

Mynydd Maen Wind Farm
Application under the Developments of National Significance (Procedure) (Wales)
Order 2016
Reference DNS/3276725

Outline Public Rights of Way Diversion Strategy

1. The primary application under the DNS Order is for a Proposed Development of up to 13 wind turbines, and associated infrastructure.
2. Secondary applications, accompanying the primary application, are for consents under section 16 and section 38 of the Commons Act 2006 to enable construction of the Proposed Development on Mynydd Maen Common.
3. Section 9 of the application form for consent under the DNS Order lists the secondary consents which are to be considered by the Welsh Ministers alongside the primary application. The diversion of public rights of way (PRoW) is not included in the list of secondary consents and an application for the diversion of PRoW would be submitted separately under section 257 of the Town and Country Planning Act 1990 (TCPA). This was the same approach taken for the Upper Ogmere Wind Farm in Bridgend CBC, which was granted consent by the Welsh Ministers on 28 September 2022 (DNS/3213662). Torfaen County Borough Council (TCBC) has confirmed that an application for the diversion of PRoW at Mynydd Maen would be considered after consent of the DNS application has been granted.
4. Several PRoW traverse the site, all of which are public footpaths (shown coloured green on the attached drawing 04412-RES-LAY-DR-LE-026). ES Chapter 3, paras 3.4.26 to 3.4.27 outline the approach to diverting PRoW and those paragraphs are reproduced here for ease of reference:
 - 3.4.26 *There are several public rights of way crossing the site. Being unenclosed common land, all of the site is open access. Following consultation with Caerphilly County Borough Council and Torfaen County Borough Council, it may be necessary to divert some of these rights of way either permanently or temporarily during construction of the wind farm. Applications for rights of way diversions cannot be submitted with a DNS application and, where necessary, these applications will be submitted following determination of the DNS application.*
 - 3.4.27 *There is potential for users of these routes to be affected by the construction activities as their safety could be compromised by the movement of heavy machinery. In order to mitigate or reduce such effects, temporary diversions may be required. Should planning permission for the proposed wind farm be granted, RES may lodge an application to divert the affected rights of way under the Town and Country Planning Act 1990, in consultation with Caerphilly County Borough Council and Torfaen County Borough Council.*
5. This is an outline strategy which describes how future applications for PRoW diversions (if required) would be made. If diversions are required, then applications would be submitted to the local planning authorities under Section 257 of the TCPA for approval prior to commencement of construction. An assessment of environmental impacts would be undertaken at the detailed design stage of the development and included in those applications.
6. Based on the submitted infrastructure layout, no permanent PRoW diversions would be required around the proposed turbine locations. Requirements for temporary diversions of PRoWs will be

considered following any micro-siting of the turbines, at the detailed design stage of the development. If temporary diversions are required, it is anticipated that temporary fencing and signposts would be installed and, if necessary, additional controls to maintain safe use of the PRoWs while ensuring public and livestock do not access construction areas.

7. Based on the submitted infrastructure layout, one PRoW (FP166) may require permanent diversion where it crosses the proposed site of the substation, as shown coloured green on drawing number 04412-RES-LAY-DR-LE-026. There is an existing track (not currently a PRoW) running immediately east of the substation location, shown dashed and coloured magenta on the drawing, and it is proposed that FP166 would be diverted onto this track. An application for this diversion, if required, would be submitted for consideration at the same time as any applications for temporary diversions.
8. The route of the proposed diversion runs more or less parallel to the current route of FP166 and follows similar terrain. The ground along the proposed diversion is therefore no more challenging, or longer to walk, than the existing PRoW (FP166) at that location.
9. As the proposed diversion track is already suitable, and indeed already used, for walking, it makes the most natural use of an existing track. No new path construction is required and no impact on vegetation, hydrology, archaeology or other environmental features would arise. It is proposed that signposts would be installed at strategic locations to direct walkers onto and along the diversion.
10. Furthermore, the entire development site is common land and users of the Common may walk on any part of the site, both along and away from PRoW.
11. All PRoW will remain open during the construction of the development.
12. Full details about the proposed PRoW diversions, both permanent and temporary (if required), will be provided when applications under section 257 of the Town and Country Planning Act 1990 are submitted to the local authority, should consent for the primary DNS application be granted.