

# DNS: EIA Scoping Direction Addendum

## DNS 3264571 – Y Bryn Wind Farm

01/12/2023

**Prepared by:**

Marloes Holtkamp MSc

This Scoping Direction Addendum is provided on the basis of the Scoping Report addendum and draft Environmental Statement (ES) submitted to Planning and Environment Decisions Wales on 24 August 2023 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”). This Scoping Direction Addendum should be read in conjunction with the original Scoping Direction for this potential DNS application issued on 08 March 2021. **Together the original Scoping Direction and this Addendum constitute the most recent Scoping Direction for the purposes of regulation 17(4)(c) of the 2017 Regulations.**

## 1. Consultation

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

Bridgend County Borough Council (BCBC)  
Neath Port Talbot County Borough Council (NPTCBC)  
Swansea Council (Neighbouring Authority) (SC)  
Vale of Glamorgan Council (Neighbouring Authority) (VoGC)  
Transport Directorate, Welsh Government  
Agricultural Land Use & Soil Policy, Welsh Government (LQAS)  
Cadw  
Natural Resources Wales (NRW)  
The Coal Authority  
Health and Safety Executive (HSE)  
Dŵr Cymru  
Mid and West Wales Fire and Rescue Service  
South Wales Fire and Rescue Service  
NATS  
Civil Aviation Authority  
Defence Infrastructure Organisation (DIO)

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

## 2. Planning and Environment Decisions Wales (PEDW) comments

Overall the aspects of the environment scoped in and out of the Environmental Statement (ES) as outlined in the original Scoping Direction remain largely unaffected.

However, based on comments from Welsh Government’s LQAS, **soil is hereby scoped in to the ES**. PEDW notes that the applicant does address soil in the draft ES and that LQAS has provided a substantive pre-application advice response to the applicant.

PEDW draws the Applicant’s attention to the following consultation responses contained at Appendix 1:

## 2.1 Traffic and Transport

### **NPTCBC comments**

NPTCBC welcomes that the provision of additional information on the access works and the additional assessment set out in the Scoping Report (SR) addresses previous concerns that the access works were not sufficiently described and that the draft ES conclusions may not be robust. They therefore have no further comments on the SR.

### **BCBC comments**

The Applicant's attention is drawn to comments from BCBC's Highway Authority contained at Appendix 1, highlighting they continue to have serious concerns regarding the proposal's impact on BCBC's highway network. The Highway Authority notes that the proposed new M4 access will only be for Abnormal Indivisible Loads (AIL), with other construction traffic coming through BCBC. They state that the proposed highway network is not suitable to support a development of this scale and add that insufficient detail has been provided, including regarding mitigation measures proposed.

PEDW notes that the SR highlights that areas of concern and mitigation measures would be included in a Traffic Management Plan (TMP) and that the draft Traffic and Transport Assessment chapter of the ES highlights that separate preliminary TMP for HGVs and AIL have been prepared and included as draft Appendices to the ES. The Applicant also adds that it is expected a planning condition will be applied to the development for a final combined construction TMP to be prepared for approval post consent and prior to construction works commencing. The Applicant's attention is also drawn to comments from WG Transport contained at Appendix 1 outlining the requirements for the TMP.

PEDW recommends the Applicant liaises with Highways Departments of both LPAs and with Transport Directorate, Welsh Government to ensure the Transport Assessment and TMP meet the necessary requirements. Furthermore, PEDW recommends discussions with BCBC's Highway Authority address the concerns highlighted in their consultation response regarding negative impact on BCBC's highway network. Should it become apparent that there is a likely significant effect with regard to the impact on BCBC's highway network, then this should be fully addressed in the ES.

### **Transport Directorate, Welsh Government comments**

The Applicant's attention is drawn to comments from Transport Directorate, Welsh Government contained at Appendix 1 highlighting insufficient information is currently provided to determine whether a new junction on the M4 is plausible and can be delivered to an appropriate standard. The Directorate outlines the information which needs to be provided and also outlines the requirement for a Road Safety Audit to be undertaken.

Transport Directorate also highlight that Chapter 11, paragraph 11.3.3, does not reference Welsh Government, although it would be Welsh Government's decision whether a junction could be created. They add that clarification needs to be added regarding the relationship between the South Wales Trunk Road Agency and Welsh Government as well as the fact that the Welsh Ministers are the Highway Authority.



The Applicant's attention is also drawn to key points highlighted from their attached draft version of the "Pulling Together" – Best Practice for Transporting Abnormal Loads in Wales" Procedures and Advice Guidance document. In addition to this, they add that large excavation and retaining structures, though not identified on proposals at present, are foreseen to be required, and it is advised conditions are added to ensure these are implemented via an appropriate method to the required standard. The Directorate in their response also outlines general notes regarding appropriate procedures and agreements required.

PEDW recommends the Applicant liaises with Transport Directorate, Welsh Government to ensure their concerns are appropriately addressed and the required detail is provided in the ES.

## **2.2 Landscape and Visual Impact**

Further to their previous comments regarding the potential impact of the development upon the Gower National Landscape (formerly AONB), Swansea Council welcomes the provision of a further representative viewpoint from Oxwich Bay. The Applicant's attention is also drawn to comments from NRW contained at Appendix 1 highlighting construction works associated with the road may be sufficient in scale to attract attention in views from this National Landscape. NRW advises component 1 of the proposed site access is located on the south-west facing scarp slope of Mynydd Brombil and recommend the discussion on impacts in relation to views from the wider coastal plain includes a consideration of the potential impacts at Viewpoint 6 within the National Landscape.

VoGC, in their response contained at Appendix 1 highlights that the scope of the Landscape and Visual Impact Assessment is considered appropriate, without the need for additional viewpoints.

## **2.3 Ecology**

NRW in their response contained at Appendix 1 notes the content of the SR, particularly in relation to European Protected Species and Nationally Protected Species, and welcome that protected mammals are to be scoped in.

## **2.4 Ornithology**

NRW notes that given the size of the access area and the habitats on site, the surveys are sufficient to determine impacts and NRW agrees with the receptors identified.

## **2.5 Hydrology, Geology and Hydrogeology**

The Applicant's attention is drawn to comments from NRW contained at Appendix 1 highlighting the proposed new access road for AIL will likely drain to the Arnalt brook and that their previous comments in relation to the construction and maintenance of access tracks and roads as well as pollution prevention should be applied to the new proposed section.

The Applicant's attention is drawn to comments from the Coal Authority contained at Appendix 1, stating that the Coal Authority considers the scope of the ES and supporting appendices, in

relation to coal mining risk, is adequate to assess the risks posed and inform the further works necessary. PEDW welcomes the draft ES states any remediation works identified shall be carried out to the satisfaction of the LPA in consultation with the Coal Authority.

## 2.6 Soil

The Applicant's attention is drawn to the following comments from LQAS contained at Appendix 1, also provided as part of their pre-application consultation response to the Applicant.

### **Borrow pits and associated infrastructure**

LQAS highlights that the proposal has not demonstrated that the site can be reclaimed to an acceptable standard and after-use and is contrary to Paragraph 5.14.34 of Planning Policy Wales, which states that "Borrow pits must be restored to the high standard expected of other forms of mineral development." LQAS adds that the proposal lacks the detail necessary to assess whether this is achievable and can be conditioned against.

### **Peat**

LQAS states it considers the definition of peatland to be used for assessment is as published in the National Peatland Action Programme, which includes any transitioning shallow peaty soils integral to the hydrological functioning of peat bodies. LQAS highlights that the first priority must be to avoid impacts to peatland bodies and their functioning. LQAS welcomes the efforts made to avoid peat impacts, but requires further clarification in respect of infrastructure siting and impacts on peaty soils and associated hydrological functions, as well as peat handling and storage.

The Applicant's attention is also drawn to LQAS's comments regarding micro-siting allowances and the sensitive nature of peatland bodies and associated hydrology. LQAS also require a detailed plan of the proposed dewatering methodology and timing to condition against, as dewatering carries a risk of compromising the adjacent peat soils and supporting hydrology.

### **Soils impact**

LQAS also highlights that no detailed information has been provided on the potential impact of the development on soils, the use of soils and the reinstatement of all soils. LQAS adds a soil management scheme should be prepared, informed by a baseline soil resources and physical characteristics report. Further detail on the requirements for such a scheme are provided in their response at Appendix 1. PEDW notes that Chapter 10 of the draft ES states that outline soil handling and management is provided in Section 10.5: Soils and Peat and that further detail would be provided in the detailed CEMP.

The Applicant's attention is also drawn to LQAS's concerns that work is undertaken on soils during periods of unsuitable ground conditions and requesting further information on how this will be managed to ensure that all soils (including peaty soils) and functions are maintained and not unduly compromised.

### **Decommissioning**

The Applicant's attention is drawn to comments from LQAS regarding decommissioning, requiring detailed decommissioning and restoration plans to be provided as part of the application.

PEDW recommends the Applicant liaises directly with LQAS to discuss their requirements to ensure these issues are appropriately addressed in the ES.

## **2.7 Cultural Heritage**

Cadw, in their response contained at Appendix 1, concur that the impact on historic assets has already been considered in the existing EIA and therefore no further assessments on the impact of AIL on the Cultural Heritage is required.

## **2.8 Aviation**

NATS, in their response contained at Appendix 1, confirms the proposed development does not conflict with their safeguarding criteria. However, the Applicant's attention is drawn to comments from Cardiff Airport contained at Appendix 1, which highlight a technical impact is anticipated at both Cardiff and Bristol Airports in relation to RADAR and operational safeguarding, although this has only been deemed to be unacceptable in relation to the operation at Cardiff.

The Applicant's attention is also drawn to comments from DIO contained at Appendix 1, expressing concerns in relation to the development's potential to create a physical obstruction to air traffic movements. DIO requires the development is fitted with safety aviation lighting and that sufficient data is submitted to ensure that structures can be accurately charted to allow deconfliction.

PEDW recommends the Applicant liaises directly with Cardiff Airport and DIO on these matters to ensure this is appropriately addressed in the ES.

## **2.9 Major Accidents**

The Applicant's attention is drawn to comments from Mid and West Wales and South Wales Fire and Rescue Services contained at Appendix 1, regarding fire safety measures and ensuring the risk of fire occurring is minimised.

# Appendix 1: Consultation Responses

FAO Marloes Holtkamp  
Planning Officer  
Planning and Environment Decisions Wales  
Welsh Government

**BY EMAIL ONLY**  
**[PEDW.Infrastructure@gov.wales](mailto:PEDW.Infrastructure@gov.wales)**

Dear Marloes,

**Project Name:** Y Bryn Wind Farm

**Site Address:** Land at Bryn and Penhydd forest, located between Port Talbot and Maesteg

I write further to your request for comments on an addendum to the scoping opinion for the Y Bryn Wind Farm which we received on the 22 September 2023. This followed a previous request for our comments on scoping of the ES for the project in 2021.

We have reviewed the Scoping Request (SR) report addendum submitted by the applicant. The applicant states that the Addendum seeks an agreement on the scope of assessment for two components to the proposed site access:

- (1) access for AILs from M4 motorway to the west of the wind farm site, via a newly created, singlepurpose works exit slipway (also referred to as the 'new access route from M4'); and
- (2) a connecting link for AILs between the southern and northern sections of the Y Bryn Wind Farm, and for general incoming and outgoing construction traffic for the southern section, proposed to travel via the route of the existing forestry haulage road (also referred to as 'link road').

The SR report goes onto set out the nature of the changes and is supported by a series of figures that provide detail of the proposed access works.

NPTCBC has previously responded to the applicant that we were concerned that the access elements, particularly the proposed new access from the M4 and AIL route were not fully assessed in the Environmental Statement. Our specific concern was that the nature of the works were not adequately described in the supporting material to the draft ES and this impacted on the conclusions in relation to landscape and visual impact. The SR report includes additional information which specifies the nature of the access work more clearly than previously.

**Environment**

Ceri Morris of Planning and Public Protection  
The Quays, Brunel Way, Baglan Energy Park, Neath SA11 2GG  
Tel 01639 686868

**Yr Amgylchedd**

Ceri Morris Pennaeth Cynllunio a Gwarchod y Cyhoedd  
Y Ceiau, Ffordd Brunel, Parc Ynni Baglan, Castell-nedd SA11 2GG  
Ffôn 01639 686868

We welcome correspondence in Welsh and will deal with Welsh and English correspondence to the same standards and timescales.  
Croesewir gohebiaeth yn y Gymraeg a byddwn yn ymdrin â gohebiaeth Gymraeg a Saesneg i'r un safonau ac amserlenni.



The SR report identifies how the existing work that has already been undertaken for the draft ES addresses the access works. It further identifies additional assessment that will be undertaken to address the impacts of the access work. The provision of additional information on the access works and also the additional assessment set out in the SR report address concerns that the access works were not sufficiently described and that the draft ES conclusions may not be robust. We welcome the proposed additional scope of assessment for the ES and do not have any further comments on the SR report.

Separately from the scoping of the ES, we have concerns whether the nature of the access works was made sufficiently clear in the Pre-Application Consultation (PAC). We accept that the access route from the M4 was shown on the site layout plan and information provided in highways supporting appendices depicted the access to the M4. However, this information was not in detail and the degree of cut and fill and the change to the landform from for providing the AIL route was not, in our view, clear. We have raised this concern with the applicant and note that this is addressed with the additional information that has been provided post PAC and within the SR report the subject of this consultation. We are raising this as a procedural matter that we consider that PEDW should give consideration to in processing this application.

Yours sincerely



Matthew Griffiths  
Senior Planning Officer  
Neath Port Talbot Council

# Cyngor Bwrdeistref Sirol Pen-y-bont ar Ogwr Bridgend County Borough Council

Swyddfeydd Dinesig, Stryd yr Angel, Pen-y-bont, CF31 4WB / Civic Offices, Angel Street, Bridgend, CF31 4WB



Planning & Environment Decisions Wales  
[PEDW.Infrastructure@gov.wales](mailto:PEDW.Infrastructure@gov.wales)

**Grwp Datblygu / Development Group**  
Ebostr / Email: [planning@bridgend.gov.uk](mailto:planning@bridgend.gov.uk)  
Gofynnwch am / Ask for: **Lee Evans**  
Deialu Uniongyrchol / Direct Line: [REDACTED]  
Ein cyf / Our ref: CAS-01294-W3D7Y5

Dyddiad / Date: **25 October 2023**

## F.A.O Marloes Holtkamp

Dear Marloes,

### **Town and Country Planning Act 1990 The Developments of National Significance (Procedure) (Wales) Order 2016 Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017**

**Potential DNS Application:** Y Bryn Wind Farm

**Site Address:** Land at Bryn and Penhydd forest, located between Port Talbot and Maesteg

**Proposed Development:** A wind farm of up to 18 turbines with battery energy storage and ancillary infrastructure.

### **Scoping Report Addendum – Requested comments (CAS-01294-W3D7Y5)**

Thank you for your letter dated 22/09/2023 in respect of the above matter and the request to provide comments on the updated scope of the EIA and the proposed methodologies outlined in the **Scoping Report Addendum**, which will assist you in the provision of an updated scoping direction for the development proposal.

Following a review of the Scoping Report Addendum it is acknowledged the additional scoping comprises the proposed access from the public highways for abnormal indivisible loads (AIL's) and general construction traffic. The addendum effectively seeks agreement on the scope of the assessment for the two components of the site access, notably:

- 1) Access for AILs from M4 motorway to the west of the wind farm site via a newly created, single-purpose works exit slipway (also referred to as the 'new access route from M4') and
- 2) A connecting link for AILs between the southern and northern sections of the Y Bryn Wind Farm, and for general incoming and outgoing construction for the southern section, proposed to travel via the route of the existing forestry haulage road (also referred to as 'link road').

It is ascertained by the applicant's submission that '*all of the proposed infrastructure associated with the access is located in Neath Port Talbot County Borough Council (NPTCBC) area.*'



The original scoping response offered by Bridgend County Borough Council and issued to yourselves on the 15 February 2021 is still deemed relevant to the proposal with it also being acknowledged that only one of the proposed turbines is proposed to be sited within the administrative area of Bridgend.

However, whilst recognising that the specific location of the site accesses and associated infrastructure works remain outside the administrative boundaries of Bridgend CBC, and a more detailed response on the scope and methodologies of the scoping report addendum is likely to be forthcoming from Neath Port Talbot CBC, the following observations are provided on behalf of Bridgend County Borough Council's Highway Authority (in addition to the original response provided 15 February 2021 in this respect):

*'The Highway Authority continue to have serious concerns with the proposal with the addendum failing to provide any meaningful detail in relation to trip generation on BCBC's highway network. It is noted that the proposed new M4 access will only be for abnormal loads in with significant levels of other, associated construction traffic coming through BCBC (although no substantive detail is documented with a number of conservative assumptions only being provided). Currently the proposed highway network is not suitable to support a development of this scale and no details on mitigation have been provided.*

*The submitted documents insist that these details can be agreed post consent, however the Highway Authority has no firm information to begin a meaningful assessment of the proposal and the material impact on the highway network and due to the very high percentages expected to travel through BCBC.*

*As such the addendum does not address the previous highlighted concerns and now raises additional concerns with regards to the very limited use of the M4 access and the intention to leave all transport related matters to post consent and the appointed contractor.'*

In addition to the original response raised by BCBC (15 February 2021) I trust the above comments will help to assist and inform your production of the necessary scoping direction in respect of the scoping report addendum now submitted by the applicants/developers in respect of this proposed DNS application.

Kind Regards



Lee Evans – Principal Planning Officer  
Bridgend County Borough Council

**For Development & Building Control Manager**





**City & County of Swansea / Dinas a Sir Abertawe**  
**Directorate Of Place / Cyfarwyddiaeth Lleodd**  
**Planning and City Regeneration / Cynllunio ac Adfywio'r Ddinas**  
Civic Centre, Oystermouth Road, Swansea, SA1 3SN  
Y Ganolfan Ddinesig, Heol Ystumllwynarth, Abertawe, SA1 3SN  
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✉ [planning@swansea.gov.uk](mailto:planning@swansea.gov.uk) / <http://www.swansea.gov.uk>

Marloes Holtkamp  
Planning and Environment Decisions Wales  
Crown Buildings  
Cathays Park  
Cardiff  
CF10 3NQ  
[PEDW.Infrastructure@gov.wales](mailto:PEDW.Infrastructure@gov.wales)

*Please ask for:*

Simon Hughes

*Direct Line:*

*E-mail:*

*Date:*

03/10/2023

Dear Sir/Madam

**Application No:** 2023/2052/ENQ  
**Site Location:** Land At Bryn And Penhydd Forest, Located Between Port Talbot And Maesteg  
**Proposal:** Wind farm of up to 18 turbines with battery energy storage and ancillary infrastructure (referral from PEDW for comments on Scoping Opinion)

I refer to your letter of 22<sup>nd</sup> September 2023 regarding the above proposed Development of National Significance (Your Ref: CAS-01294-W3D7Y5).

Swansea Council previously provided focussed comments by Chris Lindley (Gower AONB Team Leader at the time) dated 22<sup>nd</sup> February 2021. These comments were subsequently included within Appendix 1 to the EIA Scoping Direction prepared by the Planning Inspectorate dated 8<sup>th</sup> March 2021.

The Council's comments related to Landscape and Visual Impact Assessment matters and specifically the potential impact upon the Gower AONB. The comments recommended the provision of a further representative viewpoint from Gower AONB to achieve better understanding of the visual impacts from the AONB across Swansea Bay.

Within the context of the original comments, the provision of a further representative viewpoint from Oxwich Bay is welcomed.

The Local Planning Authority has no further comments to make on the updated scope of the EIA or the methodologies outlined within the Scoping Addendum Report.

Yours faithfully

**Simon Hughes**  
**Principal Planning Officer**

*To receive this information in alternative format, please contact the above.  
I dderbyn yr wybodaeth hon mewn fformatt arall, cysylltwch a'r person uchod.*

**THE VALE OF GLAMORGAN COUNCIL**

Dock Office, Barry Docks, Barry. CF63 4RT

Telephone number: [REDACTED]

My Ref.  
2023/00974/OBS

When telephoning please ask for:  
Mr. Ceiri Rowlands

PEDW  
Marloes Holtkamp  
Crown Buildings  
Cathays Park  
Cardiff  
CF10 3NQ

24 October 2023

Dear Sir/Madam,

**Location : Y Bryn Wind Farm - Land at Bryn and Penhydd Forest, located between Port Talbot and Maesteg (CAS-01294-W3D7Y5)**

**Proposal : Scoping Report Addendum - A wind farm of up to 18 turbines with battery energy storage and ancillary infrastructure**

I refer to your letter registered on 22 September 2023 enclosing details of the above development and inviting this Authority to comment on the proposal.

Consideration has been given to this matter and I would inform you that this Authority wishes to make the following observations on the proposal:

1. VoG LPA have no adverse comments and PEDW are advised to consider the observations contained within the attached report.

Yours faithfully

Ian Robinson

[REDACTED]  
**Head of Sustainable Development**

**APPLICANT:** Y Bryn Wind Farm Limited C.o Agent

**AGENT:** PEDW Marloes Holtkamp, Crown Buildings, Cathays Park, Cardiff, CF10 3NQ,

**Y Bryn Wind Farm - Land at Bryn and Penhydd Forest, located between Port Talbot and Maesteg (CAS-01294-W3D7Y5)**

Scoping Report Addendum - A wind farm of up to 18 turbines with battery energy storage and ancillary infrastructure

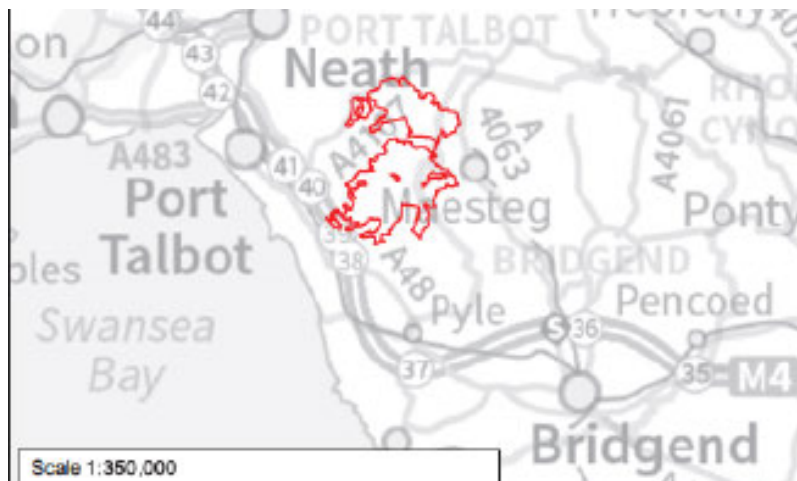
**SITE AND CONTEXT**

The proposal falls outside of the administrative area of the Vale of Glamorgan Council, and owing to its characteristics, it constitutes a Development of National Significance. As such the responsibility for EIA screening and scoping lies with the Welsh Ministers.

This is a response to a consultation request (as a neighbouring authority) received from Welsh Government for a scoping opinion addendum under the EIA (Wales) Regulations 2017.

**DESCRIPTION OF DEVELOPMENT**

The proposed development is for a wind farm of up to 18 turbines with battery energy storage and ancillary infrastructure. It is located to the east of Port Talbot and to the west of Maesteg, as shown below:



**REPORT**

In reaching a scoping opinion, the decision maker must have regard to the matters listed in Paragraph 14 (6) of the Regulations (The Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017) and before adopting a scoping opinion, the authority must take into account:-

- (a) Any information provided by the applicant about the proposed development;

- (b) The specific characteristics of the particular development;
- (c) The specific characteristics of development of the type concerned; and
- (d) The environmental features likely to be significantly affected by the development.

The proposal is considered to fall under the following section of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017 (the EIA Regulations): Schedule 2, Part 3 'Energy Industry', subsection (i), as a windfarm exceeding the stated threshold.

The request for a scoping opinion has been accompanied by a scoping report for the site identifying the following areas where the proposed development could give rise to significant environmental effects. Having considered these, and the potential for cumulative effects, the principal consideration relating to the Vale administrative area are to do with landscape and visual impacts.

It is agreed the matter should be considered an EIA topic and that the scoping information submitted covers that topic in sufficient depth. The scope of the LVIA, which includes assessment of the cumulative impact to a viewpoint on the Wales Coast Path in Ogmores-by-Sea, is also considered appropriate. The documentation indicates that it would be potentially visible from other areas in the Vale. This would include areas locally designated as Special Landscape Areas, and this has been recognised in the documentation. There are also promoted walking routes in these areas (circular trails, walks etc.) from which the development is potentially visible. However, considering the separation distance (>10km), the scope of the LVIA is considered acceptable in relation to Vale-side impacts without recourse to considering additional viewpoints.

No observations are made in relation to the other topics.

## RECOMMENDATION

### Observations as follows:

1. VoG LPA have no adverse comments and PEDW are advised to consider the observations contained within the attached report.

## NOTE:

**Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual or proposed variations from the approved plans immediately so that you can be advised how to best resolve the matter.**

**In addition, any conditions that the Council has imposed on this consent will be listed above and should be read carefully. It is your (or any subsequent developers) responsibility to ensure that the terms of all conditions are met in full at the appropriate time (as outlined in the specific condition).**

**The commencement of development without firstly meeting in full the terms of any conditions that require the submission of details prior to the commencement of development will constitute unauthorised development. This will necessitate the submission of a further application to retain the unauthorised development and may render you liable to formal enforcement action.**

**Failure on the part of the developer to observe the requirements of any other conditions could result in the Council pursuing formal enforcement action in the form of a Breach of Condition Notice.**

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

Ein cyf/Our ref: CAS-237803-W2C3  
Eich cyf/Your ref: DNS CAS-01294-  
W3D7Y5

Dyddiad/Date: 02 November 2023

Annwyl Syr/Madam/Dear Sir/Madam,

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

**Potential DNS Application:** Y Bryn Wind Farm

**Site Address:** Land at Bryn and Penhydd forest, located between Port Talbot and Maesteg

**Proposed Development:** A wind farm of up to 18 turbines with battery energy storage and ancillary infrastructure.

Thank you for referring the above proposal for a scoping opinion, which we received on 22 September 2023. Natural Resources Wales (NRW) has reviewed the information provided in the Y Bryn Wind Farm, Scoping Report Addendum document by Natural Power (reference: 1233647; dated 24 August 2023) and the associated documents.

Please note our response only addresses the changes outlined in the Scoping Report Addendum (proposed access from the public highways for abnormal indivisible loads and general construction traffic). We would refer you to our response to the original Scoping Report dated 17 February 2021 (Our reference CAS-135151-H4R5) for our comments on the whole development.

Please note that our comments are without prejudice to any comments we may wish to make when consulted on any subsequent planning applications or on the submission of a more detailed scoping report or the full Environmental Statement (ES). At the time of any planning application there may be new information available which we will need to take into account in making a formal response.

These comments include those matters NRW consider will need to be taken into consideration and applied to the Environment Impact Assessment (EIA) and the resulting ES. Our comments are set out below following the chapter order in the Scoping Report Addendum.

## **Chapter 4.2 – Ecology**

We note the purpose and content of the Scoping Report Addendum particularly in relation to European Protected Species and Nationally Protected Species. We welcome that protected mammals shall be scoped in and we have no further comment.

## **Chapter 4.3 – Ornithology**

We welcome the Scoping Report Addendum which covers the access to the proposed development. Given the size of the access area and the habitats on site, the surveys are sufficient to determine impacts and we agree with the receptors identified.

## **Chapter 4.4 - Seascape, Landscape and Visual Impact Assessment (SLVIA)**

We're satisfied with the Scoping Report Addendum on SLVIA matters. We have included the following precautionary comment to flag a potential issue regarding the component 1 road (leading from M4).

We advise Component 1 of the proposed site access is located on the south west facing scarp slope of Mynydd Brombil. This scarp is visible in views across Swansea Bay / Bae Abertawe where it forms part of the 'backcloth' to the coastal plain. Construction works to form the cuttings and fill batters associated with the road may be sufficient in scale to attract attention in views from the Mumbles Area of Outstanding Natural Beauty (AONB). Particularly prior to reseeding or planting. Paragraph 4.4.8 of the Scoping Report Addendum states impacts of Component 1 on the 'backcloth' provided by the scarp slope will be discussed in relation to 'views from the wider coastal plain'. We recommend this includes a consideration of the potential impacts at Viewpoint 6: Mumbles Hill, which lies within the AONB.

## **Chapter 4.6 - Hydrology, Geology and Hydrogeology**

The proposed new access road for abnormal and indivisible loads will likely drain to the Arnalt brook. All comments in relation to construction and maintenance of access tracks and roads as well as pollution prevention requirements and recommendations made in our previous response should be applied to this new proposed section.

### **Other Matters**

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

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

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

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

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

Yn gywir / Yours faithfully

**Lisa Jones**  
**Gynghorydd - Cynllunio Datblygu / Advisor - Development Planning**

**Ffôn/Phone:**

██████████

**E-bost/E-mail:**

swplanning@cyfoethnaturiolcymru.gov.uk

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



**From:** Arnold, Jenna (ETC - CST - Cadw - Casework Teams)

**Sent:** Wednesday, November 1, 2023 11:27 AM

**To:** PEDW – Seilwaith / Infrastructure <PEDW.Infrastructure@gov.wales>; Holtkamp, Marloes (COOG - Planning & Environment Decisions Wales)

**Cc:** Smith, Nichola (ETC - CST - Cadw - Casework Teams); Maylan, Neil (ETC - CST - Cadw - Historic Environment)

**Subject:** RE: DNS CAS-01294-W3D7Y5 - Y Bryn Wind Farm - DNS Scoping Consultation

Good morning Marloes

Please see Cadw's comments on the scoping consultation for the above.

A scoping report addendum for the preparation of an updated EIA has been submitted to PEDW. The updated EIA is required to consider the impact of an additional access for abnormal indivisible loads (AIL) to the proposed development. Section 4.5 of the scoping report addendum identifies the historic assets, both designated and non-designated, that will be affected by the proposed AIL. It confirms that its impact on them has already been considered in the existing EIA and therefore concludes that there is no need for any further assessments on the impact of the AIL on the Cultural Heritage to be carried out. We concur with this conclusion.

Kind regards  
Jenna



**Jenna Arnold**

Cangen Amgylchedd Hanesyddol / Historic Environment Branch  
Llywodraeth Cymru / Welsh Government

**Cadw— er lles pawb.**  
**For us all, to keep.**

[Ymunwch â Cadw](#)  
[Join Cadw](#)

**From:** Williams, Arwel (CCRA - ERA - Landscapes, Nature and Forestry) **On Behalf Of** LQAS  
**Sent:** Monday, September 25, 2023 3:21 PM  
**To:** PEDW – Seilwaith / Infrastructure <[PEDW.Infrastructure@gov.wales](mailto:PEDW.Infrastructure@gov.wales)>; LQAS  
**Subject:** RE: DNS CAS-01294-W3D7Y5 - Y Bryn Wind Farm - DNS Scoping Consultation

Hi Maroles,

Yes, more than happy for you to raise the concerns from our pre-app response for the scoping direction.

If there is any further clarification needed on any of the points, I would be happy to discuss further with PEDW.

Regards

Arwel

Arwel Wyn Williams  
Cynghorydd Polisi Pridd a Defnydd Tir Amaethyddol / Agricultural Land Use & Soil Policy Advisor  
Is-adran Tirweddau, Natur a Choedwigaeth / Landscapes, Nature and Forestry Division  
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**From:** Holtkamp, Marloes (COOG - Planning & Environment Decisions Wales) **On Behalf Of** PEDW – Seilwaith / Infrastructure  
**Sent:** Monday, September 25, 2023 3:09 PM  
**To:** LQAS  
**Subject:** RE: DNS CAS-01294-W3D7Y5 - Y Bryn Wind Farm - DNS Scoping Consultation

Hi Arwel,

Thank you for your response. I note that LQAS has recently provided a response to the pre-application consultation by the applicant (attached). We take it you would be content for us to use that response to note your concerns identified in relation to the proposed development for the purpose of preparing our Scoping Direction. We will therefore add the response to our file for that purpose.

Kind regards,  
Marloes

**Marloes Holtkamp**  
[hi | she / her]  
Swyddog Cynllunio | Planning Officer  
Penderfyniadau Cynllunio ac Amgylchedd Cymru | Planning and Environment Decisions Wales

Llywodraeth Cymru | Welsh Government  
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<https://llyw.cymru/penderfyniadau-cynllunio-ac-amgylchedd-cymru> |  
<https://gov.wales/planning-and-environment-decisions-wales>

**From:** Williams, Arwel (CCRA - ERA - Landscapes, Nature and Forestry) **On Behalf Of** LQAS  
**Sent:** Friday, September 22, 2023 2:57 PM  
**To:** PEDW – Seilwaith / Infrastructure <[PEDW.Infrastructure@gov.wales](mailto:PEDW.Infrastructure@gov.wales)>  
**Cc:** LQAS  
**Subject:** RE: DNS CAS-01294-W3D7Y5 - Y Bryn Wind Farm - DNS Scoping Consultation

Good afternoon Marloes,

Thanks for your consultation request regarding the EIA Scoping Report Addendum for DNS CAS-01294-W3D7Y5 - Y Bryn Wind Farm, Maesteg.

I can confirm the department has no comment to offer in respect of this document currently.

The department has recently provided a substantive response to the pre-application consultation by the applicant for the development. As per Article 10(2)(c) of the Developments of National Significance (Procedure) (Wales) Order 2016, the Department advised the applicant of concerns identified in relation to the proposed development and how those concerns can be addressed. The concerns raised are in relation to peatlands, soils and mineral planning requirements.

Regards

Arwel

Arwel Wyn Williams  
Cynghorydd Polisi Pridd a Defnydd Tir Amaethyddol / Agricultural Land Use & Soil Policy Advisor  
Is-adran Tirweddau, Natur a Choedwigaeth / Landscapes, Nature and Forestry Division  
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Ref: DNS/3264571

Rafe Osborne  
Senior Consenting and EIA Consultant  
Natural Power  
The Greenhouse,  
Dalry  
Castle Douglas  
DG7 3XS

Via Email: [REDACTED]

31<sup>st</sup> July 2023.

**Re: Pre-application consultation response under article 10(2) of the Developments of National Significance (Procedure) (Wales) Order 2016 – Proposed Y Bryn Wind Farm, Maesteg (Ref No: DNS/3264571).**

I refer to your e-mail of 4<sup>th</sup> of July consulting the Soil, Peatland & Agricultural Land Use Planning Unit on the above as a statutory pre-application consultee. This substantive response is made in accordance with Article 10 of the Developments of National Significance (Procedure) (Wales) Order 2016 and:

- Schedule 5 of the Town and Country Planning Act 1990<sup>1</sup> (as amended),
- MTAN 1 Aggregates, Chapter D – 2004<sup>2</sup>
- Planning Policy Wales (PPW), Edition 11 – 2021<sup>3</sup>.
- National Development Framework (NDF) Future Wales: The National Plan 2040<sup>4</sup>

This substantive response includes at Annex 1 the Department's appraisal of the application documents in respect of mineral planning, soils and peatlands.

## 1. Substantive Response

As per Article 10(2)(c) of the 2016 Order, the Department advises the applicant of concerns identified in relation to the proposed development and how those concerns can be addressed.

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<sup>1</sup> <https://www.legislation.gov.uk/ukpga/1990/8/schedule/5/enacted>

<sup>2</sup> <https://www.gov.wales/minerals-technical-advice-note-mtan-wales-1-aggregates>

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

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

## **2. Context and Background:**

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. Mineral, organo-mineral and peat soils are fragile, finite and provide crucial ecosystem services and functions. These services and functions include carbon and water storage, biodiversity and important contributions to climate regulation.

As per the step-wise approach (PPW, paragraph 6.4.21), the first priority must be to avoid impacts to peatland bodies and their functioning. The Department expect proposals not to impact peatland bodies or hydrological function and this should be clearly demonstrated in the proposals.

## **3. Policy Context and Guidance**

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

- Policy 9 of Future Wales - The National Plan 2040 highlights soil carbon, biodiversity hotspots / networks, natural flood management and upland habitats as 'national natural resources'. These national natural resources exist as a direct result of the presence of peat soils.
- Policy 18(11) of Future Wales – sets out the need for acceptable provisions relating to the decommissioning of the development at the end of its lifetime, including the removal of infrastructure and effective restoration.
- Chapter D of MTAN 1 (Aggregates) sets out detailed advice on the mechanisms for delivering a high standard of restoration, aftercare and provide for a beneficial after-use.
- Paragraph 5.14.34 of PPW 11 - "*Borrow pits must be restored to the high standard expected of other forms of mineral development.*"

## **4. Agricultural Land Classification (ALC): Information and advice:**

The Department does not hold any information on detailed ALC field surveys for the site. According to the Predictive ALC Map for Wales, the site is considered at best Grade 4.

A detailed ALC field survey is not recommended for the site. The Department does not consider BMV land to be present at this site and therefore Planning Policy Wales (PPW) 11, paragraphs 3.58 and 3.59 would not apply.

## **5. Borrow Pits and associated infrastructure:**

The proposal has not demonstrated that the site can be reclaimed to an acceptable standard and after-use. This should have been presented in sufficient detail for the determining authority and statutory consultees to form a judgement as to its feasibility (MTAN1, paragraph 106).

There is significant doubt as to whether satisfactory reclamation can be achieved at the site, and as such, the planning permission should be refused. (MTAN1, paragraph 97).

The lack of a detailed scheme means the Department does not have confidence that the land can, as far as reasonably practicable, be brought to the required standard when it is reasonably fit for that use in accordance with paragraph 3 of Schedule 5 of the 1990 Act.

The proposal is contrary to Paragraph 5.14.34 of Planning Policy Wales, "Borrow pits must be restored to the high standard expected of other forms of mineral development." The proposal lacks the detail necessary to assess whether this is achievable and to be able to condition against. The Department does not agree that this is left to a post consent condition.

## **6. Peat Soils:**

The Department welcomes the efforts made to avoid peat impacts in the proposal's evolution. However, there are some contradictory statements and further clarification required in respect of infrastructure siting and potential peat impacts.

The documents state that no infrastructure is to be placed on peat >0.5m deep and there will be no peat excavations or handling. However, according to Figure 10.4 (Peat Interpolation), there appears to be infrastructure proposed on areas of peat with depth ranging from 0.3m – 0.5m and even >0.5m in some cases. Examples are:

- Construction compound near T8 and T9, and existing track upgrade to north east and south.
- New track from T12 to (and including) borrow pit to north east.
- T9, T10, T11 and T12 crane hardstanding.
- New track to T16 and T18.
- Existing track upgrades between T09 and T10

The department would welcome further clarification on the impacts of infrastructure on peaty soils and associated hydrological functions.

There are also statements made (e.g., Section 5.6.7 and 5.6.8) regarding details on peat handling and storage being prepared in the CMS. This would appear to contradict the earlier statement that no peat extraction would be undertaken. Clarification on this matter would be welcome.

## **7. Use of soils:**

The proposals do not provide detailed information on the potential impact of the development, on soils, the use of soils and the reinstatement of all soils. For all disturbed soil areas (permanent and/or temporary) a soil management scheme should be prepared by the developer, informed by a baseline soil resources and physical characteristics report. This should be a clear scheme and programme setting out how all soils will be managed and reinstated in order to maintain their function.

## **8. Micro-siting:**

Due to the sensitive nature of peatland bodies and associated hydrology, the Department does not accept the broad micro-siting allowance of 50m proposed for turbines or any other infrastructure. Micro-siting allowances should be restricted where there may be a sensitive directional restriction such as peatland bodies or hydrological impacts.

## **9. Decommissioning:**

The Department does not consider that there is sufficient information to reasonably assess and determine whether effective site restoration can be achieved post decommissioning. The Department considers that the broad decommissioning proposal in Section 5.17.1 does not meet the requirements of Policy 18(11) of Future Wales. A detailed decommissioning and restoration plans should be provided as part of this application.

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.

Yours sincerely



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



## **Annex 1 – Appraisal of the application documents in respect mineral planning, soils and peat.**

- 1.1. **Borrow pits** - Chapter 2, Section 2.4 notes that ‘*The detailed assessments contained in the following chapters demonstrate that the proposed development will not result in any unacceptable adverse impacts on the matters laid out in Policy 18*’. The Department has concerns with this statement in respect of Policy 18(11) of Future Wales and effective restoration of the site.

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

The proposal has not demonstrated that the borrow pits can be reclaimed to an acceptable standard and after-use. This should have been presented in sufficient detail for the determining authority and statutory consultees to form a judgement as to its feasibility. The lack of a detailed scheme and confirmed afteruse means the Department does not have confidence that the land can, as far as reasonably practicable, be brought to the required standard when it is reasonably fit for that use in accordance with Schedule 5, paragraph 3(2), 3(3) or 3(4) of the 1990 Act.

The proposal is contrary to Paragraph 5.14.34 of PPW; “*Borrow pits must be restored to the high standard expected of other forms of mineral development.*” The proposal lacks the detail necessary to assess whether this is achievable and to be able to condition against.

Chapter 5, paragraph 5.6.5 notes ‘*Previous experience of agreeing the construction methodology during the post-consent/pre-construction stage has proved effective in securing accurate and realistic method statements*’. The Department would like to emphasise that it is the responsibility of the mineral operator to design and implement a high-quality restoration and aftercare scheme that must be an integral part of any application. MTAN 1, paragraph 97 is clear, if there is significant doubt as to whether satisfactory reclamation can be achieved at the site, and as such, the planning permission should be refused.

- 1.2. Chapter 5, paragraph 5.6.8 notes the environmental awareness training for staff, specifically measures on maintaining and handling stored peat. It is unclear why this would be necessary as the proposal noted no infrastructure on peat and no peat extraction. Clarification would be welcome on the potential peat impacts.
- 1.3. Chapter 5, table 5.2 notes the proposed 24-month construction timetable GANTT chart. The Department is concerned that from this proposal, work is undertaken on soils during periods of unsuitable ground conditions (periods of high rainfall and winter months). Information would be welcome on how this will be managed to ensure that all soils (including peaty soils) and functions are maintained and not unduly compromised.
- 1.4. **Soils** - Chapter 5, Paragraph 5.7 – Specification of Turbines. There will be substantial extraction of soils for each of the 18 turbine foundations (33m diameter x 4m deep each), crane pads (area unclear), internal tracks (4.5m wide x 8.9km), cable trenches with sand fill (1.0 deep x 0.45m width, total length unknown), compounds,



hardstanding areas, substation, control building (100m x 75m) and battery storage (50m x 75m).

Very little information is provided on a soil management scheme. The proposals do not provide detailed information on the potential impact on soils from the development, the soil resources (types, depths and volumes), use of soils and the reinstatement of all soils. Some broad information is provided on soils handling, excavation and site reinstatement. It is unclear what use will be made of the extracted soils.

For all soil excavations, an application is expected to include details on the soil resources present to inform soil stripping, handling, storage, placement, restoration proposals and afteruse and to be able to condition against an approved scheme.

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 restoration/reinstatement programme, including techniques and aftercare programme.

It is welcomed that detailed method statements will be produced for soils in landscaping and reinstatement works (Section 10.7.60). These could form part of a soil management scheme.

- 1.5. **Micrositing** - Due to the sensitive nature of peatland bodies and associated hydrology, the Department does not accept the broad micro-siting allowance proposed of 50m. Micro-siting allowances should be restricted where there may be a sensitive directional restriction such as peat.
- 1.6. **Dewatering** - This carries a risk of compromising the adjacent peat soils and supporting hydrology despite best intentions. A detailed plan of the proposed dewatering methodology and timing is required in order to condition against.
- 1.7. **Decommissioning** – the Department is concerned that there is no detailed scheme for site decommissioning put forward that can be confidently conditioned against. There are a few broad statements in Section 5.17.1 confirming that all above ground infrastructure would be removed and all below ground infrastructure would remain. The department consider that this does not meet the requirements of Policy 18(11) of Future Wales in terms of acceptable provisions relating to the decommissioning of the development at the end of its lifetime, including the removal of infrastructure and effective restoration.
- 1.8. **Peatland** - The Department considers the definition of peatland to be used for assessment is as published in the National Peatland Action Programme (NPAP) – see below. This includes any transitioning shallow peaty soils integral to the hydrological functioning of peat bodies : -

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

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



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

**Eich cyf / Your ref** CAS-01294-W3D7Y5

**Ein cyf / Our ref** 23/SW-5981

25 October 2023

Dear Sir/Madam,

**TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (WALES)  
ORDER 2012:**

**Y Bryn Wind Farm, Land at Bryn and Penhydd forest**

**A wind farm of up to 18 turbines with battery energy storage and ancillary infrastructure.**

I refer to your consultation of 22<sup>nd</sup> September 2023 regarding the above application, and advise that the Welsh Government as highway authority for the M4 motorway directs that planning permission is not granted at this time as the applicant has provided insufficient information to determine the application.

To ensure a new junction on the M4 motorway can be delivered to an appropriate standard, items which may determine whether a new junction is plausible, will need to be resolved, prior to any determinations.

The applicant must provide the following information to support this application or resubmit the application with the following details;

- 1) Detail needs to be provided to prove access for transporting AILs is achievable from the point of entry to the Welsh trunk road network to the point of egress, which minimises any impact on the safety and free flow of trunk road traffic, please supply the likely traveling weights and dimensions of AILs.

Proposals identify the removal of signs to allow clearance for the blades. These signs may be demounted to allow the blades to pass, but must be immediately reinstalled as they are safety critical to the operation of the Strategic Road Network (SRN).

- 2) Enforcement strategy - to confirm how the junction will be controlled for use by windfarm component transportation only, noting the use of cones for the duration of the construction period will not be acceptable and how the access will be stopped up during the operational phase of the project, once AIL deliveries have ceased.



- 3) Junction spacing / weaving length details - distances between the proposed and existing junctions may contravene current design standards. Should this be observed, updated proposals / justification for its acceptability will be required, for our full deliberation by means of a Departure from Standard application.
- 4) Signing strategy – detail should take account of the potential for sign clutter, as well as reduced effectiveness of the existing signs in proximity to Junction 38, particularly the ADS sign and potential to lead to confusion with drivers, as signage may overlap the junction positions.
- 5) Preliminary embankment or retaining structure details and junction longitudinal gradients. Topography of the mountain side is steep, please see appended google street view screenshots. Therefore, earthworks as shown on previous iterations of the drawings are either incorrect or the slip road is extremely steep (which would not be acceptable) or retaining structures are intended, but no details provided. Updated drawings should show the true footprint of the works accordingly. Please note environmental clearances will be required as part of any planning granted.

Welsh Government need to get an understanding of the footprint, the feasibility of construction in such a steep location and reassurance that the proposal will not impact the SRN.

- 6) A Road Safety Audit Stage 1, in accordance with the Design Manual for Roads and Bridges GG 119. A stage 1 RSA will be critical for determining the feasibility and giving opportunity to close out any significant issues feeding into detailed design. 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.

An RSA will be required, with the Welsh Government as Overseeing Organisation (OO), as though the use is temporary in nature the junction will be permanent feature, which will have an impact on road user behaviour and there is the possibility for adverse changes to the outcome of a collision during AIL deliveries.

- 7) It is understood the access will only be used during the construction and decommissioning phases and will be closed off following AIL deliveries, however, departures will be required as appropriate. All new highway features must confirm to the DMRB or have an approved departure from standard - the temporary nature of the junction may be used as mitigation.

At present all design Departures from Standards from the Design Manual for Roads and Bridges (DMRB) shall be identified and justification for their acceptability supplied, for our consideration

- 8) In respect of the Y Bryn ES Chapter 11 - Traffic and Transport document, paragraph 11.3.3, there is no reference to Welsh Government. It would be Welsh Government's decision whether a junction could be created.

Furthermore, the relationship between the South Wales Trunk Road Agency and Welsh Government needs to be clarified as well as the fact that the Welsh Ministers are the Highway Authority.

In addition to the standard conditions included within the draft version of the Welsh Government pulling together Procedure and Advice Guidance (PAG) document (appended). Large excavation and retaining structures, though not identified on proposals at present are foreseen to be required. These works and structures have the potential to severely impact upon our right of support if not implemented via an appropriate method to the required standard. It is brought to the designers' attention; the Welsh Government would advise the following conditions be added to any permission granted by the authority at the appropriate time. Any failure to comply will likely result in legal action being taken. All conditions and notes apply to both temporary and permanent engineering works:

- 1) Prior to the commencement of any works on site, full details for excavations with associated Risk Assessments / Method Statements (RAMS) in conjunction with full dimensions and calculations for the retaining structures must be provided to the Local Planning Authority (LPA). Details shall be submitted to and approved in writing by the LPA in consultation with the Welsh Government.
- 2) Retaining structures and earthwork excavation shall be laid out, constructed and maintained strictly in accordance with the approved details / RAMS prior to the construction of buildings, carparks or permanent access roads.

### **General Notes**

- 1) The applicant will need to follow the procedures given in the DMRB CD622 Managing Geotechnical Risk. No works shall commence without the express written permission of the Welsh Government SRN Division.
- 2) Any retaining wall structural technical approval must follow the procedures of the DMRB CG 300 Technical Approval of Highway Structures.
- 3) An agreement with the Welsh Ministers would be required under section 278 of the Highways Act 1980 for the creation of the private junction servicing the proposed wind farm in and should be separately sought.

The applicant will also need to satisfy all other statutory and legal requirements, including where appropriate EIA Regulations and the Habitats Regulations.

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

For your information please find below our standard planning conditions (taken from the aforementioned PAG document and amended to reflect discussion between Welsh Government and the developer), which Welsh Government would request be applied to any future planning permission granted by the authority:

### **Structural assessment**

No on site development works shall be undertaken until:

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

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

### **Condition surveys**

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

### **Liability for incidental damage**

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

### **Transport Management Plan**

ALLs associated with the development shall be delivered strictly in accordance with a Transport 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 Authorities
- 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 Authorities
- 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 where the works extend beyond the limit of road adoption. 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. Details of these schemes are to be provided by the Welsh Government and Neath Port Talbot County Borough Council
- n) the appointment and role of a transport coordinator to administer the abnormal indivisible load delivery strategy
- o) temporary traffic diversions and traffic hold points
- p) details of banksmen and escorts for abnormal loads
- q) management and maintenance of layover areas, junctions, passing places, public rights of way and welfare facilities while AIL deliveries take place
- r) details of temporary signage.



ALL 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 any new or altered infrastructure on the trunk road network associated with the scheme (Stages 1 –2) in accordance with the Design Manual for Roads and Bridges GG 119 for all temporary works. Permanent works shall also require a Stage 3 Audit and Stage 4 audit upon completion of these works. 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.



**BUDDSODDWR MEWN POBL**  
INVESTOR IN PEOPLE

Trafnidiaeth  
Llywodraeth Cymru  
Parc Cathays  
Caerdydd

Transport  
Welsh Government  
Cathays Park  
Cardiff



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

### **Access onto the trunk road**

Full details of the highways 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 the 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 submitted plans of the proposed new access onto the trunk road shall at all times be kept free of 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 the DMRB.

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

Yours faithfully

Jason Ingram



**BUDDSODDWR MEWN POBL**  
**INVESTOR IN PEOPLE**

Trafnidiaeth  
Llywodraeth Cymru  
Parc Cathays  
Caerdydd

Transport  
Welsh Government  
Cathays Park  
Cardiff

Ebost/Email: [Lgc\\_development\\_control-south@Gov.Wales](mailto:Lgc_development_control-south@Gov.Wales)



## **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



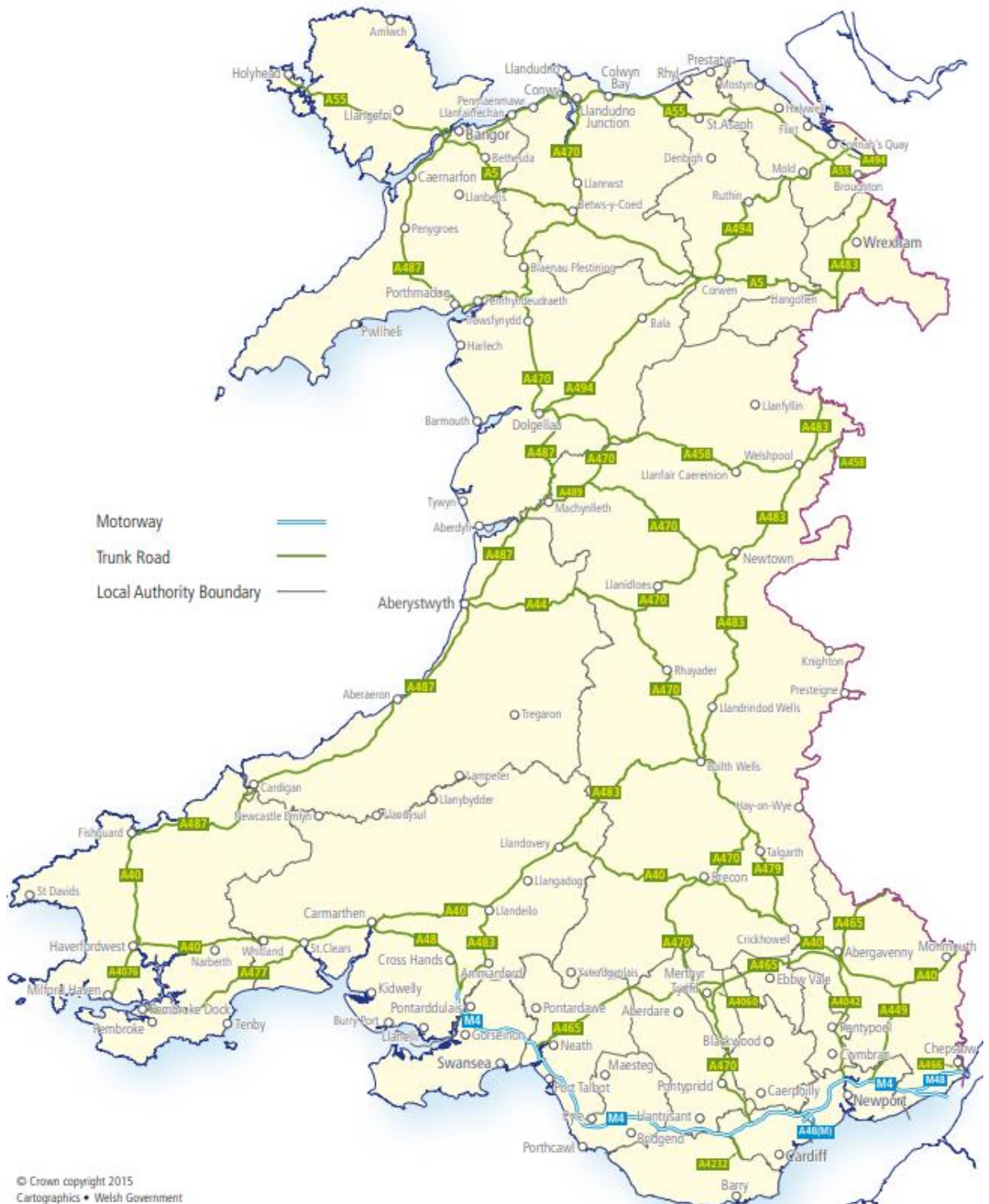
The movement of these types of loads by road is essential for supporting the UK economy, but it is also essential that the movements are carefully planned and executed to ensure they can be safely accommodated by the highway network. Movements of abnormal loads on the Welsh trunk road network (see Figure 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			Special Order
>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					

**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.

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<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.

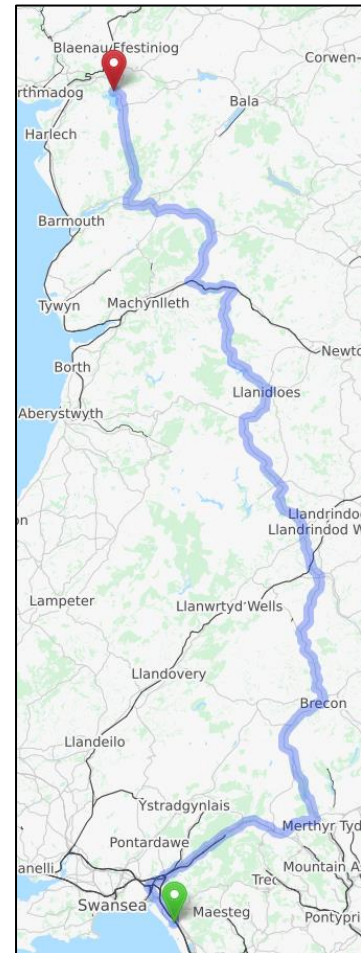
## 4.2 Route planning guidance

### 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.



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



## 4.4 Post-notification considerations

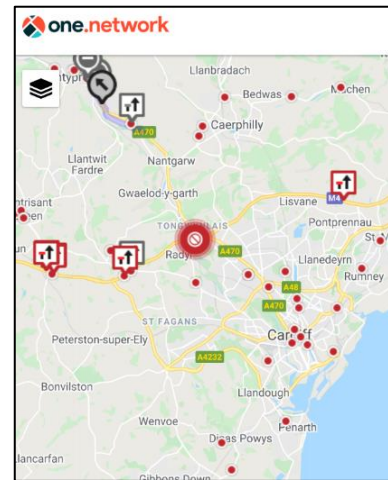
### 4.4.1 Roadworks and disruptions

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**

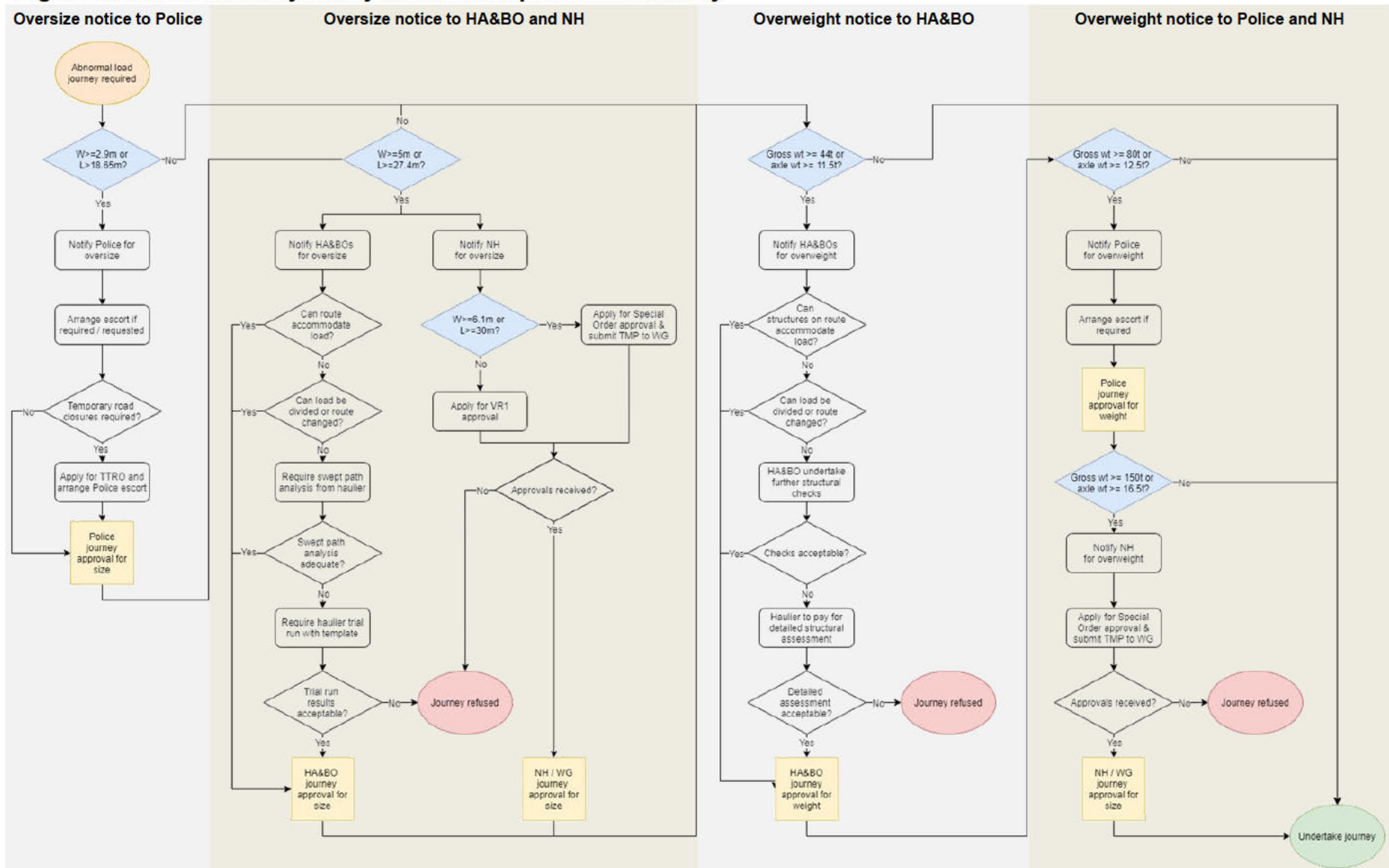
A summary of the main steps in the legally required notification process is shown in the following figure.

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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	[REDACTED]
Dyfed-Powys Police	[REDACTED]
Gwent Police	[REDACTED]
North Wales Police	[REDACTED]
South Wales Police	[REDACTED]
NMWTRA	[REDACTED]
SWTRA	[REDACTED]
Traffic Wales	[REDACTED]
National Highways Abnormal Loads Tea	[REDACTED]
Network Rail Abnormal Loads Team	[REDACTED]
Blaenau Gwent County Borough Council	[REDACTED]
Bridgend County Borough Council	[REDACTED]
Caerphilly County Borough Council	[REDACTED]
Cardiff City & County Council	[REDACTED]
Carmarthenshire County Council	[REDACTED]
Ceredigion County Council	[REDACTED]
Conwy County Borough Council	[REDACTED]
Denbighshire County Council	[REDACTED]
Flintshire County Council	[REDACTED]
Gwynedd County Council	[REDACTED]
Isle of Anglesey County Council	[REDACTED]

**Organisation****Contact details**

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Merthyr Tydfil County and Borough Council

Monmouthshire Council

Neath Port Talbot County Borough Council

Newport City Council

Pembrokeshire County Council

Powys County Council

Rhondda Cynon Taf County Borough Council

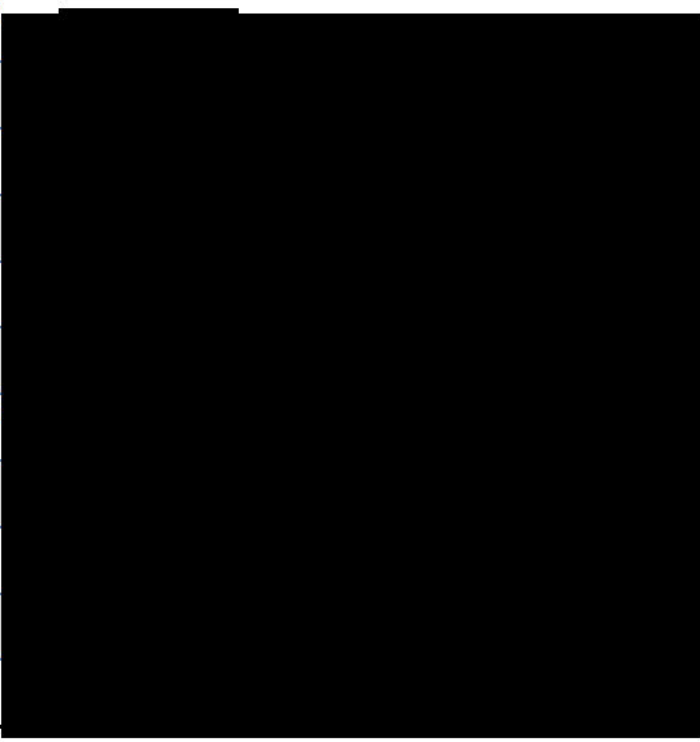
Swansea Council

Torfaen County and Borough Council

Vale of Glamorgan Council

Wrexham County Borough Council

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The Coal  
Authority



INVESTOR IN PEOPLE



RTPI  
Learning Partner

200 Lichfield Lane  
Berry Hill  
Mansfield  
Nottinghamshire  
NG18 4RG

Tel: 01623 637 119 (Planning Enquiries)

Email: [planningconsultation@coal.gov.uk](mailto:planningconsultation@coal.gov.uk)

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

For the Attention of: Marloes Holtkamp – Planning Officer  
Planning and Environment Decisions Wales – Welsh Government

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

18<sup>th</sup> October 2023

Dear Ms Holtkamp

**Your ref: CAS-01294-W3D7Y5**

**Scoping Opinion for Y Bryn Wind Farm - wind farm of up to 18 turbines with battery energy storage and ancillary infrastructure - Land at Bryn and Penhydd Forest, Located between Port Talbot and Maesteg**

Thank you for your notification received on the 22nd September 2023 seeking the views of the Coal Authority on the above.

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

Our records indicate that within, or within 20m of, the site there are 293 mine entries, we do not hold treatment details for most of these features. Shallow coal workings are also present, along with reported surface hazards and monitoring and discharge points, which the Coal Authority may need access to. These features may pose a potential risk to surface stability and public safety.

The Coal Authority is of the opinion that building over the top of, or in close proximity to, mine entries should be avoided wherever possible, even after they have been capped, in line with our adopted policy:



<https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries>

We note that Chapter 10 of the Environmental Statement, dated June 2023 and prepared by Natural Power, covers ground conditions. Section 10.5.35 specifically relates to Coal Mining Risk Assessment and identifies the potential risks posed by coal mining features and recommends that further assessment and investigations on site will be necessary. The Environmental Statement states that further investigation works, comprising location specific intrusive ground investigation will be undertaken at each of the proposed development features prior to commencement of construction, to confirm the presence/absence of historical workings and associated risks posed. The authors of this report note that any remediation works identified shall be carried out to the satisfaction of the Local Planning Authority (LPA) and it is expected that a planning condition is imposed of a planning consent relating to coal mining. They also state that where remedial works are not undertaken the risks posed by coal mining features will be addressed through micrositing.

We consider that the scope of the Environmental Statement, insofar as it relates to issues of coal mining risk, with its supporting appendices, is adequate to assess the risks posed and inform the further works necessary.

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

Yours sincerely

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

#### Disclaimer

The above consultation response is provided by The Coal Authority as a Statutory Consultee and is based upon the latest available data 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 by the Local Planning Authority and/or has been published on the Council's website 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.*



**From:** NATS Safeguarding <NATSSafeguarding@nats.co.uk>  
**Sent:** Tuesday, September 26, 2023 2:37 PM  
**To:** PEDW – Seilwaith / Infrastructure <PEDW.Infrastructure@gov.wales>  
**Subject:** RE: DNS CAS-01294-W3D7Y5 - Y Bryn Wind Farm - DNS Scoping Consultation [SG32198]

Our Ref: SG32198

Dear Sir/Madam

The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company (NERL) has no safeguarding objection to the proposal.

However, please be aware that this response applies specifically to the above consultation and only reflects the position of NATS (that is responsible for the management of en route air traffic) based on the information supplied at the time of this application. This letter does not provide any indication of the position of any other party, whether they be an airport, airspace user or otherwise. It remains your responsibility to ensure that all the appropriate consultees are properly consulted.

If any changes are proposed to the information supplied to NATS in regard to this application which become the basis of a revised, amended or further application for approval, then as a statutory consultee NERL requires that it be further consulted on any such changes prior to any planning permission or any consent being granted.

Yours faithfully

**NATS**

NATS Safeguarding

E: [natssafeguarding@nats.co.uk](mailto:natssafeguarding@nats.co.uk)

4000 Parkway, Whiteley,  
Fareham, Hants PO15 7FL  
[www.nats.co.uk](http://www.nats.co.uk)



NATS Public



# Defence Infrastructure Organisation

Kaye Noble  
Assistant Safeguarding Manager  
Ministry of Defence  
Safeguarding Department  
St George's House  
DIO Headquarters  
DMS Whittington  
Lichfield  
Staffordshire  
WS14 9PY

**Your Reference:** CAS-01294-W3D7Y5

Telephone [MOD]: [REDACTED]

**Our Reference:** 10052675

E-mail: [REDACTED]

Marloes Holtkamp  
Welsh Government  
Cathays Park  
Cardiff  
CF10 3NQ

12 October 2023

**By email only**

Dear Marloes,

Application reference: CAS-01294-W3D7Y5  
Site Name: Y Bryn Wind Farm  
Proposal: A wind farm of up to 18 turbines with battery energy storage and ancillary infrastructure.  
Site address: Land at Bryn and Penhydd forest, located between Port Talbot and Maesteg

Thank you for consulting the Ministry of Defence (MOD) on the above proposed development. The consultation correspondence was received by this office on 22 September 2023.

The Defence Infrastructure Organisation (DIO) Safeguarding Team represents the MOD as a consultee in UK planning and energy consenting systems to ensure that development does not compromise or degrade the operation of defence sites such as aerodromes, explosives storage sites, air weapon ranges, and technical sites or training resources such as the Military Low Flying System.

I am writing to advise you that the MOD has concerns with the proposal.

The applicant has provided an addendum to the Y Bryn Wind Farm Scoping Report which covers the following topics:

- Approach to Addendums; Ecology; Ornithology; Seascape, Landscape and Visual Impact Assessment (SLVIA); Cultural Heritage; Hydrology, Geology and Hydrogeology; Traffic and Transport; Noise; Forestry; Health and Public Safety; Air Quality; Aviation and Existing Infrastructure; and Socio-Economics.

In addition, the scoping report addendum has highlighted that the proposed development has been amended. The revised development now consists of eighteen turbines with varying blade tip heights as detailed below:

- Twelve turbines (1, 2, 3, 4, 5, 11, 12, 14, 15, 16, 17, and 18) will have a hub height of 120m, a rotor diameter of 172m and a blade tip height of 206m;
- Two turbines (6 and 7) will have a hub height of 144m, a rotor diameter of 172m and a blade tip height of 230m; and

- Four turbines (8, 9, 10 and 13) will have a hub height of 164m, a rotor diameter of 172m and a blade tip height of 250m.

The proposed development has been assessed using the location data (Grid References) below provided in “Y Bryn Wind Farm Environmental Statement Chapter 5: Project Description”.

Turbine no.	Easting	Northing	Turbine no.	Easting	Northing
1	282978	193397	10	282783	189343
2	283552	193600	11	283107	188997
3	282921	192990	12	280945	189877
4	283805	193313	13	281299	189545
5	283594	192814	14	281770	189376
6	282453	190558	15	282166	189165
7	281978	190586	16	282459	188852
8	282300	189991	17	280888	189123
9	282490	189646	18	281227	188966

The principal safeguarding concerns of the MOD with respect to this development of wind turbines relates to their potential to create a physical obstruction to air traffic movements.

### **Physical Obstruction**

In this case the development falls within Low Flying Area 7 (LFA 7), an area within which fixed wing aircraft may operate as low as 250 feet or 76.2 metres above ground level to conduct low level flight training. The addition of turbines in this location has the potential to introduce a physical obstruction to low flying aircraft operating in the area.

If the developer is able to overcome the issues stated above, to address the impact up on low flying given the location and scale of the development, the MOD would require that conditions are added to any consent issued requiring that the development is fitted with aviation safety lighting and that sufficient data is submitted to ensure that structures can be accurately charted to allow deconfliction.

As a minimum the MOD would require that the development be fitted with MOD accredited aviation safety lighting in accordance with the Air Navigation Order 2016. It is likely that the CAA specified lighting will exceed that required by the MOD but to ensure the safeguarding of any low flying/rotary military aircraft, the MOD would request the wind farm is lit with no less than 25cd/IR Combi lighting on perimeter turbines.

### **Summary**

The MOD has concerns with this proposal for the following reason;

- The potential to create a physical obstruction to air traffic movements.

The MOD must emphasise that the advice provided within this letter is in response to the data and information detailed in the developer’s document titled “Y Bryn Wind Farm Environmental Statement Chapter 5: Project Description” and “Y Bryn Wind Farm Scoping Report Addendum dated August 2023. Any variation of the parameters (which include the location, dimensions, form, and finishing materials) detailed may significantly alter how the development relates to MOD safeguarding requirements and cause adverse impacts to safeguarded defence assets or capabilities. In the event that any amendment, whether considered material or not by the determining authority, is submitted for approval, the MOD should be consulted and provided with adequate time to carry out assessments and provide a formal response.

I hope this adequately explains our position on the matter. If you require further information or would like to discuss this matter further, please do not hesitate to contact me.

Further information about the effects of wind turbines on MOD interests can be obtained from the following websites:

**MOD:** <https://www.gov.uk/government/publications/wind-farms-ministry-of-defence-safeguarding>

Yours sincerely



Kaye Noble  
Assistant Safeguarding Manager  
DIO Safeguarding

**From:** Rob Elias [REDACTED]  
**Sent:** Tuesday, September 26, 2023 2:31 PM  
**To:** PEDW – Seilwaith / Infrastructure <PEDW.Infrastructure@gov.wales>; Holtkamp, Marloes (COOG - Planning & Environment Decisions Wales) [REDACTED]; Sparey, Robert (COOG - Planning & Environment Decisions Wales) [REDACTED]  
**Cc:** Aidan Cottee [REDACTED]; Mark Bailey [REDACTED]  
**Subject:** DNS CAS-01294-W3D7Y5 - Y Bryn Wind Farm - DNS Scoping Consultation [SG32198]

PEDW, Marloes, Robert,

I can confirm that due to the impacts referred to at Para 15.6 of document: *2023-08-29 - DRAFT ES - Vol 1 - Chapter 15 - Aviation and Existing Infrastructure* – published 30 Aug 23, coupled with the Technical and Operational Assessment report attached, I can confirm that Cardiff Airport has no option but to formally object to this proposal.

Thank you

**Rob Elias**

Head of Airfield Operations  
Pennaeth Gweithrediadau Maes Glanio



Cardiff Airport, Vale of Glamorgan, Wales, CF62 3BD  
Maes Awyr Caerdydd, Bro Morgannwg, Cymru, CF62 3BD

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# Technical and Operational Assessment (TOPA)

For Y Bryn  
Wind Farm Development

NATS ref: SG32198

Issue 2



## Contents

1.	Background	4
1.1.	En-route Consultation	4
1.2.	Airport Consultation	4
2.	Scope	5
3.	Application Details	6
4.	Assessments Required	7
4.1.	En-route RADAR Technical Assessment	7
4.1.1.	Predicted Impact on Bristol RADAR	7
4.2.	En-route Navigational Aid Assessment	7
4.2.1.	Predicted Impact on Navigation Aids	7
4.3.	En-route Radio Communication Assessment	7
4.3.1.	Predicted Impact on the Radio Communications Infrastructure	7
4.4.	Airport Assessment	8
4.4.1.	Predicted Impact on Cardiff RADAR	8
4.4.2.	Cardiff Operational Assessment	8
4.4.3.	. Predicted Impact on Bristol RADAR	8
4.4.4.	. Bristol Operational Assessment	8
5.	Conclusions	8
5.1.	En-route/Airport Consultation	8

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## Publication History

Issue	Month/Year	Change Requests and summary
1	October 2021	Pre-planning application
2	November	Amendment to 4.4.2. Cardiff Operational Assessment

## Document Use

External use: Yes

## Referenced Documents

# 1. Background

## 1.1. En-route Consultation

NATS en-route plc is responsible for the safe and expeditious movement in the en-route phase of flight for aircraft operating in controlled airspace in the UK. To undertake this responsibility it has a comprehensive infrastructure of RADAR's, communication systems and navigational aids throughout the UK, all of which could be compromised by the establishment of a wind farm.

In this respect NATS is responsible for safeguarding this infrastructure to ensure its integrity to provide the required services to Air Traffic Control (ATC).

In order to discharge this responsibility NATS is a statutory consultee for all wind farm applications, and as such assesses the potential impact of every proposed development in the UK.

The technical assessment sections of this document define the assessments carried out against the development proposed in section 3.

## 1.2. Airport Consultation

NATS provides air traffic services at most of the UK's major airports. Included in the service that NATS provides to these airports is technical and operational safeguarding.

Whilst the airport owner or operator remains the statutory planning consultee, NATS carries out the assessment and provides technical advice to the airport. This includes making a recommendation on whether to object or not to a planned development.

The Airport Assessment section of this document details any advice NATS would provide to relevant airports.

Please note that where airport consultation is undertaken, any assessment and any statements made refer exclusively to the impact of wind turbines upon the Air Traffic Control infrastructure and only to airports where NATS provides safeguarding services namely Aberdeen, Cardiff, Glasgow, Heathrow, Stansted, Manchester and Southampton.

An airport operator may object on other aviation grounds such as obstacle clearance despite no impact being anticipated on its ATC infrastructure. If in doubt, the airport operator should be consulted for advice.

## 2. Scope

This report provides NATS En-Route plc's view on the proposed application in respect of the impact upon its own operations and in respect of the application details contained within this report.

Where an impact is also anticipated on users of a shared asset (e.g. a NATS RADAR used by airports or other customers), additional relevant information may be included for information only. While an endeavour is made to give an insight in respect of any impact on other aviation stakeholders, it should be noted that this is outside of NATS' statutory obligations and that any engagement in respect of planning objections or mitigation should be had with the relevant stakeholder, although NATS as the asset owner may assist where possible.

### 3. Application Details

Coriolis Energy submitted a request for a NATS technical and operational assessment (TOPA) for the development at Y Bryn Wind Farm. It will comprise turbines as detailed in Table 1 and contained within an area as shown in the diagrams contained in Appendix B.

Turbine	Lat	Long	East	North	Hub (m)	Tip (m)
3	51.6277	-3.7001	282422	193467	121	206
4	51.6272	-3.6920	282978	193397	121	206
5	51.6291	-3.6838	283552	193600	121	206
6	51.6235	-3.6927	282921	192990	121	206
7	51.6266	-3.6803	283783	193309	121	206
8	51.6221	-3.6829	283594	192814	121	206
10	51.6046	-3.7033	282136	190907	145	230
11	51.6030	-3.6976	282528	190718	145	230
12	51.6007	-3.7057	281963	190469	165	250
13	51.5963	-3.7011	282268	189977	165	250
14	51.5934	-3.6978	282490	189646	165	250
15	51.5907	-3.6935	282783	189343	165	250
16	51.5877	-3.6887	283107	188997	121	206
17	51.5951	-3.7202	280945	189877	121	206
18	51.5922	-3.7149	281299	189545	165	250
19	51.5908	-3.7081	281770	189376	165	250
20	51.5890	-3.7023	282166	189165	165	250
21	51.5862	-3.6980	282459	188852	121	206
24	51.5883	-3.7207	280888	189123	121	206
25	51.5870	-3.7158	281227	188966	121	206
26	51.5847	-3.7091	281683	188698	121	206

**Table 1 – Turbine Details**

## 4. Assessments Required

The proposed development falls within the assessment area of the following systems:

RADAR	Lat	Long	nm	km	Az (deg)	Type
Burrington Radar (cmb)	50.9343	-3.9854	40.4	74.9	14.9	CMB
Clee Hill Radar	52.3983	-2.5975	61.3	113.5	221.0	CMB
Debden Radar	51.9902	0.2638	148.5	275.0	262.6	CMB
Pease Pottage Radar	51.0834	-0.2143	134.2	248.5	284.7	CMB
Nav	Lat	Long	nm	km	Az (deg)	Type
None						
AGA	Lat	Long	nm	km	Az (deg)	Type
None						
Airports	Lat	Long	nm	km	Az (deg)	Type
Cardiff	51.39390	-3.35260	19.2	35.5	317.3	PSR
Bristol	51.37980	-2.71770	39.7	73.6	292.4	PSR

**Table 2 – Impacted Infrastructure**

### 4.1. En-route RADAR Technical Assessment

#### 4.1.1. Predicted Impact on Bristol RADAR

No impact is anticipated on NATS' en-route radar.

### 4.2. En-route Navigational Aid Assessment

#### 4.2.1. Predicted Impact on Navigation Aids

No impact is anticipated on NATS' en-route navigation aids.

### 4.3. En-route Radio Communication Assessment

#### 4.3.1. Predicted Impact on the Radio Communications Infrastructure

No impact is anticipated on NATS' radio communications infrastructure.



## 4.4. Airport Assessment

### 4.4.1. Predicted Impact on Cardiff RADAR

Using the theory as described in Appendix A and development specific propagation profile it has been determined that the terrain screening available will not adequately attenuate the signal, and therefore this development is likely to cause false primary plots to be generated. A reduction in the RADAR's probability of detection, for real aircraft, is also anticipated.

### 4.4.2. Cardiff Operational Assessment

This proposed wind farm is sited in an area that is very popular, especially with VFR traffic from Cardiff and St Athan who will be on our LARS frequency. Although often these aircraft will often be under a Basic Service they may request a Traffic Service. This service is provided in an area that is already busy with other aircraft and additional clutter from a windfarm would make provision of this extremely difficult potentially leading to a safety event if conflicting traffic were not detected.

In addition to the VFR traffic operating in this area arrivals to runway 12 and departures from runway 30 at Cardiff often route through this area when they request a more direct route. In this circumstance the aircraft would routinely be under a Deconfliction Service which requires conflict detection and avoidance instructions by the ATCO, this would be nearly impossible to do in a high clutter environment.

The clutter could either mask genuine returns or lead to the aircraft being vectored around false returns or avoiding action being issued unnecessarily. Ultimately the clutter presented by the proposed turbines has been deemed to be operationally **unacceptable**.

### 4.4.3. Predicted Impact on Bristol RADAR

Using the theory as described in Appendix A and development specific propagation profile it has been determined that the terrain screening available will not adequately attenuate the signal, and therefore this development is likely to cause false primary plots to be generated. A reduction in the RADAR's probability of detection, for real aircraft, is also anticipated.

### 4.4.4. Bristol Operational Assessment

No impact is expected on the operation of Bristol Airport,

## 5. Conclusions

### 5.1. En-route/Airport Consultation

The proposed development has been examined by technical and operational safeguarding teams. A technical impact is anticipated at both Cardiff and Bristol, however this has only been deemed to be **unacceptable** in relation to the operation at Cardiff.



## Appendix A – Background RADAR Theory

### Primary RADAR False Plots

When RADAR transmits a pulse of energy with a power of  $P_t$  the power density,  $P$ , at a range of  $r$  is given by the equation:

$$P = \frac{G_t P_t}{4\pi r^2}$$

Where  $G_t$  is the gain of the RADAR's antenna in the direction in question.

If an object at this point in space has a RADAR cross section of  $\sigma$ , this can be treated as if the object re-radiates the pulse with a gain of  $\sigma$  and therefore the power density of the reflected signal at the RADAR is given by the equation:

$$P_a = \frac{\sigma P}{4\pi r^2} = \frac{\sigma G_t P_t}{(4\pi)^2 r^4}$$

The RADAR's ability to collect this power and feed it to its receiver is a function of its antenna's effective area,  $A_e$ , and is given by the equation:

$$P_r = P_a A_e = \frac{P_a G_r \lambda^2}{4\pi} = \frac{\sigma G_t G_r \lambda^2 P_t}{(4\pi)^3 r^4}$$

Where  $G_r$  is the RADAR antenna's receive gain in the direction of the object and  $\lambda$  is the RADAR's wavelength.

In a real world environment this equation must be augmented to include losses due to a variety of factors both internal to the RADAR system as well as external losses due to terrain and atmospheric absorption.

For simplicity these losses are generally combined in a single variable  $L$ .

$$P_r = \frac{\sigma G_t G_r \lambda^2 P_t}{(4\pi)^3 r^4 L}$$

## Secondary RADAR Reflections

When modelling the impact on SSR the probability that an indirect signal reflected from a wind turbine has the signal strength to be confused for a real interrogation or reply can be determined from a similar equation:

$$P_r = \frac{\sigma G_t G_r \lambda^2 P_t}{(4\pi)^3 r_t^2 r_r^2 L}$$

Where  $r_t$  and  $r_r$  are the range from RADAR-to-turbine and turbine-to-aircraft respectively. This equation can be rearranged to give the radius from the turbine within which an aircraft must be for reflections to become a problem.

$$r_r = \sqrt{\frac{\lambda^2}{(4\pi)^3}} \sqrt{\frac{\sigma G_t G_t P_t}{r_t^2 P_r L}}$$

## Shadowing

When turbines lie directly between a RADAR and an aircraft not only do they have the potential to absorb or deflect, enough power such that the signal is of insufficient level to be detected on arrival.

It is also possible that azimuth determination, whether this done via sliding window or monopulse, can be distorted giving rise to inaccurate position reporting.

## Terrain and Propagation Modelling

All terrain and propagation modelling is carried out by a software tool called ICS Telecom (version 11.1.7). All calculations of propagation losses are carried out with ICS Telecom configured to use the ITU-R 526 propagation model.

Appendix B – Diagrams

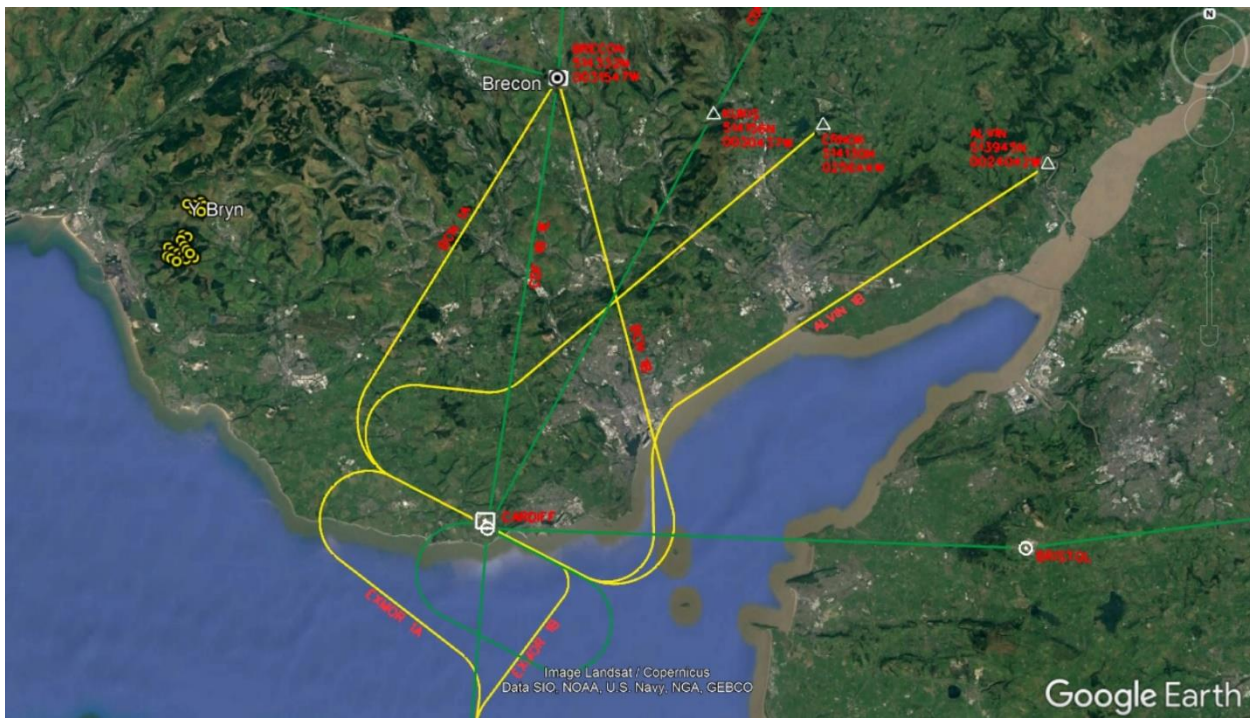


Figure 1: Proposed development location shown on an airways chart

- consented/built
- impact -accepted
- impact -objection
- mitigated
- mitigation -proposed
- no impact
- refused/withdrawn

PEDW  
Crown Buildings,  
Cathays Park,  
Cardiff  
CF10 3NQ

**Date: 06/10/2023**  
Our Ref: PPA0008283

Dear Sir/Madam

**Grid Ref:**

**Site Address: Y Bryn Wind Farm, Y Bryn Wind Farm, Neath  
Development: DNS - 2D - Scoping Direction for Wind Farm**

We refer to your consultation on a scoping direction in accordance with regulation 13(6) and Schedule 4 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 a Y Bryn wind Farm.

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

**APPRAISAL**

It appears the application does not propose to connect to the public sewerage or watermain systems, and therefore Dwr Cymru Welsh Water has no objections in principle. However, should circumstances change and a connection to the public sewerage/watermain system is required 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 City & County of Swansea, 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.

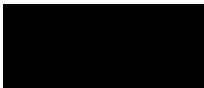
We trust that you'll find our comments of assistance for the purposes of this EIA scoping opinion, and we respectfully reserve the right to comment further on any matters and issues arising from ongoing and future consultation. We look forward to continuing our engagement on the project prior to and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

I trust the above information is helpful and will assist you in forming water and drainage strategies that should accompany any future planning application. I also attach copies of our water and sewer extract plans for the area, and a copy of our Planning Guidance Note which provides further information on our approach to the planning process, making connections to our systems and ensuring any existing public assets or infrastructure located within new development sites are protected.

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,



**Owain George**  
**Planning Liaison Manager**  
**Developer Services**

**ENC. SEWER PLAN**  
**WATER PLAN**  
**PRE PLANNING NOTES**

***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.***



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Rydym yn croesawu gohebiaeth yn y  
Gymraeg neu yn Saesneg

Dŵr Cymru Cyf, cwmni cyfyngedig wedi i gofrestru yng  
Nghymru rhif 2366777. Swyddfa gofrestredig: Heol Pentwyn  
Nelson, Treharris, Morgannwg Ganol CF46 6LY.



Dŵr Cymru  
Welsh Water

# Planning and new development

What you should do, and how we can help





Whether you're a homeowner with plans to extend your home, a builder working on a new house or a developer working on a new housing site, you need to involve us in the planning process. Even if you are just thinking about building, getting us involved early can help your project run smoothly and address any water and drainage matters as early as possible in the development process.

### How can we help?

As water and waste services are at the forefront of public health and protection of the environment, we play a key part in the town and country planning process.

If you're planning on building new houses, our team of dedicated planning officers can give you advice and guidance at all stages of the process, including pre-application, planning application and discharge of condition.

When it comes to your new development, by getting us involved in the planning stages, we can:

- Assess whether the current local water and sewerage networks have capacity to service your new site (and if they can't, then identify whether the network can be reinforced to support your new site)
- Mitigate any potential negative impact that the new development could have on the performance of our infrastructure, the service we provide to customers, and the wider environment
- Identify where new development and growth is planned so that we can target investment in our existing infrastructure within these areas
- Provide advice on making new water and waste connections to our networks once your development is complete and ready to be occupied
- Identify any existing water or waste pipes in or near to the site, so we can advise on their location and let you know your options for protecting and/or diverting our assets for the lifetime of the development





## Step 1: Use our pre-planning service

### What is our pre-planning service?

We encourage all developers to engage with us as early as possible to ensure any water and drainage matters that might arise during the planning process are identified and addressed early on. In order to facilitate this, you can engage with us via our dedicated pre-planning service, which will provide:

- An assessment of the impact of your proposed development and whether our local water and waste networks can support it
- Confirmation of whether off-site water mains and/or sewers will need to be provided, and
- Water main and sewer plans indicating the location of our assets crossing the site or located in close proximity. *Please note that these are for general guidance only and all assets need to be accurately located on site before any excavation works begin.*

### How can I access it?

You can submit a 'pre-planning advice' application online via our website. To make sure that we can provide you with the most comprehensive advice, you should include the following information:

- Site location plan
- Details of the proposed development
- Proposed points of communication to our local network of sewers and/or water mains (if known)
- Relevant planning history relating to the site e.g. any previous permissions granted or status within the council's development plan

You can see how much this service will cost on our website, and we'll aim to get back to you with a written **response within 21 days** of your application. The advice provided will be valid for 12 months and help inform our response when consulted on your planning application by the local planning authority (LPA).

### For larger developments in Wales:

- You have to undertake pre-application consultation as set out in Schedule 4 of the Town & Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016 for any developments that:
  - Include 10 dwellings or larger
  - Have 1000sqm or larger non-residential floor space or
  - Have a site area that's 1 hectare or larger
- This means you need to consult with us and we will **respond within 28 days**.
- While there's no charge for this service, as it's a statutory requirement, we do recommend that you apply for our pre-planning service in advance of this consultation, as it will help to identify any potential issues that need to be addressed in advance of your planning application.





## Step 2: Once you have our pre-planning advice



### Locate our assets

Before you build, it's important to identify if any of our pipes, water mains or sewers are underneath the ground in or adjacent to your development site. Under section 159 of the Water Industry Act 1991, we have the rights of access to inspect, maintain, adjust, repair or alter any asset or apparatus at all times.

#### If your land does contain assets

If your land does indeed contain some of our assets, then this will have an impact on the layout and general arrangement of the new development site. We strongly recommend that you contact us to discuss accurately locating our assets to ensure that they are protected during and after construction. Please contact our Plan and Protect team via [planandprotect@dwrcymru.com](mailto:planandprotect@dwrcymru.com) or 08009172652 to discuss further.

#### If you want to divert or remove the assets contained in your land

If you decide the asset located within or adjacent to your site can't be incorporated within the layout of the new development, or our rights of access to the asset may be hindered by your proposal, you can ask us to alter, divert or remove it in accordance with section 185 of the Water Industry Act 1991. You can find the application forms on our website.

### How will you manage surface water?

As with all new development sites, you'll need to think about how to deal with surface water runoff from any new buildings and hard standings. Legislation in both England and Wales now actively encourages the use of sustainable urban drainage systems (SUDS). This approach manages surface water runoff by imitating natural drainage systems and retaining water on or near the site.

There are such a variety of SUDS techniques including green roofs, rainwater harvesting and permeable pavements that any development should be able to include a SUDS scheme. There would need to be good justification not to incorporate a SUDS scheme on your site.

### SUDS in Wales

All new development of more than one building or a construction area of 100m<sup>2</sup> or more will require consent from the sustainable drainage system (SUDS) approval body (also known as a SAB) for any new SUDS features, as required by Schedule 3 of the Flood and Water Management Act 2010. SABs are delivered by local authorities across Wales.

In accordance with this and the Welsh Government 'Statutory standards for sustainable drainage systems', you need to explore and fully exhaust all surface water drainage options, using discharge to a combined sewer only as a last resort.

### SUDS in England

Even if your new development is based in England, it's important to keep Part H of the 'Building Regulations 2000' in mind. On this basis, all new developments in England will also be expected to consider surface water management techniques and demonstrate all technical options have been explored and exhausted, in liaison with the land drainage authority and/or the Environment Agency. You need to consider the management of highway or land drainage runoff as these flows won't be allowed to discharge directly or indirectly into the public sewerage system.





### Step 3: The planning application process

Once you've used our pre-planning service and identified any potential issues before building, it's time to incorporate our advice into your proposals to your local planning authority (LPA).

As part of the planning application consultation process we will provide similar advice to that provided in our pre-application **response within 21 days**. It's important to note that while we share our expert opinion during this process, the ultimate decision to grant planning permission is the LPA's.

#### What are the options if we can't currently support your development?

##### Network hydraulic modelling/WwTW feasibility studies

As our aim is to support economic development and growth, we do not want to resist new development where possible. However, we must take the capacity of our existing assets, the service we are providing to existing customers and the environment into account. In areas where there are capacity constraints either on our networks or at the wastewater treatment works (WwTW), we may well already have proposals in place to deliver reinforcement works and to create capacity for new developments.

That being said, you may want to develop your site in advance of us undertaking these works. If this is the case, to ensure there's no detriment to our existing customers, you may be required to implement solutions identified by an assessment of either the network or WwTW. It's important to note that you won't be expected to resolve any existing operational issues.

Where further assessments are recommended, you will need to allow sufficient time in your development programme for these studies to be carried out and any reinforcement works to be delivered, as in some circumstances we won't permit a communication to our networks until these works are completed. The delivery of the works will need to align with occupation rather than construction.

Where possible, we will control the delivery of any solutions as part of the planning process. Dependent on the progress of the assessment, we may be in a position to recommend appropriate planning conditions so that the outcomes of the assessment can be delivered as part of any planning permission.

This approach allows us to support the progression of the site through the planning process, however in the absence of a completed assessment and known solutions we may need to work with you and the LPA until the assessment is completed and the outcomes are known.

### Step 4: Connecting to our network

If you've had the green light from us and planning permission has been granted for your development, then it's time to start thinking about the different ways you'll need to connect to our network.

On our website you can find detailed guidance around applying for new water connections, new water mains, new public sewers and new sewer connections.

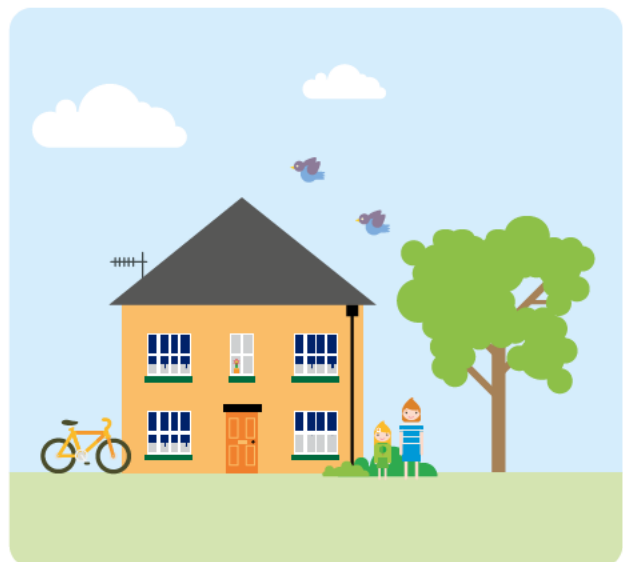
#### Contact us

If you've still got any questions or queries, then feel free to contact us:

**Email:** [developer.services@dwrwymru.com](mailto:developer.services@dwrwymru.com)

**Visit:** [www.dwrwymru.com](http://www.dwrwymru.com)

**Tel:** 0800 917 2652





## Contact Us:

If you've got any questions or queries,  
then feel free to contact us:

**Call**  
0800 917 2652

**Email**  
[developer.services@dwrcymru.com](mailto:developer.services@dwrcymru.com)

**Visit**  
[www.dwrcymru.com](http://www.dwrcymru.com)



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/dwrcymruwelshwater



Dŵr Cymru  
Welsh Water

PPA0008283



**LEGEND(Representative of most common features)**

	Foul chamber		Surface water chamber		Outfall
	Combined chamber		Lamphole		Storm Overflow
	Combined sewer overflow		Rising main		Gravity sewer
	Special purpose chamber		Private sewer		Private sewer subject to Sect. 104 adoption agreement
	Treatment works		Private Sewer Transfer		Lateral Drain
	Pumping station		Inspection Chamber		

NB: Sewer symbol colour indicates the type.  
 RED - Combined  
 GREEN - Surface water  
 BROWN - foul  
 Purple - former S24 sewers (for indicative purposes only)

**Notes:**

Whilst every reasonable effort has been taken to correctly record the pipe material of DCWW assets, there is a possibility that in some cases pipe material (other than Asbestos Cement or Pitch Fibre) may be found to be asbestos cement (AC) or Pitch Fibre (PF). It is therefore advisable that the possible presence of AC or PF pipes be anticipated and considered as part of any risk assessment prior to excavation.

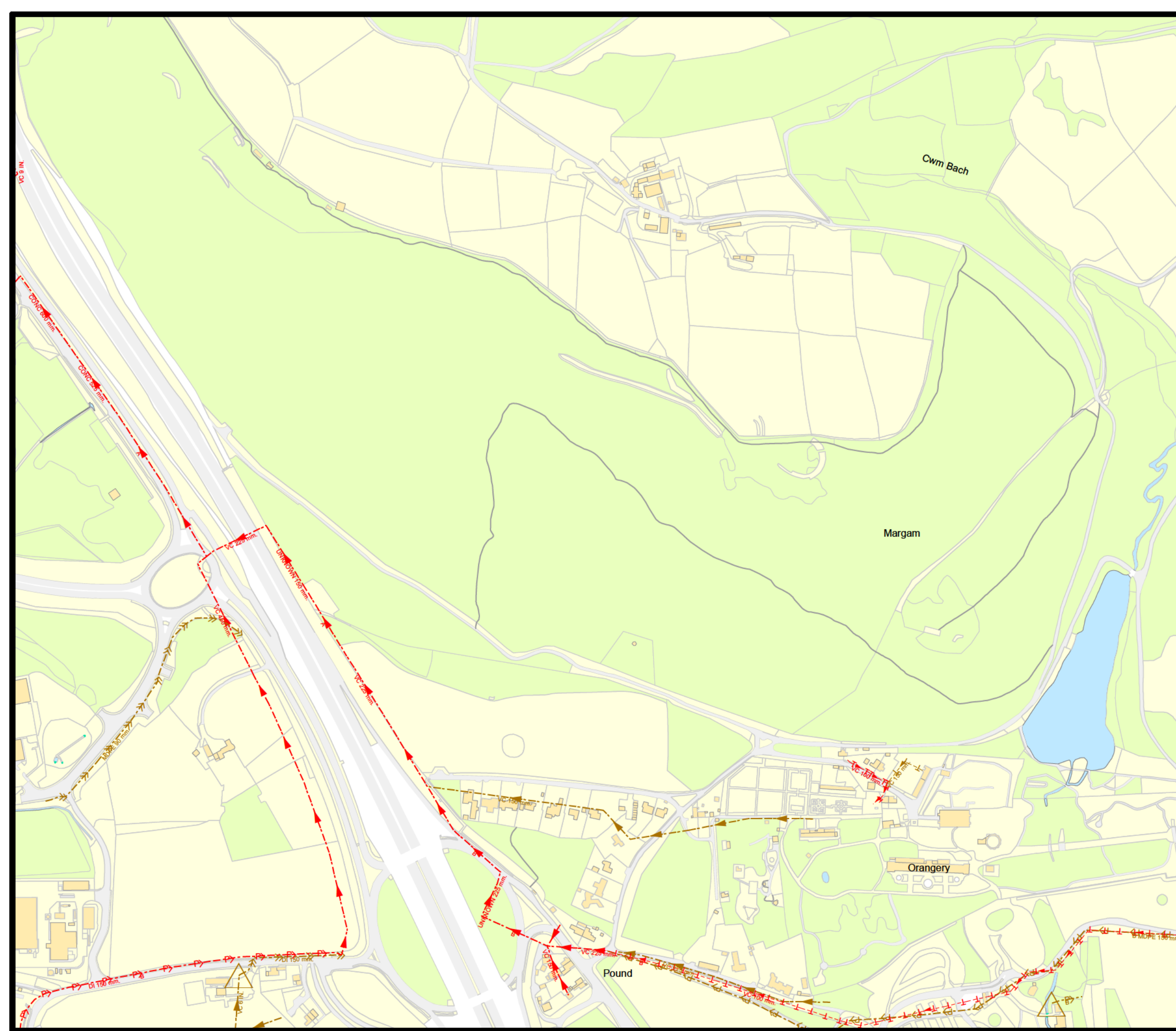
Dŵr Cymru Cyfyngedig (the Company) gives this information as to the position of its underground apparatus by way of general guidance only and on the strict understanding that it is based on the best information available and no warranty as to its correctness is relied upon in the event of excavations or other works made in the vicinity of the company's apparatus. The onus of locating apparatus before carrying out any excavations rests entirely on you. The information which is supplied by the Company, is done so in accordance with statutory requirements of sections 198 and 199 of the Water Industry Act 1991 which is based upon the best information available and, in particular, but without prejudice to the generality of the foregoing, it should be noted that the records that are available to the Company may not disclose the existence of a water main, service pipe, sewer, lateral drain or disposal main and any associated apparatus laid before 1 September 1989, or, if they do, the particulars thereof including their position underground may not be accurate. It must be understood that the furnishing of this information is entirely without prejudice to the provisions of the New Roads and Street Works Act 1991 and the Company's right to be compensated for any damage to its apparatus.

Service pipes are not generally shown but their presence should be anticipated.

**EXACT LOCATIONS OF ALL APPARATUS TO BE DETERMINED ON SITE.**

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Map Ref: 279721,186654  
Map scale: 1:4250  
Printed by: Gillian Williams  
Printed on: 06 Oct 2023







Dŵr Cymru  
Welsh Water

PPA0008283



**LEGEND(Representative of most common features)**

	Foul chamber		Outfall
	Surface water chamber		Lamphole
	Combined chamber		Storm Overflow
	Combined sewer overflow		Rising main
	Special purpose chamber		Gravity sewer
	Treatment works		Private sewer
	Pumping station		Private sewer subject to Sect. 104 adoption agreement
	RED - Combined		Private Sewer Transfer
	GREEN - Surface water		Lateral Drain
	BROWN - foul		Inspection Chamber
	Purple - former S24 sewers (for indicative purposes only)		

**Notes:**

Whilst every reasonable effort has been taken to correctly record the pipe material of DCWW assets, there is a possibility that in some cases pipe material (other than Asbestos Cement or Pitch Fibre) may be found to be asbestos cement (AC) or Pitch Fibre (PF). It is therefore advisable that the possible presence of AC or PF pipes be anticipated and considered as part of any risk assessment prior to excavation.

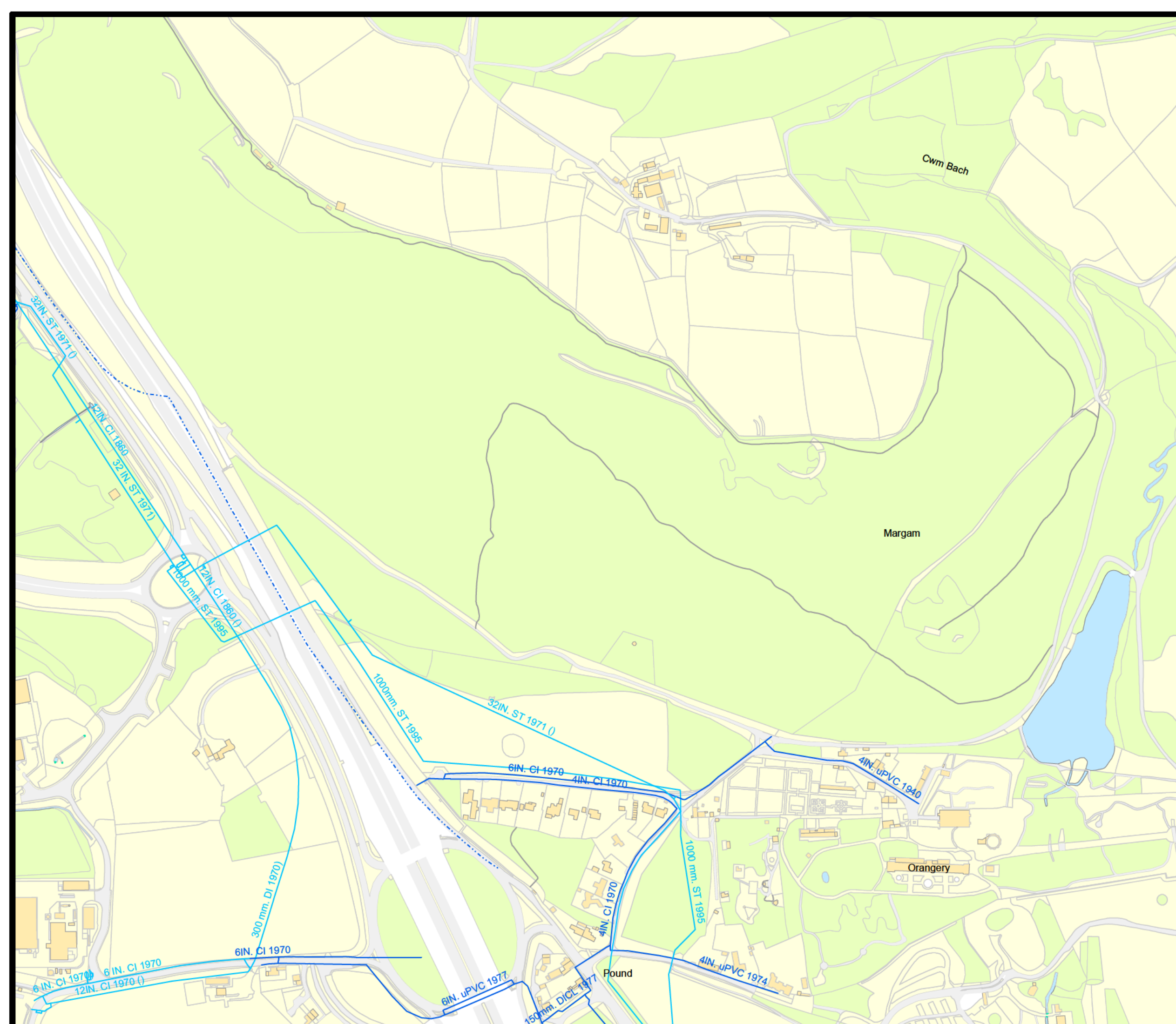
Dŵr Cymru Cyfyngedig (the Company) gives this information as to the position of its underground apparatus by way of general guidance only and on the strict understanding that it is based on the best information available and no warranty as to its correctness is relied upon in the event of excavations or other works made in the vicinity of the company's apparatus. The onus of locating apparatus before carrying out any excavations rests entirely on you. The information which is supplied by the Company, is done so in accordance with statutory requirements of sections 198 and 199 of the Water Industry Act 1991 which is based upon the best information available and, in particular, but without prejudice to the generality of the foregoing, it should be noted that the records that are available to the Company may not disclose the existence of a water main, service pipe, sewer, lateral drain or disposal main and any associated apparatus laid before 1 September 1989, or, if they do, the particulars thereof including their position underground may not be accurate. It must be understood that the furnishing of this information is entirely without prejudice to the provisions of the New Roads and Street Works Act 1991 and the Company's right to be compensated for any damage to its apparatus.

Service pipes are not generally shown but their presence should be anticipated.

**EXACT LOCATIONS OF ALL APPARATUS TO BE DETERMINED ON SITE.**

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Map Ref: 279721,186654  
Map scale: 1:4250  
Printed by: Gillian Williams  
Printed on: 06 Oct 2023



**From:** NSIP Applications <[NSIP.Applications@hse.gov.uk](mailto:NSIP.Applications@hse.gov.uk)>

**Sent:** Tuesday, September 26, 2023 7:50 AM

**To:** PEDW – Seilwaith / Infrastructure <[PEDW.Infrastructure@gov.wales](mailto:PEDW.Infrastructure@gov.wales)>

**Cc:** NSIP Applications <[NSIP.Applications@hse.gov.uk](mailto:NSIP.Applications@hse.gov.uk)>; Gill Smart <[REDACTED]>; Pam Shea <[REDACTED]>; Cathy Williams <[REDACTED]>

**Subject:** DNS CAS-01294-W3D7Y5 - Y Bryn Wind Farm - DNS Scoping Consultation

Good afternoon,

With regards to the above DNS Consultation.

HSE has no further comments to make to previous advice provided on 20<sup>th</sup> January 2021 (attached).

Kind regards,

The Nsip Team



**The NSIP Team**

Redgrave Court, Merton Road, Bootle, Merseyside, L20 7HS

## Agata Janicka

---

**From:** NSIP Applications  
**Sent:** 20 January 2021 10:38  
**To:** Bazzoni Abbiati, Giulia  
**Cc:** NSIP Applications  
**Subject:** RE: HPE CM: DNS 3264571- Y Bryn Wind Farm

Dear Giulia

Thank you for your email dated 15 January 2021 consulting HSE on the pre-application for the proposed Y Bryn Wind Farm development of National Significance (DNS). Please find HSE's advice below.

### **HSE's land use planning advice**

#### Will the proposed development fall within any of HSE's consultation distances?

With reference to Plan (**DNS-3264571-000042-Y Bryn Forestry 17.1 v3 Land use within the Study Area**, Date 13-11-2020, Draft A1 V3), the proposed project/development does **not** currently fall within the consultation distances of any Major Hazard Installation(s) or Major Accident Hazard Pipeline(s).

However, if prior to the granting of a development consent order for this proposed development, Hazardous Substances Consent is granted for a Major Hazard Installation or there is notification of a Major Accident Hazard Pipeline within or in the vicinity of the development, the HSE reserves the right to revise its advice.

#### Would Hazardous Substances Consent be needed?

The presence of hazardous substances on, over or under land at or above set threshold quantities (Controlled Quantities) may require Hazardous Substances Consent (HSC) under the Planning (Hazardous Substances) Act 1990 as amended. The substances, alone or when aggregated with others, for which HSC is required, and the associated Controlled Quantities, are set out in The Planning (Hazardous Substances) Regulations 2015.

Hazardous Substances Consent would be required if the site is intending to store or use any of the Named Hazardous Substances or Categories of Substances and Preparations at or above the controlled quantities set out in schedule 1 of these Regulations.

Further information on HSC should be sought from the relevant Hazardous Substances Authority.

#### Explosives sites

There are no licensed explosive sites in the vicinity so HSE has no comment to make in this regard.

Regards

*Monica*

Monica Langton  
Divisional Support Team  
CEMHD  
1.2 Redgrave Court  
Bootle  
Tel: [REDACTED]  
[REDACTED]

PLEASE NOTE: My working days are now Wednesday, Thursday and Friday





Planning & Environment Decisions  
Wales  
Crown Buildings  
Cathays Park  
Cardiff  
CF10 3NQ  
E-mail:  
[PEDW.Infrastructure@gov.wales](mailto:PEDW.Infrastructure@gov.wales)

Our Ref: BB/08B-15052 (BR13)  
Your Ref: DNS CAS-01294-W3D7Y5  
Date: 23 October 2023  
Contact: Watch Manager Brian Betts  
Tel: [REDACTED]  
E-mail: [firesafety@southwales-fire.gov.uk](mailto:firesafety@southwales-fire.gov.uk)

Dear Sir/Madam,

**TOWN AND COUNTRY PLANNING ACT 1990  
PROPOSAL: A WIND FARM OF UP TO 18 TURBINES WITH BATTERY ENERGY  
STORAGE AND ANCILLARY INFRASTRUCTURE.  
LOCATION: LAND AT BRYN AND PENHYDD FOREST, LOCATED BETWEEN  
PORT TALBOT AND MAESTEG.**

I acknowledge receipt of the notification to the South Wales Fire and Rescue Authority ("The Authority") in relation to the above application.

The proposed site plan in relation to the above has been examined and The Authority wish the following comments to be brought to the attention of the committee/applicant. It is important that these matters are dealt with in the early stages of any proposed development.

Changes to our climate and weather patterns will have a significant impact on the well-being of both current and future generations. In line with the **Well-being of Future Generations (Wales) Act 2015** and the **Future Wales – the national plan 2040** framework document, the following areas should be considered early in the planning process:

The climate emergency is likely to increase the risk of flooding as a result of sea-level rises, more frequent severe weather systems and more intense rainfall. Planning authorities should adopt a precautionary approach of positive avoidance of building developments in areas of flooding from the sea or from rivers. Surface water flooding will affect the choice of location and the layout and design of schemes and these factors should be considered at an early stage in formulating any development proposals.

Wildfires are a significant potential threat particularly in populated areas adjoining green spaces such as mountains or forestry. Therefore, it is critical that new developments are designed with this in mind. Where a new development is proposed in an area which is at risk of a wildfire, consideration should be given on how to mitigate the spread of wildfires. For example, sustainable land management could assist with prevention measures.

#### Large Commercial Solar Arrays, Battery Energy storage Facilities, Electric Vehicle Parking/Charging Facilities:

Fires involving the installations detailed above can be very difficult to extinguish. Conditions can cause a thermal runaway within battery cells, which is a highly exothermic reaction creating toxic, flammable, and/or explosive chemical atmospheres.

The developer of such sites should ensure they have suitable safety measures to contain and restrict the spread of fire, using fire-resistant materials and adequate separation between locations where energy systems may be stored.

Active fire safety systems should be incorporated into the design if necessary and may include, automatic fire detection systems, automatic fire suppression and smoke control systems.

The Authority recognises that the charging of electric vehicles and the use of batteries (including lithium-ion) as Energy Storage Systems (ESS) is a new and emerging practice in the global renewable energy sector. As with all new and emerging practices within UK industry, developers should consider the risks associated with such systems early in the design stage of the project.

#### Standing Advice.

The site plan/s of the above proposal has been examined and The Authority would wish the following comments to be brought to the attention of the planning committee/applicant. It is important that these matters are dealt with early on in any proposed development

- The following concerns are identified, in relation to the proposed developments, together with suggestions as to how these can be addressed.

**A comprehensive fire strategy should be provided which indicates the Package of fire safety measures that are proposed and ensure that the risk of a fire occurring is minimised. This should also ensure that any persons using any buildings on the site, can easily escape from those buildings in the event of fire.**



## Appendix

### 1.0 Access For Fire Appliances

Typical vehicle access route requirements:

Appliance Type	Min Width Road	Min Width Gate	Min Turning Circle between Kerb
Pump	3.7m	3.1m	16.8m
Aerial Appliance	3.7m	3.1m	26.9m

Min Turning between Wall	Min Height Clearance	Min Capacity Tonnes
19.2	3.7m	12.5
29.0	4.0m	23

#### Pedestrian Priority

Pedestrian schemes must take into account the need for permanent and unobstructed access for firefighting appliances. The siting of ornamental structures such as flower beds, must take account, not only of the access requirements of the fire appliances but the need to be able to site them in strategic positions; in particular, account must be taken of the working space requirements for aerial appliances. Consultation must take place with the Fire and Rescue Authority during the earliest planning stages of any development to ensure adequate access for fire appliances, their siting and use.

### 2.0 Water Supplies for Firefighting

The existing output of the statutory water supply network may need to be upgraded in certain parts of the local plan area to cater for firefighting needs of new developments. It is recommended that this provision be a condition of planning consent.

#### Access to Open Water Supplies

Where development of water front sites takes place, the need for permanent and unobstructed access for firefighting appliances to the water should be made a condition of any planning consent.

Consultation must take place with the Fire and Rescue Authority during the earliest planning stages of any development to ensure access for fire pumping appliances is satisfactory.

## 2.1 Housing

Minimum main size 100mm. Housing developments with units of detached or semi-detached houses of not more than two floors should have a water supply capable of delivering a minimum of eight litres per second through any hydrant on the development.

Housing developments with units of more than two floors should have a water supply capable of delivering a minimum of 20 to 35 litres per second through any hydrant on the development.

## 2.2 Transportation

Lorry/Coach Parks - Multi-Storey Car Parks-Service Stations

Minimum main size 100mm. All of these amenities should have a water supply capable of delivering a minimum of 25 litres per second through any hydrant on the development or within a vehicular distance of 90 metres from the complex.

## 2.3 Industry

In order that an adequate supply of water is available for use by the Fire and Rescue Authority in case of fire, it is recommended that the water supply infrastructure to any Industrial estate is as follows:

Light Industrial

Minimum Main Size 100mm  
Up to one hectare, 20 litres per second

Commercial/Industrial

Up to two hectares, 35 litres per second - Minimum Main Size 150mm

High Risk Industrial

Two to three hectares 50 litres per second - Minimum Main Size 150mm.  
Over three hectares, 75 litres per second.

In rural areas it may not be possible to provide sufficient mains water. To overcome this, static or river supplies would be considered on site at the above flow rates for at least one hour.

The Fire and Rescue Authority should be consulted at the outline planning stage of any proposed projects to ascertain the exact requirements, as high risk units may require a greater flow.

## 2.4 Shopping, Health and Community Facilities

### Village Halls

Should have a water supply capable of delivering a minimum of 15 litres per second through any hydrant on the development or within a vehicular distance of 100 metres from the complex.

### Primary Schools and single storey Health Centres

Should have a water supply capable of delivering a minimum of 20 litres per second through any hydrant on the development or within a vehicular distance of 70 metres from the complex.

### Secondary Schools, Colleges, Large Health and Community Facilities

Should have a water supply capable of delivering a minimum of 35 litres per second through any hydrant on the development or within a vehicular distance of 70 metres from the complex.

## 2.6 Distances Between Fire Hydrants

The distance between fire hydrants should not exceed the following:

Residential areas	-	200 metres
Industrial Estates (Subject to operational needs)	-	150 metres
Town centre areas	-	90 metres
Commercial (Offices & Shops)	-	100 metres
Residential Hotels	-	Adjacent to access
Hotels	-	Adjacent to access
Institutional (Hospitals & Old Persons Homes)	-	Adjacent to access
Old Persons Homes	-	Adjacent to access
Educational (Schools & Colleges)	-	Adjacent to access

## 2.7 Conclusion

Developers should hold joint discussion with Dwr Cymru - Welsh Water or the National Rivers Authority and the Fire and Rescue Authority to ensure that adequate water supplies are available in case of fire. The Fire and Rescue Authority reserve the right to ask for static water supplies for firefighting on site as a condition of planning consent, if the supply infrastructure is inadequate for any given risk.





Gwasanaeth Tân ac Achub  
Canolbarth a Gorllewin Cymru

Mid and West Wales  
Fire and Rescue Service

Prif Swyddog Tân | Chief Fire Officer

**Roger Thomas** BA(Hons), MSc

tancgc.gov.uk  
mawwfire.gov.uk

PEDW  
Crown Buildings  
Cathays Park  
Cardiff  
CF10 3NQ

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

*Gofynner am/  
Please ask for:*

*Rhif Est/Extn.  
No.*

*E-bost/E-mail:*

*Fy Nghyf/My  
Ref:*

*Dyddiad/Date:*

Watch Manager A J Hall

bregs@mawwfire.gov.uk

645/5683/00345120

22 September 2023

Dear Sir/Madam,

**THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)  
(WALES) ORDER 2012**

**THE DEVELOPMENTS OF NATIONAL SIGNIFICANCE (PROCEDURE) (WALES) ORDER 2016**

**DEVELOPMENT PROCEDURE (CONSULTEES) (WALES) (MISCELLANEOUS AMANDMENTS)  
ORDER 2021 – FIRE AND RESCUE AUTHORITIES**

**RE: Y Bryn Wind Farm**

**APPLICATION NUMBER: DNS CAS-01294-W3D7Y5**

I acknowledge receipt of the notification to the Mid and West Wales Fire and Rescue Authority in relation to the above application.

The site plan/s of the above proposal has been examined and the Fire and Rescue Authority would wish the following comments to be brought to the attention of the planning committee/applicant. It is important that these matters are dealt with early on in any proposed development :

- The Fire Authority has no comment to make on access for fire appliances or water supplies.
- The Fire Authority has no objection to the proposed development and refers the Local Planning Authority to any current standing advice by the Fire Authority about the consultation.

The developer should consider the need to provide adequate water supplies and vehicle access for firefighting purposes on the site and general guidance on this matter is given in the attached Appendix and the following links: <https://www.water.org.uk/guidance/national-guidance-document-on-the-provision-of-water-for-firefighting-3rd-edition-jan-2007/>

<https://www.ukfrs.com/index.php/promos/16847>

Y Pencadlys, Heol Llwyn Pisgwydd, Caerfyrddin, Sir Gâr, SA31 1SP  
Headquarters, Lime Grove Avenue, Carmarthen, Carmarthenshire, SA31 1SP

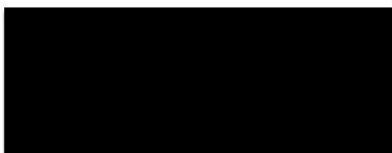
post@tancgc.gov.uk  
mail@mawwfire.gov.uk

**0370 60 60 699**

Furthermore, the applicant should be advised to contact the Local Authority Building Control Department, which is the responsible authority, when determining issues concerning means of warning and escape, internal fire spread (linings and structure), external fire spread, access and facilities for the Fire and Rescue Service, in accordance with the 2007 version of Approved Document B (Wales).

The plan/s has been retained for record purposes.

Yours faithfully



Watch Manager A Hall  
Authorised Fire Safety Regulator  
On behalf of the Mid and West Wales Fire and Rescue Authority

Enc

## MID AND WEST WALES FIRE AND RESCUE SERVICE

### Advice on Water Supplies

#### 1. WATER SUPPLIES FOR FIREFIGHTING

The existing output of the statutory water supply network may need to be upgraded in certain parts of the local plan area to care for firefighting needs of new developments. It is recommended that this provision be a condition of planning consent.

Reference to the National Guidance Document on the Provision of Water for Fire Fighting 2007.

#### ***Access to Open Water Supplies***

Where development of water-front sites takes place, the need for permanent and unobstructed access for firefighting appliances to the water should be made a condition of any planning consent.

Consultation must take place with the Fire and Rescue Authority during the earliest planning stages of any development to ensure access for fire pumping appliances is satisfactory.

#### 1.1. HOUSING

Minimum main size 100 millimetres. Housing developments of units of detached or semi-detached houses of not more than two floors should have a water supply capable of delivering a minimum of eight litres per second through any hydrant on the development.

The Fire and Rescue Authority should be consulted at the outline planning stage of any proposed projects to ascertain the exact requirements.

#### 1.2. TRANSPORTATION

##### ***Lorry/Coach Parks - Multi-Storey Car Parks-Service Stations***

Minimum main size 100 millimetres. All of these amenities should have a water supply capable of delivering a minimum of 25 litres per second through any hydrant on the development or within a vehicular distance of 90 metres from the complex.

#### 1.3. INDUSTRY

In order that an adequate supply of water is available for use by the Fire and Rescue Authority in case of fire, it is recommended that the water supply infrastructure to any commercial industrial estate is as follows:

##### ***Light Industrial/Commercial***

Up to one hectare, 20 litres per second - Minimum Main Size 100 millimetres

Up to two hectares, 35 litres per second - Minimum Main Size 150 millimetres

### ***High Risk Industrial***

Up to three hectares 50 litres per second - Minimum Main Size 150 millimetres

Over three hectares, 75 litres per second - Minimum Main Size 150 millimetres

In rural areas it may not be possible to provide sufficient mains water. To overcome this, static or river supplies would be considered on site if they are capable of supplying the above flow rates for at least one hour.

The Fire and Rescue Authority should be consulted at the outline planning stage of any proposed projects to ascertain the exact requirements, as high-risk premises may require a greater flow.

### **1.4. SHOPPING, OFFICES, RECREATION AND TOURISM**

Commercial developments of this type should have a water supply capable of delivering a minimum of 20 to 75 litres per second to the development site. The Fire and Rescue Authority should be consulted at the outline planning stage of any proposed projects to ascertain the exact requirements.

### **1.5. EDUCATION, HEALTH AND COMMUNITY FACILITIES**

#### ***Village Halls***

Should have a water supply capable of delivering a minimum of 15 litres per second through any hydrant on the development or within a vehicular distance of 100 metres from the complex.

#### ***Primary Schools and Single Storey Health Centres***

Should have a water supply capable of delivering a minimum of 20 litres per second through any hydrant on the development or within a vehicular distance of 70 metres from the complex.

#### ***Secondary Schools, Colleges, Large Health and Community Facilities***

Should have a water supply capable of delivering a minimum of 35 litres per second through any hydrant on the development or within a vehicular distance of 70 metres from the complex.

## **1.6. DISTANCES BETWEEN FIRE HYDRANTS**

The distance between fire hydrants should not exceed the following:

Residential areas	-	200 metres
Industrial Estates	-	150 metres
Town Centre Areas	-	90 metres
Commercial (Offices & Shops)	-	100 metres
Residential Hostels	-	Adjacent to access
Hotels	-	Adjacent to access
Institutional (Hospitals & Old Persons Home)	-	Adjacent to access
Old Persons Home	-	Adjacent to access
Educational (Schools & Colleges)	-	Adjacent to access

## **1.7. CONCLUSION**

Developers should hold joint discussions with the relevant Water Authority or the Environmental Agency and the Fire and Rescue Authority to ensure that adequate water supplies are available in case of fire.

The Fire and Rescue Authority reserve the right to ask for static water supplies for firefighting on site, as a condition of planning consent, if the supply infrastructure is inadequate for any given risk.