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Mr Max Thomas
The Planning Inspectorate
Crown Buildings
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Ebost/Email:

Ffôn/Phone:

Dyddiad/Date: 7 September 2021

Annwyl / Dear Mr Thomas,

TOWN AND COUNTRY PLANNING ACT 1990 THE DEVELOPMENTS OF NATIONAL SIGNIFICANCE (WALES) REGULATIONS 2016

BWRIAD / PROPOSAL: UPPER OGMORE WIND FARM AND ENERGY STORAGE FACILITY AND ASSOCIATED INFRASTRUCTURE

LLEOLIAD / LOCATION: UPPER OGMORE BETWEEN BLAENGWYNFI, NANTYMOEL AND BLAENGARW IN BRIDGEND

Thank you for re-consulting Cyfoeth Naturiol Cymru / Natural Resources Wales (NRW) on the above Development of National Significance application, which we received on 16 August 2021.

We have reviewed the following documents:

- DNS/3213662 Upper Ogmore Wind Farm. Planning Conditions V2 (Document Ref: 02959-2617623) by RES dated 28/7/21
- Draft Unilateral agreement referenced OH01/ED04 prepared by Burges Salmon dated 29 July 2021 – Schedule 1, Owners and Developers obligations in relation to Ecological Enhancements.
- Drawing No. 02959-RES-IMP-DR-EN-001(Rev 5)

On review of these documents we have the following comments.

Draft Planning Conditions

Condition 2: Approved documents and drawings

In view of our comments below regarding the proposed biodiversity enhancement measures, we advise that until the feasibility of the proposed biodiversity enhancement measures for

water voles has been established, we consider that it would be inappropriate to include Drawing 02959_RES-IMP_DR_EN_001 (Rev 5) entitled 'Upper Ogmore Wind Farm. Biodiversity Enhancement' as one of the consented documents and drawings (condition 2 on the planning permission).

Rather we advise changes to condition 24 (Ecological Management Plan) to include provision for assessing the feasibility of biodiversity enhancement measures for water voles and agree the measures to be implemented with the LPA, including a final version of Drawing 02959_RES-IMP_DR_EN_001 (Rev 5), prior to works commencing on the ground.

Condition 19: Construction Environmental Management Plan (CEMP)

We are satisfied with this condition. We welcome reference in (xiv) for the arrangements for the protection of water voles, including pre-construction surveys as required/agreed with nature conservation stakeholders.

Condition 24 – ENVIRONMENTAL Management Plan (EMP)

i. Water Vole Conservation Works

In view of our comments regarding biodiversity enhancement measures for water voles, we advise the changes shown below for condition 24.

- Objective is to increase the extent of optimal habitat for water vole within the application site, in particular land in the eastern part of the application area, increasing the size and resilience of the population.
- The feasibility of proposed water vole conservation measures shall be carefully considered and assessed. Measures to include localised water management measures (a collective term for measures such as gully blocks, channel stuffing and leaky barriers), and stock management measures (E.g. fencing off areas around watercourses, grazing management).
- Conservation measures, including a final version of Drawing No. 02959-RES-IMP-DR-EN-001, to be agreed with the LPA prior to their implementation.

The EMP shall address the following with regard to the initiatives identified above:

- a) Description and evaluation of features present or to be created on site, and to be managed.
- b) Details of the desired condition of features (present and to be created) at the site, using attributes with measurable targets to define favourable condition and be used for monitoring.
- c) Aims and objectives of management.
- d) Ecological trends and constraints on site that might influence management and achieving favourable condition of the retained and new features to be created on site.
- e) Identification of Appropriate management options for achieving aims and objectives, including management prescriptions.

- f) Details of the monitoring of habitats, species and conservation enhancement measures. Where the results from monitoring show that conservation aims and objectives of the EMP are not being met, the EMP shall set out how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally agreed scheme.
- g) Details of the body or organisation responsible for implementation of the plan, including management and maintenance responsibilities, and details of the appointed ecologist who will oversee implementation of the EMP and ensure compliance with all relevant regulatory and other requirements, method statements and plans, and to report to the principal contractor and statutory consultees;
- h) Preparation of a work schedule detailing the timescale for the delivery of the initiatives identified in the EMP, including all species and habitat management and monitoring, and habitat aftercare. The work schedule to cover a five-year rolling programme and include specified timescales for each element.
- i) Details of the periodic review of the effectiveness EMP, with a written report provided to the LPA every 5 years and any revisions to the plan to be agreed in writing with LPA prior to implementation.

Proposed Biodiversity Enhancements

Natural Sediment Management (NSM)

Please see below our comments regarding the proposed biodiversity enhancements as detailed in the Draft Unilateral agreement referenced OH01/ED04 prepared by Burges Salmon dated 29 July 2021 – Schedule 1, Owners and Developers obligations in relation to Ecological Enhancements.

We welcome the proposal to implement the modelled Natural Sediment Management (NSM) features within the two upper Garw stream catchments, and to apply the principles of NSM to the other, southern stream catchments on Mynydd Llangeinwyr.

The implementation of these NSM features will contribute to the project within the Garw catchment to reduce the sedimentation of community amenity lakes in Blaengarw and Pontycymer, and where sediment is retained, and flow is slowed will create soft sediment and pool habitats.

We advise that confirmation is required that the applicant has the appropriate contractual arrangements in place with the Common Land owner to allow implementation, monitoring and maintenance of any engineered NSM structures either through the operational life of the wind farm or a period of time agreed as part of a discharge of condition.

In our experience the boundary of the land offered by landowners to wind farm developers is usually drawn tight to the wind farm infrastructure, potentially limiting the delivery of biodiversity enhancements over a wider area.

Water Vole Enhancements

Drawing 02959_RES-IMP_DR_EN_001 (Rev 5) is the only document submitted by the applicant indicating the biodiversity enhancements they propose to undertake as part of the Upper Ogmore wind farm development. The drawing sets out the nature and location of proposed biodiversity enhancement measures; these include silt/water runoff measures at various locations across the two landholdings concerned, and the fencing off of two watercourses in the east of the site for water voles. No further information has been submitted to support this drawing.

From a water vole perspective, proposals to slow the rate of water run-off and hold water back on the upland plateau could be beneficial to the species, particularly if dry habitats are currently an influential factor in their distribution in this landscape. However, it is important to recognise that changing water levels can affect water voles negatively and positively, and other factors may also be influential in their distribution (E.g. grazing pressure or other management/treatment of the vegetation).

In terms of the specific measures identified, from the perspective of reducing sediment run-off, we understand that the benefits of ditch blocking in the headwaters of the Cwm Nant Hir and Afon Garw have been established through an NRW funded feasibility study. However we note that the ditch blocking measures have been blanket applied more widely across the landholdings to three more sites south of those identified by the NRW study, and another in the north-east of the site, north of the A4107 draining into Mynydd Ty Isaf SSSI.

We are aware of records of water voles (from 2016) further downstream on the watercourse in the SSSI and therefore have some concerns regarding the proposals to block ditches upstream on this watercourse without the potential impacts being properly considered first. Regarding the other water courses proposed for ditch blocking we are not aware if water voles are already present, nor if the applicant has surveyed the area to find out and inform the proposals. Proposals to block ditches to manage sediment and water run-off will need to give consideration to the presence of water voles. If water voles are present, enhancement measures will need to be carefully implemented, monitored and managed to ensure that benefits to the species are realised. A water vole conservation licence may also be required.

Regarding the proposals to fence off the two watercourses in the north-east of the site where water voles were recorded in surveys for the wind farm, we advise that the aim should be to manage the vegetation to benefit water voles, ensuring that it neither gets too overgrazed or is allowed to become too long and dense. Any areas proposed to be fenced should include gates so that stock access can be managed.

Therefore, whilst we are supportive of measures to enhance the site for water voles, we advocate that the choice and implementation of such measures must be properly considered through a feasibility study which has considered the potential benefits that might be gained from the proposed enhancement measures against their potential impacts. Further that the implementation of such measures is agreed with the LPA prior to works commencing on the

ground, and their implementation is tied to an on-going requirement to monitor their effectiveness, and a commitment to undertake any remedial works identified as required by the monitoring.

Other Matters

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

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

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

Yn ddiffuant / Yours sincerely

Lisa Jones

Gynghorydd - Cynllunio Datblygu / Advisor - Development Planning

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