



The Planning Inspectorate Yr Arolygiaeth Gynllunio

Twitter: @PINSgov

Further information about us is available at <http://gov.wales/topics/planning/appeals>

APPLICATION FOR PERMISSION FOR A DEVELOPMENT OF NATIONAL SIGNIFICANCE (WALES) S62D - TOWN AND COUNTRY PLANNING ACT 1990

To help you fill in this form correctly please refer to Appendix 9 of the Developments of National Significance Procedural Guide

Please use a separate form for each application (including secondary consents)

Your application must reach The Planning Inspectorate within 12 months of the date of the acceptance of the proposed application notification unless otherwise communicated in writing by the Welsh Ministers.

WARNING:

(NOTE: If any of the "Essential supporting documents" listed in Section 11 are not received by us within the 12 month notice period, the application will not be accepted)

APPLICATION REFERENCE NUMBER

(as provided on the acceptance notice)

DNS/3253147

1. Applicant

Name Mrs Jenny Cowley

Organisation Name (if applicable) RWE Renewables UK Swindon Ltd

2. Agent (if any) for the application

Contact Name Cathryn Tracey

Organisation Name (if applicable) Burges Salmon LLP

Your Ref CY02/35113.42

3. Site Visit

Can the site be seen from a public road, public footpath, bridleway or other public land?

YES ☒ NO ☐

Are there any health and safety issues at, or near the site which the Inspector would need to take into account if a site visit took place? *If yes, please explain below*

YES ☒ NO ☐

The site is somewhat remote and isolated. The terrain is uneven and can be difficult to walk in places. There are no specific health and safety requirements but care should be taken and appropriate footwear and clothing worn.

If a site visit is required who should be contacted to make other arrangements?

Applicant ☒ Agent ☐ Other ☐

If "Other", please provide details: Contact Name

4. Local Planning Authority(s) (LPA)

Caerphilly and Merthyr Tydfil County Borough Councils

5. Location or Route of the Development Proposal - A brief statement must be given that clearly identifies the location of the application site, or the route if it is a linear scheme. Consideration should be given to the use of appropriate grid referencing such as Ordnance Survey map grid references, latitude/longitude references, etc.

Description of location of the application site(s), or route of development (Please reference appropriate plans)

The Site is located north of the A465 Heads of the Valleys road, north-west of the small town of Rhymney and north-east of Merthyr Tydfil. The majority of the Site is registered as Common Land and makes up part of Common Land Unit 38 (Gelligaer and Merthyr Common), which also extends to the south of the A465.

Is the site a single site or a linear site?	SINGLE ☒		LINEAR ☐	
Please provide Grid reference(s)	Easting	308954	Start	Easting
	Northing	209417		Northing
			Middle	Easting
				Northing
			End	Easting
				Northing

6. Non-technical description of the Development Proposal

The construction and operation of up to six wind turbines with a maximum blade tip height of 180m and associated infrastructure including: hardstanding areas to include turbine foundations, crane hardstanding and laydown/storage area with associated micro-siting allowances; aviation lighting; temporary construction and storage compound with associated lay down areas near to the Site entrance; new access route off the Common Road and associated bell mouth; on-site access tracks, passing places and turning heads with 2 gas pipeline and 2 watercourse crossings; battery energy storage systems; underground power cables; construction working areas associated with turbine locations and access tracks which will be restored after construction is complete; and a Habitat Management Area.

7. Additional Plans, drawings or documents

a. Provide a brief description of any other plans, drawings and sections that are being submitted with this application

Drawings: Figure 1.1 Site Location - Red Line Boundary; Figure 1.2 Common Land; Figure 2.1 Reduction in Site Boundary; Figure 2.2a Site Constraints: Peat, Watercourses & Crossing; Figure 2.2b Site Constraints: Curlew Nesting and Buffers, and Key Priority Habitats, Future Scheduled Monument; Figure 2.2c Site Constraints: Terrain Slope, Infrastructure - Gas Pipeline, OVHL, Terrain Slope; Figure 2.3a Layout Evolution (A,B,C,D); Figure 2.3b Layout Evolution - Site Access Options; Figure 3.1 Proposed Scheme; Figure 3.2 Indicative Turbine; Figure 3.3 Indicative Wind Turbine Foundation; Figure 3.4 Indicative Worst Case Crane; Hardstanding Area; Figure 3.5a Indicative Electrical Compound and Control building; Figure 3.5b Indicative Control Building; Figure 3.6 Indicative Battery Storage Compound; Figure 3.7 Indicative Cable Trench Arrangements; Figure 3.8 Indicative Access Track Cross Section; Figure 3.9 Indicative Passing Place; Figure 3.10 Indicative Watercourse Crossing; Figure 3.11 Indicative Gas Pipeline Crossing; Figure 3.12 Indicative Construction Compound Layout; Figure 3.13 Site Access Indicative Junction Layout; COM_Fig1_Common_Land_Release_and_Replacement; COM_Fig2_Section_16_Application_Plan; COM_Fig3_Infrastructure_Layout_Plan; COM_Fig4a_Section_38_Application_Plan; COM_Fig4b_Section_38_Application_Plan; COM_CL38 plan(i); COM_CL38 plan(ii); COM_CL38 plan(iii).

Document reference(s)

b. Provide a brief description of any other documents considered necessary to support the application

Planning Statement; Design & Access Statement; Pre-Application Consultation Report; Economic Benefits Report; HRA - No Significant Effects Report; Collaborative Benefits Report; Report on Common Land; Volume 1 - Non-Technical Summary; Volume 2 - Environmental Statement; Volume 3 - Figures and Visualisations; Volume 4; Technical Appendices; Notification of Acceptance; Written Statement of Secondary Consents; Section 16 Application; Section 38 Application; CL38 Register; CL38 Additional entries_231 and 232; Unilateral S106 Head of Terms; Draft Planning Conditions; Addendum to Collaborative Benefits Report.

Document reference(s)

c. Provide a brief description of any other information provided that is in support of the application, but which has not been explicitly requested

N/A

Document reference(s)

8. Planning Obligations

Have you been in discussion with the relevant local planning authority in respect of obligations under section 106 of the 1990 Act? YES ☐ NO ☒

If YES please provide details of the status of your discussions below

9. Secondary Consents

Please indicate any Secondary Consents connected with the proposed development which are to be considered by the Welsh Ministers alongside this application, and provide details. Please indicate also any Secondary Consents that are being considered, or have been considered, by the normal consenting authority, and provide details.

1. Consent under section 2(3) of the Ancient Monuments and Archaeological Areas Act 1979 (control of works affecting scheduled monuments). ☐

Application to Welsh Ministers ☐

Description of Consent required

2. Consent under section 178(1) Highways Act 1980 (restriction on placing rails, beams etc. over highways). ☐

Application to Welsh Ministers ☐

Description of Consent required

3. Consent under section 8(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (authorisation of works; listed building consent). ☐

Application to Welsh Ministers ☐

Description of Consent required

4. Consent under section 74(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (control of demolition in conservation areas). ☐

Application to Welsh Ministers ☐

Description of Consent required

9. Secondary Consents (continued)

5. Consent under section 4(1) of the Planning (Hazardous Substances) Act 1990 (requirement of hazardous substances consent). ☐

Application to Welsh Ministers ☐

Description of Consent required

6. Consent under section 13 of the Planning (Hazardous Substances) Act 1990 (application for hazardous substances consent without condition attached to previous consent). ☐

Application to Welsh Ministers ☐

Description of Consent required

7. Consent under section 17 of the Planning (Hazardous Substances) Act 1990 (revocation of hazardous substances consent on change of control of land). ☐

Application to Welsh Ministers ☐

Description of Consent required

8. Planning permission under section 57(1) of the Town and Country Planning 1990 Act (planning permission required for development) other than outline planning permission. ☐

Application to Welsh Ministers ☐

Description of Consent required

9. Authorisation under section 247(1) of the 1990 Act (order authorising stopping up or diversion of highway). ☐

Application to Welsh Ministers ☐

Description of Consent required

10. Authorisation under section 248(2) of the 1990 Act (order authorising the stopping up or diversion of highway crossing or entering route of proposed new highway). ☐

Application to Welsh Ministers ☐

Description of Consent required

9. Secondary Consents (continued)

11. An order under section 251(1) of the 1990 Act (order extinguishing public rights of way over land held for planning purposes). ☐

Application to Welsh Ministers ☐

Description of Consent required

12. Consent requested under section 16(1) of the Commons Act 2006 (deregistration and exchange: applications). ☒

Application to Welsh Ministers ☒

Description of Consent required

To deregister an area of approximately 35 hectares and provide the equivalent replacement land on Gelligaer and Merthyr Common (CL38).

13. Consent required by section 38(1) of the Commons Act 2006 (prohibition on works without consent). ☒

Application to Welsh Ministers ☒

Description of Consent required

To carry out restricted works on Gelligaer and Merthyr Common (CL38) to lay, maintain, replace and remove and underground electricity cable.

10. Application Site Ownership Details - We need to know who owns the application site. If you do not own the application site or if you own only a part of it, we need to know the name(s) of the owner(s) or part owner(s).

One certificate A, B, C, D or E (Winning and Working of Minerals) must be completed, together with the Agricultural Holdings Certificate (Section 11)

Certificate of Ownership - Certificate A

I certify that on the day 21 days before the date of this application nobody except the applicant, is the owner (owner is a person with a freehold interest or leasehold interest with at least 7 years left to run) of any part of the land which the application relates

Signature:

Name (in capitals)

Date

On behalf of (if applicable)

Certificate of Ownership - Certificate B

Notice under Article 16 (1)(a)

I certify that the applicant (or the agent) has given the requisite notice to everyone else who, on the day 21 days before the date of this application, is known to the applicant as an owner (owner is a person with a freehold interest or leasehold interest with at least 7 years left to run) or tenant (see the guidance) of any part of the land to which the application relates, as listed below:

Name	Date the notice was served
Dowlais Top Investment Company Limited	20/07/2023

Please supply address(es) on personal details page

Signature:

J. Cowley

Name (in capitals)

JENNY COWLEY

Date

20/07/2023

On behalf of (if applicable)

RWE Renewables UK Swindon Ltd.

Certificate of Ownership - Certificate C

Notice under Article 16 (1)(a) and (b)

(Neither Certificate A or B can be issued for this application)

I certify that the applicant (or the agent) has taken reasonable steps to ascertain the names and addresses of the other owners (owner is a person with a freehold interest or leasehold interest with at least 7 years left to run) of the land to which the application relates, and given requisite notice, but was unable to ascertain the names and addresses of all owners:

Name	Date the notice was served

Please supply address(es) on personal details page

The steps taken were:

Date notice published

(this date must not be earlier than 21 days before the date of this application)

Name of Newspaper in which notice has been published:

Signature:

Name (in capitals)

Date

On behalf of (if applicable)



Your ref.	DNS/3253147
Our ref.	Pen March Wind Farm
Contact	Jenny Cowley
Phone	+44 (0)7825 995347
Email	Jenny.cowley@rwe.com

**The Developments of National Significance (Procedure) (Wales)
Order 2016
CERTIFICATE UNDER ARTICLE 17
OF SERVICE OF NOTICE OF APPLICATION FOR PLANNING PERMISSION
Proposed development at Pen March Wind Farm (PEDW Ref No: DNS/3253147)**

Declaration

I declare that the statutory notice at Schedule 3 of the Developments of National Significance (Procedure) (Wales) Order 2016 was served on the landowner in accordance with Article 16(1) of the Developments of National Significance (Procedure) (Wales) Order 2016.

Signed:

Printed: Jenny Cowley, Development Project Manager, RWE Renewables UK Limited

Date: 20 July 2023

**The Developments of National
Significance (Procedure) (Wales) Order
2016**

**NOTICE UNDER ARTICLE 16(1) OF
APPLICATION FOR PLANNING
PERMISSION FOR DEVELOPMENT OF
NATIONAL SIGNIFICANCE**

**Proposed development at Pen March Wind
Farm at Gelligaer and Merthyr Common**

**I give notice that RWE Renewables UK
Swindon Ltd is applying to the Welsh
Ministers for planning permission in respect
of Development of National Significance,
which is the construction and operation of
a wind farm, battery energy storage
systems and associated infrastructure**

Members of the public may inspect copies of:
the application; the plans; and other
documents submitted with it online at
[https://planningcasework.service.gov.wales/
dnsapplications](https://planningcasework.service.gov.wales/dnsapplications)

Anyone who wishes to make representations
about this application should write to the
Welsh Ministers at
PEDW.infrastructure@gov.wales
Planning and Environment Decisions
Wales, Crown Buildings, Cathays Park,
Cardiff CF10 3NQ by 10th August 2023

Signed:

On behalf of: RWE Renewables UK
Swindon Limited

Date: 20th JULY 2023

Statement of owners' rights: The grant of
planning permission does not affect owners'
rights to retain or dispose of their property,
unless there is some provision to the
contrary in an agreement or in a lease.

Statement of agricultural tenants' rights: The
grant of planning permission for non-
agricultural development may affect
agricultural tenants' security of tenure.

**Gorchymyn Datblygiadau o Arwyddocâd
Cenedlaethol (Gwelthdrefn) (Cymru)
2016**

**HYSBYSIAD O DAN ERTHYGL 16(1) O
GAIS AM GANIATÂD CYNLLUNIO AR
GYFER DATBLYGIAD O ARWYDDOCÂD
CENEDLAETHOL**

**Datblygiad arfaethedig yn Fferm Wynt Pen
March yng Nghomin Gelligaer a Merthyr**

**Rhoddaf hysbysiad bod RWE
Renewables UK Swindon Ltd yn gwneud
cais i Weinidogion Cymru am ganiatâd
cynllunio mewn perthynas â Datblygiad o
Arwyddocâd Cenedlaethol, sef adelladu a
gwelthredu fferm wynt, systemau storio
ynni batris a sellwaith cysylltiedig.**

Gall aelodau'r cyhoedd archwilio copïau o:
y cais; y cynlluniau; a dogfennau eraill a
gyflwynir gydag ef ar-lein yn
[https://planningcasework.service.gov.wales/
cy/dnsapplications](https://planningcasework.service.gov.wales/cy/dnsapplications)

Dylai unrhyw un sy'n dymuno cyflwyno
sylwadau am y cais hwn ysgrifennu at
Weinidogion Cymru yn
PEDW.infrastructure@gov.wales
Penderfyniadau Cynllunio ac
Amgylchedd Cymru, Adelladau'r Goron,
Parc Cathays, Caerdydd CF10 3NQ erbyn
10^{ed} Awst 2023

Llofnodwyd:

Ar ran: RWE Renewables UK Swindon
Limited

Dyddiad: 20th JULY 2023

Datganiad o hawliau perchnogion: Nid yw
rhoi caniatâd cynllunio yn effeithio ar hawliau
perchnogion i gadw neu waredu eu heiddo,
oni bai bod darpariaeth i'r gwrthwyneb mewn
cytundeb neu brydles.

*Datganiad o hawliau tenantiaid
amaethyddol:* Gall rhoi caniatâd cynllunio ar
gyfer datblygiad anamaethyddol effeithio ar
sicrwydd deiliadaeth tenantiaid
amaethyddol.

10. Application Site Ownership Details (continued)

Certificate of Ownership – Certificate D Notice under Article 16(1)(b)

(Certificate A cannot be issued for this application)

I certify that the applicant (or the agent) has taken reasonable steps to ascertain the names and addresses of every one else who, on the day 21 days before the date of this application was the owner (owner is a person with a freehold interest or leasehold interest with at least 7 years left to run) of any part of the land to which the application relates, but has been unable to do so.

The steps taken were:

Date notice published
(this date must not be earlier than 21
days before the date of this application)

Name of Newspaper in which notice has been published:

Signature:

Name (in capitals)

Date

On behalf of (if applicable)

Certificate of Ownership – Certificate E

Notice under Article 16(2) – Application consisting of the winning and working of minerals by underground operations

I certify that the applicant (or the agent) has given the requisite notice (see the guidance) to everyone who, on the day 21 days before the date of this application, is the owner or tenant (see the guidance) of any part of the land to which the application relates, as listed below:

(a) By serving the notice on every such person who the applicant knows to be such a person and whose name and address is known to the applicant: ☐

Name	Date the notice was served

Please supply address(es) on personal details page

(b) By publication of the notice after the prescribed date in a newspaper circulating in the locality in which the land to which the land to which the application is relates is situated: ☐

Date notice published
(this date must not be earlier than 21
days before the date of this application)

Name of Newspaper in which notice has been published:

(c) By site display in at least one place in every community within which there is situated any part of the land to which the application relates, leaving the notice in position for not less than 7 days in the period of 21 days immediately preceding the making of the application to the Welsh Ministers: ☐

Signature:

Name (in capitals)

Date

On behalf of (if applicable)

11. Agricultural Holding Certificate We also need to know if the application site forms part of an agricultural holding.

You must complete either (a) or (b).

a None of the land to which the application relates is, or is part of, an agricultural holding ☐

bi The application site is, or is part of an agricultural holding, and the applicant is the sole agricultural tenant ☐

The application site is, or is part of, an agricultural holding and the applicant (or the agent) has given the requisite notice to every ~~bii~~ person (other than the applicant) who, on the day 21 days before the date of the appeal, was a tenant of an agricultural holding ☐ on all or part of the land to which the application relates as listed below:

Tenant's Name	Date the notice was served

Please supply Tenant's address(es) on personal details page

Signature:

Name (in capitals)

Date

On behalf of (if applicable)

12. Essential supporting documents

The documents listed in 1-7 below, must be sent with your application form; Documents listed in 8-15 must also be sent if appropriate. If we do not receive all you application documents by the end of the 12 month notice period (or such period as communicated in writing by the Welsh Ministers), we will not deal with it.

Please tick the boxes to confirm which documents/evidence you have provided

- | | | |
|----|--|-------------------------------------|
| 1 | A copy of the acceptance notice issued by the Planning Inspectorate | ☒ |
| 2 | A copy of any Pre-application advice obtained from the Planning Inspectorate and/or the Local Planning Authority | ☒ |
| 3 | A copy of Pre-application consultation Report | ☒ |
| 4 | A copy of a plan identifying the land to which the application relates (must show the direction of North) - This should include details of any statutory or non-statutory sites or features of nature conservation, geological or landscape importance; habitats of protected species, important habitats or other diversity features; and water bodies in a river basin management plan | ☒ |
| 5 | A copy of additional plans (showing direction of North), drawings or documents necessary to describe the development which is the subject of the application | ☒ |
| 6 | A copy of the Design and Access Statement | ☒ |
| 7 | A copy of the certificates served as required by article 17 | ☒ |
| 8 | Related secondary consent applications where applying through Welsh Ministers | ☒ |
| 9 | A copy of any documents identified on a list published by Welsh Ministers | ☒ |
| 10 | A copy of any Newspaper Notices | ☒ |
| 11 | A copy of Screening Direction indicating EIA is not required | ☐ |
| 12 | A copy of any Environmental Statement plus certificates and notices relating to publicity | ☒ |
| 13 | A report about the Likely Significant Effects in relation to the Local Habitat | ☒ |
| 14 | Depending on the development proposed, your application may also need to be accompanied by the following technical documents: (The DNS guide will assist you in determining whether any of these assessments are necessary) | |
| a | Flood Consequences Assessment | ☐ |
| b | Biodiversity and Geological Conservation Assessment | ☐ |
| c | Tree Survey | ☐ |
| d | Coal mining Risk Assessment | ☐ |
| e | Landscape and Visual Impact Assessment | ☒ |
| f | Noise Assessment | ☒ |
| g | Transport Assessment | ☒ |
| 15 | A copy of any other documents you consider necessary to support the application | ☒ |

13. FEE NB : Failure to pay the initial fee will delay the processing of the application

Have you submitted the initial fee for the application via BACS payment?

YES ☒ NO ☐

Please provide details

Payment:

£30,850 (incl. 2 x LIR Fee)

Invoice No. 1800109536

Customer No. 30005877

Customer PO No. 4300012008-S1-U2

