

PLANNING & DEVELOPMENT COMMITTEE

17 August 2023

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 22/1272/05 (GD)
APPLICANT: Twyn Hywel Energy Park Limited
DEVELOPMENT: The construction and operation of up to 14 wind turbines and associated infrastructure including: hardstanding areas to include turbine foundations; crane hardstanding and laydown/storage areas with associated micro-siting allowances; electrical substation and control building with underground power cables; new access route connection on to the A472; onsite access tracks, with pipeline and watercourse crossings; borrow pit(s); anemometer mast; temporary construction and storage compound with associated lay down areas near to the site entrance; Habitat Management Area; and offsite works to facilitate the movement of abnormal loads such as the construction of over-run areas and temporary modifications to street furniture.
LOCATION: LAND NORTH OF SENGHENYDD, CAERPHILLY TO BE KNOWN AS TWYN HYWEL ENERGY PARK
ELECTORAL DIVISION: Cilfynydd/Upper Rhydyfelen and Glyntaf/Trallwng/Treforest

RECOMMENDATION: That Members approve the Council's Local Impact Report (as set out in Appendix 'A') in respect of this Development of National Significance planning application, for submission to Planning and Environment Decisions Wales to assist the appointed Welsh Government Inspector in the determination of the application.

REASONS: Under the requirements of Section 62I and 62K of the Town and Country Planning Act 1990 (as amended) and Regulation 25 of Developments of National Significance (Procedure) (Wales) Order 2016 the Council, as Local Planning Authority, are obliged to prepare a Local Impact Report for the consideration of Planning and Environment Decisions Wales in respect of Developments of National Significance.

REASON APPLICATION REPORTED TO COMMITTEE

- The report relates to a Development of National Significance, the determination of which lies outside of the Council's jurisdiction and instead with Planning and Environment Decisions Wales.
- It is considered that nature and scale of the development proposed warrants the involvement of the Council's Planning and Development Committee.

BACKGROUND FOR MEMBERS INFORMATION

Twyn Hywel Energy Park Ltd. is seeking full planning permission for the construction and operation of a wind farm of up to 14 turbines on land described as north of Senghenydd Caerphilly though the application site actually straddles the boundary between Rhondda Cynon Taf and Caerphilly County Boroughs. Three of the fourteen turbines would be located within the boundary of Rhondda Cynon Taf. Detail submitted initially in support of the application indicated that each turbine could be to a maximum height of 200m to blade tip. As the installed generating capacity of the proposed development would exceed 10MW, it qualifies as a "Development of National Significance" (DNS) and the application for planning permission will be decided by the Welsh Ministers rather than the Local Planning Authority (LPA), with the process administered by Planning and Environment Decisions Wales (PEDW).

Whilst the Council as Local Planning Authority will not be involved in the final determination of the process, it is a formal requirement of the DNS process that the Council submits a Local Impact Report (LIR) to PEDW to assist the appointed inspector in the consideration of the proposals.

Guidance issued by the Welsh Government sets out the general approach to the LIR and provides that: -

- The LIR is meant to give a factual objective view of the impacts of the proposed development on the area in question. The impacts should be presented in terms of their, positive neutral or negative effects.
- The report is distinct from any representations a local authority may make on the merits of the application. A Local Authority or individual Councillor may submit a separate representation on the merits of the application.
- The LIR may draw attention to matters raised with the LPA by interested parties or community groups, but only if the LPA considers those matters to be planning considerations that should be included in a LIR.
- In producing a LIR the local authority is not required to carry out its own consultation with the community.

Section 62K of the Town & Country Planning Act 1990 (as amended) and Regulation 25 of Developments of National Significance (Procedure) (Wales) Order 2016 (as amended) set out the minimum requirements for the content of a LIR: -

- The likely impact of the development on an area.
- Planning history of the site.
- Local designations relevant to the site/surroundings
- The likely impact of any application in relation to a secondary consent being granted.
- Any relevant local planning policies guidance or other documents
- Draft conditions or obligations that the LPA considers necessary for mitigating any likely impacts of the development.
- Evidence of the publicity undertaken by the LPA in accordance with the Developments of National Significance (Procedure) (Wales) Order 2016 (as amended) i.e. a copy of the site notice, a photograph of the site notice and display and a map showing the location of site notices.

An overview of the LPA's LIR is set out below for Members consideration. The full LIR proposed to be submitted to PEDW is set out as Appendix A to this report.

THE PROPOSED DEVELOPMENT.

The main components of the proposed development will comprise the following: -

- Up to 14 wind turbines 3 of which would be within the boundary of Rhondda Cynon Taf
- Crane hardstanding's and adjacent lay down areas for each turbine location.
- Approximate 14.99km of access tracks (of which approximately 12.27km will be new track and 2.73km will be upgraded existing track) and associated ancillary engineering works.
- An electrical substation and control building.
- On site underground electric cables linking the turbines and the onsite substation, generally laid in cable trenches alongside access tracks.
- Grid connection export cable search corridor from the onsite substation to the 400kV Cilfynydd substation.
- A permanent steel lattice anemometer up to 120m in height.
- 21 watercourse crossings and associated infrastructure
- Onsite vehicle turning heads and passing places
- Site signage, and
- Biodiversity enhancement proposals

The above elements relate to the operational phase of the development if allowed. In addition to this during the construction period, the following will also be required

- Two temporary construction compounds
- The creation of up to two temporary borrow pits for the extraction of stone (subject to detailed site investigation).

- The temporary diversion or closure of a number of Public Rights of Way that cross the site.
- Where necessary off site works to facilitate the movement of abnormal loads, (construction overrun areas, and temporary modifications to street furniture etc.).

THE APPLICATION SITE

The application site is described as being 10miles North West of Cardiff straddling the border of Rhondda Cynon Taf CBC and Caerphilly CBC. The majority of the site lies with the boundaries of Caerphilly CBC. The site is an area of upland forming a horseshoe shape around the settlement of Senghenydd on the valley below. The site comprises open moorland with irregular grazing fields with woodland forestry to the periphery of the site. Spoil tips and a young coniferous plantation are found on the eastern side of the site to the east of the Senghenydd Dyke.

The land rises to a high point of 350m AOD at Mynydd Eglywsilan sloping down into the deeply incised valleys to the east and west. A substantial amount of the site is designated as Common Land with open access.

There are a number of residential properties and small settlements in close proximity to the site, though the vast majority of towns villages and centres of population are further afield in the lower lying valleys surrounding the site

Principal roads near the site include the A470, A472, A469 and B4263 though only the first two will be used in the construction of the development. A minor road bisects the site on a SW to NE alignment and forms part of the boundary between the Nelson and Gelligaer communities. Though a number of Public Rights of Way skirt the application site, and footpaths PON/5/1, PON/112/1, PON/112/2, POR/R/51 and the Cistercian Way access it within Rhondda Cynon Taf. Other popular walking Routes in proximity to but outside of the application site include The Rhymney Valley Ridgeway Walk, the Taff Trail and National Cycle Network Routes 4, 8 and 47.

The Cilfynydd substation, which would be the point of connection to the national grid for the proposed development, lies approximately 500m north of the application site boundary.

PUBLICITY

All statutory consultation in respect of the application will be undertaken separately by PEDW, with any comments from interested parties sent directly to PEDW for consideration. In consultation with the LPA during the earlier pre application process, PEDW determined the appropriate consultees were:

- 249 of the closest neighbouring properties

- County Borough Councillors for the Abercynon, Cilfynydd, Trallwng, Pontypridd Town, Treforest, Rhydyfelin Central, Hawthorn & Lower Rhydyfelin, Taffs Well, and Upper Rhydyfelin and Glyntaf Wards.
- Pontypridd Town and Taffs Well Community Councils
- The Local Highway Authority
- Flood Risk Management
- Public Health & Protection
- Countryside Section
- Council Ecologist
- Structural Engineer
- Dwr Cymru Welsh Water.
- Western Power Distribution (though their functions might well have reverted back to National Grid)
- Wales & West Utilities
- South Wales Fire & Rescue Service
- Cadw
- Health & Safety Executive
- The Coal Authority
- South Wales Police
- Glamorgan Gwent Archaeological Trust
- Civil Aviation Authority.
- Ministry of Defence
- Adjoining LPA.

Additionally and depending on the circumstances PEDW were also advised that they might want to consider consulting the following: -

- Historical societies
- Welsh Government planning
- Welsh Government highways
- Sport Wales

Members are also advised that 20 site notices were posted around the site and at appropriate locations within the wider areas where the turbines would be visible.

In preparing this LIR the following internal consultees were consulted.

- Highways and Transportation
- Public Health & Protection
- Flood Risk Management
- The Council's Ecologist
- Structural engineers
- TPO officer.

CONSIDERATIONS

Though this application will not be determined by the Council as LPA the need to have regard to the policy requirements of the Local Development Plan (LDP), Planning Policy Wales (edition 11) (PPW) and Future Wales: The National Plan 2020 (FW2040) remains.

Future Wales: The National Plan 2040 (FW2040) is the primary planning policy document against which applications qualifying as DNS are assessed. The document was published by Welsh Government (WG) on 24/02/21 and provides a national framework to inform planning decision-making and the development of strategic, regional level plans until 2040, having development plan status. The intention of FW2040 is to provide a clear, long-term spatial direction for Government policy, action and investment in Wales.

FW2040 is the most up-to-date development plan and is in accordance with the latest version of Planning Policy Wales (PPW), Edition 11. It identifies 10 Pre-Assessed Areas (PAA) for wind energy. These are areas where WG has already modelled the likely impact of wind energy development on the landscape in these locations and has found them to be capable of accommodating such development in an acceptable way. There is subsequently a presumption in favour of large-scale wind energy development (including repowering) in these areas, subject to compliance with the relevant, specific renewable and low carbon energy project policies; Policy 17 (Renewable and Low Carbon Energy and Associated Infrastructure) and Policy 18 (Renewable and Low Carbon Energy Developments of National Significance).

Members are advised however that this application site straddles the PAA with most of the site lying within the Caerphilly area within the PAA and that within Rhondda Cynon Taf outside of it. However, FW2040 does allow for wind energy development outside of the PAAs providing the proposal comply with each of the criteria set out in Policy 18 as well as any other relevant national and local planning policy.

It is also noted that Policy 18 establishes WG's strong support for the principle of delivering renewable and low carbon energy from all technologies and at all scales, requiring decision makers to give significant weight to the need to meet Wales' international commitments and the target to meet 70% of consumed electricity by 2030.

Consequently, the criteria set out within FW2040 Policy 18 are considered the appropriate template for setting out an evaluation of the current proposal for Members, as detailed below. The policy permits proposals for renewable and low carbon energy projects subject to criteria and compliance with Policy 17.

Criterion 1 - outside of the Pre-Assessed Areas for wind developments and everywhere for all other technologies, the proposal does not have an unacceptable adverse impact on the surrounding landscape (particularly on the setting of National Parks and Areas of Outstanding Natural Beauty).

The Environmental Statement supporting the application acknowledges the impact of the proposals in landscape and visual impact terms including the potential impacts on key features of Bannau Brychionog National Park and the fact that the site lies largely within the Taff Vale Eastern Slopes Special Landscape Area (SLA) where it lies within the boundaries of Rhondda Cynon Taf. The scope and methodology proposed in relation to this issue takes a conventional approach theorising from a LANDMAP base zones of theoretical visibility to assess the impact of the proposals on landscape and visual receptors. The Environmental statement acknowledges that the proposal will have unavoidable significant adverse effects on the landscape character of the area and that these effects are far reaching particularly within the first 7.5km of the site. It acknowledges that these impacts on the landscape and visual setting cannot be totally mitigated though argues that they have been reduced through the iterative nature of design scheme development.

This is considered a reasonable assessment of this impact in respect of this issue. However, Members should note the additional issues raised for the consideration of the inspector in the appendix below.

Criterion 2 – there are no unacceptable adverse visual impacts on nearby communities and individual dwellings

The Landscape and Visual Impact Assessment (LVA), also assess the likely visual impacts on nearby communities and dwellings and a residential visual amenity assessment has been carried out to assess the visual effects of the proposed development on individual residential properties. Again here, the applicants rely to some extent on mitigation having been an intrinsic part of the design process, which has itself a mitigating impact on any affected properties. Within Rhondda Cynon Taf major impacts are only predicted from the edge of Cilfynydd, Heol Mynydd, Hilltop Avenue and Cynon View. There will be lesser though significant effects to the following communities within the County Borough

- Cilfynydd,
- Glyncoch
- Abercynon

The LVIA also takes account of individual properties outside of settlement boundaries and the impact that the proposals can have.

The attractiveness or not of wind turbines/farms is subjective, and wind turbines/farms by their very nature create visual effects so the role of the decision maker is to consider the extent to which these effects outweigh the positive benefits of the project such that the application could be considered unacceptable. Recognition should also be given to the fact that while formal assessment commonly considers views of wind turbines to be negative, the experience of the individual may often be more nuanced.

In this case, overall, the erection of 14no. wind turbines (3no. within Rhondda Cynon Taf) in such a prominent, undeveloped location is likely to result in a negative impact on the visual amenities of residents in the above areas and the closest properties in the surrounding countryside.

In addition to the above, a number of Public Rights of Way (PRoW) and national cycle trails could also experience significant effects although it should be recognised that these routes are by their nature of considerable length such that it would often only be the stretches closest to the proposed development where significant effects would occur. These are therefore transitory in nature and it is considered any impact would be neutral

Criterion 3 – there are no adverse effects on the integrity of internationally designated sites (including National Site Network sites and Ramsar sites) and the features for which they have been designated (unless there are no alternative solutions, Imperative Reasons of Overriding Public Interest (IROPI) and appropriate compensatory measures have been secured.

Chapter 9 of the Environmental Statement deals with the issue of ornithology and the impacts of the proposal on the site and its immediate setting. Surveys have been undertaken to widely accepted standards and included

- Vantage point Surveys
- Breeding bird Surveys
- Breeding raptor surveys
- Breeding nightjar surveys and
- Winter walkover surveys

Seven species of high conservation value were identified across two years of surveys of which five (goshawk, peregrine, red kite, hobby and barn owl) were assessed as breeding within the site.

Seven species were taken forward for assessment and assuming the application of standard mitigation measures predicted effects were considered to be minor adverse or negligible.

The Councils Ecologist has reviewed the ornithology chapter of the Environmental Statement and has expressed concern at the potential cumulative impact of the proposals in conjunction with other developments in the area on rare bird species and particularly the Golden Plover. Our ecologist has suggested that further specialist advice be sought on the matter from NRW and to that end the suggestion is made to PEDW in the LIR below.

Criterion 4 – there are no unacceptable adverse impacts on national statutory designated sites for nature conservation (and the features for which they have been designated), protected habitats and species.

Chapter 8 of the ES deals with the ecology of the area and identifies two SSSI's within the study area. These are the Waun Goch Penrhiw Caradog, Cefn Brithdir and Nelson Bog SSSI's. The study also identifies the Craig Yr Hesg Local Nature Reserve. The applicants regard these features and the reasons for their designation sufficiently distant from the development that it will have no effect on them. The effect is considered neutral

Criterion 5 – the proposal includes biodiversity enhancement measures to provide a net benefit for biodiversity.

The ES accurately describes the nature of the application site and acknowledges that much of it forms the Mynydd Eglywsilan Site of Importance for Nature Conservation (SINC). Extensive survey works were undertaken within the study areas including the following: -

- Phase 1 habitat survey,
- Phase 2 National Vegetation Classification surveys
- Bat roost and activity surveys
- Vantage point surveys for noctule bats
- Surveys for badger, otter, water vole, and dormouse

The bat surveys revealed the presence of a number of species of bat using and roosting at the site. There was also limited evidence of otter use and initial indications of water vole were but displacement by cattle had occurred by the later surveys. No evidence of use of the site by badger, dormouse or polecat was found.

The ES acknowledges that development will result in some loss of habitat to the site including within the SINC but argues that this will be compensated for by the development and implementation of a Habitat Management Plan (HMP) and a Bat mitigation Strategy to lessen the physical impact of the development. The net effect of implementing this approach the applicants contend would result in a minor beneficial result in terms of ecology

The Council's Ecologist has considered in depth the content of Chapter 8 Ecology, Chapter 9 Ornithology and their associated appendices along with the appendices on groundwater and its likely impacts for the ecology of the area. In concluding on the issue the importance of conditions requiring appropriate Construction Environment Management Plan (CEMP) and long-term Habitat Management Plan (HMP) are considered of paramount importance.

Criterion 6 – there are no unacceptable adverse impacts on statutorily protected built heritage assets.

Chapter 11 of the ES takes into account the impact of the development on the cultural heritage of the area. This takes into account Scheduled Ancient Monuments, Listed Buildings and the Archaeological assets within and around the site, as well as any identified undesignated heritage assets. Construction effects will be of minor adverse significance with one exception that qualifies as a moderate adverse effect. Beyond the site, setting effects are considered moderate or minor adverse, this though relates largely and most importantly to assets in the Caerphilly area notable Caerphilly Castle. In compensation, the applicants are offering a bespoke heritage engagement and interpretation project designed to deliver legacy products alongside local groups to connect young people with their community heritage and landscape. Whilst tis itself would be welcome the effect on historic assets is unaltered.

Criterion 7 – there are no unacceptable adverse impacts by way of shadow flicker, noise, reflected light, air quality or electromagnetic disturbance.

Chapter 10 of the ES deals with the issue of noise whilst Chapter 15 deals with the issue of shadow flicker, air quality issues do not specifically feature and electromagnetic disturbance features in relation to safe management of air traffic

.Consideration of the potential for significant effects from noise focuses upon whether accepted noise standards in the form of ETSU-R-97 could be breached because of wind farm operation. Attention is focused upon those residential receptors closest to the proposed development. The noise assessment reported within the Chapter concludes that any effects are not significant.

The submitted shadow flicker assessment addresses the issue from a worst case scenario to determine when and under what conditions the function of any turbines will need to be curtailed to reduce the effect to an acceptable level with mitigation applied which can also include suitable screening or planting in addition to turbine curtailment. The net result is that this issue is reduced to not significant when mitigation is applied resulting in a neutral effect.

Impacts on air quality have not been considered. As the type of development proposed would not impact adversely on air quality. In a global sense, much of the climate change scenario, air quality could improve because of the development, over its lifetime would offset greenhouse gas emissions that would otherwise arise because of conventional electricity generation.

In respect of aviation (chapter 13), it is acknowledged that turbines have the potential to effect civil and military aviation infrastructure and telecommunications because of electromagnetic disturbance. Discussions between the applicants and stakeholders are ongoing and it is expected that this will result in an agreed approach that will be reflected in planning conditions should these proposals gain consent.

Criterion 8 – there are no unacceptable impacts on the operations of defence facilities and operations (including aviation and radar) or the Mid Wales Low Flying Tactical Training Area (TTA-7T)

The application site lies in an area with no low flying concerns as advised by the Ministry of defence.

Criterion 9 – there are no unacceptable adverse impacts on the transport network through the transportation of components or source fuels during its construction and/or ongoing operation.

The applicants have assessed the potential impact of the development on the highway network in Chapter 5 of the ES. The route to the site is established and the turbines and all other related plant will be delivered via the motorway and A – Roads. The increase in HGV usage and abnormal load traffic is acknowledged and by way of mitigation a series of management plans and a wear and tear agreement, no residual significant adverse effects are expected.

Impacts on the highways during the operational phase of the development are likely to be neutral.

Members are advised that the Highways and Transportation section, as Local Highway Authority, are a statutory consultee on the DNS application and will prepare separate comments to be sent directly to PEDW for consideration.

Criterion 10 – the proposal includes consideration of the materials needed or generated by the development to ensure the sustainable use and management of resources.

Site selection and design strategy seeks to balance technical economic and environmental considerations. The site lies partly within a pre assessed area and a grid connection is available at Cilfynydd. Wind speeds and terrain characteristics favour the proposed development. Access from Port to the site is achievable by road. The layout of the site has been designed to balance the maximum energy yield possible with a legible layout that relates to the landform and scale of the site.

Ecological considerations have also informed turbine layout and numbers. Whilst there will be some displacement of peat and common land excavation and loss has been minimised and it is intended that stone for foundations will be derived from on-site borrow pits

All construction activities will be informed by a Construction Environmental Management Plan (CEMP) that could be secured by condition. A further planning condition volunteered by the applicant would include measures to manage waste during construction.

No materials will be generated or removed from site during operation of the windfarm.

The scheme is therefore considered to result in neutral impact in these regards.

Criterion 11 – there are acceptable provisions relating to the decommissioning of the development at the end of its lifetime, including the removal of infrastructure and effective restoration.

The manner in which the Environmental Statement has been drafted relates to decommissioning as part of the life cycle of the development itself and its effects are considered in that context.

Criterion 12 – the cumulative impacts of existing and consented renewable energy schemes should also be considered.

As a requirement of the EIA regulations the ES has considered the possible effects the proposals may have in combination with existing or consented developments in accordance with national guidance a staged process for assessing schemes has been adopted. Likely cumulative effects have been defined as the likely effects that the proposed development may have in combination with other wind and relevant solar schemes that are at application stage, consented, under construction or operational. Alternatively, put another way, the incremental effects resulting from the proposed development if all other wind and relevant solar schemes are assumed to be constructed/operational.

The applicants at table 6:10 of chapter 6 provide a list of all likely projects that might combine with the proposed development to create a cumulative effect. The developments and proposals covered are extensive and fair.

Chapter 6 Landscape and Visual Assessment and Chapter 11 Cultural Heritage assess the cumulative effect of the proposed development assuming that all current and future developments are constructed/become operational, (worst case scenario). Otherwise within the technical chapters of the ES (chapters 5 – 15 excluding the above), each chapter is has detail provided as to which cumulative developments have been assessed where relevant.

The approach taken is considered acceptable and the effect is that within each technical chapter cumulative effects are addressed insofar as the applicant believes them to be relevant. As such, within the LIR below, the assessments and subsequent concerns raised would include any considerations over potential cumulative effect

CONCLUSIONS

While the part of the site located within Rhondda Cynon Taf is located outside of any of WG's PAAs for large-scale wind energy development, FW2040 allows for such

development outside of these areas providing the scheme complies with relevant planning policy.

The proposed development will have a negative impact on the landscape in visual terms and on the outlook of the nearest residents .this though is a largely subjective issue.in all other key aspects it is considered that appropriate mitigation can be applied that there is no more than a neutral impact or that negative impacts that remain after mitigation is applied are reduced to a minimum.

There are other issues that might require further consideration, such as the issues raised by the Council Ecologist in terms of cumulative impact on certain bird species. Other issues can be addressed through the judicious application of planning conditions and through Section 106 agreement.

FW2040 and PPW clearly offer strong support for the provision of renewable energy projects across Wales, as does RCT's own LDP; and it is clear from the national policy documents that there is a strong presumption in favour of such projects to the point where adverse impacts have to be particularly severe for a refusal of consent to be justified. Given that, the extent or perceived extent of any adverse impacts in this case are likely be the key determining factors for the PEDW Inspector when weighed against the strong policy support for windfarm and renewables development, and that this is considered to be mostly related to visual impact, which is subjective the following recommendation is made.

Having taken account of the above information report, it is advised Members offer no objections to the content of the LPA's LIR as set out below and that it be forwarded to PEDW for their consideration as reported below.

APPENDIX 'A'

RHONDDA CYNON TAF CBC LOCAL IMPACT REPORT

PEDW REF.: DNS/3272053

RCTCBC REF.: 22/1272/05

APPLICANT: Twyn Hywel Energy Park Ltd.

DEVELOPMENT: The construction and operation of up to 14 wind turbines and associated infrastructure including: hardstanding areas to include turbine foundations; crane hardstanding and laydown/storage areas with associated micro-siting allowances; electrical substation and control building with underground power cables; new access route connection on to the A472; onsite access tracks, with pipeline and watercourse crossings; borrow pit(s); anemometer mast; temporary construction and storage compound with associated lay down areas near to the site entrance; Habitat Management Area; and offsite works to facilitate the movement of abnormal loads such as the construction of over-run areas and temporary modifications to street furniture.

LOCATION: Land North of Senghenydd, Caerphilly

Town and Country Planning Act 1990 (as amended)

The Developments of National Significance (Wales) Regulations 2016 (as amended)

The Developments of National Significance (Procedure) (Wales) Order 2016 (as amended)

1. INTRODUCTION

The report below forms the Local Planning Authority's (LPA – RCTCBC) Local Impact Report (LIR) in response to the above Development of National Significance (DNS) planning application. The full description of development is as follows: -

The construction and operation of up to 14 wind turbines and associated infrastructure including: hardstanding areas to include turbine foundations; crane hardstanding and laydown/storage areas with associated micro-siting allowances; electrical substation and control building with underground power cables; new access route connection on to the A472; onsite access tracks, with pipeline and watercourse crossings; borrow pit(s); anemometer mast; temporary construction and storage compound with associated lay down areas near to the site entrance; Habitat Management Area; and offsite works to facilitate the movement of abnormal

loads such as the construction of over-run areas and temporary modifications to street furniture.

It is noted that the application straddles the boundary between Rhondda Cynon Taff and Caerphilly County Borough Councils and that only three of the proposed turbines would be located within the boundary of Rhondda Cynon Taf. It is understood that the total height to blade tip of the proposed turbines would be up to 200m high.

This report is set out in accordance with the headings advised in the relevant Welsh Government (WG)/ Planning & Environment Decisions Wales (PEDW) guidance notes as follows

1. Local designations relevant to the site/surroundings and constraints
2. Planning history
3. Publicity
4. Relevant local planning policies, guidance and other documents
5. Likely impact of the DNS development on the area (in terms of its positive, neutral or negative effects)
6. Likely impact of any application in relation to secondary consents needed or to be granted.
7. Draft conditions/obligations the LPA considers necessary for mitigating any likely impacts of the development.

It is requested that the appointed PEDW Inspector consider this report when determining the above DNS planning application

2. LOCAL DESIGNATIONS RELEVANT TO THE SITE/SURROUNDINGS AND CONSTRAINTS

- Under the current Local Development Plan the site lies within the Taff Vale Eastern Slopes Special Landscape Area (Policy SSA23:10); and is part designated a Site of Interest for Nature Conservation Pont Sion Norton Woodland and Fridd (Policy AW8).the site is also a known Sandstone Resource Area (Policy AW14)
- The site benefits from various landscape designation under Landmap across all five sub groupings (geological, historical, cultural, landscape habitats and visual/sensory). The designation is never lower than moderate and mostly in the higher categories.

- The nearest Listed Building is Parc Mawr within Caerphilly CBC.
- The Albion Tip to the North of the site is identified as potentially contaminated land.
- The site is crossed with high-risk areas in respect of historic underground coal mining.
- There are areas of high medium and low surface water flood risk identified across the site associated with the network of unnamed ordinary watercourses and drainage features.
- The site is accessed or skirted by the following public rights of way in addition to the established highway network, PON/2/2, PON/4/1, PON/5/1, PON/112/1, PON112/2, PON/11B/1, POR/R51 and the Cistercian Way

3. PLANNING HISTORY

None (RCT only)

4. PUBLICITY

In accordance with the relevant Regulations, the LPA erected 20 site notices (in both English and Welsh) around the site and at appropriate locations within the wider areas affected. A copy of the site notice, a photograph of the site notice on display at the site and a map showing the locations of the site notices are attached at Appendix I

5. RELEVANT LOCAL PLANNING POLICIES, GUIDANCE AND OTHER DOCUMENTS

The LPA notes the policies identified by the Applicant in relation to Planning Policy Wales 11 and Future Wales: The National Plan 2040 in their supporting documentation and accepts that they are relevant in the consideration of this proposal. The following policies are those that are considered relevant in the local sense only:

Rhondda Cynon Local Development Plan 2011 – 2021 The Inspector is advised that the current LDP's lifespan was 2011 to 2021, that it has been reviewed and is in the process of being replaced. The Planning (Wales) Act 2015 introduced provisions specifying the period to which a plan has effect and providing that it shall cease to be the LDP at the end of the specified period. These provisions were commenced on 04 January 2016 but do not have retrospective effect.

Therefore, the provisions do not apply to LDPs adopted prior to this date and plans adopted before 04 January 2016 will remain the LDP for determining planning applications until replaced by a further LDP. This was clarified in guidance published by the Minister on 24 September 2020. Subsequently, the existing Plan remains the development plan for consideration when determining this planning application.

The application site lies outside of any settlement boundary; is within the Southern Strategy Area

Core Policies

Policy CS2 – sets out the criteria for development in the Southern Strategy Area.

Policy CS10 – sets out the criteria for the protection of mineral resources.

Area Wide Policies

Policy AW2 – supports development in sustainable locations and includes sites that are accessible by a range of sustainable transport modes and would not unacceptably conflict with surrounding uses.

Policy AW4 – details the criteria for planning obligations including Section 106 Agreements and the Community Infrastructure Levy. Policy

AW5 – sets out criteria for new development in relation to amenity and accessibility.

Policy AW6 – requires development to involve a high quality design and to make a positive contribution to placemaking, including landscaping.

Policy AW7 – sets out criteria for development proposals that would impact upon built heritage assets and PRoWs.

Policy AW8 – sets out criteria for the protection and enhancement of the natural environment.

Policy AW10 – does not permit proposals where they would cause or result in a risk of unacceptable harm to health and/or local amenity.

Policy AW12 – sets out criteria for renewable and non-renewable energy proposals.

Policy AW13 – supports large-scale wind farm development, subject to relevant criteria and where it can be demonstrated there would be no unacceptable effects

Policy AW14 – safeguards minerals from development that would sterilise them or hinder their extraction. Southern Strategy Area Policies

Policy SSA23 – advises that development within SLAs will be expected to conform to the highest standards of design, siting, layout and materials appropriate for the site.

For full details, please see RCT adopted Local Development Plan 2011 – 2021.

Supplementary Planning Guidance

- Design and Placemaking
- The Historic Built Environment
- Nature Conservation
- Planning Obligations
- Access, Circulation and Parking
- Employment Skills

For Full details please see RCT adopted Supplementary Planning Guidance.

6. LIKELY IMPACT OF THE DNS DEVELOPMENT ON THE AREA (IN TERMS OF ITS POSITIVE, NEUTRAL OR NEGATIVE EFFECTS)

Location of Development Site

The application site straddles the boundary between Caerphilly County Borough Council and Rhondda Cynon Taff County Borough Council. The majority of the site lies within the boundary of Caerphilly County Borough Council with the westernmost part lying within Rhondda Cynon Taf. The site sits within the wider area of Mynydd Eglwysilan Common.

The site is a horseshoe shaped area of land comprised primarily of open Moreland with grazing fields and occasional woodland and forestry located at the fringes of the site.

There is no built development within the site within the boundaries of Rhondda Cynon Taf. The nearest properties to the site boundary are located in Cilfynydd and are approximately 360m from the site boundary at the closest point.

Constraints that have the potential to affect the site and the proposed development are listed above in Section 2 of the report.

Key Issues

- Development of a Large Scale On-Shore Wind Farm with that area within Rhondda Cynon Taf outside of any Welsh Government Pre-Assessed Area (as set out in Future Wales: The National Plan 2040)
- Landscape and Visual Impact
- Ecology and Nature Conservation
- Ornithology
- Traffic and Transport
- Noise,
- Cultural heritage
- Mining
- Climate change
- shadow flicker
- aviation
- Geology, hydrology, hydrogeology and Peat
- Cumulative Effects

Other Issues

- Section 106
- Strategic recreational framework
- Collaborative benefits report
- Socio economic impact appraisal.

Key Issues

Development Outside of Pre Assessed Areas (PAA)

Development of a Large Scale On-shore Wind Farm Outside of any Welsh Government Pre-Assessed Area (as set out in Future Wales: The National Plan 2040)

Future Wales: The National Plan 2040 (FW2040) identifies 10 Pre-Assessed Areas (PAA) for wind energy – areas where Welsh Government has already modelled the likely impact of wind energy development on the landscape in these locations and has found them to be capable of accommodating such development in an acceptable way. The element of this application site which

sits within Rhondda Cynon Taf is however located outside of any PAA, but it is acknowledged that FW2040 does allow for wind energy development outside of the PAA's providing the proposal complies with each of the criteria set out in Policy 18, as well as any other relevant national and local planning policy.

It is also noted that Policy 18 establishes Welsh Government's strong support for the principle of delivering renewable and low carbon energy from all technologies and at all scales, requiring decision makers to give significant weight to the need to meet Wales' international commitments and the target to meet 70% of consumed electricity by 2030.

In this case, despite the three turbines proposed within Rhondda Cynon Taf being outside of any PAA, the Local Planning Authority notes that the proposed development would reduce reliance on traditional forms of energy generation, helping to reduce the Country's overall carbon footprint and go some way help meet Welsh Government's renewable energy targets.

The Council notes that despite the site's location outside of any PAA where it extends into Rhondda Cynon Taf, and as LPA is of the view that the proposed development could result in a positive impact in terms of meeting the Welsh Government's renewable energy targets. Nonetheless, the appointed inspector is encouraged to test the proposals against the 11 point requirements set out in Policy 18 of Future Wales 2040 and be satisfied that the applicants have sufficiently demonstrated the soundness of the proposals against these tests insofar as they are relevant to the current proposals if development is to be allowed outside of the PAA.

Landscape & Visual Impact

The Environmental Statement (ES) submitted with this application contains a full Landscape & Visual Impact Assessment (LVIA) and the LVIA addresses the proposed development as a whole taking into account the effects on both sides of the administrative boundary.

The Environmental Statement considers the whole development and takes a conventional approach to this issue as follows: -

Baseline conditions: gives a reasonable descriptive account of the application site and wider area and acknowledges that the site sits within a Special Landscape Area for the purposes of the Rhondda Cynon Taf Local Development Plan.

Proposed Mitigation: sets out that the proposed evolution of the layout has been an iterative process and that the layout submitted is a result of the Site Selection and Design Strategy that is itself a mitigating factor.

Residual Effects: the Environmental Statement recognises that the proposal will have unavoidable significant effects on the landscape character of the area that will affect the areas immediately around the site. these effects will not only be experienced by and within the application site but are far reaching (certainly within the 7.5 km radius of the site), and will have impact on some residential areas and on highways and recreational uses that are across or within the sphere of influence of the proposed development. It is argued that the impact of the proposals lessens with distance. The assessment also considers aviation lighting on the proposed turbines and concludes it will have little or no effect given its orientation and level of luminescence.

The Local Planning Authority notes the level of negative impact predicted, and the appointed inspector is invited to consider the effects of the proposal on the following and to test the soundness of the proposals against the following: -

- The full extent of the impact of the proposals on affected landscape character areas with particular reference to Landmap designations.
- Impacts on the Special Landscape Area that the site is situated within and those nearby
- The impact on and sensitivity of the surrounding area to the changes that the proposed windfarm would bring
- Views from buildings and homes in residential areas most impacted by the proposed development. In the context of Rhondda Cynon Taf, this has particular relevance to residents in Cilfynydd, though there is the potential for such impacts in Abercynon and much of the Taf Valley.
- Views of the development from highways particularly those close to the site or from main arterial routes where the proposed development would be particularly visible.
- Views from the Public Rights of Way that traverse the site and others outside the site from which the development would be visible.
- Impacts on the settings of local Listed Buildings and Scheduled Ancient Monuments within and within influencing distance of the site.
- Impacts on the Ynysangharad War Memorial Park
- Cumulative effects in the context that the development would be located in relatively close proximity to a number of existing windfarms and other proposed schemes nearby, (including the Maes Mawr solar farm and land east of Trebanog both the subject of current DNS submissions and both within Rhondda Cynon Taf).

Ecology & Nature Conservation

The application is accompanied by an ecological impact assessment that draws on baseline ecological conditions and identified ecological features to provide an assessment of the effects of the proposed development on the ecology of the area.

A range of ecological surveys have been undertaken defining baseline conditions for the proposed development. These include phase 1 habitat surveys, phase 2 national vegetation classification survey, bat roost surveys, bat activity surveys along with surveys for badger, otter, water vole and dormouse. Assessments were undertaken following guidelines issued by The Chartered Institute of Ecology and Environmental Management. Analysis of the impact on bats using the standard ecobat tool for wind farm bat assessments.

Baseline Conditions: the applicants correctly identify that much of the site overlaps the Mynydd Eglwysilan Site of Interest for Nature Conservation (SINC). . The site offers a combination of habitats including ffridd, improved pasture, scattered broadleaved trees and plantation woodland. . Much of the land is common land and has been subjected to over grazing which has reduced its ecological value.

Bat surveys identified the potential for roosts in buildings structures and trees within the site, but there is no evidence of roosting bats within any features that lie within 250m of a turbine or 20m of the access route and grid connection search area. Activity surveys revealed the presence of seven species of bat passing through the area.

There is limited evidence of otter being recorded at the site and a small population of water vole previously identified has been displaced through cattle grazing. No evidence was found for dormouse, badger or polecat. Common species of reptiles and amphibians may use the site but there is no evidence of greater crested newts using the site.

Overview of Effects: the effects of the proposed development will result in the loss of habitat in the SINC that is considered an adverse, major and significant effect on this feature. In the absence of mitigation, there would also be an adverse moderate or major effect on bats from operation of the turbines.

Mitigation: will take the form of a habitat management plan for implementation to improve the condition of habitats within the SINC including hedgerow creation and management of the rhos pasture to benefit the Marsh Fritillary butterfly and management of the plantation woodland on a felling cycle to benefit the nightjar.

The applicants also propose the creation of a bat mitigation strategy comprising buffer zones, blade pitching (feathering) to reduce rotation when in idle, turbine curtailment strategy reducing rotation where bat impacts cannot be reduced using other methods and post construction monitoring to define patterns of bat activity and refine the curtailment strategy.

Residual Effects: when balanced against the initial loss of habitat the positive effects from habitat management are considered significant. Impacts on bats are considered to result in a low/negligible adverse but not significant effect.

The Local Planning Authority notes the level of impact predicted and that the positive effects of habitat management are significant only when balanced against the initial loss. The appointed inspector is invited to consider the issue against the current state of ecology in the application site. The Council's Ecologist has stressed the need for any permission to require conditions relating to the agreement of a Construction Environment Management Plan and a long term Habitat Management Plan to fully and properly mitigate the impacts of the proposal over its lifespan to having an acceptable impact. The appointed inspector is invited to include such condition should the evaluation of the current proposals prove successful.

Ornithology

The applicants have chosen to deal with the issue of ornithology outside of the ecology umbrella. An ornithological impact assessment supports the proposals and calls on evidence collected at the site over a number of years.

Methodology: follows guidance set out by Scottish Natural Heritage which includes a suite of surveys, including vantage point surveys, breeding bird surveys, breeding raptor surveys, breeding nightjar surveys and winter walkover surveys to assess avian baseline conditions

Baseline conditions: Seven species of high conservation value (goshawk, merlin, peregrine, red kite, harrier, hobby and barn owl) and three species of common raptor (buzzard, kestrel and sparrow hawk) were registered during the two-year survey period. Of the seven species, five were assessed as breeding within the site or within 2km of it. Three other species were recorded from vantage point surveys (golden plover, lapwing and snipe) and whilst nightjar were not recorded from vantage point surveys a single territorial male was recorded during nocturnal transect surveys

Overview of effects: seven species and one species group were carried forward for assessment in line with guideline. The impact assessment process assumes the application of standard mitigation measures. The applicant concludes that with these in place predicted effects are considered to be minor adverse or negligible and not significant for all important ornithological features

Mitigation: the habitat management plan will be in operation to improve current and create new foraging and breeding habitats for the ornithological features of the site, including the creation of breeding habitat for nightjar

Residual effects: all effects are predicted to remain the same on implementation of the mitigation with the exception of nightjar, which is predicted to be minor beneficial.

Whilst noting the above and the nature of the impacts predicted. the Local Planning Authority requests the appointed inspector to consider the following: -

- Is the application of Scottish standard acceptable or appropriate to the location of the site?
- Is reliance on the management sufficient of itself to deliver what is predicted?
- On the advice of the Council's ecologist, further NRW expert opinion should be sought on the impact of the proposal on the wintering population of Golden Plover within the local area along with other high-risk species as the cumulative impact of this from the proposed development and other schemes is not clear.

Traffic & Transport

The proposed development has the potential to have negative impacts on the highway network in the construction and decommissioning phases of the development due to increased usage of local roads, including vehicles hauling abnormal loads.

The Environmental Statement looks at the development as a whole and takes a conventional approach to dealing with this issue as follows: -

Baseline conditions: the port of entry for the turbines and associated equipment would lead to traffic proceeding to the site via the M4, A470 and A472 via Nelson. Baseline traffic information was obtained from a number of sources including the Department of Transport, and automated traffic count surveys and national road traffic forecast low growth factors along with committed development trips and applied to current baseline to estimate future baseline flows. The data identified that there is an issue with speeding on the A472 that indicates that traffic management is required at this location.

Construction effects: the peak construction occurs in month eight with 107 HGV movements per day (with a split described as 54 inbound and 54 outbound). Along with 55 car/light goods movements (described as 28 inbound and 28 outbound). Giving an additional 5 HGV movements per hour above current levels. . It is also acknowledged that the movement of abnormal loads will require remedial works to the access route to the site. This will affect residents and users at Ty Du (Caerphilly) with a significant adverse effect. Similarly, there will be significant adverse effects to the PRow network at the site.

Mitigation: in terms of mitigation to deal with this issue the developer is suggesting a series of documents to be observed in the course of construction:

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- Outline Construction Traffic Management Plan
- Abnormal Load Transport Management Plan
- Path Management Plan.
- Staff Travel Plan; and
- Wear and tear Agreement.

Residual Effects: the applicant takes the view that with the implementation of the above mitigation there would be no significant residual effects in respect of access, traffic and transport issue. The residual effects are all assessed as minor or negligible as they occur only in the construction phase and are temporary and reversible.

It is noted that the emphasis in this section is largely on the construction phase of development where the impacts are negative and therefore the appointed inspector is asked to give similar consideration to the impact of decommissioning the energy park at the end of its lifespan.

The Local Planning Authority notes the potential for negative impacts exists during the construction and decommissioning phase of the development. Even though much of the route to the site is via the M4 and Trunk Roads there will still be the potential for negative impacts on the local highway network that a series of plans in themselves will not resolve unless they include enforceable measures and appropriate reparation if there is a breach. Though impacts might be considered negligible, the appointed inspector is encouraged to give consideration to the applicants providing a before and after road condition survey with an agreement in place to make good any damage to the local highway network resulting from traffic associated with the development of the site.

Noise

The applicants have undertaken an assessment of the noise levels resulting from the introduction of the proposed development in terms of potential operational and construction effects.

Methodology: construction noise has been evaluated against the requirements of BS5228 (noise and vibration control on open sites). Operational noise has been assessed against the recommendations of ETSU-R-97 which offers the methodology for assessing wind turbine noise.

Baseline conditions: background noise monitoring was undertaken in accordance with the guidelines above with measured baseline noise levels undertaken at a time when they would be considered to be at their lowest

Overview of effects: construction of the development is expected to be typical of this type and is considered not significant, but best practical means will be used to minimise any disruption. The operational and cumulative noise assessment indicates that predicted turbine noise will meet the requirements of ETSU-R-97 without the need for mitigation or curtailment. Planning conditions can be put in place to ensure that this is the case.

Mitigation/enhancement: No specific mitigation is required

Residual effects: noise associated with construction and operation is expected to meet planning requirements. Overall noise effects are considered not significant

Noting the above, Rhondda Cynon Taf as the Local Planning Authority accepts the findings in respect of noise and consider the impacts neutral.

Cultural heritage

The approach to cultural heritage is to define it as comprising all the physical elements of previous human activity and is made up of individual historic features that are collectively known as historic assets.

Methodology: the applicants have undertaken a desktop assessment relating to legislation, policy and guidance in respect of historic assets. Data and evidence has also been gathered from Cadw, Glamorgan Gwent Archaeological Trust, the Royal Commission on the Ancient and Historic Monuments of Wales and NRW, as well as field surveys and geophysical surveys. The resulting data set has been assessed for direct effects from the construction of the proposed windfarm within the site and effects from changes to setting in the operation of the site along with cumulative effects from other windfarms on assets up to 10km away and up to 20km for assets of particular sensitivity or importance.

Baseline conditions: the site has 8 scheduled monument and 1 proposed scheduled monument and two listed buildings as well as a number of non-designated historic assets of local and one of national importance in the shape of the Senghenydd Dyke. The uplands also contain pre historic funerary and ritual sites from the Bronze Age including cairns and standing stones. There are also Iron Age enclosures and a roman road on the eastern side of the site. A number of medieval feature are on site in the form of dykes and field systems and at that time was settled as shown by the presence of long huts and farmhouses, the upland area remaining common land with the enclosed fields

on lower slopes. Later activity in the form of farms and homesteads continued into the industrial era.

Overview of effects: Construction may result in direct physical impact to 12 non-designated assets from groundworks that are considered to be of no more than minor significance, with the exception that one might be subject to moderately significant effects. There could be potential incidental effects from vehicle movements to 7 assets one of which is scheduled and one of which is proposed scheduled. Setting effects of moderate significance are predicted to Caerphilly Castle and Llanbradach Fawr farmhouse. Setting effects of minor significance are predicted for three further designated assets and three non-designated assets.

Mitigation/enhancement: has been central to the design of the proposed development, in terms of its impact on assets and the setting of assets. Assets are mapped and buffers applied to ensure infrastructure avoids the assets as much as possible. Access tracks have been arranged to only cross the Senghenydd dyke in areas where it has already been degraded, or is of lower quality. Fencing and partial fencing will be used on site where possible and assets will be marked out on the ground using guideposts. The workforce will be given toolbox talks on the importance of protecting the archaeological importance of the site.

Monitoring and protection of the scheduled monuments within the site will form part of the ongoing operation of the scheme. A bespoke heritage engagement and interpretation project will also be promoted. It is also intended that the project will deliver a variety of legacy products depending on community interests aimed at connecting young people with their community, heritage and landscape. These various heritage measures will be developed into a heritage enhancement plan in consultation with CADW, Glamorgan Gwent Archaeological Trust and local heritage interest groups

Residual effects: archaeological monitoring will not result in the removal of effects and the numbers and impacts of historic assets remains the same as described above.

Noting the above, the Rhondda Cynon Taf as Local Planning Authority accepts the findings in respect of cultural heritage as a minor to moderate adverse impact.

Mining

The element of the environmental assessment that deals with mining considers the potential effects of the proposed development in relation to past mining

Methodology: involved desk based research, consultation with government bodies and field survey assessments in assessing the implications of mining conditions at the site. The methodology considered both sensitivity and the magnitude of risk relating to past mining activities. This allowed the development of a scoring system to determine a risk rating, with magnitude and sensitivity being evaluated in a combined manner.

Baseline conditions: the site lies in an area with a legacy of historic mining and the proposed development has been designed to avoid the mining legacy of the area by placing turbines and infrastructure outside of high-risk areas. Risk from mining effects is considered low to negligible as a result. Consideration has also been given to the potential construction and operational impact on Albion Tip stability and drainage design takes account of this

Overview of effects: Without mitigation, the development could result in greater water flow towards the tips that could increase the risk of instability during construction this is considered to be of moderate significance prior to mitigation and a minor to negligible risk during operation.

Vibration from borrow pit blasting and construction activity is unlikely to occur given the distances involved and the effect is considered to be of a minor to negligible significance.

No mine entries or shallow workings have been identified on site but a risk of unrecorded features being present remains, this though is considered a minor to negligible consideration.

Mitigation/enhancement: an outline drainage strategy that takes into account proximity to mine tips has been prepared which identifies measure to provide run off settlement and dispersal limiting the amount of water infiltrating the tips, protecting their stability from increases in water flow, periodic monitoring of the site for unrecorded mine workings will be undertaken allowing continual review during construction and operation. Appropriate toolbox talks will also be provided to site operatives.

Residual effects: are considered minor to negligible for risks of ground instability caused by the presence of unknown mine workings and entries. Surface water mitigation will result in the impact on tips to being of minor significance.

Noting the above, the Rhondda Cynon Taf as Local Planning Authority accepts the findings in respect of mining and the associated environmental impact

Climate Change

In considering the impacts of the proposals on climate change, the approach adopted considers the impact of the proposals in reducing greenhouse gas emissions that would otherwise result from the electricity being generated by conventional means and the carbon dioxide emissions that would release.

Methodology: the assessment estimates the contribution the proposed development will make in saving Carbon Dioxide (CO₂) emissions arising from construction, operation and decommissioning. The assessment also identifies the ability of receptors (species and habitats) to adapt to climate change during the operation of the proposed development.

Baseline conditions: the UK Climate Projections, (UKCP18) are the most up to date climate change projections available and have been used to determine the future baseline conditions of the site.

Overview of effects: the construction phase of development will create more carbon emissions than it removes from the atmosphere. This is considered a minor negative effect that is not significant particularly as the overall contribution on a global scale would be small.

The payback time on CO₂ emissions is estimated at 1.5 years (18 months) this is the length of time required for the proposed development to offset emissions created in its construction. The applicants assume a 45 year operational lifespan for the project and the benefit that follows the payback period is considered a moderate (positive) and significant effect (in combination with other nearby wind farms). The development will also help Wales meet its climate change and energy targets, and a major (positive) and significant effect is identified cumulatively.

The climate adaptation assessment finds that the proposed developments unlikely to adversely affect the ability of environmental receptors to adapt to projected climate change. Judgements made throughout the Environmental Statement with respect to significant environmental effects are as a result likely to remain valid in the face of projected climate change

Mitigation/enhancement: no specific mitigation measures are proposed in respect of climate change though mitigation implemented in other topic areas throughout the Environmental Statement will contribute to efficient management of emissions.

Residual effects: the effects outlined above will be unchanged following implementation of mitigation

Noting the above, the Rhondda Cynon Taf as Local Planning Authority accepts the positive findings in respect of climate change.

Shadow flicker

Shadow flicker occurs when the shadow cast by blade rotation passes over an opening (e.g. a window) causing a temporary reduction in light to a room. Shadow flicker occurs under a combination of conditions such as location, time of day and year and prevailing weather conditions.

Methodology: a shadow flicker assessment identifies properties close to the development that could experience shadow flicker. Computer modelling is used to identify a worst-case scenario where maximum effect of shadow flicker could occur. This is then refined to a more reasoned scenario factoring such matters as the monthly percentage of sunny hours. This information is then used to determine when and which turbines will need to be curtailed to ensure that significant shadow flicker effects do not occur. This approach is considered industry standard best practice.

Overview of effects: the occurrence of shadow flicker is dependent on a number of factors including wind speed and direction, shielding or screening offered by natural or physical /built features, orientation of both the turbines and affected property and even if a room is in use at the time the effect occurs.

In the worse case scenario 40 properties are identified as potentially experiencing significant shadow flicker effects before applying mitigation, all of these properties surpass a threshold of 30 minutes of shadow flicker in any one day of the year. Four other properties are identified as potentially experiencing significant effects under the threshold of 30 hours per year

Mitigation/enhancement: All turbines will be monitored by a shadow flicker module. The modules will use site-specific date, time wind direction and sunlight intensity data to allow turbines to shut down automatically when conditions might result in shadow flicker to an affected property. If residents experience shadow flicker at their property mitigation will be explored to limit its effect at that location such as vegetation planting to provide shielding. If other measures do not mitigate the effect then the relevant turbines can be controlled via the shadow flicker module at appropriate times and conditions.

Residual effects: the predicted effects of the operation of the proposed development with respect to shadow flicker are not significant following the implementation of mitigation.

Noting the above, the Rhondda Cynon Taf as Local Planning Authority accepts the findings in respect of shadow flicker.

Aviation & Telecommunications

Methodology: no assessment of significant effects is provided, as there is no agreed definition of significance with regard to this issue. The assessment focusses on where there could be an effect and if so how it can be mitigated. Radar modelling is used to identify the effects on airfields, aerodromes and other related aviation activity and consultation has been undertaken with the Civil Aviation Authority and the Ministry of Defence

Overview of effects: an assessment of low flying effects shows that the proposed development is in an area with no military low flying concerns, though the Ministry of Defence will require the installation of infrared light on turbines. Analysis also confirms that the proposed development is inside controlled airspace and in an area frequently used by commercial flights operating in and out of Cardiff Airport.

Mitigation/enhancement: a lighting design has been devised which minimises the number of lit turbines while maintaining flight safety. Based on Met Office data the lighting will be set at a higher level of 2000 cd for 12% of the time and a lower level of 200cd for 88% of the time when visibility is good. The lighting addresses both CAA and MoD requirements and will be secured by a planning condition. Additionally the applicant has been in discussion with NATS Services Ltd and Cardiff International Airport the outcome of which will be to provide a radar mitigation scheme. Discussions continue and it is anticipated the installation of a radar designed specifically to mitigate the effects of wind turbines on radar performance will be installed and integrated into the radar display system

Whilst the above deals with the aviation issue telecommunications is dealt with differently. Consultation has been undertaken with a total of eight companies four of which have responded. BT and MBNL indicate no significant impact upon telecom infrastructure. Vodafone indicate no significant impact. Arqiva indicate no significant impact with mitigation.

Residual effects: Following the implementation of the mitigation there are no significant residual effects on civil or military aviation interests.

Noting the above, Rhondda Cynon Taf as Local Planning Authority accepts the neutral findings in respect of aviation. However, it is recommended that a condition be attached to any consent to ensure that radar mitigation is in place prior to the first operation of the turbines should consent be granted. Regarding comments from Arqiva the applicants have agreed that appropriately worded conditions should the inspector find in favour of the proposals.

Geology, Hydrology, Hydrogeology and Peat

The Environmental Statement submitted in support of the current proposals chooses to deal with the Geology, Hydrology, Hydrogeology and Peat issues associated with this proposal under one heading and in a collective way.

The conventional approach to dealing with the issues is also applied in this case.

Baseline conditions: the initial approach first considers the impact on two SSSI's located in the Caerphilly area and even at baseline considers them too distant to be impacted by the current proposals.

The document then proceeds to identify the various river catchments and concludes that no Water Framework Directive surface water bodies are located within the site though they drain into bodies of larger watercourses nearby which are classified as moderate under the directive.

The document then goes on to consider the underlying geology and coal related issues, concluding that parts of the site are within High risk coal mining areas but the turbines are sited to avoid these areas.

1180 peat probes have been undertaken across the site with 85.4% being less than 0.5m depth, and across the site peat deposits are considered limited and localised with little bog habitat and no evidence to suggest active peat forming conditions.

Groundwater dependency has been surveyed and is considered low or moderate with siting outside of groundwater buffers where the moderate level is achieved.

Private water supplies affected by the site have been identified and suitable buffers applied to protect their integrity. Where buffers cannot be applied, additional protection will be afforded during construction and operation.

The submission is supported with a full Flood Consequences Assessment that concludes there is a low risk of flooding impacting the development. Additionally a drainage strategy has been developed to consider the impacts of potential off site flooding that might result from the development, and includes engineered features to address any change to the drainage regime that might result from the proposed development.

Overview of effects: the assessment of effects claims to take into account embedded mitigation measures applied to the proposed development as part of the site selection and iterative design process, reducing the potential for significant effects through the careful siting of turbines and associated

infrastructure this sits alongside standard good practice mitigation measures which are intended to minimise the potential effects on geology, hydrogeology, hydrology and peat.

This relates to the preparation and employment of a series of management plans, further detailed investigations, monitoring and analysis and compliance with current NRW guidance to be applied throughout the construction process. The applicants conclude that the mitigation proposed would mitigate all potential effects in this field of study, and as such their proposals are acceptable and would not result in a high level of change. The exception being to private water supplies which they address in detail when discussing mitigation.

Overview of Proposed mitigation and enhancement measures: the applicants rely on a series of management plans to deliver mitigation and enhancement in this area, specifically the following

- Construction Environment Management Plan
- Peat Management Plan
- Water Quality Management Plan

These documents to be submitted to and agreed with the Local planning Authority in consultation with Natural Resources Wales.

Where issues around Private Water Supplies (PWS) are concerned, supplies deemed to be at risk from the development will be subject to additional mitigation, monitoring, and dialogue with the supply users. If a PWS is affected by construction works contingency supply arrangements will be made available including the provision of temporary alternative supplies if required.

Summary of likely residual effects: the applicants believe that following the implementation of embedded and additional mitigation measures the effects on the subject area are considered not significant. Additional mitigation measures relating to PWS will reduce any likely adverse effect to that of a minor nature that is not significant with PWS protected throughout construction and operation.

The Environmental Statement places great emphasis on the various management plans to reduce/remove the potentially negative effects of the proposed development on Geology, Hydrology, Hydrogeology and Peat. Whilst the residual effects are considered minor adverse but not significant, which the Council accepts, the appointed inspector is invited to consider whether the approach adopted, i.e. the reliance on the future agreement of management plans is a sufficiently robust approach to dealing with this issue, particularly as there is little to suggest that any betterment can be achieved in this sphere of the proposals.

7. LIKELY IMPACT OF ANY APPLICATION IN RELATION TO ANY SECONDARY CONSENT NEEDED OR TO BE GRANTED.

The Proposed Development will be constructed on Mynydd Eglwysilan Common (Common Land Unit 61) as set out on the site plans. For further clarity, the Proposed Development seeks consent to carry out restricted works on common land to lay, maintain, replace and remove an underground electricity cable and to upgrade a section of a byway open to all traffic that crosses the Proposed Development site. In addition, part of the common land will need to be deregistered and exchanged in order to construct and operate the Proposed Development. Two secondary consents by way of applications pursuant to sections 16 and 38 of the Commons Act 2006 are therefore required under Schedule 1 to the 2016 Regulations.

In addition, the Proposed Development seeks consent to change the use of a Dwellinghouse to use as a site office for use during the construction and operation of the wind farm development, by way of a planning permission pursuant to section 57 of the Town and Country Planning Act 1990, as amended.

Rhondda Cynon Taf as County Borough Council do not consider that the requirements for secondary consents would create an impact in respect of any of its interests

Cumulative Effects

In the Scoping Direction to the applicants from PEDW, they advise that the applicants set out in the Planning Inspectorates Guidance for Nationally Significant Infrastructure Projects Advice Note 17 Cumulative Effects Assessment. The applicants evaluate this in Chapter 16 of the Environmental Statement under the description of interrelated effects and likely significant effects. The approach adopted to the cumulative effects issue is to embed the consideration of the issue within each chapter to the extent the applicants believe the approach is relevant to any of the given technical chapter headings (Chapters 5-15)

The applicants concede that prior to mitigation there would be significant effects to

- Access, traffic and Transport
- Landscape and Visual Impact
- Geology, Hydrology, Hydrogeology and Peat
- Ecology

- Cultural Heritage
- Mining,
- Shadow Flicker and
- Climate Change.

Prior to mitigation significant effects are not predicted for

- Ornithology
- Noise, and
- Aviation

Following mitigation significant effects remain for

- Landscape & Visual Impact
- Cultural Heritage
- Ecology, and
- Climate Change

The applicants then go on to consider cumulative effect in the context of the interrelationship of the topics covered in their key chapter headings.

The applicants take the view that effects on cultural heritage assets also fall within the scope of cultural heritage and landscape and visual impacts. The description and scope of the relevant chapters of the Environmental Statement presents the differences the applicants contend in a transparent manner beyond the topic specific effects within the respective chapters and they conclude that there are no interrelated effects.

The applicants acknowledge that there are potential interactions between effects on geology, hydrology, hydrogeology and peat and the ecology of the site. They contend that the potential for such interrelated effects and the need for any mitigation measures has been addressed under the respective chapter headings.

Similarly, the applicants acknowledge that there is potential for interrelationships between ecology and ornithology be it in relation to habitat loss or indirect due to the loss of foraging. These effects they regard as being adequately dealt with under the ornithological chapter.

The applicants also acknowledge that a number of effects of different kinds can impact residential amenity that can be affected by noise, landscape impacts and

shadow flicker. The applicants take the view that such interactions have been taken into account in the EIA process particularly in the design and assessment of the proposed development. These issues are discussed as discreet environmental topics within the ES. They conclude that in light of the information provided additional significant interrelated effects are unlikely to occur over and above those already reported because of the proposed development.

Effects on recreational users are covered in chapters 5 (access) and 6(LVIA, and though the receptors are the same they are experienced differently, the first considers the effect on the ability of the individual to move from A to B along PRow's and open access land whilst the latter considers the visual amenity of the individual whilst doing so. The applicants consider that there would be no significant interrelated effects are likely to occur in this area because of the development.

Rhondda Cynon Tal as Local Planning Authority notes the comments of the applicants in considering the cumulative effects of the proposed development and would invite the appointed inspector to test the adopted approach against the advice given by PEDW in the scoping direction.

Other Issues

Section 106

The applicants indicate that the content of any Section 106 agreement is to be the subject of negotiation with the relevant LPA, to date no suggestion has been made as to what that might involve in terms of content or obligations.

Collaborative benefits report

In support of the application, the applicants have submitted a collaborative benefits report that sets out the perceived benefits of allowing the development against the following headings

- Carbon savings
- Energy generation
- Economic impact
- Employment, social value and employability skills
- Supply chain and social value
- Employability – creating pathways into industry locally

- Ecological enhancement
- Heritage interpretation
- Recreation and access.

Socio economic impact appraisal

Sets out the socio economic benefits of the proposed development in terms its potential to contribute to the economy of Wales through inward investment in the construction and operation of the facility and the employment that will flow from that both directly and through the supply chain. The appraisal also considers the impact of the proposals on tourism concluding that it will have no adverse impact. It also addresses the proposed community benefit fund which it claims is 50% more than current industry standards and has the potential to deliver over £30 million during the lifetime of the project to local community based groups

Strategic recreational framework

This document sets out what the applicants consider the potential options for improving recreational access to the Twyn Hywel Energy Park site. The intent is to develop a framework in conjunction with relevant stakeholders and land owners after planning permission has been granted. It is noticeable that the applicants are clear that the document is not a plan or commitment to undertake any of the options set out within it. The document sets out options for improving recreation at the site whilst at the same time managing the main function of the energy park itself.

8. DRAFT CONDITIONS/OBLIGATIONS THE LPA CONSIDERS NECESSARY FOR MITIGATING ANY LIKELY IMPACTS OF THE DEVELOPMENT.

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Reason: To comply with Sections 91 and 93 of the Town and Country Planning Act 1990.

2. The development shall be carried out in accordance with the following plans and documents:

- Figure 1.1 Site Location Plan
- Environmental Statement and appendices

Reason: To ensure the development is carried out in accordance with the approved plans submitted with the application.

3. Prior to the commencement of development a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall include:

- General site management: details of the construction programme including timetable, details of site clearance, details of site construction drainage, containments areas, appropriately sized buffer zones between storage areas (of spoil, oils, fuels, concrete mixing and washing areas) and any watercourse or surface drain.
- Resource management: details of fuel and chemical storage and containment.
- Traffic management: details of site deliveries, plant on site, wheel wash facilities.
- Pollution prevention: prepare a Pollution Prevention Plan to demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures, incident response plan and a pollution control system during earthworks and construction.
- Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details, to include an ecological clerk of works
- A construction noise management plan, including identification of access operations to be carried out, mitigation measures and a scheme for the monitoring of noise.
- A Species Protection Plan that will include arrangements for the protection of breeding birds, reptiles, otters, water vole, and clubmoss populations on both the site and access track, including preconstruction surveys and mechanisms to take remedial action and monitor outcomes;

The CEMP shall be implemented as approved during site preparation and construction phases of the development.

Reason: In the interests of biodiversity and preventing pollution in accordance with policies AW8 and AW10 of the Rhondda Cynon Taf Local Development Plan.

4. Notwithstanding the submitted details, prior to the commencement of the development, a Habitat Management Plan shall be submitted to and approved in writing by the Local planning Authority. The plan shall include:
- a) Purpose, aims and objectives of the scheme.
 - b) A review of the site's ecological potential and constraints.
 - c) Description of target habitat features to be restored.
 - d) Selection of appropriate strategies for achieving habitat restoration.
 - e) Selection of specific restoration techniques and practices for re-establishing vegetation.
 - f) Sources of habitat material.
 - g) Method statement for restoration of vegetation.
 - h) Extent and location of proposed works.
 - i) Aftercare and long-term management.
 - j) Personnel responsible for works.
 - k) Timing of works.
 - l) Monitoring.
 - m) Disposal of arisings.

All restoration works will be carried out in accordance with the approved details. Any amendments to the Habitat Management Plan during the operation of the windfarm required as ongoing monitoring shall be submitted to and approved in writing by the Local planning Authority prior to their implementation.

Reason: To enhance and afford protection to animal and plant species in accordance with Policies AW5 and AW8 of the Rhondda Cynon Taf Local Development Plan.

5. Prior to the commencement of development, a Written Scheme of Investigation (WSI), securing the implementation of a programme of archaeological work, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To identify and record any features of archaeological interest discovered during the works in order to mitigate the impact of the works on the archaeological resource in accordance with policy AW7 of the Rhondda Cynon Taf Local Development Plan.

6. Prior to the commencement of development an Ecological Compliance Audit (ECA) scheme shall be submitted to and approved in writing by the Local Planning Authority. The ECA shall include:
- Ecological avoidance, mitigation and compensation works;
 - Details of the re-use of extracted peat with priority given to support existing peat resources and peat/bog habitat.

Reason: In the interests of biodiversity in accordance with Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

7. The turbines hereby approved shall be removed from the site and the land reinstated, in accordance with a decommissioning and site restoration scheme that has first been submitted to and approved in writing by the Local Planning Authority. The decommissioning plan shall include pollution control measures. The developer shall notify the Local Planning Authority in writing no later than one month following cessation of power production. The approved restoration scheme shall be implemented in full within 12 months of the cessation of electricity generation.

Reason: In the interest of landscape and general amenity and to prevent pollution in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

8. No development shall take place until a Construction Waste Management Plan has been submitted to and approved in writing by the Local Planning Authority

Measures to reduce potential environmental effects associated with the storage and transportation of waste will include

- The careful location of stockpiles and other storage areas to minimise the risk of pollution.
- The use of good practice in the design of storage areas and the use of suitable containers
- The use of sheeting, screening and damping where appropriate and practicable.
- The control and treatment of runoff from soil and soil stockpiles.
- Minimising storage periods
- Minimising haulage distances.
- Details of the identification, classification, quantification, and where practicable, appropriate segregation of materials; and
- Details of how any materials that cannot be reused will be disposed of

The approved CWMP shall be adhered to throughout the construction period.

Reason: In the interests of general amenity and pollution prevention in accordance with policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

9. No development shall commence until a Construction Transport Management Plan (CTMP) has been submitted to and approved in writing by

the Local Planning Authority. The approved CTMP shall be adhered to throughout the construction period and shall provide for and include:

- Site entrance roads will be well maintained and monitored during the operational life of the development. Regular maintenance will be undertaken to keep the Site access track drainage systems operational and to ensure there are no run-off issues onto the public road network;
- A site speed limit of 15 mph will be in place at all times to reduce the risk of faunal collisions with construction vehicles;
- A path management plan;
- A staff travel plan;

Reason: In the interests of highway safety and to ensure safe and satisfactory delivery of all components in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

10. Prior to works commencing on site, a final version of the Habitat Management Plan (HMP) shall be submitted to the Local Planning Authority for approval, in consultation with NRW.

Reason: In the interests of biodiversity in accordance with Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

11. The rating level of noise emissions from the combined effects of the wind turbines (including the application of any tonal penalty), when determined in accordance with the relevant guidance notes, shall not exceed the values for the relevant integer wind speed set out in, or derived from, the relevant sections of the Environmental Statement. At the curtilage of any non-financially involved noise sensitive premises lawfully existing at the time of this consent. For the purpose of this condition, curtilage is defined as 'the boundary of a lawfully existing domestic garden area'.

Reason: To protect the amenities of local residents in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

12. At the reasonable request of the Local Planning Authority, following a complaint to it about noise emissions from the wind turbines, the wind turbine operator shall, if required, shut down the turbine and at their own expense, employ a suitably competent and qualified person, approved by the Local Planning Authority, to measure and assess, and report to the Local Planning Authority the level of noise emissions from the wind turbine at the property to which the complaint relates in a scheme to first be agreed with the Local Planning Authority and in accordance with the relevant guidance notes. The assessment shall be commenced within 21 days of the notification and

provided to the Local Planning Authority within 2 months of the date of the request, or such longer time as approved by the Local Planning Authority.

Reason: To protect the amenities of local residents in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

13. If the assessment (referred to in condition 12) requested by the Local Planning Authority demonstrates that the specified level is being exceeded, the operator of the turbine shall take immediate steps to ensure that the noise emissions from the turbine are reduced to, or below, the specified noise limit. The operator shall provide written confirmation of that reduction to the Local Planning Authority within a time period to be agreed with the Local Planning Authority. In the event that it is not possible to achieve the specified noise limit with mitigation within a reasonable time period, then the operation of the turbine shall cease.

The measurement time period shall be based on BWEA blade length calculation (para 3.4(1) $t=4*D$ seconds) where t = measurement time period in seconds (subject to a minimum period of 10 second) D = rotor diameter in metres.

Reason: To protect the amenities of local residents in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

14. In the event that an alternative turbine to that contained in the submitted Environmental Statement is chosen for installation, then development shall not take place until a new desktop site specific noise assessment of the proposed turbine has been submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the amenities of local residents in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

15. Notwithstanding the provisions of conditions 11 - 14, the wind farm operator shall undertake measurements of noise levels using an appropriately qualified noise consultant during the first year of the operation of the wind turbines in a scheme to first be agreed with the Local Planning Authority to demonstrate that compliance with the noise levels in condition 10 are being met. The data produced in accordance with the scheme shall be forwarded to the Local Planning Authority within 28 days of the measurements being undertaken.

Reason: To protect the amenities of local residents in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

16. Wind speed, wind direction and power generation data for the wind turbines shall be continuously logged by the wind farm operator in accordance with the relevant guidance and provided to the Local Planning Authority at its request and in accordance with the relevant guidance within 28 days of any such request. This data shall be retained for a period of not less than 24 months.

Reason: To protect the amenities of local residents in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

17. Noisy operations, which could be audible at the nearest residential property will be limited to the following hours
- Monday to Friday 0800-1800;
 - Saturday: 0900-1300; and
 - Sundays and public holidays:

No other work operations would take place outside the working hours of 0700-1900 Monday to Friday; 0700-1300 Saturday; with no working on Sundays and public holidays unless agreed with the relevant county borough councils.

Reason: In the interests of general amenity and to prevent noise pollution in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

18. Should any contaminated material be observed during construction which has not been previously identified, then development shall cease and the Local Planning Authority immediately informed. A desk study, site investigation and risk assessment to determine the nature and extent of the contamination should be undertaken in accordance with methodologies which have been first submitted to and approved in writing by the Local Planning Authority. The results of the desk study, site investigation and risk assessment, and a Report specifying the measures to be taken to remediate the site to render it suitable for the development, shall be submitted to and approved in writing by the Local Planning Authority. Remedial action, which may include measures to protect surface and ground water interests, shall be undertaken in accordance with the approved details prior to development recommencing.

Reason: In the interests of health and safety and environmental amenity and so as to accord with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

19. Between dusk and dawn between 1 April and 31 October each year, all turbine blades shall be 'feathered' when wind speeds are below the cut in speed of the operational turbines. This shall involve pitching the blades to 90 degrees and/ or rotating the blades parallel to the wind direction to reduce the blade rotation speeds below two revolutions per minute whilst idling.

Reason: To protect the amenities of local residents in accordance with policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

20. No development shall commence until a Bat Mitigation Strategy, shall be submitted to and approved by the Local Planning Authority in consultation with NRW. The plan shall include, but not necessarily be limited to
- a) The times of the day when curtailment will restrict operations;
 - b) The times of the year when curtailment will restrict operations;
 - c) The weather conditions (temperature, wind speed and precipitation) when curtailment will restrict turbine operation;
 - d) The submission of details concerning the technical specifications of equipment to confirm suitability for proposed curtailment;
 - e) Confirmation as to whether SMART technologies will be used to implement curtailment;
 - f) Mechanisms that will be undertaken to evidence and audit implementation of the curtailment plans; and the plan shall be implemented in accordance with the provisions of the approved plan

Reason: In the interests of biodiversity and to accord with Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

21. Prior to the commissioning of the wind turbines, a Historic Environment Plan providing interpretation measures within the site shall be submitted to and approved in writing by the Local Planning Authority. The Historic Environment Plan shall include measures to proposals to improve access to the historic assets including details of interpretation/information panels and a programme of works. The site shall be developed in accordance with the approved Historic Environment Plan.

Reason: To mitigate the impact of the works on the archaeological resource in accordance with policy AW7 of the Rhondda Cynon Taf Local Development Plan.

22. Within 28 days of a written request from the relevant Local Planning Authority, following a complaint alleging shadow flicker from an occupant of a dwelling which lawfully existed or had planning permission at the date of this permission, the wind farm operator shall, at its expense, commission and submit a report to the relevant Local Planning Authority assessing the reported shadow flicker event(s). Where the relevant Local Planning Authority, after having reviewed the report submitted to it, confirms in writing that the incident of shadow flicker is affecting the living conditions of the resident(s), the wind farm operator shall, within 21 days, submit for approval a scheme of mitigation to the Local Planning Authority. The scheme shall be designed to mitigate the event of shadow flicker at that property and to prevent its future recurrence and shall specify timescales for implementation. The scheme shall be implemented as approved.

Reason: To protect the amenities of local residents in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

23. Development shall be permitted with the exception of attachment of the blades unless and until a scheme for the mitigation of the anticipated impacts of the operation of wind turbines on the operation of Cardiff Airport Primary Surveillance Radar (“the radar mitigation scheme”), which is required due to a direct line of sight between the radar and proposed turbines, has been submitted to and approved in writing by the Local Planning Authority. Approval of the Local Planning Authority shall not be given until the Local Planning Authority has consulted with Cardiff International Airport Limited or their successor in title, and thereafter the development shall be operated in accordance with the radar mitigation scheme
- i) for the life of the development or
 - ii) until an alternative agreement has been reached between the developer and Cardiff International Airport, or their successor in title.

Reason: In order that any impact from the proposed development on civil aviation is appropriately mitigated in accordance with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

24. Two proposed wind turbines (WT2 and WT3) are located in close proximity to two Arqiva SHF (super-high frequency) (link 900020 and 900719 respectively). Micrositing of these wind turbines will be restricted as set out below to avoid infringement of the associated exclusions zones as defined within the accompanying Telecommunications Impact Assessment (9773C). Specifically:

- WT2 (E309880.00, N190847.00) cannot be located closer the associated link from its original position on a bearing range between 202 degrees to 22 degrees.
- WT3 (E309857.64, N191405.45) cannot be located closer the associated link from its original position on a bearing range between 150 degrees to 330 degrees.

Reason: In order to appropriate, mitigate the impact of the development on telecommunications systems in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

25. The developer will provide and agree a Crane Operation Scheme, in consultation with Arqiva, to establish a way of managing and/or mitigating any impact. The Crane Operation Scheme shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In order to appropriately mitigate the impact of the development on telecommunications systems in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

26. The development shall include the submitted aviation safety lighting scheme which was sent to the Civil Aviation Authority on 9th September 2022 and confirmed as being acceptable by the MOD. Any changes to the submitted aviation safety lighting scheme must be submitted to and approved by the MOD before implementation of this permission

Reason: In order that any impact from the proposed development on military or civil aviation is appropriately mitigated in accordance with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

27. The development hereby approved shall endure for a period of 45 years from the date when electricity is first exported from any wind turbine within the site to the electricity grid network ('First Export Date'). The developer shall notify the Local Planning Authority in writing of the First Export Date within 28 days of the First Export Date. Not later than 12 months before the expiry date of the permission, a decommissioning and site restoration scheme shall be submitted for the written approval of the Local Planning Authority. Such a scheme shall include, but not be limited to:

- The removal of all surface elements, plus one metre of the turbine bases below ground level, of the wind farm.
- Confirmation of the management and timing of works.
- A traffic management plan to fully address highway safety issues during the period of the decommissioning works.

- Any other works of restoration and aftercare, following consultation with other parties, as the Local Planning Authority deem to be reasonable and necessary.

The approved decommissioning scheme shall be implemented and completed within 24 months of the expiry date of this permission.

Reason: To ensure the impacts of the development exist only for the lifetime of the development, in accordance Policies CS2, AW5, AW6, AW7, AW8, AW10, AW12, AW13, AW14 and SSA23 of the Rhondda Cynon Taf Local Development Plan, Policies 17 and 18 of Future Wales: The National Plan 204 and the relevant guidance set out in Planning Policy Wales.

28. No development shall commence until details of the make, design, colour and external finish of the turbines and associated structures proposed to be used have been submitted to and agreed in writing by the Local Planning Authority. All materials used shall conform to the details so approved.

Reason: To minimise the environmental and visual impacts of the development, in accordance with Policies AW5, AW6, AW7, AW12, AW13 and SSA23 of the Rhondda Cynon Taf Local Development Plan.

29. All wind turbines shall be of a 3 bladed configuration, shall not exceed an overall height of 200m to the tips of the turbine blades, and shall rotate in the same direction. The turbines shall not display any prominent name, logo, symbol, sign or advertisement on any external surface. The turbines shall not be illuminated (other than for aviation safety reasons), and there shall be no permanent illumination on the site.

Reason: To minimise the environmental and visual impacts of the development, in accordance with Policies AW5, AW6, AW7, AW12, AW13 and SSA23 of the Rhondda Cynon Taf Local Development Plan.

30. All electricity and control cables within the site shall be laid underground and alongside tracks which are constructed on the site as part of the development.

Reason: To minimise the environmental and visual impacts of the development, in accordance with Policies AW5, AW6, AW7, AW12, AW13 and SSA23 of the Rhondda Cynon Taf Local Development Plan.

31. In the event that any turbine does not function (i.e. does not supply electricity to the electricity grid network) for a continuous period of 12 months and if so instructed by the Local Planning Authority, the wind turbine and its associated ancillary equipment shall be dismantled and its base removed to a depth of 1 metre below ground level, and removed from site within a period of 6

months from the end of that period, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and to ensure the turbines are not obsolete, produce electricity whilst in-situ and are removed from the site if they cease to function, in accordance with Policies AW5, AW6, AW7, AW12, AW13 and SSA23 of the Rhondda Cynon Taf Local Development Plan.

32. No development shall commence until a Construction Method Statement (CMS), describing the works to be undertaken and pollution prevention measures to be implemented during the construction phase, has been submitted to and approved in writing by the Local Planning Authority. Development shall be implemented in accordance with the approved Statement. The Statement shall include provisions relating to, but not be limited to:

- The construction period and sequence of development works.
- Pollution control (including fuel, oil, concrete and chemical storage).
- Constructional Noise Management Plan. • Environmental Management.
- Details of location of temporary storage compounds.
- Details of track construction and laying of cables and measures to be implemented to ensure that there are no polluting discharges from tracks and disturbed areas.
- Provision of any temporary fencing.
- Details of excavation of turbine bases and of the nature, type and quantity of material required to be imported onto the site for backfilling operations.
- The management of ground and surface water.
- The management of foul water.
- The monitoring of private water abstractions.
- Details of any soil storage and spreading.
- The provision of any means of temporary site illumination.

Reason: To protect the water environment and minimise environmental impact in the vicinity of the application site in accordance with Policies AW5, AW6, AW8, AW10, AW12 and AW13 of the Rhondda Cynon Taf Local Development Plan.

33. No development shall commence until details of the means of access to include permanent surfacing for the first 20m off the public highway and timing of works have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.

Reason: In the interests of highway safety and to ensure mud and debris are not tracked onto the highway in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

34. No development shall commence until a report indicating a methodology for undertaking a conditions survey of local roads that could be affected by the proposed development has been submitted to and approved in writing by the Local Planning Authority. The report should include, but not be limited to:

- Details of the roads to be surveyed.
- Timescales for undertaking the surveys and the methods of reporting the findings to the Local Planning Authority. (Including comprehensive photographs and potential compensation arrangements.)

The development shall not be brought into beneficial use until the final survey on completion of the development hereby approved and any compensation arrangements have been submitted to and approved in writing by the Local Planning Authority. Any compensation arrangements shall be carried out in accordance with the approved details.

Reason: To ensure that the extraordinary traffic use arising from the proposed development does not have an adverse impact on highway safety in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

35. No development shall commence until a scheme for the protection of Public Rights of Way during works of construction has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include, but not be limited to:

- Provision to ensure that Public Rights of Way are maintained with no obstruction to use.
- Measures to prevent any damage to Public Rights of Way from constructional activity at the site.

The development shall be carried out in accordance with the approved scheme, unless otherwise agreed by the Local Planning Authority.

Reason: In the interest of public safety in accordance with Policy AW7 of the Rhondda Cynon Taf Local Development Plan.



Town and Country Planning Act 1990 (As Amended)
The Development of National Significance (Procedure) (Wales) Order 2016 (As Amended)
Commons Act 2006 (As Amended)

NOTICE UNDER ARTICLE 18 OF APPLICATION FOR PLANNING PERMISSION IN RESPECT OF DEVELOPMENT OF NATIONAL SIGNIFICANCE

Proposed development at: 18km North of Cardiff, on the border of the counties of Caerphilly and Rhondda Cynon Taf and Myrddal Eglwysilan

I give notice that: Tŷn Hywel Energy Park Limited

is applying to the Welsh Ministers for planning permission in respect of Development of National Significance (DNS): The proposed development is:

- The production and operation of up to 14 wind turbines and associated infrastructure including: foundations to include 400mm foundations, crane foundations and control building with underground power cables, new access roads connecting into the A472, access tracks, with pipeline and watercourse crossings, borrow pits, appropriate sized temporary construction and storage compound with associated lay-down areas near to the site entrance, Habitat Management Area and other works to facilitate the movement of abnormal loads such as the construction of over-run areas and temporary modifications to street furniture.

The DNS planning application is also accompanied by three Secondary Consent applications for Planning permission - under section 57(1) of the Town and Country Planning 1990 Act (As Amended):

- An application to change the use of a Dwellinghouse to use as a site office for use during the construction and operation of the wind farm development.

Consent under Section 18 (Deregistration and Exchange of Common Land) of the Commons Act 2006 (As Amended):

- To deregister an area of approximately 47.50 hectares on Myrddal Eglwysilan Common (OLE1) in the Communities of Cefnhyd and Trefon and provide replacement land of approximately 56.84 hectares on an adjacent parcel of land adjoining Myrddal Eglwysilan Common in the Communities of Penarth, Sully, Sully, Cefnhyd, Trefon and Trefon, Cefnhyd, Cefnhyd and Trefon. The replacement land is required to facilitate the construction and operation of the Tŷn Hywel Energy Park.

Consent under Section 18 (Works on Common Land) of the Commons Act 2006 (As Amended):

- To carry out reinstatement works on Myrddal Eglwysilan Common (OLE1) to temporary site fencing with full reinstatement for underground cabling for grid connection with temporary works for the partial opening of a Green Open To All Traffic (GOAT) and works to facilitate the crossing of highways on the site by the access tracks.

Members of the public may inspect copies of:

- The application;
- The plans; and
- Other documents associated with it.

at: Caerphilly County Borough Council, Tredomen House, Tredomen Park, Ffrind Mynach, Newport, CF23 7WP

and

at: Rhondda Cynon Taf County Borough Council, Sards House, Sards Road, Pontypridd, CF37 1DQ

during all reasonable hours until 08 September 2023 and, online at: <https://www.planning.wales.gov.uk/2023/08/01/2023-08-01-2023-08-01> - and search for 3212053 or 'Tŷn Hywel'

THE APPLICATION IS ACCOMPANIED BY AN ENVIRONMENTAL STATEMENT

Members of the public may obtain copies of the Environmental Statement from: Savills, 2 Kingsway, Cardiff, CF10 3FD for a charge, so long as stocks last.

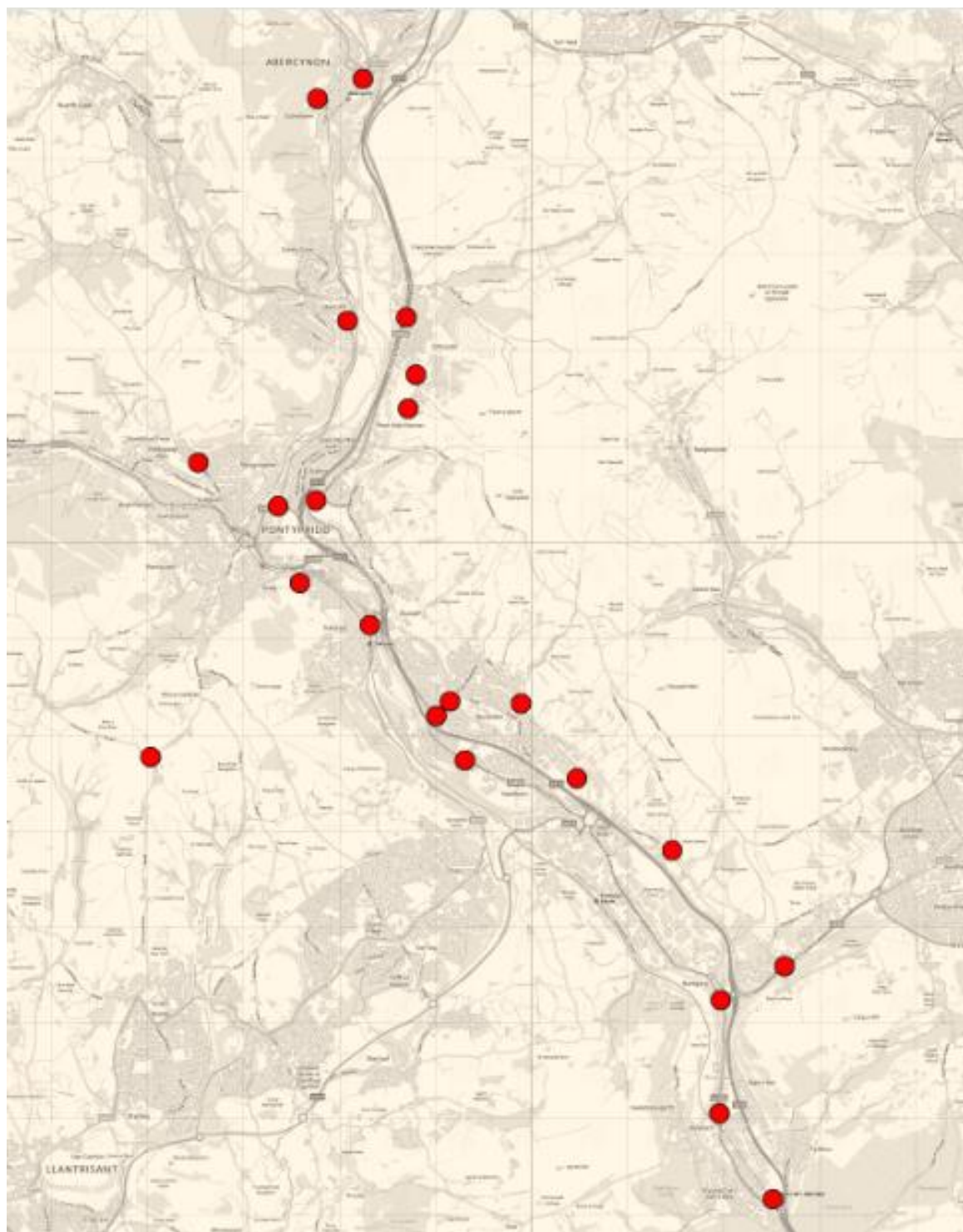
Anyone who wishes to make representations about this application must write to the Welsh Ministers (details below) by 08 September 2023. All representations received will be published online as soon as the deadline has passed.

Planning and Environment Decisions Wales
Development of National Significance Casework
Cardiff Park
Cardiff
CF10 3AC

Tel: 0300 123 1996
E-Mail: PCAC@pedw.gov.uk

More information and guidance on the DNS process can be found online at: <https://www.planning.wales.gov.uk/2023/08/01/2023-08-01-2023-08-01>

Signed: Nadeel Nadeel, Head of Casework
Date: 24 August 2023

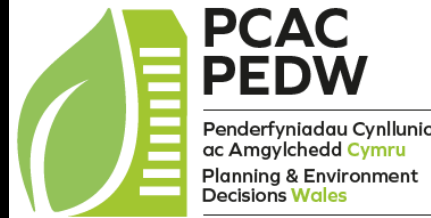


HYSBYSIAD STATUDOL

I gael copi print bras o'r
Hysbysiad hwn ffoniwch: 0300
123 1590 neu E-
Bostiwrch:
PEDW.Seilwaith@llyw.cymru

STATUTORY NOTICE

For a large print copy of this Notice
phone: 0300 123 1590 or E-Mail:
PEDW.infrastructure@gov.wales



Deddf Cynllunio Gwlad a Thref 1990 (fel y'i diwygiwyd)

Gorchymyn Datblygiadau o Arwyddocâd Cenedlaethol (Gweithdrefn) (Cymru) 2016

(fel y'i diwygiwyd)

Deddf Tiroedd Comin 2006 (fel y'i diwygiwyd)

HYSBYSIAD O DAN ERTHYGL 18 O GAIS AM GANIATÂD CYNLLUNIO MEWN PERTHYNAS Â DATBLYGIAD O ARWYDDOCÂD CENEDLAETHOL

Datblygiad arfaethedig ar: 16km i'r Gogledd o Gaerdydd, ar ffin siroedd Caerffili a Rhondda Cynon Taf (ar Fynydd Eglwysilan)

Hysbysaf fod: Twyn Hywel Energy Park Limited

yn gwneud cais i Weinidogion Cymru am ganiatâd cynllunio ar gyfer Datblygiad o Arwyddocâd Cenedlaethol (DAC). Y datblygiad arfaethedig yw:

- Adeiladu a gweithredu hyd at 14 o dyrbinau gwynt a seilwaith cysylltiedig gan gynnwys: ardaloedd llawr caled i gynnwys sylfeini tyrbinau, llawr caled ar gyfer craen ac ardal baratoi / storio gyda lwfansau microleoli cysylltiedig; is-orsaf drydanol ac adeilad rheoli gyda cheblau pŵer tanddaear; llwybr mynediad newydd sy'n cysylltu â'r A472; traciau mynediad ar y safle, gyda chroesfannau cwrs dŵr a phiblinell; pwll/pyllau benthyg; mast anemomedr; cyfateilad adeiladu a storio dros dro gydag ardaloedd paratoi cysylltiedig ger y fynedfa i'r Safle; Ardal Rheoli Cynefin; a gwaith oddi ar y safle i hwyluso symud llwythi anghyffredin, fel adeiladu ardaloedd gor-redeg ac addasiadau dros dro i ddodrefn stryd.

Mae'r cais cynllunio DAC hefyd yn cynnwys tri chais Cydsyniad Eilaidd ar gyfer:

Caniatâd cynllunio – o dan adran 57(1) Deddf Cynllunio Gwlad a Thref 1990 (fel y'i diwygiwyd)

- Cais i newid defnydd Tŷ Annedd i'w ddefnyddio fel swyddfa safle yn ystod adeiladu a gweithredu'r datblygiad fferm wynt.

Cydsyniad o dan **Adran 16 (Datgofrestru a Chyfnwid Tir Comin)** Deddf Tiroedd Comin 2006 (fel y'i diwygiwyd)

- I ddatgofrestru ardal o oddeutu 47.52 o hectarau ar Dir Comin Mynydd Eglwysilan (CL61) (yng Nghymunedau Cilfynydd a Nelson) a darparu tir cyfnwid o oddeutu 56.84 o hectarau ar chwe llain ar wahân o dir sy'n cyffinio â Thir Comin Mynydd Eglwysilan yng Nghymunedau Penheolely, Bodwenarth, Cwmedeg, Fid Gelyn a Nantcae Dudwg, Glawnant a Llanbradach Fawr. Mae angen rhyddhau'r tir i hwyluso adeiladu a gweithredu Parc Ynni Twyn Hywel.

Cydsyniad o dan **Adran 38 (Gwaith ar Diroedd Comin)** Deddf Tiroedd Comin 2006 (fel y'i diwygiwyd)

- I wneud gwaith cyfyngedig ar Dir Comin Mynydd Eglwysilan (CL61) i agor ffos dros dro a'i hadfer yn llawn ar gyfer cebl tanddaear i gysylltu â'r grid gyda ffensys dros dro pan fydd angen ar gyfer iechyd a diogelwch a gofynion lles anifeiliaid, gwaith gwella i uwchraddio'n rhannol Cilffordd sydd Ar Agor i Unrhyw Draffig a gwaith i hwyluso croesi priffyrdd ar y safle gan y traciau mynediad.

Caiff aelodau'r cyhoedd archwilio copïau o'r:

- cais;
- y cynlluniau; a
- dogfennau eraill sy'n gysylltiedig â nhw

yn y cyfeiriad canlynol: Cyngor Bwrdeistref Sirol Caerffili, Tŷ Tredomen, Parc Tredomen, Ystrad Mynach, Hengoed, CF82 7WF

ac

yn y cyfeiriad canlynol: Cyngor Bwrdeistref Sirol Rhondda Cynon Taf, Tŷ Sardis, Heol Sardis, Pontypridd, CF37 1DU

yn ystod pob awr resymol tan 08 Medi 2023 ac, ar-lein yn <https://planningcasework.service.gov.wales/cy> - trwy chwilio am '3272053' neu 'Twyn Hywel'

MAE DATGANIAD AMGYLCHEDDOL YN CYD-FYND Â'R CAIS

Gall aelodau'r cyhoedd gael copïau o'r Datganiad Amgylcheddol gan: Savills, 2 Ffordd y Brenin, Caerdydd, CF10 3FD am dâl, tra bydd cyflenwadau ar gael.

Mae'n rhaid i unrhyw un sy'n dymuno gwneud sylwadau ynglŷn â'r cais hwn ysgrifennu at Weinidogion Cymru (manylion isod) erbyn 08 Medi 2023. Bydd pob sylw a dderbynnir yn cael ei gyhoeddi ar-lein cyn gynted ag y bydd y dyddiad cau wedi mynd heibio.

Penderfyniadau Cynllunio ac Amgylchedd Cymru

Gwaith Achos Datblygiadau o Arwyddocâd Cenedlaethol

Adeilad Y Goron

Parc Cathays

Caerdydd

CF10 3NQ

Rhif ffôn: 0300 123 1590

E-Bost: PEDW.Seilwaith@llyw.cymru

Mae rhagor o wybodaeth ac arweiniad ynglŷn â'r broses DAC ar gael ar-lein yn:

<https://www.llyw.cymru/datblygiadau-o-arwyddocad-cenedlaethol-dns-canllawiau>

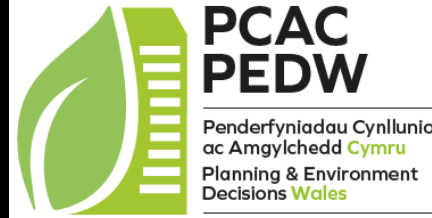
Llofnod: Isabel Nethell, Pennaeth Gweithrediadau

Dyddiad: 04 Awst 2023

HYSBYSIAD STATUDOL STATUTORY NOTICE

I gael copi print bras o'r
Hysbysiad hwn ffoniwch:
0300 123 1590 neu
E-Bostiwrch:
PEDW.Seilwaith@llyw.cy
mru

For a large print copy of this
Notice phone: 0300 123
1590 or E-Mail:
PEDW.infrastructure@gov.wales



Town and Country Planning Act 1990 (As Amended)

The Developments of National Significance (Procedure) (Wales) Order 2016 (As Amended)

Commons Act 2006 (As Amended)

NOTICE UNDER ARTICLE 18 OF APPLICATION FOR PLANNING PERMISSION IN RESPECT OF DEVELOPMENT OF NATIONAL SIGNIFICANCE

Proposed development at: 16km North of Cardiff, on the border of the counties of Caerphilly and Rhondda Cynon Taf (on Mynydd Eglwysilan)

I give notice that: Twyn Hywel Energy Park Limited

is applying to the Welsh Ministers for planning permission in respect of Development of National Significance (DNS). The proposed development is:

- The construction and operation of up to 14 wind turbines and associated infrastructure including: hardstanding areas to include turbine foundations, crane hardstanding and laydown / storage area with associated micro-siting allowances; electrical substation and control building with underground power cables; new access route connecting onto the A472; onsite access tracks, with pipeline and watercourse crossings; borrow pit(s); anemometer mast; temporary construction and storage compound with associated lay down areas near to the Site entrance; Habitat Management Area; and offsite works to facilitate the movement of abnormal loads such as the construction of over-run areas and temporary modifications to street furniture.

The DNS planning application is also accompanied by three Secondary Consent applications for:

Planning permission – under section 57(1) of the Town and Country Planning 1990 Act

(As Amended)

- An application to change the use of a Dwellinghouse to use as a site office for use during the construction and operation of the wind farm development.

Consent under **Section 16 (Deregistration and Exchange of Common Land)** of the Commons Act 2006 (As Amended)

- To deregister an area of approximately 47.52 hectares on Mynydd Eglwysilan Common (CL61) (in the Communities of Cilfynydd and Nelson) and provide replacement land of approximately 56.84 hectares on six separate parcels of land adjoining Mynydd Eglwysilan Common in the Communities of Penheolely, Bodwenarth, Cwmeideg, Fid Gelyn and Nantcae Dudwg, Glawnant and Llanbradach Fawr. The release land is required to facilitate the construction and operation of the Twyn Hywel Energy Park.

Consent under **Section 38 (Works on Common Land)** of the Commons Act 2006 (As Amended)

- To carry out restricted works on Mynydd Eglwysilan Common (CL61) to temporary open trenching with full reinstatement for underground cabling for grid connection with temporary fencing where required for health and safety and animal welfare requirements, improvement works for the partial upgrading of a Byway Open To All Traffic ("BOAT") and works to facilitate the crossing of highways on the site by the access tracks.

Members of the public may inspect copies of:

- the application;
- the plans; and
- other documents associated with it

at: Caerphilly County Borough Council, Tredomen House, Tredomen Park, Ystrad Mynach, Hengoed, CF82 7WF

and

at: Rhondda Cynon Taf County Borough Council, Sardis House, Sardis Road, Pontypridd, CF37 1DU

during all reasonable hours until 08 September 2023 and, online at <https://planningcasework.service.gov.wales/> - and search for '3272053' or 'Twyn Hywel'

THE APPLICATION IS ACCOMPANIED BY AN ENVIRONMENTAL STATEMENT

Members of the public may obtain copies of the Environmental Statement from: Savills, 2 Kingsway, Cardiff, CF10 3FD for a charge, so long as stocks last.

Anyone who wishes to make representations about this application must write to the Welsh Ministers (details below) by 08 September 2023. All representations received will be published online as soon as the deadline has passed.

Planning and Environment Decisions Wales
Developments of National Significance Casework
Crown Building
Cathays Park
Cardiff
CF10 3NQ

Tel: 0300 123 1590

E-Mail: PEDW.Infrastructure@gov.wales

More information and guidance on the DNS process can be found online at:

<https://gov.wales/developments-national-significance-dns-guidance>

Signed: Isabel Nethell, Head of Operations

Date: 04 August 2023