



Mynydd Llanhilleth Wind Farm

Environmental Statement

Appendix 1B – Scoping Direction



August 2024



The Planning Inspectorate
Yr Arolygiaeth Gynllunio

DNS: EIA Scoping Direction

3273368: Mynydd Llanhilleth Wind Farm

06/08/2021

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Prepared by:

Giulia Bazzoni MA PIEMA
Robert Sparey MPlan

This Scoping Direction is provided on the basis of the information submitted to the Planning Inspectorate on 28 May 2021, in addition to consultation responses received. The advice does not prejudice any recommendation made by an Inspector or any decision made by the Welsh Ministers in relation to the development, and does not preclude the Inspector from subsequently requiring further information to be submitted with the submitted DNS application under Regulation 24 of [The Town and Country Planning \(Environmental Impact Assessment\) \(Wales\) Regulations 2017](#) (as amended) (“The 2017 Regulations”).

1. Introduction

The Planning Inspectorate (“the Inspectorate”) received a request under [Regulation 33](#) of the 2017 Regulations for a Scoping Direction in relation to a proposed development for a renewable energy scheme comprising construction and operation of up to 12 wind turbines with a maximum tip height of 180 m, together with ancillary development comprising control building, electricity transformers and anemometry mast, grid connection, access works, temporary construction compound and associated works, by Pennant Walters.

The request was accompanied by a Scoping Report (SR) [[3273368, Scoping Report](#)] that outlines the applicant’s proposed scope of the Environmental Statement (ES) for the proposed development.

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

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

2. Site Description

The site mainly lies within the Torfaen County Borough Council (TCBC) planning area, with the western part lying within the Blaenau Gwent County Borough Council (BGCBC) planning area. It is comprised of an elevated plateau, oriented north to south. The site occupies part of the Mynydd Llanhilleth Common. Further details are given in section 3.2 of the SR.

3. Proposed Development

The proposal as described in the SR is for:

- Up to 12 wind turbines, anticipated to be 4 – 6 MW each with an indicative height of up to 180 m to tip together with external transformer housing (to be operational for 30 years);
- Turbine foundations, crane pads and laydown areas;
- An electrical substation and control building;
- Underground power cables linking the turbines and the on-site substation;
- Construction of access tracks off main access corridor;
- Permanent anemometer mast for wind turbine performance monitoring;
- Construction enabling works; and
- A temporary construction and storage compound.

Further detail regarding each of these elements is provided in section 3.3 of the SR.

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

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

4. History

A substantial part of the site fell within an opencast mining area during the 1960s and 1970s. A former quarry lies within the southern part of the site. Further details are available in paragraph 10.3.5 of the SR.

5. Consultation

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

- Relevant Local Planning Authorities; Torfaen County Borough Council (TCBC) and Blaenau Gwent County Borough Council (BGCBC)
- Natural Resources Wales
- Cadw
- The Coal Authority
- Dŵr Cymru

Due to the likely visibility of the turbines, consultation was also undertaken with:

- Caerphilly County Borough Council (CBCC)
- Brecon Beacons National Park Authority (BBNPA)

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

6. Environmental Impact Assessment Approach

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

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

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

The ES should focus on describing and quantifying significant environmental effects. Policy considerations / arguments relating to those impacts should be addressed in other documentation supporting the application (e.g. a Planning Statement), which cross references the ES where necessary. This does not imply that ES chapters should not be prepared in accordance with relevant advice in policy documents (e.g. Technical Advice Notes), rather that the ES should concentrate on identifying significant effects on the environment rather than dealing with policy arguments or exhaustively listing policies.

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

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

It is open to the applicant to propose that final hub height and rotor diameter could be left to be dealt with via a written submission to the Local Planning Authority, as a pre-commencement condition (should planning permission be granted) provided the condition

specifies that the hub height must not exceed (x) m and the rotor diameter shall not exceed (y) m. As with other conditions, the applicant should seek to agree a suitable form of wording with the Local Planning Authority, which can be submitted for the appointed Inspector's consideration.

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

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

Micro-siting: The SR refers to micro-siting in relation to Cultural Heritage and Archaeology (para 8.4.10) and avoidance of deep peat (para 10.6.21). The Inspectorate accepts the principle of micro-siting in applications for wind turbines, and welcomes the SR's stated approach of minimising environmental impacts through sensitive selection of turbine locations. The ES should be prepared using a clearly identified worst case scenario and final design should not lead to greater likely significant effects than identified in the ES.

Scoping Flexibility: Further to the stated position on micro-siting and the above comments on how the Rochdale Envelope is not an acceptable approach for the eventual application, the Inspectorate is content with the ES being prepared on the basis of design parameters (e.g. dimensions of turbines and associated infrastructure), but the locations of infrastructure should be fixed (subject to micro-siting) and the ES should assess the relevant worst-case scenario for each aspect chapter. The Inspectorate is content that the scoping is based on a maximum scale of development as a worst-case scenario, and revisions can be made to the scheme prior to submission, but the Applicant is advised to contact the Inspectorate where substantial changes are expected, or where changes would affect the worst-case scenario.

6.1 Baseline

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

6.2 Reasonable Alternatives

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

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

6.3 Currency of Environmental Information

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

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

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

6.4 Cumulative Effects

The Inspectorate does not agree that only schemes which are operational, under construction or have been granted planning permission should be included in the assessment of cumulative effects. Best practice is to include proportionate information relating to projects that are not yet consented, dependent on the level of certainty of them coming forward.

The Planning Inspectorate's guidance for Nationally Significant Infrastructure Projects – [Advice Note 17: Cumulative Effects Assessment](#) sets out a staged process for assessing cumulative impacts which the Applicant should follow when preparing the list of projects for inclusion in the ES; the Applicant should ensure that relevant schemes identified on the DNS Portal are addressed in the ES using the tiered approach set out in Advice Note 17.

Effects deemed individually not significant from the assessment, could cumulatively be significant, so inclusion criteria based on the most likely significant effects from this type of development may prove helpful when identifying what other developments should be accounted for. The criteria may vary from topic to topic.

All of the other developments considered should be documented and the reasons for inclusion or exclusion should be clearly stated. Professional judgement should be used to avoid excluding other development that is close to threshold limits but has characteristics

likely to give rise to a significant effect; or could give rise to a cumulative effect by virtue of its proximity to the proposed development. Similarly, professional judgement should be applied to other development that exceeds thresholds but may not give rise to discernible effects.

The Inspectorate welcomes the approach of consulting relevant consultees regarding cumulative schemes to be assessed stated in the SR, and the acknowledgement that the baseline is constantly evolving.

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

6.5 Mitigation

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

6.6 Population and Human Health

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

6.7 Transboundary Effects

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

6.8 Topics Scoped In but not subject to a standalone chapter

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

7. Environmental Impact Assessment: Aspects of the Environment

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

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

7.1 Aspects Scoped In

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

Ecology & Biodiversity

Ornithology

Landscape & Visual Impact

The Historic Environment (Cultural Heritage & Archaeology)

Hydrology

Hydrogeology, Geology & Ground Conditions

Transport, Movement & Access

Noise & Vibrations

Socio-economic effects (land use)

Telecommunications and Utilities

Human Health (No standalone chapter)

Shadow flicker

Vulnerability to Climate Change

Carbon Balance Assessment

Major Accidents & Disasters (No standalone chapter)

8. Table 1: The Planning Inspectorate's Comments

ID	Reference in Scoping Report	Issue	Comment
	Description of the Development		
ID.1	3.3.3	Turbine height	The Inspectorate notes that the Scoping Report has assumed a likely height to blade tip of 180 m. The ES should be clear and consistent about the height that has been considered in the various chapters to ensure that the final decision maker has a reliable picture of the worst-case scenario that has been assessed.
ID.2	3.3.12 – 3.3.14 and Question 3.1	Grid Connection	<p>The Inspectorate notes that the applicant is considering two possible consenting strategies (via Western Power Distribution's permitted development rights or as an application under S37 of the Electricity Act 1989). While the consenting strategy is a matter for the applicant it should be noted that since the 2019 amendments to the DNS system, installation of an overhead line of up to 132 kV is specified as a DNS [see Regulation 4B of The Developments of National Significance (Specified Criteria and Prescribed Secondary Consents) (Wales) Regulations 2016 (as amended)].</p> <p>Irrespective of the consenting strategy, the ES should address the likely significant impacts of the grid connection, and the applicant's attention is drawn to consultee comments in this regard (including TCBC and NRW). Where relevant the impact of the grid connection should be captured in each Chapter of the ES.</p>
ID.3	Section 4	Legal & Policy Context	As noted in section 6 of this Scoping Direction, the applicant is advised to deal with the detail of policy matters in a Planning Statement cross referenced to the ES where necessary. In compiling that document the applicant should note any stakeholder comments regarding additional policies etc. that fall to be considered.

ID	Reference in Scoping Report	Issue	Comment
Ecology: Applicant's proposed matters to be scoped out			
ID.4	5.5.10 to 5.5.12, 5.6.7 and 5.10.1	Reptiles	<p>Based on the information provided, it is considered premature to scope out any further survey work in regard to these species. It would be more appropriate to undertake targeted survey to establish presence / absence once the turbine locations are known if the developable areas intersect with suitable habitat. It is the Inspectorate's understanding that this would be necessary to estimate the potential magnitude of any impacts, and that would inform the approach to mitigation. If the applicant wishes to pursue the stated strategy of foregoing further survey work for these species, they should seek agreement from NRW and include a robust justification</p> <p>Reptile surveys are therefore provisionally scoped into the ES.</p>
ID.5	5.5.5 to 5.5.9, 5.6.8 and 5.10.1	Otter and Water Vole	<p>The applicant should note the concern raised by NRW regarding scoping further surveys for otter and water voles out of the ES, particularly in regard to infrastructure works and transport. The applicant should liaise with NRW regarding this matter and strive to reach an agreed position. If no agreement can be reached then a robust justification for scoping this work out must be included in the submitted ES.</p> <p>Otter and water vole are therefore provisionally scoped into the ES.</p>
ID.6	5.4.67 to 5.4.70 and 5.10.1	Dormouse	The Inspectorate agrees that further work in respect of Dormouse can be scoped out of the ES.
ID.7	5.4.72 to 5.4.80 and 5.10.1	Great Crested Newt	The applicant's attention is drawn to NRW's comments. The Inspectorate agrees with the recommendation that all ponds with 250 m of associated & ancillary infrastructure also be considered and that information included in the ES.
ID.8	5.5.1 to 5.5.4 and 5.10.1	Badger	The Inspectorate agrees that further work in respect of Badger can be scoped out of the ES.

ID	Reference in Scoping Report	Issue	Comment
Ecology: Other considerations			
ID.9	Question 5.1	Study area	The Inspectorate considers the Study Area appropriate.
ID.10	5.4.12 Questions 5.4 and 5.5	Designated sites	The Inspectorate agrees that the sites scoped in should be considered in the assessment and no additional nature conservation sites are proposed (notwithstanding the advice regarding sites referenced in the Ornithology section ID22).
ID.11	5.4.16	Coniferous woodland	The Inspectorate notes that the coniferous woodland to the south west of the site has been excluded from the wind farm development area. It is also noted that the area is designated as SINC by TCBC and BGCBC. According to the description in the SR, the woodland edge shows signs of storm damage which opened the tree canopy. The applicant should consider the potential effects of the turbines in terms of windthrow and canopy gap formation including the potential effects on the existing ground flora as part of the ES.
ID.12	5.4.61 – 5.4.64 Question 5.2	Bat Roost Surveys	The Inspectorate notes the approach taken in conducting the 2020 bat activity surveys and agrees with the methodology employed in terms of bat surveys. The Inspectorate agrees with the additional survey effort proposed for 2021 and draws the applicant's attention to the comments from NRW, and particularly with regards to the presence of lesser horseshoe bat roosts triggering the requirement for HRA of the Usk Bat Site SAC.
ID.13	5.5.13, Table 5-5 & 5.6.6	Invertebrates	Records of notable species within 2 km of the study area were identified and the habitats present on site have the potential to support notable species. Table 5-5 indicates that presence of priority species is assumed but that they are likely to be scoped out of the EIA. However, para 5.6.6 states that additional "pilot" invertebrate surveys of targeted areas to assess the potential of onsite habitats to support invertebrate populations will be conducted during the additional Extended Phase 1 Habitat Survey. The Inspectorate understands this to mean that a targeted suitability survey is proposed.

ID	Reference in Scoping Report	Issue	Comment
			<p>For the avoidance of any doubt, once the footprint of development works is identified, a targeted suitability survey should be conducted; the applicant should ensure that survey work is undertaken at the correct time of year. Survey effort should always be proportionate to the development, taking into account seasonal limitations. Further liaison with the relevant local authorities is recommended once the layout of the development is known.</p> <p>BGCBC have raised concerns regarding cumulative impacts on Silurian moth in a response on a Scoping consultation for Abertillery Windfarm, citing this development and Mynydd Carn y Cefn.</p>
ID.14	Table 5-3	Peat	<p>The Extended Phase 1 Habitat Survey indicates that vegetation supported by peaty soils is present on site. The applicant should note Error! Reference source not found. and the importance of considering Peat in terms of ecological impacts as well as hydrogeological / geological considerations. The ES should cross reference as necessary and be produced in an integrated fashion.</p>
ID.15	5.11 Question 5.6	Approach to Mitigation	<p>The SR indicates that there are opportunities for improving existing habitats on sites of Local and higher tier nature conservation importance which have been assessed as degraded during the baseline collection. Para 5.11.1 states that enhancement measures will be implemented so as to ensure overall net biodiversity benefit. No details are available at this stage, but the ES should include a detailed ecological management plan, including targets and enhancement objectives specific to the habitats and species present on site. The plan should include monitoring and indicate triggers which would prompt changes in the management of the site. Net benefits should be clearly identified. At this stage, the Inspectorate is not in a position to provide further recommendations for the delivery of specific mitigations. It is recommended that relevant consultees are further engaged once a draft mitigation proposal is emerging.</p>

ID	Reference in Scoping Report	Issue	Comment
Ornithology: Applicant's proposed matters to be scoped out			
ID.16	6.4.17, 6.4.34, 6.5.13 and 6.8.1	Buzzard, sparrowhawk and raven	The Inspectorate agrees with NRW's comment that these species should remain within scope until the surveys are completed. Depending on the results it may then be acceptable to scope them out of further assessment in the ES.
ID.17	Table 6-8, 6.8.1	Woodland point count	The Inspectorate agrees that woodland point count can be scoped out of the survey work. However, if the development changes to incorporate woodland loss, this may need to be revisited.
ID.18	Table 6-8, 6.8.1	Black grouse	The Inspectorate agrees that this species can be scoped out.
ID.19	6.4.16, 6.8.2	Passerines (skylark and meadow pipit)	The Inspectorate agrees that these species can be scoped out.
ID.20	Table 6.5 and para 6.4.26	Long-eared owl	The Inspectorate agrees that this species can be provisionally scoped out, but that it may need to be revisited if the development changes so as to include any woodland loss, or if the results of the baseline surveys indicate otherwise.
Ornithology: Other considerations			
ID.21	6.4.9 and Table 6-6	Severn Estuary SPA, Ramsar and SSSI	The applicant's attention is drawn to NRW comments regarding consistency in addressing the Severn Estuary SPA, Ramsar Site and SSSI.
ID.22	Table 6-6 Question 6.6 Question 6.4	Important Ornithological Features (IOFs)	<p>The Inspectorate agrees that Flat Holm SSSI should remain in scope. The applicant should consult Natural England regarding Steep Holm SSSI and take account of any response when preparing the ES.</p> <p>The applicant is also advised to liaise with NRW to clarify the approach to Llandegfedd Reservoir SSSI and ensure this is accurately captured in the ES.</p>
ID.23	Questions 6.2 & 6.3	Marine Ornithology Surveys	The Inspectorate notes NRW's recommendation that additional surveys for spring and autumn passage waders and wildfowl are carried out to encompass Severn Estuary SPA qualifying species. NRW refer to advice

ID	Reference in Scoping Report	Issue	Comment
			<p>from Natural England, but this document does not seem to appear on Natural England's published documents at this time. However, the Inspectorate notes that the "Recommended bird survey methods to inform impact assessment of onshore wind farms, Version 2 (Scottish Natural Heritage 2017)" suggests at Table 1.4 (waders general) that additional watches during migration periods may be required on top of the minimum Vantage Point (VP) recording hours. Therefore, the Inspectorate agrees that an increase frequency in the survey effort should be deploy during migrations period. It is recommended that the detailed methodology is agreed with NRW. However, should that not be possible, the ES should include a robust explanation of the survey methodology chosen.</p> <p>The applicant is reminded that internationally important sites qualifying features will also need to be addressed in the application as part of the Habitat Regulation Assessment and that the effects of the proposal should be considered alone and in combination with other developments. The Applicant is reminded that more DNS projects of a similar nature to the proposed development are coming forward within the same area – see comment Error! Reference source not found. below.</p>
ID.24	6.6.1	Risk of collision	<p>The SR does not include details of how the Collision Risk Modelling will be prepared. This concerns the Inspectorate as correction factors may need to be applied and the cumulative impacts within this area may be significant. The Inspectorate does not have the expertise to advise on this matter and thus it is recommended that the applicant continue to engage with NRW and relevant LPAs once the baseline surveys are complete and the model prepared. As this is a highly technical subject, the applicant may want to explore the possibility of engaging the relevant parties with the preparation of Statements of Common Ground.</p>
ID.25	6.9.2 Question 6.7	Approach to Mitigation	<p>It is not possible at this stage for the Inspectorate to make recommendations to the approach to mitigation. Future Wales: The National Plan 2040 is clear that proposed wind farms should not have an</p>

ID	Reference in Scoping Report	Issue	Comment
			unacceptable adverse impact on the environment and that there is an expectation that proposals should bring a net benefit to the environment.
	Landscape and Visual Impact		
ID.26	Table 7-9	Landscape and Visual Impact: Levels of Effect Matrix	Overly mechanistic reliance on a matrix such as that presented in Table 7-9 is to be avoided, in line with the advice from Scottish Natural Heritage quoted in para 7.5.25 of the SR. Even low magnitude effects on high sensitivity receptors can be significant. The applicant's attention is drawn to NRW comments in this regard. The application of professional judgement in the preparation of the ES is an appropriate approach and should be clearly explained.
ID.27	Table 7-2	Proposed Viewpoints	The applicant should ensure that the detailed comments from consultees are addressed with modifications / additions to the viewpoints where requested.
ID.28	Table 7-3	LANDMAP: Proposed Scope and Method of Assessment	The applicant should ensure that the ES is prepared in accordance with the advice from NRW that "that all outstanding and high evaluated visual and sensory/historic landscape aspect areas within the 26 km study area and moderate evaluated aspect areas with outstanding or high evaluated scenic quality/character should be assessed, as detailed in GN46."
ID.29	7.4.10 Questions 7.7 and 7.8	Cumulative LVIA	See section 6 of this Scoping Direction. The applicant's attention is drawn to the comments from TCBC. The following DNS cases should be addressed: <ul style="list-style-type: none"> • 3278009 – Abertillery Wind Farm • 3270299 – Mynydd Carn y Cefn Wind Farm • 3253147 – Pen March Wind Farm • 3239181 – Manmoel Wind Farm The applicant should monitor the DNS Portal and continue to liaise with stakeholders to further inform the list of potential projects that should be addressed as the ES is prepared.

ID	Reference in Scoping Report	Issue	Comment
ID.30	7.9	Approach to mitigation	The Inspectorate welcomes the approach indicated in the SR. The iterative approach to design of the scheme should be addressed in the 'reasonable alternatives' section of the ES.
The Historic Environment (Cultural Heritage and Archaeology)			
ID.31	Questions 8.1 to 8.8	Historic Environment	The applicant should prepare the ES in accordance with the advice contained in Cadw's consultation response and the comments received from GGAT in the BGCBC response regarding the carrying out of archaeological work.
ID.32	8.7	Cumulative & In-Combination Effects	In line with Section 6.4 and ID.29 of this Scoping Direction, when assessing cumulative visual impacts on historic assets or their settings, clear justification should be provided for what other schemes have been considered.
Hydrology			
ID.33	Table 9-8 9.9	Release of pollutants during Construction & Decommissioning phases	The Inspectorate agrees that this matter should remain in scope; as NRW stress, groundwater should be considered a receptor in its own right. See comment Error! Reference source not found. regarding the proposed CEMP.
ID.34	9.8	Cumulative effects	The SR only seems to refer to cumulative impacts on hydrology in terms of other wind farm developments. These may not be the only developments which could have cumulative effects on this aspect of the environment, and the applicants should consult the relevant LPAs to determine if there are any other proposals that should be considered.
Hydrogeology, Geology and Ground Conditions			
ID.35	10.3.21	Mining Risk Assessment	The Inspectorate welcomes the assurance that a mining risk assessment will be undertaken. The applicant requested comments from the Coal Authority, who fell to be consulted as a Specialist Consultee, and their response is included in the Appendix to this Scoping Direction.
ID.36	10.5.2	Accidental spillage during construction	The Inspectorate does not agree that this can be scoped out. As NRW have raised, groundwater present on site would be a sensitive receptor. An appropriate way of addressing this in the ES would be via including the draft

ID	Reference in Scoping Report	Issue	Comment
			CEMP as a technical appendix to the ES, to ensure that the decision maker has some comfort regarding the mitigation measures proposed.
ID.37	10.5.2	Effects on Llanhilleth Quarry RIGS	Can be scoped out.
ID.38	10.6.20, 10.6.21, 10.6.22	Peat	<p>The Inspectorate welcomes the SR's statement that the ES will include a Peat Management Plan.</p> <p>The SR makes mention of limited soil sampling, but the methodology in relation to this proposal is not clear. Para 10.6.21 states that "If this survey confirms the presence of deep peat, and the area cannot be avoided, this will be followed up with a higher resolution peat survey". The Inspectorate is unclear how the sampling will identify deep peat. It is also noted that the use of soilscape maps only may not be appropriate, and that a more comprehensive approach including desk-based information, habitat information and emerging site layout should inform the survey area. The Inspectorate disagrees that sampling is sufficient.</p> <p>It is recommended that a survey area is clearly identified on a plan based on the comprehensive approach discussed above. Peaty areas that cannot be avoided should be surveyed in accordance with the Scottish Government Guidance "Guidance on Developments on Peatland" (2017). A 10 m by 10 m grid is considered acceptable. As peat depth probing is not provided in the SR, the Inspectorate recommends that peat should be measured deeper than 1.5 m, where present. Peat depth surveys should be conducted 25 m either side of proposed tracks. The ES should identify all survey points on a Figure to illustrate the extent of the peat survey. The ecological effects of disturbing peat on site should be addressed in the ecological chapter of the ES.</p> <p>The Inspectorate recommends that peat depth should be investigated deeper than 1.5 m and that survey methodology should be justified in the</p>

ID	Reference in Scoping Report	Issue	Comment
			<p>ES. The ES should include an indication of hydrological flows through the peat and whether Groundwater Dependant Terrestrial Ecosystems (GWDTEs) are present within the Site or its Zone of Influence (ZoI). The Inspectorate recommends that the hydrological assessment should clearly define the ZoI of the Proposed Development and the ES should cross reference the ecological and hydrological assessments.</p> <p>The applicant should consider producing a revised methodology in relation to peat and consulting NRW and the relevant LPAs on the proposed approach.</p>
ID.39			
	Transport, Movement and Access		
ID.40	11.4.1	Construction access route	<p>TCBC advise that the route indicated in the SR is not appropriate and that an alternative route should be chosen. If the route is changed then this should be reflected in all other relevant ES chapters.</p> <p>The applicant should liaise with the relevant LPAs over this matter. If any alternative route is likely to result in a material increase in the volume of / material change in the character of traffic entering or leaving a trunk road, or using a level crossing over a railway, the applicant should consult the Welsh Government's Transport Directorate.</p> <p>When the route is finalised, the applicant should consider whether there are any likely air quality impacts on sensitive receptors; this should be addressed in a proportional fashion in the ES.</p>
	Noise and Vibration		
ID.41	12.6	Mitigation	The Inspectorate welcomes the assurance that mitigation for construction / construction traffic noise will be set out in the ES.

ID	Reference in Scoping Report	Issue	Comment
Socio-Economic Effects			
ID.42	13.1.1 – 13.1.3	Tourism	The Inspectorate agrees that this matter can be scoped out of the ES based on the available information.
ID.43	13.1.4	Land Use	The Inspectorate welcomes the assurance that the potential effects on Mynydd Llanhilleth Common will be addressed in the ES.
Telecommunications & Utilities			
ID.44	13.2	Existing infrastructure, television, aviation, and radar and radio-communication signals	<p>The Inspectorate welcomes the assurance that these matters will be addressed in the ES. Any necessary aviation lighting should be addressed in the relevant chapters dealing with visual impacts (LVIA, Heritage, BBNP International Dark Sky Reserve designation).</p> <p>Dŵr Cymru's consultation response indicates that there is a trunk / distribution watermain that crosses the site. The ES should clarify have the development has avoided / proposes to mitigate any impacts on this feature.</p>
Human Health			
ID.45	13.3	Human health	The Inspectorate agrees that this matter can be addressed in other relevant ES chapters rather than a standalone chapter.
Shadow Flicker			
ID.46	13.4	Shadow Flicker	<p>The Inspectorate notes that in 'Review of Light and Shadow Effects from Wind Turbines in Scotland' (L.U.C. for climateXchange, 2017) it was found that "there is a lack of evidence to support the use of ten rotor diameters as a cut off, and this is entirely down to misinterpretation of the original reference to this distance."</p> <p>Whilst the approach set out in the SR is acknowledged, the ES should provide a clear rationale as to the methodology adopted, and why it is considered appropriate given the scale of turbines proposed and the requirement for more nuanced assessment suggested by the concerns raised in the above document.</p>

ID	Reference in Scoping Report	Issue	Comment
	Vulnerability to Climate Change		
ID.47	13.57 – 13.58	Vulnerability to Climate Change	The Inspectorate agrees that this matter can be addressed in other relevant ES chapters rather than a standalone chapter.
	Carbon Balance Assessment		
ID.48	13.5.9 – 13.5.13	Carbon impacts	The Inspectorate agrees that this matter can be addressed in other relevant ES chapters rather than a standalone chapter. The ES should ensure that a comprehensive picture of such impacts is provided for the decision maker, including the assessment of any peat loss. It may be advisable to include a summary table that brings calculations together.
	Major Accidents & Disasters		
ID.49	13.57 – 13.58	Vulnerability to Climate Change	The Inspectorate agrees with the matters identified for further exploration in the ES. As with other aspects scoped in to the ES but that do not require a full stand-alone chapter, it may be beneficial to include a summary table that signposts the chapters where these matters are addressed.

9. Other Matters

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

9.1 Habitats Regulation Assessment

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

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

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

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

9.2 SuDS Consent

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

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

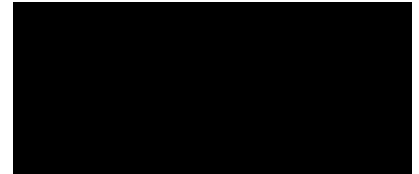
On [24 February 2021](#), the Welsh Government published the [National Development Framework](#) (NDF). The NDF has development plan status, forming the highest tier of the development plan hierarchy in Wales. Planning Policy Wales has been updated to [edition 11](#). TAN 8 was revoked on the same date.

Your ref/Eich
cyf:

Our ref/Ein cyf: 21/P/0491/DNS
Date/Dyddiad: 29 June 2021

Please contact/Cysyllter Mrs Helen Smith
â

Direct line/Llinell union:
Direct fax/Llinell ffacs:
Email/Ebost:



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

Dear Giulia

RE: Consultation on EIA Scoping request for Wind farm of up to twelve wind turbines and associates infrastructure
AT: Land At Mynydd Llanhilleth Common

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

The proposal comprises up to 12 wind turbines (4 - 6 MW and 180 metres to tip height) with ancillary development comprising control building, electricity transformers and anemometry mast, grid connection, access works, temporary construction compound and associated works. Maximum installed capacity of 72MW. Located on an upland plateau between Abersychan and Abertillery, accessed from Talywain to the east of the site.

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

The SR has been circulated to TCBC's internal consultees. A list of consultees and their responses is provided in Appendix A. The SR has set out a series of questions for consultees. Some questions are unable to be answered at this stage but answers to some of the questions from the consultee responses can be seen in Appendix B. Further advice on some of the unanswered questions may be given at the pre-application stage.

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

Advice has also been given in relation to the LVIA, assessing cumulative impacts of other developments already in the DNS process but not yet consented and the Highway Officer has requested the alternative access routes be considered/assessed.

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

Yours sincerely

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

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Appendix A – Consultee comments

Landscaping

In response to the submission of an EIA Scoping Report for a wind farm at Mynydd Llanhilleth I would like to make the following response to Questions raised

Question 2.1: Should consultants have access to draft TACP and Carbon Trust report to show possible areas under consideration and potential cumulative impact

Question 3.1: Assessment methods appropriate.

Question 4.1: yes

Question 7.1: Scope sufficient and proportionate

Question 7.2: Study area parameters acceptable

Question 7.3: Following additional viewpoints requested

- a) Residential receptor Abersychan/ Taywain urban area.
- b) Coety Mountain ridge/ Mynydd Farteg Fawr on footpath 414/16/1 and summit 324576 207262
- c) Llanerch Memorial 325207 202379
- d) Car Park Big Arch, Talywain 325951 203536
- e) Tirpentwys cut 323987 201104

Question 7.4: Specific viewpoints for photo montages 1,2,3,4,5 Big Arch Talywain, Llanerch Memorial as above

Question 7.5: Preferred view for night time assessment: BBNP, Bloreng Common Viewpoint 16 plus 2-3 within 5km range

Question 7.6: see above

Question 7.7: to be provided by planning

Question 7.8: yes consider operational, permitted and sites planned for

Question 7.9: 26km diameter area is proportionate

Question 7.10: none

Question 7.11: Landscape professionals from Caerphilly and Blaenau Gwent County Borough Councils.

Question 7.12: The paragraphs 3.6.2 and 2.6.3 state that subbase or road construction will not be removed on decommissioning and concrete bases will be broken up below ground and left in situ.

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Evidence should be provided that this is an exemplar approach and the impact on the ecology of the area assessed as this action will change soil and drainage conditions within these areas.

Due consideration should be given to the impact of the grid connection which is proposed to run overground on wooden poles and cross the Nant ddu. The visual impact of this needs to be considered within a landscape currently devoid of vertical elements.

The potential cumulative impact on Tirpentwys cut should also be investigated.

Any permanent changes to the landscape eg road realignments to enable construction should be included in any visual impact assessment.

Ecology

Having read through the EIA Scoping Report for the proposed Mynydd Llanhilleth Wind Farm I broadly agree with the content of the sections dealing with Ecology and Biodiversity (5) and Ornithology (6). I can also confirm I am supportive of the scoping exercise for further work. However, there appears to be some uncertainty around the potential ecological impact of the access point and grid connection corridor. This corridor appears to travel initially through a farmed landscape known for its mature and veteran beech trees and then through the council owned Blaenserchan Valley. If I've read the report correctly it seems the ecological impact of this corridor is to be picked up via a subsequent planning application or by the Permitted Development Rights of Western Power. Is this correct? Shouldn't all the ecological impacts be addressed through this EIA process?

Environmental Heath (Noise/Contamination)

Q12.1 Public Health agrees with the suggested approach for the noise assessment

Q12.2 Public Health agrees with the noise topics proposed to be scoped out of the EIA

Regeneration

No response

Forward Planning

Comments Based upon Mynydd Llanhilleth Wind Farm Environmental Impact Assessment Scoping Report (Savills – May 2021).

The proposal comprises up to 12 wind turbines (4 - 6 MW and 180 metres to tip height) with ancillary development comprising control building, electricity transformers and anemometry mast, grid connection, access works, temporary construction compound and associated works. Maximum installed capacity of 72MW. Located on an upland plateau between Abersychan and Abertillery, accessed from Talywain to the east of the site.

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

The principle of wind turbine development in general is supported. Torfaen has had a Renewable and Low Carbon Energy Assessment undertaken by the Carbon Trust which is anticipated to be published in July 2021. The Assessment identifies the ridge to the west of Abersychan as one of the key areas for potential renewable energy generation in Torfaen. This is re-inforced by the designation of the Welsh Governments Pre-Assessed Area for large scale wind turbines which extends into the western boundary of Torfaen to the south of this area and work to identify a suitable Local Search Area for sub 10MW renewable energy schemes has also initially focussed on this part of Torfaen (pending consultation).

Scoping Report Q2.1 and Q7.7

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

“The cumulative impact comprises the combined effects of the Development with other existing and/or approved development. It is proposed that the EIA will consider the following:

- proposals that have been granted planning permission but are not yet constructed or operational; and,*
- schemes which are under construction or are operational.”*

Chapter 7 then references the Cumulative LVIA (CLVIA) to assess the effects of the Development in combination with other wind farm sites for those sites that are in planning or at appeal, which could include those at scoping stage if appropriate.

We have recently been consulted regarding DNS/3270299 Mynydd Carn-y-Cefn Wind Farm which proposes up to 8 wind turbines of 180 metres on the ridge to the west of Abertillery. In our response, we raised concern regarding the potential sterilisation of the ridge to the east of Abertillery (including land around Mynydd Llanhilleth) due to cumulative visual impact. It is noted that Future Wales states *“Both within and outside Pre-Assessed Areas, communities should be protected from significant cumulative impacts to avoid unacceptable situations whereby, for example, smaller settlements could be potentially surrounded by large wind schemes”*.

Advice on this matter received by email from WG dated 19/05/21 stated the following:

“Ultimately the consideration of cumulative impact requires detailed assessment in light of FW, PPW, your LDPs, SPGs, the details of the proposal, the supporting assessments and other material considerations...I would also add that the consideration of the impacts of wind turbines on settlements is specific to each case. There may be circumstances where on account of for example topography, landscape, turbine design and siting it may be acceptable to have wind turbines around a settlement without an unacceptable impact on nearby communities. Again such a judgement would be made through careful consideration and detailed assessment of the proposal.”

We would request therefore that in this instance, the cumulative impact assessment includes the current proposal for wind turbine development at Mynydd Carn Y Cefn despite it not yet having consent, due to both schemes being on a similar timescale for consent and implementation.

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Scoping Report Q4.1

We would request the inclusion of the following Torfaen LDP policies as part of the policy context: S3 (Climate Change), S7 (Conservation of the Natural and Historic Environment), S8 Planning Obligations, SAA5 (The British Strategic Action Area, Talywain, Pontypool), M1 (Minerals Safeguarding), M3 (Tir Pentwys Preferred Area for Aggregates), M4 (Mineral Sites Buffer Zones) and BG1 (Locally Designated Sites for Biodiversity and Geodiversity).

Paragraph 4.5.7 should refer to Torfaen's Planning Obligations SPG which contains the identified annexes (Highways and Transport, Ecology and Biodiversity, and Recreation and Public Open Space).

We would specifically request that the potential for aggregate extraction and transportation at Tir Pentwys Quarry is taken into account and whether the two land uses could sit alongside one another satisfactorily. The Tir Pentwys Quarry is currently allocated in the adopted Torfaen LDP as a Preferred Area for aggregate extraction and is also being considered through the RLDP Candidate Sites assessment process as to whether it could be an option to meet the Regional Technical Statement for Aggregates 2nd Review apportionment for Torfaen/Gwent. In particular, the Candidate Site, includes a proposal for a new 10.5km northern access road, just below the ridgeline, to the B4248 between Blaenavon and Brynmawr to transport up to 250,000 tonnes of aggregate p.a. (further information can be supplied upon request).

Scoping Report Q7.7

We would specifically request the visual impact assessment to take into account the settlement of Abertillery which on the basis of current proposals, could potentially see large scale wind turbine developments to both the west and east of the town (Mynydd Carn Y Cefn and Mynydd Llanhilleth).

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

Highways

Any scoping report should contain, details of the route that vehicles transporting the solar farm equipment will travel and also number and type of vehicles that will need to access the site on a daily basis during the construction period and in the long term for maintenance of the equipment.

I note that within the draft scoping report access is proposed off the road off Farm Road leading to Cwm Bergwm. This road is unsuitable for articulated vehicle movements due to the horizontal alignment that cannot be improved without consent of adjacent landowners. Also the gradient of Cwm Bergwm Hill is so steep that it is unlikely that a fully loaded articulated vehicle will be able to negotiate the gradient without detriment to other road use. The road construction is also unable to carry the weight of an articulated vehicle without significant damage to its structure.

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An alternative route to this site should be considered within the scoping report.

Drainage

From a drainage point of view, very little to concern me as the site area is well above the spring line with only a few, 'borne' nature watercourses that maybe affected which will require Ordinary Watercourse Consent if access over them is needed. I do note that the connection to the grid will pass over the Nant Ddu watercourse and several of its tributaries, which I am sure will be the subject of further debate and comment if the proposal goes forward.

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Appendix B – Answers to questions raised in Scoping Report

Question 2.1

Whether there are other wind farm proposals or other developments that are candidates for consideration in the cumulative assessment, please?

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

“The cumulative impact comprises the combined effects of the Development with other existing and/or approved development. It is proposed that the EIA will consider the following:

- proposals that have been granted planning permission but are not yet constructed or operational; and,*
- schemes which are under construction or are operational.”*

Question 3.1

Consultees are requested to confirm that the assessment methods/approach specified within the relevant chapters of this scoping report for this approach are appropriate for assessing that wider grid connection corridor.

Assessment methods appropriate.

Question 4.1 Do consultees consider that all the relevant legislation, policy, advice and guidance have been identified to frame this assessment?

We would request the inclusion of the following Torfaen LDP policies as part of the policy context: S3 (Climate Change), S7 (Conservation of the Natural and Historic Environment), S8 Planning Obligations, SAA5 (The British Strategic Action Area, Talywain, Pontypool), M1 (Minerals Safeguarding), M3 (Tir Pentwys Preferred Area for Aggregates), M4 (Mineral Sites Buffer Zones) and BG1 (Locally Designated Sites for Biodiversity and Geodiversity).

Paragraph 4.5.7 should refer to Torfaen's Planning Obligations SPG which contains the identified annexes (Highways and Transport, Ecology and Biodiversity, and Recreation and Public Open Space).

We would specifically request that the potential for aggregate extraction and transportation at Tir Pentwys Quarry is taken into account and whether the two land uses could sit alongside one another satisfactorily. The Tir Pentwys Quarry is currently allocated in the adopted Torfaen LDP as a Preferred Area for aggregate extraction and is also being considered through the RLDP Candidate Sites assessment process as to whether it could be an option to meet the Regional Technical Statement for Aggregates 2nd Review apportionment for Torfaen/Gwent. In particular, the Candidate Site, includes a proposal for a new 10.5km northern access road, just below the ridgeline, to the B4248 between Blaenavon and Brynmawr to transport up to 250,000 tonnes of aggregate p.a. (further information can be supplied upon request).

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Question 7.1

Do consultees consider the scope and method of the assessment sufficient and proportionate?

Scope sufficient and proportionate.

Question 7.2

Do consultees consider the study area parameters summarised at Table 7.4 acceptable in respect of the Development, and are there any elements that could be refined further, in the consultees experience to reduce the scope suggested?

Study area parameters acceptable

Question 7.3

Do consultees agree with the scope of the proposed viewpoint selection provided at Table 7.2?

Following additional viewpoints requested

- a) Residential receptor Abersychan/ Taywain urban area.
- b) Coety Mountain ridge/ Mynydd Farteg Fawr on footpath 414/16/1 and summit 324576 207262
- c) Llanerch Memorial 325207 202379
- d) Car Park Big Arch, Talywain 325951 203536
- e) Tirpentwys cut 323987 201104

Question 7.4

Wireframes are proposed from all viewpoints identified. Do consultees have specific viewpoints the request photomontages are prepared for?

Specific viewpoints for photo montages 1,2,3,4,5 Big Arch Talywain, Llanerch Memorial as above

Question 7.5

Do the consultees have a preference for which views should be included in the night time assessment?

Preferred view for night time assessment: BBNP, Bloreng Common Viewpoint 16 plus 2-3 within 5km range

Question 7.6

Do consultees feel that 2-3 viewpoints within 5km of the Site is proportionate for the night-time assessment?

See above.

Question 7.7

Can the consultees provide a list of proposals to be assessed as part of the Cumulative LVIA?

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Chapter 7 then references the Cumulative LVIA (CLVIA) to assess the effects of the Development in combination with other wind farm sites for those sites that are in planning or at appeal, which could include those at scoping stage if appropriate.

We have recently been consulted regarding DNS/3270299 Mynydd Carn-y-Cefn Wind Farm which proposes up to 8 wind turbines of 180 metres on the ridge to the west of Abertillery. In our response, we raised concern regarding the potential sterilisation of the ridge to the east of Abertillery (including land around Mynydd Llanhilleth) due to cumulative visual impact. It is noted that Future Wales states *“Both within and outside Pre-Assessed Areas, communities should be protected from significant cumulative impacts to avoid unacceptable situations whereby, for example, smaller settlements could be potentially surrounded by large wind schemes”*.

We would specifically request the visual impact assessment to take into account the settlement of Abertillery which on the basis of current proposals, could potentially see large scale wind turbine developments to both the west and east of the town (Mynydd Carn Y Cefn and Mynydd Llanhilleth).

Question 7.9

Do consultees agree that the 26km study area proposed for the Cumulative LVIA is sufficient and proportionate in respect of the Development?

26km diameter area is proportionate

Question 7.10

Are there any other relevant guidance documents not referenced (or any other issues for consideration) that the Consultees would recommend to inform this topic?

None

Question 7.11

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

Landscape professionals from Caerphilly and Blaenau Gwent County Borough Councils.

Question 7.12

Do consultees agree with the matters scoped out, as listed in section 7.8?

The paragraphs 3.6.2 and 2.6.3 state that subbase or road construction will not be removed on decommissioning and concrete bases will be broken up below ground and left in situ. Evidence should be provided that this is an exemplar approach and the impact on the ecology of the area assessed as this action will change soil and drainage conditions within these areas.

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Due consideration should be given to the impact of the grid connection which is proposed to run overground on wooden poles and cross the Nant ddu. The visual impact of this needs to be considered within a landscape currently devoid of vertical elements.

The potential cumulative impact on Tirpentwys cut should also be investigated.

Any permanent changes to the landscape eg road realignments to enable construction should be included in any visual impact assessment.

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www.torfaen.gov.uk

T: [REDACTED] DDI: (01495) DX: 43956 Ebbw Vale

F: [REDACTED] E: [REDACTED]



Our Ref./Ein Cyf. CON/2021/0005

Your Ref./Eich Cyf. 3273368

Contact:/Cysylltwch â: Joanne White

01 July 2021

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

Dear Giulia,

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

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

The development proposes the construction and operation of a wind farm that would generate a combined capacity of over 10MW of electrical power and would have a 30-year operational life. The proposed development comprises of the following:

- Up to 12 wind turbines, anticipated to be 4 – 6MW each with an indicative height of up to 180m to tip together with external transformer housing;
- Turbine foundations, crane pads and laydown areas;
- An electrical substation and control building;
- Underground power cables linking the turbines and the on-site substation;
- Construction of access tracks off main access corridor;
- Permanent anemometer mast for wind turbine performance monitoring;
- Construction enabling works; and
- A temporary construction and storage compound

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

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

No felling is proposed as part of the development with woodland and forestry areas not proposed as developable areas.

The site is located to the south-east of Abertillery and to the east of Llanhilleth and has a *developable* site area of approximately 193 hectares. The site spans across two Local Planning Authorities with the majority falling within Torfaen County Borough (TCBC) and the remainder of the site (to the west) being located within Blaenau Gwent. Access into the site is proposed from the existing road through the common coming from a north westerly direction from Talywain. Further details are given in Section 3.2 of the Scoping Report (SR).

Within the surrounding area, the site is located approx. 8km from the SAC, Usk Bat Sites and 9km from Mynydd Llangatwg (Mynydd Llangattock) SSSI, which are located to the north/north-east of the proposed development. The Usk Bat Sites SAC supports dry heaths, raised and blanket bogs, calcareous rocky slopes, caves and Tilio-Acerion forests. Lesser horseshoe bat are also a qualifying feature. Mynydd Llangatwg (Mynydd Llangattock) SSSI is designated for its habitats, notably base-rich grassland, heath blanket mire and dry heath. Mynydd Llangatwg SSSI is also designated as a Regionally Important Geodiversity Site (RIGS).

Whilst the site itself is not covered by any statutory environmental designations, other protected local designations overlap the site including two Sites of Importance for Nature Conservation; ENV 3.125 Mulfran Mynydd Coity Mynydd James & Gwastad is located to the west of the site which features purple-moor grass and rush pastures, dwarf shrub heath and blanket bog. Notable species supported include Silurian moth, skylark and otter. ENV.3.118 Tirpentwys Cut is located to the southern end of the site and supports a variety of habitats including bog habitats and flushes, standing open water, post-industrial quarry and rock exposures. It is a significant site for breeding birds with several schedule 1 and notable bird species recorded within the site including peregrine falcon, goshawk, hobby, merlin, long-eared owl, reed bunting, common crossbill, cuckoo, kestrel, linnet, tree pipit, raven, redpoll and redstart.

The site also features a locally designated Special Landscape Area (SLA) - St Illtyd Plateau and Ebbw Eastern Sides.

Section 5.4 Ecology of the SR provides further information on these designations. A location plan of the designated sites is presented on Appendix 5.2 and 5.3 of that report.

The Site is within a variety of minerals designations, including aggregates safeguarding areas, buffer zones, areas where coal working is not allowed and 'high risk' coal mining areas.

The Development exceeds the threshold for wind developments as set out in Schedule 2 of the EIA 2017 Regulations (Wales). On the basis that the Development could result in 'significant' environmental effects according to the Regulations, in line with Schedule 3, the Development is classified as an Environmental Impact Assessment (EIA) development and an Environmental Statement (ES) is required to consider the potential significant environmental effects as a consequence of the proposed development.

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

The SR has been circulated to statutory consultees and BGCBC's internal advisors. A list of consultees is provided at Appendix A and copies of their responses provided in Appendix B.

As you will see, consultees have responded positively and the approach set out in the scoping report is generally acceptable. Some additional comments have been made by some consultees which the applicant is advised to take into account when preparing their ES. The proposed EIA covers the main elements required by the regulations and provides a good level of detail on how the assessment will be carried out. In addition, the topics scoped out appear appropriate for the reasons provided.

In summary I can confirm that, BGCBC as Local Planning Authority, is satisfied the information provided in the Scoping Report provides an acceptable basis for preparing an ES to support an application for this development.

Yours sincerely,

Joanne White
 Planning Officer – Development Management

Appendix A: List of Consultees

Consultee	Resp. Received	General Comments
<u>Internal</u>		
Environmental Health	✓	Agree with approach
Highways	No response	
Landscape	✓	Agree with approach
Ecology	✓	Agree with approach
Rights of Way	✓	Agree with approach
Geotech/Structures	✓	see full response in appendix B.
A response has also been received from GGAT		
		Agree with approach

Appendix B – Consultee Responses

Below are the full responses received from consultees:

Landscape

The report provides a clear description of the methodology to be adopted when carrying out the LVIA utilising current and appropriate best practice, guidelines. The robustness of the LVIA will need to demonstrate clearly the expected landscape and visual impact of the proposal and in my reading of the scoping exercise there is to be an over dependency or reliance of the visual assessments on wire frame drawings. For clarity there must be a good range of accurate photomontages from agreed viewpoint locations.

Overall the methodology is robust approach.

Please also note the upland area of the South East Wales Valleys are currently suffering from landscape degradation due to illegal motorised access. This development proposal will have a significant impact in altering the accessibility of the uplands area which could exacerbate the existing problems being experienced, consequently it will be important that this issue is considered and mitigated for in this impact assessment.

Ecology

The baseline surveys and methodologies conducted to date areas sufficient (including bird surveys), and have been conducted in accordance with best practice and guidelines. There are further detailed surveys for 2021 which are sufficient and proportionate in respect to the development which make it a robust approach.

Agree with the statutory and non-statutory sites that have been scoped into the assessment. We also agree with birds and bat being scoped into the assessment.

Mitigation hierarchy approach to be adopted (avoidance, mitigation, and compensation. Enhancement measures also to be implemented, including net gain to ensure protection/enhancement of ecosystem resilience).

There will be SINC habitat lost as a result of this development and of which is also Priority habitat under S7. In the absence of mitigation, construction and operational effects could occur through habitat degradation, disturbances to protected species, mortality and injury to priority and protected species and loss of ecological connectivity through habitat fragmentation.

Rights of Way

The proposed development land is largely open access land with a network of public rights of way that transect the development area. Apart from some of the ways being used as representative viewpoints, it is important that a rigorous assessment is carried out to minimise impact on these well used assets. The scoping exercise does demonstrate how this will be done.

Geotech

The proposal is not likely to have any direct impacts, however it is noted that consideration should be given to ground stability matters during construction of and operation of the wind farm, particularly in relation to ground instability associated with past mining activity and natural slope stability and movement.

Environmental Health

No particular issues have been identified by the BGCBC public protection team and are generally happy with the approach and the proposed effects scoped out. However, they would expect to see a noise assessment submitted as documented in the report and would expect it to follow the relevant guidance with background readings undertaken.

Other Matters

In response to para 2.6.1 of the SR, the LPA would advise that an application for 1 turbine at Unit 19 Rassau Industrial Estate is currently pending a determination. The tip height is for 80m and will be located approximately 13.6km from the development site. However, it should be noted that the approved turbine at Unit 18 Rassau Industrial Estate and the pending turbine at Unit 19 cannot co-exist and thus should not impact the cumulative assessment.

GGAT

GGAT have submitted the following comments to the LPA:

We note that the Cultural Heritage and Archaeology section (Chapter 8) indicates the proposed development area has partially been subject to opencast mining, which has likely had an adverse effect on any archaeological remains that may have been present. However, it also notes the presence of Roman, medieval and Post-medieval remains. These include historic boundaries that are considered 'important' under the 1997 Hedgerow Regulations. The proposal is also located to the south of the Blaenavon Registered Historic Landscape.

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

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

Sparey, Robert

From: Pyne, Anthony [REDACTED]
Sent: 06 July 2021 09:58
To: [REDACTED]
Subject: 3273368 - Mynydd Llanhilleth Wind Farm

Dear Sir/Madam,

**Town and Country Planning Act 1990
The Developments of National Significance (Procedure) (Wales) Order 2016 (As Amended)
Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017**

Project Name: Mynydd Llanhilleth Wind Farm.

Site Address: Land at Mynydd Llanhilleth Common.

Proposed Development: Wind farm of up to twelve wind turbines and associated infrastructure.

Thank you for your letter dated 2nd June 2021 concerning the above matter. The proposed Viewpoints on the whole from within the Caerphilly Borough are acceptable, however having looked at the scoping report and that the overall height of the proposed turbines with a maximum height of 180 metres height to blade tip, it is therefore recommended that the following amendments and additional viewpoints provided below are undertaken to support any application for this development of national significance.

Viewpoint 9 Pen y Fan Pond Country Park.

The OS Grid Ref 319660, 200948 is located outside to the north of the country park and requires revising to be within the country park boundary.

Having looked at the scoping report and noted the proposed turbines will be 180m height to blade tip, I recommend the following additional photograph viewpoint locations are included. This is in order to gain a clearer picture of the propose windfarm development and the potential visual impact from these locations.

- Manmoel Village and Manmoel Visually Important Local Landscape (VILL), looking ESE from OS Grid Ref 317966, 203309.
- Residential area of Argoed from Sunny View, looking NE from OS Grid Ref 317690, 199825.
- Cefn Y Brithdir, Rhymney Valley Ridgeway Walk and North Rhymney Valley VILL, looking ESE from OS Grid Ref 312773, 203878.

Yours faithfully,

Anthony

Anthony Pyne

Prif Gynllunydd | Area Principal Planner

Cyngor Bwrdeistref Sirol Caerffili | Caerphilly County Borough Council



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

Chris Sweet - Planning Officer
Planning Inspectorate Wales
Crown Buildings
Cathays Park
Cardiff
CF10 3NQ

Date: 5 July 2021
Officer: Davina Powell
Your Ref: 3273368
Our Ref: 21/20053/SCO

Dear Sir/Madam,

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

Proposal: "Consultation under regulation 33 (7) of the 2017 Regulations - Project name: Mynydd Llanhilleth Wind Farm - proposed development of up to twelve wind turbines and associated infrastructure"

Address: Land At Mynydd Llanhilleth Common, Located Within BGBCB And TCBC

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

Thank you for your consultation dated 2nd June regarding the above.

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

The proposed development

Up to 12 turbines with a maximum tip height of 180m (max capacity 10MW) together with associated and ancillary development including a control building, electricity transformers and anemometry mast, grid connection, access works, temporary construction compound and associated works. The site measures 193 hectares.

It is noted that the development site is located in Blaenau Gwent County Borough Council and Torfaen County Borough Council local planning authority areas but is located around 5km away from the Brecon Beacons National Park Authority boundary (at its closest point). It is noted that the Scoping Report appears to note a 15km separation distance from the National Park boundary at its closest point which does not appear accurate.

Comments on the EIA Scoping Report

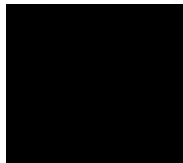
The Brecon Beacons National Park Authority has the following comments on the Mynydd Llanhilleth Wind Farm EIA Scoping Report (May 2021) prepared by Savills:

1. We note the applicant is proposing to prepare a Landscape and Visual Impact Chapter as part of the Environmental Impact Assessment process which is welcomed.
2. Please note the National Park boundary (at its nearest point) is circa 5km away from the site boundary (not 15km).
3. We note that viewpoints are subject to review following the finalisation of turbine layout. Therefore we reserve our consideration of the appropriateness of the viewpoints once further detail has been provided on these. It is noted that 19 viewpoints are identified in total, with 3 viewpoints (10, 16 and 18) within the National Park boundary. An additional viewpoint from Mynydd Llangynidr/Mynydd Llangatwg (within the National Park boundary) is requested however. It is assumed winter views will be provided of these viewpoints.
4. We note that a night-time assessment and consideration of glint and glare is proposed to be undertaken which is welcomed. Para. 7.4. 2 states that a night-time view from the National Park is proposed but no defined viewpoint is set at this point. We would be happy to provide a perspective on which viewpoint would be appropriate once we have had the opportunity of seeing the day-time viewpoints.
5. The Planning Policy section of the Environmental Statement (ES) should draw upon the Brecon Beacons National Park Management Plan 2015-2020. This is the document which sets out the Special Qualities of the National Park. Planning Policy Wales (PPW) requires that the special qualities of designated areas are given weight in the development planning and development management process.
6. Photomontages are requested of all viewpoints from the National Park.

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

Yours faithfully,

Pp



Tracy Nettleton
Planning and Heritage Manager

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

FAO: Giulia Bazzoni
The Planning Inspectorate
Crown Building
Cathays Park
Cardiff

By email: dns.wales@planninginspectorate.gov.uk

06/07/2021

Annwyl Syr/Madam / Dear Sir/Madam,

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

**BWRIAD / PROPOSAL: WIND FARM OF UP TO TWELVE WIND TURBINES AND
ASSOCIATED INFRASTRUCTURE.**

LLEOLIAD / LOCATION: LAND AT MYNYDD LLANHILLETH COMMON

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which we received on 02/06/2021.

We have reviewed the following information:

- Mynydd Llanhilleth Wind Farm, Environmental Impact Assessment Scoping Report, May 2021

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

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

Ecology and Biodiversity

Site Surveys

We welcome the surveys carried out to date by EDP and note the proposals to continue surveying in 2021. We would advise that the site is also subject to assessment to determine the likelihood of protected species being present in all areas likely to be affected by the proposals including the associated infrastructure works and access roads. Further targeted species surveys should be undertaken for all species scoped in and:

- i. Be undertaken by qualified, experienced and where necessary, licensed ecologist; and
- ii. comply with current best practice guidelines. In the event that the surveys deviate from published guidance, or there are good reasons for deviation, full justification for this should be included within the EIA.

We note and welcome that bats are scoped into the Environmental Impact Assessment (EIA). However, we note that otter have been scoped out. The potential impacts upon these species in relation to the associated infrastructure works and transport works are not yet clear and we would advise that further consideration is given to these species or full justification as to why they have been scoped out of these works is provided.

We provide additional comments on European Protected Species (EPS) below:

Bats

To date bat transect and static monitoring surveys have been carried out in 2020 based on an assumption of seven turbines. We welcome the proposals to undertake additional surveys during 2021 season based on the current proposals of 12 turbines. These detectors should be placed within the developable area at the proposed turbine locations.

We note the proposals for additional bat roost surveys during 2021. These surveys should take account of the areas potentially affected by associated and ancillary infrastructure (such as the grid connection corridor, access tracks and laydown areas) and not just the turbine locations. The buffer distances from turbines proposed are suitable (280m for buildings, 180m for trees), but these should be increased if the proposed turbine blades are longer than 80m.

We welcome the proposals to scope in the Usk Bat Sites Special Area of Conservation (SAC), and we would anticipate that the results of the surveys above would inform potential for likely significant effects on this protected site. Note that if lesser horseshoe bat roost(s) are found during surveys, this may trigger a requirement for Habitat Regulation Assessment (HRA) of impacts on the Usk Bat Sites SAC.

Great Crested Newt

We note that High Suitability Index (HIS) and eDNA surveys were carried out on 8 out of 10 waterbodies identified within the 2020 survey area, all of which returned a negative eDNA result, with the remaining two either being dry at the time of the survey or could not be accessed to survey. We advise that all ponds within 250m of associated and ancillary

infrastructure are also considered, and as such, we advise that this is given further consideration in the Environmental Statement (ES).

Otter

Although habitat to support otter is not present in the immediate footprint of the proposed turbine locations, we note watercourses that may have potential for otter to be present in the wider area. We would therefore advise that further consideration is given to otter when considering associated infrastructure works and transport links for this proposal and/or full justification is provided as to why they have been scoped out.

Dormouse

We note that dormouse nest tube surveys were carried out within the survey area over 5 months in 2020, and that all checks were negative for dormouse. We therefore support the conclusion that dormouse can be scoped out of the assessment.

Water Voles

We note that no records for water vole were returned within a 2km radius for this species and have therefore been scoped out. However, in recent years we have identified significant populations living in upland areas of parts of South Wales, in areas previously considered unsuitable. Therefore, we advise that further consideration is given to water voles and/or full justification is provided as to why they have been scoped out.

Marine Ornithology

The site is approximately 18 km from the Severn Estuary Special Protection Area (SPA) and Ramsar site, which is designated due to wintering and passage populations of waterfowl and waders. We advise that surveys for spring and autumn passage waders and wildfowl are carried out. Natural England Technical Information Note TIN069 (Assessing the effects of onshore wind farms on birds) recommends monitoring passage movements at least twice weekly and at ever greater frequency during peak migration. This includes mid-March to July for breeding and spring passage, and mid-July to October for autumn passage.

We agree that the Severn Estuary SPA, Ramsar site and Site of Special Scientific Interest (SSSI) should be scoped in. We advise that Flat Holm SSSI should be included. Please note 6.4.9 (Page 65) and Table 6.6 (page 74) of the scoping report refers only to Severn Estuary SSSI and Ramsar rather than Severn Estuary SPA, Ramsar and SSSI. We would recommend this is amended to show the Severn Estuary SPA, Ramsar and SSSI are included.

We agree that the Severn Estuary SPA, Ramsar site and SSSI should be included as Important Ornithological Features (IOFs). We advise that Flat Holm SSSI should be included. We advise that surveys of passage water birds are included. The list of IOFs may need to be revised after these surveys. We agree that Herring Gulls and Lesser Back Backed Gulls should be included as IOFs.

Table 6.6 on page 74 states that both Herring Gulls and Lesser Black Backed Gulls were “Frequently recorded in flight throughout the study area with foraging recorded on adjacent land”. Based on the evidence highlighted in the scoping report, we advise that these species should remain in scope. We advise that the Severn Estuary SPA, Ramsar site and SSSI should be scoped in. We also advise that Flat Holm should remain in scope. We defer to Natural England to advise on Steep Holm SSSI.

Terrestrial Ecology

We agree that the study areas and vantage point (VP) coverage are appropriate. We also consider the scope of baseline surveys to be largely sufficient, however we note that a body of water exists within the study area and would advise that this be considered.

We broadly agree with the statutory and non-statutory sites that have been scoped in in relation to terrestrial birds, however we note that Llandegfedd Reservoir SSSI was listed among the sites to be considered within a 30km radius of the site, but no further mention of this site. We would advise clarification on the Applicant’s views on Llandegfedd Reservoir, as whilst we note ‘no significant flocks of waterfowl or waders’ it would not be possible to agree with this statement until we are able to analyse results of the proposed surveys. We would also advise that the Severn Estuary SPA/Ramsar should remain scoped in at this stage.

We would advise that raven, buzzard, and long eared owl should remain scoped in until the surveys are completed.

With regards to question 6.7, we are unable to address this question until we are in receipt of all the survey results. However, the applicant should consider both on and off-site mitigation/compensation.

Impact Assessment

Further surveys are proposed for European Protected Species for this proposal. Should protected species be found during the surveys, information must be provided identifying the species-specific impacts in the short, medium and long term together with any mitigation and compensation measures proposed to offset the impacts identified.

Where proposals concern protected species, which are also notified features of designated sites, we advise that the EIA considers the impacts on those species from both perspectives. We also advise that the relevant Local Authority Environment Team are consulted on the proposals.

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

European Protected Species Licence

Where a European Protected Species is identified and the development proposal will contravene the legal protection they are afforded, a licence should be sought from Natural Resources Wales. The EIA must include consideration of the requirements for a licence and set out how the works will satisfy the three requirements as set out in the Conservation of Habitats and Species Regulations 2017 (as amended). One of these requires that the development authorised will 'not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status (FCS) in their natural range'. These requirements are also translated into planning policy through Planning Policy Wales (PPW) February 2021, section 6.4.22 and 6.4.23 and Technical Advice Note (TAN) 5, Nature Conservation and Planning (September 2009). The local planning authority will take them into account when considering the EIA where a European Protected Species is present.

Designated Sites

We agree with the following list of sites being scoped in:

- Usk Bat Sites SAC
- Saimbre Ddu and Mynydd Llangattock SSSI, including Craig y Cilau NNR
- Tir Hen Forwen SSSI
- All SINCs overlapping the developable area

We also agree with scoping out Wye Valley Bat Sites SAC.

Local Biodiversity Interests

We recommend that the developer consults the local authority Ecologist on the scope of the work to ensure that regional and local biodiversity issues are adequately considered, particularly those habitats and species listed in the relevant Local Biodiversity Action Plan, and are that are considered important for the conservation of biological diversity in Wales.

We would expect the developer to contact other relevant people/organisations for biological information/records relevant to the site and its surrounds. These include the relevant Local Records Centre and any local ecological interest groups, for example bat groups or mammal groups and the like.

We also recommend that the Applicant ensures that any peat soils within the application site are identified, and the depths recorded, to ensure they avoid peat when designing the windfarm infrastructure layout.

Landscape and Visual Impact

The report notes that Guidelines for Landscape and Visual Impact Assessment 3rd edition (GLVIA3) would be used for the Landscape and Visual Impact Assessment and Cumulative Landscape Visual Impact Assessment (CLVIA), along with SNH Guidance: Assessing the

Cumulative Impact of Onshore Wind Farm Developments. A night-time assessment of the effects of the pilot lights is also proposed. We agree that this should be scoped in, however we would advise that details of the method for assessing the night-time assessment be required.

The report at 7.3.8 states that renewable energy developments to the west sets a precedent for wind energy in this general location. We do not agree with this statement. Whilst Future Wales: The National Plan 2040 is generally supportive of renewable energy; each proposal should be assessed on its merits. It is unclear which developments to the west are being referred to, or what is meant by 'general location'.

The report at 7.3.17 refers to tourism receptors such as scenic viewpoint locations by visitors to Brecon Beacons National Park. It should be noted that the National Park is a receptor of landscape and visual impacts as are viewers within the park. Some receptors will be tourists and visitors, others may be residents of the park. We therefore advise that this is scoped in and considered within the Environmental Statement.

The report at 7.3.18 states that long distance views to provide a representation of visual effects from the Wye Valley Area of Outstanding Natural Beauty (AONB) will be included and that significant effects are not anticipated. Viewpoint 19 at Llanishen is located 22km from the site. We consider this to be acceptable, provided the effects on the AONB are adequately assessed and therefore agree with it being scoped in and included within the Environmental Statement.

Three viewpoints from the Brecon Beacons National Park are included in the report, viewpoints 10, 16 and 18, as noted at 7.4.2. A night-time assessment viewpoint from the park will be considered if necessary. Given that the National Park is an International Dark Sky Reserve, and that lighting outside the park can affect the experience inside the park, we advise that at least one viewpoint within the park should be included as part of a night-time assessment. Viewpoints from dark areas of landscape should be included as appropriate, not only from lit roads and settlements. We have recently commissioned a report on Dark Skies, which we advise should be referred to in the assessment. Please refer to the [Dark Skies and Light Pollution in Wales webpage](#).

We advise that there are a number of other areas within the National Park with likely visibility of the development, within 26km. Notably, a substantial area of the park across Mynydd Llangynidr and Mynydd Llangatwg, within approx. 15km, all of which are covered by Common Land or other open access land, as are Pen Cerrig Calch (approx. 19km) and The Sugar Loaf (approx. 16km) in the Black Mountains and Craig y Fan Ddu (approx. 24km) in the Brecon Beacons. We advise that additional viewpoints within the National Park should be scoped in, given the sensitivity of the National designation. We would advise the inclusion of two viewpoints from the trig points at Mynydd Llangynidr and Mynydd Llangatwg are advised, along with viewpoints at The Sugar Loaf/Pen Cerrig Calch and Craig y Fan Ddu.

The report refers to LANDMAP Guidance Note 46 (GN46) and at Table 7.3 provides the applicants interpretation of this guidance. Their interpretation states under Filter 4 of the visual and sensory, and historic landscape aspect areas, that focus would be on the

remaining aspect areas within 15km. Significant effects are considered unlikely beyond 15km but would illustrate effects beyond this for areas/locations of higher sensitivity. GN46 Filter 4 advises 'retain all Filter 3 aspect areas that are within the study area & those aspect areas outside the study area but might contain highly sensitive visual receptors within the search area'. The 15km detailed study area proposed therefore represents a reduced study area from that proposed by GN46. We would have concerns about this approach, particularly if highly sensitive viewpoints beyond 15km were illustrative only and not assessed. We advise that all outstanding and high evaluated visual and sensory/historic landscape aspect areas within the 26km study area and moderate evaluated aspect areas with outstanding or high evaluated scenic quality/character should be assessed, as detailed in GN46. This is to ensure that highly sensitive areas and viewpoints within the National Park and AONB up to 26km are considered.

An initial Search Area and Zones of Theoretical Visibility (ZTVs) of 45km were identified (report 7.3.16), in line with SNH guidance, and a Search and Study Area of 26km in line with GN46 (report 7.4.8). A CLVIA Search Area of 26km, to include routes as well as static viewpoints is proposed (report 7.4.12). We consider these search and study areas for the LVIA to be appropriate; the CLVIA Search Area should be slightly larger than the LVIA Study Area, to include large wind turbine developments just beyond 26km.

The report states at 7.4.19 - 20 that panoramic photos and wirelines for each viewpoint would be provided, with photomontages from some viewpoints to be agreed. We advise that, in accordance with Landscape Institute TGN06/19 Visual Representation of Development Proposals, Type 4 representations with photomontages should be provided for viewpoints within the National Park, given the sensitivities. Cumulative photomontages/wirelines should also be produced illustrating cumulative effects on the National Park.

Table 7.9 of the report sets out the Level of Effects Matrix. We have some concerns that this table is likely to lead to some effects being underestimated. We suggest for example, that Medium sensitivity + Medium magnitude of change is likely to lead to a moderate level of effect, rather than a Moderate/minor effect as indicated by the table. High sensitivity + High magnitude is likely to lead to a Major effect, Very High sensitivity + Medium magnitude to Major effects, High sensitivity + Medium magnitude to Major/Moderate effects and so on.

The report at 7.6.2 states that landscape effects on LANDMAP aspect areas would be assessed. It is the effect on the character and attributes within these areas that needs to be assessed, rather than the effect on the aspect area, in our view. The assessment should include effects on the purposes of the National Park, specifically in relation to natural beauty and the Special Qualities of the park as they relate to landscape. Reference should be made to the National Park Management Plan and Landscape Supplementary Planning Guidance.

The report states at 7.9.1 that, with regards to mitigation, the number of turbines, layout and design are not yet fixed and will be informed by the LVIA. We agree with this approach.

Hydrology and Hydrogeology

We note in Section 9.6 the mention of groundwater and advise that groundwater should be considered a receptor in its own right. We would also advise considering temporary/long-term changes to groundwater flows as part of the development.

We also advise giving consideration to the potential knock on impacts of use of Sustainable Urban Drainage Systems (SUDS) and design appropriately, namely taking account of the potential for introducing pollutant pathways to groundwater.

Other Matters

We have considered the likelihood of significant effects from the scheme on environmental interests listed on our consultation topics list: [Development planning advisory service](#).

Our advice does not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance, or human health. You may wish to consult other bodies for their expert advice on those effects.

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

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

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

Yn gywir / Yours faithfully

Charlotte Morgan

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

Giulia Bazzoni
Planning & Environment Team
The Planning Inspectorate

dns.wales@planninginspectorate.gov.uk

Eich cyfeirnod
Your reference

DNS 3273368

Ein cyfeirnod
Our reference

Dyddiad
Date

5 July 2021

Llinell uniongyrchol
Direct line

Ebost
Email:

Dear Giulia,

**PROPOSED DEVELOPMENT: Scoping Opinion - Mynydd Llanhilleth Wind Farm
LOCATION: Land at Mynydd Llanhilleth Common**

Thank you for your letter of 2 June 2021, asking for Cadw's view on the scope of the Environmental Impact Assessment (EIA) for the proposed development described above.

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

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

Assessment

A scoping report prepared by Savills, but with chapter 8, Cultural Heritage and Archaeology, prepared by EDP, has been submitted with the request for the scoping opinion. A series of questions relating to chapter 8 are included in this document and responses to these are given below:

Question 8.1 *Do consultees consider the study areas appropriate?* The scoping report suggests a study area of 10k around the application area to ascertain any impacts on the setting of designated historic assets. We agree with this distance and

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

Question 8.2: *Are there any other relevant consultees who should be consulted about this topic?* None known

Question 8.3: *Are consultees aware of any other supplementary guidance or further advice or evidence of relevance to the assessment of cultural heritage and archaeology effects?* Along with “Guidance on Heritage Impact Assessments for Cultural World Heritage Properties” (ICOMOS, 2011) it is suggested that advice given in “Managing Change in World Heritage Sites in Wales” (Welsh Government 2017) should be considered when assessing the impact on the World Heritage Site.

Question 8.4: *Is the approach to the assessment of effects, including those effects scoped in and out and the cumulative assessment, appropriate?* We have no issues with this approach.

Question 8.5: *Is the approach to field survey considered appropriate?* We recommend that any walkover survey is carried out after the results of the desk-based research, including the study of the Lidar datasets, have been completed so that any information produced from that work can be checked on the ground.

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

Question 8.6: *Do the consultees advise that HIA for the Blaenavon WHS is required, and is the proposed methodology considered appropriate?* The HIA is required and the methodology is appropriate. The advice given in response to question 8.3 should also be considered during this assessment.

It is considered that the impact of the proposed development on the World Heritage Site will be similar to the impact of the proposed development on the setting of the registered historic landscape. Thus an ASODOHL study would be considering similar issues and in our opinion such a study is not required as a separate assessment.

Question 8.7: *Are consultees able to confirm that no buffer zone has been formally adopted for the Blaenavon WHS?* There is no record at Cadw that a buffer zone has been formally adopted for the Blaenavon WHS: However Torfaen CBC should be consulted on this matter.

Question 8.8: *Are consultees able to recommend any HIA Reports for WHS in Wales, or for industrial WHS landscapes elsewhere, which would be an exemplar for the HIA for this Development?* None Known.

Yours sincerely

Jenna Arnold
Diogelu a Pholisi/ Protection and Policy

For the Attention of: Ms G Bazzoni - Planning Officer
Planning & Environment Team
The Planning Inspectorate

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

21 June 2021

Dear Ms G Bazzoni

Town and Country Planning Act 1990

The Developments of National Significance (Procedure) (Wales) Order 2016 (As Amended)

Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017

Project Name: Mynydd Llanhilleth Wind Farm.

Site Address: Land at Mynydd Llanhilleth Common.

Proposed Development: Wind farm of up to twelve wind turbines and associated infrastructure.

Thank you for your notification of 02 June 2021 seeking the views of the Coal Authority on the above EIA Scoping request.

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

We note that the applicant is aware that the project site falls within the Development High Risk Area as defined by the Coal Authority. The Environmental Impact

Assessment Scoping Report, May 2021 (Section 10: Hydrogeology, Geology & Ground Conditions) has acknowledged that the risk from coal mining legacy will be assessed and addressed in line with current best practice guidance (CIRIA C758D – Abandoned mine workings manual) and any formal planning application will be accompanied by the relevant geo-technical desk study (Section 10.3.20).

We would request that in the event that any mine entries are present where new build infrastructure is required, the layout affords due consideration of these mining features and avoids these areas where possible / practicable:

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

The applicant is aware that surface coal resource are present within the site, although this should not be taken to imply that mineral extraction would be economically viable, technically feasible or environmentally acceptable. As part of the planning application decision making process consideration should be given to any technical advice / recommendations on this specific matter

I hope this is helpful but please do not hesitate to contact me if you would like to discuss this matter further.

Yours sincerely



Deb Roberts *M.Sc. MRTPI*

Planning & Development Manager

Disclaimer

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

Torfaen County Council
Ty Blaen
Torfaen
Pontypool
Gwent
NP4 0LS

Date: 24/06/2021
Our Ref: PLA0057643
Your Ref: 3273368

Dear Sir/Madam,

Site: Mynydd Llanhilleth Wind Farm, Pontypool

Development: EIA SCOPING - Renewable energy scheme comprising construction and operation of up to 12 wind turbines

We refer to your planning consultation relating to the above site, and we can provide the following comments in respect to the proposed development.

WATER SUPPLY

The proposed development is crossed by a trunk/distribution watermain, the approximate positions being shown on the attached plan. Dwr Cymru Welsh Water as Statutory Undertaker has statutory powers to access our apparatus at all times. I enclose our Conditions for Development near Watermain(s). It may be possible for this watermain to be diverted under Section 185 of the Water Industry Act 1991, the cost of which will be re-charged to the developer. The developer must consult Dwr Cymru Welsh Water before any development commences on site.

DCWW would request that water supplies are taken into account of any Environmental Impact Assessment for this development site.

Our response is based on the information provided by your application. Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation.

If you have any queries please contact the undersigned on [REDACTED] or via email at [REDACTED]

Please quote our reference number in all communications and correspondence.

Yours faithfully,

Rhodri Perry
Development Control Officer
Developer Services



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

We welcome correspondence in
Welsh and English

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

Rydym yn croesawu gohebiaeth yn y
Gymraeg neu yn Saesneg

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

PLA0057643

CONDITIONS FOR DEVELOPMENT NEAR WATER MAINS

Location: Mynydd Llanhilleth Wind Farm

Date: 24.06.2021

The development of the site with our water main located as shown on the attached plan will involve certain conditions which must be strictly adhered to. These are:-

1. No structure is to be sited within a minimum distance of **3m** from the centre line of the pipes. The pipeline must therefore be located and marked up accurately at an early stage so that the Developer or others understand clearly the limits to which they are confined with respect to the Company's apparatus. Arrangements can be made for Company staff to trace and peg out such water mains on request of the Developer.
2. Adequate precautions are to be taken to ensure the protection of the water main during the course of site development.
3. If heavy earthmoving machinery is to be employed, then the routes to be used in moving plant around the site should be clearly indicated. Suitable ramps or other protection will need to be provided to protect the water main from heavy plant.
4. The water main is to be kept free from all temporary buildings, building material and spoil heaps etc.
5. The existing ground cover on the water main should not be increased or decreased.
6. All chambers, covers, marker posts etc. are to be preserved in their present position.
7. Access to the Company's apparatus must be maintained at all times for inspection and maintenance purposes and must not be restricted in any way as a result of the development.
8. No work is to be carried out before this Company has approved the final plans and sections.

These are general conditions only and where appropriate, will be applied in conjunction with specific terms and conditions provided with our quotation and other associated documentation relating to this development.



