioning. NRW and BCBC also refer to information required to assess the impact from the decommissioning phase. In line with comments received from BCBC, mitigations proposed in the decommissioning strategy should be shown to be deliverable in the long term at the end of the development's lifespan.</p> <p>PEDW advise that the ES should be based on a worst-case scenario and as decommissioning is part of the proposal (given that its expected lifespan is 50 years) decommissioning should be explored in a proportionate manner in the ES. At a minimum, the ES should clearly indicate how decommissioning of the site will take place, what will be left on site and what will be removed. The ES should address what the end-of-life cycle will be for the infrastructure on site.</p>

ID	Reference in Scoping Report	Issue	Comment
			Therefore, decommissioning is scoped in to the ES in a proportionate manner.
ID.3		Maintenance during operation	The EIA should also consider the impact from any major maintenance during the operational phase. During the lifetime of the development, it may be the case that turbine blades, batteries or solar panels may need to be replaced. The impact of these major maintenance works do not appear to have been considered in the SR. The applicant will need to consider what (if any) maintenance is likely to be required, the frequency of this maintenance and the impact from those activities. Currently there is inadequate information to support scoping this matter out. PEDW therefore advises that this matter should be scoped in to the ES.
ID.4		Policy	The applicant's attention is drawn to detailed comments from BCBC regarding the recently adopted Replacement Bridgend Local Development Plan 2018 to 2033 .
ID.5	1.1.3	Operating capacity	Whilst the SR confirms that the combined installed capacity would be greater than 10 MW, it is not clear what the operating capacity of the each of the power generating elements would be. BCBC have requested a breakdown of the energy output for the solar farm and for each turbine in MW. The ES should clearly outline the anticipated installed generating capacity of each element.
Applicant's proposed Aspects proposed to be scoped out			
ID.6	5.2	Air quality	<p>The SR acknowledges the proposed access route for AIL deliveries falls within an Air Quality Management Area (AQMA).</p> <p>BCBC note that potential impacts on air quality are likely to be most significant during construction and decommissioning phases. BCBC also note that the</p>

ID	Reference in Scoping Report	Issue	Comment
			<p>potential use of borrow pits would need to be considered. There is the potential for the scheme to impact air quality at existing residential properties, particularly the Neath Port Talbot AQMA, as well as nearby sensitive designated ecological habitats. Due to the uncertainty on the levels of vehicle movements provided in the SR for the construction and decommissioning phases, and the scale of the project, BCBC state that air quality cannot be scoped out at this stage. Further information is required on the volumes of construction traffic, including AIL movements, in order to inform an assessment that as to whether air quality can be scoped out. This assessment should be included in the ES.</p> <p>PEDW concur with this assessment and advise that air quality cannot be scoped out at this stage.</p>
ID.7	5.3, 2.4.8-10	Aviation	<p>NPT and BCBC acknowledge that the applicant intends to consult Cardiff Airport, they advise that Ministry of Defence, Civil Aviation Authority, Swansea Airport and the small airfield in Margam should also be consulted. Early consultation with the above consultees is recommended. They advise that aviation matters can only be scoped out following consultation and agreement with the above consultees.</p> <p>BCBC highlight that such a large development proposal with turbine heights of 230 m in elevated positions has the potential for significant aviation affects. Both LPAs note that aviation and the impact upon radar were major issues at a recent Windfarm development, and that this is a critical consideration that cannot be agreed to be scoped out of the EIA process prior to thorough consultation with relevant consultees.</p> <p>The applicant's attention is drawn to detailed comments from DIO, within which they state that the site falls within Low Flying Area 7 (LFA7). Therefore, aviation</p>

ID	Reference in Scoping Report	Issue	Comment
			<p>safety lighting would be required, and sufficient data must be submitted to ensure that structures can be accurately charted to allow deconfliction.</p> <p>NATS raised no concerns to the proposal, and no response was received from the Civil Aviation Authority.</p> <p>It is noted that the applicant intends to submit a standalone technical report for aviation matters, however this should form part of the ES. Currently there is inadequate information to scope out aviation matters. PEDW therefore directs that aviation is scoped in to the ES. The applicant should liaise with the consultees noted above to determine whether there would be any significant impact on radar or aviation.</p>
ID.8	5.4	Forestry	<p>Two of the turbines are proposed within Graig yr Aber forestry area, which is managed by NRW. The SR states that a Forestry Assessment will be undertaken, however this is proposed to be submitted as a standalone document outside of the EIA. The SR states that other impacts will be considered within other relevant chapters of the ES, including biodiversity and landscape and visual.</p> <p>The applicant's attention is drawn to comments from NPTCBC. They raise concerns with this approach given the limited information available on the extent of woodland loss at this stage. NRW have confirmed that the Forestry teams have been consulted on the high level proposal. PEDW recommends that the applicant continues to liaise with the relevant stakeholders regarding the proposal. Should NRW Forestry or DCWW raise concerns during the pre-application consultations, the applicant may need to consider scoping forestry in as a standalone chapter.</p>

ID	Reference in Scoping Report	Issue	Comment
			Given the responses to date, PEDW is of the view that this topic can be addressed in appropriate chapters of the ES and a standalone chapter is not required, as indicated in the SR. This topic is therefore scoped in to the ES, but not as a standalone chapter.
ID.9	5.5	Glint and glare	<p>The SR states that a solar PV array is likely proposed as part of the development. Appendix B provides indicative locations for the solar arrays.</p> <p>BCBC state that it is difficult to scope out glint and glare at this stage, given the significant scale of the solar array in such prominent locations on the hillside around settlements and in relative proximity to key transport routes. NPTCBC also highlight that it is difficult to scope out glint and glare on the basis of the limited information provided in the SR. PEDW therefore advise that glint and glare cannot be scoped at this stage due to the limited information provided on the proposal and nearby receptors. The applicant should consider potential receptors including, but not limited to, residential properties, highways, public rights of way and aviation.</p> <p>PEDW is of the view that this topic can be addressed in appropriate chapters of the ES (i.e. landscape and visual and aviation) and a standalone chapter is not required. PEDW therefore advises that glint and glare is scoped in to the ES, but not as a standalone chapter. The glint and glare assessment referred to in the SR should be included as a technical appendix to the ES.</p>
ID.10	5.6	Heat and radiation	PEDW agrees this can be scoped out.
ID.11	5.7	Major accidents and disasters	The applicant's attention is drawn to comments provided by the Fire and Rescue Service at Appendix 1. The SR states that the applicant is considering a Battery Energy Storage System (BESS), and that they will also consider the requirement for an Outline Battery Safety Management Plan. There is a

ID	Reference in Scoping Report	Issue	Comment
			<p>potential fire risk associated with certain types of batteries and large commercial solar arrays. PEDW therefore advise that the proposed development should include adequate measures to ensure that an isolated fire would not become widespread and lead to a major incident, particularly given the presence forestry on site. BCBC state that should a BESS be proposed, this may need further consideration in the ES.</p> <p>NPTCBC highlight that turbines 8 and 10 appear to be within topple distance of a highway and Public Rights of Way (PRoWs). An assessment of this risk should be included in the ES, further comments are provided in the Transport and traffic section below.</p> <p>PEDW advises that the above matters must be included in the ES, however this can be addressed in appropriate chapters of the ES and a standalone chapter is not required. PEDW therefore advises that major accidents and disasters are scoped in to the ES, but not as a standalone chapter. The above matters including topple distances and fire risk should be covered in relevant chapters.</p>
ID.12	5.8	Material assets and waste	<p>The SR proposes to scope out this matter, noting that indirect impacts such as release of greenhouse gas emissions, water consumption, amenity impacts, and ecological impacts will be assessed in other chapters in the ES. NPTCBC acknowledge this approach. However, they suggest that the impact on agricultural and forestry land should also be considered under this topic.</p> <p>BCBC state that further information is required on the likelihood of aspects of the development needing to be replaced over the proposed 50-year lifetime of development. It is likely that the solar panels, batteries and possibly the turbine blades would need replacing during its lifetime. If that is the case, further information would be required to justify this aspect being scoped out of the ES.</p>

ID	Reference in Scoping Report	Issue	Comment
			PEDW therefore advise that material assets and waste is scoped in to the ES, but not as a standalone chapter. The above aspects should be covered in other relevant chapters.
ID.13	5.9	Population and human health – Socio-economics	<p>The SR states that socio-economic impacts of renewable energy projects are usually considered in an EIA. However, as these assessments often conclude that such effects do not meet the threshold for significant, the applicant proposes to scope this matter out entirely.</p> <p>NPTCBC and BCBC state that socio-economic impacts should be considered in the ES for major development of this scale, and should fully assess its impact, both alone and in combination with other developments within the immediate and wider region. PEDW advise that a project specific assessment should be included. On the basis of the submitted information, socio-economic impacts cannot be scoped out. PEDW therefore directs that socio-economic impacts are scoped in to the ES in a proportionate manner.</p>
ID.14	5.9	Population and human health – Land use and public access	<p>NPTCBC state that potential impacts upon public access should be scoped in to the ES. The SR refers to the temporary or permanent diversion of Public Rights of Way (PRoW) that will occur as a result of the development. These impacts need to be considered in the ES. The applicant's attention is drawn to comments from BCBC's Public Rights of Way Officer which highlight footpaths that may be affected. The officer recommends that the applicant liaises directly with them and the Bridgend Local Access Forum on the approach to the Outline Access Management Plan. Given the number of footpaths in and around the site, further information is required on land use and public access to inform the assessment in the ES. PEDW therefore directs that this matter is scoped in to the ES.</p>

ID	Reference in Scoping Report	Issue	Comment
ID.15	5.9	Population and human health – Human health	NPTCBC recommend that Public Health Wales should be consulted and their views used to inform human health matters. PEDW is of the view that this topic can be addressed in appropriate chapters of the ES and a standalone chapter is not required. PEDW agrees with the SR that advises that human health is scoped in to the ES, but not as a standalone chapter.
ID.16	5.10	Shadow flicker	<p>NPTCBC and BCBC state that inadequate information has been provided at this stage to justify shadow flicker being scoped out. Whilst the methodology for assessing receptors to be impacted is acknowledged, the results of this assessment would be required in order to determine whether it is appropriate to scope out this matter. BCBC also disagree with the proposed approach to limit shadow flicker impact as set out in the SR (a maximum of 30 hours per year and not exceeding 30mins per day).</p> <p>PEDW concurs with comments from the LPAs and advises that shadow flicker is scoped in to the ES. A full assessment on receptors including residential dwellings, highways, PRoWs etc. should be undertaken to determine the impact on receptors, and the results used to inform the design and, if necessary, any mitigation measures. The applicant should consult with LPAs on the receptors to be included in the shadow flicker assessment. The applicant should note the comments regarding Shadow Flicker assessment in Section 5 of this Direction. The ES should provide a robust rationale for the methodology adopted.</p>
ID.17	5.11	Telecommunications	Given the feasibility assessment and consultation with relevant parties undertaken, PEDW agrees telecommunications can be scoped out of further assessment in the ES. However, this may need to be revisited if the consultees raise concerns that a significant effect is likely in regards to this matter.

ID	Reference in Scoping Report	Issue	Comment
ID.18	5.12	Water - Cwm Risca Site of Special Scientific Interest (SSSI) and Cefn Cribwr Grasslands Special Area of Conservation (SAC)	<p>The SR proposes to consider the impacts on the above protected sites under the Biodiversity chapter of the ES, and to scope out a water chapter. NRW highlight that marshy grassland within the Cwm Risca SSSI is dependent on the existing hydrological regime. Therefore, any alterations to hydrology, and the impact on the SSSI should be fully assessed in a hydrology study, and should be scoped in to the ES.</p> <p>NRW note the potential hydrological linkages with other designated sites Cefn Cribwr SAC, Bryn Bach SSSI and Caeau Cefn Cribwr SSSI. The proposed pollution prevention and mitigation measures, to be contained within a Construction Environmental Management Plan (CEMP), should take the potential impact on these sites into account. The CEMP should be a technical appendix to the ES.</p> <p>NRW also note that there may be impacts to the Cwm Risca SSSI from access routes, the details of which have not yet been provided. Potential pollution impacts from the access roads will also need to be assessed for the watercourses that run between the site, and Cefn Cribwr SAC and Cwm Risca SSSI.</p> <p>Due to the limited information provided and the above concerns, PEDW advises that the hydrological impact on designated sites is scoped in.</p>
ID.19	5.12	Water – Watercourses	<p>The applicant's attention is drawn to detailed comments from NRW regarding information to be included a CEMP, and the design of watercourse crossings including protection measures. NRW have also highlighted the necessary consents which may be required for works on or near the watercourses and for the treatment of site water with flocculant.</p>

ID	Reference in Scoping Report	Issue	Comment
ID.20	6.5.9	Groundwater	The SR proposes to consider groundwater within the land and soils chapter. NRW have recommended that groundwater is considered a receptor in its own right, in accordance with The Environment Agency's approach to groundwater protection (publishing.service.gov.uk) and that groundwater is scoped in to the water chapter. PEDW concur with this approach.
ID.21	5.12	Water	<p>NRW have noted that the mitigation measures in the SR lack detail and do not appear to be tailored to specific impacts. Further information is needed to determine the potential impacts from all aspects of the development (i.e. borrow pits, deep foundations, underground cables, placement of solar panels) which should then be used to inform the proposed mitigation measures. NRW advise a Water Feature Survey should be undertaken to inform the impact assessment upon both quantity and quality of surface water and groundwater. The applicant should refer to NRW's full comments on the content and timeliness of the Water Feature Survey.</p> <p>There is inadequate information available to scope out water at this stage. Therefore, PEDW advise that water is scoped in to the ES. The applicant should liaise with the LPAs and NRW on the methodologies and results of the assessments detailed above.</p>
Biodiversity			
ID.22	6.2.11	Survey methodology	The applicant's attention is drawn to NRW comments on habitat surveys, notably that surveys should accord with the Nature Conservancy Council Phase 1 survey guidelines (NCC (1990) Handbook for Phase 1 habitat survey. NCC, Peterborough) and should be undertaken in the summer months. The Phase 1 survey results should be presented alongside the current management of the site, including changes which may impact the use of the site by protected species.

ID	Reference in Scoping Report	Issue	Comment
			<p>BCBC recommend that a fungal ecology preliminary assessment is undertaken to determine whether a full survey is required. BCBC refer to CIEEM: Grasslands and CHEGD Fungi CIEEM.</p> <p>PEDW advises that the surveys and their scope should be agreed with relevant consultees prior to being undertaken.</p>
ID.23	6.2.2	Study area	<p>BCBC agree the study area in principle. However, they advise that a flexible approach will be required, the Zone of Influence may need to be extended beyond the identified 2 km should the surveys support this approach. PEDW advise that the study area should be considered following the initial surveys, the approach should be fully set out in the ES.</p>
ID.24	6.2.3	Data sources	<p>BCBC have highlighted additional data sources:</p> <ul style="list-style-type: none"> • Supplementary Planning Guidance 19 – Biodiversity and Development which includes the list of SINC citations. • South East Wales Biodiversity Records Centre <p>PEDW advises the applicant to consider these when preparing the ES.</p>
ID.25	6.2.9	Marsh Fritillary butterfly	<p>NRW state that a full grassland survey is required to assess the value of the marshy grassland habitat across the site. This will determine the likely impact on Marsh Fritillary which are a designated feature of the Cwm Risca SSSI and Cefn Cribwr SAC. NRW further note that the Habitat Plan in Appendix D shows areas mapped as grassland and areas that are proposed to be surveyed in 2024. They advise that a Phase 2 survey of the National Vegetation Classification vegetation communities is required to understand the impact of the development.</p>

ID	Reference in Scoping Report	Issue	Comment
			PEDW therefore advises that Marsh Fritillary cannot be scoped out at this stage. The above surveys are required in order to understand the extent to which the species relies upon habitats on site, and the likely impacts.
ID.26	6.2.8 and 6.2.9	Bats	<p>NRW welcome the proposed bat surveys to be undertaken to inform the assessment. NRW advise that the application should be supported by up-to-date bat surveys of the site in accordance with:</p> <ul style="list-style-type: none"> • Bats and Onshore wind turbines – survey, assessment and mitigation by Nature Scot dated August 2021. • Bat Surveys for Professional Ecologist: Good Practice Guidelines (4th Edition) by Bat Conservation Trust dated 2023 • The impacts of the proposals on bats should be assessed using the Ecobat tool (currently hosted by the Mammal Society). <p>PEDW note that whilst foraging and commuting bats have been scoped in, the SR proposes to scope out roosting bats. Given the proposal will require felling of trees within the Graig yr Aber forestry area to site two of the turbines, further information would be required to confirm no trees to be felled are used by roosting bats. PEDW therefore advise that roosting bats cannot be scoped out at this stage.</p>
ID.27	6.2.9	Great Crested Newt (GCN)	<p>NRW advise that all ponds and wet ditches within 250 metres of the proposed development works, including the grid connection route, are assessed for the presence of GCN. This should include any waterbodies on private land.</p> <p>The assessment to determine the presence of GCN should include HSI assessment, eDNA or traditional presence/absence surveys, followed up by a</p>

ID	Reference in Scoping Report	Issue	Comment
			<p>suite of traditional surveys to determine population size class (as appropriate) in accordance with the following published guidance:</p> <ul style="list-style-type: none"> • Great Crested Newt Mitigation Guidelines (English Nature, 2001) • Natural Resources Wales / The use of environmental DNA test for Great crested newt licensing purposes • NRW also recommend referral to the Online All Wales GCN database hosted by Cofnod. <p>NRW advise that presence / absence surveys should be carried out regardless of the results of HSI surveys. NRW also advise that the assessment of impact should also consider the impact on associated terrestrial habitats.</p> <p>PEDW therefore advises that GCN cannot be scoped out at this stage. The above surveys should be undertaken to determine the presence of, and likely impacts on GCN. Should the locations of the proposed works alter through design changes, the survey locations may also need to be updated. The applicant should liaise with NRW to agree the scope and methodology for the surveys.</p>
ID.28	6.2	Otters	<p>NRW acknowledge the otter surveys undertaken and the supporting methodologies. NRW advise that the otter surveys should also consider potential overland routes used by otters for dispersal between river catchments. They further advise that surveys are undertaken across the year to establish any seasonal pattern of use, a single survey is not sufficient to demonstrate absence of otter.</p> <p>PEDW advises that otters cannot be scoped out at this stage. The above surveys should be undertaken to determine the presence of, and, if necessary, likely impacts on otters.</p>

ID	Reference in Scoping Report	Issue	Comment
			Security fencing (i.e. around solar arrays) must not interfere with the movement of otters through the landscape.
ID.29	6.2	Water Voles	<p>NRW note that a single survey for water voles is insufficient to conclude absence of the species. Surveys for water voles should be undertaken in the period mid-April to end of June, and July to September with at least 2 months apart between visits in accordance with published best practice set out in The Water Vole Mitigation Handbook (Mammal Society, 2016).</p> <p>Consideration should be given to population distribution arising from post-breeding dispersal, and to water voles exhibiting fossorial habits which may live in terrestrial habitats some distance away from watercourses.</p> <p>PEDW advises that water voles cannot be scoped out at this stage. The above surveys should be undertaken to determine the presence of, and, if necessary, likely impacts on water voles.</p>
ID.30	6.2	Dormice	<p>NRW note that there is habitat suitable for dormice on and near the site, but it is unclear whether the proposed development is likely to impact this habitat. If this is the case, NRW advise that the relevant habitats are subject to dormouse surveys in accordance with the guidance set out in the Dormouse Conservation Handbook 2nd Ed (English Nature, 2004).</p> <p>PEDW advises that clarification is required on whether the proposed development is likely to impact dormouse habitat. Given the SR confirms that the design has not been finalised, the impact on dormice cannot be scoped out at this stage.</p>

ID	Reference in Scoping Report	Issue	Comment
ID.31	6.2	Ornithology	<p>Whilst NRW agree with the proposed study area, further information is required to determine if the winter vantage point surveys provide adequate coverage. NRW note that the SR appears to focus on the wind turbine component of the proposal and notwithstanding the SR's comments regarding the current intensive grazing regime across the majority of the site (Ornithology section at 6.2.5), it does not fully consider the receptors that may be impacted by the ground mounted solar panels and ancillary infrastructure. PEDW concur with NRW's comments that the impact from all aspects of the development need to be considered, and that further information is required in regard to winter vantage point surveys. It is also noted that likely impacts need to be understood before mitigation measures can be determined to be sufficient.</p> <p>NRW further note that 'breeding birds' are included as a topic, but it would be more appropriate for these species to be defined i.e. ground nesting birds, raptors, passerines etc.</p> <p>PEDW therefore advise that the impact on nesting birds, and passage and migration birds during construction is scoped in to the ES.</p> <p>The applicant should seek to agree with NRW and the relevant LPAs a detailed methodology for ensuring all ornithology receptors are properly surveyed and assessed. This should include a proportionate, potentially targeted effort to survey any potential habitats onsite for ground nesting birds that could be subject to impacts from non-wind elements of the scheme.</p>
ID.32	6.2	Method for Impact Assessment	<p>The applicant's attention is drawn to NRW's detailed comments under the sub-heading 'Impact Assessment'. These aspects should be included in the methodology for assessment and covered in the ES.</p>

ID	Reference in Scoping Report	Issue	Comment
ID.33	6.2	Further advice	<p>The applicant's attention is drawn to NRW's comments, which provide detailed advice on:</p> <ul style="list-style-type: none"> • European Protection Species (EPS) licences • Local biodiversity interests and green infrastructure • Biodiversity enhancements <p>BCBC also highlight that no consultation has been undertaken with the LPAs prior to scoping. The applicant should liaise with relevant stakeholders as early as possible in the process. It is acknowledged that the SR states NRW, NPTCBC and BCBC will be consulted post-scoping.</p>
ID.34	6.2.6, Table 4.1	Mitigation	<p>PEDW advise that the completed surveys should be used to understand any impact on species and habitats, this should then be used to inform mitigation measures. Any likely impact needs to be first understood in order to determine if the proposed mitigation measures are sufficient.</p> <p>BCBC query, at this early stage, where the proposed embedded environmental mitigation measures set out in table 4.1 have been derived from, in particular the accepted distances of the proposed infrastructure from key sensitive environmental receptors.</p>
Climate			
ID.35	6.3.8	Receptors/elements to be scoped into the assessment	<p>The SR proposes to scope out climate resilience. PEDW note that section 5.7.3 of the SR states that the design of the development will consider the potential for adverse effects of climate change during the lifetime of the development (flooding, stormier weather etc.). PEDW note that a small area of the site is within Development Advice Map Zone C2 and Flood Map for Planning Flood Zones 2 and 3 (rivers). Therefore, PEDW directs that climate resilience is scoped in and the ES should include a proportionate assessment of flood risk.</p>

ID	Reference in Scoping Report	Issue	Comment
Cultural Heritage			
ID.36	6.4.2	Study area	<p>BCBC's Conservation Team have advised they do not agree with the proposed study area due to the potential impact on historical assets from physical vibration. In addition, they also advise that a physical assessment of the construction route to and from the site and the impact of any works / removal of features with regard to the setting of historic assets is required to understand the effects from the proposed development.</p> <p>PEDW recommends that the study area is widened to include an assessment for physical vibrations and the construction access route. The applicant should liaise with the LPA's Conservation Team to agree the study area.</p>
ID.37	6.4.4	Archaeological surveys	<p>Glamorgan Gwent Archaeological Trust (GGAT) concur with the intention to undertake a full archaeological desk-based assessment. GGAT advise the assessment should be conducted in accordance with the Chartered Institute for Archaeologists Standard and guidance for historic environment desk-based assessment (2014) and to an agreed written scheme of investigation (WSI). The results of the assessment should inform whether further archaeological work is required. Cadw also note that should there be a need for follow-on archaeological surveys and fieldwork to be undertaken, these works should be undertaken before EIS is completed.</p>
ID.38	6.4.5	Baseline conditions	<p>Cadw advise the applicant that the proposed development site has been claimed to be the site of the Battle of Badon, although they acknowledge it is not included in The Inventory of Historic Battles in Wales maintained by the Royal Commission on the Ancient and Historic Monuments in Wales. Britain's Hidden History (BHH) also refer to the site falling within the Mynydd Baedan battlefield, which is claimed by BHH to be the location of the Battle of Badon.</p>

ID	Reference in Scoping Report	Issue	Comment
			PEDW therefore advises that the assessment will need to consider this possible site and any impact that will be caused on it by the proposed development. This matter should be addressed when agreeing the approach to assessing archaeological receptors with GGAT.
ID.39	6.4.11	Proposed assessment methodology	<p>The applicant's attention is drawn to Cadw's comments at appendix 1. Cadw state that a stage 1 assessment following the methodology in "The Setting of Historic Assets in Wales" should be carried out for all designated heritage assets listed in Annex A of their comments, including registered historic landscapes. This will determine the need, if necessary, for stages 2 to 4 to be carried out for specific heritage assets. The results of the stage 1 assessment should be included as an appendix to the ES.</p> <p>BCBC note that a detailed Heritage Impact Assessment (HIA) should be undertaken. The assessment should list all heritage assets and their significance, details of the proposal and its impact on those heritage assets and their settings. This should include the delivery route of equipment to the site. The assessment should allow a full understanding of the potential impacts from the development and should inform any proposed mitigation.</p> <p>PEDW recommend that the applicant liaises with the relevant consultees on the scoped and methodology for the HIA.</p>
ID.40	6.4.13	References	Cadw highlight that the Historic Environment (Wales) Act 2023 will be enacted during the latter part of 2024. The applicant therefore may need to review and update the ES should this be enacted prior/during submission.
Land and Soils			

ID	Reference in Scoping Report	Issue	Comment
ID.41		Study Area and Baseline Characterisation	BCBC advise that the study area and baseline characterisation appear satisfactory at this stage. However, as the design of the scheme progresses and specialist consultees are engaged in the process, these matters may need to be altered / increased.
ID.42	6.5.9	Groundwater	Groundwater has been included within this chapter and is proposed to be scoped out. PEDW's comments relating to groundwater have been provided above in the water section. In summary, groundwater is scoped in to the ES.
ID.43	6.5.8 and 6.5.9	Land Contamination	<p>The SR only proposes to scope in land contamination matters for construction. NRW advise that land contamination should also be scoped in for decommissioning. PEDW concur with this advice and therefore land contamination for both construction and decommission phases is scoped in to the ES. Water quality and water resource / quantity should also be considered alongside soils with regard to contamination.</p> <p>NPTCBC's Contaminated Land Officer has advised that a desk-top assessment of standard ground contamination and mine gas risk assessments should be undertaken. NRW note that this is an essential starting point, and that the findings in the preliminary risk assessment (PRA) should be confirmed via appropriate site investigation. If the need for remediation is identified, a Remediation Strategy should be provided or secured via condition. PEDW advises the PRA and site investigation should be included as a technical appendix to the ES.</p> <p>NRW further recommend that the applicant should:</p> <ul style="list-style-type: none"> Follow the risk management framework provided in Land contamination risk management (LCRM)

ID	Reference in Scoping Report	Issue	Comment
			<ul style="list-style-type: none"> Refer to Land Contamination: a guide for developers (WLGA, 2017) for the type of information that we require in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, such as human health. Refer to NRW's groundwater protection advice <p>NRW further note that the long and short term positive versus negative impacts have not been considered over the 50- year lifespan of the development. NRW recommend that the positive impacts of remediation associated with soils and water is considered in the ES if contamination is found to be present at the site.</p>
ID.44	6.5.8	Mining and Stability	<p>NRW note that the risks associated with land mining and stability should be scoped in as site investigation information is currently unavailable. The SR proposes to scope in these matters for the construction phase only. PEDW direct that the decommissioning phase is also scoped in for mining and stability.</p> <p>The SR confirms that a Coal Mining Risk Assessment (CMRA) has been undertaken and will be submitted as part of the ES to assess risks relating to coal mining issues. The Coal Authority acknowledge that a CMRA will be undertaken. The applicant's attention is drawn to their comments in appendix 1. PEDW advises that the CMRA should be included as a technical appendix to the ES.</p>
ID.45	6.5.6 and 6.5.9	Soils	<p>The SR confirms that a Soil Management Plan will be produced. LQAS acknowledge this, noting that it should cover all soils (peat, organomineral and mineral). Detailed advice on the contents of the SMP is included in appendix 1.</p>

ID	Reference in Scoping Report	Issue	Comment
			NRW note that the risks associated with soils should be scoped in as site investigation information is currently unavailable. PEDW advise that the impact on soils is therefore scoped in to the ES.
ID.46		Agricultural Land Classification (ALC)	The SR states there is no Best and Most Versatile (BMV) agricultural land within the site and proposes to scope this matter out. LQAS confirm the Predictive ALC Map for Wales shows the site to be at best Grade 4 (poor quality). PEDW agrees this matter can be scoped out of the ES.
ID.47		Borrow Pits	The applicant's attention is drawn to comments from LQAS at appendix 1 regarding borrow pits. If borrow pits are proposed, then this should be scoped in to the ES. Information must be provided on the size, extent and location of the borrow pits.
ID.48	6.5.9	Peat	<p>NRW note that the risks associated with peat and soils should be scoped in as site investigation information is currently unavailable. The PRA indicates there are some peat deposits to the north-west of the site, however this will need to be confirmed via an appropriate site investigation. BCBC recommend the applicant should also consult the unified Peat Map of Wales.</p> <p>The applicant should use the definition of peat used in NRW's National Peatland Action Programme, 2020-2025; this includes any transitioning shallow peaty soils integral to the hydrological functioning of peat bodies.</p> <p>PEDW acknowledge that the presence of peat and any potential impact to is yet to be assessed, therefore peat is scoped in to the ES. The applicant should be mindful of the recent changes to PPW in terms of the location of any infrastructure should peat be confirmed on site. If it can subsequently be agreed with the relevant consultees that the development will avoid any impacts on</p>

ID	Reference in Scoping Report	Issue	Comment
			peat, then this aspect of the environment can be scoped out and a rationale included in the ES.
ID.49	6.5.11	Significance Criteria	NRW highlight that the significance associated with land and soils appears to only relate to short term impacts, this should include consideration of temporal scale of impacts. PEDW concur with this advice, medium / long term impacts on land and soils should be scoped in and form part of the assessment.
ID.50	6.5.10	Enhancement of Land and Soils	No opportunities for enhancing the environment have been identified within the land and soils chapter. NRW highlight that opportunities to enhance the quality and resource capabilities of soils and groundwater via remediation, encouraging groundwater recharge for example, should be included.
ID.51	6.5.11	Proposed assessment methodology	NRW recommend the following documents be considered within the proposed assessment methodology: <ul style="list-style-type: none"> • SoBRA Guidance on Assessing Risk to Controlled Waters from UK Land Contamination Under Conditions of Future Climate Change Aug 2022 • Groundwater protection position statements
Landscape and Visual			
ID.52	6.6.14	Study area	The applicant's attention is drawn to NRW's comments regarding the impact on Bannau Brycheiniog National Park (BBNP) and the Gower Area of Outstanding Natural Beauty (AONB). NRW are satisfied with the 35 km study area, however they raise concerns with the 20 km detailed study area. NRW highlight that the Zone of Theoretical Visibility (ZTV) indicates all 10 turbines would be visible from within the BBNP and Gower AONB, both of which are beyond 20 km. At this distance, significant effects on high sensitivity receptors may occur and

ID	Reference in Scoping Report	Issue	Comment
			therefore these receptors should be included in the assessment despite being outside of the 20 km detailed study area. This is supported by NRW Guidance Note (GN) 46 Using LANDMAP in Landscape and Visual Impact Assessments . PEDW advises that the impact on sensitive receptors should be adequately addressed in the ES, therefore the BBNP and Gower AONB should be included in the detailed study area. PEDW also advise the applicant should undertake pre-application consultation with BBNP Local Planning Authority on the assessment and methodology.
ID.53	6.6.3	Data sources	As cited at the end of this Direction, the Design Commission for Wales (DCfW) has recently published guidance on designing renewable energy projects in Wales. The applicant's attention is drawn to NRW's comments on this guidance and how the ES should demonstrate how the findings of the LVIA have informed the scheme design. The DCfW also offer a design review service: https://dcfw.org/ourservices/designreviewservice/ PEDW advises the above matters should be considered in the design of the energy park.
ID.54	6.6.5	Baseline conditions	NPTCBC draw attention to the setting of Margam Country Park, which is the location of a number of Grade I, II* and II listed buildings, a registered historic park and garden, conservation area and a registered historic landscape. PEDW recommends that the applicant agrees the list of sensitive receptors to be considered with consultees.
ID.55	6.6.8	Designated sites	NRW note that the receptors proposed to be scoped in to the LVIA include landscape and visual receptors, including designations, within the 20 km study area. This indicates that those outside of the 20 km are proposed to be scoped out. As noted above, the BBNP and Gower AONB are outside of the 20 km study area, however, should be scoped in to the LVIA due to their sensitivity.

ID	Reference in Scoping Report	Issue	Comment
			<p>PEDW concurs with this assessment and these receptors should be scoped in to the ES, both for the LVIA and Cumulative LVIA.</p> <p>With regard to the potential impact on the BBNP, the applicant should refer to NRW's advice on undertaking this assessment. Notably the Management Plan for Bannau Brycheiniog National Park (<i>Y Bannau: The Future - 2023-2028</i>) should also be considered. Stated Special Qualities of the BBNP are headlines and any assessment of the impacts on these qualities should be informed by detailed supporting evidence, including that found in e.g., the Brecon Beacons National Park Landscape Character Assessment, August 2012 and LANDMAP.</p>
ID.56	6.6.9, 6.6.11, 7	Cumulative Assessment	<p>As confirmed in section 5.4 of this Direction, the ES should be prepared in line with the advice in NSIP Advice Note 17: cumulative effects assessment relevant to nationally significant infrastructure projects.</p> <p>NPTCBC highlight that a cumulative assessment is required to consider the landscape and visual impacts with other projects, including those which are operational, and those at pre-construction and pre-determination stage. PEDW acknowledge that chapter 7 discusses the approach to cumulative impact, however this aspect is listed in both the receptors to be scoped in and those to be scoped out in this chapter. For the avoidance of doubt, the cumulative assessment for landscape and visual is scoped in.</p> <p>BCBC recommend that a 35 km detailed study area should be used to inform the CLVIA, as opposed to 20 km as proposed, in accordance with NatureScot best practice guidance. BCBC highlight the number of wind farm schemes, both operational and pending / consented within the 35 km area.</p> <p>BCBC have also provided a list of schemes that should be considered as part of the CLVIA. There may be other types of development that should be considered</p>

ID	Reference in Scoping Report	Issue	Comment
			other than solely renewable energy; ultimately the LPAs are best placed to identify potentially relevant projects in their planning areas. PEDW recommends the applicant liaises directly with the LPAs and NRW to agree the approach to the cumulative assessment (study area and schemes to be included), which should be clearly outlined in the ES.
ID.57	6.6.11	Viewpoints	The applicant's attention is drawn to comments from NPTCBC, BCBC and NRW regarding the proposed viewpoints. PEDW advises the applicant to liaise with relevant consultees to agree a list of viewpoints to inform the assessment.
Noise and Vibration			
ID.58	6.7.2, 6.7.5, 6.7.11	Study Area and Methodology	<p>BCBC do not agree with the proposed 3 km study area to inform the cumulative assessment. BCBC highlight that the Institute of Acoustics (IoA) 'Good practice guide to the application of ETSU-R-97 for the assessment and rating of wind turbine noise' states that '<i>if the proposed wind farm produces noise levels within 10 dB of any existing wind farm/s at the same receptor location, then a cumulative noise impact assessment is necessary</i>'. Therefore, the applicant will need to provide predicted noise levels for the wind farm and determine whether this proposal will add to the cumulative impact with other wind farms. BCBC recommend a 5 km search area, with wind farms between the 3 km and 5 km zone only being ruled out if they do not meet the criteria in the IoA guidance. BCBC also advise that the assessment must be based on the consented noise levels for the existing wind farms, as opposed to the noise emission levels provided by manufacturers.</p> <p>BCBC raise further concerns with the statements in the SR that smaller turbines do not need to be considered as part of the noise assessment, and that the noise assessment is dependent on the availability of data from other turbines. The applicant should refer to BCBC's detailed comments in appendix 1.</p>

ID	Reference in Scoping Report	Issue	Comment
			<p>NPTCBC's Environmental Health Officer (EHO) also request that the applicant liaises with them early in the process regarding the detailed methodology and to identify sites of interest in the study area.</p> <p>PEDW advises that the study area and methodology should be agreed through consultation with the LPA's EHOs. The above matters should be fully addressed, and the methodology should accord with best practice guidance. Full justification and rationale should be provided in the ES to support the assessment.</p>
ID.59	6.7.14	Monitoring Locations	<p>NPTCBC's EHO advises that further information is required to understand the rationale of the number and location for the monitoring locations. They highlight that the assessment should focus on the sensitivities of receptors, and ensure the locations account for these receptors. BCBC also raise concerns with the distribution of monitoring locations, stating that the number of monitoring locations should be determined from the receptors and likely impact.</p> <p>PEDW recommends that the applicant liaises with the LPAs in order to determine appropriate monitoring locations to fully inform the assessment. The justification for the monitoring locations selected should be set out in the ES.</p>
ID.60	6.7.9	Low Frequency Noise	<p>NPTCBC's EHO and BCBC raise concerns with operational low frequency noise being scoped out at this early stage. NPTCBC's EHO states that the guidance referred to is not available, and as such further information is required to justify this matter being scoped out. BCBC state that the low frequency content of the noise from wind farms should be considered with octave band specific noise emission and propagation modelling. This assessment should be included in the ES.</p>

ID	Reference in Scoping Report	Issue	Comment
			PEDW therefore advises that low frequency noise is scoped in to the ES. Should, through consultations with EHOs and additional survey work, there be satisfactory justification for low frequency noise being scoped out, this must be set out in the ES.
ID.61	6.7.9	Noise and Vibration from Construction Activities Associated with the Wind Farm Infrastructure	<p>BCBC raise concerns with this matter being scoped out. The SR states that there are large separation distances from receptors. BCBC query what these distances are, but also state that the predicted construction noise levels at residential receptors should still be provided. This will determine if further mitigation or noise monitoring is required during the construction phase.</p> <p>BCBC highlight that this aspect has been scoped in for the solar and BESS parts of the development and should also be scoped in for the wind farm element. PEDW advises that noise and vibration from construction of the wind turbines is scoped in to the ES.</p>
ID.62	6.7.9	Amplitude Modulation (AM)	<p>BCBC raise concerns with this matter being scoped out at this stage. The justification in the SE appears to be based on Renewable UK research from 2013. BCBC highlight a more recent study, commissioned by the Department of Energy and Climate Change in 2016, which includes a method of quantification of the level of AM and any appropriate penalty. BCBC state that consideration should be given to AM and the indicators set out in the guidance, this can inform the justification in the ES to scope out (if appropriate) this matter.</p> <p>PEDW therefore advises that there is inadequate information provided in the SR to scope out AM. The applicant should liaise with the LPAs on the supporting information to be provided with regards to amplitude modulation and agree a methodology for this assessment. The approach should be set out in the ES.</p>

ID	Reference in Scoping Report	Issue	Comment
Traffic and Transport			
ID.63	6.8.3	Data Sources	BCBC state that the Department for Transport (DfT) traffic counters do not provide adequate data to inform the assessment, and that manual or automatic counters should be placed at locations agreed with the Highway Authorities. PEDW advises that the applicant should liaise with the relevant Highway Authorities on the data to inform the assessment, including traffic counters.
ID.64	6.8.2	Construction Access	<p>The SR states that the proposed access route to the site is yet to be determined, but that it may involve a route through NPT which may necessitate highway works. NPTCBC, BCBC and Transport Directorate state that inadequate information has been provided at this stage to inform the assessment. Further information is required, and early pre-application consultation is strongly recommended.</p> <p>The applicant should refer to consultee comments and the draft guidance document 'Pulling Together - Best Practice for Transporting Abnormal Loads in Wales' which has been included in appendix 1. In accordance with the advice from consultees, PEDW confirms the applicant should provide details of all required AIL movements along the trunk road network and should include documented trial runs demonstrating the suitability of the entire transport route to the site (and in reverse for decommissioning). In order to demonstrate that the route is fit for purpose, the weight and dimensions of AILs should be provided, alongside a swept path analysis for junctions. The applicant should also provide existing road condition surveys and details of any highway improvement works that would be necessary to facilitate the route. Should trees or hedgerows require removal as part of these works, this impact should also be assessed in the ES.</p>

ID	Reference in Scoping Report	Issue	Comment
ID.65	6.8.9	Operational Traffic	<p>BCBC do not agree with the approach in the SR to scope out traffic flow increases below 10% during operation. They highlight that the threshold for a material impact when considering a planning application is 5%. They also highlight that most of the major junctions in Bridgend are over capacity, and therefore even a 5% increase could result in a detrimental impact. This impact should be assessed as part of the ES. It is also noted that no information has been provided regarding the replacement or ongoing maintenance over the 50-year lifetime of development.</p> <p>PEDW therefore advise that inadequate information has been provided to demonstrate there will be no significant impact, therefore the operational and decommissioning phases are scoped in to the ES. Should the survey work and consultation with Highway Authorities find that this matter can be scoped out, the justification should be set out in the ES.</p>
ID.66		Topple Distance	<p>NPTCBC's PRow Officer has raised concerns with the proximity of turbines 8 and 10 to the highway and PRow network. The officer has stated that turbines should be located a minimum of tip height, in this case 230 m, plus 10% away from any PRow to avoid users in the event of collapse. Both turbine 8 and 10 are significantly closer to the public highway and PRow.</p> <p>PEDW refer to comments in the PRow section above. In summary, the impact on PRow should be addressed in the ES and is therefore scoped in. The applicant should consider the location of the turbines, and any potential impact, including topple distance, on the highway and PRows.</p>
ID.67	6.8.11 and 6.8.14	Assessment Approach	<p>With regard to the proposed factor-specific assessment approach, BCBC advise this is only accepted if the factors are based on collected real world data. If the factors are based on models, then this approach is not accepted.</p>

ID	Reference in Scoping Report	Issue	Comment
			PEDW therefore advises that the applicant liaises with the Highway Authorities, initially to confirm if the factors are based on modelling or real world collected data, and to agree the methodology to inform the assessment.
Cumulative Effects			
ID.68	7	Cumulative Effects	PEDW refer the applicant to comments regarding cumulative impact in the relevant topic sections above. In addition, whilst the smaller existing turbines on / directly adjacent to the site are below the 50 m threshold, these should still be considered within the cumulative assessments.

8. Other Matters

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

8.1 Changes to PPW

On 11 October 2023 the Welsh Government introduced changes to Chapter 6 of PPW relating to:

- Green Infrastructure,
- Net Benefit for Biodiversity and the Step-wise Approach,
- Protection for Sites of Special Scientific Interest, and
- Trees and Woodlands.

Details are available in the relevant 'Dear Chief Planning Officer' letter:

<https://www.gov.wales/addressing-nature-emergency-through-planning-system-update-chapter-6-planning-policy-wales>

These changes have now been consolidated into a new edition of PPW (ed. 12), published on 07 February 2024: <https://www.gov.wales/planning-policy-wales>

8.2 Updated Guidance from the Design Commission for Wales

On 23 November 2023 the Design Commission for Wales published their updated guidance "Designing for Renewable Energy in Wales". The guidance is available online:

<https://dcfw.org/designing-for-renewable-energy-in-wales/>

8.3 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.

8.4 SuDS Consent

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

Appendix 1: Consultation Responses

Cyngor Bwrdeistref Sirol Pen-y-bont ar Ogwr Bridgend County Borough Council

Swyddfeydd Dinesig, Stryd yr Angel, Pen-y-bont, CF31 4WB / Civic Offices, Angel Street, Bridgend, CF31 4WB



Planning & Environment Decisions Wales

PEDW.Infrastructure@gov.wales

F.A.O. Tanya Leck

Grwp Datblygu / Development Group

Ebost / Email: planning@bridgend.gov.uk

Gofynnwch am / Ask for: **Lee Evans**

Deialu Uniongyrchol / Direct Line: [REDACTED]

Ein cyf / Our ref: DNS CAS-03018-G7G6H7

Dyddiad / Date: **07 February 2024**

Dear Tanya,

**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**

PROJECT NAME: Mynydd Ty – Talwyn Energy Park.

SITE ADDRESS: Land north of Ffordd Y Gyfraith, Bridgend / Neath Port Talbot

PROPOSAL: The Proposed Development will comprise the construction and operation of; up to 10 wind turbines, ground mounted solar photovoltaic (PV) modules, Battery Energy Storage Systems (BESS), Project Substation, permanent anemometer mast, ancillary infrastructure works, habitat management, and, works to facilitate vehicular access to the Site.

LPA REFERENCE: P/24/66/DNS

I refer to your recent correspondence in respect of the above-mentioned matter, which seeks advice on the scope of the EIA for the above mentioned development proposal (DNS application).

Consideration has been given to the information provided in the EIA Scoping Report and the questions raised therein, together with the relevant regulations and information that the Authority holds.

In order to inform your Scoping Direction, Bridgend County Borough Council request that the following comments on the scope of the EIA and the proposed methodologies outlined in the respective chapters, and specific questions raised by the Scoping Report (prepared by RSK Environment Limited on behalf of the applicant 'Galileo') be considered.

1. INTRODUCTION

No significant comments raised, although it is not clear what the operating capacity of the solar farm would be. Para 1.1.3 of the Scoping Report identifies the combined installed capacity of the power generating elements would be greater than 10MW, although a breakdown of the individual aspects of the scheme would be beneficial.

2. DESCRIPTION OF THE NATURE AND PURPOSE OF THE PROPOSED DEVELOPMENT

Full details of all aspects of the proposed development should be submitted with any application including full plans and elevations of all structures and buildings proposed, as well as the identified supporting information. A specific site address with reference to the nearest settlements should be identified for the development proposal.

Para 2.3.5 - No mention of the Replacement Bridgend Local Development Plan is detailed (as discussed later in this response), which is due for imminent adoption (likely to be the 13 March 2024). This needs due consideration as this will form the adopted Development Plan for the aspects of the development within Bridgend County Borough Council.

Para 2.3.5 - It has not been mentioned that the site is located outside of the pre-assessed areas for wind and it has not been stated where the nearest pre-assessed area for wind is located.

Para 2.3.11 – There is no mention of whether there are any areas of peat that might affect the application site or the access to it.

Para.2.4.4 - As well as the heights and rotor diameter, we will also require the energy output of each turbine in MW.

Para 2.4.8 – 2.4.10 - Aviation Lighting - Highlights the need for appropriate Aviation Lighting to be applied to wind turbines of the scale being proposed. The Local Authority also recognises this need and in determining applications for wind farms in the past the Authority would normally consult the Ministry of Defence; The Civil Aviation Authority; Cardiff Airport and Swansea Airport and would take advice from their representation, and as such we would recommend that these external bodies are consulted (As recognised in Para 2.4.10).

2.4.12 - As well as the technical specification of the solar panels and mounting systems we would also need to know the energy output in MW.

Para 2.4.34 -2.4.36 - Works to facilitate vehicular access to the site. The route from the Port of Swansea for Abnormal Indivisible Loads to the application site remains undefined at this stage, as discussed later, although the environmental impact of the construction traffic and any associated upgrade works, including on site access tracks, needs to be fully assessed. Indeed, the need to assess the environmental impact of the entire development must be recognised.

Para 2.4.45 - Any lighting would need to be sensitively designed to have regard to any ecology that may be present.

Para 2.4.48 – 2.4.49 - Make reference to a Construction Environmental Management Plan that should be submitted and fully detailed at application stage rather than secured by means of a planning condition.

Para 2.4.50 – 2.4.51 - Identifies a Construction Traffic Management Plan and an Abnormal Indivisible Load Management Plan shall be submitted in support of the DNS application (such supporting information should not be conditioned but prepared up front to inform the decision making process of such a major application).

2.4.52 - How long do wind turbine blades last before they need to be replaced, is this scheme over 50 years? Replacing and having new blades delivered is not considered to be minor maintenance and would need to be considered and assessed.

Para 2.4.53 -2.4.54 - Details of a fund or the funding of the decommission strategy should be included, providing information on how such a fund would be provided, secured and ensuring that it is available should it be required prior to the end of the project's predicted life expectancy of 50 years.

Para 2.4.55 – 2.4.56 - It is acknowledged that the connection of the project substation to the Grid would be the subject of a separate consent application and will not form part of the DNS application. No details of the likely connection have been provided or the likely environmental impacts and it is therefore difficult to conclude the acceptability of this approach.

3. REASONABLE ALTERNATIVES CONSIDERED

It is understood the design, scale and characteristics of the development proposal would likely evolve and change during the design process and alternative schemes would likely develop as the applicant engages with further, necessary consultation and statutory input on the scheme, including liaison and appropriate/reasonable pre-application work with the Local Planning Authority(s).

Para 3.2.3 – 3.2.6 - Planning Policy Framework – Provides a very broad comment on the wider principles of general policies, and national planning policy and guidance in the form of The Environment (Wales) Act 2016, Future Wales: The National Plan 2040, and Planning Policy Wales on developing renewable energy sources to meet Wales's future energy needs. Reference is also made to 'securing net benefit for biodiversity' as part of any proposed development (Chapter 6 of PPW).

In terms of the specific planning policy framework for the development proposal, and whilst acknowledging two of the proposed turbines fall outside the administrative boundaries of Bridgend County Borough Council and within the boundaries of Neath Port Talbot County Borough Council, the following advice is provided.

Currently adopted Bridgend Local Development Plan 2013

At the time of writing this response the extant and adopted Local Development Plan for the area comprises the Bridgend Local Development Plan, 2013, although the adoption and implementation of the Replacement Bridgend Local Development Plan is imminent and expected around the middle of March 2024.

Under the provisions of the currently adopted Bridgend Local Development Plan 2013 the proposed site is situated outside any defined settlement boundary within the countryside and therefore should be assessed in the context of Policy ENV1 which strictly control development in the countryside except for specific identified purposes. Policy ENV1(6) of the BCBC LDP 2013 identifies utilities infrastructure as an appropriate exception.

Paragraphs 4.1.11 and 4.1.12 of the LDP, which expand on Policy ENV1, make it clear that whilst certain developments may be appropriate in the countryside in respect of Policy ENV1, the policy forms the starting point for assessment and proposals will need to satisfy other relevant policies in the LDP.

In this regard, attention is firstly drawn to Policy SP8 of the LDP that states development proposals which contribute to meeting national renewable energy and energy efficiency targets will be permitted where it can be demonstrated that there will be no adverse impacts on the environment and local communities.

Policy ENV18 is relevant in providing a more robust assessment of renewable energy schemes, and each of its assessment criteria is considered and highlighted below:

Proposals for renewable energy developments will be permitted provided that:

- 1) In the case of wind farm developments of 25MW or more, the preference will be for them to be located within the boundary of the refined Strategic Search Area;*

The proposal represents a wind farm development which is proposed to provide a generating capacity of more than 10MW, located outside of a refined Strategic Search Area, as historically detailed within TAN8 – although it is fully acknowledged this is now effectively superseded by Future Wales: The National Plan 2040.

- 2) The availability of identified mineral resources or reserves will not be sterilised;*

The proposal is located on a sandstone resource. However, Policy ENV9(3) states that temporary development will be acceptable where the proposal can be implemented, and the site restored within the timescales the mineral is likely to be required. Paragraph 4.3.1 of the LDP identifies that in 2009, the aggregate reserves for Bridgend was estimated at 40 years. In light of this and other, preferable areas for quarrying before this site could realistically be considered, this development is likely to be acceptable in the context of Policies ENV9(3) and ENV18(2).

- 3) *Appropriate monitoring and investigation can demonstrate that the development will not have any significant impacts on nature conservation;*

Input and comment on the scheme would be fully sought from BCBC's Ecologist on this matter, as further discussed later in this response.

- 4) *Appropriate arrangements have been made for the preservation and/or recording of features of local archaeological, architectural or historic interest;*

BCBC's Conservation & Design Officers, Cadw and Glamorgan Gwent Archaeological Trust would need to be fully consulted on the scheme in respect of this matter, as further highlighted in this response.

- 5) *They can be safely accessed to permit regular maintenance without detriment to the environment or the public rights of way network;*

The issues relating to this criterion will need to be assessed as part of the Environmental Impact Assessment as later discussed in this report and as highlighted by the initial response from the Councils Public Rights of Ways Section.

- 6) *They will not detrimentally affect local amenity by reason of noise emission, visual dominance, shadow flicker, reflected light, the emission of smoke, fumes, harmful gases, dust, nor otherwise cause pollution to the local environment;*
7) *They will not lead to electromagnetic disturbance to existing transmitting and receiving systems (which includes navigation and emergency services), thereby prejudicing public safety;*
8) *Local receptors of heat and energy from the proposal are identified and, where appropriate, are connected to/benefit from the facility; and*
9) *Provision has been made for the removal of all infrastructure from, and reinstatement of the site following termination of the use.*

All of the issues identified in criteria 6, 7, 8 and 9 will need to be fully addressed in the Environmental Statement.

This Policy, together with SP8 will ensure that consideration of proposals is balanced between the desire to generate increased levels of renewable energy and the need to protect sensitive areas.

The local community should also benefit appropriately from any facility with examinations of the potential to connect existing/future developments to the facility or, where this is not possible, other forms of community benefits should be examined. Whilst the purpose of this criterion is to encourage best practice for developments of this nature, local community benefits should be fully considered as part of such a scheme.

In addition to the above, the proposal should also be considered in the context of Policy SP2 which considers general issues associated with amenity and design. Many of the issues which are the subject of Policy SP2 have already been considered in the

context of Policy ENV18. However, of significant importance in respect of a development of this nature is SP2(2) which states that all development should have:

A design of the highest quality possible, whilst respecting and enhancing local character and distinctiveness and landscape character.

The site is also located within the Western Uplands Special Landscape Area as defined by Policy ENV3 (3) of the LDP. Policy ENV3 states,

Development in Special Landscape Areas (SLAs) will only be permitted where:

- 1) It retains or enhances the character and distinctiveness of the SLA;
- 2) The design of the development reflects the building traditions of the locality in its form, materials and details, and/or assimilates itself into the wider landscape; and
- 3) The proposed development is accompanied by a Landscape Impact Assessment (LIA), which takes into account the impact of the development and sets out proposals to mitigate any adverse effects.

With respect to the issue of 'landscape character', the County Borough has been subject to a Landscape Character Assessment, the results of which have been used to inform 'SPG 20: Renewables in the Landscape' which considers the impact of different scales of wind and solar developments in the landscape of the County Borough.

The proposal is located within Landscape Character Area (LCA) 1: *Llangynwyd Rolling Uplands and Forestry*, the key landscape characteristics of which are defined as:

- Strongly undulating upland landscape with a series of north-east facing slopes and hill summits ranging from 120 to 365 metres AOD.
- Distinctive topography influenced by the heavily dissected Upper Coal Measures plateau greatly modified by the effects of glaciation.
- Landscape crossed by a number of fast-flowing springs and streams, flowing into the Llynfi Valley below.
- Dense coniferous forestry plantations on some slopes and hill summits (e.g. Garn Wen and Waun Lluest-wen) with linear broadleaved woodlands found along valley sides.
- Dark, straight plantation edges providing a stark contrast to the adjacent muted grasslands on rounded slopes.
- Pastoral landscape with significant tracts of rough sheep and pony grazing on higher ground (particularly in the north).
- A strong pattern of irregular fields enclosed by hedgerows, tree belts and stone walls.

- Elevated land around Mynydd Ty-talwyn including large, regular semi-improved pastures divided by fencing.
- Valued habitats including heathland, blanket bog, acid grassland, fen and marsh (with significant areas defined as SINCs).
- Broadleaved semi-natural woodland on slopes and valleys, and nationally important marshy grassland (supporting marsh fritillaries) at Cwm Risca Meadow SSSI.
- Patches of bracken, gorse and rush pasture found throughout.
- Land west of Llangynwyd within the Margam Mountain Landscape of Special Historic Interest, with scheduled archaeological features including Y Bwlwarcau hillfort and the medieval Llangynwyd Castle.
- Cluster of nationally important medieval house platforms and settlement remains around Mynydd Ty Talwyn.
- Nucleated hill-top village of Llangynwyd (a Conservation Area), with prominent 15th century square church tower forming a local landmark.
- Farmsteads and small groups of dwellings thinly dispersed elsewhere.
- A small number of minor roads, tracks and footpaths cross through the landscape. The Ogwr Ridgeway Walk passes through the southern part of the LCA, and areas of higher ground are open access land.
- A strongly rural and tranquil landscape despite the close proximity of nearby development at Maesteg.
- Tranquil qualities eroded by the presence of pylon lines, telecommunications masts and urban fringe land uses close to Maesteg, including a golf course.
- Southern ridgelines affording panoramic views across the County Borough, including wind farm developments on distant skylines.
- Intervisibility with Maesteg a strong feature of the northern half of the LCA.

Based on these landscape characteristics, the following discussion on landscape sensitivity and conclusions are made:

<p>Discussion on landscape sensitivity</p>	<ul style="list-style-type: none"> • Although this is a large-scale landscape with some existing development such as pylons, telecommunications masts and views of nearby development which may indicate reduced sensitivity to wind energy development, many features and characteristics of the landscape may increase levels of sensitivity. These include in particular the landscape's sense of tranquillity and rural character, valuable semi-natural habitats and the setting of nationally important heritage assets, which results in the landscape being particularly sensitive to developments of 'very large' turbines. The following locational variations in terms of the above summary should be taken into account: • The area within the Western Uplands Special Landscape Area would be highly sensitive to the development of 'large' and 'very large' turbines due to its smaller scale landscape patterns and strong historic associations (including Llangynwyd Conservation Area).
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Sensitivity to different turbine heights	Very Small (15-25m)	L
	Small (26-50m)	L-M
	Medium (51-75m)	M
	Large (76-110m)	M
	Very large (111-150m)	M-H
Commentary on different cluster sizes	Although this is a large-scale landscape with existing man-made structures on skylines, the distinctive topography, presence of frequent human-scale features and the landscape's function as a rural backdrop to views from Maesteg, Bridgend and Cefn Cribwr mean that it would be highly sensitive to 'large' and 'very large' clusters of wind turbines	
Single turbine		
Small (<5 turbines)		
Medium (6-10)		
Large (11-25)		
Very large (>25)		

In the first instance it should be noted that the proposed development consists of 10 no. turbines with a maximum tip height of 230 metres, located both inside and outside the Local Authority Boundary. In addition to the large solar array proposed as part of this scheme it is likely that the proposal could be highly sensitive in landscape impact terms. This conclusion would need to be balanced against the merits of the scheme and the impact on other issues identified within the ES and the benefits of the scheme in providing a significant source of renewable energy.

Emerging Replacement Local Development Plan (2018-2033)

The Council is in the process of preparing a Replacement LDP. The Replacement LDP is currently at an advanced stage following the conclusion of the formal examination hearing sessions in March 2023. The appointed Inspector duly considered all representations made up until and during the hearing sessions. In response to the matters and issues raised by the Inspector during the hearing sessions, the LPA proposed a series of Matters Arising Changes (MACs) to the Plan. These changes were deemed necessary to make the Plan sound.

The MAC Schedule was subject to public consultation from 31 July 2023 until 11 September 2023, following which a MAC Consultation Report was published. That report listed the representations made about each of the proposed MACs, provided a summary of the main issues raised and outlined the LPA's responses. All duly made representations were considered by the Inspector. A further final public hearing session was held on 24 January 2024. However, as no objections were raised to the inclusion of renewable energy policies within the Replacement LDP during the

examination hearing sessions, it is considered that a degree of weight can be applied to the policies contained within the Written Statement of the Replacement LDP in this context. The remainder of this observation is offered based on the assumption that the Replacement LDP will be adopted in due course without any further substantive changes to those proposed as part of the MAC Consultation.

Policy SP13: *Renewable and Low Carbon Energy Development* of the Replacement LDP states that renewable and low carbon development proposals which contribute to meeting national and local renewable and low carbon energy and energy efficiency targets will be permitted where it satisfies the following criteria:

- a) It can be demonstrated that there will be no unacceptable impacts on the natural and historic environment or local communities (such as noise and air pollution) and that no other unacceptable cumulative impacts will arise;
- b) The proposal (inclusive of its associated infrastructure) has sought to minimise the landscape and visual impact through its design and micro-siting, particularly where in close proximity to homes and tourism receptors;
- c) Proposals make provision for the appropriate restoration and after-care of the land for its beneficial future re-use;
- d) The proposal can facilitate a connection to the grid network;
- e) There would not be an unacceptable impact on access and highway safety; and
- f) There would not be unacceptable impact on the amenity of residential properties or tourist accommodation.

The site is located outside a Pre-Assessed Area (Future Wales) which is likely to raise concerns with particular landscape sensitivity issues in this case as earlier detailed.

However, the site is located within Local Search Area 1: Llangynwyd Rolling Uplands & Forestry, which is identified as an area considered suitable for wind energy. Whilst the area is considered suitable, it will be subject to criteria 1a), 1b), 1c) 1d), 1e) and 1f) as outlined above. With respect to the issue of 'landscape and visual impact', reference is again made to 'SPG 20: Renewables in the Landscape' which considers the impact of different scales of wind and solar developments in the landscape of the County Borough, as earlier detailed.

The site is also partially located within the Cwm Nant Gwyn SINC and is therefore subject to Policy DNP5 Local and Regional Nature Conservation Sites which states that development within or adjacent to a SINC must be compatible with the nature conservation or scientific interest of the area, whilst promoting their educational role.

The site is also located within the designated Special Landscape Area of Western Uplands (DNP4(3)) as defined by Policy DNP4, which states that development in SLAs will only be permitted where:

- 4) It retains or enhances the character and distinctiveness of the SLA;

- 5) The design of the development reflects the building traditions of the locality in its form, materials and details, and/or assimilates itself into the wider landscape; and
- 6) The proposed development is accompanied by a Landscape Impact Assessment (LIA), which takes into account the impact of the development and sets out proposals to mitigate any adverse effects.

The settings of SLAs will be protected with consideration of the views from those areas to the settlements of the County Borough. New development must be designed to provide an attractive transition between the urban areas and the countryside.

The site is also located within a Category 1 Sandstone mineral safeguarding zone as defined by Policy ENT12: Development in Mineral Safeguarding Zones. Development proposals within mineral safeguarding areas, either permanent or temporary must demonstrate that:

- 1) If permanent development, the mineral can be extracted prior to the development, and/or the mineral is present in such limited quantity or quality to make extraction of no or little value as a finite resource; and
- 2) In the case of residential development, the scale and location of the development e.g. limited infill/house extensions, would have no significant impact on the possible working of the resource; and
- 3) In the case of temporary development, it can be implemented, and the site restored within the timescale the mineral is likely to be required.

The proposed development will need to take into account the advice outlined above and comply with the relevant policies of the existing LDP (2006-2021) and the Replacement LDP (2018-2033), should it be adopted and supersede the existing LDP in due course.

In terms of National Planning Policy, Future Wales 2040/National Plan provides the national spatial strategy for wind farm development within the context of PPW. The National Plan defines strategic pre assessed areas for wind farm development. Policy 17 and Policy 18 of Future Wales would therefore be of relevance to this particular scheme that state:

Policy 17 – Renewable and Low Carbon Energy and Associated Infrastructure

The Welsh Government strongly supports the principle of developing renewable and low carbon energy from all technologies and at all scales to meet our future energy needs.

In determining planning applications for renewable and low carbon energy development, decision-makers must give significant weight to the need to meet Wales'

international commitments and our target to generate 70% of consumed electricity by renewable means by 2030 in order to combat the climate emergency.

In Pre-Assessed Areas for Wind Energy the Welsh Government has already modelled the likely impact on the landscape and has found them to be capable of accommodating development in an acceptable way. There is a presumption in favour of large-scale wind energy development (including repowering) in these areas, subject to the criteria in policy 18.

Applications for large-scale wind and solar will not be permitted in National Parks and Areas of Outstanding Natural Beauty and all proposals should demonstrate that they will not have an unacceptable adverse impact on the environment.

Proposals should describe the net benefits the scheme will bring in terms of social, economic, environmental and cultural improvements to local communities. New strategic grid infrastructure for the transmission and distribution of energy should be designed to minimise visual impact on nearby communities. The Welsh Government will work with stakeholders, including National Grid and Distribution Network Operators, to transition to a multi-vector grid network and reduce the barriers to the implementation of new grid infrastructure.

Policy 18 – Renewable and Low Carbon Energy Developments of National Significance Proposals for renewable and low carbon energy projects (including repowering) qualifying as Developments of National Significance will be permitted subject to policy 17 and the following criteria:

1. outside of the Pre-Assessed Areas for wind developments and everywhere for all other technologies, the proposal does not have an unacceptable adverse impact on the surrounding landscape (particularly on the setting of National Parks and Areas of Outstanding Natural Beauty);
2. there are no unacceptable adverse visual impacts on nearby communities and individual dwellings;
3. there are no adverse effects on the integrity of Internationally designated sites (including National Site Network sites and Ramsar sites) and the features for which they have been designated (unless there are no alternative solutions, Imperative Reasons of Overriding Public Interest (IROPI) and appropriate compensatory measures have been secured);
4. there are no unacceptable adverse impacts on national statutory designated sites for nature conservation (and the features for which they have been designated), protected habitats and species;
5. the proposal includes biodiversity enhancement measures to provide a net benefit for biodiversity;
6. there are no unacceptable adverse impacts on statutorily protected built heritage assets;
7. there are no unacceptable adverse impacts by way of shadow flicker, noise, reflected light, air quality or electromagnetic disturbance;

8. there are no unacceptable impacts on the operations of defence facilities and operations (including aviation and radar) or the Mid Wales Low Flying Tactical Training Area (TTA-7T);
9. there are no unacceptable adverse impacts on the transport network through the transportation of components or source fuels during its construction and/or ongoing operation;
10. the proposal includes consideration of the materials needed or generated by the development to ensure the sustainable use and management of resources;
11. there are acceptable provisions relating to the decommissioning of the development at the end of its lifetime, including the removal of infrastructure and effective restoration.

The cumulative impacts of existing and consented renewable energy schemes should also be considered.

The above policies are an indication that, at a strategic level, the development may have an unacceptable impact and raise concerns.

Para 3.2.8 – States ‘Given the size and scale of abnormal indivisible loads (AIL’s) with wind farm development, a site must demonstrate that it is accessible for construction and operational traffic. At an early stage of site development, the Applicant has undertaken an access route survey to help inform the likely issues associated with the development of the site with regards to off-site transport and access for AIL traffic.’ The scoping report submission appears to contain no such detailed access route survey.

4. APPROACH TO EIA

Para 4.2.1 – Para 4.2.5 acknowledges the need for specialist consultation alongside the EIA process and engagement with the Local Authority would be recommended, as the scheme evolves. The need for a PAC report is highlighted for such a major development proposal although significant public engagement, exhibitions and consultation should also be undertaken at varying stages of the development process for the project.

Generally, no objections to the general principles expressed in relation to establishing baseline conditions, mitigation and assessment of likely significant effects, although it is noted and should be accepted that the assessment of significant effects and likely primary, secondary and tertiary environmental mitigation measures will likely alter over the course of the design evolution, and up to the submission of the DNS application. The Local Planning Authority would also question at this early stage where the proposed embedded environmental mitigation measures (table 4.1), in particular the accepted distances of the proposed infrastructure from key sensitive environmental receptors, is derived from.

Table 4.1 suggests that a proposal to avoid areas of Peat and a buffer from turbines and rights of way/bridleways is considered.

Para 4.9 – advises that working closely with Bridgend County Borough Council and other environmental stakeholders, the applicant is committed to exploring opportunities for environmental enhancement – although it is acknowledged that to date no meaningful pre-application or consultation has been undertaken with the Local Planning Authority (BCBC).

5. ENVIRONMENTAL FACTORS PROPOSED TO BE SCOPED OUT

On the basis of the information available to date, and whilst it is accepted that full standalone chapters may not be relevant within the ES, it is difficult to fully comment or agree that certain environmental factors are not justified as part of the EIA at this stage, although the following observations are provided.

5.2 Air Quality - Agreed that the potential impacts on air quality are likely to be most significant during construction and decommissioning phase – particularly through transportation/construction traffic. The report also suggests the use of borrow pits which would also be a factor to be considered depending on how many and their location. This may impact air quality at existing residential properties (particularly the Neath Port Talbot Air Quality Management Area (AQMA)), as well as nearby sensitive designated ecological habitats.

Until such time as levels of vehicle movements during the construction phase in particular, (and the decommissioning phase) have been established it is not agreed to scope this out of the ES at this stage, given such a major project is proposed.

5.3 Aviation – Such a large development proposal with turbine heights of 230m in such elevated positions has the potential for significant aviation affects and from previous experience with wind farm developments is a critical consideration that cannot be agreed to be scoped out of the EIA process. Its also recommended that Swansea Airport is consulted and potentially the small airfield in Margam.

5.3.4 - Any reports should form part of the Environmental Impact Assessment and any affects addressed within that section of the report.

5.4 Forestry – It is highlighted two of the ten turbines would be sited within the Graig Yr Aber area of commercial forestry managed by Natural Resources Wales (NRW). Early engagement as highlighted is therefore recommended with NRW on this matter before an informed decision is made on the potential of scoping out the full forestry assessment form the ES.

5.5 Glint and Glare – Whilst the argument Solar PV modules are specifically designed to absorb light rather than reflect it, it is difficult to rule out the need to fully address this matter at this point within the ES, particularly given the significant scale of the

solar array in this instance in such prominent locations on the hillside around settlements and in relatively close proximity/visibility to key transport routes.

5.6 Heat and Radiation – Given the nature of the development as detailed there would unlikely to be a need to scope heat and radiation emissions into the ES.

5.7 Major Accidents and Disasters – At this stage not considered necessary to be scoped into the ES although limited information is provided to date on all aspects of the proposal, such as the BESS (Battery Energy Storage System) that may need further consideration.

5.8 Material Assets and Waste – The proposed approach for this type of development appears generally satisfactory. However, the proposal seeks a 50 year lifespan so it would be interesting to understand what aspects would require replacing in that time. It is likely that all the solar panels, batteries and possibly all the turbine blades would need replacing during its lifetime. If that is the case, we would need further information before we could consider scoping this element out.

5.9 Population and Human Health.

5.9.1 – 4 Socio-economics - The Local Planning Authority would prefer to see socio-economic effects comprehensively considered within the ES.

5.9.5 – 5.9.9 Land Use and Public Access – As detailed below, the Council's Public Rights of Way Officer has initially commented on this scoping assessment and states:

"The submission has been forwarded to the Rights of Way section for comment because it appears that the development may affect a public right of way. Indeed, following receipt of the application the Definitive Map was checked and I can confirm that the following registered public rights of way affect the application boundary of the proposed development (the approximate alignments of those footpaths and bridleway as are currently shown on the Definitive Map are shown coloured purple (Footpaths) and coloured green (Bridleway) on the indicative proposed development layout plan, a copy of which is attached herewith (See Appendix 1)):

- *Footpath 3 Llangynwyd Lower (FP 3 LDL)*
- *Footpath 4 Llangynwyd Lower (FP 4 LDL)*
- *Footpath 5 Llangynwyd Lower (FP 5 LDL)*
- *Footpath 7 Llangynwyd Lower (FP 7 LDL)*
- *Footpath 8 Llangynwyd Lower (FP 8 LDL)*
- *Footpath 9 Llangynwyd Lower (FP 9 LDL)*
- *Footpath 10 Llangynwyd Lower (FP 10 LDL)*
- *Footpath 11 Llangynwyd Lower (FP 11 LDL)*
- *Footpath 12 Llangynwyd Lower (FP 12 LDL)*
- *Footpath 13 Llangynwyd Lower (FP 13 LDL)*
- *Footpath 14 Llangynwyd Lower (FP 14 LDL)*
- *Footpath 4 Llangynwyd Middle (FP 4 LDM)*

- *Bridleway 5 Llangynwyd Middle (BW 5 LDM)*
- *Footpath 6 Llangynwyd Middle (FP 6 LDM)*
- *Footpath 7 Llangynwyd Middle (FP 7 LDM)*
- *Footpath 21 Llangynwyd Middle (FP 21 LDM)*
- *Footpath 22 Llangynwyd Middle (FP 22 LDM)*
- *Footpath 23 Llangynwyd Middle (FP 23 LDM)*
- *Footpath 24 Llangynwyd Middle (FP 24 LDM)*
- *Footpath 41 Llangynwyd Middle (FP 41 LDM)*

It should be noted that two registered public footpaths also abut the application boundary of the proposed development. The approximate alignments of those footpaths, as they are currently shown on the Definitive Map, are shown coloured purple on the indicative proposed development layout plan. These are Footpath 2 Llangynwyd Lower (FP 2 LDL) and Footpath 25 Llangynwyd Middle (FP 25 LDM).

There are also 4 Definitive Map Modification Orders (DMMO's) affecting the area concerned, these are shown by solid orange lines on the indicative proposed development layout plan. Below is Bridgend County Borough Council's reference and a description of each DMMO.

- *A763/1/217 – Upgrade FP 5 LDL to a Restricted Byway and modify the Definitive Statement.*
- *A763/1/218 – Upgrade FP 12 LDL to a Restricted Byway and add a Byway Open to All Traffic (BOAT) from Cwmrisca Cross.*
- *A763/1/219 – Upgrade FP 4 LDL to a Restricted Byway and modify the Definitive Statement.*
- *A763/1/272 - add a Bridleway Leading from the Junction of Heol Moch and County Road to Bridleway 17, Llangynwyd Middle, at the County Boundary, and from Bridleway 17 to Junction of Footpaths 2 and 55, Maesteg.*

It is pleasing to note that the applicant is aware that there are a number of public rights of way (PRoW) within the site boundary as well as a promoted route, namely the Ogwr Ridgeway Walk as mentioned in the Information to support a Scoping Opinion Request (Paragraph 5.9.7). It is also pleasing to note that the applicant, in the same document, is aware of the need to temporarily and/or permanently divert some of the PRoW (Paragraph 5.9.8) during construction and should the development receive planning permission.

There is also mention that an Outline Access Management Plan (OAMP) will be prepared outside of the EIA process and submitted in support of the DNS Application. The Rights of Way Section would advise, however, that it was not previously aware of this as it has received no correspondence from the applicant in relation to this proposal. Until such time as further correspondence/information is received in relation to the OAMP outlining how the applicant would wish to deal with the number of PRoW affecting the site, the Rights of Way Section are unable to make further comment.

The Rights of Way team also provide the Secretariat for the Bridgend Local Access Forum and we would advise that the Forum has not been contacted in relation to the OAMP. It is especially important that they are part of the consultation process not only in relation to the application but particularly the development of OAMP.

Having taken into account all the points outlined above, I can confirm that the Rights of Way Section would object to planning application P/24/66/DNS until such time as the applicant not only contacts the Rights of Way Section to further discuss how they would wish to deal with the PRowWs on site as well as the OAMP but also provides written confirmation that it will include the Bridgend Local Access Forum in any future consultations on the proposed development and the preparation of the OAMP.”

On the basis of the above and the extensive network of Public Rights of Way situated in and around the development site this matter cannot be agreed to be scoped out of the ES at this stage.

5.9.10 - 12 Human Health – It is acknowledged and noted that whilst a separate section of the ES will not be solely dedicated to human health, matters such as noise, vibration, landscape and visual, traffic and transport for example will be fully addressed in the relevant sections of the ES.

5.10 Shadow Flicker – *Para 5.10.3 states ‘Once the design of the Proposed Development has taken account of all known environmental, engineering, and technical constraints (including the proximity of the proposed wind turbines to residential properties), a technical assessment of the potential for shadow flicker will be undertaken, with reference to the above criteria, focusing on the operational effects of the Proposed Development.’*

On the basis of the information currently presented, shadow flicker cannot be scoped out for further assessment in the ES., as later discussed in this response.

5.11 Telecommunications - In light of the consultations and feasibility assessment undertaken the approach to telecommunications appears reasonable and could be undertaken outside of the EIA process.

5.12 Water - The Council’s Land Drainage Officers have been consulted on the initial scoping request although have been unable to provide any comprehensive response given current resources and workloads.

Further consultation and engagement with the Council’s Land Drainage Section (preferably through a pre-application service) and Natural Resources would be required in this respect. The submission of a full Flood Consequences Assessment is welcomed.

6. ENVIRONMENTAL FACTORS TO BE SCOPED IN

Having specific regard to the Scoping Report prepared by RSK Environment Limited, the following comments are provided in relation to the 'scoping questions' presented within Chapter 6 of the EIA Scoping Report.

6.2 Biodiversity

It is acknowledged that to date, no pre-scoping consultation has been undertaken with the Local Planning Authority or associated Consultees on any aspect of the scheme in respect of biodiversity, including the proposed assessment methodologies and mitigation. It is detailed an ornithology scoping letter was submitted to NRW in November 2022, although no response had been received to date. It is advised post-scoping consultation will be undertaken with NRW, BCBC and NPTCBC accordingly.

The Council's Countryside and Management Section have considered the scoping report and advise no liaison with NPTCBC ecology team has yet been undertaken in respect of the proposal although the following responses to the questions raised are provided.

Do you agree with the proposed list of consultees?

Agreed, it appears NRW, NPTCBC and BCBC shall be consulted post-scoping.

Do you agree with the proposed study areas?

Agreed. However, there should be flexibility if, following further assessment that the Zone of Influence needs to be extended beyond the identified 2km Zol boundary.

Do you agree that the data sources listed to inform the EIA baseline characterisation are appropriate?

No reference to [South East Wales Biodiversity Records Centre](#)

Here is the link to the BCBC SPGs which at SPG 19 has the list of SINC citations included as supporting evidence.

<https://www.bridgend.gov.uk/residents/planning-and-building-control/design-guides-and-supplementary-planning-guidance/>

Do you agree that the surveys proposed to inform the EIA baseline characterisation are appropriate?

Generally, yes but has there been a [CHEGD](#) fungi preliminary assessment to see if a full survey with mitigation measures is warranted.

Are any receptors/assets/resources not identified that you would like to see included in the EIA?

Assessment should seek to highlight/identify additional receptors & assets as necessary. This should also reflect on whether additional resources should be identified.

Do you agree with the proposed additional (secondary and tertiary) mitigation measures and is this mitigation appropriate?

In principle yes, but this is subject to the content of the CEMP & LEMP that should seek to deliver ecological enhancements in line with Section 6 of the Environment (Wales) Act 2016. This Act places a duty on public authorities to 'seek to maintain and enhance biodiversity' so far as it is consistent with the proper exercise of those functions. In so doing, public authorities must also seek to 'promote the resilience of ecosystems'.

I should be confirmed that ecological resource will be retained in an ecological clerk of works capacity throughout the implementation of the works.

Do you agree with the receptors/matters that are proposed to be scoped in and out of the EIA?

Agreed, but above CHEGD assessment needs to be factored in/out.

In addition, decommissioning should be included, and further information should be provided on the future maintenance for the particular aspects of the development (i.e. turbine blades, batteries, solar panels etc.) and if they need to be replaced within the 50 year life span of the development.

Do you agree with the proposed factor-specific assessment approach?

Agreed.

6.3 Climate

It is advised no consultation to inform the climate assessment has been undertaken to date and no specific consultation in this respect is envisaged, over and above the consideration of the comments received from the scoping report.

Do you agree with the components proposed to be scoped in (GHG emissions of construction, operation and decommissioning) of the EIA?

Agreed. However, operations should factor in what is going to be replaced within the 50 year lifespan of the development as many of the components in such a development would not last 50 years and carbon emission of these models can be high.

Do you agree with the components proposed to be scoped out (climate resilience of all phases of the project) of the EIA?

Agreed.

6.4 Cultural Heritage

It is highlighted engagement and responses in respect of cultural heritage from both GGAT and Cadw have been sought and issued in respect of this matter.

Do you agree with the proposed study areas?

Glamorgan Gwent Archaeological Trust (GGAT) are Bridgend's CBC consultants in relation to Archaeological and Heritage Impact Assessments and it is welcomed that engagement has already been sought with GGAT. However, the Council's Conservation Team has advised that they are not in agreement as the impact of all historic assets for physical vibration, and the potential removal of existing structures to achieve access and delivery of all loads associated to and from the proposed site needs to be assessed.

Do you agree that the data sources listed to inform the EIA baseline characterisation are appropriate?

To a degree this is acceptable. But a physical on the ground assessment of the travel route to and from the site and its impact on the setting of historic assets is required to understand the proposed developments effects.

Are any receptors not identified that you would like to see included in the EIA?

A detailed Heritage Impact assessment to be undertaken that lists all heritage assets clearly, the proposal and its impacts on the same, including the delivery route of equipment to the site.

Do you agree with the receptors that are proposed to be scoped in and out of the EIA?

Where listed buildings, locally listed buildings and conservation areas have been identified as being affected or impacted by the development, a heritage impact assessment is also required that demonstrates the heritage significance of each asset and the impact that the proposed development will have on the asset and their settings.

This is required to understand thoroughly, all potential impacts that the development may have and how best to mitigate or work around them.

Finally, The Council's Conservation Officer has commented that whilst contact from the Pegasus Group has initially been made no meaningful engagement or detailed discussions have been held in respect of the project to date.

6.5 Land and Soils

It is advised no consultation regarding land and soil has been undertaken to date.

It is unclear if a Coal Mining Risk Assessment has been undertaken/prepared for the development although this would be necessary and factored into the preparation of the ES with early consultation being recommended with the Coal Authority in this case.

Do you agree with the proposed study area?

Appears satisfactory although may increase as further consultations are undertaken and the scheme is developed.

Do you agree that the data sources listed to inform the EIA baseline characterisation are appropriate?

Yes - on the basis of the information currently presented although again this may alter/increase when specialist consultees are engaged in the process.

Are any receptors or resources not identified that you would like to see included in the EIA?

It is stated that no mapped areas of peat are within the site boundary although consultation should be undertaken with the unified Peat Map of Wales in this respect.

Do you agree with the proposed additional (secondary and tertiary) mitigation measures?

Appears satisfactory at this time.

Do you agree with the receptors/matters that are proposed to be scoped in and out of the EIA?

This generally appears reasonable although may need further consideration when appropriate consultation has been taken with relevant consultees such as NRW.

6.6 Landscape and Visual

It is advised that no formal consultation in relation to landscape or visual aspects of the Proposed Development has been undertaken to date although this does not preclude any such opportunities to engage with relevant consultees during or following the scoping stage. Consultation with Bridgend County Borough Council is recommended for such a major scheme with significant landscape and visual implications associated with such a proposal.

Do you agree with the proposed Study Areas?

This is generally agreed, and an initial 35km radius is considered reasonable with a detailed assessment being carried out within an inner study area of 20km supported by mapping and information at a more detailed scale such as ZTVs, viewpoints and constraints. A 35km radius from the site for the cumulative assessment rather than a 20km detailed study area is considered more appropriate as recommended by

NatureScot best practice guidance, given the level of active wind farms and pending/consented schemes within this wider radius. Please however be mindful that this view may change when the Authority seeks specialist Landscape advice from an appropriate consultant on the scheme, as currently the Authority has no in house expertise in LVIA.

Do you agree with the proposed viewpoint locations?

It is considered that most of the viewpoints are acceptable although a fuller assessment of the effect on the Llynfi Valley, coastal area, heritage assets, the nearby settlements of Shwt, Bettws, Sarn, Tondy, Aberkenfig and Coytrahen and Cefn Cribwr (along with cumulative effects) is needed to fully understand the impact of this very large development.

15 viewpoints for such a large proposal appears limited although please be mindful that the Authority has no in house expertise in LVIA and this stance may change once the LPA have sought specialist Landscape advice.

Do you agree that the proposed scope of the assessment is appropriate?

Whilst the proposed scope and approach to the LVIA and RVAS appears reasonable, although the visual assessments should be as comprehensive as possible for such a significant project, the Authority offers no substantial comment on this matter as we have no in house expertise in this field and would engage with specialist landscape advisors in due course.

Are there any other wind farms you are aware of within the 20km cumulative study area to be included the cumulative assessment?

Whilst exact distances are not confirmed the following is a list of larger wind farm developments situated/consented or in planning within the likely cumulative study area for the development, and would need consideration (although this may not be an exhaustive list):

Taf Ely, Maesgwyn, Maerdy, Ferndale, Mynydd Bwllfa, Mynydd Brombil, Pant-Y-Walm Llynfi Afan Renewable Energy Park, Pen-y-Cymoedd, Ffynnon Oer, Fforch Nest, Mynydd Portref, Mynydd Y Gwair, Mynydd Y Gwrhydym Pen Bryn Oer, Foel Trawsant, Upper Ogmore and Y Bryn.

6.7 Noise and Vibration

It is noted no consultation to date had been undertaken in this respect.

Do the consultees agree that an assessment of vibration and low frequency noise due to the operation of the wind farm can be scoped out of further assessment?

The consultants advise that a specific and targeted assessment on the low frequency content of noise emissions from the proposed development is not necessary, however, in order for it be scoped out altogether, the low frequency content of the noise from wind farms should be considered through the use of octave band specific noise emission and propagation modelling and if necessary can then be justified in the ES why it was then scoped out.

Do the consultees agree that an assessment of construction noise associated with the wind farm can be suitably controlled by a planning condition and be scoped out of further assessment?

No, this is not agreed. Whilst the consultants state that there are large separation distances (although it doesn't state in the scoping report what these separation distances are), Bridgend County Borough Council (BCBC) would still wish the construction limits to be predicted at the residential receptors for the turbine erection and infrastructure to determine if any other mitigation is necessary or whether noise monitoring will be necessary during the construction phase. These are already being predicted for the solar farm and BESS and the wind farm and due to the topography, the construction noise for the wind farm construction phase should still be considered. Once considered, it can then be controlled via suitably worded planning conditions.

Do the consultees agree that 6 monitoring locations is sufficient to characterise the study area?

There are a number of NSR's which are remote from each other so the noise climate may be quite different at each one and the turbines are spread out. Although 6 monitoring locations may well be sufficient once a further in-depth look has been made and the locations and type of area have been considered (eg if 2 different NSRs are likely to have broadly similar background levels based on location/area then these can be grouped together), the number of monitoring locations should be justified after further study and examination/justification. BCBC do not agree at this stage that a blanket number of 6 locations is sufficient (particularly as this will include some locations within Neath Port Talbot). Therefore, further discussion will need to be had with the respective Council's regarding this matter.

Do the consultees agree with the proposed cumulative wind farm search area of 3km?

No - The Institute of Acoustics 'Good practice guide to the application of ETSU-R-97 for the assessment and rating of wind turbine noise' (GPG) states that '*if the proposed wind farm produces noise levels within 10 dB of any existing wind farm/s at the same receptor location, then a cumulative noise impact assessment is necessary*'- therefore the consultants will need to confirm if have they carried out preliminary calculations which prove that the turbines from that wind farm will not add to the cumulative effect to determine what wind farms should be included within the cumulative assessment as opposed to just having a 3k search area. It is suggested a 5km search area and only rule out the wind farms between the 3km and 5km zone if this IOA criteria is met. Furthermore, the cumulative assessment must be based on the consented levels for

existing wind farms and not just the noise emission levels provided by the manufacturer as the existing turbines can operate right up to their consented limits.

**Do the consultees agree with the proposed approach to the noise assessment?
Are there additional elements to be included for consideration?**

Section 6.7.5 Baseline conditions states that *"It is acknowledged that there are three small-scale turbines (<50kW) located with the Site. Due to the size and scale of these turbines, they do not need to be considered as part of the noise impact assessment"*. No information has been provided on the noise levels to justify this statement. BCBC would want the consultants to specify what the noise levels are from those turbines and their locations to justify why they are not including them (ie <10dB contribution at NSR's as per the IOA advice specified above) and to ensure that they don't form part of the existing noise background climate when undertaking the background monitoring to derive the ETSU limits. Smaller turbines, can still produce noise, particularly if there are 3 of them as cumulatively, the noise may contribute to background levels, even if they are not significant individually. It is also unclear where on the site these 3 other turbines referred to are located. The list of windfarms/individual turbines within the 5km radius which are then looked at should be listed in the report and the ones that are excluded from the cumulative assessment, together with the reasons for why they were excluded should be specified.

Section 6.7.12 states that "the cumulative effects assessment of nearby windfarms will depend on the availability of the noise data of those turbines"- This statement implies that if there is no data, the cumulative assessment won't be taken into account. BCBC do not agree with this. If a planning application has been submitted or a planning consent has been given, there should be available data. Any cumulative assessment must be based on consented levels as the consented turbines are able to go up to those limits (as these would in all likelihood already be based on the ETSU background +5dB criteria). In addition, if the limits being proposed for this development are being based on the ETSU limits of background +5dB as opposed to just the sound power levels of the candidate turbine, this also needs to be taken into account eg if the predicted noise level based on the candidate turbine is 35dBLA90 at the noise receptor, but a limit of 40dB is being proposed (if for example there is the available headroom), then the cumulative assessment must be based on the 40dB limit and not the 35dBA.

Amplitude Modulation (AM) – It is stated in 6.7.9 that AM will be scoped out as *"Renewable UK research (2013) has concluded that amplitude modulation (AM) is a rare and unlikely occurrence at operational wind farms"*. I would advise that there have been many studies since then. A separate, government funded, study was commissioned by the Department of Energy and Climate Change (DECC) in respect of AM. The aims of the study were to review the evidence on the effects of Amplitude Modulation in relation to wind turbines and to recommend how excessive AM might be defined. A report summarising the work undertaken by WSP Parsons Brinkerhoff, was published in August 2016. Although the prevalence of unacceptable AM was not evaluated as part of that study, the review concluded that where there are high levels of AM, the adverse effects could be significant. It also proposes an appropriate penalty scheme informed by studies into subjective responses to a given level of AM. There is therefore a method of quantification of the level of AM over a given 10 minute period

and the appropriate penalty to apply where necessary, in addition to any penalty for tonal noise. However, it is accepted that there are still no standard specific methods to predict with any certainty, the likelihood of AM occurring at a level requiring a penalty, only some possible indicators such as relatively high wind shear conditions under certain circumstances or particular turbine designs and/or dimensions for example. Therefore, consideration should be given to AM and these indicators in the ES and a justification then made as to why it should be scoped out if necessary as the current scoping report does not adequately address this.

Shadow Flicker- BCBC have received justified complaints about other wind farms in its area when no shadow flicker was predicted to occur at all . The aim should be that there will be no shadow flicker and as there is no UK standard and shadow flicker has been assessed at other properties where even a short duration was found to be disturbing, BCBC cannot agree that where it is predicted to occur that it is restricted to a maximum of 30 hours per year and not exceeding 30mins per day as the severity of the shadow flicker would depend on what duration is acceptable.

6.8 Traffic and Transport

It is advised that no consultation to inform the traffic and transport assessment has been undertaken to date.

Do you agree with the proposed list of consultees?

Yes, consultees agreed.

Do you agree with the proposed study areas?

Agreed.

Do you agree that the data sources listed to inform the EIA baseline characterisation are appropriate?

No - DFT counters are often not working or is an estimated count, or the data is too coarse to enable thorough analysis. Manual and automatic counters should be placed at locations agreed with the Highway Authorities

Do you agree that the surveys proposed to inform the EIA baseline characterisation are appropriate?

No, as highlighted above.

Are any receptors/assets/resources not identified that you would like to see included in the EIA?

None at this time.

Do you agree with the proposed additional (secondary and tertiary) mitigation measures and is this mitigation appropriate?

No Mitigation is proposed in this scoping opinion so do not agree at this time.

Do you agree with the receptors/matters that are proposed to be scoped in and out of the EIA?

No, it is not agreed that traffic flow increases below 10% should be scoped out. The threshold for a material impact when considering a planning application is 5%. The Majority of major junctions in Bridgend County are over capacity and therefore a traffic flow increase of 5% can be detrimental to the highway network and therefore the environment.

The operational development, given that the proposal is for 50 years, should factor in any replacement equipment as many of the components are unlikely to have a 50 year lifespan.

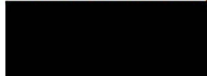
Do you agree with the proposed factor-specific assessment approach?

If the factors are based on models then we do not agree with the assessment, however, if the factors are based on collected real world data then the factor specific assessment is accepted.

7.0 Cumulative Effects

No further comments at this stage and no questions raised by the applicant although it is recognised a cumulative assessment is critical for a project of this scale and nature, and given the other consented/developed projects in relatively close proximity to the development site. Whilst the existing turbines on/directly adjacent to the site are marginally lower than the 50m threshold it is considered the existing turbines should be considered and appropriately detailed within any cumulative study of the site moving forward.

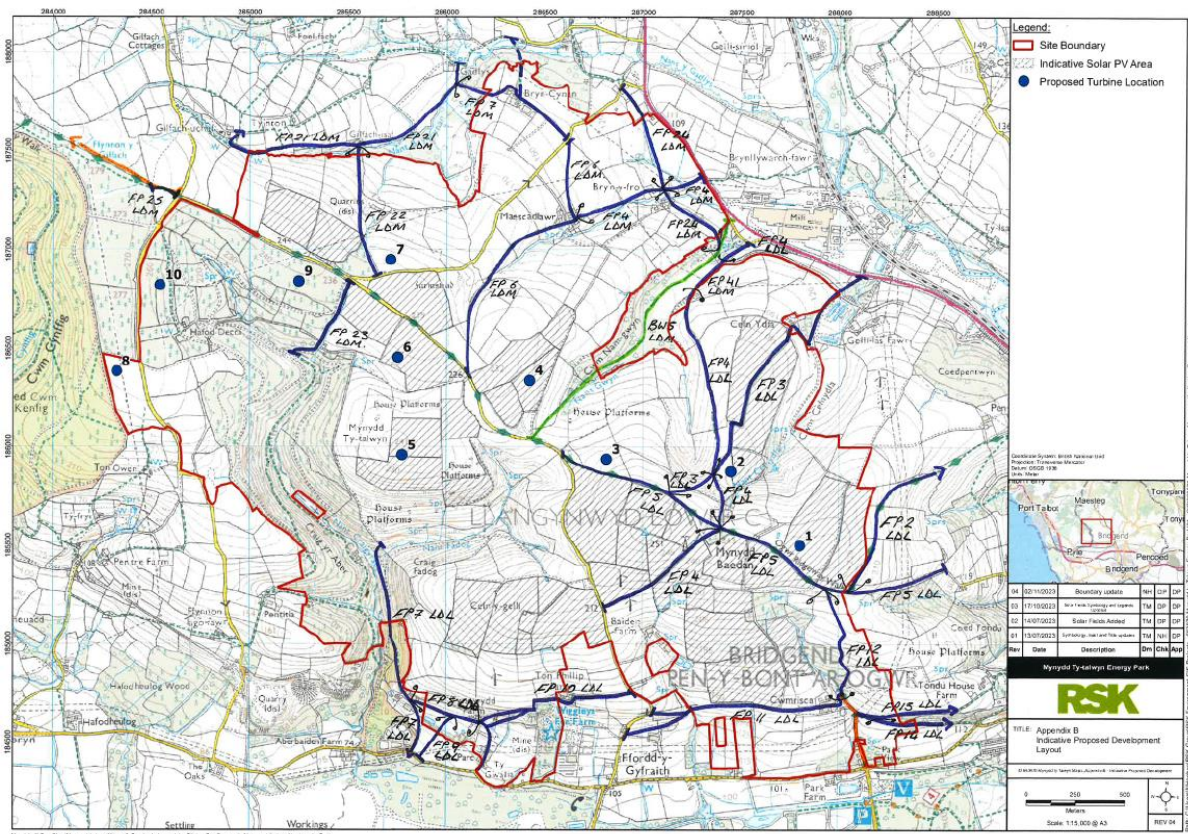
Yours sincerely,

A black rectangular box redacting the signature of Mr. Lee Evans.

**Mr. Lee Evans – Principal Planning Officer
Bridgend County Borough Council**

For Development & Building Control Manager

Figure 1 – Illustration of PROWs crossing the site.



From: Nicola Lake [REDACTED]
Sent: Friday, January 19, 2024 3:28 PM
To: PEDW – Seilwaith / Infrastructure <PEDW.Infrastructure@gov.wales>
Subject: RE: DNS CAS-03018-G7G6H7 - Mynydd Ty-Talwyn Energy Park | EIA Scoping Consultation

Hi,

Please find attached our response to the above consultation for information to inform a request for a Scoping Opinion.

I hope this information is of assistance.

Regards,

Nicola Lake.

Team Leader - East / Arweinydd Tim Y Dwyrain

Neath Port Talbot County Borough Council/ Cyngor Bwrdeistref Sirol Castell-nedd Port Talbot Tel/ Ffôn: [REDACTED].
We welcome correspondence in Welsh and will deal with Welsh and English correspondence to the same standards and timescales.

Croesewir gohebiaeth yn y Gymraeg a byddwn yn ymdrin â gohebiaeth Gymraeg a Saesneg i'r un safonau ac amserlenni

If you would like to use Welsh when dealing with the Council please click [here](#)

Os hoffech ddefnyddio'r Gymraeg wrth ddellio â'r Cyngor os gwelwch yn dda cliciwch [yma](#)



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Mae'r e-bost hwn ac unrhyw ffeiliau a drosglwyddir gydag ef yn gyfrinachol ac at ddefnydd yr unigolyn neu'r corff y cyfeiriwyd hwy atynt yn unig. Os ydych wedi derbyn yr e-bost hwn mewn camgymeriad, dylech hysbysu'r person a anfonodd yr e-bost ar unwaith. Hefyd, sylwer nad oes unrhyw sicrwydd nad yw'r e-bost hwn neu unrhyw ymgysylltiad yn rhydd o firws ac nad yw chwaith wedi'i ryng-gipio na'i newid.

OFFICER REPORT

Application Number: P2023/0895

Site Address: Land Approx. 4 Km South-east Of Bridgend And 8 Km West Of Port Talbot

Proposal: Consultation Request from PEDW: DNS for information to inform a Scoping Opinion under the Town and Country (Environmental Impact Assessment) Regulations 2017 in relation to the construction and operation of; up to 10 wind turbines, ground mounted solar photovoltaic modules, Battery Energy Storage Systems, substation, permanent anemometer mast, ancillary infrastructure works, habitat management, and, works to facilitate vehicular access to the Site. (Only wind turbines numbered 8 and 10 are located within NPTCBC all other development is located within BCBC).

Applicant: Galileo 03 Limited

Agent: Chris Pang

Ward: Margam & Taibach

Application Type: Scoping Opinion

Valid Date: 6th December 2023

Statutory Expiry Date: 30th January 2024

Ext. of Time / PPA date:

Publicity Expiry Date: 11th January 2024

RECOMMENDATION - No Objections

SITE AND CONTEXT

The development area some 814ha is largely located within the boundary of the neighbouring authority at Bridgend Country Borough Council (BCBC). Of the small portion located with the jurisdiction of Neath Port Talbot County Borough Council (NPT) approximately 106.3ha, is located within a rural area that is located outside of a Settlement Boundary as identified by policy SC1 of the Neath Port Talbot Local Development Plan. Heol Y Glo which is an unclassified road, runs in a north /south direction along the majority of the western boundary of the application site. Heol Y Glo does cut through a small rectangular area of the application site at the far western portion of the development area. The jurisdictional boundary between BCBC and NPT runs predominately through a watercourse known as the Nant Craig-yr-Aber.

DESCRIPTION OF DEVELOPMENT

The Application is a request for information from the DNS team of PEDW to inform their formal Scoping Opinion in accordance with the Environmental Impact Assessment Regulations 2017 (Wales) (as Amended). Within the 106.3ha portion of the development area located within the NPT, only two wind turbines (turbines 8 and 10) each with their associated development and with a maximum tip height of 230m are shown to be located within the Authority's boundary, with the rest of the development area located within NPT being shown free of development. The remainder of the proposed development is shown to be located within the boundary of BCBC. The applicants have stated that the specification for the associated works for each turbine would be dependent upon the type of turbine selected. As such, the specific specification of the development, together with the actual locations (subject to micro-siting) are not currently known. As a result the applicants have stated that the Scoping Report has been prepared on a worst case scenario.

The submitted information identifies that it may be proposed to use the Highway Network within NPT via the A48 from the Motorway to Pyle, Bridgend via the A4063 at Sarn to access the development area, which may necessitate highway improvement works. However they state that this information would be formalised through the EIA process, it is therefore extremely difficult to assess the impact of the proposed development and screen potential impact out with no proposed information available.

The information contained within this report will be based upon the development as set down within the Scoping Report, as such it will predominately focus upon the impacts associated with proposed turbines 8 and 10, with the exception of impacts associated with noise, shadow flicker and glare, landscape visual impacts and impact upon the existing highway and pedestrian networks. It is noted that the Scoping Report states that the specifications and locations for much of the associated development is currently unknown including the location of a permanent Anemometer mast, it is therefore again extremely difficult to assess the impact of the proposed development and screen potential impact out, as the assessment must then be based upon a precautionary basis.

NEGOTIATIONS

None,

PLANNING HISTORY

The application site has the following relevant planning history: -

P2012/0935 – Screening Opinion – 2 wind turbines (71m to tip) – Not EIA Development 23/10/2012.

P2011/1116 – Screening Opinion for a wind turbine (34.2m to tip) - Not EIA Development 16/01/2012.

CONSULTATIONS

Contaminated Land – Issues related to ground contamination would have to be fully assessed, but could be addressed via the imposition of suitably wording conditions to address both possible historic ground contamination and possible contamination associated with historic mine workings.

Head of Engineering and Transport (Drainage) – Potential impacts upon water sources and ground water would have to be assessed and the development itself would require SAB consent, which BCBC would lead on.

Economic Development – No response received.

Biodiversity: A Green Infrastructure Statement (GIS) would be required to support the determination of the application.

Public Rights of Way: Raised concerns in relation to the close located of turbines 8 and 10 to Public Rights of Way and to an adopted highway and the resultant impact of a collapse.

Glamorgan Gwent Archaeological Trust (GGAT): Raised no objection to the submitted report.

Noise: No response received.

Structures (Historic Landslip): No response received.

CONSTRAINTS.

Flooding – While the wider development area is identified as being located within TAN15: Development and Flood Risk – DAM Flood Zone C2 and with the NRW Maps

for Planning Flood Zone Rivers 2 and 3, these areas are located predominately within the southern portions of the site (south of the rectangular area picked out of the wider redline development site area) located on the Authority's boundary along the route of the Nant Craig-Yr-Aber and would not appear to impact upon turbines 8 and 10.

There are numerous Public Rights of Way that would be located within the development area indicated by the redline, including 9/71-PT/1 and PT/2; 9/70-PT2; P/64 – PT3; 9/65 PT/1; 9/72-PT1 and PT2. Turbines 8 and 10 would be located within the topple distance of Public Rights of Way.

The Council's records indicate that there is potential for historic ground contamination located within development redline area.

The Authority's records show that there are historic landslips located within NE-facing slope of Craig Yr Aber, 400m west of Pentyle Farm.

There are also a number of SINc Watercourses located within the development redline area – Ref 88, 113, 142, 1503, 1504, 1913, 1965, and 3819.

There are also a number of SINc Woodland areas located within the development area, which include areas of Ancient Semi Natural Woodland, and Restored Ancient Woodland.

The development area is crossed by a number of the Coal Authority's Developments of High Risk Areas. These are largely linear features which cross the development area in an east/ west direction. One such feature runs in an east/ west direction approximately half way between turbines 8 and 10, before turning in a more northerly direction.

There are no Parish or Community Council's located within the NPT portion of the redline development area.

POLICY.

The Authority has no comments that they wish to make in relation to the Planning Policy Framework Consideration as set out within the Scoping Report. However in relation to the comments made within Paragraph 3.2.6 we would draw attention to the need to consider the impacts upon agricultural land, soil resources and also on the impacts upon all types of peat.

ASSESSMENT.

Comments on Topics Proposed to be Scoped Out of the EIA.

It is noted that throughout the Scoping Report reference is made to no information being available for the associated and supporting development or for the construction and All Routes. The lack of such information means that the scoping exercise is unable to

scope of potential impacts in association with such development as the relevant information is not available. While the Authority understanding the need to undertake the scoping exercise early in the project development, the inclusion of excessive land not proposed for development and the lack of provision of details in relation to associated development and construction routes makes it difficult to scope out potential impact as the assessment must be carried out on a precautionary basis.

It is noted under paragraph 2.4.51 that it is stated that an AIL Management Plan would be submitted in support of the application. However, if the AIL are to be brought through the Authority's highway networks to access the development site for turbines 8 and 10, the Authority would expect to see the results of a test run showing whether it would be possible to access the site usual the proposed network route together with details of any highway improvement works that would be necessary to facilitate the route. If the proposed works would require the removal of trees, hedgerows or shrubs these details should form part of the Green Infrastructure statement submitted in support of the application with any trees removed replaced on a three for one replacement.

Under paragraph 2.4.55, it is noted that the grid connection route is not currently know. This information should be considered as part of the ES and submitted as part of the DNS application. It should not be left as an afterthought.

Paragraph 4.2.3 lists the bodies that would be consulted as part of the EIA process. It should be noted that there is no Community Council within Margam. It is also suggested that in addition to consulting Cardiff Airport that the Ministry of Defence, Civil Aviation Authority and Swansea Airport should also be consulted.

Under report section 5.3 – Aviation the applicants suggest that Aviation could be scoped out of the EIA. Obviously this could only occur after having completed detailed discussions with the bodies identified within the above paragraph of this report. However, aviation and the impact upon radar were major issues on the recent determination of a DNS application for the extension of the Upper Ogmore Windfarm which also straddles the boundary between NPT and BCBC. This situation was further exacerbated by the failure to consult the relevant bodies early in the process. It is suggested that this is situation is avoided through the early engagement with the relevant bodies. Paragraph 5.3.2 suggests that this topic could be addressed through the submission of a separate report submitted in support of the application. This would be for the determining body to determine based on the relevant responses from appropriate bodies.

Section 5.4 Forestry suggested that this can also be scoped out of the EIA. The Craig Yr Aber is located within the boundary of NPT. The Scoping Report (SR) suggest that a separate Forestry Assessment will be undertaken and submitted as a standalone report in support of the DNS application. The SR suggests that the report would consider the resultant changes to the forest structure, which would include changes to the woodland composition and felling programmes. The SR suggests that this report would include a

description of the forestry baseline will include total area, species composition, age class structure, yield class, other relevant crop information, baseline felling and restocking plans, as available. The baseline will be prepared from existing records, site surveys and aerial photography. The SR states that the relevant bodies would be consulted. However this approach appears to be contrary to the recent alterations to Chapter 6 of Planning Policy Wales and the requirement for Green Infrastructure Statements, as well as the most basic function of an EIA which is to strategically consider the impact of the proposed development upon the environment in which it is located. Alterations to the Forestry function within that environment would appear to be one of the issues that in combination with the other potential environmental impacts associated with the proposal would have to be considered as part of any EIA. If the determining body was mindful to accept the approach set down within the SR, it is suggested that this would only be possible once more information is available on the scale and nature of the impacts that the development would have on the forestry within the application area, at present these do not appear to be known.

It is also suggested under section 5.7 Major Accidents and Disasters, that this topic is also scoped out of the assessment. The two proposed turbines to be located within the NPT boundary, turbines 8 and 10 are both shown to be located within very close proximity to the Heol Y Glo an unclassified highway and Public Rights of Way 9/66.PT/1 and 9/65.PT/1. The turbines appear to be within the topple distance of both the highway and the Public Rights of Way. As such, it is considered that Major incidents and disasters should remain within the EIA. It is also noted that the proposed development also appears to be proposing the implementation of a battery bank facility. It is understood that such features would be located within the BCBC boundary only and therefore are not a consideration for this Authority, but the position for a major accident involving such facilities should also be assessed as part of the EIA.

Under Material Assets and Waste section 5.8 the SR suggest that this can also be scoped out of the report. However, it is suggested that the impact upon Agricultural and forestry land should be considered, together with the impact upon soils and their appropriate long term management. It is also suggested that the impact upon any peat should also be considered under this section. A CEMP sets out how the construction process can be appropriately managed to reduce impacts but does not assess the environmental impacts associated with the construction, operational and decommission stages of the development, as this is the role of the EIA. The Authority offers no information in relation to the scoping out of waste management of the development.

In relation to the proposed scoping out of Population and Human Health (Section 5.9), specifically Socio-economic and Land Use and Public Access. With the significant changes to the socio economic climate within NPT that are likely to occur over the short and long term, it is considered that any major development of this scale should fully assess its impact, both alone and in combination with other developments within the immediate and wider region. In relation to Public access the comments made above in relation to section 5.7 Major Accidents and Disasters would equally apply to this section. The SR refers to the Public Rights of Way that cross the development area. Two of

which and Heol Y Glo are located within the topple distance of both proposed turbines 8 and 10. The potential impacts upon public access should be fully assessed as part of any EIA. The SR refers to the temporary or permanent diversion of some of these Public Rights of Way, however the report does not refer to the mechanism that would be used to achieve any permanent diversions. The Planning process is commonly used for such diversions and if the proposal is to be included within the DNS application then the proposed diversions should also be considered within the EIA.

In relation to the comments made in the SR in relation to Human Health, the applicants note earlier in the SR that Public Health Wales would be a consultee of the DNS process and any views expressed by them should be taken into consideration in relation to the scoping out of Human Health.

From the information set out within section 5.10 Shadow Flicker of the SR it does not appear that the required information is currently available to determine whether Shadow Flicker can be scoped out at this time. The SR refers to the production of a technical assessment to identify whether shadow flicker would have an impact on properties located within 10 rotor diameters and 130 degrees either side of north from each of the proposed turbines and if so the degree of impact that would be caused and would then set out to potentially mitigate the impacts as far as possible, but as at this time the information is not available it is considered that Shadow Flicker cannot be scoped out at this stage. The SR suggests that once again this impact and its potential effects can be assessed under a separate document from the EIA, however the principle of subdividing the role of the EIA into separate standalone documents appears to be unjustified and would be an erosion of the EIA role and function within the Development Management process.

In relation to scoping out Telecommunications (Section 5.11 of the SR) this would be for the determining body to consider, in conjunction with consultation responses from Ofcom and other telecommunications bodies.

Similarly, it would be for the determining body in consultation with NRW to determine whether Water (Section 5.12 of the SR) could be scoped out of the EIA. The Authority's Drainage Officers have confirmed that a SAB consent for the proposed development would be necessary and given the scale of the development located within BCBC, it is expected that their Drainage Authority would take the lead in this processes.

Comments on Topics Proposed to be Scoped In to the EIA.

General the Authority does not raise any comment in relation to Section 6.2 – Biodiversity, but to repeat the earlier comments in relation to the revised chapter 6 requirements of Planning Policy Wales in relation to Green Infrastructure Statements, the replacement of all trees lost on three for one basis and in relation to the development's impacts upon all types of peat.

In relation to section 6.4 of the SR – Cultural Heritage, the determining body should fully consider comments provided by Cadw and Glamorgan Gwent Archaeological Trust (GGAT), who are the Authority's consultees in relation to Archaeological matters. The Authority consulted GGAT on the submitted SR and their comments are set out below.

"We note that the Cultural Heritage section (6.4) indicates the presence of numerous archaeological sites, including several Scheduled Monuments. As such it is intended to carry out a full archaeological desk-based assessment.

We concur and as such it is our recommendation that an archaeological desk-based assessment be carried out, in order to identify the archaeological potential of the site, as well as to determine any impact of the proposal on the archaeological resource, including setting. Such an exercise will need be conducted in accordance with the Chartered Institute for Archaeologists Standard and guidance for historic environment desk-based assessment (2014) and to an agreed written scheme of investigation (WSI). Depending on the results of the assessment, it is possible that further archaeological work will be required.

*This is in accordance with Planning Policy Wales, Eleventh Edition February 2021, Paragraph 6.1.26 and Technical Advice Note 24, May 2017, Paragraphs 4.7-4.8. Due to the presence of Scheduled Monuments, **Cadw** should be consulted over the proposal."*

In relation to Section 6.5 of the SR – Land and Soils our comments have been raised in the above sections of this report, however in addition to these comments the Authority's Contaminated Land Officer has suggested that desk-top assessment of standard ground contamination and mine gas risk assessments should be carried out, and should the need for remediation be identified consideration should be given to the submitting of a Remediation Strategy as well, however it would be possible to condition such information.

Section 6.6 of the SR deals with Landscape and Visual Impacts. It is suggested that Pre-application advice is sought from the Authority in relation to agreeing viewpoints for the assessment. The Authority will wish to ensure that there are no adverse impacts upon the setting of Margam Country Park, which is location of a number of Grade I, II* and II listed buildings, a registered historic park and garden and a conservation area. It is also a registered historic landscape. The assessment should also cumulatively consider the visual impact cumulatively with other plans and projects which are public and either not yet determined or determined but not yet constructed.

The Authority has no comment that it wishes to make at this stage in relation to Section 6.7 – Noise and Vibration of the SR.

In relation to Section 6.8 of the SR – Traffic and Transport, the Authority's Public Rights of Way Officer has raised concerns in relation to the close proximity of proposed turbines 8 and 10 to the highway and Public Right of Way network. He states that it is understood that wind turbines should be located a minimum of tip height, in this case

230m plus 10% away from a Public Right of Way to avoid users in the case of a collapse. He has identified that based on the scoping report proposed development layout plan that turbine 8 is shown to be located 135m from the closest footpath, 110m from the adopted highway and 15m from a pylon and/or overhead cables. In relation to turbine 10 he states that the proposed turbine would be located 30m from the closest footpath, 135m from the adopted highway and 120m from a pylon and/or overhead cables. As such, they would have significant concerns in relation to these aspects of the proposed development.

It is also noted that there is very little information in relation to the AIL delivery route. The suggested route outline under paragraph 6.8.2 appears to end with "On leaving the M4, loads will use local roads in approaching the site from the south. Loads will either point the A4229/A48 through Pyle or the A4063 at Sarn. The route will be finalised as further studies are completed." While the route from the Swansea Port through to the M4 is well understood as it has been regularly used, it is difficult to understand how a proposed development of 230m high masts will be able to access the development site from Pyle. It is strongly recommended that the applicants seek pre-application advice as soon as possible if the development's AIL route is to pass through the Authority's highway network to discuss a possible route, a dry run requirement, existing road condition surveys and the specific details of any highway road improvements necessary as these will need to be fully assessed as part of any EIA that is carried out.

Comments on Cumulative Effects.

The Authority has no comments to make in relation to the Cumulative Effect methodology set out within Section 7 of the SR.

RECOMMENDATION

No Objections

Subject to the following conditions/reasons, which have been imposed for the reasons stated:-

Case Officer

Nicola Lake

Telephone No.



Date of Recommendation

19th January 2024

General Environmental Health Planning Consultation Response

Planning Application Ref: P2023/0895

Address: Land Approx. 4 Km South-east Of Bridgend And 8 Km West Of Port Talbot

Planning Case Officer: Nicola Lake

Comments provided by: Leah Morgan

Our Ref: PLN23778

The General Environmental Health Planning Consultation response to the above application has considered the following relevant areas:

Noise	<input checked="" type="checkbox"/>	Air Quality	<input checked="" type="checkbox"/>	Contaminated Land	<input type="checkbox"/>
Odour	<input type="checkbox"/>	Housing	<input type="checkbox"/>	Other (please specify)	<input type="checkbox"/>

The Environmental Health Team, in responding to the above request for scoping opinion, provides the following substantive response:

Air Quality

We agree that the operational impacts on air quality are unlikely to be substantial and that construction impacts can be adequately controlled with a Construction Environmental Management Plan.

Noise

• Do the consultees agree that an assessment of vibration and low frequency noise due to the operation of the wind farm can be scoped out of further assessment?

We do not support screening out low frequency noise at this stage. I have been unable to find a copy of the study referred to and as such need more information in order to agree this. Low frequency noise is a common source of complaints associated with wind farms and it seems inappropriate on the grounds of amenity to screen this out.

• Do the consultees agree that an assessment of construction noise associated with the wind farm can be suitably controlled by a planning condition and be scoped out of further assessment?

Yes, we do agree with this.

• Do the consultees agree that 6 monitoring locations is sufficient to characterise the study area?

How has the number been defined? Some understanding of the rationale would enable us to confirm whether or not we think that this is sufficient. I think the focus should be on ensuring the most sensitive receptors are accounted for and focus on locations rather than a number.

- *Do the consultees agree with the proposed cumulative wind farm search area of 3km?*

Yes, we are satisfied with the 3km buffer but feel that we need to be identifying sites of interest at an early stage in the consultation process.

- *Do the consultees agree with the proposed approach to the noise assessment? Are there additional elements to be included for consideration?*

We are in general agreement with the proposal based on the information provided and subject to the comments above but note that the full methodology will be subject to EH consultation and therefore we will be able to comment more thoroughly when there is more detail available.

Ein cyf/Our ref: CAS-244326-T8P9
Eich cyf/Your ref: DNS CAS-03018-G7G6H7

Planning and Environment Decisions
Wales
Crown Buildings
Cathays Park
Cardiff
CF10 3NQ

Dyddiad/Date: 18 January 2024

Annwyl Syr/Madam/Dear Sir/Madam,

TOWN AND COUNTRY PLANNING ACT 1990 THE DEVELOPMENTS OF NATIONAL SIGNIFICANCE (PROCEDURE) (WALES) ORDER 2016

TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT (WALES) REGULATIONS 2017

BWRIAD/PROPOSAL: A renewable energy development north-west of Bridgend known as Mynydd Ty-Talwyn Energy Park (the Proposed Development). The Proposed Development consists of the construction and operation of; up to ten wind turbines, ground mounted solar photovoltaic modules, battery energy storage systems, substation, anemometer mast, ancillary infrastructure works, habitat management, and works to facilitate vehicular access to the Site.

LLEOLIAD/LOCATION: North-West of Bridgend, Mynydd Ty-Talwyn Energy Park

Thank you for consulting Cyfoeth Naturiol Cymru (CNC)/Natural Resources Wales (NRW) about the above Scoping Opinion Request which we received on 05 December 2023.

We are commenting because we consider that the proposals are likely to give rise to significant effects.

We advise that the likely significant effects are assessed by the Applicant, and we consider that they should be 'scoped in' to any future Environmental Statement (ES).

In producing our advice, we have reviewed the following document:

- Mynydd Ty-Talwyn Energy Park. Information to Support a Scoping Opinion Request by RSK, reference: DNS-CAS-03018-G7G6H7, dated November 2023.

In general, the Environmental Impact Assessment (EIA) for this development should include sufficient information to enable the local planning authorities to determine the extent of any environmental impacts arising from the proposal.

Evaluation of the impacts of the scheme should include:

- Direct and indirect
- Cumulative
- Short, medium, and long term
- Permanent and temporary
- Positive and negative
- Construction, operation, and decommissioning/post operational phases and impacts on long-term site security of the nature conservation resource

Description of the Project

Within the EIA, 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.

We would expect the description to include:

- The purpose and physical characteristics of the proposal
- 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
- Arrangements for maintenance and management of any habitats within the site
- Artificial lighting requirements, including likely intensity and location of light spill on new and retained green infrastructure, bat roosts and bat flight paths

Illustrations within the ES

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.

Description of Biodiversity

The EIA must include a description of all the existing natural resources and wildlife interests within and in the vicinity of the proposed development, together with a detailed assessment of the likely impacts and significance of those impacts.

Based on the information submitted we provide the following advice in relation to Section 5.12: Water, Section 6.2: Biodiversity, Section 6.5: Land and Soils and Section 6.6: Landscape and Visual Impact.

Section 5.12 Water

Cwm Risca Site of Special Scientific Interest (SSSI) and Cefn Cribwr Grasslands Special Area of Conservation (SAC)

Paragraph 5.12.9 states, *'The Cwm Risca Meadows SSSI is located towards the south of the Site, partly within the boundary and the remainder off-site. Cwm Risca Meadows SSSI is designated for Old wet acidic meadow on Coal measure rocks supporting over 80 species of herbaceous plants and supporting a colony of Marsh Fritillary butterfly (Euphydryas aurinia). The two watercourses to the south of Site (Nant-y-gedd and the unnamed watercourse) are located along the eastern and western boundary of the SSSI. It is possible that Cwm Risca Meadows SSSI is hydrologically linked to the Proposed Development, however, because the designation is for herbaceous plants and Marsh Fritillary butterfly, potential impacts on the designated site will be assessed within the Terrestrial Ecology Chapter of the ES (please refer to Section 6.2). The assessment on the SSSI is therefore proposed to be scoped out of the Water Chapter.'*

The Cwm Risca SSSI supports a diverse range of marshy grassland communities (National Vegetation Classification (NVC) M23, M24 and M25, including various subcommunities) which are all dependent upon the current hydrological regime to maintain the wet nature of these rare and protected grassland communities.

Due to the potential hydrological linkages, as well as small, surface watercourses, that connect the development site with both Cwm Risca SSSI and Cefn Cribwr SAC sites (Bryn Bach and Caeau Cefn Cribwr SSSIs in particular) there are concerns that any pollution events resulting from this development will have a pathway to impact designated sites, including the SAC. Any Construction Environmental Management Plan (CEMP) and proposed pollution management/mitigation measures will need to take potential impacts on these sites into account.

Given the possibility of hydrological linkages between the SSSI and the proposed development site, any alteration to the hydrology and its impacts on the SSSI should be investigated, modelled, and assessed as part of any hydrological study for this proposed development.

The Applicant suggests that there may be impacts to Cwm Risca SSSI from access routes, the details of which will be developed at application stage. We advise that any access route that could potentially impact this SSSI should be avoided when devising the detailed plan, to minimise impacts on this SSSI. Impacts of potential pollution arising for the use of on-site access routes should also be assessed for potential pollution impacts on the watercourses that run between the development land Cefn Cribwr SAC and Cwm Risca SSSI.

We recommend that the assessment on the SSSI is scoped into the Water Chapter.

Watercourses

Paragraph 5.12.16 of the report indicates that there may be watercourse crossings, it states that 'the crossings will be designed in accordance with the required standards and best practice, with an inclusion for climate change and will be kept to a minimum.'

All freshwater surface waterbodies (excluding foul) are covered by the Water Framework Directive (WFD) and are therefore protected from pollution, modification, and

abstraction. The application should consider measures to protect, and where possible, improve them to the extent needed to achieve the objectives for water bodies to which they are directly or indirectly connected.

Where any watercourse crossings are proposed a clear-span bridge would always be the preferred option and failing that a bottomless arch culvert. If a culvert is required, we would suggest that an assessment be carried out to outline the reasons why it was chosen over a clear span bridge.

The largest watercourse on the site is Nant Craigyraber, located towards the western extent of the site, Nant Craigyraber was designated as a moderate waterbody in the 2021 WFD.

Nant y Gadlys is to the north of the site and considered a main river, therefore, any work in or around the river should consider the need for a Flood Risk Activity Permit (FRAP). More information on obtaining a FRAP can be found [here](#).

Other watercourses on the site are considered ordinary watercourses and consent from the local planning authorities should be considered for any work on them.

Mitigation Measures

Paragraphs 5.12.14 - 5.12.38 and 6.5.6 of the report state that the following mitigation measures are to be submitted/conducted prior to any construction taking place:

- Mitigation measures agreed and implemented through a CEMP
- An Outline Pollution Prevention Plan
- An Outline Drainage Management Plan
- A 50-metre buffer to all watercourses
- Sustainable drainage system (SuDS) features to be agreed with the local authority
- A surface water drainage network with treatment using SuDS and pollution prevention measures such as interceptors
- Soil Management Plan

We welcome the listed mitigation measures submitted with an application or secured by conditions. Given the mitigation measures suggested we have no objection to watercourse pollution being scoped out of the EIA.

Due to the proximity of the site to watercourses we recommend the CEMP includes the following:

- 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; location of landscape and environmental resources; design proposals and objectives for integration and mitigation measures

- 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 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
- The CEMP shall be implemented as approved during the site preparation and construction phases of the development

General pollution prevention guidance around working in or near water can be found in GPP5 of the NetRegs Website.

Further Advice

Treatment of site water is mentioned in the proposal and any contractor should be aware that if flocculant is to be used as part of the treatment a discharge consent should first be obtained prior to its use.

The Applicant should note the following licences/permits which appear to be within the proposed site boundary under GIS:

Object ID	Location	Permit	Reference
13146	CF34 0TN	Sewage to ground	EPR/GE5254BT/A001
5822	CF32 0EH	Sewage to ground	EPR/CE5955SN/A001

Section 6.2 Biodiversity

Key Habitats

Any habitat surveys should accord with the Nature Conservancy Council 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.

The Phase 1 survey results should be presented alongside details of the current annual management of the site, including changes which may influence use of the site by protected species.

Surveys

We advise that the site and, where necessary, land adjacent to the site is subject to assessment to determine the likelihood of protected species being present and affected by the proposals. Targeted species surveys should be undertaken for all species scoped in which:

- i. are undertaken by qualified, experienced, and where necessary, licensed ecologist(s) and,
- ii. 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

The Marsh Fritillary butterfly

The Marsh Fritillary butterfly (*Euphydryas aurinia*) is a designated feature of both the Cwm Risca SSSI and Cefn Cribwr SAC sites.

The butterfly exists as a 'meta population' and relies upon a network of marshy grassland sites both within and outside of the designated sites network. We need to understand the value of marshy grassland habitat features across the development site in relation to the marsh fritillary butterfly. We advise that a full grassland survey be completed to assess marshy grassland across the development site.

Within 'Appendix D - UKHab Habitat Plan' shows areas mapped as grassland and areas that will be 'surveyed in 2024'. To understand the potential impacts of this development, a Phase 2 survey of the NVC vegetation communities would be required.

Bats

We note that the site is dominated by grassland, with other habitats such as gorse and bramble scrub, wet, broadleaved, coniferous, and mixed woodland also present. Also, that many of the fields are bordered by hedgerows. The scoping report confirms that there are a number of records of bats for the area.

We advise that the application is supported by up-to-date bat surveys of the site in accordance with:

- Bats and Onshore wind turbines – survey, assessment and mitigation by Nature Scot dated August 2021;
- Bat Surveys for Professional Ecologist: good Practice Guidelines (4th Edition) by Bat Conservation Trust dated 2023.

We welcome proposals for further bat surveys in 2024 stated to be:

- Preliminary roost assessment (PRA) of all trees and buildings within the works area (i.e., if any trees are predicted to be felled) and up to 200m from turbine locations plus rotor radius to identify important roost sites, such as maternity roosts, significant hibernation and/or swarming sites. Further surveys will focus on these possible important roosts and/or swarming sites following stakeholder consultation and once design plans have been finalised
- Bat activity surveys focused on proposed wind turbine locations using static detectors to identify the species assemblage that may be affected by the Proposed Development. Surveys started in April 2023 and will continue until June 2024

We advise that the impacts of the proposals on bats are assessed using the Ecobat tool (currently hosted by the Mammal Society).

Great Crested Newts (GCN)

We note that there are at least 45 ponds within 500 metres of the works area and suitable GCN terrestrial habitat across most of the site.

We advise that all waterbodies within 250 metres of the site boundary are assessed for the presence of GCN, including those that lie on private land wherever possible.

We welcome that GCN surveys of ponds are proposed for 2024 including assessment of habitat suitability using Habitat Suitability Index (HSI), and presence/absence surveys. If surveys return positive records for GCN, we advise that these are followed up with a suite of traditional surveys to ascertain the size of population likely to be affected.

In general, we advise that all ponds and wet ditches within 250 metres of the proposed development works, including the grid connection route, are assessed for the presence of GCN, to include HSI assessment, eDNA or traditional presence/absence surveys, followed up by a suite of traditional surveys to determine population size class (as appropriate) in accordance with the following published guidance:

- Great Crested Newt Mitigation Guidelines (English Nature, 2001)
- Natural Resources Wales / The use of environmental DNA test for Great crested newt licensing purposes

Presence/absence surveys should be carried out regardless of the results of HSI surveys.

Whilst we note and welcome that the scheme shall avoid directly impacting upon ponds, we advise that the EIA considers impacts on terrestrial habitat:

- Within 50 metres of GCN ponds
- Within 50 metres - 250 metres of GCN ponds; and
- Within 250 metres – 500 metres of GCN ponds

We recommend referral to the Online All Wales GCN database hosted by Cofnod.

Otters

We note that otter (and water vole) surveys were carried out in June 2023 of all watercourses to be impacted by the proposed development, plus up to 100 metre upstream and downstream. We also note that surveys assessed the suitability of the watercourses to support otters and determine presence/absence of the species and their places of shelter/rest.

We advise that surveys to support the application give consideration to any potential overland routes used by otters for dispersal between river catchments and that surveys are undertaken across the year to establish any seasonal pattern of use; one survey alone is not sufficient to establish seasonal patterns of use. It is important that any security fencing associated with the development (e.g., around solar arrays) does not interfere with the movement of otters through the landscape.

Water Voles

We note that water voles have been surveyed in the same way as otters (described above). As above, one visit alone is not sufficient to conclude absence of the species; consideration should be given to population distribution arising from post-breeding dispersal.

We advise that surveys for water voles are undertaken in the period mid-April to end of June, and July to September with at least 2 months apart between visits in accordance with published best practice set out in:

- The Water Vole Mitigation Handbook (Mammal Society, 2016)

We also advise that consideration is given to water voles exhibiting fossorial habits and living in more terrestrial habitats some distance away from watercourses.

Dormice

We note that habitat suitable for dormice is present in the vicinity and there are records of dormice in the area, however it is unclear whether the proposed development is likely to affect any dormouse habitat. If it is, we advise that the relevant habitats are subject to dormouse surveys in accordance with the guidance set out in:

- Dormouse Conservation Handbook 2nd Ed (English Nature, 2004)

Impact Assessment

Should protected species be confirmed, 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.

We advise comprehensive descriptions of the habitats affected are included to support robust conclusions about their significance for the species.

We advise that EIA considers significance (both alone and in combination) and where applicable conservation status. In respect of conservation status, we advise consideration to be given to the current conservation status of the relevant species. The EIA must demonstrate that there will be no detriment to maintenance of Favourable Conservation Status (FCS) of the species during construction, operation, and where relevant, decommissioning phases of the scheme.

Where proposals implicate protected species which are also notified features of designated sites (e.g., SAC, SSSI), we advise that the EIA considers the impacts on those species from both perspectives.

We advise that the EIA sets out how the long-term site security of any mitigation or compensation will be assured, including management and monitoring information and long term financial and management responsibility.

Where the potential for significant impacts on protected species is identified, we advocate that a Conservation Plan is prepared for the relevant species and included as an Annex to the EIA.

EPS Licence

Where an EPS is identified and the development proposal will contravene the legal protection they are afforded, a licence should be sought from NRW. The EIA 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).

Where an EPS is present and a development proposal is likely to contravene the legal protection they are afforded, the development may only proceed under licence issued by NRW, having satisfied the three requirements set out in the legislation.

A licence may only be authorised if:

- (a) It satisfies an appropriate derogation or licencing purposes, which in the case of development is most likely to be preserving public health or safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment
- (b) There is no satisfactory alternative and
- (c) The action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its 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 EIA where an EPS is present.

Ornithology

We agree with the proposed study area. However, to gain an appropriate baseline for ornithology, more information is needed to determine if the winter vantage point surveys provide adequate coverage.

The scheme appears to be largely determined by the wind turbine component of the proposal and does not fully consider those receptors that may be impacted by the proposed ground mounted photovoltaic modules. The topic of “breeding birds” encapsulates all breeding birds. It would be more appropriate for the ornithological receptors to be more defined, for example, but not necessarily restricted to, ground nesting birds, raptors, passerines.

We recommend the Applicant seeks further information in regard to winter vantage point surveys and have more consideration regarding all proposed features of the project.

Likely impacts and effects need to be understood before discussing mitigation measures in order to determine if the proposed mitigations measures are sufficient.

Local Biodiversity Interests

We recommend that the Applicant consults the local planning authority's 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.

NRW would expect the Applicant 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).

Finally, we advise that the development incorporates robust green infrastructure that will remain unlit to allow protected species (particularly bats and otters) to continue to inhabit the site and move through it. Developments should be designed to incorporate robust green infrastructure corridors.

Selection of species subject to the scope of the EIA to be informed by the table in Annex 1.

Securing Biodiversity Enhancement

We also advise that, in accordance with the Environment (Wales) Act 2016 and Planning Policy Wales, the application should demonstrate how it can deliver biodiversity enhancements and thus contribute to promoting ecological resilience. This is reaffirmed in the Welsh Government letter, 'Securing Biodiversity Enhancements', dated of 23 October 2019.

Section 6.5 Land and Soils

Our advice considers the Land and Soils section and the Water section of the report.

We agree to the proposed study area. However, to gain an appropriate baseline for water, soil and land, site specific investigation data is required.

Water Quality and Quantity

We recommend that groundwater be considered a receptor in its own right, as per The Environment Agency's approach to groundwater protection (publishing.service.gov.uk), as adopted by NRW. In addition, we recommend groundwater is scoped into the water chapter.

The secondary and tertiary mitigation measures described do not appear tailored to specific impacts and lack detail. More information is needed to link parts of the proposed development to potential impacts i.e., borrow pits, deep foundations, underground cables, placement of solar panels. Likely impacts and effects need to be understood before discussing mitigation measures in order to determine if the proposed mitigations measures are sufficient.

To inform the scoping of impacts upon water we recommend that a water features survey is prepared. A water features survey 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 and access roads (radius can be altered according to sensitivity)
- 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 the water feature flows throughout the year or dries up during summer months
- Accessibility to the spring/well
- This information should identify on a suitably scaled map (i.e., 1:10,000) and tabulated. It also would be useful to photograph each of the identified water features during the survey

The results of the water features survey should enable the assessment of the likely impacts on both quantity and quality of surface water and groundwater. Preferred methods of construction and the assumed hydrogeology in the vicinity of the development should also be taken into account.

You may be required to monitor identified groundwater and, or surface water features during the proposed workings. We would therefore recommend that the water features survey be undertaken as soon as possible to enable the Applicant to carry out suitable baseline monitoring prior to the commencement of workings at the site.

We would advise that significant impacts to water with regards to water quality and water resource/quantity ought to be considered and that water is considered alongside soils and land with regards to contamination.

We do not consider there to be enough site-specific information available to scope out water at this stage. We recommend that water be scoped in.

Land Contamination

We would recommend significant impacts for the operational and decommissioning phases of the assessment for land be scoped in.

The report discusses a Preliminary Risk Assessment (PRA) that will be provided as part of the ES to assess the risks and significance of impacts for land, soil, and groundwater baselines.

We advise that impacts associated with peat, land mining and stability, land contamination, groundwater or soils should be scoped in whilst site investigation information is currently unavailable.

We advise that as these risks are yet to be assessed and the relevant information presented, these elements should be scoped in.

We recommend that the developer should:

- Follow the risk management framework provided in Land contamination risk management (LCRM)
- Refer to Land Contamination: a guide for developers (WLGA, 2017) for the type of information that we require in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, such as human health.
- Refer to our groundwater protection advice on www.gov.uk

Further Advice

It is noted that the operational lifespan of this development is 50 years. The long and short term positive versus negative impacts have not been considered over the lifespan of the development. We advise that the positive impacts of remediation associated with soils and water is considered as part of scoping, where contamination is considered an impact.

Referral to a PRA is welcomed and considered an essential starting point to assessing the site's baseline.

We have noted as per the PRA, no recorded superficial deposits, some peat deposits to the North-West of the site but no records indicating it is on site and the indication of previous landfill uses.

The above will need to be confirmed via appropriate site investigation.

We recommend the following documents and content be considered within the proposed assessment methodology.

- SoBRA controlled waters and climate change report FINAL published issue Aug 2022
- Groundwater protection position statements - GOV.UK (www.gov.uk)

Appendix K, of the report, sets out the significance criteria adopted. We note that the significance associated with land and soils refers to short term impacts only and does not consider temporal scale of impacts. We recommend this be amended.

We note that no opportunities for enhancing the environment have been identified within the land and soils assessments. Opportunities to enhance the quality and resource capabilities of soils and groundwater via remediation, encouraging groundwater recharge for example, should be included.

Section 6.6 Landscape and Visual

Bannau Brycheiniog National Park (BBNP) and the Gower Area of Outstanding Natural Beauty (AONB)

Our landscape planning advice relates to the landscape character and visual amenity of the Bannau Brycheiniog National Park (BBNP) and the Gower Area of Outstanding Natural Beauty (AONB), and the statutory purpose of these designations to conserve and enhance their natural beauty. At its closest, the site is approximately 21.5kilometre (km) south of the BBNP and 22km east of the Gower AONB.

Our advice is based on:

- Section 6.6: Landscape and Visual
- Appendix H: Landscape Figures which include a blade tip zone of theoretical visibility (ZTV) analysis (Figure H1)

The main component of the proposed development is 10 wind turbines with a maximum blade tip height of 230 metre. Solar photovoltaic (PV) modules are also proposed, with potential areas shown in Appendix B to the Scoping Report. A Battery Energy Storage

System (BESS) may also form part of the development, but details are to be confirmed following further technical studies.

Due to the distance between the site and both the BBNP and Gower AONB, it is considered unlikely that the BESS or solar PV development would impact significantly on the purpose of either designation. Therefore, our remaining comments focus on the proposed wind turbines.

The proposed turbines are located outside of a Pre-Assessed Area (PAA) for Wind Energy in Future Wales: The National Plan 2040 (FW). In line with FW Policy 18, the proposals should not have an unacceptable adverse impact on the surrounding landscape, particularly on the setting of the BBNP and Gower AONB, and cumulative impacts must also be considered.

Section 6.6.14 states the Landscape and Visual Impact Assessment (LVIA) will use a 35km study area and a detailed 20km study area. These study areas will also be used for the cumulative assessment. With reference to NRW Guidance Note (GN) 46 Using LANDMAP in Landscape and Visual Impact Assessments, we are satisfied with the 35km study area but caution against excluding detailed assessments beyond 20km. The ZTV indicates up to all 10 turbines would be visible from within the BBNP and Gower AONB beyond 20km and at this distance significant effects on high sensitivity receptors may occur. We assume receptors beyond 20km within the BBNP and Gower AONB will be captured by the 35km study area.

Page 98 lists the proposed viewpoints. This list omits several LVIA viewpoints identified on Figure H1, including the only viewpoint (VP) within the BBNP (VP 21 Ogof-Ffynnon-Ddu). The reason for the omission of VP 21 from the list on Page 98 is not clear. We advise the LVIA should include at least one viewpoint with visualisations from the BBNP, as visibility of up to all 10 turbines is shown across summits, promoted routes, and access land within the Black Mountain / Mynydd Du and Fforest Fawr areas of the BBNP. These areas are included within the 35km LVIA study area.

We are satisfied with the inclusion of a viewpoint at Mumbles Hill within the Gower AONB and understand both daytime and night-time visualisations will be prepared from this viewpoint. We note this viewpoint is listed as VP 14 on Page 98 of the report but VP 19 on Figure H1.

Section 6.6.8 identifies receptors to be scoped into the assessment. Landscape and visual receptors including designations within the 20km study area are proposed to be scoped into the LVIA. This implies receptors outside of the 20km study area will be scoped out.

With reference to the guidance provided in NRW GN 46, we advise high sensitivity receptors within the BBNP and Gower AONB beyond 20km should be scoped in to the LVIA, e.g., receptors at VPs 19 and 21 shown on Figure H1. Particularly as at these locations the proposals may interact with other cumulative schemes in planning which have the potential to result in significant effects.

Paragraph 6.6.3, we advise when considering potential impacts on the BBNP, the Management Plan for Bannau Brycheiniog National Park (*Y Bannau: The Future - 2023-2028*) should also be considered. Stated Special Qualities of the BBNP are headlines and any assessment of the impacts on these qualities should be informed by detailed supporting

evidence, including that found in e.g., the Brecon Beacons National Park Landscape Character Assessment, August 2012 and LANDMAP.

The report states that the design process will seek to consider and review the visual effects of wind turbines and seek to make adjustments where possible. We advise design guidance to support Future Wales Policies 17 and 18 has been published, '*Designing for Renewable Energy in Wales, Design Commission for Wales, November 2023*'. This guidance recognises the importance of landscape informing the design of large-scale renewables, and states '*Landscape should be the leading consideration in this process and not merely follow on in the form of 'landscape mitigation' of a predetermined engineering proposal and technical appraisal*' (page 19). As also set out in Planning Policy Wales Edition 11 (PPW), section 5.9.21, '*low carbon energy developments should, wherever possible, consider how to avoid, or otherwise minimise, adverse impacts through careful consideration of location, scale, design and other measures*' which we advise include the number, siting, and layout/arrangement of turbines. We expect the ES will explain how the findings of the LVIA have informed the design process, including the location, scale, number, siting, and layout/arrangement of the turbines.

Section 7 of the report explains how cumulative schemes will be identified. We advise that once prepared, the long and short list should be confirmed with the relevant local planning authorities.

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

Gemma James

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

E-bost/E-mail: southeastplanning@cyfoethnaturiolcymru.gov.uk

Croesewir gohebiaeth yn Gymraeg a byddwn yn ymateb yn Gymraeg, heb i hynny arwain at oedi./Correspondence in Welsh is welcomed, and we will respond in Welsh without it leading to a delay.

From: [PEDW – Seilwaith / Infrastructure](#)

To:

From: South East Planning <southeastplanning@cyfoethnaturiolcymru.gov.uk>

Sent: Thursday, April 4, 2024 12:09 PM

To: PEDW – Seilwaith / Infrastructure <PEDW.Infrastructure@gov.wales>

Subject: FAO Tanya Leck: DNS CAS-03018-G7G6H7 - Mynydd Ty-Talwyn Energy Park (DNS Scoping) >>> NRW:02811343

Hi Tanya,

Thank you for your email of the 26 March.

I have tried to address your queries as per your original email below.

Two of the turbines are proposed within Graig yr Aber forestry area, which is managed by NRW as commercial forest, and part of the Graig yr Aber forestry area will be lost. The SR states that ecology and landscape/visual impacts relating to the loss of woodland will be addressed in those respective chapters. However, both LPA's have highlighted that the wider impacts from the loss of commercial forestry have not been addressed. It's not clear from the Scoping Report whether the applicant has engaged with NRW with regard to the project design/loss of commercial forest.

NRW land manager representatives have had an initial meeting with the developer. We advised them that to develop on this area of the Welsh Government (WG) Woodland Estate they will require prior agreement from Dwr Cymru Welsh Water (DCWW) as the landowner / freeholder. We also advised they would need to go through the necessary governance and competitive award process within NRW. Without agreement from DCWW and NRW, the developer has no legal right to develop on this land.

NRW Development Planning team (through our advisory role) have had no engagement with this project and its developer.

Essentially, my query is whether NRW have any concerns with forestry being scoped out (albeit ecology and landscape matters would be addressed in the relevant chapters). Should an assessment of the impact on sustainable forestry resource, or any other aspects associated with the loss of woodland i.e. reduction in carbon capture/storage, be scoped in?

In our scoping response to you, we did not consider the potential for likely significant effects on commercial or sustainable forestry resources as we've only considered matters included on our consultation topics [checklist](#).

We note the SR in paragraph 5.4.2 states: *If the final design of the Proposed Development includes any infrastructure within Graig yr Aber, a Forestry Assessment will be undertaken and submitted as a standalone report in support of the DNS application.* At this stage, given the final design / layout is unknown it is

difficult to quantify how much deforestation will take place as a result of the development and therefore whether this could give rise to likely significant effects.

I understand that your scoping direction is due tomorrow, 05 April. If you would like to have a phone call to discuss any details further, then please do let us know.

I hope the above is of assistance to you.

Kind regards,

Gemma

Chris Pang
Student Planner
PEDW

PEDW.Infrastructure@gov.wales

Eich cyfeirnod
Your reference

Ein cyfeirnod
Our reference

Dyddiad
Date

Llinell uniongyrchol
Direct line

Ebost
Email:

DNS CAS-03018-G7G6H7

13 December 2023

Cadwplanning@gov.wales

Dear Chris

PROPOSED DEVELOPMENT: Mynydd Ty-Talwyn Energy Park
LOCATION: Land approx. 4 km south-east of Bridgend and 8 km west of Port Talbot

Thank you for your letter of 5 December asking for Cadw's advice on the scoping of the Environmental Impact Assessment (EIA) that will be submitted in support of an application for the Mynydd Ty-Talwyn Energy Park.

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

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

Advice

The scoping request is accompanied by a scoping report produced by RSK. Section 6.4 of this report considers Cultural Heritage and asks four questions:

Do you agree with the proposed study areas? Yes

Do you agree that the data sources listed to inform the EIA baseline characterisation are appropriate? Yes

Are any receptors not identified that you would like to see included in the EIA? The proposed development area has been claimed to be the site of the Battle of Badon, although it is not included in The Inventory of Historic Battles in Wales, maintained by the Royal Commission on the Ancient and Historic Monuments in Wales. The assessment will need to consider this possible site and any impact that will be caused on it by the proposed development.

Do you agree with the receptors that are proposed to be scoped in and out of the EIA?
Yes

In addition to these answers, we make the following comments and recommendations:

The Historic Environment (Wales) Act 2023 will be enacted during 2024 before the application is submitted. Consequently, the legislation quoted in section 6.4.13 of the scoping report will need to be reviewed and updated before the completion of the EIA.

A stage 1 assessment following the methodology given in “The Setting of Historic Assets in Wales” should be carried out for all of the designated heritage assets listed in Annex A, including registered historic landscapes, which will determine the need, if necessary, for stages 2 to 4 to be carried out for specific heritage assets. The results of the stage 1 assessment should be presented in an appendix to the EIA.

Section 6.44 of the scoping report notes that there may be a need for follow-on archaeological surveys and fieldwork to be undertaken. If these works are required, they will need to be undertaken before the EIA is completed.

Yours sincerely

Jenna Arnold

Historic Environment Branch

Annex A

Within the application area:

GM086 British Fortified Residence
GM092 Mynydd Ty Talwyn Ancient Farms
GM093 Mynydd Ty Talwyn Ancient Farms
GM340 Earthwork & Platform Houses N of Nant Fadog

Within a 5km developer ZTV:

GM004 Castell Coety
GM005 Margam Abbey
GM011 Margam Inscribed & Sculptured Stones
GM025 Mynydd Herbert Round Barrow
GM036 Pyle Incised Stone
GM057 Camp N of Tonmawr
GM058 Roman Camp
GM059 Y Bwlwarcau
GM063 Newcastle Castle
GM085 Llangynwyd Castle
GM086 British Fortified Residence
GM090 Camp 530m E of Tonmawr
GM092 Mynydd Ty Talwyn Ancient Farms
GM093 Mynydd Ty Talwyn Ancient Farms
GM159 Ergyd Uchaf Round Barrow
GM162 Mynydd y Castell Camp
GM163 Hen Eglwys Chapel and Defended Enclosure
GM179 Ty'n-y-Cellar Standing Stone
GM217 Stormy Castle
GM237 Remains of Llangewydd Church & Churchyard
GM240 Pen-y-Castell Camp
GM241 Cefn Cross Standing Stone
GM249 Round Cairn 567m East of Bryn Defaid
GM250 Croes y Bwlchwyn Round Cairn
GM265 Remains of Iron Furnace Near Angleton
GM340 Earthwork & Platform Houses N of Nant Fadog
GM345 Sculptured Cross Llanmihangel Farm
GM417 Cefn Cribwr Ironworks
GM418 Maesteg blast furnaces
GM426 Earthwork at Pant-y-Pyllau, Coity Higher
GM433 Remains of Tondy Ironworks
GM443 Site of Bodvoc Stone
GM444 Derwen Moated Site
GM449 Leat & Dam at Llanmihangel Mill
GM477 Half Moon Camp
GM491 Three Pillow Mounds on Cefn Hirgoed
GM493 Bryndu Coke Ovens
GM545 Margam Medieval Bath House
GM552 Garth Hill Platform House
GM557 Twmpath Diwlith Round Barrow
GM589 Plas-y-Betws relict garden

Registered Parks and Gardens:

PGW(Gm)5(BRI) Bryngarw
PGW(Gm)7(BRI) Court Colman
PGW(Gm)10(BRI) Glanrhyd Hospital

PGW(Gm)15(BRI) Tythegston Court
PGW(Gm)65(BRI) Coytrahen House
PGW(Gm)52(NEP) Margam Park

Registered Historic Landscape:

HLW (MGI) 1 Merthyr Mawr, Kenfig & Margam Burrows
HLW (WGI/MGI) 2 Margam Mountain

Listed Buildings/ Conservation Areas:

Within a 5km developer ZTV:

11218	Cefn-ydfa farmhouse and adjoining ruins.	II
11224	Church of St Ffraid aka St Bride, Llansantffraid	II
11227	Church of St James, Pyle with Kenfig	I
11228	Glan Rhyd Railway Viaduct	II*
11229	The Pheasant	II
11243	Church of St Cynwyd	II*
11244	Ty Mawr aka The Great House	II*
11245	The Laleston Inn	II
11246	Church of St David	I
11247	Marlas House	II
11254	Coity Castle	I
11255	Church of St Mary	I
11256	Llwydarth farmhouse	II*
11257	Maesteg Sports Centre, The Cornstores	II*
11272	Dental Surgery	II
11304	Community Health Clinic at Bridgend General Hospital (Former Union Offices)	II
11305	The Old Workhouse, Bridgend General Hospital	II
11312	Church of St Illtyd	II*
11313	Newcastle Castle	II*
11314	Nazareth Apostolic Church	II
11316	Coed Parc (HQ of Mid-Glamorgan County Libraries)	II
11317	West Cottage	II
11318	Newcastle House	II*
11319	Garage & Outhouse range at Newcastle House	II
11320	Newcastle Cottage	II
11321	Westfield	II
11322	Village Farm House	II
11327	Maendy	II*
11329	Gelli-siriol farmhouse	II
11331	Iron bridge over River Llynfi	II*
11335	Former Truck Shop Tondy Ironworks now Foxtroy Residential Home	II
11349	The Hall Farm	II*
11351	Former Tramroad Bridge	II
11352	The Old House Inn PH	II
11353	Telephone call box in front of the Old House PH	II
11356	Siloh Independent Chapel	II
11364	Former Horeb Welsh Presbyterian Church	II
11366	Tynton	II
11367	Tabor Eglwys Presbyteriadd Cymru	II
11373	Pentre Farmhouse, with attached farm range.	II
11375	Gilfach-ganol farmhouse	II
14148	St Mary's Abbey Church	I

	Ruins of Chapter House and Vestibule of St Mary's	
14149	Abbey	I
14150	Ruined Undercroft at St Mary's Abbey	I
14151	Almshouses	II
14152	Margam Orangery	I
	Ivy Cottage including Facade of Former Banqueting	
14153	House	I
14155	Hen Eglwys	II*
14157	Barn at Eglwys Nunydd	II
14158	Old Park	II*
14162	Kitchen Garden Walls including Vinery Glasshouse	II
14163	Terrace Walls and Screen at Margam Castle	II*
14164	Middle Lodge	II
14165	Cwm Cottage	II
14166	Margam Cottage	II
14167	2 Grove Cottages	II
14168	Piers and Gates at East Lodge and Flanking Walls	II
14169	Gateway and Quadrant Walls Leading to Twyn yr Hydd	II
14170	Margam Castle	I
14176	Llanmihangel Mill	II*
14559	Tyle-coch	II
16839	Former Bridgend Tramroad bridge over Nant Cynffig	II
18492	Blast Furnace at Maesteg Sports Centre	II
18494	Neuadd y Dref (Town Hall)	II
18495	Salem Welsh Baptist Chapel	II*
18496	Capel Saron	II
18497	Cenotaph	II
18498	North Company Offices	II
18499	Maesteg Council Offices, with flanking walls and piers.	II*
	Church of St Michael and All Angels, Llangynwyd with	
18500	Maesteg, including enclosing graveyard wall.	II
18501	Zoar Chapel	II
	Church of St David, and surrounding churchyard railed	
18502	wall.	II
18503	Colonel North Memorial Hall	II
18504	Post Office	II
18505	William Hopkin Thomas memorial Lamp and fountain.	II
18506	The Star Public House	II
18507	Nantyffyllon Workmen's Institute	II
18626	Church of St David, Bettws	I
18635	Church of St Cein	II*
18636	Hooped Grave Cover in Llangeinor churchyard	II
18637	Ty Isaf	II
18638	Small Tramroad bridge over Nant Cedfyw, Shwt	II
18955	Cefn Cribwr ironworks, the furnace and charging house	II*
18956	Bedford House	II
18957	Cast house at Cefn Cribwr Ironworks	II*
18958	Blast Engine house at Cefn Cribwr Ironworks	II
18959	Calcining kilns at Cefn Cribwr ironworks	II
19051	Church of All Saints, Pen-y-Fai	II
19052	Tynygarn Mile marker	II
19054	Church Lodge	II
19055	School Lodge	II
19056	Gateway at former entrance to Court Colman.	II
19057	Court Colman	II
	Pyle Calvinistic Methodist Chapel, Capel y Pil, and	
19171	schoolroom, with forecourt railings.	II*

19172	Group of 4 chest tomb in churchyard of St James, Pyle	II
19173	Churchyard Cross in St James' churchyard, Pyle	II
19174	Morgan monument in St James' churchyard, Pyle	II
19176	Kenfig Hill War Memorial	II
19177	The Talbot Institute	II
19180	Mile marker on A48, Pyle to Margam Road	II
19181	Accommodation Bridge over the former Duffryn Llynvi and Porthcawl Railway	II
19182	Two chest tombs set against the E churchyard wall, Church of St James.	II
19183	Two chest tombs in the churchyard, St James Church	II
19184	Rees Williams monument in the churchyard, St James church.	II
19240	The Oystercatcher Public House	II
19241	Churchyard Cross in St David's churchyard	II
19242	Cliff Cottage	II
19243	Milepost	II
20178	Monument to Morgan Morgan in Llansantffraid churchyard	II
20179	Glan Rhyd Railway Viaduct (partly in Newcastle Higher community)	II*
20180	Bowen/Roberts Monuments in Llansantffraid churchyard	II
20181	Churchyard cross socket in Llansantffraid churchyard	II
20182	Williams monument and railings in Llansantffraid churchyard	II
20429	The Hopcyn Cross	II
20430	Two chest tombs on S side of the Church of St Cynwyd	II
20431	Group of five tombs S of the tower of the Church of St Cynwyd	II
20432	Bee boles and stile in garden wall at Gilfach-uchaf farm	II
20433	Ty'n-y-waun farmhouse	II
20434	Group of 4 Hopkin and Jenkins tombs within iron railings on the W side of the path to the S porch	II
20435	Group of nine memorials on the W side of the path to the S porch, Church of St Cynwyd	II
20436	Jenkins Monument in the churchyard, Church of St Cynwyd	II
20437	Churchyard walls around the graveyard, Church of St Cynwyd	II
20742	Cildeudy tunnel	II
20744	Walls flanking the inclined plane joining the Bettws tramway to the DLP Railway.	II
20745	Nicholls Arms PH	II
20746	Abutments to overbridge/ loading bay on the former Duffryn Llynvi and Porthcawl Railway	II
20747	North portal and wings of the Rock-fawr Bridge on Sir Robert Price's private tramway.	II
20760	Park House	II
20761	Park Cottage	II
20762	,23,Derllwyn Road,Tondu,,CF32 9HD	II
20763	Former Blast Engine Houses at Tondu Ironworks	II*
20764	1-26 Park Terrace (consec)	II
20765	1-26 Park Terrace (consec)	II
20766	1-26 Park Terrace (consec)	II
20767	1-26 Park Terrace (consec)	II
20768	1-26 Park Terrace (consec)	II

20769	1-26 Park Terrace (consec)	II
20770	1-26 Park Terrace (consec)	II
20771	1-26 Park Terrace (consec)	II
20772	1-26 Park Terrace (consec)	II
20773	1-26 Park Terrace (consec)	II
20774	1-26 Park Terrace (consec)	II
20775	1-26 Park Terrace (consec)	II
20776	1-26 Park Terrace (consec)	II
20777	1-26 Park Terrace (consec)	II
20778	1-26 Park Terrace (consec)	II
20779	1-26 Park Terrace (consec)	II
20780	1-26 Park Terrace (consec)	II
20781	1-26 Park Terrace (consec)	II
20782	1-26 Park Terrace (consec)	II
20783	1-26 Park Terrace (consec)	II
20784	1-26 Park Terrace (consec)	II
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20787	1-26 Park Terrace (consec)	II
20788	1-26 Park Terrace (consec)	II
20789	1-26 Park Terrace (consec)	II
20790	27-52 Park Terrace (consec)	II
20791	27-52 Park Terrace (consec)	II
20792	27-52 Park Terrace (consec)	II
20793	27-52 Park Terrace (consec)	II
20794	27-52 Park Terrace (consec)	II
20795	27-52 Park Terrace (consec)	II
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20797	27-52 Park Terrace (consec)	II
20798	27-52 Park Terrace (consec)	II
20799	27-52 Park Terrace (consec)	II
20800	27-52 Park Terrace (consec)	II
20801	27-52 Park Terrace (consec)	II
20802	27-52 Park Terrace (consec)	II
20803	27-52 Park Terrace (consec)	II
20804	27-52 Park Terrace (consec)	II
20805	27-52 Park Terrace (consec)	II
20806	27-52 Park Terrace (consec)	II
20807	27-52 Park Terrace (consec)	II
20808	27-52 Park Terrace (consec)	II
20809	27-52 Park Terrace (consec)	II
20810	27-52 Park Terrace (consec)	II
20811	27-52 Park Terrace (consec)	II
20812	27-52 Park Terrace (consec)	II
20813	27-52 Park Terrace (consec)	II
20814	27-52 Park Terrace (consec)	II
20815	27-52 Park Terrace (consec)	II
	Calcing Kilns and attached abutment at Tondy	
20816	Ironworks	II*
20817	Lift Tower at Tondy Ironworks	II*
21227	Mile marker	II
23261	Aberbaiden	II
23262	Llanmihangel	II*
23263	Twyn yr Hydd	II
23264	Citrus House	II
23265	Retaining Wall adjoining Citrus House	II
23266	Stone Steps in Terraced Garden	II

	Terrace with Pools and Flower Beds Fronting Margam	
23267	Orangery	II*
23268	Turbine House	II
23269	Stones Museum	II
23270	War Memorial	II
23271	Pair of Gate Piers to the Former Margam House	II
23272	Ornamental Pool	II
23273	Former Changing Room	II
23274	Monastic Baths	II*
23275	Broadwalk Steps	II
23276	Arch over Culvert	II
23277	Farm Building at Twyn yr Hydd	II
	Service Buildings including Courtyard Walls at Margam	
23278	Castle	II*
23279	Kitchen Garden Wall and Glass House at Twyn yr Hydd	II
23280	Garden Wall at Twyn yr Hydd	II
23281	Entrance to Twyn yr Hydd and Flanking Walls	II
23285	Milepost near Margam Park Entrance	II
23286	Milepost near Old Park	II
23287	Milepost near Cae Garw	II
23288	Bridge near Llanmihangel Mill	II
23289	Granary at Ty'n y Cellar	II
23290	Former Cow-house at Ty'n y Cellar	II
23291	Ty'n y Cellar and adjoining Barn	II
23292	Cart Shed, Stable and Cow-House at Ty'n y Cellar	II
23293	3 Grove Cottages	II
87688	Tondu Road Underbridge	II
87693	River Black Underbridge	II
87694	Mill Bridge Underbridge	II
87695	Marlas Road Overbridge	II
87696	Pyle Road Overbridge	II
87697	Cefn Road Overbridge	II
87698	Llangewydd Overbridge	II
87699	River Ogmore Viaduct	II
87700	Quarella Road Underbridge	II
87732	Margam Crematorium	II*



Ref: DNS CAS-03018-G7G6H7

Chris Pang
Planning and Environment Decisions Wales
Crown Buildings
Cathays Park
Cardiff
CF10 3NQ

Via Email: PEDW.Infrastructure@gov.wales

19th January 2024.

Dear Chris Pang,

Re: Scoping Direction Consultation Response – DNS CAS-03018-G7G6H7, Mynydd Ty-Talwyn Energy Park.

In reference to the recent e-mail from PEDW consulting the Department on the above Scoping Direction request, the Department offers the following response for your consideration regarding agricultural land quality, the use of soil resources.

For the Department, the main issues likely to be significantly affected by the development are:

- Maintaining soil services and functions;
- Beneficial restoration and after use of site;

1. Policy Context:

The Department has examined the Scoping Direction Request Report and consider the policies and guidance below are also applicable to this development: -

- Policy 18(11) of NDF Future Wales¹ – sets out the need for acceptable provisions relating to the decommissioning of the development at the end of its lifetime, including the removal of infrastructure and effective restoration.

¹ <https://www.gov.wales/sites/default/files/publications/2021-02/future-wales-the-national-plan-2040.pdf>

Borrow Pits are proposed (if feasible) as part of the development; therefore the following will also apply:

- Schedule 5 of Town and Country Planning Act 1990² (as amended)
- Minerals Technical Advice Note³ (MTAN) 1 – Chapter D sets out detailed advice on the mechanisms for delivering a high standard of restoration, aftercare and provide for a beneficial after-use.
- Paragraph 5.14.34 of PPW 11 - *“Borrow pits must be restored to the high standard expected of other forms of mineral development.”*

2. Borrow pits:

The proposals note that stone from on-site borrow pits will be sourced where feasible. If borrow pits are proposed, then information must be provided on the size, extent and location of the borrow pits, to inform the EIA assessment process for the development (i.e. scoped in).

If borrow pits are included, the proposal must address Paragraph 5.14.34 of Planning Policy Wales; *“Borrow pits must be restored to the high standard expected of other forms of mineral development.”*

For all borrow pits, the proposals will also need to specify the afteruse in accordance with Schedule 5, paragraph 2(1) of the 1990 Act. The agreed afteruse will inform the standard of restoration, the scheme and aftercare proposals. The proposals must demonstrate that the borrow pits can be reclaimed to an acceptable standard and after-use through a detailed scheme that is achievable and to be able to condition against. The scheme must be presented at application, and in sufficient detail for the determining authority and statutory consultees to form a judgement as to its feasibility (as per MTAN1, paragraph 106). If there is significant doubt as to whether satisfactory reclamation can be achieved at the site, and as such, planning permission should be refused (MTAN1, paragraph 97).

3. Soil Management Plan (SMP):

It is noted that the applicant intend to produce a Soil Management Plan (Section 6.5.6) to support the ES and application. This is welcome and should cover **all** soils (peat, organo-mineral and mineral).

The plan should include a clear scheme and programme setting out how **all** soils and their function will be used, conserved, reinstated and restored. The Scheme should be presented in sufficient detail for the determining authority and statutory consultees to form a judgement as to its feasibility and to condition against. The scheme should include: -

- Soil stripping programme - volumes and types of soils affected;
- Soil handling techniques and procedure;
- Size, location, construction, management and period of soil storage dumps;

² <https://www.legislation.gov.uk/ukpga/1990/8/schedule/5>

³ <https://gov.wales/sites/default/files/publications/2018-09/mtan1-aggregates.pdf>

- Proposed decommissioning, after use and restoration programme, including techniques and aftercare programme.

The plan and detailed scheme will support the ES process in considering: -

- Potential impacts of the development and demonstrate how the proposal will not have an unacceptable adverse impact on the environment;
- The feasibility and how effective restoration and beneficial after use can be achieved;
- How the proposal will maintain the resilience and avoid the loss of function and services provided by the soils.

4. Agricultural Land Classification (ALC): Information and advice:

The Department does not hold any information on detailed ALC field surveys for the site. According to the Predictive ALC Map for Wales, the site is considered at best Grade 4.

A detailed ALC field survey is not recommended for the main site. The Department does not consider Best and Most Versatile (BMV) agricultural land to be present on this site and therefore Planning Policy Wales (PPW) 11, paragraphs 3.58 and 3.59 would not apply.

5. Decommissioning:

The proposals should include a detailed scheme for site decommissioning that can be confidently conditioned against. This is essential to meet the requirements of Policy 18(11) of Future Wales in terms of acceptable provisions relating to the decommissioning of the development at the end of its lifetime, including the removal of infrastructure and effective restoration.

I trust the above comments are clear and unambiguous. The advice expressed does not bind any other part of Welsh Government commenting on the proposal.

Yours sincerely

Arwel Williams
Soil, Peatland & Agricultural Land Use Planning
Welsh Government
Department for Climate Change
Landscapes, Nature & Forestry Division
LQAS@gov.wales



Planning and Environment Decisions Wales
Crown Buildings
Cathays Park
Cardiff
CF10 3NQ

Eich cyf / Your ref DNS CAS-03018-G7G6H7

Ein cyf / Our ref 23/SW-6170

17 January 2024

Dear Sir/Madam,

**TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (WALES)
ORDER 2012:**

Mynydd Ty-Talwyn Energy Park, 4 km south-east of Bridgend and 8 km west of Port Talbot
The Proposed Development will comprise the construction and operation of; up to 10 wind turbines, ground mounted solar photovoltaic modules, Battery Energy Storage Systems, substation, permanent anemometer mast, ancillary infrastructure works, habitat management, and, works to facilitate vehicular access to the Site

I refer to your consultation of 05/12/2023 regarding the above application, and advise that the Welsh Government as highway authority for the Strategic Road Network (SRN) directs that planning permission is not granted at this time as the applicant has provided insufficient information to determine the application.

The applicant must provide the following information to support this application or resubmit the application with the following details;

Detail needs to be provided to prove access for transporting AILs is achievable from the point of entry to the Welsh trunk road network to the point of egress, that minimises any impact on the safety and free flow of trunk road traffic, please supply the likely traveling weights and dimensions of AILs and swept path analysis for all junctions on the Trunk Road Strategic Network.

Please note, to screen the proposals, the draft abnormal load notifications would be particularly helpful to the Welsh Government as highway authority. For our review to be meaningful we require the accompanying notification template to be filled out as much as possible. There may be many unknowns at this time, but the closer we get to a completed form the more meaningful feedback we will be able to provide.



As an absolute minimum we need best estimates for:

- Full route details.
- Vehicle weight
- Vehicle length
- Vehicle width
- Vehicle height

We would expect the haulier to fully screen the route, please refer to the draft version of our “Pulling Together” – Best Practice for Transporting Abnormal Loads in Wales - Procedures and Advice Guidance (PAG) document.

For your information please find below our standard planning conditions (taken from the aforementioned PAG document), which Welsh Government would request be applied to any future planning permission granted by the authority:

Structural assessment

No on-site development works shall be undertaken until:

- a. an assessment of the capacity and impact on all structures along those parts of the highway network which shall be utilised during the construction of the development including bridges, culverts, retaining walls, embankments, and
- b. details of any improvement works required to such structures as a result of construction of the development

have been submitted to and approved by the local planning authority following consultation with the Welsh Government as Welsh trunk road highway authority or other relevant highway authority (as appropriate). The required improvement works identified in the assessment shall be completed prior to the commencement of any Abnormal Indivisible Load (AIL) deliveries to the development site.

Condition surveys

Condition surveys of all highway features along those parts of the highway network which shall be utilised during the construction of the development shall be undertaken prior to, during and on completion of the construction phase of the development. The survey reports shall be submitted to and approved by the local planning authority following consultation with the Welsh Government as Welsh trunk road highway authority or other relevant highway authority (as appropriate) within 28 days of the surveys.

Liability for incidental damage

Prior to the commencement of development works, a scheme to provide for the remediation of any incidental damage directly attributable to the development to the parts of the highway network which will be utilised during the construction of the development including street furniture, structures, highway verge and carriageway surfaces shall be submitted to and approved by the local planning authority following consultation with the Welsh Government as Welsh trunk road highway authority or other relevant highway authority (as appropriate). The scheme shall be implemented as approved throughout the construction phase of the development.

Traffic Management Plan

AILs associated with the development shall be delivered strictly in accordance with a Traffic Management Plan (TMP) as shall be agreed with the relevant highway authority. In this respect, the TMP shall be submitted to and approved in writing by Welsh Government as Welsh trunk road highway authority or other relevant highway authority (as appropriate) prior to the commencement of any works. The TMP shall include:

- a. proposals for transporting AILs from their point of entry to the Welsh trunk road network to the site that minimise any impact on the safety and free flow of trunk road traffic
- b. evidence of trial runs that mimic the movement of the worst case AILs along the access route where appropriate, at the discretion of the Highway Authority
- c. number and size of AILs, including loaded dimensions and weights
- d. number and composition of AIL convoys, including anticipated escort arrangements
- e. methodology for managing trunk road traffic during AIL deliveries, including identification of passing places and holding areas as necessary
- f. convoy contingency plans in the event of incidents or emergencies
- g. estimated convoy journey durations and timings along the route, including release of forecast traffic queues
- h. swept path analysis modelling the movement of the worst case AILs at all potential horizontal and vertical constraints along the access route where appropriate, at the discretion of the Highway Authority
- i. proposals for the temporary or permanent modification of any affected street furniture along the access route and details of how this would be managed
- j. plans for the reinstatement of any temporary works after completion of the construction phase
- k. land ownership must be clarified on all drawings showing proposed highway modifications. The developer shall be responsible for the acquisition and reinstatement of all third party land including re-instatement of boundary features



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INVESTOR IN PEOPLE

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Llywodraeth Cymru
Parc Cathays
Caerdydd

Transport
Welsh Government
Cathays Park
Cardiff

- l. proposals to liaise with all relevant stakeholders and members of the public regarding construction traffic and AIL movements
- m. consideration of the cumulative impact of other abnormal load generating schemes proposing to use all or part of the same access route
- n. the appointment and role of a transport coordinator to administer the abnormal indivisible load delivery strategy
- o. means of control of timing of delivery of AIL movements
- p. temporary traffic diversions and traffic hold points
- q. details of banksmen and escorts for abnormal loads
- r. management and maintenance of layover areas, junctions, passing places, public rights of way and welfare facilities while AIL deliveries take place
- s. details of temporary signage.
- t. details of any alterations to any works that are carried out to enable AIL movements

ALLs associated with the maintenance and decommissioning of the development shall leave the site strictly in accordance with a TMP as shall be agreed with the relevant highway authority. In this respect, the TMP shall be submitted to and approved in writing by Welsh Government as Welsh trunk road highway authority or other relevant highway authority (as appropriate) prior to the commencement of any removal, replacement of decommissioning works.

Highway works

No development works shall be undertaken until full details of any highway works associated with the construction of layover areas, passing places and highway improvements as agreed with each relevant highway authority including:

- a. the detailed design of any works
- b. geometric layout
- c. construction methods
- d. drainage, and
- e. street lighting

have been submitted to and approved in writing by the local planning authority following consultation with the Welsh Government as Welsh trunk road highway authority or other relevant highway authority (as appropriate). The highway works shall be completed in accordance with the approved details prior to the commencement of any AIL deliveries to the development site.

No development works shall be undertaken until the developer demonstrates rights of access to all proposed works that are not part of the highway network to the satisfaction of the local planning authority.

Road Safety Audit

The applicant shall undertake a Road Safety Audit of the scheme (Stages 1 – 4) in accordance with the Design Manual for Roads and Bridges GG 119. The applicant shall agree the required measures with the Welsh Government as Welsh trunk road highway authority or other relevant highway authority (as appropriate) prior to the commencement of works on site.

Section 278 Agreement

The applicant shall enter into an Agreement with the Welsh Ministers under Section 278 of the Highways Act 1980 to enable the Applicant to undertake agreed improvement works on the trunk road. This Agreement will contain details of the improvement works, construction conditions and financial arrangements under which agreed measures can be put in place, including indemnifying the Welsh Ministers against third party claims. Without such an agreement in place, any consent that may be granted cannot be implemented.

For further information on this matter please refer to Welsh Government Procedure & Advice Guidance PAG 109/18: section 38, 184, and 278 Agreements under the Highways Act 1980.

If you have any further queries, please forward to the following Welsh Government Mailbox Lgc_development_control-south@Gov.Wales

Yours faithfully

Jason Ingram



Welsh Government Motorway and Trunk Road Network

‘Pulling Together’ Best Practice for Transporting Abnormal Loads in Wales

Instructions for use:

This guidance document is intended for use by hauliers and developers planning to generate abnormal load movements on Trunk Roads and Motorways in Wales.

It outlines the statutory process for planning and conducting safe and effective abnormal load movements in agreement with all relevant authorities and organisations.

This document supersedes any previous advice issued by the Welsh Government regarding this process.

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1 INTRODUCTION

1.1 Document purpose

Our highways are, in the most part, built to accommodate a certain maximum vehicle size and weight. These vehicle limits are defined and upheld by UK law and most daily movements can be completed within them. However, some particular vehicle types and indivisible freight loads fall outside these limits and so are known as 'abnormal loads'. These typically include:

- Vehicle carrying an oversize or overweight load
- Mobile cranes
- Engineering plant
- Road recovery vehicles

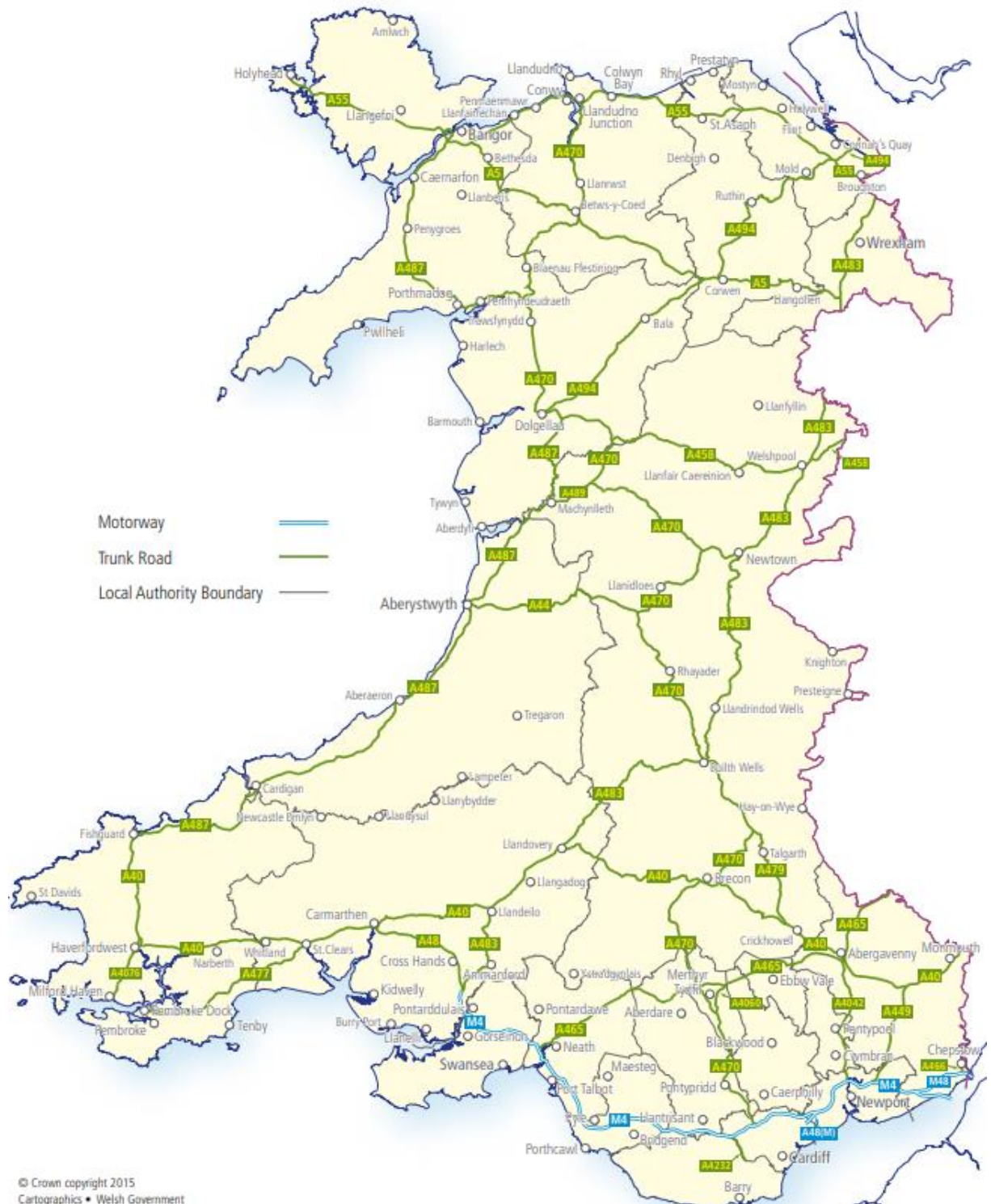


The movement of these types of loads by road is essential for supporting the UK economy, but it is also essential that the movements are carefully planned and executed to ensure they can be safely accommodated by the highway network. Movements of abnormal loads on the Welsh trunk road network (see Figure 1) can include vehicles as large as 8m wide, 55m long and 135te, while many thousand abnormal load movements take place in Wales every year. The consequences of these types of journeys being unplanned or poorly executed can therefore be significant, and include:

- Damage to the network when abnormally wide or heavy loads travel over weak structures or along narrow roads
- Delay to all road users if movement timing or route is poorly planned
- Harm to wider public if mismanaged movement results in an accident

- Delays and cost implications to industry when vehicles unable to complete journey on time

Figure 1 Trunk Road Network Wales (Traffic Wales, 2015)¹



¹ <https://traffic.wales/sites/default/files/2018-10/151021-wales-trunk-roads-map-en.pdf>

To avoid such impacts and their potential legal consequences, those responsible for transporting abnormal loads by road in the UK are required by law to plan and execute each movement in agreement with relevant authorities to ensure the incident-free passage of every load from origin to destination.

Welsh Government is the devolved government for Wales. The Welsh Ministers are the Highway Authority for trunk roads and motorways in Wales under the Highways Act 1980. They are supported by civil servant officials who work across devolved areas that include key areas of public life, including transport and the management of trunk roads and motorways.

This document therefore comprises a Welsh Government Procedure and Advice Guidance (PAG) document which aims to summarise the legal process which must be followed in the planning and execution of all abnormal load movements on trunk roads within Wales and to clarify the roles and responsibilities of the various parties involved.

By pulling together, we make roads in Wales safer and more effective.

1.2 Document structure

The document is structured as follows:

- The legal definition of an abnormal load is discussed in Section 2
- Guidance on vehicle preparation is provided in Section 3
- Guidance on journey preparation is provided in Section 4
- Planning for abnormal loads through the development control process is outlined in Section 5
- A summary of roles and responsibilities is presented in Section 6, and
- A list of useful contacts is provided in Section 7

1.3 Intended audience

This document is primarily addressed at the party responsible for conducting an abnormal load movement on Welsh trunk roads (most commonly the haulier), but is relevant to all parties involved in its safe planning and execution, as follows:

- Consigners/agents
- Hauliers
- Attendants
- Escorting services

- Police
- DVSA
- Highway Authorities and other bridge owners
- Planning authorities
- Developers / agents or consultants
- Statutory utilities

1.4 List of abbreviations

The following abbreviations are used throughout this document:

- AIL – Abnormal Indivisible Load
- ALO – Abnormal Loads Officer
- AWR – Road Vehicles (Authorised Weight) Regulations 1998
- STGO – The Road Vehicles (Authorisation of Special Types) (General) Order 2003
- C&U – The Road Vehicles (Construction and Use) Regulations 1986
- DBFO – Design, Build, Finance, Operate companies
- DMRB – Design Manual for Roads and Bridges
- HA&BO – Highway Authorities and other Bridge Owners
- NH – National Highways (*previously Highways England*)
- DVSA – Driver and Vehicle Standards Agency
- LA – Local Authority
- NMWTRA – North and Mid Wales Trunk Road Agent
- SWTRA – South Wales Trunk Road Agent
- TAA – Technical Approval Authority
- TMP – Traffic Management Plan
- TTRO – Temporary Traffic Regulation Order
- WG – Welsh Government

2 CATEGORIES OF ABNORMAL LOAD

Abnormal loads, and the obligations of those moving them, are defined in the UK by legislation. This section provides a summary of the different legal categories of abnormal load and their implications.

2.1 Normal vehicle definition

The maximum size and weight of vehicles which can use the UK road network without journey notification having to be provided to relevant authorities is defined by the following regulations:

- The Road Vehicles (Construction and Use) Regulations 1986 – “C&U”
- Road Vehicles (Authorised Weight) Regulations 1998 – “AWR”

These permit a vehicle and its load to use UK roads without notification as long as the combination falls within the following maximum size and weight limits:

- Rigid length: up to 18.65m
- Width: up to 2.9m
- Weight: up to 44,000kg
- Axle load: up to 10,000kg (or 11,500kg for single driving axle)

If a vehicle and its load lie outside any of these limits, it is referred to as an abnormal load.

There is no legal height limit for vehicles but, wherever possible, the overall height of a vehicle and load should not exceed 4.95m so that the maximum use can be made of the motorway and trunk road network. This will ensure that loads are less than 5.03m in height, which is the minimum maintained headroom requirement on UK highways.

2.2 Categories of abnormal loads

Legal categories of abnormal load vary to cover different combinations of vehicle size and weight. This is because different types of abnormal load have implications for both:

- Vehicle choice, and
- Route choice

The implications in each case are considered in the following subsections.

2.2.1 Abnormal loads and vehicle choice

The size of an abnormal load has implications for the size of the transporting vehicle, with larger loads generally requiring larger vehicles.

In addition, heavier loads put greater demands on a vehicle's chassis, suspension, tyres, brakes and engine, so heavier abnormal loads also require a higher specification of vehicle.


These distinctions between the impacts of size and weight result in the following abnormal load vehicle legal categories:

- C&U/AWR compliant vehicles are permitted within that legislation to carry oversized abnormal indivisible loads up to a limit, but not overweight loads
- Overweight loads, and those beyond C&U size limits, can be carried by three categories of higher specification vehicles designed to standards prescribed by The Road Vehicles (Authorisation of Special Types) (General) Order 2003 ("STGO") and are subject to lower speed limits depending on load weight
- Loads heavier and/or larger than those permitted by STGO require Special Order approval by the UK Secretary of State under Section 44 of the UK Road Traffic Act 1988

The application of these categories to abnormal load sizes and weights is summarised in the following table.

Table 1 Abnormal load legal category by size/weight combination

Gross weight	Axle weight	Load Dimensions				
		W ≤2.9m L ≤18.65m	W >2.9m L >18.65m	W >4.3m L >27.4m	W >5m L >27.4m	W >6.1m L >30m
≤44,000kg	≤11,500kg	C&U	C&U	STGO Category 1	STGO Category 1	Special Order
>44,000kg	≤11,500kg	STGO Category 1	STGO Category 1	STGO Category 1	STGO Category 1	Special Order
>50,000kg	>11,500	STGO Category 2	STGO Category 2	STGO Category 2	STGO Category 2	Special Order
>80,000kg	>12,500	STGO Category 3	STGO Category 3	STGO Category 3	STGO Category 3	Special Order
>150,000kg	>16,500kg	Special Order	Special Order	Special Order	Special Order	Special Order

Key:  = Abnormal load legislation

This table highlights that:

- C&U vehicles are limited to carrying abnormal loads which are oversized but not overweight
- STGO categories increase with abnormal load weight up to 150,000kg
- Special Order vehicles are for extra heavy and/or very large abnormal loads

2.2.2 Abnormal loads and route choice

As well as vehicle type implications, abnormal loads also present route choice implications, as follows:








- The wider and longer a load, the greater the potential for conflict with other road users and roadside furniture / structures
- The heavier a load, the greater the potential for damage to underlying infrastructure and for delays to other road users due to slower speeds

The transporting of abnormal loads therefore presents increased road safety, infrastructure damage and traffic management risks to the network which need careful management and mitigation in liaison with relevant authorities. This is required by legislation covering abnormal load movements and the following table summarises:

- The organisations requiring pre-trip notification of the abnormal load journey details, and
- The minimum notification period in each case, where 'd' refers to working days (excluding Sundays and Bank Holidays) and 'w' refers to weeks

Table 2 Pre-journey notification requirements by abnormal load category

Gross weight	Axle weight	Load Dimensions				
		W ≤2.9m L ≤18.65m	W >2.9m L >18.65m	W >4.3m L >27.4m	W >5m L >27.4m	W >6.1m L >30m
≤44,000kg	≤11,500kg	N/A	Police – 2d			
>44,000kg	≤11,500kg	HA&BO – 2d	Police – 2d HA&BO – 2d		Police – 2d HA&BO – 2d NH – 2w	
>50,000kg	>11,500					
>80,000kg	>12,500		Police – 2d HA&BO – 5d		Police – 2d HA&BO – 5d NH – 2w	
>150,000kg	>16,500kg					Police – 5d HA&BO – 5d NH – 10w

Key:  = Abnormal Load legislation  = VR1 form notice  = C&U
 = STGO C1  = STGO C2  = STGO C3  = Special Order

HA&BO = Highway Authority and other Bridge Owners NH = National Highways

This table highlights that:

- Where just load size increases, only the Police require notification, until the size reaches such that HA&BOs and National Highways require notifying also
- Conversely, where just load weight increases, HA&BOs require notification, until the weight reaches such that the Police and National Highways require notifying also
- For combinations of size and weight increases, both the Police and HA&BOs need notifying, together with National Highways for the largest/heaviest loads
- In all cases, the minimum notification period increases with load size and weight
- For loads over 5m wide, UK Secretary of State approval must be sought through submission of a VR1 form²

² https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/471962/VR1_form.pdf

- For loads over 6.1m wide, UK Secretary of State approval must be sought through submission of a Special Order form³

The approval of VR1 and Special Order forms has not been devolved by the UK Government to Welsh Government and so currently remains the responsibility of National Highways. However, for Special Order movements which will result in trips on the Welsh trunk road network, and for any other abnormal load movement deemed applicable, Welsh Government may require a Traffic Management Plan (TMP) to be submitted for approval before the proposed journey date. TMP requirements are defined in Section 4.1 below.

VR1 and Special Order load movements should also be planned with due cognisance of Highway England's 'Water preferred policy guidelines'⁴ which require such journeys to be completed as far as possible by either inland or coastal waters wherever it is practical, economic and environmentally desirable to do so.

2.3 Summary

UK law defines abnormal load categories based on the degree of vehicle and route preparation required in each case to ensure a smooth and safe movement, with preparation requirements increasing with load size and weight.

Further guidance on vehicle and route preparation is provided in the following two sections.

³https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/503102/BE16_form_revised_Sept_15.pdf

⁴https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/799833/WPP_guidelines_2019_DfT_consultation_revision.pdf

3 VEHICLE PREPARATION

Ensuring that an abnormal load vehicle meets legal requirements and is fit-for-purpose is essential for ensuring safe and reliable journeys. This short section is not intended to cover all legal matters relating to abnormal load vehicle preparation but summarises key requirements that contribute to safe movements through Wales.

3.1 Vehicle choice

Where the carrying of a load causes the vehicle and load to lie outside of normal C&U/AWR size and/or weight limits, the party responsible for its transportation is legally required to divide the load into smaller components wherever possible, except where this would involve undue expense or risk of damage.

Assuming the load cannot be further subdivided and so is considered an abnormal indivisible load, the selected vehicle must comply with the legislation applicable to the dimensions and weight of the combination, as set out in Table 1 above.

3.2 Signage, markings and lighting

It is both a legal requirement and best practice to clearly sign, mark and light an abnormal load vehicle to ensure the visibility of vehicle size and extremities for other road users. For a summary of requirements and best practice, refer to the following documents:

- 'Special types enforcement guide', by Gov.UK⁵
- 'Lighting and marking for abnormal loads vehicles code of practice', by National Highways⁶

3.3 Attendants

Both C&U and STGO legislation require that an attendant travel with the vehicle where:

- The overall width of the vehicle together with the width of any lateral projection or projections of any load carried on it is 3m or less but the length of any lateral projection of a load carried on it exceeds 305mm.

⁵ <https://www.gov.uk/government/publications/lighting-and-marking-for-abnormal-loads-vehicles-code-of-practice>

⁶ <https://www.gov.uk/government/publications/special-types-enforcement-guide/special-types-enforcement-guide#abnormal-loads>

- The overall width of the vehicle together with the width of any lateral projection or projections of any load carried on it exceeds 3.5m where a rigid unit and any projection of the load exceeds 18.75m in length.
- Special types combination exceeds 25.9m, the length of any forward projection of the load exceeds 2m, the length of any rearward projection of the load exceeds 3.05m.

Where attendants are required on special types vehicles and three or more vehicles are involved travelling in convoy, attendants need only be carried in the first and last vehicles of that convoy.

The attendant's duty is to warn the driver or any other person of any danger likely to be caused by the presence of the vehicle or vehicles on the road and to ensure road signs and notices are complied with.

3.4 Documentation

If UK Secretary of State approval is required and obtained for the journey via either a VR1 or Special Order form, the approval documents must be carried in the vehicle during the approved journey as the means of demonstrating authorised exemption from C&U/AWR regulations.



4 JOURNEY PREPARATION

The key to an effective and safe abnormal load journey is good preparation in liaison with relevant authorities, as required by legislation and by this document. This section provides guidance on the journey planning and notification process.

4.1 Notification requirements

4.1.1 Authorities to be notified

As summarised in Table 2 above, the relevant authorities who require notification of abnormal load movements may include:

- Police
- Highway authorities and other bridge owners
- National Highways

In Wales, highway authorities comprise:

- Local authorities for non-trunk roads, and
- Welsh Government for trunk roads (with functions delegated to NMWTRA/SWTRA and DBFO companies)

Bridge authorities/owners most commonly comprise:

- Local authorities for non-trunk road structures
- Welsh Government for trunk road structures (with functions delegated to NMWTRA/SWTRA and DBFO companies)
- Network Rail for rail bridges
- Canal and River Trust for canal bridges

4.1.2 Notice periods

Notification to relevant authorities must be provided before any abnormal load journeys take place. The minimum notification periods for each authority are summarised by abnormal load category in Table 2 above. Depending on the type of abnormal load, this shows that:

- Each Police force area traversed by the route must be given at least 2 to 5 days' notice

- Each HA&BO area traversed by the route must be given at least 2 to 5 days' notice
- If VR1 form approval is required, National Highways must be given at least 2 weeks' notice
- If Special Order approval is required, National Highways must be given at least 10 weeks' notice

Where a Temporary Traffic Regulation Order is required, it should be noted that this can also take up to 12 weeks to process (see Section 4.3.1.3 below for more information).

The reason for requiring minimum notification periods is to allow due time for notified authorities to assess the proposed journey and for applicants to satisfactorily address any issues raised before the journey takes place. More information on the notification assessment process is provided in Section 4.3 below, but it should be noted that notified journeys can only legally take place:

- If all relevant authorities are notified with sufficient notice period and either no response is received before the journey date or any response received before the journey date is addressed by the applicant to the satisfaction of the responding authority, and
- In the case of VR1 or Special Order movements, explicit written approval is received

In addition, where a TMP has been requested by Welsh Government, Welsh Police forces can request evidence of TMP approval before providing escort support services.

It is important to note that notifications which do not satisfy the legal minimum notice periods will generally not be accepted by authorities unless a movement is required as part of a genuine emergency and the notification is accompanied by a telephone call. Equally, notifications can be submitted earlier than the minimum notice period, while pre-notifications and consultations with authorities are also encouraged where there is uncertainty about whether a journey notification would be accepted.

4.1.3 Information required

4.1.3.1 Statutory notification requirements

The level of notification information required depends on the category of abnormal load being moved, with information requirements increasing with movement size and/or weight. A summary of requirements per movement category is provided in the following table.

Table 3 Information required by notification type

Information	C&U	STGO	VR1	Special Order
List of authorities notified	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Operator details	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Movement route, time and date	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Description of load	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Vehicle type and registration	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Vehicle dimensions and laden weight	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Axle weights and spacing		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
Proof of current indemnity to HW&BO		<input checked="" type="checkbox"/>		
More detailed journey information			<input checked="" type="checkbox"/>	
More detailed vehicle and load information				<input checked="" type="checkbox"/>

4.1.3.2 Traffic Management Plan requirements

Where a TMP is required to be submitted to Welsh Government (see sections 2.2.2 and 4.1.2), the following journey details should be provided:

1. Proposals for transporting AILs from their point of entry to the Welsh trunk road network to the site that minimise any impact on the safety and free flow of trunk road traffic
2. Loaded dimension and weight of AIL
3. Anticipated escort arrangements
4. Methodology for managing trunk road traffic during journey, including identification of passing places and holding areas as necessary
5. Journey contingency plans in the event of incidents or emergencies
6. Estimated journey duration and timings along the route
7. Evidence of trial run that mimics the movement of the AIL along the access route where appropriate, at the discretion of the Highway Authority
8. Swept path analysis modelling at all potential horizontal and vertical constraints along the access route where appropriate, at the discretion of the Highway Authority
9. Proposals for the temporary or permanent modification of any affected street furniture along the access route and details of how this would be managed and reinstated

4.1.4 Notification submission

All relevant notification and indemnity forms can be found on the Gov.UK website⁷ which can be emailed, faxed or posted to relevant authorities.

However, it is recommended that an online notification portal is used to submit C&U and STGO abnormal load notifications. The standard UK system is ESDAL⁸, maintained by National Highways, which allows users to:



- Plan an appropriate route according to vehicle size and weight
- Notify all relevant Police, highway authorities and other bridge owners of the planned journey
- Get advance notice of any possible route problems
- Save vehicle details and routes for future use

Subject to the preferences of individual authorities and Police forces, other online notification portals can also be used, but the applicant should satisfy themselves that any system employed satisfies all legal requirements for making abnormal load journey notifications.

The TMP, if required, should be submitted to the Welsh Government ALO, as detailed in Table 7 below.

4.1.5 Notification dispensations

Dispensations may be issued by Police to hauliers to move abnormal loads through their area without prior notification if they satisfy the following requirements:

- Abnormal loads no wider than 3.5m
- Multiple loads of a like nature on a regular basis
- Routes limited to motorways and selected A roads only

The granting of a dispensation has the potential to significantly reduce the number of notifications hauliers will have to submit. However, the dispensation should reference specific vehicles in the fleet and so are not transferable without prior notice to the Police. Drivers should also carry a copy of the dispensation and present it to an officer on request. Dispensations must be renewed annually on application and are not automatically renewed.

⁷ <https://www.gov.uk/government/publications/abnormal-load-movements-application-and-notification-forms>

⁸ <https://www.gov.uk/esdal-abnormal-load-notification>

Any dispensation granted will not take account of any roadworks commencing during the dispensation period or ongoing at the point of issue and hauliers will still be expected to check their route.

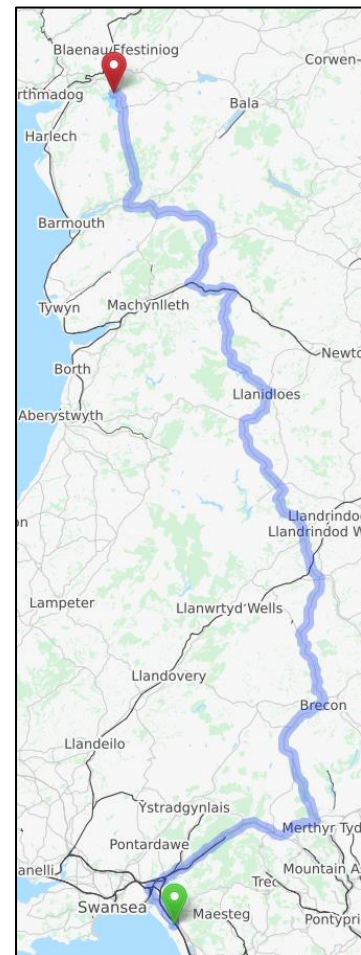
4.2 **Route planning guidance**

4.2.1 **General principles**

It is ultimately the haulier's responsibility to identify a route and execute a journey which ensures the legal, safe and least disruptive passage of an abnormal load from trip origin to trip destination. Relevant authorities will provide guidance and, where necessary, require journey amendments, but the legal responsibility and liability for the safe completion of each journey lies with the haulier.

In selecting an appropriate route for inclusion in an abnormal load journey notification, the following general principles should be followed:

- Routing preference should always be given to using the highest classification roads, with as much of the journey as possible being routed along motorways, trunk roads and A-roads. These routes are best equipped to carry large and heavy loads, and are least likely to present size and weight restrictions (the busiest abnormal load routes on the Welsh trunk road network typically include the A55, A494 dual carriageway, A483 dual carriageway and the A5 near Chirk)
- Routes should also avoid passing through population centres wherever possible to minimise conflict with both infrastructure constraints and other road users
- Routes must avoid roads presenting size and/or weight restrictions which fall within the parameters of the vehicle/load combination being transported
- One key advantage of using online journey notification systems like ESDAL is that it allows users to plot a route based on vehicle size and weight based on mapping which contains information on network size and weight restrictions.



Potential applicants should also be aware of Ordnance Survey 'Mastermap Highways Network' products which allow point-to-point route planning and contains a comprehensive and continuously updated national database of:

- Road classification and name
- Height, weight, width and length restrictions
- Turn restrictions
- Access restrictions
- Locations of bollards and traffic calming
- Narrow roads and pinch points
- Maintenance responsibility

In addition, it is recommended that applicants consider potential planned roadworks at the route planning stage using the online resources detailed in Section 4.4.1 below.

In combination with online notification portals, hauliers therefore now have access to route planning tools which maximise the chances of both successful abnormal load notifications and successful abnormal load journeys.

4.2.2 Other considerations

4.2.2.1 Travel timing

In planning an abnormal load route, the following timing related factors should also be considered:

- Journey times which exceed statutory driver working time limits will require a stopping place to be identified along the route which can accommodate abnormal load vehicles
- Journey distances which require vehicle refuelling will require a fuel station to be identified along the route which can accommodate abnormal load vehicles
- During hours of darkness, most Police forces only allow abnormal load movements to take place on motorways and on some lit dual carriageways. Journeys on all other road types which cannot be completed during daylight hours will therefore need to be routed via an abnormal load layby where layover can take place
- Some authorities will not allow abnormal load movements through their area or parts of their area during peak traffic hours. This can affect both route choice and journey timing

For planning stops and/or refuelling, National Highways publish on the Gov.uk website a list⁹ and map¹⁰ of laybys and motorway service stations which can accommodate abnormal loads.

In calculating journey times, typical congestion on the planned day of travel should be taken into account, as well as the speed limit applicable to the abnormal load vehicle type. STGO loads are speed limited by category and road type. The most common categories are limited as follows:

Table 4 STGO speed limits by category and road type

STGO category	Speed limit		
	Motorway	Dual carriageway	Other roads
Category 1 (width ≤ 4.3m)	60mph	50mph	40mph
Category 1 (width > 4.3m) & Categories 2 & 3	40mph	35mph	30mph
Special Order ¹¹	20mph	20mph	20mph

Source: Special Types Enforcement Guide

4.2.2.2 Escort considerations

Consideration should also be given during route planning as to whether either a private or Police escort is required to accompany the abnormal load movement.

There is no legal requirement for a vehicle moving under STGO or a Special Order to be accompanied by an escort vehicle, but National Highways advises that the following dimensions may be applied to decide if the movement of an abnormal load requires an escort:

Table 5 National Highways guidelines on escort requirements

Abnormal load measurement	Motorway	Other
Width	>4.6m	>4.1m
Length	-	>30.5m
Weight	130t	100t

Source: Lighting and marking COP for abnormal load self escorting vehicles, National Highways

The above measures are for guidance and may differ between individual Police forces who may wish to vary these requirements. The final decision rests with the Police (see Section 4.3.1.2 below).

See the full National Highways Code of Practice¹² for further details on escorting abnormal load movements.

⁹https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/494606/Location_of_Abnormal_Load_Laybys_-_1143.pdf

¹⁰https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/494607/Lay-by_and_MSA_Map_-_1143.pdf

¹¹For girder frame trailers over 150 tonnes and draw-bar trailers over 250 tonnes, the limit is 12mph

¹²https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/503105/Lighting_and_marking_COP_for_abnormal_load_self_escorting_vehicles_HE_rebranding_v1.pdf

4.3 Notification processing

4.3.1 Police notification assessment process

4.3.1.1 Public Safety Risk Assessment

In processing an abnormal load journey notification, the primary concern of the Police is to assess the potential impact of the journey on public safety. The relevant duty officer within the Police will therefore check the notification and carry out a risk assessment based on the agreed 'risk category' levels set out below:

- Low risk notifications – no necessity for further action. General advice provided to the haulier and information on control measures if necessary.
- Medium risk notifications – the Police will check the movement complies with relevant legislation and inform the haulier if the notification is rejected. A decision on the necessity of a Police escort or further traffic management measures will be considered for all notifications considered medium risk.
- High risk notifications – the Police will check the movement complies with relevant legislation and inform the haulier if the notification is rejected. A decision on the necessity of a Police escort or further traffic management measures will be considered for all notifications considered high risk.

Based on this risk assessment, the Police forces may reject or amend any time, date or route that they consider may have an impact on public safety. If a route is deemed unsuitable, the haulier will be notified and will then be responsible for identifying an alternative route or additional traffic management measures sought from local authorities, National Highways or the Police.

4.3.1.2 Escort requirements

If the risk assessment determines that the safety of road users may be compromised to an unacceptable extent, an escort may be specified regardless of the vehicle dimensions specified in Table 5 above. The haulier will therefore be responsible for provision of an escort vehicle which conforms to the type specified by National Highways.

As per ACPO guidance, Police escorts will only be provided if specifically requested by a haulier or if the risk assessment identifies the need for temporary road closures to ensure safe passage of the load through restricted sections of the route. A minimum of 8 days notice will be required for a Police escort. If necessary, charges for Police escorts will be incurred by the haulier at 'Special Policing



Services' rates. For journeys where a TMP has been requested by Welsh Government, Welsh Police forces can request evidence of TMP approval before providing escort support services.

4.3.1.3 Temporary Traffic Regulation Order

If the risk assessment identifies the need for a temporary road closure on any section of the route, the haulier will be required to apply for a Temporary Traffic Regulation Order (TTRO) under the Road Traffic Regulation Act 1984 to allow officers and other Accredited Persons¹³ to stop and direct moving traffic or to suspend on-street parking. Applications for TTROs on the non-trunk road network should be made through the relevant local authority, and through NMWTRA/SWTRA for trunk road applications.

Hauliers should be advised that TTROs can take up to 12 weeks to process.

4.3.2 HA&BO notification assessment process

In processing an abnormal load journey notifications, the primary concern of highway authorities and other bridge owners is to assess the potential impact of the journey on highway structures.

4.3.2.1 Check for height and width restrictions

On receipt of a notification or notification enquiry, the Abnormal Loads Officer (ALO) for each of the affected HA&BOs will use details of the vehicle configuration to undertake audit checks of known height and width restrictions at structures along the route, and any other known structural constraints (temporary or permanent). Alternative routes or configurations may be suggested to avoid any identified structural constraints.

The ALO may request the haulier or enquiring party provides horizontal and/or vertical swept path analysis as necessary, based on topographical survey data. If the submitted swept path analysis is considered inadequate, the ALO may request the haulier or enquiring party undertakes a trial run to mimic the movement of the abnormal load vehicle through the constraint. The trial run vehicle should demonstrate the extent of the load envelope in terms of width and height in a clearly visible manner using a collapsible template. It should be noted that this may require a Police escort.

If the ALO is not satisfied that the constraint can be negotiated by the load, the HA&BO shall inform the haulier or enquiring party, as well as other relevant authorities as appropriate, that the load cannot be moved. WG can also implement Permanent or Temporary Traffic Regulation Orders under the Road Traffic Regulation Act 1984 to limit the maximum gross vehicle weight on a structure if required.

¹³ The Police Reform Act allows DVSA and other agencies to use Policing Powers to be able to replace officers at planned events, under the provisions of the Community Safety Accreditation Scheme (CSAS), as long as they are "employed" by the Accredited Agency to do so.

4.3.2.2 Check for structural capacity

On receipt of a notification or notification enquiry, the ALO will undertake checks referring to existing structural certification along the notified route, in consultation with the HA&BO's structures team if necessary, based on the loading and vehicle configuration.

If checks identify structures which may not be able to carry the load, the haulier may suggest an alternative route which will then need to be submitted to the relevant HA&BO for approval.

Further checks will be undertaken if an alternative route cannot be found. This will be undertaken by the ALO or a structural engineer. If these checks identify structures which would not be able to carry the load, the haulier may propose alternative vehicle configurations until a suitable configuration is found.

If neither a suitable route nor suitable vehicle configuration can be found and the HA&BO rejects the proposal to move on this basis, then the haulier may commission the assessment of route structures by a suitably qualified and experienced consultant at their own expense. All load assessments require Technical Approval according to BD2, 'Technical Approval Of Highway Structures'¹⁴. WG are the Technical Approval Authority (TAA) for Trunk Roads in Wales.



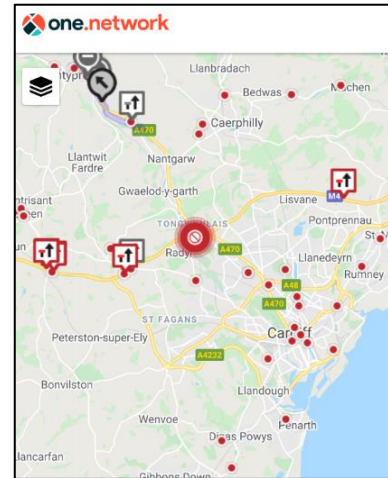
¹⁴ <https://www.croftse.co.uk/wp-content/uploads/2018/04/BD2-12-Highways-Structures-Approval.pdf>

4.4 Post-notification considerations

4.4.1 Roadworks and disruptions

The haulier should check for roadworks and disruptions along the route on the day of travel before commencing an agreed journey. Roadworks can particularly affect the passage of wide loads, and national details of live roadworks can be checked at <https://one.network/> or at <https://traffic.wales/> (also see Section 7 for Traffic Wales' contact details).

The haulier should consult in advance with the relevant ALO and the party responsible for the works if there is any doubt about whether the works affect the agreed route for the journey.



In the event where roadworks make the agreed route impassable, an agreement should be reached with the party responsible for the works to make passage possible at an agreed time, if feasible.

If not feasible, or if an unforeseen disruption makes a section of the agreed route impassable, the haulier is expected to assess where it is most appropriate and safe to park up and to contact the Police. If there are no safe areas then traffic management may be required to safely control traffic around the abnormal load vehicle. In addition to Police contact details, all hauliers are also recommended to carry contact details of the relevant local highway authorities and national traffic management firms to aid swift action in case of such an event.

4.4.2 Enforcement considerations

Once in transit, abnormal load vehicles can be subject to enforcement checks by either Police or DVSA officers. The vehicle may be escorted to a safe stopping place if any of the following conditions are met:

- Police have not received notification of movement
- Notification of movement is invalid due to inaccuracies
- Movement is not taking place in accordance with approved notification or authorised amendments
- Abnormal Indivisible Load vehicle or load is incorrectly marked or lit
- Abnormal Indivisible Load vehicle does not have the required attendant

- Abnormal Indivisible Load vehicle does not have the escort vehicle required by Police
- Driver is currently committing a 'driving hours' offence under tachograph regulations or will have committed an offence before reaching next stopping point
- Driver is currently committing an 'insufficient rest' offence under tachograph regulations
- Any C&U offences not exempted by STGO 2003 are evident

Where non-compliance is evident, the driver and operator are liable to prosecution under C&U regulations. Penalties for non-compliance can range from a fine¹⁵ to the temporary restriction or suspension of the haulier's operating licence by the Traffic Commissioner for Wales¹⁶. Officers might also prevent onward travel of the vehicle until any areas of non-compliance are adequately addressed.

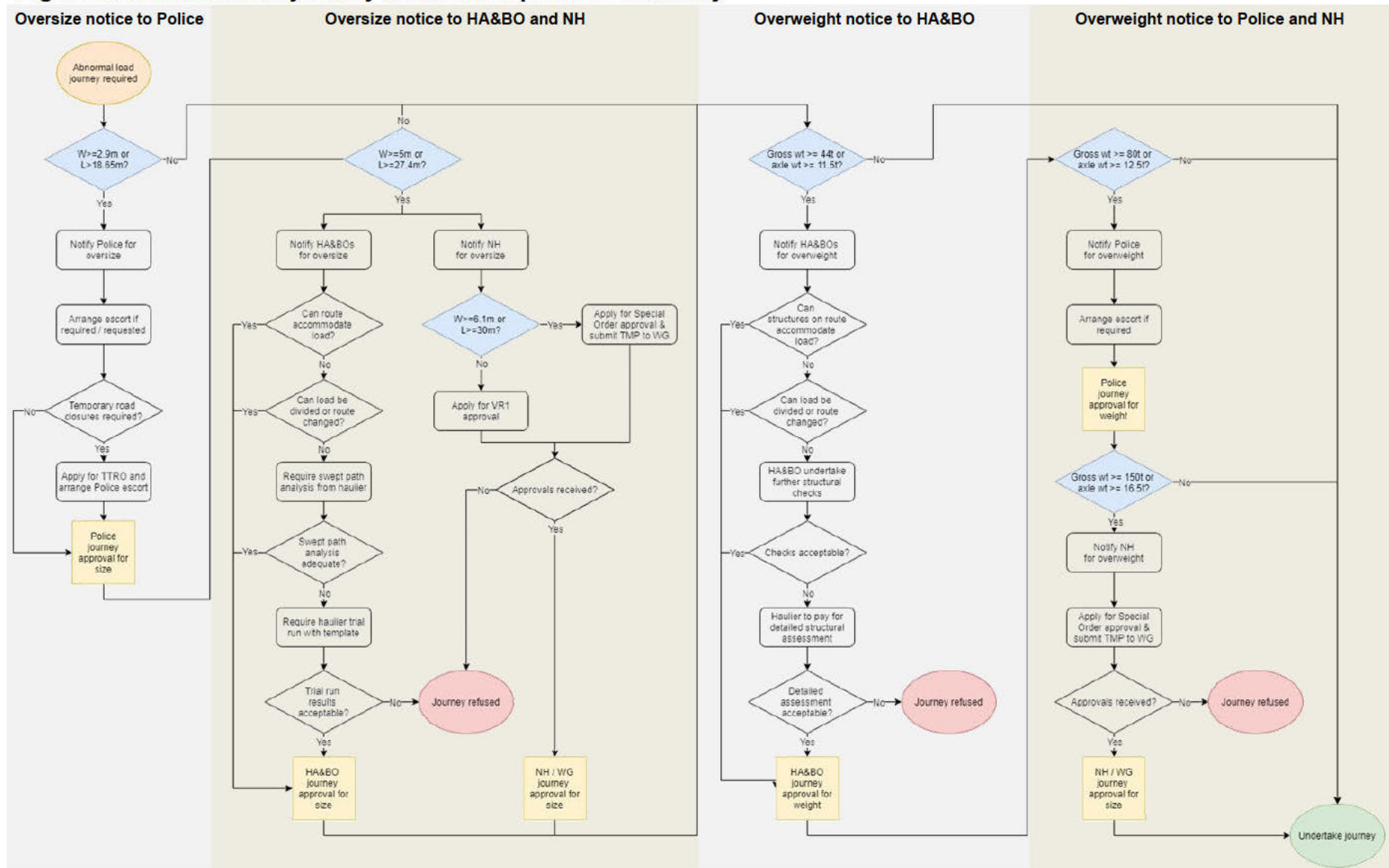
4.5 Process summary

A summary of the main steps in the legally required notification process is shown in the following figure.

¹⁵ <https://www.gov.uk/government/publications/guide-to-graduated-fixed-penalties-financial-deposits/dvsa-roadside-checks-fines-and-financial-deposits>

¹⁶ <https://www.gov.uk/traffic-commissioner/decision-and-penalties>

Figure 2 Abnormal load journey notification process summary



5 ABNORMAL LOADS AND DEVELOPMENT CONTROL

5.1 Planning applications

Planning applications for developments which are likely to generate abnormal load movements, either during construction or operation, may be required to be submitted with a Transport Assessment in accordance with Welsh Government Planning Policy Technical Advice Note 18: Transport¹⁷ Regarding abnormal load movements, the Transport Assessment should identify:

- Estimated movement volumes of abnormal loads to and from the site
- The most appropriate abnormal load routes to and from the site
- Mitigation proposals where necessary for route to safely accommodate load

Failure to demonstrate that the site can be safely accessed by the loads it will generate can be grounds for refusal of planning permission.



5.2 Planning conditions

Where planning permission is granted for a development which will generate abnormal load movements on the Welsh trunk road network, the following planning conditions will be attached.

¹⁷ <https://gov.wales/sites/default/files/publications/2018-09/tan18-transport.pdf>

5.2.1 Structural assessment

No on-site development works shall be undertaken until:

- a. an assessment of the capacity and impact on all structures along those parts of the highway network which shall be utilised during the construction of the development including bridges, culverts, retaining walls, embankments, and
- b. details of any improvement works required to such structures as a result of construction of the development

have been submitted to and approved by the local planning authority following consultation with the Welsh Government as Welsh trunk road highway authority or other relevant highway authority (as appropriate). The required improvement works identified in the assessment shall be completed prior to the commencement of any Abnormal Indivisible Load (AIL) deliveries to the development site.

5.2.2 Condition surveys

Condition surveys of all highway features along those parts of the highway network which shall be utilised during the construction of the development shall be undertaken prior to, during and on completion of the construction phase of the development. The survey reports shall be submitted to and approved by the local planning authority following consultation with the Welsh Government as Welsh trunk road highway authority or other relevant highway authority (as appropriate) within 28 days of the surveys.

5.2.3 Liability for incidental damage

Prior to the commencement of development works, a scheme to provide for the remediation of any incidental damage directly attributable to the development to the parts of the highway network which will be utilised during the construction of the development including street furniture, structures, highway verge and carriageway surfaces shall be submitted to and approved by the local planning authority following consultation with the Welsh Government as Welsh trunk road highway authority or other relevant highway authority (as appropriate). The scheme shall be implemented as approved throughout the construction phase of the development.

5.2.4 Traffic Management Plan

AILs associated with the development shall be delivered strictly in accordance with a Traffic Management Plan (TMP) as shall be agreed with the relevant highway authority. In this respect, the TMP shall be submitted to and approved in writing by Welsh Government as Welsh trunk road highway authority or other relevant highway authority (as appropriate) prior to the commencement of any works. The TMP shall include:

- a. proposals for transporting AILs from their point of entry to the Welsh trunk road network to the site that minimise any impact on the safety and free flow of trunk road traffic
- b. evidence of trial runs that mimic the movement of the worst case AILs along the access route where appropriate, at the discretion of the Highway Authority
- c. number and size of AILs, including loaded dimensions and weights
- d. number and composition of AIL convoys, including anticipated escort arrangements
- e. methodology for managing trunk road traffic during AIL deliveries, including identification of passing places and holding areas as necessary
- f. convoy contingency plans in the event of incidents or emergencies
- g. estimated convoy journey durations and timings along the route, including release of forecast traffic queues
- h. swept path analysis modelling the movement of the worst case AILs at all potential horizontal and vertical constraints along the access route where appropriate, at the discretion of the Highway Authority
- i. proposals for the temporary or permanent modification of any affected street furniture along the access route and details of how this would be managed
- j. plans for the reinstatement of any temporary works after completion of the construction phase
- k. land ownership must be clarified on all drawings showing proposed highway modifications. The developer shall be responsible for the acquisition and reinstatement of all third party land including re-instatement of boundary features
- l. proposals to liaise with all relevant stakeholders and members of the public regarding construction traffic and AIL movements
- m. consideration of the cumulative impact of other abnormal load generating schemes proposing to use all or part of the same access route

AILs associated with the maintenance and decommissioning of the development shall leave the site strictly in accordance with a TMP as shall be agreed with the relevant highway authority. In this respect, the TMP shall be submitted to and approved in writing by Welsh Government as Welsh trunk road highway authority or other relevant highway authority (as appropriate) prior to the commencement of any removal, replacement of decommissioning works.

5.2.5 Highway works

No development works shall be undertaken until full details of any highway works associated with the construction of layover areas, passing places and highway improvements as agreed with each relevant highway authority including:

- a. the detailed design of any works
- b. geometric layout
- c. construction methods
- d. drainage, and
- e. street lighting

have been submitted to and approved in writing by the local planning authority following consultation with the Welsh Government as Welsh trunk road highway authority or other relevant highway authority (as appropriate). The highway works shall be completed in accordance with the approved details prior to the commencement of any AIL deliveries to the development site.

No development works shall be undertaken until the developer demonstrates rights of access to all proposed works that are not part of the highway network to the satisfaction of the local planning authority.

5.2.6 Road Safety Audit

The applicant shall undertake a Road Safety Audit of the scheme (Stages 1 – 4) in accordance with the Design Manual for Roads and Bridges GG 119¹⁸. The applicant shall agree the required measures with the Welsh Government as Welsh trunk road highway authority or other relevant highway authority (as appropriate) prior to the commencement of works on site.

5.2.7 Section 278 Agreement

The applicant shall enter into an Agreement with the Welsh Ministers under Section 278 of the Highways Act 1980 to enable the Applicant to undertake agreed improvement works on the trunk road. This Agreement will contain details of the improvement works, construction conditions and financial arrangements under which agreed measures can be put in place, including indemnifying the Welsh Ministers against third party claims. Without such an

¹⁸ <http://bailey.persona-pi.com/Public-Inquiries/M4-Newport/C%20-%20Core%20Documents/6.%20Transport%20and%20Engineering/DMRB/vol5/section2/hd1915.pdf>

agreement in place, any consent that may be granted cannot be implemented.

For further information on this matter please refer to Welsh Government Procedure & Advice Guidance PAG 109/18: Section 38, 184, and 278 Agreements under the Highways Act 1980¹⁹.

5.2.8 Access onto the trunk road

Full details of the highway works associated with the proposed new access onto the trunk road shall be submitted by the applicant to WG, as the Welsh trunk road highway authority, prior to the commencement of any works on the development site. Details of proposed highway works should be as indicated on the submitted plans including the detailed design, geometric layout, construction and drainage.

The visibility splays shown on the submitted plans of the proposed new access onto the trunk shall at all times be kept free of any planting, tree or shrub growth, or any other obstruction in excess of 1.05m above the adjoining carriageway.

All highways works shall achieve full compliance with DMRB.



¹⁹ <https://gov.wales/sites/default/files/publications/2018-04/109-18-section-38-184-and-278-agreements-under-the-highways-act-1980.pdf>

6 SUMMARY OF ROLES AND RESPONSIBILITIES

The roles and responsibilities for each party set out in this document are summarised in the following table.

Table 6 Summary of roles and responsibilities of parties involved in abnormal load movements

Party	Role	Responsibilities
Consigners/agents	Generating/commissioning abnormal load movement	<ul style="list-style-type: none"> Commissioning of fully compliant haulier for planning and executing abnormal load movements. Preference should be given to hauliers with FORS accreditation (see https://www.fors-online.org.uk/cms/)
Haulier	Preparing and executing abnormal load movement	<ul style="list-style-type: none"> Planning subdivision of loads wherever possible to avoid need for abnormal load movements (see Section 3.1) Ensuring selected vehicle complies with the legislation applicable to the dimensions and weight of the combination (see Table 1) Ensure vehicle and load is clearly signed, marked and lit according to regulations (see Section 3.2) Ensure attendants accompany vehicle if required (see Section 3.3) Carry VR1 or Special Order documents in vehicle where applicable (see Section 3.4) Notify relevant authorities of abnormal load journey with sufficient notice period, including a Traffic Management Plan if required (see Section 4.1.2) Address and, if necessary, pay for any requirements emerging from notification assessment process (see Section 4.3) Undertake/procure structural assessment if required (see Section 4.3.2.2) Accommodate for roadworks and disruptions on day of travel (see Section 4.4.1) Execute journey according to approved notification (see Section 4.4.2) and, where applicable, to approved Traffic Management Plan (see Section 2.2.2)
Abnormal load attendant	Accompanying abnormal load on journey where required	<ul style="list-style-type: none"> Accompany abnormal load vehicle for full journey where legislation requires Warn the driver or any other person of any danger likely to be caused by the presence of the vehicle or vehicles on the road (see Section 3.3)
Abnormal load escort	Escorting abnormal load on journey where required	<ul style="list-style-type: none"> Comply with National Highways guidance in vehicle preparation and abnormal load escort protocol (see Section 4.2.2.2) Comply with any specific instructions provided by Police (see Section 4.3.1.2)
Police	Assessing public safety impacts of abnormal load notifications, escorting where required and enforcing regulations in transit	<ul style="list-style-type: none"> Undertake public safety risk assessment for all abnormal load notifications (see Section 4.3.1.1) Advise haulier with sufficient notice if any amendments required to notified journey or if notification refused (see Section 4.3.1.1) Advise haulier with sufficient notice if private or Police escort required and if TTRO required (see Section 4.3.1.2 and 4.3.1.3) Resource the Police escort, as required (see Section 4.3.1.2) Enforce abnormal load regulations in transit for public safety (see Section 4.4.2)
DVSA	Vehicle standards, licencing and enforcement	<ul style="list-style-type: none"> Enforce abnormal load regulations in transit for public safety (see Section 4.4.2)
HB&BOs	Assessing infrastructure impacts of abnormal load notifications	<ul style="list-style-type: none"> Assess relevant journey notifications in terms of capacity of route infrastructure to accommodate proposed abnormal load dimensions and weight (see Section 4.3.2) Advise haulier if journey notification is rejected or approved (see Section 4.3.2Error! Reference source not found.).
Planning authorities	Determining planning applications for abnormal load generating developments	<ul style="list-style-type: none"> Ensure planning applications consider abnormal load trip generation and demonstrate suitable routeing and, where necessary, mitigation (see Section 5.1) Apply planning conditions where necessary to ensure abnormal load routes are fully planned and approved and that all journeys are undertaken according to an approved Traffic Management Plan (see Section 5.2)
Developers	Seeking planning consent for abnormal load generating developments	<ul style="list-style-type: none"> Submit Transport Assessment with planning application to identify abnormal load trip generation, suitable routeing and, where necessary, mitigation (see Section 5.1) Discharge planning conditions, where applicable, by ensuring abnormal load routes are fully planned and approved and by committing to all journeys being undertaken according to an approved Traffic Management Plan (see Section 5.2)

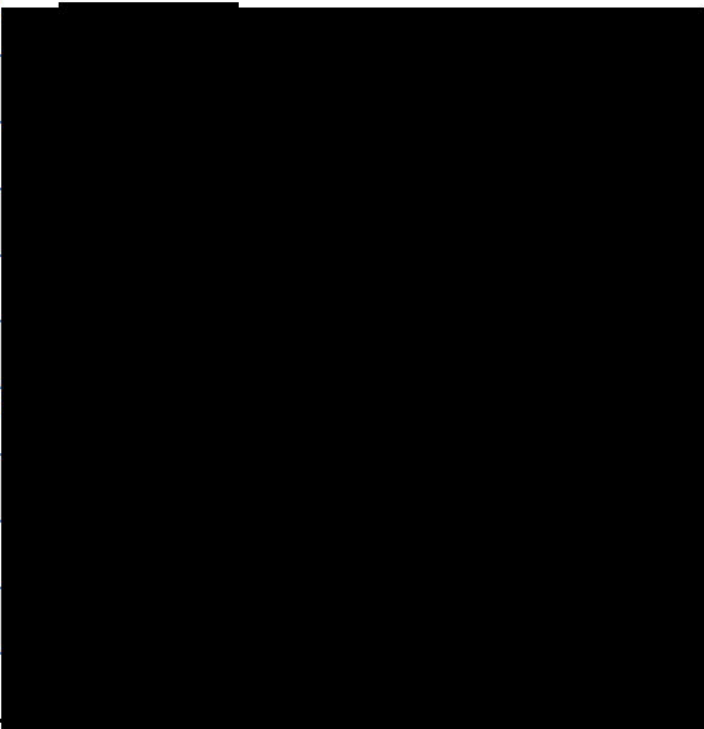
7 USEFUL CONTACTS

The process outlined in the above sections requires input from and contact with a number of organisations in order to ensure all relevant authorities are notified, and that abnormal load movements occur safely and without causing disruption to the network.

The following table provides a list of key contacts and contact details for queries associated with the movement of abnormal loads in Wales.

Table 7 Useful contacts for abnormal load related queries

Organisation	Contact details
Welsh Government ALO	[REDACTED]
Dyfed-Powys Police	[REDACTED]
Gwent Police	[REDACTED]
North Wales Police	[REDACTED]
South Wales Police	[REDACTED]
NMWTRA	[REDACTED]
SWTRA	[REDACTED]
Traffic Wales	[REDACTED]
National Highways Abnormal Loads Team	[REDACTED]
Network Rail Abnormal Loads Team	[REDACTED]
Blaenau Gwent County Borough Council	[REDACTED]
Bridgend County Borough Council	[REDACTED]
Caerphilly County Borough Council	[REDACTED]
Cardiff City & County Council	[REDACTED]
Carmarthenshire County Council	[REDACTED]
Ceredigion County Council	[REDACTED]
Conwy County Borough Council	[REDACTED]
Denbighshire County Council	[REDACTED]
Flintshire County Council	[REDACTED]
Gwynedd County Council	[REDACTED]
Isle of Anglesey County Council	[REDACTED]

Organisation	Contact details
Merthyr Tydfil County and Borough Council	
Monmouthshire Council	
Neath Port Talbot County Borough Council	
Newport City Council	
Pembrokeshire County Council	
Powys County Council	
Rhondda Cynon Taf County Borough Council	
Swansea Council	
Torfaen County and Borough Council	
Vale of Glamorgan Council	
Wrexham County Borough Council	

DfT regulations - Form of Notice to Police (Construction and Use Regulations (C & U) 1986 & the Road Vehicles (Authorisation of Special Types) (General) Order (STGO), 2003 Schedule 5 or Schedule 9 Part 1) and to Highway and Bridge Authorities (STGO)

(Subject to the prior agreement of each of the authorities to which this notice is sent, it may be used to give notice of additional journeys, different vehicles, routes and destinations.)

1. General Details:

List of all Police Forces, Highways and Bridge Authorities to which this form is being sent.

Select and copy the list of Police Forces, Highways and Bridge Authorities by [clicking here](#). Then, paste the list generated into the box below*.

'paste' Police Forces, Highways and Bridge Authorities to which this form is sent here

Once this form is complete send to notifications@esdal2.com

Fields marked with an "*" are mandatory

Company/Organisation Name*: Your company/organisation name		Company/Organisation Address*: Your company/organisation address	
Contact Name*: Person to be contacted in case of queries			
Other contact details.: Other contact details (optional)			
Email Address*: Email address of named contact			
Operator Licence No.*: Operator Licence No.		Telephone No.*:	
Operator Reference No.: Operator reference no. (optional)			
On Behalf Of (Name of haulier for whom the notification is being submitted) If being completed by an agent on behalf of a haulier (optional)			
Load Description*: Description of the load			
No. Of Loads*:			
Notes: Add notes for the Police, Highways and Bridge Authorities (optional)			

2. Route Details:

Movement Start Date and Time*: <input type="text"/>	Movement End Date and Time*: <input type="text"/>
Movement From Address*: name/number, street name, town/city, country <input type="text"/>	Movement To Address*: name/number, street name, town/city, country <input type="text"/>
From Address Postcode: <input type="text"/> E.g. CF12 3AB	To Address Postcode: <input type="text"/> E.g. CF12 3AB
Route Description: Describe the proposed route <input type="text"/>	
Tick to confirm you have an indemnity: <input type="checkbox"/>	Include Return Leg: <input type="checkbox"/>
Return Leg Description (If different to the outward route) (optional): Describe the proposed return leg route <input type="text"/>	

Note: To provide additional detailed route information complete section '4. Additional Information'.

3. Vehicle Details: Movement Classification*: Select movement classification

Vehicle Type*: Select vehicle type

Configuration*: Select configuration

All dimensions are to be entered in metres/kilograms (where applicable).

VR1 No. (Applicable for VR1)	Applicable for VR1 notifications only	Special Order No. (Applicable for Special Order)	Applicable for Special Order notifications only
Registration no. of motor vehicle or substitute(s)* <i>(Multiple registration numbers to be separated with comma (,))</i>	Registration number/s of vehicle/s or substitute/s <input type="text"/>	Max. Height*	<input type="text"/> m
Overall/total length of vehicle*	<input type="text"/> m	Reducible Height	<input type="text"/> m
Rigid Length*	<input type="text"/> m	Gross Weight*	<input type="text"/> kg
Projection Front*	<input type="text"/> m	No. Of Axles	<input type="text"/>
Projection Rear*	<input type="text"/> m	No. Of Wheels	<input type="text"/>
Overall Width*	<input type="text"/> m	Max Axle Weight	<input type="text"/> kg
Projection Left*	<input type="text"/> m	No. Of Vehicle Components* <i>(Including Tractor and Trailers)</i>	<input type="text"/>
Projection Right*	<input type="text"/> m		

3.1 Vehicle Axle Details (not required for C&U vehicles)

Tractor/ Trailer	Select....	Select....	Select....	Select....	Select....	Select....	Select....	Select....
No. Of Wheels								
Max. Axle Weight (in Kilograms)								
Dist. To Next Axle (Axle spacing in Metres)								

Note: To provide additional 'Vehicle Axle Details' complete the section below.

3.2 Additional Vehicle Axle Details (not required for C&U vehicles)

Tractor/ Trailer	Select....	Select....	Select....	Select....	Select....	Select....	Select....	Select....
No. Of Wheels								
Max. Axle Weight (in Kilograms)								
Dist. To Next Axle (Axle spacing in Metres)								

Tractor/ Trailer	Select....	Select....	Select....	Select....	Select....	Select....	Select....	Select....
No. Of Wheels								
Max. Axle Weight (in Kilograms)								
Dist. To Next Axle (Axle spacing in Metres)								

Tractor/ Trailer	Select....	Select....	Select....	Select....	Select....	Select....	Select....	Select....
No. Of Wheels								
Max. Axle Weight (in Kilograms)								
Dist. To Next Axle (Axle spacing in Metres)								

Points through which the route travels.

E.g.: BANBURY ROAD, CV35 0AA

Or

Co-ordinates: This should be British National Grid(BNG) Easting and Northing co-ordinate to refer a point on the map. The BNG co-ordinate value can be retrieved from <https://gridreferencefinder.com> E.g.: 455090,228177

[illegible]

From: NATS Safeguarding <NATSSafeguarding@nats.co.uk>
Sent: Tuesday, January 9, 2024 11:48 AM
To: PEDW – Seilwaith / Infrastructure <PEDW.Infrastructure@gov.wales>
Subject: RE: DNS CAS-03018-G7G6H7 - Mynydd Ty-Talwyn Energy Park | EIA Scoping Consultation [SG36584]

Our Ref: SG36584

Dear Sir/Madam

The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company (NERL) has no safeguarding objection to the proposal.

However, please be aware that this response applies specifically to the above consultation and only reflects the position of NATS (that is responsible for the management of en route air traffic) based on the information supplied at the time of this application. This letter does not provide any indication of the position of any other party, whether they be an airport, airspace user or otherwise. It remains your responsibility to ensure that all the appropriate consultees are properly consulted.

If any changes are proposed to the information supplied to NATS in regard to this application which become the basis of a revised, amended or further application for approval, then as a statutory consultee NERL requires that it be further consulted on any such changes prior to any planning permission or any consent being granted.

Yours faithfully

NATS

NATS Safeguarding

E: natssafeguarding@nats.co.uk

4000 Parkway, Whiteley,
Fareham, Hants PO15 7FL
www.nats.co.uk



NATS Internal



Defence Infrastructure Organisation

Kaye Noble
Assistant Safeguarding Manager
Ministry of Defence
Safeguarding Department
St George's House
DIO Headquarters
DMS Whittington
Lichfield
Staffordshire
WS14 9PY

Your Reference: CAS-03018-G7G6H7

Telephone [MOD]: [REDACTED]

Our Reference: DIO 10061476

E-mail: dio-safeguarding-wind@mod.gov.uk

Chris Pang
Welsh Government
Cathays Park
Cardiff
CF10 3NQ

By email only

27 February 2024

Dear Chris,

Application reference: CAS-03018-G7G6H7
Site Name: Mynydd Ty Talwyn
Proposal: Scoping application for 10 turbines with a blade tip height of 230m
Site address: Approximately 4km to the southeast of Bridgend

Thank you for consulting the Ministry of Defence (MOD) on the above proposed development. The consultation correspondence was received by this office on 23 January 2024.

The Defence Infrastructure Organisation (DIO) Safeguarding Team represents the MOD as a consultee in UK planning and energy consenting systems to ensure that development does not compromise or degrade the operation of defence sites such as aerodromes, explosives storage sites, air weapon ranges, and technical sites or training resources such as the Military Low Flying System.

I am writing to advise you that the MOD has concerns with the proposal.

The proposal concerns a development of 10 turbines with maximum blade tip heights of 230 metres above ground level. The proposed development has been assessed using the location data (Grid References) below provided in "Mynydd Ty Talwyn Energy Park: Information to support a Scoping Opinion request" dated November 2023.

Turbine no.	Easting	Northing
1	287803	185501
2	287452	185877
3	286816	185877
4	286425	186338
5	285776	185960
6	285755	186455
7	285718	186950

8	284325	186384
9	285251	186840
10	284545	186820

The principal safeguarding concerns of the MOD with respect to this development of wind turbines relates to their potential to create a physical obstruction to air traffic movements.

Physical Obstruction

In this case the development falls within Low Flying Area 7 (LFA 7), an area within which fixed wing aircraft may operate as low as 250 feet or 76.2 metres above ground level to conduct low level flight training. The addition of turbines in this location has the potential to introduce a physical obstruction to low flying aircraft operating in the area.

To address the impact up on low flying given the location and scale of the development, the MOD would require that conditions are added to any consent issued requiring that the development is fitted with aviation safety lighting and that sufficient data is submitted to ensure that structures can be accurately charted to allow deconfliction.

As a minimum the MOD would require that the development be fitted with MOD accredited aviation safety lighting in accordance with the Air Navigation Order 2016. It is likely that the CAA specified lighting will exceed that required by the MOD but to ensure the safeguarding of any low flying/rotary military aircraft, the MOD would request the wind farm is lit with no less than 25cd visible or infra-red (IR) lighting on perimeter turbines.

Summary

The MOD has concerns with this proposal for the following reason:

- The potential to create a physical obstruction to air traffic movements.

The MOD must emphasise that the advice provided within this letter is in response to the data and information detailed in the developer's document titled "Mynydd Ty Talwyn Energy Park: Information to support a Scoping Opinion request" dated November 2023. Any variation of the parameters (which include the location, dimensions, form, and finishing materials) detailed may significantly alter how the development relates to MOD safeguarding requirements and cause adverse impacts to safeguarded defence assets or capabilities. In the event that any amendment, whether considered material or not by the determining authority, is submitted for approval, the MOD should be consulted and provided with adequate time to carry out assessments and provide a formal response.

I hope this adequately explains our position on the matter. If you require further information or would like to discuss this matter further, please do not hesitate to contact me.

Further information about the effects of wind turbines on MOD interests can be obtained from the following websites:

MOD: <https://www.gov.uk/government/publications/wind-farms-ministry-of-defence-safeguarding>

Yours sincerely



Kaye Noble
Assistant Safeguarding Manager
DIO Safeguarding

Pedw Planning
Crown Buildings,
Cathays Park,
Cardiff
Cardiff
CF10 3NQ

Date: 18/12/2023
Our Ref: PPA0008465

Dear Sir/Madam,

Grid Ref: 287961 189859

Site Address: Mynydd Ty-Talwyn Energy Park, Bridgend

Development: DNS CAS-03018-G7G6H7 - Scoping Direction - 10 Wind Turbines

We refer to your consultation on a scoping direction in accordance with regulation 13(6) and Schedule 4 of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017 which relates to a Development of National Significance (Procedure) (Wales) Order 2016. We note that the consultation relates to Mynydd Ty-Talwyn Energy Park. We welcome the opportunity to comment on the proposal and would offer the following standing advice which should be taken into account within any future application:

APPRAISAL

It appears the application does not propose to connect to the public sewerage or watermain systems, and therefore Dwr Cymru Welsh Water has no objections in principle. However, should circumstances change and a connection to the public sewerage/watermain system is required we must be re-consulted on this application.

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'. It is therefore recommended that the developer engage in consultation with the City & County of Swansea, as the determining SuDS Approval Body (SAB), in relation to their proposals for SuDS features. Please note, Dwr Cymru Welsh Water is a statutory consultee to the SAB application process and will provide comments to any SuDS proposals by response to SAB consultation.

The applicant is also 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 on 0800 085 3968 to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

We trust that you'll find our comments of assistance for the purposes of this EIA scoping opinion, and we respectfully reserve the right to comment further on any matters and issues arising from ongoing and future consultation. We look forward to continuing our engagement on the project prior to and during the submission of an application to the Planning Inspectorate.

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.



Welsh Water is owned by Glas Cymru – a not-for-profit company.
Mae Dŵr Cymru yn eiddo i Glas Cymru – cwmni nid-er-elw.

We welcome correspondence in
Welsh and English

Dŵr Cymru Cyf, a limited company registered in
Wales no 2366777. Registered office: Pentwyn Road,
Nelson, Treharris, Mid Glamorgan CF46 6LY

Rydym yn croesawu gohebiaeth yn y
Gymraeg neu yn Saesneg

Dŵr Cymru Cyf, cwmni cyfyngedig wedi i gofrestru yng
Nghymru rhif 2366777. Swyddfa gofrestredig: Heol Pentwyn
Nelson, Treharris, Morgannwg Ganol CF46 6LY.

From: HazSubConsent CEMHD5

Sent: Monday, December 18, 2023 12:23 PM

To: PEDW – Seilwaith / Infrastructure

Cc:

Subject: DNS CAS-03018-G7G6H7 - Mynydd Ty-Talwyn Energy Park | EIA Scoping Consultation - HSE Response

Dear Project Team,

Please find below HSE response for Mynydd Ty-Talwyn Energy Park Ref : CAS-03018-G7G6H7

CEMHD5 Contribution to Consultation

1. With reference to the plan **Appendix A Site Boundary Plan [2023-11-27 - EIA Scoping Request - Appendix A to D. ID:663870 Mynydd ty Talwyn Maps_Appendix A - Site Boundary Plan, Rev 02]** on which is shown a red-lined **Site Boundary**, there are areas of the proposed development that fall within HSE public safety consultation zones associated with Major Accident Hazard Pipeline(s) operated by Wales & West Utilities:
 - a. Brynna / Margam (VW015) [Transco ref: 1583, HSE ref: 7317] - Wales and West Utilities
 - b. Jamont (British Tissues) Branch (VW016) [Transco ref: 1573, HSE ref: 7304] - Wales and West Utilities
2. The red-lined **Site Boundary** does not currently fall within the consultation distances of any Major Accident Hazard Installation(s).
3. HSE will not advise against the proposed development, providing the proposed development does not introduce populations, either permanent or temporary, into any of HSE's public safety consultation zones which are assigned to individual Major Accident Hazard Pipeline(s).
4. Please note if at any time a new Major Accident Hazard Pipeline is introduced or existing Pipeline modified prior to the determination of a future application, the HSE reserves the right to revise its advice.
5. Likewise, if prior to the determination of a future application, a Hazardous Substances Consent is 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, again the HSE reserves the right to revise its advice.

Would Hazardous Substances Consent be needed?

6. 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.
7. Hazardous Substances Consent would be required if the proposed development 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.

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

CEMHD 7's response - is no comment to make as there are no HSE explosive licenced sites in the vicinity of the proposed development.

Kind regards
The NSIP Team



NSIP Team | Land Use Planning Team |



The Coal
Authority

200 Lichfield Lane
Mansfield
Nottinghamshire
NG18 4RG

T: 01623 637 119 (Planning Enquiries)

E: planningconsultation@coal.gov.uk

W: www.gov.uk/coalauthority

For the attention of: Chris Pang – Student Planner

[By email: PEDW.Infrastructure@gov.wales]

16th January 2024

Dear Chris

Re: DNS CAS-03018-G7G6H7

The Proposed Development will comprise the construction and operation of; up to 10 wind turbines, ground mounted solar photovoltaic modules, Battery Energy Storage Systems, substation, permanent anemometer mast, ancillary infrastructure works, habitat management, and, works to facilitate vehicular access to the Site.; Land Approx 4 Km South-East of Bridgend and 8 Km West of Port Talbot

Thank you for your notification of the 5th December 2023 seeking the views of the Coal Authority on the above.

The Coal Authority is a non-departmental public body sponsored by the Department for Energy Security and Net Zero. 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 32 mine entries, within the site, or within 20m of the site boundary. The site is also in an area of mine workings and surface mining and within the boundary our records indicate the presence of mine water sites as well as monitoring and discharge points.

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>

We are pleased to see that at Section 5.9.10 of the Information to Support a Scoping Opinion Request document submitted the report authors state that consideration will be given to the risks posed include in relation to potential mining works. They note that a CMRA has been undertaken. The information submitted states that the CMRA can be provide don request due to its size.

The Planning team at the Coal Authority is pleased to see that the Scoping report states that a CMRA has been prepared and we look forward to reviewing this assessment, that should accompany the proposal, in due course once the formal submission is made.

If you would like to discuss this matter further, please contact me on the above number.

Yours sincerely

[Redacted Signature]

Melanie Lindsley *BA (Hons), DipEH, DipURP, MA, PGCertUD, PGCertSP, MRTPI*

Principal Planning & Development Manager

Disclaimer

The above consultation response is provided by the Coal Authority as a statutory consultee and is based upon the latest available data and the electronic consultation records held by the Coal Authority since 1 April 2013. The comments made are also based on the information provided to the Coal Authority by the Local Planning Authority and/or information that has been published on the Council's website for consultation purposed 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.



PEDW
Crown Buildings
Cathays Park
Cardiff
CF10 3NQ
PEDW.Infrastructure@gov.wales

Our Ref: AM/08B-15053 (BR13)
Your Ref: DNS CAS-03018-G7G6H7

Date: 08 December 2023
Contact: Station Manager A. Macarthy
Tel: [REDACTED]

E-mail: firesafety@southwales-fire.gov.uk

Dear Sir/Madam,

TOWN AND COUNTRY PLANNING ACT 1990

PROPOSAL: THE PROPOSED DEVELOPMENT WILL COMPRISE THE CONSTRUCTION AND OPERATION OF; UP TO 10 WIND TURBINES, GROUND MOUNTED SOLAR PHOTOVOLTAIC MODULES, BATTERY ENERGY STORAGE SYSTEMS, SUBSTATION, PERMANENT ANEMOMETER MAST, ANCILLARY INFRASTRUCTURE WORKS, HABITAT MANAGEMENT, AND, WORKS TO FACILITATE VEHICULAR ACCESS TO THE SITE.

LOCATION: LAND APPROX. 4 KM SOUTH-EAST OF BRIDGEND AND 8 KM WEST OF PORT TALBOT

I acknowledge receipt of the notification to the South Wales Fire and Rescue Authority ("The Authority") in relation to the above application.

The proposed site plan in relation to the above has been examined and The Authority wish the following comments to be brought to the attention of the committee/applicant. It is important that these matters are dealt with in the early stages of any proposed development.

Changes to our climate and weather patterns will have a significant impact on the well-being of both current and future generations. In line with the **Well-being of Future Generations (Wales) Act 2015** and the **Future Wales – the national plan 2040** framework document, the following areas should be considered early in the planning process:

The climate emergency is likely to increase the risk of flooding as a result of sea-level rises, more frequent severe weather systems and more intense rainfall. Planning authorities should adopt a precautionary approach of positive avoidance of building developments in areas of flooding from the sea or from rivers. Surface water flooding will affect the choice of location and the layout and design of schemes and these factors should be considered at an early stage in formulating any development proposals.

Wildfires are a significant potential threat particularly in populated areas adjoining green spaces such as mountains or forestry. Therefore, it is critical that new developments are designed with this in mind. Where a new development is proposed in an area which is at risk of a wildfire, consideration should be given on how to mitigate the spread of wildfires. For example, sustainable land management could assist with prevention measures.

Large Commercial Solar Arrays, Battery Energy storage Facilities, Electric Vehicle Parking/Charging Facilities:

Fires involving the installations detailed above can be very difficult to extinguish. Conditions can cause a thermal runaway within battery cells, which is a highly exothermic reaction creating toxic, flammable, and/or explosive chemical atmospheres.

The developer of such sites should ensure they have suitable safety measures to contain and restrict the spread of fire, using fire-resistant materials and adequate separation between locations where energy systems may be stored.

Active fire safety systems should be incorporated into the design if necessary and may include, automatic fire detection systems, automatic fire suppression and smoke control systems.

The Authority recognises that the charging of electric vehicles and the use of batteries (including lithium-ion) as Energy Storage Systems (ESS) is a new and emerging practice in the global renewable energy sector. As with all new and emerging practices within UK industry, developers should consider the risks associated with such systems early in the design stage of the project.

Standing Advice.

The site plan/s of the above proposal has been examined and The Authority would wish the following comments to be brought to the attention of the planning committee/applicant. It is important that these matters are dealt with early on in any proposed development:

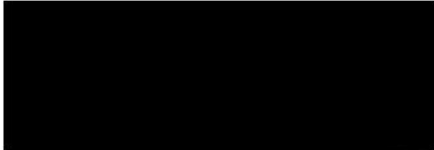
- The Fire Authority has no objection to the proposed development and refers the Local Planning Authority to any current standing advice by the Fire Authority about the consultation.

The developer should also consider the need for the provision of:-

- a. adequate water supplies on the site for firefighting purposes; and
- b. access for emergency firefighting appliances

Should the applicant require further information in relation to these matters they should contact the above named fire safety officer.
Yours faithfully,

Duly signed and authorised by

A large black rectangular redaction box covering the signature of the Assistant Chief Fire Officer.

for Assistant Chief Fire Officer

cc: 

Enc: BR13 Appendix

Appendix

1.0 Access For Fire Appliances

Typical vehicle access route requirements:

Appliance Type	Min Width Road	Min Width Gate	Min Turning Circle between Kerb
Pump	3.7m	3.1m	16.8m
Aerial Appliance	3.7m	3.1m	26.9m
Min Turning between Wall	Min Height Clearance	Min Capacity Tonnes	
19.2	3.7m	12.5	
29.0	4.0m	23	

Pedestrian Priority

Pedestrian schemes must take into account the need for permanent and unobstructed access for firefighting appliances. The siting of ornamental structures such as flower beds, must take account, not only of the access requirements of the fire appliances but the need to be able to site them in strategic positions; in particular, account must be taken of the working space requirements for aerial appliances. Consultation must take place with the Fire and Rescue Authority during the earliest planning stages of any development to ensure adequate access for fire appliances, their siting and use.

2.0 Water Supplies for Firefighting

The existing output of the statutory water supply network may need to be upgraded in certain parts of the local plan area to cater for firefighting needs of new developments. It is recommended that this provision be a condition of planning consent.

Access to Open Water Supplies

Where development of water front sites takes place, the need for permanent and unobstructed access for firefighting appliances to the water should be made a condition of any planning consent.

Consultation must take place with the Fire and Rescue Authority during the earliest planning stages of any development to ensure access for fire pumping appliances is satisfactory.

2.1 Housing

Minimum main size 100mm. Housing developments with units of detached or semi-detached houses of not more than two floors should have a water supply capable of delivering a minimum of eight litres per second through any hydrant on the development.

Housing developments with units of more than two floors should have a water supply capable of delivering a minimum of 20 to 35 litres per second through any hydrant on the development.

2.2 Transportation

Lorry/Coach Parks - Multi-Storey Car Parks-Service Stations

Minimum main size 100mm. All of these amenities should have a water supply capable of delivering a minimum of 25 litres per second through any hydrant on the development or within a vehicular distance of 90 metres from the complex.

2.3 Industry

In order that an adequate supply of water is available for use by the Fire and Rescue Authority in case of fire, it is recommended that the water supply infrastructure to any Industrial estate is as follows:

Light Industrial

Minimum Main Size 100mm
Up to one hectare, 20 litres per second

Commercial/Industrial

Up to two hectares, 35 litres per second - Minimum Main Size 150mm

High Risk Industrial

Two to three hectares 50 litres per second - Minimum Main Size 150mm.
Over three hectares, 75 litres per second.

In rural areas it may not be possible to provide sufficient mains water. To overcome this, static or river supplies would be considered on site at the above flow rates for at least one hour.

The Fire and Rescue Authority should be consulted at the outline planning stage of any proposed projects to ascertain the exact requirements, as high risk units may require a greater flow.

2.4 Shopping, Health and Community Facilities

Village Halls

Should have a water supply capable of delivering a minimum of 15 litres per second through any hydrant on the development or within a vehicular distance of 100 metres from the complex.

Primary Schools and single storey Health Centres

Should have a water supply capable of delivering a minimum of 20 litres per second through any hydrant on the development or within a vehicular distance of 70 metres from the complex.

Secondary Schools, Colleges, Large Health and Community Facilities

Should have a water supply capable of delivering a minimum of 35 litres per second through any hydrant on the development or within a vehicular distance of 70 metres from the complex.

2.6 Distances Between Fire Hydrants

The distance between fire hydrants should not exceed the following:

Residential areas	-	200 metres
Industrial Estates (Subject to operational needs)	-	150 metres
Town centre areas	-	90 metres
Commercial (Offices & Shops)	-	100 metres
Residential Hotels	-	Adjacent to access
Hotels	-	Adjacent to access
Institutional (Hospitals & Old Persons Homes)	-	Adjacent to access
Old Persons Homes	-	Adjacent to access
Educational (Schools & Colleges)	-	Adjacent to access

2.7 Conclusion

Developers should hold joint discussion with Dwr Cymru - Welsh Water or the National Rivers Authority and the Fire and Rescue Authority to ensure that adequate water supplies are available in case of fire. The Fire and Rescue Authority reserve the right to ask for static water supplies for firefighting on site as a condition of planning consent, if the supply infrastructure is inadequate for any given risk.



Gwasanaeth Tân ac Achub
Canolbarth a Gorllewin Cymru

Mid and West Wales
Fire and Rescue Service

Prif Swyddog Tân | Chief Fire Officer

Roger Thomas BA(Hons), MSc

tancgc.gov.uk
mawwfire.gov.uk

Planning and Environment Decisions
Wales
Crown Buildings
Cathays Park
Cardiff
CF10 3NQ

*Gofynner am/
Please ask for:*

*Rhif Est/Extn.
No.*

E-bost/E-mail:

*Fy Nghyf/My
Ref:*

Dyddiad/Date:

Watch Manager Adrian Hall

bregs@mawwfire.gov.uk

AJH/CW/00349868

24 January 2024

Dear Sir,

**THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(WALES) ORDER 2012**

THE DEVELOPMENTS OF NATIONAL SIGNIFICANCE (PROCEDURE) (WALES) ORDER 2016

**DEVELOPMENT PROCEDURE (CONSULTEES) (WALES) (MISCELLANEOUS AMANDMENTS)
ORDER 2021 – FIRE AND RESCUE AUTHORITIES**

RE: Mynydd Ty Talwyn Energy Park

APPLICATION NUMBER: DNS CAS-03018

I acknowledge receipt of the notification to the Mid and West Wales Fire and Rescue Authority in relation to the above application.

The site plan/s of the above proposal has been examined and the Fire and Rescue Authority would wish the following comments to be brought to the attention of the planning committee/applicant. It is important that these matters are dealt with early on in any proposed development:

- The Fire Authority has no comment to make on access for fire appliances or water supplies.
- The Fire Authority has no objection to the proposed development and refers the Local Planning Authority to any current standing advice by the Fire Authority about the consultation.

The developer should consider the need to provide adequate water supplies and vehicle access for firefighting purposes on the site and general guidance on this matter is given in the attached Appendix and the following links: <https://www.water.org.uk/guidance/national-guidance-document-on-the-provision-of-water-for-firefighting-3rd-edition-jan-2007/>

<https://www.ukfrs.com/index.php/promos/16847>

Y Pencadlys, Heol Llwyn Pisgwydd, Caerfyrddin, Sir Gâr, SA31 1SP
Headquarters, Lime Grove Avenue, Carmarthen, Carmarthenshire, SA31 1SP

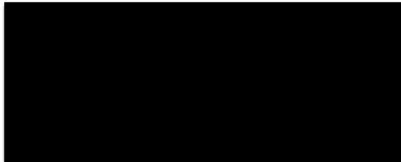
post@tancgc.gov.uk
mail@mawwfire.gov.uk

0370 60 60 699

Furthermore, the applicant should be advised to contact the Local Authority Building Control Department, which is the responsible authority, when determining issues concerning means of warning and escape, internal fire spread (linings and structure), external fire spread, access and facilities for the Fire and Rescue Service, in accordance with the 2007 version of Approved Document B (Wales).

The plan/s has been retained for record purposes.

Yours faithfully



Watch Manager A Hall
Authorised Fire Safety Regulator
On behalf of the Mid and West Wales Fire and Rescue Authority

Encs.

MID AND WEST WALES FIRE AND RESCUE SERVICE

Advice on Water Supplies

1. WATER SUPPLIES FOR FIREFIGHTING

The existing output of the statutory water supply network may need to be upgraded in certain parts of the local plan area to care for firefighting needs of new developments. It is recommended that this provision be a condition of planning consent.

Reference to the National Guidance Document on the Provision of Water for Fire Fighting 2007.

Access to Open Water Supplies

Where development of water-front sites takes place, the need for permanent and unobstructed access for firefighting appliances to the water should be made a condition of any planning consent.

Consultation must take place with the Fire and Rescue Authority during the earliest planning stages of any development to ensure access for fire pumping appliances is satisfactory.

1.1. HOUSING

Minimum main size 100 millimetres. Housing developments of units of detached or semi-detached houses of not more than two floors should have a water supply capable of delivering a minimum of eight litres per second through any hydrant on the development.

The Fire and Rescue Authority should be consulted at the outline planning stage of any proposed projects to ascertain the exact requirements.

1.2. TRANSPORTATION

Lorry/Coach Parks - Multi-Storey Car Parks-Service Stations

Minimum main size 100 millimetres. All of these amenities should have a water supply capable of delivering a minimum of 25 litres per second through any hydrant on the development or within a vehicular distance of 90 metres from the complex.

1.3. INDUSTRY

In order that an adequate supply of water is available for use by the Fire and Rescue Authority in case of fire, it is recommended that the water supply infrastructure to any commercial industrial estate is as follows:

Light Industrial/Commercial

Up to one hectare, 20 litres per second - Minimum Main Size 100 millimetres

Up to two hectares, 35 litres per second - Minimum Main Size 150 millimetres

High Risk Industrial

Up to three hectares 50 litres per second - Minimum Main Size 150 millimetres

Over three hectares, 75 litres per second - Minimum Main Size 150 millimetres

In rural areas it may not be possible to provide sufficient mains water. To overcome this, static or river supplies would be considered on site if they are capable of supplying the above flow rates for at least one hour.

The Fire and Rescue Authority should be consulted at the outline planning stage of any proposed projects to ascertain the exact requirements, as high-risk premises may require a greater flow.

1.4. SHOPPING, OFFICES, RECREATION AND TOURISM

Commercial developments of this type should have a water supply capable of delivering a minimum of 20 to 75 litres per second to the development site. The Fire and Rescue Authority should be consulted at the outline planning stage of any proposed projects to ascertain the exact requirements.

1.5. EDUCATION, HEALTH AND COMMUNITY FACILITIES

Village Halls

Should have a water supply capable of delivering a minimum of 15 litres per second through any hydrant on the development or within a vehicular distance of 100 metres from the complex.

Primary Schools and Single Storey Health Centres

Should have a water supply capable of delivering a minimum of 20 litres per second through any hydrant on the development or within a vehicular distance of 70 metres from the complex.

Secondary Schools, Colleges, Large Health and Community Facilities

Should have a water supply capable of delivering a minimum of 35 litres per second through any hydrant on the development or within a vehicular distance of 70 metres from the complex.

1.6. DISTANCES BETWEEN FIRE HYDRANTS

The distance between fire hydrants should not exceed the following:

Residential areas	-	200 metres
Industrial Estates	-	150 metres
Town Centre Areas	-	90 metres
Commercial (Offices & Shops)	-	100 metres
Residential Hostels	-	Adjacent to access
Hotels	-	Adjacent to access
Institutional (Hospitals & Old Persons Home)	-	Adjacent to access
Old Persons Home	-	Adjacent to access
Educational (Schools & Colleges)	-	Adjacent to access

1.7. CONCLUSION

Developers should hold joint discussions with the relevant Water Authority or the Environmental Agency and the Fire and Rescue Authority to ensure that adequate water supplies are available in case of fire.

The Fire and Rescue Authority reserve the right to ask for static water supplies for firefighting on site, as a condition of planning consent, if the supply infrastructure is inadequate for any given risk.

Bob Morgan

Britains Hidden History

Pear Tree Cottage, East End, Fairford, GL7 4AP

Mobile: [REDACTED]

E-mail: [REDACTED]

Planning & Environment Decisions Wales
Crown Buildings
Cathays Park
Cardiff
CF10 3NQ

10 January 2024

By e-mail to: PEDW.Infrastructure@gov.wales

Dear Sirs

DNS Reference: CAS-03018-G7G6H7

Galileo 03 Limited : Mynydd Ty-talwyn Energy Park - Mynydd Baedan Battlefield Site

On 23 November 2023, Galileo submitted a Scoping Direction to you for the above proposed large scale renewable energy development project. ¹ This request was supported by a Scoping Report outlining Galileo's proposed methodology for the required Environmental Impact Assessment, details of surveys completed to date and specific queries for consideration by statutory consultees.

I am writing on behalf of Britains Hidden History's (BHH) ² to inform you of our concerns that Galileo's development proposals have great potential to cause irreparable harm to the Mynydd Baedan battlefield.

Galileo held a public consultation event at Maesteg on 21 September 2023 where they made public their development proposals. At this event, and in a subsequent Teams teleconference call with Galileo held on 08 December 2023, we tabled documentary evidence to support our assertion that Mynydd Baedan is an important Welsh battlefield site and is regarded by many historical researchers as being a serious contender for being the location for the 6th century Battle of Badon.

Galileo is very dismissive of these claims because the battle field is not currently recorded by the Royal Commission on the Ancient and Historical Monuments of Wales on the inventory of Welsh battlefield/conflict sites. Consequently, Galileo believes our concerns have no substance or validity and can be ignored.

BHH's belief that a major battle was fought upon Mynydd Baedan is based upon the following tangible, albeit circumstantial, evidence:

1. Recorded local tradition
2. Silurian entrenchments
3. Burial mounds
4. Welsh place names
5. Battle of Badon

1. Recorded Local Tradition

In the Mynydd Baedan locality there is a long and strong local tradition of a major battle being fought, on and around the mountainside during, or just after, the Roman era. The main axis of the battlefield being the ridgeway along the ancient Fford Y Gyfraith, and its continuation along the Ancient British/Heol Y Moch trackways, between Mynydd Baedan and Y Bwlwarcaw hillfort. The battle is said to have been fought over a number of days and an extensive area as the opposing forces made frequent scouting and probing forays resulting in numerous minor skirmishes. Recollections of the battle have been handed down from father to son through the centuries. Evidence of the tradition can be found in a number of books written by local historians and the ongoing oral retellings by local elderly lifetime residents.³

2. Silurian Entrenchments

The 1877 & 1899 OS 25" mapping clearly shows the presence of extensive 'intrenchments' upon Mynydd Baedan, Mynydd Ty-talwyn and Mynydd Margam.⁴ The OS nomenclature and visual inspection strongly supports the local belief that the 'V' shaped entrenchments are the remains of ancient defensive structures not 'U' shaped holloways. These entrenchments can be seen today but due to modern farm activities and erosion seem to be far shallower and less visible than when first recorded by the Ordnance Survey. In September 2023 I was informed by the elder farmer of Baiden Farm that the entrenchments running along both flanks of the Ffordd Y Gyfraith were deliberately filled in and levelled during the early 1970's to prevent youths from Swansea using them for entertainment as challenging obstacles for motorcycles and 4x4 vehicles. Bizarrely, the 2019 Coflein site record⁵ describes the entrenchments as being just a trackway despite the clear visible evidence to the contrary provided by the Coflein site record photographs.⁵

3. Burial Mounds

There are numerous large and small burial mounds scattered across the Mynydd Margam/Mynydd Baedan landscape. Many of these have been recorded but there are a large number that have not. There also seems to be the remains of a number of potential burial mounds that have been greatly eroded and so are not readily visible today. Local lore suggests that the fields to the west of Maescadlawr Farm were the principal killing fields and the burial mounds located in them contain the dead of the battle.

4. Welsh Place Names

The history of Wales is often recorded in the landscape by place/house/field names etc. The Mynydd Baedan/Mynydd Margam landscape contains a number of names that strongly indicates that a major battle was fought there. For example:

Maescadlawr = Field of the battle area

Gadlys = Battle court

5. Battle of Badon

The Battle of Badon is a verified 6th century historical event albeit its location is currently unknown. Since the 18th century many historians and historical researchers have put forward Mynydd Baedan as being a serious contender for the site of this battle.⁶

Having regard to the above we contend that the Mynydd Baedan battlefield should be regarded as being an important non designated heritage asset and as such must be a material consideration in the planning decision. So, a balanced judgement will be required having regard to the scale of any harm or loss compared to the significance of the asset. The absence of designation does not indicate lower significance.

If archaeological excavations, geo-physical surveys or new future archaeological investigation methods can ever prove that Mynydd Baedan is indeed the site of the Battle of Badon then it would become the most important battlefield site in the country and accorded the highest significance. A risk assessment matrix would show that whilst this probability is unlikely if it is proved the heritage outcome would be severe resulting in a high risk rating.⁸

Our key fear is that the formation of the turbine foundations, crane pads, swales and extensive network of stone trackways across the battlefield site needed to construct and service the turbines and solar panels will totally destroy any archaeological evidence buried in the ground and its stratification.

Despite our repeated requests, Galileo have not divulged to us any plans showing the extent and routing of their proposed new stone tracks across their site. In order to build the wind farm element of the energy park Galileo will need to construct at least 7 km of new 5m wide stone surfaced trackways.⁷ They intend to source the stone from on-site borrow pits which will require around 16,950 m³ of stone being excavated from the battlefield site.⁷ The total land take for these wind farm works will be in excess of 6.14ha (15.17 acres).⁷

Since Galileo have not yet made public where they intend to site their proposed solar panels and battery sheds it is not possible for us to calculate how many additional kilometres of new stone trackways will be needed to construct and service this element of the project. However, it is likely to be of a similar order and may be much greater due to the widely dispersed area Galileo has allocated for the solar panels.¹ As a result, the total land area lost to future archaeological study for the combined wind farm and solar farm elements is likely to be in excess of 16.19ha (40 acres).

The large-scale desecration and destruction of the battlefield landscape inherent in Galileo's proposals must be regarded as being significant and harmful as it will prevent any future meaningful archaeological interpretation of the battlefield. As a result, precisely who, when and what happened on Mynydd Baedan will be lost for all time. Are you willing to stand by and let this happen?

Our sole aim in this matter is to ensure that the 'window on the past' is kept as clear and transparent for future archaeologists and researchers as is possible. So, we believe it is incumbent on you, GGAT and CADW to ensure that Galileo's proposed construction activities do not cause irreparable harm or damage to the Mynydd Baedan battlefield site.

To this end, we request that your Scoping Direction specifies that Galileo undertakes all necessary detailed archaeological research, geo-physical surveys, excavations and investigations required to conclusively demonstrate to the public that the integrity of the extensive Mynydd Baedan battlefield area will be maintained.

We look forward to your response.

Yours faithfully

Bob Morgan

Notes & References

1. See Appendix 1

Mynydd Ty-talwyn Energy Park-Layout Plan

2. Britains Hidden History

Britains Hidden History (BHH) is an independent amateur historian group set up by Ross Broadstock around 10 years ago with the stated aim of researching and promoting historical Welsh sites which have been neglected or overlooked by the mainstream academic world, GGAT and CADW. By means of reports, photographs, video and drone footage the sites are recorded to ensure that they are not lost to future researchers as many of them are currently under threat of being subsumed by various development proposals.

Treachery of the Tall Turbines

Currently, Wales is suffering the 'Treachery of the Tall Turbines' as many upland areas are the subject of large-scale wind turbine developments. Presently in South Wales, in addition to Mynydd Baedan, a number of other nearby historical landscapes are also under threat:

Twyn Hywel Energy Park

Bute Energy are currently proposing to erect 14 x 200m blade tip high turbines on Eglywysilan Common which will require the formation of over 20 km of new 5m wide stone tracks and two large borrow pits which will entail the destruction of some sections of the Senghenydd Dyke and the loss of some large potential boundary/marker stones which may form an important element of the bronze age landscape. This application is currently on hold pending further information from the developer with regard to the mitigation of adverse visual impacts upon the setting of Caerphilly Castle.

Y Bryn Wind Farm

Coriolos are currently proposing to erect 20 x 230m blade tip high turbines on Mynydd Margam. The proposed access route for the delivery of the large turbine components is via the ancient Heol Y Moch trackway. This ancient trackway will need to be widened and regraded to facilitate the turbine deliveries. This will destroy any vestigial remains of the ancient trackway. The turbines will overlook and completely dominate the settings of the Y Bwlwarcaw hillfort, Bodvoc Stone, Twmpath Diwith burial mound, Llangynydd Church and the old village with adverse visual impacts.

3. Recorded Local Tradition

'The Story of Glamorgan' by C J Evans 1908 p84

"Between the Llynfi and Garw is Mynydd Moelgilian, and Mynydd Margam stands between it and the lowlands bordering the coast."

"The district must have been the scene of many fierce battles, as numerous camps of British, Danish and Roman origin are to be found on the surrounding hills. A large number of mounds show where the dead were buried."

'Tir Iarll' by F Evans 1912 pp 30-31

"Tir Iarll is especially rich in earthworks and camps, chiefly to be found on Margam and Baiden Mountains."

"The earliest ones were constructed by the Silures, probably to resist the advance of the Romans, and these were usually long lateral trenches situated on top of the hills or ridges."

"These facts seem to point to the conclusion that these entrenchments of the Silures were counter-earthworks to the Roman advance, and there are other features of the district which help bear this out."

"Ostorius was succeeded, about 70 AD, by Julius Frontinus, who continued the western campaign. Ultimately, they came to the intrenchments of the British on Mynydd Baiden, and it seems that they arrived to late in the day to attack the Silures, for we find in Cwm Tytalwyn, facing the intrenchments, the remains of the Roman camp previously mentioned."

4. Silurian Entrenchments

'Antiquities of Margam Mountain' by Bill Howells 2009 pp 31-40

Sites 14 – 19 The Silurian Entrenchments

"There are many linear ditches scattered over the mountain most of them small single ditches and so insignificant that they have lost and meaning and with many associated with more recent farming or forestry work. But there are five major systems of these earth entrenchments which can be seen at various locations on the mountain which take us back to ancient times. Study of these show them to be a single or more commonly a multiple-series of parallel ditches and embankments which have some but not all of the characteristics of defensive earthworks which we see encircling the iron age settlements already

discussed. The one major difference is that these rather mysterious entrenchments as they are seen today are broadly linear with definite straight line starting and finishing points although they all follow a slightly curving path.

Their very nature dates them to the ancient period which given rise to their generic name of the Silurian lines after our local ancestors responsible for their formation. They can be found on Mynydd Baiden, Mynydd Ty-talwyn and Mynydd Margam."

Site 14

"Close to and on the east side of the summit of Mynydd Baiden and at the head of Cwm Ydfa there is a series of four parallel entrenchments in close formation. They are slightly curved and about two hundred metres in length and lie on the slope of the mountain facing east. The ditches are quite marked and are about 1 to 2 metres deep and 5 metres wide and end abruptly in a loop on the downward slope as they curl around to the west."

Site 15

"Immediately to the west of the summit of Mynydd Baiden and on each side of the mountain road, shallow entrenchments follow the road for about four hundred metres before petering out. These are both sides of the present road and are not as distinctive as those of the east side but are still quite noticeable particularly from ground level."

5. See Appendix 2.

Coflein Site Record & Photographs : Mynydd Baedan Trackway

6. Battle of Badon

'The Story of Glamorgan' by C J Evans 1908 p 86

"Near Cefn Ydfa, on Mynydd Baiden, are a number of entrenchments of considerable depth. Some men think that here was fought, in 522, the famous battle between King Arthur and the Saxons, known as the Battle of Badon."

'The Holy Kingdom' by A Gilbert 1998 pp 236-242

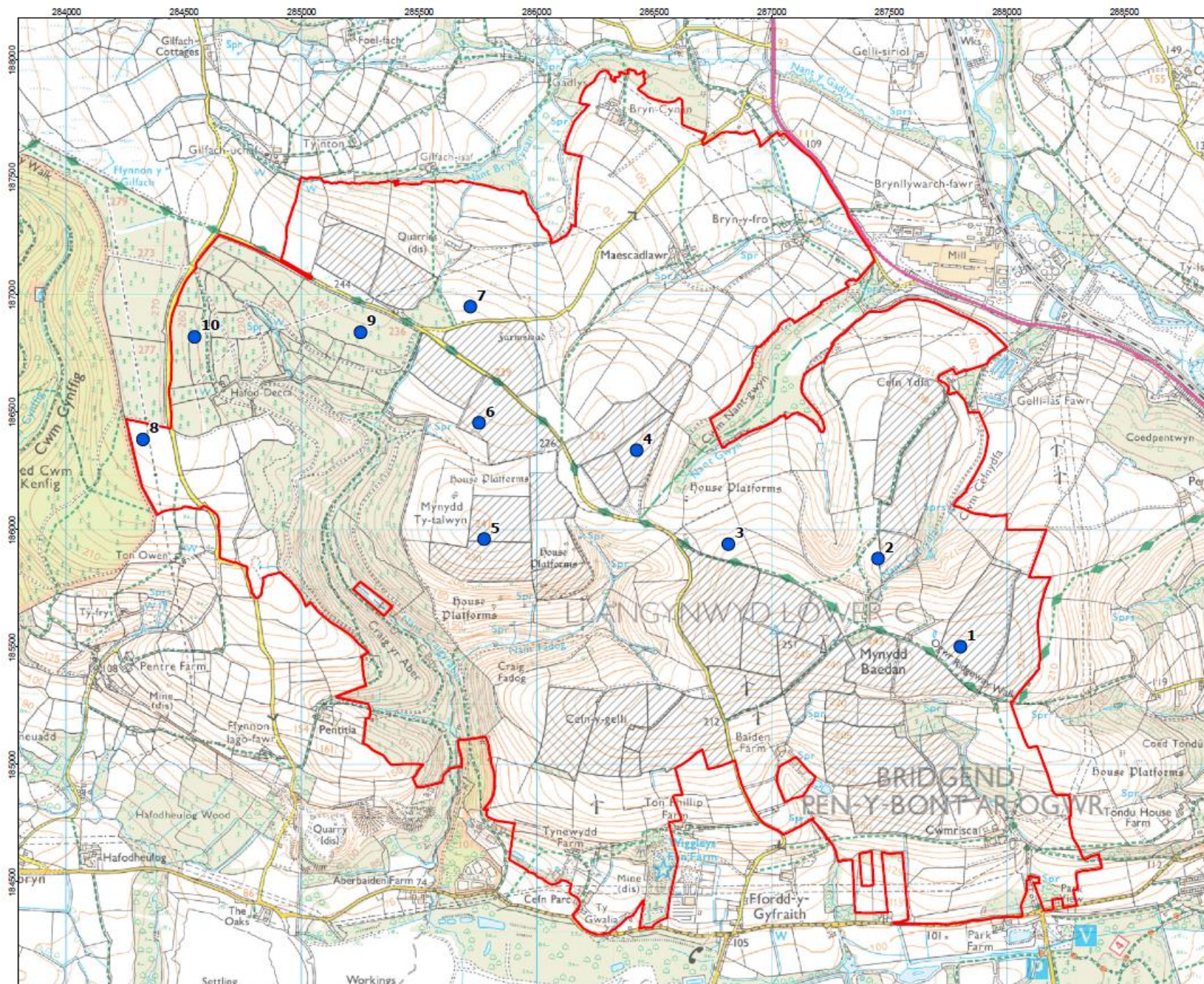
'Lost Battlefields of Wales' by M Hackett 2016 pp 132-137

7. See Appendix 3.

Indicative Battlefield & Environs Land Take

8. See Appendix 4

Risk assessment Matrix



- Legend:**
- Site Boundary
 - Indicative Solar PV Area
 - Proposed Turbine Location

Coordinate System: British National Grid
Projection: Transverse Mercator
Datum: OSGB 1936
Units: Metre



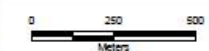
Rev	Date	Description	DM	CHK	APP
04	02/11/2023	Boundary update	NH	DP	DP
03	17/10/2023	Water Feature Symboling and Legends Updated	TM	DP	DP
02	14/07/2023	Solar Fields Added	TM	DP	DP
01	13/07/2023	Symboling, line and title updates	TM	NH	DP

Mynydd Ty-talwyn Energy Park



TITLE: Appendix B
Indicative Proposed Development
Layout

© 2023/24 Mynydd Ty-talwyn Energy Park - Indicative Proposed Development



Scale: 1:15,000 @ A3



REV 04



Coflein

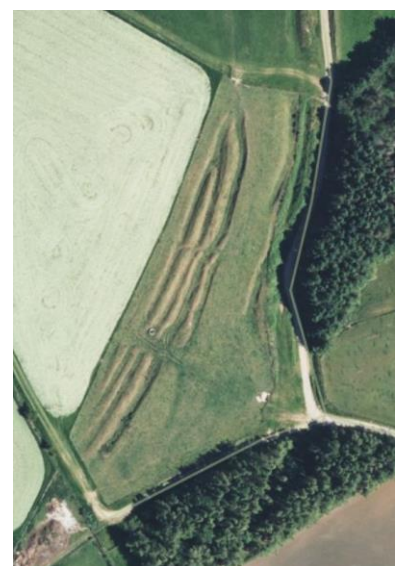
Site Record Trackways at Mynydd Baedan, Ton Du

NPRN	424515	Description
Map Reference	SS88NE	<p>Trackway measuring approximately 160 metres north east to south west. It is situated in a remote field at Mynydd Baedan, approximately a mile and a half north west of Tondy, Bridgend. The trackway is clearly well established, as it is marked on both historic and modern OS maps. The 2017 edition of the OS maps only marks the existence of the trackway using small grey triangles to show its outline. The first and second editions of the 25inch OS maps, however, illustrate trackways that look more extensive than those that appear today, and have labelled them 'intrenchments.' These maps were published in 1877 and 1899 respectively.</p> <p>Sources: modern and historic OS maps M. Ryder, RCAHMW, 16th August 2019</p>
Grid Reference	SS8730085600	
Unitary (Local) Authority	Bridgend	
Old County	Glamorgan	
Community	Llangynwyd Lower	
Type Of Site	TRACKWAY	
Period	Unknown	

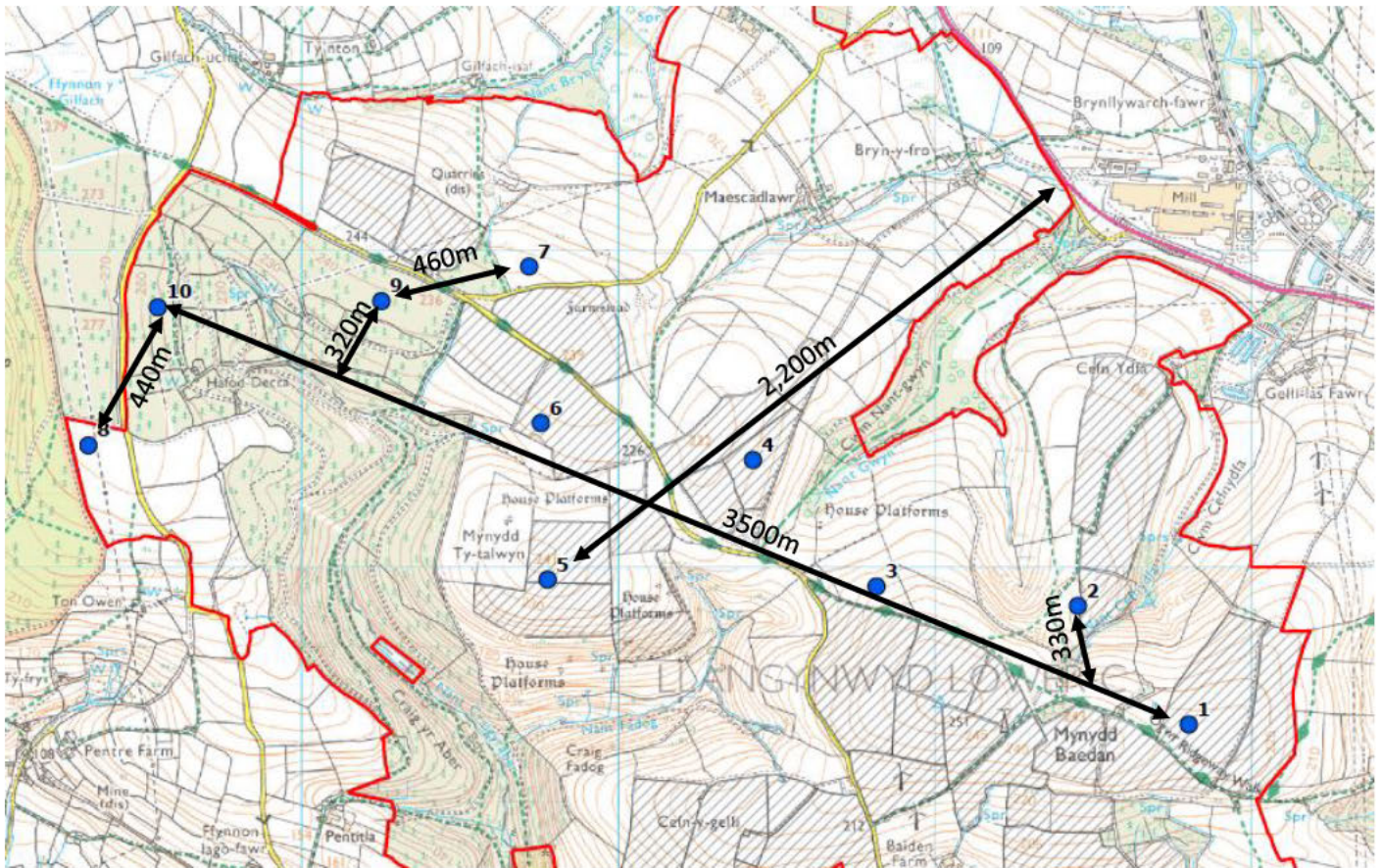


Coflein

Site Record Trackways at Mynydd Baedan, Ton Du



Archwilio Historic Environment Record



Galileo : Mynydd Ty-talwyn Energy Park – Mynydd Baedan Battlefield
Indicative Battlefield & Environs Land Take Calculations

New Stone Access Tracks

Area

$$7250\text{m} \times 5\text{m} = 36,250\text{m}^2 = 3.63\text{ha} = 8.97 \text{ acres}$$

Stone Volume

$$7250\text{m} \times 5\text{m} \times 0.3\text{m} = 10,875\text{m}^3$$

Crane Pads

Area

$$10 \times 45\text{m} \times 45\text{m} = 20,250\text{m}^2 = 2.03\text{ha} = 5.02 \text{ acres}$$

Stone Volume

$$10 \times 45\text{m} \times 45\text{m} \times 0.3\text{m} = 6,075\text{m}^3$$

Turbine Foundations

Area

$$10 \times \pi \times 12.5\text{m radius}^2 = 4,909\text{m}^2 = 0.49\text{ha} = 1.21 \text{ acres}$$

Borrow Pit

Volume

$$\text{Total stone volume required} = \text{Access Tracks } 10,875\text{m}^3 + \text{Crane Pads } 6,075\text{m}^3 = 16,950\text{m}^3$$

Area (Assumed 3 m depth)

$$75\text{m} \times 75\text{m} = 5,625\text{m}^2 = 0.56\text{ha} = 1.38 \text{ acres}$$

Total Indicative Land Take

Access Tracks	36,250m ²
Crane Pads	20,250m ²
Turbine Foundations	4,909m ²
Total	61,409m² = 6.14ha = 15.17 acres

Appendix 4 : Mynydd Ty-talwyn Energy Park : Mynydd Baedan Battlefield - Risk Assessment

		Impact				
		<i>How severe would the outcomes be if the risk occurred?</i>				
Probability <i>What is the probability the risk will happen?</i>		Insignificant 1	Minor 2	Significant 3	Major 4	Severe 5
	5 Almost Certain	Medium 5	High 10	Very high 15	Extreme 20	Extreme 25
	4 Likely	Medium 4	Medium 8	High 12	Very high 16	Extreme 20
	3 Moderate	Low 3	Medium 6	Medium 9	High 12	Very high 15
	2 Unlikely	Very low 2	Low 4	Medium 6	Medium 8	High 10
	1 Rare	Very low 1	Very low 2	Low 3	Medium 4	Medium 5