



23154	Former Harbour House	II
23155	Harbour Watch-Tower	II
23248	Holy Cross Church	II
23254	Grove Place Chapel	II
23262	Llanmihangel	II*
23263	Twyn yr Hydd	II
23264	Citrus House	II
23265	Retaining Wall adjoining Citrus House	II
23266	Stone Steps in Terraced Garden	II
	Terrace with Pools and Flower Beds Fronting Margam	
23267	Orangery	II*
23268	Turbine House	II
23269	Stones Museum	II
23270	War Memorial	II
23271	Pair of Gate Piers to the Former Margam House	II
23272	Ornamental Pool	II
23273	Former Changing Room	II
23274	Monastic Baths	II*
23275	Broadwalk Steps	II
23276	Arch over Culvert	II
23277	Farm Building at Twyn yr Hydd	II
	Service Buildings including Courtyard Walls at Margam	
23278	Castle	II*
23279	Kitchen Garden Wall and Glass House at Twyn yr Hydd	II
23280	Garden Wall at Twyn yr Hydd	II
23281	Entrance to Twyn yr Hydd and Flanking Walls	II
23282	Vestry at Beulah Chapel	II
23283	Gates, Piers and Railings at Beulah Chapel	II
23284	Milepost at Tollgate Park	II
23285	Milepost near Margam Park Entrance	II
23286	Milepost near Old Park	II
23287	Milepost near Cae Garw	II
23288	Bridge near Llanmihangel Mill	II
23289	Granary at Ty'n y Cellar	II
23290	Former Cow-house at Ty'n y Cellar	II
23291	Ty'n y Cellar and adjoining Barn	II
23292	Cart Shed, Stable and Cow-House at Ty'n y Cellar	II
23845	Nantewlath including attached barn and stable	II
23847	Gelli Farm Cottage	II
23848	Old longhouse at Nantylfedw	II
23849	Stable at Nantylfedw	II
23850	Animal House at Nantewlath	II
23852	Bakehouse at Gelli Farm	II
23853	Barn and Cow House at Gelli Farm	II
23854	,1 Gelli Houses,Gelli,,	II
23855	,2 Gelli Houses,Gelli,,	II
23856	,3 Gelli Houses,Gelli,,	II
23857	,4 Gelli Houses,Gelli,,	II
23858	,5 Gelli Houses,Gelli,,	II



A3.4.9 DCFW PAC RESPONSE (JULY 2023)



DESIGN
COMMISSION
FOR WALES
COMISIWN
DYLUNIO
CYMRU

17th July 2023

info@ybryn-windfarm.cymru

Dear Mr Heal,

Re: Y Bryn Wind Farm

Thank you for consulting the Design Commission for Wales. We have considered the proposal and have the following comments.

The proposal is for a large wind farm development in a highly ‘engineered landscape’, which is considered appropriate for this type of transformation to the new energy generation landscape in Wales.

The proposal is based on a conventional engineering and environmental science design approach, which is responsive to the planning policy context and to the community consultation process. The Design Commission recognises how the scheme seeks to reduce the visual and other impacts where possible; mitigate any negative impacts; provide environmental improvements to biodiversity in several important areas; and promote social and community benefits through the establishment of the Awel y Bryn Co-op.

The Design Commission for Wales is updating its guidance on renewable energy in Wales and recently consulted on its new draft guidance on *Designing for Renewable Energy in Wales*. The draft guidance emphasises that on-shore wind farm developments are a landscape design challenge. The guidance promotes a design-led, rather than mitigation-led, approach which emphasises landscape design and the response to landscape as being a guiding consideration. This goes beyond the ‘visualisation’ of landscape capabilities that the proposal provides. The proposals mitigation approach assumes that not visible is better than visible. The draft DCFW guidance does not make that assumption.

4th Llawr Adeiladau Cambrian
Sgwâr Mount Stuart
Caerdydd CF10 5FL

4th Floor Cambrian Buildings
Mount Stuart Square
Cardiff CF10 5FL

T: [REDACTED]
E: [REDACTED]
dcfw.org

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Overall, based on the material made available to us and without the benefit of formal consultation via our specialist Design Review Service, this proposal appears to be a sound conventional approach. However, based on our emerging DCFW design guidance, we encourage a more assertive design-led approach for future wind farm projects.

Yours sincerely,



Carole-Anne Davies

Prif Weithredwr Chief Executive

T: + [REDACTED] / [REDACTED]

E: [REDACTED]

Ar gyfer ac ar ran y Bwrdd Cyfarwyddwyr - For and on behalf of the Board of Directors

A3.4.10 DCWW PAC RESPONSE (JULY 2023)



Developer Services
PO Box 3146
Cardiff
CF30 0EH

Tel: +44 (0) [REDACTED]
Fax: +44 (0) [REDACTED]
E.mail: [REDACTED]

Gwasanaethau Datblygu
Blwch Post 3146
Caerdydd
CF30 0EH

Ffôn: +44 (0) [REDACTED]
Ffacs: +44 (0) [REDACTED]
E.bost: [REDACTED]

Neath
CF10 3NQ

Date: 17/07/2023
Our Ref: PPA0007922

Dear Sir/Madam

Grid Ref: 282651 189531
Site Address: Y Bryn Wind Farm, Neath
Development: "Installation of up to 18 wind turbines with maximum heights ranging between up to 206m, up to 230m, and up to 250m to blade tip, each with foundations,

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

We refer to your consultation on a scoping direction in accordance with regulation 13(6) and Schedule 4 of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017 which relates to a Development of National Significance (Procedure) (Wales) Order 2016. We note that the consultation relates to a Y Bryn wind Farm.

We welcome the opportunity to comment on the proposal and would offer the following standing advice which should be taken into account within any future application:

APPRAISAL

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



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.

As of 7th January 2019, this proposed development is subject to Schedule 3 of the Flood and Water Management Act 2010. The development therefore requires approval of Sustainable Drainage Systems (SuDS) features, in accordance with the 'Statutory standards for sustainable drainage systems – designing, constructing, operating and maintaining surface water drainage systems'. It is therefore recommended that the developer engage in consultation with the City & County of Swansea, as the determining SuDS Approval Body (SAB), in relation to their proposals for SuDS features. Please note, Dwr Cymru Welsh Water is a statutory consultee to the SAB application process and will provide comments to any SuDS proposals by response to SAB consultation.

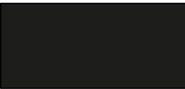
The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water on 0800 085 3968 to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

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

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

Please quote our reference number in all communications and correspondence.

Yours faithfully,



Owain George
Planning Liaison Manager
Developer Services



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Dŵr Cymru Cyf, a limited company registered in
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Rydym yn croesawu gohebiaeth yn y
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Dŵr Cymru Cyf, cwmni cyfyngedig wedi'i gofrestru yng
Nghymru rhif 2366777. Swyddfa gofrestredig: Heol Pentwyn
Nelson, Treharris, Morgannwg Ganol CF46 6LY.

A3.4.11 ANNE PRISCOTT ASSOCIATES LTD RESPONSE TO SLVIA ON BEHALF OF LPA’S FOR PAC (JULY 2023)

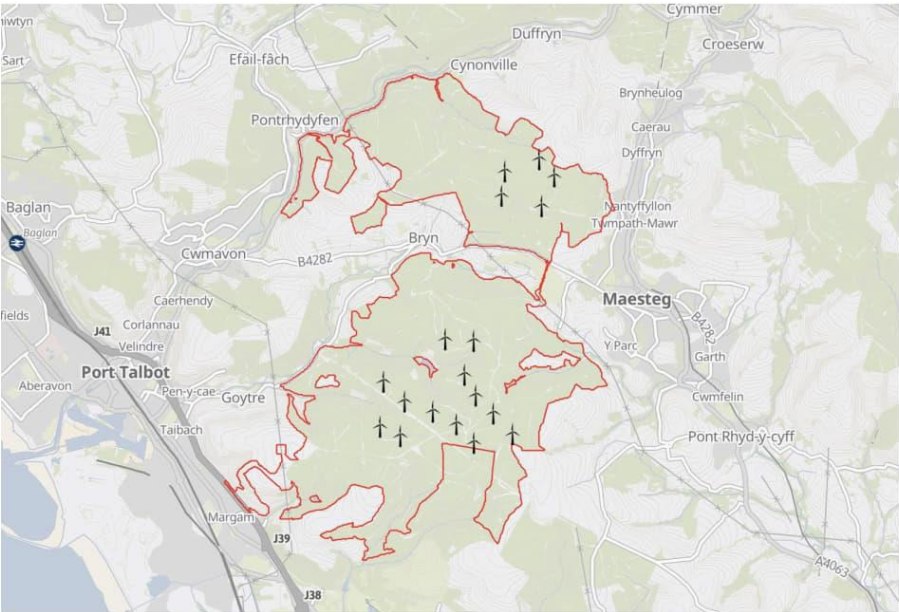
Please Note that demands upon the water and sewerage systems change continually; consequently the information given above should be regarded as reliable for a maximum period of 12 months from the date of this letter.

Y Bryn Wind Farm
SLVIA Review, Landscape Siting Considerations and Landscape Policy Review

anne priscott associates ltd
chartered landscape architect
Oxhayne House • Ford Street
Wellington • Somerset • TA21 9PE
[redacted]
www.annepriscott.co.uk

Y Bryn Wind Farm

SLVIA Review, Landscape Siting Considerations and Landscape Policy Review



July 2023



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Wales no 2366777. Registered office: Pentwyn Road,
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Nghymru rhif 2366777. Swyddfa gofrestredig: Heol Pentwyn
Nelson, Treharris, Morgannwg Ganol CF46 6LY.

anne priscott CMLI • chartered landscape architect
Oxhayne House • Ford Street • Wellington • Somerset • TA21 9PE • [redacted]
[redacted] • www.annepriscott.co.uk

Y Bryn Wind Farm
SLVIA Review, Landscape Siting Considerations and Landscape Policy Review

Introduction

1. My name is Anne Priscott, I am a chartered landscape architect with over 25 years experience. I have reviewed the SLVIA and proposals for this site at the request of Neath Port Talbot and Bridgend County Boroughs (NPTCBC and BCBC) to provide the authorities with an independent assessment of the draft SLVIA and to report back on any landscape and visual impact issues relating to the proposed wind farm development. Through my review I consider the content and format of the SLVIA and separately consider the effects of the proposed development upon the landscape and visual receptors and landscape related policy.
2. The proposal is a Development of National Significance (DNS). The developers are Coriolis Energy and ESB. The LVIA related information has been prepared by Soltys Brewster Consulting Ltd and peer reviewed by Optimised Environments Ltd.
3. The proposed development is expected to generate up to 129.6 megawatts (MW) and comprises the following main elements: 18 Wind turbines (206m to 250m to tip) each with an installed capacity of 6.6 MW and upgraded existing and new access tracks.
4. Future Wales 2040/National Plan published in February 2021 sets out the overarching policies. Policy 17 states that in pre-assessed areas the Welsh Government has already modelled the likely impact on the landscape and found them to be capable of accommodating development in an acceptable way and there is a presumption in favour of large-scale development, subject to draft Policy 18.
5. Policy 18 states that a DNS will be permitted outside pre-assessed areas for wind development providing 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); and
 - The proposal is designed to minimise its visual impact on nearby communities and individual dwellings and a cumulative impact of the proposal with other existing or proposed development is acceptable.
6. This replaced TAN 8 as the national spatial strategy for wind farm development within the context of PPW 10, now PPW 11. This policy defines strategically pre-assessed areas. The northern cluster of 5 turbines in the proposed development lies within Pre-Assessed Area 9 for wind energy and the southern cluster of 13 turbines lies outside.
7. The National Plan sets out on page 97 that irrespective of location or scale, the design and micro-siting of proposals must seek to minimise the landscape and visual impact, particularly those in close proximity to homes and tourism receptors. Both within and outside Pre-Assessed Areas, communities should be

anne priscott CMLI • chartered landscape architect
Oxhayne House • Ford Street • Wellington • Somerset • TA21 9PE • [REDACTED]
[REDACTED] • www.annepriscott.co.uk

Y Bryn Wind Farm
SLVIA Review, Landscape Siting Considerations and Landscape Policy Review

protected from significant cumulative impacts to avoid unacceptable situations whereby, for example, smaller settlements could be potentially surrounded by large wind schemes.

8. The pre-assessed areas are modelled on the basis of likely impact on the landscape at a regional level and found that the areas identified are potentially capable of accommodating development in an acceptable way. Therefore, within these areas there is a presumption in favour of large-scale development. This is subject to Policy 18, which sets out the development should not have an unacceptable adverse impact on the surrounding landscape, particularly the settings of National Parks (NP) and Areas of Outstanding Natural Beauty (AONBs), that the design minimises its visual impact on nearby communities and individual dwellings and a cumulative impact of opposing with other existing a proposed development is acceptable.
9. A number of studies have been undertaken that underpin the Local Plan and the development policies set out within it. These evidence-base studies include SPG on Special Landscape Areas that cover the landscape locations of 12 of the 13 southern cluster of turbines. They form a key part of the landscape analysis. The site straddles the border between Neath Port Talbot and Bridgend with one turbine (T11) in Bridgend.

SLVIA Review

10. Simon White produced a scoping consultation response and set out a number of points in relation to issues with the methodology proposed, including the number of viewpoints and their locations, and issues relating to the actual ability of the landscape to accommodate the development as proposed. Since scoping the number of turbines has been reduced from 26 to 18. The height of some of these turbines has also been reduced, although the rotor diameters remain the same and all 18 would be the same.
11. The observations Simon White made in his scoping consultation review (February 2021) form the starting points for my review of the landscape and visual impact assessment. The Draft Application LVIA, June 2023, has been updated from the Scoping Consultation Report 2021 to provide further information, particularly with regard to effects on residential properties, and photography of the additional viewpoints, as requested by Simon White.

Major development in terms of scale and impacts

12. The first point to record is that this is a **major development in terms of scale**, and in this regard offers many challenges. The challenges include that the proposed 206-250m height of the turbines is far larger than any other wind farm that is either consented or operational in Wales. Currently the tallest operational turbines are located offshore or in landscapes that are larger in scale and with far fewer settlements and apparently fewer sensitive receptors.
13. This leads to concerns that the scale of the turbines proposed in terms of height has the potential for turbines on this site to be out of scale with the landform on which they sit. This is exacerbated by the proximity of populated valleys, the coast and other sensitive receptors that are explored in more detail below.

anne priscott CMLI • chartered landscape architect
Oxhayne House • Ford Street • Wellington • Somerset • TA21 9PE • [REDACTED]
[REDACTED] • www.annepriscott.co.uk

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SLVIA Review, Landscape Siting Considerations and Landscape Policy Review

14. An important point that I have given due consideration is whether the range of heights of the different turbines between 206m to 250m to tip, as well as the positioning of individual turbines and the two clusters overall, would produce an appropriate overall scheme in terms of how they are viewed in the landscape. I consider that whilst generally the proposed development is larger proportionately than the scale of the landscape, there is just one **turbine T6** in the north east of the southern cluster that particularly adds to the magnitude of effects on residential receptors and should be considered for removal from the proposals.
15. The reasons I have particular concerns over this turbine are that it is:
- a. the closest turbine to Bryn. With the removal of this turbine the proximity of development would be closer to 2km (e.g. T6 is 1.46 from Viewpoint 3), and by removing this turbine the horizontal angle of view taken up by turbines closest to the settlement would be narrowed.
 - b. This is one of the turbines that is likely to be most visible from the views afforded by the large population in Maesteg and closest to the north-eastern plateau edge. There is a front row of five turbines with T6 in front of these when viewed from Maesteg, and my observation is that the view would be more harmonious without this turbine.
 - c. This turbine sits on higher ground than T7 and T8 and the flow of turbines across landform would be smoother in the absence of this turbine.

Seascape, landscape and visual impact assessment issues

16. Firstly, there is insufficient information on the **access route**, including an absence of engineering drawings, for an assessment to be made of the impacts the access route will have on the landscape and views. This is a notable shortcoming and needs to be resolved prior to submission of the final document in December.
17. There is no mention of the two 113m tall met masts in the SLVIA.
18. Linked to this point, I disagree with the assessor's conclusion that there would be no significant effects on the fabric or character of the landscape, or visual receptors, during the **construction stage** despite what I would class as, using the assessor's own methodology, a high magnitude of change (*The proposed development would result in a large-scale loss or alteration to key elements of seascape/landscape character. The extent of the impact will result in a considerable change. Impacts may occur over a wide area and would likely be permanent or long-term*). In particular, there is no assessment of the access route and the impact this will have on views looking northeast from the environs of Margam.
19. I therefore conclude that the construction stage effects have been underplayed, particularly on the users of the St Illtyd's Walk that will need to be physically diverted.
20. Section 4 of Simon White's scoping report review identified a number of key landscape and visual impact assessment issues. How these have been taken on board by the LVIA assessor and the degree to which they have been resolved or remedied is considered in detail.

anne priscott CMLI • chartered landscape architect
Oxhayne House • Ford Street • Wellington • Somerset • TA21 9PE • [REDACTED]
[REDACTED] • www.annepriscott.co.uk

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21. As a result of the request for additional viewpoints, I consider that, in combination with site visits by any SLVIA reader, the viewpoints set out cover all of those aspects that I feel are necessary for a reviewer to fully appreciate the parameters of the scheme and their effects on landscape and visual receptors.
22. As an overarching observation, the SLVIA assessment contains a large volume of data that has been collected. The quality of analysis of that data and the format in which it is presented has an influence on how effects are quantified and presented and on how conclusions are drawn.
23. I have read the SLVIA and observe that there is generally sufficient data set out in the SLVIA. However, there are points of omission: I consider that it is essential for an assessment for a development of this scale and form to very clearly present effects in terms of impacts on groups of visual receptors and individual receptors such as dwellings or long distance walking routes, in a way that really clearly demonstrates how the proposals would affect a resident or visitors experience of the environment around them and their perception of the landscape. I do not gain a sense of how the landscape is currently experienced and how it would be experienced from the range of receptors. This layer of analysis is generally missing.
24. Therefore, I conclude there is insufficient evaluation information provided in the SLVIA, in an appropriate form, for the effects of the proposed scheme to be fully understood and assessed in relation to the overarching policy.
25. For example, only 17 of the 120 dwellings likely to experience significant changes in view have been physically visited. This is an omission all of these receptors should have been visited individually. The routes of the long distance paths have not been sufficiently analysed in terms of how the proposed development would change the experience of a path user. I cannot gain a sense of how the experience would change, over what duration in time and distance, and how that change would be experience for a walker using the route in each direction. More clarity of reporting is required with a greater depth of analysis to enable the report reader to gain a full understanding of what the change would mean for the receptor. This observation also applies to the cumulative assessment.
26. The scoping consultation report suggested a study area out to 45km. However, as Simon White stated, and I would concur, an inner study area of 15km, supported by mapping information at a more detailed scale, is necessary. I note that in the figures file there is insufficient detail provided on the 15km study area figures. Additional figures are required for the 15km study area. For example, Figure 8.39: LANDMAP Aspect Areas Identified with Potential for Significant Effects: Visual and Sensory Evaluation, is only included at 45km and it is very hard to read the detail within the 15km area when viewed at A2/A3.
27. The amount of forestry needing to be felled is recorded in the ES. The total felling required for constructing the proposed development is set out as being 119.24ha. However, being told that it is equivalent to only 4.7% of the study area does not describe the effect sufficiently, and analysis in relation to a long distance walker experience and the resultant patterns as observed from public rights of way

anne priscott CMLI • chartered landscape architect
Oxhayne House • Ford Street • Wellington • Somerset • TA21 9PE • [REDACTED]
[REDACTED] • www.annepriscott.co.uk

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SLVIA Review, Landscape Siting Considerations and Landscape Policy Review

including long distance named paths, for example is essential for the full evaluation of effects to be at a standard required for an ES for such a large scale development.

28. There is no mention in the landscape and visual impact assessment of the changing patterns that the forestry felling would create, there is only raw data presentation of the area of forestry to be removed. The experience of the landscape through the loss of this forestry in terms of the patterns created is a direct effect as well as an effect on character and needs to be fully evaluated.
29. The need to divert the route of the St Illtyd's Walk and the impact this will have on the quality of walking experience and the historic relationship between this walking route and the landscape is not evaluated.
30. This links into concerns over the effect the proposed turbines would have on the relationship between the large-scale development on the relatively undeveloped, forested, coalfield plateau in the environs of the site, the nearby scarp slope, the coast and coastal plain and the related Seascape of Swansea Bay. The summing up of effects in terms of how the landscape is experienced is absent.
31. The development is split over two clusters, the larger of which is to the south and outside of the Pre-Assessed Area on land rising to 342 m AOD above the coastal fringes to the south and a valley within the middle of the development as well as the Afon Alan valley to the north.
32. In this regard, starting from such a large scale proposed turbine development, the reduction in height from 250m with some of the turbines to 206m is not considered as minimising affects in this particular landscape. The consideration of turbines only at a range of over 200m height may not be realistic and there is no consideration of alternatives that covers considerably smaller turbines. I consider that this exploration needs to form part of the environmental assessment. Section 4.5 of Chapter 4: Site Selection and Design Evolution talks about the evolution of turbine sizes based on technology but makes no assessment of scale of turbine in relation to landscape scale and form. This is an omission.
33. Therefore, the consideration of alternatives is flawed, and more information in relation to the exploration of other forms of turbine configurations numbers and heights is missing from the report alongside analysis that goes with that. Therefore, the report does not read as being landscape led but led by technology. The output from each of the 18 turbines is assessed as being 6.6 megawatts. However, shorter turbines, whilst having less output, would be more readily accommodated in this landscape and it is my opinion that a higher number of much smaller turbines would be more easily accommodated in landscape and visual terms. For example, the V136 with an installed generating capacity of 4.5 megawatts, measuring 150m to the tip of the blade.

Residential Amenity Assessment

34. The scale and form of the proposals are such that local residents and communities are likely to undergo significant visual effects with dominant or prominent turbines, and in some cases, residents may suffer unacceptable effect on residential visual amenity. The settlements of Duffryn and Maesteg lie to the east, Port Talbot, Margam and Cwmafan to the west and Bryn in the middle of the proposed development. I

anne priscott CMLI • chartered landscape architect
Oxhayne House • Ford Street • Wellington • Somerset • TA21 9PE • [REDACTED]
[REDACTED] • www.annepriscott.co.uk

Y Bryn Wind Farm
SLVIA Review, Landscape Siting Considerations and Landscape Policy Review

have concerns over the quality of data analysis, particularly in relation to the experience of being in and around and living in Bryn, including cumulative effects, and the effects of the two clusters impacting on different sides of settlement. The impacts on Maesteg are not clearly articulated in the SLVIA.

35. The residential amenity assessment has been reviewed. Simon White recommended a 2km study area and I am pleased to see this recommendation has been taken on board. This assessment identifies 120 significant effects. However, only 17 of the dwellings were actually visited (paragraphs A8.16.17-18). All 120 should have been individually visited because this issue in particular is unique to each property and needs to be properly assessed.
36. The SLVIA records that significant effects are predicted from limited sections of St Illtyd's Walk and Ogwr Ridgeway Walk. As an overarching observation, my impression is that the effects on the users of long distance and named paths has been underestimated.
37. There is a considerable amount of wind farm development in the landscape around the site, and particularly within 15km. The cumulative effects in combination with existing and consented windfarms, especially those nearby, including Foel Trawsnant, llynfi Afan, Mynydd Brombiol and Penny Cymoedd, has been included in the ES. The assessment methodology and conclusions drawn out of this assessment have also been reviewed.
38. With regard to cumulative impact assessment, the developments that are most important to be fully considered 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. The additional viewpoints recommended by Simon White were selected to better reflect the potential for cumulative impacts and have been included in the ES.
39. Part of my review has been to check that the relevant cumulative baseline has been used. In particular, the factors that make a landscape more or less susceptible to a series of development, especially ones of different sizes and design. Simon White noted in his Scoping Consultation Review that these were not set out and this needed to be reflected in the final assessment.
40. In this regard the format of reporting of the cumulative assessment and quality of data analysis does not enable a reader to fully understand how the addition of the proposed development would alter the perception of the landscape or views from visual receptors sufficiently well. There is an over reliance on the analysis of individual viewpoints and of the assessor drawing conclusions on the basis of 37 individual points in the landscape rather than looking at groups of receptors and routes more thoroughly.
41. Generally, there is no assessment of impacts on users of outdoor recreation spaces.

Setting of Margam Historic Park and Garden

42. The effect on the setting of the Margam Historic Park and Garden and associated visitors to the Country Park forms a key consideration of effects on highly sensitive landscape and visual receptors. I am concerned that the effects on these receptors has been underplayed.

anne priscott CMLI • chartered landscape architect
Oxhayne House • Ford Street • Wellington • Somerset • TA21 9PE • [REDACTED]
[REDACTED] • www.annepriscott.co.uk

A3.4.12 DICK BOWDLER (ACOUSTIC CONSULTANT) RESPONSE TO THE NOISE ASSESSMENT ON BEHALF OF LPA’S (JULY 2023)

Y Bryn Wind Farm
SLVIA Review, Landscape Siting Considerations and Landscape Policy Review

Forestry Management

43. The potential for views to open up towards the windfarm over time, as the forest is managed with clearance before re-planting in places takes place, forms a key aspect of the assessment of effects on the setting of the Margam Historic Park and Garden and associated visitors to the Country Park as well as on long-distance walkers in particular.

Conclusions

44. in conclusion, there are a few parts of the assessment that require attention in terms of outputs. These are that:
- Insufficient information has been provided to enable the impacts of the **proposed access** to be fully evaluated. Engineering drawings are required and resultant impacts of what is actually proposed need to be considered thoroughly in the SLVIA.
 - The **construction stage effects** appear to be underplayed, I would anticipate significant effects from a development of this form and scale and extent. The detail of the 15 km study area needs to be more carefully considered in the SLVIA, in particular figures need to be included but cover this study area in addition to the figures included for the 45km study area.
 - There is a large volume of information provided but there is no **narrative describing how receptors experience the landscape and how the proposed change would alter perception**.
 - A more thorough assessment needs to be undertaken of the changing experience for a **walker using the long distance paths** in both directions, including cumulative changes, with descriptions of how the view would change along the route, including cumulative changes.
 - All of the **120 residential receptors** likely to be afforded significant effects should been visited to make the assessment more robust.
45. Whilst the turbine numbers have been reduced, consideration should be given to the removal of turbine 6 from the scheme and consideration should be given to an alternative smaller turbine being used throughout the scheme, for the reasons set out above.

Anne Priscott (CMLI) July 2023

anne priscott CMLI • chartered landscape architect
Oxhayne House • Ford Street • Wellington • Somerset • TA21 9PE • [REDACTED]
[REDACTED] • www.annepriscott.co.uk
8

Dick Bowdler
Acoustic Consultant



Y BRYN WIND FARM
PAC June/July 2023
REVIEW OF THE NOISE SECTION OF THE ES
On behalf of
Neath Port Talbot County Borough Council.
Dick Bowdler
12th July 2023

The Haven, Low Causeway, Culross, Fife. KY12 8HN

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1 INTRODUCTION

- 1.1 This report is prepared for Neath Port Talbot County Borough Council to provide a review of the Noise Assessment included as Chapter 12 of the PAC ES June/July 2023.
- 1.2 The main relevant documents provided by the applicant are Chapter 12 of the ES and Appendices 12.1 to 12.7(A & B) inclusive.
- 1.3 There are other wind developments which are close enough that they may need to be taken into account in the assessment of the cumulative impact. These are Pen y Cymoedd (PYC), Ffynnon Oer (FO) and Llynfi Afan (LA) and Foel Trawsnant (FT) and Mynydd Brombil (MB).
- 1.4 In this report "ETSU-R-97" means "*ETSU-R-97: The Assessment and Rating of Noise from Wind Farms*". "IOAGPG" means "*A Good Practice Guide to the Application of ETSU-R-97 for the Assessment and Rating of Wind Turbine Noise. Institute of Acoustics (May 2013)*".
- 1.5 With the exception of turbine sound power levels, unless otherwise stated "dB" in this report means sound pressure level in A-Weighted decibels measured as L90.
- 1.6 References to section or paragraph numbers refer to those in the ES.
- 1.7 I have asked for a meeting with the applicant's consultant to discuss some detailed aspects of the ES and my comments here are subject to anything that may emerge from that meeting. However, I do not expect that there will be any major changes to my review. The meeting is largely to discuss matters that will affect noise conditions, for example:
- Allocation of background noise levels and limits to properties – for example NML04 and R8 have different limits but they are the same property.
 - Noise limits for properties affected by Mynydd Brombil
 - Rules adopted for assessing cumulative impact – see 5.2 and 5.3 below.
 - Difficulties in monitoring Y Bryn in the presence of Foel Trawsnant.

2 GENERAL

2.1 I have the following comments on sections 12.1 to 12.7 of the ES inclusive:

- The conclusions in 12.1.8 will be discussed further in this review;
- With regard to the allocation of background noise levels I note and agree in principle that, at properties where there are measured background noise levels (made for this application or for other developments) the noise limits should be based on measured results or, if there are no measured results, the limits should be based on the average levels set out in Tables 12.1 and 12.2. The limits themselves will be discussed elsewhere in this review.
- I would like to discuss further, the limits to be assigned to properties around Goytre. When these are downwind of the application site they will be upwind of the M4 and the industrial noise to the south. The high underlying background noise level might not apply in that case.
- Limits and the interpretation of ETSU guidance as discussed in 12.7.10 and the following paragraphs will be dealt with later in this review.

2.2 I have no comments on the additional explanatory material required by IOAGPG that has been supplied in the appendices.

3 TURBINE NOISE LEVELS

3.1 The candidate turbines for the development are Nordex 163/5.7MW with different hub heights ranging from 120m to 164m. The sound power level at 8m/s is given as 109.2 including uncertainty. This level and the more detailed figures in Tables 12.10, 12.11 and 12.12 seem realistic but no manufacturers data is provided.

3.2 I have not checked all the noise levels in Table 12.15 but those I have checked appear to be correct taking account of the topography and other methodology set out in 12.8.

4 NOISE LIMITS AND ASSESSMENT

4.1 As referred to in 12.2.17 of the ES, ETSU-R-97 has a procedure for setting the day time lower limit. Taking an overall view of these tests, suggests a limit somewhere in the middle of the range, say 38dB. The night time limit in ETSU-R-97 is 43dB. To be clear, these limits apply to all wind farms, not to Y Bryn on its own.

4.2 Both Neath Port Talbot and Bridgend County Borough Councils were of the view, in their scoping responses, that just because a wind farm is large does not mean that it is entitled to a lower limit of 40dB. Only if all three tests suggested the highest limit of 40dB would it be justified. On page 65 ETSU-R-97 says of the third test - "duration and level of exposure that *The proportion of the time at which background noise levels are low and how low the background noise level gets are both recognised as factors which could affect the setting of an appropriate lower limit*". This is an area with low background noise levels and so 40dB is not justified.

4.3 However, there is significant concern that with these limits the impact on some residents at night will be very high. The margin of turbine noise over background noise could be almost 20dB at some locations and wind speeds. I have recommended, and it has been accepted by both Councils that they would accept an increase in the lower fixed limit during day time to 40dB in return for a reduction in the night time limit also to 40dB.

4.4 So in summary, the Councils' view is that the fixed limits should be 38dB during the day and 43dB at night or 40dB both day and night. Whichever option the applicant adopts should be applied to all properties. This view was put to the applicant but it has not adopted either alternative and instead taken 40dB day and 43dB night.

4.5 In the draft ES of 2022, I pointed out that some properties to the north-west of the proposed development were already exposed to the noise limits from Foel Trawsnant and there was "no room" for Y Bryn. The applicant has dealt with this by ensuring that noise from Y Bryn is at least 10dB below that from other wind farms and so considered to be negligible.

- 4.6 For the avoidance of doubt, this problem with limits to the north-west of the site is quite separate from the day and night lower limits discussed above.

5 CUMULATIVE ASSESSMENT

- 5.1 The cumulative noise limits are shown in 12.8 to be generally met with some minor mitigation. I have not checked every location in detail but I am satisfied that compliance with ETSU-R97 limits (whichever limits are adopted) is achievable broadly using the methodology used by the applicant.
- 5.2 However, I would like to discuss the exact method of calculation of cumulative noise levels with the applicant's consultant, particularly with regard to Foel Trawsant where the actual turbines to be used are not yet established as it may not comply with the IOAGPG procedure which is to use consented limits for wind farms.
- 5.3 The problem is made complex because the guidance in the IOAGPG, while being clear where there is only one additional wind farm, is not clear where there are, as here, five other wind farms to be considered. Among the points that need to be resolved are:
- What are the criteria for deciding whether a neighbouring wind farm should be included in an assessment?
 - What are the criteria for calculating the cumulative noise levels at a property?
- 5.4 However, it seems to me that appropriate cumulative noise limits can be met but that a more robust and, ideally, simplified analysis of the cumulative impact needs to be done so that the cumulative levels, cumulative limits and the resulting levels from the application wind farm alone are clearly set out. This is necessary in order to establish a robust set of planning conditions.

6 SIGNIFICANCE OF IMPACT

- 6.1 The Institute of Environmental Management and Assessment (IEMA), published "Guidelines for Environmental Noise Impact Assessment" in 2014. It says that even though ETSU-R-97 is endorsed by government "*this does*

not mean, however, that there would be no effect (consequences) and it is important to acknowledge any impact (change in noise level) that is identified even if the government limit or guideline value is not exceeded." As with other disciplines there should be a clear explanation of the impact.

- 6.2 The recent report by the consultancy WSP for the Department for Business, Energy & Industrial Strategy entitled *A review of noise guidance for onshore wind turbines* supports this view. In the conclusions in the Executive Summary it says "*The research also indicates that the common application of the ETSU-R-97 noise limits as a binary test of acceptability is considered to be potentially inconsistent with the wider policy frameworks in England and Northern Ireland (which require noise impacts to be addressed in a more nuanced way, with reference to expected effects and in view of guiding principles on sustainable development)"*.
- 6.3 There are various ways of assessing the significance of the impact. One is that 10% or people are shown to be highly annoyed by turbines with a downwind level at a wind speed of 8m/s of 37dB¹. Another is with reference to background noise as in BS4142.
- 6.4 As things stand at present, while ETSU-R-97 remains the guidance for decision makers it is important that the impact is clearly set out transparently.

¹ Janssen SA, Vos H, Eisses AR, Pedersen E (2011). A comparison between exposure-response relationships for wind turbine annoyance and annoyance due to other noise sources. *J Acoust Soc Am.* 130(6):3746–53.
 Kuwano S, Yano T, Kageyama T, Sueoka S, Tachibana H (2014). Social survey on wind turbine noise in Japan. *Noise Control Eng J.* 62(6):503–20.
 Michaud et al.. "Exposure to wind turbine noise: Perceptual responses and reported health effects," *J. Acoust. Soc. Am.* 139(3), 1443–1454.
 Pedersen et al. Response to noise from modern wind farms in The Netherlands. *J. Acoust Soc. Am.* 126(2), 634.

A3.4.13 HAYES MCKENZIE PARTNERSHIP LTD TO DICK BOWDLER PROPOSING OPERATIONAL NOISE CONDITIONS (OCTOBER 2023)

From: Andy McKenzie
Sent: Friday, October 20, 2023 11:47 AM
To:
Subject: Y Bryn - Proposed Noise Conditions

Dear Dick

I sincerely hope you are going on OK.

I have now put my mind to the above and have attached our standard form of conditions, which were originally taken from the GPG and gone through with a fine tooth-comb by myself and Andrew Bullmore to provide a modified, and hopefully more robust set, as set out for Y Bryn.

There are 4 things to notice:

- 1) There are 3 sets of tables relating to
 - a. FT implemented under its S73 consent
 - b. FT implemented under its original consent
 - c. FT not implemented
- 2) I have removed the NML/04 R8 anomaly in all cases and used the lowest over the two for each wind condition.
- 3) I have done as you suggested for the properties to the south west in that Goytre Farm now has the same limits as Cwm Maelwg.
- 4) I have added a new sub-clause f) for SWL testing where Bryn is predicted to add less than 1 dB to that from FT. Changes in this respect are highlighted in blue.

The limits have been derived as proposed by Aedan in his email of 21st August which we discussed and are the greater of:

- o FT noise levels incorporating an additional +2 dB uncertainty, logarithmically subtracted from the ETSU overall limits, where the ETSU overall limits have lower limiting values of 40 dB for day and night, or;
- o ETSU overall limits, with the above lower limiting values, minus 10 dB, or;
- o FT noise levels, including additional +2 dB uncertainty, minus 10 dB.

You will notice that where Aedan wrote 'cumulative noise levels' I have clarified this as only referring to FT since this is the only relevant site for down wind assessment of YB measured noise levels except possibly for the locations to the south-west where impact is predicted to be low.

Please note that this is a draft proposal for discussion as only the basic 'modified GPG' condition has been seen by our client so far. I will however forward this note on to them to keep them in the picture.

I hope this all makes sense. We can, of course have a call to discuss as necessary if you are feeling up to it.

With very best regards

A3.4.14 DICK BOWDLER TO HAYES MCKENZIE PARTNERSHIP LTD AGREEING TO PROPOSED OPERATIONAL NOISE CONDITIONS ON BEHALF OF HIS CLIENT (NOVEMBER 2023)

There was further correspondence between 20th October to 10th November to amend the conditions. The final draft of the proposed operational noise conditions can be found in Appendix 12.9.

From:
Sent: Friday, November 10, 2023 4:49 PM
To: Andy McKenzie
Subject: RE: Y Bryn

OK, the last draft I sent you containing the requirement to test compliance of FT has been cleared by my client. So I'm OK with the draft.

Kind regards,
Dick

A3.4.15 NPTCBC PAC RESPONSE (JULY 2023)



Date Dyddiad 17th July 2023
Direct line Rhif ffôn [REDACTED]
Email Ebost [REDACTED]
Contact Cyswllt Matthew Griffiths
Your ref Eich cyf [REDACTED]
Our ref Ein cyf P2023/0444

Trevor Hunter -Y Bryn Project Manager
Coriolis Energy

Dear Sir/Madam

Town and Country Planning Act 1990

PROPOSAL: Pre-Application Consultation (Reference: DNS/3264571): Wind farm of up to 18 turbines with battery energy storage and ancillary infrastructure
LOCATION Y Bryn Wind Farm North-East Of The M4 Motorway Between Port Talbot And Maesteg
APPLICANTS Trevor Hunter -Y Bryn Project Manager
NAME/ADDR: Email Address Only Provided

Introduction and background

I write further to the above application which is a Development of National Significance (DNS), being considered by Planning and Environment Decisions Wales (PEDW). We have previously written to PEDW with comments at the scoping stage of the preparation of the Environmental Statement (ES), supporting the application. The application has now moved to the Pre-Application Consultation (PAC) phase of the DNS process.

Where an application is made for this proposal we are required by legislation to produce a Local Impact Report (LIR). We may also, separately make a representation on the balancing exercise undertaken to determine a future application, in effect to

Amgylchedd ac Adfywio	Environment and Regeneration
Ceri Morris Pennaeth Cynllunio a Gwarchod y Cyhoedd	Ceri Morris Head of Planning and Public Protection
Y Ceiau, Ffordd Brunel, Parc Ynni Baglan, Castell-nedd SA11 2GG	The Quays, Brunel Way, Baglan Energy Park, Neath SA11 2GG
Ffôn [REDACTED]	Tel [REDACTED]

Croesewir gohebiaeth yn y Gymraeg a byddwn yn ymdrin â gohebiaeth Gymraeg a Saesneg i'r un safonau ac amserlenni.
We welcome correspondence in Welsh and will deal with Welsh and English correspondence to the same standards and timescales.

object or support the application. The Authority considers that we need to respond to the PAC with reference to the likely content of the LIR.

The letter considers the impacts of the development and without prejudice (particularly as further consultation will be undertaken) prior to the production of a future LIR. Our comments are largely based on the content of the ES and we have sought to advise whether we consider impacts identified to be positive, negative or neutral. The LIR is required to identify if impacts are positive, negative or neutral. In our view it is helpful if this term is to an extent quantified, where an impact is negative but there is mitigation that reduces the impact to a low level then we will seek to make this view clear. The main local impacts that we are likely to address in our LIR are considered in turn:

Seascape, Landscape and Visual

The ES at chapter 8 provides an extensive discussion of significant seascape, landscape and visual effects. The chapter is supported by appendices including a Seascape, Landscape and Visual Impact Assessment, Residential Visual Amenity Assessment and an Aviation Lighting Assessment.

A consultant working for the Authority has previously commented on the EIA scoping. We have instructed a consultant to review the ES and enclosed with this letter is a report from our consultant on this element of the information presented within the PAC. This letter raises issues regarding the information submitted within the SLVIA and the supporting appendices containing the assessments. The matters raised should be addressed in the finally submitted Environmental Statement.

Chapter 8 focusses on where the SLVIA identifies landscape and visual effects that are significant (based on the SLVIA at appendix 8.1). This includes the following significant impacts identified in the ES:

- 18 significant individual effects on landscape character (LCA 03, 04, 06, 07, 08, 09, 10, 12, 13, 17, 18, 39, 42, 43, 44, 45, 46, 57)
- 6 significant cumulative effects from wind farm developments on landscape character (LCA 07, 12, 13, 18, 42, 57)
- 2 significant cumulative effects with non-wind farm development (LCA 13, 42)
- 17 significant individual effects (VP 1, 2, 3, 4, 8, 10, 13, 16, 17, 19, 20, 23, 24, 25, 26, 27, 28)
- 11 significant cumulative effects from wind farm developments on visual amenity (VP 1, 2, 4, 8, 10, 11, 16, 20, 24, 26, 36)
- 3 significant cumulative effects from non-wind farm developments on visual amenity (VP 8, 19, 24)
- Significant effects on statutory designations are predicted within Margam SLA, a Registered Historic Park and Garden. The proposed development may conflict indirectly with some key characteristics, which are key to the designation.

- Significant effects on non-statutory designations predicted within: Margam SLA, Western Uplands SLA, Foel Trawsnant SLA, Foel y Dyffryn SLA, Margam Country Park, Margam Mountain LOSHIW.
- Significant effects on St. Illtyd's Walk as it passes near to and through the proposed development and Ogwr Ridgeway Walk as it approaches the site.

The Chapter of the ES supports the view that the proposal will have a **high negative** local impact in terms of its landscape and visual effects. At this time we concur with this view, and raise concerns specifically on the impacts identified within Margam SLA, a Registered Historic Park and Garden. The information provided at this time does not in our view override these concerns to an appropriate level.

In addition it is considered that the proposed access off the M4 has not been given adequate space within the submitted documents, and the impacts of this not clearly identified within the existing submission. As a fundamental part of the proposals we would request that this intrinsic part of the development is brought to the fore within the submission, and appropriately assessed. There is very limited information within the PAC documentation on this and what is provided is limited and difficult to access.

Cultural Heritage

The impact of the proposal on archaeology and cultural heritage is considered in chapter 9 of the ES.

The assessment has found that there would be adverse effects to four non-designated assets and one designated historic asset as a result of the construction of the proposed wind farm. For the Mynydd Margam Registered Landscape these construction phase effects would be Very Slight (in ASIDOHL terms). For the non-designated assets the construction phase effects would be Minor Adverse and not significant for Heol y Moch and Negligible Adverse and not significant for the two trackways and tip scree. A programme of archaeological monitoring and recording during construction will mitigate the impacts on these assets by enhancing our knowledge of them through recording.

The assessment found that there would be adverse effects to 46 designated historic assets as a result of the operation of the windfarm. This included minor adverse (and not significant) for four scheduled ancient monuments and to Margam Castle (a Grade I listed building) as well as Margam Park registered park and garden. Five other listed buildings and a conservation area were also identified to have minor adverse effects. Negligible Adverse and not significant effects were identified for 34 other assets.

A significant effect is identified on the Mynydd Margam registered landscape which the ASIODHL assessment found would experience adverse impacts of Moderate Significance (in ASIDOHL terms). Cumulative effects were also considered with an

increase from Negligible Adverse to Minor Adverse for Llangynwyd Castle where the effect was considered to still not be significant.

The proposal is considered to have a **negative** local impact including significant adverse effects and extensive effects on heritage assets that are assessed to be less than significant.

At this time we are concerned over the impacts upon Margam Park as a cultural asset of the Authority. Margam Park contains numerous statutory and non-statutory designations. We note that impacts are identified within the ES but we would welcome further assessment and clarification and justification for the conclusion that these are moderate / minor effects and not significant – in our view this should be expanded on and further justified.

Biodiversity

The residual effect on bats during construction are assessed as negligible / low negative. Operational effects of the proposed development on four bat species due to collision are considered to be moderate negative magnitude but it is assessed that the integrity of the local population is not expected to be affected and, thus, operational effects are considered to be not significant. For four other species of bat operational phase impacts on brown long-eared bats are considered to be of low negative magnitude resulting in an effect that is not significant. The effect on the Margam Park SINC was also considered not significant.

In respect to the ornithological interest at the site this is considered in Chapter 7 of the ES. This identifies moderate, low and negligible effects that are not significant. In respect to nightjars a moderate effect is identified which will require additional mitigation which is identified at 7.8.3. Subject to this the effects of disturbance / displacement during construction are predicted to reduce to low negative and not significant. An outline habitat management plan has also been provided, the ES states that this will create an overall biodiversity net benefit from the development.

Our ecologist has commented that the proposal and noted that surveys would potentially be out of date at the point of submission of an application. The ES and supporting reports should be updated where necessary.

The development will have a not significant, **low negative** local impact on bats. In respect to ornithology, subject to the proposed mitigation and delivery of the habitat management plan the proposal will have a **neutral / positive** local impact.

Transport and Access

The ES chapter 11 considers the highways impact of the development. Much of the impact of the development is proposed to be mitigated by a Traffic/Transport

Management Plans (TMPs) and preliminary plans are included in appendices to this chapter.

A response has been provided by the Local Highways Authority separately. This identifies a number of areas which should be addressed as part of a future application.

Table 11.18 and 11.19 summarises likely effects and their significance. There are numerous effects on traffic and transport that are identified as being moderate / minor or minor and these are all identified as being not significant. The chapter concludes that there would be moderate residual effects to public road network and users and there would be moderate / minor effects on local settlements. As stated previously, we do not think that the nature of the access works from the M4 are clearly shown in the application and the impacts of the proposed access off the M4 should be given more priority within the submission, as an intrinsic part of the development.

The ES supports the view that the proposal will have a **negative** local impact.

Noise and Vibration

The residual effects of construction activities is identified in the ES as being temporary and minor subject to appropriate management.

The Authority has commissioned a noise consultant to review the information supporting the application on operational noise from the wind turbine generators. Their response is enclosed with this letter. They have previously responded on the draft ES noise chapter and it is noted that issues raised have been addressed. The consultant has also noted that they would prefer a discussion with the noise consultant before providing final comments on the supporting information.

Within the operational phase the wind farm element of the development is proposed to meet acceptable noise limits set through ETSU-R-97. This would be an adverse effect, but it is considered that the effect would not be significant if within the limits in ETSU-R-97. ETSU-R-97 sets a level where wind farms can operate with appropriate protection to residents. The operational and construction noise from the wind farm are viewed to be a not significant, **low negative** impact.

Health and Public Safety

Chapter 14 considers a range of health and public safety matters: historic coal mining; shadow flicker; ice throw; lightning; air quality; battery fire risk; and general health and safety (during construction, operation and decommissioning). For each of these matters mitigation is outlined. Although minimised there would remain a negative health and public safety effect from the development and it is considered that this is a **low negative/neutral** local impact.

Hydrology, Geology and Hydrogeology

Chapter 10 of the ES considers these issues and suggests mitigation such as an agreed construction environmental management plan, embedded mitigation and standard good practice mitigation. There will remain a residual risk but the ES considers that this is not a significant effect. This is a **low negative/neutral** local impact.

Socio-economics

These effects are considered in Chapter 16 of the ES. The ES chapter concludes that the significance of economic impact during development and construction phases of the proposed development is predicted to be minor (beneficial) and not-significant for NPTCBC and BCBC areas, and negligible (beneficial) for outside these areas (Wales and UK). During the operational phase, the significance of socioeconomic impact is predicted to be negligible (beneficial) with respect to NPTCBC and BCBC economies and negligible (beneficial) and not-significant with reference to the Welsh and UK economies as a whole.

Consideration is given to the impact of the proposal on tourism assets. Potential negative impacts upon Margam Park as a historical and cultural asset should in our opinion be further considered and assertions made on the extent of the visibility of the turbines justified through additional supporting information.

Based on the evidence in Chapter 14 of the ES there will be a **positive** local socio-economic impact.

Renewable energy

The proposal will generate a substantial amount of renewable energy which is a **positive** impact from the scheme. The planning statement states that it will generate around 317,883 megawatt-hours of renewable electricity per year, equivalent to the annual needs of 85,700 average UK homes, or approximately 68% of households in Neath Port Talbot and Bridgend council areas combined; contribute approximately 7.3%31 of the remaining shortfall against the Welsh Government's 2030 target to generate 70% of consumed electricity by renewable means; save approximately 137,325 tonnes of CO2 per year; and pay back its expected carbon debt from manufacture, construction, impact on habitat, and decommissioning within 1.9 years;

Other environmental effects

Chapter 15 of the ES considers aviation and existing infrastructure (including telecommunications, utilities and public access). The ES has not identified any significant effects on aviation or existing infrastructure. The Authority is aware that the applicant has discussed the impact of the proposal on rights of way and is seeking to discuss proposals to enhance access through the agreement of an access management and enhancement plan. It is considered that subject to appropriate mitigation being agreed that there is likely to be a **low negative** local impact.

Chapter 13 of the ES provides a forestry assessment. This appears to be a matter that has been a matter extensively discussed by the applicant with Natural Resources Wales. There will be a loss of forestry to the development and it appears that this is a **negative/neutral** local impact and not significant.

Conclusion

The Authority will produce a LIR based on the final DNS application and also informed by the responses of other consultees and third parties. The proposal, based on the ES at PAC is assessed to have a significant landscape and visual impact to a range of receptors. We have provided a response to the landscape and visual impact assessment from our consultant and this identifies a number of areas where we think additional information should be provided in the application Environmental Statement and also identifies amendments that could be made to the final scheme. We hope that these points are given full consideration in developing the scheme.

There is also a significant adverse effect identified to cultural heritage and also effects that although assessed as not significant, are to highly valued heritage assets such as Margam Castle and its parkland setting. In addition, there appears a lack of clarity at this stage, or sufficient prominence within the PAC documentation on the proposed access off the M4 and track up Mynydd Brombil which is clearly an intrinsic part of the development proposed. This has been highlighted back to you previously, and it appears not originally considered as part of your scoping to PEDW. We consider at this time the information available is unclear and limited in its scope. The physical and visual impacts of this part of the development would not be clear to the general public if attempting to comment on the PAC in this regard, if indeed they are aware of it, due to the lack of information within the current documentation. There are also adverse effects identified in relation to a range of other matters as outlined above. These in our view represent a range of negative local impacts that we are likely to reflect in our Local Impact Report and to which the decision maker will need to balance against the benefits of the development. Based on the finalised proposal we will consider the need to also provide our view on the balancing exercise for the development.

Should you require any further assistance please contact Matthew Griffiths on the case officer number above.

Yours faithfully

Ceri Morris
HEAD OF PLANNING & PUBLIC PROTECTION

If you require this information in larger print, or in an alternative format, please contact the above named officer.

P2023/0444

Enc:

- Acoustic consultant (Dick Bowdler) provisional comments on PAC.
- Landscape consultant (Anne Priscott) comments on PAC.

P2023/0444

A3.4.16 NRW PAC RESPONSE (JULY 2023)



Ein cyf/Our Ref: CAS-219254-L7B3
Eich cyf/Your Ref: Y Bryn

George Heal
info@ybryn-windfarm.cymru

Dyddiad/Date: 19 July 2023

Annwyl Syr/Madam / Dear Sir/Madam,
**STATUTORY PRE-APPLICATION CONSULTATION – TOWN AND COUNTRY
PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (WALES) ORDER 2012
AS AMENDED**

BWRIAD / PROPOSAL: INSTALLATION OF UP TO 18 WIND TURBINES WITH MAXIMUM HEIGHTS RANGING BETWEEN UP TO 206M, UP TO 230M, AND UP TO 250M TO BLADE TIP, EACH WITH FOUNDATIONS, EXTERNAL TRANSFORMER HOUSINGS, CRANE HARDSTANDING'S AND ERECTION AREA; TOGETHER WITH ANCILLARY INFRASTRUCTURE AND CONSTRUCTION ENABLING WORKS INCLUDING SUBSTATION, CONTROL BUILDING AND COMPOUND; ENERGY STORAGE FACILITY; TWO PERMANENT WIND MONITORING LOCATIONS; UPGRADED AND NEW ACCESS TRACKS AND HIGHWAY JUNCTIONS; UNDERGROUND CABLE RUNS; SITE SIGNAGE; BARROW PITS; TEMPORARY CONSTRUCTION AND STORAGE COMPOUNDS AND LAYDOWN AREAS.

LLEOLIAD / LOCATION: Y BRYN WIND FARM

Thank you for providing a requisite notice to us under Article 2D of the above Order. We received a copy of your proposed application on 1 June 2023.

We have concerns with the application as proposed because inadequate information has been provided. To overcome these concerns, you should provide further information in your planning application regarding Ecology, Landscape, Hydrology, Geology and Hydrogeology. If this information is not provided, we may object to the planning application when formally consulted by the planning authority. Further details are provided below.

We also advise that based on the information submitted to date, we would ask the planning authority to include conditions regarding Ecology on any planning permission granted. Without the inclusion of these conditions by the planning authority we would be likely to object to the planning application.

Chapter 6 – Ecology

We have reviewed the following documents:

- Drawing entitled 'Y Bryn Onshore Wind Farm. Currently proposed turbine locations' (no author, date, or version control);
- Drawing entitled 'Y Bryn Onshore Wind Farm. Site Location Map' (no author, date, or version control);
- Y Bryn Wind Farm Environmental Statement by Natural Power (undated) incorporating:
 - Figures 5.1a and b Drawing 13836_DET-3000 (Rev D) 'Y Bryn Wind Farm. Turbine Specification. Indicative Largest Rotor' by Natural Power dated 27/7/22;
 - Figure 5.2 Drawing 13836_DET-3001 (Rev C) 'Y Bryn Wind Farm. Indicative Wind Turbine Foundation' by Natural Power dated 12/5/22;
 - Figure 5.3 Drawing 13836_DET-3002 (Rev C) 'Y Bryn Wind Farm. Indicative Turbine Cranepad' by Natural Power dated 12/5/22;
 - Figure 5.4a and b Drawing 13836_DET-3003 (Rev C) 'Y Bryn Wind Farm. Indicative Energy Storage Compound' by Natural Power dated 12/5/22;
 - Figure 5.5b Drawing 13836_DET-3004 (Rev D) 'Y Bryn Wind Farm. Indicative Wind Access Track' by Natural Power dated 27/7/22;
 - Figure 5.6 Drawing 13836_DET-3005 (Rev D) 'Y Bryn Wind Farm. Indicative Underground Cabling' by Natural Power dated 27/7/22;
 - Figure 5.7a and b Drawing 13836_DET-3006 (Rev C) 'Y Bryn Wind Farm. Indicative Wind Turbine Foundation' by Natural Power dated 12/5/22;
 - Figure 5.8 and b Drawing 13836_DET-3007 (Rev E) 'Y Bryn Wind Farm. Indicative Directional Signage' by Natural Power dated 30/5/23;
 - Figure 5.9 Drawing 13836_DET-3008 (Rev A) 'Y Bryn Wind Farm. Indicative Temporary Construction Compound' by Natural Power dated 26/1/22;
 - Figure 5.10 Drawing 13836_DET-3009 (Rev A) 'Y Bryn Wind Farm. Indicative concrete Batching Plan' by Natural Power dated 26/1/22;
 - Figure 5.11 'Y Bryn Wind Farm. Indicative Grid Connection Route Options' by Coriolis Energy dated 1/8/22.
 - Figure 6.1 'Y Bryn Wind Farm. Site and Ecological Survey Areas' by Natural Power dated 24/2/23;
 - Figure 6.2 'Y Bryn Wind Farm. Static Bat Detector and Bat Transect Locations' by Natural Power dated 24/2/23;
 - Figure 6.3 'Y Bryn Wind Farm. Dormouse Tube Locations' by Natural Power dated 24/2/23;
 - Figure 6.5 'Y Bryn Wind Farm. Statutory Sites and Designated Sites for Ecology within 10km' by Natural Power dated 24/2/23;
 - Figure 6.6 'Y Bryn Wind Farm. Phase 1 Survey Results' by Natural Power dated 24/2/23;
 - Figure 6.6 'Y Bryn Wind Farm. NVC Habitat Survey Results' by Natural Power dated 24/2/23;

- Figure 6.8 'Y Bryn Wind Farm. Bat Transect Survey Results' by Natural Power dated 24/2/23;
- Figure 6.9 'Y Bryn Wind Farm. Preliminary Bat Roost Assessment Results' by Natural Power dated 24/2/23;
- Figure 6.10 'Y Bryn Wind Farm. Protected Mammal Survey Results' by Natural Power dated 24/2/23;
- Appendix 6.1 Ecology; and
- Appendix 6.3 Outline Habitat Management Plan.

Bats

The Environmental Statement (ES) confirms that the site has been the subject of:

- Automated static detector surveys for bat activity during spring, summer and autumn of 2021;
- Walked bat activity transects in August, September and October 2021;
- A bat roost preliminary assessment of key features with potential for holding maternity roosts or significant hibernation/swarming sites was undertaken in April and May 2021 (wind farm areas) and June 2021 (All areas); and
- Weather monitoring.

For schemes of >10 turbines published survey guidance ([Bats and onshore wind turbines - survey, assessment and mitigation | NatureScot](#)) advises that detectors should be placed within the developable area at ten potential turbine locations plus a third of additional potential turbine sites up to a maximum of 40 detectors for the largest developments.

We note that paragraph 6.4.20 and Table 6.3, advise that 17 static detectors were deployed across the site but with evolving scheme design and limitations to placing the detectors at some turbine locations (e.g. dense plantation), only turbines 2, 10 and 11 had detectors placed within 100m of their proposed location. Detectors for the remaining turbine locations were more distant and there are no detector locations representing proposed turbine locations 6, 9, 13, 14 or 16. Of these, we note that turbines 6, 9, 13 and 14 shall be keyholed into mature plantation woodland and turbine 16 is proposed to be located in an area of dry heath/acid grassland between plantation blocks. Sampling locations appear to have reflected the habitats that are present at the turbines, or that shall be created by keyholing the turbines.

Impacts on bat species at high risk of collision with wind turbines

We welcome that the online Ecobat tool has been used to analyse the bat activity data obtained to categorise the levels of activity recorded at the site. We note that the majority of bat activity (>90% bat passes) in each season (spring, summer and autumn) was from species at high risk of collision with wind turbines (mostly pipistrelle bat species but also noctule bats). Whilst the level of bat activity by these species appears to average out as low, we note that maximum levels of activity up to moderate or moderate-high were exhibited in each of the survey seasons.

Turbine siting

Published guidance advises that a minimum 50m buffer is maintained between turbine blade tips and the nearest bat habitat features (e.g. woodland edge, hedgerow, watercourses where bat activity or other key habitat features such as wetlands).

Paragraph 6.6.9 confirms that turbines of 206m, 230m and 250m (to blade tip) are to be used and note that the relevant habitat buffers are stated depending on the turbine size. However it's not clear which height turbine is to be used at which turbine location, and the relevant height of the nearest habitat feature which has been used in the calculation. We advise that confirmation is provided to clarify the following:

- Further information to clarify which height turbine is to be used at which turbine location;
- The height of the nearest bat habitat feature, the buffer distance required and the relevant calculations of buffer distance for each turbine location;
- We assume that planning consent is applied for with associated infrastructure micro-siting allowances, usually 50m for wind turbines, but seek further clarification on this.

Determination of the final position of the turbines utilising any micro-siting allowance must ensure that turbines continue to be sited to accord with the joint agency guidance 'Bats and Onshore Wind Turbines – Survey Assessment and Mitigation', specifically paragraph 7.1.2. We advise that this aspect could be secured through the following condition being attached to any planning permission granted.

Condition 1: Micro-siting

No development, including vegetation clearance, shall commence until a micro-siting protocol has been submitted to and approved in writing by the local planning authority, in consultation with NRW. The protocol shall also accord with the joint agency guidance on 'Bats and Onshore Wind Turbines – Survey, Assessment and Mitigation' (Nature Scot *et al*, August 2021) and in particular paragraph 7.1.2 thereof. The protocol shall set out a methodology for deciding on micro-siting of all elements of the development hereby approved to minimise the impact of the development. The protocol shall provide for the detailed layout of the turbines to be submitted and approved in writing by the local planning authority subject to all turbines, crane pads, access tracks and battery storage being located within the agreed micro-siting allowance of the locations shown.

Feathering turbine blades

We welcome that wind speed data was collected for the site and note that the cut-in speed for the proposed turbines shall be 3ms⁻¹. We note that wind speeds at the time of the bat surveys varied from 0.2ms⁻¹ to 8.6 ms⁻¹ across the seasons. Given the surveys recorded peaks in activity of high risk bat species, we advise that the turbine blades are also feathered to reduce rotation speeds to below 2 rpm while idling; this is an easy way to reduce impacts on bats without compromising energy generation.

We note that turbine blade feathering is not mentioned in the ES. However, we consider that this aspect could also be secured through the following condition attached to any planning permission granted.

Condition: 2 - Feathering

The turbine blades on all turbines shall at all times be feathered to reduce rotation speeds to below 2 rpm while idling, in accordance with paragraph 7.1.3(a) of the joint agency guidance 'Bats and Onshore Wind Turbines – Survey, Assessment and Mitigation' (Nature Scot *et al*, August 2021).

Post-construction/operational monitoring

We advise that the site is subject to post-construction monitoring to:

- i. ensure that the appropriate habitat buffer is maintained around each turbine; and
- ii. assess the effectiveness of blade feathering and whether further measures are needed to mitigate the impacts of the operational wind farm on bats.

With regards to (i) above, we consider this aspect could be secured through agreeing a Habitat Management Plan (HMP) for the site. We note that an outline HMP has been drafted; we shall look to agree a final version through the use of an appropriately worded planning condition attached to any planning application issued.

With regards to (ii) above, we note that no bat monitoring during the operational phase of the wind farm is proposed. Again, we consider this aspect could be secured through planning condition (as set out below), which is tied to another condition for turbine curtailment in the event that operational monitoring revealed that ecological circumstances at the site had changed and blade feathering alone was no longer sufficiently effective to mitigate the impacts on bats.

Condition: 3 - Habitat Management Plan (HMP)

Prior to works commencing on site, a final version of the HMP shall be submitted for Local Planning Authority (LPA) approval, in consultation with NRW. The HMP shall include the bat buffer required for each turbine and shall make provision for the long-term maintenance of bat buffer at each turbine for the duration of the operational phase of the wind farm.

The Habitat Management Plan shall be carried out in accordance with the approved details, with a written report of the effectiveness of the plan provided to the LPA every 5 years from commencement of the operation of the development, and any arising revisions of the plan to be agreed in writing with the LPA, in consultation with NRW, prior to implementation.

Condition 4: - Post-construction bat monitoring

No development shall commence until a scheme for the post-construction monitoring of bat injuries, fatalities and activity at the site has been submitted to and approved in writing by the local planning authority, in consultation with NRW. The scheme shall accord with the joint agency guidance 'Bats and Onshore Wind Turbines – Survey, Assessment and Mitigation' (Nature Scot *et al*, August 2021) and shall include:

- i. Methods for data gathering and analysis;
- ii. Location of monitoring;
- iii. Timing and duration of monitoring;
- iv. Appropriate persons and equipment to carry out monitoring;
- v. Timing and format for presenting and dissemination of monitoring results including submission to all relevant databases;
- vi. Remedial measures to reduce any impacts identified through monitoring including in respect of turbine curtailment;
- vii. Contingency prescriptions that will be carried out in the event of failure to undertake required surveillance; and
- viii. Other information which the local planning authority deem necessary.

The scheme shall be implemented in accordance with the approved details upon commencement of operation of one or more of the turbines.

Condition: 5 - Curtailment

In the event that monitoring carried out pursuant to condition 4 shows activity levels at any turbine to be moderate or above, using the Ecobat methodology, a turbine curtailment protocol shall be submitted to and approved in writing by the local planning authority, in consultation with NRW, no later than 31 December in the year that those observations/assessment of bat activity are made.

The protocol shall be informed by the joint agency guidance 'Bats and Onshore Wind Turbines – Survey, Assessment and Mitigation' (Nature Scot *et al*, August 2021) and shall provide for the operation of any turbine to cease immediately in circumstances prescribed by the protocol in any event whenever the monitoring carried out pursuant to condition 4 shows activity levels at any turbine to be moderate or above, using the Ecobat methodology. The provisions of the curtailment protocol shall include prescriptions that evidence implementation of the curtailment protocol. When operation is re-commenced it shall accord with the approved turbine curtailment protocol.

The protocol shall provide for turbine curtailment programmes which include provision for on-going monitoring of the effects of the curtailment programmes on bat injuries, fatalities and activity at the site, and shall provide for the preparation of an adjusted curtailment protocol where monitoring shows that the impact on bats is unacceptable in the reasonable opinion of the local planning authority. In such circumstances operation will cease immediately until the adjusted curtailment protocol has been submitted to and approved in writing by the local planning authority, in consultation with NRW. Upon recommencement of operation, the turbine operation shall comply with the adjusted curtailment programme as approved.

Otters

We note that '*there were no signs of otter recorded within the wind farm areas, although some watercourses/water bodies considered suitable for otter were recorded within this area. Further, the only evidence of otter presence was a probable slide recorded on a*

watercourse that will not be crossed by any tracks associated with the proposed development. The slide is 290m to the east of the northern AIL route (which links the two forestry sections)'.

Whilst it appears that otters are unlikely to be affected by the proposed development, we welcome the proposals in ES paragraph 6.6.22 to include measures for otters in the Construction Environmental Management Plan.

Dormice, Great Crested Newts, Water Voles

We note that no evidence of these species were found on site; accordingly we have no further comment to make regarding them.

European Protected Species – Legislation and Policy

Bats, dormice, great crested newts and otters, and their breeding sites and resting places are protected under the Conservation of Habitats and Species Regulations 2017. Where bats are present and a development proposal is likely to contravene the legal protection they are afforded, the development may only proceed under licence issued by Natural Resources Wales, having satisfied the three requirements set out in the legislation. A licence may only be authorised if:

- i. The development works to be authorised are for the purpose of preserving public health or safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment;
- ii. There is no satisfactory alternative; and
- iii. The action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

Paragraph 6.3.7 of Technical Advice Note 5: Nature Conservation and Planning (TAN5) states that your Authority should not grant planning permission without having satisfied itself that the proposed development either would not impact adversely on any bats on the site or that, in its opinion, all three conditions for the eventual grant of a licence are likely to be satisfied.

Chapter 7: Ornithology

We have reviewed Chapter 7 - Ornithology of the Environmental Statement. - Appendix 7: Ornithology. We agree with both the scope of the surveys and the level of effort. We agree with the interpretation of the survey results, the species scoped in/out for assessment. We broadly agree with the principals laid out in the habitat monitoring plan in relation to benefits to ornithological receptors. While we acknowledge the relatively low predicted collision risk, we advise the applicant bring forward a scheme of post-construction monitoring for collision risk and potential contingency should this show greater levels of impact than modelled.

Chapter 8: Seascape, Landscape and Visual Impact Assessment (SLVIA)

The site boundary includes two main parcels of land:

- 5 turbines are proposed on Mynydd Penhydd (the northern parcel); and
- 13 turbines are proposed on Mynydd Margam (the southern parcel).

The northern parcel is located within a Pre-Assessed Area (PAA) for Wind Energy (PAA 9) in Future Wales: The National Plan 2040 (Future Wales). In these areas there is a presumption in favour of large-scale wind energy development (Future Wales Policy 17).

The southern parcel is located outside of a PAA where proposals for wind turbine development should not have an unacceptable adverse impact on the setting of National Parks and Areas of Outstanding Natural Beauty (AONB) (Future Wales Policy 18).

Notwithstanding the presumption in favour of large-scale wind energy development within the northern parcel, our advice considers the potential landscape and visual effects of the entire development on the Gower AONB and Bannau Brycheiniog National Park (BBNP), within the context of Future Wales and Planning Policy Wales Edition 11 (PPW).

Bannau Brycheiniog National Park (BBNP)

Baseline information on the BBNP is contained in ES Appendix 8.3, A8-26 to A8-27. This information consists of a summary of the designation and a list of its Special Qualities. The list omits the first Special Quality described in the Management Plan for the Brecon Beacons National Park 2015-2020, which is 'A *National Park offering peace and tranquillity with opportunities for quiet enjoyment, inspiration, relaxation and spiritual renewal*'. The impact of the proposed development on this Special Quality should be considered within the SLVIA, not least because perceptual aspects such as tranquillity are susceptible to changes within the setting of the national park.

BBNP Visual Assessment

SLVIA assessment viewpoints (Vp) within the BBNP are:

- Vp 9 Ogof-Ffynnon-Ddu;
- Vp 18 Pen-Y-Fan; and
- Vp 31 Esgair Hir, Brecon Beacons Way National Trail. This viewpoint was included in response to our comments on the scoping request (Our ref: CAS-35151-H4R5 dated 17 February 2021), which related to the original proposals for 26 turbines.

The SLVIA assesses the effect at Vp 9 Ogof-Ffynnon-Ddu to be slight to negligible and not significant. The same conclusion is reached with regards to cumulative effects scenarios for consented wind farms and application wind farms. The cumulative effect with wind farms at the scoping stage is assessed as slight-moderate and not significant. We agree the effects at this location, both individually and cumulatively are unlikely to be significant.

The SLVIA assesses the effect at Vp 18 Pen-Y-Fan to be slight to negligible and not significant. In relation to cumulative effects scenarios for consented wind farms and application wind farms the SLVIA concludes the effect would be slight and not significant. The cumulative effect with wind farms at the scoping stage is assessed as slight-moderate

and not significant. We agree the effects at this location, both individually and cumulatively are unlikely to be significant.

The SLVIA assesses the effect at Vp 31 Esgair Hir to be slight and not significant. In relation to cumulative effects scenarios for consented wind farms and application wind farms the SLVIA concludes the effect would be slight and negligible respectively and both not significant. The cumulative effect with wind farms at the scoping stage is assessed as slight-moderate and not significant.

We advise we cannot yet agree with the conclusions reached in relation to Vp 31. As illustrated in the submitted baseline photography and wirelines (ES Figures 8.75a – 8.75e), the development would extend the influence of wind turbine development across the field of view, exacerbating the impact of existing turbines on the scenic quality of views. This impact would be compounded by turbines within Fforch Dwm if permitted (currently at scoping). No photomontage has been prepared from Vp 31. We advise that a photomontage should be prepared to illustrate the impact of the proposals on this receptor and the landscape character of Y Mynydd Du more generally, as discussed below. A hard copy of the updated visualisation pack should be provided for use on our on-site assessment. This will inform our position on whether we agree with the SLVIA conclusions in relation to Vp 31.

BBNP Landscape Assessment

The SLVIA assesses the impacts on two landscape character areas within the BBNP:

- LCA 112: Mynydd Du; and
- LCA 113: Forest Fawr.

These LCAs are similar to LCAs 2: Y Mynydd Du and LCA 3: Fforest Fawr described in the assessment for Bannau Brycheiniog National Park, 2012 (BBNP Assessment, 2012). The SLVIA considers both LCAs have a very high sensitivity to the proposed development, but it assesses the magnitude of change to be negligible. The overall effect on both LCAs is assessed to be moderate adverse and not significant, both individually and in relation to all cumulative impact scenarios assessed.

The assessment of effects on LCAs 112 and 113 (Page A8-36) concludes these areas have a high susceptibility to change as a result of the proposed development. Referring to the landscape attributes within these LCAs, the supporting text explains that *'It is predicted that the combination of landscape attributes will be unlikely to withstand change from the type of development proposed without causing a change to overall character'*. It is not clear from the assessment why the magnitude of change is then found to be negligible, which is defined in the SLVIA as: *'The proposed development would result in such a minor scale loss or alteration to key elements of seascape/landscape character that there would be no perceptible impact.'* The two statements are not compatible.

We advise that a photomontage from Vp 31 should be provided in order to support the assessment of effects in relation to LCA 112. Based on the wirelines submitted, we consider the proposed development is likely to have a perceptible impact on landscape qualities within LCA 112. For example, it is expected to have a perceptible impact on scenic qualities

such as the *'panoramic views over the LCA and surrounding lower land'*.¹ Further, as evidenced in the ZTV (ES Figure 8.43), impacts similar to those at Vp 31 may be experienced across large parts of LCA 112. The ZTV shows theoretical visibility of all 18 turbines at blade tip height across roughly half of LCA 112. This includes visibility across areas within the BBNP closer to the development site than Vp 31.

The SLVIA methodology states: *'Where effects are determined to have moderate significance, whether these effects are significant or not significant will depend on the individual and specific mitigating circumstances and the professional opinion of the landscape specialist will determine this. If any given receptors are subject to a series of moderate effects, such as a long path or road corridor, the combined effects may be considered to be significant'*. In our experience, where a national park is the receptor, a moderate effect has the potential to erode landscape integrity, harming public perceptions of special qualities such as natural beauty (scenic quality) and tranquillity.

As a result of the combined effects on views from different parts of LCA 112, we advise that the proposed development may result in a moderate but significant effect overall. The combination of visual impacts resulting from the proposed development, particularly in combination with other existing developments, is likely to harm scenic qualities within the National Park. However, to be able to confirm whether moderate effects in this instance are significant, we will need to undertake site visits with the benefit of a visualisation pack.

ES Appendix 8.11 includes an overall assessment on the BBNP. It concludes that the effect on the National Park will be slight adverse and not significant. Based on our findings, we cannot yet agree with this conclusion. On receipt of a hard copy of the visualisation pack we will undertake site visits to inform our position on whether reported moderate effects are significant or not, and whether the overall conclusion with regards to the effect on the National Park is acceptable in the context of Future Wales and PPW.

Gower AONB

Baseline information on the Gower AONB is contained in ES Appendix 8.3, Pages A8-26 to A8-27. This includes a complete list of AONB Special Qualities.

Gower AONB Visual Assessment

Vps within the Gower AONB assessed in the SLVIA are:

- Vp 6 Mumbles Hill;
- Vp 7 Gower Way National Trail, Cefn Bryn; and
- Vp 29 Oxwich Point.

Vp 6 is taken from Mumbles Hill. Photomontages from this Vp are included as ES Figures 8.50a – 8.50h. The corresponding assessment in ES Appendix 8.9 concludes that the effects on visual receptors at Vp 6 will be moderate adverse but not significant. The SLVIA reaches the same conclusion in relation to all cumulative impact scenarios. In our

¹ Bannau Brycheiniog National Park Landscape Character Assessment 2012

experience, moderate adverse visual effects on visitors to an AONB have the potential to erode public perceptions of natural beauty, conflicting with PPW and part of the purpose of the designation to conserve and enhance natural beauty.

We disagree with aspects of the reasoning provided in the SLVIA in relation to its assessment of Vp 6. In particular, we do not agree from this location that *'to an extent the turbines will be subsumed within the extensive array of operational wind farm development along the skyline'* (Paragraph A8.9.34). With reference to the photomontage in Figure 8.50f, we advise that rather than being subsumed within the context of existing turbines, the proposed turbines will contrast with existing turbines and stand out as distinctly new features because:

- The proposed turbines have maximum tip heights of either 206m, 230m or 250m and are therefore significantly larger than existing turbines in the view.
- The prominent location of turbines in the southern parcel (T7- T18) on Mynydd Margam overlooking Swansea Bay.
- Both towers and rotor blades on the proposed turbines in the southern parcel (T7- T18) will be visible above the horizon as new skyline features.

The scale of the proposed turbines would dwarf those visible nearby at Mynydd Brombil which are understood to have a maximum height to tip of 100m. The prominence of that development is minimised by:

- The low number of turbines (4 in total);
- Their height to tip of 100m; and
- The lower elevation of that site and its reduced prominence compared with Mynydd Margam.

We therefore agree with the SLVIA where it states that due to the scale of the proposed turbines and their location at the edge of the plateau they *'will contrast [with] the smaller operational Mynydd Brombil development to the fore and many of the operational development further in the distance'* (Paragraph A8.9.34).

Currently, views from Mumbles Hill (Vp 6) across Swansea Bay are characterised by a relatively balanced mixture of natural and built features. Swansea Bay has outstanding integrity as an intertidal landscape² and its scenic qualities are complemented by the range of enclosing hills. While these same views feature substantial urban areas and notable detractors such as the Port Talbot steelworks, the scale of the Bay and the dark backcloth of hills behind has, to a degree, enabled these elements to be absorbed without dominating the natural scenic qualities of the Bay. These qualities provide a positive setting to the AONB and contribute to the visual amenity experienced by its visitors.

² Gower Landscape Character Assessment, 2013

Due to the scale of the proposed turbines and their visually prominent location the development is likely to dominate views east across the Bay from Mumbles Hill, where it would detract from the scenic quality of views and visual amenity. The turbines would appear out of scale with existing built elements and potentially with the topography of the landscape in which they are located. They would exacerbate the presence of detractors such as *'The turbines on Mynydd Brombil and solar farm on Mynydd Emroch'*³ and ultimately may tip the balance between built and natural features in the view. To be able to confirm whether moderate effects in this instance are significant, we will need to undertake a site visit with the benefit of a visualisation pack.

Other Vps within the Gower AONB assessed in the SLVIA are:

- Vp 7 (Gower Way National Trail, Cefn Bryn). The effect at this Vp is assessed in the SLVIA as slight - moderate adverse (not significant).
- Vp 29 (Oxwich Point). The effect at this Vp is assessed in the SLVIA as slight adverse (not significant).

Photomontages have not been prepared for either Vp. Instead, the SLVIA relies on wirelines. Based on NRW Guidance Note 46 we advise that both locations are within the range of potentially significant effects. Given the height of the turbines and the very high sensitivity of the receptors at these locations, we advise it is appropriate to include photomontages from both locations. This will inform our on-site assessment of the effects on different locations and contexts across the AONB. We note that at both locations it is the turbines within the southern parcel (T7- T18) that will be most noticeable. This is because:

- At Vp 7, towers, hubs, and rotor blades of all turbines in the southern parcel would be viewed above the horizon as new skyline features.
- At Vp 29, only the tips of Turbines T1-4, and T5 (tower, hub and blades) would be visible. In contrast, towers, hubs and rotor blades of all turbines in the southern parcel would be seen above the horizon as new skyline features.

Vp 14 Swansea Promenade, Black Pill, is located next to the boundary of the AONB. The effect at this Vp is assessed in the SLVIA as slight - moderate adverse and not significant. As the impact at this location is expected to be similar to that at Vp 6, we advise that the effect on Vp 14 may be an underestimation.

Gower AONB Landscape Assessment

None of the LCAs within the Gower AONB identified on ES Figure 8.31 have been described or assessed in the SLVIA. It is not clear why LCA 80 (Gower Southern Coastline) was excluded from the SLVIA when LCA 68 (Swansea Bay) was scoped in. These LCAs adjoin each other and views towards the development from the eastern edge of LCA 80 will be similar to those within LCA 68. This is evidenced in the photomontages prepared from Vp 6

³ These issues are noted in relation to SCA-9 described in the Carmarthen Bay, Gower and Swansea Bay Local Seascape Character Assessment, 2017 but are also considered relevant to the impact on views from the AONB.

within LCA 80 and Vp 14 within LCA 68. Based on the level of impact shown in these photomontages, and the sensitivity of the AONB, we advise that LCA 80 should be included in the SLVIA. This LCA includes parts of LCA 33 Limeslade described in the Gower Landscape Character Assessment, 2013 (Gower Assessment, 2013) and Aspect Area SWNSVS004 (Mumbles Hill) which has an outstanding evaluation due in part to the 'outstanding views across Swansea Bay'. The impact on the qualities described in these assessments should be considered.

ES Appendix 8.11 includes an overall assessment on the Gower AONB. It concludes that the effect on the AONB will be slight adverse and not significant. Based on our findings, we cannot yet agree with this conclusion. On receipt of a hard copy of the visualisation pack we will undertake site visits to inform our position on whether reported moderate effects are significant or not, and whether the overall conclusion with regards to the effect on the AONB is acceptable in the context of Future Wales and PPW.

Summary

We advise that we cannot yet concur with the conclusions reached in the SLVIA relating to the impact of the proposals on the BBNP and Gower AONB. We require the following in order to undertake site visits to inform our position on whether reported moderate effects are significant or not, and whether the overall effects on the National Park and AONB are acceptable in the context of Future Wales and PPW. We require:

- A photomontage from Vp 31 Esgair Hir
- A photomontage from Vp 7 Gower Way National Trail, Cefn Bryn
- A photomontage from Vp 29 Oxwich Point
- Hard copies of the updated visualisation pack relating to Vp 6, Vp 7, Vp 9, Vp 14, Vp 18, Vp 31, Vp 29.

In addition to the above, we advise that the SLVIA is updated to include:

- An assessment of the impact on the first Special Quality described in the Management Plan for the Brecon Beacons National Park 2015-2020, which is 'A National Park offering peace and tranquillity with opportunities for quiet enjoyment, inspiration, relaxation and spiritual renewal'.
- An assessment of the impacts on LCA 80 which includes parts of LCA 33 Limeslade described in the Gower Assessment, 2013 and Aspect Area SWNSVS004 (Mumbles Hill) which has an outstanding evaluation due in part to the 'outstanding views across Swansea Bay'. The impact on the qualities described in these assessments should be considered.

In relation to potential impacts on the Gower AONB, we advise that it is the turbines within the southern parcel (T7-T18) that have the greatest impact on views and visual amenity. This is due to their height and location on a prominent site, Mynydd Margam, overlooking Swansea Bay. Unlike the turbines in the northern parcel, Turbines T7-T18 are not located within a PAA and therefore they should not have an unacceptable adverse impact on the

setting of the AONB. In order to avoid such impacts, it may be necessary to reduce the heights of these turbines in particular.

Chapter 10 - Hydrology, Geology and Hydrogeology

We have reviewed Chapter 10 - Hydrology, Geology and Hydrogeology of the Environmental Statement and note that the applicant proposes to produce a Construction Environmental Management Plan (CEMP) in support of the application. The principles of pollution prevention and mitigation proposed within Chapter 10 are appropriate, however we recommend you review industry appropriate guidance and incorporate relevant approaches into the proposed CEMP document. CIRIA guidance on linear construction projects will be of particular relevance in relation to access track works and maintenance during construction of this project.

We would advise that the CEMP also include the measures set out in relation to otters in ES paragraph 6.6.22 and the following good practice measures:

- a) Daytime working hours are adopted for any construction works, to commence no sooner than one hour after sunrise and finish no later than one hour before dusk. At night, a quiet dark corridor will be retained along the watercourse and its bankside vegetation.
- b) Construction materials will be stored well away from the watercourse in way that prevents otters gaining access or using them to rest in (e.g. pipe ends will be capped or covered).
- c) Any trenches that are left open overnight will have planks of wood placed at regular intervals to allow otters a way out.
- d) All tools, food, litter and construction materials and packaging that may constitute a hazard to otters will be removed daily from the site.
- e) Any areas that may be suitable for use by otters will be checked immediately prior to works commencing by a suitably qualified, experienced and licensed ecologist.

Culvert Design

Appendix 10.1 details the design of existing culverts on site and the proposed design of the new culvert required for a stream crossing. We welcome the consideration given to utilising existing crossings within the scheme design. Given the location of the proposed new crossing the proposed use of a pipe culvert is considered justified. We would give the following advice to culvert design and placement to minimise the impact on water, sediment, nutrient, fish and invertebrate movements:

Any culvert must be as short as possible, and its cross-section must be large enough to both pass the required flow of water and allow for the continuation of the dimensions and level of the natural watercourse, including parts of both banks. The culvert must therefore not constrict the natural stream channel compared to both up- and downstream of the structure, nor in normal conditions accelerate the velocity of the water.

The invert of the culvert must be at least 150mm below the natural bed of the watercourse, to allow for the unimpeded movement of substrate through the structure. Furthermore, the long section of the culvert must be parallel to, and have the same gradient as, the natural

bed of the watercourse, though buried below it as described above. There must not be a cascade or lip at either end of the structure. The plinth / spillway of any headwall must similarly be at least 150mm below the natural bed of the watercourse.

When excavating the trench in which to place the culvert, save the upper layer of bed substrate and place it to one side. On completion of the construction works, put the substrate into the culvert to form the new bed.

All watercourses within the site boundary are classified as ordinary watercourses (rather than main rivers) and therefore any culverting/crossings or works to these rivers would be subject to consent from the relevant Lead Local Flood Authority.

Borrow pit assessment

Appendix 10.3 - As advised in our letter dated 20 October 2022 (Our Reference: CAS-199199-N3P6), the use of this material may not be suitable for use on tracks as under compaction and heavy traffic it is known to degrade and form a source of suspended solids/silt pollution. Borrow pits can result in risks to groundwater and surface water from, for example, pollution / turbidity, risk of mobilising contamination and physically disturbing aquifers. This requires further consideration within the Environmental Statement to understand the risks associated with this specific site and to ensure that any works will not result in contamination or affect water resources. Alternative source of aggregate should be investigated for this use.

Water Framework Directive (WFD)

Section 10.5.28 states that none of the watercourses within the site boundary or proposed development are classified within the River Basin Management Plans (RBMP)

Although some stretches of water are too small to be a formal water body or are too small to show up on a map of the water body such as the ditches and streams within the application site boundary, they are still legally protected from pollution, modification and abstraction. This application should consider measures to protect, and where possible, improve them to the extent needed to achieve the objectives for water bodies to which they are directly or indirectly connected. Other aquatic habitats such as wetlands (e.g. bogs, ponds, reedbeds) play an important role in managing and storing water within the catchment. The proposed wind farm and associated Habitats Management Plan (HMP) and Sustainable Drainage systems (SuDs) scheme provide the opportunity to consider opportunities to contribute towards an improvement in WFD status of the downstream receiving waterbodies.

10.7.15 - We note the intention to install silt traps to help mitigate any sediment run-off issues. However, the use of terram fences and clean stone is not suitable for the colloidal (fine clay particles) that will be encountered during this development. We have provided previous comments regarding the use of terram and clean stone and again advise the developer to use proprietary products and materials specifically designed to trap sediment and prevent it entering watercourses. Any proposed use of flocculants may require an environmental permit to discharge. This will take several months and as such cannot be deployed on an adhoc basis unless the appropriate permits are in place.

We advise the developer contact our Neath Port Talbot Environment Team

npt.et@cyfoethnaturiolcymru.gov.uk at the earliest opportunity to discuss in further detail.

Groundwater

10.9.8 - Modification of groundwater flows and levels – we note that the report recognises that cut tracks and their drainage as well as the turbine foundations have the potential to alter the water table within the upslope and downslope peat and bedrock groundwater, which may have implications for the long-term functionality of the peatland's environment. Mitigation, restoration and enhancement isn't documented in any detail. This should be addressed.

Modification of Groundwater Flows and Levels 10.9.8 Cut tracks and their drainage as well as turbine foundations and hardstands will potentially alter the water table within the upslope and downslope peat and bedrock groundwater, which can also have implications for the long-term functionality of peatland environments.

Table 10.17 - more detail should be given to the operational phase impacts of the development. For example, making permanent changes to the drainage regime of the site could have significant impacts (both positive and negative) upon groundwater in the medium and long term. It is important that these are monitored.

We recommend a baseline groundwater investigation/monitoring exercise is undertaken to understand the groundwater regime associated with the site and how changes to it may impact the environment.

10.10 - Cumulative effects – consideration should be to the potential cumulative effects throughout the construction and operational phases.

10.11.3 - Water monitoring control sites - the proposed control sites would need to be areas which are unaffected by pollution. We'd recommend an unaffected upstream watercourse within the vicinity.

Groundwater sensitivity - There is limited to no superficial cover. The bedrock geology consists of the Brithdir member (sandstone) and is a Secondary A aquifer. The site has medium groundwater vulnerability. In addition to private water supplies that will need identifying there are some licensed groundwater abstractions within 2-3km of the site that may need consideration.

Given the limited superficial cover, the groundwater could be vulnerable to groundwater pollution. Groundwater flows and levels could be at risk from the development of the windfarm. As advised in our Scoping response (Reference CAS-35151-H4R5 dated 17 February 2021). We recommend that a Water Features Survey be undertaken to include the following:

- Identification of all water features both surface and groundwater (ponds, springs, ditches, culverts etc.) within a 500-metre radius of the site boundary and access roads.
- Use made of any of these water features. This should include the construction details of wells and boreholes and details of the lithology into which they are installed.

- An indication of the flow regime in the spring or surface water feature, for example whether the water feature flows throughout the year or dries up during summer months.
- Accessibility to the spring/well.
- This information should identify on a suitably scaled map (i.e., 1:10,000), tabulated and submitted to NRW. It would be useful for the developer to photograph each of the identified water features during the survey.

Based on the results of the survey the likely impacts from the development should be assessed on both quantity and quality of the surface water and groundwater. This should take into consideration both the preferred methods of construction and the assumed hydrogeology in the vicinity of the development.

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

It is noted that identification of groundwater features are not included within Figure 10.1 (see above comments regarding water features survey).

We strongly recommend that within Section 10.2 [The Environment Agency's approach to groundwater protection \(publishing.service.gov.uk\)](#) as adopted by NRW is referred to. Reference to this is essential when considering the potential impacts to groundwater.

Coal Mining Risk

This assessment suggests mitigating the effect of coal mine features on the development of turbines via micro-silting, treatment of workings and or deepening of foundations. Note that such measures could present a risk to the environment and controlled waters. This should be considered within the ES. The ES refers to consideration of subsequent impacts to groundwater flows following grouting, but it does not consider impacts to groundwater and surface water quality.

Note that specific permissions are sometimes required to drill within coal mine areas.

The Local Authority should be consulted upon risks associated with mine gas.

We welcome that this section of the report suggests consideration of impact upon groundwater as a result of foundation design. More detail however should be included within the ES as this could have significant impact upon groundwater quality and quantity depending upon the hydrogeological regime.

Other Matters

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

We advise the applicant that, in addition to planning permission, it is their responsibility to ensure they secure all other permits/consents/licences relevant to their development. Please refer to our [website](#) for further details.

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

Yn gywir / Yours faithfully

Lisa Jones
Gynghorydd - Cynllunio Datblygu / Advisor - Development Planning

Ffôn/Phone:
E-bost/E-mail:

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

A3.4.17 LQAS PAC RESPONSE (JULY 2023)

Soil Policy & Agricultural Land Use Planning Unit
Uned Polisi Pridd a Chynllunio Defnydd Tir Amaethyddol
Yr Adran Newid Hinsawdd / Department for Climate Change.
Change



Ref: DNS/3264571

Rafe Osborne
Senior Consenting and EIA Consultant
Natural Power
The Greenhouse,
Dalry
Castle Douglas
DG7 3XS

Via Email: [REDACTED]

31st July 2023.

Re: Pre-application consultation response under article 10(2) of the Developments of National Significance (Procedure) (Wales) Order 2016 – Proposed Y Bryn Wind Farm, Maesteg (Ref No: DNS/3264571).

I refer to your e-mail of 4th of July consulting the Soil, Peatland & Agricultural Land Use Planning Unit on the above as a statutory pre-application consultee. This substantive response is made in accordance with Article 10 of the Developments of National Significance (Procedure) (Wales) Order 2016 and:

- Schedule 5 of the Town and Country Planning Act 1990¹ (as amended),
- MTAN 1 Aggregates, Chapter D – 2004²
- Planning Policy Wales (PPW), Edition 11 – 2021³.
- National Development Framework (NDF) Future Wales: The National Plan 2040⁴

This substantive response includes at Annex 1 the Department's appraisal of the application documents in respect of mineral planning, soils and peatlands.

1. Substantive Response

As per Article 10(2)(c) of the 2016 Order, the Department advises the applicant of concerns identified in relation to the proposed development and how those concerns can be addressed.

¹ <https://www.legislation.gov.uk/ukpga/1990/8/schedule/5/enacted>

² <https://www.gov.wales/minerals-technical-advice-note-mtan-wales-1-aggregates>

³ <https://www.gov.wales/planning-policy-wales>

⁴ <https://www.gov.wales/future-wales-national-plan-2040-0>

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

2. Context and Background:

The Natural Resources Policy (NRP) requires that we sustainably manage our soil resource, to build resilience and maintain the soils functions and ecosystem services our soils provide. Mineral, organo-mineral and peat soils are fragile, finite and provide crucial ecosystem services and functions. These services and functions include carbon and water storage, biodiversity and important contributions to climate regulation.

As per the step-wise approach (PPW, paragraph 6.4.21), the first priority must be to avoid impacts to peatland bodies and their functioning. The Department expect proposals not to impact peatland bodies or hydrological function and this should be clearly demonstrated in the proposals.

3. Policy Context and Guidance

The Department has examined the proposals and consider the policies and guidance below are also applicable to this development: -

- Policy 9 of Future Wales - The National Plan 2040 highlights soil carbon, biodiversity hotspots / networks, natural flood management and upland habitats as 'national natural resources'. These national natural resources exist as a direct result of the presence of peat soils.
- Policy 18(11) of Future Wales – sets out the need for acceptable provisions relating to the decommissioning of the development at the end of its lifetime, including the removal of infrastructure and effective restoration.
- Chapter D of MTAN 1 (Aggregates) sets out detailed advice on the mechanisms for delivering a high standard of restoration, aftercare and provide for a beneficial after-use.
- Paragraph 5.14.34 of PPW 11 - "*Borrow pits must be restored to the high standard expected of other forms of mineral development.*"

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

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

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

5. Borrow Pits and associated infrastructure:

The proposal has not demonstrated that the site can be reclaimed to an acceptable standard and after-use. This should have been presented in sufficient detail for the determining authority and statutory consultees to form a judgement as to its feasibility (MTAN1, paragraph 106).

There is significant doubt as to whether satisfactory reclamation can be achieved at the site, and as such, the planning permission should be refused. (MTAN1, paragraph 97).

The lack of a detailed scheme means the Department does not have confidence that the land can, as far as reasonably practicable, be brought to the required standard when it is reasonably fit for that use in accordance with paragraph 3 of Schedule 5 of the 1990 Act.

The proposal is contrary to Paragraph 5.14.34 of Planning Policy Wales, "Borrow pits must be restored to the high standard expected of other forms of mineral development." The proposal lacks the detail necessary to assess whether this is achievable and to be able to condition against. The Department does not agree that this is left to a post consent condition.

6. Peat Soils:

The Department welcomes the efforts made to avoid peat impacts in the proposal's evolution. However, there are some contradictory statements and further clarification required in respect of infrastructure siting and potential peat impacts.

The documents state that no infrastructure is to be placed on peat >0.5m deep and there will be no peat excavations or handling. However, according to Figure 10.4 (Peat Interpolation), there appears to be infrastructure proposed on areas of peat with depth ranging from 0.3m – 0.5m and even >0.5m in some cases. Examples are:

- Construction compound near T8 and T9, and existing track upgrade to north east and south.
- New track from T12 to (and including) borrow pit to north east.
- T9, T10, T11 and T12 crane hardstanding.
- New track to T16 and T18.
- Existing track upgrades between T09 and T10

The department would welcome further clarification on the impacts of infrastructure on peaty soils and associated hydrological functions.

There are also statements made (e.g., Section 5.6.7 and 5.6.8) regarding details on peat handling and storage being prepared in the CMS. This would appear to contradict the earlier statement that no peat extraction would be undertaken. Clarification on this matter would be welcome.

7. Use of soils:

The proposals do not provide detailed information on the potential impact of the development, on soils, the use of soils and the reinstatement of all soils. For all disturbed soil areas (permanent and/or temporary) a soil management scheme should be prepared by the developer, informed by a baseline soil resources and physical characteristics report. This should be a clear scheme and programme setting out how all soils will be managed and reinstated in order to maintain their function.

8. Micro-siting:

Due to the sensitive nature of peatland bodies and associated hydrology, the Department does not accept the broad micro-siting allowance of 50m proposed for turbines or any other infrastructure. Micro-siting allowances should be restricted where there may be a sensitive directional restriction such as peatland bodies or hydrological impacts.

9. Decommissioning:

The Department does not consider that there is sufficient information to reasonably assess and determine whether effective site restoration can be achieved post decommissioning. The Department considers that the broad decommissioning proposal in Section 5.17.1 does not meet the requirements of Policy 18(11) of Future Wales. A detailed decommissioning and restoration plans should be provided as part of this application.

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

Yours sincerely



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

Annex 1 – Appraisal of the application documents in respect mineral planning, soils and peat.

- 1.1. **Borrow pits** - Chapter 2, Section 2.4 notes that '*The detailed assessments contained in the following chapters demonstrate that the proposed development will not result in any unacceptable adverse impacts on the matters laid out in Policy 18*'. The Department has concerns with this statement in respect of Policy 18(11) of Future Wales and effective restoration of the site.

For the borrow pits, the proposals do not specify the afteruse in accordance with Schedule 5, paragraph 2(1) of the 1990 Act. The agreed afteruse will inform the standard of restoration, the scheme and aftercare proposals.

The proposal has not demonstrated that the borrow pits can be reclaimed to an acceptable standard and after-use. This should have been presented in sufficient detail for the determining authority and statutory consultees to form a judgement as to its feasibility. The lack of a detailed scheme and confirmed afteruse means the Department does not have confidence that the land can, as far as reasonably practicable, be brought to the required standard when it is reasonably fit for that use in accordance with Schedule 5, paragraph 3(2), 3(3) or 3(4) of the 1990 Act.

The proposal is contrary to Paragraph 5.14.34 of PPW; "*Borrow pits must be restored to the high standard expected of other forms of mineral development.*" The proposal lacks the detail necessary to assess whether this is achievable and to be able to condition against.

Chapter 5, paragraph 5.6.5 notes '*Previous experience of agreeing the construction methodology during the post-consent/pre-construction stage has proved effective in securing accurate and realistic method statements*'. The Department would like to emphasise that it is the responsibility of the mineral operator to design and implement a high-quality restoration and aftercare scheme that must be an integral part of any application. MTAN 1, paragraph 97 is clear, if there is significant doubt as to whether satisfactory reclamation can be achieved at the site, and as such, the planning permission should be refused.

- 1.2. Chapter 5, paragraph 5.6.8 notes the environmental awareness training for staff, specifically measures on maintaining and handling stored peat. It is unclear why this would be necessary as the proposal noted no infrastructure on peat and no peat extraction. Clarification would be welcome on the potential peat impacts.
- 1.3. Chapter 5, table 5.2 notes the proposed 24-month construction timetable GANTT chart. The Department is concerned that from this proposal, work is undertaken on soils during periods of unsuitable ground conditions (periods of high rainfall and winter months). Information would be welcome on how this will be managed to ensure that all soils (including peaty soils) and functions are maintained and not unduly compromised.
- 1.4. **Soils** - Chapter 5, Paragraph 5.7 – Specification of Turbines. There will be substantial extraction of soils for each of the 18 turbine foundations (33m diameter x 4m deep each), crane pads (area unclear), internal tracks (4.5m wide x 8.9km), cable trenches with sand fill (1.0 deep x 0.45m width, total length unknown), compounds,

hardstanding areas, substation, control building (100m x 75m) and battery storage (50m x 75m).

Very little information is provided on a soil management scheme. The proposals do not provide detailed information on the potential impact on soils from the development, the soil resources (types, depths and volumes), use of soils and the reinstatement of all soils. Some broad information is provided on soils handling, excavation and site reinstatement. It is unclear what use will be made of the extracted soils.

For all soil excavations, an application is expected to include details on the soil resources present to inform soil stripping, handling, storage, placement, restoration proposals and afteruse and to be able to condition against an approved scheme.

The Scheme should be presented in sufficient detail for the determining authority and statutory consultees to form a judgement as to its feasibility, and should include: -

- Soil stripping programme - volumes and types of soils affected;
- Soil handling techniques and procedure;
- Size, location, construction, management and period of soil storage dumps;
- Proposed restoration/reinstatement programme, including techniques and aftercare programme.

It is welcomed that detailed method statements will be produced for soils in landscaping and reinstatement works (Section 10.7.60). These could form part of a soil management scheme.

- 1.5. **Micrositing** - Due to the sensitive nature of peatland bodies and associated hydrology, the Department does not accept the broad micro-siting allowance proposed of 50m. Micro-siting allowances should be restricted where there may be a sensitive directional restriction such as peat.
- 1.6. **Dewatering** - This carries a risk of compromising the adjacent peat soils and supporting hydrology despite best intentions. A detailed plan of the proposed dewatering methodology and timing is required in order to condition against.
- 1.7. **Decommissioning** – the Department is concerned that there is no detailed scheme for site decommissioning put forward that can be confidently conditioned against. There are a few broad statements in Section 5.17.1 confirming that all above ground infrastructure would be removed and all below ground infrastructure would remain. The department consider that this does not meet the requirements of Policy 18(11) of Future Wales in terms of acceptable provisions relating to the decommissioning of the development at the end of its lifetime, including the removal of infrastructure and effective restoration.
- 1.8. **Peatland** - The Department considers the definition of peatland to be used for assessment is as published in the National Peatland Action Programme (NPAP) – see below. This includes any transitioning shallow peaty soils integral to the hydrological functioning of peat bodies : -

A3.4.18 TREVOR HUNTER RESPONSE TO LQAS (AUGUST 2023)

'Peat soils are defined by the Soil Survey of England & Wales as:

- more than 40 cm of organic (O horizon) material within the upper 80cm, excluding fresh litter (L) and living moss; or*
- more than 30 cm of organic (O horizon) material resting directly on the bedrock (R or Cr) or extremely stony material; and,*
- no overlying non-humose material mineral horizon that has a colour value of 4 or more and extends below 30cm depth'.*

Megan Griffiths

From: Trevor Hunter <[REDACTED]>
Sent: 22 August 2023 11:37
To: LQAS@gov.wales; Rafe Osborne
Cc: Lucy Freeman; Katherine Arthur; PEDW.Infrastructure@gov.wales
Subject: RE: Consultation with LQAS on proposed Y Bryn Windfarm DNS ref: 3264571

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Arwel,

Many thanks again for your response to PAC.

Just picking up on the borrow pits point firstly, we'd like to try and cover these off and find agreement with you prior to submission, by providing what additional info we reasonably can.

Could I therefore ask for clarification as to what detail you think would be reasonably necessary at this stage?

We could, for instance, provide some additional narrative on restoration methods, and potentially indicative restored contours/profile figures. If you've any specific details you're looking for or otherwise examples/ guidance that you'd wish point us to then these would be appreciated.

In terms of MTAN1 though, to be clear we do not consider that there would be "significant doubt as to whether satisfactory reclamation can be achieved" given that the restoration of borrow pits at wind farm sites is a well-established process and would be secure by condition (as, for recent example, it has been at Upper Ogmere, with a Borrow Pit Management Plan being agreed post-consent as part of the CEMP). We consider that a condition securing borrow pit restoration would satisfy PPW para 5.14.34. We're also advised that para 3 of TCPA 1990 Sched 5 only applies where permission is being granted *subject to* a condition requiring the site to be returned to its original use (e.g. as forestry), and no such condition is currently being proposed by any other consultees for Y Bryn.

Happy to catch up over the phone/Teams, best with Natural Power involved.

Best regards,

Trevor Hunter
Project Manager
Coriolis Energy

Mobile: [REDACTED]
Office: [REDACTED]
Email: [REDACTED]
Website: www.coriolis-energy.com
Address: [REDACTED]



Please consider the environment before printing this e-mail

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A3.4.19 CONSULTATION UNDERTAKEN WITH LQAS – SEPTEMBER 2023

From: Rafe Osborne <[redacted]>
Sent: Wednesday, September 6, 2023 1:50 PM
To: LQAS <[redacted]>
Cc: Trevor Hunter <[redacted]>; Lucy Freeman <[redacted]>; Katherine Arthur <[redacted]>
Subject: RE: Consultation with LQAS on proposed Y Bryn Windfarm DNS ref: 3264571

Hi Arwel

Just following up on Trevor’s email below. Can you please clarify what details you’d expect to see from the borrow pit assessment for the proposed development in the final submission, particularly around restoration? If you can point us at examples that you think have an appropriate level of detail, those would be very helpful.

Give me a call if easier to discuss over the phone. Look forward to hearing from you.

Rafe

Rafe Osborne
Senior Consenting and EIA Consultant
mobile: +44 [redacted]
email: [redacted]

naturalpower.com
renewable energy consultants



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[Disclaimer](#)

From: Trevor Hunter
Sent: 22 August 2023 11:37
To: LQAS@gov.wales; rafeo@naturalpower.com
Cc: lucyf@naturalpower.com; katherinea@naturalpower.com; PEDW.Infrastructure@gov.wales
Subject: RE: Consultation with LQAS on proposed Y Bryn Windfarm DNS ref: 3264571

Hi Arwel,

Many thanks again for your response to PAC.

Megan Griffiths

From: [redacted] on behalf of LQAS@gov.wales
Sent: 12 September 2023 17:05
To: Rafe Osborne; [redacted]
Cc: [redacted]; Lucy Freeman; Katherine Arthur
Subject: RE: Consultation with LQAS on proposed Y Bryn Windfarm DNS ref: 3264571

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Rafe and Trevor,

My apologies for not getting back to you sooner on this e-mail.

I am afraid the Department does not have the capacity to advice applicants individually on specific cases.

[Chapter D of Minerals Technical Advice Note \(MTAN\) 1](#) sets out detailed advice and should be read in conjunction with Planning Policy Wales (PPW) paragraph 5.14.33.

Regarding Schedule 5 of the 1990 Act, the Department does not agree with your interpretation. It is for the applicant to specify the intended afteruse (agriculture, forestry or amenity) of the proposed borrow pits and demonstrate how satisfactory reclamation will be achieved - as is required by MTAN1 and PPW.

It is the responsibility of the applicant (as mineral operator) to design and implement a high-quality restoration and aftercare scheme. The department does not accept that post consent conditions for restoration of borrow pits meet the requirements of MTAN1 paragraph 97, as a restoration and aftercare scheme must be integral to an application.

I appreciate your comment regarding restoration of borrow pits at wind farms is well established process, however the department can only comment on the feasibility of site-specific scheme details provided in an application. MTAN1 paragraph 106 is clear that to demonstrate a site can be reclaimed to an acceptable standard, the applicant is advised to prepare, at the outset, a working plan which includes restoration proposals and is based upon findings from the site investigation. This should be in sufficient detail for the determining authority and any statutory consultees to form a judgement as to its feasibility and to condition against. If this information is not available, or if there is any significant doubt about whether satisfactory reclamation can be achieved at a site, planning permission should be refused.

Regards

Arwel Williams

Arwel Williams
Cynghorydd Polisi Pridd a Defnydd Tir Amaethyddol / Agricultural Land Use & Soil Policy Advisor
Is-adran Tirweddau, Natur a Choedwigaeth / Landscapes, Nature and Forestry Division

A3.4.19 MID AND WEST WALES FIRE AND RESCUE SERVICE PAC RESPONSE
(SEPTEMBER 2023)



Y Bryn Wind Farm
Port Talbot

Gofynner am/
Please ask for:
Rhif Est/Extn.
No. 6611

E-bost/E-mail: [Redacted]

Fy Nghyf/My
Ref. AJH/CW/00345120

Dyddiad/Date: 22 September 2023

Dear Sir/Madam,

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

THE DEVELOPMENTS OF NATIONAL SIGNIFICANCE (PROCEDURE) (WALES) ORDER 2016

**DEVELOPMENT PROCEDURE (CONSULTEES) (WALES) (MISCELLANEOUS AMANDMENTS)
ORDER 2021 – FIRE AND RESCUE AUTHORITIES**

RE: Y Bryn Wind Farm

APPLICATION NUMBER: DNS CAS-01294-W3D7Y5

I acknowledge receipt of the notification to the Mid and West Wales Fire and Rescue Authority in relation to the above application.

The site plan/s of the above proposal has been examined and the Fire and Rescue Authority would wish the following comments to be brought to the attention of the planning committee/applicant. It is important that these matters are dealt with early on in any proposed development :

- The Fire Authority has no comment to make on access for fire appliances or water supplies.
- The Fire Authority has no objection to the proposed development and refers the Local Planning Authority to any current standing advice by the Fire Authority about the consultation.

The developer should consider the need to provide adequate water supplies and vehicle access for firefighting purposes on the site and general guidance on this matter is given in the attached Appendix and the following links: <https://www.water.org.uk/guidance/national-guidance-document-on-the-provision-of-water-for-firefighting-3rd-edition-jan-2007/>

Y Pencadlys, Heol Llwyn Pisgwydd, Caerfyrddin, Sir Gâr, SA31 1SP
Headquarters, Lime Grove Avenue, Carmarthen, Carmarthenshire, SA31 1SP

post@tancgc.gov.uk
mail@mawwfire.gov.uk
0370 60 60 699

<https://www.ukfrs.com/index.php/promos/16847>

Furthermore, the applicant should be advised to contact the Local Authority Building Control Department, which is the responsible authority, when determining issues concerning means of warning and escape, internal fire spread (linings and structure), external fire spread, access and facilities for the Fire and Rescue Service, in accordance with the 2007 version of Approved Document B (Wales).

The plan/s has been retained for record purposes.

Yours faithfully



Watch Manager A Hall
Authorised Fire Safety Regulator
On behalf of the Mid and West Wales Fire and Rescue Authority

Enc

MID AND WEST WALES FIRE AND RESCUE SERVICE

Advice on Water Supplies

1. WATER SUPPLIES FOR FIREFIGHTING

The existing output of the statutory water supply network may need to be upgraded in certain parts of the local plan area to care for firefighting needs of new developments. It is recommended that this provision be a condition of planning consent.

Reference to the National Guidance Document on the Provision of Water for Fire Fighting 2007.

Access to Open Water Supplies

Where development of water-front sites takes place, the need for permanent and unobstructed access for firefighting appliances to the water should be made a condition of any planning consent.

Consultation must take place with the Fire and Rescue Authority during the earliest planning stages of any development to ensure access for fire pumping appliances is satisfactory.

1.1. HOUSING

Minimum main size 100 millimetres. Housing developments of units of detached or semi-detached houses of not more than two floors should have a water supply capable of delivering a minimum of eight litres per second through any hydrant on the development.

The Fire and Rescue Authority should be consulted at the outline planning stage of any proposed projects to ascertain the exact requirements.

1.2. TRANSPORTATION

Lorry/Coach Parks - Multi-Storey Car Parks-Service Stations

Minimum main size 100 millimetres. All of these amenities should have a water supply capable of delivering a minimum of 25 litres per second through any hydrant on the development or within a vehicular distance of 90 metres from the complex.

1.3. INDUSTRY

In order that an adequate supply of water is available for use by the Fire and Rescue Authority in case of fire, it is recommended that the water supply infrastructure to any commercial industrial estate is as follows:

Light Industrial/Commercial

Up to one hectare, 20 litres per second - Minimum Main Size 100 millimetres

Up to two hectares, 35 litres per second - Minimum Main Size 150 millimetres

High Risk Industrial

Up to three hectares 50 litres per second - Minimum Main Size 150 millimetres

Over three hectares, 75 litres per second - Minimum Main Size 150 millimetres

In rural areas it may not be possible to provide sufficient mains water. To overcome this, static or river supplies would be considered on site if they are capable of supplying the above flow rates for at least one hour.

The Fire and Rescue Authority should be consulted at the outline planning stage of any proposed projects to ascertain the exact requirements, as high-risk premises may require a greater flow.

1.4. SHOPPING, OFFICES, RECREATION AND TOURISM

Commercial developments of this type should have a water supply capable of delivering a minimum of 20 to 75 litres per second to the development site. The Fire and Rescue Authority should be consulted at the outline planning stage of any proposed projects to ascertain the exact requirements.

1.5. EDUCATION, HEALTH AND COMMUNITY FACILITIES

Village Halls

Should have a water supply capable of delivering a minimum of 15 litres per second through any hydrant on the development or within a vehicular distance of 100 metres from the complex.

Primary Schools and Single Storey Health Centres

Should have a water supply capable of delivering a minimum of 20 litres per second through any hydrant on the development or within a vehicular distance of 70 metres from the complex.

Secondary Schools, Colleges, Large Health and Community Facilities

Should have a water supply capable of delivering a minimum of 35 litres per second through any hydrant on the development or within a vehicular distance of 70 metres from the complex.

1.6. DISTANCES BETWEEN FIRE HYDRANTS

The distance between fire hydrants should not exceed the following:

Residential areas	-	200 metres
Industrial Estates	-	150 metres
Town Centre Areas	-	90 metres
Commercial (Offices & Shops)	-	100 metres
Residential Hostels	-	Adjacent to access
Hotels	-	Adjacent to access
Institutional (Hospitals & Old Persons Home)	-	Adjacent to access
Old Persons Home	-	Adjacent to access
Educational (Schools & Colleges)	-	Adjacent to access

1.7. CONCLUSION

Developers should hold joint discussions with the relevant Water Authority or the Environmental Agency and the Fire and Rescue Authority to ensure that adequate water supplies are available in case of fire.

The Fire and Rescue Authority reserve the right to ask for static water supplies for firefighting on site, as a condition of planning consent, if the supply infrastructure is inadequate for any given risk.