Response to Regulation 15(2) Request for Further Information

Document reference: 1386289/A

Abertillery Wind Farm
DNS/3278009

July 2025

Contents

Introduction

1.1.1. This document is prepared on behalf of RWE Renewables UK Swindon Ltd. (hereafter 'the Applicant') in relation to the planning application for a Development of National Significance (DNS) for the proposed Abertillery Wind Farm (hereafter 'the proposed development') situated on land between Abertillery to the west and Abersychan to the east (reference DNS/3278009).

1.1.2. The information presented in this document is in response to the letter dated 13th March 2025, from Planning and Environment Decisions Wales (PEDW), on behalf of the appointed Inspector, requesting further information under Regulation 15(2) of the Developments of National Significance (Wales) Regulations 2016 (as amended) ('the DNS Regulations') and Regulation 24 of The Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017 ('the EIA Regulations').

1.1.3. This response addresses the questions raised by the Inspector in their letter dated 13th March 2025, reference '2025-03-13 - EXNOTE005 - Confirmation of Suspension'. The Applicant has retained the order of the questions in Annex A of that letter. In the Heritage Assets and Common Land sections of this document it has been deemed logical to group some questions together to give a coherent response.

1.1.4. An updated Planning Statement (Appendix AI 11.1) has been provided to consider energy policy matters that have emerged since September 2024, the date when the previously submitted statement was prepared.

1. Access and Transportation

1. Consider the request for additional information from the Welsh Government Transport Officers in relation to trial runs and the suggested alternative route. Provide the information/drawing of the access junction including provision for safe refuge for cyclists/pedestrian users as requested by the local highway authorities responsible for the road junction.

1.1. Response to Question 1

1.1.1. A letter responding to the Welsh Government's comments has been prepared and issued to the Welsh Government on 23rd March 2025. A copy of this is appended in Appendix AI 1.1.

1.1.2. A request for a trial run has been made. It is important to note that a trial run is not practical until all of the road mitigation measures identified in the Route Survey Report (Annex A of the Transport Assessment in the Environmental Statement (ES)) have been delivered and as such, this is proposed to be deferred. A trial run will be undertaken, post determination, but prior to the deliveries of Abnormal Indivisible Load (AIL) components.

1.1.3. Access from Newport (referred to above by PEDW as the alternative route) has been considered, however it is not feasible for the proposed loads for the reasons described in the letter.

1.1.4. A figure (labelled 'Access Junction General Arrangement') illustrating a potential access junction layout is presented in Appendix AI 1.2. This figure is an update from the previous revision presented in Appendix A11 (Annex B, Figure 1) in the ES in response to the feedback received from consultees. This figure demonstrates a road crossing area to the east of the junction (located in the northern and southern verges), along with formalised parking bays. Pedestrians and cyclists are segregated from all construction traffic and would use the proposed advisory cycle lane/path, which can be marked out using an appropriate road marking to the highway authorities' satisfaction. The path is also further segregated by bollards. The figure also indicates a path on the north side of the road within the current limits of highway adoption, to allow safer access to the north.

1.1.5. The proposed junction layout is indicative at present and would be the subject of a suitably worded planning condition. Draft condition 2: Approved Plans would, if adopted, secure an appropriately designed access junction.

2. Heritage Assets

1. CADW indicate that the applicant's assessment has not considered the effect of the proposed turbines in current views of scheduled monuments where the inter-relationship between these assets is important.
2. CADW identify scheduled monuments MM200, MM222, MM223, MM227, MM293, MM295, MM296, MM297 and MM357 have not been fully assessed.
3. CADW identify that the cumulative effects of individual sites have not been fully assessed in relation to their contribution to the World Heritage Site.
4. In view of these observations the Inspector requires the applicant to provide this additional assessment.

2.1. Response to Questions 1 to 4

2.1.1. The response from Cadw focusses on nine scheduled monuments all located within the core of the Blaenavon Industrial Landscape World Heritage Site (BILWHS) (listed at point 2 in the Inspector's questions above). Cadw states that the monuments have not been fully assessed and that further consideration of the effects of the proposed development on their inter-relationships are needed, and ultimately, the 'cumulative effect' of these impacts on the scheduled monuments to the OUV (Outstanding Universal Value) of the BILWHS.

2.1.2. The nine scheduled monuments are all specifically assessed within Chapter 7: Cultural Heritage of the ES (paragraphs 7.5.12 – 7.5.17 and paragraphs 7.6.62 – 7.6.63), and the Historic Environment Desk-Based Assessment located in Appendix A7.2 of the ES (paragraphs 5.21 – 5.47 and Annexe 1 of that document).

2.1.3. The nine monuments highlighted by Cadw are:

- MM200: Blaenavon Ironworks (post medieval/modern);
- MM222: Brake Engine on Hill Pits Tramroad Incline (post medieval/ modern);
- MM223: Pwll Du Tramroad Tunnel Southern Approach (post medieval/modern);
- MM227: Iron and coal patching at Pen-ffordd-goch, Blaenavon (post medieval/modern);
- MM293: Old Coal Pits, Blaenavon (post medieval/modern);
- MM295: Ironstone Quarries at Carreg Maen Taro (post medieval/modern);
- MM296: Blaenavon Upper Brick Yard (post medieval/modern);
- MM297: Coal and Iron Ore Workings West of Abergavenny Road, Blaenavon (post medieval/modern); and
- MM357: Garn Road Powder House 300m ENE of Ashgrove Bungalow (post medieval).

2.1.4. The significance and the contribution made by the setting of these monuments was assessed in the ES, and the conclusion reached is that views from these monuments were not a factor in determining where they were located or how the sites were used. The monuments were part of the industrial development of the region, being located on or adjacent to resources, in proximity to buildings associated with processing and manufacture, and located to make transportation of materials between sites easier. The proposed development will not affect these inter-relationships. This point was also acknowledged by Cadw in their response letter dated 10 February 2025 which states that '*The assessment of the impact of the proposed wind farm on the settings of scheduled monuments has considered historic views from them whilst explaining that views were not a factor in determining where they were located and how the sites were used.*'

2.1.5. The monuments all form part of, and contribute to, the OUV of the BILWHS, which is acknowledged in the ES. The overall effect of the proposed development on the OUV of the BILWHS has been identified as a Moderate/Major Adverse Impact (i.e. a significant effect when considering the EIA methodology based on professional judgement). The assessment considered that the impacts from the proposed development would cause no detriment to the individual scheduled monuments' relationship with the Blaenavon Ironworks or wider BILWHS, and as such, no harm to their importance/sensitivity would occur (Chapter 7: Cultural Heritage of the ES, Paragraph 7.6.62).

2.1.6. An additional review of theoretical inter-visibility between the monuments, as highlighted by Cadw in their response, and the proposed wind turbines has been undertaken by the author of the Cultural Heritage Assessment using Geographic Information System (GIS) software in order to address the points raised by the Inspector. The locations of the scheduled monuments are shown on figures 7.1 and 7.2 within Volume 2 of the ES and figures 7 and 8 of the Historic Environment Desk-Based Assessment located in Appendix A7.2 of the ES. Figure 8 also shows which of these assets has theoretical visibility of the proposed turbines.

2.1.7. The monuments all lie to the north and north-northeast of the proposed wind turbines, and so it will be views to the south (between monuments) where intervisibility would occur, and most of this will only be peripheral views of turbines, rather than seeing turbines directly 'behind' the monuments. Table 2.1 below details each monument and the theoretical intervisibility it would have with other identified monuments and the proposed wind turbines. If a monument is not noted in the second column, there will be no intervisibility or points where both the monument and turbines will be visible. The theoretical intervisibility is based on the bare earth ZTV generated for the proposed wind turbines which does not take into account vegetation cover or existing built form. Aerial photographs and information from site visits has also been used to further inform the information in this table.

Table 2.1: Scheduled Monuments and theoretical intervisibility with others within BILWHS

Scheduled Monument	Scheduled monuments within the line of sight towards turbines	Description
MM200: Blaenavon Ironworks.	None	The monument is located to the south-west of the other identified monuments, such that any views towards the other identified monuments (i.e., northwards) would have no proposed wind turbines visible as the proposed development is located south-west of MM200. See Figure 7.5 of the ES for a wireline model of the view from MM200 Blaenavon Ironworks towards the proposed turbines.
MM222: Brake Engine on Hill Pits Tramroad Incline.	MM293, MM200 and MM357	Proposed wind turbines would be visible on the periphery when looking towards MM293 and possibly MM200 and MM357.
MM223: Pwll Du Tramroad Tunnel Southern Approach.	MM200, MM293 and MM297	Proposed wind turbines would likely be visible in views towards MM200, and there would be peripheral views of turbines when looking towards MM293 and MM357.
MM227: Iron and coal patching at Pen-ffordd-goch, Blaenavon.	MM200, MM293, MM296, MM357, MM222, MM293 and MM297	Views towards MM200, MM293, MM296 and MM357 will have the proposed wind turbines visible directly behind the monuments. Peripheral views would be present when looking towards MM222, MM293 and MM297. See Figure 7.7 of the ES for a wireline model of the view from MM227 Pen-ffordd-goch towards the proposed turbines.
MM293: Old Coal Pits, Blaenavon.	MM200, MM222, MM296 and MM357	Peripheral views of proposed wind turbines may occur when looking towards MM200, MM222, MM296 and MM357, but no turbines would be visible looking towards any other of the identified monuments.
MM295: Ironstone Quarries at Carreg Maen Taro.	MM200, MM222, MM296 and MM357	Proposed wind turbines would be visible in peripheral views towards MM200, MM222, MM296 and MM357. See Figure 7.10 of the ES for a wireline model of the view from MM295 Ironstone Quarries at Carreg Maen Taro towards the proposed turbines.
MM296: Blaenavon Upper Brick Yard	MM200	Proposed wind turbines would be visible directly behind MM200 when looking towards it. See Figure 7.6 of the ES for a wireline model of the view from MM296 Blaenavon Upper Brick yard towards the proposed turbines.
MM297: Coal and Iron Ore Workings West of Abergavenny Road, Blaenavon.	MM200, MM223, MM296, MM357, MM222 and MM293	Views towards MM200, MM223, MM296 and MM357 will have the proposed wind turbines visible directly behind the monuments. Peripheral views would be present when looking towards MM222 and MM293.

Scheduled Monument	Scheduled monuments within the line of sight towards turbines	Description
MM357 Garn Road Powder House 300m ENE of Ashgrove Bungalow	MM293 and MM200	Peripheral views of turbines could occur when looking towards MM293 and MM200.

2.1.8. For the majority of identified monuments, there will be no or only peripheral views of turbines when looking between the monuments, as demonstrated by the information presented in Table 2.1. Direct views of monument MM200 will be present when looking from monument MM223 towards the proposed turbines; of monuments MM200, MM293, MM296 and MM357 when looking from MM227 towards the proposed turbines; of monument MM220 when looking from MM296 towards the proposed turbines; and direct views of monuments MM200, MM223, MM296 and MM357 when looking from MM296 towards the proposed turbines. The additional information gathered does not change the assessed impacts as laid out in ES Chapter 7 and Appendix A7.2 and the conclusion for significance. The previous assessment determined that while the proposed wind turbines may be visible within the broader setting(s) of the assets, this is limited and peripheral visibility will not cause any harm to the significance of any scheduled monuments within the 10 km study area. Based on professional judgement, this conclusion remains valid, as noted above the views from these monuments were not a factor in determining where they were located or how the sites were used. In response to Cadw's comments regarding cumulative impact on the scheduled monuments, this section of the report has further considered the visual impacts on the settings of the scheduled monuments highlighted by Cadw, in terms of their intervisibility with groups of associated monuments. These additionally assessed impacts do not change the conclusions of the original assessment (ES Chapter 7, paragraph 7.6.62), as the proposed wind turbines will lie over 2km to the southwest of the group of monuments and will not directly affect any intervisibility between them and thus not affect their association as a group which forms part of the general post medieval industrial landscape (the impacts are concluded as being low).

2.1.9. No significant effect has been identified for any of the scheduled monuments discussed above as individual assets or as a group (see ES Chapter 7, paragraph 7.6.62). Furthermore, there is no additional effect to be considered with regard to the overall effects (i.e. no accumulation of multiple adverse effects) on the OUV of the BILWHS. Cadw suggest that an accumulation of individual effects could potentially lead to a 'cumulative effect' on the OUV of the BILWHS, however this is not the case principally because there are no significant effects on the individual scheduled monuments and the significance and setting(s) of these assets (which the Applicant agrees are also attributes of the BILWHS) will remain unaffected by the proposals. The effects identified on the OUV of the BILWHS instead stem principally from the visual change that is posed within its own setting, rather than from impacts to individual assets located within its boundary, which is addressed fully in the assessment of the BILWHS in Chapter 7: Cultural Heritage of the ES.

5. If, however, the applicant does not agree, the applicant can set out its rebuttal to these matters including any other information in relation to heritage.

2.2. Response to Question 5

2.2.1. The additional information below is provided in response to the Inspector's Question 5 on Heritage Assets, and relates to the responses received from CADW, BILWHS Partnership, and John Rogers (ICOMOS Representative).

2.2.2. In each instance the consultees suggest that Coity Mountain (the location of the proposed development), and particularly its ridgeline, are fundamental to the OUV of the WHS. For clarity, the Applicant's position is that views of the ridgeline *contribute* to, rather than are *fundamental to*, the OUV.

2.2.3. The consultees have suggested that instead of including Coity Mountain within the WHS boundary, or adopting the previously suggested buffer zone (as part of the Forgotten Landscapes Project), it is sufficiently protected by the WHS Management Plan, which states that it would not support visible wind turbines in the setting of the WHS.

2.2.4. It is noteworthy that Technical Advice Note (TAN) 24 states:

2.2.5. *'3.3 Some World Heritage Sites have a buffer zone defined around or attached to their boundaries which is used as a management tool to help protect the World Heritage Site.* ***The buffer zone itself is not of Outstanding Universal Value*** *but can be used to highlight areas where potential impacts need to be given careful consideration by developers and decision maker'.* (the Applicant's emphasis).

2.2.6. In accordance with the above, Coity mountain itself (and the location of the proposed development) is not considered to be of Outstanding Universal Value and was therefore not included within the WHS or incorporated into an extended buffer zone. Rather, as part of the setting of the WHS it contributes to its OUV, as was acknowledged in the Cultural Heritage assessment for the proposed development.

2.2.7. The implication throughout the ICOMOS response is that there is no need for an adopted buffer zone, as existing policy protects the setting of the WHS from this type of development (i.e. wind).

2.2.8. While there is disagreement over reasoning, ICOMOS agrees with the Applicant's overall conclusion of Moderate – Major (they use 'Modest') adverse effects.

2.2.9. Cadw agree with the assessment of the impacts, but place the level higher than Moderate, and suggest instead that it is Major Adverse. They echo the point made by ICOMOS, that visible turbines within the setting is prohibited within the WHS Management Plan and refer to the same issues regarding pre-assessed sites and Future Wales policies. They again refer to the Forgotten Landscapes Project and like ICOMOS, take the view that Coity Mountain is *fundamental* to the OUV of the WHS.

2.2.10. They take this suggestion further and state that this means the impact is direct rather than indirect, which we do not agree with. Hence, Cadw conclude a Major effect. They also believe that the effects could not be mitigated as they relate ultimately to the siting of the turbines and their visibility.

2.2.11. Overall, the ultimate point of disagreement between the assessment undertaken by HCUK and the representations of the consultees is whether or not Coity Mountain is fundamental to the OUV of the BILWHS, or whether it contributes to it.

6. Provide an explanation of the applicant's approach to the issue of archaeology in relation to trial trenching of unknown features (as required by Glamorgan Gwent Archaeological Trust) and the potential conflicting requirement to conserve and leave undisturbed the peatland resource.

2.3. Response to Question 6

2.3.1. The guidance on pre-determination evaluation is set out in Planning Policy Wales 2024 (Edition 12) Paragraph 6.1.26, which states '*Where archaeological remains are known to exist or there is a potential for them to survive, an application should be accompanied by sufficient information, through desk-based assessment and/or field evaluation, to allow a full understanding of the impact of the proposal on the significance of the remains'*.

2.3.2. The area within the site boundary has been identified as having some archaeological potential, but the proposed development's design and the areas where works will actually be undertaken lie within areas identified as low archaeological potential (ES Chapter 7, paragraphs 7.6.26 - 7.6.28). The design of the proposed development's infrastructure and associated working areas, where there will be a potential for archaeological remains to be exposed, damaged or destroyed, has avoided all known archaeological sites recorded on the Historic Environment Record and National Monuments Record of Wales as identified in ES Chapter 7 and Appendix A7.2. Lidar data and aerial photographs were also used in the assessments to confirm that no visible archaeological remains were present within areas of proposed infrastructure or associated working areas.

2.3.3. Archaeological remains are still present within the site boundary and these are detailed within ES Chapter 7 and Appendix A7.2. The archaeological potential and significance of those remains were assessed for the area within the site boundary.

2.3.4. Paragraph 6.14 and Table 9: Archaeological Potential and Importance, in Appendix A7.2 of the ES, assessed the potential within the site boundary for archaeological remains and their importance as follows:

- Prehistoric potential, low for the main body of the proposed development but high for the access track (specifically in one area to the north adjacent to a possible round barrow and a standing stone);
- Roman potential is low;
- Early Medieval potential is low;

- Medieval potential is low;
- Post medieval potential is moderate, associated with agriculture or mineral working activities and marker land division marker stones; and
- Modern potential is low.

2.3.5. Based on the assessments undertaken the archaeological potential of the area covered by the proposed infrastructure and associated working areas including micrositing but excluding part of the northern area of the access track, is low for all periods except post medieval (discussed below). It is therefore considered unlikely that any remains of regional or national significance will be present based on professional judgement. For that part of the northern area of the access track where a Neolithic standing stone and possible Bronze Age round barrow are present it is considered that there is a moderate to high potential for hitherto unknown archaeological remains to be present, which could be of low to regional archaeological importance (shown as GGAT08431g for the standing stone and GGAT08429g for the round barrow, in Figure 7.14 of the ES and Figure 29 in Appendix A7.2). A geophysical survey was attempted in this area in May 2025, as a form of non-intrusive archaeological evaluation that would not impact on common land, ecological habitats or the underlying peat resource. Unfortunately, due to the unsuitable/challenging nature of the ground, the survey was not successful. As noted above, trenching at this stage is considered inappropriate, based on the likely resulting impacts on common land, ecological habitats and underlying peat resource as these would be disproportionate in comparison to the anticipated archaeological information that might be gained .A moderate/high potential for post medieval mineral extraction remains was identified in the ES within the site boundary; the proposed access track passes through a quarry area, and a former mineral extraction site (now reclaimed) lies at the northern edge of the main wind farm area (Figure 7.14 of the ES and Figures 18 and 29 in Appendix A7.2), however, such remains have been assessed as being of limited archaeological importance and not a constraint to the proposed development so as to require predetermination evaluation (ES Chapter 7, paragraphs 7.6.22 and 7.6.23). It was concluded in Paragraph 6.17 of Appendix A7.2 of the ES that *'Based on the assessment it is not anticipated that below ground archaeological remains of such a high significance to present a constraint to development will be present, and that any such remains can be dealt with through appropriate mitigation'*. Mitigation would entail a phased programme of archaeological works, to include initial trial trench evaluation of working areas, secured by way of a condition on the planning permission (draft planning condition 20), the results of which would determine whether more detailed archaeological investigation would be needed in advance of development commencing in those areas, to preserve the archaeological sites through record. Further details of the proposed archaeological investigations can be found in ES Chapter 7, paragraphs 7.6.10 to 7.6.15.

2.3.6. The potential for remains of regional or national importance to be present within areas of proposed infrastructure and associated working areas, where archaeological remains could be exposed, damaged or destroyed (the working areas), is considered low based on professional judgement (ES Chapter 7, paragraphs 7.6.26 - 7.6.28).

2.3.7. Paragraph 7.6.7 in Chapter 7 of the ES concludes that '*A post-determination phased archaeological approach is considered appropriate as the site boundary is unlikely to contain any archaeological remains of national significance. This is based on the assessment, known archaeology of the area, through site visits undertaken for this assessment and analysis of Lidar data and aerial photography. The proposals are mostly for access tracks and isolated areas around the six wind turbine locations rather than large open areas of development*.'

2.3.8. Paragraphs 7.6.5 to 7.6.15 in Chapter 7 of the ES describe how future archaeological works to be implemented at the site post-consent can be achieved through the agreement of an archaeological written scheme of investigation putting forward a phased approach to archaeological investigation, which will be fully funded by the Applicant and conditioned as part of the consent (see draft planning condition 20). This is considered appropriate based on the archaeological potential and importance attributed in the Cultural Heritage assessment presented in the ES, and is an approach used for numerous developments across Wales (and more widely) with a similar level of archaeological potential, whilst still adhering to PPW Paragraph 6.1.26.

2.3.9. The information submitted within ES is therefore considered sufficient to address Planning Policy Wales 2024 (Edition 12) Paragraph 6.1.26.

3. Landscape and Visual Impact and Cumulative Impacts

1. The applicant should consider whether to provide additional viewpoints from the National Park Authority Area and the Wye Valley Area of Outstanding Natural Beauty.

3.1. Response to Question 1

3.1.1. ES Chapter 6: Landscape and Visual Impact included an assessment of the proposed development from 22 viewpoint locations which were finalised based on scoping comments from consultees and sent to TCBC, BGCBC, CCBC, BBNPA, PEDW, NRW and BWHSP for agreement. With the exception of an email from BGCBC agreeing to the viewpoints no further comments were received, including at PAC, and the viewpoint locations were therefore assumed to be acceptable. The viewpoint selection rationale is included in ES Appendix A6.1: Landscape and Visual Impact Assessment Methodology. It is maintained that this selection of 22 viewpoints includes a sufficiently broad coverage of representative viewpoints to provide coverage of the key landscape and visual receptors found within the study area and zone of theoretical visibility. However, following review of the consultation responses relating to the ES submission, additional viewpoints have been provided. This includes viewpoints within the Bannau Brycheiniog National Park (BBNP) and the Wye Valley National Landscape (previously the Wye Valley Area of Outstanding Natural Beauty) as listed below. Other additional viewpoints are also included and discussed in response to point 2 below. The additional visualisations are included as Figures AI 3.1 to 3.11. Those visualisations relating to BBNP and Wye Valley National Landscape are as follows:

- Figure AI 3.1a-f – VP23: Ysgyryd Fawr (BBNP) – Photomontage visualisation;
- Figure AI 3.4a-c – VP26: Site entrance (edge of BBNP) – Photomontage visualisation;
- Figure AI 3.6 – VP28: Table Mountain (BBNP) – Wireframe visualisation;
- Figure AI 3.7 – VP29: Mynydd Llangatwg (BBNP) – Wireframe visualisation;
- Figure AI 3.8 – VP30: Gilwern Hill (BBNP) – Wireframe visualisation; and
- Figure AI 3.3a-c – VP25: Devauden Escarpment (Wye Valley National Landscape) - Photomontage visualisation

3.1.2. Of these suggested additional viewpoint locations, three have been produced as photomontages including baseline photography as these are considered to best represent the key concerns presented by consultees. Wireline visualisations only have also been provided for the other three suggested locations as additional proportionate supporting documentation.

3.1.3. It is considered that the additional visualisations provided from within the BBNP and the Wye Valley National Landscape as part of this additional information further supports the assessment provided in the . ES Chapter 6: Landscape and Visual Impact, to be considered as supporting documentation, and that no detailed additional assessment from these locations is required or that the assessment is already represented by other viewpoint locations included in Chapter 6. Table 3.1 in Appendix AI 3.1 provides further description of these additional viewpoints in response to consultee comments.

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2. The applicant should consider whether it intends to provide additional viewpoints as requested by other Council's that have responded voluntarily to the application.

3.2. Response to Question 2

3.2.1. Following review of the consultation responses, additional viewpoints have been provided in response to comments made by MCC and CCBC as listed below.

- Figure AI 3.1a-f – VP23: Ysgyryd Fawr – Photomontage visualisation;
- Figure AI 3.2a-f – VP24: Raglan Castle Ramparts – Photomontage visualisation;
- Figure AI 3.5a-c – VP27: Blackwood Showground – Photomontage visualisation;
- Figure AI 3.9 – VP31: Llanarth (rural settlements north of A40) - Wireframe visualisation;
- Figure AI 3.10 – VP32: Kingcoed Escarpment - Wireframe visualisation; and
- Figure AI 3.11 – VP33: Wentwood - Wireframe visualisation.

3.2.2. As noted above, three viewpoints have been produced as photomontages including baseline photography and the other three as wireline visualisations for the same reasons explained in response to question 1 above.

3.2.3. It is considered that the additional visualisations as suggested by MCC and CCBC as part of this additional information further supports the assessment provided within the ES Chapter 6: Landscape and Visual Impact. It is considered that no specific additional assessment from these locations is required and that the assessment is already represented by other viewpoint locations included in Chapter 6. Table 3.1 in Appendix AI 3.1 provides further description of these additional viewpoints in response to consultee comments.

3. The applicant should consider whether it provides a rebuttal to the weight attributed to identified viewpoints, landscape designations and cumulative effects, together with the weight that should be attributed to the special qualities of the National Park.

3.3. Response to Question 3

3.3.1. The response below provides a summary of the key themes found within the consultee responses that relate to these points of rebuttal identified namely viewpoints, landscape designations (including SLAs, BILWHS and BBNP special qualities) and cumulative effects. Table 3.1 in Appendix AI 3.1 provides further specific responses.

Viewpoints

3.3.2. Responses from consultees relating to viewpoints contained common themes on the underestimation of magnitude of change, the description of detractors in the view and the methodology applied to the visual assessment. Viewpoints 18 and 22 are discussed by several consultees and are also examples of these common themes of concern that consultees noted. These are therefore discussed below along with a further section on methodology to provide further clarity of the Applicant's position on these themes. As already described within points 1 and 2 above, additional viewpoint visualisations have also been provided from suggested locations, and responses in relation to comments on other LVIA (ES Chapter 6) viewpoints are found within Table 3.1 in Appendix AI 3.1.

Viewpoint 18

3.3.3. NRW and MCC consider that the proposed development would result in a higher magnitude of change for receptors at Viewpoint 18 – Sugar Loaf (NRW consider this to be medium and MCC consider it to be high). Ultimately it is not agreed that the magnitude of change should be any higher than low at this viewpoint for the reasons set out below.

3.3.4. It is not agreed that the turbines would appear 'prominent' from this location as suggested by NRW. It is considered that they would appear as a minor feature on the distant horizon. The horizontal extent of the proposed development has been calculated at this viewpoint as 5° of the panorama, and as stated in the LVIA (ES Chapter 6) '*The proposed development would be seen beyond the Usk Valley and set back into the uplands visible along the horizon creating a sense of separation from the settled valley below and landscape context of the BBNP within which the viewpoint is located.*'

3.3.5. In relation to rotation of blades, the extent of visibility at this viewpoint is clearly noted in Table 6.39 of Chapter 6 of the ES and the rotation of blades are considered within the assessment. One of the magnitude of change criteria within LVIA (ES Chapter 6) Appendix A6.1: Landscape and Visual Impact Assessment Methodology, includes blade rotation, as follows - '*The scale and character of the context within which the proposed development would be seen and the degree of contrast or integration of any new features with existing landscape elements, in terms of scale, form, mass, line, height, colour and motion. Contrasts and changes may arise particularly as a result of the more notable rotation movement of the wind turbine blades, as a characteristic that gives rise to effects of the proposed development*.' The rotation of the blades and components of the turbines have therefore been inherently considered in assessing the magnitude of change which is considered to be low.

3.3.6. In relation to NRWs comment '*absence of comparable development in the view'*, the Applicant acknowledged following PAC that the existing wind energy development is not in the same part of the view south-south-west as the proposed development, however, it is still a part of the view south and south-west and is therefore a moderating influence on the view south from this location within the BBNP. The Applicant further acknowledged that the influence of this existing development is not the defining factor of magnitude and the description of significance of effect was updated for the ES accordingly, which states '*Whilst the viewpoint is within the BBNP and has a High sensitivity, the magnitude of change is considered to be at a low level. This is largely due to distance and the large scale of the intervening broad upland context behind which the proposed development would be located in the view to the south-west of the BBNP*.'

3.3.7. The factors of magnitude also note that whilst the existing developments seen from this location are smaller in scale, the proposed development would not be entirely uncharacteristic within this context. The factors of magnitude assessed support the criteria that the proposed development would result in a minor alteration to the baseline view, providing a slightly apparent influence. In particular that '*The proposed development would occupy a relatively small amount of the horizon (approximately 5 degrees) to the south-south-west and would not diminish the broad scale of the upland landform of the visually connecting ridgelines behind which the proposed development would be located.' It is not agreed that the proposed development would 'appear to be located within the National Park'* as suggested by NRW but rather and as ES Chapter 6 states, *'The proposed development would be seen beyond the Usk Valley and set back into the uplands visible along the horizon creating a sense of separation from the settled valley below and landscape context of the BBNP within which the viewpoint is located.*'

3.3.8. It is not agreed therefore that the magnitude of change would be higher than low at this viewpoint. The low magnitude assessed in the LVIA (ES Chapter 6) is as reported, '*largely due to distance and the large scale of the intervening broad upland context behind which the proposed development would be located'*.

<u>Viewpoint 22</u>

3.3.9. NRW, TCBC and MCC consider that the proposed development would result in a higher magnitude of change for receptors at Viewpoint 22 – The Blorenge. It should be noted that there is agreement here between parties that a significant effect would occur, however, it is not agreed that the magnitude of change should be any higher than medium-low.

3.3.10. The proposed turbines are arranged on the widest part of the Gwastad ridge, which is largely due to the topography of the Coety Mountain and the degree to which it protrudes eastwards into the Afon Lwyd valley. This provides a greater sense of setting back when the proposed development is viewed from sensitive landscapes to the east including the BBNP, BILWHS and Viewpoint 22 at the Blorenge. The proposed development layout has been arranged in order to present a cohesive linear spread of turbines that relate well to the underlying upland ridgeline. It is considered that the proposed development relates well to the large scale and simple broad topography of the upland ridgeline and presents a simple visual relationship and the scale (both vertically and horizontally) of the proposed development which does not overwhelm the large scale of the underlying upland. It is not agreed therefore that the magnitude of change is underestimated at this location and the Applicant strongly disagrees with the assertion that the turbines would appear 'prominent' from this location as NRW suggest.

3.3.11. Consultees have also raised concerns in relation to the existing radio masts and how they are referred to within the LVIA (ES Chapter 6). These masts are part of the baseline view in the direction of the proposed development. It is considered that they are a factor that moderates magnitude of change due to them providing reference to man-made vertical structures within the same visual context and part of the panorama that the proposed development would be introduced into. It is however acknowledged that their presence has only a slight moderating influence, but the assessment has taken that into account. It is therefore not agreed that the LVIA (ES Chapter 6) is '*seeking to justify harm based on an existing detractor'*, as NRW has commented. It is not the purpose of the LVIA (ES Chapter 6) to *'justify harm*' on the basis of the baseline view as seen from Viewpoint 22 but rather to provide an accurate account of the baseline for the landscape and visual assessment, including detractors in views, such as existing infrastructure which in this instance includes the radio masts.

Methodology

3.3.12. NRW have also questioned the methodology and the definitions used in the matrix provided within Appendix A6.1 of the ES, in particular that a low magnitude of change for a high sensitivity receptor should result in a moderate level of effect rather than a moderate-minor effect.

3.3.13. As stated in Appendix A6.1 '*In line with the emphasis placed in GLVIA3 upon the application of professional judgement, an overly mechanistic reliance upon a matrix is avoided through the provision of clear and accessible narrative explanations of the rationale underlying the assessment made for each landscape and visual receptor*.' Table 6.1.1 in Appendix A6.1 provides an illustration of how combinations of sensitivity and magnitude of change ratings can give rise to significant effects and the application of experienced professional judgement by a suitably qualified and chartered landscape architect is an essential part of LVIA. Notwithstanding this, it is considered that the methodology prepared for the proposed development provides a detailed and established method and approach for LVIA (ES Chapter 6) which accords with the Guidelines for Landscape and Visual Impact Assessment, 3rd Edition (GLVIA3). In the practise of undertaking an LVIA, the matrix does not drive the assessment, rather, it provides a framework to guide on-site evaluation and in every case, professional judgement is applied to the determination of effects. Through undertaking numerous LVIAs the authors regularly review and refine the methodology in line with current guidance.

3.3.14. It is considered that the strategic guidance referred to in NRWs comments (Seascape and visual sensitivity to offshore wind farms in Wales: Strategic assessment and guidance Stage 1-Ready reckoner of visual effects related to turbine size) is not applicable to the proposed development as the analysis carried out within it relates exclusively to offshore wind farm development. Offshore wind farms are typically much larger in scale, particularly in relation to the larger footprint of offshore arrays and their relationship to the coast is visually unimpeded by intervening landscape which is not the case onshore. This strategic study is also not recognised as guidance and should not be used as a substitute for GLVIA3 (which is the industry's standard guidance and approach to undertaking an LVIA and represents best practice) with which the LVIA (ES Chapter 6) methodology accords.

3.3.15. Fundamentally the use of this 'ready reckoner' guidance would be to apply magnitude assessments of much larger scale (largely in relation to horizontal field affected) and with no intervening landscape to onshore developments with a much smaller footprint and therefore smaller horizontal scale and which are experienced with intervening landscape. It is clear in their response that NRW are disregarding the horizontal extent of view affected in their assessments of magnitude. For example, in relation to Viewpoint 16 they state '*Regardless of whether the horizontal field of view affected is accepted to be relatively small or not, we advise the change from there being nothing on the horizon, to major development on the horizon, is significant. Particularly when experienced in the context of views across a landscape deemed to have such outstanding natural beauty that it is worthy of national protection*.' It is notable here that NRW acknowledge the 'small scale' of the proposed development in this view, however, this comment suggests that NRW consider that a view of development seen from the BBNP would be considered significant regardless of its 'small scale'. In relation to scale of visual effects, Paragraph 6.39, page 115 of GLVIA3 states in its first bullet relating to '*judging the magnitude of the visual effect' that the assessment should take account of 'the scale of the change in the view with respect to the loss or addition of features in the view and changes in its composition, including the proportion of the view occupied by the proposed development*.' In SLRs opinion (as author of Chapter 6) this comment therefore, appears directly related to the use of and over-reliance on the offshore guidance cited here particularly the use of averaged magnitudes within the guidance that are based on much larger schemes within an offshore context. Ultimately the application of this ready reckoner for offshore wind energy projects, in relation to onshore wind is in SLR's opinion, entirely flawed and is contrary to the well-established best practice in GLVIA3. This also reveals a wider flaw in the approach that NRW may have taken in their assessments of magnitude at other viewpoint locations, which in SLR's opinion has likely contributed to the higher magnitude judgements found throughout their response.

Landscape Designations

Special Landscape Areas (SLAs)

3.3.16. BGCBC and TCBC highlight the sensitivity of the underlying landscape character (BGTC LCA34 – Mynydd Coety Upland Ridge / LAU34 within the Capacity study) and the potential for the 'degradation of qualities' that define the local SLA designations, particularly SLA 29 Blaenavon Heritage Landscape, SLA 30 Eastern Uplands and SLA 32 Western Uplands.

3.3.17. The LVIA (ES Chapter 6) acknowledges that the host LCA (BGTC LCA34 – Mynydd Coety Upland Ridge / LAU34 within the Capacity study) has an increased sensitivity due to it overlapping with part of the BILWHS, the presence of SLAs and its proximity to the BBNP to the east. There are however other factors which moderate the sensitivity such as the large scale and simple broad topography of the upland ridgeline, and it is considered that the proposed development relates well to these aspects and presents a simple visual relationship and the scale (both vertically and horizontally) of the proposed development does not overwhelm the large scale of the underlying upland. The proposed turbines are arranged on the widest part of the ridge, which is largely due to the topography of the Coety Mountain and the degree to which it protrudes eastwards into the Afon Lwyd valley and has avoided placing turbines on narrow sections of the ridge (of which Coety Mountain is a part). This provides a greater sense of setting back when the proposed development is viewed from sensitive landscapes to the east including SLA 29 Blaenavon Heritage Landscape, SLA 30 Eastern Uplands and SLA 32 Western Uplands.

3.3.18. Whilst the LVIA (ES Chapter 6) finds significant effects across these SLAs, the severity of the significant effect is considered to be localised with only a moderate significant effect beyond 3.5 km. For reference, the LVIA (ES Chapter 6) finds that major significant effects are localised to within 3.5 km of SLA 32 Western Uplands and that moderate significant effects are found for SLA 29 Blaenavon Heritage Landscape, SLA 30 Eastern Uplands and SLA 32 Western Uplands (wider area of LCA). It is not agreed that the SLA qualities would be entirely degraded and it is the Applicant position that the severity of significant effects on landscape character the SLA qualities are localised.

3.3.19. The rarity and pre-industrial qualities of SLAs was also raised by BGCBC including in relation to the SLA designation coverage within and surrounding Pre Assessed Area (PAA) 10. The designation of much of the BGCBC landscape as SLA has clearly not prevented the identification of PAA 10 across large areas of SLA within the borough. It is also not agreed that SLAs are '*locally rare in the borough'*, as it is clear on Figure 6.12 that the SLAs within BGCBC cover an extensive area of landscape, only punctuated by built up areas of settlement within the valleys. There are nine SLAs within 5 km of the proposed development that lie within BGCBC and TCBC. It is not agreed therefore that the SLAs form part of a rare resource within BGCBC but rather that they represent the majority of the unsettled surrounding landscape. Whilst it is agreed that the host SLA of Blaenau Gwent SLA55 Eastern Ridge and Mynydd James has open moorland characteristics, the signs of this areas industrial past is also evident as noted in the '*Proposals for Designation of Special Landscape Areas in Blaenau Gwent Final Report (March 2009)*' which describes the 'past tipping and extraction' on its northern slopes. Additionally, the gas pipeline that crosses this ridge and the site area is also a visually evident feature. It is not agreed, therefore, that the landscape has a '*pre-industrial pattern of land use*' as suggested by BGCBC, indeed the industrialisation of the landscape is a key part of the world heritage designation to the north-east of the site boundary and underlying qualities of SLA 29 Blaenavon Heritage Landscape.

Blaenavon Industrial Landscape World Heritage Site

3.3.20. Consultees including Cadw, Blaenavon World Heritage Site Partnership, TCBC, BGCBC and MCC have raised concerns regarding the potential impact of the proposed development on the BILWHS, in particular in relation to the effect on the integrity of the designation.

3.3.21. The UNESCO description of the BILWHS states – *'The major preserved sites of Blaenavon Ironworks and Big Pit, together with the outstanding relict landscape of mineral exploitation, manufacturing, transport, and settlement which surrounds them, provide an extraordinarily comprehensive picture of all the crucial elements of the industrialisation process*'. As highlighted in the LVIA (ES Chapter 6), '*From lower elevated areas, including the main heritage area in the valley (and the Ironworks and Big Pit identified on the UNESCO map), the east facing slopes with mine workings and majority of the west facing slopes, from these areas there is little or no visibility of the proposed development. Where it does occur it is limited by topography such that only the blade tips would be visible'*. This limited turbine visibility greatly reduces the effect of the proposed development on the OUVs of the BILWHS and is considered to be a key contributing factor to maintaining the integrity of the BILWHS.

3.3.22. The overall setting and historic industrial baseline context of the wider landscape of the BILWHS are also taken into account in the LVIA (ES Chapter 6). The consultees have raised concerns relating to the backdrop of Coety Mountain as seen from the BILWHS, in particular as a backdrop to 'Blaenavon town itself and the surviving features of the industrial workings of the area' (CADW response page 2). With specific reference to the ridgeline of which Coety Mountain is a part of, the LVIA (ES Chapter 6) states that *'the proposed development would not diminish the open, exposed, large-scale and uniform character of the upland landscape of the ridgeline landscape, including the designated area. Furthermore, the large scale of this upland ridgeline provides a degree of separation from the settled valley floor to the upland ridgeline such that the setting of the lower elevated industrial landscape or surrounding settlement would not be diminished (including in views from elevated slopes within the designated area)*.'

3.3.23. Significant visual effects were found within elevated parts of the BILWHS designation, for instance at elevated viewpoints such as at viewpoints 10 and 22 or on elevated parts of walking routes that cross the area, including the Cambrian Way, Iron Mountain Trail, and Torfaen Trail. In views from these elevated receptors, key remnant industrial features are not as apparent as they are in lower elevated areas. Many of the key remnant industrial features found within the Afon Lwyd valley and around the northern and eastern part of the BILWHS would be unaffected by the proposed development. This is evidenced in the ZTV on Figure 6.12 and the cultural heritage wireline visualisations located at key heritage features within the BILWHS (Chapter 7: Cultural Heritage Figures 7.3 to 7.11 - CH viewpoints 1-9).

3.3.24. However, when assessing the effect on the BILWHS OUV, the assessment concludes that '*the level of change for the unique qualities of the BILWHS would not lead to the key aspects of industrial heritage being diminished.*' Therefore, it remains the position of the applicant, as concluded in the LVIA (ES Chapter 6), that the integrity of the BILWHS would remain intact despite these significant effects from more elevated parts of the BILWHS.

3.3.25. Cadw has suggested that no mitigation of landscape and visual effects in relation to the BILWHS has been undertaken. Embedded mitigation within the arrangement of turbines within the site boundary (including the scoping layout) included specific landscape and visual advice to set the turbines back from the north-eastern ridge that is closest to the BILWHS (Coety Mountain). In doing so, the extent of visibility across the lower lying parts of the BILWHS has been minimised, and from more elevated parts of the BILWHS the turbines appear set back behind the leading ridge of Coety Mountain that creates the horizon in these views. The buffer provided by Coety Mountain has therefore been utilised in the design of the layout in order to minimise the amount of visibility within the BILWHS (particularly from lower elevated parts of the BILWHS) and provide a degree of setting back beyond the leading ridgeline when visible from more elevated parts of the BILWHS and the area of the BBNP to the east. The proposed development has avoided placing turbines on narrow sections of the ridge (of which Coety Mountain is a part of) and in this regard has further respected the setting of the BILWHS in its design.

3.3.26. Mitigation of effects by design has been undertaken at key stages to ensure effects on key receptors are minimised within the confines of the type and location of development being proposed. The differences between 180 m and 200 m tip height turbines were considered as part of the design process in relation to the potential landscape and visual effects in the study area, including in relation to the effects on the BILWHS. The differences in visibility extent were found to be minimal and in considering the consulted viewpoints (using comparative wireframe analysis), changes in magnitude of effect would be too subtle to alter the assessment of significance presented in the ES. Given that a reduction in tip height would not affect the significance of effect this did not justify the loss of energy generation which would occur as a result of the tip height reduction.

BBNP Special Qualities

3.3.27. The BBNPA have queried the methodology used in the assessment of BBNP Special Qualities referencing the latest guidance from NatureScot. The NatureScot guidance, published in 2025 was not available at the time of assessment. This does not mean that the assessment provided in A6.3 of the ES is not in line with the guidance available at the time. The approach taken was developed from the consultation version of the NatureScot guidance and adapted for use in Wales to accommodate consultation feedback from NRW to specifically address qualities cited in the BBNP Landscape Character Assessment and within LANDMAP. It is considered therefore that the assessment of special qualities within the LVIA (ES Chapter 6), including the scope and study area assessed, methodology and conclusion, presents a robust assessment of the BBNP special qualities which would broadly align with the approach in the current version of the NatureScot guidance, albeit as adapted for use alongside LANDMAP and the Welsh landscape baseline context.

3.3.28. In particular, BBNPA highlight distant locations within the BBNP where special qualities are well expressed. In relation to more distant parts of the BBNP (and the special qualities expressed within these areas), it is not the intention of ES A6.3 to suggest that there would be no effect on special qualities within these areas but that there is no potential for significant effects on special qualities due to distance or limited levels of visibility. In support of this approach, the 2025 NatureScot guidance notes that '*The detail required for an assessment will differ according to circumstances, including the nature and scale of the proposal. The SLQ assessment should therefore be tailored to reflect the location, scale and type of proposal and the potential significance of effects arising*'. In relation to the study area Appendix A6.3 states that '*The focus for the assessment of special qualities is therefore also based on these LCAs, as these are regarded as most susceptible to change from the proposed development. Other areas of the BBNP are regarded as having no potential for significant effects either as a result of closer and larger scale wind energy development context that forms part of the underlying characteristics of the area, limited or no visibility of the proposed development, and/or distance from the proposed development.*' This supports the approach taken to focus the assessment on where likely significant effects might occur, which for the avoidance of doubt, is in accordance with industry best practice.

3.3.29. BBNPA comment that '*the Coety Mountain ridgeline appears a continuation of the ridgelines and landscape in the National Park (being visually connected)*'; similarly NRW comment that '*there are no obvious markers or differences to distinguish this ridge lies outside of the National Park*'. It is considered that the settled and historic industrial landscape of Afon Lwyd (which has a Moderate LANDMAP evaluation) provides separation between the ridgeline on which the proposed development is located to the ridgeline of the BBNP further to the east. Whilst the lower lying valley landscape itself is not always visible when viewing across these ridgelines, it does provide a degree of visual separation. It is not agreed therefore that these ridgelines are entirely visually connected and do not form a continuation of the ridgeline with no markers to distinguish.

3.3.30. NRW comment that they don't agree the effects on Special Qualities to be of limited and localised extent. In relation to the extent of visibility across the LCAs within the BBNP, it is not agreed that the ZTVs show extensive areas potentially affected and it is not agreed that the effects on the Special Qualities of SQ1 (Sweeping grandeur & outstanding) natural beauty and SQ8 (Peace, tranquillity & darkness) would be significant, as explained in detail within ES Appendix A6.3. It is clear in both LVIA (ES Chapter 6) Figure 6.12 Landscape Designations and Blade Tip ZTV (Local Context) and Figure 6.10b Landscape Character and Blade Tip ZTV (Local Context) that the extent of theoretical visibility is limited within this area. BBNP LCA 15 defines this south-western ridge area of the BBNP. These ZTVs show that only approximately 15% of BBNP LCA 15 has theoretical visibility of the proposed development which is largely located at the very edges of the BBNP ridge. The majority (85%) of BBNP LCA 15 would therefore be unaffected, supporting the observation that the effect would be extremely localised, noting that the term is used in relation to the specific form of development proposed. It is considered that the geographic extent of significant effects from the proposed development is somewhat less than might normally be expected for a development of the size and scale proposed, which is a reflection of the receiving landscape in this case and the localised nature of the visibility extent. The ZTV shows that LCA12 also has very limited extent of theoretical visibility across south and west facing slopes at distances greater than 10 km. In relation to LCA9, the extent of visibility stretches across the south facing upland, much of which is beyond 10 km and separated from the proposed development by the Heads of the Valleys settled road corridor. Therefore, the description of localised effect is considered accurate due to the limitations described above, and in particular relates to the very limited extent of affected area within LCA22.

3.3.31. NRW also comment that visibility is gained at distant locations within LCAs 7 and 13 of the BBNP. The presence of areas of visibility across BBNP LCA 7 and 13 is not disputed, however, as highlighted in ES Appendix A6.1: Landscape and Visual Impact Assessment Methodology '*the Blade Tip ZTV does not indicate the decrease in visibility that occurs with increased distance from the proposed development. The nature of what is visible from 3 km away would differ markedly from what is visible from 10 km away, although both are indicated on the Blade Tip ZTV has having the same level of visibility.' Also, as highlighted in A6.3 'It is important to note that while LVIA Viewpoints within the BBNP provide a useful illustration of the views that could be gained, the assessment of visual effects on viewpoints and on special qualities is carried out separately and according to specific methodologies that vary in some respects. The assessment of visual effects at viewpoints should therefore not be considered to entirely represent the assessment of effects on special qualities, and the viewpoints have been referenced simply to provide an illustration of views within the BBNP*.'

3.3.32. The LVIA (ES Chapter 6) has found that the proposed development would form a small component of views from these distant receptors within the BBNP. This is further evidenced in ES Figure 6.8: Horizontal Angle Blade Tip ZTV with viewpoints, which shows that within the BBNP area to the north, the proposed development would occupy less than 5° of panoramas (where theoretical visibility occurs). ES Chapter 6 has assessed a range of viewpoints and LCAs within the BBNP. The preliminary assessment within ES Chapter 6 provides reasoning as to the inclusion of various landscape and visual receptors to be assessed in detail. It is considered that the detailed assessments from LCAs and viewpoints located within the BBNP further supports the preliminary assessments conclusions that there is no potential for significant effects for BBNP LCAs 7 and 13.

Cumulative Effects

3.3.33. BGCBC and TCBC have commented that the combined effect of proposals would lead to '*fundamental change in the upland character*'. They also have concerns that the proposed development would contribute to negative cumulative effects such that a '*windfarm landscape*' would occur alongside other proposals recently consented.

3.3.34. Cumulative effects have been considered for each receptor assessed in detail in the LVIA (ES Chapter 6). The LVIA (ES Chapter 6) has therefore considered the implications of the proposed development within the cumulative context of emerging developments in the area, including those mentioned in these comments. The cumulative assessment in the LVIA (ES Chapter 6) concludes significant cumulative effects both in relation to the application and scoping scenarios, which include the schemes referred to in these comments (Mynydd Carn y Cefn, Manmoel, Mynydd Llanhilleth and Mynydd Maen), appreciating that the cumulative situation has changed with Mynydd Carn y Cefn and Manmoel now consented. The significant cumulative effects are summarised in Section 6.11 of the LVIA (ES Chapter 6).

3.3.35. As explained in Appendix A6.1 of the ES NatureScot's guidance highlights that '*The purpose of a Cumulative Landscape and Visual Impact Assessment (CLVIA) is to describe, visually represent and assess the ways in which a proposed wind farm would have additional impacts when considered with other consented or proposed wind farms. It should identify the significant cumulative impacts arising from the proposed wind farm.' GLVIA3, p120 also highlights that 'the focus of the cumulative assessment will be on the additional effect of the project in conjunction with other developments of the same type (as for example, in the case of wind farms)'.* The CLVIA therefore focusses on the addition of the proposed development and states that *'The cumulative assessment set out in the LVIA assesses the additional landscape and visual effects of the proposed development, in the context of different baseline scenarios that make assumptions about existing and other proposed developments. It does not present an assessment of the combined effects of all the relevant cumulative developments on the landscape and visual resource*' (our emphasis underlined).

3.3.36. Therefore, in specific reference to the comment that the '*cumulative impacts of these combined proposals would create a fundamental change in the upland character of the area'*, the LVIA (ES Chapter 6) has focused on the additional cumulative effect of the proposed development, in line with the methodology and guidance stated above, rather than the overall combined effect of all proposals taken together as suggested here.

3.3.37. Notwithstanding this, a broad statement relating to the combined cumulative effect of multiple wind farms in the area can be made when considering the detailed cumulative effects described within the LVIA (ES Chapter 6). When taking into account the existing wind energy developments within the local area and the consented developments as yet unbuilt (Mynydd Carn y Cefn and Manmoel), it is considered that the local landscape will be characterised as having a 'landscape with wind farms' characteristic rather than a 'wind farm landscape' characteristic. The upland landscape is of a large enough scale with separation between and along the upland ridges to allow for wind farm developments to be experienced as separate components within the upland landscape. It is SLRs professional opinion that the proposed development in itself would not alter the perception of a 'landscape with wind farms' characteristic within the immediate landscape and visual context of the site.

3.3.38. When considering the addition of the other application schemes (Mynydd Llanhilleth and Mynydd Maen) the 'landscape with wind farms' characteristic would be further intensified, however, the perception of a 'landscape with wind farms' would be maintained. The proposed development would add further development to these scenarios, however, the LVIA (ES Chapter 6) has shown that the separation between these developments is sufficiently distant to allow each of these to occupy slightly separate parts of the same upland. It is not agreed therefore that the proposed development would result in a 'windfarm landscape' as suggested by BGCBC and TCBC.

Planning balance considerations

3.3.39. The responses above demonstrate that the Applicant's LVIA is robust and has been undertaken in accordance with the industry's best practice guidance (GLVIA3) and proper regard has been given to the scale and siting of the proposed development within the landscape.

3.3.40. The outcomes of the LVIA are clearly evidenced within the supporting visualisations, photomontages and wirelines, and the Applicant's overall approach to balancing competing constraints is set out within the Design and Access Statement, Chapter 4: Site Selection and Design Evolution of the ES, the Planning Statement, and the Green Infrastructure Statement.

National Parks

3.3.41. Future Wales Policy 18(1) requires there to be no unacceptable adverse impacts on the surrounding landscape, including on the setting of National Parks.

3.3.42. Section 5(1) of the National Parks and Access to Countryside Act 1949 also sets out the following purposes in relation to National Parks of:

a) conserving and enhancing the natural beauty, wildlife and cultural heritage of National Parks; and

b) promoting opportunities for the understanding and enjoyment of the special qualities of National Parks by the public.

3.3.43. Section 5(1) of the Act has been an integral part of the Applicant's design strategy when considering the impacts of the proposed development on the BBNP, with the layout of the proposed development designed to '*ensure that the coherence and simplicity of the layout were maximised and that the overall visual structure of the proposed development from the surrounding communities was optimised'* (Paragraph 4.3.31 ES Chapter 4). Further, Paragraph 6.1.1 of the Planning Statement states; '*the likely impact on the landscape and in terms of visual amenity has been carefully considered in the LVIA and the location has been found to be capable of accommodating the proposed development in an acceptable way*.'

3.3.44. It is acknowledged that the proposed development will introduce new turbines into the landscape, however; it is the Applicant's view that this change is not inherently contradictory to the purpose set out in Section 5(1) as no significant effects are predicted on the special qualities of the BBNP, nor is it the case that the residual effects identified are so significant as to justify a refusal of a nationally significant scheme, which will generate meaningful amounts of clean energy, the equivalent of approximately 50,000 Welsh homes, in the immediate future.

3.3.45. The proposed development will conserve and enhance the natural beauty, wildlife and cultural heritage of the BBNP by not developing within it (in compliance with Future Wales Policy 17), presenting a cohesive and strategic design that is empathetic to the surrounding landscape, and through ensuring the placement of turbines is sufficiently distant from the BBNP that the tranquillity, dark skies and wildlife of the BBNP will not be significantly adversely impacted by it.

3.3.46. The proposed development is outwith and distant form the BBNP so has limited influence on the ability to promote the understanding and enjoyment of the special qualities of the BBNP but the Applicant is willing to explore opportunities such as information boards or signposting with the BBNPA post consent if they want to.

3.3.47. Section 11A(2) of the Act places a duty on the decision-maker to "have regard" to the purposes in Section 5(1) and if there appears to be conflict between the proposed development and those purposes, greater weight shall be attached to the purpose of conserving and enhancing the natural beauty, wildlife and cultural heritage of the National Park. However, as confirmed at [46] of Howell v Secretary of State for Communities and Local Government [2014] EWHC 3627 (Admin), the duty '*to have regard to'*, means '*that matter must be specifically considered, not that it must be given greater weight than other matters, certainly not that it is some sort of a trump card. It does not impose a presumption in favour of a particular result or a duty to achieve that result. In the circumstances of the case other matters may outweigh it in the balance of decision-making*.'

<u>Blaenavon Industrial Landscape World Heritage Site</u>

3.3.48. The Applicant notes that the same protection afforded to the surrounding landscape of National Parks in Future Wales does not extend to World Heritage Sites, which are neither "Internationally Designated Sites" under Policy 18(3), which specifically relate to ecological designations, or "statutorily protected built heritage assets" (Policy 18(6)).

3.3.49. Notwithstanding this, the Applicant acknowledges that the impacts of the proposed development on the setting of the BILWHS are important and a material consideration in the determination of the application. While the Applicant has been asked to specifically consider the landscape and visual impacts of the proposed development on the BILWHS, due to the nature of the BILWHS, these impacts must also be considered alongside the Applicant's Cultural Heritage assessment. These assessments draw the same conclusions that no unacceptable impacts are expected to arise on the BILWHS or its OUV.

3.3.50. When considering the planning balance the objectives set out in the BILWHS Management Plan are material. The production and mining of coal, which drove the industrial and energy revolution from the mid-eighteenth to the early-twentieth century is a defining feature for which the BILWHS has been listed but the evolution of energy and in particular electricity production by wind turbines would not unacceptably harm the BILWHS. In this way, the proposed development is not contrary to the BILWHS Management Plan Statement of Outstanding Universal Value (Box 2.1 of the BILWHS Management Plan 2018-2023) in that:

1. '*the major preserved sites of Blaenavon Ironworks and Big Pit, together with the outstanding relict landscape of mineral exploitation, manufacturing, transport, and settlement which surrounds them" (emphasis added) are not significantly impacted;*

2. *'the essential values and the important views of the property are not diminished';* and

3. the proposed development *'does not impact adversely on the relationship between attributes and the surrounding landscape in terms of the integrity of the property and its ability, as a cultural landscape, to convey its Outstanding Universal Value*.'

3.3.51. The Applicant acknowledges that the responsibility for undertaking the planning balance ultimately rests with the decision-maker; however, as set out above and in the ES the impacts of the proposed development on the BBNP and BILWHS respectively has been properly attributed and assessed by the Applicant and consequently the impacts on the landscape surrounding the BBNP and on the historic landscape of the BILWHS are also correct. As the BILWHS Management Plan notes at point 1 above, the landscape within which the BILWHS sits is industrial and although areas of former industry may have grassed over, or otherwise naturalised, due to the cessation of their operational use and the passage of time, the continuing presence of the area's industrial heritage is evident.

3.3.52. As set out in paragraph 6.1.5 – 6.1.17 of the Planning Statement:

'*The proposed development is relatively compact and contained within a single upland landscape ridge which is surrounded by the neighbouring ridges resulting in an extent of visibility that is not widespread, particularly within lower lying surrounding settled valleys. The compact nature of the layout results in a relatively small horizontal field of view when viewing the proposed development from the wider landscape context which has reduced the number and extent of significant landscape and visual effect within the study area.*

Whilst significant effects have been found for a localised number of local landscape designations, no significant effects have been found on the special qualities of the Bannau Brycheiniog National Park or qualities of the Blaenavon Industrial Landscape World Heritage Site as a result of the proposed development on its own.

The proposed development turbine layout has been designed to minimise significant effects on visual receptors by setting turbines back from the valley sides and by arranging the turbines in a compact layout which for most views appears as a cohesive and consistently spaced grouping of turbines. On this basis, it is considered that the landscape is capable of accommodating the proposed development and that wider landscape and visual effects are relatively limited in extent and severity.'

3.3.53. The proposed development has the capacity to deliver meaningful amounts of clean energy with a pre-2030 grid connection date, ensuring those benefits can be delivered imminently. Although the identified impacts are significant, they are not unacceptable (Policy 18 of Future Wales) and Policy 17 of Future Wales requires great weight to be afforded to renewable energy development.

4. Peatlands

1. The applicant should consider whether it intends to provide an explanation for the absence of mitigation for the access track over peat soils associated with turbine six. In the alternative, consider whether mitigation is to be provided, and the measures and delivery associated with it.

4.1. Response to Question 1

4.1.1. Avoidance of peat is not practical for the T6 track due to the orientation of the hardstandings, these being aligned broadly along land contours. This alignment was selected to minimise encroachment on the summit peat deposit on Twyn Du and maintain separation from the rapidly steepening slopes and the reptile features to the south. Phase 2 peat depth data over the c. 100m approach to the turning head show values of up to 0.75 m (but typically lower, see Figure AI 4.1-1: Peat Depth Interpolation (Page 2 of 2), with rapid shallowing to the south. ES Chapter 4: Site Selection and Design Evolution contains further details on how competing constraints were taken into account in siting the proposed T6 and associated access track, specifically in paragraphs 4.5.11 - 4.5.12, and 4.5.41 - 4.5.44.

4.1.2. Noting comments by NRW (REPS 055, page 13, para 1), LiDAR data and observations of peat character have been used to revise the track construction method on the approach to the T6 turning head to be of floating construction. Peat and shallower organic soils across the site are observed to be generally stiff, likely consequent of their relatively dry condition and consolidation as habitats have evolved towards their present dry heath composition. While the gradients here would normally be considered marginal for the adoption of floating track (3°/5% is usually considered the cut off), the limited peat depth being traversed and the likely higher strength of the peat in this area justify the use of floating track as the preferred construction method in this location. The specification of floating track precludes the need for excavation for this section of track.

4.1.3. The same approach has not been applied for the T6 turning head, since the load distribution of turning vehicles is more onerous than that for vehicles passing in one direction along a track.

4.1.4. Draft condition 9: Micrositing, located in Appendix AI 12.1, allows for 50 m micrositing of the turbines (including associated infrastructure) in any direction, with the exception of movement north for T6 to avoid deeper peat, and restrictions to the access track where it would increase the loss of valley mire communities from the current alignment. Further probing undertaken at ground investigation stage pre-construction will inform the detailed design of turbines and precise alignment and ensure that the maximum extent of floating track is utilised on the approach to T6.

4.1.5. Peat excavation, handling, storage and reuse techniques to be used during the construction phase are outlined in ES Appendix A10.3 Outline Soils and Peat Management Scheme (SPMS) and align with the step-wise approach to minimise the impact on peat.

4.1.6. In addition, draft condition 17 secures the production and implementation of a Construction Environmental Management Plan (CEMP) which will include a final Soils and Peat Management Scheme and Peat Slide Risk Assessment (PSRA), requiring to be approved by the local planning authorities, prior to the commencement of development on site. The CEMP would be the key document to ensure the prescribed mitigation is implemented and importantly sets out the roles and responsibilities (as introduced in ES Appendix A5.2) of all parties involved in the construction works on site, to ensure its successful implementation. For example, paragraph A5.2.10 of ES Appendix A5.2 states that '*the Balance of Plant Contractor considers all mitigation measures and good practice construction methods in their design and in any detailed environmental plans as required*'.

2. The applicant should provide details how micro-siting of up to 50m can be secured over areas of peat soil of increased depth than that presently envisaged for the location of turbine six. The applicant should consider whether this constitutes a potential conflict would need to be addressed by considering alterative solutions by agreement with the main parties and statutory consultees and in line with the revised draft conditions.

4.2. Response to Question 2

4.2.1. Draft condition 9: Micrositing (see Appendix AI 12.1) states that micrositing of infrastructure will be permitted up to 50 m in any direction, with exclusions that include avoiding any movement of T6 to the north, in order to avoid the deeper peat in that location. Peat will be a key consideration when micrositing, aligning with the step-wise approach to minimise the impact on peat where complete avoidance is not achievable. In practice, the finalised micrositing condition would be worded to exclude adjustment of the T6 position to any location that would increase the potential excavation volume of peat, or area of overlap of peat, relative to the current submitted footprint.

3. The applicant should provide information whether excavated peat soils can be successfully conserved over the project's timeframe to an equal value and the measures that may be secured to deliver it.

4.3. Response to Question 3

Consultee Positions

4.3.1. The Applicant acknowledges comments by NRW and LQAS with respect to the reuse of peat. NRW outline their position in REPS 055, p13, paragraph 5, that '*once excavated, the peat profile is lost and cannot be recreated … as such, the reuse or reinstatement of peat normally only offers little ecological value at best*.' Similarly, in REPS056, page 3, paragraph 4, LQAS note that '*The Department does not consider the proposals to excavate 'in situ' peat and re-use for landscaping and dressing of infrastructure is sustainable or feasible. The peat would not be hydrologically connected to a functioning peat body, which will result in drying, erosion and oxidation of the peat soils resulting in a total loss*.'

4.3.2. With respect to NRW's comment, the Applicant disagrees that peat profiles cannot be reconstructed, since the movement and reprofiling of peat (i.e. reconstruction) is a central component of gully restoration work with which Welsh Government's National Peatland Action Programme (NPAP) engages. The Applicant asserts that the ecological value of peat reuse or reinstatement is proportional to the quality of specification and to the skill of implementation by on-site contractors.

4.3.3. With respect to LQAS's comments, the Applicant acknowledges that reuse in landscaping and dressing infrastructure is not necessarily the optimal use for excavated peat and has revised its proposals accordingly. Appendix AI 4.1 to this document provides updated peat excavation and reuse calculations for the proposed development, undertaken to support these alternative proposals.

4.3.4. The proposals comprise reuse of the T6 secondary crane hardstanding area, west of the main hardstanding, (illustrated on Plate 2 of Appendix A10.3 and based on ES Figure 5.3: Indicative Turbine Hardstanding) as a permanent peat store for c. 4,408 m^3 of peat (including temporarily excavated peat from the same location). This revised strategy follows a review of the basis for the previous excavation and reuse calculations, summarised below.

Previous basis for calculations

4.3.5. All current turbine hardstanding and ancillary infrastructure (secondary crane hardstandings, blade fingers, clearance areas) are worst-case footprints based on a composite of hardstanding arrangements for three different candidate turbines. Each turbine model arrangement features different sizes of main hardstanding and numbers of secondary crane hardstandings, with differing hardstanding positions. In order to ensure the application footprint was of sufficient size to accommodate any of the three candidate turbines and the hardstandings needed to construct them, the three hardstanding arrangements were merged and consolidated into a larger footprint than required. While this was precautionary, it overstated both the likely excavation volumes and reuse requirements.

Updated calculations

4.3.6. All peat excavation calculations have been updated, separating excavated materials into acrotelmic and catotelmic peat, soils, and permanent and temporary excavation. Appendix AI 4.1 provides detail on the updates over the calculations in ES Appendix A10.3: Outline Soil and Peat Management Scheme. Updates include additional peat data collected to support review of the access track alignment, although these do not affect the calculations directly (additional probes being away from or underlying a section of unexcavated floating track).

4.3.7. For T6, which is the only turbine overlapping with peat, additional detailed calculations have been undertaken to identify which elements of the hardstanding arrangements (for each of the three candidate turbines considered within the ES) require permanent excavation (to service maintenance during the operational life of the proposed development), and which elements can be temporarily excavated and fully reinstated or not excavated at all.

4.3.8. The largest candidate footprints for secondary hardstandings and access to them from the proposed tracks have been retained as permanent, but areas around them within the indicated hardstanding footprint have been reallocated as peat reuse areas (i.e. will be temporarily excavated). In order to accommodate the peat excavated from the adjoining main hardstanding and turbine foundation, excavation around the secondary hardstandings will be to c. 2 m below ground level (b.g.l.), with graded side slopes up to the secondary hardstanding surfaces. The floor of the cut will be lined (in likelihood with clay), the downslope side bunded and the cut void reinstated with catotelmic and then acrotelmic peat, with the uppermost layer comprising translocated peat turves (vegetation). An illustration is provided Plate 2 of Appendix AI 4.1.

4.3.9. The T6 secondary hardstandings footprint sits downslope of the Twyn Du summit and therefore receives drainage from the immediately adjacent peat body to the north. Therefore there will be hydrological connectivity of surface water movement between the undisturbed peat to the north and the peat reinstated within the secondary hardstanding area. The capacity of the void around the 2nd hardstandings is sufficient to accommodate all peat excavated in association with the proposed development, although small volumes <100 m3 of peat further north may be used to support bunding in a higher quality habitat area (Nant Ffrwd).

4.3.10. As a result, **no peat will be used in 'landscaping' or 'dressing' of infrastructure or verges**. These terms ('landscaping' and 'dressing') typically imply an above ground (not below ground level) form of reuse, with associated concerns for dewatering, drying and oxidisation of peat deposits. The placement of excavated peat in the broad sequence in which it was extracted (catotelm, overlain by acrotelm), reconstructs the profile, places the wettest (most carbon-rich) peat at the lowest level, the acrotelmic peat that supports vegetation nearest the ground surface, and by being below ground level, substantially improves the likelihood that peat will remain wet. The position of the proposed reinstatement location is downslope of and contiguous with undisturbed peat on the summit (as shown on Plate 2 in Appendix AI 4.1).

4.3.11. The measures outlined in sections 5.5 (Temporary Storage of Excavated Material) and 5.6 (Site Reinstatement) of the Outline SPMS (Appendix AI 4.1) describes the measures aimed at conservation of peat soils during the construction phase of the proposed development and have been applied for numerous sites across the UK. In addition, the Outline CEMP (ES Appendix A5.2) section A5.6 (Management of Excavated Materials) describes how soil and peat would be excavated, stored and handled, including details of temporary storage and site reinstatement. Further mitigation measures are prescribed in the PSRA (ES Appendix A10.4) in section 6 (Preliminary Risk Register) specifically aimed at avoiding peat movement but also acting to protect the peat resource. Draft condition 17 (CEMP) secures the OSMPS and PSRA as appendices to the CEMP. Based on the revised peat reuse proposals, there will be no net loss of peat as part of the proposed development.

4. The applicant should consider whether it provides a rebuttal to the points raised by Natural Resources Wales (NRW).

4.4. Response to Question 4

4.4.1. Topics that NRW raised in REPS 055 are listed below.

Peat depth and value

4.4.2. On page 12 (para 7), NRW note that '*the ES comprehensively maps the distribution of peat soils across the application site" and that the Applicant "…attempted to avoid peat soils at depths more than 0.3m but not peaty soils/shallow peat soils. PPW does not distinguish between peat depths and their importance*.'

4.4.3. The Applicant has adopted the shallower of two Soil Survey of England & Wales (SSEW) depth-based definitions of peat, being 0.3 m, in common with previous comments by NRW on equivalent wind farm schemes and peat in Wales. The Applicant did not focus on "shallow peat soils" (NRW's preferred term for organic soils under <0.3 m).

4.4.4. It is the Applicant's view that the importance of peat should be at least partly distinguished on the basis of depth, since:

a) Deeper peat contains more carbon, and therefore holds proportionally more of the carbon stock for which peatlands are seen as valuable, the first of three key ecosystem functions;

b) Peat (>0.3 m) rather than "shallow peat soils" (<0.3 m) is more likely to have fully functioning acrotelmic/catotelmic hydrological systems that afford them an ability to regulate runoff and flood hydrographs, this being the second ecosystem function associated with peatlands; and

c) Deeper peat are more typically associated with higher quality bog species than shallower peat and "shallow peat soils", the best of these species supporting peat accumulation and being of higher biodiversity value, this being the third ecosystem function commonly cited for peatlands.

4.4.5. Given a), b) and c), the Applicant is confident that the importance of peat is at least in part related to depth (if not proportional to it); deeper peat is more valuable, and seeking to avoid it should be the priority.

Floating track on approach to T6

4.4.6. On page 12 (para 8) and page13 (para 1), NRW describe peat depths in the vicinity of T6 and note that floating track has not been specified on the approach to this turbine.

4.4.7. The Applicant's response to Q3 addresses this comment through commitment to include floating track in this location.

Micrositing for T6

4.4.8. On page 13 (para 2), NRW comment on the potential for a consented micrositing allowance of 50 m to increase impacts on peat on Twyn Du.

4.4.9. The Applicant's response to Q2 and associated draft Condition 9: Micrositing (see Appendix AI 12.1) addresses this comment and provides assurance that this eventuality will not arise.

Updated Outline Peat and Soil Management Plan

4.4.10. On page 13 (para 3), NRW note the provision of an Outline Soil and Peat Management Scheme [SPMS], quoting a '*loss of 3,510 m^3 of peat soils through excavation*' and notes that furthermore definitive calculations would be provided post consent, though makes no other comment. Similarly, para 5 notes the use of a hierarchical approach to minimisation of impacts on peat, but with no further comment.

4.4.11. The Applicant notes that the SPMS does not calculate a 'loss', this is NRW's inference. Further, the Applicant's revised reuse proposals in response to Q3 ensure that peat will be relocated but will remain wet and will not be lost.

Peat Profile

4.4.12. On page 13 (para 5), NRW comment on the loss of peat profile.

4.4.13. The Applicant's view on this paragraph is fully defined in the response to Q3 earlier in this document.

Water Quality: Pollution Prevention

4.4.14. On page 13, paragraph 6, NRW highlighted the potential for the scheme to impact the water quality of the River Usk, which is a Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI). A response to this was provided in ES Chapter 10: Hydrology, Geology, Hydrogeology and Soils and repeated here: '*The proposed development is within the larger catchment of the River Usk, however the distance between the proposed development and the confluence point of the Afon Lwyd and the River Usk is approximately 18 km. It should be noted that this distance is point-to-point and would be larger if measuring the length of Afon Lwyd. This distance, combined with the dilution effects (whereby any small increase in sediment would be diluted to very low concentrations) would result in no impact to the River Usk. The assessment of potential effects concluded minor impact on water quality. The mitigation presented in Section 10.6, Appendix A5.2 and Appendix A10.3: would protect watercourses from siltation. This, combined with the dilution effect, would mean that no change would be detectable within the River Usk as a result of construction of the proposed development*."

4.4.15. The layout of the proposed infrastructure has avoided all watercourses by greater than 50 m with the exception of a single watercourse crossing by the access track, labelled as watercourse crossing WX1 in ES Chapter 10 and on ES Figure 10.2. This will be an upgrade of an existing crossing of a very minor watercourse which flows northwards to discharge to the River Clydach approximately 1.5 km to the north. The River Clydach flows to the north-east and discharges to the River Usk to the north-west of Gilwern over 5 km downstream of the watercourse crossing. The dilution effects over this distance would be substantial and combined with the good practice construction techniques and pollution prevention methods employed there would be no effect on the River Usk SAC.

4.4.16. The avoidance of all watercourses and water features by at least 50 m is standard embedded mitigation and considered to be effective and sufficient for the avoidance of any effects.

4.4.17. NRW require sufficient information to be presented post consent with regards to settlement lagoons (used during the pumping and dewatering of excavations) to support the discharge of Construction Environmental Management Plan (CEMP) (17) and Drainage (21) conditions to ensure they are designed appropriately and are effective. The Applicant is committed to present this detail during the condition discharge of planning condition 17 and 21. Further detail on settlement lagoons is provided in Section 5 Water Quality.

<u>Water Quality: Watercourse crossings</u>

4.4.18. On page 17, paragraph 7, NRW noted that they would be expecting to see the CEMP include pollution prevention measures to be used during construction of watercourse crossings, and the Applicant confirms that the CEMP, secured by condition, will include this level of detail. The CEMP will be based on measures described in ES Appendix A5.2: OCEMP, paragraphs A5.5.16 – A5.5.17. The Pollution Prevention Planning section of that document further details the proposed pollution prevention measures the Applicant expects to adopt that will be further developed in the final CEMP. This is a usual and acceptable way to address this issue.

4.4.19. There is only one watercourse crossing required on site which will be a new crossing. The associated watercourse is minor and the infrastructure in this small catchment is limited to an upgrade of the existing track and a temporary construction compound. Pollution prevention measures will be focused on management of track drainage and avoidance of discharges to the watercourse where the crossing is located. Additionally, the construction compound drainage will be managed to capture and treat, if necessary, any waters that have the potential for any form of contaminant. This may include an oil water separator that is associated with a lined compound. The pollution prevention plan will be prepared using good practice guidance such as Control of

<u>Water Quality: Groundwaters and Private Water Supplies (PWS)</u>

4.4.20. On page 18, paragraph 2, NRW consider that a PWS monitoring plan and method statement should be included within an updated condition 23 (WQMP) that also considers construction impacts on the local water environment, and the Applicant is in agreement on this. Draft condition 23: Hydrology Water Quality Monitoring, located in Appendix AI 12.1, will secure such monitoring, Monitoring would include a period of baseline monitoring to provide the basis for assessment of any changes in water quality during and post the construction period. The frequency of monitoring, parameters and trigger values along with monitoring locations would be agreed with NRW.

Water Quality: Foul drainage

4.4.21. On page 18, paragraph 3, NRW recommended a planning condition on foul drainage. The Applicant considers this to be covered in draft conditions 17: CEMP, and 21: Hydrology – drainage, the latter of which is applicable to all site drainage.

5. Consider providing the information requested from the Welsh Government Soil Policy and Agricultural Land Use Planning Unit in relation to the stated NVC habitat affected and the detailed scheme for decommissioning or provide a rebuttal to the points raised.

4.5. Response to Question 5

NVC Habitats

4.5.1. The response from LQAS raises concerns regarding placement of infrastructure on irreplaceable peat habitats. LQAS note that a review of Phase 1 data provided in the application, in combination with the interpolated peat map '*indicates the presence of other Section 7 peatland habitats overlapping with infrastructure.*' LQAS further states that '*The application would benefit from clear information presented on area of NVC habitat on peat that will be impacted by the development – both directly and indirectly – to demonstrate policy has been addressed*.'

4.5.2. Paragraph 8.4.38 of ES Chapter 8: Ecology states that during the Phase 1 habitat survey all habitats were also assigned to an NVC category by the surveyor. Habitat descriptions contained in ES paragraphs 8.6.8 - 8.6.43 inclusive each include attribution of the habitat to NVC community and commentary on how well that community conforms to the NVC category it has been ascribed to.

4.5.3. The NVC data requested by LQAS is presented in Table 4.1 below. NVC communities in relation to infrastructure are illustrated on Figure AI 4.1 a-e: NVC Communities.

Table 4.1: Extent of NVC communities affected by permanent wind farm infrastructure

NVC Community Hectares	Phase 1 habitat type	Description	Hectares (NVC community [as relevant])
Bracken	Bracken	Bracken - continuous	0.479
Built up areas (e.g. hardstanding)			
H12/H9	*Acid dry dwarf shrub heath (dry heath)*	*Calluna vulgaris-Vaccinium myrtillus* heath/*Calluna vulgaris-Deschampsia flexuosa* heath	0.091
H12a	Acid dry dwarf shrub heath (dry heath)[1]	H12a: *Calluna vulgaris-Vaccinium myrtillus* heath, *Calluna vulgaris* sub-community	4.976

[1] *Dry modified bog where on peat in excess of 0.5 m depth, but not vegetatively different from the dry dwarf shrub heath.*

NVC Community Hectares	Phase 1 habitat type	Description	Hectares (NVC community [as relevant])
H12a/U5	Acid dry dwarf shrub heath (dry heath) / acid grassland	*Calluna vulgaris-Vaccinium myrtillus* heath *Calluna vulgaris* sub-community/*Nardus stricta-Galium saxatile* grassland	0.616
H18	Acid dry dwarf shrub heath (dry heath) / acid grassland	*Vaccinium myrtillus-Deschampsia flexuosa* heath	0.659
H18/U2	Dry modified bog	*Vaccinium myrtillus-Deschampsia flexuosa* heath/*Deschampsia flexuosa* grassland	0.027
M21/U2	Fen – valley mire / acid grassland	*Narthecium ossifragum-Sphagnum papillosum* valley mire/*Deschampsia flexuosa* grassland	0.029
M23b/M25	Marshy grassland / wet modified bog	*Juncus effusus/acutiflorus-Galium palustre* rush-pasture, *Juncus effusus* sub-community/*Molinia caerulea-Potentilla erecta* mire	0.136
M23b/U6 and H18	Marshy grassland/acid grassland/acid dry dwarf shrub heath	*Juncus effusus/acutiflorus-Galium palustre* rush-pasture, *Juncus effusus* sub-community/ *Juncus squarrosus-Festuca ovina* grassland *and Vaccinium myrtillus-Deschampsia flexuosa* heath	0.139
M25	Wet modified bog	*Molinia caerulea-Potentilla erecta* mire	0.482
M6c	Fen – valley mire	*Carex echinata-Sphagnum recurvum/auriculatum* mire, *Juncus effusus* sub-community	0.020
MG10	Marshy grassland	*Holcus lanatus-Juncus effusus* rush-pasture	0.005

NVC Community Hectares	Phase 1 habitat type	Description	Hectares (NVC community [as relevant])
MG6	Poor semi-improved grassland	*Lolium perenne-Cynosurus cristatus* grassland	0.158
Other exposure - acid/neutral			0.004
Standing open water			0.010
U4	Acid grassland (semi-improved)	*Festuca ovina-Agrostis capillaris-Galium saxatile* grassland	0.002

4.5.5. In the first paragraph at the top of Page 2 of their objection letter, LQAS state that the application would benefit from clearer information presented on the area of NVC habitat on peat that will be impacted by the development.

4.5.6. Permanent land take from NVC communities on peat equal to and in excess of 0.3 m in depth is presented in Table 4.2 below:

Table 4.2: Permanent land take from NVC communities on peat and on soils

NVC Community (as applicable)	Infrastructure on Peat (ha)	Infrastructure on Soils (ha)
Bracken	0.056	0.423
Built up areas (e.g. hardstanding)	0	0.001
H12/H9	0.08	0.011
H12a	0.557	4.419
H12a/U5	0.013	0.603
H18	0.062	0.597
H18/U2	0.025	0.001
M21/U2	0.029	0
M23b/M25	0.044	0.092
M23b/U6 and H18	0.061	0.078
M25	0.386	0.096
M6c	0.02	0
MG10	0.005	0
MG6	0	0.158
Other exposure - acid/neutral	0	0.004
Standing open water	0	0.01
U4	0.002	0

4.5.7. Dry dwarf shrub heath (dry heath) is the dominant habitat within the site boundary. Where on peat more than 0.5 m deep it should be referred to in Phase 1 habitat survey terminology as dry modified bog; however, in reality the vegetation does not tend to vary, reflecting the dried nature of the peat. Dry dwarf shrub heath/dry modified bog is present at all turbine locations. It generally shows little variation in species composition and corresponds to the Calluna vulgaris sub-community of the Calluna vulgaris-Vaccinium myrtillus heath NVC community (H12a). An area of wet modified bog habitat (corresponding to M25 in terms of NVC community) shown on Figure 4.1e is associated with localised wet ground as opposed to a peat deposit; this area will not be affected by the proposed development, and has been identified as offering potential for enhancement (see Section 6 of this document and Appendix AI 6.1: (the Outline Habitat Management Plan which has been updated since the ES version was produced)).

4.5.8. The main access track crosses areas that show greater variation in NVC community type, and include dry heath communities, acid grassland, rush pasture, wet modified bog and marshy grassland. The wet modified bog corresponds to the M25 Molinia caerulea-Potentilla erecta mire NVC community. It is vegetatively extremely similar to adjacent marshy grassland (as stated in Paragraph 8.9.22 of the Environmental Statement) and is in poor condition, having been heavily modified by management (grazing and potentially burning). M25 is a community typical of gently-sloping wet ground and is extensive in/characteristic of large areas of upland Wales. It is of poor condition, neither unique nor rare, lacks diversity and is relatively recent in age (consequent of management).

4.5.9. An area of valley mire habitat characterised by M21/U2 (*Narthecium ossifragum-Sphagnum papillosum* valley mire/*Deschampsia flexuosa* grassland) and M6c (*Carex echinata-Sphagnum recurvum/auriculatum* mire, *Juncus effusus* sub-community) is of note, as it was not recorded elsewhere within the botanical survey area[2] (see Figure 4.1d). A walkover survey of the access track undertaken in May 2025 to support the preparation of this document found this community had previously been incorrectly mapped. Following this walkover, the habitat type has been updated and it has been confirmed that no other significant differences in habitat type[3] relative to the original surveys has been found elsewhere on site. The mire habitats are poor examples of their type, with limited goodness of fit to described NVC communities. M6 is a ubiquitous habitat in upland areas of Wales, and the community is a poor example of its type; the 'c' sub-community being dominated by bulky species and bryophyte tussocks. The M21/U2 community is more localised in occurrence, as it is dependent on specific hydrological and topographical conditions. However, this community is also a poor example of its type, with constant and near constant species that help define it absent and a poor fit to any NVC community. The valley mire communities are described and evaluated in Section 6: Ecology of this document; along with measures to mitigate impacts on the mire habitats, compensate loss of extent locally and deliver overall net benefit.

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[2] Further investigation in the field does occur elsewhere in locally wet areas on the edges of the dry heath habitats (where the land starts to slope downward).

[3] Due to the poor condition, diffuse habitat boundaries and limited goodness of fit to NVC communities of the habitats present on the access track it is unlikely that surveys by any two experienced upland botanists would map habitats in exactly the same way. Minor differences in attribution between any surveys of the area would be expected.

4.5.10. The valley mire, wet modified bog and dry heath/dry modified bog habitats within the site boundary meet Section 7 (Environment Wales Act, 2016) priority habitat criteria, with the dry heath habitats also meeting priority habitat criteria under Annex 1 of the Habitats Directive.

4.5.11. Impacts on habitats after secondary mitigation were applied is assessed in ES Chapter 8: Ecology as significant beneficial at site level (dry heath habitats), significant adverse at site level (wet modified bog[4]), and negligible (not significant at any geographical level (acid neutral flush) (Table 8.14 in ES). This reflects habitat management commitments set out in the Outline Habitat Management Plan (ES Appendix A8.6).

4.5.12. Revised habitat management proposals (contained in Appendix AI 6.1 of this document) offer up to (approximately) 5 ha of improvement through restoration of dry modified bog to wet heath communities (and potentially wet modified bog), and close to Nant Ffrwd translocation of valley mire communities at the expense of dry modified bog. As a result there will be no net loss (and potentially a gain) of valley mire habitats and an increase in the extent of wet heath as a result of the proposals, alongside the improved management of upland dry dwarf shrub heath / dry modified bog habitats across a wider area around the wind farm. The overall effect on habitat will be significant (beneficial) at the Site level. On this basis it is considered that the project will deliver a net benefit for biodiversity in accordance with planning policy.

Other LQAS matters

Mitigating loss of Peatland Habitat and Peat Soil

4.5.13. On page 2, para 1 of LQAS response, they state their concern that '*the proposed application, if approved, would involve the loss of peatland habitat and peat soil*'.

4.5.14. The Applicant has addressed loss of peat soil (see above responses) and addresses loss of habitat in Section 6 of this document ('Ecology'). The Applicant considers that appropriate provisions are in place to mitigate these concerns.

Areas of NVC Habitat on Peat

4.5.15. On page 2, final para (and bullets), LQAS note the overlap between peatland habitats and infrastructure, including wet modified bog, marshy grassland, dry heath/acid grassland mosaic and heath/dwarf shrub habitat.

4.5.16. The information requested by LQAS regarding '*clear information presented on area of NVC habitat on peat*' is contained above in this sub-section of this document.

Re-use of peat

4.5.17. On page 3, para 4, LQAS raise concerns over reuse of peat for landscaping and dressing of infrastructure.

4.5.18. The Applicant's response to Q3 addresses these concerns (see earlier).

[4] *This refers to the loss of M25 towards the northern end of the access.*

Decommissioning

4.5.19. On page 3, paras 5- 6, LQAS note that '*the proposals do(es) not include a detailed scheme for site decommissioning that can be confidently conditioned against. Much of the infrastructure will be permanent. Excavated peat will be lost, cannot be stored and therefore unable to be used in any site restoration proposals*.'

4.5.20. The Applicant notes that a detailed scheme for decommissioning is not appropriate for submission at the pre-consent stage, since:

i) the final scheme cannot be defined until detailed design, which will take place post consent (which is standard across such projects),

ii) the scheme will reflect the wider soil and habitat conditions (and policy objectives) at the end of the operational lifetime of the scheme (which is 35 years), which may be different to now, and

iii) good practice methods for decommissioning are likely to have evolved significantly over this period, particularly given that many schemes in the UK are reaching the end of their operational lives, and

iv) any detailed decommissioning scheme will seek to minimise impacts on the environment, and the status of infrastructure and the means of their decommissioning will be determined in light of good practice at that time.

4.5.21. The Applicant acknowledges that peat, once placed in alternative locations (e.g. within the T6 ancillary hardstanding area) may be best left where it is, not moved once more.

5. Water Quality

1. The applicant should provide details of the lagoons (if they are to be provided) and their impact on all aspects of the environment explained, together with ecological measures that maybe needed to mitigate its effects. Restoration of the landform and avoidance of peatland should be explained to understand the impact

5.1. Response to Question 1

5.1.1. Site-specific information relating to drainage measures and sediment control structures forms part of detailed design. As these features are reliant on the site and design specific details of the infrastructure to be constructed it is not possible to provide details at this stage of the project lifecycle. However, the detailed drainage design will be undertaken at the same time as detailed infrastructure design to ensure Sustainable Drainage Systems (SuDS) are adequately sized and positioned. The proposed development is also required to secure a SuDS consent from the SuDS Approval Body (SAB).

5.1.2. While the detail is not currently known, the Construction Environmental Management Plan (CEMP) ensures that detailed information on the appropriate mitigation for the proposed development will be provided before commencement of development.

5.1.3. Settlement lagoons are an option for the reduction of sediment in waters discharging from disturbed areas of the site, however it is not confirmed at this stage that they will be necessary or appropriate.

5.1.4. If settlement lagoons are required, sufficient information would be provided and agreed as part of the discharge of the conditions securing the CEMP and the detailed drainage design, including SuDS, which will be undertaken post-consent but pre-construction.

5.1.5. It is worth noting that any sediment control structures are not anticipated to be excavated but will comprise fenced filtration material that will capture water discharging from track or infrastructure and filter sediment resulting in a slower, more diffuse release of water. These structures are installed in a U form in appropriate topographical locations and result in surface water ponding behind them during rainfall events. During the construction period these will be located at frequent intervals to manage small volumes of water for ease of management and multiple cascading structures will be used in preference to larger ponds so that there is no risk to livestock. Tracks will be designed to frequently shed water sideways and discharge to control structures rather than running uncontrolled along the tracks. Ongoing maintenance of the structures will be required throughout the construction period and sediment may periodically need to be removed from the structure.

5.1.6. Any upgradient clean water will be routed around or under the proposed infrastructure to avoid contact with disturbed ground. This clean water will be discharged in a diffuse manner over down gradient habitat without requiring further sediment control.

5.1.7. Subsequent to construction, and once the sediment control and drainage management structures are no longer required, the materials will be removed from the structures and the sediment can either be reused on-site if acceptable or appropriately disposed of off-site. The associated area of vegetation that will be temporarily covered in sediment is small and recovery would be expected to be rapid given no excavation will have occurred. If necessary, revegetation of these areas can be undertaken manually, potentially using cut material from initial heathland management to provide a seed source.

5.1.8. Once construction is complete it is not anticipated that any substantial drainage or sediment control will be required as sediment release will be reduced from compacted track surfaces with few vehicle movements during the operational phase.

5.1.9. Any drainage management plan, associated sediment control structures and SuDS for decommissioning will be developed in accordance with decommissioning conditions. Any structures that are temporarily installed for control of sediment and drainage, as discussed, will not have any significant effects and post construction the minor effects on habitat will be easily restored. The assessment within the ES is therefore considered robust.

6. Ecology

1. The Blaenau Gwent County Borough Council Local Impact Report (LIR) County Ecologist refers to several concerns in relation to protected species, habitat and cumulative effects including the potential connection to the grid. This relates to paragraphs 8.89 - 8.145. The applicant should liaise with the Council's Ecologist to reach an understanding of the effects and requirement for information or provide a rebuttal to the points raised.

6.1. Response to Question 1

6.1.1. The Blaenau Gwent LIR response raises specific points with regard to both ES Chapter 8: Ecology and ES Chapter 9: Ornithology, with additional comment on cumulative assessment being relevant to both chapters which have not been raised by either NRW or the Torfaen County Borough Council ecologist.

6.1.2. The final sub-section of this response considers impacts on valley mire. A further walkover survey undertaken in May 2025 identified an error in the habitat mapping for the access route and that there would be some impacts on valley mire communities to be considered in the assessment. The valley mire communities are described and the effects on them assessed later in this section. Wider comments regarding the provision of NVC data for peatland habitats by LQAS are further addressed in Section 4: Peatlands of this document (which concerns peat and hydrology).

Blaenau Gwent County Borough Council LIR Response: Ecology

<u>i) Habitats</u>

6.1.3. "*The proposed development would cause negative impact to the following habitats listed as 'Priority' in Section 7 of the Environment (Wales) Act:*

- *Dwarf Shrub Heath (heather moorland)/dry heath (this dominates the area and is of County importance)*
- *Purple Moor grass and Rush Pastures (Wet modified bogs fall within this definition and is of local importance)*
- *Acid-Neutral Flushes."*

Dry Dward Shrub Heath (Dry Heath)

6.1.4. In the absence of mitigation, ES Chapter 8: Ecology states the development would cause an adverse impact on dwarf shrub heath/dry heath, a resource of county importance. The heath is not currently managed for nature conservation purposes, is relatively even aged (lacks structural diversity) and is being invaded by bracken and feral trees[5]. A detailed description of the heath community is presented in paragraphs 8.6.9-8.6.13 of the ES.

[5] *Self-sown trees originating from plantation habitats.*

6.1.5. ES Chapter 8 sets out a range of measures concerning dry heath. These include secondary mitigation and enhancement aimed at better management of the heathland (to improve its structure), measures to reduce bracken incursion and increase the dry heath resource, and reversion of areas around the fringes of the moorland to heath habitats.

6.1.6. ES Chapter 8 concludes, in Table 8.14, that the result of this management will be a significant beneficial effect at the Site level in terms of dry heath. In the absence of management delivered by the proposed development there is currently no realistic[6] way to manage the heathland for nature conservation.

Wet Modified Bog

6.1.7. The ES states that impacts on wet modified bog habitats are small-scale and cannot be reasonably avoided. The only wet modified bog habitat within the footprint of the proposed development is on the main access track; the Phase 1 survey mapped this area as a mixture of marshy grassland and wet modified bog, with the division of the two habitats based on peat depth data rather than vegetation type. The wet modified bog vegetation is largely indistinguishable from adjacent marshy grassland (as stated in paragraph 8.9.22) and has been heavily modified by grazing; in NVC terms it all conforms to M25 Molinia caerulea-Potentilla erecta mire. Its extent is shown on Figure 4.1a. Whilst the wet modified bog habitat does not meet the criteria for the Section 7 habitat 'Blanket Bog' which is limited to active i.e. peat forming bogs, it does fall within the definition for the Purple Moor Grass and Rush Pastures' priority habitat category. The vegetation is described as follows in paragraph 8.6.27 of ES Chapter 8; '*The vegetation is dominated by rank growth of purple moor-grass Molinia caerulea with localised patches of common cottongrass Eriophorum angustifolium and occasional hare's tail cottongrass E. vaginatum. Bog mosses are extremely limited and not a prominent feature of the vegetation*.'

6.1.8. Loss of wet modified bog could not have been avoided as a number of other constraints dictated that the proposed position of the access track was most suitable. These constraints include: Waun Afon Bog, a Site of Importance for Nature Conservation (SINC) designated for its upland blanket bog, to the east of the access track; and, bog, flush and heath habitats across all of the common land to the west of the track (and south of Blaenavon Road). The bog habitats tend to have a south-west/north-east orientation that reflects the topography of the area, which is of raised ground with regular depressions, so would be crossed by any track across the common land in this area. A range of other environmental considerations (including other ecological features) have also influenced the track route selected (see ES Figure 4.1, and the Design Evolution section of ES Chapter 4 for a description of how the final access track location took these constraints into account).

[6] *Various areas of upland common within the region have had nature conservation and cultural heritage-led management plans produced. These include adjacent land at Mynydd Llanhilleth and The British, and the Mynydd Maen Commons. Welsh Government funding is not currently available to allow the implementation of these plans, which are now becoming dated. It is also unlikely that the area within the site boundary would be able to successfully secure funding for restoration under the National Peatland Action Plan; wetter sites are likely to be favoured due to the potential for greater gains and more predictable outcomes.*

6.1.9. As stated in ES Chapter 8 the wet modified bog resource is considered of local importance (paragraph 8.6.30 of ES Chapter 8). The plant community is not unusual locally or regionally, is in poor condition, and occurs commonly in upland areas. The loss will be minor in terms of extent (0.48 ha of the M25 NVC community) and is concluded to be significant (adverse) at the Site level (paragraph 8.9.24 and Table 8.14 of ES Chapter 8).

Acid Neutral Flush

6.1.10. No impacts on acid neutral flush were predicted in the ES Chapter 8. Avoidance of the habitat was a consideration in development design. At the time of the ES it was considered that flush habitats were limited in extent and remote from the proposed development and would not be directly or indirectly affected by it. Known flush habitats at the time ES Chapter 8: Ecology was written are described in paragraphs 8.6.34-8.6.36, the location of these flushes in relation to the development in Paragraph 8.9.26, and impacts on them in paragraphs 8.9.27-8.9.28 and paragraphs 8.9.60-8.9.62.

6.1.11. Following the identification of an area of valley mire within the footprint of the access track (referred to above), which includes a flushed (M6c) community, further evaluation is included in this document to address impacts on flushes in the wider context of the valley mire. This is provided later in this chapter under the heading 'Further Botanical Information'.

ii) Sites of Importance for Nature Conservation (SINCs)

6.1.12. Paragraph 8.111 of BGCBC LIR states '*There are 9 SINCs within and adjacent to the proposed development. The proposed development will require land take from 4 of these*.'

6.1.13. The proposed development will indeed require land take from four SINCs (see e.g. paragraph 8.9.13 of ES Chapter 8). ES Chapter 8 includes detailed consideration of potential impacts on SINCs and sets out how a biodiversity net benefit solution reflective of planning policy requirements can be achieved through habitat management (see paragraphs 8.9.83-8.9.89 of ES Chapter 8, and Appendix AI 6.1: (the updated) Outline Habitat Management Plan). This management will aim to bring habitats for which some of these SINCs were designated into better condition, and reflects measures outlined in the Mynydd Llanhilleth and the British Habitat Management Plan (completed by consultants working on behalf of Torfaen County Borough Council)[7].

[7] *TACP. (2020). Mynydd Llanhilleth and The British Management Plan. Report to Torfaen County Borough Council.*

iii) Silurian Moth

6.1.14. Paragraph 8.112-8.113 states '*The Silurian moth is a significant species for Blaenau Gwent. As it was first recorded in 1972 as the only breeding place in the UK. Due to its rarity and range restrictions, the Mynydd Coety, Mynydd James and Gwastad SINC was designated. It is also included in the Local Biodiversity Action Plan, now subsequently the Local Nature Recovery Action Plan. Silurian moth is a S7 species, classed as Vulnerable in Red Data Book category 2 and is of National importance as the proposed development site is one of four hills in the UK to support the species and the most southerly site. Extent of favourable habitat will be impacted. Potential for impacts on adult and larval stages. Loss of 1.18 ha of good larval habitat. It is unknown as to how well the species might respond to conservation efforts, and how readily it colonises (or recolonises) new areas*.'

6.1.15. The comments from BGCBC on the importance of the site/surrounding area to Silurian moth and the potential effects on the species in part reflect the text in ES Chapter 8. However, habitat enhancement and monitoring commitments relating to Silurian moth that are also included in paragraphs 8.9.88 and 8.9.89 of ES Chapter 8 and Appendix A8.6 are not referred to in their comments. The overall conclusion in ES Chapter 8, taking account of habitat enhancement, is that there will be a site level beneficial effect on Silurian moth (see Table 8.14 of the chapter).

6.1.16. The proposed development has sought to minimise land take of areas of good and excellent larval habitat for Silurian moth through the iterative design process (see ES Figure 8.12: Silurian moth habitat quality and survey results). These higher quality areas for Silurian moth are characterised by dense stands of bilberry growing through moss hummocks. The larvae hide in the moss during the day, emerging at night to feed on the bilberry buds.

6.1.17. Impacts on Silurian moth cannot be entirely designed out. Good habitat occurs widely, and site-specific data show that larvae occur in low numbers even in areas of lower quality habitat (in reduced numbers) (George Tordoff, Butterfly Conservation, pers comm). Bilberry occurs throughout the area of heathland habitat that the access track crosses and is a characteristic component of the dry heath habitat that dominates land within the site boundary. It follows that a very small proportion of the available habitat for Silurian moth will be affected. Further information on extent of loss is set out in Section 8.9.46 of ES Chapter 8.

6.1.18. The comment concerning knowledge of (the ecology of) Silurian moth and uncertainty regarding how it might respond to conservation efforts and whether it will colonise new areas is noted. It is assumed that this comment should not be taken as discouraging attempts to conserve the species through the proposed development. Both sexes of the adult moth are winged (females of some moth species are not able to fly) allowing dispersal for egg-laying and being a Noctuid the species is capable of strong flight. Monitoring committed to by the Applicant (described in the Outline Habitat Management Plan in Appendix AI 6.1) provides an opportunity to investigate the questions raised by BGCBC alongside others (potentially including climate change impacts) and establish a high-quality data set for a species which has previously been subject to relatively sporadic survey largely focussed on determining continued presence/apparent absence and counting larvae in sample plots to infer population trends. Finally, it is noted that habitat management would be completed in areas close to habitat known to support Silurian moth, and with the involvement of experts from the Butterfly Conservation, who have been responsible for much of the work on the species to date, it follows that it is reasonable to conclude habitat management has a high chance of success.

iv) Reptiles

6.1.19. Paragraph 8.114 of the LIR states '*Common lizards are widespread across the whole of the Mynydd Coity and Mynydd James. Slow worms are also present in the area, and the habitat presents itself as being favourable for supporting adder (S7, Red list species and Local Nature Recovery Action Plan species) populations. Therefore, this is an important area for supporting reptiles*.'

6.1.20. ES Chapter 8, Table 8.10 states the area is of county importance to reptiles. Taking account of all mitigation and enhancement measures proposed, it is concluded that there will be a beneficial effect on reptiles from the proposed development (see Table 8.14 in ES Chapter 8).

6.1.21. In addition to measures to minimise and avoid land take from good quality reptile habitat during the iterative proposed development's design process (described in ES Chapter 4), and tertiary measures to reduce the potential for killing and injury (described in ES Chapter 8 and ES Appendix A5.2: Outline CEMP), habitat management is proposed. This management will include diversifying habitat structure and the creation of new ponds and hibernacula within the site boundary. These measures are all likely to benefit reptile species. There is a further commitment to create additional habitat for reptiles in areas abutting the moorland and to involve a reptile specialist in the development of the Habitat Management Plan post consent (in order to maximise benefits to reptiles). Measures are set out in paragraph 8.9.83-89 of ES Chapter 8, and in ES Appendix A8.6.

v) Bats

6.1.22. Paragraphs 8.115-8.117 of the LIR state '*There are no features present within the proposed development site that would support roosting opportunities for bats. As there is potential connectivity with the USK bat SAC site, the applicants have undertaken a HRA which concluded that there will be no significant effect on the integrity of the special feature (i.e. Lesser Horseshoe Bats) of the USK Bat SAC site, as there is lower recorded levels of activity and lower collision risk of lesser horseshoes. However, it is noted bat activity is present across the proposed development site throughout the sampling period, with common pipistrelle, noctule, soprano pipistrelle, myotis species, long brown eared bat being recorded as using the site for foraging and commuting purposes. But from the surveys conducted it appears that these are at low levels. However, common pipistrelles, soprano pipistrelles and noctules are considered high collision risk and likely to experience increase mortality as a result of barotrauma*.'

6.1.23. A full assessment of impacts on bats is presented in ES Chapter 8. This includes not only an assessment of potential susceptibility to turbine collision[8] (based on empirical data on bat fatality at wind turbines and the behavioural ecology of the species) but also the potential for population effects to occur as a result of any additional fatality (see ES Chapter 8 paragraphs 8.6.47-8.6.90 and 8.9.65-8.9.75).

[8] *The extent to which barotrauma is an issue is unclear, as bats flying close enough to turbine blades to experience it would be very likely to be killed through collision.*

6.1.24. Bat activity was low or very low for all species mentioned above. Notwithstanding this there is a commitment to feather the blades at idle (reduce their speed by pitching them out of the wind) that is captured in Draft Condition 24: Biodiversity – curtailment, located in Appendix AI 12.1. As bat activity over the moorland is higher at low wind speeds, this will help mitigate any small-scale fatality that might otherwise occur while the turbines are idling. This approach was welcomed by NRW in their comments on the LIR.

vii) Section 7 Lepidoptera

6.1.25. Paragraph 8.118 of the LIR states '*S7 lepidoptera S7 species of butterfly such as grayling, small-pearl boarded fritillary, dingy skipper and small heath are also likely to be negatively impacted*.'

6.1.26. Paragraph 8.9.49 of the ES states '*Construction phase impacts on invertebrate species known to occur in the area, such as grey mountain carpet, galium carpet and small heath are unlikely to be significant (even at the site level), as only a very small proportion of the larval foodplant resource available to them will be lost. Grayling and small pearl-bordered fritillary are more likely to favour areas around the periphery of the site boundary, rather than within it, as it is dominated by lightly grazed heather moorland*.'

6.1.27. Paragraph 8.9.50 of the ES further notes '*Impacts on these invertebrate species are therefore considered likely to be negligible (not significant at any geographical level).'*

6.1.28. Paragraph 8.9.88 of the ES further commits to: '*Incorporation of measures, as far as is possible, to enhance habitats within and peripheral to the wind farm for other species, such as small pearl bordered fritillary and grey mountain carpet moth based on recommendations from Butterfly Conservation*.'

6.1.29. It is therefore concluded that impacts on Section 7 lepidoptera have been appropriately assessed, will not be significant, and there are opportunities for habitat enhancement for them through the Habitat Management Plan associated with the proposed development.

BGCBC LIR Response: Ornithology

6.1.30. With regard to ES Chapter 9, comments from the BGCBC county ecologist are included below in italicised text with the response following:

i) Kestrel

6.1.31. Paragraph 8.126 of the LIR notes '*Despite measures (CEMP/ HMP) it has been concluded within the report that there will be a significant residual effect on kestrel. This reflects reasonable uncertainty that the mitigation proposed may not prevent the* [redacted] *lost to the population (5.5.9 of the ornithology chapter). This is a concern as Kestrel are a S7 species and it is also included on the Amber list along with the Nature Recovery Action Plan*.'

6.1.32. ES Chapter 9 sets out an evaluation of likely effects on the kestrel population (paragraphs 9.7.89-9.7.96) before drawing a precautionary conclusion[9] that a significant effect at the county level will occur (as a result of collision). This is reiterated in Paragraph 9.1.7 and in Section 9.10: Statement of Significance within the ES.

6.1.33. While an attempt has been made to fully mitigate all ornithological and ecological impacts it is not possible to do so with certainty for kestrel. Residual impacts on kestrel, which is a red-listed species of conservation concern and a species of principal importance for the conservation of biodiversity in Wales, therefore need to be considered in the planning balance.

ii) Red Kite

6.1.34. Paragraph 8.127 of the LIR notes "I disagree that there are no red kite nests on or within 2km of the proposed development. [redacted] These could be negatively impacted by the proposed development associated with disturbance, displacement, and collision."

6.1.35. The comment does not accurately reflect the statements made in ES Chapter 9 with regard to breeding red kite:

- In Paragraph 9.4.43 it states areas within 2 km of the proposed development site with the potential to support breeding red kite are identified.
- In Paragraphs 9.5.14 and 9.5.19 it is stated that nesting red kite was not recorded within 2 km of the site during the two years of survey to inform the application. There is no statement that red kite did/does not breed within this distance.
- Paragraph 9.5.16 notes that desk study data indicate breeding has taken place within 1 km and that there have been two further known breeding attempts relatively close to (but in excess of 1 km from the proposed turbines).

6.1.36. Raptor surveys to inform wind farm applications are typically limited by land access. Not all nests are necessarily identified, particularly those on third party land outside site boundaries.

6.1.37. However, nests that are remote from wind farm infrastructure (as any[redacted] would be) are unlikely to be directly disturbed. The value in knowing precise locations of nests within the wider area is in interpreting flight line data and relating it back to breeding birds in the local landscape, increasing certainty in assessment.

6.1.38. Whether or not [redacted] went undetected during the survey period, construction phase disturbance is assessed in paragraphs 9.7.13-9.7.15, operational displacement impacts in paragraph 9.7.37-9.7.40 and collision impacts in paragraphs 9.7.76 - 9.7.79 The conclusions with regard to significance of effect on red like would not have changed if [redacted] had been confirmed through survey work.

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[9] *The precautionary aspect to this is that it is assumed that kestrel will not be displaced to similar habitat in the surrounding area and will continue to use the airspace over the proposed development at a similar frequency to before.*

6.1.39. For context, a study completed by the British Trust for Ornithology, BSG Ecology and Cardiff University (Hereward et al., 2024[10]) concluded that if all proposed wind farms in Wales were built, the population would continue to grow despite any increased fatality predicted. Analysis of red kite data at the regional level (south-east Wales) came to the same conclusion (i.e. if all proposed wind farms in the region were built the regional red kite population would continue to grow) These findings reflect the continued growth and range expansion of red kite locally and nationally.

Red Grouse

6.1.40. Paragraph 8.128 of the LIR states '*I disagree with this species being assessed as being of County importance. The population of Red Grouse present is the most southerly natural breeding population in the U.K, which is not confined to the red line boundary of the proposed development site. The population will be using the* [redacted] *as a resource. The population is therefore of National importance. It is also listed within Nature Recovery Action Plan. Numbers of this species in the survey area have increased slowly over the past 10 years, due to positive management of the moorland and a moratorium on shooting. This has been confirmed by populations counts pre and post-breeding carried out using pointing dogs and monitoring of numbers of territorial males calling early in the year using volunteers. This information has been supplemented by monitoring and mapping the presence of both caecal and intestinal droppings*.'

6.1.41. The Welsh (regional) breeding red grouse population was estimated to be 835 pairs (confidence limit 490-1450 pairs) in 2016 (Hughes et al., 2020)[11]. A count of 2,000 red grouse on Ruabon Moor (Wrexham / Denbighshire) in the same year (2016)[12] indicates that the upper end of the estimated range is likely to be more accurate than the lower and that the Welsh population may be higher still[13]. The national (UK) population is estimated to be 265,000 pairs and was considered stable during the period between 1995 and 2022 (the most recent period for which data are available)[14] .

6.1.42. Our best estimate, based on hundreds of hours of fieldwork for the proposed development, was that [redacted]. We therefore remain of the view that the population is unlikely to exceed the threshold of regional importance if a typical measure of this is applied (i.e. exceeding 1% of the total) and will not approach the threshold of national importance (~2,650 pairs).

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[10] *Hereward, H.F.R., Macgregor, C.J., Gabb, O., Connell, A., Thomas, R.J., Cross, A.V. & Taylor, R.C. (2024). Modelling population-level impacts of wind farm collision risk on Welsh Red Kites. BTO Research Report 766, BTO, Thetford, UK.*

[11] *Hughes, J., Spence, I.M & Gillings, S. (2020). Estimating the sizes of breeding populations of birds in Wales. Birds in Wales 17(1): pp 56-67.*

[12] *Saffery Champness Chartered Accountants. (2016). Landed estates annual review*

[13] *Historical numbers and population trends in large part reflect management intervention by game shooting interests.*

[14] *British Trust for Ornithology data. See: https://www.bto.org/understanding-birds/birdfacts/red-grouse [Accessed 14/07/2025].*

6.1.43. Red grouse was not raised as an issue of potential concern during a meeting held between RWE, BSG Ecology and BGCBC in August 2023 (see meeting record in Appendix A8.2 of the ES). The purpose of that meeting was to explore and address any concerns BGCBC had relating to the ecological and ornithological impacts of the proposed development. It is unclear why site-specific information relating to grouse that were available to the authority were not referred to in that meeting or made available to inform the impact assessment process.

6.1.44. Notwithstanding any disagreement over grouse population size and the importance of the area around the proposed turbines to the species, as indicated in ES Chapter 9, impacts on grouse are likely to be short term and localised during construction and minimal during operation. Construction phase impacts on red grouse are detailed in paragraphs 9.7.32-9.7.34, and operational phase in paragraphs 9.7.64-9.7.65 (displacement) and paragraphs 9.7.109-9.7.110 (collision risk).

iv) Buzzard

6.1.45. Paragraph 8.129 of the LIR states '*Even though this species (buzzard) is common and widespread, they are still susceptible to turbine strikes due the heights in which they soar and the habitat in which they forage. It should be noted that other windfarms developments have taken this species into consideration*.'

6.1.46. The purpose of EIA is to identify and assess potentially significant effects. As a common and widespread resident species that is not considered of conservation concern in Wales or the wider UK it is unclear why buzzard would be a focal species for assessment.

6.1.47. Paragraph 3.2 of industry standard guidance for bird survey at onshore wind farms (NatureScot, 2025[15]) states:

> '*In most circumstances the target species will be limited to those species which are afforded a higher level of legislative protection' and;*
>
> *'There are three important species lists from which target species may be drawn:*
>
> - *Annex 1 of the EC Birds Directive.*
> - *Schedule 1 of the Wildlife & Countryside Act 1981.*
> - *Red-listed Birds of Conservation Concern.'*

6.1.48. Buzzard is not captured under any of these criteria, so the approach taken is entirely consistent with guidance.

6.1.49. The Applicant is not able to comment on why other assessments may have included buzzard in their assessment.

[15] *NatureScot. (2025). Recommended bird survey methods to inform impact assessment of onshore windfarms. Link: https://www.nature.scot/doc/recommended-bird-survey-methods-inform-impact-assessment-onshore-windfarms [Accessed 14/07/2025].*

6.1.50. Given the above the Applicant does not consider that impacts on buzzard would be covered by planning policy and therefore it is not a material consideration in the determination of the application.

v) Long-eared Owl

6.1.51. Paragraph 8.130 of the LIR notes '[redacted] *This represents almost 17% of the estimated Welsh population of 30 breeding pairs. This population is therefore of National importance.*'

6.1.52. The purpose of EIA is to identify and assess potentially significant effects.

6.1.53. Long-eared owl is likely to be one of the UK's most under recorded species (Eaton et al., 2020). Birds in Wales (Pritchard et al [Eds], 2021[16]) noted that the 32 known breeding pairs in Wales was '*almost certainly an underestimate of the population*.' To illustrate this, a baseline study of the species in Neath Port Talbot and some of western Rhondda Cynon Taf in 2024 (completed on behalf of Neath Port Talbot Council)[17] found the species to be present throughout the commercial plantation habitats that characterise a large proportion of the uplands in the respective county boroughs. Prior to this study, data in Birds in Wales could only confirm two pairs in the entire East Glamorgan area (which takes in Rhondda Cynon Taf) and none in West Glamorgan (of which Neath Port Talbot is part)[18]. It follows that the Welsh population is clearly considerably larger than 32 pairs and that the percentage quoted is misleading. Any population present locally may be of regional (Welsh) importance, but a lack of data makes determining this robustly difficult, and it would seem inherently unlikely that it is more than county importance.

6.1.54. More pertinent to the ornithological impact assessment is that long-eared owl are [redacted] (if the species is currently present locally) [redacted] (0.5 m to 1.5 m height) [redacted] UK population studies have demonstrated that prey is likely to predominantly be small mammals (which make up in excess of 80% of diet) that the owls locate and capture while quartering low to the ground (Scott, 1997[19]). The birds will not therefore enter collision risk height when foraging and are extremely unlikely to be killed as a result of blade strike. Displacement / effective habitat loss is also extremely unlikely to occur; there is more than 1 km of moorland habitat between the plantation edge and the nearest proposed turbines. Therefore, no effect on long-eared owl is predicted as a result of the proposed development.

6.1.55. Long-eared owl was not raised as an issue of potential concern during a meeting held between the Applicant , BSG Ecology and BGCBC in August 2023 (see meeting record in Appendix A8.2 of the ES). The purpose of the meeting was to explore and address any concerns BGCBC had on and ecological and ornithological impacts of the scheme.

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[16] *Pritchard, R., Hughes, J., Spence, I. M., Haycock, B & Brenchley, A. (2021). The birds of Wales. Liverpool University Press, Liverpool.*

[17] *The East Glamorgan recording area takes in Cardiff, Caerphilly (west of the River Rhymney), Merthyr, Rhondda Cynon Taf, Bridgend and the Vale of Glamorgan.*

[18] *The West Glamorgan recording area takes in Neath Port Talbot, Swansea and Gower.*

[19] *Scott, D. (1997). The long-eared owl. The Hawk & Owl Trust, Fakenham.*

Section 7 Bird Species

6.1.56. Paragraphs 8.131 to 8.133 of the LIR reports '*There are several S7 species which have the potential to be negatively impacted by the proposed development site. These include cuckoo, tree pipit, skylark and meadow pipit. All these species are susceptible to turbine strike, there will be loss of breeding habitat, disturbance and displacement. The cuckoo breeds in the* [redacted] *as its host species.* [redacted] *ne is an important and significant ecological network, providing opportunities and resources for a variety of species to migrate across the landscape and habitats, foraging and breeding. Red kite, hen harrier, kestrel, hobby and peregrine and merlin were recorded flying over the proposed development site at collision risk height. These species are also listed as Schedule 1, Red and Amber listed and S7 species*.'

6.1.57. The initial part of the comment concerns passerines and near passerines (cuckoo).

6.1.58. Industry standard guidance (NatureScot, 2025[20]) states, '*Passerine species are not generally considered to be significantly impacted by wind farms.*' This statement reflects the breeding strategies of the species that occur abundantly [redacted] (and most open upland habitats throughout the UK), namely meadow pipit and skylark; these species typically have 2-3 broods. Monitoring studies have shown some fatality of these species may occur as a result of blade strike (e.g. skylark fatality has been noted at the Mynydd y Gwair Wind Farm, Swansea), but at that site there is no indication the population is affected even at the site level (reflecting their breeding strategy).

6.1.59. The sources of information BGCBC have drawn on in concluding that cuckoo, tree pipit, skylark and meadow pipit would be disturbed and displaced could be usefully provided or expanded on. BSG Ecology are not aware of any studies that have demonstrated effects of this nature.

6.1.60. With regard to ecological networks, there was no indication from survey work (which involved hundreds of hours scanning the airspace around the proposed turbines), that the ridge line constituted an important migratory corridor for any species/species group known to be significantly affected by wind farm development. The impacts of the proposed development on foraging and breeding birds are assessed in ES Chapter 9.

6.1.61. The protection levels and conservation status of the species noted in the final sentence of the LIR comment are accurate and reflect information included in ES Chapter 9. An assessment of likely effects on all of these species is included in ES Chapter 9.

Cumulative Assessment and Wider Impacts

6.1.62. With regard to ornithology and ecology, comments from the BGCBC county ecologist are included below in italicised text with the response following:

[20] *NatureScot. (2025). Recommended bird survey methods to inform impact assessment of onshore windfarms. Link: https://www.nature.scot/doc/recommended-bird-survey-methods-inform-impact-assessment-onshore-windfarms [Accessed 14/07/2025].*

i) Cumulative Effects

6.1.63. Paragraphs 8.134 to 8.135 of the LIR states '*The ornithology assessment found a significant cumulative effect on kestrel due to collision risk from the proposed development and other wind farms in the assessment area, and the effect this would have on the population size of a species which is listed on the priority species list for Wales.*

6.1.64. As a result, concerns are raised that in combination, this may have a detrimental impact not to only Kestrel, but to other protected species such as bats and birds (schedule 1 species, Red and Amber listed) that are particularly sensitive and susceptible to wind turbine strikes. Resulting in long term negative effects through habitat fragmentation and increased collision risks, not only localised to this wind farm area but at a greater magnitude when taking all the wind farms into consideration if they were all operational. Two proposed development schemes have the potential to directly impact on the same ecological and ornithological features of this proposed development. These include:

- *The proposed Secondary Aggregates Extraction application for Tirpentwys Cut- the access to the quarrying proposals would require upgrading access tracks that come from the north and run south along the mountain top, and.*
- *The Mynydd Llanhilleth Wind farm- this is directly south of the proposed Abertillery Wind Farm development."*

6.1.65. Cumulative assessment is undertaken in paragraphs 8.11.1-8.11.13 of ES Chapter 8, and in paragraphs 9.9.1-9.9.18 of ES Chapter 9.

6.1.66. Effects on kestrel and on bats (the ornithological/ecological features specifically mentioned) are considered in these paragraphs, as are the two schemes referred to. Impacts on all other relevant ornithological features are also assessed. It is unclear what the rationale for disagreement with the conclusions of ES Chapter 9 with regard to birds or ES Chapter 8 with regard to bats are; with regard to the latter it is reiterated that levels of use of the airspace were low and that impacts are mitigated through feathering of the turbines at idle. Impacts on birds and bats from the proposed development, both alone and cumulatively, are fully assessed in the ES.

ii) Wider Impacts

6.1.67. Paragraph 8.136 to 8.139 of the LIR state '*There are numerous other windfarms schemes that have either been submitted or are pre-submissions schemes, totalling approximately 42 turbines. If these were all in operation this would evidently result in scale of magnitude in change. Resulting in long term negative effects through habitat fragmentation and increased collision risks (and direct effects upon local population sizes). It would also create a considerable turbine presence across upland and moorland habitat which are characteristic landscapes associated with Blaenau Gwent.*

- *Concerns are also raised regarding the associated infrastructure such as access roads, which would traverse the northern section of the mountain ridge plateau. This will have a negative impact on habitats, in particular those noted as being excellent for adder. Further concerns are raised that the infrastructure provision proposed would encourage more off roaders, potentially causing more habitat degradation, disturbance and displacement which could result in permanent loss of s7 habitat and disturbance and/or displacement of protected and priority species. The implications or means to prevent this have not been considered or detailed in the ES.*

- *This scheme should not be considered in isolation but must be determined as part of a holistic approach to biodiversity loss.*

- *There are no details or information on how noise and movement of blades will have a negative impact on species. The Assessment made regarding noise is in relation to residential areas, no assessment has been made in relation to noise on the ecology and ornithology of the area. Some species will be sensitive to noise and disturbance, which will result in them being displaced from the area. It is mentioned within the Ecology and Ornithology Chapters (9.48) that noise will have a negative impact, but there is a lack of information regarding the potential impact mechanisms arising from the proposed development*.'

6.1.68. The first part of the comment concerns cumulative effects but is included here as it is under the heading 'Wider Assessment'.

Ornithological Effects

6.1.69. ES Chapter 9 concluded that there will be a significant cumulative effect at the county level for kestrel. Cumulative effects on other species are likely to be localised (peregrine) and negligible (red kite) due to population trends in these species strongly indicating that any fatality will be offset by population growth (and in the case of red kite continued range expansion and infilling). The factors driving the decline in the kestrel population at the regional and national levels are likely to relate to the interlinked effects of habitat loss, a decline in some prey species (such as large insects which make up a proportion of diet), agricultural land use change and the use of rodenticides. The proposed development will result in the erection of nest boxes away from the turbines as part of the Outline Habitat Management Plan (in Appendix AI 6.1), allowing kestrel easier access to parts of the moorland for foraging; a proportionate and deliverable measure. However a residual effect cannot be ruled out, and due to the small size of the county (and its limited capacity to support the species) any decline in the breeding population would be significant at that level.

Ecological Effects

6.1.70. ES Chapter 8 concluded the effects of the proposed development on ecological features were likely to be neutral or beneficial, with the exception of a site level adverse effect on wet modified bog (an unremarkable area of habitat even at the local level). The biodiversity net benefit solution required for the proposed development provides an opportunity to manage a significant area of upland habitat into better condition. The ways in which this will be achieved are set out in the Outline Habitat Management Plan in Appendix AI 6.1, which has been updated in the light of additional measures identified to address impacts on valley mire and deliver further measures to enhance upland habitats through re-wetting. On the reasonable assumption that to achieve planning consent any scheme has to deliver biodiversity net benefit, there is therefore an opportunity through the multiple schemes coming forward to improve the condition, extent, diversity and resilience to change.

Effects on Adder

6.1.71. Taking account of all mitigation and enhancement measures proposed, it is concluded that there will be a beneficial effect on reptiles from the proposed development (see Table 8.14 in ES Chapter 8).

6.1.72. In addition to measures to minimise and avoid land take from good quality reptile habitat during the iterative proposed development design process, and tertiary measures to reduce the potential for killing and injury, habitat management is proposed. These measures will include diversifying habitat structure and the creation of new ponds and hibernacula, all of which are all likely to benefit reptile species. There is a further commitment to create additional habitat for reptiles in areas abutting the moorland and to involve a reptile (adder) specialist in the development of the Habitat Management Plan post consent (in order to maximise benefits to reptiles). Measures are set out in paragraphs 8.9.83-89 of ES Chapter 8 and in Appendix A8.6 of the ES (these are unchanged in Appendix AI 6.1 of this document).

Potential for Anti-social Use of the Area

6.1.73. Addressing anti-social activity such as off-roading and fly-tipping falls under the responsibility of the landowner and local police authorities and is not therefore a consideration for the EIA.

6.1.74. If the proposed development is consented and built, the access point to the main public road will be restricted further and closely monitored compared to its current condition, with security measures implemented by the Applicant. Additionally, Commoners will have access to the Management Fund to finance potential surveillance and deterrent measures they deem most effective in tackling this pre-existing issue (further discussed in Section 15 of the Report on Common Land included within the DNS application for the proposed development).

6.1.75. Active management of the heather moorland delivered through the scheme will also make large scale burns, which can result in wide-ranging environmental effects including on various ecological features, less likely to take place.

Noise

6.1.76. Very few specially protected species of bird or animal species use the proposed development area with regularity. This has been demonstrated through detailed survey work. Some priority and locally notable species do use the area regularly, including kestrel, red grouse and reptiles.

6.1.77. Assessment of the effects of the proposed developments construction and operation on these features is included in the relevant sections of ES Chapters 8 and 9. Localised displacement of some of these species may occur as a result of the presence of people and plant during construction, and this may be attributable primarily to increased noise/vibration or human presence which are inextricably linked in the construction process. However, construction phase impacts have been fully assessed in ES Chapters 8 and 9. In relation to operation, we are not aware of any studies that demonstrate permanent displacement of relevant birds or protected species from wind farm sites due to noise.

iii) Grid Connection

6.1.78. Paragraphs 8.140 to 8.144 of the LIR states:

6.1.79. '*Whilst it is appreciated that connection to the grid falls under a separate consent process, a high-level assessment is contained in Appendix 5.1: Potential Grid connection. As the overhead line and grid connection is consequential development, the impacts and implications should be taken into consideration as part of the current proposal.*

6.1.80. The proposed grid connection has two potential route options. The northern route has a total length of approximately 14km, comprising 10.2 km OHL and 3.8km of UGC. The southern route extends approximately 15.4 km with 13.1 km as OHL and 2.3 Km as UGC. This poses additional permanent negative impacts to habitats (some will be Section 7) and its associated protected species including the route potentially passing through two areas of ancient semi-natural woodland (north A472) and an area to the south of the road. Although they are not located with the County of Blaenau Gwent, habitats such as these are vital for ensuring ecological and ecosystem resilience is maintained in a landscape/regional context.

6.1.81. Mitigation and compensation cannot be provided for the loss of ancient semi-natural woodland. There will be several ornithological features negatively affected by the proposed grid connection routes, including Barn Owl, Red Kite, goshawk, nightjar, long eared owls and a variety of ground nesting birds such as skylark, red grouse, and meadow pipits. These species are highly protected and notable (Schedule 1 Species, Red and Amber listed, S7 species). [redacted].

6.1.82. Para 6.4.43 of Planning Policy Wales (ed 12) advises: "Ancient woodland and semi-natural woodlands and ancient, veteran and heritage trees are irreplaceable natural resources, and have significant landscape, biodiversity and cultural value. Such trees and woodlands should be afforded protection from development which would result in their loss or deterioration unless there are significantly and clearly defined public benefit; this protection should potentially prevent potentially damaging operations and their unnecessary loss."

6.1.83. *The semi ancient natural woodland will already be preforming an ecosystem service by sequestering carbon and acting as a carbon sink, locking it up for centuries. Therefore, it seems counter intuitive to permanently lose ancient semi natural woodland for the purposes of grid connection. It is also resulting in another cumulative effect that needs to be considered.*'

6.1.84. Appendix A5.1 of the ES provides high level information on the outline grid connection route options.

6.1.85. The grid connection is likely to be via a mix of a wooden pole line and a buried cable (which will require a narrow trench and will be the preferred method in residential areas and along roads).

6.1.86. Desk study and a range of ornithological and ecological surveys will be needed to inform the detailed application for the grid connection. The section of the grid connection report makes reference to a range of ecological and ornithological features that are likely to need consideration in the application process based on the desk study and survey to inform the proposed development.

6.1.87. A list of potential measures to mitigate ecological and ornithological impacts are then identified in Appendix A5.1 (see in particular paragraphs 5.5.8 and 5.5.9). These include primary mitigation to avoid features such as ancient woodland, timing of works to avoid or minimise the potential for the disturbance of protected species, and licenced and non-licensed method statements to ensure impacts on protected species are avoided or minimised. The proposed grid connection will need to take appropriate account of legal protections and planning policy if it is to be consented, including that relating to ancient woodland and other habitats, protected and priority species. Given the likely footprint of the line this seems eminently achievable, meaning there is no EIA impediment to the delivery of the grid connection.

BGCBC LIR Response: Concluding Statement

6.1.88. Paragraphs 8.145 of the LIR concludes '*it is considered that the information provided within the application submissions is insufficient / inadequate to allow a full assessment to be made of the impact this proposal, associated consequential development and the cumulative effects of other DNS applications in the immediate vicinity, would have upon biodiversity. As a result, it is anticipated that the proposal would have a negative effect on the biodiversity and ecological value of the site and wider area*.'

6.1.89. This response addresses all comments raised by BGCBC and complements the information provided in ES Chapters 8 and 9. BSG Ecology do not consider that further ecological or ornithological information is required to allow a full assessment to be made, and it remains unclear what information BGCBC consider is needed as this is not specified in their LIR comments. It is also noted that other nature conservation stakeholders, namely NRW and Torfaen County Borough Council, have not raised any substantive concerns on the application.

Further Botanical Information

Valley Mire

6.1.90. A site visit completed on 22 May 2025 by James Darke MIEEM[21] (BSG), an experienced botanical surveyor with a Level 5 Field Identification Skills Certificate (FISC), identified a limited area on the main access track that had been erroneously mapped[22] as dry heath[23] and bracken, but was in fact a mosaic of dry modified bog and valley mire with fringing marshy grassland. A further visit to the area was completed by Dr Peter Shepherd (botanist) on 17 June 2025 to independently assess NVC communities present (as the goodness of fit to published communities was limited). Description of the plant communities present, an evaluation of their importance, mitigation measures, construction, operational phase and residual impacts (taking account of compensation) are set out below. During the June visit Dr Shepherd was accompanied by Dr Andy Mills (peatland geomorphologist) and Duncan Saunders (hydrogeologist).

6.1.91. During both visits the area was walked over, habitats mapped and attributed to Phase 1 communities. During the May survey the surveyor also sampled the area using 2 m x 2 m quadrats, and assigned all areas of grassland, heath and mire habitat present to NVC communities. Goodness of fit to NVC community descriptions was determined using the Modular Analysis of Vegetation Information System (MAVIS) based on quadrat data, then reassessed in the field by Dr Shepherd who gave further consideration to hydrology and peat depth data in confirming initial conclusions with regard to community type.

6.1.92. In terms of landform, the area is on a gentle slope above which (to the north and west) there is a short, steep escarpment that marks the edge of the heather moorland. A localised spring point emerges around the 530 m contour line at the break of slope likely related to a change in geological formation with a lower permeability layer underlying the downslope area. The groundwater discharge along this break of slope, along with surface water runoff from upslope areas, will maintain the saturated conditions that support the habitats discussed below, The NVC communities present and the spring point are shown on AI Figure 6.1: Mire and Heath Communities.

6.1.93. The four habitat types present are described below:

- Valley mire. The habitat occurs mid-slope and forms part of the head of the Nant Ffrwd. Two mire communities are present.

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[21] Full member of the Chartered Institute of Ecology and Environmental Management.

[22] This initial classification and mapping error is likely to have arisen as a result of hidden voids being discovered early in baseline survey work to inform the ES Chapter 8. This resulted in survey being completed from paths / tracks and areas with short sward for health and safety purposes. The area in question is hidden by topography from the north and west, and visible vegetation from the adjacent track suggests a continuation of dry heath habitats. No other significant differences in vegetation mapping (from the baseline) were identified during the course of the May 2025 survey, which involved walking the full extent of the access track, or the June visit. Limitations to survey due to visibility are otherwise not present.

[23] Dry modified bog and dry dwarf shrub heath are principally separated by peat depth . Ling is present (and often dominant) across both Phase 1 habitat types, Sphagnums are typically absent and the hypnoid moss component is variable.

- One consists of a species-poor soft rush Juncus effusus dominated stand which extends from the north-western corner of the mire, downslope in a south-easterly direction. The vegetation showed some similarities in composition and character to the M6c Carex echinata – Sphagnum recurvum / auriculatum mire (Juncus effusus sub-community).

- The second vegetation type consists of a species poor stand with abundant purple-moor grass Molinia caerulea, which surrounded the soft rush dominated vegetation of the M6c community. The habitat was present as a mosaic of dryer and wetter areas reflecting local topography and the surface wetness of underlying peats. In general, this community is characterised by abundant tussocks of purple moor-grass Molinia caerulea with other bulky vascular plants including ling Calluna vulgaris and bilberry Vaccinium myrtillus occurring occasionally. Wetter areas support varying degrees of cover of bog-mosses (Sphagnums) often in association with common haircap moss Polytrichum commune and occasional common cottongrass Eriophorum angustifolium and hare's-tail cotton grass E. vaginatum. Drier parts of the community were notable by a lower diversity and cover (or absence) of Sphagna, with S. palustre occurring occasionally, and increased occurrence of heath species, such as ling and bilberry. Grassland species such as wavy hair grass Deschampsia flexuosa also occur in these dryer areas and the community shows weak similarities in composition and character with U2 Deschampsia flexuosa grassland. The topographical and hydrological circumstances of this part of the site are typical of valley mire communities, but the vegetation overall showed weak similarities in composition to M21 Narthesium ossifragum – Sphagnum papillosum valley mire lacking several constant species of this community type.

- Dry modified bog. This habitat occurred within and surrounding the valley mire habitat. The vegetation contained abundant ling *Calluna vulgaris* and bilberry *Vaccinium myrtilus*. Purple moor-grass was present below the ling shrubs and had a local shading effect on the ground layer, which mostly consisted of moss tussocks The vegetation showed some similarities with H12 *Calluna vulgaris – Vaccinium myrtillus* heath and H9 *Calluna vulgaris – Deschampsia flexuosa* heath. Boundaries between this vegetation and the M21/ U2 valley mire community were diffuse.

- Marshy grassland. This soft rush *Juncus effusus* dominated habitat bordered the valley mire and dry modified bog habitat to the north and west; the western stand was most likely on compacted soil from workings of the nearby gas pipeline. The vegetation showed some similarities with MG10 *Juncus effusus – Holcus lanatus* rush pasture

- Semi-improved acid grassland. A sheep-grazed strip of semi-improved acid grassland is present which borders valley mire, marshy grassland and heath habitats to the north. The stand shows similarities to U4 *Festuca ovina, Agrostis capillaris, Galium saxatile* grassland.

6.1.94. The valley mire communities (M6c and M21) correspond to the priority habitat Upland Flushes, Fens and Swamps. The dry modified bog habitat corresponds with the priority habitat Upland Heath. The other plant communities do not correspond to priority habitats.

6.1.95. The areas of the respective communities are shown on Figure 6.1.

6.1.96. The value of the habitats present is summarised in Table 6.1.

Table 6.1: Habitat descriptions

Habitat	Importance of Feature	Rationale
Valley mire	District[24]	The valley mire contains both an M6 community (which is ubiquitous in upland areas[25]) and is of local importance[26], and an M21 community, which is of greater botanical interest being a less commonly occurring habitat type. M21 is a localised plant community that requires specific topographical and hydrological conditions, and which has a patchy distribution in Wales and England as a result. The area of M21 habitat within the site boundary is not a high-quality example of its type. It is dominated by purple moor grass *Molinia caerulea* which suppresses growth of smaller species and whilst wetter pockets within the community support *Sphagnum* species, round-leaved sundew *Drosera rotundifolia*, cross-leaved heath *Erica tetralix* and *Sphagnum papillosum*, which are constant to near constant species in this community are absent.
Dry modified bog	Local	This habitat lacks diversity and notable species and has some similarities in composition to the dry heath habitats that dominate the proposed development area. The presence of self-sown saplings indicates that the habitat is drying out.

24 This valuation reflects the fact that valley mire communities are limited in extent on Coety Mountain (the geographical area defined as 'local' in ES Chapter 8) but are likely to occur on other areas of the mountain (other small areas were noted outside of the Phase 1 / NVC survey area in May / June 2025), and that there are various other areas of upland with broadly similar characteristics in the area that have the potential to contain valley mire habitats including Mynydd James, Mynydd Garnclochdy and the Blorenge.

25 Dayton, N., Jackson, D.L & Strachan, I.M. (2001). National vegetation classification: field guide to mires and heaths. JNCC, Peterborough.

26 This is not considered a good example of M6 due to the absence of star sedge *Carex echinata*, other small sedges, *Sphagnum fallax* and *S. denticulatum*. The M6c *Juncus effusus* subcommunity is dominated by bulkier plants and tussocks of bryophytes.

		Its value in vegetative terms reflects that of the dry heath habitats present across much of the site. It is principally differentiated from nearby dry heath by its depth of peat. Effects on dry heath are fully assessed in ES Chapter 8: Ecology.
Marshy grassland	Site	A common upland marshy grassland community with low botanical diversity. Not considered further.
Semi-improved acid grassland	Site	Lacks diversity and does not correspond to any priority habitat type. Not considered further.

6.1.97. Avoidance of the mire habitat through design is not possible for the access track due to challenging topography restricting placement to the ridge line, the wide extent of the habitat itself and constraints resulting from the route of the high-pressure gas main owned by Wales and West Utilities (to the west)[27], which would otherwise have required two additional crossing points with the associated increase in track length. To the east there is an area of better quality, wetter M21 vegetation with a high Sphagnum component on a significant depth of peat (~ 2.5 m depth). Any track route through this area would require this habitat to be crossed, would result in the loss of similar habitats to those present on the current route, and two watercourse crossings of the Nant Ffrwd. Significant engineering solutions would be needed to preclude impact to the M21 and deep peat, and to construct the crossing where there would also be a need to excavate peat (a fully floated solution to this alternative alignment would not be possible due to both gradient and due to the need for transition pieces onto the water crossing, which would require to be of cut and fill construction). The construction of abutments to support the crossing, particularly the crossing of the M6 flush habitat, also has the potential to disrupt the hydrological flows in the peat and flush that rely on high saturation levels.

[27] *As demonstrated by draft condition 9: micrositing, the applicant is committed to not microsite the track further east / into areas where additional mire habitats would be affected. The applicant is also exploring whether it will be possible to microsite the track closer to the pipeline and is in discussion with Wales and West Utilities to this effect.*

6.1.98. Effects on the mire habitat along the proposed route will be reduced through a floating track (geotextile topped with aggregate) design that minimises impacts on hydrology, noting that water flow is predominantly north-south into this area as opposed to there being a strong east-west hydrological dependency (so the alignment of the track significantly reduces potential drying effects beyond its footprint). The track through this area will also be designed to enable north-west to south-east flows through the installation of cross drains. The result will be that the impact on peatland habitat will be almost exclusively limited to the area of direct habitat loss (the track footprint). Additional mitigation will include the presence of an environmental clerk of works (ECoW) on site when the track is constructed in this area. The ECoW will deliver a toolbox talk to the contractors and oversee practical controls aimed at minimising impacts beyond the footprint of the track. The ECoW will also facilitate translocation of the higher value species into the adjacent dry modified bog area, which will subsequently be rewetted using trench bunding.

6.1.99. The section of track through the area will result in the loss of approximately 0.15 hectares[28] (ha) of valley mire habitat. In terms of NVC communities, this equates to:

- Loss of approximately 0.09 ha of M21/U2 communities. Of this extent 0.03 hectares will be within the footprint of the track and 0.06 hectares from the track verges.
- Loss of 0.06 hectares of M6c habitat, of which 0.02 hectares will be within the footprint of the track and 0.04 from the track verges.

6.1.100. Loss of these communities will be compensated through translocation and habitat manipulation as follows:

- The dry modified bog areas adjacent to the track in this area will be stripped of species tolerant of dry conditions (such as bracken Pteridium aquilinum and ling) with higher quality vegetation translocated into these stripped areas (cotton-grasses, Sphagnums and purple moor-grass) from the footprint of the works area (i.e. the area subject to floating track construction). Trench bunding will be undertaken at intervals within the H12/H9 areas in order to support surface water retention and rewetting of the dry modified bog communities. These receive water that sheds from the ridgeline immediately to the north. If required, bund material will be imported from a small section of peat that will be excavated from the Twyn Ffynhonnau Goerion area to the north. Sphagnum propagules will be planted in low points adjacent to the bunds to increase the rate of recovery of these areas. A regular programme of monitoring, and, if required, drainage management and planting will be specified to ensure substituted habitats recover to a species composition equivalent to M21.
- The net result will be a reduction in dry modified bog (H12/H9) of approximately 0.6 ha through rewetting. Direct translocation of 0.09 ha of M21 and complementary Sphagnum planting will deliver a larger area of valley mire habitat than will be lost.

6.1.101. In addition, the following are proposed:

[28] *All hectarages rounded to two decimal points.*

- Management of Twyn Du summit. As with other areas of the site the summit of Twyn Du comprises stiff and dry peat (where peat is present), or stiff and dry soil (where peat is absent and organo-mineral soils dominate). Twyn Du has sufficient depth of peat to enable trench bunding and sufficient elevation to allow rewetting. Concentric trench bunds will be cut into the summit to trap rainfall and support a return to wet heath, or ideally wet modified bog. Sphagnum propagules will be planted behind bunds where water retention is most likely to encourage a reversion to habitat conditions pre-dating damage of the peatlands by land management. Monitoring and maintenance will be undertaken, facilitated by access from the wind farm tracks. If necessary, a small sub volume of peat excavated from the T6 hardstanding may be used to form the lower part of each bund (providing a seal) before top-dressing with locally excavated turved materials.

- The intended net result will be a gradual change from dry modified bog (H12) to wet heath and locally wet modified bog over an area of c. 4 ha.

- Management of Gwastad summit. No peat has been recorded at this location. However, a thin veneer of organo-mineral soils supports an area of purple moor-grass and possible relict patterning associated with past bog habitats. Trench bunding is not viable at the shallow (<0.3 m) depths indicated by peat depth probing. Instead, it is recommended that coir-rolls are staked in and dressed with locally derived turves to help slow water flows in this area and encourage a return to wet heath.

- The intended net result would be an improvement in ground wetness, with some retention of wet heath species relative to the current dry conditions. This would take place over a maximum area of c. 1 ha.

6.1.102. In summary, residual effects of the loss of valley mire habitat will be directly compensated by the creation of a greater extent of habitat in the same area (through re-wetting and habitat manipulation). This will be complemented by wider re-wetting of habitats within the site boundary aimed at restoring wet heath and potentially wet modified bog habitats. Effects on valley mire communities are likely to be significant (negative) at the district level short-term (during construction), with medium-term effects of neutral significance (as communities re-establish over the following few years) and a longer-term positive effect at the district level as habitat condition improves and the extent of valley mire increases.

Overall Conclusion

6.1.103. Comments from BGCBC, who were the only nature conservation stakeholder to raise wide-ranging concerns on ecology and ornithology in their LIR, have been fully addressed in this section of the report. Comments from LQAS on peat/associated peatland habitats are additionally addressed in Section 4: Peatlands of this document.

6.1.104. Consideration has also been given to effects on the valley mire habitat identified on the access route, measures identified to mitigate impacts by rewetting adjacent areas, and hold water on other areas of the site, restoring areas of dried peat to wet heath and potentially bog habitats. The Outline Habitat Management Plan (Appendix AI 6.1) has been updated to reflect these proposed measures. These compensation and enhancement measures will deliver net benefit in terms of the extent of valley mire habitats, alongside re-wetting areas of dry peat to create a more varied and ecologically valuable areas of upland heathland. Incorporation of these measures into the Outline Habitat Management Plan will result in a significant beneficial effect at the Site level and deliver net benefit for biodiversity in accordance with planning policy.

7. Air Traffic Control RADAR Systems

1. The applicant should address the technical objection from NATS Safeguarding Office. The applicant should liaise with NATS to establish whether the objection can be overcome or reasonably mitigated.

7.1. Response to Question 1

7.1.1. The Applicant has commenced discussions with NATS regarding mitigation for adverse impacts of the proposed development on the Clee Hill radar. NATS has recently told the Applicant that a replacement radar has been identified and that it will have in-built wind farm mitigation capability. It is envisaged that the replacement radar will be in place ahead of the proposed development's construction timelines and the Applicant will continue discussions with NATS in order to deliver the required mitigation solution.

7.1.2. The Applicant will be working with NATS to agree a suitably worded suspensive condition to secure the mitigation and has provided an initial proposed draft condition in Appendix AI 12.1 at draft condition 30: Clee Hill Primary Surveillance Radar.

8. Noise

1. The operational noise report Volume 3 Appendix A12.2 indicates that there is a possibility that if all the proposed wind farm developments in the area were granted the total ETSU-R-97 Noise Limit could be exceeded. Now that Land to the West of Abertillery (Mynydd Carn-y-Cefn) DNS/3270299 has been granted permission would the predicted cumulative assessment require to be revised in the light of the noise limits set out in that planning permission detailed in Appendix 1 – Noise Limits of the decision.

8.1. Response to Question 1

8.1.1. As noted by the Inspector, the Abertillery noise assessment identifies two receptors where the Total ETSU-R-97[29] Noise Limits (TNL) are exceeded: during the daytime and night-time periods at Noise Assessment Location (NAL)9 (Woodview Bungalow) and during the daytime period only at NAL11 (Hillside). In all instances, the exceedance of the 40 dBA daytime limit (at both NAL9 and 11), and the 43 dBA night-time limit (NAL9 only) is not attributable to the proposed development.

8.1.2. At NAL9, the single turbine scheme at Land east of Llwynon Road is wholly dominant and is the primary contributor to the exceedance. Predicted noise from the proposed development is more than 10 dB below the predicted levels of the single turbine, and as such, has no cumulative impact and does not contribute to the exceedance of the TNL.

8.1.3. At NAL11 (or R17 as it is labelled within the Carn-y-Cefn assessment), the Carn-y-Cefn scheme is dominant. The implications of the consenting of this scheme have been addressed and summarised within a letter included within Appendix AI 8.1. The letter, dated April 2024, was initially produced by TNEI, author of Abertillery noise assessment, at the request of the Applicant as a result of the Carn-y-Cefn scheme being granted consent in March 2024. The purpose of the letter was to show the potential effect of the noise level limits assigned to Carn-y-Cefn and provide the Applicant with comfort that the consent had no adverse effect on the proposed development's ability to meet the TNL or Site-Specific Noise Limits (SSNL). The letter was used initially for internal purposes only and as such was not issued to the LPAs or PEDW at the time.

[29] The TNL should not be exceeded by combined operation of all wind turbines in the area, it can be considered to represent a 'noise budget'. The noise assessment also presents Site Specific Noise Limits (SSNLs) which would apply to individual schemes. The SSNLs have been derived in accordance with good practice talking about of the proportion of the TNL that has been allocated to, and that can realistically be used by, other consented wind farm developments. If each scheme achieves its SSNLs then the TNL will also be achieved.

8.1.4. The letter demonstrates that the consenting of the Carn-y-Cefn scheme and its assigned noise level limits have no material bearing on the cumulative contribution of the proposed development, nor the ability of the proposed development to meet the proposed noise level limits. It is noted that the noise level limits afforded to the Carn-y-Cefn scheme within the decision notice are higher than the TNL assumed within ES Chapter 12: Noise and Vibration. This is discussed further in the response to Inspector's point 5 below. However, in summary, there is no change to the assessment outcome as a result of the Carn-y-Cefn consent, as the predicted levels from the proposed development are sufficiently lower than the Carn-y-Cefn scheme and the SSNLs proposed for the proposed development remain appropriate.

2. If so, what assurances can be given that the total ETSU-R-97 Noise Limit can be met.

8.2. Response to Question 2

8.2.1. As set out above there is no requirement to update the cumulative assessment. Each of the cumulative projects have noise conditions which they will be required to meet.

8.2.2. In relation to the specific schemes, the impact of the consenting of the Carn-y-Cefn scheme has been addressed above and does not affect the proposed development's ability to meet the SSNL.

8.2.3. With regards to the Llanhilleth scheme, TNEI understands that planning consent for this development has not yet been approved, and the planning application (DNS/3273368) for this development has been withdrawn[30], and that the applicant intends to submit a new planning application (CAS-03540-M8J8M5) to reflect a change in the development's layout[31] .If a new scheme is submitted, it is for that applicant to assess the impacts between the Llanhilleth scheme and the proposed development, and ensure that the Llanhilleth scheme is designed with appropriate consideration of any cumulative effects.

8.2.4. However, regardless of the applicant's intention to resubmit with a reduced scheme, the assessments in Chapter 12: Noise and Vibration has already demonstrated that the cumulative effect of the Llanhilleth development is largely negligible, and at the small number of receptors where cumulative impacts do need to be considered, the noise level limits can be sufficiently apportioned in order to allow all three developments (Abertillery, Carn-y-Cefn and Llanhilleth) to coexist in terms of the available TNL 'budget', aside from instances where the exceedance is wholly attributable to Carn-y-Cefn (as at NAL11).

8.2.5. It is worth noting that the likely reduction in the size of the Llanhilleth scheme (i.e. dropping of a single turbine) will reduce the attributable noise levels and thus further increase the comfort with which the noise limits can be met. Therefore, the proposed development is not anticipated to have a material impact.

[30] Current planning status of Mynydd Llanhilleth Wind Farm explained here: https://mynydd-llanhilleth.co.uk/project-documents/

[31] It is understood that this change primarily constitutes the removal of a single turbine, T5.

3. The site specific noise limit (SSNL) has been set so that it does not exceed 35 dB(A) daytime or background plus 5 dB, and nighttime limits at 43 dB(A), clarification is needed to establish whether these limits can be met individually and cumulatively having regard to the approved Carn-y-Cefn and Llanhilleth schemes and in line with the suggested conditions set out in the Local Impact Reports.

8.3. Response to Question 3

8.3.1. If each of the schemes in the area meet their individual SSNLs then the TNL will be met.

8.3.2. The proposed development would need to meet the SSNL which is set so that it does not exceed:

- The greater of 35 dB(A) or background plus 5 dB during the daytime; and,
- The greater of 43 dB(A) or background plus 5 dB during the night-time.

8.3.3. The SSNLs have been set to ensure that cumulative noise which meet a TNL set equal to:

- The greater of 40 dB(A) or background plus 5 dB during the daytime, and,
- The greater of 43 dB(A) or background plus 5 dB during the night-time.

8.3.4. Achievement of the TNL limits is based on the reasonable assumption that the other schemes in the area also meet their own SSNLs as required in their planning conditions.

8.3.5. In relation to the Local Impact Reports (LIRs) it is noted that TCBC did not include suggested noise conditions whilst BGCBC did. The BGCBC conditions are actually based on the proposed development being allocated the entire TNL (which would be inappropriate). The conditions proposed by the applicant use the SSNL which is always equal to or lower than the limits proposed by BGCBC.

4. The report indicates that Blaen Melyn Farm is financially involved a point disputed by the representation. Clarification is sought on the matter.

8.4. Response to Question 4

8.4.1. The Applicant has entered into an agreement with the owner of Blaen Melyn Farm and therefore Blaen Melyn Farm is to be treated as a Financially Involved (FI) property. The Applicant understands that the owner's agent has written to PEDW and formally withdrawn their objection to the proposed development. As the property is FI there is no change required to the assessment.

5. The report indicates that cumulative noise immission levels meet the ETSU standard except for Noise Assessment Location (NAL) 11 – Hillside. The report indicates that any exceedance is not attributed to the proposal, and the proposal is not contributing to any increase in cumulative noise. The information was based on values set prior to the grant of permission at Carn-y-Cefn. Clarification is sought whether the assessment reflects the changed status and still meets the total ETSU noise limit or the SSNL

8.5. Response to Question 5

8.5.1. As clarified within the response to points 1, 2 and 3, and explained in Appendix AI 8.1, the consent of the Carn-y-Cefn scheme has no effect on the outcome of the ES Chapter 12: Noise and Vibration for the proposed development. Therefore, the assessment remains the same; that is that the predicted noise from the proposed development will be at least 10 dB below the predicted noise from the Carn-y-Cefn scheme, and as such, has no cumulative impact.

8.5.2. This is set out in more detail within TNEI's appended letter which explains that: the Carn-y-Cefn SSNLs, as set out within Appendix 1 of that scheme's decision notice, are actually higher at multiple receptors (including NAL11 (their reference is R17)) than the 40 dBA TNL assumed within Chapter 12: Noise and Vibration. The limits proposed in the Carn-y-Cefn noise assessment (which have been incorporated into the noise limits set in the consent for that scheme) are higher than those used in ES Chapter 12: Noise and Vibration due to the fact that the background noise levels used were higher for Carn-y-Cefn. The decision notice noise level limits applicable to Carn-y-Cefn during the daytime are reproduced below in Table 8.1 for completeness, with NAL11 (R17) highlighted:

Table 8.1: Carn-y-Cefn decision notice daytime ETSU-R-97 noise level limits (dB LA90,T)

NSR	Standardised 10 m Wind Speed (ms^{-1})								
	4	5	6	7	8	9	10	11	12
R1	41.3	41.0	40.5	40.3	40.3	41.6	42.6	42.6	42.6
R2	41.4	41.2	40.9	40.7	40.7	41.9	42.9	42.9	42.9
R3	39.8	39.6	39.3	40.0	42.1	44.5	47.2	50.5	54.3
R4	39.8	39.6	39.2	39.9	42.0	44.4	47.2	50.5	54.3
R5	39.8	39.6	39.4	40.1	42.1	44.5	47.2	50.5	54.3
R6	39.8	39.6	39.4	40.1	42.1	44.5	47.2	50.5	54.3
R7	39.8	39.6	39.3	40.0	42.0	44.4	47.2	50.5	54.3
R8	39.6	39.4	39.0	39.3	41.3	43.8	46.8	50.3	54.2
R9	39.9	39.8	39.7	39.6	40.5	40.5	40.5	40.5	40.5
R10	39.9	39.8	39.6	39.5	40.4	40.4	40.4	40.4	40.4
R11	39.7	39.5	39.1	38.8	39.9	39.9	39.8	39.9	39.9
R12	39.9	39.7	39.6	39.4	40.4	40.4	40.4	40.4	40.4
R13	44.9	44.8	44.6	44.5	44.5	44.5	44.5	44.5	44.5
R14	39.7	39.5	39.1	39.0	40.0	40.0	40.0	40.0	40.0
R15	43.8	43.6	43.4	43.3	43.3	43.4	43.4	43.4	43.4
R16	43.8	43.6	43.4	43.3	43.3	43.4	43.4	43.4	43.4
R17	***43.8***	***43.6***	***43.4***	***43.3***	***43.3***	***43.4***	***43.4***	***43.4***	***43.4***
R18	43.7	43.0	43.0	42.7	42.7	42.9	42.8	42.8	42.8
R19	43.8	43.6	43.4	43.3	43.3	43.5	43.5	43.5	43.5
R20	43.8	43.7	43.6	43.5	43.5	43.7	43.7	43.7	43.7

8.5.3. The TNL proposed for the proposed development at NAL11 (which is based on the background noise levels presented in ES Chapter 12: Noise and Vibration as shown in the table below) is lower at the key windspeeds (1-9 m/s) than the noise limit included in the Carn-y-Cefn decision notice condition as shown in Table 8.1. The SSNL proposed for the proposed development (set 10 dB below the TNL) is therefore considered to be particularly cautious. The Abertillery TNL and SSNL for NAL11 is shown in Table 8.2 below:

Table 8.2: TNL and SSNL for NAL11 – Hillside

Location		Wind Speed (ms^{-1}) as standardised to 10 m height											
		1	2	3	4	5	6	7	8	9	10	11	12
NAL11 - Hillside	Total Noise Limit: ETSU-R-97 L_{A90}	40.0	40.0	40	40	40	40	40	40.7	42.7	45	47.5	50.4
	Site Specific Noise Limit L_{A90}	30.0	30.0	30.0	30.0	30.0	30.0	30.0	30.7	32.7	35.0	37.5	40.4

6. If any exceedance is attributable to NAL 11 from the proposal following re-evaluation of the above what mitigation is considered.

8.6. Response to Quesiton 6

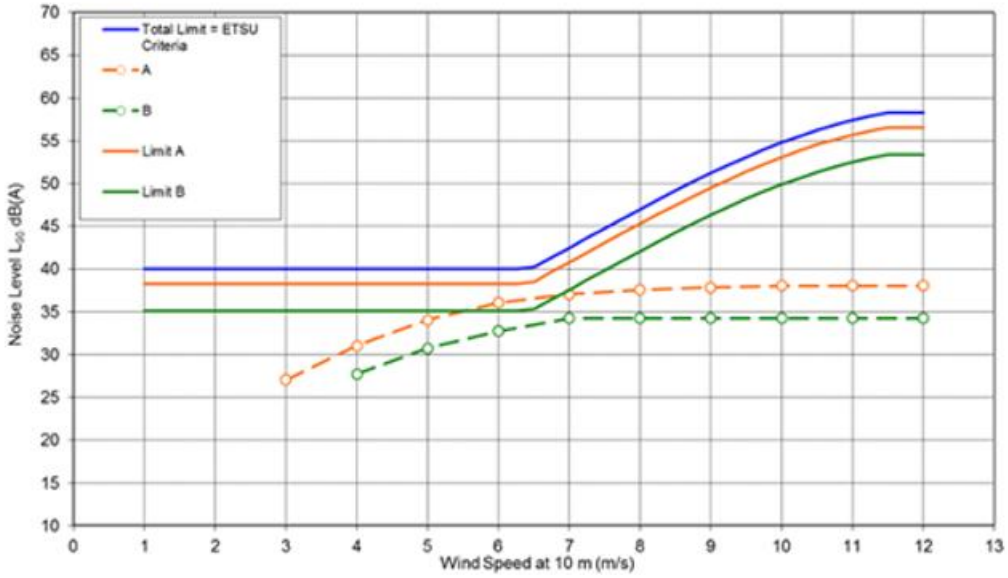
8.6.1. As explained above, the Carn-y-Cefn consent does not result in an exceedance of the noise level limits, and as such no further mitigation measures are proposed.

7. Clarification is sought over the apportionment of the noise limit in relation to the identified schemes based on the energy being produced.

8.7. Response to Question 7

8.7.1. Noise Limit Apportionment has been undertaken on an 'energy basis' as per the guidance provided within the Institute of Acoustics *ETSU-R-97 Good Practice Guide* (IOA GPG). For clarity, although it is not explicitly stated within the IOA GPG, it is assumed that the IOA GPG is referring to apportionment being undertaken on an acoustical energy basis[32], as opposed to an energy generation basis[33]. This approach is further strengthened by the inclusion of Figure 7 within the IOA GPG (replicated below as Figure 8.7.1), which provides an example scenario in which limits are apportioned so that each scheme has the same margin between its predicted noise level and its SSNL i.e. the limits have been apportioned on an acoustic energy basis.

Figure 8.7.1 – Apportionment of ETSU-R-97 limits between two wind farms (from IOA GPG)

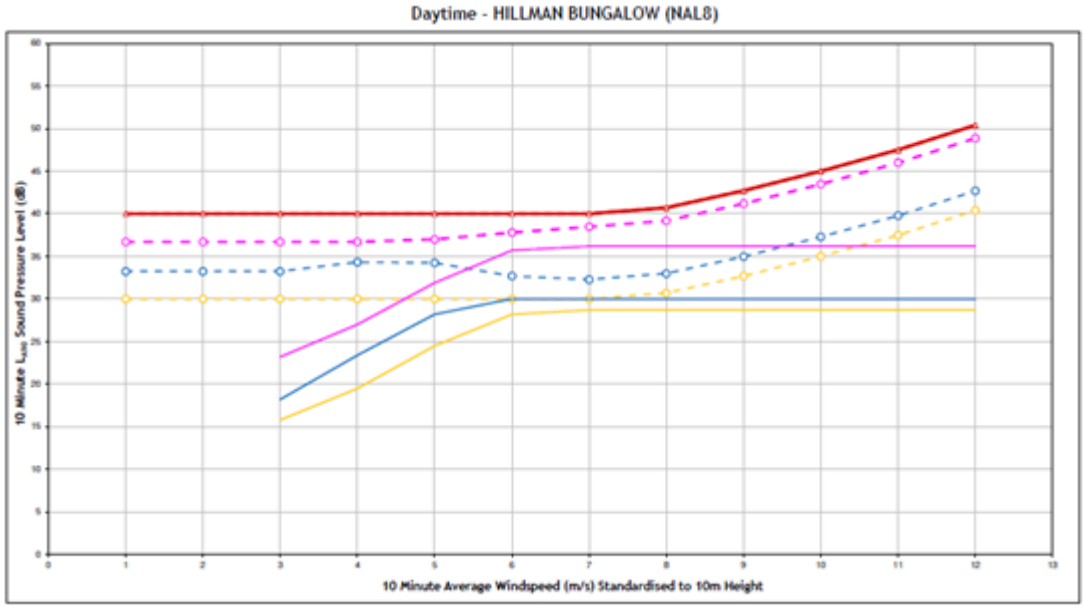


[32] Apportionment on an acoustical energy basis means sharing the available headroom to ensure that each scheme retains the same the headroom or margin between its predicted noise levels and its Site-Specific Noise Limits.

[33] Apportionment on an energy generation basis could, in theory, mean that a wind farm with a larger rated capacity would get a larger share of the noise limit than a wind farm with a lower rated capacity. TNEI are not aware of this approach being adopted in practice.

8.7.2. In the ES Chapter 12: Noise and Vibration, where apportionment was necessary[34], the same principles have been adopted. For the avoidance of doubt, ES Chapter 12: Noise and Vibration does not apportion the noise limits on an electrical energy basis (i.e. it does not take account of the electricity generated by each development) nor is there a prescribed method included within the IOA GPG to do so. Apportionment has been undertaken on an acoustical energy basis in accordance with the IOA GPG. An example of the apportionment undertaken in accordance with the method prescribed within the IOA GPG by TNEI for the Abertillery, Llanhilleth and Carn-y-Cefn schemes is provided below in Figure 8.7.2 (which is a replication of Figure A1.4h from ES Appendix A12.2), where blue, yellow and pink represent Abertillery, Llanhilleth and Carn-y-Cefn respectively, the dashed and continuous lines show the limits and predicted levels respectively, and the red line shows the TNL):

Figure 8.7.2: Example of Acoustical Energy Noise Limit Apportionment for the proposed development



[34] Detailed information regarding the apportionment strategy has been provided within Table 6.8 of ES Appendix A12.2.

8.7.3. Where a scheme does not require a share of the limit[35] (as is the case for Llanhilleth Wind Farm) then the SSNL has been set 10 dB below the TNL. Where a share is required, the limits have been apportioned on an acoustical energy basis (the margin between the predicted levels and the SSNLs at each wind speed is equal for both schemes)[36]. The final limits are adjusted, where necessary[37], to ensure that the SSNLs do not exceed a limit of 35 dB or background plus 5 dB where this is required.

8.7.4. As demonstrated within the noise assessment for the proposed development, and further explained in the above responses, there is no situation in which the available noise level limits cannot be sufficiently apportioned in order for the three major schemes in the area to successfully co-exist without exceeding the total TNL, aside from the instances discussed above (NAL9 and NAL11) where the proposed development has no material contribution and specific third-party schemes are wholly dominant in terms of use of the available noise limit budget.

8.7.5. Where Carn-y-Cefn has been assigned the whole noise budget, the SSNLs for the proposed development have taken this into account (i.e. have been set 10 dB below the Carn-y-Cefn limits). For many of the receptors located close to the proposed development, no limits have been set for the Carn-y-Cefn development due to the distance from that scheme to those properties. The apportioned noise limits that have been suggested for the proposed development still account for the fact that the Carn-y-Cefn development could use a share of the noise budget at those more distant properties. In practice, the contribution of the Carn-y-Cefn scheme at those more distant properties will be controlled through the achievement of that scheme's noise limits at the receptors closest to that scheme. This is described in the IOA GPG as the 'controlling property principle'. Adoption of the approach set out in the ES Chapter 12: Noise and Vibration ensures that the TNL will be met at all receptors.

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[35] Where predicted levels from a wind farm are 10 dB or more below the TNL, that development will use a negligible proportion of the noise budget. Accordingly, it is appropriate in such circumstances to set that development's SSNL 10 dB below the TNL.

[36] It can be seen in Figure 8.2 that the margin between the predicted noise levels (solid blue line) for the proposed development and its SSNL (dashed blue line) at 7 m/s is approximately 2.5 dB; this is the same margin afforded to Carn-y-Cefn (solid and dashed pink lines). These equal margins occur at all wind speeds. For the avoidance of doubt, Llahilleth's (solid and dashed yellow lines) margins are not the same, but that is because they do not need a share of the noise budget at this location.

[37] In instances where the apportioned noise limit for the proposed development (dashed blue line), calculated on an acoustic energy basis, has the potential to be higher than the noise limit set at 35 dB or background + 5 dB (whichever is greater), then the limit has been set at 35 dB or background + 5 dB. An example of this is shown in Figure A1.4b of the ES Appendix A12.2.

8. The Carn-y-Cefn scheme is set to last for a shorter duration than this proposal. In the years following decommission of that scheme would the proposal increase noise emissions respectively to receptors or would the proposal be compliant with the total ETSU standard. Please explain your findings in relation to this matter.

8.8. Response to Question 8

8.8.1. In the event that one or more schemes were to be decommissioned, that scheme's proportion of the TNL would no longer be used. The SSNLs for all other schemes would still apply, and it would simply be the case that the decommissioned scheme's proportion of the TNL would not be used. Operational noise from the remaining wind farms would still be compliant with the requirements of the ETSU-R-97 standard.

9. Common Land

1. The applicant is invited to respond on all eight points outlined in the hearing session on Common Land.
2. Clarification is sought on paragraph 3.2 of the Section 106 Heads of Terms in relation to whether it meets the tests of entering into a planning obligation, whether it is within the remit of a planning obligation in relation to separate legislation under the Commons Act, the deliverability of the planning obligation at the point of decommissioning, the parties involved in such an agreement at that time and the robustness and enforceability of the terms of agreement.

9.1. Response to Questions 1 and 2

Point 1 - Clarification on access to the release land, and access to the replacement land

Access to the Release land

Construction Phase

9.1.1. As set out at paragraphs 7.71 to 7.79 of the Common Land Report, access to the Release Land will be via the on-site access tracks to be constructed as part of the proposed development and will remain (where reasonably practicable) available to the public and commoners during the construction phase of the proposed development. Fencing will be used on a rolling basis to protect public health and safety and the wellbeing of livestock. Temporary fencing around the temporary construction compound, and the temporary construction compound itself, applied for within the Section 38 application, will be removed in its entirety on the completion of construction of the proposed development.

Operational Phase

9.1.2. During the operational phase, as provided for in the Second Schedule of the proposed Section 106 Agreement, access will be permitted over the Release Land save for where the land is physically occupied by infrastructure, such as the turbines, amounting to 0.018 hectares, as well as the substation and Battery Energy Storage System compound, including associated control compounds, which together cover an area of 0.518 hectares.

Decommissioning Phase

9.1.3. During the decommissioning phase, it may be necessary to install temporary fencing on the Release Land for health and safety and animal welfare purposes but this will be less than required for construction as the access tracks will be in situ.

Access to the Replacement Land

9.1.4. The proposed development's access tracks will be available for the public and commoners to access the Release Land, wider Common Land Units, and the Replacement Land. As set out at paragraphs 7.16 and 7.51 of the Common Land Report and question 18 of the Section 16 application, the Replacement Land for CL15 and CL16 is directly adjacent to the existing Common Land units, allowing access directly from the Commons.

9.1.5. Where necessary boundary fencing between the existing Commons and the Replacement Land will be removed to facilitate the movement of livestock and people.

9.1.6. The Release Land currently benefits from public access under Section 193 of the Law of Property Act 1925, and most of the Replacement Land parcels benefit from public access under the Countryside and Rights of Way Act 2000 (see paragraph 5.39 and Section 7 of the Common Land Report). Those Replacement Land parcels that do not currently benefit from public access will benefit from such on their registration as Common Land as access rights under Section 193 of the Law of Property Act 1925 will transfer to the Replacement Land from the Release Land on the making of the Deregistration Order. This provides additional land which will benefit from public access.

9.1.7. Further details on the access arrangements to the Release Land and Replacement Land can be found in Section C1 of the Section 16 application.

Point 2 - Access arrangements and existing rights or easements for moving livestock from the existing common to the replacement land

9.1.8. The Replacement Land for CL15 and CL16 is directly adjacent to the existing Common Land units, ensuring seamless access directly from the Commons.

9.1.9. Livestock will naturally find their way onto the Replacement Land should they choose to graze there. There will be no need or requirement for livestock to be transported to the Replacement Land, such that the commoners will be able to move their livestock over the Commons onto the Replacement Land in much the same manner as they do now. Additional rights and easements to do this are not required as the Replacement Land will become part of the Common Land Units to which they relate on the making of the Deregistration Order, and the Applicant, within the proposed Unilateral Undertaking, is permitting access over the Release Land so the commoners can continue to use the Release Land in the same way as the wider Common Land Units, such that the livestock will effectively be moving from different parts of either CL15 and/or CL16 as the case may be.

9.1.10. In addition, the proposed Unilateral Undertaking will secure the provision of a Shepherding Fund, which will be provided to relevant commoners on the making of a successful application to the Management Group where they can demonstrate increased shepherding costs during the construction and decommissioning phases of the proposed development. This is in addition to the Basic Payment Scheme Shortfall Sum, which will be provided by the Applicant in accordance with the terms of the Unilateral Undertaking to provide additional financial support where commoners' financial support under the Glastir (or any subsequent scheme) is impacted by the proposed development.

<u>Point 3 - The effect on the interests of those persons having rights in relation to, or occupying, the release land</u>

9.1.11. The potential impact on the interests of individuals who hold rights over or occupy the Release Land has been a central consideration in the preparation of the common land applications.

9.1.12. In particular, the effect of the applications on the interests of those persons having rights in relation to, or occupying, the Release Land is considered at paragraphs 5.19 to 5.23, and paragraph 9.11 of the Common Land Report, Question 15 of the Section 38 application, and Question 30 of the Section 16 application. Each concludes that the proposed development, including the carrying out of restricted works on CL15, deregistering the Release Land from the Commons and offering the Replacement Land in exchange, will not have a significant effect on the interests of those persons having rights in relation to, or occupying, the Release Land.

9.1.13. A significant portion of the Common Land Report focuses on the interests of the common land graziers whose livestock currently make use of the Release Land. It details the provision of Replacement Land on a 1:1, like for like, basis such that the area of land being provided for exchange is equal to the area of land to be released from the Commons and ensures continuity of grazing opportunities.

9.1.14. At present, both CL15 and CL16 are undergrazed, with ample forage available to sustain the current number of livestock grazing on the Commons. The actual loss of grazing land on the Release Land following the construction of the proposed development, after reinstatement and revegetation of track sides and working areas, will be minimal in proportion to the overall size of the Commons.

9.1.15. For CL15, there will be a loss of 3.14 hectares, representing 0.25% of the total 1,281.16 hectares of the Common. After construction, the Replacement Land will provide access to an additional 13.53 hectares of grazing land for CL15.

9.1.16. For CL16, the loss amounts to 4.73 hectares, representing 1.4% of the total 338.32 hectares of the Common. Following construction, the Replacement Land will provide an additional 34.04 hectares of grazing land for CL16.

9.1.17. The effect of this is that there is an overall net benefit to the stock of common land as some of the Release Land is to be deregistered for micrositing and will not be disturbed.

9.1.18. In respect of the Section 38 works, the works will impact an area of approximately 1.18ha of CL15 on a temporary basis, with the remainder of the Common Land Unit available for grazing. Once the temporary works are no longer required, they will be removed and that part of the Common returned to grazing.

9.1.19. The Applicant is also providing, by way of a Unilateral Undertaking, various funds, including the Shepherding Funds, and Basic Payment Scheme Shortfall Sum (see above), for those commoners who do experience increased shepherding costs and/or loss of financial support under the Glastir scheme as a result of the deregistration and exchange of land on CL15 and/or CL16, as the case may be. Following construction, access rights will be permitted over the portions of the Release Land not occupied by infrastructure. These rights will be similar to those in place before the deregistration of the Release Land and the allocation of Replacement Land. Furthermore, through the provision of Replacement Land, commoners will gain access to 16.67 hectares of land on CL15 (including 5.41 hectares of land that was not previously designated as Open Access land) and 38.25 hectares of land on CL16 (of which 26.73 hectares was not previously Open Access land). This will also provide the public, who have rights of access over the Release Land, with new opportunities to enjoy air and exercise on these areas.

Point 4 - The effect on the interests of the neighbourhood

9.1.20. The proposed development is not considered to have an adverse effect on the interests of the neighbourhood. 'Neighbourhood' is not defined in the Commons Act 2006, nor in the Welsh Government's Common Land Consents Guidance, however as set out at paragraph 3.9.2 of the guidance relevant considerations include:

> *'(i) Does the proposed replacement land or outcome intended by the proposed works add something that will positively benefit the neighbourhood?*
>
> *(ii) Does the loss of the release land or the construction of the works mean that local people will be prevented from using the common… in the way that they are used to?*
>
> *(iii) Does the construction of the works or, in relation to any exchange, will the removal of the release land from its status as common land…, interfere with future use and enjoyment (whether by commoners, the public or others) of the land as a whole? Is it likely or possible that the release land could cease to be available as a means of access between other parts of the land as a whole?'*

9.1.21. The proposed Replacement Land provides additional land for public access and recreation, as well as land for livestock to graze. The construction works, and the loss of the Release Land will not impede local people from using the Common as access to the Release Land will remain available during the construction phase of the proposed development save for the use of rolling fencing where required to protect public health and safety and the wellbeing of livestock. The Applicant appreciates that during the construction phase this land may not be desirable for access, however; the construction works are temporary (approximately 12 months) and the Replacement Land will be available for use during that time.

9.1.22. Permitting use of the access tracks will also make the Commons more accessible to members of the public by providing a level compacted surface on which to walk on (see paragraph A6.6.14 of the Common Land Landscape and Visual Statement, which states, *'a key benefit for some users of the common land would be improved access via the proposed tracks.'*).

9.1.23. Overall, and as set out at paragraphs 7.83 to 7.92 of the Common Land Report, '*the registered commoners and the public will be able to use and enjoy the Commons as they do now'* such that the Applicant considers that the interests of the neighbourhood are not detrimentally affected with overall access to the Commons improved.

Point 5 - The effect upon matters of public interest

9.1.24. As set out at in the Planning Statement, at paragraphs 7.91 and 7.92 of the Common Land Report, Question 15 of the Section 38 application, and Question 30 of the Section 16 application, the proposed development is expected to generate meaningful amounts of renewable energy, which is demonstrably in the public interest (see Future Wales).

9.1.25. Paragraph 3.9.3 of the Common Land Consents Guidance sets out indicative considerations under this heading:

'*(i) What effect will the proposed have on those wishing to use the common for recreation and access?*

(ii) Are there potential benefits to nature conservation from carrying out the proposals? Does Natural Resources Wales or any other competent person agreement with the assessment of any proposed benefit?

(iii) In relation to any exchange, what will be the impact of the replacement land in relation to nature conservation compared with the release land? Does Natural Resources Wales or any other competent person agree with the assessment?

(iv) What will be the impact on the landscape if the proposals proceed? Is the landscape in a specially designated area, such as a National Park or Area of Outstanding Natural Beauty? Will the impact include an adverse effect on the enjoyment of the remaining part of the common…? What consideration has been given to minimising any impact by good design?

(v) Will the proposals help protect archaeological remains and features of historic interest?

(vi) How do the proposals fit into the historical context?'

'*… whilst the proposed development will result in some limited adverse effects, it is considered that these impacts are outweighed by the contribution that the proposal will make to meeting Wales's renewable energy targets and net zero objectives and when the wider benefits that would result are taken into account.*' (paragraph 6.2.7 of the Planning Statement).

9.1.26. The proposed development will also deliver benefits through nature conservation measures as part of the Applicant's proposed Heathland Habitat Restoration, involving an area of heathland habitat restoration, improvement, and management within a portion of CL16, and Habitat Management Plan, together with an overall net benefit for biodiversity (see Chapter 8 of the Environmental Statement, and paragraphs 7.88 to 7.90 of the Common Land Report). These initiatives seek to enhance the condition of the heathland and improve biodiversity on the Commons, thereby safeguarding and strengthening nature conservation which is in the public's interest given the nature emergency declared by the Welsh Government in 2021.

9.1.27. The proposed works on the Commons will also not have any significant landscape and visual impacts on a National Park or on the qualities of the Blaenavon Industrial Landscape World Heritage Site (see paragraph A6.6.12 of ES Appendix A6.7: Common Land Landscape and Visual Statement) and any landscape and visual impacts experienced by the public whilst on the Commons are outweighed by the amount of renewable energy that the proposed development will deliver, which will make a positive contribution to the Welsh Government's policy objectives of increasing renewable energy production, reducing reliance on non-renewable energy sources, and mitigating the effects of climate change caused by CO_2 emissions from fossil-fuelled energy production.

9.1.28. Paragraph 7.57 of the Common Land Report concludes that there are no impacts resulting from the proposals on the Commons *'upon the public interest in terms of features of historic interest, and no impact in terms of archaeological remains arising from the provision of the Replacement Land'.*

9.1.29. The Applicant therefore considers that the effect of the restricted works on Common Land and the deregistration and exchange of Common Land is in the interest of the public, rather than against it.

Point 6 - Whether a more acceptable outcome could be achieved by adopting a different approach

9.1.30. From the outset, the design of the proposed development has carefully considered all practical measures that could reasonably be implemented to mitigate its impact on individuals with rights over, or occupying, the existing Commons, as well as on the surrounding neighbourhood.

9.1.31. In accordance with the Commons Act 2006, the need to deregister an area of common land greater than 200sqm to facilitate the construction of the proposed development necessitates the provision of Replacement Land. To meet this requirement, the Applicant has sought to ensure that the Replacement Land is both suitable and conveniently located adjacent to the affected Common Land Units. The amount of Replacement Land being provided is on a 1:1 basis which ensures there is no loss of common land (in accordance with policy) but there will be a net benefit in respect of land available to the public and commoners as set out in the Common Land Report at paragraphs 7.43, 9.5 and 9.8.

9.1.32. It is also considered that by providing the temporary construction compound its access track and working area by way of a consent pursuant to Section 38 of the Commons Act 2006, the amount of land required to be released from the Commons has been minimised so far as reasonably practicable. The benefit of this approach is that on completion of construction of the proposed development, these temporary works will be removed and the groundcover returned to grazing for use by the Commoners and their livestock. As stated at paragraph 8.5 of the Common Land Report, '*It is not anticipated that there will be any impacts on any users of the common land resulting from the section 38 application*.' The works applied for within the Section 38 application will only occur if both the DNS application for planning permission and the related Section 16 application are granted. As these works are only required during the construction period of the proposed development the Applicant considered that it would be inappropriate to deregister this land permanently.

9.1.33. For completeness the Applicant considered consenting of the access by way of an application under Section 38 of the Commons Act 2006 as 'restricted works', but this was not considered an appropriate alternative due to the need for the tracks to remain in situ and use throughout the lifetime of the proposed development. Also as set out in the Welsh Government's Common Land Consents Guidance, the Welsh Ministers are clear that schemes for renewable energy on Common Land, such as the proposed development, are more likely to be consented if promoted under Section 16 of the Commons Act 2006 than Section 38 of the Commons Act 2006. Paragraphs 4.12 and 4.13 of the *Common Land Consents Guidance* state:

> '*Some proposed works on common land do not benefit the common but nevertheless there is a potential underlying public benefit, for example works for the generation of sustainable energy (wind farms).*

The Welsh Government wishes to promote sustainable energy generation in an appropriate setting but, equally, its policy is to ensure that the stock of commons is not diminished, that works on common land must maintain or improve the condition of the common, and the use must be consistent with its status as common land. To balance these issues the August 2014 Welsh Government's expectation is that applications for such infrastructure projects on common land are more likely to be successful under section 16 of the Act, so that an exchange of land is proposed and can be taken into account. An application for consent to such works under section 38 will rarely be granted unless there are convincing reasons why an application under section 16 cannot be pursued.'

9.1.34. It is noted that no change in position/approach has been published since August 2014. The Applicant does not consider that there are convincing reasons in this case as to why a section 16 application could not be used (except for the temporary construction compound for the reasons set out above) and therefore has proceeded to make such an application.

Point 7 - Whether any identified harm would be justified by other relevant matters, including the benefits arising from the development proposed through the associated DNS application

9.1.35. Paragraph 9.11 of the Common Land Report concludes that '*the Applicant has identified the relevant interest and activities on the Commons and ensured that the commoners and the public will not be disadvantaged by the proposed development*.' In addition to this, as set out Question 15 of the Section 38 application, Question 30 of the Section 16 application, and within the Planning Statement, it is considered that any impacts of the proposed development on the Commons, or the environment more widely, are justified by the benefits arising from the proposed development, including:

- The meaningful amounts of renewable energy it will generate;
- The improved access to the Common Land Units through the creation of the access tracks, which will promote safe public transport (noting the current groundcover is unsafe underfoot and inaccessible to those with mobility aids and prams);
- The provision of the Land Management Sum by the Applicant that can be used by the Commoners to improve the Common Land Units as they consider appropriate; and
- The provision of environmental measures that would not otherwise be provided, including heathland restoration.

Point 8 - The delivery and arrangements of the planning obligation

9.1.36. Unless the Inspector directs otherwise the proposed Unilateral Undertaking and Section 106 Agreement will be completed following the Hearing Sessions to ensure any additional matters the Inspector directs are dealt with by way of planning obligation are included within the agreements.

9.1.37. As regards paragraph 3.2 of the Section 106 Heads of Terms, the Applicant agrees this falls outside the control of a planning obligation and was included in error. It is not proposed that the Section 106 Agreement or Unilateral Undertaking will secure the reregistration of the Release Land as such a mechanism is currently not available in law.

10. Land Stability

1. The applicant is invited to comment on the concerns raised regarding land stability, toppling of the wind turbines and the fire risk posed by the battery storage units.

10.1. Response to Question 1

10.1.1. The Applicant has provided stability and geological reporting within the ES in the Peat Slide Risk Assessment (PSRA, ES Volume 3, Appendix A10.4) and Coal Mining Risk Assessment (CMRA, ES Volume 3 Appendix A10.1).

10.1.2. These two key documents provide planning stage assessment across two aspects of ground stability. The PSRA considers likelihood of natural and induced instability within peat/organic soil deposits. The CMRA assesses the deeper geological ground model and the potential impact of legacy underground coal mining activities with respect of the proposed foundation structures and the wind farm infrastructure.

10.1.3. Both studies were formulated based on site walkover and desk-based assessment of publicly available information specific to terrain and ground conditions. A Coal Authority Mining Report (CON29M) was commissioned as part of the CMRA and provides additional factual based information released by the Coal Authority (recently renamed to the Mining Remediation Authority) with specific reference to the proposed development.

10.1.4. The PSRA concludes that risk from peat slide within the site boundary of the proposed development is predominantly negligible. There are small, discrete sections of access track which require floating type track construction. This type of construction aims to leave peat deposits in place therefore minimising disturbance through excavation and disruption of hydrology and subsurface peatland flows. Such construction techniques undertaken in line with best practice would mitigate the risk of peat slide or instability to acceptable levels.

10.1.5. The PSRA provides information regarding landslide features which are mapped by the British Geological Survey (BGS) across the local region. The information available for review depicts main mapped landslide features and these are outwith the site boundary. Paragraph 3.2.5 of ES Appendix A10.4 states that '*The landslide features and associated mass movement deposits are concluded to be associated with deep seated rotational landslips affecting the coal measure strata and overlying superficial deposits…All instances are located beyond the site boundary, and coincident with the steep terrain at the periphery of the upland plateau'*.

10.1.6. The PSRA primarily focuses on risk of landslide in the surface layer of peat and associated or connected underlying sub-soils within the site boundary. The PSRA does not apply any detailed quantitative analysis for general slope stability relating to deeper sub-surface structures or geological units beneath the site. However detailed intrusive ground and site investigation will be undertaken prior to the commencement of development to inform the detailed design including engineering considerations for turbine foundation design.

10.1.7. The CMRA highlights the risk from underground mine workings is predominantly low across the site boundary but has identified several locations for further assessment: a single access track position, wind turbine T6 and associated infrastructure, including areas south-east of turbine T6 where a mine shaft is indicated. These specific areas have an increased risk level with respect of coal mining and potential impact on ground stability, and require additional investigation to be undertaken post-consent, as noted in the CMRA.

10.1.8. Ground investigation within the site boundary would characterise the surface and subsurface by using a combination of drilling and non-intrusive geophysical investigation techniques. Typically, seismic refraction, electrical resistivity imaging and/or ground penetrating radar. Intrusive investigation would utilise excavation (trial) pits, advanced rotary core drilling/sampling boreholes to sufficient depth below the proposed infrastructure. Non-intrusive geophysical techniques and in-situ testing to assess the soil, rock and groundwater conditions would also be conducted. This array of techniques would also be used to identify any areas of instability related to legacy mining beneath the site. This would include natural geological strata and any artificial deposits, waste tips or features which may interact with the proposed infrastructure.

10.1.9. The intrusive geotechnical investigation would also be coupled with geo-environmental investigation to detect any contaminated soils, groundwater or hazardous ground gas emissions.

10.1.10. All site/ground investigation would be undertaken in accordance with the following technical requirements:

- British Standards Institution, EN 1997 – 1:2004 + A1:2013, Eurocode 7 – Geotechnical Design: Part 1 - General Rules;
- British Standards Institution, BS 5930:2015+A1:2020, Code of practice for ground investigations;
- British Standard Institution, BS 10175:2011+A2:2017, Investigation of potentially contaminated sites. Code of practice - Code of practice; and
- CIRIA C758D, Abandoned Mine Workings Manual, 2019.

10.1.11. These are industry standard approaches proven to be effective in identifying and mapping subsurface features and used in refining ground stability and contamination risk assessments.

10.1.12. Wind turbine foundations and structure design shall incorporate a foundation system necessary to safely support the structure over its design life. This shall include ground engineering and structural design consideration and analysis to absolutely prevent toppling, sliding or bearing capacity failure. The wind turbine foundation and structural design shall be cognisant of all planning phase geological studies and the future findings of detailed ground and geoenvironmental investigations.

10.1.13. The CMRA provides clear recommendations on potential ground improvement and stabilisation techniques if so necessary (suitable foundation types, grouting mine workings and mine entry treatment for stabilisation). All earthworks would be designed and specified in line with geotechnical design criteria to ensure long term stability with consideration for climatic resilience and design life.

10.1.14. The final detailed design and construction of the wind farm would be verified for long term serviceability and stability including the prevention of toppling failure by independently appointed design engineers. Following these strict protocols would ensure all ground risk can be fully mitigated over the design life of the project.

Battery Safety

10.1.15. The BESS will be designed and operated considering the Regulatory Reform (Fire Safety) Order 2005, particularly Part 2: Fire Safety Duties. The BESS facility does not sit upon any High Development Risk Areas identified by the Mining Remediation Authority, so there is no direct risk of igniting known coal resources, nor is there expected to be a significant fire risk arising from the BESS.

10.1.16. This is agreed by BGCBC in its LIR at paragraph 8.201, which states that '*It is therefore concluded that fire risks from the proposed BESS are low. The final design details of any battery energy storage, including fire monitoring and suppression systems, could be conditioned to ensure any impact would have a neutral effect*.'

10.1.17. The Applicant has submitted draft condition 8: Submission of details, to ensure the final design of the BESS will be approved by the local planning authority prior to the commencement of development. It is not considered necessary to secure a Battery Safety Management Plan by way of condition as it is covered by separate legislation.

11. Other Matters

1. A number of other matters have been raised by objectors to the scheme. If there are matters that the applicant considers have not been fully addressed in its submitted documents, it is invited to respond in order that it may inform the Inspector's assessment.

11.1. Response to Question 1

Response to Representations

11.1.1. The Applicant has reviewed all representations made on the proposed development that were received during PEDW's consultation. Where matters have not already addressed above, to avoid duplication with the information already before the Inspector the Applicant responds to the remaining representations thematically. The Applicant considers that representations on access and transportation including concerns regarding Llanelli Hill, archaeology and cultural heritage, landscape and visual impacts including those from proposed aviation lighting, peat, hydrology, ecology, air traffic control, noise, common land, land stability, and the acceptability or otherwise of locating the proposed development outside of a pre-assessed area for wind energy (PAA) have all been fully addressed above and in its submitted documents.

The Grid Connection (REP 067, 069)

11.1.2. The Applicant re-iterates its position that the grid connection will be subject to a separate application. ES Appendix A5.1 references the range of environmental receptors that may need to be considered in any future grid application and lists the measures that could be used to mitigate impacts on those receptors. This assessment demonstrates there are no environmental impediments to the delivery of the grid connection.

Economic Impacts on Landowners and Commoners (REP 032, 033, 046, 051)

11.1.3. Regarding potential economic impacts raised by the consultee, all the landowners' who have site infrastructure within their land are financially involved in the proposed development and will not suffer an economic loss as a result. The Applicant is also providing several funds to be distributed to the commoners where any financial loss by the commoners directly resulting from the proposed development can be demonstrated, secured by way of a planning obligation under section 106 of the Town and County Planning Act 1990. The management of land outwith the site boundary is not relevant to the determination of this application.

Policy Compliance and the Planning Balance (REP 045)

11.1.4. The Applicant's Planning Statement sets out how the proposed development complies with policy at both the national and local levels. The Planning Statement also considers the benefits of the proposed development against the significant effects reported in each chapter of the ES, concluding that the benefits of the proposed development outweighs its impacts through the significant contribution it will make towards Wales' renewable energy targets and Net Zero.

Cumulative Impacts (REP 045)

11.1.5. Cumulative assessments for all relevant topics are included in the ES for the proposed development and adhered to the relevant guidance on those topics.

Shared Ownership and Community Benefits (REP 019, 045, 058)

11.1.6. The Applicant is liaising with BGCBC and TCBC on the possibility of shared ownership of the proposed development.

11.1.7. The Applicant is committed to delivering community benefits and post-consent will consult the local community to gain a deeper understanding of how residents consider the proposed development could best support the local area and how decisions regarding the allocation of benefits should be made.

11.1.8. The Applicant adopts a flexible approach to the design and delivery of community benefit packages and although the Applicant is not able to offer a reduced electricity tariff because it is not a licensed domestic electricity supplier, a community fund could be structured to provide financial benefits directly to individual households for use against energy-related costs. For instance, the Applicant could support domestic properties through funding for carbon-reducing measures such as insulation, heat pumps, and solar panels, or by contributing towards energy costs, provided these measures align with the priorities identified in the community benefit consultation.

11.1.9. An independent fund administrator will be appointed to manage the community fund and ensure decisions are made in accordance with the fund's objectives, as shaped by the post-consent community consultation.

The Duration of the Proposed Development and Decommissioning (REP 033, 034, 045, 060, Caerphilly Voluntary LIR)

11.1.10. The temporary nature of the proposed development will be secured through planning conditions placing a time limit on the operational life of the proposed development (See draft condition 3 in Appendix AI12.1) together with requiring its decommissioning after 35 years (see draft condition 4).

11.1.11. Due to the proposed condition, the Applicant does not consider it necessary for a separate decommissioning fund to be secured to ensure the decommissioning and restoration works are required as the Applicant’s obligation to comply with the planning condition will be enforceable by the local planning authorities.

Risk of Increased Off-roaders, Fly-tipping and Illegal Activity due to Improved Access (REP 012, 032, 036, 044, 009, 047, 051, 053, 057, 062)

11.1.12. The Applicant acknowledges the concerns within the community of these activities on the Commons and considers that while the management and prosecution of these illegal activities are the responsibility of the landowner and local police authorities, the Applicant’s proposed approach to managing use of the proposed access track through the deployment of security measures, including the employment of a Site Warden will help deter anti-social and illegal behaviour.

12. Condition and Planning Obligation

1. The LIRs include several suggested conditions. NRW and other statutory consultees have presented suggested conditions. These should inform a schedule to be produced by the applicant. Such a list should include reasons for each condition and reference to relevant development plan policies of the respective Council and National development plan policies.

12.1. Response to Question 1

12.1.1. Appendix AI 12.1: Abertillery Comprehensive Conditions List presents a list of draft planning conditions for the proposed development. The final list of planning conditions will be agreed in consultation with PEDW and the relevant planning authorities.