

## Appendix 4

Response from Welsh Government Transport Directorate (WG001)  
Applicant response to Welsh Government Transport Directorate(WG001.01)  
    Response from CADW (CW001)  
        Applicant Reply to CADW (CW001.01)  
    Response from Natural Resources Wales (NRW001 – NRW011)  
        Applicant Reply to Natural Resources Wales (NRW001.1)  
            Response from the Coal Authority (CA001)  
Response from CCBC - Transport Strategy and Development Control (CCBC001)  
    Response from Pontypool Community Council (PCC001)  
    Applicant response to Pontypool Community Council (PCC001.01)  
        Response from Councillor Lucy Williams (LW001)  
        Applicant response to Councillor Lucy Williams (LW001.01)  
            Response from Natalie Asghar MS (NA001)  
            Applicant response to Natalie Asghar MS (NS001.01)  
    Response from Glamorgan Gwent Archaeological Trust (GGAT001)  
Applicant response to Glamorgan Gwent Archaeological Trust (GGAT001.01)  
    Response from Blaen Bran Community Woodland (BBCW001, BBCW002)  
    Applicant response to Blaen Bran Community Woodland (BBCW001.01)  
        Response from Open Spaces Society (OSS001)  
        Applicant response to Open Spaces Society (OSS001.01)  
            Response from Open Spaces Society (OSS002)  
        Applicant response to Open Spaces Society (OSS002.01)  
            Response from Twmbarlwm Society (TS001)  
            Response from Edlogan Commoner (EC001)  
            Applicant response to Edlogan Commoner (EC001.01)

**From:** Thomas, Rhodri  
**Sent:** Fri, 15 Mar 2024 14:38:46 +0000  
**To:** Chris Jackson  
**Cc:** LGC\_Development\_Control-South@gov.wales  
**Subject:** FW: Pre Planning - Mynydd Maen between Newbridge and Cwmbran  
**Attachments:** NENotification\_Template\_PDFv4.2\_Oct\_2020.pdf, PAG for windfarms.pdf

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Afternoon Chris,

On behalf of Welsh Government Transport,

Pre Planning - Mynydd Maen between Newbridge and Cwmbran  
Wind Farm development

I refer to your consultation of 31/01/24 regarding the above pre-planning application, and advise that the Welsh Government as highway authority for the Strategic Road Network in Wales would require additional information as follows;

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 point of egress, that minimises any impact on the safety and free flow of trunk road traffic, please supply the likely traveling weights and dimensions of AILs and swept path analysis for all junctions on the Trunk Road Strategic Network.

Please note, to screen the proposals, the draft abnormal load notifications would be particularly helpful to the Welsh Government as highway authority. For our review to be meaningful we require the accompanying notification template to be filled out as much as possible. There may be many unknowns at this time, but the closer we get to a completed form the more meaningful feedback we will be able to provide.

As an absolute minimum we need best estimates for:

- Full route details.
- Vehicle weight
- Vehicle length
- Vehicle width
- Vehicle height

From detail provided the section of M4 should be able to accommodate 115T, however we do not permit travel at 5m height, as it leaves very little margin for error at a number of our overbridges. While none are substandard for headroom, several are right on the 5.03m limit. We therefore set a maximum travelling height of 4.9m.

We would expect the haulier to fully screen the route and follow notification and road space booking procedures, please note our pulling together PAG document gives further details, more on this below.

Attached for reference, is the draft version of our “Pulling Together” – Best Practice for Transporting Abnormal Loads in Wales - Procedures and Advice Guidance (PAG) document. For your information please find below our standard planning conditions (taken from the aforementioned PAG document), which Welsh Government would request be applied to any future planning permission granted by the authority:

### **Structural assessment**

No on-site development works shall be undertaken until:

- 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, and
- 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.

### **Condition surveys**

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.

### **Liability for incidental damage**

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.

### **Traffic Management Plan**

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:

- 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
- 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
- c. number and size of AILs, including loaded dimensions and weights
- d. number and composition of AIL convoys, including anticipated escort arrangements
- e. methodology for managing trunk road traffic during AIL deliveries, including identification of passing places and holding areas as necessary
- f. convoy contingency plans in the event of incidents or emergencies
- g. estimated convoy journey durations and timings along the route, including release of forecast traffic queues
- 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. proposals for the temporary or permanent modification of any affected street furniture along the access route and details of how this would be managed
- j. plans for the reinstatement of any temporary works after completion of the construction phase
- 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
- l. proposals to liaise with all relevant stakeholders and members of the public regarding construction traffic and AIL movements
- m. consideration of the cumulative impact of other abnormal load generating schemes proposing to use all or part of the same access route
- n. the appointment and role of a transport coordinator to administer the abnormal indivisible load delivery strategy
- o. means of control of timing of delivery of AIL movements
- p. temporary traffic diversions and traffic hold points

- q. details of banksmen and escorts for abnormal loads
- r. management and maintenance of layover areas, junctions, passing places, public rights of way and welfare facilities while AIL deliveries take place
- s. details of temporary signage.
- t. details of any alterations to any works that are carried out to enable AIL movements

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.

### **Highway works**

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:

- a. the detailed design of any works
- b. geometric layout
- c. construction methods
- d. drainage, and
- e. street lighting

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.

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.

### **Road Safety Audit**

The applicant shall undertake a Road Safety Audit of the scheme (Stages 1 – 4) in accordance with the Design Manual for Roads and Bridges GG 119. The applicant shall agree the required measures with the Welsh Government as Welsh trunk road highway authority or other relevant highway authority (as appropriate) prior to the commencement of works on site.

### **Section 278 Agreement**

The applicant shall enter into an Agreement with the Welsh Ministers under Section 278 of the Highways Act 1980 to enable the Applicant to undertake agreed improvement works on the trunk road. 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.

For further information on this matter please refer to Welsh Government Procedure & Advice Guidance PAG 109/18: section 38, 184, and 278 Agreements under the Highways Act 1980.

If you have any further queries, please forward to the following Welsh Government Mailbox [Lgc\\_development\\_control-south@Gov.Wales](mailto:Lgc_development_control-south@Gov.Wales)

Regards

Rhodri

**Rhodri Thomas BSc. (Hons) GMICE**  
Senior Engineer

I am now on secondment, and will have intermittent access to emails.



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**From:** Chris Jackson  
**Sent:** Mon, 1 Jul 2024 14:25:48 +0000  
**To:** Rhodri.Thomas@wsp.com  
**Cc:** IGC\_Development\_Control-South@gov.wales  
**Subject:** Mynydd Maen Wind Farm - DNS/3276725  
**Attachments:** 04412-RES-ACC-DR-LO-003.pdf

Rhodri,

Thank you for your e-mail of 15 March 2024 responding to the pre-application consultation on behalf of Welsh Government Transport. We are grateful for your comments and provide the following responses.

You mentioned, that, as an absolute minimum, you require best estimates for the following:

Full Route Details

Please see the attached drawing. The vehicles will depart from the Port of Swansea via Baldwin Crescent, joining the A483 heading east before exiting onto the M4 continuing in an easterly direction. The vehicles will exit the M4 at junction 28 and continue north on the A467, exiting onto Central Ave and continuing north to site via Old Plant Rd and the Abercarn Mountain Rd. The site will be accessed via an upgraded entrance, using an upgraded single-track road.

<u>Vehicle weight</u>	Up to 115t (the nacelle is likely to be heaviest load)
<u>Vehicle length</u>	63m (the approximate total length for the turbine blade plus delivery vehicle)
<u>Vehicle width</u>	4.17m (the nacelle will likely be the widest load)
<u>Vehicle height</u>	4.8m (the tower sections will likely be the highest load)

All of the other details identified in your e-mail would be provided under the planning condition discharge and highways permitting processes, subject to the wind farm receiving planning consent.

We intend to submit the application soon and no doubt the Inspector will consult Welsh Government Transport when the application is validated.

In the meantime, I trust this information is helpful and I look forward to working with you to deliver this project in the future.

Once again, thank you for your helpful response to the pre-application consultation.

Kind regards,

**Chris Jackson**  
Project Manager (Wales and England)  
[www.res-group.com](http://www.res-group.com)

[chris.jackson@res-group.com](mailto:chris.jackson@res-group.com)  
D 02920 021074 M 07500 058463  
United Kingdom



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**From:** Thomas, Rhodri <Rhodri.Thomas@wsp.com>  
**Sent:** Friday, March 15, 2024 2:39 PM  
**To:** Chris Jackson <Chris.Jackson@res-group.com>  
**Cc:** LGC\_Development\_Control-South@gov.wales  
**Subject:** FW: Pre Planning - Mynydd Maen between Newbridge and Cwmbran

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Regards

Rhodri

**Rhodri Thomas BSc. (Hons) GMICE**

Senior Engineer

I am now on secondment, and will have intermittent access to emails.



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CF10 4BZ

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Sganiwyd y neges hon am bob feirws hysbys wrth iddi adael Llywodraeth Cymru. Mae Llywodraeth Cymru yn cymryd o ddifrif yr angen i ddiogelu eich data. Os cysylltwch â Llywodraeth Cymru, mae ein [hysbysiad preifatrwydd](#) yn esbonio sut rydym yn defnyddio eich gwybodaeth a sut rydym yn diogelu eich preifatrwydd. Rydym yn croesawu gohebiaeth yn Gymraeg. Byddwn yn anfon ateb yn Gymraeg i ohebiaeth a dderbynnir yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi. ----- On leaving the Welsh Government this email was scanned for all known viruses. The Welsh Government takes the protection of your data seriously. If you contact the Welsh Government then our [Privacy Notice](#) explains how we use your information and the ways in which we protect your privacy. We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

Renewable Energy Systems Limited

Sent by email:  
Chris.jackson@res-group.comEich cyfeirnod  
Your referenceEin cyfeirnod  
Our referenceDyddiad  
Date

8 March 2024

Llinell uniongyrchol  
Direct line

0300 025 6007

Ebost  
Email:[Cadwplanning@gov.wales](mailto:Cadwplanning@gov.wales)

Dear Sir / Madam,

**Mynydd Maen Wind Farm - stat pre app consultation.**

Thank you for your letter of inviting our comments on the above.

Advice

We consider that the application is inadequately documented and we recommend that additional information is required to enable a balanced decision to be taken against Planning Policy Wales, Technical Advice Note 24 Historic Environment and associated guidance. Full details of the additional information that is required are explained in the below assessment.

The national policy and Cadw's role in planning are set out in Annex B.

Assessment

This advice is given in response to a statutory pre-application consultation in regard to the proposed Mynydd Maen Wind Farm.

The application will be accompanied by an environmental statement prepared by RES with Chapter 8 Cultural Heritage prepared by The Heritage Collective. This has considered the effect of the proposed development on the settings of the designated historic assets listed on Annex A, which are inside 5km, and concluded that there will be no significant impact. We concur with this conclusion.

The chapter has also considered LIDAR information and identified two features some 260m southwest of the proposed site of Turbine 9, which are interpreted due to their shape and form as being Bronze Age round barrows. This interpretation has not been confirmed by archaeological evaluation, but they could be of National importance. Consequently, unless archaeological evaluation proves that they are not of National importance, there is a need for the impact of the turbines on them to be assessed as there could be an unacceptably damaging effect that would be contrary to section 6.1.24 of Planning Policy Wales.

The LIDAR survey has also identified an area of earthworks some 180m to the north of the putative round barrows which could be additional round barrows and associated features. Section 8.5.2 of the environmental statement notes that an



access track will cross this area and would have major adverse impact on these features, but insufficient information is currently available to determine the significance, extent character, date and state of preservation of these features, which could be of National importance. Section 8.6.2 of the environmental statement suggests that the impact of the proposed development of these features could be mitigated by carrying out an archaeological evaluation on them after the application is determined: However, this suggestion is clearly contrary to section 6.1.26 of Planning Policy Wales and section 4.7 of Technical Advice Note 24, which state that such archaeological evaluations should be undertaken prior to the determination of any application.

It is therefore clear that the Cultural Heritage section of the environmental impact assessment is incomplete as there is a need for archaeological evaluation to be carried out and additional setting assessment to be undertaken.

Yours sincerely,

Nichola Smith  
Historic Environment Branch



## Annex A

### Designated assets

Within a 5km developer ZTV to blade tip:

#### Scheduled Monuments

GM597 Abersychan Railway  
MM044 Twm-Barlwm Mound and Bailey Castle  
MM045 Cairns West of Craig y Dyffryn  
MM141 St Illtyd Castle Mound  
MM192 Old Beam Pump & Winding Engine, Glyn Pits  
MM250 Charcoal Blast Furnace at Abercarn  
MM256 Iron Ore Scours at Upper Race, Pontypool  
MM269 Pen y Fan Canal Reservoir  
MM309 St. Peter's Churchyard Cross, Henllys

#### Registered Parks and Gardens:

PGW(Gt)26(TOR) Pontypool Park  
PGW(Gm)54(CAE) Maes Manor Hotel

#### Listed Buildings:

1866	St Illtyd's Church	II*
1867	Hafod-arthen	II
1883	Beulah Baptist Church and attached wing and gateway	II
1885	Former Barn at Croespenmaen	II
1887	Former School Room, New Bethel, and attached wall	II
1888	Penmaen House	II
1895	Former Navigation Colliery Electrical Outbuilding	II
1898	Crumlin Old Farmhouse and abutting barn	II
1899	Cwmdows Farmhouse	II*
1900	Rhyswg Fawr Farmhouse and walled forecourt	II
1902	Cyncoed Farm Cottage	II
1906	Cwmbrynar aka Cwmbraenar Cottage	II
2915	Church of Saint Peter	II*
3111	Ty-gwyn	II
3112	Shell Grotto	II*
3113	Church of St. Cadoc	II
3114	Church of St Michael and All Angels	II*
3115	The Horse and Jockey P H	II
3116	Church of St Mary	II
3117	Old Market House (Second Thoughts)	II
3118	Crane Street Baptist Church	II*
3119	St. Alban's R.C. School	II
3120	The Valley Inheritance Museum	II*
3125	Pontrhydyrun Baptist Church	II
3126	Pentre-Bach and attached outbuildings	II*
3129	Tabernacle Baptist Church	II



3130	Rustic Lodge in American Gardens	II
3131	Lloyd's Bank	II
3132	Town Hall	II
3134	Capel-Ilwyd	II
3135	Junction House at Pontymoile Canal Basin, Monmouthshire and Brecon Canal	II
3136	Bridge 53 at Pontymoile Basin, Monmouthshire and Brecon Canal	II
3137	Ty-coch Farmhouse	II
3140	Llanyrafon	II*
3145	Park Cottage	II
3146	The Old Truck House	II
3147	Ponrhydyrun House	II
3149	Glyn Bran Farmhouse	II
16072	Park Cottages	II
16425	Former Navigation Colliery Powder Store and adjoining N Rear Revetment Wall	II
18425	Gelli-Dywyll Farmhouse (also known as Cwmgelli Farm)	II
18426	T-plan agricultural range at Gelli-Dywyll Farm (also known as Cwmgelli Farm)	II
18452	Tomb of John Phillips at Tabernacle Baptist Church	II
18453	Tomb of William Edmunds at Tabernacle Baptist Church	II
18454	Pont Newynydd	II
18455	Stable at Ty-gwyn	II
18456	Beast shelter at Ty-gwyn	II
18457	Penlasgarn Farmhouse	II
18458	Tanyard Cottage in American Gardens	II
18459	Twyn-gwyn Farm	II
18460	Barn at Twyn-gwyn Farm	II
18461	Tomb of William Maud in St. Cadoc's Churchyard.	II
18462	Tomb of Lewis Prichard in St. Cadoc's Churchyard.	II
18463	Tomb of Margaret Davies in St. Cadoc's Churchyard.	II
18464	Church Farm	II
18465	The Vicarage	II
18466	Entrance Gates to Pontypool Park.	II*
18582	Church of St Thomas	II
18585	Former Goods Shed of Abersychan and Talywain Station	II
18723	Oakdale Hospital	II
18729	Altar tomb in the churchyard of St Michael and All Angels	II
18730	Tomb of William Jacob in St Mary's Churchyard	II
18731	Jones Family Tomb in the churchyard of St Mary's Church	II
18733	Aqueduct over Afon Lwyd, Monmouthshire and Brecon Canal	II
18734	Bridge 56, Monmouthshire and Brecon Canal	II
18735	Bridge 57, Monmouthshire and Brecon Canal	II
18738	Milepost north of Bridge 53, Monmouthshire and Brecon Canal	II
18739	Barn at Ty-poeth Farm	II
18740	Race Farmhouse	II
18741	Barn at Race Farm	II
18746	Church Farmhouse	II



18747	Court Farmhouse	II
18748	Small Barn at Court Farm	II
18749	Large Barn at Court Farm	II
18750	Barn at Ty-coch Farm	II
18751	Entrance gate and gatepiers at Court Farm	II
18752	Cowhouse at Court Farm	II
18809	Pontypool Public Library	II
	Memorial gates, gate-piers and flanking quadrant screens to	
18810	Pontypool Park.	II
18811	Double icehouse in Pontypool Park	II
18812	Glantorfaen House	II
18813	Barclay's Bank	II
18814	Midland Bank (including Bank Chambers)	II
18816	Pontypool Market	II
	Manchester House, including Mayberry Pharmacy and the	
18817	Good Job Club	II
18818	Jubilee Building	II
18820	The Co-operative Bank	II
18821	,2A,Commercial Street,Pontypool,Pontypool,,	II
18822	The Greyhound PH	II
18823	The George PH	II
18824	35 Commercial Street	II
18825	St. James's Church	II
18826	Entrance gateway to St.James's Church	II
18827	Mount Pleasant United Reformed Church	II
18828	St.James's Hall	II
18829	Upper Trostant Baptist Church	II
18830	St. Alban's R.C. Church	II
18831	,64,Rockhill Road,Pontymoile,Pontypool,,	II
	Aqueduct over the Afon Lwyd, Monmouthshire and Brecon	
18832	Canal, including weir to south	II
	Tramroad and leat tunnels, Monmouthshire and Brecon	
18833	Canal	II
18838	Maesderwen and Maesderwen-bach	II
18839	Maesderwen Lodge (Pontypool Park estate office)	II
18840	Coach-house in Pontypool Park estate yard.	II
18841	West Monmouth School	II
18842	Swimming Pool and Gymnasium at West Monmouth School	II
18843	The Mount	II
18844	Pontypool Register Office	II
18845	Warehouse of R J Bullen	II
18846	,66,Rockhill Road,Pontymoile,Pontypool,,	II
18847	,68,Rockhill Road,Pontymoile,Pontypool,,	II
18848	,72,Rockhill Road,Pontymoile,Pontypool,,	II
18849	,70,Rockhill Road,Pontymoile,Pontypool,,	II
18852	,4,Commercial Street,Pontypool,Pontypool,,	II
18853	,6,Commercial Street,Pontypool,Pontypool,,	II
18854	St James's Vicarage	II
20183	Zoar Baptist Chapel	II
20740	Elim United Reformed Church and attached Schoolroom	II
20998	Barn at Rhyswg Fawr	II



21002	Ty Mynydd	II
21254	Crumlin Viaduct W Abutment Ebbw Valley	II
21255	Crumlin Viaduct NE Abutment Cwm Kendon	II
21256	Crumlin Viaduct SW Abutment Cwm Kendon	II
21257	Crumlin Old Bridge over River Ebbw	II
21258	Penrhiwlas	II
21259	Gelli farmhouse and attached farm range	II
21260	Barn at Gelli	II
21261	Church of Christ Church Aberbeeg	II
21262	Viaduct Cottage	II
21263	Llanerch-uchaf farmhouse and attached farm range	II
21264	Barn at Llanerch-uchaf	II
21265	Pentref-y-Groes	II
21266	Barn and byre range at Pen-y-groes 3	II
21267	Rear Revetment Wall S	II
21427	Argoed Baptist Church	II
21498	Church of St Paul	II
21499	Church of Our Lady of Peace and attached Presbytery	II*
21500	Celyn Collieries Workmen's Institute	II
21501	Preswylfa	II
21502	Former Hall's tramroad and railway tunnel E portal	II
21503	Former Hall's tramroad and railway tunnel W portal	II
21504	Pentwyn-isaf	II
21512	The Oakdale Public House	II
	Former Tramroad Bridge (partly in Pontllanfraith	
21513	Community)	II
21622	War Memorial	II
21626	New Bethel Chapel	II
21627	Wall, railings and gates at New Bethel Chapel graveyard	II
21631	Former Tramroad Bridge (partly in Penmaen Community)	II
21632	Monuments to James Thomas and family at New Bethel	II
21633	Monument to Martha Williams at New Bethel	II
21634	Monument to Margaret Williams at New Bethel	II
21635	Monument to Elizabeth Jones at New Bethel	II
21636	Nicholas monument at New Bethel	II
21637	Monument to Rosser Williams at New Bethel	II
21638	Monument to Thomas Henry Thomas at New Bethel	II
22671	Former Colliery Workmen's Institute	II
22672	Ty-llwyd	II
22674	Barn Range including cow-house at Swffryd-ganol	II
23533	Church of the Holy Trinity	II
	Canal Tunnel between Sebastopol and Cwmbran, including	
23957	attached revetment walls	II
25737	The Gables	II
25738	Terraced steps at The Gables	II
26701	Maes Manor Hotel	II
	Upper terrace revetment and steps in garden to S of Maes	
26702	Manor	II
	Lower terrace revetment and gates in garden to S of Maes	
26703	Manor	II
26704	Gate piers and flanking walls to forecourt of Maes Manor	II



26705	Former Coach House at Maes Manor	II
26706	Kitchen garden walls, pavilion and terrace at Maes Manor Gate piers with flanking doorways and walls at entrance to	II
26707	Maes Manor	II
26708	North Lodge	II
26709	South Lodge	II
26986	Glan-y-nant Farm	II
27026	Llanyrafon Mill	II
80693	Ty William Ambrose Farm (aka Hanbury Farm)	II
80858	Barn at Capel-Ilwyd	II
80859	Barn at Glyn Bran Farm	II
80860	Outside kitchen at Glyn Bran Farm	II
80861	Barn on S side of Bevan's Lane Culvert taking Blaen Bran under Monmouthshire and Brecon	II
80862	Canal	II
80863	Milepost on Monmouthshire and Brecon Canal	II
80864	Tir-brychiad	II
81033	Cwrt Henllys	II
81034	Pandy-mawr and attached barn	II
81035	Remains of churchyard cross, Church of Saint Peter	II
81178	Canal Bridge No 47 on Monmouthshire and Brecon Canal	II
81180	Milepost on Monmouthshire and Brecon Canal Enclosure railings, walls, gatepiers and Memorials at the	II
81749	Conway Burial Yard	II
81750	War Memorial in front of Pontrhydyrun Baptist Church Aqueduct over Dowlais Brook on Monmouthshire and Brecon Canal, partly in Cwmbran Central Community	II
81859	Canal bridge at Rachels Lock on Monmouthshire and	II
81862	Brecon Canal	II
81863	Canal bridge at Shop Lock on Monmouthshire and Brecon Canal	II
81864	Canal bridge at Top Lock on Monmouthshire and Brecon Canal	II
81865	Brecon Canal	II
81922	Gellipistyll	II
81923	Outbuilding to SE of Gellipistyll	II
81924	Pont Newynydd (partly in the Trevethin community)	II
81925	Railway viaduct at Cwm Ffrwd-oer	II
81926	Tympath Farm	II
81927	Tympath House	II
82034	Lime kiln on S side of Garth Road Aqueduct over Dowlais Brook on Monmouthshire and	II
82035	Brecon Canal (partly in the Llantarnam community) Celyn Collieries Workmen's Memorial Hall, including	II
82346	forecourt wall and gates	II*
83195	Waterloo Cottage	II
87579	Abertillery and District Hospital (original ranges only)	II
87580	Memorial Gates to Abertillery and District Hospital	II
87641	Mount Cottage	II





87770	Court Road Industrial Estate Sign	
87788	Milepost north of Five Locks	
87789	Pearl Assurance House	
87806	2 Jim Crow Square	



## Annex B

### Our role

Our statutory role in the planning process is to provide the local planning authority with an assessment concerned with the likely impact that the proposal will have on scheduled monuments, registered historic parks and gardens, registered historic landscapes where an Environmental Impact Assessment is required and development likely to have an impact on the outstanding universal value of a World Heritage Site. We do not provide an assessment of the likely impact of the development on listed buildings or conservation areas, as these are matters for the local authority.

It is for the local planning authority to weigh our assessment against all the other material considerations in determining whether to approve planning permission.

### National Policy

Applications for planning permission are considered in light of the Welsh Government's land use planning policy and guidance contained in Planning Policy Wales (PPW), Technical Advice Notes and related guidance.

PPW [planning-policy-wales-edition-11.pdf](#) explains that it is important that the planning system looks to protect, conserve and enhance the significance of historic assets. This will include consideration of the setting of an historic asset which might extend beyond its curtilage. Any change that impacts on an historic asset or its setting should be managed in a sensitive and sustainable way.

The conservation of archaeological remains and their settings is a material consideration in determining a planning application, whether those remains are a scheduled monument or not. Where nationally important archaeological remains are likely to be affected by proposed development, there should be a presumption in favour of their physical protection in situ. It will only be in exceptional circumstances that planning permission will be granted if development would result in a direct adverse impact on a scheduled monument (or an archaeological site shown to be of national importance)

[Technical Advice Note 24: The Historic Environment](#) elaborates by explaining that when considering development proposals that affect scheduled monuments or other nationally important archaeological remains, there should be a presumption in favour of their physical preservation in situ, i.e. a presumption against proposals which would involve significant alteration or cause damage, or would have a significant adverse impact causing harm within the setting of the remains.

### Historic Parks and Gardens

PPW also explains that local authorities should value, protect, conserve and enhance the special interests of parks and gardens and their settings included on the



register of historic parks and gardens in Wales and that the effect of a proposed development on a registered park or garden or its setting should be a material consideration in the determination of a planning application.







Ms Nichola Smith  
Historic Environment Branch  
CADW  
Welsh Government  
Ty'r Afon  
Bedwas Road  
Caerphilly  
CF83 8WT

1 July 2024

Dear Ms Smith,

**Mynydd Maen Wind Farm – DNS/3276725**

Thank you for your letter of 8 March 2024 responding to the pre-application consultation undertaken between January and March 2024.

We are grateful for your comments on the draft application and, where applicable, we have addressed the points you raised.

We note you concur with the conclusion that there would be no significant impact on the setting of the designated historic assets listed in Annex A.

The Lidar information identified certain archaeological features and potential archaeological features on the site, including an area which was crossed by a proposed access track. Following your comments, we have redesigned the wind farm infrastructure and that access track now avoids the area of potential archaeological interest. As a result, none of the proposed infrastructure now directly impacts upon any identified archaeological features.

We therefore consider that physical archaeological evaluation of the site prior to determination of the planning application would cause unnecessary and unacceptable impacts on the habitats and other ecology of the site for a development which might not proceed. Furthermore, such evaluation would interfere with the operation of the common which is managed by the commoners exercising their rights to graze livestock and control heather and bracken amongst other functions.

We would of course adhere to a planning condition requiring reasonable archaeological evaluation and any subsequent mitigation necessary should the application be consented. RES understands that in the event that significant archaeological remains are identified, that additional time and resources will be required to ensure any such remains are

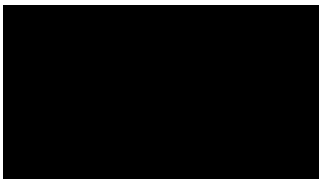
appropriately investigated, recorded and reported upon. Based on the assessment undertaken it is considered that there is a low chance that archaeological remains are present of such significance that they would require preservation in-situ, but this potential is acknowledged.

We intend to submit the planning application soon and no doubt the Inspector will consult you directly when the application is validated.

In the meantime, if you have any questions, please do not hesitate to contact me.

Once again, thank you for your very helpful response to the pre-application consultation.

Yours sincerely,



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Ein cyf/Our ref: CAS-248286-T3Z5  
Eich cyf/Your ref: n/a

Elliot Smith  
Development Project Manager  
Renewable Energy Systems Ltd  
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Greenwood Close  
Cardiff Gate Business Park  
Cardiff  
CF23 8RD

Dyddiad/Date: 22 March 2024

Annwyl Elliot/Dear Elliot,

**STATUTORY PRE-APPLICATION CONSULTATION – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (WALES) ORDER 2012 AS AMENDED**

**BWRIAD/PROPOSAL: Mynydd Maen Wind Farm**

**LLEOLIAD/LOCATION: Land at Mynydd Maen, between Newbridge and Cwmbran**

Thank you for providing a requisite notice to us under Article 2D of the above Order. We received a copy of your proposed application on 31 January 2024.

**We have concerns with the application as proposed because inadequate information has been provided. To overcome these concerns, you should provide further information in your planning application regarding protected species, landscape, peat, and the water environment. If this information is not provided, we may object to the planning application when formally consulted by the planning authority. Further details are provided below.**

**We also advise that based on the information submitted to date, we would ask the determining body to include conditions regarding protected species and the water environment on any planning permission granted. Without the inclusion of these conditions by the decision maker we would be likely to object to the planning application.**

Please note, we have not been able to provide advice on ornithological matters within the specified timescales, due to resourcing issues. We will endeavour to provide advice under a separate cover as soon as practical. All other relevant matters are outlined below.

## Protected Species

We have reviewed the submitted Environmental Statement prepared by RES Ltd (undated).

We note that the DNS application is being progressed in parallel with an application to de-register an area of common land and, in lieu, provide an area of replacement common land as shown by drawing 04412-RES-LAY-DR-LE-017 (Rev 4).

### Bats

We note that one derelict building exists on site, within 250m south of the location of T4, and welcome that this was surveyed for its potential to support roosting bats. We also note that it was considered to have low potential to support roosting bats and that emergence surveys in 2021 and 2023 didn't record any bats using the building.

Regarding trees, we note that a total of 28 trees with potential roost features (PRFs) were identified within the survey area, all of which were within the wooded valley at Cwm Lickey in the northeast corner of the site. It appears that 16 of these trees had moderate suitability to support roosting bats, although none appeared to have evidence of roosting bats at the time of survey. We note figures 6.2a and 6.2b show the location of the trees inspected, but does not identify the outcome of the PRF inspections (i.e. positions of trees with low/moderate/high potential to support roosting bats).

We advise a future planning application includes confirmation of whether any of the trees identified to have potential roost features will be affected by the proposals (e.g. through felling or pruning). If so, we also advise that the application includes a plan to show the position of all trees with potential roost features and the outcome of the PRF inspections (i.e. whether they have low/moderate/high potential to support roosting bats).

We advise a Construction Environmental Management Plan (CEMP) should include provision for pre-construction checks of trees with potential roost features that will be affected by the proposed development. Further advice on the CEMP is provided under the Water Environment section of this letter.

### *Bat Activity*

We welcome that bat activity surveys of the site have been carried out. The ES confirms these comprised the deployment of static detectors near each of the turbine locations in spring, summer and autumn in 2021 and for a period in excess of the minimum 10 night survey period for each season advised by the joint agencies' guidance '*Bats and Onshore Wind Turbines – Survey, Assessment and Mitigation (August 2021)*'.

The bat activity surveys show a significant proportion of the overall number of bat passes were from pipistrelle bat species. We also note that there were registrations of noctule bats.

### *Turbine Siting*

Published guidance ([Bats and onshore wind turbines - survey, assessment and mitigation | NatureScot](#)) advises that minimum 50m buffer is maintained between turbine blade tips and the nearest bat habitat features (e.g. woodland edge, hedgerow, watercourses or other key habitat features such as wetlands).

We note the future planning application will include infrastructure micro-siting allowances (50m for each wind turbines). Determination of the final position of the turbines utilising any

micro-siting allowance must ensure that turbines continue to be sited to accord with the joint agency guidance '*Bats and Onshore Wind Turbines – Survey Assessment and Mitigation*', specifically paragraph 7.1.2.

While it appears from the site layout drawings that the turbines would be sited in open habitat away from the nearest bat habitat features, T8 appears closer to woodland habitat/trees. We advise that your future application includes further information to confirm the buffer distances required for each of the turbines (in accordance with para 7.1.2 and Figure 1 of the above guidance), and whether those will be met (with or without utilisation of the 50m micro-siting allowance).

If the required buffer distances will be met, with or without utilisation of the 50m micro-siting allowance, we consider that an appropriately worded condition can be attached to any permission granted to secure turbine siting in accordance with the published guidance.

#### *Feathering Turbine Blades*

Feathering turbine blades to reduce rotation speeds to below 2 rpm while idling is an effective way to reduce impacts on bats without compromising energy generation.

We welcome the confirmation in ES paragraph 6.21.23 that the turbine blades will be feathered whilst idling to minimise bat fatalities/injuries. We advise that this measure is included in Chapter 15, Schedule of Mitigation.

We consider that this matter could be secured using an appropriately worded condition attached to any permission granted for the scheme.

#### *Turbine Curtailment*

With reference to Table 6.13 we note that registrations of bats were recorded when wind speed was between 0m/s and 3.6 m/s, and that only 7.5% of bat activity was recorded above 2.2 m/s at turbine base (4 m/s at nacelle height).

Therefore, with reference to ES paragraph 6.23.5-6.23.7 we welcome the proposals to raise the cut-in/generating speed of the turbines to 4m/s at nacelle height between April and October inclusive, between half an hour before sunset and half an hour after sunrise.

We advise that this measure is included in Chapter 15, Schedule of Mitigation, and consider that this matter can be secured through the use of an appropriately worded condition attached to any permission granted for the scheme.

#### *Post-Construction Monitoring*

We note the proposals for operational monitoring of the site for bat injuries and fatalities as set out in ES section 6.26 and that these are proposed to be covered in an Ecological Management Plan (EMP) for the development.

We consider that operational monitoring can be secured using an appropriately worded planning condition attached to any permission granted for the scheme as proposed by the Schedule of Mitigation. The detail and duration of the monitoring can be agreed through the condition.

#### Great Crested Newts (GCN)

We observe that fifteen ponds are present within and near to the application site boundary (Figure 6.4). We welcome that they have been subject to the following surveys:

- HSI assessment of ponds 1-12 in spring 2020, and again in 2023;
- HSI assessment of ponds 13-15 in spring 2022;
- eDNA of ponds 3, 6, 10-12 (June 2020) (Ponds 1, 2, 4, 5, 7-9 dry at the time and not surveyed);
- eDNA of ponds 1-6 and 9-12 in April 2021 and 2023;
- eDNA of pond 15 in 2022
- GCN population surveys of ponds returning a positive eDNA result – ponds 1-4 (2023), pond 15 (2022).

From the 2022 and 2023 data we note that a medium size population of GCN was identified in P15 (peak count 36) and a small population associated with P1-P3 (peak count 4). Taken together with the records held by the LRC, it appears that GCN have been present at this site for a number of years.

The draft ES indicates that a new access track shall be located approximately 15m south of P1, 60m north of P2 and P3, and 160m south of P15. As such, we note the potential impacts of the development set out in ES section 6.20.34-6.20.38, which could also include indirect effects such as the incidental drainage of P1 due to surrounding earthworks.

We also note the GCN mitigation measures set out in ES sections 6.23.9-6.23.13. These are broadly acceptable, subject to the details, and providing that:

- i. the scheme layout drawings are amended to show the additional ponds to be created on and off site (e.g. on the replacement common land and in restored borrow pits);
- ii. they include commitments for the long-term management and monitoring of the new and retained GCN waterbodies; and
- iii. the Schedule of Mitigation includes the GCN mitigation proposals.

Therefore, along with amending the scheme drawings and ES as appropriate, we advise that the details of the GCN mitigation proposals are set out in a Great Crested Newt Conservation Plan to accompany the submitted application. We envisage that the conservation plan will form a component of the proposed Ecological Management Plan indicated in the Schedule of Mitigation, and materially inform the provisions of any subsequent application for a derogation licence issued by NRW under Regulation 55 of the Conservation of Habitats and Species Regulations 2017 (as amended).

To be assured that the proposed mitigation can be delivered, the land tenure matters will need to be resolved in order for an EPS licence to be issued.

#### Otters & Water Voles

We note the comments regarding otters in ES sections 6.14.147-3.14.149, and 3.14.150-6.14.153, and have no further comment to make regarding these species.

#### Dormice

We note that the dormouse surveys did not find any evidence of the species; as such it appears that this species is unlikely to be affected by the proposals and therefore, we have no further comment on this species.

### Protected Species Summary

To summarise, if consulted by the decision maker on any future planning application, we would advise that conditions are attached to any planning permission granted to cover turbine siting, blade feathering, turbine curtailment, and final versions of the HMP, EMP and CEMP. We would be pleased to advise further on the wording of these conditions at this stage and following the provision of the information specified above.

We also advise that the following information is provided with any subsequent application:

#### 1. Bats:

- a. Confirmation of whether any of the trees identified to have potential roost features will be affected by the proposals (e.g. through felling or pruning) and, if so, the inclusion of a map to show the position of all trees with potential roost features and the outcome of the PRF inspections (i.e. whether they have low/moderate/high potential to support roosting bats).
- b. Further information to confirm the buffer distances required for each of the turbines (in accordance with para 7.1.2 and Figure 1 of the above guidance), and whether those will be met (with or without utilisation of the 50m micro-siting allowance).
- c. Amendment of Schedule of Mitigation to include the blade feathering and turbine curtailment commitments referenced in ES paragraphs 6.21.23, 6.23.5-6.23.7.

#### 2. Great Crested Newts:

- a. Amendment of the ES (including Schedule of Mitigation) and scheme layout drawings as appropriate to show the additional ponds to be created on and off site (e.g. on the replacement common land and in restored borrow pits) and include commitments for the long-term management and monitoring of the new and retained GCN waterbodies on and off-site; and
- b. Great Crested Newt Conservation Plan which sets out all the details of the proposed GCN mitigation including:
  - i. An overall impact assessment of construction and operational phases of the scheme. This to include an evaluation of the nature and extent of the likely direct and indirect impacts of the development. Material provisions of this assessment should include:
  - ii. Tabulated review of the extent, distribution and quality of GCN habitat to be removed, retained, enhanced and created;
  - iii. Risks of incidental injury or killing;
  - iv. Ensuring habitat functionality and connectivity during and post construction; and
  - v. Consideration of current conservation status (CCS) and favourable conservation Status (FCS).
  - vi. Ecological design considerations. This should include habitat enhancement for GCN within and outside of the development footprint on land within the applicant's ownership (e.g. the creation of ponds on replacement common land as well as in areas within the red line boundary), and should demonstrate how connectivity between habitats is to be maintained post construction.

- vii. Submission of details and associated plans concerning GCN avoidance and mitigation measures including, but not limited to: fence design, specifications and proposed locations; consideration of access issues across fence lines (including PROW if applicable); fence monitoring and maintenance requirements; and supervised removal of barrier fences. Submission to include proposed timescales and reporting requirements.
- viii. Submission of further details concerning on-site and off-site GCN habitat compensatory proposals including plans, extent, access, as well as current and proposed tenure. Details shall identify areas of terrestrial and aquatic habitat to be retained, enhanced and created. In respect of aquatic habitats,
- ix. Pond and associated infrastructure design and to consider fish management requirements; and
- x. Flood risk assessments to be carried out for each proposed and existing water body.
- xi. To assist both future site management and surveillance, we advise a numbered marker post is placed by each pond.
- xii. Submission to include proposed timescales and reporting requirements.
- xiii. Submission of a long term site management plan that includes defined aims and objectives; habitat management prescriptions; surveillance prescriptions based on abundance and habitat suitability and reported through an appropriate monitoring programme (Wales GCN Monitoring Scheme); contingency measures if fish or invasive non-native species (INNS) are detected; proposals that are capable of being implemented in the event of failure to undertake or to appropriately implement identified or contingency actions; site liaison and wardening; licensing requirements for undertaking habitat management and surveillance; current and any proposed changes to tenure of the dedicated ecology areas; persons or bodies responsible for undertaking management and surveillance together with required skills and competencies; reporting requirements; and proposed dates for updating or revising the management plan.
- xiv. Proposed mechanism for regulating the construction and operation of the proposal. We advise this considers both planning conditions and obligations. We suggest the mitigation strategy includes a 'Heads of Terms' document that specifies funding mechanisms, tenure and any changes to tenure, and provisions for updating the management plan.
- xv. Statement confirming design principles of green and blue infrastructure together with ecosystem resilience. This statement to cross reference with GCN mitigation and compensation measures and the long-term site management plan. Principles of the management of the habitats that provide blue and green functions to consider and accord with the delivery of appropriate species-specific conservation management for GCN, together with consideration of how this will be financed and secured in the long term.
- xvi. Submission of measures designed to prevent the accidental capture/ killing of newts (amphibians) within the access road during operational phases of the scheme (i.e. post construction). This is essentially the installation and maintenance of an amphibian friendly surface water management system that does not include gully pots (or other similar features that could trap newts).
- xvii. Submission of a scheme to audit implementation of ecological works.
- xviii. Submission of a scheme to evidence consideration of biosecurity issues.
- xix. Long term financial considerations.



## Landscape

Our comments relate to the development's potential impacts on the landscape character and visual amenity of the Bannau Brycheiniog National Park (BBNP) and the Wye Valley Area of Outstanding Natural Beauty (AONB), and the statutory purpose of these designations to conserve and enhance their natural beauty.

Our advice is based on a review of the following pre-application documents:

- Environmental Statement (ES) Volume 2 Chapter 5 Landscape and Visual. This chapter is a Landscape and Visual Impact Assessment (LVIA) of the proposed development.
- ES Volume 2 Chapter 2 Design Evolution and Alternatives.
- ES Volume 2 Chapter 3 Proposed Development.
- ES Volume 3 Figures.
- ES Volume 4 Appendices 5.1-5.5.

The main component of the proposed development is thirteen wind turbines each with a maximum height to blade tip of 149.9m.

The BBNP is located approximately 4.1km north east of the closest turbine, and the Wye Valley AONB is located approximately 21km east of the closest turbine. The proposed turbines are located within Pre-Assessed Area (PAA) for Wind Energy (10) in Future Wales: The National Plan 2040 (FW). FW Policy 17 states there is a presumption in favour of large-scale wind energy development in PAAs subject to the criteria in FW Policy 18. Whilst Policy 17 states that within PAAs, Welsh Government (WG) has already modelled the likely impact on the landscape and has found them to be capable of accommodating development in an acceptable way, it also states all proposals should demonstrate they will not have an unacceptable adverse impact on the environment. Cumulative impacts are one of the criteria under Policy 18 of FW.

Design guidance prepared to support FW Policies 17 and 18 is set out in *Designing for Renewable Energy in Wales, Design Commission for Wales, November 2023*. This recognises the importance of landscape informing the design of large-scale renewables, and states '*Determining the appropriate turbine layout should be based on rigorous analysis, testing and response to the landscape setting*' (Page 32) and that '*Landscape should be the leading consideration in this process and not merely follow on in the form of 'landscape mitigation' of a predetermined engineering proposal and technical appraisal*' (page 19). As set out in *Planning Policy Wales 12* (Paragraph 5.9.21), '*Prior to an application being submitted, developers for renewable and low carbon energy developments should, wherever possible, consider how to avoid, or otherwise minimise, adverse impacts through careful consideration of location, scale, design and other measures*', which we advise may also include the number and layout/arrangement of turbines.

We advise that your future planning application should provide further information to support your landscape assessment on the impacts to the national park and AONB. Further advice is provided below, separated into sub-headings, with the request for information marked 1 - 7.

## Design Process

The design evolution of the proposed turbine layout is summarised in Section 2.6 of ES Chapter 2 and in the Design and Access Statement (DAS). It states the turbine layout (Layouts 1 and 2) and height was informed by preliminary landscape and visual considerations. However, the specific changes and the impacts sought to be avoided or reduced by those changes are not clear from this summary or that provided in the DAS.

**1. We request as part of the formal planning application that a summary is provided specifying the key design changes made to reduce landscape and visual impacts upon the BBNP.**

## LVIA Methodology

Overall levels of effect are determined by combining separate judgements on sensitivity and magnitude of change. There are instances within the LVIA where receptors which have the same combination of sensitivity and magnitude of change judgements have different overall levels of effect. For example, receptors at Viewpoint (VP) 22 (Bloreng) and VP 30 (Mynydd Garn-Wen) are both assessed as having high sensitivity and a medium magnitude of change but the overall effect on receptors at VP 22 is assessed as moderate and not significant whereas at VP 30 it is assessed as moderate/major and significant. The reasoning for the difference is not clear.

Similarly, it is not clear why some receptors with the same judgements of value and susceptibility have different overall judgements of sensitivity. For example, VP 22 (Bloreng) and VP 35 (Ysgyryd Fawr) are both considered to have 'very high' value and 'high' susceptibility but overall sensitivity (which results from combining judgements on value and susceptibility) is 'high' at VP 22 but 'very high' at VP 35. The reasoning for this difference is not clear.

**2. To improve transparency and understanding we request the following additions to the final LVIA:**

- At Section 1.11 of Appendix 5.1 an indication of *how* judgements are combined / the outcome of different combinations of sensitivity and magnitude of change e.g., a written explanation, indicative graph, or indicative matrix.
- Ensure the supporting narrative assessment clearly identifies any assumptions or factors which underpin the reasoning for how the overall judgment was reached and why it may be higher or lower than a receptor with a similar sensitivity/magnitude of change.

*Visual Effects (BBNP)* LVIA VPs within the BBNP are:

- VP 22: Bloreng (high sensitivity, medium change, Moderate Not Significant (NS) effect)
- VP 23: B4560 (high sensitivity, medium/low change, Moderate/minor NS effect)
- VP 24: Pen y Fan (very high sensitivity, very low change, Minor NS effect)
- VP 30: Mynydd Garn-Wen (high sensitivity, medium change, Moderate/major and Significant Effect)
- VP 35: Ysgyryd Fawr (very high sensitivity, low change, Moderate NS effect)

Except for visual receptors at VPs 24 (Pen y Fan) and 35 (Ysgyryd Fawr), who are assessed as having 'very high sensitivity', receptors at the other viewpoints above are assessed as having 'high sensitivity'. Whilst we agree receptors at VP 23 may be less sensitive than receptors at VPs 24 and 35, due to their location on a road, it is not clear from the reasoning provided in Appendix 5.5 why receptors at VPs 22 and 30 are considered to have a lower sensitivity than at other similar locations. We consider receptors at VPs 22 and 30 also have the highest levels of sensitivity, in reflection of their location on a promoted long-distance footpath (Cambrian Way) and a summit within the BBNP, where interest in their surroundings will be particularly high.

Section 1.8 of Appendix 5.1 provides indicative criteria for judgements on 'magnitude of change on views and visual amenity' for five magnitudes ranging between 'very low' and 'very high'. When referring to these criteria, we question whether the impacts at certain viewpoints e.g., VP 35 would be greater than reported. For example, the magnitude of change at VP 35 is assessed as 'low' but we consider the impact illustrated in the submitted visualisation for this location may correspond with an impact of 'medium magnitude' when considered against the descriptions in Section 1.8.2. At this location the turbines would be seen directly ahead in alignment with the ridge and Beacons Way footpath and would cause at least *'some change in the view that is clearly notable in the view and forms an easily identifiable component in the view'*.

**3. To assist our understanding and verification of the effects reported, we request a hard copy of the visualisations printed at the intended paper size for use on site. We request this be provided in advance of the formal submission of the planning application.**

#### Effects on Landscape Character (BBNP)

The assessment considers effects on LANDMAP aspect areas grouped by distance and direction from the site. No significant effects on aspect areas within either designated landscape are reported.

A separate assessment of effects on landscape character areas (LCAs) described in the BBNP Landscape Character Assessment, 2012 is provided on pages 5-49 and 5-50 of ES Chapter 5. This considers the effects on LCAs 9, 12 and 15 and the sensitivity of each of these LCAs is judged to be 'high'. The magnitude of change at LCAs 9 and 12 is assessed as 'very low' and the overall effect minor. The magnitude of change at LCA 15 is assessed as medium with a moderate overall effect. Neither effect is assessed as being significant.

We question whether the assessment of a 'very low magnitude of change' on LCAs 9 and 12 is accurate. With reference to the criteria for magnitude of change at 1.7.1 of Appendix 5.1, the ZTVs, and the photomontages from VPs 23 and 35, we consider that the introduction of thirteen turbines on the horizon would result in more than a *'negligible change to the ... perpetual attributes of the landscape'* and more than *'no notable introduction of new features'*.

Additionally, the text explains that views from LCA 12 are represented by VP 23 which is taken from the B4560 road. We advise VP 23 is a poor representation of the experience of LCA 12 and the likely impacts upon it because:

- At VP 23 only 8 turbines are visible at hub height. However, as shown in the ZTV (Figure 5.5) all thirteen turbines would be visible at hub height from areas of open

access land across LCA 12 including areas crossed by the Cambrian Way. Therefore, VP 23 does not represent the extent of visibility which is expected elsewhere across LCA 12.

- Sensory and perceptual qualities, particularly those relating to a sense of tranquillity, will be stronger away from the B4560.

The assessment of effects on LCAs 9 and 12 may have been underreported if the greatest weight is placed on the geographical extent of the impacts. Whilst geographical extent is relevant, it is only one of several considerations with others including the 'size or scale' of the change to the character and qualities within those parts of the designated landscape that would be affected. It is necessary to explain what the effects would be at those locations within the LCA that would be affected, as opposed to generalising the impacts for the LCA overall. In this regard the qualification provided in the assessment of LCA 15 is acceptable, where it explains that '*This change would only be experienced at the south-western edge of the LCA, with the majority of southern part of the LCA experiencing no effects*' (Para 5.6.134).

#### **4. To assist our understanding and verification of the effects reported, we request the final LVIA includes:**

- Additional explanation regarding the characteristics and qualities that would be impacted within the BBNP LCAs, qualified by the location at which they would be impacted.
- An additional Figure which maps the LCAs from the BBNP Landscape Character Assessment and includes the results of the ZTV analysis and plots the assessment viewpoints.

#### Effects on Special Qualities (BBNP)

A separate section is included for the assessment of impacts on the special qualities of the BBNP which begins at ES pages 5-70. The assessment considers the impacts on the quality of 'sweeping grandeur & outstanding natural beauty'.

#### **5. We advise the assessment should also consider the following special qualities which are relevant to the assessment of the proposed development:**

- 'Peace, tranquillity and darkness' which describes '*A National Park offering, dark, night time skies, peace and tranquillity with opportunities for quiet enjoyment, inspiration, relaxation and spiritual renewal*'. (Our emphasis) Similar qualities are described under the heading 'Enjoyable and accessible'. In relation to the impact on these qualities, NRW evidence on visual tranquillity should be considered. [Tranquillity and Place \(arcgis.com\)](#)
- 'Sounds, sights, smells and tastes' which describes '*A feeling of vitality and wellbeing that comes from enjoying the National Park's fresh air, clean water, rural setting, open land and locally produced foods*'. (Our emphasis)

We advise the stated special qualities are headlines and the assessment should be informed by the evidence provided in the BBNP Landscape Character Assessment, LANDMAP, and site survey, and draw upon the assessment of relevant receptors from the LVIA, including the visual assessment.

## Cumulative Effects (BBNP)

The assessment of cumulative landscape and visual effects begins at Page 5-76. Three scenarios are considered, and as acknowledged in the LVIA, since the cumulative 'cut-off' date of 30th June 2023, certain schemes have moved through planning and would now be considered under a different scenario e.g., Twyn Hywel and Manmoel.

**6. We are concerned that the approach to the cumulative assessment is too generalised and is based on flawed assumptions. We request that further detail is provided in relation to the assessment of cumulative receptors within the BBNP. This could be provided by way of a summary table.**

There are two assumptions implied in the cumulative assessment that we consider to be flawed:

- Whilst the ES acknowledges that wherever more than one wind farm is visible at any given location in the landscape, there will be a greater overall or cumulative effect on landscape character than if just one wind farm was visible in the landscape (Para 5.6.319). However, when considering the additional impact of the proposed development, the assessment considers it to be reduced when seen in the context of other wind turbine developments. Whilst in some cases the existing context of wind turbine development may reduce the sensitivity of the receiving environment to further development, it does not automatically follow that the impact of the proposed development would be less. The context of wind turbines may limit impacts which would otherwise result from it being a 'new' feature or characteristic, but it may separately result in additional effects, for example enclosing a landscape or view and exacerbating the degradation of the landscape.
- The assumption (implied at Para 5.6.335) that a scheme has less impact on the National Park simply because it is located within a pre-assessed area is not accepted. The impact of wind turbine development on landscape character and visual amenity is not reduced simply by its location within a PAA. These areas are not evident on the ground and in many cases PAA 10 relates to ridgetops and moorland which share similar characteristics with the BBNP and provide a coherent setting to the park. Receptors within the BBNP will not experience a reduction in impact simply because the turbines are located within a PAA.

In relation to the 'totality / combined effect' we advise this should include an overall judgement relating to landscape and visual receptors, particularly those within the BBNP, as at present no such judgement is provided. This judgement should be based on a baseline without cumulative schemes from scenarios 2 and 3 i.e., the overall effect of these schemes in combination should be stated.

## Wye Valley AONB

LVIA VPs within the Wye Valley AONB are:

- VP 20: B4293 / Devauden (high sensitivity, very low change, minor NS effect)

At Paragraph 5.5.12 the assessment states '*With reference to Figure 5.9: Landscape Designations within 24 km with Blade Tip ZTV, there is theoretical visibility from parts of the*

*western fringes of the AONB and from limited areas of higher ground within the central and eastern parts of the AONB, beyond the 24 km detailed study area. However, actual visibility would be further reduced by existing field hedgerows and tree cover. From any locations where clear open views are available at distances in excess of 21 km any effects would be very limited and would not be considered significant. As such effects on the AONB are not considered further within the assessment’.*

**7. We advise the AONB boundary is not shown on Figure 5.9. To assist our understanding and verification of the effects reported, we request the boundary is added to Figure 5.9 and Figure 5.5 (to illustrate potential hub height visibility).**

## **Peat**

We note the information on peat providing in the draft planning application. The proposed layout and design results in the overlap of infrastructure on peat present at the site. The mapping provided would suggest it is possible for the development to avoid peat substantially. This is advocated in the step-wise approach set out in PPW 12 which seeks to *maintain* and enhance biodiversity. In addition, we highlight that step 1b states habitats which are irreplaceable must be safeguarded, noting that peatland is referenced as an example.

Furthermore, PPW12 includes a paragraph on peatland which states, *‘where peat is identified within proposed developments considerable weight should be given to its protection because of its special importance in underpinning and supporting national natural resources such as soil carbon, biodiversity and flood management’.*

Section 9.6.4 of the ES (Avoidance of deep peat) refers to *‘small, isolated pockets of peat up to 0.75m in depth, are located within the footprint of T1, T7, T9 and T13 turbine infrastructure. A small pocket of peat up to 1m in depth is located within the hardstand footprint at T3.’*

Our examination of Figure 9.3 suggests the potential for more extensive overlaps on peat mapped as “>0.25m to 0.5m” depth as this mapping code spans the 30cm depth component of the peat definition.

## **Water Environment**

### Hydrology and Hydrogeology

We note that four boreholes to a 20m depth and four trial pits approximately 3m in depth were undertaken as part of the site investigation works. However, these do not appear to have been completed as groundwater monitoring wells that could be continually monitored. Therefore, the absence of groundwater cannot be relied upon as the duration of monitoring was very short.

We have reviewed the Ecohydrological Impact Assessment (Ref: 1747, dated January 2024) and note that the report does not mention potential risks from dewatering, as groundwater level data is limited and from a short duration. The nature of risk may depend on the time of year excavations are undertaken; however, it is noted that peat deposits are present within close proximity to a number of the proposed turbine locations (T1, T7 and T13) and the relationship between these and groundwater is unknown.

Further to the above, we note that the foundation design (including groundwater conditions) for each of the turbines has not been determined. The depth and diameter of excavations and requirements for dewatering is therefore unknown.

Overall, given the current uncertainties around the groundwater data we advise that further assessment is provided within the ES to be submitted with any future application. In addition, we also advise there is a need to understand how the existing drainage dynamic (which would include linkages to water ecological features) could be changed as a result of the construction and operation of the proposed windfarm.

## Pollution Prevention

### *Water quality monitoring*

There are potential pollution risks associated with the construction, operational and decommissioning stages of the development.

Operationally, there is a risk of failure of one or more of the turbines. Wind turbines contain significant amounts (hundreds of litres) of oils which are not generally monitored and therefore could impact the water environment if not managed appropriately. The volume of oils and potential losses through leakages may also increase over time as turbine wear and tear takes place.

To reduce the risk of pollution to the water environment from the development, we would also advise that scheme for water quality monitoring (including ground and surface waters) is prepared which will include prevention, contingency and/or remedial actions if pollution is encountered. We consider this could be secured through a suitably worded condition attached to any permission granted.

### *Construction Environmental Management Plan*

We note that Chapter 3 (Section 3.5) of the Environmental Statement (ES) outlines the minimum requirements to be included with any Construction Environmental Management Plan (CEMP) submitted. We note these are minimum requirements and further recommendations are made throughout the ES.

As detailed within our previous response (Ref: CAS-173559-C3K1, Dated 14<sup>th</sup> December 2021), should an application be submitted, we would recommend inclusion of a suitably worded CEMP condition. The CEMP should reference the regular checking of watercourses for silt pollution and what action will be taken if pollution occurs. Please note that any discharge entering a watercourse must comply with [Temporary Dewatering from Excavations to Surface Water: RPS 21](#). Further information is provided on our [website](#).

### *Drainage*

Section 3.8.20 of Chapter 3 sets out general drainage design. We note the proposed use of swales, attenuation/settlement ponds, details of which should be included in the Sustainable Drainage Management Plan (SDMP). We note the submitted SDMP states 'no dewatering or outflows would be permitted within the 10m buffer zones'. Please note that in steep terrain and with high flow volumes, 10m may not be sufficient to prevent silt laden water entering watercourses. Furthermore, we would welcome clarification on how silt deposits (from the silt fencing) and deposits from the attenuation ponds will be dealt with.

We would advise that this information is included within a revised SDMP and submitted with any subsequent application. We would also request that any approved SDMP is included within the 'approved plans and documents' condition on any decision notice.

### Watercourse Crossings

We note the scheme's track layout was developed to avoid significant watercourse crossings as far as practicable, but the layout intercepts one 'significant watercourse' close to the site entrance.

All freshwater surface waterbodies are covered by the Water Framework Directive and are protected from pollution, modification, and abstraction. This development should protect, and where possible, improve water quality through appropriate watercourse crossings, helping to achieve WFD objectives. Our advice is that clear-span bridges would always be the preferred option. If this is not feasible, a bottomless arch culvert should be used instead.

To ensure you install appropriate crossing(s), we advise the final design of any watercourse crossing is secured through condition and agreed with the planning authority. Alternatively, this could be provided in your future application and included as an approved plan.

### **Other Matters**

Please note, if further information is prepared to support an application, it may be necessary for us to change our advice in line with the new information.

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

In addition to planning permission, you are advised to ensure all other permits/consents/licences relevant to the development are secured. Please refer to our [website](#) for further details.

Further advice on the above matters could be provided prior to your planning application being submitted, however there would be a charge for this service. Additional details are available on our [website](#).

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

Yn gywir / Yours faithfully

### **Eleanor Sullivan**

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

E-bost/E-mail: [southeastplanning@cyfoethnaturiolcymru.gov.uk](mailto:southeastplanning@cyfoethnaturiolcymru.gov.uk)

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





Ein cyf/Our ref: CAS-248286-T3Z5  
Eich cyf/Your ref: n/a

Elliot Smith  
Development Project Manager  
Renewable Energy Systems Ltd  
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Greenwood Close  
Cardiff Gate  
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CF23 8RD

Dyddiad/Date: 08 April 2024

Annwyl Syr/Madam/Dear Sir/Madam,

**STATUTORY PRE-APPLICATION CONSULTATION – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (WALES) ORDER 2012 AS AMENDED**

**BWRIAD/PROPOSAL: Mynydd Maen Wind Farm**

**LLEOLIAD/LOCATION: Land at Mynydd Maen, between Newbridge and Cwmbran**

Thank you for providing a requisite notice to us under Article 2D of the above Order. We received a copy of your proposed application on 31 January 2024. We previously provided you with advice regarding protected species, landscape, peat and the water environment (ref: CAS-248286-T3Z5, dated: 22<sup>nd</sup> March 2024), and advised that ornithological advice would follow. This is now provided below.

**Ornithology**

We have reviewed the submitted information and confirm the scope of surveys are appropriate for the nature of the development. The surveys have been undertaken in line with industry best practice and are sufficient to present an assessment of the ornithological interest on site.

We broadly agree with the receptors identified, however we recommend more details of the surveys are provided in your planning application, in the form of maps of each survey showing the registrations of each species. While the written description is useful, our interpretation is limited due to the lack of appropriate figures.

Based on the information present, we agree that the notified bird features of the Llandegfedd Reservoir Site of Special Scientific Interest (SSSI) are unlikely to be affected by the proposals.

We note the potential impacts on Kestrel from the results of the collision risk modelling. Kestrel is a species of principal importance for Wales, published under Section 7 of the Environment (Wales) Act 2016. Section 7 of the Act requires Welsh Ministers to prepare and revise a list of species (and habitats) which are of principle importance for the purpose of maintaining and enhancing biodiversity in Wales. Although their presence is a material consideration (PPW 6.4.35), we would not normally provide specific or bespoke advice to a planning authority (including PEDW) on these species.

Therefore, we recommend you liaise with the local authority ecological advisor on whether the proposed mitigation and enhancement measures are appropriate.

### **Other Matters**

Please note, if further information is prepared to support an application, it may be necessary for us to change our advice in line with the new information.

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

In addition to planning permission, you are advised to ensure all other permits/consents/licences relevant to the development are secured. Please refer to our [website](#) for further details.

Further advice on the above matters could be provided prior to your planning application being submitted, however there would be a charge for this service. Additional details are available on our [website](#).

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

Yn gywir / Yours faithfully

### **Eleanor Sullivan**

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

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



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Ms Eleanor Sullivan  
Development Planning  
Natural Resources Wales

Your Ref: CAS-248286-T3Z5

1 July 2024

Dear Ms Sullivan,

**Mynydd Maen Wind Farm – DNS/3276725**

Thank you for your letters of 22 March 2024 and 8 April 2024 responding to the pre-application consultation and we are grateful for your comments.

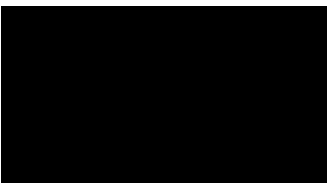
We have carefully considered your responses and other consultee responses received during the pre-application consultation. As a result, further survey work, notably on peat, has been undertaken and the layout of the wind farm infrastructure has been modified. These modifications are presented in the final Environmental Statement which will be submitted in support of the planning application.

We intend to submit the planning application soon and no doubt the Inspector will consult you directly when the application is validated.

In the meantime, if you have any questions, please do not hesitate to contact me.

Once again, thank you for your very helpful response to the pre-application consultation.

Yours sincerely,



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Ref: DNS/3214855

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15<sup>th</sup> of March 2024.

**Re: Pre-application consultation response under article 10(2) of the Developments of National Significance (Procedure) (Wales) Order 2016 - Proposed Mynydd Maen Wind Farm – DNS/3276725.**

I refer to your email of the 31<sup>st</sup> of January 2024, consulting the Department on the above proposed application<sup>1</sup>. The Department offers the following response for your consideration in respect of soils, peatlands and mineral planning. This response is made in accordance with:

- National Development Framework (NDF) Future Wales: The National Plan 2040<sup>2</sup>
- Planning Policy Wales (PPW), Edition 12 (2024)<sup>3</sup>
- Schedule 5 of Town and Country Planning Act 1990 (as amended)<sup>4</sup>

**Substantive Response:**

Having considered this proposal in light of Policy 9, 17 and 18 of National Development Framework (NDF) Future Wales, The National Plan 2040 and Planning Policy Wales (PPW); as per Article 10(2)(d) of the 2016 Order, **the Department advises the applicant that it has concerns and that it would object to an application for planning permission made in the same or substantially the same terms for the following reasons:**

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<sup>1</sup> <https://www.mynyddmaen-windfarm.co.uk/dns-application/>

<sup>2</sup> <https://www.gov.wales/future-wales-national-plan-2040-0>

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

<sup>4</sup> <https://www.legislation.gov.uk/ukpga/1990/8/schedule/5>

- i. The proposal is contrary to Policy 17 of Future Wales, Renewable and Low Carbon Energy and Associated Infrastructure. The proposals will have an unacceptable adverse impact on the environment and represents a net loss of peat resource.
- ii. The proposal is contrary to Policy 18(11) of Future Wales, which sets out the provision for effective restoration. The Department does not consider acceptable provisions for the conservation and protection of peat can be achieved, and the proposal lacks detail for the effective site restoration.

### **Peat:**

Peat soils are extremely fragile. Peatland habitats cover 3-4% of Wales yet store in the region of 20-25% of all Welsh soil carbon. Development and loss of peatland is contrary the recent update to Chapter 6 of PPW 12, in respect of the step-wise approach (irreplaceable habitats, including the natural resources which underpin them) and the new peatland paragraph at 6.4.34. The priority now given to peatlands reflects their significance in respect of safeguarding ecosystem resilience and ecological networks and in addressing the Nature and Climate Change Emergencies in Wales.

Policy 9 of Future Wales, highlights soil carbon, biodiversity hotspots / networks, natural flood management and upland habitats as '*national natural resources*'. These national natural resources exist as a direct result of the presence of peat soils.

1. Avoidance has not been demonstrated as the first principle, and it is therefore unclear how the 'Step-Wise Approach' has been applied in the site selection process regarding avoiding peat, irreplaceable habitats and the natural resources which underpin them. Site selection is discussed in the Design and Access Statement<sup>5</sup>. It appears that peat impacts were not considered in site selection, and only a consideration on '*deep peat*' (+0.5m) in the final site layout design for turbine locations (not for other infrastructure). Therefore the proposal has not demonstrated avoidance.
2. The Department considers the definition of peatland to be used for assessment is as published in the National Peatland Action Programme (NPAP)<sup>6</sup> as noted below:

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

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

The application will need to acknowledge that peatlands function as an ecosystem, and arbitrary depth thresholds do not consider shallow peaty soils that are integral to

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<sup>5</sup> <https://www.mynyddmaen-windfarm.co.uk/media/2643986/mynydd-maen-design-access-statement-das.pdf>

<sup>6</sup> <https://cdn.cyfoethnaturiol.cymru/media/692545/national-peatlands-action-programme.pdf>

the hydrological functioning of wider peat bodies. The application must therefore also consider any transitioning shallow peaty soils integral to the hydrological functioning of wider peat bodies, either on site or adjoining.

3. The following Figures demonstrate overlap with proposed infrastructure such as tracks, cabling, turbines, pads, compounds and borrow pits with peat and irreplaceable habitats:

- Figure 9.3 – Peat Depth Plan
- Figures 6.9a, 6.9b and 6.9c – Phase I Habitat Survey Results

Section 9.6.4 of the ES (Chapter 9 – Hydrology and Hydrogeology)<sup>7</sup> notes that the application has avoided ‘*deep peat*’ (+0.5m) within the site boundary. However it is noted that ‘*...pockets of peat up to 0.75 m in depth, are located within the footprint of T1, T7, T9 and T13 turbine infrastructure. A small pocket of peat up to 1 m in depth is located within the hardstand footprint at T3*’.

From reviewing the figures noted above, and the definition of peatland in Point 2 above, there are wider peat impacts from infrastructure siting locations. It is therefore unclear how peat impacts have been avoided in the application as presented.

4. The proposals lack details on the excavation volumes of peat and soils involved for the infrastructure proposed as part of the development (either permanent or temporary). The Department questions the practicality and feasibility of the management of excavated peat noted in Section 9.8.22 (ES Chapter 9). Furthermore, and importantly, the proposals do not provide detail on the suitable re-use of any excavated peat that maintains structure, integrity and function of the resource and avoids loss.
5. The proposal does not include a detailed scheme for site decommissioning that can be confidently conditioned against. This is essential to meet the requirements of Policy 18(11) of Future Wales in terms of acceptable provisions relating to the decommissioning of the development at the end of its lifetime, including the removal of infrastructure and effective site restoration.
6. The proposal is contrary to paragraph 6.4.34 of PPW 12. The policy clearly articulates the importance and fragility of peatlands. The proposal does not address the policy requirements presented. ‘*Where peat is identified within proposed developments considerable weight should be given to its protection because of its special importance in underpinning and supporting national natural resources such as soil carbon, biodiversity and flood management, and unless other significant material considerations indicate otherwise it will be necessary to refuse permission.*’

### **Borrow Pits:**

7. Three Borrow Pits are proposed as part of the development; therefore the following mineral planning policies and guidance also apply to the application:

- Schedule 5 of Town and Country Planning Act 1990<sup>8</sup> (as amended)

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<sup>7</sup> <https://www.mynyddmaen-windfarm.co.uk/media/2644166/09-hydrology-and-hydrogeology.pdf>

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

- Minerals Technical Advice Note<sup>9</sup> (MTAN) 1 – Chapter D sets out detailed advice on the mechanisms for delivering a high standard of restoration, aftercare and provide for a beneficial after-use.
- Paragraph 5.14.34 of PPW 12 - *“Borrow pits must be restored to the high standard expected of other forms of mineral development.”*

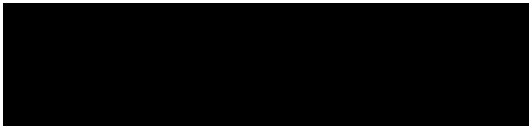
For the borrow pits, the proposals do not specify the afteruse in accordance with Schedule 5, paragraph 2(1) of the 1990 Act. The agreed afteruse will inform the standard of restoration, the restoration scheme and the aftercare proposals.

The proposals do not demonstrate that the borrow pits can be reclaimed to an acceptable standard and after-use through a detailed scheme that is achievable and to be able to condition against. The restoration and afteruse scheme must be presented at application, and in sufficient detail for the determining authority and statutory consultees to form a judgement as to its feasibility (as per MTAN1, paragraph 106). The Department does not accept this can be left to post consent condition.

As per MTAN1, paragraph 97, if there is significant doubt as to whether satisfactory reclamation can be achieved at the site, and as such, planning permission should be refused.

The substantive response expressed does not bind any other part of Welsh Government or the Department commenting on the proposal.

Yours sincerely



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

---

<sup>9</sup> <https://gov.wales/sites/default/files/publications/2018-09/mtan1-aggregates.pdf>





Mr Arwel Williams  
Soil, Peatland & Agricultural Land Use Planning  
Welsh Government  
Department for Climate Change  
Landscapes, Nature & Forestry Division

Your Ref: DNS/3214855

1 July 2024

Dear Mr Williams,

**Mynydd Maen Wind Farm – DNS/3276725**

Thank you for your letter of 15 March 2024 responding to the pre-application consultation undertaken between January and March 2024 and we are grateful for your comments on the draft application.

We have carefully considered your responses and other consultee responses received during the pre-application consultation. As a result, further survey work, notably on peat, has been undertaken and the layout of the wind farm infrastructure has been modified. These modifications are presented in the final Environmental Statement which will be submitted in support of the planning application.

Your letter (copy attached for ease of reference) listed seven points in particular, and I set out a very brief summary below of how those points have been addressed, adopting the same numbering in your letter.

1. The principle of avoidance of peat has been more clearly set out in Chapter 9 and Appendices 9.3 and 9.5 of the final Environmental Statement and in the Green Infrastructure Statement.
2. The final assessment of peat has adopted the definitions of peatland published in the National Peatland Action Programme and is no longer based on the 0.5m depth advised in the Scoping Direction.
3. Additional peat survey undertaken in May 2024 has informed the updated infrastructure layout to avoid deeper peat. Figure 9.3 illustrates the infrastructure in relation to peat depths.
4. Volumes of peat and further details of the management of peat are now included in Appendices 9.3 and 9.5 of the ES.
5. It is accepted practice to include a decommissioning condition in a wind farm decision notice. This generally requires the turbines and all associated infrastructure to be removed and the land returned to its former status, in accordance with a decommissioning scheme which has first been submitted to and

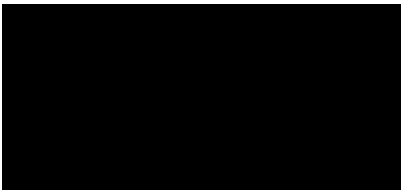
- approved in writing by the local planning authority. We would expect a similar condition to be included, should the application be consented.
6. Since the pre-application consultation, the Environmental Statement has been updated, and the Planning Statement and the Green Infrastructure Statement address Planning Policy Wales and how peatlands have been addressed from a policy perspective.
  7. We would expect the management of the borrow pits, which would be fully reinstated back to existing ground levels, to be the subject of a planning condition to be discharged prior to commencement of the development. Chapter 3 of the Environmental Statement describes how a Borrow Pit Method Statement would be agreed with the local authority prior to commencement of construction and this would include provisions for the control of surface run-off and how the borrow pits would be fully reinstated.

We intend to submit the planning application soon and no doubt the Inspector will consult you directly when the application is validated.

In the meantime, if you have any questions, please do not hesitate to contact me.

Once again, thank you for your very helpful response to the pre-application consultation.

Yours sincerely,



Chris Jackson  
Project Manager  
E [Chris.Jackson@res-group.com](mailto:Chris.Jackson@res-group.com)  
T +44 2920 021 074  
*Enc*



The Coal  
Authority

200 Lichfield Lane  
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Nottinghamshire  
NG18 4RG  
**T:** 01623 637 119 (Planning Enquiries)  
**E:** [planningconsultation@coal.gov.uk](mailto:planningconsultation@coal.gov.uk)  
**W:** [www.gov.uk/coalauthority](http://www.gov.uk/coalauthority)

**For the attention of: Chris Jackson - Project Manager**

[By email: [chris.jackson@res-group.com](mailto:chris.jackson@res-group.com)]

20th February 2024

Dear Chris

**Re: DNS/3276725 – Pre-application - Proposed wind farm comprises 13 horizontal axis wind turbines, along with an improved site entrance, new and improved access tracks, crane hardstandings, control building and substation compound, electricity transformers, underground cabling, and drainage works.; Between Newbridge in Caerphilly and Cwmbran in Torfaen**

Thank you for your notification of the 31st January 2024 seeking the views of the Coal Authority on the above.

The Coal Authority is a non-departmental public body sponsored by the Department for Energy Security and Net Zero. As a statutory consultee, the Coal Authority has a duty to respond to planning applications and development plans in order to protect the public and the environment in mining areas.

The Coal Authority records indicate that within the area of the proposed project there are 2 mine entries within the site and a further mine entry within 20m of the site boundary. Coal outcrops also run through the site which may have been subject to shallow workings. These features may pose a potential risk to surface stability and public safety.

The submission is supported by a Phase 2 Site Investigation – Coal Mining Risk Assessment, dated September 2023 and prepared by RSK. This report has been informed by a range of sources of information including the findings of site investigations.

The report acknowledges the presence of mine entries on the edge of the site to the north east. The report authors note that the nearest turbine is some 300m away from the recorded mine entries and on the basis that no mine entries are present in the vicinity of the development no further consideration of these features is required.

The report authors comment that the presence of shallow workings at four turbines location is the only coal mining risk that requires further investigation. They go on to comment that the intrusive site investigations carried out on site have not encountered any evidence of shallow coal seams or unrecorded workings to a maximum depth of 20m in all locations. Based on these findings the report authors conclude that the risks posed are low to negligible.

This report and any accompanying information should be provided to support any formal submission. Subject to the turbine positions remaining as noted in the report we would raise no objections to the submission on the basis of the conclusions reached by the report authors.

If you would like to discuss this matter further, please contact me on the above number.

Yours sincerely

**Melanie Lindsley**

**Melanie Lindsley** BA (Hons), DipEH, DipURP, MA, PGCertUD, PGCertSP, MRTPI  
**Principal Planning & Development Manager**

### **Disclaimer**

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

*In formulating this response the Coal Authority has taken full account of the professional conclusions reached by the competent person who has prepared the Coal Mining Risk Assessment or other similar report. In the event that any future claim for liability arises in relation to this development the Coal Authority will take full account of the views, conclusions and mitigation previously expressed by the professional advisors for this development in relation to ground conditions and the acceptability of development.*

**From:** Tanner, Martyn  
**Sent:** Fri, 15 Mar 2024 11:42:37 +0000  
**To:** Chris Jackson  
**Subject:** RE: Mynydd Maen Wind Farm DNS Application

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Hi Chris,

The submitted PAC for the above scheme has been reviewed, specifically “Chapter 10 Traffic, Transport and Access” of the Environment Statement and associated appendices, and the highway comments are set out below :

The proposed access arrangements are considered acceptable in principle; however the following should be considered:

- The Authority requires 3 months notice for all TTRO’s (Temporary Traffic Regulation Orders). Details of required TTRO should be communicated to affected residents in a timely manner.
- It is noted that there will be a requirement to make alternations along the haul route for the abnormal loads such that land will need to be acquired, street furniture removed, including signs and widening. It is essential that temporary signage is provided and any removing of street furniture is not a highway safety concern and will need to be mitigated. A timeframe for the removal and the reinstalling should be provided thus minimising any disruption.
- A condition survey of the proposed haul route outside of the strategic highway network should be undertaken before and after the construction phase of the development to identify any excessive wear of the highway as a result of HGV and AIL movements associated with the development. Any excessive wear shall be rectified at the developer’s expense. This could be controlled by planning condition.

I trust this is of assistance.

Kind regards,

**Martyn Tanner**

Prif Beriannydd | Principal Engineer  
Strategaeth Drafnidiaeth a Rheoli Datblydu | Transport Strategy and Development  
Control  
Cyngor Bwrdeistref Sirol Caerffili | Caerphilly County Borough Council

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Correspondence may be in any language or format. Corresponding in Welsh will not lead to any delay.

---

**From:** Elliot Smith <[elliott.smith@res-group.com](mailto:elliott.smith@res-group.com)>

**Sent:** Thursday, February 1, 2024 10:20 AM

**To:** Highway Development Control <[highwaydevctrl@caerphilly.gov.uk](mailto:highwaydevctrl@caerphilly.gov.uk)>; Hobbs, Jacque  
<[HOBBSJ1@caerphilly.gov.uk](mailto:HOBBSJ1@caerphilly.gov.uk)>

**Cc:** WWW: Planning <[planning@caerphilly.gov.uk](mailto:planning@caerphilly.gov.uk)>

**Subject:** Mynydd Maen Wind Farm DNS Application

Dear Ms Hobbs,

Please see the attached letter and notice in relation to this project.

Yours sincerely,

**Elliot Smith**

Development Project Manager

M +44 7867 558425

[elliott.smith@res-group.com](mailto:elliott.smith@res-group.com) | [www.res-group.com](http://www.res-group.com)



*Committed to a future where everyone has access to affordable zero carbon energy*

Renewable Energy Systems Limited, registered in England and Wales with Company Number 1589961  
Registered Office: Beaufort Court, Egg Farm Lane, Kings Langley, Hertfordshire WD4 8LR

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##### Mae'r e-bost hwn ac unrhyw ffeiliau sy'n atodol yn gyfrinachol a dim ond ar gyfer defnydd yr unigolyn neu'r sefydliad y cyfeiriwyd atynt. Os ydych wedi derbyn yr e-bost hwn ar gam rhowch wybod i reolwr eich system. Nodwch fod unrhyw sylwadau neu farn o fewn testun yr e-bost yw sylwadau a barn yr awdur yn unig ac nid yn angenrheidiol yn cynrychioli barn Cyngor Bwrdeistref Sirol Caerffili. I orffen, dylai'r person sy'n derbyn yr e-bost sicrhau nad oes firws ynghlwm nac mewn unrhyw ddogfen atodol i'r e-bost. Nid yw'r Cyngor yn derbyn unrhyw gyfrifoldeb am unrhyw ddifrod achoswyd gan unrhyw firws sy'n cael ei drosglwyddo gan yr e-bost hwn. Rydym yn croesawu gohebiaeth yn Gymraeg, Saesneg neu'n ddwyieithog (yn unol â'ch dewis), ac mewn ieithoedd a fformatau eraill. Cewch ymateb yn unol â'ch dewis iaith os nodwch hynny i ni, ac ni fydd cyfathrebu â ni yn Gymraeg yn arwain at oedi. This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify the system manager. Please note that any views or opinions presented in this email are solely those of the author and do not necessarily represent those of Caerphilly County Borough Council. Finally, the recipient should check this email and any attachments for the presence of viruses. The Council accepts no liability for any damage caused by any virus transmitted by this email. We welcome correspondence in English, Welsh or bilingually (according to your choice) or in other languages and formats. We will respond in your declared chosen language, and corresponding with us in Welsh will not lead to any delay.

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At this early stage of planning Pontypool Community Council would like to request investigation into the potential cumulative effects of so many wind turbines in our local area. We are also interested in the community benefits that should be available to local residents from this large development.”

Regards

Mrs L. McMail

Clerk

[LMcMail@pontypoolcc.gov.uk](mailto:LMcMail@pontypoolcc.gov.uk)





Renewable Energy Systems Limited  
Cedar House, Greenwood Close, Cardiff Gate Business Park  
Cardiff CF23 8RD, United Kingdom  
+44 (0)1923 299 200 | info@res-group.com

Mrs L. McMail  
35A Stryd Masnach  
Commercial Street  
Pontypool  
Torfaen  
NP4 6JQ

1<sup>st</sup> July 2024

Dear Mrs McMail

## **RE: Mynydd Maen Wind Farm Proposal**

Thank you for your letter of 5 March 2024 responding to the pre-application consultation undertaken between January and March 2024 and we are grateful for your comments on it.

Localised significant effects on landscape character and visual amenity are inevitable as a result of commercial wind energy development anywhere in the UK. A detailed cumulative LVIA taking into consideration operational, consented and in-planning wind farms has been undertaken and, whilst the LVIA identified some significant landscape and visual effects, it is considered that the landscape has the capacity to accommodate the effects identified, especially given that it is located within an area that has been assessed by the Welsh Government as being capable of accommodating large-scale wind energy. The design of the proposed wind farm is the result of a considered iterative process which has sought to minimise landscape and visual effects whilst achieving the technical and commercial requirements to ensure project viability without public subsidy. Consequently, we do not consider that a reduction in the number of turbines is necessary for the Mynydd Maen proposal.

RES firmly believe that our renewable energy schemes should also provide meaningful benefits locally and we have been inviting input from the local communities on their priority aims and projects in their area, which the proposed wind farm could support, if it is consented. We have received suggestions for a few initiatives which we are now exploring further. If you have any suggestions or comments on community initiatives which you would like to see supported, if the wind farm is consented, please do let me know.

We intend to submit the planning application soon and no doubt the Inspector will consult you directly when the application is validated.

In the meantime, if you have any questions, please do not hesitate to contact me.

Once again, thank you for your very helpful response to the pre-application consultation.

Yours sincerely,



Chris Jackson

Project Manager

E [Chris.Jackson@res-group.com](mailto:Chris.Jackson@res-group.com)

T +44 2920 021 074

---

**From:** Williams, Lucy (Councillor) <Lucy.Williams1@torfaen.gov.uk>  
**Sent:** Wednesday, March 13, 2024 11:19 AM  
**To:** Chris Jackson <Chris.Jackson@res-group.com>  
**Cc:** Carey Green <carey.green@res-group.com>  
**Subject:** Comment re Mynydd Maen wind farm

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Good morning, Chris.

Below are 2 observations I ask to be considered in the submission of the planning application for the Mynydd Maen wind farm:

1. As one of the Borough councillors for the Upper Cwmbran ward, I note that the main areas for concern have come from residents of The Square in Upper Cwmbran, a small, well established community to whom, on the Torfaen side, the wind farm will have the most significant impact. The concerns of residents focus on the T.9. which is in very close proximity to The Square. I would suggest that it is reasonable for RES to examine the possibility of siting this particular turbine at a greater distance away from The Square in Upper Cwmbran.

2. A wider observation is in regard to the Cumulative effect of wind farm developments along this part of the South East Wales area. Given the number of proposed wind farm developments within this area, a reduction of the present number of 13 turbines could be reduced in number to around 8 to 10.

Best wishes  
Lucy

Cllr Lucy Williams  
TCBC member for Upper Cwmbran  
Mob: 07989726146

E-mail: [Lucy.Williams1@torfaen.gov.uk](mailto:Lucy.Williams1@torfaen.gov.uk)

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**From:** Chris Jackson  
**Sent:** Wed, 13 Mar 2024 17:14:55 +0000  
**To:** Williams, Lucy (Councillor)  
**Cc:** Carey Green  
**Subject:** RE: Comment re Mynydd Maen wind farm

Dear Lucy,

Thank you for your e-mail and your observations will be summarised in a Pre-Application Consultation Report which will accompany the planning application. Please see below my responses to the two points you raise.

1. A full Landscape and Visual Impact Assessment (LVIA) has been undertaken which considers the potential effects of the project on landscape character and visual amenity within a study area up to 15 km from the site. From the studies undertaken and the professional advice we have received, we believe that the current turbine locations and heights proposed are appropriate for a wind farm at this location. A Residential Visual Amenity Assessment has been carried out as part of the LVIA which concludes that views from properties on The Square in Upper Cwmbran are generally more open, except where partially restricted by intervening trees or buildings. Existing telecoms mast and electricity pylons are visible on the horizon and telegraph poles between houses. Although there is a greater degree of theoretical visibility from properties on Belle Vue Lane, views are filtered through intervening trees. The oblique angle of view combined with the small amount of the proposed wind farm which is theoretically visible above the horizon from these properties, and the partial screening effect of intervening properties in some cases, would result in no potential for the proposed wind farm to be overbearing.
2. Localised significant effects on landscape character and visual amenity are inevitable as a result of commercial wind energy development anywhere in the UK. A detailed cumulative LVIA taking into consideration operational, consented and in-planning wind farms has been undertaken and, whilst the LVIA identified some significant landscape and visual effects, it is considered that the landscape has the capacity to accommodate the effects identified, especially given that it is located within an area that has been assessed by the Welsh Government as being capable of accommodating large-scale wind energy. The design of the proposed wind farm is the result of a considered iterative process which has sought to minimise landscape and visual effects whilst achieving the technical and commercial requirements to ensure project viability without public subsidy. Consequently, we do not consider that a reduction in the number of turbines is necessary for the Mynydd Maen proposal.

Kind regards,

Chris

**Chris Jackson**  
Project Manager (Wales and England)

[chris.jackson@res-group.com](mailto:chris.jackson@res-group.com)  
D 02920 021074 M 07500 058463  
United Kingdom

---

**From:** Williams, Lucy (Councillor) <Lucy.Williams1@torfaen.gov.uk>  
**Sent:** Wednesday, March 13, 2024 11:19 AM  
**To:** Chris Jackson <Chris.Jackson@res-group.com>  
**Cc:** Carey Green <carey.green@res-group.com>  
**Subject:** Comment re Mynydd Maen wind farm

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Good morning, Chris.

Below are 2 observations I ask to be considered in the submission of the planning application for the Mynydd Maen wind farm:

1.As one of the Borough councillors for the Upper Cwmbran ward, I note that the main areas for concern have come from residents of The Square in Upper Cwmbran, a small, well established community to whom, on the Torfaen side, the wind farm will have the most significant impact . The concerns of residents focus on the T.9. which is in very close proximity to The Square. I would suggest that it is reasonable for RES to examine the possibility of siting this particular turbine at a greater distance away from The Square in Upper Cwmbran.

2. A wider observation is in regard to the Cumulative effect of wind farm developments along this part of the South East Wales area. Given the number of proposed wind farm developments within this area, a reduction of the present number of 13 turbines could be reduced in number to around 8 to 10.

Best wishes  
Lucy

Cllr Lucy Williams  
TCBC member for Upper Cwmbran  
Mob: 07989726146  
E-mail: [Lucy.Williams1@torfaen.gov.uk](mailto:Lucy.Williams1@torfaen.gov.uk)

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Chris Jackson – Senior Development Project Manager

**Cardiff Office** - RES Ltd

Cedar House, Greenwood Close

Cardiff Gate Business Park

CARDIFF CF23 8RD

[chris.jackson@res-group.com](mailto:chris.jackson@res-group.com)

13 March 2024

Dear Chris,

I have been contacted by a number of constituents who have outlined their concerns regarding the proposed Mynydd Maen Windfarm.

A specific concern from constituents relates to the lack of public notices, with many constituents informing me they were not aware of the proposals until after the public exhibitions had been held by RES.

In particular, I am informed that

- there was a distinct lack of information or leaflet distribution to the public regarding the proposals;
- the 2022 online consultation was not well publicised and very few members of the public were aware of the event;
- the exhibition could not be viewed satisfactorily via mobile phone, when not everyone has access to a laptop or larger device; and
- the online details for the 2023 public consultation events were only available on the morning of the exhibition, not giving the public time to examine plans in any detail prior to the events.

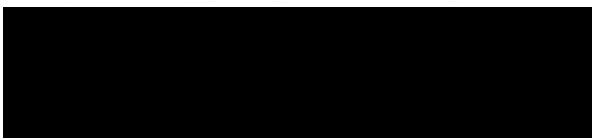
This has understandably left many constituents frustrated.

I understand that RES is now consulting formally on the planning application for the Mynydd Maen Windfarm and associated secondary applications on Mynydd Maen common with the consultation period ending on Friday of this week, 15 March.

However, would you please clarify how the Notice of the proposals were displayed and publicised, confirming which publications, localities and dates they appeared?

I await hearing from you.

Yours sincerely,



**Member of the Welsh Parliament for South East Wales and Shadow Minister for Transport and Technology**



WELSH PARLIAMENT

Cardiff Bay,

Cardiff CF99 1SN



0300 200 7344



[natasha.asghar@senedd.wales](mailto:natasha.asghar@senedd.wales)



[natasghar](https://twitter.com/natasghar)



Senedd Cymru  
Welsh Parliament



Welsh  
Conservatives | Ceidwadwyr  
Cymreig



**From:** Chris Jackson  
**Sent:** Wed, 13 Mar 2024 17:56:06 +0000  
**To:** Caruana, Tracey (Staff Cymorth yr Aelod | Member Support Staff)  
**Subject:** RE: Letter from the Office of Natasha Asghar MS - Re: Mynydd Maen Wind Farm

Dear Ms Asghar,

Thank you for your letter in relation to the Mynydd Maen Wind Farm proposal.

Our consultation for the proposal started in February 2022 when we established a Community Liaison Group (CLG) consisting of locally elected members from Caerphilly and Torfaen. The CLG provides a forum for discussion and exchange of information as well as to create an effective channel of communication between RES, the local community and stakeholders. Meetings have been held at regular intervals since February 2022 and are ongoing.

Separately we have met with the MSs and MPs for both Caerphilly and Torfaen to discuss the proposal.

We held our first public exhibition in March 2022 which was held online due to Covid restrictions at the time. The exhibition was advertised through a newsletter which was distributed to around 3,500 local properties, plus to local stakeholders and a quarter page advertisement was placed in the South Wales Argus on 28<sup>th</sup> February 2022. The information provided for the online exhibition is still available to view at <https://www.mynyddmaen-windfarm.co.uk/consultation/online-exhibition-march-2022/> and hard copies of all exhibition material were available on request.

In-person public exhibitions were held over 2 days in June 2023 and, as with the online exhibition, newsletters advertising the exhibitions were sent to around 3,500 local properties as well as local stakeholders. A quarter page advertisement and a front page banner advertisement were placed in the South Wales Argus on 9<sup>th</sup> June. Copies of all the information presented at the public exhibitions was available on the website from 20<sup>th</sup> June for those who were unable to attend the exhibitions. The information remains on the website for future reference, at <https://www.mynyddmaen-windfarm.co.uk/consultation/public-exhibitions-june-2023/>.

The formal Pre-Application Consultation (PAC) commenced on 31<sup>st</sup> January and closes on 15<sup>th</sup> March and the draft applications and supporting information are available to view on the project website at <https://mynyddmaen-windfarm.co.uk/dns-application/>. Public notices are displayed on site and a public notice was also placed in the South Wales Argus on 31<sup>st</sup> January 2024. A letter or email was also sent to 82 local residents who had asked to be kept updated on the proposal. Posters, advertising the PAC, were also provided to elected members in Caerphilly and Torfaen who have put them on various noticeboards in their respective areas.

I hope this provides the clarification you require, however, please do not hesitate to contact me for further information or with any other questions.

Kind regards,

**Chris Jackson**  
Project Manager (Wales and England)

[www.res-group.com](http://www.res-group.com)

[chris.jackson@res-group.com](mailto:chris.jackson@res-group.com)  
D 02920 021074 M 07500 058463  
United Kingdom

Renewable Energy Systems Limited, registered in England and Wales with Company Number 1589961  
Registered Office: Beaufort Court, Egg Farm Lane, Kings Langley, Hertfordshire WD4 8LR

**From:** Caruana, Tracey (Staff Cymorth yr Aelod | Member Support Staff)  
<Tracey.Caruana@Senedd.Wales>  
**Sent:** Wednesday, March 13, 2024 10:33 AM  
**To:** Chris Jackson <Chris.Jackson@res-group.com>  
**Subject:** Letter from the Office of Natasha Asghar MS - Re: Mynydd Maen Wind Farm

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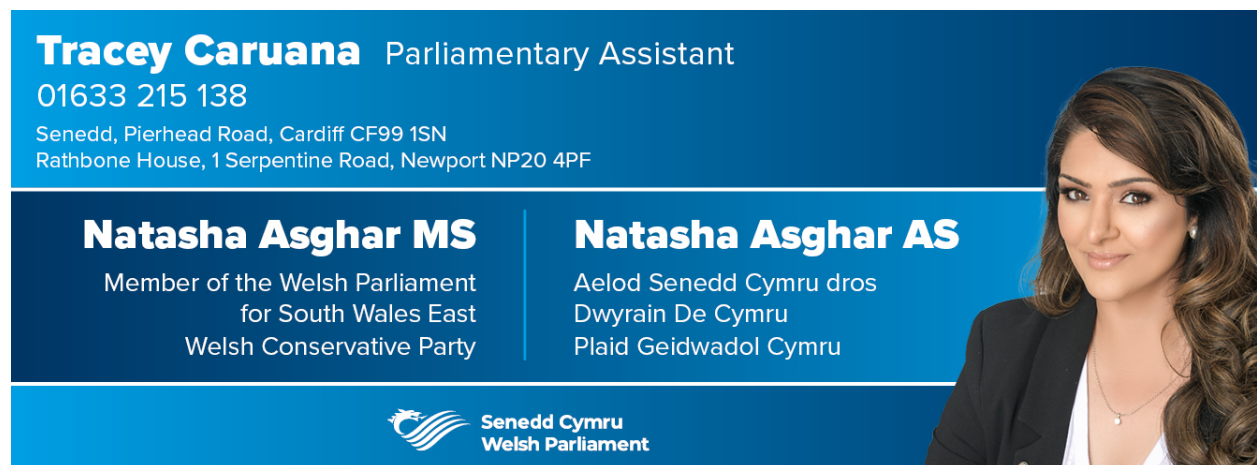
Dear Mr Jackson,

Please find attached letter from Natasha Asghar MS, Regional Member for South Wales East regarding the proposed Mynydd Maen Wind Farm.

If you have any questions or require more information, please do not hesitate to contact us.

We await your response.


Kind regards,  
Yours sincerely,




**Tracey Caruana** Parliamentary Assistant  
01633 215 138  
Senedd, Pierhead Road, Cardiff CF99 1SN  
Rathbone House, 1 Serpentine Road, Newport NP20 4PF

**Natasha Asghar MS**  
Member of the Welsh Parliament  
for South Wales East  
Welsh Conservative Party

**Natasha Asghar AS**  
Aelod Senedd Cymru dros  
Dwyrain De Cymru  
Plaid Geidwadol Cymru

 Senedd Cymru  
Welsh Parliament



and receive regular updates [click here](#).

To sign up for Natasha Asghar's e-newsletter

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Our ref: BLG0275/RD

## ARCHAEOLOGICAL PLANNING

Chris Jackson  
Project Manager  
Renewable Energy Systems  
Cedar House  
Greenwood Close  
Cardiff Gate Business Park  
Cardiff  
CF23 8RD

5th February 2024

Dear Chris,

### **Re: Mynydd Maen Wind Farm: Pre-application Consultation**

Thank you for consulting us about this pre-application and we can confirm that **the proposal has an archaeological restraint**.

We have consulted the regional Historic Environment Record (HER) and note the submission of a Historic Environment Desk-based Assessment by HCUK Group (Report no. 07861A, dated December 23) and the Cultural Heritage chapter (no. 8) of the Environmental Statement.

The documents have identified the potential of encountering archaeological remains during the course of the proposed development, particularly those dating to the prehistoric period. A possible cairn is recorded, and two possible round barrows and an area of potential cairns have been identified by Lidar analysis. As a result an archaeological field evaluation is proposed in the first instance, potentially followed by additional mitigation work depending on the results of the evaluation.

We concur and it is our recommendation that a pre-determination field evaluation be conducted in order to further investigate the features noted above. The exact scope and methodology of the evaluation would need to be set out in an agreed WSI and take into account the proposed development plans. This is in accordance with both PPW Section 6.1.26 and TAN 24 Sections 4.7 and 4.8. It should also be noted that, depending on the results of the evaluation, further archaeological mitigation may be required, either pre or post-determination, as appropriate.

If you have any questions or require further advice on this matter please do not hesitate to contact us.

Yours faithfully

*R. Dunning*

Rob Dunning BSc MCifA  
Archaeological Planning Officer

Glamorgan-Gwent  
Archaeological Trust  
Limited  
Ymddiriedolaeth  
Archeolegol  
Morgannwg-Gwent

SA12 Business Centre  
Seaway Parade  
Baglan Energy Park  
Port Talbot  
SA12 7BR

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Mr Rob Dunning  
Archaeological Planning Officer  
Glamorgan Gwent Archaeology,  
Part of Heneb: The Trust for Welsh Archaeology,  
SA12 Business Centre  
Seaway Parade  
Baglan Energy Park  
Port Talbot  
SA12 7BR

Your Ref: BLG0275/RD

28 June 2024

Dear Mr Dunning,

### **Mynydd Maen Wind Farm: Pre-Application Consultation**

Thank you for your letter of 5 February 2024 responding to the pre-application consultation undertaken between January and March 2024 and we are grateful for your comments on it.

We note you concur that an archaeological evaluation be conducted in order to investigate the archaeological features and potential archaeological features. However we do not agree that this evaluation should be undertaken pre-determination, as explained below.

The Lidar information identified certain features on the site, including an area which was crossed by a proposed access track. Following the pre-application consultation, we have redesigned the wind farm infrastructure, and that access track now avoids the area of potential archaeological interest. As a result, none of the proposed infrastructure now directly impacts any identified archaeological features.

We therefore consider that physical archaeological evaluation of the site prior to determination of the planning application would cause unnecessary and unacceptable impacts on the habitats and other ecology of the site for a development which might not proceed. Furthermore, such evaluation would interfere with the operation of the common which is managed by the commoners exercising their rights to graze livestock and control heather and bracken amongst other functions.

We would of course adhere to a planning condition requiring reasonable archaeological evaluation and any subsequent archaeological mitigation necessary should the application be consented. RES understands that in the event that significant archaeological remains

are identified, that additional time and resources will be required to ensure any such remains are appropriately investigated, recorded and reported upon. Based on the assessment undertaken it is considered that there is a low chance that archaeological remains are present of such significance that they would require preservation in-situ, but this potential is acknowledged.

We intend to submit the planning application soon and no doubt the Inspector will consult you directly when the application is validated.

In the meantime, if you have any questions, please do not hesitate to contact me.

Once again, thank you for your very helpful response to the pre-application consultation.

Yours sincerely,



Chris Jackson  
Project Manager  
E [Chris.Jackson@res-group.com](mailto:Chris.Jackson@res-group.com)  
T +44 2920 021 074

**From:** Chris Jackson  
**Sent:** Wed, 21 Feb 2024 17:11:02 +0000  
**To:** Carey Green  
**Subject:** FW: Mynydd Maen Wind Farm Proposal.

Carey,

Please draft a reply to this e-mail. Please also consider whether there might be an opportunity to engage with them in terms of sponsorship / community benefit.

Kind regards,

**Chris Jackson**

Project Manager (Wales and England)

---

**From:** BBCW Enquiries <enquiries@blaenbran.wales>  
**Sent:** Wednesday, February 21, 2024 5:02 PM  
**To:** Chris Jackson <Chris.Jackson@res-group.com>  
**Subject:** Mynydd Maen Wind Farm Proposal.

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Dear Sir,

Thank you for the opportunity to comment on your wind farm proposal.

As you are aware we manage a 100 acre community woodland to the east of the proposed wind farm, Blaen Bran Community Woodland. We maintain it for the benefit of wildlife and for the quiet enjoyment of the local community.

Our boundary is only a few hundred metres from the turbines and some distance downhill. Due to disease and a desire to create a more diverse broadleaf woodland we have cleared many trees over the last few years and the mountain is in full view of many areas. This Google Earth image is quite recent and shows the places where trees have been cleared.

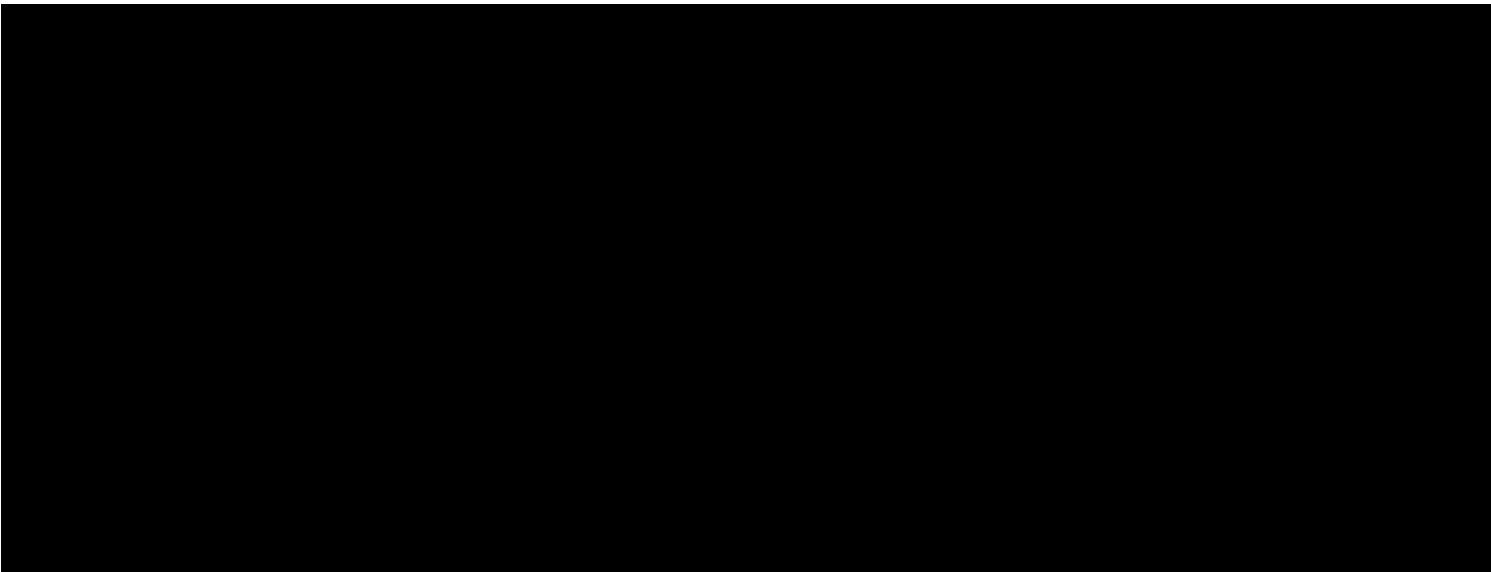


Please can you give us an idea of how many turbines will be visible from our woodland and how much noise they will make? We are concerned about the visual impact of the turbines and the possible noise disturbance to our users and our wildlife.

Kind regards,

Vince Murphy  
Chair  
Blaen Bran Community Woodland Trust.





---

**From:** vpmurphy <vpmurphy@sky.com>  
**Sent:** Monday, March 4, 2024 1:49 PM  
**To:** Chris Jackson <Chris.Jackson@res-group.com>; Lucy.williams1@torfaen.gov.uk;  
Justin.Jones2@torfaen.gov.uk  
**Subject:** Mynydd Maen Wind Farm Proposal.

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Dear Mr Jackson.

Thank you for your reply.

We discussed your reply at our directors meeting last week.

We feel that viewpoints 1 and 2, at 1585m and 2707 m from the nearest turbine, cannot represent the true picture of how many turbines will be visible from our woodland, at just over 400m away, or how imposing they will be, positioned high above us. We think turbine T9 will be particularly imposing, with its tip height almost 300m above our woodland. Also, without further information, we are unsure about how large the turbines to the south of T9 will appear from within our land.

Similarly with noise, with T9 only 400m from our woodland, and positioned high above it, we believe the noise and possible vibration will disturb our wildlife and users alike.

Blaen Bran Community Woodland is important for our many users as a place for quiet enjoyment and as a place important for their wellbeing.

We therefore oppose the positioning of these large turbines so close to our woodland and urge you to revise your plans to minimise any potential problems.

We directors of BBCW are as concerned as you about Global Warming and appreciate the need for wind farms but we believe this proposal could be modified to avoid having any major impact on our community woodland, our members, our volunteers and our visitors.

Regards,

Vince Murphy  
Chair  
Blaen Bran Community Woodland.

**From:** Chris Jackson  
**Sent:** Wed, 28 Feb 2024 09:24:24 +0000  
**To:** BBCW Enquiries  
**Subject:** RE: Mynydd Maen Wind Farm Proposal.

Dear Mr Murphy,

Thank you for your email.

A Landscape and Visual Impact Assessment has been undertaken which includes 37 viewpoints which were chosen in consultation with statutory consultees including the local authorities where the project is located - Caerphilly County Borough Council and Torfaen County Borough Council - plus the neighbouring authorities of Blaenau Gwent County Borough Council, Newport City Council, Monmouthshire County Council and Brecon Beacons National Park Authority, to provide a representative view of the proposed wind farm from all areas, on sensitive visual receptors including settlements, residential properties, transport routes, recreational facilities and attractions. [Viewpoint 1](#) (Cambrian Way Car Park) and [Viewpoint 2](#) (Prescoch Lane) provide the best representation of potential views from Blaen Bran Community Woodland. All viewpoint locations can be found on this [plan](#).

Surveys of the existing background noise levels were undertaken in 5 locations in consultation and agreement with the Environmental Health Officers acting on behalf of Caerphilly and Torfaen County Borough Councils. Predictions of the sound levels associated with the operation of the development have been undertaken in accordance with best practice guidance and incorporates topographical effects. These show that turbine sound levels will be well within the requirements of current planning guidance. The noise limits, derived in relation to the existing background noise levels, will form a planning condition attached to any potential consent. Whilst the turbines may well be audible under certain conditions, similar to any new noise source introduced to a rural environment, the level of sound will be relatively low, much lower than that considered, for example, to have a direct effect on sleep. Further information can be found in the [acoustics chapter](#) of the Environmental Statement.

RES firmly believes that our renewable energy schemes should also provide meaningful benefits locally and as part of our ongoing consultation we are inviting input from the local communities on their priority aims and projects in their area. This feedback will help us to understand what projects could be supported by the wind farm once it is fully operational and we welcome any ideas or suggestions you would like to see supported or delivered in the community from Mynydd Maen Wind Farm, should it receive consent.

Kind regards,

**Chris Jackson**  
Project Manager (Wales and England)

[www.res-group.com](http://www.res-group.com)

[chris.jackson@res-group.com](mailto:chris.jackson@res-group.com)  
D 02920 021074 M 07500 058463  
United Kingdom

Renewable Energy Systems Limited, registered in England and Wales with Company Number 1589961  
Registered Office: Beaufort Court, Egg Farm Lane, Kings Langley, Hertfordshire WD4 8LR

---

**From:** BBCW Enquiries <[enquiries@blaenbran.wales](mailto:enquiries@blaenbran.wales)>  
**Sent:** Wednesday, February 21, 2024 5:02 PM

**To:** Chris Jackson <Chris.Jackson@res-group.com>

**Subject:** Mynydd Maen Wind Farm Proposal.

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Our boundary is only a few hundred metres from the turbines and some distance downhill. Due to disease and a desire to create a more diverse broadleaf woodland we have cleared many trees over the last few years and the mountain is in full view of many areas. This Google Earth image is quite recent and shows the places where trees have been cleared.



Please can you give us an idea of how many turbines will be visible from our woodland and how much noise they will make? We are concerned about the visual impact of the turbines and the possible noise disturbance to our users and our wildlife.

Kind regards,

Vince Murphy

Chair

Blaen Bran Community Woodland Trust.

**From:** Hugh Craddock  
**Sent:** Mon, 11 Mar 2024 16:13:18 +0000  
**To:** Chris Jackson  
**Subject:** Mynydd Maen Wind Farm

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Dear Chris

The society is responding to the consultation on the proposed use of common land for the Mynydd Maen Wind Farm. We refer to the putative applicant as the 'applicant' below.

We understand the requirement for deregistration of the access road. However, we wish to ensure that no steps will ever be taken to erect fencing along the access road which would sever the commons into two parts and prevent or diminish public access across the access road. This is a particular risk because the access road itself will cease to be registered common land and will cease to be protected from works (such as fencing) under s.38 of the Commons Act 2006. We therefore look to the applicant to seek the imposition of a condition which would remove permitted development rights insofar as these would enable the applicant to erect fencing (other than temporary fencing for construction purposes) along the access road.

It is stated (app. form, q.12) that:

There are public rights of way over the release land but no highways.

Public rights of way are highways. If the rights of way are publicly maintainable (which is very probable), the highway authority will need to enter into the application owing to the highways being vested in it. Where rights of way require diversion, we expect any diversion to follow a reasonably-direct line, with any necessary works (such as cutting of grass and improvement of boggy patches) to facilitate use of the new line, rather than a 'three sides of a box' line immediately avoiding the obstruction.

It is stated in relation to the replacement land that, at Coed Cae Watkin Dafydd, the 'existing gates will be opened to enable access for the public and livestock'. But it is elsewhere stated (app. form, q.26(b)) that the piece: 'is bounded by some broken walls with stock proof fencing to the west, south and east'. Why is the stock-proof fencing not to be removed? As regards Cwm Lickey and Gelli Gravog, it is stated that 'the stockproof fence will be pushed back to ensure the replacement land is incorporated into the common'. Does this intend to say that the existing boundary fence will be removed? Please confirm that all existing grazing rights on these pieces (such as under a tenancy) will cease. Does the piece at Cwm Lickey include the track along the foot of it (this may possibly be the feature in the first photograph on p.41 and the third on p.42 of the report, among others)? If so, what will be done to enable practical access along its line? What management measures will be done to Cwm Lickey and Gelli Gravog to render them more suitable for grazing? Who will have responsibility to keep fenced the new outer boundary of the common incorporating these new pieces, noting that there is likely to be a customary duty to fence against the common, and that, in relation to the new pieces, such responsibility must endure in perpetuity?

The common land report (4.5.1) is incorrect to state that access is under Part I of the Countryside and Rights of Way Act 2000. The common is an 'urban' common subject to s.193

of the Law of Property Act 1925 — this is why an order of limitation has been made under para.(b) of the proviso to subs.(1) of s.193. The application as a whole is very light on the provision which will be made to improve access to the replacement land. For example there is no commitment to any particular arrangements for securing access from nearby highways or local communities, to signposting or waymarking, or to ensuring that permanent access ways are available across the replacement lands. We also note that the common is subject to a template order of limitation made in 1981, in a form which would no longer be acceptable. This has the effect that horse riding on the common is prohibited save on the recorded public bridleways and restricted byways. This order would prevent horse riders from using the new access roads, or indeed the replacement land, save with permission which could be withdrawn at any time. We therefore propose that the applicant should undertake, as part of the application process, to apply to the Welsh Ministers to revoke para.(d) of the Schedule to the order, so far as it applies to horse riding. This would bring the common into line with the usual practice elsewhere on upland commons subject to s.193.

The report states (5.3.1) that, ‘the common has been undergrazed for a number of years’, and that this is ‘Partly due to Glastir’. The term ‘undergrazing’ suggests the position is undesirable in objective terms. Is that view shared by the Welsh Government and Natural Resources Wales?

The report includes a commitment to revert the operational sites to the common at the conclusion of the term of the project. What provision will be made to ensure such a commitment is delivered upon, and how will rights of common be revived over those sites?

regards

Hugh

*Hugh Craddock*

*Case Officer*

*Open Spaces Society*

*25a Bell Street*

*Henley-on-Thames*

*RG9 2BA*

*Email: [hugh@oss.org.uk](mailto:hugh@oss.org.uk)*

*[www.oss.org.uk](http://www.oss.org.uk)*

*Tel: 01491 573535*

*Please note that usually I work Monday, and Tuesday to Thursday mornings, only*

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The Open Spaces Society has staff with exhaustive experience in handling matters related to our charitable purposes. While every endeavour has been made to give our considered opinion, the law in these matters is complex and subject to differing interpretations. Such opinion is offered to help members, but does not constitute formal legal advice. Please obtain our permission before sharing, reproducing or publishing any opinion.

---





**From:** Chris Jackson  
**Sent:** Mon, 17 Jun 2024 15:49:19 +0000  
**To:** Hugh Craddock  
**Subject:** RE: Mynydd Maen Wind Farm  
**Attachments:** Figure 3.1 Infrastructure Layout.pdf

Hugh,

Thank you for your e-mail and please accept my apologies for my late reply. We have been working through the responses received during the pre-application consultation and, as a result, have updated the wind farm layout to accommodate some of those responses. For your information, I attach the updated infrastructure layout which will be submitted with the application in the next few weeks.

I address your points below in the same order in which you have made them in your e-mail:

#### Fencing Access Tracks

1. Temporary fencing may be installed along the access tracks during the construction phase to prevent people and livestock from straying into potential danger where machinery is operating or construction vehicles are travelling. There would be no benefit and there is no intention to erect permanent fencing along the access tracks: it would be an unnecessary expense and could hamper maintenance and repair work to the tracks; we consider it important to retain as much of the commons as possible as an open recreational space for the public; and, although replacement land will be provided to ensure the overall common area is not reduced, inclusion of the tracks further increases the area available to the public. A planning condition would be an additional and unnecessary administrative burden for the local planning authority to manage and monitor. We do not therefore propose to seek the imposition of a condition on this matter.

#### Public Rights of Way

2. On the application form, we have amended Q.12 to say '*There are footpaths over the release land but no other rights of way*'. We are aware that highways are vested in the highway authority and Torfaen and Caerphilly have both confirmed they agree, as the Highway Authority, to applications being made under s16 and s38 of the Commons Act 2006.
3. Diversion routes will be subject to a formal diversion process which will allow participation and comments on the applicant's intentions. We will of course consult and discuss the routing at that stage.

#### Replacement Land

4. The application form has been amended to clarify that the existing stockproof fencing will be removed at Coed Cae Watkin.
5. The existing boundary fence of the common will be removed at Cwm Lickey and Gelli Gravog. New stockproof fencing will be erected to denote the new boundary of the common at Gelli Gravog to incorporate the replacement land. There is an existing fence at Cwm Lickey which will form the new boundary of the common. The documents have been updated to clarify this point.

6. Regarding the feature at Cwm Lickey, there is a track shown on the Ordnance Survey map, however from inspection this appears to be historic and is not used. It will be included within the new boundary of the common. There is no evidence on site of any access being taken along the track other than a handmade stile in the south eastern corner of the land. Incorporating this land into the common will make the access track more accessible by removing the fence which is currently a barrier to the track.
7. As replacement land, the existing grazing rights at Cwm Lickey and Gelli Gravog will cease and the land will become part of the common available for the commoners' livestock to graze. The land at Cwm Lickey and Gelli Gravog is already in similar condition to the common and will not require any special management measures to make the land more suitable for grazing.
8. RES will erect the new boundary fences where required to ensure the common land boundary is maintained.

#### Common Land Report

9. Reference to Part I of the Countryside and Rights of Way Act 2000 will be deleted.
10. The replacement land at Coed Cae Watkin already has public footpaths running through and adjacent to it; additional gates will ensure the public can more easily continue to gain access. Cwm Lickey and Gelli Gravog already have public footpaths running adjacent and through them (respectively); removing the fences between the common and the replacement land will incorporate the replacement land into the common so that there will be no barrier and the replacement land will simply be seen as a part of the common. Providing signposts to the replacement land may confuse the public as there is no other signage directing them to other parts of the common; we do not therefore propose to install signs. The report will be clarified to emphasise this.
11. The order of limitation is not affected by the wind farm application and revoking any part of the order is not within RES' remit.
12. The description in the report at para 5.3.1 is intended to be factual, rather than an opinion of how desirable or undesirable it is. It is in accordance with Glastir, the Welsh Government Agri environment scheme.
13. RES will use reasonable endeavours to apply for the release land to be re-registered at the end of the term of the project. However it is acknowledged that any application to re-register the release land will be at the discretion of the Welsh Ministers who will determine that application.

I hope that this resolves your queries, but please do let me know if there is anything further you would like to raise.

Kind regards,

**Chris Jackson**  
Project Manager (Wales and England)

[www.res-group.com](http://www.res-group.com)

[chris.jackson@res-group.com](mailto:chris.jackson@res-group.com)  
D 02920 021074 M 07500 058463  
United Kingdom

---

**From:** Hugh Craddock <hughcraddock@oss.org.uk>  
**Sent:** Monday, March 11, 2024 4:13 PM  
**To:** Chris Jackson <Chris.Jackson@res-group.com>  
**Subject:** Mynydd Maen Wind Farm

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Dear Chris

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We understand the requirement for deregistration of the access road. However, we wish to ensure that no steps will ever be taken to erect fencing along the access road which would sever the commons into two parts and prevent or diminish public access across the access road. This is a particular risk because the access road itself will cease to be registered common land and will cease to be protected from works (such as fencing) under s.38 of the Commons Act 2006. We therefore look to the applicant to seek the imposition of a condition which would remove permitted development rights insofar as these would enable the applicant to erect fencing (other than temporary fencing for construction purposes) along the access road.

It is stated (app. form, q.12) that:

There are public rights of way over the release land but no highways.

Public rights of way are highways. If the rights of way are publicly maintainable (which is very probable), the highway authority will need to enter into the application owing to the highways being vested in it. Where rights of way require diversion, we expect any diversion to follow a reasonably-direct line, with any necessary works (such as cutting of grass and improvement of boggy patches) to facilitate use of the new line, rather than a ‘three sides of a box’ line immediately avoiding the obstruction.

It is stated in relation to the replacement land that, at Coed Cae Watkin Dafydd, the ‘existing gates will be opened to enable access for the public and livestock’. But it is elsewhere stated (app. form, q.26(b)) that the piece: ‘is bounded by some broken walls with stock proof fencing to the west, south and east’. Why is the stock-proof fencing not to be removed? As regards Cwm Lickey and Gelli Gravog, it is stated that ‘the stockproof fence will be pushed back to ensure the replacement land is incorporated into the common’. Does this intend to say that the existing boundary fence will be removed? Please confirm that all existing grazing rights on these pieces (such as under a tenancy) will cease. Does the piece at Cwm Lickey include the track along the foot of it (this may possibly be the feature in the first photograph on p.41 and the third on p.42 of the report, among others)? If so, what will be done to enable practical access along its line? What management measures will be done to Cwm Lickey and Gelli Gravog to render them more suitable for grazing? Who will have responsibility to keep fenced the new outer boundary of the common incorporating these new pieces, noting that there is likely to be a customary duty to fence against the common, and that, in relation to the new pieces, such responsibility must endure in perpetuity?

The common land report (4.5.1) is incorrect to state that access is under Part I of the Countryside and Rights of Way Act 2000. The common is an ‘urban’ common subject to s.193 of the Law of Property Act 1925 — this is why an order of limitation has been made under para.(b) of the proviso to subs.(1) of s.193. The application as a whole is very light on the provision which will be made to improve access to the replacement land. For example there is no commitment to any particular arrangements for securing

access from nearby highways or local communities, to signposting or waymarking, or to ensuring that permanent access ways are available across the replacement lands. We also note that the common is subject to a template order of limitation made in 1981, in a form which would no longer be acceptable. This has the effect that horse riding on the common is prohibited save on the recorded public bridleways and restricted byways. This order would prevent horse riders from using the new access roads, or indeed the replacement land, save with permission which could be withdrawn at any time. We therefore propose that the applicant should undertake, as part of the application process, to apply to the Welsh Ministers to revoke para.(d) of the Schedule to the order, so far as it applies to horse riding. This would bring the common into line with the usual practice elsewhere on upland commons subject to s.193.

The report states (5.3.1) that, 'the common has been undergrazed for a number of years', and that this is 'Partly due to Glastir'. The term 'undergrazing' suggests the position is undesirable in objective terms. Is that view shared by the Welsh Government and Natural Resources Wales?

The report includes a commitment to revert the operational sites to the common at the conclusion of the term of the project. What provision will be made to ensure such a commitment is delivered upon, and how will rights of common be revived over those sites?

regards

Hugh

*Hugh Craddock  
Case Officer  
Open Spaces Society  
25a Bell Street  
Henley-on-Thames  
RG9 2BA  
Email: [hugh@oss.org.uk](mailto:hugh@oss.org.uk)  
[www.oss.org.uk](http://www.oss.org.uk)  
Tel: 01491 573535*

*Please note that usually I work Monday, and Tuesday to Thursday mornings, only  
(Registered in England and Wales, limited company number 7846516  
Registered charity number 1144840)*

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---

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---

**From:** Hugh Craddock  
**Sent:** Mon, 24 Jun 2024 09:53:50 +0000  
**To:** Chris Jackson  
**Subject:** RE: Mynydd Maen Wind Farm (Torfaen/Caerphilly)

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Hi Chris

Thank you for your reply, which is broadly welcomed.

However, a few sticking points:

We cannot accept that the access roads would be capable of being fenced without restriction. We therefore wish to see a commitment towards revocation of permitted development rights to fence. As you know, planning authorities do not actively seek out breaches of planning requirements, but rely on such being brought to their attention. Since you have stated that RES has 'no intention' to fence (other than in connection with initial works), there can be no conceivable burden on the planning authority — but the public have the assurance that, if there is a breach of the commitment, it can be dealt with.

Any footpaths which give access to the replacement land should be marked with the 'open access' symbol where they first give access to that land.

As previously explained, the present order of limitation creates an offence for a rider to ride along the works access roads. RES can give permission for such riding, but it may be withdrawn at any time. Only RES, or some other landowner, or a commoner, may apply to the Welsh Ministers to revoke the limitation so far as it relates to horse riding. However, if RES refuses to do so, then we shall seek a commitment to permanent permission for horse riders and cyclists to use the works access roads, and seek for the order of exchange to exclude the application of the relevant limitation to the replacement land.

RES does not need the consent of the Welsh Ministers to register the release land at the end of the project term: this must be done unilaterally by the landowner granting rights of common over the release land. An application to (and at the discretion of) the Welsh Ministers would be required only if RES sought to deregister the original replacement land and register (again) the original release land.

regards

Hugh

*Hugh Craddock*  
*Case Officer*  
*Open Spaces Society*  
*25a Bell Street*  
*Henley-on-Thames*  
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*Email: [hugh@oss.org.uk](mailto:hugh@oss.org.uk)*  
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**From:** Chris Jackson <Chris.Jackson@res-group.com>  
**Sent:** Monday, June 17, 2024 4:49 PM  
**To:** Hugh Craddock <hughcraddock@oss.org.uk>  
**Subject:** RE: Mynydd Maen Wind Farm

Hugh,

Thank you for your e-mail and please accept my apologies for my late reply. We have been working through the responses received during the pre-application consultation and, as a result, have updated the wind farm layout to accommodate some of those responses. For your information, I attach the updated infrastructure layout which will be submitted with the application in the next few weeks.

I address your points below in the same order in which you have made them in your e-mail:

### Fencing Access Tracks

1. Temporary fencing may be installed along the access tracks during the construction phase to prevent people and livestock from straying into potential danger where machinery is operating or construction vehicles are travelling. There would be no benefit and there is no intention to erect permanent fencing along the access tracks: it would be an unnecessary expense and could hamper maintenance and repair work to the tracks; we consider it important to retain as much of the commons as possible as an open recreational space for the public; and, although replacement land will be provided to ensure the overall common area is not reduced, inclusion of the tracks further increases the area available to the public. A planning condition would be an additional and unnecessary administrative burden for the local planning authority to manage and monitor. We do not therefore propose to seek the imposition of a condition on this matter.

### Public Rights of Way

2. On the application form, we have amended Q.12 to say '*There are footpaths over the release land but no other rights of way*'. We are aware that highways are vested in the highway authority and Torfaen and Caerphilly have both confirmed they agree, as the

Highway Authority, to applications being made under s16 and s38 of the Commons Act 2006.

3. Diversion routes will be subject to a formal diversion process which will allow participation and comments on the applicant's intentions. We will of course consult and discuss the routing at that stage.

#### Replacement Land

4. The application form has been amended to clarify that the existing stockproof fencing will be removed at Coed Cae Watkin.
5. The existing boundary fence of the common will be removed at Cwm Lickey and Gelli Gravog. New stockproof fencing will be erected to denote the new boundary of the common at Gelli Gravog to incorporate the replacement land. There is an existing fence at Cwm Lickey which will form the new boundary of the common. The documents have been updated to clarify this point.
6. Regarding the feature at Cwm Lickey, there is a track shown on the Ordnance Survey map, however from inspection this appears to be historic and is not used. It will be included within the new boundary of the common. There is no evidence on site of any access being taken along the track other than a handmade stile in the south eastern corner of the land. Incorporating this land into the common will make the access track more accessible by removing the fence which is currently a barrier to the track.
7. As replacement land, the existing grazing rights at Cwm Lickey and Gelli Gravog will cease and the land will become part of the common available for the commoners' livestock to graze. The land at Cwm Lickey and Gelli Gravog is already in similar condition to the common and will not require any special management measures to make the land more suitable for grazing.
8. RES will erect the new boundary fences where required to ensure the common land boundary is maintained.

#### Common Land Report

9. Reference to Part I of the Countryside and Rights of Way Act 2000 will be deleted.
10. The replacement land at Coed Cae Watkin already has public footpaths running through and adjacent to it; additional gates will ensure the public can more easily continue to gain access. Cwm Lickey and Gelli Gravog already have public footpaths running adjacent and through them (respectively); removing the fences between the common and the replacement land will incorporate the replacement land into the common so that there will be no barrier and the replacement land will simply be seen as a part of the common. Providing signposts to the replacement land may confuse the public as there is no other signage directing them to other parts of the common; we do not therefore propose to install signs. The report will be clarified to emphasise this.
11. The order of limitation is not affected by the wind farm application and revoking any part of the order is not within RES' remit.
12. The description in the report at para 5.3.1 is intended to be factual, rather than an opinion of how desirable or undesirable it is. It is in accordance with Glastir, the Welsh Government Agri environment scheme.
13. RES will use reasonable endeavours to apply for the release land to be re-registered at the end of the term of the project. However it is acknowledged that any application to re-

register the release land will be at the discretion of the Welsh Ministers who will determine that application.

I hope that this resolves your queries, but please do let me know if there is anything further you would like to raise.



**From:** Chris Jackson  
**Sent:** Mon, 1 Jul 2024 19:58:18 +0000  
**To:** Hugh Craddock  
**Subject:** RE: Mynydd Maen Wind Farm (Torfaen/Caerphilly)

Hugh,

Thank you for your 24 June 2024 e-mail with your remaining four points to which I respond below.

1. RES can agree to a planning condition which restricts the erection of permanent fencing along the access tracks unless it is approved by the Local Planning Authority. Temporary fencing however may be installed during construction and maintenance activities at any time throughout the life of the wind farm where necessary for safety purposes.
2. RES can agree to installing signs displaying the 'open access' symbol on footpaths leading to the replacement land.
3. RES has no objection in principle to horse riding along the access tracks. However, we must consider the landowners and commoners who may be impacted by any unintended consequences of this action. We can agree to explore the exact mechanism for permitting such activity with the landowners and commoners.
4. RES and the landowners agree to register the release land at the end of the wind farm project, and we refer to this in the s16 application.

I trust that these responses are agreeable, but please let me know if you have any further questions.

We intend to submit the planning and commons act applications soon. In the meantime, thank you for very helpful engagement in the pre-application consultation process.

Kind regards,

**Chris Jackson**  
Project Manager (Wales and England)

[www.res-group.com](http://www.res-group.com)

[chris.jackson@res-group.com](mailto:chris.jackson@res-group.com)  
D 02920 021074 M 07500 058463  
United Kingdom

Renewable Energy Systems Limited, registered in England and Wales with Company Number 1589961  
Registered Office: Beaufort Court, Egg Farm Lane, Kings Langley, Hertfordshire WD4 8LR

---

**From:** Hugh Craddock <[hughcraddock@oss.org.uk](mailto:hughcraddock@oss.org.uk)>  
**Sent:** Monday, June 24, 2024 10:54 AM  
**To:** Chris Jackson <[Chris.Jackson@res-group.com](mailto:Chris.Jackson@res-group.com)>  
**Subject:** RE: Mynydd Maen Wind Farm (Torfaen/Caerphilly)

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Hi Chris

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regards

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*Hugh Craddock  
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**Sent:** Monday, June 17, 2024 4:49 PM

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**Subject:** RE: Mynydd Maen Wind Farm

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Mynydd Twmbarlwm - Gwent's most iconic landmark*

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Mynydd Twmbarlwm - tirnod mwyaf eiconig Gwent*

**www.twmbarlwm.co.uk**

email: **twmbarlwmsociety@gmail.com**

Renewable Energy Systems Limited  
Cedar House  
Greenwood Close  
Cardiff Gate Business Park  
Cardiff CF23 8RD

14th March 2024

Dear Sirs

Thank you for consulting Cymdeithas Twmbarlwm Society as part of your pre-planning consultation process. We have the following comments:

We are very concerned about the visual effect of the windfarm. We feel that the height and location of the turbines will detrimentally affect the open view currently enjoyed from the scheduled ancient monument and will detract from the visitor experience by impacting on the current rural nature of the landscape.

Considerable investment by NRW and CCBC and the local communities has recently been put into developing the Cwmcarn Forest Drive and we question whether enough emphasis has been put into your Pre Application Consultation on the detrimental effect the development will have on the value of tourism the Drive brings to the area.

In addition the turbines will increase the number of turbines visible from Twmbarlwm. This will have a significant cumulative effect on the character of the landscape as well as visual amenity.

We feel that the planned service roads and associated ancillary services will also detrimentally affect the landscape character of Mynydd Maen by introducing urban/industrial elements into what is a rural upland landscape.

The physical construction of this proposed infrastructure will not only detrimentally affect the sensitive ecology of Mynydd Maen but we believe it is also likely to lead to an increase in the anti-social behaviour of off-road motor biking and fly-tipping that already blights the area.

Much of the Mynydd Maen Common is environmentally important because of the presence of one of the largest peat bogs in the country. We know that the Commoners Association has carried out work to restore and maintain the fragile ecosystem of the peat bogs and we are concerned that the introduction of the solid foundations that these

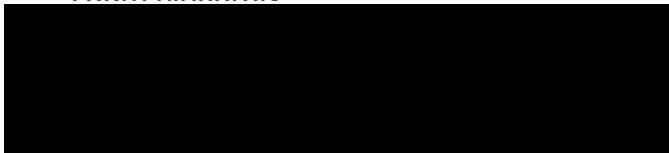


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enormous structures and service roads require will devastate the peat bogs and the ecosystem it supports for miles around.

However we recognise the necessity for green energy solutions and yet we believe this can be achieved more sympathetically with smaller, fewer structures. It should not be done at the expense of a delicate landscape such as Mynydd Maen, where the community has worked for years to maintain its natural integrity. More consideration should be given to the wider community and not just to those who will benefit financially from such a large scale undertaking.

Yours sincerely



TERRY EVANS  
Chairman Cymdeithas Twmbarlwm Society

**From:** [REDACTED]  
**Sent:** Tue, 6 Feb 2024 10:29:49 +0000  
**To:** Carey Green  
**Subject:** Re: Mynydd Maen Wind Farm Proposal

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Thank you Carey,  
I have concerns that you are not involving farmers whose farms hold commons rights over Edlogan Common at all. I have also expressed my concerns to your Chris Jackson who was very surprised when I told him. I also have concerns that thousands of pounds have been spent on the natural habitat fauna and flora on Edlogan Common and is not all for nothing and wasted money.

Regards,

[REDACTED]

On Wed, Jan 31, 2024 at 3:58 PM Carey Green <[carey.green@res-group.com](mailto:carey.green@res-group.com)> wrote:

[REDACTED]

I am writing to let you know that RES is now ready to consult formally on the planning application for the Mynydd Maen Wind Farm. Further information can be found in the attached letter.

If you have any questions or would like further information, please get in touch.

Kind regards,

**Carey Green**

Community Relations Manager



[carey.green@res-group.com](mailto:carey.green@res-group.com)

01872 226931

United Kingdom

[www.res-group.com](http://www.res-group.com)



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**From:** Carey Green  
**Sent:** Thu, 15 Feb 2024 16:35:22 +0000  
**To:** [REDACTED]  
**Cc:** Chris Jackson  
**Subject:** RE: Mynydd Maen Wind Farm Proposal

[REDACTED]

Thank you for your email.

We have undertaken extensive consultation with the active commoners and the Commoners Association committee and all registered commoners should have received notification that RES are now consulting formally on the planning application for the Mynydd Maen Wind Farm.

We take the protection of the site and surrounding area's ecology seriously. A non-avian Ecology Impact Assessment forms part of the Environmental Statement and includes a range of studies, including mitigation measures where appropriate, for habitats, protected species and notable species (e.g. national and European Protected Species). Avoiding impacts on bird species, wherever possible, is also an important factor in the design of the site. Baseline ornithological survey work has been undertaken for a minimum of two years, during breeding and non-breeding seasons to build our understanding of the species on site. We have undertaken two peat surveys within the project boundary and all turbines and associated infrastructure are positioned to avoid any area of deep peat.

Furthermore, the wind farm, if consented, could deliver biodiversity net benefit through measures including, but not limited to, restoration and management of dry heath, bracken control, pond creation and management and hydrological re-naturalisation improving condition of wet heath.

If you would like any further information, please do not hesitate to contact me.

Kind regards,

**Carey Green**

Community Relations Manager



[carey.green@res-group.com](mailto:carey.green@res-group.com)  
D 01872 226931  
United Kingdom

[www.res-group.com](http://www.res-group.com)



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Registered Office: Beaufort Court, Egg Farm Lane, Kings Langley, Hertfordshire WD4 8LR

---

**From:** [REDACTED]  
**Sent:** Tuesday, February 6, 2024 10:30 AM  
**To:** Carey Green <[carey.green@res-group.com](mailto:carey.green@res-group.com)>  
**Subject:** Re: Mynydd Maen Wind Farm Proposal

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Regards,



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Kind regards,

**Carey Green**

Community Relations Manager



[carey.green@res-group.com](mailto:carey.green@res-group.com)

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