



Trecelyn Wind Farm

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# Draft Environmental Statement

Appendix 1B – Scoping Opinion



November 2023

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# DNS: EIA Scoping Direction

## CAS-02114-J9X4S6: Trecelyn Wind Farm

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## Contents

1. Introduction.....	3
2. Site Description .....	3
3. Proposed Development .....	3
4. History .....	4
5. Consultation .....	4
6. Environmental Impact Assessment Approach .....	4
6.1 Baseline .....	6
6.2 Reasonable Alternatives .....	6
6.3 Currency of Environmental Information.....	6
6.4 Cumulative Effects .....	6
6.5 Mitigation .....	7
6.6 Population and Human Health .....	7
6.7 Transboundary Effects.....	7
6.8 Topics Scoped In but not subject to a standalone chapter.....	8
7. Environmental Impact Assessment Aspects.....	8
7.1 Aspects Scoped In .....	8
Landscape and visual .....	8
Historic Environment .....	8
Biodiversity .....	8
Ornithology .....	8
Water Environment.....	8
Ground Conditions.....	8
Traffic and Transport .....	8
Noise .....	8
Shadow Flicker .....	8
Aviation.....	8
Air Quality .....	8
Major accidents and disasters .....	8
8. Table 1: Planning and Environment Decisions Wales Comments.....	9
9. Other Matters .....	19
9.1 Habitats Regulation Assessment .....	19
9.2 SuDS Consent.....	19
Appendix 1: Consultee Responses .....	20

**This Scoping Direction is provided on the basis of the information submitted to Planning and Environment Decisions Wales on 16 August 2022, in addition to consultation responses received. The advice does not prejudice any recommendation made by an Inspector or any decision made by the Welsh Ministers in relation to the development, and does not preclude the Inspector from subsequently requiring further information to be submitted with the submitted DNS application under Regulation 24 of [The Town and Country Planning \(Environmental Impact Assessment\) \(Wales\) Regulations 2017](#) (as amended) (“The 2017 Regulations”).**

## 1. Introduction

Planning and Environment Decisions Wales (PEDW) received a request under [Regulation 33](#) of the 2017 Regulations for a Scoping Direction in relation to a proposed wind farm consisting of up to 5 wind turbines and associated infrastructure. The scheme has the generating capacity of up to 20 MW. The proposal is brought forward by Pennant Walters Ltd.

The request was accompanied by a Scoping Report (SR) '[Trecelyn Wind Farm - EIA Scoping Report ' \(August 2022\)](#) that outlines the proposed scope of the Environmental Statement (ES) for the proposed development.

PEDW is authorised to issue this Scoping Direction on behalf of the Welsh Ministers.

This Direction has been prepared in accordance with the requirements of the 2017 Regulations as well as current best practice towards preparation of an ES. In accordance with the 2017 Regulations PEDW has consulted on the SR and the responses received from the consultation bodies have been duly considered in adopting this Direction.

## 2. Site Description

The proposal is located on three parcels of land, approximately 500 m south of the settlement of Hafodyrynys, near Newbridge. Newbridge is approximately 1.2 km to the west of the site. The site measures approximately 86 ha and is directly adjacent to another DNS site – Mynydd Maen Wind Farm (DNS 3276725).

## 3. Proposed Development

The proposed scheme is outlined in paragraph 1.1.2 of the SR and it is noted as comprising:

- Up to 5 wind turbines;
- Substation and transformer housing;
- Temporary construction compound;
- Temporary site office;
- Crane pads and cabling; and
- Access track construction.

The wind farm is split between three parcels of land, and these parcels will be connected through underground cabling before connecting to the 132 kV line. The proposal is to have an operational life of approximately 30 years, by when either a replacement permission would be sought or the site decommissioned.

The scope of the EIA should include all elements of the development as identified in the SR, both permanent and temporary, and this Scoping Direction is written on that basis.

In line with the requirements of [Regulation 17](#) and [Schedule 4](#) to the 2017 Regulations, any reasonable alternatives considered should be presented in the ES. The reasons behind the selection of the chosen option should also be provided in the ES, including where environmental effects have informed the choices made.

## 4. History

The proposed site is pastoral and is in agricultural use. No other information relating to the site's history is included in the SR.

## 5. Consultation

In line with [Regulation 33\(7\)](#) of the 2017 Regulations, formal consultation was undertaken with the following bodies:

- Caerphilly County Borough Council (CCBC);
- Natural Resources Wales (NRW);
- Cadw;
- Transport Directorate of the Welsh Government;
- Dwr Cymru / Welsh Water;
- South East Wales Fire and Rescue Service; and
- NATS.

Due to the proximity of the site to Torfaen County Borough Council (TCBC) as well as Blaenau Gwent County Borough Council (BGCBC) these LPAs were also consulted; PEDW has not received a response from BGCBC.

Responses received are included in **Appendix 1**.

## 6. Environmental Impact Assessment Approach

The Applicants should satisfy themselves that the ES includes all the information outlined in [Schedule 4](#) of the 2017 Regulations. In addition, the Applicant should ensure that the Non-Technical Summary includes a summary of all the information included in Schedule 4. Consider a structure that allows the author of the ES and the appointed Inspector and Decision Maker to readily satisfy themselves that the ES contains all the information specified [Regulation 17](#) and Schedule 4 of the 2017 Regulations. Cross refer to the requirements in the relevant sections of the ES, and include a summary after the Contents page that lays out all the requirements from the Regulations and what sections of the ES they are fulfilled by.

As the assessments are made, consideration should be given to whether standalone topic chapters would be necessary for topics that are currently proposed to be considered as part of other chapters, particularly if it is apparent that there are significant effects and a large amount of information for a particular topic.

There may also be topic areas scoped out of the ES where the developer may wish to include application documents that sit outside of the ES and provide information that will support their consultation(s) and the decision-making process. The developer is encouraged to liaise with key consultees regarding non-ES application documents which are not a legislative requirement of the DNS regime. If agreement cannot be reached over non-ES application documentation, then the developer may wish to explore whether PEDW can help provide clarity via its statutory pre-application advice service.

The ES should focus on describing and quantifying significant environmental effects. Policy considerations / arguments relating to those impacts should be addressed in other documentation supporting the application (e.g. a Planning Statement), which cross references the ES where necessary. This does not imply that ES chapters should not be prepared in accordance with relevant advice in policy documents (e.g. Technical Advice Notes), rather that the ES should concentrate on identifying significant effects on the environment rather than dealing with policy arguments or exhaustively listing policies.

**Rochdale Envelope:** Whilst not specifically raised in the SR for this project, PEDW has previously been asked whether the '[Rochdale Envelope](#)' approach is appropriate for a DNS application for wind turbine development. Whilst this approach may be appropriate for the pre-application Environmental Impact Assessment work, it should be noted that a DNS application is an application for full planning permission under the Town and Country Planning Act 1990 (as amended). It is therefore not possible to submit a DNS application with as much uncertainty over what is proposed as is acceptable for an Outline application, or for a Development Consent Order under the Planning Act 2008. At the point of application, the following matters should be clear:

- Number of turbines
- Locations of the turbines (subject to micro-siting considerations)
- Maximum tip height
- Maximum hub height

It is open to the applicant to propose that final hub height and rotor diameter could be left to be dealt with via a written submission to the Local Planning Authority, as a pre-commencement condition (should planning permission be granted) provided the condition specifies that the hub height must not exceed (x) m and the rotor diameter shall not exceed (y) m. As with other conditions, the applicant should seek to agree a suitable form of wording with the Local Planning Authority, which can be submitted for the appointed Inspector's consideration.

The Applicant should also consider that, in some cases, different methods of construction may lead to different significant effects. This is particularly relevant in wind farm projects where different type of foundations may be required. The ES should be clear that the worst-case scenario is addressed consistently in terms of development footprint including construction areas.

Once that level of certainty is reached for the application, the ES should be reviewed and if necessary updated to ensure it properly captures the impacts of the application being submitted. If the applicant has any further queries about the scope for flexibility in the DNS application process, they should contact PEDW.

**Scoping Flexibility:** PEDW is content with the ES being prepared on the basis of design parameters (e.g. dimensions of solar panels and associated infrastructure), but the locations of

infrastructure should be fixed (subject to micro-siting) and the ES should assess the relevant worst-case scenario for each aspect chapter. PEDW is content that the scoping is based on a maximum scale of development as a worst-case scenario, and revisions can be made to the scheme prior to submission, but the Applicant is advised to contact PEDW where substantial changes are expected, or where changes would affect the worst-case scenario.

## 6.1 Baseline

[Schedule 4](#) of the 2017 Regulations states that the 'baseline scenario' is "A description of the relevant aspects of the **current** state of the environment" (emphasis added). The baseline of the ES should reflect actual current conditions at the time of submission, insofar as is possible.

## 6.2 Reasonable Alternatives

In line with the requirements of [Regulation 17](#) and [Schedule 4](#) to the 2017 Regulations, any reasonable alternatives studied by the Applicant should be presented in the ES. The reasons behind the selection of the chosen option should also be provided in the ES, including where environmental effects have informed the choices made.

It is worth bearing in mind that under the [Conservation of Habitats and Species Regulations 2017](#) ("the Habitats Regulations") unless it can be clearly shown to the Welsh Ministers that the project would have no adverse effect on the integrity of any designated sites, it would have to be shown that there is no feasible alternative solution (see advice note from [IEMA](#)). Further advice regarding the Habitats Regulations is provided in the final chapter of this Scoping Direction.

## 6.3 Currency of Environmental Information

For all environmental aspects, the applicant should ensure that any survey data is as up to date as possible and clearly set out in the ES the timing and nature of the data on which the assessment has been based. Any study area applied to the assessments should be clearly defined. The impacts of construction, operation and decommissioning activities should be considered as part of the assessment where these could give rise to significant environmental effects. Consideration should be given to relevant legislation, planning policies, and applicable best practice guidance documents throughout the ES.

The ES should include a chapter setting out the overarching methodology for the assessment, which clearly distinguishes effects that are 'significant' from 'non-significant' effects. Any departure from that methodology should be described in individual aspect assessment chapters. Where professional judgement has been applied this should be clearly stated.

The ES topic chapters should report on any data limitations, key assumptions and difficulties encountered in establishing the baseline environment and undertaking the assessment of environmental effects.

## 6.4 Cumulative Effects

The Planning Inspectorate's guidance for Nationally Significant Infrastructure Projects – [Advice Note 17: Cumulative Effects Assessment](#) sets out a staged process for assessing cumulative



impacts which the Applicant should follow when preparing the list of projects for inclusion in the ES; the Applicant should ensure that relevant schemes identified are addressed in the ES using the tiered approach set out in Advice Note 17. Best practice is to include proportionate information relating to projects that are not yet consented, dependent on the level of certainty of them coming forward. The SR states that an assessment will be made of the likely significant cumulative effects in combination with other developments considering schemes which are subject to a planning application but not yet determined, consented schemes, schemes under construction or that are operational, however this is not for each receptor type; only landscape and visual impact. The ES should include a clear rationale for what receptor types have been included. It may be necessary to include other forms of development that could have cumulative impacts with those arising from this proposal, not just wind or solar energy.

Effects deemed individually not significant from the assessment, could cumulatively be significant, so inclusion criteria based on the most likely significant effects from this type of development may prove helpful when identifying what other developments should be accounted for. The criteria may vary from topic to topic.

Best practice is to include proportionate information relating to projects that are not yet consented, dependent on the level of certainty of them coming forward.

All of the other developments considered should be documented and the reasons for inclusion or exclusion should be clearly stated. Professional judgement should be used to avoid excluding other development that is close to threshold limits but has characteristics likely to give rise to a significant effect; or could give rise to a cumulative effect by virtue of its proximity to the proposed development. Similarly, professional judgement should be applied to other development that exceeds thresholds but may not give rise to discernible effects. The process of refinement should be undertaken in consultation with the LPA and other consultees, where appropriate.

The scope of the cumulative assessment should be fully explained and justified in the ES.

## 6.5 Mitigation

Any mitigation relied upon for the purposes of the assessment should be explained in detail within the ES. The likely efficacy of the mitigation proposed should be explained with reference to residual effects. The ES should provide reference to how the delivery of measures proposed to prevent/ minimise adverse effects is secured (through legal requirements or other suitably robust methods) and whether relevant consultees agree on the adequacy of the measures proposed.

## 6.6 Population and Human Health

The Applicant should ensure that the ES addresses any significant effects on population and human health, in light of the EIA Regulations 2017. This could be addressed under the separate topic chapters or within its own specific chapter.

## 6.7 Transboundary Effects

[Schedule 4 Part 5](#) of the EIA Regulations requires a description of the likely significant transboundary effects to be provided in an ES. The ES should address this matter as appropriate.

## 6.8 Topics Scoped In but not subject to a standalone chapter

For such topics it may be helpful to users of the ES if it includes a summary table that signposts the chapters where these matters are addressed.

## 7. Environmental Impact Assessment Aspects

This section contains PEDW's specific comments on the scope and level of detail of information to be provided in the Applicant's ES. Environmental topics or features are not scoped out unless specifically addressed and justified by the Applicant and confirmed as being scoped out by PEDW. In accordance with Regulation 17(4)(c) the ES should be based on this Scoping Direction in so far as the Proposed Development remains materially the same as the Proposed Development described in the Applicant's Scoping Report.

PEDW has set out in this Direction where it has or has not agreed to scope out matters on the basis of the information available at this time. PEDW is content that the receipt of a Scoping Direction should not prevent the Applicant from subsequently agreeing with the relevant consultees to scope such matters out of the ES, where further evidence has been provided to justify this approach. However, in order to demonstrate that the matters have been appropriately addressed, the ES should explain the reasoning for scoping them out and justify the approach taken.

### 7.1 Aspects Scoped In

Subject to the comments provided at Table 1, the following aspects are scoped into the ES:

- Landscape and visual**
- Historic Environment**
- Biodiversity**
- Ornithology**
- Water Environment**
- Ground Conditions**
- Traffic and Transport**
- Noise**
- Shadow Flicker**
- Aviation**
- Air Quality**
- Major accidents and disasters**

## 8. Table 1: Planning and Environment Decisions Wales Comments

ID	Reference in Scoping Report	Issue	Comment
<b>General</b>			
ID.1		Proximity to adjoining DNS case	The applicant's attention is drawn to the information available online for DNS application 3276725 Mynydd Maen, which is seeking to install up to 15 wind turbines on land adjoining this potential site. Any cumulative impacts study (e.g. visual) would need to take this scheme into account.
ID.2		General	The ES needs to include sufficient information to enable the decision maker to determine the extent of any environmental impacts arising from the proposed scheme on legally protected sites and species, including those which may also comprise notified features of designated sites affected by the proposals.
ID.3	1.1.3	Grid Connection	PEDW notes that the grid connection will be to the 132 kV line that passes over land in the sites northern land parcels. Between the three parcels, underground cabling will be used. The Applicant is reminded that all parts of the site, including any cabling trenches would need to form part of the ES and any ground investigation / ecology studies required take this extended area into account. Even if the overhead line is to be delivered via a separate consenting process, it should still be proportionately addressed in the ES for this application.
ID.4		Construction material	The SR notes that a Construction and Environmental Management Plan (CEMP) is required as part of the ES. The ES should include details of the volumes of materials required during construction, with a distinction between materials won on site and imported. The production of waste during construction should be considered. This information should inform aspects assessment consistently throughout the ES.
ID.5		Borrow pits	Borrow pits should be clearly identified, including information regarding the expected borrowed material. Restoration proposals and final land contours should be shown with appropriate cross-section plans. Relevant aspects of the

ID	Reference in Scoping Report	Issue	Comment
			ES should consider whether construction material is won on site or imported, as appropriate, including the production of waste.
<b>Landscape and Visual Impact Assessment</b>			
ID.6		Assessment methodology	PEDW welcomes that the LVIA will be undertaken in accordance with Guidelines for Landscape and Visual Assessment (3 <sup>rd</sup> Edition). Any deviations from this should be proportionately explained in the ES.
ID.7	5.1.1	Residential Visual Amenity Assessment (RVAA)	PEDW welcomes that a RVAA will be included as part of the submission.  It is also noted within Appendix 1 that CCBC also supports this and that the 2 km study area is considered acceptable.
ID.8	5.2.2	Blade to tip height	The Applicants are reminded that the maximum worst-case scenario should be used in the ES, to ensure that any potential impacts are appropriately addressed.
ID.9		LVIA	PEDW agrees with the broad approach highlighted in Section 5 and how the LVIA will be undertaken, however there are areas that need to be developed further.  CCBC notes that additional work is required in terms of additional landscape viewpoints as those included are not sufficient, as well as clearer study area maps. PEDW encourages the Applicant to discuss these additional requirements directly with each of the three LPAs.
ID.10	5.2.21	Natural Resources Wales (NRW) Guidance Note (GN) 46: Using LANDMAP in Landscape and Visual Impact Assessment	The Applicant's attention is drawn to comments made by NRW regarding the use of GN46 contained at Appendix 1. The ES should be produced in accordance with the methodology specified, and any deviation from this must be supported by a robust justification.
ID.11	5.2.30	Visual receptors	PEDW agrees that these visual receptors are used in the LVIA.

ID	Reference in Scoping Report	Issue	Comment
			<p>CCBC has also included an additional 5 (noted at Appendix 1), although this list is not exhaustive and additional guidance should be sought from the LPA.</p> <p>The applicants should continue to liaise with the relevant LPA (i.e. CCBC) and neighbouring LPAs; the applicant may wish to consider consulting the Brecon Beacons National Park Authority (BBNPA).</p>
ID.12	5.2.31 / Table 5.1	Cumulative assessment	<p>PEDW would like to remind the Applicant that not only should the adjoining Mynydd Maen scheme be considered, other developments and proposed developments should be considered (e.g. solar farms). The cumulative impact study should not be limited to Wind farms alone.</p> <p>PEDW advises the Applicants to consult directly with the three LPAs to ensure that all potential cumulative impacts are appropriately identified. The approach in NSIP Advice Note 17 should be followed in identifying what proposals should be included. Where relevant proposals / schemes are to be excluded from the ES, a full explanation should be given as to why that decision was made.</p>
ID.13	5.3.3	Photographic viewpoints	The Applicant's attention is drawn to comments made by CCBC regarding the need for baseline photographs, wireframes and visualisations / photomontages across numerous different viewpoints, as well as different receptors (noted under paragraph 5.2.30 of the SR). PEDW agrees with this.
ID.14	5.3.4 & 5.3.10	ZTV	The SR notes that the ZTV will be taken from 23 km radius, however it is noted in CCBC's response contained at Appendix 1 that the study area should be clearly defined at 30 km, with cumulative ZTVs being carried out at a more detailed study area of a 15 km radius. PEDW agrees with this and notes that the LPA suggests that the Applicant produces a draft cumulative ZTV that can be then worked upon by all interested parties. PEDW supports this collaborative working.
ID.15	Table 5.4	Evaluation of Landscape and Visual Effects	The Applicant's attention is drawn to the last paragraph of CCBC's 'Landscape and Visual' comments contained at Appendix 1 relating to the addition of a 'Very High' category. PEDW supports this addition given the location of the site and the proximity to other DNS applications.

ID	Reference in Scoping Report	Issue	Comment
ID.16		AONB	<p>Please see the comments contained at Appendix 1 from NRW, and that there is a need to consider the impact that the proposal will have on the Brecon Beacons National Park, as well as Wye Valley AONB in the LVIA.</p> <p>NRW does note that the Wye Valley AONB can be scoped out of the assessment as it is unlikely that the impact would be significant (as the AONB is 23 km away), and PEDW agrees with this assessment.</p>
<b>Historic Environment</b>			
ID.17		General approach	PEDW agrees with the general approach outlined in this chapter, and would remind the Applicant that the ES process should be iterative. Should any desktop or survey findings require further investigation, the ES should incorporate these in a proportionate manner.
ID.18	6.3.6	Historic landscape	<p>The Applicant is advised that the proposal is within 5 km of two historic parks and gardens; and subsequently a stage 1 assessment would be required on these as well as other defined assets, accordance with 'The Setting of Historic Assets in Wales'.</p> <p>Please see additional comments from Cadw contained at Appendix 1.</p>
ID.19		Archaeological sites	Please see comments from Cadw and CCBC regarding the need to carry out an initial desk-based assessment within the site itself, and the additional studies that may subsequently be required. The applicant should liaise with The Glamorgan-Gwent Archaeological Trust (GGAT) regarding this work.
ID.20		Studies referenced	The Applicant's attention is drawn to the comments made in Appendix 1 by NRW noting that the appropriate methodology and guidance should be referred to in the EIA. NRW have listed these for your consideration and inclusion when formulating the LVIA.

ID	Reference in Scoping Report	Issue	Comment
<b>Biodiversity</b>			
ID.21		Survey information	<p>The Applicant's attention is drawn to comments made by NRW contained at Appendix 1 relating to key habitats, survey types and locations; and the timings of these.</p> <p>The details and findings of these should be clearly and proportionately indicated in the ES.</p>
ID.22	Table 7.4	Bats	The Applicant's attention is drawn to comments made by NRW regarding bats and bat survey guidance.
ID.23	Table 7.4	GCN	NRW and PEDW welcomes the fact that Great Crested Newts will be scoped into the ES. More details regarding these studies can be found in NRW's advice.
<b>Ornithology</b>			
ID.24	8.4.8	Severn Estuary SPA	NRW agrees with the Applicant that further consideration of the impacts of the proposal on the SPA is required. Further information is contained at Appendix 1.
ID.25	8.4.12	Passerine Species	The LPA's Ecologist notes (contained at Appendix 1) that whilst there is a low risk on species such as Skylark, these species should be scoped into the Ornithology Impact Assessment, especially including the construction phase.
ID.26		Over wintering birds	The Applicant's attention is drawn to NRW's comments contained at Appendix 1 regarding the over wintering birds at SSSI Llandegfedd Reservoir, and the need for this to be scoped into the ES. PEDW supports this inclusion.
ID.27		General.	The LPA's Ecologist raises no other concerns with the proposed ornithology or biodiversity studies information provided. PEDW therefore supports this view.
<b>Water Environment</b>			
ID.28	9.2	Guidance	The Applicant's attention is drawn to comments made by NRW that detail additional resources that should be used to inform this section (and any subsequent cross-over chapters) of the ES.
ID.29	9.3.16	Peat	Comments from the Welsh Government's Land Use and Agriculture team are contained at Appendix 1.

ID	Reference in Scoping Report	Issue	Comment
ID.30	Table 9.8	Groundwater depth	NRW note that there may be the potential for local dewatering of ground water to enable the progression of excavations, and that this should be reviewed and any impacts upon groundwaters and surface waters assessed.
ID.31		Impact Assessment and mitigation	NRW notes that impact assessment and mitigation should include a water features survey and groundwater risk assessment. Furthermore, the ES should detail how ongoing protection and enhancement will be secured through the lifetime of the development and operation. PEDW would also add that this should be through to decommissioning stages too.  Detailed comments made on this matter by NRW can be found at Appendix 1.
ID.32	Tables 9.9, 9.10 and 9.11	Definitions of sensitivity	PEDW agrees with the table definitions, and would encourage a dialogue between the SAB, LPA, and NRW should any queries arise from the studies.
ID.33		Comments from Dwr Cymru	The Applicant's attention is drawn to comments made by Dwr Cymru / Welsh Water contained at Appendix 1.
<b>Ground Conditions</b>			
ID.34		Peat	Comments from the Welsh Government's Land Use and Agriculture team are contained at Appendix 1.
ID.35		Additional guidance	See NRW's comments contained at Appendix 1 detailing additional guidance that should be referred to when compiling this chapter.
ID.36		Agricultural Land Classification & Soils	PEDW agrees with this summary and that an ALC survey is not required, however notes that a proportionate summary should be included in the ES regarding the desktop findings. The applicant should note that the Welsh Government's Agricultural Land Use & Soil Policy Team have requested a Soil Physical Characteristics Report and a Soil Management Scheme be included in the ES.
ID.37	10.3.14	Geology	The findings of the BGS survey will need to take into account the nearby Mynydd Maen (DNS ref 3276725) wind farm. This survey may need to be re-run, and an updated report (if required) should be included in the ES.



ID	Reference in Scoping Report	Issue	Comment
ID.38	10.3.20	Coal	Please see comments made by the Coal Authority contained at Appendix 1 relating to the submission of a Phase 1 ground condition report. The Applicant should consult the Coal Authority once the report is ready.
ID.39	10.3.23 – 10.3.29	Contamination	No comments have been provided by the LPA in relation to ground contamination. The Applicant is advised to liaise with the Environmental Health Department directly to ensure that any application takes into account any known potential problems, as well as any additional information that is required for the Phase 1 ground condition report.
ID.40	10.4.3	Decommissioning	<p>NRW considers that decommissioning and the impact should be scoped out of the EIA. PEDW agrees that the information provided does not clearly identify how this conclusion has been met, especially as the ES needs to include what will be left on site after the decommissioning period has been completed. Whilst this is briefly referred to in paragraph 2.3.11, the ES should contain more detailed information regarding the potential impacts.</p> <p><b>Decommissioning and the impacts this will have on ground conditions should be scoped into the ES.</b></p>
ID.41	10.4.4	Mining and water discharge	<p>NRW notes at Appendix 1 that the identification of potential mine water discharges should also be included within scope. Mine workings and impacted water can cover large distances and not all features where water sometimes reaches the surface are identified/mapped.</p> <p>PEDW agrees with this, and the <b>potential of mine water discharge should be scoped into the ES.</b></p>
<b>Traffic and Transport</b>			
ID.42	11.3.1, 11.5.13	Data sources	It is not possible to comment on these paragraphs as there is an error.
ID.43		Abnormal Indivisible Loads	The applicant's attention is drawn to the comments made by the Welsh government Transport Division contained at Appendix 1 which outlines information regarding Abnormal Indivisible Loads and swept paths.

ID	Reference in Scoping Report	Issue	Comment
ID.44		Access widening	Should any paths or access roads need widening, these should be clearly identified within the ES, and should be incorporated into other studies being undertaken (e.g ecology, hedgerows).
ID.45	11.4.4	Decommissioning	PEDW does not agree that the decommissioning of the site will not need to be included in the ES. The ES will need to clearly indicate which parts of the development will remain (e.g. access tracks) once the development has ceased. Alternatively, if the access tracks are to be returned to their previous state, this would need to be clearly and proportionately addressed in the ES.
ID.46			PEDW welcomes the fact that a Construction Traffic Management Plan (CTMP) will be provided as part of the EIA.
<b>Noise</b>			
ID.47	Table 12.2	Cumulative noise assessment	<p>The Applicant is reminded that there is another DNS scheme adjacent to this site, Mynydd Maen (DNS ref 3276725), that needs to be included in the cumulative noise assessment.</p> <p>The LPA also notes that the noise assessment should include wind turbines that are within a 2 km radius that are operational, consented or at the planning stage. Further information is provided in CCBC's comments contained at Appendix 1.</p>
ID.48		Liaison with Environmental Health	<p>PEDW would encourage the Applicant to liaise with the Environmental Health Officers at CCBC, who note that the number and location of baseline noise surveys will need to be agreed.</p> <p>Furthermore, it is noted that borrow pits may be proposed but the location is unknown, thus construction noise may affect nearby properties.</p>
<b>Other considerations</b>			
ID.49	13.2	Shadow Flicker	PEDW notes that in ' <a href="#">Review of Light and Shadow Effects from Wind Turbines in Scotland</a> ' (L.U.C. for climateXchange, 2017) it was found that "there is a lack of evidence to support the use of ten rotor diameters as

ID	Reference in Scoping Report	Issue	Comment
			<p>a cut off, and this is entirely down to misinterpretation of the original reference to this distance.”</p> <p>The SR notes that should any properties be fall within 130 degree segment either north or south, they will be assessed for shadow flicker.</p> <p>Whilst the approach set out in the SR is acknowledged, PEDW does not agree that there is significant rationale to utilise the ten rotor diameters as a cut off for scoping shadow flicker (See section 6 of this report). The ES should provide a clear rationale as to the methodology adopted, and why it is considered appropriate given the scale of turbine proposed. <b>At this stage, it is not possible to agree that this element can be scoped out.</b></p>
ID.50	13.3	PRoW	The Applicant’s attention is drawn to comments made by CCBC’s PRoW Officers, and that additional consultation should be undertaken with other interested parties such as the Open Spaces Society. More information is contained at Appendix 1.
ID.51	13.4	Population and Human Health	<p>PEDW welcomes the stated approach, i.e. no stand alone chapter but a summary table will be provided. While PEDW has not had time to fully synthesise the latest advice from IEMA (17 November 2022) in relation to this topic, the ES should be prepared in line with ‘Effective Scoping of Human Health in Environmental Impact Assessment’, and ‘Determining Significance For Human Health In Environmental Impact Assessment’:</p> <p><a href="https://www.iema.net/resources/blog/2022/11/17/launch-of-the-eia-guidance-for-considering-impacts-on-human-health">https://www.iema.net/resources/blog/2022/11/17/launch-of-the-eia-guidance-for-considering-impacts-on-human-health</a></p>
ID.52	13.7	Major accidents and disasters	As there is the potential for groundworks to be impacted by the additional DNS scheme at Mynydd Maen, alongside the addition of borrow pits and their locations, there is not sufficient information provided to scope this out. <b>At this stage, it is not possible to agree that this element can be scoped out.</b>
ID.53		Aviation - NATS safeguarding	The applicant’s attention is drawn to the comments submitted by NATS contained at Appendix 1. The applicant is advised to contact NATS

ID	Reference in Scoping Report	Issue	Comment
			<p>Safeguarding, Cardiff &amp; Bristol Airports to ensure that the proposal would not negatively impact upon the current operations.</p> <p>Following on from consultation with NATS, there may be a requirement to include elements within the ES. <b>At this stage, it is not possible to agree that this element can be scoped out.</b></p>
ID.54		Air Quality Management Area (AQMA).	<p>It should be noted that the site is within close proximity to Hafordrynys AQMA area. The SR does not mention this, nor does it make any indication on how the proposal will deal with the AQMA.</p> <p>The applicant is advised to consult with CCBC's Environmental Health team to ensure that this is taken into account when route planning, and information contained in the ES that builds upon this and how any impacts are to be mitigated.</p> <p>At this stage, there is <b>insufficient information provided to scope this element out of the ES.</b></p>

## 9. Other Matters

**This section does not constitute part of the Scoping Direction, but addresses other issues related to the proposal.**

### 9.1 Habitats Regulation Assessment

[The Conservation of Habitats and Species Regulations 2017](#) require competent authorities, before granting consent for a plan or project, to carry out an appropriate assessment (AA) in circumstances where the plan or project is likely to have a significant effect on a European site (either alone or in combination with other plans or projects). The competent authority in respect of a DNS application is the relevant Welsh Minister who makes the final decision. It is the Applicant's responsibility to provide sufficient information to the competent authority to enable them to carry out an AA or determine whether an AA is required.

When considering whether or not significant effects are likely, applicants should ensure that their rationale is consistent with the [CJEU finding](#) that mitigation measures (referred to in the judgment as measures which are intended to avoid or reduce effects) should be assessed within the framework of an AA and that it is not permissible to take account of measures intended to avoid or reduce the harmful effects of the plan or project on a European site when determining whether an AA is required ('screening'). The screening stage must be undertaken on a precautionary basis without regard to any proposed integrated or additional avoidance or reduction measures. Where the likelihood of significant effects cannot be excluded, on the basis of objective information the competent authority must proceed to carry out an AA to establish whether the plan or project will affect the integrity of the European site, which can include at that stage consideration of the effectiveness of the proposed avoidance or reduction measures.

Where it is effective to cross refer to sections of the ES in the HRA, a clear and consistent approach should be adopted.

The Planning Inspectorate's guidance for Nationally Significant Infrastructure Projects – [Advice Note 10: Habitat Regulations Assessment relevant to Nationally Significant Infrastructure Projects](#) may prove useful when considering what information to provide to allow the Welsh Ministers to undertake AA.

### 9.2 SuDS Consent

Whilst a separate legislative requirement from planning permission, the Applicant's attention is drawn to the statutory SuDS regime that came into force in Wales in January 2019. The requirement to obtain SuDS consent prior to construction may require iterative design changes that influence the scheme that is to be assessed within the ES and taken through to application. As such, it is recommended that the applicant contact the local SuDS Approval Body early on.

## Appendix 1: Consultee Responses

Tŷ Tredomen,  
Parc Tredomen,  
Ystrad Mynach,  
Hengoed CF82 7WF

Tredomen House,  
Tredomen Park,  
Ystrad Mynach,  
Hengoed CF82 7WF



**Cyfarwyddwr Corfforaethol - Economi a'r Amgylchedd**  
**Corporate Director - Economy and Environment**

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Gemma James  
Planning & Environment Decisions  
Wales  
Crown Buildings  
Cathays Park  
Cardiff  
CF10 3NQ

**Head of  
Regeneration and  
Planning**

Your Ref/Eich Cyf:

Our Ref/Ein Cyf:  
Contact/Cysylltwch

Telephone/Ffon:

E Mail/E Bost:

Date/Dyddiad:

**Pennaeth Adfywio a  
Chynllunio**

DNS CAS-02114-  
J9X4S6

EIASCO/22/0002  
Justin Waite

[REDACTED]

[REDACTED]

30/09/2022

Dear Ms James

**RE: EIA Scoping Consultation Request – Trecelyn Wind Farm, East of Newbridge**

I write in response to your request under regulation 33(7) of the Environmental Impact Assessment (Wales) Regulations 2017 for advice regarding the scope of information to be provided in an Environmental Statement (ES) relating to the above proposed Development of National Significance (DNS) on land at Trecelyn to the east of Newbridge. I apologise for the delay in my response.

The information submitted by the applicant indicates that the proposed wind farm development would comprise of up to 5 wind turbines with a generating capacity of up to approximately 20MW. The proposed wind turbines would have a maximum blade tip height of 145m from ground level and would have an operational life of 30 years. For the purposes of this assessment, it is assumed that the wind farm will be decommissioned at the end of its operational life, with the wind turbines and ancillary infrastructure removed and the site restored to its previous use. Proposed ancillary infrastructure would comprise of the following:

- Substation and transformer housing;
- Underground cabling linking turbines on each parcel of land and connecting to the point of electricity grid connection situated on the northern parcel of land;
- Temporary construction compound;
- Temporary site offices;
- Crane pads; and
- Access track construction.

The site covers an extensive area of land and is split into three land parcels, namely the northern parcel, central parcel and southern parcel. Broadly, the site occupies the western plateau of Mynydd Maen and is generally characterised by grazing land for sheep and to a lesser extent cattle and horses. The three parcels of land are connected by a single minor road that runs in an arc from Abercarn in the south to its junction with the minor road between Newbridge and Hafodyrynys in the north. Some dispersed farm buildings and a farmhouse are also located within the site. An area of common land is located to the east of the northern parcel of land, which also marginally encroaches into the site boundary.

There are no statutory landscape, nature conservation or cultural heritage designations located within the site. A review of the Caerphilly County Borough Local Development Plan up to 2021 (Adopted November 2010) has, however, identified the following local designations and allocations that fall within the site:

- Visually Important Local Landscape (VILL) – NH2.3 Abercarn;
- Sites of Importance for Nature Conservation (SINC) – NH3.123 Pwllgwinau, East of Newbridge (southern parcel only);
- Sandstone Safeguarding Area;
- Mineral Site Buffer Zone – MN1.3 Hafod Fach Quarry (southern parcel only); and
- Safeguarded Cycle Routes – TR1.11 Local Links from Crumlin.

In respect of other constraints affecting the site, high-risk coal mining areas are located in the northern and eastern parts of the northern parcel, as well as the western part of the southern parcel. Also, numerous Public Rights of Way (PRoW) both cross the site and run along the site's periphery.

With regard to other constraints within the vicinity of the site, the boundary of the site adjoins the Mynydd Maen, East of Newbridge SINC (NH3.113), Coed Cil-Lonydd, East of Newbridge SINC (NH3.112), Gwyddon Valley Woodlands, Abercarn SINC (NH3.124), Cwm Hafod-Fach Woodlands, North of Abercarn SINC (NH3.128). In addition, Ancient Semi Natural Woodlands lie adjacent the western and northern boundaries of the site. Finally, an area of recreational land protected as informal open space (LE5.11 Pantiside, Newbridge) is located approximately 370m to the southwest of the site.

In order to determine whether the level of information and environmental assessment methodologies proposed within the submitted Scoping Report (SR) are acceptable, a number of specialist officers have been consulted. A summary of the comments received in relation to specific environmental factors are provided below.

### Landscape and Visual

The general approach to undertaking the Landscape and Visual Impact Assessment (LVIA) as set out in Section 5 of the SR is considered to be acceptable. Moreover, the intention to undertake the assessment in accordance with the Landscape Institute and Institute of Environmental Management and Assessment 'Guidelines for Landscape and Visual Impact Assessment (GLVIA 3 / Third Edition, 2013) is welcomed. It is important that the assessment is undertaken by experienced Chartered Members of the Landscape Institute.



In relation to layout and design, the direct impacts of the proposed wind turbines and all associated infrastructure will need to be fully assessed as part of the LVIA. As part of this assessment, the following supporting information should be provided: suitably scaled plans showing the proposed wind farm layout, including the location and details of the wind turbines and all ancillary infrastructure; and detailed plans showing the typical wind turbine footprint, scale, form and appearance and lighting, as necessary.

In respect of the study area radii and figures showing the Zone of Theoretical Visibility (ZTV), landscape designations and viewpoints, it is considered that these lack clarity and detail at the scales provided. More detailed and larger scale ZTV, landscape designation and viewpoint figures will therefore be required for a 15km study area. An additional viewpoint figure combining both the ZTV and selected viewpoint locations will also be required to enable an appropriate assessment to be made on the suitability of the selected viewpoints and their locations.

The selected viewpoint locations within Caerphilly County Borough are considered to be insufficient for a comprehensive assessment to be made. As such, recommended additional viewpoints from within the ZTV are identified in the table below. Please note that the additional viewpoint locations highlighted are not considered to be an exhaustive list and it is recommended that further discussions are held with the Council's Landscape Architect to agree the final selection of viewpoint locations.

Location	OS Grid Reference	Viewpoint Direction and Distance	Receptor Type
Maes Manor	317456, 198753	Southeast, 7.5km	Historic Parkland and its essential setting.
Cefn Fforest / Blackwood Show Fields.	316748, 197936	East, 8.3km	Residential area and users of the popular recreational area.
Gelligaer Common and Rhymney Valley Ridgeway Walk	312672, 199378	East, 12.3km	Historic Landscape, SLA, and users of the Public Right of Way (PRoW) long distance path.
Caerphilly Common	315365, 185541	Northeast, 15km	SLA, Caerphilly Common, users of the popular viewpoint.
Rhymney Valley Ridgeway Walk	317067, 192902	Northeast, 10km	SLA, users of the PRoW long distance path.

The assessment of the selected viewpoints will need to be supported with baseline photographs, wireframes and visualisations/photomontages. The assessment will also need to consider the effects on the sequential views of those experienced by users of the PRoW network, including key long distance walking and cycling routes within the

ZTV. It should be noted that some PRow are adjacent to or pass through the site and as such, wind turbines will be visible from close, mid and distant range views. The cumulative effect of constantly seeing views of the proposed wind turbines also needs to be addressed.

In terms of cumulative impacts, it is considered that the cumulative impact assessment has the potential to be large and complex and it is important that cumulative effects are addressed as clearly as possible. In particular, regard must be had to existing and consented wind turbines at closer distances and in proximity to one another, as well as instances where receptors (notably residential) view wind turbines from more than one aspect. The study area should be clearly defined at 30km and cumulative ZTVs should also be carried out at a more detailed study area of 15km radius at a suitably detailed scale. The cumulative assessment should include wind turbines that are operational, consented and in the planning system. In respect of the latter, it is noted that the recently submitted DNS Mynydd Maen Wind Farm (DNS/3276725) has not been included in Table 5.1 of the SR. This should be rectified with Mynydd Maen Wind Farm included within the cumulative impact assessment. It is recommended that a draft cumulative ZTV is provided at an early stage in the planning process to allow dialogue and agreement on the number and location of viewpoints, along with accompanying visualisations that will be required.

With regards to residential amenity, it is agreed that a separate Residential Visual Amenity Assessment will need to be undertaken in accordance with The Landscape Institute Technical Guidance Note 2/19 (2019). The 2km study area proposed is also considered to be acceptable as residents within this distance range are likely to experience potentially significant visual effects.

In respect of the evaluation of landscape and visual effects (Table 5.4), it is considered that the use of four differences in the Magnitude of Change and evaluation of Landscape and Visual Sensitivity is insufficient to reflect the complexity of the range of magnitude of change and landscape/visual sensitivity. As such, it is recommended that five categories are used within the matrix, ranging from negligible, low, medium, high to very high.

### Traffic and Transport

Section 11 of the SR indicates that the detailed assessment of the traffic and transport effects will focus on the construction phase of the proposed wind farm development. Whilst this approach is considered to be broadly acceptable, the potential impacts of the operational and decommissioning phases of the development will also need to be addressed as part of any future planning application. For clarity, the following should be considered as part of the traffic and transport assessment:

- Impact on the local highway network during the construction phase;
- Any short-term junction / highway mitigation to accommodate any abnormal loads;
- Haul route to be fully considered and agreed;
- Projected daily vehicle type and numbers;
- Full access details into the site;
- Swept path analysis of proposed largest vehicle using route and access;
- Internal parking / loading and unloading areas;

- Construction staff numbers; and
- Provision of a construction traffic management plan.

### Historic Environment

The scope and method of assessment of the historic environment as set out in Section 6 of the SR is considered to be broadly acceptable. It is, however, recommended that any identified impacts on historic assets, such as the setting of Listed Buildings and/or Scheduled Monuments, are assessed via, among other things, a form of visual assessment which may include photographs, wireframes and visualisations/photomontages.

It is noted that a desk-based assessment of archaeological remains will be undertaken to the Standards and Guidance of the Chartered Institute of Archaeologists. Such an assessment is welcomed. The potential need for further archaeological works will depend on the findings of the desk-based assessment, and depending on the nature of such further works, it may be appropriate to undertake them pre or post-determination of any future planning application. It is also recommended that all archaeological work is carried out by a registered organisation with the Chartered Institute for Archaeologists, or by a full Member of the Chartered Institute for Archaeologists.

### Noise and Shadow Flicker

The approaches to undertaking noise impact and shadow flicker assessments as set out in sections 12 and 13 of the SR respectively are considered to be generally acceptable. Whilst the intention to undertake the noise impact assessment in accordance with ETSU-R-97 is welcomed, the number and location of baseline noise surveys will need to be agreed. In addition, the cumulative impact noise assessment should include wind turbines within a 2km radius that are operational, consented or at the planning stage. As indicated above, the proposed Mynydd Maen Wind Farm should also be included within the cumulative impact assessment.

### Other matters

As indicated above, there are numerous PRoW that lie adjacent to or pass through the site. The proposed wind farm development therefore has the potential to have a negative effect on the users of the local PRoW network, which includes both walkers and equestrians. The extent of the impact on the PRoW network is difficult to discern at this stage as the detailed design and layout of the proposal is yet to be determined. Whilst it is noted that the potential impacts on the PRoW will form part of the LVIA (paragraph 13.3.2 of SR), consideration will also need to be given to how the construction, maintenance and decommissioning phases could directly affect the PRoW network.

It is recommended that the proposed wind farm infrastructure is appropriately set back from existing PRoW to minimize its impacts. However, if the proposal is likely to directly affect a PRoW, consideration should be given to whether the DNS application needs to include any secondary consent for the diversion of a PRoW along with the planning application. In addition, it is advised that the applicant/developer consults the British Horse Society, the Open Spaces Society, the Ramblers and the Green Lane Association in respect of these matters.

I trust the above will be of assistance; however, if you require any clarification or further information, please do not hesitate to contact me.

Yours faithfully,

*JJ Waite*

Justin Waite (Principal Planning Officer)

Hawliau Tramwy  
Cyhoeddus /  
Public Rights of Way

EIASCO/22/0002

Plan 1

# Legend

- Llwybr Troed /  
Footpath
- Cilffordd  
Gyfyngedig /  
Restricted  
Byway

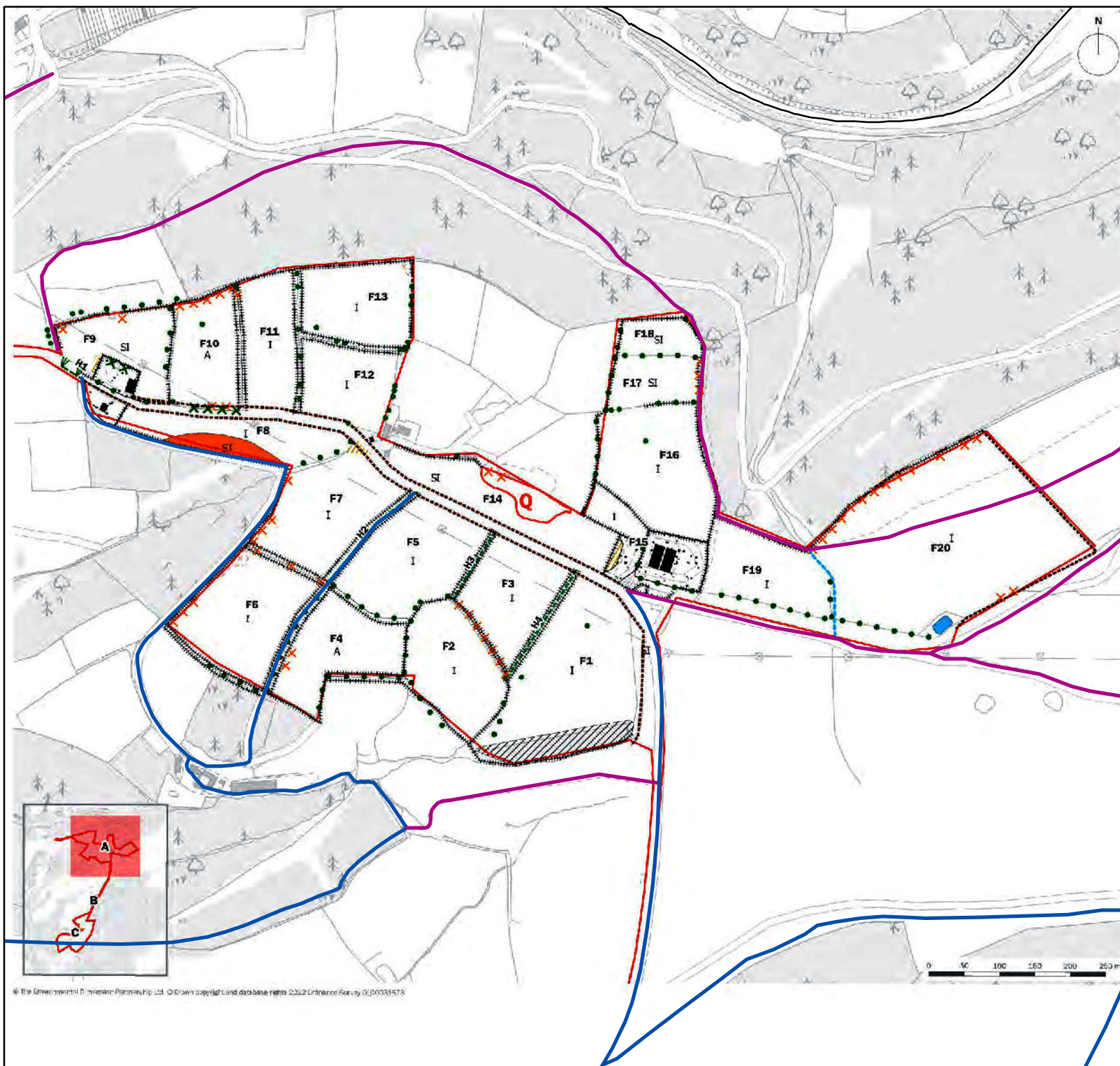
Site B	Field
F1	Confr
Tall R	Scatt
A	Arabl
SI	Serri
I	Impro
SI	Poor
Stand	Build
Build	Bar
Q	Quarr
Scatt	Scatt
Scatt	Scatt
Scatt	Defur
Dry D	Fence
Wall	client
Pennant Walters	project title
Trecelyn Wind Fa	drawing title
Phase 1 Habitat	date
(Sheet 1 of 3)	drawing number
scale	scale
edp	Register office: 01285 7

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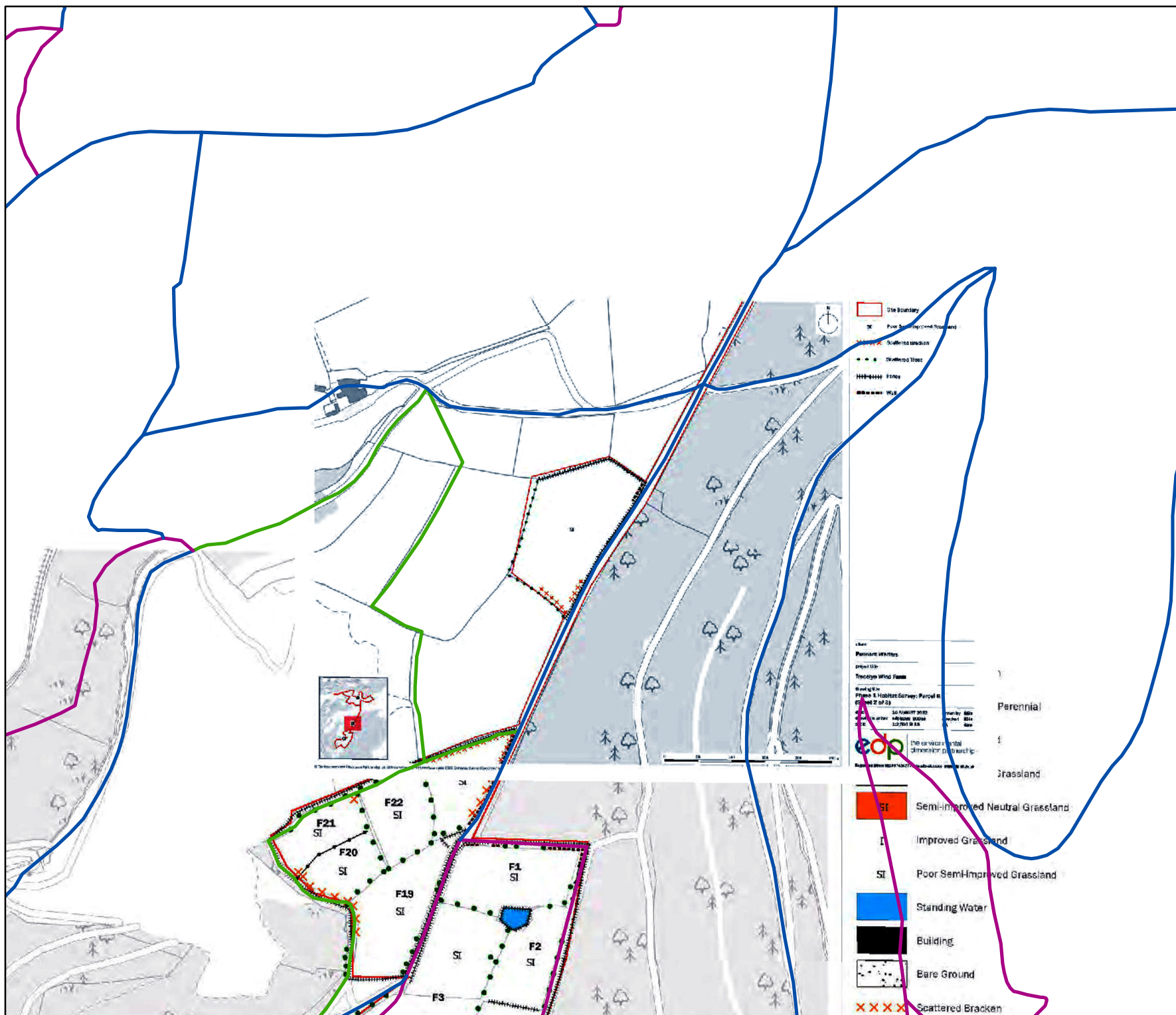
Hawliau Tramwy  
Cyhoeddus /  
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EIASCO/22/0002

Plan 2

# Legend

- Llwybr Troed /  
Footpath
- Llwybr Ceffyl /  
Bridleway
- Cilffordd
- Gyfyngedig /  
Restricted  
Byway



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EIASCO/22/0002

Plan 3

## Legend

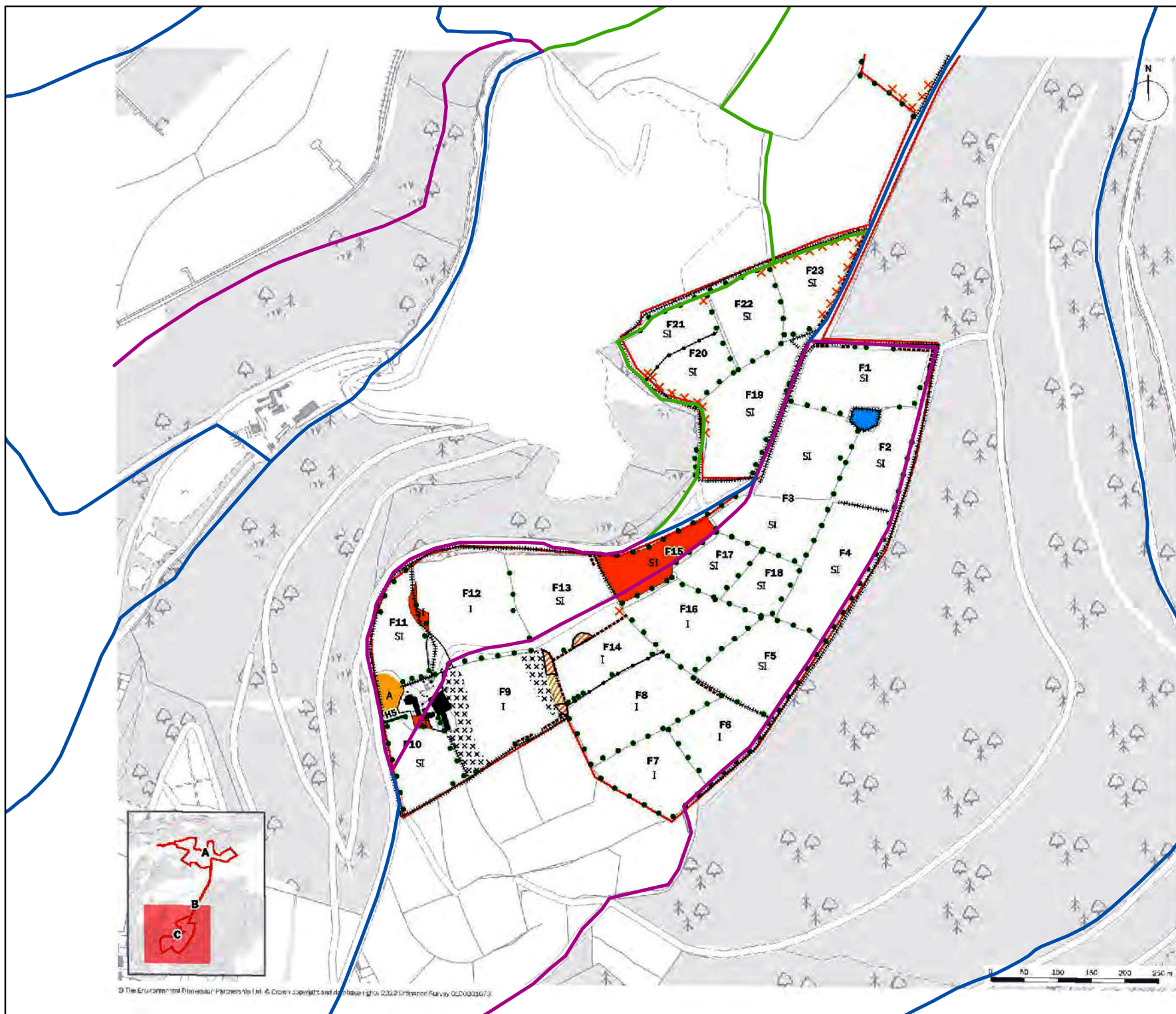
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Footpath
- Llwybr Ceffyl /  
Bridleway
- Cilffordd
- Gyfyngedig /  
Restricted  
Byway

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**From:** Waite, Justin

**Sent:** 05 October 2022 08:46

**To:** James, Gemma

**Cc:** Wilcox, Adeline

**Subject:** FW: DNS CAS-02114-J9X4S6 - EIA Scoping Consultation: Trecelyn Wind Farm

Good morning Gemma,

Further to the email below, the Council's Ecologist has now reviewed the Scoping Report and stated that the range of ecological surveys are welcomed and the results and conclusions to date are broadly agreed. However, whilst it is acknowledged that the risk of operational impacts on passerine species, such as Skylark, are likely be low, it is recommended that such species are scoped in to the Ornithology Impact Assessment as the construction phase has considerable potential to have a negative impact.

I trust the above is of assistance.

Kind regards,

Justin



Your ref/Eich cyf:

Our ref/Ein cyf: 22/P/0628/STAT

Date/Dyddiad: 13 October 2022

Please contact/Cysyllter â: Mr Simon Pritchard

Direct line/Llinell ffôn:

Direct fax/Llinell ffacs:

Email/Ebost: [planning@torfaen.gov.uk](mailto:planning@torfaen.gov.uk)

Gemma James - Case Officer  
Planning and Environment Decisions Wales  
Welsh Government

Dear Gemma,

**RE: The construction and operation of up to 5 wind turbines up to 145m in height to blade tip and generating up to 20MW of electricity together with associated infrastructure.**

**AT: East Of Newbridge And Accessed Via Twyn Road To The South And Indirectly From The A472 To The West**

Thank you for the consultation on the above EIA Scoping request made to you under Regulation 33 of the Town and Country Planning (Environmental Impact Assessment (Wales) Regulations 2017, in respect of a 'Development of National Significance' (DNS) for Trecelyn Wind Farm. The site address: East of Newbridge and accessed via Twyn Road to the south and indirectly from the A472 to the west. The proposal comprises the construction and operation of up to 5 wind turbines up to 145m in height to blade tip and generating up to 20MW of electricity together with associated infrastructure. The site lies to the North west of Hafodyrynys and West of Newbridge.

The submitted Scoping Report (SR) provides details of the proposed works, consideration of the likely significant effects on the environment, the assessment methodologies to assess these effects, and confirmation of what they believe should be scoped in and out of the EIA. The SR has been circulated to TCBC's internal consultees. A list of consultees and their responses is provided in Appendix A. Further advice on some of the unanswered questions may be given at the pre-application stage.

The consultee response received have been included below and the approach set out in the scoping report is generally acceptable. Some additional comments have been made by some consultees which the applicant is advised to take into account when preparing their Environmental Statement (ES). The proposed EIA covers the main elements required by the regulations and provides a good level of detail on how the assessment will be carried out. With regard to Torfaen one of the key considerations is the potential sterilisation of the ridge to the north and east of the site if the proposal were to proceed, therefore preventing potential similar development in Torfaen due to cumulative visual

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impact upon local residential receptors and wider landscape impacts. As outlined in consultee responses we have recently been consulted on a number of DNS applications for wind turbines. Due to their proximity to this site and the potential cumulative impacts then it is advised that these developments are assessed when considering the cumulative impacts of the proposal. The other proposals, particularly at Mynydd Maen which is potentially close enough to be perceived as one joint wind farm with the Trecelyn proposal. The Scoping Report confirms that the Cumulative Impact Assessment will include those other wind farm proposals that are currently at Scoping Stage and this approach is supported. There are no additional sites requested for inclusion in Table 5.1.

Torfaen County Borough Council, in conjunction with Blaenau Gwent County Borough Council commissioned TACP to undertake a Landscape and Sensitivity Study which was published by Torfaen in October 2021 and is available on the Council's website. An addendum was further produced considering the relationship between the upland ridge to the north of the proposal site and the Blaenavon Industrial Landscape World Heritage Site which may be of use to the applicants and can be provided upon request. An additional viewpoint within Torfaen at Foxhunter's Car Park is requested on the basis that there is known visibility towards the proposal site at this location.

It is also considered that due to its international quality, the WHS should be referenced within Table 5.3 and its sensitivity should generally be given further consideration / acknowledgement within the LVIA work. Torfaen's Landscape Officer should also be consulted upon the Landscape and Visual Impact section of the scoping report and her advice noted. Advice has also been given in relation to the LVIA, assessing cumulative impacts of other developments already in the DNS.

I can confirm that TCBC as Local Planning Authority, is satisfied the information provided in the Scoping Report provides an acceptable basis for preparing an ES to support an application for this development subject to the comments from the Consultees as set out in Appendix A.

#### **APPENDIX A (Consultation Responses):**

Landscape Officer	No reply received
Ecology Officer	No reply received
Forward Planning (LDP/Policy)	<p>22/P/0628/STAT: Proposal for up to 5 wind turbines and associated infrastructure at Trecelyn, nr Newbridge - DNS-CAS-02114-J9X4S6</p> <p>Comments Based upon Trecelyn Wind Farm Environmental Impact Assessment Scoping Report (Wood Group UK Limited - August 2022)</p> <p>The proposal comprises up to five wind turbines (145 metres to tip height), totalling a maximum of 20 MW) with substation and transformer housing; temporary construction compound; temporary site offices; crane pads and cabling; and access track construction. The site comprises three linked parcels of land</p>

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located on upland approx. 500 metres east of Newbridge, accessed from the A467 to the east and A472 to the north of the site.

It is noted that the applicants have determined that an EIA is required and this consultation is for an EIA scoping request. The proposal comprises a Development of National Significance (DNS) and is therefore submitted to Welsh Ministers for determination.

The principle of wind turbine development in general is supported and it is noted that the site falls within WG Pre-Assessed Area 10. The key consideration for Torfaen is the potential sterilisation of the ridge to the north and east of the site if the proposal were to proceed, therefore preventing potential similar development in Torfaen due to cumulative visual impact upon local residential receptors and wider landscape impacts. There are already several other proposals within the general area, particularly at Mynydd Maen which is potentially close enough to be perceived as one joint wind farm with the Trecelyn proposal. The Scoping Report confirms that the Cumulative Impact Assessment will include those other wind farm proposals that are currently at Scoping Stage and this approach is supported. There are no additional sites requested for inclusion in Table 5.1.

Torfaen County Borough Council, in conjunction with Blaenau Gwent County Borough Council commissioned TACP to undertake a Landscape and Sensitivity Study which was published by Torfaen in October 2021 and is available on the Council's website. An addendum was further produced considering the relationship between the upland ridge to the north of the proposal site and the Blaenavon Industrial Landscape World Heritage Site which may be of use to the applicants and can be provided upon request. An additional viewpoint within Torfaen at Foxhunter's Car Park is requested on the basis that there is known visibility towards the proposal site at this location.

It is also considered that due to its international quality, the WHS should be referenced within Table 5.3 and its sensitivity should generally be given further consideration / acknowledgement within the LVIA work.

Forward Planning would request that Torfaen's Landscape Officer is consulted upon the Landscape and Visual Impact section of the scoping report and her advice noted. These initial comments are given without prejudice to any future consultation response when further details of the proposal are made available.

Highways And Transportation

No reply received

Drainage Officer

As far as I can make out this application does not affect and land drainage or watercourses in Torfaen. There may be a very slight chance that the proposal will affect the watertable of the eastern face of the upland area west of upper Cwmbran and

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Rydym yn croesawu gohebiaeth yn Gymraeg a Saesneg. Cewch ateb Cymraeg i bob gohebiaeth yn Gymraeg ac ni fydd yn arwain at oedi.

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Environmental Health

Fairwater, but until definite plans are submitted this is only speculation on my part Hope this helps

Public Health note that the Environmental Impact scoping report, when dealing with cumulative effects of other proposed windfarms, has not identified the proposed 15 turbine, Mynydd Maen Wind farm within table 5.1, table 12.2, figure 5.4 and figure 5.5. It maybe that the reason for the omission is that this proposal was made after March 2022, however due to the proximity of the 2 proposed wind farms it will be important to include it in the assessment of cumulative effects. Public Health advise that an addendum to the EI Scoping report is submitted to include this.

Yours sincerely

**Mr Simon Pritchard**

**RHEOLI DATBLYGAU / DEVELOPMENT MANAGEMENT  
NEIGHBOURHOODS, PLANNING & PUBLIC PROTECTION/CYMDOGAETHAU,  
CYNLLUNIO A DIOGELU'R CYHOEDD**

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**THIS DOCUMENT IS AVAILABLE IN LARGER PRINT AND BRAILLE UPON REQUEST**

We welcome correspondence in Welsh and English. Correspondence received in Welsh will be answered in Welsh and will not lead to delay.

*Rydym yn croesawu gohebiaeth yn Gymraeg a Saesneg. Cewch ateb Cymraeg i bob gohebiaeth yn Gymraeg ac ni fydd yn arwain at oedi.*

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23/09/2022

**Annwyl Syr/Madam / Dear Sir/Madam,**

**TOWN AND COUNTRY PLANNING ACT 1990 THE DEVELOPMENTS OF NATIONAL SIGNIFICANCE (PROCEDURE) (WALES) ORDER 2016 (AS AMENDED) TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) (WALES) REGULATIONS 2017**

**BWRIAD / PROPOSAL: Construction and operation of up to 5 wind turbines up to 145m in height to blade tip and generating up to 20MW of electricity together with associated infrastructure.**

**LLEOLIAD / LOCATION: East of Newbridge and accessed via Twyn Road**

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which we received on 19 August 2022.

We have reviewed the document 'Treclyn Wind Farm, *Environmental Impact Assessment Scoping Report*' dated August 2022 by Wood Group UK Limited.

Description of the Project

Within the Environmental Statement (ES), the proposed scheme should be described in detail in its entirety. This description should cover construction, operational and decommissioning phases as appropriate and include detailed, scaled maps and drawings. We would expect the description to include:

- The purpose and physical characteristics of the proposal
- Location, development size and configuration of the development including flexibility of the site layout
- Procedures for good working practices
- Identification of appropriate pollution contingency and emergency measures for watercourses on site

- Timing of all works and contingency plans should slippage in the programme occur
- Maintenance requirements of structures
- Arrangements for maintenance and management of any habitats within the site
- Artificial lighting requirements, including likely intensity and location of light spill on green infrastructure.

#### Illustrations within the Environmental Statement

Any maps, drawings and illustrations that are produced to describe the project should be designed in such a way that they can be overlaid with drawings and illustrations produced for other sections of the ES such as biodiversity.

Based on the information submitted we provide the following advice in relation to Chapter 5 – Landscape and visual amenity, Chapter 7 - Biodiversity, Chapter 8 - Ornithology, Chapter 9 - Water Environment and Chapter 10 - Ground Conditions.

#### **Chapter 5 - Landscape and Visual Amenity**

Our advice relates to the potential impacts on the Brecon Beacons National Park (the National Park) and Wye Valley Area of Outstanding Natural Beauty (AONB).

The proposal is for 5 wind turbines to a maximum blade tip height of 145m along with associated infrastructure. The proposal is located on upland to the east of Newbridge and lies approx. 5.9km from the boundary of the National Park at its closest point and approximately 23km from the Wye Valley AONB.

#### **Scoping Report Chapter 5 Landscape and Visual Impact Assessment (LVIA)**

The proposal lies within a pre-assessed area for wind energy (PAWE area 10), as defined in Policy 17 - Renewable and Low Carbon Energy and Associated Infrastructure of Future Wales 2040: The National Plan (Future Wales). In these areas there is a presumption in favour of large-scale wind energy development subject to the criteria in Future Wales Policy 18 - Renewable and Low Carbon Energy Developments of National Significance. Future Wales Policy 17 explains all proposals should demonstrate that they will not have an unacceptable adverse impact on the environment. Criterion 1 of Future Wales Policy 18 states that outside of the Pre-Assessed Areas for wind development 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 AONBs). Future Wales Policy 18 also explains the cumulative impacts of existing and consented renewable energy schemes should also be considered.

**Chapter 5** refers to NRW (Natural Resources Wales) Guidance Note (GN) 46: Using LANDMAP in Landscape and Visual Impact Assessment ([Natural Resources Wales / Using LANDMAP in Landscape and Visual Impact Assessments GN46](#)) and refers at 5.2.3 to a search area and study area of 23km radius. GN46 recommends a search area of 23km and study area of 20km for turbines of this height. Figures in the submission e.g. 5.1 show different search and study areas, presumably based on this recommendation.



**Chapter 5 at 5.2.4** considers that significant landscape effects upon LANDMAP aspect areas are unlikely in excess of 10km from the development and at **5.2.5** that significant visual effects are highly unlikely in excess of 10km. It is acknowledged that this may vary and so visual receptors at viewpoints between 10-20km have been included and that viewpoint analysis will establish the maximum distance at which likely significant effects are sustained. This approach does not follow the guidance in GN46, including the filtering process referred to at **5.2.21**. LANDMAP outstanding and high visual and sensory aspect areas, with highly sensitive visual receptors, such as those found in National Parks and AONBs have the potential for significant effects up to 20km. We advise that the filtering process in GN46 is followed, rather than a 10km detailed study area for landscape effects. A cumulative study area of 23km as referenced at **5.3.4** is considered appropriate.

We agree that LANDMAP, the Brecon Beacons National Park Management Plan 2015-20 and Consultation Draft 2022-27, SPG: Landscape and Development (2014) and Landscape Character Assessment [Landscape Character Assessment | Brecon Beacons National Park Authority \(beacons-npa.gov.uk\)](https://www.beacons-npa.gov.uk/landscapenpa/landscapenpa.htm) should be considered in the LVIA. The Landscape Character Areas within the National Park likely to be affected are the Bloreng Summit and Slopes (Landscape Character Area 15) and Mynyddoed Llangatwg and Llangynidr (Landscape Character Area 9).

We agree with the selection of 4 viewpoints (viewpoints 9, 11, 16 and 20) within the National Park.

We agree that the Wye Valley AONB can be scoped out of the assessment. We consider landscape and visual effects at distances over 23km are unlikely to be significant.

**Chapter 5 and Appendix 5.1** refer to the appropriate methodology and guidance, including GLVIA3, NRW GN46, SNH (now NatureScot) guidance 'Visual Representation of Wind Farms' (2017), 'Siting and Designing Windfarms in the Landscape' (2017) and 'Assessing the Cumulative Impact of Onshore Wind Energy' (2012) and Landscape Institute TGN 06/19 Visualisation of development proposals.

## **Chapter 7 – Biodiversity**

### *Protected Sites*

Llandegfedd Reservoir Site of Special Scientific Interest (SSSI) is located approximately 7.5 km from the proposed development site. We consider that this SSSI, notified for its population of over-wintering birds, should be scoped in. We advise the impact on and potential effects of the proposal on the special features of Llandegfedd Reservoir SSSI is incorporated into the Environmental Statement (ES).

### *Protected Species*

The ES for this proposed development should include sufficient information to enable the decision maker to determine the extent of any environmental impacts arising from the proposed scheme on legally protected species, including those which may also comprise notified features of designated sites affected by the proposals.

Evaluation of the impacts of the scheme should include direct and indirect; cumulative; short, medium and long term; permanent and temporary; positive and negative; construction, operational and decommissioning/post operational phases and impacts on long-term site security of the nature conservation resource.

### Description of Biodiversity

The ES should include a description of all the existing natural resources and wildlife interests within and in the vicinity of the proposed development, together with a detailed assessment of the likely impacts and significance of those impacts.

### Key Habitats

We note that an Extended Phase 1 survey was carried out in late March/early April 2020. In general, any habitat surveys should accord with the NCC Phase 1 survey guidelines (NCC (1990) Handbook for Phase 1 habitat survey. NCC, Peterborough). We advise that Phase 1 surveys are undertaken and completed during the summer to ensure the best chance of identifying the habitats present.

### Surveys

We advise that the site and where necessary land adjacent to the site is subject to assessment to determine the likelihood of protected species being present and affected by the proposals. Targeted species surveys should be undertaken for all species scoped in which:

- i. are undertaken by qualified, experienced and where necessary, licensed ecologist(s) and,
- ii. comply with current best practice guidelines. In the event that the surveys deviate from published guidance, or there are good reasons for deviation, full justification for this should be included within the ES.

### Great Crested Newts (GCN)

We note and welcome that GCN are scoped into the ES. We note that ponds within the site itself and on land within 500m of its boundary have been surveyed for GCN with the following ponds indicating presence of the species:

- P2 (6 GCN) and P7 (3 GCN) on site: and
- P1 (13 GCN), P3 (6 GCN) and P4 (1 GCN) within 250m of the site boundary.

We note that the agglomeration of ponds 1, 2, 3 and 4 in parcel A of the development site are considered to support a medium sized breeding population of GCN, with pond 7 (in parcel C) considered to support a separate small breeding population. These results appear to follow on from historic records confirming GCN use of the ponds in the area for some considerable period.

The ES should consider the impacts of the proposals on both aquatic and terrestrial GCN habitat. In respect of terrestrial habitat consideration should be given to habitat within:

- 50m of GCN ponds;
- Within 50-250m of GCN ponds; and
- Within 500m of GCN ponds.



The application should be supported by a detailed GCN Conservation Plan setting out the likely impacts of the proposals on GCN and all of the mitigation and/or compensation that will be carried out to offset the anticipated impacts.

### Bats

Surveys for bats should follow the guidance in:

[Bats and onshore wind turbines - survey, assessment and mitigation | NatureScot](#)

We note and welcome that bat activity surveys of the site have been carried out including:

- transect surveys between May and October 2020, and in April, May and June 2021; and
- automated detector surveys between May and October 2020 and April and October 2021.

We also note that from the results so far, the most use of the site appears to be by pipistrelle bat species; species at high risk of collision with wind turbines.

We advise the ES needs to be informed by an assessment of likely risk of the proposals on bats using the Ecobat tool in the above guidance, with the output clearly indicating if there are turbines and months/seasons posing a particular risk to bats such that mitigation measures may be required.

We note that bat tree and building roost assessments are underway in 2022. These should follow the guidance in BCT's 'Bat Surveys for Professional Ecologists. Good Practice Guidelines (3<sup>rd</sup> Ed). Where safe to do so we recommend that trees with potential to support roosting bats are subject to climbed endoscope inspections. Where impacts to bats are anticipated, we advise the ES documents any proposed mitigation and/or compensation, which may be drawn together in a Bat Conservation Plan.

### Other protected species

We note that otters, water voles and dormice are scoped out of further surveys and assessment.

### Impact Assessment

Should protected species be confirmed, information must be provided identifying the species-specific impacts in the short, medium and long term together with any mitigation and compensation measures proposed to offset the impacts identified.

We advise comprehensive descriptions of the habitats affected are included to support robust conclusions about their significance for the species.

We advise that ES considers significance (both alone and in combination) and where applicable conservation status. In respect of conservation status, we advise consideration to be given to the current conservation status of the relevant species. The ES must demonstrate that there will be no detriment to maintenance of favourable conservation status (FCS) of the species during construction, operational and future decommissioning phases of the scheme.

Where proposals implicate protected species which are also notified features of designated sites (e.g. SAC (Special Areas of Conservation), SSSI), we advise that the ES considers the impacts on those species from both perspectives.

We advise that the ES sets out how the long-term site security of any mitigation or compensation will be assured, including management and monitoring information and long term financial and management responsibility. Where the potential for significant impacts on protected species is identified, we advocate that a Conservation Plan is prepared for the relevant species and included as an Annex to the ES.

### **European Protected Species Licence**

Where a European Protected Species is identified and the development proposal will contravene the legal protection they are afforded, a licence should be sought from NRW. The ES must include consideration of the requirements for a licence and set out how the works will satisfy the three requirements as set out in the Conservation of Habitats and Species Regulations 2017 (as amended). One of these requires that the development authorised will 'not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status (FCS) in their natural range'. These requirements are also translated into planning policy through Planning Policy Wales (PPW) February 2021, section 6.4.22 and 6.4.23 and Technical Advice Note (TAN) 5, Nature Conservation and Planning (September 2009). The decision maker will take them into account when considering the DNS (Development of National Significance) application where a European Protected Species is present.

### **Local Biodiversity Interests**

We defer to the relevant local authority Ecologist(s) on the scope of the work to ensure that regional and local biodiversity issues are adequately considered, particularly those habitats and species listed in the relevant Local Biodiversity Action Plan and are that are considered important for the conservation of biological diversity in Wales.

NRW would expect the developer to contact other relevant people/organisations for biological information/records relevant to the site and its surrounds. These include the relevant Local Records Centre and any local ecological interest groups (E.g. bat groups, mammal groups).

### **Securing Biodiversity Enhancement**

We also advise that, in accordance with the Environment (Wales) Act 2016 and Planning Policy Wales, the application demonstrates how it can deliver biodiversity enhancements and thus contribute to promoting ecological resilience. This is reaffirmed in the Welsh Government letter of 23/10/19 to all Chief Planning Officers.

Finally, we advise that the development is designed to allow protected species to continue to inhabit the site and move through it. Developments such as this have the potential to deliver substantial ecological enhancements over significant areas of the Welsh uplands through, for example, delivery of protected species conservation plans and careful habitat management (E.g. management of grazing regimes).

## Chapter 8 - Ornithology

Overall, we agree with the scope of the EIA and ES. The types of surveys undertaken appear appropriate given the nature of the site.

However, as advised in our review of Chapter 7 Biodiversity, we consider that Llandegfedd Reservoir SSSI, which is notified for its population of over-wintering birds, should be scoped in.

We agree that further consideration is needed, as stated in the Report, with regards to the Severn Estuary Special Protection Area (SPA)/Ramsar and the potential impact on lesser black-backed gulls which is a designated feature.

## Chapter 9: Water Environment

### Guidance and Legislation:

Section 9.2 sets out Policy and Legislation that will be used to inform the ES. We recommend that the resources and guidance listed below are referred to in addition to the that identified in Section 9.2 to inform the ES.

- [The Environment Agency's approach to groundwater protection \(publishing.service.gov.uk\)](https://publishing.service.gov.uk) which NRW now adopt.
- [Water & Land Library \(claire.co.uk\)](https://www.claire.co.uk)
- [Groundwater risk assessment for your environmental permit - GOV.UK \(www.gov.uk\)](https://www.gov.uk) (This is a useful piece of guidance for undertaking groundwater risk assessments and water feature surveys that may be required to assess the impacts to groundwater)
- [Natural Resources Wales / How to comply with Sustainable Drainage Systems \(SuDS\) standards](#)

### Scope

We welcome a review of additional information gathering during subsequent EIA stages to confirm the sites which are considered to be water-dependent and potentially affected by the proposed development.

We welcome the consideration of potential future changes to hydrological and hydrogeological conditions at the proposed development site, due to a number of scenarios including climate change, change in abstractions, changes to Water Framework Directive (WFD) waterbody status and interactions with other new developments. This is an important consideration due to the dynamic nature and response of hydrological and hydrogeological features

We welcome the review of the hydrogeological regime including vulnerability and consideration of the potential impacts upon groundwater quantity, flows and quality and agree this is to remain in scope.

Table 9.8: Depending on the depth the groundwater and the extent of below ground excavation, there may be the potential for local dewatering of groundwater to enable the

progression of excavations. This should be reviewed, and if possible, any potential impacts upon groundwaters and surface waters should be assessed.

Impact assessment and mitigation should include a water features survey and groundwater risk assessment. These sections should also consider adaptation of construction or development methods and techniques as part of mitigation. In line with the wellbeing of future generations act and SMNR (Sustainable Management of Natural Resources) principles, we would suggest that mitigation should include an element of enhancement. I.e. where there are opportunities as part of the development to not only protect the environment from harm opportunities to **enhance** the quality of the environment should also be implemented. The ES should detail how ongoing protection and enhancement will be secured during the lifetime of the development and operation.

It is noted in Sections 10.3.23 – 10.3.29 that current and historical land uses are discussed, and subsequent sections address the relevance of this to potential contaminant fate and transport. This should be further explored and quantified; this may indicate that intrusive investigation, qualitative and quantitative risk assessment and possibly remediation are required as part of the ES. Refer to [Land contamination risk management \(LCRM\) - GOV.UK \(www.gov.uk\)](http://www.gov.uk/guidance/land-contamination-risk-management-lcrm) for further information and guidance on this matter.

We would recommend that groundwater and surface water abstractions within, and in the vicinity of, the study area are reviewed and also that the relevance of any identified abstractions are reviewed.

### **Construction Environmental Management Plan**

We note that a Construction Environmental Management Plan (CEMP) will be produced. We advise this should provide detail on the design and construction methods of any proposed tracks and turbines (including foundation design and likely depth) and the pollution prevention measures that will be put in place to minimise impacts to the water environment. The CEMP should be created following thorough desk study and field surveys and comply with all relevant Guidance for Pollution Prevention (GPPs). To ensure the effectiveness of the CEMP, a water quality monitoring plan should be incorporated to manage any effects on water quality during the construction phase of the proposal. Information will be required on the location of any compounds, storage of oil and the foul drainage arrangements required during site construction and operation.

## **Chapter 10: Ground Conditions**

### Guidance and Legislation:

Section 10.2 sets out Policy and Legislation that will be used to inform the ES. We recommend that the resources and guidance listed below are referred to in addition to the that identified in Section 9.2 to inform the ES.

- [Land contamination risk management \(LCRM\) - GOV.UK \(www.gov.uk\)](http://www.gov.uk/guidance/land-contamination-risk-management-lcrm)

Land Contamination Section starting at 10.3.23 Review of contaminative activities/land uses associated with the development boundaries that could impact upon the environment. This may indicate that intrusive investigation, qualitative and quantitative risk assessment and possibly remediation are required as part of the ES. We welcome the identification of

investigation and risk assessment, with reference to [Land contamination risk management \(LCRM\) - GOV.UK \(www.gov.uk\)](#) within Section 10.5.4 (Risk Assessment).

Out of scope effects, Section 10.4.3: We are unclear as to why decommissioning phase activities have been scoped out of the ES. We consider that they ought to be in scope of the ES.

With regards to the effects of mining, identification of potential mine water discharges should also be included within scope. Mine workings and impacted water can cover large distances and not all features where water sometimes reaches the surface are identified/mapped.

### **Other Matters**

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

We advise the applicant that, in addition to planning permission, it is their responsibility to ensure they secure all other permits/consents/licences relevant to their development. Please refer to our [website](#) for further details.

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

Yn gywir / Yours faithfully

### **Claire McCorkindale**

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

Gemma James  
Case Officer  
PEDW

[PEDW.Infrastructure@gov.wales](mailto:PEDW.Infrastructure@gov.wales)

Eich cyfeirnod  
Your reference

Ein cyfeirnod  
Our reference

Dyddiad  
Date

Llinell uniongyrchol  
Direct line

Ebost  
Email:

DNS CAS-02114-J9X4S6

21 September 2022

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

Dear Gemma,

**PROPOSED DEVELOPMENT: Trecelyn Wind Farm**  
**LOCATION: East of Newbridge and accessed via Twyn Road to the south and indirectly from the A472 to the west**

Thank you for your letter of 19 August asking for Cadw's view on the scope of the Environmental Impact Assessment (EIA) for the above.

Cadw, as the Welsh Government's historic environment service, has assessed the characteristics of this proposed development and its location within the historic environment. In particular, the likely impact on designated or registered historic assets of national importance. In assessing if the likely impact of the development is significant Cadw has considered the extent to which the proposals affect those nationally important historic assets that form the historic environment, including scheduled ancient monuments, listed buildings, registered historic parks, gardens and landscapes.

These views are provided without prejudice to the Welsh Government's consideration of the matter, should it come before it formally for determination.

### Advice

The scoping opinion request is accompanied by a scoping report produced by Wood which includes Section 6 Historic Environment.

The designated historic assets in Annex A are located inside 5km of the proposed development and the submitted ZTV indicates that the turbines may be visible from them. It should be noted that this list includes two registered historic parks and gardens contrary to paragraph 6.3.6 of the scoping report, which states that there are none.

The impact of the proposed development on the setting of all of these designated heritage assets should be carried out in accordance with the Welsh Government guidance given in the document "The Setting of Historic Assets in Wales". We would expect a stage 1 assessment to be carried out for all of the above designated heritage assets, which will determine the need, if necessary, for stages 2 to 4 to be carried out for specific heritage assets.

It is noted that the registered Blaenavon landscape of outstanding historic interest and the registered Rhondda landscape of special historic interest are located inside 10km of the proposed development and that the boundary of the Blaenavon Industrial Landscape World Heritage Site is also inside this distance. It is therefore welcomed that sections 6.4.9 and 6.4.10 indicates that the impact of their settings will be considered in the EIA. It is recommended that the methodology given in "The Setting of Historic Assets in Wales" should be used in determining this impact along with, in the latter case, the advice given in Welsh Government document "Managing Change in World Heritage Sites in Wales".

The scoping report does not include any consideration of the need or not for investigation inside the application area to be carried out to determine if unknown archaeological sites are present. The results of the initial desk-based assessment may indicate that there is a likelihood that archaeological sites are located inside the area and, if this is the case, there may be a need for geophysical surveys and/or archaeological evaluations to be carried out to determine the area and significance of such sites. This work will need to be carried out before the Historic Environment section of the EIA is completed.

Yours sincerely

Jenna Arnold

Diogelu a Pholisi/ Protection and Policy

## Annex A

Within a 5km developer ZTV:

### **Scheduled Monuments**

MM044 Twm-Barlwm Mound and Bailey Castle  
MM096 Fort South of Pen-Llwyn-Fawr  
MM141 St Illtyd Castle Mound  
MM250 Charcoal Blast Furnace at Abercarn  
MM269 Pen y Fan Canal Reservoir

### **Registered Parks and Gardens**

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

### **Listed Buildings**

1866	St Illtyd's Church	II*
1867	Hafod-arthen	II
1882	Church of St Tudor Mynyddislwyn	II*
1883	Beulah Baptist Church and attached wing and gateway	II
1884	Crumlin Viaduct E Abutment Ebbw Valley	II
1885	Former Barn at Croespenmaen	II
1887	Former School Room, New Bethel, and attached wall	II
1889	Former Navigation Colliery Offices	II
1890	Former Navigation Colliery Chimney	II*
1891	Former Navigation Colliery South Winding Engine House	II*
1892	Former Navigation Colliery Lamp Room	II
1893	Former Navigation Colliery Workshops and Stores	II
1894	Former Navigation Colliery North Winding Engine House	II*
1895	Former Navigation Colliery Electrical Outbuilding	II
	Former Navigation Colliery Power House and Pump	
1896	House	II*
1897	Former Navigation Colliery Fan House and Fan Drift	II*
1898	Crumlin Old Farmhouse and abutting barn	II
1899	Cwmdows Farmhouse	II*
1901	Caerllwyn Isaf and attached byre/stable	II
1902	Cyncoed Farm Cottage	II
1903	Church of St Luke	II*
1906	Cwmbrynar aka Cwmbraenar Cottage	II
	Former Navigation Colliery Powder Store and adjoining N	
16425	Rear Revetment Wall	II
	Former Navigation Colliery Heapstead and Main	
16426	Revetment Wall	II
16427	Former Navigation Colliery Middle Revetment Wall	II
16428	Former Navigation Colliery Baths	II
18425	Gelli-Dywyll Farmhouse (also known as Cwmgelli Farm)	II
	T-plan agricultural range at Gelli-Dywyll Farm (also	
18426	known as Cwmgelli Farm)	II
18723	Oakdale Hospital	II
18854	St James's Vicarage	II
20995	Welsh Presbyterian Church	II
20996	Abercarn War Memorial	II
20998	Barn at Rhyswg Fawr	II
21002	Ty Mynydd	II
21254	Crumlin Viaduct W Abutment Ebbw Valley	II
21255	Crumlin Viaduct NE Abutment Cwm Kendon	II



21256	Crumlin Viaduct SW Abutment Cwm Kendon	II
21258	Penrhiwlas	II
21259	Gelli farmhouse and attached farm range	II
21260	Barn at Gelli	II
21261	Church of Christ Church Aberbeeg	II
21262	Viaduct Cottage	II
21263	Llanerch-uchaf farmhouse and attached farm range	II
21264	Barn at Llanerch-uchaf	II
21265	Pentref-y-Groes	II
21266	Barn and byre range at Pen-y-groes 3	II
21267	Rear Revetment Wall S	II
21427	Argoed Baptist Church	II
21498	Church of St Paul	II
21499	Church of Our Lady of Peace and attached Presbytery	II*
21500	Celyn Collieries Workmen's Institute	II
21501	Preswylfa	II
21502	Former Hall's tramroad and railway tunnel E portal	II
21503	Former Hall's tramroad and railway tunnel W portal	II
21504	Pentwyn-isaf	II
21511	Wall, railings and gates at Oakdale Hospital	II
21512	The Oakdale Public House	II
	Former Tramroad Bridge (partly in Pontllanfraith	
21513	Community)	II
21620	Former Mynyddislwyn Urban District Council Offices	II
21622	War Memorial	II
21623	Siloh Presbyterian Church	II
21624	Pair of chest tombs at Siloh Presbyterian Church	II
21626	New Bethel Chapel	II
21627	Wall, railings and gates at New Bethel Chapel graveyard	II
21631	Former Tramroad Bridge (partly in Penmaen Community)	II
21632	Monuments to James Thomas and family at New Bethel	II
21633	Monument to Martha Williams at New Bethel	II
21634	Monument to Margaret Williams at New Bethel	II
21635	Monument to Elizabeth Jones at New Bethel	II
21636	Nicholas monument at New Bethel	II
21637	Monument to Rosser Williams at New Bethel	II
21638	Monument to Thomas Henry Thomas at New Bethel	II
22315	Lychgate at St Tudor's Church Mynyddislwyn	II
22514	Church of St Mary Risca	II
22672	Ty-llwyd	II
22673	Swffryd-ganol including front garden wall	II
22674	Barn Range including cow-house at Swffryd-ganol	II
25737	The Gables	II
25738	Terraced steps at The Gables	II
26701	Maes Manor Hotel	II
	Upper terrace revetment and steps in garden to S of	
26702	Maes Manor	II
	Lower terrace revetment and gates in garden to S of	
26703	Maes Manor	II
26704	Gate piers and flanking walls to forecourt of Maes Manor	II
26706	Kitchen garden walls, pavilion and terrace at Maes Manor	II
	Gate piers with flanking doorways and walls at entrance	
26707	to Maes Manor	II
26708	North Lodge	II
26709	South Lodge	II
81922	Gellipistyll	II
81923	Outbuilding to SE of Gellipistyll	II

81925	Railway viaduct at Cwm Ffrwd-oer	II
	Celynen Collieries Workmen's Memorial Hall, including	
82346	forecourt wall and gates	II*
87579	Abertillery and District Hospital (original ranges only)	II
87580	Memorial Gates to Abertillery and District Hospital	II

## Comment from NATS

Gemma,

There is insufficient information for NATS to undertake a complete assessment but we've been able to carry out a rudimentary radar detection analysis which determined the following:

Turbines of the size proposed are detectable from the en-route radar at Clee Hill although this is restricted to the northern parcel of land, NATS should be consulted once more detail is available

Throughout the proposed development area turbines would be visible to the airport radar at Cardiff and the airport should be consulted regarding the operational impact of this

Throughout the proposed development area turbines would be visible to the airport radar at Bristol and the airport should be consulted regarding the operational impact of this

Regards,

Alasdair

NATS Safeguarding



The Coal  
Authority



INVESTOR IN PEOPLE



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Learning Partner

200 Lichfield Lane  
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Web: [www.gov.uk/coalauthority](http://www.gov.uk/coalauthority)

For the Attention of: Ms G James - Case Officer

15<sup>th</sup> September 2022

Dear Ms James

**YOUR REF: DNS CAS-02114-J9X4S6**

**The construction and operation of up to 5 wind turbines up to 145m in height to blade tip and generating up to 20MW of electricity together with associated infrastructure; East of Newbridge and Accessed via, Twyn Road, to the South and indirectly from the A472 to the West**

Thank you for your notification received on the 19th August 2022 in respect of the above.

The Coal Authority is a non-departmental public body sponsored by the Department of Business, Energy & Industrial Strategy. As a statutory consultee, The Coal Authority has a duty to respond to planning applications and development plans in order to protect the public and the environment in mining areas.

Our records indicate that there are coal outcrops running through parts of the site, these outcrops may have been subject to historic unrecorded workings at shallow depth. If shallow workings are present then these may pose a potential risk to surface stability and public safety.

The Coal Authority's records also indicate that surface coal resource is present on the site, although this should not be taken to imply that mineral extraction would be economically viable, technically feasible or environmentally acceptable. As you will be aware those authorities with responsibility for minerals planning and safeguarding

will have identified where they consider minerals of national importance are present in your area and related policy considerations. As part of the planning decision making process consideration should be given to such advice in respect of the indicated surface coal resource.

It is noted that the submission is supported by an Environmental Impact Assessment: Scoping Report, dated August 2022 and prepared by Wood Group UK Limited. Section 10 of this report covers ground conditions and the report acknowledges that coal mining legacy features may be present. At Section 10.4.4 the report states that land stability in relation to the ground conditions on the site will be addressed throughout the design and construction process and will be informed by the geo-environmental desk study, the mining risk assessment, the Phase 1 peat depth survey, and any further relevant surveys undertaken. It will not be considered further during the EIA process.

Although ground conditions have been scoped out of the EIA we are pleased to see that it is proposed to submit a Phase 1 report and a mining risk assessment. We would be pleased to review these documents once a formal application is submitted.

Please do not hesitate to contact me if you would like to discuss this matter further.

Yours sincerely

*Melanie Lindsley*

**Melanie Lindsley** BA (Hons), DipEH, DipURP, MA, PGCertUD, PGCertSP, MRTPI

**Development Team Leader (Planning)**

#### Disclaimer

The above consultation response is provided by The Coal Authority as a Statutory Consultee and is based upon the latest available data on the date of the response, and electronic consultation records held by The Coal Authority since 1 April 2013. The comments made are also based upon only the information provided to The Coal Authority and/or has published for consultation purposes in relation to this specific planning application. The views and conclusions contained in this response may be subject to review and amendment by The Coal Authority if additional or new data/information (such as a revised Coal Mining Risk Assessment) is provided by the Local Planning Authority or the Applicant for consultation purposes.

*In formulating this response The Coal Authority has taken full account of the professional conclusions reached by the competent person who has prepared the*

*Coal Mining Risk Assessment or other similar report. In the event that any future claim for liability arises in relation to this development The Coal Authority will take full account of the views, conclusions and mitigation previously expressed by the professional advisers for this development in relation to ground conditions and the acceptability of development.*

Gemma James  
Planning and Environment Decisions Wales  
Crown Buildings  
Cathays Park  
Cardiff  
CF10 3NQ

**Date: 12/09/2022**  
**Our Ref: TrecelynMajInfPro**

Dear Gemma James

**Grid Ref: ST 23440 98116, 23193 96915, 22902 96117**

**Site Address: East of Newbridge and accessed via Twyn Road to the South and indirectly from the A472 to the West, Caerphilly**

**Development: DNS – EIA Scoping opinion for the construction and operation of up to 5 wind turbines up to 145m in height to blade tip and generating up to 20MW of electricity together with associated infrastructure.**

I refer to your consultation on a scoping direction in accordance with regulation 33(7) of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017 which relates to a Development of National Significance (Procedure) (Wales) Order 2016. We note that the consultation relates to Trecelyn Wind Farm which refers to the “construction of a wind farm comprising up to five wind turbines and associated infrastructure including underground cabling, access tracks, transformer and a substation” on land at Trecelyn, Caerphilly.

We welcome the opportunity to comment on the proposal and would offer the following standing advice which should be taken into account within any future application:

It appears the application does not propose to connect to the public sewerage system or require a potable water supply, and therefore Dwr Cymru Welsh Water has no objections in principle. However, should circumstances change and a connection to the public sewerage system/public sewage treatment works/public water network is preferred we must be re-consulted on this application.



As of 7th January 2019, this proposed development is subject to Schedule 3 of the Flood and Water Management Act 2010. The development therefore requires approval of Sustainable Drainage Systems (SuDS) features, in accordance with the 'Statutory standards for sustainable drainage systems – designing, constructing, operating and maintaining surface water drainage systems'. It is therefore recommended that the developer engage in consultation with the Isle of Anglesey Council, as the determining SuDS Approval Body (SAB), in relation to their proposals for SuDS features. Please note, Dwr Cymru Welsh Water is a statutory consultee to the SAB application process and will provide comments to any SuDS proposals by response to SAB consultation.

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water on 0800 085 3968 to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

We trust that you'll find our comments, of assistance for the purposes of this EIA scoping opinion and we respectfully reserve the right to comment further on any matters and issues arising from ongoing and future consultation. We look forward to continuing our engagement on the project prior to and during the submission of an application to the Planning Inspectorate.

Please note that our response is based on the information provided in your enquiry and should the information change we reserve the right to make a new representation. Should you have any queries or wish to discuss any aspect of our response please do not hesitate to contact our dedicated team of planning officers, either on 0800 917 2652 or via email at [developer.services@dwrcymru.com](mailto:developer.services@dwrcymru.com)

Please quote our reference number in all communications and correspondence.

Yours faithfully,

**Maria Evans**  
**Development Planning Officer**  
**Developer Services**

***Please Note that demands upon the water and sewerage systems change continually; consequently, the information given above should be regarded as reliable for a maximum period of 12 months from the date of this letter.***



Welsh Water is owned by Glas Cymru – a 'not-for-profit' company.  
Mae Dŵr Cymru yn eiddo i Glas Cymru – cwmni 'nid-er-elw'.

We welcome correspondence in  
Welsh and English

Dŵr Cymru Cyf, a limited company registered in  
Wales no 2366777.

Rydym yn croesawu gohebiaeth yn y  
Gymraeg neu yn Saesneg

Dŵr Cymru Cyf, cwmni cyfyngedig wedi'i gofrestru yng  
Nghymru rhif 2366777.

# Comments from Transport Division of the Welsh Government

**From:** Thomas, Rhodri

**Sent:** 22 September 2022 16:16

**To:** James, Gemma

**Cc:** LGC Development Control

**Subject:** FW: DNS CAS-02114-J9X4S6 - Trecelyn Wind Farm, East of Newbridge and accessed via Twyn Road to the south and indirectly from the A472 to the west

Good afternoon Gemma,

On behalf of the Welsh Government.

Detail needs to be provided to prove access for transporting AILs is achievable from the point of entry to the Welsh trunk road network to the site, that minimises any impact on the safety and free flow of trunk road traffic. Please supply swept paths of the worst case AILs at all potential horizontal and vertical constraints along the access route as well as the likely traveling weights and dimensions of AILs.

Attached for reference, is the draft version of our “Pulling Together” – Best Practice for Transporting Abnormal Loads in Wales - Procedures and Advice Guidance (PAG) document.

For your information please find below our standard planning conditions;

## **Structural assessment**

No on-site development works shall be undertaken until:

- a. an assessment of the capacity and impact on all structures along those parts of the highway network which shall be utilised during the construction of the development including bridges, culverts, retaining walls, embankments, and
- b. details of any improvement works required to such structures as a result of construction of the development

have been submitted to and approved by the local planning authority following consultation with the Welsh Government as Welsh trunk road highway authority or other relevant highway authority (as appropriate). The required improvement works identified in the assessment shall be completed prior to the commencement of any Abnormal Indivisible Load (AIL) deliveries to the development site

## **Condition surveys**

Condition surveys of all highway features along those parts of the highway network which shall be utilised during the construction of the development shall be undertaken prior to, during and on completion of the construction phase of the development. The survey reports shall be submitted to and approved by the local planning authority following consultation with the Welsh Government as Welsh trunk road highway authority or other relevant highway authority (as appropriate) within 28 days of the surveys.

## **Liability for incidental damage**

Prior to the commencement of development works, a scheme to provide for the remediation of any incidental damage directly attributable to the development to the parts of the highway network which will be utilised during the construction of the development including street furniture, structures, highway verge and carriageway surfaces shall be submitted to and approved by the local planning authority following consultation with the Welsh Government as Welsh trunk road highway authority or other relevant highway authority (as appropriate). The scheme shall be implemented as approved throughout the construction phase of the development.

### **Traffic Management Plan**

AILs associated with the development shall be delivered strictly in accordance with a Traffic Management Plan (TMP) as shall be agreed with the relevant highway authority. In this respect, the TMP shall be submitted to and approved in writing by Welsh Government as Welsh trunk road highway authority or other relevant highway authority (as appropriate) prior to the commencement of any works. The TMP shall include:

- a. proposals for transporting AILs from their point of entry to the Welsh trunk road network to the site that minimise any impact on the safety and free flow of trunk road traffic
- b. evidence of trial runs that mimic the movement of the worst case AILs along the access route where appropriate, at the discretion of the Highway Authority
- c. number and size of AILs, including loaded dimensions and weights
- d. number and composition of AIL convoys, including anticipated escort arrangements
- e. methodology for managing trunk road traffic during AIL deliveries, including identification of passing places and holding areas as necessary
- f. convoy contingency plans in the event of incidents or emergencies
- g. estimated convoy journey durations and timings along the route, including release of forecast traffic queues
- h. swept path analysis modelling the movement of the worst case AILs at all potential horizontal and vertical constraints along the access route where appropriate, at the discretion of the Highway Authority
- i. proposals for the temporary or permanent modification of any affected street furniture along the access route and details of how this would be managed
- j. plans for the reinstatement of any temporary works after completion of the construction phase
- k. land ownership must be clarified on all drawings showing proposed highway modifications. The developer shall be responsible for the acquisition and reinstatement of all third party land including re-instatement of boundary features
- l. proposals to liaise with all relevant stakeholders and members of the public regarding construction traffic and AIL movements

m. consideration of the cumulative impact of other abnormal load generating schemes proposing to use all or part of the same access route

n. the appointment and role of a transport coordinator to administer the abnormal indivisible load delivery strategy

o. means of control of timing of delivery of AIL movements

p. temporary traffic diversions and traffic hold points

q. details of banksmen and escorts for abnormal loads

r. management and maintenance of layover areas, junctions, passing places, public rights of way and welfare facilities while AIL deliveries take place

s. details of temporary signage.

t. details of any alterations to any works that are carried out to enable AIL movements

AILs associated with the maintenance and decommissioning of the development shall leave the site strictly in accordance with a TMP as shall be agreed with the relevant highway authority. In this respect, the TMP shall be submitted to and approved in writing by Welsh Government as Welsh trunk road highway authority or other relevant highway authority (as appropriate) prior to the commencement of any removal, replacement of decommissioning works.

### **Highway works**

No development works shall be undertaken until full details of any highway works associated with the construction of layover areas, passing places and highway improvements as agreed with each relevant highway authority including:

a. the detailed design of any works

b. geometric layout

c. construction methods

d. drainage, and

e. street lighting

have been submitted to and approved in writing by the local planning authority following consultation with the Welsh Government as Welsh trunk road highway authority or other relevant highway authority (as appropriate). The highway works shall be completed in accordance with the approved details prior to the commencement of any AIL deliveries to the development site.

No development works shall be undertaken until the developer demonstrates rights of access to all proposed works that are not part of the highway network to the satisfaction of the local planning authority.

### **Road Safety Audit**

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

### **Section 278 Agreement**

The applicant shall enter into an Agreement with the Welsh Ministers under Section 278 of the Highways Act 1980 to enable the Applicant to undertake agreed improvement works on the trunk road. This Agreement will contain details of the improvement works, construction conditions and financial arrangements under which agreed measures can be put in place, including indemnifying the Welsh Ministers against third party claims. Without such an agreement in place, any consent that may be granted cannot be implemented.

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

Regards

Rhodri

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



## **Welsh Government Motorway and Trunk Road Network**

### **‘Pulling Together’ Best Practice for Transporting Abnormal Loads in Wales**

#### **Instructions for use:**

This guidance document is intended for use by hauliers and developers planning to generate abnormal load movements on Trunk Roads and Motorways in Wales.

It outlines the statutory process for planning and conducting safe and effective abnormal load movements in agreement with all relevant authorities and organisations.

This document supersedes any previous advice issued by the Welsh Government regarding this process.

## TABLE OF CONTENTS

1	INTRODUCTION .....	2
1.1	Document purpose .....	2
1.2	Document structure .....	4
1.3	Intended audience .....	4
1.4	List of abbreviations.....	5
2	CATEGORIES OF ABNORMAL LOAD .....	6
2.1	Normal vehicle definition .....	6
2.2	Categories of abnormal loads.....	6
2.3	Summary .....	10
3	VEHICLE PREPARATION .....	11
3.1	Vehicle choice .....	11
3.2	Signage, markings and lighting .....	11
3.3	Attendants .....	11
3.4	Documentation .....	12
4	JOURNEY PREPARATION.....	13
4.1	Notification requirements.....	13
4.2	Route planning guidance.....	17
4.3	Notification processing .....	20
4.4	Post-notification considerations.....	23
4.5	Process summary.....	24
5	ABNORMAL LOADS AND DEVELOPMENT CONTROL .....	26
5.1	Planning applications.....	26
5.2	Planning conditions .....	26
6	SUMMARY OF ROLES AND RESPONSIBILITIES.....	31
7	USEFUL CONTACTS.....	32



# 1 INTRODUCTION

## 1.1 Document purpose

Our highways are, in the most part, built to accommodate a certain maximum vehicle size and weight. These vehicle limits are defined and upheld by UK law and most daily movements can be completed within them. However, some particular vehicle types and indivisible freight loads fall outside these limits and so are known as 'abnormal loads'. These typically include:

- Vehicle carrying an oversize or overweight load
- Mobile cranes
- Engineering plant
- Road recovery vehicles

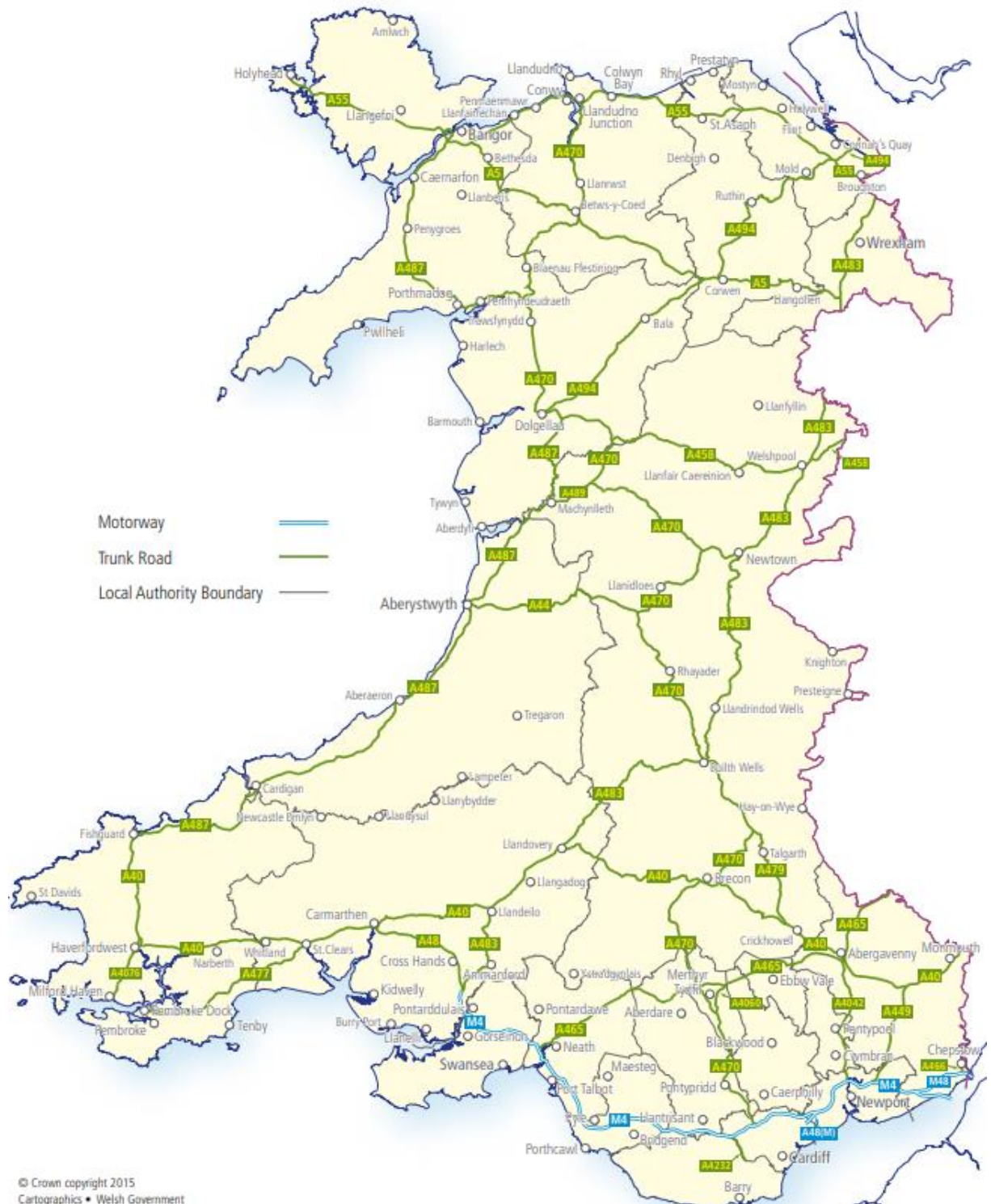


The movement of these types of loads by road is essential for supporting the UK economy, but it is also essential that the movements are carefully planned and executed to ensure they can be safely accommodated by the highway network. Movements of abnormal loads on the Welsh trunk road network (see Figure 1) can include vehicles as large as 8m wide, 55m long and 135te, while many thousand abnormal load movements take place in Wales every year. The consequences of these types of journeys being unplanned or poorly executed can therefore be significant, and include:

- Damage to the network when abnormally wide or heavy loads travel over weak structures or along narrow roads
- Delay to all road users if movement timing or route is poorly planned
- Harm to wider public if mismanaged movement results in an accident

- Delays and cost implications to industry when vehicles unable to complete journey on time

**Figure 1 Trunk Road Network Wales (Traffic Wales, 2015)<sup>1</sup>**



<sup>1</sup> <https://traffic.wales/sites/default/files/2018-10/151021-wales-trunk-roads-map-en.pdf>

To avoid such impacts and their potential legal consequences, those responsible for transporting abnormal loads by road in the UK are required by law to plan and execute each movement in agreement with relevant authorities to ensure the incident-free passage of every load from origin to destination.

Welsh Government is the devolved government for Wales. The Welsh Ministers are the Highway Authority for trunk roads and motorways in Wales under the Highways Act 1980. They are supported by civil servant officials who work across devolved areas that include key areas of public life, including transport and the management of trunk roads and motorways.

This document therefore comprises a Welsh Government Procedure and Advice Guidance (PAG) document which aims to summarise the legal process which must be followed in the planning and execution of all abnormal load movements on trunk roads within Wales and to clarify the roles and responsibilities of the various parties involved.

By pulling together, we make roads in Wales safer and more effective.

## **1.2 Document structure**

The document is structured as follows:

- The legal definition of an abnormal load is discussed in Section 2
- Guidance on vehicle preparation is provided in Section 3
- Guidance on journey preparation is provided in Section 4
- Planning for abnormal loads through the development control process is outlined in Section 5
- A summary of roles and responsibilities is presented in Section 6, and
- A list of useful contacts is provided in Section 7

## **1.3 Intended audience**

This document is primarily addressed at the party responsible for conducting an abnormal load movement on Welsh trunk roads (most commonly the haulier), but is relevant to all parties involved in its safe planning and execution, as follows:

- Consigners/agents
- Hauliers
- Attendants
- Escorting services

- Police
- DVSA
- Highway Authorities and other bridge owners
- Planning authorities
- Developers / agents or consultants
- Statutory utilities

#### **1.4 List of abbreviations**

The following abbreviations are used throughout this document:

- AIL – Abnormal Indivisible Load
- ALO – Abnormal Loads Officer
- AWR – Road Vehicles (Authorised Weight) Regulations 1998
- STGO – The Road Vehicles (Authorisation of Special Types) (General) Order 2003
- C&U – The Road Vehicles (Construction and Use) Regulations 1986
- DBFO – Design, Build, Finance, Operate companies
- DMRB – Design Manual for Roads and Bridges
- HA&BO – Highway Authorities and other Bridge Owners
- NH – National Highways (*previously Highways England*)
- DVSA – Driver and Vehicle Standards Agency
- LA – Local Authority
- NMWTRA – North and Mid Wales Trunk Road Agent
- SWTRA – South Wales Trunk Road Agent
- TAA – Technical Approval Authority
- TMP – Traffic Management Plan
- TTRO – Temporary Traffic Regulation Order
- WG – Welsh Government

## **2 CATEGORIES OF ABNORMAL LOAD**

Abnormal loads, and the obligations of those moving them, are defined in the UK by legislation. This section provides a summary of the different legal categories of abnormal load and their implications.

### **2.1 Normal vehicle definition**

The maximum size and weight of vehicles which can use the UK road network without journey notification having to be provided to relevant authorities is defined by the following regulations:

- The Road Vehicles (Construction and Use) Regulations 1986 – “C&U”
- Road Vehicles (Authorised Weight) Regulations 1998 – “AWR”

These permit a vehicle and its load to use UK roads without notification as long as the combination falls within the following maximum size and weight limits:

- Rigid length: up to 18.65m
- Width: up to 2.9m
- Weight: up to 44,000kg
- Axle load: up to 10,000kg (or 11,500kg for single driving axle)

If a vehicle and its load lie outside any of these limits, it is referred to as an abnormal load.

There is no legal height limit for vehicles but, wherever possible, the overall height of a vehicle and load should not exceed 4.95m so that the maximum use can be made of the motorway and trunk road network. This will ensure that loads are less than 5.03m in height, which is the minimum maintained headroom requirement on UK highways.

### **2.2 Categories of abnormal loads**

Legal categories of abnormal load vary to cover different combinations of vehicle size and weight. This is because different types of abnormal load have implications for both:

- Vehicle choice, and
- Route choice

The implications in each case are considered in the following subsections.

### 2.2.1 Abnormal loads and vehicle choice

The size of an abnormal load has implications for the size of the transporting vehicle, with larger loads generally requiring larger vehicles.

In addition, heavier loads put greater demands on a vehicle's chassis, suspension, tyres, brakes and engine, so heavier abnormal loads also require a higher specification of vehicle.

These distinctions between the impacts of size and weight result in the following abnormal load vehicle legal categories:

- C&U/AWR compliant vehicles are permitted within that legislation to carry oversized abnormal indivisible loads up to a limit, but not overweight loads
- Overweight loads, and those beyond C&U size limits, can be carried by three categories of higher specification vehicles designed to standards prescribed by The Road Vehicles (Authorisation of Special Types) (General) Order 2003 ("STGO") and are subject to lower speed limits depending on load weight
- Loads heavier and/or larger than those permitted by STGO require Special Order approval by the UK Secretary of State under Section 44 of the UK Road Traffic Act 1988

The application of these categories to abnormal load sizes and weights is summarised in the following table.

**Table 1 Abnormal load legal category by size/weight combination**

Gross weight	Axle weight	Load Dimensions				
		W ≤2.9m L ≤18.65m	W >2.9m L >18.65m	W >4.3m L >27.4m	W >5m L >27.4m	W >6.1m L >30m
≤44,000kg	≤11,500kg	C&U	C&U	STGO Category 1	STGO Category 1	Special Order
>44,000kg	≤11,500kg	STGO Category 1	STGO Category 1	STGO Category 1	STGO Category 1	Special Order
>50,000kg	>11,500	STGO Category 2	STGO Category 2	STGO Category 2	STGO Category 2	Special Order
>80,000kg	>12,500	STGO Category 3	STGO Category 3	STGO Category 3	STGO Category 3	Special Order
>150,000kg	>16,500kg	Special Order	Special Order	Special Order	Special Order	Special Order

Key:  = Abnormal load legislation

This table highlights that:

- C&U vehicles are limited to carrying abnormal loads which are oversized but not overweight
- STGO categories increase with abnormal load weight up to 150,000kg
- Special Order vehicles are for extra heavy and/or very large abnormal loads

## **2.2.2 Abnormal loads and route choice**

As well as vehicle type implications, abnormal loads also present route choice implications, as follows:

- The wider and longer a load, the greater the potential for conflict with other road users and roadside furniture / structures
- The heavier a load, the greater the potential for damage to underlying infrastructure and for delays to other road users due to slower speeds








The transporting of abnormal loads therefore presents increased road safety, infrastructure damage and traffic management risks to the network which need careful management and mitigation in liaison with relevant authorities. This is required by legislation covering abnormal load movements and the following table summarises:

- The organisations requiring pre-trip notification of the abnormal load journey details, and
- The minimum notification period in each case, where 'd' refers to working days (excluding Sundays and Bank Holidays) and 'w' refers to weeks



**Table 2 Pre-journey notification requirements by abnormal load category**

Gross weight	Axle weight	Load Dimensions				
		W ≤2.9m L ≤18.65m	W >2.9m L >18.65m	W >4.3m L >27.4m	W >5m L >27.4m	W >6.1m L >30m
≤44,000kg	≤11,500kg	N/A	Police – 2d			
>44,000kg	≤11,500kg	HA&BO – 2d	Police – 2d HA&BO – 2d		Police – 2d HA&BO – 2d NH – 2w	
>50,000kg	>11,500					
>80,000kg	>12,500		Police – 2d HA&BO – 5d		Police – 2d HA&BO – 5d NH – 2w	
>150,000kg	>16,500kg					Police – 5d HA&BO – 5d NH – 10w

**Key:**  = Abnormal Load legislation  = VR1 form notice  = C&U  
 = STGO C1  = STGO C2  = STGO C3  = Special Order

HA&BO = Highway Authority and other Bridge Owners NH = National Highways

This table highlights that:

- Where just load size increases, only the Police require notification, until the size reaches such that HA&BOs and National Highways require notifying also
- Conversely, where just load weight increases, HA&BOs require notification, until the weight reaches such that the Police and National Highways require notifying also
- For combinations of size and weight increases, both the Police and HA&BOs need notifying, together with National Highways for the largest/heaviest loads
- In all cases, the minimum notification period increases with load size and weight
- For loads over 5m wide, UK Secretary of State approval must be sought through submission of a VR1 form<sup>2</sup>

<sup>2</sup> [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/471962/VR1\\_form.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/471962/VR1_form.pdf)

- For loads over 6.1m wide, UK Secretary of State approval must be sought through submission of a Special Order form<sup>3</sup>

The approval of VR1 and Special Order forms has not been devolved by the UK Government to Welsh Government and so currently remains the responsibility of National Highways. However, for Special Order movements which will result in trips on the Welsh trunk road network, and for any other abnormal load movement deemed applicable, Welsh Government may require a Traffic Management Plan (TMP) to be submitted for approval before the proposed journey date. TMP requirements are defined in Section 4.1 below.

VR1 and Special Order load movements should also be planned with due cognisance of Highway England's 'Water preferred policy guidelines'<sup>4</sup> which require such journeys to be completed as far as possible by either inland or coastal waters wherever it is practical, economic and environmentally desirable to do so.

## **2.3 Summary**

UK law defines abnormal load categories based on the degree of vehicle and route preparation required in each case to ensure a smooth and safe movement, with preparation requirements increasing with load size and weight.

Further guidance on vehicle and route preparation is provided in the following two sections.

---

<sup>3</sup>[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/503102/BE16\\_form\\_revised\\_Sept\\_15.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/503102/BE16_form_revised_Sept_15.pdf)

<sup>4</sup>[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/799833/WPP\\_guidelines\\_2019\\_DfT\\_consultation\\_revision.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/799833/WPP_guidelines_2019_DfT_consultation_revision.pdf)

### **3 VEHICLE PREPARATION**

Ensuring that an abnormal load vehicle meets legal requirements and is fit-for-purpose is essential for ensuring safe and reliable journeys. This short section is not intended to cover all legal matters relating to abnormal load vehicle preparation but summarises key requirements that contribute to safe movements through Wales.

#### **3.1 Vehicle choice**

Where the carrying of a load causes the vehicle and load to lie outside of normal C&U/AWR size and/or weight limits, the party responsible for its transportation is legally required to divide the load into smaller components wherever possible, except where this would involve undue expense or risk of damage.

Assuming the load cannot be further subdivided and so is considered an abnormal indivisible load, the selected vehicle must comply with the legislation applicable to the dimensions and weight of the combination, as set out in Table 1 above.

#### **3.2 Signage, markings and lighting**

It is both a legal requirement and best practice to clearly sign, mark and light an abnormal load vehicle to ensure the visibility of vehicle size and extremities for other road users. For a summary of requirements and best practice, refer to the following documents:

- 'Special types enforcement guide', by Gov.UK<sup>5</sup>
- 'Lighting and marking for abnormal loads vehicles code of practice', by National Highways<sup>6</sup>

#### **3.3 Attendants**

Both C&U and STGO legislation require that an attendant travel with the vehicle where:

- The overall width of the vehicle together with the width of any lateral projection or projections of any load carried on it is 3m or less but the length of any lateral projection of a load carried on it exceeds 305mm.

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<sup>5</sup> <https://www.gov.uk/government/publications/lighting-and-marking-for-abnormal-loads-vehicles-code-of-practice>

<sup>6</sup> <https://www.gov.uk/government/publications/special-types-enforcement-guide/special-types-enforcement-guide#abnormal-loads>

- The overall width of the vehicle together with the width of any lateral projection or projections of any load carried on it exceeds 3.5m where a rigid unit and any projection of the load exceeds 18.75m in length.
- Special types combination exceeds 25.9m, the length of any forward projection of the load exceeds 2m, the length of any rearward projection of the load exceeds 3.05m.

Where attendants are required on special types vehicles and three or more vehicles are involved travelling in convoy, attendants need only be carried in the first and last vehicles of that convoy.

The attendant's duty is to warn the driver or any other person of any danger likely to be caused by the presence of the vehicle or vehicles on the road and to ensure road signs and notices are complied with.

### **3.4 Documentation**

If UK Secretary of State approval is required and obtained for the journey via either a VR1 or Special Order form, the approval documents must be carried in the vehicle during the approved journey as the means of demonstrating authorised exemption from C&U/AWR regulations.



## **4 JOURNEY PREPARATION**

The key to an effective and safe abnormal load journey is good preparation in liaison with relevant authorities, as required by legislation and by this document. This section provides guidance on the journey planning and notification process.

### **4.1 Notification requirements**

#### **4.1.1 Authorities to be notified**

As summarised in Table 2 above, the relevant authorities who require notification of abnormal load movements may include:

- Police
- Highway authorities and other bridge owners
- National Highways

In Wales, highway authorities comprise:

- Local authorities for non-trunk roads, and
- Welsh Government for trunk roads (with functions delegated to NMWTRA/SWTRA and DBFO companies)

Bridge authorities/owners most commonly comprise:

- Local authorities for non-trunk road structures
- Welsh Government for trunk road structures (with functions delegated to NMWTRA/SWTRA and DBFO companies)
- Network Rail for rail bridges
- Canal and River Trust for canal bridges

#### **4.1.2 Notice periods**

Notification to relevant authorities must be provided before any abnormal load journeys take place. The minimum notification periods for each authority are summarised by abnormal load category in Table 2 above. Depending on the type of abnormal load, this shows that:

- Each Police force area traversed by the route must be given at least 2 to 5 days' notice

- Each HA&BO area traversed by the route must be given at least 2 to 5 days' notice
- If VR1 form approval is required, National Highways must be given at least 2 weeks' notice
- If Special Order approval is required, National Highways must be given at least 10 weeks' notice

Where a Temporary Traffic Regulation Order is required, it should be noted that this can also take up to 12 weeks to process (see Section 4.3.1.3 below for more information).

The reason for requiring minimum notification periods is to allow due time for notified authorities to assess the proposed journey and for applicants to satisfactorily address any issues raised before the journey takes place. More information on the notification assessment process is provided in Section 4.3 below, but it should be noted that notified journeys can only legally take place:

- If all relevant authorities are notified with sufficient notice period and either no response is received before the journey date or any response received before the journey date is addressed by the applicant to the satisfaction of the responding authority, and
- In the case of VR1 or Special Order movements, explicit written approval is received

In addition, where a TMP has been requested by Welsh Government, Welsh Police forces can request evidence of TMP approval before providing escort support services.

It is important to note that notifications which do not satisfy the legal minimum notice periods will generally not be accepted by authorities unless a movement is required as part of a genuine emergency and the notification is accompanied by a telephone call. Equally, notifications can be submitted earlier than the minimum notice period, while pre-notifications and consultations with authorities are also encouraged where there is uncertainty about whether a journey notification would be accepted.

### **4.1.3 Information required**

#### *4.1.3.1 Statutory notification requirements*

The level of notification information required depends on the category of abnormal load being moved, with information requirements increasing with movement size and/or weight. A summary of requirements per movement category is provided in the following table.

**Table 3 Information required by notification type**

Information	C&U	STGO	VR1	Special Order
List of authorities notified	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Operator details	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Movement route, time and date	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Description of load	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Vehicle type and registration	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Vehicle dimensions and laden weight	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Axle weights and spacing		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
Proof of current indemnity to HW&BO		<input checked="" type="checkbox"/>		
More detailed journey information			<input checked="" type="checkbox"/>	
More detailed vehicle and load information				<input checked="" type="checkbox"/>

#### 4.1.3.2 Traffic Management Plan requirements

Where a TMP is required to be submitted to Welsh Government (see sections 2.2.2 and 4.1.2), the following journey details should be provided:

1. Proposals for transporting AILs from their point of entry to the Welsh trunk road network to the site that minimise any impact on the safety and free flow of trunk road traffic
2. Loaded dimension and weight of AIL
3. Anticipated escort arrangements
4. Methodology for managing trunk road traffic during journey, including identification of passing places and holding areas as necessary
5. Journey contingency plans in the event of incidents or emergencies
6. Estimated journey duration and timings along the route
7. Evidence of trial run that mimics the movement of the AIL along the access route where appropriate, at the discretion of the Highway Authority
8. Swept path analysis modelling at all potential horizontal and vertical constraints along the access route where appropriate, at the discretion of the Highway Authority
9. Proposals for the temporary or permanent modification of any affected street furniture along the access route and details of how this would be managed and reinstated



#### 4.1.4 Notification submission

All relevant notification and indemnity forms can be found on the Gov.UK website<sup>7</sup> which can be emailed, faxed or posted to relevant authorities.

However, it is recommended that an online notification portal is used to submit C&U and STGO abnormal load notifications. The standard UK system is ESDAL<sup>8</sup>, maintained by National Highways, which allows users to:



- Plan an appropriate route according to vehicle size and weight
- Notify all relevant Police, highway authorities and other bridge owners of the planned journey
- Get advance notice of any possible route problems
- Save vehicle details and routes for future use

Subject to the preferences of individual authorities and Police forces, other online notification portals can also be used, but the applicant should satisfy themselves that any system employed satisfies all legal requirements for making abnormal load journey notifications.

The TMP, if required, should be submitted to the Welsh Government ALO, as detailed in Table 7 below.

#### 4.1.5 Notification dispensations

Dispensations may be issued by Police to hauliers to move abnormal loads through their area without prior notification if they satisfy the following requirements:

- Abnormal loads no wider than 3.5m
- Multiple loads of a like nature on a regular basis
- Routes limited to motorways and selected A roads only

The granting of a dispensation has the potential to significantly reduce the number of notifications hauliers will have to submit. However, the dispensation should reference specific vehicles in the fleet and so are not transferable without prior notice to the Police. Drivers should also carry a copy of the dispensation and present it to an officer on request. Dispensations must be renewed annually on application and are not automatically renewed.

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<sup>7</sup> <https://www.gov.uk/government/publications/abnormal-load-movements-application-and-notification-forms>

<sup>8</sup> <https://www.gov.uk/esdal-abnormal-load-notification>

Any dispensation granted will not take account of any roadworks commencing during the dispensation period or ongoing at the point of issue and hauliers will still be expected to check their route.

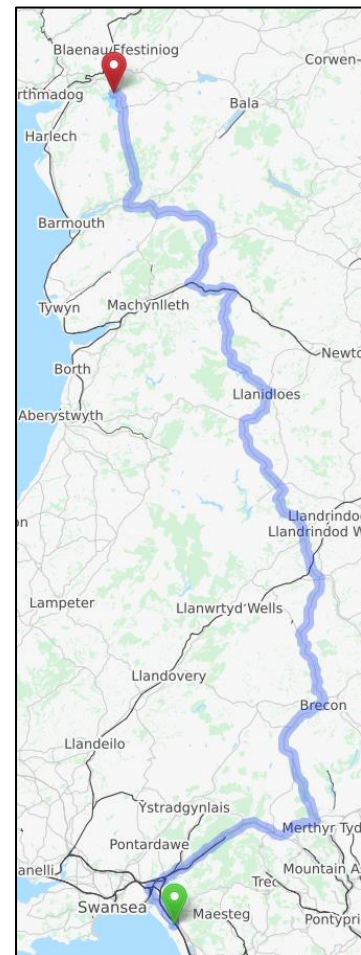
## 4.2 **Route planning guidance**

### 4.2.1 **General principles**

It is ultimately the haulier's responsibility to identify a route and execute a journey which ensures the legal, safe and least disruptive passage of an abnormal load from trip origin to trip destination. Relevant authorities will provide guidance and, where necessary, require journey amendments, but the legal responsibility and liability for the safe completion of each journey lies with the haulier.

In selecting an appropriate route for inclusion in an abnormal load journey notification, the following general principles should be followed:

- Routing preference should always be given to using the highest classification roads, with as much of the journey as possible being routed along motorways, trunk roads and A-roads. These routes are best equipped to carry large and heavy loads, and are least likely to present size and weight restrictions (the busiest abnormal load routes on the Welsh trunk road network typically include the A55, A494 dual carriageway, A483 dual carriageway and the A5 near Chirk)
- Routes should also avoid passing through population centres wherever possible to minimise conflict with both infrastructure constraints and other road users
- Routes must avoid roads presenting size and/or weight restrictions which fall within the parameters of the vehicle/load combination being transported
- One key advantage of using online journey notification systems like ESDAL is that it allows users to plot a route based on vehicle size and weight based on mapping which contains information on network size and weight restrictions.



Potential applicants should also be aware of Ordnance Survey 'Mastermap Highways Network' products which allow point-to-point route planning and contains a comprehensive and continuously updated national database of:

- Road classification and name
- Height, weight, width and length restrictions
- Turn restrictions
- Access restrictions
- Locations of bollards and traffic calming
- Narrow roads and pinch points
- Maintenance responsibility

In addition, it is recommended that applicants consider potential planned roadworks at the route planning stage using the online resources detailed in Section 4.4.1 below.

In combination with online notification portals, hauliers therefore now have access to route planning tools which maximise the chances of both successful abnormal load notifications and successful abnormal load journeys.

## **4.2.2 Other considerations**

### *4.2.2.1 Travel timing*

In planning an abnormal load route, the following timing related factors should also be considered:

- Journey times which exceed statutory driver working time limits will require a stopping place to be identified along the route which can accommodate abnormal load vehicles
- Journey distances which require vehicle refuelling will require a fuel station to be identified along the route which can accommodate abnormal load vehicles
- During hours of darkness, most Police forces only allow abnormal load movements to take place on motorways and on some lit dual carriageways. Journeys on all other road types which cannot be completed during daylight hours will therefore need to be routed via an abnormal load layby where layover can take place
- Some authorities will not allow abnormal load movements through their area or parts of their area during peak traffic hours. This can affect both route choice and journey timing

For planning stops and/or refuelling, National Highways publish on the Gov.uk website a list<sup>9</sup> and map<sup>10</sup> of laybys and motorway service stations which can accommodate abnormal loads.

In calculating journey times, typical congestion on the planned day of travel should be taken into account, as well as the speed limit applicable to the abnormal load vehicle type. STGO loads are speed limited by category and road type. The most common categories are limited as follows:

**Table 4 STGO speed limits by category and road type**

STGO category	Speed limit		
	Motorway	Dual carriageway	Other roads
Category 1 (width ≤ 4.3m)	60mph	50mph	40mph
Category 1 (width > 4.3m) & Categories 2 & 3	40mph	35mph	30mph
Special Order <sup>11</sup>	20mph	20mph	20mph

Source: Special Types Enforcement Guide

#### 4.2.2.2 Escort considerations

Consideration should also be given during route planning as to whether either a private or Police escort is required to accompany the abnormal load movement.

There is no legal requirement for a vehicle moving under STGO or a Special Order to be accompanied by an escort vehicle, but National Highways advises that the following dimensions may be applied to decide if the movement of an abnormal load requires an escort:

**Table 5 National Highways guidelines on escort requirements**

Abnormal load measurement	Motorway	Other
Width	>4.6m	>4.1m
Length	-	>30.5m
Weight	130t	100t

Source: Lighting and marking COP for abnormal load self escorting vehicles, National Highways

The above measures are for guidance and may differ between individual Police forces who may wish to vary these requirements. The final decision rests with the Police (see Section 4.3.1.2 below).

See the full National Highways Code of Practice<sup>12</sup> for further details on escorting abnormal load movements.

<sup>9</sup>[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/494606/Location\\_of\\_Abnormal\\_Load\\_Laybys\\_-\\_1143.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/494606/Location_of_Abnormal_Load_Laybys_-_1143.pdf)

<sup>10</sup>[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/494607/Lay-by\\_and\\_MSA\\_Map\\_-\\_1143.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/494607/Lay-by_and_MSA_Map_-_1143.pdf)

<sup>11</sup>For girder frame trailers over 150 tonnes and draw-bar trailers over 250 tonnes, the limit is 12mph

<sup>12</sup>[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/503105/Lighting\\_and\\_marking\\_COP\\_for\\_abnormal\\_load\\_self\\_escorting\\_vehicles\\_HE\\_rebranding\\_v1.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/503105/Lighting_and_marking_COP_for_abnormal_load_self_escorting_vehicles_HE_rebranding_v1.pdf)

## 4.3 Notification processing

### 4.3.1 Police notification assessment process

#### 4.3.1.1 Public Safety Risk Assessment

In processing an abnormal load journey notification, the primary concern of the Police is to assess the potential impact of the journey on public safety. The relevant duty officer within the Police will therefore check the notification and carry out a risk assessment based on the agreed 'risk category' levels set out below:

- Low risk notifications – no necessity for further action. General advice provided to the haulier and information on control measures if necessary.
- Medium risk notifications – the Police will check the movement complies with relevant legislation and inform the haulier if the notification is rejected. A decision on the necessity of a Police escort or further traffic management measures will be considered for all notifications considered medium risk.
- High risk notifications – the Police will check the movement complies with relevant legislation and inform the haulier if the notification is rejected. A decision on the necessity of a Police escort or further traffic management measures will be considered for all notifications considered high risk.

Based on this risk assessment, the Police forces may reject or amend any time, date or route that they consider may have an impact on public safety. If a route is deemed unsuitable, the haulier will be notified and will then be responsible for identifying an alternative route or additional traffic management measures sought from local authorities, National Highways or the Police.

#### 4.3.1.2 Escort requirements

If the risk assessment determines that the safety of road users may be compromised to an unacceptable extent, an escort may be specified regardless of the vehicle dimensions specified in Table 5 above. The haulier will therefore be responsible for provision of an escort vehicle which conforms to the type specified by National Highways.

As per ACPO guidance, Police escorts will only be provided if specifically requested by a haulier or if the risk assessment identifies the need for temporary road closures to ensure safe passage of the load through restricted sections of the route. A minimum of 8 days notice will be required for a Police escort. If necessary, charges for Police escorts will be incurred by the haulier at 'Special Policing



Services' rates. For journeys where a TMP has been requested by Welsh Government, Welsh Police forces can request evidence of TMP approval before providing escort support services.

#### *4.3.1.3 Temporary Traffic Regulation Order*

If the risk assessment identifies the need for a temporary road closure on any section of the route, the haulier will be required to apply for a Temporary Traffic Regulation Order (TTRO) under the Road Traffic Regulation Act 1984 to allow officers and other Accredited Persons<sup>13</sup> to stop and direct moving traffic or to suspend on-street parking. Applications for TTROs on the non-trunk road network should be made through the relevant local authority, and through NMWTRA/SWTRA for trunk road applications.

Hauliers should be advised that TTROs can take up to 12 weeks to process.

### **4.3.2 HA&BO notification assessment process**

In processing an abnormal load journey notifications, the primary concern of highway authorities and other bridge owners is to assess the potential impact of the journey on highway structures.

#### *4.3.2.1 Check for height and width restrictions*

On receipt of a notification or notification enquiry, the Abnormal Loads Officer (ALO) for each of the affected HA&BOs will use details of the vehicle configuration to undertake audit checks of known height and width restrictions at structures along the route, and any other known structural constraints (temporary or permanent). Alternative routes or configurations may be suggested to avoid any identified structural constraints.

The ALO may request the haulier or enquiring party provides horizontal and/or vertical swept path analysis as necessary, based on topographical survey data. If the submitted swept path analysis is considered inadequate, the ALO may request the haulier or enquiring party undertakes a trial run to mimic the movement of the abnormal load vehicle through the constraint. The trial run vehicle should demonstrate the extent of the load envelope in terms of width and height in a clearly visible manner using a collapsible template. It should be noted that this may require a Police escort.

If the ALO is not satisfied that the constraint can be negotiated by the load, the HA&BO shall inform the haulier or enquiring party, as well as other relevant authorities as appropriate, that the load cannot be moved. WG can also implement Permanent or Temporary Traffic Regulation Orders under the Road Traffic Regulation Act 1984 to limit the maximum gross vehicle weight on a structure if required.

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<sup>13</sup> The Police Reform Act allows DVSA and other agencies to use Policing Powers to be able to replace officers at planned events, under the provisions of the Community Safety Accreditation Scheme (CSAS), as long as they are "employed" by the Accredited Agency to do so.



#### 4.3.2.2 Check for structural capacity

On receipt of a notification or notification enquiry, the ALO will undertake checks referring to existing structural certification along the notified route, in consultation with the HA&BO's structures team if necessary, based on the loading and vehicle configuration.

If checks identify structures which may not be able to carry the load, the haulier may suggest an alternative route which will then need to be submitted to the relevant HA&BO for approval.

Further checks will be undertaken if an alternative route cannot be found. This will be undertaken by the ALO or a structural engineer. If these checks identify structures which would not be able to carry the load, the haulier may propose alternative vehicle configurations until a suitable configuration is found.

If neither a suitable route nor suitable vehicle configuration can be found and the HA&BO rejects the proposal to move on this basis, then the haulier may commission the assessment of route structures by a suitably qualified and experienced consultant at their own expense. All load assessments require Technical Approval according to BD2, 'Technical Approval Of Highway Structures'<sup>14</sup>. WG are the Technical Approval Authority (TAA) for Trunk Roads in Wales.



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<sup>14</sup> <https://www.croftse.co.uk/wp-content/uploads/2018/04/BD2-12-Highways-Structures-Approval.pdf>

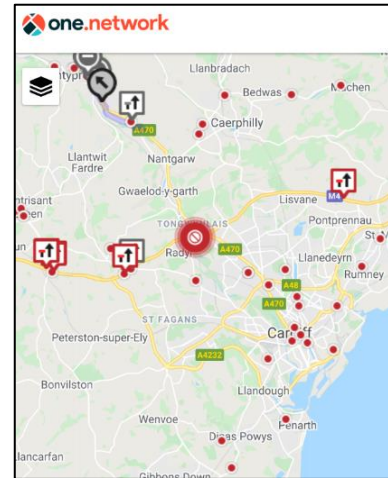


## 4.4 Post-notification considerations

### 4.4.1 Roadworks and disruptions

The haulier should check for roadworks and disruptions along the route on the day of travel before commencing an agreed journey. Roadworks can particularly affect the passage of wide loads, and national details of live roadworks can be checked at <https://one.network/> or at <https://traffic.wales/> (also see Section 7 for Traffic Wales' contact details).

The haulier should consult in advance with the relevant ALO and the party responsible for the works if there is any doubt about whether the works affect the agreed route for the journey.



In the event where roadworks make the agreed route impassable, an agreement should be reached with the party responsible for the works to make passage possible at an agreed time, if feasible.

If not feasible, or if an unforeseen disruption makes a section of the agreed route impassable, the haulier is expected to assess where it is most appropriate and safe to park up and to contact the Police. If there are no safe areas then traffic management may be required to safely control traffic around the abnormal load vehicle. In addition to Police contact details, all hauliers are also recommended to carry contact details of the relevant local highway authorities and national traffic management firms to aid swift action in case of such an event.

### 4.4.2 Enforcement considerations

Once in transit, abnormal load vehicles can be subject to enforcement checks by either Police or DVSA officers. The vehicle may be escorted to a safe stopping place if any of the following conditions are met:

- Police have not received notification of movement
- Notification of movement is invalid due to inaccuracies
- Movement is not taking place in accordance with approved notification or authorised amendments
- Abnormal Indivisible Load vehicle or load is incorrectly marked or lit
- Abnormal Indivisible Load vehicle does not have the required attendant

- Abnormal Indivisible Load vehicle does not have the escort vehicle required by Police
- Driver is currently committing a 'driving hours' offence under tachograph regulations or will have committed an offence before reaching next stopping point
- Driver is currently committing an 'insufficient rest' offence under tachograph regulations
- Any C&U offences not exempted by STGO 2003 are evident

Where non-compliance is evident, the driver and operator are liable to prosecution under C&U regulations. Penalties for non-compliance can range from a fine<sup>15</sup> to the temporary restriction or suspension of the haulier's operating licence by the Traffic Commissioner for Wales<sup>16</sup>. Officers might also prevent onward travel of the vehicle until any areas of non-compliance are adequately addressed.

#### **4.5 Process summary**

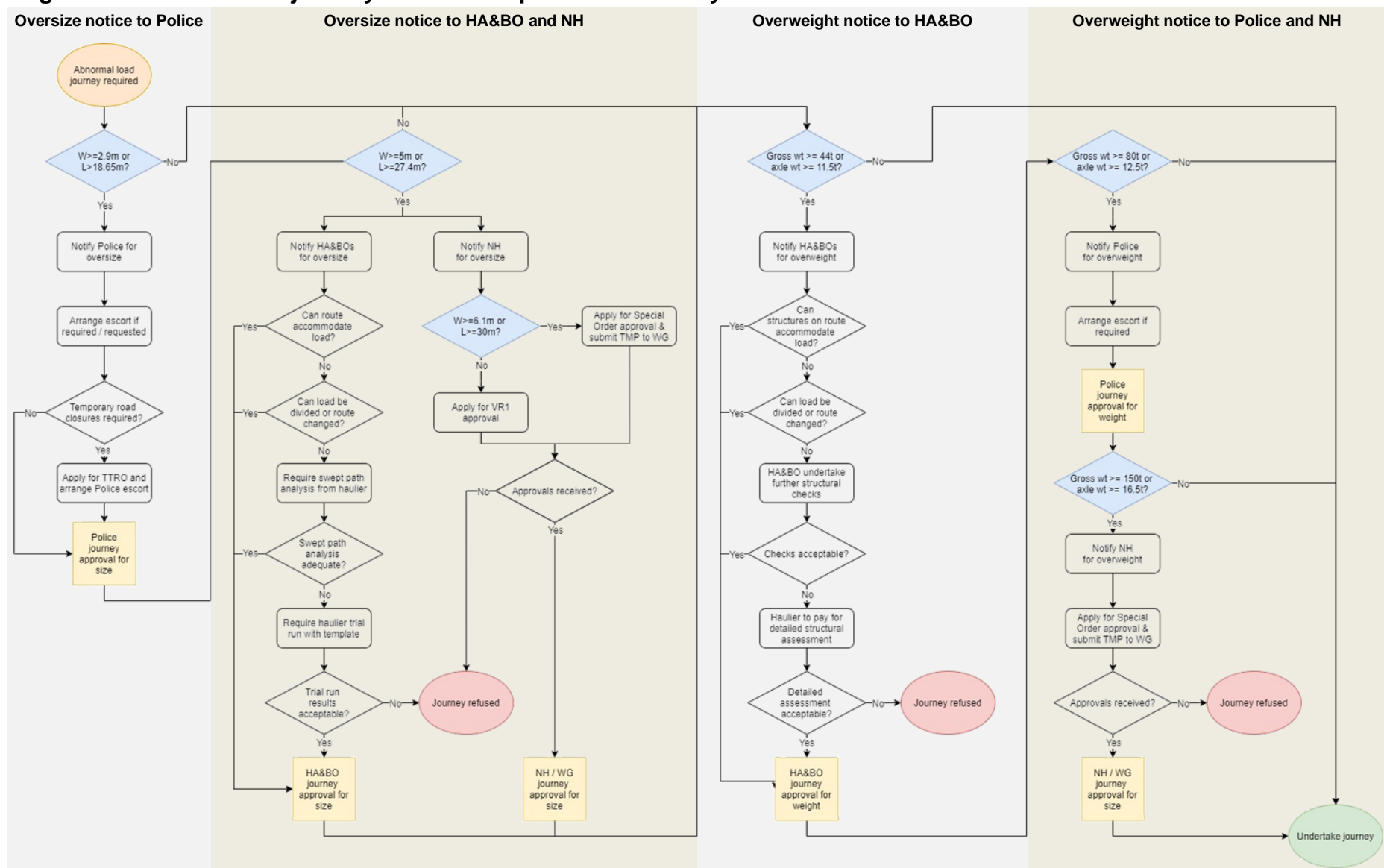
A summary of the main steps in the legally required notification process is shown in the following figure.

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<sup>15</sup> <https://www.gov.uk/government/publications/guide-to-graduated-fixed-penalties-financial-deposits/dvsa-roadside-checks-fines-and-financial-deposits>

<sup>16</sup> <https://www.gov.uk/traffic-commissioner/decision-and-penalties>

**Figure 2 Abnormal load journey notification process summary**



## 5 ABNORMAL LOADS AND DEVELOPMENT CONTROL

### 5.1 Planning applications

Planning applications for developments which are likely to generate abnormal load movements, either during construction or operation, may be required to be submitted with a Transport Assessment in accordance with Welsh Government Planning Policy Technical Advice Note 18: Transport<sup>17</sup> Regarding abnormal load movements, the Transport Assessment should identify:

- Estimated movement volumes of abnormal loads to and from the site
- The most appropriate abnormal load routes to and from the site
- Mitigation proposals where necessary for route to safely accommodate load

Failure to demonstrate that the site can be safely accessed by the loads it will generate can be grounds for refusal of planning permission.



### 5.2 Planning conditions

Where planning permission is granted for a development which will generate abnormal load movements on the Welsh trunk road network, the following planning conditions will be attached.

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<sup>17</sup> <https://gov.wales/sites/default/files/publications/2018-09/tan18-transport.pdf>

### **5.2.1 Structural assessment**

No on-site development works shall be undertaken until:

- a. an assessment of the capacity and impact on all structures along those parts of the highway network which shall be utilised during the construction of the development including bridges, culverts, retaining walls, embankments, and
- b. details of any improvement works required to such structures as a result of construction of the development

have been submitted to and approved by the local planning authority following consultation with the Welsh Government as Welsh trunk road highway authority or other relevant highway authority (as appropriate). The required improvement works identified in the assessment shall be completed prior to the commencement of any Abnormal Indivisible Load (AIL) deliveries to the development site.

### **5.2.2 Condition surveys**

Condition surveys of all highway features along those parts of the highway network which shall be utilised during the construction of the development shall be undertaken prior to, during and on completion of the construction phase of the development. The survey reports shall be submitted to and approved by the local planning authority following consultation with the Welsh Government as Welsh trunk road highway authority or other relevant highway authority (as appropriate) within 28 days of the surveys.

### **5.2.3 Liability for incidental damage**

Prior to the commencement of development works, a scheme to provide for the remediation of any incidental damage directly attributable to the development to the parts of the highway network which will be utilised during the construction of the development including street furniture, structures, highway verge and carriageway surfaces shall be submitted to and approved by the local planning authority following consultation with the Welsh Government as Welsh trunk road highway authority or other relevant highway authority (as appropriate). The scheme shall be implemented as approved throughout the construction phase of the development.

### **5.2.4 Traffic Management Plan**

AILs associated with the development shall be delivered strictly in accordance with a Traffic Management Plan (TMP) as shall be agreed with the relevant highway authority. In this respect, the TMP shall be submitted to and approved in writing by Welsh Government as Welsh trunk road highway authority or other relevant highway authority (as appropriate) prior to the commencement of any works. The TMP shall include:

- a. proposals for transporting AILs from their point of entry to the Welsh trunk road network to the site that minimise any impact on the safety and free flow of trunk road traffic
- b. evidence of trial runs that mimic the movement of the worst case AILs along the access route where appropriate, at the discretion of the Highway Authority
- c. number and size of AILs, including loaded dimensions and weights
- d. number and composition of AIL convoys, including anticipated escort arrangements
- e. methodology for managing trunk road traffic during AIL deliveries, including identification of passing places and holding areas as necessary
- f. convoy contingency plans in the event of incidents or emergencies
- g. estimated convoy journey durations and timings along the route, including release of forecast traffic queues
- h. swept path analysis modelling the movement of the worst case AILs at all potential horizontal and vertical constraints along the access route where appropriate, at the discretion of the Highway Authority
- i. proposals for the temporary or permanent modification of any affected street furniture along the access route and details of how this would be managed
- j. plans for the reinstatement of any temporary works after completion of the construction phase
- k. land ownership must be clarified on all drawings showing proposed highway modifications. The developer shall be responsible for the acquisition and reinstatement of all third party land including re-instatement of boundary features
- l. proposals to liaise with all relevant stakeholders and members of the public regarding construction traffic and AIL movements
- m. consideration of the cumulative impact of other abnormal load generating schemes proposing to use all or part of the same access route

AILs associated with the maintenance and decommissioning of the development shall leave the site strictly in accordance with a TMP as shall be agreed with the relevant highway authority. In this respect, the TMP shall be submitted to and approved in writing by Welsh Government as Welsh trunk road highway authority or other relevant highway authority (as appropriate) prior to the commencement of any removal, replacement of decommissioning works.

### **5.2.5 Highway works**

No development works shall be undertaken until full details of any highway works associated with the construction of layover areas, passing places and highway improvements as agreed with each relevant highway authority including:

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

have been submitted to and approved in writing by the local planning authority following consultation with the Welsh Government as Welsh trunk road highway authority or other relevant highway authority (as appropriate). The highway works shall be completed in accordance with the approved details prior to the commencement of any AIL deliveries to the development site.

No development works shall be undertaken until the developer demonstrates rights of access to all proposed works that are not part of the highway network to the satisfaction of the local planning authority.

### **5.2.6 Road Safety Audit**

The applicant shall undertake a Road Safety Audit of the scheme (Stages 1 – 4) in accordance with the Design Manual for Roads and Bridges GG 119<sup>18</sup>. The applicant shall agree the required measures with the Welsh Government as Welsh trunk road highway authority or other relevant highway authority (as appropriate) prior to the commencement of works on site.

### **5.2.7 Section 278 Agreement**

The applicant shall enter into an Agreement with the Welsh Ministers under Section 278 of the Highways Act 1980 to enable the Applicant to undertake agreed improvement works on the trunk road. This Agreement will contain details of the improvement works, construction conditions and financial arrangements under which agreed measures can be put in place, including indemnifying the Welsh Ministers against third party claims. Without such an

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<sup>18</sup> <http://bailey.persona-pi.com/Public-Inquiries/M4-Newport/C%20-%20Core%20Documents/6.%20Transport%20and%20Engineering/DMRB/vol5/section2/hd1915.pdf>



agreement in place, any consent that may be granted cannot be implemented.

For further information on this matter please refer to Welsh Government Procedure & Advice Guidance PAG 109/18: Section 38,184, and 278 Agreements under the Highways Act 1980<sup>19</sup>.

### 5.2.8 Access onto the trunk road

Full details of the highway works associated with the proposed new access onto the trunk road shall be submitted by the applicant to WG, as the Welsh trunk road highway authority, prior to the commencement of any works on the development site. Details of proposed highway works should be as indicated on the submitted plans including the detailed design, geometric layout, construction and drainage.

The visibility splays shown on the submitted plans of the proposed new access onto the trunk shall at all times be kept free of any planting, tree or shrub growth, or any other obstruction in excess of 1.05m above the adjoining carriageway.

All highways works shall achieve full compliance with DMRB.



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<sup>19</sup> <https://gov.wales/sites/default/files/publications/2018-04/109-18-section-38-184-and-278-agreements-under-the-highways-act-1980.pdf>



## 6 SUMMARY OF ROLES AND RESPONSIBILITIES

The roles and responsibilities for each party set out in this document are summarised in the following table.

**Table 6 Summary of roles and responsibilities of parties involved in abnormal load movements**

Party	Role	Responsibilities
Consigners/agents	Generating/commissioning abnormal load movement	<ul style="list-style-type: none"> <li>Commissioning of fully compliant haulier for planning and executing abnormal load movements. Preference should be given to hauliers with FORS accreditation (see <a href="https://www.fors-online.org.uk/cms/">https://www.fors-online.org.uk/cms/</a>)</li> </ul>
Haulier	Preparing and executing abnormal load movement	<ul style="list-style-type: none"> <li>Planning subdivision of loads wherever possible to avoid need for abnormal load movements (see Section 3.1)</li> <li>Ensuring selected vehicle complies with the legislation applicable to the dimensions and weight of the combination (see Table 1)</li> <li>Ensure vehicle and load is clearly signed, marked and lit according to regulations (see Section 3.2)</li> <li>Ensure attendants accompany vehicle if required (see Section 3.3)</li> <li>Carry VR1 or Special Order documents in vehicle where applicable (see Section 3.4)</li> <li>Notify relevant authorities of abnormal load journey with sufficient notice period, including a Traffic Management Plan if required (see Section 4.1.2)</li> <li>Address and, if necessary, pay for any requirements emerging from notification assessment process (see Section 4.3)</li> <li>Undertake/procure structural assessment if required (see Section 4.3.2.2)</li> <li>Accommodate for roadworks and disruptions on day of travel (see Section 4.4.1)</li> <li>Execute journey according to approved notification (see Section 4.4.2) and, where applicable, to approved Traffic Management Plan (see Section 2.2.2)</li> </ul>
Abnormal load attendant	Accompanying abnormal load on journey where required	<ul style="list-style-type: none"> <li>Accompany abnormal load vehicle for full journey where legislation requires</li> <li>Warn the driver or any other person of any danger likely to be caused by the presence of the vehicle or vehicles on the road (see Section 3.3)</li> </ul>
Abnormal load escort	Escorting abnormal load on journey where required	<ul style="list-style-type: none"> <li>Comply with National Highways guidance in vehicle preparation and abnormal load escort protocol (see Section 4.2.2.2)</li> <li>Comply with any specific instructions provided by Police (see Section 4.3.1.2)</li> </ul>
Police	Assessing public safety impacts of abnormal load notifications, escorting where required and enforcing regulations in transit	<ul style="list-style-type: none"> <li>Undertake public safety risk assessment for all abnormal load notifications (see Section 4.3.1.1)</li> <li>Advise haulier with sufficient notice if any amendments required to notified journey or if notification refused (see Section 4.3.1.1)</li> <li>Advise haulier with sufficient notice if private or Police escort required and if TTRO required (see Section 4.3.1.2 and 4.3.1.3)</li> <li>Resource the Police escort, as required (see Section 4.3.1.2)</li> <li>Enforce abnormal load regulations in transit for public safety (see Section 4.4.2)</li> </ul>
DVSA	Vehicle standards, licencing and enforcement	<ul style="list-style-type: none"> <li>Enforce abnormal load regulations in transit for public safety (see Section 4.4.2)</li> </ul>
HB&BOs	Assessing infrastructure impacts of abnormal load notifications	<ul style="list-style-type: none"> <li>Assess relevant journey notifications in terms of capacity of route infrastructure to accommodate proposed abnormal load dimensions and weight (see Section 4.3.2)</li> <li>Advise haulier if journey notification is rejected or approved (see Section 4.3.2 <b>Error! Reference source not found.</b>).</li> </ul>
Planning authorities	Determining planning applications for abnormal load generating developments	<ul style="list-style-type: none"> <li>Ensure planning applications consider abnormal load trip generation and demonstrate suitable routeing and, where necessary, mitigation (see Section 5.1)</li> <li>Apply planning conditions where necessary to ensure abnormal load routes are fully planned and approved and that all journeys are undertaken according to an approved Traffic Management Plan (see Section 5.2)</li> </ul>
Developers	Seeking planning consent for abnormal load generating developments	<ul style="list-style-type: none"> <li>Submit Transport Assessment with planning application to identify abnormal load trip generation, suitable routeing and, where necessary, mitigation (see Section 5.1)</li> <li>Discharge planning conditions, where applicable, by ensuring abnormal load routes are fully planned and approved and by committing to all journeys being undertaken according to an approved Traffic Management Plan (see Section 5.2)</li> </ul>

## 7 USEFUL CONTACTS

The process outlined in the above sections requires input from and contact with a number of organisations in order to ensure all relevant authorities are notified, and that abnormal load movements occur safely and without causing disruption to the network.

The following table provides a list of key contacts and contact details for queries associated with the movement of abnormal loads in Wales.

**Table 7 Useful contacts for abnormal load related queries**

Organisation	Contact details
Welsh Government ALO	Tel: 02920 629465 Email: AbnormalLoads@gov.wales
Dyfed-Powys Police	Tel: 01267 226011 Email: AbnormalLoads@dyfed-powys.pnn.Police.uk
Gwent Police	Tel: 01633 642470 Email: abnormal-loads@gwent.pnn.Police.uk
North Wales Police	Tel: 01492 805407 Email: abloadnotify@nthwales.pnn.Police.uk
South Wales Police	Tel: 01656 655555 Email: Special-Movements@south-wales.pnn.Police.uk
NMWTRA	Tel: 01545 571960 Email: abnormalloads@nmwtra.org.uk
SWTRA	Tel: 01792325965 Email: abnormalloads@southwales-tra.gov.uk
Traffic Wales	Tel: 0300 123 1213
National Highways Abnormal Loads Team	Tel: 0300 4703004 Email: abnormal.loads@highwaysengland.co.uk
Network Rail Abnormal Loads Team	Tel: 01908 783 140 Email: abnormalloads enquiries@networkrail.co.uk
Blaenau Gwent County Borough Council	Tel: 01633 644716 Email: AbnormalLoads@monmouthshire.gov.uk
Bridgend County Borough Council	Tel: 01656 642857 Email: abloads@bridgend.gov.uk
Caerphilly County Borough Council	Tel: 01633 644716 Email: AbnormalLoads@monmouthshire.gov.uk
Cardiff City & County Council	Tel: 02922 330966 Email: abnormal.loads@cardiff.gov.uk
Carmarthenshire County Council	Tel: 01267 228307 Email: abnormalloads@carmarthenshire.gov.uk
Ceredigion County Council	Tel: 0154 5572430 Email: technical.services@ceredigion.gov.uk
Conwy County Borough Council	Tel: 01492 575365 Email: abnormalloads@conwy.gov.uk
Denbighshire County Council	Tel: 01824 706884 Email: abnormal.loads@denbighshire.gov.uk
Flintshire County Council	Tel: 01352 704810 Email: abnormalloads@flintshire.gov.uk
Gwynedd County Council	Tel: 01286 679306 Email: LlwythAbnormal@gwynedd.llyw.cymru
Isle of Anglesey County Council	Tel: 01248 752312

Organisation	Contact details
Merthyr Tydfil County and Borough Council	Tel: [REDACTED] Email: [REDACTED]
Monmouthshire Council	Tel: 01633 644716 Email: AbnormalLoads@monmouthshire.gov.uk
Neath Port Talbot County Borough Council	Tel: 01639 686492 Email: abloads@npt.gov.uk
Newport City Council	Tel: 02920 803500 Email: Loads.Abnormal@capita.co.uk
Pembrokeshire County Council	Tel: 01437 776153 Email: abloads@pembrokeshire.gov.uk
Powys County Council	Tel: 01597 826619 Email: highways.management@powys.gov.uk
Rhondda Cynon Taf County Borough Council	Tel: 01443494706 Email: highwaysabnormalloads@rctcbc.gov.uk
Swansea Council	Tel: 01792 636182 Email: Abnormal.Loads@swansea.gov.uk
Torfaen County and Borough Council	Tel: 01633 644716 Email: AbnormalLoads@monmouthshire.gov.uk
Vale of Glamorgan Council	Tel: 02920 673106
Wrexham County Borough Council	Tel: 01978 729723 Email: abnormal_loads@wrexham.gov.uk



Ref: DNS/CAS-02114-J9X4S6

Robert Sparey  
Planning and Environment Manager  
Planning and Environment Decisions Wales  
Crown Buildings  
Cathays Park  
Cardiff  
CF10 3NQ

Via Email: [PEDW.Infrastructure@gov.wales](mailto:PEDW.Infrastructure@gov.wales)

1<sup>st</sup> December 2022.

Dear Mr Robert Sparey,

**Re: Scoping Direction Consultation Response - DNS/CAS-02114-J9X4S6 – Trecelyn Wind Farm.**

In reference to the email of 22nd September from PEDW consulting the Department on the above Scoping Direction request, the Department offers the following response for your consideration with regard to the use of soil and peat resources.

For the Department, the main issues likely to be significantly affected by the development are:

- Maintaining soil services and functions
- Beneficial restoration and after use of site

**1. Context and Background:**

Mineral, organo-mineral and peat soils are finite and provide crucial ecosystem services to Wales. These services include food, fibre, water and important contributions to climate regulation, biodiversity and protection from natural disasters. The Natural Resources Policy (NRP) requires that we sustainably manage our soil resource, to build resilience and maintain the soils functions and ecosystem services our soils provide.

**2. Policy Context:**

The Department has examined the Scoping Opinion report and consider the policies and guidance below are also applicable to this development: -

- Technical Advice Note (TAN) 6<sup>1</sup>
- Paragraph 6.4.3 (bullet 4) of Planning Policy Wales<sup>2</sup>
- Natural Resources Policy<sup>3</sup>
- Policy 9 of the National Development Framework (NDF) – Future Wales<sup>4</sup>
- Policy 17 of NDF Future Wales - *states ‘all proposals should demonstrate that they will not have an unacceptable adverse impact on the environment’.*
- Policy 18(11) of NDF Future Wales – sets out the provision for ‘...*effective restoration*’.

### **3. Baseline information:**

The Predictive Agricultural Land Classification (ALC) map notes the site contains Grade 4 agricultural land. Best and most versatile (BMV) agricultural land is defined in Planning Policy Wales as Grades 1, 2 and 3a. As there is no BMV agricultural land within the site an ALC survey is not required as per published guidance<sup>5</sup>. This is covered by the applicant in Section 10.3.13 of the Scoping Report.

It is welcome that the Peatlands of Wales map has been used to inform the scoping report (Section 10.3.9) and that the Welsh Government agreed definition of peatland is used (Section 10.3.12). It is also welcome that this has been supported by a peat depth survey on site that confirms no peatland is present in the application area.

The volumes of mineral soil units that will be excavated for any on site infrastructure should be clear and based on survey evidence. For all infrastructure, information should be provided on the current condition of the site, sufficient to clearly demonstrate that resources are available to put in place the appropriate standard of reclamation.

### **4. Infrastructure and potential impacts on soil functions (installation and decommissioning).**

A number of paragraphs in the Scoping Report (e.g. 2.3.4, 2.3.5 *Key components of the proposed development* & 2.3.11 *Decommissioning of the proposed development*) make reference to covering infrastructure including concrete pads, foundations and also roads (in the case of decommissioning) with topsoil to allow re-vegetation. It is unclear how the likely impacts on soils have been assessed and the Department therefore cannot have confidence that there will not be adverse significant effects on soils (services and functions).

A Soil Physical Characteristics Report will be required for any areas of proposed infrastructure siting to confirm the soil resources available. The surveyor should ensure that the report includes the complete auger boring and pit schedule (identifying topsoil and subsoil horizon depths, texture, stoniness, structure, porosity, depth at which gleying comes in and

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<sup>1</sup> <https://gov.wales/technical-advice-note-tan-6-planning-sustainable-rural-communities>

<sup>2</sup> <https://gov.wales/planning-policy-wales>

<sup>3</sup> <https://gov.wales/natural-resources-policy>

<sup>4</sup> <https://gov.wales/future-wales-national-plan-2040-0>

<sup>5</sup> <https://gov.wales/agricultural-land-classification-predictive-map-guidance>

morphology - matrix colour, ped face colour where applicable, mottling), auger boring and pit location plan and top soil texture analysis results report.

## **5. Soil Management Scheme**

A soil management scheme should be prepared by the developer, informed by a baseline soil resources and physical characteristics report, and be considered as part of the ES process. This should be a clear scheme and programme setting out how all soils and their function will be conserved and reinstated.

The Scheme should be presented in sufficient detail for the determining authority and statutory consultees to form a judgement as to its feasibility, and should include: -

- Soil stripping programme - volumes and types of soils affected;
- Soil handling techniques and procedure;
- Size, location, construction, management and period of soil storage dumps;
- Proposed after use and restoration programme, including techniques and aftercare programme.

A detailed scheme will support the ES process in considering: -

- Reasonable alternatives considered for the proposal;
- Potential impacts of the development and demonstrate how the proposal will not have an unacceptable adverse impact on the environment (in this case the soil resource);
- The feasibility and how effective restoration and beneficial after use can be achieved;
- How the proposal will maintain the resilience of soils and avoid the loss of function and services provided.

The advice expressed does not bind any other part of Welsh Government commenting on the proposal. I trust the above comments are clear and unambiguous. I would welcome further discussion if you consider this helpful.

Yours sincerely

Helen Porter.

Agricultural Land Use & Soil Policy Advisor

[LQAS@gov.wales](mailto:LQAS@gov.wales)

Pridd, Mawndir a Chynllunio Defnydd Tir Amaethyddol / Soil, Peatland & Agricultural Land Use Planning  
Is-adran Tirweddau, Natur a Choedwigaeth / Landscapes, Nature and Forestry Division  
Yr Adran Newid Hinsawdd / Department for Climate Change  
Llywodraeth Cymru / Welsh Government

