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Our ref Ein cyf: P2022/0904

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Dear Adeline

Project Name: Hirfynydd Renewable Energy Park

Site Address: Land to the east of Crynant, Neath Port Talbot

Proposed Development: Renewable energy park comprising wind generating capacity, solar photovoltaic generating capacity and battery storage.

I write in regards to your letter dated 25 October 2022, which seeks advice on the scope of the EIA for the above mentioned proposed DNS renewable energy project. Consideration has been given to the information provided in the EIA Scoping Report prepared by LUC and the questions raised therein, together with the relevant regulations and information that the Authority holds. Our advice is set out below in response to the respective chapters, the questions raised by the applicant and with reference to Schedule 4 of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017 ('the 2017 EIA Regulations').

The Authority would also wish to draw the Inspectorate's attention to a previous planning appeal decision for the erection of 9 (formerly 14) wind turbines on the site, which was dismissed on 4 September 2015 following a 5 day Public Inquiry (appeal reference APP/Y6930/A/13/2209942). This application is referred to in Chapter 4 of the submitted EIA Scoping Report. In light of this significant planning history, the advice of The Coal Authority should be sought, particularly in respect of Chapter 7 and related issues.

Chapter 1: Introduction

It should be noted that the indicative location of the wind turbines have been provided (being broadly similar to those subject of the previous unsuccessful appeal albeit less in number) however there is no indication of where the 50MW solar arrays are going

to be positioned. In accordance with regulation 33(2) the likely significant effects the solar array would have upon the environment will need to be assessed.

It is not clear what the operating capacity of the battery storage would be and it is not known where the compound area or control building(s) and sub-station would be sited. In accordance with regulation 33(2) the likely significant effects of the battery storage and associated infrastructure to support the energy park will need to be assessed.

Chapter 2: The EIA Process and Methodology

Question 2.1 – Are consultees aware of other wind farm (in addition to those shown in Table 2.1), solar proposals or other developments that should be added to the list for consideration in the cumulative assessments?

DNS/3255801 - Mynydd Fforch Dwm Wind Farm (Welsh Government)
P2013/0635 – Hendre Fawr Farm Solar Farm (Neath Port Talbot CBC)

P2014/0567 - Pantymoch Farm Penycae Solar Farm (Neath Port Talbot CBC)

P/2015/0176 – Bryn Henllys Solar Farm (Powys CC)

22/0634/10 – Bryngolwg Farm Hirwaun Solar Farm (Rhondda Cynon Taf CBC)

Renewable Energy application details are publicly available from DBEIS' website.

DNS application details are publicly available from Welsh Government's website.

Question 2.2 – Several measures are considered to be an integral part of the design/construction process as part of good practice, and it is proposed that these will be taken into account prior to assessing the likely effects of the Development. Can consultees please confirm they are happy with this approach to mitigation?

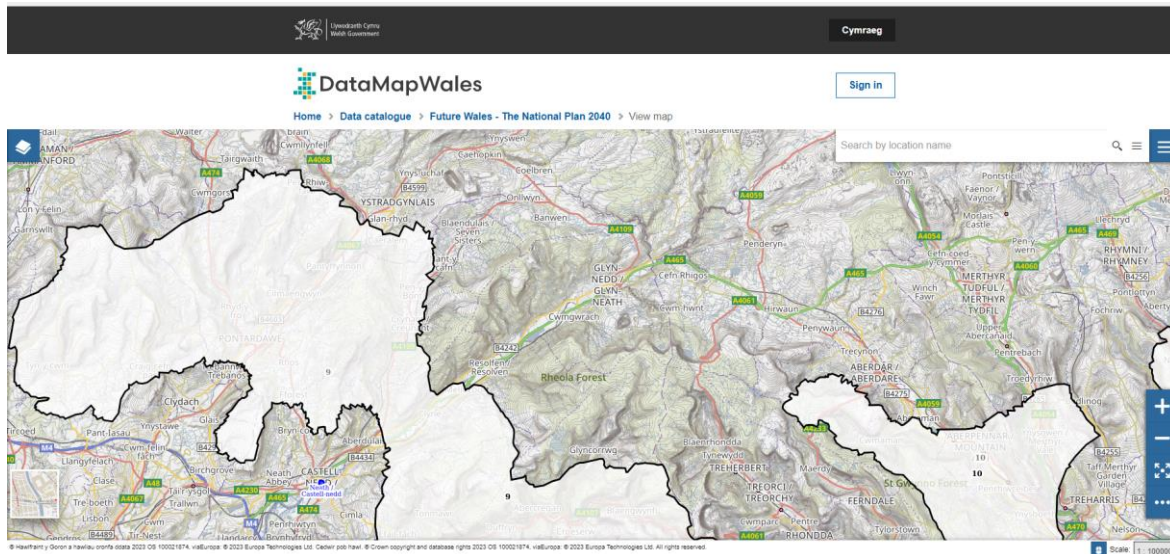
Provided those good practices and the likely potential effects which they are designed to mitigate are clearly identified, yes.

Chapter 3: Legislative Planning and Policy Context

Planning Policy Wales 11 ('PPW 11') is a key consideration. This states that a planning authority has a statutory duty to have regard to National Parks and AONBs purposes whether development is within or in the setting of these areas. They should also have regard to their identified special qualities which should be given weight in the development management process.

PPW 11 refers to LANDMAP and associated landscape character assessments to inform local policies and decision-making. It also refers to Future Wales: The National Plan 2040. In respect of this it is noted that the proposed wind farm development is over 1km outside Policy 17 pre-assessed areas where the Welsh Government indicates that there is a presumption in favour of large-scale development subject to Policy 18.

The application site is clearly outside of the pre-assessed wind areas identified within Future Wales, as illustrated in the map below:



Application of national planning policy therefore falls primarily to the criteria contained within Policy 18. There is no presumption in favour of landscape change, as would be the case for sites located within pre-assessed wind areas that are subject to Policy 17.

Policy 18 states that a DNS will be permitted subject to Policy 17 and the following criteria:

1. *'Outside of the Pre-assessed Areas for wind developments and everywhere for all other technologies, the proposal does not have an unacceptable adverse impact on the surrounding landscape (particularly on the setting of National Parks and Areas of Outstanding Natural Beauty).*
2. *There are no unacceptable adverse visual impacts on nearby communities and individual dwellings;*
3.
*The cumulative impact of **existing and consented** renewable energy schemes should also be considered' (author's emphasis).*

From 2005 the previous national planning policy for onshore wind development was based on Technical Advice Note ('TAN') 8. This defined a series of strategic search areas ('SSAs') and the proposed site lay within Area E. It is therefore notable that the site has now been excluded from the Policy 17 pre-assessed area.

The Authority concurs with the sentence, contained at para.3.17, that *"as the most recent expression of national planning policy, Future Wales is considered to have primacy in the planning policy hierarchy"*. The previous SSA boundaries (and former TAN 8 policy) are revoked and have been superseded by the new pre-assessed wind areas contained within Future Wales.

The effect on the Brecon Beacons National Park (BBNP), its purposes and its associated special qualities will need to be taken into consideration. The method for undertaking this is discussed later in this response.

Policies on wind energy and landscape need to be taken into account and any conflict identified. The Special Landscape Areas in the study area, in particular Dulais Valley, Vale of Neath and Mynydd y Garth should in particular be considered.

A revision to Technical Advice Note 15: Development and Flood Risk is due to come into effect on 1 June 2023. As such the submission should have regard to this document.

A proposed revision to Technical Advice Note 11: Noise is currently out to consultation and the submission should have regard to the potentially significant change to how noise and soundscapes are considered within the context of more recent national planning policy guidance on this topic.

Chapter 4: Site and Project Description

Paras. 4.19-4.21 SWTRA/WG will need to advise on the trunk roads which are a substantial element of the proposed turbine delivery route. NRW will need to advise on the suitability of utilising the existing tracks that they have responsibility for managing.

It is advised that NPTCBC policy for wind farms recommends that planning permission is not determined until such time as a Transport Management Plan (TMP) for the access route to the site has been agreed with the Highway Authority. It is recommended that applicants liaise with the relevant highway officers who will consult with the police to identify whether a TMP is required for a particular development, and to determine the required scope of the TMP. As a result of this, the Highway Authority needs to ensure that the transport route and methodology for accessing the site has been fully and properly considered. This is the rationale behind the need for a TMP to support all wind farm development planning applications.

Paras. 4.28-4.30 The Civil Aviation Authority and Ministry of Defence will need to advise on the likely effects on aviation.

Para. 4.31 The Authority considers that all grid connection cables should be underground.

It is not clear where the intended grid connection point(s) are or whether the project requires any off site work (e.g. widening of tracks, roads and bridges to facilitate access to the development and/or grid connection points). In accordance with regulation 33(2), the likely significant effects of these would also need to be assessed.

Paras. 4.36-4.38 Details of a fund or the funding of the decommission strategy should be included, providing information on how such a fund would be provided, secured and ensuring that it is available should it be required prior to the end of the project's predicted life expectancy.

Chapter 5: Landscape and Visual Amenity

White Consultants are commissioned to review and advise the Local Authority in relation to landscape and visual impact assessment matters ('LVIA') and their comments are incorporated below.

The LVIA scoping report is well written and covers the main topics. However, the method and information provided are not sufficient to agree all issues. For instance:

- There is very limited information on the location and design of the solar arrays, access roads/routes and battery storage.
- The Zone of Theoretical Visibility (ZTV) map is not overlaid on key receptors such as long distance trails, public rights of way (PROWs) and the National Park and it uses bare ground data only even in the detailed study area.
- There are no baseline photos at suggested viewpoints.

Therefore, the comments in this response are provisional and subject to further information coming forward. In addition to the information requested below the LVIA should also include:

Forestry resource/management plans if available showing the phasing of removal and/or replanting of the forest plantation surrounding the proposed wind farm to clearly inform how this may open up or reduce views during the lifetime of the development, or at least 10 years. Expected tree growth rates for proposed species would be helpful.

Question 5.1 - Is the proposed approach and scope for the assessment of effects on landscape character and LANDMAP aspect areas/Landscape Character Areas considered to be appropriate? [NB can NRW provide the information required to enable us to complete the Stage 2 filtering process for Geological Landscape aspect areas i.e. data needs to provide a match between the Sits IDs in the GIS data and the online survey records].

- 5.1.1 The use of a 10km cut off for effects on landscape character is to an extent arbitrary as LCAs, receptors and intervisible slopes and hill tops in the BBNP to the north rise beyond this point including representative viewpoints such as Viewpoints 4, 5 and 19. The 10km limit should not be used to define the area of the BBNP affected by the development.
- 5.1.2 LANDMAP information should be used to inform the value and susceptibility of landscape even in areas where landscape character areas are defined (para.5.22). LANDMAP information has evaluations for all key aspects and management guidelines can indicate sensitivities/susceptibilities.
- 5.1.3 The principles for judging landscape sensitivity (Table 5.3) describes landscapes of higher or lower susceptibility and value. This gives the assessor a great deal of flexibility to make judgements across the three proposed levels of sensitivity (para.5.69) and therefore makes the assessment less transparent and verifiable. The definitions in the table are concise and the full range of factors/indicators that make a landscape more or less susceptible to a particular type and scale of development are not set out. This is important to inform and understand how the judgements are reached. The three levels of sensitivity proposed means that there is likely to be a significant difference between high, medium and low with intermediate categories effectively being omitted. This does not reflect the complexity of most landscapes. For instance, Special Landscape Areas (SLAs) are not mentioned in terms of influencing value and with a three point scale are likely to be placed in the middle category (medium?). This may understate the value and so five categories are suggested.

- 5.1.4 The magnitude of landscape effects (Table 5.5) mentions four factors which influence magnitude – size/scale, geographical extent, duration and reversibility. It is not clear from the method how these factors are combined to arrive at a judgement. From experience of previous wind energy LVIA's it is important to emphasise that the factors are not of equal weighting and the size/scale factor is the most important. The reason this is important is that the lesser factors can be used to erode the likely magnitude rather than inform it.
- 5.1.5 The LUC diagram illustrating how sensitivity and magnitude are considered to form a judgement on significance of effects is of concern. This is because it indicates the principle of combining sensitivity and magnitude of effect either too vaguely and inaccurately or, if taken literally and tracing levels of effect or sensitivity in proportion to size of the shaded square and in relation to the written levels of significance, the resulting levels of significance appear low e.g. a centrally drawn line of medium effect on a medium sensitivity receptor results in a significance of effect between moderate and minor. Overall, this approach is not helpful to transparency or confidence in the findings. The diagram is a variation on a much more accurate and widely accepted diagram developed by LI/IEMA which is shown in **Appendix A**. It is strongly recommended that this is used instead in the method.

Question 5.2 – Is the proposed approach and scope for the assessment of effects on designated landscapes considered to be appropriate?

- 5.2.1 The proposal lies within the setting of the Brecon Beacons National Park (BBNP) and the effect on its purposes and related special qualities should be assessed. It appears to be reasonable that the distance from the proposal and the nature of the intervening landscapes and the AONB itself mean that the effects on the Gower AONB can be scoped out although the designation and special qualities should be noted as stated (para.5.27). However, the opinion of NRW should be taken as definitive in this regard.
- 5.2.2 The listing of the BBNP special qualities is welcomed and should be considered alongside the effects on the landscape character and visual receptors within the National Park. However, due to their nature they should not be assessed using the same method. As GLVIA3 and the LVIA scoping report itself do not set out a method, the following principles should be taken into consideration in the assessment and will be used by NPTCBC to assess the LVIA findings:
- All special qualities are of high value and important whether physical, historical, cultural or perceptual.
 - Special qualities can be affected by development in a designated area's setting and this in turn can affect the primary statutory purpose. Developments within the setting of designated landscapes should therefore be assessed in the same way as those developments within an area.
 - The likely change and effect on each special quality should be assessed separately and should not be averaged out when summarised.
 - Special qualities may be used to inform the value of landscape receptors (character areas/types) or visual receptors i.e. people in an LVIA but the effects on the special qualities should still be assessed separately.

- The effect on special qualities can be important even if the geographical area/extent where they are affected is limited. Sometimes the most important special qualities relate to essentially linear features such as coasts, escarpment edges and ridge tops so the areas affected relative to the overall size of the designated area should not be used to diminish the attributed importance of effect.
- The proportion of the total number of special qualities affected should not be used as a means of minimising effects on the designation's purpose.
- A qualitative narrative approach should be used considering the importance of the special qualities affected and clearly addressing if the designation is conserved, enhanced or harmed by the proposed development or whether there is no effect.
- The assessment should be transparent, clearly formatted and proportionate i.e. the scope and level of detail should be consistent with the size and complexity of a given development.

5.2.3 The assessment for each special quality in scope should:

- Describe likely changes caused by the development at each phase.
- Assess if the nature of effect is beneficial, neutral or adverse and why.
- Assess the duration of effect.
- Assess if changes are important and if they conserve, enhance or harm the special quality.

5.2.4 In respect of cumulative effects, it is recommended that the following principles should be taken into consideration where assessing the effects on special qualities and the consequent harm to the statutory purpose of National Parks and AONBs:

- The landscape baseline against which cumulative effects should be assessed is without the existing, consented and proposed developments to be assessed.
- The focus should be on the most relevant developments such as those closest to the proposals and to the National Park.
- Combined cumulative assessments should reflect what receptors in the designated areas see and experience in total. (This can inform qualities such as panoramic views and tranquillity).
- The two main assessments which are required are combined and additional cumulative effects as set out below.
- The approach to combined cumulative effects is to consider the total effects of all agreed developments on the special qualities in addition to landscape character and visual receptors.
- A measure of a significant effect is where the developments combined become a key characteristic and/or a dominant characteristic and whether this is compatible with special qualities.
- The approach to additional cumulative effects is to consider the contributory effects of the proposed development to the overall effect of

all agreed developments on the special qualities. This could be a percentage or proportion.

- 5.2.5 The important cumulative effects on special qualities should be summarised with predicted duration. This is the main factor in coming to a judgement on the overall level of cumulative harm to the statutory purpose of conserving and enhancing the natural beauty of a National Park.

Question 5.3 – Is the proposed approach and scope for the assessment of visual effects appropriate?

- 5.3.1 The NRW requirement for a 33km outer study area limit is supported. The scoping study suggests a detailed study areas of 15km is the focus of visual effects which seems reasonable. However, based on detailed Natural Resources Wales (NRW) and the latest Offshore energy strategic environmental assessment (OESEA) 4 research studies of offshore wind energy seascape and landscape visual impact assessments (SLVIAs) significant effects may occur *at least* 20km away from 200m high turbines (1:100 ratio). As such it is noted and agreed that popular summits at this distance and at 28km within the National Park are considered. It is suggested that the 20km buffer should be indicated on all relevant figures.
- 5.3.2 The lack of a figure showing constraints such as the BBNP, long distance trails, rights of way and annotated settlements overlying a ZTV mean that it is unclear if the likely effects on these key receptors is adequately covered. This also is important for finally agreeing viewpoints.
- 5.3.3 The same comments made above on susceptibility, value, sensitivity, magnitude of effect and significance of landscape effects apply to visual effects (see 5.1.3 – 5.1.5 above).
- 5.3.4 Any implications of forest management including the removal of forest plantations over the life of the development (such as on the Hirfynydd Ridge) should be noted.
- 5.3.5 Cimla should be added to the list of settlements in 5.41.

Question 5.4 – Do consultees consider that the proposed viewpoints are appropriate to inform the visual assessment, and that the suggested presentation of visualisations is appropriate?

- 5.4.1 As mentioned above, it would be very helpful to have a figure showing constraints such as the BBNP, long distance trails, rights of way and annotated settlements overlying a ZTV. Viewpoints can then be agreed to cover representative or worst case locations.
- 5.4.2 Other than the wind turbines, the location, extent and size of solar array and other elements of the development has not been provided. This influences the choice of nearby viewpoints. Overall, it is felt that this element of the development is not adequately covered by viewpoints. Additional viewpoints are set out below.
- 5.4.3 ZTVs using OS Terrain 5 and landcover on a 1:25k OS base should be used in the detailed study area for the solar array and wind turbines (separately) to ensure that the optimum viewpoints are chosen. This should be in addition to a

bare ground ZTV for the whole development to take into account the removal of forest plantations over the life of the development.

- 5.4.4 Baseline photographs from each of the proposed viewpoints should be provided for agreement as in some locations the change of position within a few metres can substantially change perception depending on foreground elements and screening. In addition, portrait photos will be needed in some locations where there is a substantial level change with the development rising above.
- 5.4.5 It is welcomed that LI TGN 06/19 is to be followed and that the photomontages are to be prepared for each viewpoint. As part of the presentation an A3 full frame image should be used where the development of both wind and solar developments (where visible) can be contained within this. This will allow for ease of printing by third parties and decision-makers and for taking on site. A good example is the Lethans A3 viewpoint pack (see sample in **Appendix B**).
- 5.4.6 The following additional viewpoints are requested to fully explore visual effects, especially of the solar farm:
- Tyn-y-Graig Farm and associated fishing ponds- viewpoint on lane looking across the main lake south east of Crynant. This has very clear close views across the valley towards the solar farm as well as turbines and would also inform effects from this side of the valley from St Illtyd's Way and some dwellings in Crynant.
 - Viewpoints looking north and south from PROW running through the site/assumed solar farm location (approx. 280274 105153).
 - Sarn Helen/recreational Hirfynydd forest users viewpoint e.g. 'stargazing hare' viewpoint on a forest trail (see Google maps) which overlooks the solar array area.
 - Rhos Common- representing open views from the wider valley side landscape and dwellings to the north west. This gives a very clear view of the turbines on the ridge top but also solar arrays in case they are proposed on improved pasture on the north eastern edge of the site (approx. 279032 107481).
 - Neath- seat and open viewpoint adjacent to the river looking north. (approx. 275482 197908) to represent low valley views from the south.
- 5.4.7 There are queries on the following viewpoints in the absence of photos:
- 8 - Will turbines be visible from this viewpoint taking into account trees on the skyline? If not, a more appropriate viewpoint may be needed e.g. on A465 to the north east.
 - 9 - This viewpoint is on the edge of Ffynnon Oer windfarm and close to the proposed Melincourt wind farm. Is there more merit in a view further along the trail to the north east adjacent to forest plantation?
 - 15 - Is this the worst case viewpoint in Crynant with potential screening by trees? If not, a viewpoint to the north around Ynyswen Terrace is an alternative that should be considered (approx. 279372 106097).

Question 5.5 – Is the approach to inclusion of schemes within the cumulative assessment appropriate?

- 5.5.1 Please see response to question 2.1 (above).
- 5.5.2 The question does not ask if approach is appropriate. The method proposed for cumulative assessment is of concern as it does not address the most important cumulative effects. GLVIA 3 states that stakeholders and local communities will be concerned about the totality of past, present and future proposals (7.16) and agreement should be reached on combined and/or additional effects (7.18). Policy 18 of Future Wales states that the cumulative impact **of existing and consented** renewable energy schemes should be considered. This reinforces the point. This means that the total combined effects of existing, consented and proposed wind farms should be assessed. (It is assumed that there are no other solar farms but this should be verified if not already done so). In practice this means that the assessment should be assessed against the *baseline of no wind turbines* in order to count existing development as a contributor to the combined effect (contrary to 5.75). This is also justifiable on the basis of the temporary nature of all renewable developments, albeit long-term. However, the *additional* contribution of Hirfynydd wind farm to the combined cumulative effect should also be measured and described. This will include in terms of relationship with other windfarms including relative size of turbine. This approach will be helpful to understand the overall effects on the National Park as well as local communities and landscapes.
- 5.5.3 Having said the above, the cumulative impact assessment should be proportionate. Cumulative impact assessments can be large and confusing so it is important that the most important cumulative effects are addressed clearly. Those that are most important are those with existing or consented turbines, at closer distances and juxtapositions, where there is a large sweep of turbines visible and where receptors (especially residential) have developments on two or more sides.
- 5.5.4 The comments above relating to sensitivity, magnitude of effect and significance in the LVIA scoping report of landscape (see 5.1.3 – 5.1.5 of this response) also apply to cumulative effects. For instance, in relation to sensitivity, the factors that make a landscape more or less susceptible to a series of developments, especially of different sizes and design, are not set out. This is important to understand how the judgements are reached.

Question 5.6 – Is the approach to the assessment of effects on visual amenity appropriate?

- 5.6.1 This question is taken as referring to residential visual amenity.
- 5.6.2 Guidance set out in TGN2/19 Residential Visual Amenity Assessment, Landscape Institute, March 2019 mentions wind turbines at 150m and taller (4.6) when discussing realistic buffers but these turbines at 200m are notably larger. It goes on to state (4.7):
- ‘When assessing relatively conspicuous structures such as wind turbines, and depending on local landscape characteristics, a preliminary study area of approximately **1.5-2km** radius may initially be appropriate in order to begin identifying properties to include in a RVAA’ (author’s emphasis).*
- 5.6.3 The public inquiry decision for Mynydd Marchywel wind farm in NPT found that its five turbines at 126.5 m high breached the RVA threshold of acceptability

with wind turbines at a distance of 920m-2.4km from a property. The wind farm was refused.

- 5.6.4 Taking into consideration the above, our view is that distance of *around* 2km should be scoped for the RVAA. The proposed 2km buffer appears approximately correct but there are properties in Seven Sisters to the north just over the 2km and with open views of the proposed turbines which should be included. A mix of individual properties and groups of properties should be assessed as appropriate, depending on distance and arrangement.
- 5.6.5 Two rural dwellings south of Crynant Brook are omitted in Figure 5.12 (these were viewed from the site). Due to this omission it would be advisable to check the accuracy and up to date nature of data source.

Question 5.7 – Do consultees consider the effects to be scoped in and out appropriate?

5.7.1 In relation to paragraph 5.107, the following comments are made:

- As mentioned above, the use of a 10km cut off for effects on landscape character is to an extent arbitrary as LCAs within intervisible slopes and hill tops in the BBNP to the north rise beyond this point. The 10km limit should not be used to define the area of the BBNP affected by the development. 10km is reasonable within NPT.
- There is a need to assess the indirect cumulative combined and additional effects on the National Park and SLAs.

Question 5.8 – Is the approach to the aviation lighting assessment and night-time photography appropriate and proportionate, and are the suggested night-time viewpoints appropriate?

5.8.1 It is not clear from the description if the aviation lighting has a cut off below certain angles which may render the assessment at Crynant of limited value (in addition this viewpoint is queried elsewhere within this response). If the effects of lighting are likely to be de minimis here, a viewpoint slightly further away and at higher elevation in NPT may be appropriate e.g. Seven Sisters Viewpoint 2. The rationale for any change should be explained.

Question 5.9 – Are there any other relevant parties who should be included within the post-scoping consultation process for the LVIA?

Given the site's proximity to the National Park boundary, it is recommended that the LVIA be agreed with the BBNP Authority in order to identify key viewpoints and likely significant effects. The developer should also enter into discussions with the Authority's Countryside & Rights of Way Officers to identify any particular LVIA issues that could affect the scope of the recreation and tourism likely significant effects.

Chapter 6: Cultural Heritage

Glamorgan Gwent Archaeological Trust (GGAT) are the Authority's consultants in relation to Archaeological and Heritage Impact Assessments. Their comments are set out below:

Question 6.1 – Do consultees agree with the scope and approach of the Cultural Heritage and Archaeology Assessment?

It is noted that the Cultural Heritage section (Chapter 6) indicates the presence of numerous archaeological sites, including several Scheduled Monuments. As such it is intended to carry out a full archaeological desk-based assessment. This must be provided in order to identify the archaeological potential of the site, as well as to determine any impact of the proposal on the archaeological resource, including setting. Such an exercise will need be conducted in accordance with the Chartered Institute for Archaeologists *Standard and guidance for historic environment desk-based assessment (2014)* and to an agreed written scheme of investigation (WSI). Depending on the results of the assessment, it is possible that further archaeological work will be required.

Due to the presence of Scheduled Monuments, Cadw must be consulted for their views on the proposals.

Question 6.2 – Are consultees happy with the proposed viewpoints for consideration in the cultural heritage assessment?

The Local Authority offers no comment on this matter as we have no in house expertise in this field. Please refer to any Cadw comments in this regard.

Chapter 7: Hydrology, Hydrogeology and Geology (including Peat & Mining)

Surface water drainage must be approved by the Authority's Highway Development Control service acting in its SuDS Approving Body (SAB) role. Notwithstanding any other consent(s) that may be required under the Land Drainage Act 1991, any culverts/ditches/open watercourses that conveys water through their land are to remain free from obstruction at all times. All tributary watercourses (culverted or not) located within the application site would have riparian responsibilities whereby the responsibility to sustain the flow of watercourse would remain with the land owner and subsequently passed on to the respective landowners should the land be sold.

Question 7.1 – Is the proposed assessment methodology appropriate?

The Authority offers no comment on this matter as we have no in house expertise in this field.

Question 7.2 – Are the proposed list of effects which are scoped in appropriate?

The proposal is to screen out land contamination stating that there is "*no evidence of contamination recorded within the site*". However the Local Authority has not seen any evidence to support this conclusion and given the mining history in the area we feel that as a minimum the ES should include a desk study to demonstrate that contamination pollutant linkages do not exist. Furthermore, best practice guidance now requires a risk assessment for Coal Mine Gas Emissions for sites that are within a Coal Mining Reporting Area (as defined by the Coal Authority) and therefore the

Local Authority requires a risk assessment in accordance with CL:AIRE – Good Practice for Risk Assessment for Coal Mine Gas Emissions.

Question 7.3 – Is the use of the Scottish Government Carbon Calculator acceptable?

The Authority offers no comment on this matter as we have no in house expertise in this field.

Chapter 8: Ecology

Question 8.1 – Are consultees content with the proposed approach to the ecological desk study and site survey work?

Yes.

Question 8.2 – Do consultees agree that it should be possible to scope out effects on great crested newt, common species of reptile and amphibian, and badger, and detailed consideration of effects on designated sites other than Sarn Helen SINC and NPT Watercourses SINC?

Subject to NRW acceptance, yes.

Question 8.3 – Do consultees agree that the scope of cumulative assessment can be limited to wind farm developments within 10km of the Site?

Yes.

The Local Authority must seek to maintain and enhance biodiversity in the exercise of functions in relation to Wales, and in so doing promote the resilience of ecosystems, so far as consistent with the proper exercise of those functions, under the Environment (Wales) Act 2016. It is therefore essential that the recommendations for the conservation of biodiversity be followed to ensure that the Planning Authority complies with this statutory requirement along with the adopted guidance in the Biodiversity Supplementary Planning Guidance and TAN 5 (2009).

Chapter 9: Ornithology

Question 9.1 – Are consultees content with the proposed approach to the ornithological desk study and survey work?

Yes.

Question 9.2 - Do consultees agree that the scope of cumulative assessment can be limited to wind farm developments within 10km of the Site?

Yes.

Chapter 10: Noise and Vibration

Question 10.1 – Are the consultees happy with the suggested approach for the noise assessment?

The approach set out in 10.22 to 10.27 regarding construction noise is considered to be acceptable. The approach set out in 1.28 to 10.32 (complying with ETSU-R-97 and IOAGPG) is considered to be acceptable in general terms. However at this stage the Local Authority would emphasise that water noise in streams and rivers will probably be the dominant noise in some locations but, conversely, there will be properties, sometimes close by, where there is little or no water noise. So when it comes to allocating background noise levels to other locations it is important that there are measurement locations without water noise that can be used for other similar properties.

The Institute of Environmental Management and Assessment (IEMA), publishes “Guidelines for Environmental Noise Impact Assessment”. It says that even though ETSU-R-97 is endorsed by government that does not relieve the assessor of the need to describe the impact of the development. As with other disciplines there should be a clear explanation of the impact. It is not sufficient (or accurate) to say, for example, that where ETSU-R-97 limits are met there is no impact.

Question 10.2 – Do the consultees agree with the proposed scope of the cumulative operational noise assessment?

The approach to the cumulative operational noise assessment in 10.33 to 10.35 is considered to be acceptable subject to the comments below.

As regards 10.34, the Local Authority would welcome a discussion with the applicant's consultant to clarify the exact procedure for defining which wind farms should be included in the cumulative assessment since there are some procedures in the quoted documents which are unclear. However, it is agreed it is likely that Maesgwyn and its extension are likely to be the only wind farms to be considered.

As regards 10.35 the Local Authority is uncertain whether this is intended to mean Pen Y Cwmoedd is to be scoped out or not. The Local Authority considers it should be left in until it is shown that it is not significant.

Question 10.3 – Do the consultees have any comments on the effects proposed to be scoped out?

Agreed that vibration and traffic noise during the operational period can be scoped out.

Agreed that decommissioning noise can be dealt with by a CEMP, in which case it can be scoped out.

It would be preferred if infrasound and low frequency noise were dealt with separately.

It would be acceptable for infrasound to be scoped out. Low frequency noise does not need to be assessed separately from the ETSU-R-97 procedure using A-weighted decibels.

As suggested the topic of AM should be dealt with separately.

Chapter 11: Access, Traffic and Transport

The Highway Authority's comments are set out below:

1. A full Transport Impact Assessment is required which shall include a scoping opinion between the Council Highways and the applicant to agree on which areas of highway are to be assessed and surveyed as part of the TIA.
2. It is recommended that trial run of the turbine delivery be undertaken to identify any street furniture that needs to be relocated, together with any alterations to the highways such junctions overrun areas, roundabouts etc. Any works required to the adopted highway must be undertaken under Section 278 of the Highways Act.
3. All works to be constructed on the public highway should be subject to Road safety Audits, stages 1 to 4 in accordance with GG 119 of the Design Manual for Roads and Bridges. Each stage of the Road safety Audit shall be submitted for approval in writing by the Highway Authority. All issues highlighted at each stage, being addressed to the written approval of the Highway Authority within 3 months of that stage of that Road safety Audit has been approved.
4. Proposed delivery route on NPTCBC adopted highway network may be subjected to a condition surveys before commencement of any heavy good deliveries to and from the site this includes items such as culverts. These surveys will be required as a minimum for the construction and decommissioning phases and any defects/damage to the existing highway resulting in frequent use of HGV's will need to be remediated by the developer or a financial contribution to the Council shall be made to allow the Councils highway department to make good the damage.
5. The Junction of the site access with A4109 will require vehicular visibility splays in accordance with TAN18. It is recommended that during the proposed survey to collect vehicle trip data for the TIA it also collects vehicle speed data and the 85%ile ascertained. Details of which can be provided to the Local Authority to agree the vision splay requirements of the junction.
6. A Construction Environmental Management Plan will be required. The CEMP must be adhered to throughout the construction and decommissioning phases. The Statement shall provide for:
 - a. **Construction and decommissioning methods:** details of the extent and phasing of development; details for the storage and management of plant and materials used in constructing the development
 - b. **Drainage:** Details of drainage measures during construction phases to ensure that the drainage of any adjoining land, and land downstream is not interrupted or otherwise adversely affected by the development.
 - c. **General Site Management:**
 - i. details of the construction programme including timetable
 - ii. details of site clearance
 - iii. details for erection and maintenance of security hoarding including decorative displays and facilities for public viewing.

- d. **Control of Nuisances:** Wheel washing facilities and measures to control light spill.
- e. **Traffic Management:**
 - i. details of all site deliveries including routes of vehicles, plus delivery and construction times
 - ii. details for the loading and unloading of plant and materials; details for the parking of vehicles of site operatives and visitors
 - iii. scheme for the erection of temporary/semi-temporary signage
 - iv. The frequency and size of vehicles used to transport the waste material arising from the construction works;
- f. **Hours of working on site**, including specified hours for deliveries; details of restrictions to be applied during construction and demolition works (including timing, duration and frequency of works) to prevent noise or nuisance amenity issues to surrounding properties.
- g. **Responsible Persons:** details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details, the CEMP must also be signed by the responsible person.

Question 11.1 – Is the proposed methodology acceptable, including what is proposed to be scoped out and the approach to the cumulative assessment?

Yes, the proposed methodology is considered acceptable

Question 11.2 – Are the proposed traffic survey locations acceptable?

The proposed ATC location to ascertain baseline figures at the site entrance is acceptable, however no details of the survey duration is provided. The Authority require a minimum 7 days of data during a neutral month. It is advised that the ATC gathers vehicle speed data in addition to vehicle numbers.

Question 11.3 – Is the use of Low National Road Traffic Forecasts (NRTF) acceptable for the whole of the study to determine future year traffic flows?

Yes.

Question 11.4 – What committed development traffic flows should be included in the baseline traffic flows?

Wildfox Resorts Afan Valley development (alpine, extreme sports, tracks and trails, forest zones, lodges, restaurants, hotel and spa). The submitted TA and addendum assessed the impact of the development on the operation of key junctions i.e. M4 J40 and J36 and junctions along the Afan Valley and A4063. The figures contained in the ES were based on a 5 day weekly flows rather than the 5 day average which generates a significantly lower flow rate, the revised results indicate that the proposed junction operates within its theoretical capacity up to and including the 2039 'with development' scenario with a maximum degree of saturation of 28% and queue of 2 PCUs (cars) on the A4107 Brytwn Road(s) approach to the junction in the PM peak.

The transport addendum considered circumstances where visitors might choose to use the J36/A4063 route, identifying that the anticipated volumes of long distance visitor trips generated by the development during the changeover day (i.e. Monday or Friday) could generate 42 vehicle movements (two-way) to/from the east during the

am peak period, and up to 62 vehicle movements (two-way) to/from the east during the pm peak period.

Question 11.5 – Is a Framework Abnormal Load Transport Management Plan sufficient for the planning consideration stage?

Consideration should be given to a trial run, submitted in the form of a Trial Traffic Management Plan (TTMP). This can help to identify constraints where a trial run vehicle is unlikely to be able to pass without alterations to highway infrastructure, a reduction in length and/or modification to the load as well as to identify locations where oncoming traffic could be held and following traffic released to avoid queues and the need for any related Temporary Traffic Regulation Orders (TTROs). A TTMP should be prepared in consultation with the Highway Authority and police.

Chapter 12: Socio-Economics, Recreation & Tourism

Question 12.1 – Can consultees confirm the methodology outlined above is appropriate to inform the socio-economic impact assessment?

Yes the methodology is considered appropriate.

Question 12.2 – Do consultees agree that the proposed geographic study areas (10km radius, NPT, Wales and the UK) are appropriate for reviewing socio-economic impact?

Yes a 10km area is considered to be acceptable.

Question 12.3 - Can the consultees identify any relevant stakeholders who should be included in our consultation exercise regarding the development of the socio-economic impact assessment?

Seven Sisters Community Council

Crynant Community Council

NPT Business & Economic Development Team

Public Health Wales

Question 12.4 – Are the consultees satisfied that tourism and recreation effects can be scoped out of the EIA?

No. Given the importance of outdoor tourism and recreation, as evidenced by an increasing number of commercial ventures in former coal mining areas like this, the impact on this topic area should at least be acknowledged and assessed in the Environmental Statement. The Authority has recently granted planning permission for a £250M adventure resort (see response to 11.4 above), the likely effects of the proposals on this committed development should be taken into consideration.

Chapter 13: Other Issues

Question 13.1 – Do consultees agree with the scoping out of telecommunications, solar glint and glare and utilities?

In terms of **telecommunications and utilities** whilst the Local Authority does not disagree with your assessment, in determined applications for wind farms in the past the Authority would normally consult specialist, consultees such as Ofcom, and the BBC research Department, utility companies who operate in the area. Without further information and responses from external consultees we would be unable to comment in relation to the impact upon TV and microwave fixed links, gas, water and power lines. However the statutory and other bodies responsible for these issues should be able to provide further information.

In relation to **solar glint and glare**, until an assessment is undertaken the Local Authority are unable to comment on whether this can be scoped out.

Question 13.2 – Do consultees agree with the proposals for the assessment of effects on aviation, shadow flicker, climate change, major accidents and disasters, population and human health and land use?

In terms of **aviation** whilst the Local Authority does not disagree with your assessment in determined applications for wind farms in the past the Authority would normally consult the Ministry of Defence; The Civil Aviation Authority; Cardiff Airport, and Swansea Airport and would take advice from their representation, as such we would recommend that these external bodies are consulted.

In relation to **shadow flicker**, until an assessment is undertaken the Local Authority are unable to comment on whether this can be scoped out.

In relation to **climate change**, the Local Authority has publicly declared a climate emergency (at a meeting of full Council in September 2022) reaffirming its earlier commitment to tackling climate change. The Council published its Decarbonisation and Renewable Energy ('DARE') Strategy in 2019.

In relation to **Major accidents and disasters** whilst the Local Authority agrees that this area is not known to experience natural disaster and extreme weather events, the application site is within a coal mining high risk area, as such expert advice should be taken from the Coal Authority on these matters.

In relation to **Population and Human Health**, it is noted that Footpaths 2, 3 & 9.D.Hi, Bridleways 3 & 9.D.Hi and Byway 39.N.Hi affect the site (see plan at Appendix C). The PROWs must be protected at all times. The Local Authority generally requires wind turbines to be a minimum tip height plus 30m away from a Bridleway or Byway to avoid users in case of collapse. If this is not possible the developer should enter discussions with the Authority's Rights of Way Officers.

There is also a potential impact upon human health during the construction phase of development associated with the historic coal mining within the development areas has also been identified. It is noted that the application site falls within areas where there is historic coal mining with various underground shafts within or adjacent to the boundary. Any permanent structures could be affected by ground gas from old mine workings and spoil tips and be a human health risk to site workers. It is therefore recommend that a Preliminary Risk Assessment and desk study is carried out to assess these risks. These potential impacts must be fully assessed and addressed within any ES submitted in support of the development proposal.

Question 13.3 – Are there any other relevant consultees who should be consulted about the other EIA topic assessments?

See responses to 13.1 and 13.2 above. Finally, the Local Authority cannot see any reference to Air Quality within the Scoping Report, and whilst we acknowledge that the risk during operation is low, we do consider there to be some short term risks during construction that should at least be acknowledged and discussed in the Environmental Statement.

Yours sincerely

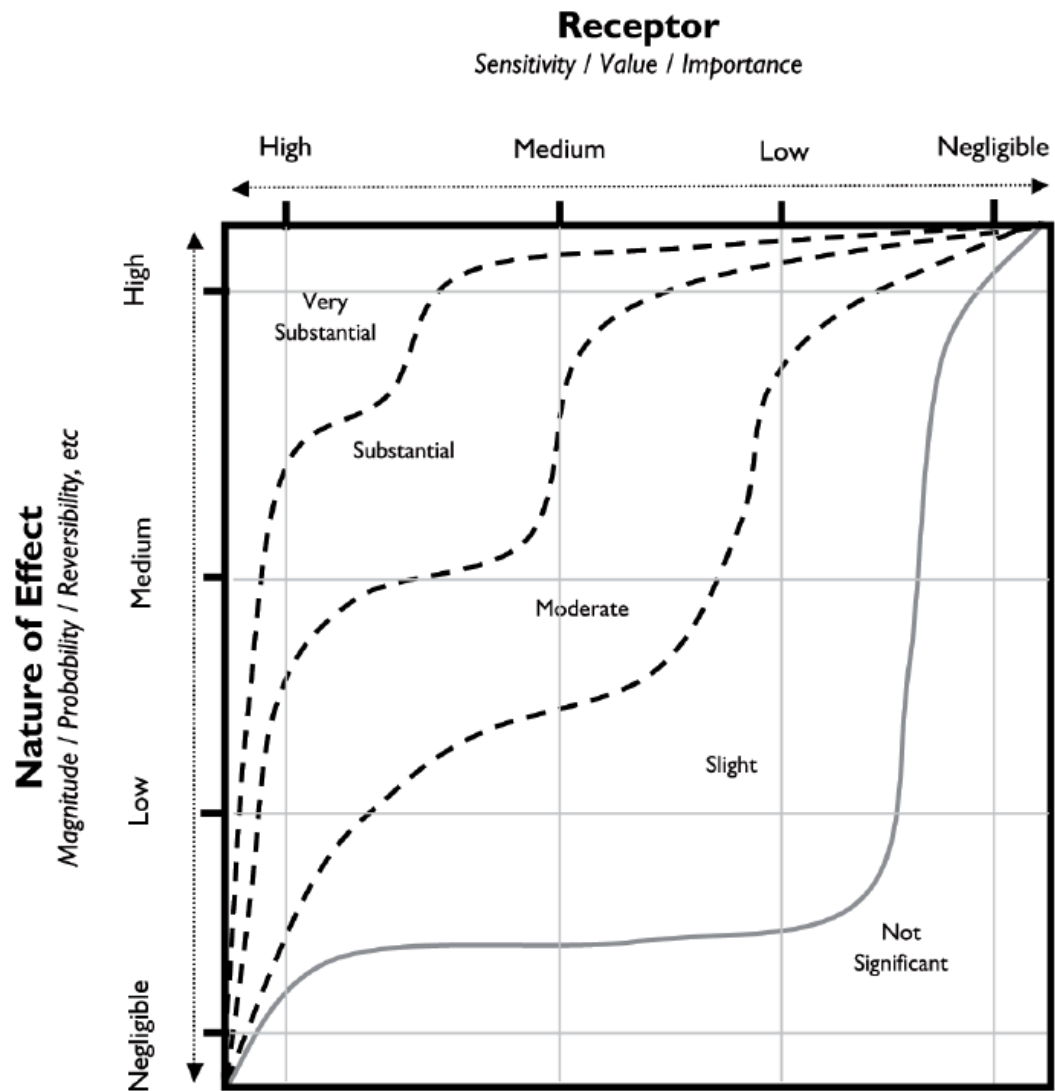
Claire Hall
Senior Planner
Neath Port Talbot County Borough Council

Enclosures:

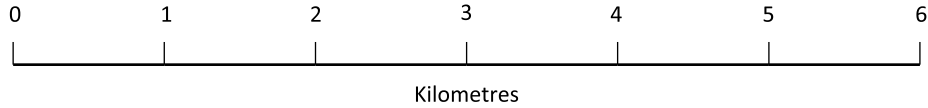
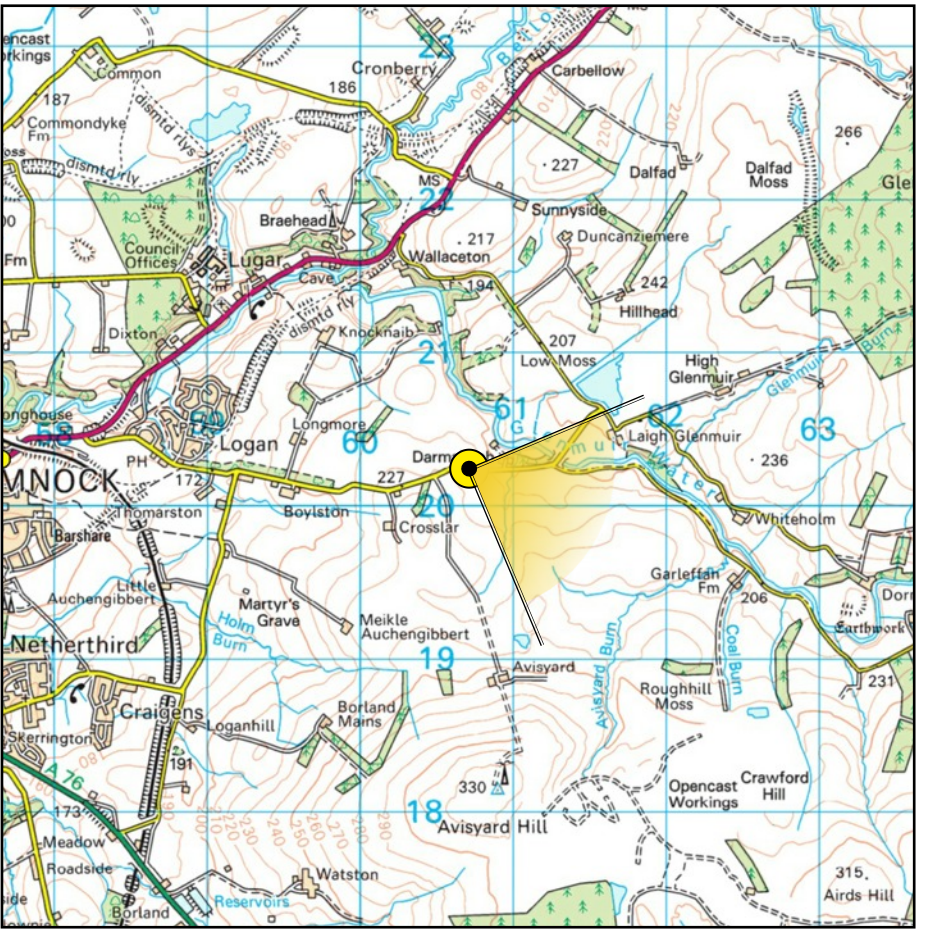
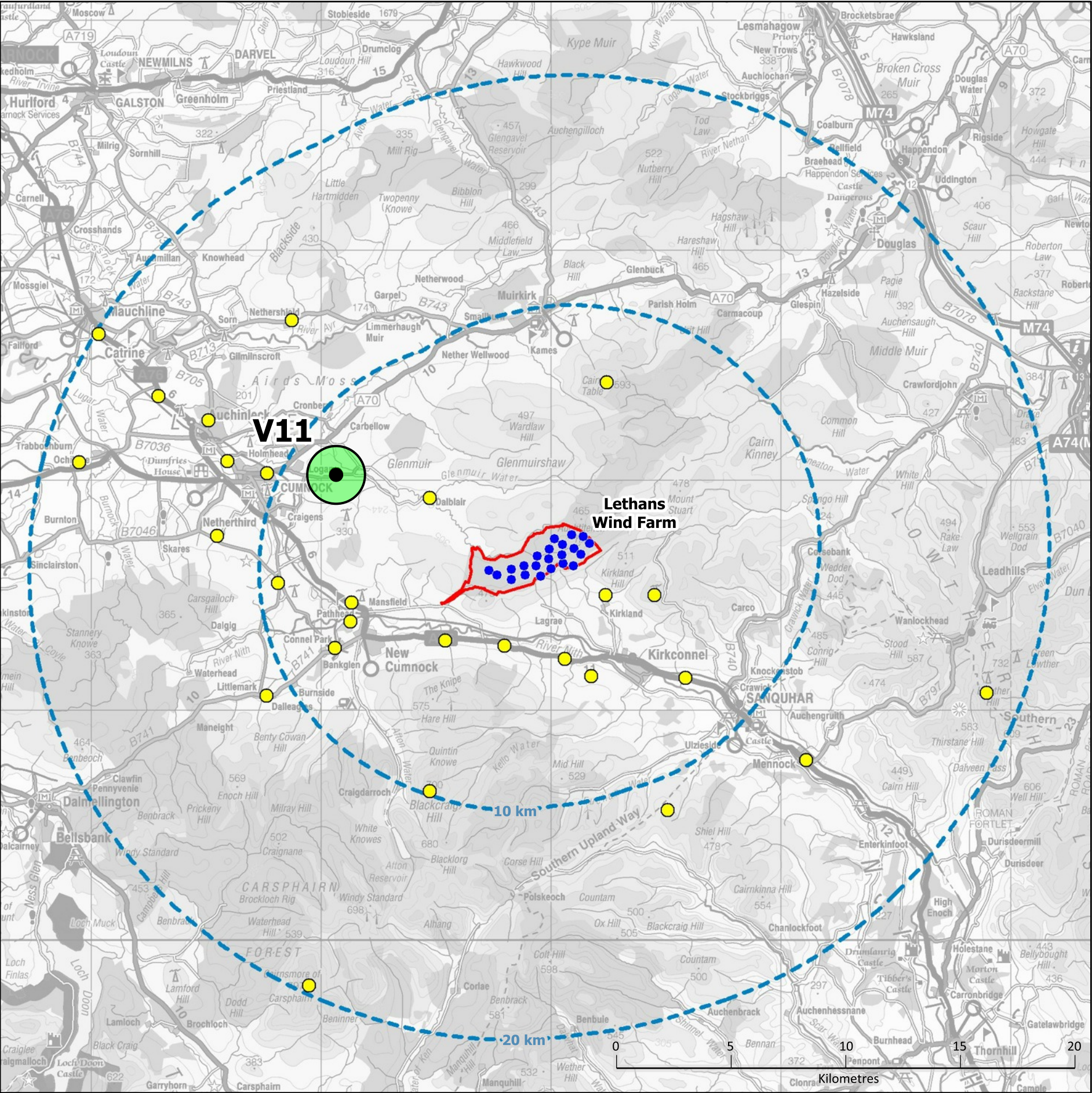
Appendix A – IEMA significance diagram

Appendix B – Lethans wind farm A3 single frame visualisation sample

Appendix C – map of affected PROWs



Derived from Figure 6.3, page 61- IEMA Special Report – The state of environmental impact assessment practice in the UK, 2011.



WIRELINE COLOUR KEY

- Operational
- Approved
- In planning
- In scoping



 	ID	Title	Easting	Northing	Elevation	View bearing	Nearest WT	FEI Figure 9.49 Viewpoint Pack
	V11	Glenmuir Water Road	260658	620251	217 m	114°	7.86 km	

