



**RWE Renewables UK Swindon Ltd**

**Pen March Wind Farm**

**Pre-Application Consultation Report**

**663044**

**JULY 2023**





# GENERAL NOTES

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**Title:** Pen March Wind Farm: Pre-Application Consultation Report

**Client:** RWE Renewables UK Swindon Ltd

**Date:** May 2023

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| <b>Author</b>         | RSK Environment | <b>Technical reviewer</b> | Victoria Robinson |
| <b>Date</b>           | July 2023       | <b>Date</b>               | July 2023         |

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# 1 INTRODUCTION

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## 1.1 The Proposed Scheme

- 1.1.1 RWE Renewables UK Swindon Ltd. (hereafter, the 'Applicant') is proposing to construct and operate Pen March Wind Farm (hereafter, the 'Proposed Scheme') which would be located north of the A465 Heads of the Valleys Road, north-west of the small town of Rhymney and north-east of Merthyr Tydfil.
- 1.1.2 The Planning (Wales) Act 2015 and the Developments of National Significance (Wales) Regulations 2016 (as amended) and subsequent regulations, provides the statutory basis for a Development of National Significance (DNS). Any proposal to construct or operate an onshore wind development with a capacity over 10 megawatts (MW) falls under the DNS system and requires Welsh Ministers' consent.
- 1.1.3 The Proposed Scheme comprises the construction and operation of up to six wind turbines and associated infrastructure. The Proposed Scheme is classed as a DNS as the combined installed capacity of the power generating elements will be greater than 10MW.
- 1.1.4 The Applicant is seeking to secure full planning permission for the Proposed Scheme by way of an application made pursuant to section 62D of the Town and Country Planning Act 1990 (hereafter, the '1990 Act') and subsequent regulations including the Developments of National Significance (Wales) Regulations 2016 (as amended).

## 1.2 Statutory Consultation Requirements

- 1.2.1 Section 61Z of the 1990 Act sets out the requirement for pre-application consultation on a proposed application.
- 1.2.2 Articles 8 and 9 of the Developments of National Significance (Procedure) (Wales) Order 2016 (hereafter, the 'DNSPWO') set out the requirement for publicising and consulting on the proposed application.
- 1.2.3 Prior to submitting a full DNS application, the Proposed Scheme must be publicised and consulted on for a period of at least 42 days from the date that relevant notices have been served.
- 1.2.4 As a minimum, the Applicant is required to:
  - Consult specific community consultees, specialist consultees, and any relevant persons.
  - Serve written notice on owners or occupiers of land adjoining the site.
  - Display site notices, eligible for the DNS process, in at least one place on or near the site.
  - Place a notice in a local newspaper.

## 1.3 Pre-Application Consultation Report

1.3.1 Following the end of the statutory consultation period, a Pre-Application Consultation (PAC) Report must be prepared by the Applicant in support of the DNS application. The purposes of the PAC Report are to provide evidence of:

- How the applicant complied with section 61Z of the 1990 Act;
- The consultation responses received from persons consulted under section 61Z(3) or (4) of the 1990 Act; and
- How the applicant has taken account of the consultation responses received.

1.3.2 Article 11 of the DNSPWO sets out what should be provided within the PAC Report. In accordance with Article 11 of the DNSPWO, Table 1-1 sets out the information requirements and where this information can be found in this Consultation Report.

**Table 1-1: Information which must be included within a PAC Report as required by the DNSPWO**

| Information Required                                                                                                                                                                                                                                  | Location within PAC Report           |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|
| A copy of the notice referred to in Article 8(1)(a)(i).                                                                                                                                                                                               | <b>Appendix A</b>                    |
| A declaration that the notice referred to in Article 8(1)(a)(i) was displayed in accordance with the requirements of that Article.                                                                                                                    | <b>Appendix B</b>                    |
| A list of the addresses of the persons who were given notice of the proposed application in accordance with Article 8(1)(a)(ii) and a copy of the notice given to such persons.                                                                       | <b>Chapter 2 &amp; Appendix C</b>    |
| A copy of the publication referred to in Article 8(1)(a)(iii).                                                                                                                                                                                        | <b>Appendix D</b>                    |
| A declaration that the Applicant has complied with the publication requirements in Article 8(1)(b).                                                                                                                                                   | <b>Appendix E</b>                    |
| Copies of all notices given to community consultees, relevant persons and specialist consultees in accordance with Articles 9(2) and 9(3).                                                                                                            | <b>Appendix G</b>                    |
| A summary of all issues raised by any person notified of the proposed application in accordance with section 61Z(3) of the 1990 Act and Articles 8 and 9(2), including confirmation of whether the issues raised have been addressed and, if so, how. | <b>Chapters 5-8 &amp; Appendix H</b> |
| Copies of all responses received from community consultees, specialist consultees, and relevant persons with an explanation of the account taken of each response.                                                                                    | <b>Chapters 5-8 &amp; Appendix H</b> |

## 1.4 Structure of this PAC Report

### 1.4.1 This PAC Report is presented as follows:

- Chapter 2: Provides a description of how the Applicant publicised the Proposed Scheme in advance of, and during, the statutory consultation period.
- Chapter 3: Provides a summary of the community consultees, specialist consultees, relevant person, and other interested parties who were consulted during the statutory consultation period.
- Chapter 4: Provides a summary of the consultation responses received during the statutory consultation period.
- Chapter 5: Presents the issues raised by community consultees and the Applicant's response.
- Chapter 6: Presents the issues raised by specialist consultees and the Applicant's response.
- Chapter 7: Presents the issues raised by other relevant parties and the Applicant's response.
- Chapter 8: Provides a summary of the PAC Report.

## 1.5 References

- Town and Country Planning Act 1990. Accessed March 2023:  
<https://www.legislation.gov.uk/ukpga/1990/8/introduction>
- The Developments of National Significance (Procedure) (Wales) Order 2016. Accessed March 2023:  
<https://www.legislation.gov.uk/wsi/2016/55/introduction/made>
- Developments of National Significance Guidance: The Pre-Application Stage, June 2019. Access March 2023:  
<https://www.gov.wales/sites/default/files/publications/2019-07/developments-of-national-significance-guidance-the-pre-application-stage.pdf>

## 2 PRE-APPLICATION PUBLICITY

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### 2.1 Introduction

2.1.1 Article 8(1) of the DNSPWO stipulates that the Applicant must publicise the proposed application by:

*a) Giving requisite notice:*

- i. By site display for not less than 42 days;*
- ii. In writing to any owner or occupier of any land adjoining the site; and*
- iii. By publication of the notice in a newspaper circulating in the locality of the site.*

*b) Publishing the following information on a website maintained by the applicant, for not less than 42 days beginning with each day on which each of the notices referred to in subparagraph (a) or Article 9(2) are given:*

- i. The draft application form published by the Welsh Ministers under Article 12(1)(a) (or a form substantially to the like effect), including the particulars specified in or referred to in the form;*
- ii. A plan which identifies the land to which the proposed application relates;*
- iii. Any other plans, drawings and information necessary to describe the development which is the subject of the proposed application;*
- iv. A copy of the notice required by Article 6 which has not lapsed under paragraph (3) of that Article;*
- v. The design and access statement required by Article 14;*
- vi. Subject to Article 12(3), the particulars or evidence required by the Welsh Ministers under section 62(3) of the 1990 Act (applications for planning permission);*
- vii. Where applicable, a statement referred to as the environmental statement for the proposed development; and*
- viii. A written statement about any secondary consent connected with the proposed application in respect of which the applicant considers a decision on that consent is to be made or should be made by the Welsh Ministers, together with the draft application form and documents associated with such consents.*

2.1.2 This chapters provides a description of how the Applicant publicised the Proposed Scheme in advance of, and during, the statutory consultation period to accord with Article 8(1) of the DNSPWO.

## 2.2 Site Notice

- 2.2.1 Article 8(1)(a)(i) dictates that a site notice must be displayed for the duration of the statutory consultation period, being not less than 42 days. Three notices were displayed in the vicinity of the Site from 03 November 2022 until 15 December 2022. During the 42 day period, the site notices were checked and, if required, replaced to ensure they were legible.
- 2.2.2 A copy of the Schedule 1 notice can be found at **Appendix A**. A map showing the location of the Schedule 1 notices which were displayed at the Site are also provided in **Appendix A**. A declaration confirming that the Schedule 1 notices were displayed in accordance with Article 8(1)(a) of the DNSPWO can be found at **Appendix B**.

## 2.3 Notice to owner or occupier of any land adjoining the Site

- 2.3.1 Letters notifying the start of the formal consultation period were sent by email to every owner and/or occupier of any land adjoining the Site on 28 October 2022, along with a copy of the Schedule 1 notice. Copies of the addresses and notices served on every owner and/or occupier of any land adjoining the Site can be found in **Appendix C**.
- 2.3.2 In accordance with Article 8(1) of the DNSPWO, the notice outlined where the planning documents could be viewed and explained how comments could be made during the statutory consultation period. The letter also provided the recipients with two forms of contact, email and postal address, in which comments could be made during the consultation period. In accordance with Article 11(2)(c), a list of the persons who were given notice of the Proposed Scheme in accordance with Article 8(1)(a)(ii) are presented in Table 2-1.

**Table 2-1: List of owner/occupier of the site and owners/occupiers of properties adjacent to the Site**

| Name                                                         | Capacity                  |
|--------------------------------------------------------------|---------------------------|
| Dowlais Top Investment Company                               | Owner / occupier          |
| Honourable Artillery Company, Pencelli Estate (Pencelli Ltd) | Adjacent owner / occupier |
| The National Assembly for Wales                              | Adjacent owner / occupier |
| The Secretary of State for Wales                             | Adjacent owner / occupier |
| The Welsh Ministers                                          | Adjacent owner / occupier |
| Dŵr Cymru Cyfyngedig                                         | Adjacent owner / occupier |
| P Brogden Properties Limited                                 | Adjacent owner / occupier |
| Merthyr Tydfil County Borough Council                        | Adjacent owner / occupier |
| Paul Brogden and Cheryl Ann Brogden                          | Adjacent owner / occupier |
| Kepak Group Limited                                          | Adjacent owner / occupier |

## 2.4 Publication of newspaper notice

- 2.4.1 In accordance with Article 8(1)(a)(iii), the Applicant publicised the Proposed Scheme by way of the Schedule 1 notice in each of the Merthyr Express and Caerphilly Observed on 03 November 2022.
- 2.4.2 Evidence of the publication in both local newspapers can be viewed in **Appendix D**.

## 2.5 Publication of Proposed Scheme documents

- 2.5.1 In accordance with Article 8(1)(b), the Applicant hosted a project website<sup>1</sup> for the duration of the statutory consultation period. The project website went live on 03 November 2022 and provided access to documentation/information associated with the Proposed Scheme. Table 2-2 provides a summary of the documentation made available through the project website.

**Table 2-2: Proposed Scheme documents made available through the project website**

| Document / Information                                                                                                                                                                                                                                                           | Reference to Article 8(1) of the DNSPWO |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------|
| Draft DNS application form                                                                                                                                                                                                                                                       | Article 8(1)(b)(i)                      |
| Site Boundary Plan                                                                                                                                                                                                                                                               | Article 8(1)(b)(ii)                     |
| Other plans, drawings, and information: Including: <ul style="list-style-type: none"> <li>Planning Statement</li> <li>Habitats Regulation Assessment (HRA) No Significant Effects Report</li> <li>Economic Impact Report</li> </ul>                                              | Article 8(1)(b)(iii)                    |
| Statutory Notice of a proposed application for a Development of National Significance (DNS)                                                                                                                                                                                      | Article 8(1)(b)(iii)                    |
| Design and Access Statement                                                                                                                                                                                                                                                      | Article 8(1)(b)(v)                      |
| Environmental Statement, including: <ul style="list-style-type: none"> <li>Volume 1: Non-Technical Summary</li> <li>Volume 2: Written Statement (Chapters 1 to 14)</li> <li>Volume 3: Supporting Figures and Plans</li> <li>Volume 4: Supporting Technical Appendices</li> </ul> | Article 8(1)(b)(vii)                    |

<sup>1</sup> Dedicated Project Website: <http://penmarch.co.uk/>

| Document / Information                                                                                                                                                                                                                                                                                                                                                                  | Reference to Article 8(1) of the DNSPWO |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------|
| <p>Information on Secondary Consents, including:</p> <ul style="list-style-type: none"> <li>• Section 16 and Section 38 Report on Common Land (and Supporting Appendices 1-3)</li> <li>• Written Statement of Secondary Consents</li> <li>• Draft Section 16 Application Form (and supporting figures)</li> <li>• Draft Section 38 Application Form (and supporting figures)</li> </ul> | Article 8(1)(b)(viii)                   |

- 2.5.2 A declaration that the Applicant has complied with the publication requirements in Article 8(1)(b) of the DNSPWO can be found in **Appendix E**.

## 2.6 Publicity and Public Engagement

- 2.6.1 Throughout the development of the Proposed Scheme, the Applicant has adopted a thorough approach to stakeholder engagement, providing as many avenues as possible for members of the public to engage, in an accessible way. Publicity of the Proposed Scheme and engagement with members of the public has taken place well in advance of the statutory consultation period to seek feedback on the proposals.

### PUBLICITY AND PUBLIC ENGAGEMENT (IN ADVANCE OF STATUTORY CONSULTATION PERIOD)

#### Virtual Public Consultation

- 2.6.2 In February and March 2021, RWE conducted an informal public consultation on the Proposed Scheme.
- 2.6.3 At the time, Covid-19 social distancing rules were in place in Wales and no public events were able to take place. RWE informed residents of the informal consultation via a newspaper advert, through informing local key stakeholders, and by sending a postcard containing information about the consultation to households within a 2.5km radius of the Site.
- 2.6.4 Information about the project and a feedback form were available on a website and virtual exhibition. Visitors could speak to the Project Team using a live web chat and could email the Project Team using a dedicated email address.
- 2.6.5 Twenty-five people completed an online feedback form:
- Fourteen people stated they opposed the plans: Opposition was due to concerns about potential visual impact, proximity to property, other turbines in the area already, stated residents suffer flicker and noise from existing turbines in Rhymney and Princetown. Concerns were also raised about the Bannau Brycheiniog National Park and potential negative impact on birds, bats and other wildlife.

- Seven people stated they supported the plans: Supportive comments recognised the need for green energy to help climate change.

### **Engagement with the local business community**

- 2.6.6 RWE held a Business Breakfast in partnership with Caerphilly and Merthyr Tydfil County Borough Councils on 09 February 2022. The business breakfast was attended by 18 people, 12 subsequently registered their interest as a potential supplier to the Applicant.
- 2.6.7 Business representatives attending the Business Breakfast were also sent information about the statutory consultation for the Proposed Scheme and invited to participate.

## **PUBLICITY AND PUBLIC ENGAGEMENT (DURING THE STATUTORY CONSULTATION PERIOD)**

### **Information booklet, feedback form, and follow-up card**

- 2.6.8 A consultation zone of 3km from the Site was identified. The consultation zone consisted of 4,914 households.
- 2.6.9 A 32 page, A5, bilingual information booklet and a Freepost feedback card was sent to each of the households within 3km of the Site on the 30<sup>th</sup> October 2022.
- 2.6.10 Please refer to **Appendix F** for a copy of the information booklet and feedback card.
- 2.6.11 A young person's information booklet was produced which provided a simplified version of the material in the main information booklet, aimed at secondary school aged pupils. The booklet was produced in A4 format, 32 pages, turned English and Welsh, on recycled paper stock.
- 2.6.12 In addition, a feedback card produced in A5, with the questions in English on one side and Welsh on the other, on recycled paper stock.
- 2.6.13 The information booklet and feedback card were taken to Idris Davies School on Wednesday 16th November 2022. Copies of the information booklet and feedback card can be found in **Appendix F**.

### **Public Exhibitions**

- 2.6.14 Three public exhibitions were held during the statutory consultation period. Two events were held in the Caerphilly County Borough Council area, one was held in the Merthyr Tydfil County Borough Council area. Further details are provided in Table 2-3.

**Table 2-3: Public exhibition details**

| Date               | Venue                                | Attendance                                                                                                                                                                                        |
|--------------------|--------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 16th November 2022 | Idris Davies School                  | <ul style="list-style-type: none"> <li>• 100 Year 7 students.</li> <li>• Approx. 100 students over lunch.</li> <li>• 9 members of School Council.</li> <li>• 10 members of the public.</li> </ul> |
| 23rd November 2022 | Ael y Bryn Sports & Community Centre | <ul style="list-style-type: none"> <li>• 16 members of the public.</li> </ul>                                                                                                                     |
| 26th November 2022 | Dowlais Community Centre             | <ul style="list-style-type: none"> <li>• 21 members of the public.</li> </ul>                                                                                                                     |

- 2.6.15 The Applicant welcomed the opportunity to take the exhibition into Idris Davies School, to present to Year 7, and to meet with the school council. The students were studying wind energy at the time, and RWE's input fitted well with the curriculum with regard to climate change and environment, as well as responsible global citizenship.
- 2.6.16 As a result of the experience, the Applicant has decided to liaise with local secondary schools for future projects and prepare specific project collateral aimed at children and young people.

### **Virtual Public Exhibition**

- 2.6.17 The Applicant hosted a virtual exhibition via the project website to provide high level information about the Proposed Scheme in an accessible way for stakeholders.
- 2.6.18 The virtual exhibition was provided in English and Welsh and hosted:
- Four-minute project overview video from the Applicant's Project Manager, Jenny Cowley.
  - Fifteen information panels covering the background to the project, site map, timeline, ecology and ornithology, hydrology and peat, archaeology and cultural heritage, landscape and visual impact, noise, transport and access, grid connection, common land, community benefits, climate change and policy.
  - Interactive photomontages with six viewpoints around the Dowlais and Rhymney areas.
  - Three links to the online feedback form.
  - Link to sign up to receive the project newsletter.
  - Project contact details.
- 2.6.19 The virtual exhibition received a total of 208 unique users and 402 views between 03 November and 15 December 2022.

## **2.7 References**

- The Developments of National Significance (Procedure) (Wales) Order 2016. Accessed March 2023:  
<https://www.legislation.gov.uk/wsi/2016/55/introduction/made>
- Developments of National Significance Guidance: The Pre-Application Stage, June 2019. Access March 2023:  
<https://www.gov.wales/sites/default/files/publications/2019-07/developments-of-national-significance-guidance-the-pre-application-stage.pdf>
- Pre-application Community Consultation: Best Practice Guidance for Developers, December 2021. Access April 2023:  
<https://www.gov.wales/sites/default/files/publications/2021-12/planning-major-developments-guidance-on-pre-application-consultation.pdf>

## 3 PRE-APPLICATION CONSULTATION

### 3.1 Introduction

- 3.1.1 Article 9(1) of the DNSPWO stipulates that community consultees, specialist consultees, and relevant persons<sup>2</sup>, shall be consulted for the pre-application consultation on a proposed application for Wales as set out in section 61Z(4) of the 1990 Act.
- 3.1.2 Articles 9(2) and (3) of the DNSPWO state that the Applicant must give consultees requisite notice in writing of the proposed application and enclose the documents relating to the development or provide a link to a website on which those documents can be found.
- 3.1.3 A copy of the notices served on the community consultees, specialist consultees, and relevant persons has been provided in **Appendix G**.

### 3.2 Community Consultees

- 3.2.1 Having regard to the geographical extent of the site across several administrative and electoral boundaries in the area, the Community Consultees listed in Table 3-1 were identified and notified of the Proposed Scheme.

**Table 3-1: List of Community Consultees**

| Name                         | Capacity                                                        |
|------------------------------|-----------------------------------------------------------------|
| Councillor Carl Cuss         | Caerphilly County Borough Councillor, Twyn Carno Ward           |
| Councillor Jackie Charlton   | Powys County Councillor, Llangattock and Llangynidr Ward        |
| Councillor David Hughes      | Merthyr Tydfil County Borough Councillor, Dowlais and Pant Ward |
| Councillor Paula Layton      | Merthyr Tydfil County Borough Councillor, Dowlais and Pant Ward |
| Councillor Declan Sammon     | Merthyr Tydfil County Borough Councillor, Dowlais and Pant Ward |
| Llangynidr Community Council | Local community council                                         |
| Rhymney Community Council    | Local community council                                         |

- 3.2.2 In accordance with Article 9(2) of the DNSPWO, the Applicant provided requisite notice of the Proposed Scheme to each of the community consultees on 31 October 2022. A copy of the letter can be found in **Appendix G**.

<sup>2</sup> The relevant person is the person by whom (but for section 62F) the decision as to whether to grant the secondary consent would have been made.

- 3.2.3 The Applicant also emailed each of the Community Consultees on 03 November 2022 to ensure notice had been served. On 07 December 2022, an email was sent to Community Consultees reminding them of the deadline for responses to the Proposed Scheme.

### **PRIOR ENGAGEMENT WITH COMMUNITY CONSULTEEES**

- 3.2.4 During the development of the Proposed Scheme, the Applicant met with the ward councillors and community councils to brief them on the status of the Proposed Scheme and key considerations for the local community. Table 3-2 provides a summary of the meetings, attendees, and key discussion points.

**Table 3-2: Summary of prior engagement with Community Consultees**

| Meeting date     | Community Consultee                                                                                                                                 | Summary of activity                                                                                                                                                                           |
|------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 23 October 2019  | Councillor Carl Cuss                                                                                                                                | Councillor Carl Cuss was provided with an introduction to the Proposed Scheme.                                                                                                                |
| 12 November 2020 | Councillor Carl Cuss                                                                                                                                | The Applicant provided an update to Councillor Carl Cuss and shared an indicative plan of the Proposed Scheme.                                                                                |
| 11 March 2021    | Rhymney Community Council                                                                                                                           | Members of the Council raised questions about visual impact, shadow flicker, cumulative impact, the national park, proposed Community Benefit Fund, and noise.                                |
| 9 April 2021     | Dowlais Ward Councillors: Cllr Tony Rogers, Cllr Julian Amos, Cllr David Hughes, Cllr Declan Sammon (all Dowlais) and Cllr Howard Barrett (Vaynor). | Attendees discussed the history of the Site (previous Bheara scheme), potential for jobs, access, and visual impact.                                                                          |
| 24 November 2021 | Dowlais Ward Councillors: Cllr Tony Rogers, Cllr David Hughes and Cllr Declan Sammon.                                                               | The Applicant provided an update on the turbine layout, common land applications, expected statutory consultation dates, consultation zone, proposed Community Benefit Fund, and bat surveys. |
| 6 December 2021  | Councillor Carl Cuss                                                                                                                                | The Applicant provided an update on the Proposed Scheme.                                                                                                                                      |

| Meeting date     | Community Consultee          | Summary of activity                                                                                                                                               |
|------------------|------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 13 January 2022  | Rhymney Community Council    | The Applicant provided an update that the number of turbines had reduced from seven to six. Attendees discussed transport and access to site, and land ownership. |
| February 2022    | All Community Consultees     | Newsletter update sent.                                                                                                                                           |
| 14 March 2022    | Councillor Rosemarie Harris  | Attendees discussed visual impact, community benefits, common land, and shared ownership.                                                                         |
| 13 October 2022  | Councillor Jackie Charlton   | The Applicant provided a project overview.                                                                                                                        |
| 10 November 2022 | Rhymney Community Council    | The Applicant provided an update on the Proposed Scheme and information about the statutory consultation period.                                                  |
| 29 November 2022 | Llangynidr Community Council | The Applicant provided a project overview.                                                                                                                        |

## ENGAGEMENT WITH MEMBERS OF THE SENEDD, MEMBERS OF PARLIAMENT, AND REGIONAL MEMBERS OF THE SENEDD

- 3.2.5 Although they are not defined as statutory consultees, the Applicant wished to inform the local Members of the Senedd and Member of Parliament of the statutory consultation period.
- 3.2.6 On 28 October 2022, Dawn Bowden MS, Member of the Senedd for Merthyr Tydfil and Rhymney, and Gerald Jones MP, the Member of Parliament for Merthyr Tydfil and Rhymney were sent an email informing them that the statutory consultation period would be starting on 03 November 2022. They were provided with an electronic copy of the poster and invited to share it on social media. A copy of the poster is provided in **Appendix F**.
- 3.2.7 The Schedule 1 notice was sent to Dawn Bowden MS, Member of the Senedd for Merthyr Tydfil and Rhymney, and Gerald Jones MP, the Member of Parliament for Merthyr Tydfil and Rhymney by email on 03 November 2022.
- 3.2.8 The Applicant has engaged regularly with Dawn Bowden MS, meeting her twice: on 19th November 2021 and 25th November 2022. The Applicant also met with Dawn Bowden MS' Head of Office on 1st October 2019 and 29th October 2020.
- 3.2.9 The Applicant met with Gerald Jones MP on 6th September 2019 and 20th January 2022.

- 3.2.10 The four Regional MSs for South Wales East (Natasha Asghar MS, Delyth Jewell MS, Laura Anne Jones MS and Peredur Owen Griffiths MS) were informed of the statutory consultation period by email on 28th October 2022. Peredur Owen Griffiths MS and Natasha Asghar MS each responded to request a briefing meeting. The Applicant briefed both parties separately via Microsoft Teams on 7th December and 14th December 2022, respectively.

### 3.3 Specialist Consultees

- 3.3.1 In line with Annex 2 of the Welsh Government guidance '*Pre-application Community Consultation: Best Practice Guidance for Developers*', a list of specialist consultees was developed to inform the pre-application consultation.
- 3.3.2 Specialist consultees that are relevant to the Proposed Scheme are presented in Table 3-3.

**Table 3-3: List of specialist consultees**

| Name                                                                                                                                                          | Capacity             |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|
| Natural Resources Wales (NRW)                                                                                                                                 | Specialist Consultee |
| Local Highway Authorities: <ul style="list-style-type: none"> <li>Merthyr Tydfil County Borough Council</li> <li>Caerphilly County Borough Council</li> </ul> | Specialist Consultee |
| The Coal Authority                                                                                                                                            | Specialist Consultee |
| Welsh Ministers (as Highways Authority for Trunk Roads and Cadw in regard to Scheduled Monuments)                                                             | Specialist Consultee |

- 3.3.3 In accordance with Article 9(3) of the DNSPWO, the Applicant provided requisite notice of the Proposed Scheme to each of the specialist consultees between Monday 31st October 2022 and Wednesday 2<sup>nd</sup> November 2022. The written notice provided to each of the specialist consultees can be found in **Appendix G**.

### 3.4 Relevant Persons and Other Interested Parties

- 3.4.1 A list of Relevant Persons and Other Interested Parties was developed to inform the pre-application consultation.
- 3.4.2 Relevant persons and other interested parties that are relevant to the Proposed Scheme are presented in Table 3-4.

**Table 3-4: List of Relevant Persons and Other Interested Parties**

| Name                                                                                                                            | Capacity         |
|---------------------------------------------------------------------------------------------------------------------------------|------------------|
| Welsh Ministers (Consultee in respect of secondary consent for consent under Section 16 and Section 38 of the Commons Act 2016) | Relevant Persons |

| Name                                                                  | Capacity         |
|-----------------------------------------------------------------------|------------------|
| Merthyr Tydfil County Borough Council Planning Department             | Interested Party |
| Caerphilly County Borough Council Planning Department                 | Interested Party |
| Powys County Council Planning Department                              | Interested Party |
| Dŵr Cymru Welsh Water (DCWW)                                          | Interested Party |
| Fire and Rescue Authority                                             | Interested Party |
| Emergency Helicopters (Air Ambulance and National Police Air Service) | Interested Party |
| HM Coastguard                                                         | Interested Party |
| Bristol Airport                                                       | Interested Party |
| Cardiff Airport                                                       | Interested Party |
| National Air Traffic Service (NATS)                                   | Interested Party |
| Merthyr Anglers                                                       | Interested Party |
| Open Spaces Society                                                   | Interested Party |
| Caerphilly Ramblers Association                                       | Interested Party |
| Merthyr Valley Ramblers Association                                   | Interested Party |
| Bannau Brycheiniog National Park Authority (BBNPA)                    | Interested Party |
| Wales and West Utilities                                              | Interested Party |
| National Grid                                                         | Interested Party |
| Owner or occupier of any land adjoining the Site                      | Interested Party |
| Members of public                                                     | Interested Party |
| Registered Commoners                                                  | Interested Party |
| South East Wales Rivers Trust                                         | Interested Party |
| Gelligaer and Merthyr Commoners Association                           | Interested Party |
| Civil Aviation Authority                                              | Interested Party |
| Ministry of Defence (MoD)                                             | Interested Party |
| Ramblers Cymru                                                        | Interested Party |

- 3.4.3 In accordance with Article 9(2) of the DNSPWO, the Applicant provided requisite notice of the Proposed Scheme to each party identified above between Monday 31st October 2022 and Wednesday 2<sup>nd</sup> November 2022. A copy of the notice provided to each party can be found in **Appendix G**.

### 3.5 References

- The Developments of National Significance (Procedure) (Wales) Order 2016. Accessed June 2023:  
<https://www.legislation.gov.uk/wsi/2016/55/introduction/made>
- Developments of National Significance Guidance: The Pre-Application Stage, June 2019. Accessed June 2023:  
<https://www.gov.wales/sites/default/files/publications/2019-07/developments-of-national-significance-guidance-the-pre-application-stage.pdf>
- Pre-application Community Consultation: Best Practice Guidance for Developers, December 2021. Accessed June 2023:  
<https://www.gov.wales/sites/default/files/publications/2021-12/planning-major-developments-guidance-on-pre-application-consultation.pdf>

## 4 PRE-APPLICATION CONSULTATION RESPONSES

### 4.1 Introduction

- 4.1.1 This chapter provides a summary of the consultation responses received from the community consultees, specialist consultees, relevant persons, other interested parties.
- 4.1.2 The consultation responses have been:
- Quantified;
  - Categorised (by the respondent) and date received; and
  - Assigned a consultation response number.
- 4.1.3 In addition to the above, the key topics presented in the consultation response which are relevant to the Proposed Scheme have been summarised.
- 4.1.4 All responses summarised in this chapter were duly made. Copies of the original responses from the statutory consultees are provided in **Appendix H**.

### 4.2 Responses from Community Consultees

- 4.2.1 Four responses were received from community consultees. Please refer to Table 4-1 for further information.

**Table 4-1: Summary of responses from community consultees**

| Community Consultee                                       | No. | Date             | Key Topics                                                                                                                                                       |
|-----------------------------------------------------------|-----|------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Rhymney Community Council                                 | CC1 | 12 December 2022 | Visual impact, shadow flicker, historical impact, and ecological considerations.                                                                                 |
| Councillors Declan Sammon, Paula Layton, and David Hughes | CC2 | 15 December 2022 | Tourism, site is not a pre-assessed area for wind, energy costs of local residents, environmental impact of turbine blades, loss of habitat, and shadow flicker. |
| Llangynidr Community Council                              | CC3 | 15 December 2022 | Supportive of the Proposed Scheme. Keen to explore opportunities associated with the community benefits of the Proposed Scheme.                                  |
| Councillor Jackie Charlton                                | CC4 | 02 January 2023  | Land management, community gain, adherence to environmental policies, protection of peat.                                                                        |

## 4.3 Responses from Specialist Consultees

4.3.1 Four responses were received from specialist consultees. Please refer to Table 4-2 for further information.

**Table 4-2: Summary of responses from specialist consultees**

| Specialist Consultee                                    | No. | Date             | Key Topics                                                                                                                                                                                                                                        |
|---------------------------------------------------------|-----|------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Welsh Ministers (as Highways Authority for Trunk Roads) | SC1 | 24 November 2022 | Requirement for: Details regarding ALL movements, proposed planning conditions (Structural Assessment, Condition Surveys, liability for incidental damage, Traffic Management Plan, Highway Works, Road Safety Audit), and Section 278 Agreement. |
| Caerphilly County Borough Council Highways Team         | SC2 | 05 December 2022 | Unable to access documentation. Applicant provided a response on 08 December 2022 with link to the documentation and guidance on how to navigate the Project Website. No further response received.                                               |
| Cadw (on behalf of Welsh Ministers)                     | SC3 | 07 December 2022 | Raised no objection to the Proposed Scheme. Advised consulting with the Historic Environment Record held by the Glamorgan-Gwent Archaeological Trust.                                                                                             |
| Natural Resources Wales                                 | SC4 | 21 December 2022 | Detailed response in relation to: Landscape and Visual Amenity, Ecology, Habitat Restoration, Watercourse Crossings, Water Quality, Surface Water Drainage, Pollution Prevention, and Peat.                                                       |

## 4.4 Responses from Relevant Persons

4.4.1 There were no responses received from relevant persons.

## 4.5 Responses from Other Interested Parties

4.5.1 Fifteen responses were received from other interested parties. Please refer to Table 4-3 for further information.

**Table 4-3: Summary of responses from other interested parties**

| Other Interested Party                                     | No. | Date                                | Key Topics                                                                                                                                                                                                                                                                   |
|------------------------------------------------------------|-----|-------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Babcock International (on behalf of Wales Air Ambulance)   | OP1 | 01 November 2022                    | No concerns raised. Advisory response relating to other stakeholder who need to be engaged (Bristow Group (HM Coastguard), Ministry of Defence and National Police Air Service)                                                                                              |
| National Air Traffic Service (NATS)                        | OP2 | 03 November 2022                    | Acknowledged the risk to the Brecon Doppler VHF Omni Directional Range (DVOR). Commitment to keep Applicant abreast of the plans for the Brecon DVOR decommissioning in order to try and ensure that this risk is not realised.                                              |
| Wales and West Utilities Ltd                               | OP3 | 03 November 2022                    | Acknowledgement of proximity to high pressure gas main.                                                                                                                                                                                                                      |
| Merthyr Valley Ramblers Association                        | OP4 | 03 November 2022                    | Request to be included on information mailing lists.                                                                                                                                                                                                                         |
| South East Wales River Trust                               | OP5 | 07 November 2022                    | Requirement for continued engagement in the project, particularly in relation to the management of streams and wetlands.                                                                                                                                                     |
| Ministry of Defence (MoD)                                  | OP6 | 15 November 2022                    | Interference with low flying operations and requirement to consult with Meteorological Office regarding their technical infrastructure.                                                                                                                                      |
| Colin Thomas (Dowlais Pony Improvement Society & Commoner) | OP7 | 16 November 2022 / 31 December 2022 | Concerns raised in relation to the common land.                                                                                                                                                                                                                              |
| DCWW                                                       | OP8 | 21 November 2022                    | Acknowledgement that the Proposed Scheme falls within the DCWW Drinking Water Catchment known as Rhymney Bridge. Request for further information and requirement to consider sustainable drainage systems (SuDS) features. Acknowledgement of proximity to utility crossing. |

| Other Interested Party                    | No.  | Date                             | Key Topics                                                                                                                                                                 |
|-------------------------------------------|------|----------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Gelligaer and Merthyr Commons Association | OP9  | 25 November 2022 / 26 April 2023 | Invite to an end of Common Collaboration project celebration.                                                                                                              |
| Bristol Airport                           | OP10 | 02 December 2022                 | Request for specific project details.                                                                                                                                      |
| BBNPA                                     | OP11 | 08 December 2022                 | Request for figures and appendices list. Concerns and observations raised in relation to: Landscape and Visual, Cumulative Considerations, Cultural Heritage, and Ecology. |
| National Grid                             | OP12 | 09 December 2022                 | Requirement for ongoing discussions regarding utility crossing.                                                                                                            |
| Open Spaces Society                       | OP13 | 12 December 2022                 | Concerns and observations raised in relation to: common land register, replacement common land, habitat restoration, and rights over the common land.                      |
| Caerphilly Ramblers                       | OP14 | 12 December 2022                 | Clarification relating to: mitigation measures for the loss of access across the Site, compensation for the loss of amenity, and ongoing management of the Site.           |
| Civil Aviation Authority                  | OP15 | 20 December 2022                 | Requirement for aviation lighting.                                                                                                                                         |

## 4.6 Responses from the General Public

- 4.6.1 A detailed account of any consultation responses generated by members of the general public during the statutory consultation period are presented in **Appendix F**.

## 5 TOPICS/ACTIONS FROM COMMUNITY CONSULTEES

### 5.1 Introduction

- 5.1.1 This chapter presents the responses raised by the community consultees notified of the Proposed Scheme in accordance with section 61Z(3) of the 1990 Act and Articles 8 and 9(2) of the DNSPWO. Where relevant, the chapter provides confirmation of how the topics raised have been addressed. Copies of the consultation responses can be found in **Appendix H**.

### 5.2 Rhymney Community Council (Ref. CC1)

- 5.2.1 The topics and actions relating to consultation response CC1 are presented in Table 5-1.

**Table 5-1: Summary of topics/actions from CC1**

| Issue Raised       | Relevant Consultation Document(s) | Applicant's summary of the consultation response                                                                                                        | Applicant's response, including reasons                                                                                                                                                                                                                                                                                                                                                                        |
|--------------------|-----------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Cumulative effects | Environmental Statement           | The aesthetic impact of a collective number of turbines, mindful of turbines already in situ at Dowlais Top, Pen Bryn Oer, and Tafernau Bach, Tredegar. | In line with the Town and Country Planning (EIA) (Wales) Regulations 2017 (as amended) (the 'EIA regulations'), a cumulative assessment of the Proposed Scheme in combination with other committed developments is included within Volume 2 of the ES. Chapter 5 (Landscape and Visual) of the ES does not identify any significant cumulative landscape or visual amenity effects with existing developments. |

| Issue Raised      | Relevant Consultation Document(s) | Applicant's summary of the consultation response                                                                                                                                                                                      | Applicant's response, including reasons                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|-------------------|-----------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Shadow Flicker    | Environmental Statement           | The shadowing impact of flicker, against the backdrop of a setting sun, casting across North Rhymney.                                                                                                                                 | A Shadow Flicker Impact Assessment has been completed and is reported within Volume 2 of the ES, specifically, Chapter 12 (Other EIA Topics). A total of 24 residential receptors were identified within the assessment's study area (1.5km). The assessment concludes that no significant adverse effects were expected on any of the identified shadow flicker receptors.                                                                                                                                                                                                                                                   |
| Cultural Heritage | Environmental Statement           | A small number of local residents have highlighted the area as of historical significance. Council is unable to confirm or corroborate this suggestion, although wishes the Applicant to take necessary steps to investigate further. | A Cultural Heritage Assessment has been completed and reported within Volume 2 of the ES, specifically, Chapter 11 (Cultural Heritage). The scope of this assessment was to consider if the Proposed Scheme would result in any significant effects to cultural heritage assets within and beyond the Site. The assessment was informed by a detailed historic environment desk-based assessment which considered designated assets (including scheduled monuments, listed buildings, conservation areas, registered historic parks and gardens, registered battlefields and World Heritage sites) and non-designated assets. |

| Issue Raised | Relevant Consultation Document(s) | Applicant's summary of the consultation response                                                                      | Applicant's response, including reasons                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|--------------|-----------------------------------|-----------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Biodiversity | Environmental Statement           | A small number of local residents have highlighted the potential for a negative impact on nesting Curlew in the area. | <p>The potential impact of the Proposed Scheme on nesting curlew was assessed and reported within Volume 2 of the ES, specifically, Chapter 8 (Ornithology). A significant negative effect on breeding curlew (at a regional level) was identified as part of the assessment.</p> <p>The Applicant is proposing to provide off-site compensation on land owned by DCWW located east of the Site for the potential disturbance and displacement of breeding curlew during wind farm operation. Proposed measures include: habitat management, restoring wet ground and peatland, predator control and temporary electric fencing of curlew nests. The proposed compensation measures will offset the predicted significant effects on curlew and will also provide additional biodiversity enhancement.</p> <p>Further detail on the proposed off-site compensation is reported within Volume 2 (Chapter 8 - Ornithology) and Volume 4 (Technical Appendix 7.6 – Outline HMP) of the ES.</p> |

### 5.3 Councillors Declan Sammon, Paula Layton, and David Hughes (Ref. CC2)

5.3.1 The **topics** and actions relating to consultation response CC2 are presented in Table 5-2.

**Table 5-2: Summary of topics/actions from CC2**

| Issue Raised | Relevant Consultation Document(s)             | Applicant's summary of the consultation response                                                                                                                                                                                                         | Applicant's response, including reasons                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|--------------|-----------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Tourism      | Environmental Statement<br>Planning Statement | Merthyr Tydfil is the gateway to the Bannau Brycheiniog National Park, and if this application to build up to six wind turbines on unspoilt ancient upper moorlands is passed, it would a serious impact on any future tourism plans for Merthyr Tydfil. | <p>The Applicant notes the importance of the special qualities attributed to the Bannau Brycheiniog National Park. Developing a project which is sensitive to the surrounding environment has been integral to the design process, further detail is provided within Volume 2 of the ES, specifically, Chapter 2 (Site Selection and Design Evolution).</p> <p>Various studies and surveys have been undertaken of relevance to the impacts of wind farms specifically on tourism. These include research carried out by the Welsh Government in 2014<sup>3</sup> which found there is little evidence that wind farms have had or are having a negative effect on tourism across Wales and the UK as a whole.</p> <p>In addition, the Department for Business, Energy, and Industrial Strategy's (BEIS) latest release of the Winter 2022 Public Attitudes Tracker (March 2023)<sup>4</sup> found that 85% of respondents supported renewable energy and 79% of respondents supported onshore wind.</p> |

<sup>3</sup> Welsh Government (2014) Study into the Potential Economic Impact of Wind Farms and Associated Grid Infrastructure on the Welsh Tourism Sector. Accessed: June 2023 - [https://www.gov.wales/sites/default/files/publications/2019-06/potential-economic-impact-of-wind-farms-on-welsh-tourism\\_0.pdf](https://www.gov.wales/sites/default/files/publications/2019-06/potential-economic-impact-of-wind-farms-on-welsh-tourism_0.pdf)

<sup>4</sup> BEIS Public Attitudes Tracker: Energy Infrastructure and Energy Sources, March 2023, UK. Access June 2023: [BEIS PAT Winter 2022 Energy Infrastructure and Energy Sources \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/government/publications/beis-pat-winter-2022-energy-infrastructure-and-energy-sources)

| Issue Raised             | Relevant Consultation Document(s)          | Applicant's summary of the consultation response                                                                                        | Applicant's response, including reasons                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|--------------------------|--------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| National Planning Policy | Environmental Statement Planning Statement | This application is not in one of the already Pre-Assessed Areas for Wind Energy as designated by Future Wales: the national plan 2040. | <p>As reported within the Planning Statement, the Project Team considers the Proposed Scheme to be consistent with the relevant provisions of national planning policy and advice. Notwithstanding the Site is not within a Pre-Assessed Area, the landscape and visual assessment (Volume 2 of the ES) has demonstrated that the landscape has the capacity to successfully accommodate the Proposed Scheme.</p> <p>Furthermore, in terms of planning policy provisions set out in Future Wales, there is now a clear shift from what was a move to a 'low carbon economy' – there is now an ambitious policy imperative to move to a net zero economy and society. The Proposed Scheme can help achieve that clear policy objective.</p> |
| Energy Costs             | N/A                                        | The proposed wind turbines will not lower the energy costs of local residents                                                           | The cost of energy is not a planning issue so has not been considered within the documents presented as part of the Pre-Application Consultation.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |

| Issue Raised        | Relevant Consultation Document(s) | Applicant's summary of the consultation response | Applicant's response, including reasons                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|---------------------|-----------------------------------|--------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Materials and Waste | Environmental Statement           | The blades of wind turbines are non-recyclable.  | <p>An assessment of the carbon balance of the Proposed Scheme is provided in Volume 2 of the ES, specifically, Chapter 12 (Other EIA Topics). The assessment considers the carbon losses and savings across the project lifecycle stages (construction, operation and decommissioning / site restoration).</p> <p>The Proposed Scheme is anticipated to have an operational life of 35 years, after which it would be decommissioned, and the turbines dismantled and removed in accordance with best practice at that time.</p> <p>The net GHG emissions from the construction and decommissioning are predicted to be offset by emissions savings from the Proposed Scheme within 1.4 years of it becoming operational.</p> |

| Issue Raised | Relevant Consultation Document(s) | Applicant's summary of the consultation response                                                                                                                                                                                                                                                                                                                                                            | Applicant's response, including reasons                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|--------------|-----------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Biodiversity | Environmental Statement           | The Environment (Wales) Act 2016 introduced an enhanced biodiversity and resilience of ecosystems duty for public authorities in the exercise of functions in relation to Wales. The duty requires that public authorities ' <i>must seek to maintain and enhance biodiversity so far as consistent with the proper exercise of their functions and in so doing promote the resilience of ecosystems</i> '. | <p>The Applicant is committed to delivering a Habitat Management Plan (HMP) in support of the Proposed Scheme. The primary aim of the HMP is to provide compensation for the loss of upland habitats located within the Pen March / Traed y Milwyr Llechrhyd and Merthyr Common North Sites of Importance for Nature Conservation and provide biodiversity enhancements, in accordance with national planning policy.</p> <p>An Outline HMP is provided within Volume 4 of the ES (Technical Appendix 7.6). The Outline HMP is intended as a precursor to a more detailed HMP, which would be produced and agreed with the relevant Local Planning Authorities (Caerphilly County Borough Council (CCBC) and Merthyr Tydfil County Borough Council (MTCBC)) post consent, prior to the commencement of construction.</p> |

| Issue Raised | Relevant Consultation Document(s) | Applicant's summary of the consultation response                                                                                                                                                              | Applicant's response, including reasons                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|--------------|-----------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Biodiversity | Environmental Statement           | It is noted in the report compiled by RSK Environment Ltd that the unavoidable loss of Site of Importance for Nature Conservation designated habitats is assessed as being significant at the 'County' level. | <p>The potential effects of the Proposed Scheme on important ecological features has been considered in Volume 2 of the ES, specifically, Chapter 7 (Ecology).</p> <p>The EIA mitigation hierarchy has been followed to avoid and minimise effects upon the most important habitats as far as possible. However, the unavoidable loss of SINC designated habitats is assessed as being significant at the 'county' level.</p> <p>Compensation for the permanent loss of habitats within the site, and additional biodiversity enhancement, would be provided by way of offsite mitigation set out in the Outline HMP (Volume 4 of the ES - Technical Appendix 7.6).</p> |

| Issue Raised | Relevant Consultation Document(s) | Applicant's summary of the consultation response                                            | Applicant's response, including reasons                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|--------------|-----------------------------------|---------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Biodiversity | Environmental Statement           | The Proposed Scheme would result in the loss of 10.12 hectares of suitable reptile habitat. | The potential effects of the Proposed Scheme on suitable reptile habitats have been addressed in Volume 2 of the ES, specifically, Chapter 7 (Ecology). The EIA mitigation hierarchy has been followed to avoid and minimise effects upon habitats suitable for reptiles as far as possible. The EIA determined that even with the permanent loss of habitat, effects on reptiles would not be significant as there is sufficient habitat across the Site (and further afield) for reptiles to forage and shelter. Compensation for the permanent loss of suitable reptile habitats within the Site, and additional biodiversity enhancement, would be provided by way of an offsite mitigation set out in the Outline HMP (Volume 4 of the ES - Technical Appendix 7.6). |

| Issue Raised | Relevant Consultation Document(s) | Applicant's summary of the consultation response                                                                                                                                                                | Applicant's response, including reasons                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|--------------|-----------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Biodiversity | Environmental Statement           | Six species of bat have been noted at this site which is used for foraging and commuting.                                                                                                                       | The potential effects of the Proposed Scheme on bat species using the Site have been addressed in Volume 2 of the ES, specifically, Chapter 7 (Ecology). Whilst bat surveys completed at the Site did note the presence of at least six species, the level of activity was relatively low. The EIA determined that even with the permanent loss of habitat at the Site, effects on bats would not be significant as there is sufficient habitat across the Site (and further afield) for bats to forage and commute.                                                                                                                                                                                               |
| Biodiversity | Environmental Statement           | Given that Welsh Government introduced the Environment Act 2016 to promote the resilience of ecosystems, it is felt that this proposed development is not beneficial in maintain or enhancing our biodiversity. | <p>The Applicant is committed to delivering a HMP in support of the Proposed Scheme. The primary aim of the HMP is to provide compensation for the loss of upland habitats located within the Pen March / Traed y Milwyr Llechrhyd and Merthyr Common North Sites of Importance for Nature Conservation and provide biodiversity enhancements, in accordance with national planning policy.</p> <p>An Outline HMP is provided within Volume 4 of the ES (Technical Appendix 7.6). The Outline HMP is intended as a precursor to a more detailed HMP, which would be produced and agreed with the relevant Local Planning Authorities (CCBC and MTCBC) post consent, prior to the commencement of construction.</p> |

| Issue Raised   | Relevant Consultation Document(s) | Applicant's summary of the consultation response                                                                                                                              | Applicant's response, including reasons                                                                                                                                                                                                                                                                                                                                     |
|----------------|-----------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Shadow Flicker | Environmental Statement           | Residents are worried about the affect 'flicker' could have on them and their families and the long-term effects this could have on both their mental and physical wellbeing. | A Shadow Flicker Impact Assessment has been completed and reported within Volume 2 of the ES, specifically, Chapter 12 (Other EIA Topics).<br>A total of 24 residential receptors were identified within the assessment's study area (1.5km). The assessment concluded that no significant adverse effects were expected on any of the identified shadow flicker receptors. |

## 5.4 Llangynidr Community Council (Ref. CC3)

5.4.1 The topics and actions relating to consultation response CC3 are presented in Table 5-3.

**Table 5-3: Summary of topics/actions from CC3**

| Issue Raised      | Relevant Consultation Document(s) | Applicant's summary of the consultation response                                                                           | Applicant's response, including reasons                                                                                                                                                                                                                         |
|-------------------|-----------------------------------|----------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Community Benefit | N/A                               | Llangynidr Community Council approve the Proposed Scheme. The Council also wanted to make the case for community benefits. | The Council's comments are noted. Community benefits do not form part of the Proposed Scheme. However, the Applicant is committed to delivering community benefits as part of the project and will continue to engage with community consultees on this matter. |

## 5.5 Councillor Jackie Charlton (Ref. CC4)

5.5.1 The topics and actions relating to consultation response CC4 are presented in Table 5-4.

**Table 5-4: Summary of topics/actions from CC4**

| Issue Raised           | Relevant Consultation Document(s)                | Applicant's summary of the consultation response                                    | Applicant's response, including reasons                                                                                                                                                                                                                                                                                                                                                                                                                     |
|------------------------|--------------------------------------------------|-------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Land management        | Environmental Statement<br>Report on Common Land | Concerns related to land management on Site.                                        | The Applicant notes the Councillor's comments in relation to land management. Land use considerations were assessed within Volume 2 of the ES, specifically, Chapter 12 (Other EIA Topics). The Report on Common Land considered the impacts on the Common arising from the Proposed Development as set out in the Commons Act 2006, including the agricultural aspects of the Common and the interests of the commoners with regard to these applications. |
| Community Gain         | N/A                                              | Concerns relating to community gain                                                 | The Councillor's comments are noted. Community benefits do not form part of the Proposed Scheme. However, the Applicant is committed to delivering community benefits as part of the project and will continue to engage with community consultees on this matter.                                                                                                                                                                                          |
| Environmental Policies | Environmental Statement<br>Planning Statement    | Understanding whether relevant environmental policies have been taken into account. | The ES and Planning Statement, which have been prepared in support of the Proposed Scheme, have considered all relevant environmental legislation and policy.                                                                                                                                                                                                                                                                                               |

| Issue Raised | Relevant Consultation Document(s) | Applicant's summary of the consultation response                                                  | Applicant's response, including reasons                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|--------------|-----------------------------------|---------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Peat         | Environmental Statement           | Concern about the protection of peat and peat bogs in relation to the siting of turbines on Site. | <p>The potential impacts of the Proposed Scheme on peat habitats have been addressed in Volume 2 of the ES, specifically, Chapter 6 (Hydrology, Hydrogeology, and Geology).</p> <p>The Applicant recognises that peatland protection and restoration form key parts of the Welsh Government's Climate Change Plan, promoted and enacted by NRW's National Peatland Action Programme. The potential loss of peat and peaty soil arising from the Proposed Scheme has been kept to a practical minimum by careful consideration throughout the design process.</p> <p>The Applicant is committed to providing compensation for the loss of any peat and peaty soils arising from the Proposed Scheme. Opportunities for off-site peatland restoration and enhancement through liaison and agreement with DCWW are under discussion and detailed plans would be provided prior to any works commencing. Further details are provided within Volume 2 (Chapter 6 - Hydrology, Hydrogeology, and Geology) and Volume 4 (Technical Appendix 6.2 – Outline Peat Management Plan) of the ES.</p> |

## 6 TOPICS/ACTIONS FROM SPECIALIST CONSULTEES RESPONSES

### 6.1 Introduction

- 6.1.1 This chapter presents the topics raised by the specialist consultees notified of the Proposed Scheme in accordance with section 61Z(3) of the 1990 Act and Articles 8 and 9(2) of the DNSPWO. Where relevant, the chapter provides confirmation of how the topics raised have been addressed. Copies of the consultation responses can be found in **Appendix H**.

### 6.2 Welsh Ministers (as Highways Authority for Trunk Roads (Ref. SC1))

- 6.2.1 A list of topics and actions relating to consultation response SC1 are presented in Table 6-1.

**Table 6-1: Summary of topics/actions from SC1**

| Issue Raised                | Relevant Consultation Document(s) | Applicant's summary of the consultation response                                                                                                                                                                                                                                                                                                                                                                               | Applicant's response, including reasons                                                                                                                                                                                                                                                                                                                         |
|-----------------------------|-----------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Transporting abnormal loads | Environmental Statement           | Detail needs to be provided to prove access for transporting AILs is achievable from the point of entry to the Welsh trunk road network to the site, that minimises any impact on the safety and free flow of trunk road traffic. Please supply swept paths of the worst case AILs at all potential horizontal and vertical constraints along the access route as well as the likely traveling weights and dimensions of AILs. | A detailed Route Survey Report and Traffic Management Plan (TMP) have been provided as part of the consultation documents and clearly describe the routeing and management of Abnormal Indivisible Load (AIL) movements required as part of the Proposed Scheme. Please refer to Technical Appendix 10.1 and Technical Appendix 10.2 within Volume 4 of the ES. |

| Issue Raised                              | Relevant Consultation Document(s)          | Applicant's summary of the consultation response                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Applicant's response, including reasons                                                                                                                                    |
|-------------------------------------------|--------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Proposed condition: structural assessment | Environmental Statement<br>DNS Application | Proposed condition wording:<br><i>No on-site development works shall be undertaken until:</i><br><i>a. an assessment of the capacity and impact on all structures along those parts of the highway network which shall be utilised during the construction of the development including bridges, culverts, retaining walls, embankments.</i>                                                                                                                                                                               | The Applicant would recommend amending the wording of the proposed condition to the following:<br><i>"No Abnormal Indivisible Load deliveries shall be made until:..."</i> |
| Proposed condition: structural assessment | Environmental Statement<br>DNS Application | <i>b. details of any improvement works required to such structures as a result of construction of the development have been submitted to and approved by the local planning authority following consultation with the Welsh Government as Welsh trunk road highway authority or other relevant highway authority (as appropriate). The required improvement works identified in the assessment shall be completed prior to the commencement of any Abnormal Indivisible Load (AIL) deliveries to the development site.</i> | The Applicant has no comment on this part of the proposed condition wording.                                                                                               |

| Issue Raised                          | Relevant Consultation Document(s)          | Applicant's summary of the consultation response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Applicant's response, including reasons                                                                                                                                                                                                                                                                                                                       |
|---------------------------------------|--------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Proposed condition: condition surveys | Environmental Statement<br>DNS Application | <p>Proposed condition wording:</p> <p><i>Condition surveys of all highway features along those parts of the highway network which shall be utilised during the construction of the development shall be undertaken prior to, during and on completion of the construction phase of the development. The survey reports shall be submitted to and approved by the local planning authority following consultation with the Welsh Government as Welsh trunk road highway authority or other relevant highway authority (as appropriate) within 28 days of the surveys.</i></p> | <p>The Applicant would recommend amending the wording of the proposed condition to the following:</p> <p><i>"Condition surveys of all highway features subject to alteration as part of the proposed deliveries...."</i></p> <p>This change would restrict the survey to the areas where works are undertaken and not the whole Welsh trunk road network.</p> |

| Issue Raised                                        | Relevant Consultation Document(s)          | Applicant's summary of the consultation response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Applicant's response, including reasons                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|-----------------------------------------------------|--------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Proposed condition: liability for incidental damage | Environmental Statement<br>DNS Application | <p>Proposed condition wording:</p> <p><i>Prior to the commencement of development works, a scheme to provide for the remediation of any incidental damage directly attributable to the development to the parts of the highway network which will be utilised during the construction of the development including street furniture, structures, highway verge and carriageway surfaces shall be submitted to and approved by the local planning authority following consultation with the Welsh Government as Welsh trunk road highway authority or other relevant highway authority (as appropriate). The scheme shall be implemented as approved throughout the construction phase of the development.</i></p> | <p>The Applicant would recommend amending the wording of the proposed condition to the following:</p> <p><i>"Prior to the commencement of development works, a scheme to provide for the remediation of any incidental damage solely and directly attributable...."</i></p> <p>This drafting clarifies that the Applicant will only be responsible for remediation works required as a direct result of the development, rather than defects across the road network.</p> |

| Issue Raised                                   | Relevant Consultation Document(s)          | Applicant's summary of the consultation response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Applicant's response, including reasons                                                                                                                                                           |
|------------------------------------------------|--------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Proposed condition:<br>Traffic Management Plan | Environmental Statement<br>DNS Application | Proposed condition wording:<br><i>AILs associated with the development shall be delivered strictly in accordance with a Traffic Management Plan (TMP) as shall be agreed with the relevant highway authority. In this respect, the TMP shall be submitted to and approved in writing by Welsh Government as Welsh trunk road highway authority or other relevant highway authority (as appropriate) prior to the commencement of any works. The TMP shall include:</i><br><i>a. proposals for transporting AILs from their point of entry to the Welsh trunk road network to the site that minimise any impact on the safety and free flow of trunk road traffic.</i> | The Applicant has no comment on this part of the proposed condition wording.                                                                                                                      |
| Proposed condition:<br>Traffic Management Plan | Environmental Statement<br>DNS Application | <i>b. evidence of trial runs that mimic the movement of the worst case AILs along the access route where appropriate, at the discretion of the Highway Authority.</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | The Applicant would recommend removing this item from the condition wording. Trial runs can only be properly undertaken once the mitigation measures are in place (in part or fully implemented). |

| Issue Raised                                   | Relevant Consultation Document(s)          | Applicant's summary of the consultation response                                                                                                       | Applicant's response, including reasons                                                                                                                                                    |
|------------------------------------------------|--------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Proposed condition:<br>Traffic Management Plan | Environmental Statement<br>DNS Application | <i>c. number and size of AILs, including loaded dimensions and weights</i>                                                                             | The Applicant has no comment on this part of the proposed condition wording.                                                                                                               |
| Proposed condition:<br>Traffic Management Plan | Environmental Statement<br>DNS Application | <i>d. number and composition of AIL convoys, including anticipated escort arrangements</i>                                                             | The Applicant has no comment on this part of the proposed condition wording.                                                                                                               |
| Proposed condition:<br>Traffic Management Plan | Environmental Statement<br>DNS Application | <i>e. methodology for managing trunk road traffic during AIL deliveries, including identification of passing places and holding areas as necessary</i> | The Applicant would recommend removing this item from the condition wording. The trunk road network is all dual carriageway and as such there is no need for passing places on this route. |
| Proposed condition:<br>Traffic Management Plan | Environmental Statement<br>DNS Application | <i>f. convoy contingency plans in the event of incidents or emergencies</i>                                                                            | The Applicant has no comment on this part of the proposed condition wording.                                                                                                               |

| Issue Raised                                   | Relevant Consultation Document(s)          | Applicant's summary of the consultation response                                                                                                                                                                      | Applicant's response, including reasons                                                                                                                                                                                                                             |
|------------------------------------------------|--------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Proposed condition:<br>Traffic Management Plan | Environmental Statement<br>DNS Application | <i>g. estimated convoy journey durations and timings along the route, including release of forecast traffic queues</i>                                                                                                | The Applicant would recommend amending the wording of this part of the proposed condition to the following:<br><br><i>"estimated convoy journey durations and timings along the route"</i><br><br>The route is all dual carriageway and overtaking is unrestricted. |
| Proposed condition:<br>Traffic Management Plan | Environmental Statement<br>DNS Application | <i>h. swept path analysis modelling the movement of the worst case AILs at all potential horizontal and vertical constraints along the access route where appropriate, at the discretion of the Highway Authority</i> | The Applicant has no comment on this part of the proposed condition wording.                                                                                                                                                                                        |
| Proposed condition:<br>Traffic Management Plan | Environmental Statement<br>DNS Application | <i>i. proposals for the temporary or permanent modification of any affected street furniture along the access route and details of how this would be managed</i>                                                      | The Applicant has no comment on this part of the proposed condition wording.                                                                                                                                                                                        |
| Proposed condition:<br>Traffic Management Plan | Environmental Statement<br>DNS Application | <i>j. plans for the reinstatement of any temporary works after completion of the construction phase</i>                                                                                                               | The Applicant has no comment on this part of the proposed condition wording.                                                                                                                                                                                        |

| Issue Raised                                   | Relevant Consultation Document(s)          | Applicant's summary of the consultation response                                                                                                                                                                                                  | Applicant's response, including reasons                                                                                                                                                                                                                                                    |
|------------------------------------------------|--------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Proposed condition:<br>Traffic Management Plan | Environmental Statement<br>DNS Application | <i>k. land ownership must be clarified on all drawings showing proposed highway modifications. The developer shall be responsible for the acquisition and reinstatement of all third party land including re-instatement of boundary features</i> | The Applicant would recommend removing this item from the condition wording. This is not a planning requirement.                                                                                                                                                                           |
| Proposed condition:<br>Traffic Management Plan | Environmental Statement<br>DNS Application | <i>l. proposals to liaise with all relevant stakeholders and members of the public regarding construction traffic and AIL movements</i>                                                                                                           | The Applicant has no comment on this part of the proposed condition wording.                                                                                                                                                                                                               |
| Proposed condition:<br>Traffic Management Plan | Environmental Statement<br>DNS Application | <i>m. consideration of the cumulative impact of other abnormal load generating schemes proposing to use all or part of the same access route</i>                                                                                                  | The Applicant would recommend amending the wording of the proposed condition to the following:<br><br><i>"consideration of the cumulative impact of other abnormal load generating schemes, as advised by the Welsh Government, proposing to use all or part of the same access route"</i> |
| Proposed condition:<br>Traffic Management Plan | Environmental Statement<br>DNS Application | <i>n. the appointment and role of a transport coordinator to administer the abnormal indivisible load delivery strategy</i>                                                                                                                       | The Applicant has no comment on this part of the proposed condition wording.                                                                                                                                                                                                               |

| Issue Raised                                   | Relevant Consultation Document(s)          | Applicant's summary of the consultation response                                                                                                              | Applicant's response, including reasons                                                                                                                                                                                                                |
|------------------------------------------------|--------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Proposed condition:<br>Traffic Management Plan | Environmental Statement<br>DNS Application | <i>o. means of control of timing of delivery of AIL movements</i>                                                                                             | The Applicant would recommend removing this item from the condition wording. Convoy timing is a matter for the police only.                                                                                                                            |
| Proposed condition:<br>Traffic Management Plan | Environmental Statement<br>DNS Application | <i>p. temporary traffic diversions and traffic hold points</i>                                                                                                | The Applicant would recommend removing this item from the condition wording. Temporary traffic diversions and traffic hold points are not required.                                                                                                    |
| Proposed condition:<br>Traffic Management Plan | Environmental Statement<br>DNS Application | <i>q. details of banksmen and escorts for abnormal loads</i>                                                                                                  | The Applicant has no comment on this part of the proposed condition wording.                                                                                                                                                                           |
| Proposed condition:<br>Traffic Management Plan | Environmental Statement<br>DNS Application | <i>r. management and maintenance of layover areas, junctions, passing places, public rights of way and welfare facilities while AIL deliveries take place</i> | The Applicant would recommend removing this item from the condition wording. The management and maintenance of layover areas, junctions, passing places, public rights of way and welfare facilities while AIL deliveries take place are not required. |

| Issue Raised                                   | Relevant Consultation Document(s)          | Applicant's summary of the consultation response                                                                                                                                                                                                                                                                                                                                                                                                                        | Applicant's response, including reasons                                                                             |
|------------------------------------------------|--------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------|
| Proposed condition:<br>Traffic Management Plan | Environmental Statement<br>DNS Application | <i>s. details of temporary signage.</i>                                                                                                                                                                                                                                                                                                                                                                                                                                 | The Applicant has no comment on this part of the proposed condition wording.                                        |
| Proposed condition:<br>Traffic Management Plan | Environmental Statement<br>DNS Application | <i>t. details of any alterations to any works that are carried out to enable AIL movements</i>                                                                                                                                                                                                                                                                                                                                                                          | The Applicant would recommend removing this item from the condition wording. This item is a repetition of Item (i). |
| Proposed condition:<br>Traffic Management Plan | Environmental Statement<br>DNS Application | <i>AILs associated with the maintenance and decommissioning of the development shall leave the site strictly in accordance with a TMP as shall be agreed with the relevant highway authority. In this respect, the TMP shall be submitted to and approved in writing by Welsh Government as Welsh trunk road highway authority or other relevant highway authority (as appropriate) prior to the commencement of any removal, replacement of decommissioning works.</i> | The Applicant has no comment on this part of the proposed condition wording.                                        |

| Issue Raised                         | Relevant Consultation Document(s)          | Applicant's summary of the consultation response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Applicant's response, including reasons                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|--------------------------------------|--------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Proposed condition:<br>Highway works | Environmental Statement<br>DNS Application | <p>Proposed condition wording:</p> <p><i>No development works shall be undertaken until full details of any highway works associated with the construction of layover areas, passing places and highway improvements as agreed with each relevant highway authority including:</i></p> <ul style="list-style-type: none"> <li><i>a. the detailed design of any works</i></li> <li><i>b. geometric layout</i></li> <li><i>c. construction methods</i></li> <li><i>d. drainage, and</i></li> <li><i>e. street lighting</i></li> </ul> <p><i>have been submitted to and approved in writing by the local planning authority following consultation with the Welsh Government as Welsh trunk road highway authority or other relevant highway authority (as appropriate). The highway works shall be completed in accordance with the approved details prior to the commencement of any AIL deliveries to the development site.</i></p> | <p>The Applicant would recommend amending the wording of the proposed condition to the following:</p> <p><i>"No development works shall be undertaken until full details of any highway works associated with the construction of the trunk road access has been agreed with the relevant highway authority including:..."</i></p> <p>In addition:</p> <p><i>"...have been submitted to and approved in writing by the local planning authority following consultation with the Welsh Government as Welsh trunk road highway authority or other relevant highway authority (as appropriate)."</i></p> |

| Issue Raised                          | Relevant Consultation Document(s)          | Applicant's summary of the consultation response                                                                                                                                                                                                                                                                                    | Applicant's response, including reasons                                                                                                                                                                                                                                                                                                                                         |
|---------------------------------------|--------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Proposed condition: Highway works     | Environmental Statement<br>DNS Application | <i>No development works shall be undertaken until the developer demonstrates rights of access to all proposed works that are not part of the highway network to the satisfaction of the local planning authority.</i>                                                                                                               | The Applicant would recommend removing this item from the condition wording. This is not a highways matter.                                                                                                                                                                                                                                                                     |
| Proposed condition: Road Safety Audit | Environmental Statement<br>DNS Application | Proposed condition wording:<br><i>No development works shall be undertaken until the developer demonstrates rights of access to all proposed works that are not part of the highway network to the satisfaction of the local planning authority.</i>                                                                                | The Applicant would recommend amending the wording of the proposed condition to the following:<br><i>"No development works shall be undertaken until a combined Stage 1 and 2 Road Safety Audit of the access junction arrangements in accordance with the Design Manual for Roads and Bridges GG 119 has been submitted to and approved by the local planning authority.."</i> |
| S278 Agreement                        | DNS Application                            | This Agreement will contain details of the improvement works, construction conditions and financial arrangements under which agreed measures can be put in place, including indemnifying the Welsh Ministers against third party claims. Without such an agreement in place, any consent that may be granted cannot be implemented. | The Applicant has no comment on the proposed wording.                                                                                                                                                                                                                                                                                                                           |

### 6.3 Caerphilly County Borough Council Highways Team (Ref. SC2)

6.3.1 A list of topics and actions relating to consultation response SC2 are presented in Table 6-2.

**Table 6-2: Summary of topics/actions from SC2**

| Issue Raised                   | Relevant Consultation Document(s) | Applicant's summary of the consultation response                 | Applicant's response, including reasons                                                                                                                            |
|--------------------------------|-----------------------------------|------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Unable to access documentation | Environmental Statement           | Consultee were unable to access the ES from the Project Website. | Applicant provided a response on the 08 December 2022 which included a link to Technical Appendix 10.1 – Transport Assessment (located within Volume 4 of the ES). |

## 6.4 Cadw (on behalf of Welsh Ministers) (Ref. SC3)

6.4.1 A list of topics and actions relating to consultation response SC3 are presented in Table 6-3.

**Table 6-3: Summary of topics/actions from SC3**

| Issue Raised                | Relevant Consultation Document(s) | Applicant's summary of the consultation response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Applicant's response, including reasons                     |
|-----------------------------|-----------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|
| Agreement on ES conclusions | Environmental Statement           | Cadw have no objection to the Proposed Scheme. This work has followed appropriate methodologies to consider the direct impact of the proposed development on the known and suspected archaeological resource, along with the impact of the proposed development on the settings of the designated historic assets identified above and the registered Merthyr Tydfil landscape of outstanding historic interest. The ES concluded that whilst there will be adverse impacts on the settings of some designated historic assets and the registered historic landscape, none of these impacts will be significant. We concur with this conclusion. | The Applicant notes Cadw's response to the Proposed Scheme. |

| Issue Raised   | Relevant Consultation Document(s) | Applicant's summary of the consultation response                                                             | Applicant's response, including reasons                                                                                                                                                                                                                                                                                                                                    |
|----------------|-----------------------------------|--------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Consulting HER | Environmental Statement           | Advised on consulting with the Historic Environment Record held by the Glamorgan-Gwent Archaeological Trust. | The Applicant notes Cadw's advice with regard to consulting the Historic Environment Record held by the Glamorgan-Gwent Archaeological Trust. As noted in Volume 2 of the ES, specifically Chapter 11 (Cultural Heritage), the Glamorgan Gwent Archaeological Trust were consulted on the approach to the EIA and a request for Historic Environment Record data was made. |

## 6.5 Natural Resources Wales (Ref. SC4)

6.5.1 A list of topics and actions relating to consultation response SC3 are presented in Table 6-4.

**Table 6-4: Summary of topics/actions from SC4**

| Issue Raised                 | Relevant Consultation Document(s) | Applicant's summary of the consultation response                                                                                  | Applicant's response, including reasons                                                                                                                         |
|------------------------------|-----------------------------------|-----------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Landscape and visual amenity | Environmental Statement           | Please refer to <b>Appendix I</b> which includes a detailed log of the comments raised by NRW in response to the Proposed Scheme. | Please refer to <b>Appendix I</b> which includes a detailed response to the comments raised by NRW with regards to landscape and visual amenity considerations. |

| Issue Raised                            | Relevant Consultation Document(s)          | Applicant's summary of the consultation response                                                                                                                                                                                                                                                                                                                                                                                                                                   | Applicant's response, including reasons                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|-----------------------------------------|--------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Terrestrial ecology                     | Environmental Statement                    | <p>To advise further on the proposed scheme you should provide the following further information in your planning application:</p> <p>i. For each of the survey years (i.e. 2019 and 2020) a map showing the location of the static detectors in relation to each of the turbine locations now proposed and, where the detectors have not been placed at a turbine location, a justification for their siting and how the data obtained is applicable to the turbine location.</p> | <p>A figure showing detector locations in relation to proposed wind turbines is provided within Volume 4 of the ES (Appendix 7.3 – Bat Survey Report 2019 &amp; 2020). Justification for the siting of detectors can be found within Volume 2 (Chapter 7 – Ecology) of the ES.</p> <p>The Applicant notes that current guidelines (<i>Bats and Onshore Wind Turbines – Survey Assessment and Mitigation, NatureScot, 2021</i>) acknowledge that proposed turbine locations are often subject to change. This guidance has been followed in siting the static bat detectors at the Site.</p> |
| Terrestrial ecology                     | Environmental Statement                    | <p>ii. The results of an Ecobat analysis of the data for each bat species at moderate and high risk of collision with wind turbines, for each proposed turbine location, for each season, for the 2019 and 2020 surveys.</p>                                                                                                                                                                                                                                                       | <p>The data requested has been provided within Volume 4 of the ES (Technical Appendix 7.3 – Bat Survey Report 2019 &amp; 2020).</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| Proposed condition: Terrestrial ecology | Environmental Statement<br>DNS Application | <p>We would request the decision-making authority attach an appropriately worded condition to any planning permission granted to secure the detail to feather the blades of all wind turbines.</p>                                                                                                                                                                                                                                                                                 | <p>The Applicant is committed to feathering the blades of all wind turbines as described in Volume 2 of the ES (Chapter 7 – Terrestrial Ecology).</p>                                                                                                                                                                                                                                                                                                                                                                                                                                       |

| Issue Raised | Relevant Consultation Document(s) | Applicant's summary of the consultation response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Applicant's response, including reasons                                                                                                                                                                                                                                                                         |
|--------------|-----------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Ornithology  | Environmental Statement           | <p>It is not clear in Chapter 8 of the Draft ES how NRW's Scoping advice has been fully taken into consideration. The list of target/receptor species does not reflect, for example, advice in relation to the designated bird features of Special Protection Areas, Ramsar sites and Sites of Special Scientific Interest that should be scoped in.</p> <p>The list of target/receptor species needs to consider species listed under Section 7 of the Environment Act (Wales) 2016 as well as those listed on the Red List (BoCC Wales).</p> | <p>Further clarification on how NRW's EIA Scoping advice has been taken into account is provided in Volume 2 (Chapter 8 – Ornithology) of the ES. In particular, justification for any designated sites / key receptors which have been scoped out of the EIA since the EIA Scoping Direction was received.</p> |
| Ornithology  | Environmental Statement           | <p>We note the 2020 survey data confirms four pairs of curlew have been identified with 800m of the turbines. We advise further information is provided in your planning application to address how curlew displacement will be avoided or mitigated for.</p>                                                                                                                                                                                                                                                                                  | <p>The potential displacement impact on curlew as a result of the Proposed Scheme, in addition to any proposed mitigation and compensatory measures, are reported in Volume 2 (Chapter 8 – Ornithology) of the ES.</p>                                                                                          |

| Issue Raised        | Relevant Consultation Document(s) | Applicant's summary of the consultation response                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Applicant's response, including reasons                                                                                                                                                                                                                                                                           |
|---------------------|-----------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Ornithology         | Environmental Statement           | We consider it is not clear why winter walk over surveys were not undertaken. We advise further information is provided in your planning application to adequately justify this.                                                                                                                                                                                                                                                                                                                                           | There is no requirement for winter walkover surveys within current NatureScot bird survey guidance <sup>5</sup> , except for wintering waterbirds (which are not relevant at this Site based on the baseline surveys completed). Further justification is provided in Volume 2 (Chapter – Ornithology) of the ES. |
| Habitat restoration | Environmental Statement           | We consider the area for heathland restoration and management should be larger, at least 38.7ha, to compensate for both the predicted permanent loss of 10.16ha and the temporary loss of 16.1ha of upland habitat. This is to safeguard against the possibility the temporarily lost habitat might not return to the quality it once was.<br><br>We would advise the whole of the site be subject to improved management to mitigate the impacts of the Proposed Scheme, not just the isolated north-eastern of the site. | The Applicant's proposals for heathland restoration and management are provided in Volume 2 (Chapter 7 – Terrestrial Ecology) and Volume 4 (Technical Appendix 7.6 – Outline HMP) of the ES.                                                                                                                      |

<sup>5</sup> Recommended bird survey methods to inform impact assessment of onshore wind farms, NatureScot, 2017. Accessed June 2023: [Background and Purpose \(nature.scot\)](https://www.nature.scot/sites/default/files/2017-06/Background_and_Purpose_nature.scot.pdf)

| Issue Raised          | Relevant Consultation Document(s) | Applicant's summary of the consultation response                                                                                                                                                                                                               | Applicant's response, including reasons                                                                                                                                                                                                                                     |
|-----------------------|-----------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Habitat restoration   | Environmental Statement           | We advise you should endeavour to secure grazing management of the site in the long term and agreements should be sought with the local graziers to ensure this so the site can improve in its quality over the duration of the wind farm and beyond.          | The Applicant's proposals for heathland restoration and management are provided in Volume 2 (Chapter 7 – Terrestrial Ecology) and Volume 4 (Technical Appendix 7.6 – Outline HMP) of the ES.                                                                                |
| Watercourse crossings | Environmental Statement           | We consider the 'single span bridge' would be the preferred watercourse crossing type. If this is not feasible, you should provide further information in your planning application outlining why a closed pipe culvert or bottomless arch culvert was chosen. | The main watercourse crossings for the Proposed Scheme would not require any in-stream works.<br><br>The confirmed design of crossing structures would be provided as part of the detailed design, NRW would be consulted on the final design of any watercourse crossings. |
| Water quality         | Environmental Statement           | Chapter 6 of the Draft ES and Figure 6.7: Water Quality Monitoring provide details of water quality monitoring locations (WQ1-WQ6). We advise an extra water quality monitoring location is added just to the east of proposed turbine area 2.                 | The Applicant agrees with the addition of an extra water quality monitoring location. The Applicants proposals for water quality monitoring locations is provided in Volume 2 (Chapter 6 - Hydrology, Hydrogeology, and Geology) of the ES.                                 |

| Issue Raised  | Relevant Consultation Document(s) | Applicant's summary of the consultation response                                                                                                                                                                                                                                                                                              | Applicant's response, including reasons                                                                                                                                                                                                                                                                                                                                                  |
|---------------|-----------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Water quality | Environmental Statement           | Figure 6.4: Hydrological Catchments shows the extent of the Source Protection Zone (SPZ) and that proposed turbines 1, 2, 4 and 5 are located within the SPZ. We advise you provide further information in your planning application justifying the choice of turbine locations and demonstrating alternative locations have been considered. | <p>Information and justification related to the siting of the proposed turbines is provided within Volume 2 of the ES, specifically Chapter 2 (Site Selection and Design Evolution).</p> <p>The potential effect of the Proposed Scheme of the SPZ has been assessed and reported within Volume 2 of the ES, specifically Chapter 6 (Hydrology, Hydrogeology, Geology, and Peat).</p>    |
| Water quality | Environmental Statement           | We request the depth to groundwater be determined, notably for Turbines 1, 2, 4 and 5 as this information will inform upon the nature of the Source-Pathway-Receptor linkage that describes the relationship between the groundwater within which the turbines will be constructed and operate and local surface water courses.               | Owing to the level of disruption required for installing boreholes, this kind of ground investigation is usually undertaken post-consent. The Applicant is committed to installing groundwater monitoring boreholes at all proposed turbine locations prior to construction works beginning, to gather relevant details of seasonal water table variability and baseline hydrochemistry. |

| Issue Raised  | Relevant Consultation Document(s) | Applicant's summary of the consultation response                                                                                                                                                                                                                                                                                                                                                                                   | Applicant's response, including reasons                                                                                                                                                                                                                                                                                                          |
|---------------|-----------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Water quality | Environmental Statement           | Figure 6.3: Peat Depth Overview shows the extent of peat at the proposed development site. It is not clear what type of concrete will be used to ensure the longer-term degradation of concrete does not result in increases in alkalinity in both surface water and groundwater, notably within the SPZ and/or in locales near water courses. You should provide further information in your planning application regarding this. | The type(s) of concrete to be used have not been determined at this stage. This information will be provided post-consent as part of the detailed design stage.                                                                                                                                                                                  |
| Water quality | Environmental Statement           | It would be useful to have a baseline surface water drainage map generated as well as similar maps for the construction and operational phases.                                                                                                                                                                                                                                                                                    | NRW's request is noted. However, these drainage maps have not been included in the ES. The required level of detail is not available at present, as this forms part of the detailed design process which would be undertaken post-consent. A commitment to providing these maps post-consent as part of the detailed design process is included. |

| Issue Raised         | Relevant Consultation Document(s) | Applicant's summary of the consultation response                                                                                                                                                                                                                                                                                                                                                                                                                                  | Applicant's response, including reasons                                                                                                                                                                                                                                                                                                                                                                  |
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| Water quality        | Environmental Statement           | 'Stop' conditions for earth moving activities: You should provide further information in your planning application confirming how a stop status be determined i.e. as the table is specific in terms of rainfall accumulations will there be a rain-gauge installed on site?                                                                                                                                                                                                      | Determination of 'stop' conditions would be undertaken either by making use of the nearby Tredegar monitoring station or through installation of a rain gauge at the site.                                                                                                                                                                                                                               |
| Pollution prevention | Environmental Statement           | A Construction Environmental Management Plan (CEMP) should be a condition to any planning approval.                                                                                                                                                                                                                                                                                                                                                                               | The Applicant is committed to delivering a CEMP in support of the Proposed Scheme. NRW's recommendation on appropriate wording and guidance are noted.                                                                                                                                                                                                                                                   |
| Peat                 | Environmental Statement           | As illustrated in Figure 6.1.3b: Peat Depth Mapping Overview, and from the calculations, approximately 30% of the proposed infrastructure goes through areas of peat 40cm deep and greater. We consider you should be seeking to avoid all impacts on areas classed as deep peat which is 40cm and above. Figure 6.1.3b indicates there may be areas suitable to avoid the deep peat. Therefore, we would advise the turbines and tracks be located away from areas of deep peat. | Peat has been a key focus during the design process. While every attempt to avoid areas of deep peat has been made, it has not been possible to avoid peat altogether largely as a result of the patchy distribution and engineering constraints to design. Volume 2 of the ES, specifically Chapter 2 and Chapter 6, provide further detail on how peat has informed the design of the Proposed Scheme. |

| Issue Raised | Relevant Consultation Document(s) | Applicant's summary of the consultation response                                                                                                                        | Applicant's response, including reasons                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
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| Peat         | Environmental Statement           | For the tracks, where deep peat cannot be avoided, we would advise "floating roads" are used which would sit on top of the peat and thus limit the amount of peat lost. | Floating road construction has been considered. However, it is not generally considered suitable for peat less than 1m in depth. In addition, current best practice guidance relating to floating roads indicates that tracks are not recommended for floating construction where the slope gradient is 5% or greater (equivalent to 2.86°). Most of the site has slope angles in excess of this angle, indicating that floating roads are unlikely to be practical except in some very small areas. |

| Issue Raised | Relevant Consultation Document(s) | Applicant's summary of the consultation response                                                                                                                                                                                                                                                                                                                                           | Applicant's response, including reasons                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
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| Peat         | Environmental Statement           | Chapter 6 of the Draft ES refers to offsite peatland restoration opportunities within BBNP being provided to compensate for the loss of peat at this site. Whilst you should provide further information in your planning application of the proposed measures, we would advise further efforts are made to avoid peat impacts on site before you consider off site compensatory measures. | Opportunities for peat and peatland restoration within the Site have been extensively considered, but a meaningful programme of peatland restoration is unlikely to be possible due to; the current land use, the quality of the peat, and other environmental and technical constraints. Further detail on the consideration of peatland restoration within the Site will be provided within Volume 2 (Chapter 6 - Hydrology, Hydrogeology, and Geology) of the ES. Further consultation in relation to off-site peatland restoration has continued between the Applicant and third parties. Opportunities for off-site peatland restoration and enhancement are currently being explored through liaison and agreement with DCWW and detailed plans would be provided prior to any works commencing within the Proposed Scheme. Confirmation of the Applicant's proposals for off-site peatland restoration are provided Volume 2 (Chapter 6 - Hydrology, Hydrogeology, and Geology) of the ES. |

## 7 TOPICS/ACTIONS FROM OTHER INTERESTED PARTY RESPONSES

### 7.1 Introduction

- 7.1.1 This chapter provides a summary of all topics raised by the other interested parties notified of the Proposed Scheme in accordance with section 61Z(3) of the 1990 Act and Articles 8 and 9(2) of the DNSPWO. Where relevant, the chapter provides confirmation of how the topics raised have been addressed. Copies of the consultation responses can be found in **Appendix H**.

### 7.2 Response from Other Interested Parties

- 7.2.1 A list of topics and actions relating to consultation responses OP1 – OP15 are presented in Table 7-1.

**Table 7-1: Summary of topics/actions from OP1 – OP15**

| Other Interested Party / Ref. | Issue Raised      | Relevant Consultation Document(s) | Applicant's summary of the consultation response                                                                                                                                 | Applicant's response, including reasons                                                                                                                                                                                        |
|-------------------------------|-------------------|-----------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Babcock International (OP1)   | Advisory response | Environmental Statement           | No concerns raised. Advisory response relating to other stakeholder who need to be engaged (Bristow Group (HM Coastguard), Ministry of Defence and National Police Air Service). | The Applicant welcomes the comments from the Emergency Helicopter Unit. The Applicant can confirm that the HM Coastguard, Ministry of Defence, and National Police Air Service have all been consulted on the Proposed Scheme. |

| Other Interested Party / Ref.             | Issue Raised                                     | Relevant Consultation Document(s) | Applicant's summary of the consultation response                                                                                                                                                                                | Applicant's response, including reasons                                                                                                                                   |
|-------------------------------------------|--------------------------------------------------|-----------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| NATS (OP2)                                | Brecon Doppler VHF Omni Directional Range (DVOR) | Environmental Statement           | Acknowledged the risk to the Brecon Doppler VHF Omni Directional Range (DVOR). Commitment to keep Applicant abreast of the plans for the Brecon DVOR decommissioning in order to try and ensure that this risk is not realised. | The Applicant welcomes NATS response. The Applicant will maintain contact with NATS to ensure the ES captures the current position with the Brecon DVOR.                  |
| Wales and West Utilities Ltd (OP3)        | Proximity to existing utilities                  | Environmental Statement           | Confirmation that further information will need to be provided to the organisation pre-construction due to proximity to a high pressure gas main.                                                                               | The request for further information in advance of any construction works is noted. The Applicant has kept a record of the relevant contact details for future engagement. |
| Merthyr Valley Ramblers Association (OP4) | Advisory response                                | N/A                               | Request to be added to the project's mailing list.                                                                                                                                                                              | The request to be added to the mailing list is noted. The Applicant has kept a record of the relevant contact details for future engagement.                              |

| Other Interested Party / Ref.      | Issue Raised      | Relevant Consultation Document(s) | Applicant's summary of the consultation response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Applicant's response, including reasons                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
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| South East Wales River Trust (OP5) | Advisory response | N/A                               | <p>The Proposed Scheme encompasses the head waters of the Nant Morlais and Nant Pitwellt as well as Jepson's Pond. Whilst, due to obstructions downstream, neither the Morlais nor Pitwellt are Salmon / Sea Trout streams, they are valuable for invertebrates and do maintain populations of brown trout although these are primarily downstream of the proposed work site. The Trust have some concerns over works on or adjacent to these watercourses and would like to be kept informed on progress of the project and would be willing to offer advice on the management of the streams and wetlands. It should be noted that Jepson's Pond is occasionally used by outdoor swimmers.</p> | <p>The potential impact of the Proposed Scheme on watercourses (within a defined study area) has been assessed within Volume 2 of the ES, specifically Chapter 6 (Hydrology, Hydrogeology, and Geology).</p> <p>The potential impact of the Proposed Scheme on protected species associated with the watercourses within the Site (and downstream of the Site) has been assessed within Volume 2 of the ES, specifically Chapter 7 (Ecology).</p> <p>The Applicant has kept a record of the relevant contact details for future engagement.</p> |

| Other Interested Party / Ref. | Issue Raised          | Relevant Consultation Document(s) | Applicant's summary of the consultation response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Applicant's response, including reasons                                                                                                                                                                                                                                                                                                                          |
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| MoD (OP6)                     | Low flying operations | Environmental Statement           | <p>The MoD have noted potential concerns about the Proposed Scheme.</p> <p>Fixed Wing military low flying training takes place throughout the United Kingdom down to a height of 250ft above ground level and in certain designated areas down to a height of 100ft above ground level. A turbine development of the height and at the location proposed by the Applicant may have an impact on low flying operations.</p> <p>The MOD will request the turbines be fitted with MoD accredited visible or infrared aviation safety lighting.</p> | <p>The MoD comments are noted.</p> <p>The Applicant is committed to delivering a Lighting and Marking Plan (LMP) as part of the Proposed Scheme. The LMP will set out specific requirements in terms of aviation lighting to be installed on the wind turbines, as required under CAA (2016). CAP 393, Air Navigation: The Order and the Regulations (2016).</p> |
| MoD (OP6)                     | Advisory – Met Office | N/A                               | If your development falls within any of the Met Office safeguarded zones you will need to contact the Met Office directly.                                                                                                                                                                                                                                                                                                                                                                                                                      | The Proposed Scheme is not located within the safeguarding zones of any Met Office radars.                                                                                                                                                                                                                                                                       |

| Other Interested Party / Ref. | Issue Raised | Relevant Consultation Document(s)             | Applicant's summary of the consultation response                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Applicant's response, including reasons |
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| Colin Thomas (OP7)            | Common Land  | Environmental Statement<br>Common Land Report | Firstly my comments relate to my rights as a registered commoner. The whole area of the Merthyr and Gelligaer Common is registered as one-unit 2985 hectares. The separation points of the common is only legally contained by a road management cattle grid Near Blaen Carno which is situated below the A465 Heads of the Valley Road. I was born and reared and owned property at Gypsy Castle until very recently, so, I am very familiar with the layout of the common across its entire area. | Mr Thomas's comments are noted.         |
| Colin Thomas (OP7)            | Common Land  | Environmental Statement<br>Common Land Report | The common land between the Heads of the Valley and the old Rhymney common road should not be isolated, this has never been taken out of the common. The fence now in situ at the top side of the old common road was a temporary agreement to stop animals straying onto the A465 while dualling was under construction.                                                                                                                                                                           | Mr Thomas's comments are noted.         |

| Other Interested Party / Ref. | Issue Raised | Relevant Consultation Document(s)             | Applicant's summary of the consultation response                                                                                                                                                                                                                                                                                                                                                                                                     | Applicant's response, including reasons                                                                                                 |
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| Colin Thomas (OP7)            | Common Land  | Environmental Statement<br>Common Land Report | I agree the fence is a safety barrier for animals and road users, but for the fence to be there permanently, a section 194 of The Law and Property Act 1925 should have been applied for. Within the application there should have been animal underpasses put in place, peoples common and grazing rights and access to their holdings were illegally taken away to suit some people who were not even grazing that side of the common at the time. | This occurred prior to the Applicant's involvement in the Common such that the Applicant is not in a position to comment on this point. |

| Other Interested Party / Ref. | Issue Raised | Relevant Consultation Document(s)             | Applicant's summary of the consultation response                                                                                                                                                                                                                                                                                                                                                                                         | Applicant's response, including reasons |
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| Colin Thomas (OP7)            | Common Land  | Environmental Statement<br>Common Land Report | I have not received any paperwork from the Commoners Association, nor the Welsh Government stating that there has been a reduction in common grazing rights - because of this large area of land being landlocked from the common, if the fence is removed there is no physical barrier stopping animals going down through Gypsy Castle bridge onto the cycle path and animals can trespass onto the A465 or stray into local villages. | Mr Thomas's comments are noted.         |

| Other Interested Party / Ref. | Issue Raised | Relevant Consultation Document(s)             | Applicant's summary of the consultation response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Applicant's response, including reasons                                          |
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| Colin Thomas (OP7)            | Common Land  | Environmental Statement<br>Common Land Report | <p>With regards to the replacement land that you are offering to register for Merthyr and Gelligaer Commoners Association. In my view, you have not done the legal groundwork on who has legal title on this area. Looking back on historical maps, this area of land has never been registered or under any restrictions whatsoever for centuries - when was it titled to the present owner...?</p> <p>When entering in agreements of replacement land, principles are there for everyone not just a few, the way this is proceeding is very wrong and is slanted. Furthermore, if it proceeds on the lines you have set-out it will face legal challenges.</p> | The owner of the land is as stated on the official copies from HM Land Registry. |

| Other Interested Party / Ref. | Issue Raised | Relevant Consultation Document(s)             | Applicant's summary of the consultation response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Applicant's response, including reasons                                                                                                                                                                                                                                                                                                                          |
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| Colin Thomas (OP7)            | Common Land  | Environmental Statement<br>Common Land Report | I have been kind enough to supply you with a lot of evidence on a "Without Prejudice and Strictly Confidential basis" to support the claim of a de facto individual right over this whole area. As Hon Secretary of Dowlais Pony Improvement Society and the membership have instructed me through a meeting to registered the same de facto claim. I and the Dowlais Pony Improvement Society membership as a whole have grazed registered semi-feral Welsh Mountain Ponies for over 60 years. The membership of Dowlais Pony Improvement Society has grazed under this title and has been registered with the Welsh Pony and Cob Society under that title since 1952. Prior to the change of name in 1952 they grazed under Dowlais Pony Club and was traced back to its origin of 1890 or thereabouts. | Paragraph 5.41 of the Common Land Report confirms that the Dowlais Pony Improvement Society benefits from registered rights of common to graze horses and ponies. While the Applicant is appreciative of the information that has been provided the Applicant does not consider that it has seen information which would support the assertions being made here. |

| Other Interested Party / Ref. | Issue Raised | Relevant Consultation Document(s)             | Applicant's summary of the consultation response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Applicant's response, including reasons                                |
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| Colin Thomas (OP7)            | Common Land  | Environmental Statement<br>Common Land Report | In 2007 along with the assistance of the Commoners of Wales. I applied for derogation status for registered semi-feral hill ponies. The Welsh Government granted the derogation in 2008 on behalf of the hill societies across Wales. Since that time, every Society across Wales has to complete and return a Welsh Government annual Management Plan. Under Glastir – due to the hill ponies characteristics and history, the Welsh Government has allowed for the 'Semi-feral Welsh Mountain Section A ponies' that are managed through the Hill Pony Improvement Society of Wales and Cymdeithas Merlod y Carneddau to remain on the commons and marshes throughout the year. | The Applicant is not proposing to relocate the ponies from the Common. |

| Other Interested Party / Ref. | Issue Raised | Relevant Consultation Document(s)             | Applicant's summary of the consultation response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Applicant's response, including reasons        |
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| Colin Thomas (OP7)            | Common Land  | Environmental Statement<br>Common Land Report | At this point, I would remind the Welsh Government assesses breaches against verifiable standards relating to the Glastir scheme, which has strict eligibility criteria. It is incumbent under the relevant Commoners Association and the claimants to act constitutionally correct when formulating and agreeing a scheme funded by Government sources. Individuals applying for payments must act with probity and transparency when agreeing and signing, it is public money and when challenged it comes under the scrutiny of the Welsh Government Audit Office and their apply findings and penalties accordingly. | Noted, this is not a matter for the Applicant. |

| Other Interested Party / Ref. | Issue Raised        | Relevant Consultation Document(s)             | Applicant's summary of the consultation response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Applicant's response, including reasons                                                                                                                                                                                                                                                                                                                                                                                                                                   |
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| Colin Thomas (OP7)            | Terrestrial ecology | Environmental Statement<br>Common Land Report | <p>In your presentation Ecological and ornithological surveys carried out, you have mentioned many protected species focusing on protected animals such as great crested newts, badgers, otters and water voles, and on birds, particularly breeding waders and raptors. It is a known fact that ponies assist biodiversity widely – why hasn't this been recognised and mentioned in your presentation.</p> <p>These ponies attract visitors from across the globe, they form a culture and heritage and because of their grazing patterns, which open up dense areas of bracken gorse etc, they have helped to shape through the millennia the beautiful landscape we have in Wales. They also contribute greatly to the Well Being Future Generations (Wales) Act 2015.</p> | <p>The potential effects of the Proposed Scheme on important ecological features has been considered in Volume 2 of the ES, specifically, Chapter 7 (Ecology).</p> <p>The effects of grazing, including grazing by ponies, are reflected in the baseline habitat survey results which are summarised in ES Chapter 7 and presented in more detail in Technical Appendix 7-2 (Volume 4).</p> <p>The Applicant is not proposing to relocate the ponies from the Common.</p> |

| Other Interested Party / Ref. | Issue Raised        | Relevant Consultation Document(s)             | Applicant's summary of the consultation response                                                                                                                                                                                                                                                                                                                                                                                                                                  | Applicant's response, including reasons                                                                                                                                                                                                                                                      |
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| Colin Thomas (OP7)            | Terrestrial ecology | Environmental Statement<br>Common Land Report | I also understand that there has been a claim made for payments over a number of years for a subsidy payment for a small number of graziers on the Northern side of the Heads of the Valley. When and where did the meeting take place. No notices or agenda were served to myself - were minutes taken? Great care should be taken when arranging and conducting a meeting so that it complies with the Associations Constitution and all other general principles of a meeting? | Details on the consultation with the Association can be found at section 9 of the Common Land Report.<br><br>The applicants project manager has met separately with Colin Thomas to discuss the Proposed Scheme on several occasions.                                                        |
| Colin Thomas (OP7)            | Terrestrial ecology | Environmental Statement<br>Common Land Report | I and the members fully understand the present climate crisis, but we are also concerned of the points raised above, and in addition there has not been a balance given in grazing habits, wildlife preservation, local historical consultation, landscape and visual impact to properties of surrounding areas, estimate of energy output produced etc.                                                                                                                          | Volume 2 of the ES considers Chapter 5: Landscape and Visual, Chapter 7: Ecology, Chapter 11: Cultural Heritage, and Chapter 14: Environmental Management.<br><br>Chapter 3: The Proposed Scheme within Volume 2 of the ES sets out the estimated energy output of the Proposed Development. |

| Other Interested Party / Ref. | Issue Raised              | Relevant Consultation Document(s) | Applicant's summary of the consultation response                                                                                                                                                       | Applicant's response, including reasons                                                                                                                                                                                                                                                                                            |
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| DCWW (OP8)                    | Impacts on drinking water | Environmental Statement           | <p>Further information from the applicant to assess the impact of the proposed development on drinking water quality:</p> <p>A copy of the ES as not available for review on the online documents.</p> | <p>A copy of the Draft ES was made available to all consultees via the Project Website. A link to the Project Website was provided in the original email to DCWW dated 31st October 2022.</p> <p>In response to DCWW, the Applicant provided a further response with a link to the consultation documents on 13 December 2023.</p> |
| DCWW (OP8)                    | Impacts on drinking water | Environmental Statement           | Mitigation plans for any potential increase sediment / pollution to the watercourse of Nant Pitwellt.                                                                                                  | The Applicant's proposed mitigation for any potential increase in sediment / pollution to the water environment are provided in Volume 2 of the ES, specifically, Chapter 6 (Hydrology, Hydrogeology, and Geology).                                                                                                                |

| Other Interested Party / Ref. | Issue Raised              | Relevant Consultation Document(s) | Applicant's summary of the consultation response                                                                                                   | Applicant's response, including reasons                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
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| DCWW (OP8)                    | Impacts on drinking water | Environmental Statement           | We will need transport plans especially for 2 watercourse crossing, as well maps to where the crane hardstanding and laydown/storage area will be. | Figure 3.10 (Volume 3 of the ES) provides an indicative watercourse crossing design. The confirmed design of any crossing structures would be provided as part of the detailed design.<br><br>A crane hardstanding would be built adjacent to each wind turbine to accommodate the crane required for construction. The depth of the crane hardstandings is expected to be approximately 1m. A worst-case crane hardstanding design has been considered for the purposes of the EIA, an indicative drawing has been provided on Figure 3.4 (Volume 3 of the ES). The crane hardstanding would include laydown areas for the blades which results in a non-regular foundation footprint. |

| Other Interested Party / Ref. | Issue Raised              | Relevant Consultation Document(s) | Applicant's summary of the consultation response                                                                                                                                                                                                                                                                                                         | Applicant's response, including reasons                                                                                                                                                                                                                                                                                                                   |
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| DCWW (OP8)                    | Impacts on drinking water | Environmental Statement           | Further detail around any natural buffer zones, for any natural buffer zones what distance would these be allocated from the watercourse Nant Pitwellt?                                                                                                                                                                                                  | With the exception of site access tracks, a 50m separation buffer has been applied to all other infrastructure associated with the Proposed Scheme. The potential impact of the Proposed Scheme on watercourses (within a defined study area) has been assessed within Volume 2 of the ES, specifically Chapter 6 (Hydrology, Hydrogeology, and Geology). |
| DCWW (OP8)                    | SuDS                      | Environmental Statement           | The Proposed Scheme 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'. | An outline drainage strategy (including SuDS) is provided in Volume 4 of the ES, specifically, Technical Appendix 9.3.<br><br>No connection to the combined sewer is being proposed by the Applicant.                                                                                                                                                     |

| Other Interested Party / Ref. | Issue Raised                    | Relevant Consultation Document(s) | Applicant's summary of the consultation response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Applicant's response, including reasons                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
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| DCWW (OP8)<br>(contd.)        | Proximity to existing utilities | Environmental Statement           | <p>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.</p> <p>Our strong recommendation is that your site layout takes into account the location of the assets crossing the site and should be referred to in any master-planning exercises or site layout plans submitted as part of any subsequent planning application.</p> | <p>DCWW's advisory comments are noted. A desk-based study (including consultation with relevant operators) has been completed which has identified existing utilities within the Site. Knowledge of the utilities during the design process allows any effects to be avoided either in the design of the Proposed Scheme or by the use of suitable structures to protect the utilities (in accordance and agreement with the relevant utility operator). Further detail is provided within Volume 2 of the ES, specifically, Chapter 12 (Other EIA Topics).</p> <p>The Applicant attempted to engage with DCWW on 09 March 2023 and followed this up with subsequent phone calls. DCWW did not respond to the request for a discussion regarding their assets.</p> |

| Other Interested Party / Ref.                   | Issue Raised | Relevant Consultation Document(s)             | Applicant's summary of the consultation response                                                                                                                                                                                                                                                                                                                                   | Applicant's response, including reasons                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|-------------------------------------------------|--------------|-----------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Gelligaer and Merthyr Commons Association (OP9) | Common Land  | Environmental Statement<br>Common Land Report | This proposed development is planned on a section of the Gelligaer and Merthyr Common or CL 38, which is North of the A465 Heads of the Valleys Trunk Road. As a result, the active commoners who graze this section of the common will be directly affected by the proposals both during the construction period and for the full period, that the wind farm remains operational. | The Applicant has been engaging with the Gelligaer and Merthyr Commoners Association (the "Association") during the pre-application stage of the Proposed Development to understand the Association's position. The Proposed Development has subsequently been designed to minimise impacts on the Association and the exercise of common rights across CL 38. Further details on the Applicant's engagement and consultation with the Association can be found at paragraphs 9.1 to 9.9 of the Common Land Report. |

| Other Interested Party / Ref.                   | Issue Raised | Relevant Consultation Document(s) | Applicant's summary of the consultation response                                                                                                                                                                                                                                                                                                                                                                       | Applicant's response, including reasons                                                       |
|-------------------------------------------------|--------------|-----------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------|
| Gelligaer and Merthyr Commons Association (OP9) | Common Land  | Common Land Report                | The Gelligaer and Merthyr Commoners association are grateful for the pre-planning submission liaison which has taken place with representatives of R.W.E Renewables, and for the information provided. The proposals have been fully discussed at several committee meetings of the Association, and at the latest meeting it was proposed and agreed by the committee that a formal letter of objection be submitted. | The Association's comments are noted.                                                         |
| Gelligaer and Merthyr Commons Association (OP9) | Common Land  | Common Land Report                | The basis of our objection is the problems which the development will cause to graziers not just during the initial commissioning stage, but more particularly after the turbines are up and running leading to permanent concerns and issues.                                                                                                                                                                         | The Applicant has responded to the Association's itemised points below for ease of reference. |

| Other Interested Party / Ref.                   | Issue Raised | Relevant Consultation Document(s) | Applicant's summary of the consultation response                                                                                                                                                                                                                                                                                                                                                                                                                        | Applicant's response, including reasons                                                       |
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| Gelligaer and Merthyr Commons Association (OP9) | Common Land  | Common Land Report                | It is accepted that during the commissioning stage, measures will be put in place to minimise these problems, but later, all these issues will fall at the door of the commoners and the Association. We will be responsible for taking measures to mitigate and resolve any matters which arise. The exchange land merely replaces grazing land lost and has no bearing on the financial consequences which the association will incur in dealing with ongoing issues. | The Applicant has responded to the Association's itemised points below for ease of reference. |

| Other Interested Party / Ref.                   | Issue Raised | Relevant Consultation Document(s) | Applicant's summary of the consultation response                                                                                                                                                                                                                                                                                                                                                                                                   | Applicant's response, including reasons                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
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| Gelligaer and Merthyr Commons Association (OP9) | Common Land  | Common Land Report                | The new access road will create an easy point of access to this section of the common. This, together with the interest that the wind turbines will generate, will lead to an increase usage of the common by the public. This will inevitably result in more livestock worrying, disturbance of grazing animals by visitors and traffic to the turbines, plus a greater risk of wildfires being started causing significant environmental damage. | Paragraphs 7.40 to 7.46 of the Common Land Report consider the potential disturbance to the Common by vehicular access. Although no evidence of illegal vehicular use was experienced during visits to the Common (para. 7.43 of the Common Land Report), the Applicant proposes several measures to mitigate the risk of unauthorised access to the Common, including locked barriers and heavy weight blocks (para 7.45 of the Common Land Report). The public already have access to the Common and the Proposed Development will not alter the access rights. There are a number of commons where they are heavily used by both animals and people and there is no reason that increased used by the public should cause disturbance to grazing animals. The Applicant is not aware that there is any history of wildfires on the common. However, if a wildfire were to break out the access tracks will be able to act as a fire break. |

| Other Interested Party / Ref.                   | Issue Raised | Relevant Consultation Document(s) | Applicant's summary of the consultation response                                                                                                                                                    | Applicant's response, including reasons                                                                                                                                                                                                                                                                                                                                                                              |
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| Gelligaer and Merthyr Commons Association (OP9) | Common Land  | Common Land Report                | The new access gates will be used regularly for maintenance of the turbines, and therefore there will be an increased danger of the gates being left open, enabling stock to stray.                 | As noted at paragraph 7.46 of the Common Land Report, during the operational phase of the Proposed Developments, technicians will be periodically on site for maintenance and in accordance with the Applicant's maintenance procedures will ensure the gates are locked such that livestock cannot stray off the Common.                                                                                            |
| Gelligaer and Merthyr Commons Association (OP9) | Common Land  | Common Land Report                | The turbines are sited on the grazing areas for several commoners, and this will unsettle stock and hinder gathering. This problem will persist throughout the period the turbines are in operation | The impact of the Proposed Development and Replacement Land on the health and safety of the livestock has been assessed. The Applicant's surveyor has concluded that livestock are not unsettled during the operational phase of existing wind farms and graze close to and under the turbines, using them as shade and shelter (please see paragraphs 7.54 and 7.55 of the Common Land Report for further details). |

| Other Interested Party / Ref.                   | Issue Raised         | Relevant Consultation Document(s) | Applicant's summary of the consultation response                                                                                                                                                                                                                                                                                                                                              | Applicant's response, including reasons                                                                                                                                                                                                                                |
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| Gelligaer and Merthyr Commons Association (OP9) | Common Land          | Common Land Report                | Our members at Twyn yr Arian Farm have raised the particular point of the turbines causing them security concerns. They are afraid that increased traffic and visitors to the area will give rise to vehicles blocking their access, gates being left open, and loss of privacy. They believe that 'once RWE has finished work and left the area, they will be left with the headache of it.' | The Applicant does not consider that the concerns of the members at Twyn yr Arian Farm will materialise. The property is not on the Common and the road adjacent to their property is a highway. The Applicant has offered to meet with them to discuss their concerns |
| Gelligaer and Merthyr Commons Association (OP9) | Common Land          | Common Land Report                | The Association is eager to resolve these long term concerns of our members and look forward to working with RWE to find a suitable solution.                                                                                                                                                                                                                                                 | The Applicant is willing to work with the Commons Association and its members to manage the Proposed Development on the Common.                                                                                                                                        |
| Bristol Airport (OP10)                          | Advisory response    | Environmental Statement           | Request for further information.                                                                                                                                                                                                                                                                                                                                                              | The Applicant responded to Bristol Airport on 09 December 2022. No further consultation response was received from Bristol Airport.                                                                                                                                    |
| BBNPA (OP11)                                    | Landscape and visual | Environmental Statement           | Please refer to <b>Appendix J</b> which includes a detailed log of the comments raised by BBNPA in response to the Proposed Scheme.                                                                                                                                                                                                                                                           | Please refer to <b>Appendix J</b> which includes a detailed response to the comments raised by BBNPA with regards to landscape and visual amenity considerations.                                                                                                      |

| Other Interested Party / Ref. | Issue Raised      | Relevant Consultation Document(s) | Applicant's summary of the consultation response                                                                                                                                                                                                                          | Applicant's response, including reasons                                                                                                                              |
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| BBNPA (OP11)                  | Cultural heritage | Environmental Statement           | The draft ES chapter does not appear to directly consider the impact the proposal may have on the statutory purpose and special qualities of the BBNP which includes reference to cultural heritage. This is a key omission of this chapter which requires consideration. | BBNPA's comments are welcomed. Consideration of the statutory purpose and special qualities are provided within Volume 2 (Chapter 11 – Cultural Heritage) of the ES. |

| Other Interested Party / Ref. | Issue Raised | Relevant Consultation Document(s) | Applicant's summary of the consultation response                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Applicant's response, including reasons                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
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| BBNPA (OP11)                  | Ecology      | Environmental Statement           | Discussions regarding the off-site compensatory measures are ongoing between the Applicant and the BBNPA ecologists. Details of proposed off-site compensation and enhancement measures are not currently included within the Outline HMP; once finalised, the compensatory proposals for peat loss and curlew/snipe displacement must be outlined within a robust and specific compensation and enhancement strategy, clearly outlining a mechanism to ensure delivery as well as post completion monitoring strategies. | <p>The Applicant is committed to delivering an HMP in support of the Proposed Scheme. The primary aim of the HMP is to provide compensation for the loss of upland habitats located within the Pen March / Traed y Milwyr Llechrhyd and Merthyr Common North Sites of Importance for Nature Conservation and provide biodiversity enhancements, in accordance with national planning policy.</p> <p>An Outline HMP is provided within Volume 4 of the ES (Technical Appendix 7.6). The Outline HMP is intended as a precursor to a more detailed HMP, which would be produced and agreed with the relevant Local Planning Authorities (CCBC and MTCBC) post consent, prior to the commencement of construction.</p> |

| Other Interested Party / Ref. | Issue Raised                  | Relevant Consultation Document(s) | Applicant's summary of the consultation response                                                                                                                                                                                                                                                                               | Applicant's response, including reasons                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
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| National Grid (OP12)          | Proximity to utility crossing | Environmental Statement           | <p>National Grid are happy for the project to continue as planned on the basis that the advice provided in a previous discussion is still adhered to.</p> <p>National Grid are happy to continue discussions going forward towards Detailed Design so that crossing points can be agreed and any legal paperwork underway.</p> | <p>The Applicant had a call with National Grid on the 09 September 2021 (in advance of the PAC period) and provided the following advice:</p> <p>The turbines were up to 180m tip height and the layout design had taken into account 1.5 x hub height set back from the National Grid gas pipeline.</p> <p>Confirmed there was one crossing of a NG gas pipeline and the design had sought to minimise the number of crossings and for the crossing to be as perpendicular as possible.</p> <p>Confirmed 3 phase 33kV cable with earth and telecoms cable would cross the NG pipeline.</p> <p>The Applicant can confirm that the design information provided to National Grid is still valid. The Applicant will continue to engage with National Grid as part of the detailed design process.</p> |

| Other Interested Party / Ref. | Issue Raised             | Relevant Consultation Document(s) | Applicant's summary of the consultation response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Applicant's response, including reasons                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
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| Open Spaces Society (OP13)    | Common land consultation | Report on Common Land             | <p>It is not encouraging that the common land report was prepared by a consultant who does not appear to understand the common land registers.</p> <p>At para.9.3, it is stated that:</p> <p><i>In order to gain more knowledge of the actual active usage of grazing rights over the whole of the Common, the Applicant sent letters to all the registered commoners at the addresses recorded on the Register.</i></p> <p>It then is observed (para.9.4):</p> <p><i>Few replies were received with many letters returned unopened as the postal address was out of date.</i></p> <p>At para.5.12, it is stated:</p> <p><i>Common Land Registers are not automatically kept updated as agricultural land and holdings with attached rights change hands.</i></p> | <p>The Applicant's surveyor is experienced in assessing common land for renewable energy projects in Wales. The text referred to by OSS does not suggest a lack of understanding on the surveyor's part, rather it is an accurate reflection that not all Commons Registration Authorities maintain the Registers such that further investigation is often needed to determine which commoners are actively exercising their rights of common. For example, the Register for CL 38 has not been amended following a Deregistration and Exchange Order made in 2021. The sending of letters to the registered commoners formed a part of the consultation process undertaken by the Applicant and the Applicant's surveyor with the landowners, commoners and Gelligaer and Merthyr Commoners Association.</p> |

| Other Interested Party / Ref. | Issue Raised             | Relevant Consultation Document(s) | Applicant's summary of the consultation response                                                                                                                                                                                                                                                                                                                                                                                                                                       | Applicant's response, including reasons                                                                                                                                                                                                                                                                                                 |
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|                               |                          |                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | <p>In addition to sending these letters, the Applicant has met with the landowners whose land fall within the Site and the Applicant's surveyor has met with the Gelligaer and Merthyr Commoners Association on several occasions.</p> <p>Further details on this consultation can be found in section 9 of the Common Land Report.</p> |
| Open Spaces Society (OP13)    | Common land consultation | Report on Common Land             | <p>This is how the registers work. A registered right of common is recorded as being attached to land (as specified in col.5 of the rights section of the register), and the owner or occupier of that land is entitled to exercise the right.</p> <p>The person specified as applicant for provisional registration of the right recorded in col.3 of the register (often arising from an application made more than half a century ago) is a record only of historical interest.</p> | <p>Please refer to response provided above.</p> <p>Further details on this consultation can be found in section 9 of the Common Land Report.</p>                                                                                                                                                                                        |

| Other Interested Party / Ref. | Issue Raised             | Relevant Consultation Document(s) | Applicant's summary of the consultation response                                                                                                                                                                                                                                                                                                                                                                                                       | Applicant's response, including reasons                                                                                                                                                                                                                                                                                                                                             |
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|                               |                          |                                   | <p>In short, if RWE wishes to know who is entitled to any recorded right, it must ascertain the ownership of the land to which the right is attached — the owner of that land is the right holder or commoner.</p> <p>It hardly is surprising if letters sent to individuals living at addresses active more than 50 years ago were returned undelivered. RWE should try harder.</p> <p>The claimed consultation with commoners was deeply flawed.</p> |                                                                                                                                                                                                                                                                                                                                                                                     |
| Open Spaces Society (OP13)    | Common land consultation | Report on Common Land             | <p>We understand the desirability of commissioning new sustainable sources of electricity through wind and solar generation. But, where such projects are justified in the wider and local context, we expect any proposal affecting common land also to generate a fair deal both for commoners and for the public. This proposal fails on both counts.</p>                                                                                           | <p>As set out in paragraphs 7.18 to 7.22 of the Common Land Report, there is no overall loss of grazing land available to the commoners. The Replacement Land is being offered on at least a 1:1 basis so the overall stock of common land is not reduced and the public will have the same area of common land to take access over (paragraph 7.26 of the Common Land Report).</p> |

| Other Interested Party / Ref. | Issue Raised             | Relevant Consultation Document(s) | Applicant's summary of the consultation response                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Applicant's response, including reasons                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
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| Open Spaces Society (OP13)    | Common land consultation | Report on Common Land             | The replacement land is indistinguishable from the registered common land: it is undivided by any physical feature (such as a fence or bank), and the land itself is of the same character. It is designated as open country for the purposes of the right of access conferred by Part I of the Countryside and Rights of Way Act 2000. From the perspective of public access, the replacement land will offer nothing new, save a greater protection from inappropriate works under s.38 of the Commons Act 2006. | There is no policy against Replacement Land benefitting from rights of access under the Countryside and Rights of Way Act 2000. Replacement land should adjoin a common wherever possible to ensure access to the common is not impeded and that the overall stock of common land is unaffected. The lack of boundary features between the Replacement Land and the Common is of benefit to the commoners and public such that it is readily accessible for grazing and amenity. There is further benefit in the Replacement Land being of the same character as the Common such that livestock will be able to continue their grazing patterns with minimal impact and the overall quality and character of the Common will be maintained. |

| Other Interested Party / Ref. | Issue Raised             | Relevant Consultation Document(s) | Applicant's summary of the consultation response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Applicant's response, including reasons                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
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| Open Spaces Society (OP13)    | Common land consultation | Report on Common Land             | <p>The replacement land already is grazed by commoners' livestock. It may well be that graziers have acquired rights of common over the replacement land by prescription, a possibility which is not addressed in the common land report: if so, the conferment on commoners of 'new' rights over the replacement land will add nothing to what the commoners already have.</p> <p>Even if such rights have not been acquired, it seems the commoners long have had access to this de facto grazing. If the Welsh Ministers were asked to grant an application in which the compensatory land is already available de jure to the commoners, there would be a potential question of uncompensated loss of property rights for the purposes of protocol 1, art.1, of the European Convention of Human Rights.</p> | <p>The Open Spaces Society are suggesting a set of facts which do not exist here. The Applicant has taken steps to understand the current use and the basis of that use with the landowner, the Commons Association and the commoners. No-one has raised any concerns of the nature suggested by the Open Spaces Society.</p> <p>At present, any grazing of the Replacement Land is undertaken with the permission of the landowner. Following the making of the Order, the commoners will benefit from registered rights of common over the Replacement Land.</p> <p>Matters which are material to the consideration of an application but secured in a s106 agreement can be taken into account when considering a common land application.</p> |

| Other Interested Party / Ref. | Issue Raised             | Relevant Consultation Document(s) | Applicant's summary of the consultation response                                                                                                                                                                                                                                                                                                                   | Applicant's response, including reasons                                                                                                                                                                                                               |
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|                               |                          |                                   | It is not clear that the compensation scheme envisaged by para.7.61–7.62 of the common land report is intended to function in this context. And as the scheme would be secured by a s.106 agreement, it is not clear that the Welsh Ministers could take account of that agreement.                                                                                |                                                                                                                                                                                                                                                       |
| Open Spaces Society (OP13)    | Common land consultation | Report on Common Land             | In short, the replacement land is not a fair or adequate substitute for the loss of the release land to the public and commoners                                                                                                                                                                                                                                   | The Replacement Land has been assessed as being suitable exchange for the Release Land. Please see paragraphs 7.8 to 7.12 of the Common Land Report for further details.                                                                              |
| Open Spaces Society (OP13)    | Common land consultation | Report on Common Land             | It is noted that there is a: proposal to include an area of approximately 22.60 hectares of Heathland Habitat Restoration Improvement and Management close to the North Eastern boundary [of] the Common,...<br>But this is said to be part of the application, and we suggest it is double counting to include it as a redeeming feature of any s.16 application. | The Applicant does not consider this double counting as the Proposed Heathland Restoration and Management Area, together with the Habitat Management Plan, contributes to the overall conservation of the Common and the public interest in the same. |

| Other Interested Party / Ref. | Issue Raised             | Relevant Consultation Document(s) | Applicant's summary of the consultation response                                                                                                                                                                                                                                                           | Applicant's response, including reasons |
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| Open Spaces Society (OP13)    | Common land consultation | Report on Common Land             | We welcome the proposal to regrant the rights of common over parts of the release land which are no longer required for works following the construction period but suggest there should be a similar binding commitment in respect of the whole of the release land when the development is commissioned. | The OSS comments are noted.             |
| Open Spaces Society (OP13)    | Common land consultation | Report on Common Land             | We look forward to seeing revised proposals in due course which take account of our comments.                                                                                                                                                                                                              | The OSS comments are noted.             |

| Other Interested Party / Ref. | Issue Raised         | Relevant Consultation Document(s) | Applicant's summary of the consultation response                                                               | Applicant's response, including reasons                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
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| Caerphilly Ramblers (OP14)    | Landscape and visual | Environmental Statement           | The proposed development is seen as likely to: have a significant adverse impact on an attractive landscape.   | <p>The potential effects of the Proposed Scheme on landscape and visual receptors have been addressed in Volume 2 (Chapter 5 – Landscape and Visual) of the ES.</p> <p>The assessment concludes that the landscape is capable of accommodating the Proposed Scheme. There would be no unacceptable adverse visual effects on nearby communities (and individual dwellings) or the surrounding landscape (particularly on the setting of National Parks and Areas of Outstanding Natural Beauty).</p> |
| Caerphilly Ramblers (OP14)    | Noise amenity        | Environmental Statement           | The proposed development is seen as likely to increase noise, reducing the quiet enjoyment of the countryside. | <p>The potential effects of the Proposed Scheme on noise receptors have been addressed in Volume 2 (Chapter 9 – Noise) of the ES. The assessment concludes that there would be no unacceptable adverse effects on noise receptors.</p>                                                                                                                                                                                                                                                               |

| Other Interested Party / Ref. | Issue Raised  | Relevant Consultation Document(s) | Applicant's summary of the consultation response                                        | Applicant's response, including reasons                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
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| Caerphilly Ramblers (OP14)    | Accessibility | Environmental Statement           | The proposed development is seen as likely to directly limit access to the countryside. | <p>The potential effects of the Proposed Scheme on land use interests has been assessed within Volume 2 (Chapter 12 – Other EIA Topics) and Volume 4 (Appendix 10.1 – Transport Assessment) of the ES.</p> <p>Both assessments conclude that any potential effects on land use (related to the Northern Common and CRoW Access Land) and access to the Site have been suitably mitigated as part of the Proposed Scheme. Mitigation includes; replacement common land, temporary fencing (where required for safety) during construction, Construction Environmental Management Plan, and Right of Way Management Plan. During operation, access to the land will not be constrained by the Proposed Scheme.</p> |

| Other Interested Party / Ref. | Issue Raised  | Relevant Consultation Document(s) | Applicant's summary of the consultation response                                                                                                                                                                                                                           | Applicant's response, including reasons                                                                                                                                                                                                                                                                                                                                                                                                                                     |
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| Caerphilly Ramblers (OP14)    | Accessibility | Environmental Statement           | There should be adequate mitigation measures provided for any loss of access, with clear signposting of any alternative routes. This should be required during the construction, operation and decommissioning stages.                                                     | <p>The Applicant is committed to delivering a Right of Way Management Plan which will be implemented in advance of any construction and decommissioning works.</p> <p>During the operational phase of the Proposed Scheme, the Site will remain open. Restricted areas will be limited to the wind turbines and Electrical Control Building and Substation Compound.</p>                                                                                                    |
| Caerphilly Ramblers (OP14)    | Amenity       | Environmental Statement           | There should be compensatory measures to help offset the general loss of amenity, notably landscape and solitude, to those such as rambling groups seeking to enjoy the countryside. Such measures can include the provision of additional access routes and picnic areas. | <p>The Applicant is committed to delivering a Right of Way Management Plan which will be implemented in advance of any construction and decommissioning works.</p> <p>Replacement Common Land is provided as part of the Proposed Scheme. During operation of the Proposed Scheme the public will have access to the deregistered common land except for those small parts of the land physically occupied by infrastructure such that there is no loss of access land.</p> |

| Other Interested Party / Ref.   | Issue Raised             | Relevant Consultation Document(s) | Applicant's summary of the consultation response                                                                                                             | Applicant's response, including reasons                                                                                                                                                                                                                                                                                |
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| Caerphilly Ramblers (OP14)      | Commitment to mitigation | Environmental Statement           | There is a need for requirements to ensure that these mitigation and compensatory measures are adequately maintained throughout the lifetime of the project. | The Applicant is committed to delivering any mitigation and/or compensatory measures presented within the ES which will be secured in the conditions and s106 which will accompany any planning permission.                                                                                                            |
| Civil Aviation Authority (OP15) | Aviation lighting        | Environmental Statement           | Requirement for aviation lighting.                                                                                                                           | The Applicant is committed to delivering a Lighting and Marking Plan (LMP) as part of the Proposed Scheme. The LMP will set out specific requirements in terms of aviation lighting to be installed on the wind turbines, as required under CAA (2016). CAP 393, Air Navigation: The Order and the Regulations (2016). |

## 8 PAC REPORT SUMMARY

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- 8.1.1 This PAC Report provides the evidence that the Applicant has complied with the statutory consultation requirements of the DNSPWO.
- 8.1.2 The PAC Report confirms that all necessary statutory pre-application consultation has been undertaken. The PAC Report provides evidence of:
- the Applicant's compliance with section 61Z of the 1990 Act;
  - Details of the consultation responses received from persons consulted under section 61Z(3) or (4) of the 1990 Act; and
  - How the Applicant has reviewed/responded to the consultation responses received.
- 8.1.3 The PAC Report also provides detail of any non-statutory consultation which has taken place in advance of the statutory consultation period. The Applicant's approach has been to introduce early and regular engagement with political and community stakeholders, environmental and technical stakeholders, and members of the public. Early and regular engagement has meant that that all stakeholders have been kept fully informed of progress over a two to three-year period, with opportunities to speak to the Project Team to seek reassurance and clarification on, as well as to make valuable suggestions about, the Proposed Scheme.
- 8.1.4 The Applicant has built up good relationships with the community over this sustained period, and this will provide a solid platform for dialogue and partnership over the medium and long term – the construction and operational phases – should the Proposed Scheme be consented. The Applicant strives to be a good neighbour in the communities that host its renewable energy projects, by delivering community, economic and social benefits, and responding to queries and concerns.
- 8.1.5 The comments raised by specialist consultees, community consultees, and other interested parties has led to amendments, clarifications and updates to the ES. These cover a number of broad key themes, namely:
- Approach and conclusions to the Landscape and Visual Impact Assessment, particularly in relation to the BBNP;
  - The assessment of watercourses and the design / approach to watercourse crossings;
  - The assessment of peatland habitats, and how the design has adopted peatland habitats as a key receptor; and
  - The current and future use of the Gelligaer and Merthyr Common.
- 8.1.6 In conclusion, engagement across all consultee audiences has been extensive resulting in a number of positive changes that have strengthened the Proposed Scheme.