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Y Gweinidog Newid Hinsawdd
Minister for Climate Change



Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref: JJ/PO/82/2024

Mr David Kenyon
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WSP

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11th March 2024

Dear Mr Kenyon,

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 62D
THE DEVELOPMENTS OF NATIONAL SIGNIFICANCE (WALES) REGULATIONS 2016
APPLICATION BY PENNANT WALTERS LIMITED FOR THE PROPOSED
DEVELOPMENT OF A WIND FARM OF UP TO 8 TURBINES AND ASSOCIATED
INFRASTRUCTURE AT LAND TO THE WEST OF ABERTILLERY, BLAENAU GWENT
APPLICATION REF: DNS/3270299**

1. Consideration has been given to the report of the Inspector who examined the Developments of National Significance (DNS) planning application.
2. In accordance with section 62D of the Town and Country Planning Act 1990, the application was made to the Welsh Ministers for determination.
3. The Inspector made site visits on 12 September 2023 and 10 October 2023. A copy of the Inspector's report (IR) is enclosed. All references to paragraph numbers, unless otherwise stated, relate to the IR.
4. Since receipt of the IR, Planning Policy Wales 12 was published on 7 February 2024. Consideration of the impact of amended policy is set out in paragraphs 42 to 45 of this letter.

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

Main Considerations

5. I agree the main considerations are those listed at IR 118:
 - the effect of the proposed development on landscape character and visual amenity;
 - the effect of the proposed development on historic assets;
 - the effect of the proposed development on ecological interests;
 - the effect of the proposed development on the living conditions of the occupiers of neighbouring residential properties, having particular regard to noise and shadow flicker;
 - the effect of the proposed development upon traffic flows and highway safety, particularly through the construction phase; and,
 - whether any identified harm in respect of the above matters would be outweighed by the benefits and other matters in favour of the scheme, particularly the in-principle policy support for large scale wind farm development and the contribution towards renewable energy generation.

Landscape Character and Visual Amenity

Landscape Character

6. The application is supported by a Landscape and Visual Impact Assessment (LVIA), which has been prepared in accordance with the Guidelines for Landscape and Visual Impact Assessment 2013 and the LANDMAP methodology 2016, and assesses the construction, operational and decommissioning phases of the development.
7. The Inspector accepts the construction and decommissioning phases would, at certain times, have a greater impact than during its operation, however, as construction and decommissioning are likely to be relatively short-lived, the Inspector has focussed mainly on the operational period of the project. (IR 119-120)
8. The application site is located within the Mynydd Carn y Cefn and Cefn yr Arail Special Landscape Area (SLA) and is located within National Landscape Character Area (NLCA) 37: South Wales Valleys. This covers an extensive upland area dissected by deep, urbanised valleys. (IR 121-122 and IR 68)
9. The 'Brecon Beacons National Park Landscape Character Assessment' defines 15 Landscape Character Areas (LCAs) within the Bannau Brycheiniog National Park (BBNP), 6 of which fall within the Zone of Theoretical Visibility, including LCA 9: Mynyddoedd Llangatwg and Llangynidr. The Inspector agrees potential effects on these landscapes would be limited to indirect effects on the key visual or perceptual characteristics of these landscapes resulting from views of wind turbines. (IR 123)
10. Although the Environmental Statement (ES) concludes there would be no significant effects upon the BBNP, the Inspector notes Natural Resources Wales (NRW) disagrees with this position insofar as it considers the development would conflict with advice in Planning Policy Wales (PPW) concerning the conservation and enhancement of natural beauty within the Park and the public's enjoyment of its special qualities. The visibility mapping from the BBNP indicates the site of the proposed development would be within the lowest of five visibility bands, i.e. turbine options at both 150m and 250m tall would only be visible from between 1% to 25% of the BBNP. Pre-Assessed Areas (PAA) are identified by Policy 17 of Future Wales. The area which subsequently formed PAA 10 incorporates a substantial buffer to the

BBNP, in excess of 4.5km at its closest point and the northern limit of the PAA set to the south of the towns of Rhymney and Ebbw Vale. (IR 124)

11. The Inspector notes, the applicant has asserted that the geographical extent, as well as the size or scale of change, should be considered as part of the magnitude of change judgement in assessing the effect on the setting of the BBNP. The applicant argued that landscape effects occurring over a larger geographical extent and a higher proportion of a landscape designation are more likely to be regarded as significant. The Inspector is of the opinion the proposed development would affect only a small part of the overall visual experience gained from within this landscape, and it would be experienced as part of much wider panoramas in which existing vertical structures beyond the National Park boundary are present. Whilst the Inspector accepts the proposal would lead to a slight dilution of the baseline levels of tranquillity and remoteness, it is not considered it would significantly alter the distinctive characteristics or the key perceptual and visual characteristics of LCA 9. In this context, the Inspector does not consider there would be any significant effects on landscape character within the BBNP or its setting, or any significant effects on the special qualities of the designation. (IR 125)
12. With regard to concerns raised by NRW regarding the night-time view at Viewpoint 17, which it considers would likely include the same people who would experience a moderate/major adverse visual effect in the daytime, and that a visual change at night would also contribute to the erosion of the perceptual qualities of the BBNP. The Inspector accepts the aviation warning lights would contribute to a distant effect on the night-time views. However, the Inspector considers they would appear as very small, points of light appreciated in the same field of view as the brightly lit valley conurbation of Brynmawr despite there currently existing no light sources on the upper slopes or ridgeline in the field of view that would be affected by the development. The Inspector is of the view, given a separation distance in the order of 8km, the visual presence of aviation lights would not seriously alter or erode the Special Qualities of the BBNP. (IR 126)
13. The application site is located within the Mynydd Carn y Cefn and Cefn yr Arail SLA. The assessment concludes there would be significant direct landscape effects on this SLA. Additionally, there would be significant indirect landscape effects on the Eastern Ridge and Mynydd James SLA, Cwm Tyleri and Cwm Celyn SLA, Cefn Manmoel SLA, St. Illtyd Plateau and Ebbw Eastern Sides SLA and the Manmoel Visually Important Local Landscape (VILL). The Inspector does not dispute that the proposed development has been designed to reduce the effects on these local landscape designations, including by using non-reflective pale grey on the rotor blades and upper towers. Nevertheless, the Inspector finds that a significant effect would remain despite such measures. (IR 127)
14. The Inspector is mindful that paragraph 6.3.3 of PPW identifies a requirement to ensure statutory landscape designations are protected but also that opportunities for renewable energy are taken into account. The Inspector notes it focuses upon landscape character and does not reference visual amenity. The statutory duty to have regard to National Park Purposes including their setting is noted at paragraph 6.3.5 of PPW. (IR 128)
15. Future Wales (FW) forms part of the development plan for the area and the Inspector notes that regard must be given to the site's location within PAA 10, where the likely impact on the landscape has already been modelled and found it to be capable of accommodating development in an acceptable way. The Inspector is of the view there

is no compelling evidence to reach an alternative conclusion. The Inspector notes that FW also goes on to state there should be a presumption in favour of large scale wind energy development in these areas, subject to the criteria set out in Policy 18. Policy 18 expressly omits any test in respect of landscape impacts for wind energy proposals located within the PAAs. (IR 129)

Visual Amenity

16. The Inspector notes there is no dispute between the parties that several receptors would be likely to experience some form of significant effect as a result of the proposed development, including those at 16 settlements, 9 designated long-distance footpaths, Sustrans National Cycle Routes NCR465 and NCR466, Country Parks, open access land and PRow, together with locally promoted walking routes and transport routes. (IR 130)
17. The Inspector considers receptors in settlements within 2km of the turbines (such as parts of Abertillery, Aberbeeg, Brynithel, Cwm and Manmoel) would experience the most significant effects on visual amenity resulting from visibility and movement of the proposed wind turbines together with an effect on night-time views from the aviation warning lights associated with the introduction of proposed turbines on elevated land with some unrestricted views. Although the Inspector does not dispute that in some instances views would be restricted by dwelling orientation, intervening built form, topography and mature tree cover, the concerns of residents most likely to be affected are acknowledged by the Inspector. (IR 131)
18. NRW has suggested Turbine 1 should be omitted due to it standing “most exposed in the landscape”. The Inspector notes the applicant has stated the removal of Turbine 1 would have a negligible benefit insofar as it would be perceived as part of a coherent wind farm design, with turbines appearing as a discrete cluster that relate simply to the skyline. The Inspector is of the opinion that Turbine 1 would appear ‘exposed’ from a small number of viewpoints but would read as part of the group in viewpoints from other directions. On this basis, the Inspector does not find the omission of this turbine would, overall, alter the visual impact of the development in any meaningful way. (IR 132)
19. The Inspector concludes there is no reason to doubt the findings of the ES that, overall, there is no potential for the proposed development to result in significant cumulative visual effects. (IR 134-135)
20. On balance, the Inspector is of the view that the proposed development would be obvious in the landscape and have a significant visual impact when seen from sensitive receptors in existing settlements and users of long-distance footpaths, Sustrans Routes, Country Parks, open access land and PRow. The Inspector considers them to be long-term (albeit reversible) and adverse for those receptors affected. (IR 136)

Overall conclusion on character and appearance

21. The Inspector considers the applicant has sought to reduce the significance of the landscape and visual effects by incorporating mitigation measures which include the siting of turbines as far from the plateau edge as is possible, taking into account other technical constraints. The Inspector also acknowledges that many of the large blocks of forestry which are a conspicuous landscape feature across parts of the LVIA study area are likely to be felled as commercial crops in the future. The Inspector considers

there would be localised landscape and visual impact consequences, including negative changes to the nature of views available to some visual receptors within the LVIA study area. (IR 137- 138)

22. The Inspector accepts there would be an impact on landscape character and the impact on visual amenity would be significant, and thus in conflict with the aims of LDP Policies SP10, DM1, DM2 and ENV2. However, the Inspector notes this must also be considered in the context of FW Policies 17 and 18, which clearly support wind farm development in PAAs. Hence, the Inspector concludes the proposal would be consistent with the thrust of the Development Plan overall to support wind energy development, whilst recognising there would be localised significant visual harm. (IR 139)

Historic assets

23. The application is accompanied by an Historic Environment Desk-Based Assessment and a Stage 1 Settings Assessment. Cadw agrees with the conclusions in the ES that the proposed development would not have a significant adverse effect on the assessed designated heritage assets, however, it considers that a moderate impact on the St Illtyd Castle Mound Scheduled Monument would be caused by the change to its setting. Having regard to the evidence submitted and the site visit, the Inspector considers the development would have a moderate effect on the setting of St Illtyd's Castle Mound. (IR 140-144)
24. The Inspector notes the ES states the proposed development, in combination with other proposed wind energy developments, would result in a medium magnitude of change to the setting of St Illtyd's Castle Mound, resulting in a major effect, which would be significant. The Inspector agrees that the cumulative impact of these developments would be to increase the arc in which turbines would be visible, and therefore the effect would be adverse and significant. (IR 145)
25. The parties agree that the impact of the proposed development on this Scheduled Monument could be offset by the preparation of the 'Monument Management Plan', as detailed in Appendix 7D of the ES, and which would identify measures for improving access, the provision of interpretation panels and management of the monuments during construction and operation. (IR 146)
26. The Inspector has had regard to the advice in PPW that 'Any change that impacts on an historic asset or its setting should be managed in a sensitive and sustainable way', and is also mindful that the introduction of the suggested compensatory proposals would not reduce the impact of the development on the setting of the historic asset and cannot therefore be accepted as mitigation. However, the Inspector considers that the proposed compensatory measures should be factored into the planning balance in weighing the benefits of the scheme against the impact of the development on the setting of the historic asset. (IR 147)
27. Given the identified recorded archaeological remains possibly from the prehistoric period within the site boundary (Abertillery Round Barrow) together with further Bronze Age barrows in the study area to the north of the site, it has been concluded that there is a moderate potential for prehistoric remains in localised areas of the site, of low-medium significance. In this context, a condition requiring a written scheme of historic environment mitigation would ensure that any features of archaeological interest discovered during construction works is identified, recorded and mitigated. (IR 148)

28. Having regard to the above, the Inspector considers the proposal would cause a degree of harm to the setting of a designated heritage asset. However, in light of the temporary and reversible nature of the development, whilst the Inspector concludes that it would represent a minor conflict with LDP Policy SP11, it is considered to be in accordance with policy 18 of FW which states there should be no unacceptable adverse impacts on statutorily protected built heritage assets. (IR 149)

Ecology

29. The site is dominated by semi-natural and heavily modified habitats including improved grassland, species poor semi-improved grassland and semi-improved acid grassland, dry heath/acid grassland and areas of continuous bracken. There are a large number of mature trees scattered throughout the grassland and along the field boundaries, together with semi-natural broad-leaved woodland present on the north-west and south-east boundaries of the site, generally with a very bare or bracken dominated understorey and high canopy dominated by beech trees, with oak, hawthorn and silver birch scattered occasionally. The Unified Peat Map of Wales showed no peat deposits on the site and the absence of deep peat was confirmed by a peat survey in 2021. (IR 150)

Habitats Regulation Assessment

30. There are three European designated nature conservation sites within 10km of the application site, Aberbargoed Grasslands Special Area of Conservation (SAC), Cwm Clydach Woodlands SAC and Usk Bat Sites/ / Safleoedd Ystlumod Wysg SAC. (IR 12)
31. Regulation 63 of The Conservation of Habitats and Species Regulations 2017 (as amended) (the 'Habitats Regulations') states that if a plan or project is "(a) is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects); and (b) is not directly connected with or necessary to the management of the site", the competent authority must "...make an appropriate assessment of the implications of the plan or project for that site in view of that site's conservation objectives" before undertaking, consenting or permitting the plan or project. The application was accompanied by a shadow Habitats Regulations Assessment (sHRA). (IR 13-14)
32. The sHRA concludes there is no pathway by which the conservation objectives for the Aberbargoed Grasslands SAC or Cwm Clydach Woodlands SAC could be undermined by the proposed development, either alone or in combination, given the separation distances and the lack of hydrological or ecological connectivity. NRW has confirmed it concurs with this position. (IR 15)
33. Having regard to the Usk Bat Sites/ Safleoedd Ystlumod Wysg SAC, surveys have recorded lesser horseshoe bats on and adjacent to the site and, due to the proximity to the SAC, these bats are considered to contribute to the population for which the Usk Bat Sites/ Safleoedd Ystlumod Wysg SAC is notified. The sHRA considers that although lesser horseshoe bats have been recorded on site, the habitats within the site boundary are used only infrequently by this species with low or no activity at turbine locations. (IR 16)
34. The assessment finds there is an absence of effect pathways on the SAC due to the distance of known lesser horseshoe roosts and important commuting or foraging habitat (located outside the site) from construction and operational areas. Due to the combination of low or low-moderate activity levels and lesser horseshoe bats being a

low collision risk species, the risk of significant effects on lesser horseshoe bat populations due to collision/barotrauma fatalities associated with the proposed development is considered negligible. (IR 17)

35. Having regard to NRW's specialist advice, I am satisfied that the proposal alone or in combination with other projects, would not have a likely significant effect on the integrity or undermining of the conservation objectives of the Usk Bat Sites SAC as there are no known potential pathways to this protected site. (IR 18)
36. I am satisfied the proposed development would not, either alone or in combination with other projects, have a likely significant effect on the integrity of any of the European designated nature conservation sites and therefore it is not necessary to undertake an Appropriate Assessment. (IR 19)

Ecological Features

37. In terms of the national context, the ES confirms that there would be a negligible effect on the Cwm Merddog Site of Special Scientific Interest (SSSI), due to the distance and absence of reasonable impact pathways. The Inspector concludes there would be no effect on the features for which the SSSI has been designated and no significant effect on the Ancient Woodlands as an ecological feature of national importance. The Inspector also concludes there would be no significant effects on the Sites of Importance for Nature Conservation (SINCs) subject to the measures identified in the submitted Habitats Management Plan (HMP) and Construction Environmental Management Plan (CEMP), which would be secured by condition. (IR 152-153)
38. The ES considers it likely that the proposed wind farm would affect the use of the site by bat species and would increase the mortality risk for bats locally. However, the ES concludes such changes would not have any significant effects on local bat populations due to the embedded measures incorporated in the proposed development. The Inspector is of the view that subject to a planning condition to deal with the curtailment and cessation of turbines, it is reasonable to conclude the impact on bat species would be minimised. (IR 154)
39. In terms of ornithology, the Inspector is satisfied that measures, secured by conditions, would ensure there would not be any long-term change in breeding bird populations, and no significant effects. (IR 155)
40. The Inspector is satisfied that a comprehensive assessment of the potential effects arising from the proposed development and other known projects based on currently available information has been carried out. It is noted that consultees including NRW have not raised concerns regarding the methodology for the cumulative assessment and are in agreement with the cumulative conclusions of Chapters 8 and 9, as confirmed in the Statement of Common Ground. (IR 156-160)
41. The Inspector concludes that the proposed development would not have an adverse effect on the integrity of internationally designated sites or unacceptable adverse impacts on national statutory designated sites for nature conservation, protected habitats and species, and it would secure biodiversity enhancement measures to provide a net benefit for biodiversity, and therefore the proposal would be consistent with the aims of FW Policy 18. The Inspector is also of the view that the proposal would also align with the principles outlined in PPW, which identifies the planning system's key role in helping to reverse the decline in biodiversity and increasing the resilience of ecosystems, at various scales, by ensuring appropriate mechanisms

would be in place to both protect against loss and to secure enhancement, not least through the imposition of conditions. Additionally, the Inspector considers the objectives of PPW and the requirements of FW reflect the duties set out in the Environment (Wales) Act 2016 to incorporate biodiversity enhancement measures in addition to necessary ecological mitigation and compensation, in order to achieve a net gain to biodiversity interests of a site. The Inspector therefore consider the proposal is consistent with the aims of national and local planning policy in this regard. (IR 161)

42. Following receipt of the Inspector's report, the Welsh Ministers published an update to Chapter 6 of PPW. I have considered the Inspector's report and its assessment of ecology considerations in light of this policy update.
43. The scheme has been through a number of design iterations, informed by ecological surveys, and includes embedded design measures to avoid and mitigate harmful environmental effects. I note the proposal would result in the temporary and permanent loss of a limited area of habitat within certain SINCS. An assessment of the effects of the proposal on SINCS is provided in the ES and concludes for each SINC there would be no effect on their integrity or conservation status, subject to securing the mitigation, enhancement and management measures outlined in the Construction Environmental Management Plan (CEMP) and Habitat Management Plan.
44. The proposal would also involve some limited tree clearance. However, there would be no removal of trees or vegetation listed on the Ancient Woodland Inventory (AWI) and a landscaping scheme, to include detailed planting plans, would be secured by planning condition.
45. The policy update to Chapter 6 of PPW states that non-statutory designations do not preclude appropriate developments where there are no adverse impacts on the features for which a site is designated and on wider ecosystem resilience. Based on the environmental information available, the Inspector's assessment of ecological impacts and securing the mitigation, enhancement and management measures identified in the Habitats Management Plan (HMP) and Construction Environmental Management Plan (CEMP), I am satisfied the proposal complies with the requirements in national planning policy. I am satisfied that the policy update to Chapter 6 of PPW does not have a material impact on the Inspector's assessment. I am also content the scheme would result in a net benefit for biodiversity, to be secured by planning conditions, and addresses the section 6 duty in the Environment (Wales) Act 2016.

Impact on Living Conditions

Noise

46. An assessment of noise effects has been undertaken in accordance with the ETSU-R-97 Guidance 'The Assessment and Rating of Noise from Windfarms' and 'A Good Practice Guide to the Application of ETSU-R-97 for the Assessment and Rating of Wind Turbine Noise' by the Institute of Acoustics (the ETSU Guidance). (IR 162)
47. The Inspector concurs with the findings of the ES that the implementation of general good-practice noise control measures during construction and decommissioning would ensure no significant effects on receptors. Such measures could be secured through the imposition of a condition requiring details of a CEMP. (IR 163)

48. An assessment of the acoustic impact from operation of the proposed development has been undertaken, considering the identified nearest residential properties. Operational noise levels would lie within the noise limits set by the ETSU Guidance during day-time and night-time, apart from one receptor where minor exceedances of 0.3dB and 0.5dB would be experienced at certain wind speeds during the day-time. In terms of cumulative impacts, exceedances of 0.5 to 1.9dB are predicted at certain wind speeds at one receptor in-combination with other existing and proposed wind farm developments. In its Local Impact Report (LIR), Blaenau Gwent County Borough Council (BGCBC) confirms it considers the submitted Noise Impact Assessment to be robust and that subject to the imposition of mitigation to control the effect on the one location, the proposal would have a neutral effect. (IR 164)
49. The Inspector is of the view, the proposed development, with mitigation in place, would not result in a significant noise effects, subject to conditions controlling noise levels and securing mitigation in the event that noise limits are exceeded. The Inspector concludes that the proposed development would not cause material harm to the living conditions of the occupiers of nearby residential properties by reason of noise impact. It would be compliant with the aims of FW Policy 18, the guidance in PPW and broadly consistent with the aims of LDP Policies DM1 and DM4. (IR 165-166)

Shadow Flicker

50. The Inspector is satisfied that there would be no unacceptable shadow flicker effects arising from the proposed development, subject to an appropriately worded condition requiring the submission and approval of the details of mitigation to prevent nuisance shadow flicker. Consequently, the Inspector concludes the proposed development would not cause material harm to the living conditions of the occupiers of nearby residential properties. The Inspector considers the proposal would therefore be compliant with the aims of FW Policy 18, the guidance in PPW and broadly consistent with the aims of LDP Policies DM1 and DM4. (IR 167-168)

Highway safety

51. The Inspector considers it necessary to require the details of traffic management measures in the form of a Construction Traffic Management Plan (CTMP). Whilst a draft CTMP has been provided as part of the submission documents, the final details would need to be secured through a planning condition. Having regard to the evidence submitted with the application, the Inspector is satisfied that there would not be any unacceptable traffic or highway implications arising from the development. The Inspector considers the proposal would therefore be generally consistent with the aims of national and local planning policy relating to such matters. (IR 169-172)

Benefits

52. The development is estimated to produce sufficient energy to meet the annual electricity needs of approximately 21,100 homes over its operational lifespan. The Inspector considers this represents a substantial contribution to the production of energy from a renewable resource and to the reduction in greenhouse gas emissions. The Inspector notes the concerns of interested parties regarding the sustainability credentials associated with the manufacturing and disposal/ decommissioning of wind turbines. However, the ES outlines a less environmentally damaging decommissioning approach and decommissioning details would be secured by condition. In any event, the Inspector is of the view the generation of energy from a renewable resource would be significant in the context of WG targets and its commitment to address the climate

emergency. At a maximum output of 34MW, the proposed development represents almost a doubling of the installed capacity within Blaenau Gwent and would contribute to the achievement of the Welsh Government's target for 70% of energy consumption to be provided by renewable sources by 2030. It would also reduce CO2 emissions going into the atmosphere by replacing that generated through fossil fuels. (IR 173)

53. The Inspector considers the proposal would offer economic and social benefits and would constitute a large investment in the region during the construction phase (estimated at £13m), providing both direct and indirect job opportunities. Overall, the Inspector considers it likely that the construction of the wind farm would have a moderately positive effect on the socio-economics of the area, given the potential for economic benefit to local construction firms, quarries, accommodation establishments and other local services. (IR 174-175)

Other Material Considerations

54. With regard to matters raised in relation to subsidence and movement within the area, fissures and fault lines within the site, the Inspector notes the submissions acknowledge that past coal mining activity poses a potential risk to the proposed development and that there is a need for further intrusive investigations to allow the potential subsidence risk to be better understood. The Inspector is satisfied that this matter can be dealt with by imposing conditions on any consent granted to ensure that these investigatory works, and any measures necessary to ensure the safety and stability of the project, are carried out prior to development commencing. (IR 176)
55. The Inspector acknowledges that the Phase 1 Geo-environmental desk study has also identified potential sources of land contamination on the site. The Inspector is satisfied that this matter can be dealt with by imposing site investigation conditions on any consent granted to deal with the risks associated with contamination of the site. (IR 177)
56. The application site is located within a Minerals Safeguarding Area, as defined in the adopted LDP. The Inspector is satisfied that the proposal would not conflict with LDP Policies M1, M2, M4 and DM19 to safeguard the County's mineral resource subject to the implementation of the relevant micro-siting condition. (IR 178)
57. In terms of matters in relation to aviation and telecommunications, the Inspector notes that although a desk-based assessment informed the findings of the ES, and measures proposed to ensure no significant effects on aviation or telecommunications would arise, it is noted at the time of its production further consultation was being undertaken with NATS/Cardiff Airport to identify any necessary measures to mitigate effects on radar. Having regard to the indication that mitigation is likely to be available, the Inspector concludes that it is appropriate to deal with this matter by condition. The Inspector is satisfied that conditions dealing with micro-siting and aviation lighting would overcome any outstanding concerns in respect of these matters. (IR 179)
58. The Inspector is satisfied an adequate distance from Network Rail's boundary would be achieved in the unlikely event Turbine 8 were to topple in the direction of the railway. (IR 180)
59. The Inspector notes that a number of Public Rights of Ways cross the site. The Inspector considers that although authorisation for the diversion of PRoW is to be pursued separately with BGCBC, in the event of planning permission being granted, a condition is recommended requiring no development to take place until a scheme for

the protection of PRoW during the construction and operational periods has been submitted to the LPA. (IR 181)

60. The Inspector is satisfied all potential sources of flooding have been considered, with surface water runoff due to increased areas of hardstanding posing the greatest potential flood risk. The submitted Flood Consequences Assessment concludes that the proposed development, together with the proposed flood risk management measures, would not be subject to an unacceptable level of risk, nor would there be potential increased flood risk elsewhere. The Inspector concludes the construction, operation and decommissioning of the proposed development is not expected to result in any significant effects on the water environment. (IR 182)

Other Matters

61. Representations have been made by interested parties regarding the identification of the PAAs for wind farm development without any notable or significant public consultation. The basis on which the national policy position in relation to wind farm development was derived is not for this application, albeit FW was developed with public engagement and consultation. In any event, the site's location within a PAA does not mean planning permission has automatically been granted, but that there is a presumption in favour of large-scale wind energy development in these areas. The proposal has been assessed on its individual merits. (IR 183)

Conditions

The Inspector's consideration of the recommended planning conditions is set out in IR 184 – 186. I am satisfied the recommended conditions meet the relevant tests set out in Welsh Government Circular 016/2014 "The use of planning conditions for development management".

Planning Balance

62. The Inspector notes FW is clear that decision makers must give significant weight to the need to meet Wales' international commitments and the target of generating 70% of energy used from renewable sources by 2030. The proposed development would see the generation of up to 34MW of renewable energy which would support the electricity needs of approximately 21,100 homes each year over its operational lifespan. The Inspector therefore considers the proposed development would make a meaningful contribution to WG's commitment to developing large scale renewable and low carbon energy to meet future energy needs and combat the climate emergency. In addition, the Inspector considers the development would also offer social and economic benefits. However, the Inspector acknowledges that the benefits of contributing to energy targets and economic benefit must be balanced against any adverse impacts. (IR 187)
63. The acceptance of some degree of landscape change is outlined in FW Policy 17 with the identification of PAAs for Wind Energy development, therefore the Inspector concludes that the development could be accommodated within the landscape in an acceptable manner. Whilst the Residential Visual Amenity Assessment finds that there is no change which would lead to the residential areas becoming an unattractive place to live when judged objectively and in the public interest, the visual effects of the development would be locally significant and adverse. Therefore, overall, the Inspector affords this harm moderate weight. (IR 188)

64. The Inspector notes the moderate to significant adverse effects of the proposed development upon the setting of a Scheduled Monument could not be directly mitigated and, as such, offsetting / compensation measures are proposed. Such measures would not reduce the impact of the development on the setting of the historic asset, although the Inspector recognises that the development would be temporary and the impact reversible, and therefore affords minor weight to this matter. (IR 189)
65. As any impacts can be mitigated by condition, the Inspector considers the development would not cause any material harm to the living conditions of the occupiers of nearby residential properties by reason of noise impact or shadow flicker. (IR 190)
66. The Inspector concludes that the development would not have an unacceptable adverse effect on any internationally designated sites, alone or cumulatively. Furthermore, subject to conditions, the Inspector is satisfied there would be no unacceptable adverse impacts on nationally designated sites for nature conservation, habitats or species. The Inspector also concludes that the proposal would have no effect on the integrity or conservation status of any SINCs, and is satisfied that ecological protection, monitoring and enhancement measures would be provided through relevant planning conditions. (IR 191)
67. The Inspector considers matters of noise impacts, shadow flicker, ecology and highway safety to be neutral in the planning balance. (IR 192-193)
68. Overall, the Inspector gives the benefits of the scheme considerable weight in light of the clear support for such contributions in Policies 17 and 18 of FW which sets out Welsh Government's approach to promoting the increased production of renewable energy in a way that seeks to strike an appropriate balance with the protection of other relevant interests. (IR 194)
69. The Inspector is satisfied the proposed development complies with Future Wales which is the most recently adopted part of the development plan and contains the most directly relevant policies for renewable energy projects of national significance. The proposal would not conflict with the LDP. The Inspector concludes the proposal complies with the development plan. (IR 195)
70. The Inspector recommends planning permission is granted for the development, subject to conditions.

Decision

71. I agree with the Inspector's appraisal of the main considerations, the conclusions of the IR and the reasoning behind them, and I accept the recommendation. Therefore, I hereby grant planning permission for DNS/3270299, subject to the conditions in the Annex to this decision letter.

Well-being of Future Generations (Wales) Act 2015 (WFG Act)

72. The Welsh Ministers must, in accordance with the WFG Act, carry out sustainable development. This includes taking all reasonable steps to meet their well-being objectives.
73. I have considered the extent to which granting planning permission meets the Welsh Government's well-being objectives. I recognise there will be some temporary negative environmental effects during construction and decommissioning phases. Although these impacts would be mitigated through the Construction Environment Management Plan (CEMP) they would have a limited negative effect on the objective of making our cities, towns and villages even better places in which to live and work.
74. However, overall the decision would have a positive effect on the objectives to "Build an economy based on the principles of fair work, sustainability and the industries and services of the future", "Build a stronger, greener economy as we make maximum progress towards decarbonisation" and "Embed our response to the climate and nature emergency in everything we do". The effect of this decision on the other objectives is neutral.
75. In reaching my decision on the application, I have taken into account the ways of working set out at section 5(2) of the WFG Act and 'SPSF1: Core Guidance, Shared Purpose: Shared Future – Statutory Guidance on the WFG Act'.

Looking to the long-term

76. The decision takes account of the long-term objective and commitment of Welsh Government's target to generate 70% of consumed electricity by renewable means by 2030 to combat the climate emergency.

Involving people/Collaborating with others

77. Within the framework of a statutory decision-making process, which is governed by prescribed procedures, the application was subject to publicity and consultation, providing the opportunity for public and stakeholder engagement. Representations received through these procedures have been considered and taken into account in making a determination on this application.

Taking an integrated approach

78. The decision has taken account of the development plan and its integration of economic, social and environmental strands across spatial scales. It has also taken account of the objectives of those public sector organisations involved in the consultation process which are pursuing their own well-being objectives under the WFG Act such as NRW.

Prevention

79. The decision takes account of the need to increase renewable energy production and combat the climate emergency, as well as increasing energy security.

Reasonable steps

80. I have considered whether, having regard to the Welsh Ministers' wellbeing duty, it would be reasonable to take a different decision. I note the alternative decision would be to refuse planning permission for the development. This would negatively impact on the objective to "Build an economy based on the principles of fair work, sustainability and the industries and services of the future", "Build a stronger, greener economy as we make maximum progress towards decarbonisation" and "Embed our response to the climate and nature emergency in everything we do". The effect of this alternative decision on the other objectives would be neutral. Consequently, I consider the decision to grant planning permission subject to conditions is a reasonable step in meeting the Welsh Ministers' well-being objectives.

Environmental Information

81. I have taken the Environmental Statement and all other environmental information provided into account in the consideration of this application, as required by the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017.

82. A copy of this letter has been sent to Blaenau Gwent County Borough Council.

Yours sincerely



Julie James AS/MS
Y Gweinidog Newid Hinsawdd
Minister for Climate Change

ANNEX

DNS/3270299 - Conditions

1. This development shall be begun within 5 years from the date of this decision.

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

2. The development shall be carried out in accordance with the following approved plans and documents unless otherwise specified or required by Conditions 3-38 listed below:
 - Figure 1 – Site location, Drawing 42863-WOOD-XX-XX-FG-J-0047_S2_P01.1.
 - Figure 2 – Overall site layout, Drawing 42863-WOOD-XX-XX-FG-J-0036_S2_P01.1.
 - Figure 3 – Typical wind turbine, Drawing 42863-WOOD-XX-XX-FG-J-0037_S2_P01.1.
 - Figure 4 – Typical wind turbine foundation, Drawing 42863-WOOD-XX-XX-FG-J-0038_S2_P01.1.
 - Figure 5 – typical wind turbine crane hardstanding, Drawing 42863-WOOD-XX-XX-FG-J-0039_S2_P01.1.
 - Figure 6 – Typical internal site track cross section, Drawing 42863-WOOD-XX-XX-FG-J-0040_S2_P01.1.
 - Figure 7 – Typical cable trench details, Drawing 42863-WOOD-XX-XX-FG-J-0041_S2_P01.1.
 - Figure 8 – Typical switch room and substation compound, Drawing 42863-WOOD-XX-XX-FG-J-0042_S2_P01.1.
 - Figure 9 – Substation building elevations, Drawing 42863-WOOD-XX-XX-FG-J-0049_S2_P01.1.
 - Volumes 1- 4 Pennant Walters Mynydd Carn y Cefn Wind Farm Environmental Statement
 - Preliminary Ecological Appraisal, by Wood Group UK Limited, dated September 2022
 - Technical note: Mynydd Carn y Cefn (Ref. DNS/3270299) - Minerals Additional Information & High-Level Review, By WSP, 2023.
 - Further information response – MSA and site layout, Drawing 42863-WOOD-XX-XX-FG-J-0050_S2_P01.
 - Mynydd Carn y Cefn Windfarm - Geotechnical Site Investigation Review, By Integral Geotechnique, dated 23 February 2023.
 - Technical note: Mynydd Carn y Cefn Wind Farm – Construction Mitigation Monitoring strategy, by WSP, May 2023, Document Ref: 62280938 – CMMS – 20230509 – V3.
 - Pennant Walters Mynydd Carn y Cefn Wind Farm Geological Model: Assessment of Mining Related Constraints, by Wardell Armstrong, dated March 2023.
 - Appendix 8B: Bat Survey Report' by Wood Group UK Limited, dated January 2022
 - Appendix 8H: Outline Habitat Management Plan' by Wood Group UK Limited, dated September 2022
 - Further information response – Appendix 12a Annex B, comprising:
 - Swept Path Analysis Pinch Point 1, Drawing 4263-WOOD-XX-XX-DR-OT-0001_S0, Revision P01.
 - Swept Path Analysis Pinch Point 2, Drawing 4263-WOOD-XX-XX-DR-OT-0002_S0, Revision P01.

- Swept Path Analysis Pinch Point 3, Drawing 4263-WOOD-XX-XX-DR-OT-0003_S0, Revision P01.
- Swept Path Analysis Pinch Point 4, Drawing 4263-WOOD-XX-XX-DR-OT-0004_S0, Revision P01.
- Swept Path Analysis Pinch Point 5, Drawing 4263-WOOD-XX-XX-DR-OT-0005_S0, Revision P01.
- Swept Path Analysis Pinch Point 6, Drawing 4263-WOOD-XX-XX-DR-OT-0006_S0, Revision P01.
- Swept Path Analysis Pinch Point 7, Drawing 4263-WOOD-XX-XX-DR-OT-0007_S0, Revision P01.
- Swept Path Analysis Pinch Point 8, Drawing 4263-WOOD-XX-XX-DR-OT-0008_S0, Revision P01.
- Swept Path Analysis Pinch Point 9, Drawing 4263-WOOD-XX-XX-DR-OT-0009_S0, Revision P01.
- Swept Path Analysis Pinch Point 10, Drawing 4263-WOOD-XX-XX-DR-OT-0010_S0, Revision P01.
- Swept Path Analysis Pinch Point 11, Drawing 4263-WOOD-XX-XX-DR-OT-0011_S0, Revision P01.
- Swept Path Analysis Pinch Point 12, Drawing 4263-WOOD-XX-XX-DR-OT-0012_S0, Revision P01.

Reason: To clarify the scope of this permission.

3. This planning permission shall endure for a period of 30 years from the date when electricity is first exported from the wind turbines to the electricity grid ('First Export Date'). Written notification of the First Export Date shall be provided by the developer to the Local Planning Authority no later than 1 calendar month after that event.

Reason: This is a temporary development with a maximum duration of 30 years, in accordance with LDP Policy DM4.

4. All the wind turbines shall be of a three bladed configuration and not exceed an overall hub height of 105m and blade tip height of 180m. The turbines shall not display any prominent name logo, symbol, sign or advertisements on any external surface. The colour and finish of the turbines shall be submitted to and approved by the Local Planning Authority prior to their erection.

Reason: In the interests of visual amenity, in accordance with LDP Policy DM1.

5. Not later than 12 months prior to the end of this permission, as defined in Condition 3, a decommissioning and site restoration scheme, informed by a full ecological survey of the site, shall be submitted for the written approval of the Local Planning Authority.

The decommissioning and site restoration scheme shall make provision for, the removal of the wind turbines and associated above ground infrastructure approved under this permission and details of the depth to which the wind turbine foundations will be removed.

The survey report shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of decommissioning and then implemented as approved. The report shall include ecological mitigation measures, as appropriate, based on the ecological assessment findings to be followed during decommissioning and for a period of 5 years from the completion of the decommissioning and restoration.

The approved scheme shall be fully implemented within 12 months of the expiry of this planning permission, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that obsolete structures do not adversely affect the environment in the interests of the character and visual amenity of the area, in accordance with LDP Policies DM1 and DM4.

6. In the event that a wind turbine hereby permitted fails to produce electricity supplied to the grid for a continuous period of 12 months, a scheme shall be submitted to the Local Planning Authority for written approval within 3 months of the end of the 12-month period, for the repair or removal of the turbine. The scheme shall include, as relevant, a programme of remedial works where repairs to the turbine are required. Where removal is necessary the scheme shall include a programme for removal of the turbine and associated above ground works approved under this permission, details of the depth to which the wind turbine foundations will be removed and for site restoration measures following the removal of the relevant turbine. The scheme shall thereafter be implemented in accordance with the approved details and timetable.

Reason: In the interests of the character, appearance and visual amenity of the area, in accordance with LDP Policies DM1 and DM4.

7. No development, including vegetation clearance, shall commence until a micro-siting protocol has been submitted to and approved in writing by the Local Planning Authority. The protocol shall accord with the joint agency guidance on 'Bats and Onshore Wind Turbines – Survey, Assessment and Mitigation' (Nature Scot et al, August 2021) and in particular paragraph 7.1.2 thereof.

The protocol shall set out a methodology for deciding on micro-siting of all elements of the development hereby approved to minimise the impact of the development. The protocol shall provide for the detailed layout of all turbines, being located within 50m of the locations shown on the approved plans and the internal wind farm tracks and other infrastructure to be sited within 100m. Any turbine locations not in accordance with joint agency guidance requiring additional measures to safeguard bat populations to be agreed, submitted to and approved in writing by the local planning authority.

The specific location of the turbines, access track and associated infrastructure shall be submitted to and approved in writing by the Local Planning Authority prior to the erection of the first turbine. The details shall clarify the extent of the permanent/temporary land take and/or changes that would result in degradation and/or loss of habitat.

A plan showing the position of the turbines and tracks established on the site shall be submitted to the Local Planning Authority within one month of the First Export Date.

Reason: To ensure that an approved turbine micro-siting plan is implemented to protect bats affected by the development, in accordance with LDP Policies DM4 and DM14.

8. Notwithstanding the submitted plan (listed as Figure 2 of Condition 2) and Condition 7:
 - (i) Turbine 8 shall be micro-sited to a location which provides a minimum of 50m buffer between blade tip and the existing Abertillery to Rhymney SHF

Microwave Link. The location shall be submitted to and agreed in writing by the LPA before any foundations of any turbine are laid/set.

- (ii) Turbine 6's foundations shall not be micro-sited to a position less than 30m from the Cwm Preferred Area (as defined by the BGCBC LDP).

Reason: To ensure that the development does not affect existing telecommunications infrastructure and to protect the identified mineral safeguarding area, in accordance with LDP Policies DM4 and DM19.

9. Prior to the commencement of development a Construction Traffic Management Plan (CTMP) consistent with the ES Appendix 12B CTMP by Wood Group UK Ltd dated September 2022 shall be submitted to and approved in writing by the Local Planning Authority. The CTMP shall contain (but not limited to) the following information:

- (i) Introduction - background; number of turbines; scope of TMP;
- (ii) Context - relevant studies relating to TMP proposals; other proposed wind farm developments that may be using a similar access route(s) where information is available;
- (iii) Description of Route - Detailed description of the access route and any proposed route restrictions;
- (iv) General construction Traffic - details of all non-abnormal loads forecast to travel to and from the site; route choice or different types of load throughout the construction programme; anticipated times of movement through traffic sensitive and/or residential areas; and
- (v) Public Awareness - proposals for consultation with and notification to the travelling public and local communities

Reason: In the interests of the highway safety and free flow of traffic in accordance with LDP Policies DM1 and DM4.

10. Prior to the commencement of any deliveries to the site an Abnormal Load Transport Management Plan (ALTMP) to specifically deal with the delivery of the turbine components consistent with ES Appendix 12A Abnormal Indivisible Load (AIL) Access Study by Wood Group UK Ltd dated September 2022 shall be submitted to and approved in writing by the Local Planning Authority. The ALTMP shall contain (but not limited to) the following information:

- (i) Description of Route - Detailed description of the access route from the port of entry to the site, identifying road types and characteristics; information on other relevant, proposed developments such as other wind farms where this is readily available; plans showing the extent of the route;
- (ii) Convoy Size - number and sizes/details of loads; possible convoy composition including private and police escorts (to be agreed with the police);
- (iii) Traffic Management - to include methodology for moving convoys whilst minimising delay to other traffic; detailed design and location of holding/ overrun areas, including passing places and overnight/longer term layover areas; plans showing points where the police may need to hold other traffic to enable the convoys to pass, such as at junctions or bends; contingency plans in the event of incidents or emergencies;
- (iv) Delivery Times - estimated journey durations based on assumed convoy speeds, including timings for traffic sensitive locations, delays to negotiate constraints and assumed arrival/departure times at residential communities; forecast queues of other traffic in both directions along the route, based on

- background traffic flow data; consideration of turbine deliveries to other wind farms proposing to use similar routes;
- (v) Trial Runs - documented trial run information, mimicking the movement of the longest and widest anticipated loads, witnessed/observed by the relevant highway authorities and police and recorded with full video coverage; and
 - (vi) Consultees for TMP - list to include all affected highway authorities and police forces.

Reason: In the interests of the highway safety and free flow of traffic, in accordance with LDP Policies DM1 and DM4.

11. No turbine components shall be delivered to site until:

- (i) An assessment of the capacity and impact on those structures identified by WG Transport as requiring assessment along the parts of the highway network which shall be utilised during the construction of the development including bridges, culverts, retaining walls, embankments; and
- (ii) Details of any improvement works required to such structures as a result of construction of the development

have been submitted to and approved in writing by the Local Planning Authority. The required improvement works identified in the assessment shall be completed prior to the commencement of any Abnormal Indivisible Load (AIL) deliveries to the development site.

Reason: In the interests of the highway safety and free flow of traffic, in accordance with LDP Policies DM1 and DM4.

12. Condition surveys of all highway features along those parts of the highway network which shall be utilised during the construction of the development shall be undertaken prior to, during and on completion of the construction phase of the development. The survey reports shall be submitted to the Local Planning Authority for approval within 28 days of each corresponding survey being undertaken.

Reason: In the interests of the highway safety and free flow of traffic, in accordance with LDP Policies DM1 and DM4.

13. Prior to the first delivery of any turbine components to the site a scheme to provide for the remediation of any incidental damage directly attributable to the development to the parts of the highway network which will be utilised during the construction of the development including street furniture, structures, highway verge and carriageway surfaces shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved throughout the construction phase of the development and in accordance with a timetable that has first been agreed by the Local Planning Authority.

Reason: In the interests of the highway safety and free flow of traffic, in accordance with LDP Policies DM1 and DM4.

14. No development shall commence until a water quality monitoring plan for the protection of water quality in the watercourses has been submitted to and approved in writing by the Local Planning Authority. The water quality monitoring plan should include:

- (i) Details of the monitoring methods including any baseline monitoring prior to start of construction;
- (ii) Timescales for construction;
- (iii) Timescales for submission of monitoring and interpretative reports to the LPA during construction; and
- (iv) Details of triggers for specific action and any necessary contingency actions, for example the need to stop work, introduction of drip trays, make use of spill kits and shut-off valves.

The water quality monitoring plan shall be carried out in accordance with the approved details during the site preparation and construction phases of the development.

Reason: To ensure necessary monitoring measures are approved prior to commencement of development and implemented to manage any potential adverse impacts of construction on water quality in watercourses, in accordance with LDP Policies DM1 and DM4.

15. Prior to the operation of the development, a long-term monitoring plan for water quality (watercourses and ground water within the site) shall be submitted and approved in writing by the Local Planning Authority. The long-term monitoring plan should include:

- (i) Details of the methods and triggers for action to be undertaken;
- (ii) Timescales for the long-term monitoring and curtailment mechanisms (e.g. a scheme of monitoring for 3 years unless the monitoring reports indicate that subsequent monitoring is or is not required);
- (iii) Timescales for submission of monitoring reports to the Local Planning Authority;
- (iv) Details of any necessary contingency and remedial actions and timescales for actions;
- (v) Details confirming that the contingency and remedial actions have been carried out.

The monitoring plan shall be carried out in accordance with the approved details and within the agreed timescales.

Reason: To ensure necessary monitoring measures are approved to manage any potential adverse impacts on water quality, in accordance with LDP Policy DM1.

16. Prior to the commencement of development details of the foul water drainage system for the site shall be submitted to and approved in writing by the Local Planning Authority. The drainage system shall be completed in accordance with the approved details prior to the first export date and shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.

Reason: In the interests of protecting the water quality, ecology, and amenity of the area, in accordance with LDP Policies DM1 and DM4.

17. No development shall take place until an updated habitat management and protection plan consistent with the Appendix 8H: Outline Habitat Management Plan by Wood Group UK Ltd., dated September 2022, has been submitted to and approved in writing by the Local Planning Authority. The management and protection plan shall include:

- (i) A plan showing wildlife and habitat protection zones;

- (ii) Details of development and construction methods within wildlife and habitat protection zones and measures to be taken to minimise the impact of any works;
- (iii) Details of phasing of construction;
- (iv) Details of invertebrate monitoring, recording, and reporting to the Local Planning Authority;
- (v) A programme of annual bracken reduction; and
- (vi) Methods to control grazing pressures.

The habitat management and protection plan shall be implemented in accordance with the timings approved by the Local Planning Authority and maintained throughout the operational period of the development.

Reason: In the interests of the ecological value of the application site and wider area, in accordance with LDP Policies DM1, DM4 and DM14.

18. No development shall take place on site until an updated Construction Environmental Management Plan (CEMP) consistent with the CEMP by Wood Group UK Ltd, dated May 2023, has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include (but not be limited to) details of:

- (i) Hours of working;
- (ii) The parking of vehicles of site operatives and visitors;
- (iii) Wheel washing;
- (iv) Storage of plant and materials during construction;
- (v) The erection and maintenance of security hoarding;
- (vi) Site lighting;
- (vii) Material management including storage and management of soil, fuel oil and chemical storage, recycling and disposal of waste;
- (viii) Biodiversity protection, mitigation and enhancement measures;
- (ix) Timing and location of works relative to breeding and nesting birds; and
- (x) Details of Public Right of Way closure and signage.

The details and measures contained in the CEMP as approved by the Local Planning Authority shall be adhered to throughout the construction period.

Reason: To safeguard local amenity interests, in accordance with LDP Policy DM4.

19. Before any foundations of any turbine are laid/set, a detailed scheme for the post-construction monitoring of bats at all turbines shall be submitted to an approved in writing by the Local Planning Authority. The scheme shall build upon the principles set out in ES Chapter 8, Table 8.10 and accord with the joint agent guidance 'Bats and Onshore Wind Turbines- Survey, Assessment and Mitigation' (Nature Scot et al, August 2021). It shall include:

- (i) Methods for data gathering and analysis;
- (ii) Location of monitoring;
- (iii) Timing and duration of monitoring;
- (iv) Appropriate persons and equipment to carry out monitoring;
- (v) Timing and format for presenting and dissemination of monitoring results including submission to all data relevant databases;
- (vi) Remedial measures to reduce any impacts identified through monitoring including in respect of turbine curtailment; and

- (vii) Contingency prescriptions that will be carried out in the event of failure to undertake required surveillance.

The scheme shall be implemented in accordance with the approved details upon commencement of operation of one or more of the turbines.

Reason: To protect bats affected by the development area, in accordance with LDP Policies DM1, DM4 and DM14.

20. Before any foundations of any turbine are laid/set details of a turbine curtailment protocol shall be submitted to and approved in writing by the Local Planning Authority. The protocol shall build upon the outline proposals set out in ES Chapter 8, Table 8.10, and be informed by the joint agency guidance 'Bats and Onshore Wind Turbines Survey, Assessment and Mitigation (Nature Scot et al, August 2021). It shall provide for the operation of any turbine to cease immediately in circumstances prescribed by the protocol and in any event whenever the monitoring carried out pursuant to Condition 19 shows activity levels at any turbine to be moderate or above to medium and high risk bat species, using the Ecobat methodology. When operation is re-commenced it shall accord with the approved turbine curtailment programme.

The protocol shall provide for turbine curtailment programme to include provision for ongoing monitoring of the effects of the programme on bat injuries, fatalities and activity at the site, and shall provide for the preparation of an adjusted curtailment programme to accord with the results recorded. Where monitoring shows that the impact on bats is unacceptable in the reasonable opinion of the local planning authority, operation shall cease immediately until the adjusted curtailment programme has been submitted to and approved in writing by the Local Planning Authority. Upon recommencement of operation of the turbine, the turbine operation shall comply with the adjusted curtailment programme as approved.

Reason: To protect bats affected by the development in accordance with LDP Policies DM1, DM4 and DM14.

21. The turbine blades on all turbines shall at all times be feathered to reduce rotation speeds to below 2 rpm while idling, in accordance with paragraph 7.1.3(a) of the joint agency guidance 'Bats and Onshore Wind Turbines – Survey, Assessment and Mitigation' (Nature Scot et al, August 2021).

Reason: To protect bats affected by the development, in accordance with LDP Policies DM1, DM4 and DM14.

22. No development, including site clearance, shall commence until all pre-construction bird surveys carried out in accordance with section 2.1 of the Construction Mitigation Monitoring Strategy by WSP, dated May 2023, have been submitted to and approved in writing by the Local Planning Authority. The results of the survey(s) together with proposed mitigation measures and a timescale of implementation shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the protection of species in accordance with LDP Policies DM1, DM4 and DM14.

23. During the construction and operation of the development hereby approved, the results of monitoring reports as set out in Section 2.2 of the Construction Mitigation Monitoring Strategy by WSP, dated May 2023, together with any mitigation including timetable for

implementation shall be submitted to and approved in writing by the Local Planning Authority. Mitigation shall be carried out in accordance with the approved details and within agreed timescales.

Reason: To ensure the protection of species, in accordance with LDP Policies DM1, DM4 and DM14.

24. No development shall take place until a Phase 2 Geo Technical Site Investigation has been carried out in accordance with a methodology first submitted to and approved in writing by the Local Planning Authority and which shall include the geographical scope of the site investigation. The results of the site investigation shall be submitted to the local planning authority before any development begins. If any land instability issues are found during the site investigation, 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 measures shall be carried out prior to the first beneficial use of the development in accordance with the approved details and retained in perpetuity.

Reason: In the interests of health and safety and to ensure the development does not cause or exacerbate any land stability issues on the site or wider area, in accordance with LDP Policy DM1.

25. If during the course of development, any unexpected land instability issues are found within the geographical scope of the site investigation which were not identified in the site investigation referred to in condition 23, additional measures for their remediation in the form of a remediation scheme shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures which shall be retained in perpetuity.

Reason: In the interests of the health and safety and to ensure the development does not cause or exacerbate any land stability issues on the site or wider area, in accordance with LDP Policy DM1.

26. No development, shall commence until the following components of a scheme to deal with the risks associated with contamination at the site, has been submitted to and approved in writing by the Local Planning Authority: (i) A site investigation scheme, based on the preliminary risk assessment/desk study to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site. (ii) The results of the site investigation and the detailed risk assessment referred to in (i) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken. (iii) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (ii) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. The remediation strategy and its relevant components shall be carried out in accordance with the approved details.

Reason: To ensure the risks associated with contamination at the site have been fully considered prior to commencement of development and that necessary remediation measures and long-term monitoring are implemented to prevent unacceptable risks from contamination, in accordance with LDP Policy DM1.

27. Prior to the beneficial operation of the development a verification plan demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include a long-term monitoring and maintenance plan for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be carried out in accordance with the approved details.

Reason: To ensure the methods identified in the verification plan have been implemented and completed and the risk associated with the contamination at the site has been remediated prior to beneficial operation, in accordance with LDP Policy DM1.

28. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping. The submitted scheme shall include: (i) indications of all existing trees (including spread and species) and hedgerows on the land clearly identifying those to be lost or retained; (ii) measures for the protection of retained trees or hedges throughout the course of development; (iii) details of ground preparation, planting plans, number and details of species; (iv) maintenance details for a minimum period of 5 years; and (v) a phased timescale of implementation.

Reason: To ensure submission of an appropriate landscaping scheme in order to protect the character and appearance of the area, in accordance with LDP Policy DM2.

29. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first beneficial operation of the first turbine; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To ensure timely implementation of an appropriate landscaping scheme, in accordance with LDP Policy DM2.

30. No development shall take place until the applicant, or their agents or successors in title, has secured agreement for a written scheme of historic environment mitigation which has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the programme of work will be fully carried out in accordance with the requirements and standards of the written scheme.

Reason: To identify and record any features of archaeological interest discovered during the works and to mitigate the impact of the works on the archaeological resource, in accordance with LDP Policies DM4 and SP11.

31. Prior to the commencement of development, details of the compensation measures for St Illtyd's Mound as detailed in ES Appendix 7E, shall be submitted to, and approved in writing by the Local Planning Authority. The compensation measures shall be installed in accordance with the approved details, unless otherwise agreed in writing

within one month of the first beneficial operation of the first turbine and shall be retained as such thereafter.

Reason: In the interest of protecting and promoting the archaeological resource, in accordance with LDP Policies DM4 and SP11.

32. Prior to the commencement of development, details of a mechanism and /or control module to reduce shadow flicker shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be operated in accordance with the approved details.

Reason: In the interests of residential amenity, in accordance with LDP Policies DM1 and DM4.

33. The rating level of noise imissions from the combined effects of the wind turbines (including the application of any tonal penalty) when determined in accordance with the [attached] Guidance Notes, shall not exceed the values for the relevant integer wind speed set out in Appendix 1, at any dwelling which is lawfully existing or has planning permission at the date of this permission.
- a. The wind farm operator shall continuously log power production, wind speed and wind direction, all in accordance with Guidance Note 1(d) of the LPA's LIR. These data shall be retained for a period of not less than 24 months. The wind farm operator shall provide this information in the format set out in Guidance Note 1(e) to the Local Planning Authority on its request, within 14 days of receipt in writing of such a request.
 - b. No electricity shall be exported until the wind farm operator has submitted to the Local Planning Authority for written approval a list of proposed independent consultants who may undertake compliance measurements in accordance with this condition. Amendments to the list of approved consultants shall be made only with the prior written approval of the Local Planning Authority.
 - c. Within 21 days from receipt of a written request from the Local Planning Authority following a verified complaint to it from an occupant of a dwelling alleging noise disturbance at that dwelling, the wind farm operator shall, at its expense, employ a consultant approved by the Local Planning Authority to assess the level of noise imissions from the wind farm at the complainant's property in accordance with the procedures described in the attached Guidance Notes. The written request from the Local Planning Authority shall set out at least the date, time and location that the complaint relates to and any identified atmospheric conditions, including wind direction, and include a statement as to whether, in the opinion of the Local Planning Authority, the noise giving rise to the complaint contains or is likely to contain a tonal component.
 - d. The assessment of the rating level of noise imissions shall be undertaken in accordance with an assessment protocol that shall previously have been submitted to and approved in writing by the Local Planning Authority. The protocol shall include the proposed measurement location identified in accordance with the Guidance Notes where measurements for compliance checking purposes shall be undertaken, whether noise giving rise to the complaint contains or is likely to contain a tonal component, and also the

range of meteorological and operational conditions (which shall include the range of wind speeds, wind directions, power generation and times of day) to determine the assessment of rating level of noise imissions. The proposed range of conditions shall be those which prevailed during times when the complainant alleges there was disturbance due to noise, having regard to the written request of the Local Planning Authority under paragraph (c), and such others as the independent consultant considers likely to result in a breach of the noise limits.

- e. Where a dwelling to which a complaint is related is not listed in the table (Appendix 1) attached to these conditions, the wind farm operator shall submit to the Local Planning Authority for written approval proposed noise limits selected from those listed in the Table to be adopted at the complainant's dwelling for compliance checking purposes. The proposed noise limits are to be those limits selected from the Tables specified for a listed location which the independent consultant considers as being likely to experience the most similar background noise environment to that experienced at the complainant's dwelling. The rating level of noise imissions resulting from the combined effects of the wind turbines when determined in accordance with the attached Guidance Notes shall not exceed the noise limits approved in writing by the Local Planning Authority for the complainant's dwelling.
- f. The wind farm operator shall provide to the Local Planning Authority the independent consultant's assessment of the rating level of noise imissions undertaken in accordance with the Guidance Notes within 2 months of the date of the written request of the Local Planning Authority for compliance measurements to be made under paragraph (c), unless the time limit is extended in writing by the Local Planning Authority. The assessment shall include all data collected for the purposes of undertaking the compliance measurements, such data to be provided in the format set out in Guidance Note 1(e) of the Guidance Notes. The instrumentation used to undertake the measurements shall be calibrated in accordance with Guidance Note 1(a) and certificates of calibration shall be submitted to the Local Planning Authority with the independent consultant's assessment of the rating level of noise imissions.
- g. Where a further assessment of the rating level of noise imissions from the wind farm is required pursuant to Guidance Note 4(c), the wind farm operator shall submit a copy of the further assessment within 21 days of submission of the independent consultant's assessment pursuant to paragraph (d) above unless the time limit has been extended in writing by the Local Planning Authority.

Reason: In the interests of the amenity of the area, in accordance with LDP Policies DM1 and DM4.

- 34. Should the wind turbines be identified as operating above the parameters specified in Condition 33 and Appendix 1, the wind turbines will be modified, limited, or shut down as required to ensure compliance with this condition. These measures shall be applied until such time as maintenance or repair is undertaken sufficient to reduce the absolute noise level of the operating turbines to within the parameters specified.

Reason: In the interests of the amenity of the area, in accordance with LDP Policies DM1 and DM4.

35. Once the Local Planning Authority has received the independent consultant's noise assessment required by Condition 33(f), including all noise measurements and any audio recordings, where the Local Planning Authority is satisfied of an established breach of the noise limits set out in the Tables appended to Condition 33, upon notification by the Local Planning Authority in writing to the wind farm operator of the said breach the wind farm operator shall within 21 days propose a scheme of remediation for the written approval of the Local Planning Authority. The scheme shall be designed to mitigate the breach and to prevent its future recurrence and shall specify the timescales for implementation. The scheme shall be implemented as approved by and according to the timescales within it. The scheme as implemented shall be retained thereafter.

Reason: In the interests of the amenity of the area, in accordance with LDP Policies DM1 and DM4.

36. The turbine model shall not exceed the parameters hereby approved. In the event that the proposed turbines model for installation differs from the machine utilised in ES Chapter 13 Noise, a revised Noise Impact Assessment report shall be submitted, demonstrating that predicted noise levels indicate likely compliance with the noise condition levels stated in Appendix 1 prior to the erection of the first wind turbine. Should the revised assessment show that the limits stated in Appendix 1 be exceeded, a scheme of mitigation shall be submitted to and approved in writing by the Local Planning Authority, demonstrating how compliance with the limits stated in Appendix 1 will be achieved. The scheme of mitigation shall be implemented in full prior to the turbines being brought into beneficial use and shall be retained for the lifetime of the development.

Reason: In the interests of the amenity of the area, in accordance with LDP Policies DM1 and DM4.

37. No development shall take place until a scheme for the protection of PRow during the construction and operational periods, including safety signage and repair of damage caused during construction, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include timescales for implementation and shall be implemented as approved. The measures agreed for the operational phase shall be maintained for the lifetime of the development.

Reason: In the interests of the protection of users of PRow, in accordance with LDP Policy DM4.

38. No turbines shall be erected until a scheme for the mitigation of impact of the wind turbines on the operation of Cardiff Airport primary surveillance radar (the "radar mitigation scheme") has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be operated fully in accordance with the approved radar mitigation scheme throughout the operational life of the development.

Reason: To ensure no unacceptable impacts on radar operations in accordance with FW Policy 18 (8).

Appendix 1: Noise limits

The following tables presents the recommended noise limits for the Mynydd Carn-y-Cefn Wind Farm in isolation at the noise sensitive receptor (NSR) locations as listed within Table 13.16 of the Environmental Statement (ES), Chapter 13. The levels have been based upon the identified ETSU-R-97 limits (Table 13.21 and 13.22 of the ES) minus the noise levels from all wind farms except Mynydd Carn-y-Cefn. The resultant level provides the headroom available for Mynydd Carn-y-Cefn.

Table 1 Daytime (07:00 – 23:00) Wind turbine noise limits (dB LA90,T) for Mynydd Carn-y-Cefn, derived in accordance with ETSU-R-97, per Standardised 10m Wind Speed (ms⁻¹)

NSR	Standardised 10m Wind Speed (ms ⁻¹)								
	4	5	6	7	8	9	10	11	12
R1	41.3	41.0	40.5	40.3	40.3	41.6	42.6	42.6	42.6
R2	41.4	41.2	40.9	40.7	40.7	41.9	42.9	42.9	42.9
R3	39.8	39.6	39.3	40.0	42.1	44.5	47.2	50.5	54.3
R4	39.8	39.6	39.2	39.9	42.0	44.4	47.2	50.5	54.3
R5	39.8	39.6	39.4	40.1	42.1	44.5	47.2	50.5	54.3
R6	39.8	39.6	39.4	40.1	42.1	44.5	47.2	50.5	54.3
R7	39.8	39.6	39.3	40.0	42.0	44.4	47.2	50.5	54.3
R8	39.6	39.4	39.0	39.3	41.3	43.8	46.8	50.3	54.2
R9	39.9	39.8	39.7	39.6	40.5	40.5	40.5	40.5	40.5
R10	39.9	39.8	39.6	39.5	40.4	40.4	40.4	40.4	40.4
R11	39.7	39.5	39.1	38.8	39.9	39.9	39.8	39.9	39.9
R12	39.9	39.7	39.6	39.4	40.4	40.4	40.4	40.4	40.4
R13	44.9	44.8	44.6	44.5	44.5	44.5	44.5	44.5	44.5
R14	39.7	39.5	39.1	39.0	40.0	40.0	40.0	40.0	40.0
R15	43.8	43.6	43.4	43.3	43.3	43.4	43.4	43.4	43.4
R16	43.8	43.6	43.4	43.3	43.3	43.4	43.4	43.4	43.4
R17	43.8	43.6	43.4	43.3	43.3	43.4	43.4	43.4	43.4
R18	43.7	43.4	43.0	42.7	42.7	42.9	42.8	42.8	42.8
R19	43.8	43.6	43.4	43.3	43.3	43.5	43.5	43.5	43.5
R20	43.8	43.7	43.6	43.5	43.5	43.7	43.7	43.7	43.7

Table 2 Night-time (23:00 – 07:00) Wind turbine noise limits (dB LA90,T) for Mynydd Carn-y-Cefn, derived in accordance with ETSU-R-97, per Standardised 10m Wind Speed (ms⁻¹)

NSR	Standardised 10m Wind Speed (ms ⁻¹)								
	4	5	6	7	8	9	10	11	12
R1	42.9	42.7	42.3	42.2	42.2	42.7	42.7	42.7	42.7
R2	42.9	42.8	42.6	42.5	42.4	42.9	42.9	42.9	42.9
R3	42.9	42.8	42.7	42.6	42.5	42.5	44.1	45.9	47.4
R4	42.9	42.8	42.6	42.5	42.5	42.4	44.1	45.9	47.4
R5	42.9	42.8	42.7	42.6	42.5	42.5	44.1	45.9	47.4
R6	42.9	42.8	42.7	42.6	42.5	42.5	44.1	46.0	47.4
R7	42.9	42.8	42.7	42.5	42.5	42.4	44.0	45.9	47.4
R8	42.8	42.7	42.5	42.2	41.8	41.4	43.2	45.4	47.0

R9	42.9	42.9	42.9	42.8	42.8	42.8	42.7	42.8	42.8
R10	42.9	42.9	42.8	42.7	42.7	42.7	42.7	42.7	42.7
R11	42.9	42.8	42.6	42.4	42.4	42.4	42.4	42.4	42.4
R12	42.9	42.9	42.8	42.7	42.7	42.7	42.7	42.7	42.7
R13	44.9	44.8	44.6	44.5	44.5	44.5	44.5	44.5	44.5
R14	42.9	42.8	42.6	42.5	42.5	42.5	42.5	42.5	42.5
R15	42.8	42.7	42.4	42.3	42.3	42.2	42.2	42.2	42.2
R16	42.9	42.7	42.4	42.3	42.3	42.3	42.2	42.2	42.2
R17	42.9	42.7	42.4	42.3	42.3	42.3	42.2	42.2	42.2
R18	42.8	42.4	41.8	41.6	41.6	41.5	41.5	41.5	41.5
R19	42.9	42.7	42.4	42.3	42.3	42.3	42.3	42.3	42.3
R20	42.9	42.8	42.7	42.6	42.6	42.6	42.6	42.6	42.6

Notification of initiation of development and display of notice

You must comply with your duties in section 71ZB (notification of initiation of development and display of notice: Wales) of the Town and Country Planning Act 1990. The duties include the following:

Notice of initiation of development

Before beginning any development to which this planning permission relates, notice must be given to the Local Planning Authority in the form set out in Schedule 5A to the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 or in a form substantially to the like effect. The form sets out the details which must be given to the Local Planning Authority to comply with this duty.

Display of notice

The person carrying out development to which this planning permission relates must display at or near the place where the development is being carried out, at all times when it is being carried out, a notice of this planning permission in the form set out in Schedule 5B to the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 or in a form substantially to the like effect. The form sets out the details the person carrying out development must display to comply with this duty.

The person carrying out development must ensure the notice is:

- (a) firmly affixed and displayed in a prominent place at or near the place where the development is being carried out;
- (b) legible and easily visible to the public without having to enter the site; and
- (c) printed on durable material. The person carrying out development should take reasonable steps to protect the notice (against it being removed, obscured or defaced) and, if need be, replace it