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Report

On behalf of:-

**Foel Fach Wind Farm Limited
22-24 King St,
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Berkshire.
SL6 1EF**

On

The suitability of various parcels of land adjacent to Llwyniolyne Sheepwalk (CL80) and Cae'r Ceiliog (CL59) for Proposed Inclusion into the respective Commons to replace land released from the Common land areas as a result of the Foel Fach Wind Farm.

Signed:-

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Dated:- December 2025

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Part 1

Instructions

- 1.1 SYRFEWR JED CYF received instructions on the 18th March 2024 from Foel Fach Wind Farm Limited (the “Applicant”) to consider the proposed Development of National Significance (“DNS”) for the Foel Fach Wind Farm (the “Proposed Development”) and its impacts on two areas of Common within the site boundary (Common Land Units CL80, and CL59 (the “Commons”)).
- 1.2 The Proposed Development requires the undertaking of restricted works on the Commons and in accordance with the DNS regime applications for secondary consent will be submitted alongside the DNS application under section 16 of the Commons Act 2006.
- 1.3 This report considers:
 - (a) what impact there would be on grazing rights and public access to the common land areas during construction and operation of the Proposed Development in terms of the maximum working area that will be used during construction and the post-construction footprint of the development;
 - (b) how the construction works proposed in the typical Construction Method Statement (“CMS”) will impact on grazing and access to the Commons during construction;
 - (c) the type and quality of the existing common land that will be deregistered from the Commons (the “Release Land”);
 - (d) the type and quality of the parcels of land to be provided by the Applicant in exchange for the land to be deregistered as Common (the “Replacement Land”);
 - (e) the way in which the commoners and public use the Commons and how the commoners and public will be able to use the Commons following the exchange of common land;
 - (f) If proposed how a Habitat Management Plan and other measures proposed by the Applicant will impact the Commons (including the Replacement Land) in terms of public and livestock access, and grazing potential; and
 - (g) whether the proposed Replacement Land is suitable for inclusion within the Commons in exchange for the Release Land and whether the Replacement Land would be detrimental to the interests of the commoners, landowners and the public.

Introduction

- 1.4 This report is prepared to accompany the common land applications in respect of the Proposed Development that have been made to the Welsh Ministers under sections 16 of the Commons Act 2006 for secondary consent pursuant to the DNS regime.
- 1.5 The Proposed Development is situated on parts of the respective Commons and adjacent open and enclosed countryside as shown edged red on the plan at Appendix 1. The open land is situated centrally within the proposed site and the

commons are located to the southeast of this land. The wind farm site is located to the northeast of Llanfor in the County of Gwynedd.

Qualifications

- 1.6 John Eirian Davies is a Chartered Surveyor and chartered member of the Royal Institute of Chartered Surveyors (0089138), born and brought up in the Amman Valley. Graduate of The Royal Agricultural College, Cirencester in 1990 with thirty four years post qualification experience.
- 1.7 John Eirian Davies currently practices as a Director of Syrfewr JED Cyf at Llwynyrynn, Capel Isaac, Llandeilo, Carmarthenshire: having previously practiced as a Land Agent in the South Wales area for British Coal Opencast; and an Independent Chartered Surveyor for firms in West Cumbria, Herefordshire, Powys and Carmarthenshire.
- 1.8 John Eirian Davies has extensive previous experience of properties and land in areas where energy production installations are proposed or in operation on common land. In particular:-
 - (a) Opencast Coal Sites in South Wales,
 - (b) Sellafield Nuclear Regeneration Plant, West Cumbria,
 - (c) Wind Farms throughout Wales,
 - (d) Mynydd Y Betws Wind Farm,
 - (e) Brynllwellyn Wind Farm,
 - (f) Mynydd Y Gwair Wind Farm,
 - (g) Llandinam Wind Farm,
 - (h) Twyn Hywel Wind Farm,
 - (i) Upper Ogmore Wind Farm,
 - (j) Prospective wind energy generation sites in North, Mid and South Wales, and
 - (k) Prospective wind energy sites in North West England.
- 1.9 John Eirian Davies has specific expertise of providing expert reports on the suitability of land to be exchanged for deregistered common land. This includes consideration of the impacts on rights holders and users of the Common as a result of the construction of renewable energy developments.
- 1.10 John Eirian Davies has expertise of specific management of land to be converted from improved grassland to extensively managed heathland. Also of land parcels to be utilised for Heather Transplantation and similar conservation techniques having steered the Heather Trial Project at Brynhenllys Opencast Site, Cwmtwrch in 1990-1993, of restoration of a former working opencast coal site to a Nature Park at Park Slip, Bridgend and in assessing payments made to landowners and

occupiers for disturbance and restoration costs as a result of the construction of wind farms at Betws and Garreg Lwyd.

Executive Summary

- 1.11 Applications under section 16 of the Commons Act 2006 have been submitted as part of the DNS application for the Proposed Development.
- 1.12 Section 16 applications have been submitted for the Release Land required for the turbine bases, crane pads, new access tracks, drainage works, working areas and their micro-siting areas.
- 1.13 The area of Release Land to be de-registered under section 16 from CL80 amounts to approximately 7.82 Ha. At least 8.02 Ha of Replacement Land is offered in exchange.
- 1.14 The area of Release Land to be de-registered under section 16 from CL59 amounts to approximately 12.27 Ha. At least 13 Ha of Replacement Land is offered in exchange.
- 1.15 This report considers the suitability of six separate areas of proposed Replacement Land to ensure that there is no overall reduction in the level of common land, no detriment to the level of grazing or Single Farm Payment Area available to the common land occupiers and no loss of public access to those utilising the Common as a result of the Proposed Development. The report also identifies any benefits or drawbacks of inclusion of these parcels of land to the Common.
- 1.16 For the reasons set out in this report, it is considered that the proposed areas of Replacement Land are wholly suitable. Public access, including access for disabled users is improved. The grazing area to be provided is more than the area released from the respective Commons. The grazing potential offered is similar to the adjacent common land areas. The location, topography and aspect of the Replacement Land result in improved shelter and improved access to running water for grazing livestock. The incorporation of the proposed Replacement Land to the respective Commons will provide a major benefit to the Commons as a whole.
- 1.17 As a result of the Proposed Development there will be no reduction in the Common land area available to all users of CL80 and CL59 and there will be no detrimental impact on the commoners, landowners or public.

Part 2 – The Legal Framework

The Commons Act 2006

- 2.1 An application for consent to deregister and exchange common land is made under section 16 of the Commons Act 2006. The land to be deregistered becomes known as Release Land and where the Release Land is more than 200sqm, the section 16 application must include a proposal to offer Replacement Land for registration in exchange.

2.2 Section 16(6) of the Commons Act 2006 sets out the criteria to which the Welsh Ministers must have regard when assessing this application.

The DNS Regime

2.3 The Proposed Development constitutes a DNS under the Regulation 4A(1) of the Developments of National Significance (Specified Criteria and Prescribed Secondary Consents) (Wales) Regulations 2016/53 (the “2016 Regulations”), as an onshore wind generating station with an installed generating capacity of 10 megawatts or more.

2.4 Pursuant to Regulation 15 of and paragraph 12 of Schedule 1 to the 2016 Regulations, applications made under section 16 of the Commons Act 2006 are secondary consents for the purposes of the DNS regime such that the common land applications will be considered by Welsh Ministers as part of the wider DNS application.

Welsh Government Guidance

2.5 The Welsh Government published guidance for the determination of common land applications in August 2014, entitled Common Land Consents Guidance (referred to as the “Guidance”).

2.6 The Guidance explains that the Welsh Ministers and Planning Inspectorate Wales (now PEDW) will follow the Guidance in processing and determining applications under section 16(1) of the Commons Act 2006.

2.7 Paragraphs 3.9.1 to 3.9.4 of the Guidance set out matters relevant to the use of common land that should be taken into account by the Welsh Ministers when determining an application under section 16 of the Commons Act 2006:

(a) the interests of persons having rights in relation to, or occupying the land (and in particular, persons exercising rights of common over it) including:

- (i) What effect the proposals have on the ability of commoners or other rights holders (including the landowner) to exercise their rights?
- (ii) What alternatives have been explored that might reduce the impact of the proposals on the exercise of commoners rights?
- (iii) What effect the proposals will have on other rights holders such as those with access rights across the land?

(b) the interests of the neighbourhood including:

- (i) Does the proposed replacement land or outcome intended by the proposed works add something that will positively benefit the neighbourhood?

- (ii) Does the loss of the release land or the construction of the works mean the local people will be prevented from using the common in the way they are used to?
- (iii) Does the construction of the works or, in relation to any exchange, will the removal of the release land from its status as common land interfere with future use and enjoyment of the land as a whole? Is it likely or possible that the release land could cease to be available as a means of access between other parts of the land as a whole?

(c) the public interest including:

- (i) What effect will the proposals have on those wishing to use the common for recreation and access?
- (ii) Are there potential benefits to nature conservation from carrying out the proposals? Does Natural Resources Wales or any other competent person agree with the assessment of any proposed benefits?
- (iii) In relation to any exchange, what will be the impact of the replacement land in relation to nature conservation compared with the release land? Does Natural Resources Wales or any other competent person agree with the assessment?
- (iv) What will be the impact on the landscape if the proposals proceed? Is the landscape in a specially designated area, such as a National Park or Area of Outstanding Natural Beauty? Will the impact include an adverse effect on the enjoyment of the remaining part of the common?
- (v) Will the proposals help protect archaeological remains and features of historic interest?
- (vi) How do the proposals fit into the historical context?; and

(d) any other matter considered to be relevant.

I will address each of these questions below.

2.8 Paragraph 4.12 of the Guidance acknowledges that some works on common land, which do not benefit the common, have a potential underlying public benefit drawing on “works for the generation of sustainable energy (wind farms)” as an example.

2.9 Finally, paragraph 4.13 of the Guidance sets out the Welsh Government’s considerations for sustainable energy generation schemes and advises applicants that “applications for such infrastructure projects on common land are more likely to be successful under section 16 of the [Commons] Act, so that an exchange of land is proposed and can be taken into account.”

Part 3

The Application Site

- 3.1 The Proposed Development will require temporary and permanent works to be completed on land within the respective Commons as shown in the Planning Application Boundary Plan within Appendix 1.
- 3.2 The total land area of the Llwyniolyn Sheepwalk Common (CL80) is 34 Ha. The Common is part of the larger Application Site is on land which is known as Rhiwlas to the southeast of the Estate which lies to the northeast of Llanfor in the Parish of Llandderfel. Bounding the Common to the north is the open land within the Estate known as Garnedd Fawr. The Common sits to the southeast of this elevated open countryside with CL59 to the east. The Common land including the central development area within is gently sloping from south to north.
- 3.3 The total land area of the Cae'r Ceiliog Common (CL59) is 43 Ha and it is on the southeastern boundary of the Rhiwlas Estate. Bounding the site to the north and east is the open land known as Moel Darren. The Common sits to the east of CL80, with elevated open countryside to the north and east. The western part of the Common area slopes gently from south to north with the development area on an elevated central ridge.
- 3.4 The Infrastructure Layout Plan of the Application Site, found at Appendix 2, shows the areas of land to be released from the Commons by the section 16 application. The total area of common land required for provision of the Proposed Development, including wind turbines with access tracks, associated fixed equipment and micro siting buffers amounts to approximately 20.09 Ha. (7.82 Ha on CL80 and 12.27 Ha on CL59). This is the amount of common land that will be deregistered. It is proposed to offer at least 8.38 Ha of land adjacent to CL80 and 13 Ha of land adjacent to CL59 to replace the land which will be deregistered. The six areas of potential replacement land currently being considered are privately owned land amounting to approximately 49.89 Ha.
- 3.5 Replacement land will be provided on a one to one basis with the amount of land provided within Replacement Land Areas 1, 2,3 and 6 considered most suitable. Replacement Land Areas 4 and 5 are proposed in the event of a shortfall in the area available within 1 and 2 or in the event that these areas do not become available for replacement. Replacement Land Areas 4 and 5 will be utilised in their entirety or reduced from that currently proposed. The six proposed parcels of replacement land are adjacent to the respective Commons, as shown on the Site Infrastructure Plan in Appendix 2.
- 3.6 The areas of common land within the Application Site are partly level and partly sloping to the development areas and constitute large grazable areas. The flora and fauna of the common land areas are primarily moorland and dry upland heathland grass species. There is some evidence of heather and cross-leaved heath within the proposed Application Site and the common areas as a whole. The relatively low incidence of heather, cross-leaved heath and bilberry, which are the most desirable dry upland heath species, is as a result of the adverse effect on the Common of having been extensively and regularly burnt and overgrazed by sheep, cattle and horses in the long-term past.

3.7 Changes to farming practice and government support measures in 1995, and again in 2005, resulted in a large decrease in the volume of stock on the Commons and an end to the detrimental impact of overgrazing. The Commons to include the proposed Application Site have been included in the Glastir Management Scheme and have been grazed to a prescribed stocking density suitable for maintenance of the current habitat. Illegal burning has been controlled by the vigilance of the current Landowners (active graziers) since at least 2010. There is a large volume of moorland grass especially molinia within the heathland sward which has been promoted by a lack of burning of the majority of the Common in the recent past. There is some bracken and the southern part of CL59 is heavily gorse infested.

3.8 The central Llwyniolyne Sheepwalk part of CL80 which is to be developed is gently sloping and is grazed by sheep to the stocking density recently prescribed by the Glastir scheme. The volume and diversity of heathland grass species within the sward in this area is slowly improving on a similar basis to the surrounding areas of the CL80 common.

3.9 The northern and central Cae'r Ceiliog area of CL59 which is to be developed is an elevated ridge running south to north. The development area is managed in conjunction with the remainder of CL59 with controlled low density grazing by sheep as prescribed by the Glastir Scheme. The volume and diversity of heathland grass species within the sward in this area is increasing slowly. There is increased density of grazing sheep at the southern end of CL59.

3.10 Burning has been controlled by the Commoners as mentioned in 3.7 above. On similar Commons existing tracks across the Commons acted as a 'fire break' and a barrier to the spread of the fire to the larger common land areas. The tracks proposed for access to the turbines will similarly act as 'breaks' against the spread of illegal fires in the future on CL80 and CL59.

3.11 In general, the diversity of moorland and heathland species within the majority of the respective Commons is increasing slowly as a result of reduced grazing and lack of burning with higher diversity of desirable heath plants noted.

3.12 The Release Land required for construction works on CL80 is located within the central areas of the Common. An access track will enter the Common from the west for construction of Turbine 8 within the common land area.

3.13 Fixed equipment has been moved off common where possible to mitigate the effect on the common land areas and reduce the release land area. Turbine 7 has been micro sited to the west and is located outside the western boundary of CL80 with the associated hard standings also further orientated off common to the west. A small area of release land to accommodate the micro-siting buffer of Turbine 7 is within the boundary of CL80. This will accommodate earthworks of the turbine base if that turbine is micro-sited with those earthworks then restored following construction. The track from Turbine 7 to Turbine 8 runs to the south of Turbine 7 on land off common before deviating into the Common to the associated hard standings of Turbine 8 which are orientated to the west. This track design mitigates the impact on CL80 as a result.

3.14 Turbine 8 within CL80 has been located on the central gently sloping area to mitigate the amount of earthworks required around the turbine fixed equipment.

- 3.15 The buffer release land area either side of the track from Turbine 8 to the crossing point of the Cefn Coch Stream; itself bisecting the commons, has been reduced to account for the gently sloping topography in this area. This reduces the need for earthworks on the track periphery. The crossing point itself has been moved to the north to further limit the amount of earthworks required on either side of the crossing.
- 3.16 The Release Land required for construction works on CL59 is located within the central Moel Darren area of the common. Turbines 9 and 10 are proposed for construction within the CL59 common land area.
- 3.17 The access track to Turbines 9 and 10 from the crossing point of Cefn Coch Stream at the boundary of CL80 to the west is designed to traverse from the lower elevation western part of the Common to the central ridge and Turbine 10. The associated hard standings for Turbine 10 are orientated to the northwest to reduce the amount of earthworks around the hard standings with the resultant further effect of reducing the length of track between Turbine 10 and Turbine 9.
- 3.18 Turbine 9 is located on the northern boundary of CL59 with associated infrastructure orientated to the south again to reduce the amount of track required to access Turbine 9 from Turbine 10.
- 3.19 The areas of release land within each Common are similar in terms of location centrally within the respective Common areas but with varying topography and elevation. The flora and fauna supported by the respective areas of Release Land is dry upland heath with slowly increasing incidence of desirable species in both areas. The Replacement Land which is proposed to be annexed to the Common is split into six separate areas, all immediately adjacent to the Common. The replacement land areas include rough grazing, heathland grazing and a stream corridor with mountain ash, bracken and thorn trees.
- 3.20 Each area of Replacement Land is described in more depth in Appendix 5 of this Report.

Consultation

- 3.21 Since the spring of 2024, regular informal consultation has been carried out with the landowners, occupiers and other users of the Common.
- 3.22 The Commons have been visited in all seasons in the period from April 2024 to December 2025. The Commons have been inspected on foot. Meetings have been convened with the Landowners and the active rights holders and Graziers. The amenity and recreational users of the Common have been consulted since April 2024.
- 3.23 Formal consultation on the common land applications forms part of the DNS regime and responses in respect of the common land applications will be considered in the Applicant's Pre-Application Consultation Report, submitted as part of the DNS application. The responses from consultees on the perceived

effect of the Proposed Development on the Common for agricultural and amenity use have been considered in preparation of this report and its recommendations.

Landowners

3.24 The freehold owners of the respective Common land areas are as follows:

- (a) CL80 – Rhiwlas Estate.
- (b) CL59 – Rhiwlas Estate.

3.25 Agreements to lease areas of land required for the construction of and access to the turbines have been secured with the landowner listed above as works associated with the Proposed Development are proposed on their land. The landowner has also consented to the management of heathland and grassland vegetation on the respective Commons within the lease agreements.

3.26 The areas of Replacement Land are proposed to be provided by Landowners as follows:-

- (a) Area 3,4,5 and 6 Rhiwlas Estate.
- (b) Area 2 – M/s Jones, Cadwst Mawr.
- (c) Area 1 – M/s Owen, Pentretainycwm.

Land Occupiers

3.27 The registered commoners are the occupiers of the Common. The registered commoners are the sole graziers of the respective areas of CL80 and CL59.

3.28 CL80 is occupied as rights holders by M/s Jones, Cadwst Mawr.

3.29 CL59 is occupied as rights holders by M/s Owen, Pentretainycwm.

3.30 Regular consultations have been carried out with the individual rights holders since April 2024. The individual rights holders have been invited to provide replacement land as Landowners and by virtue of cooperation agreements in their occupation as rights holders with regard to the Proposed Development on the respective commons.

3.31 The Common Land Register, as updated by the Commons Registration Authority (Gwynedd Council), has been inspected on a regular basis since April 2024. The Common Land Register details the rights held on the Commons, as updated by the Commons Registration Authority.

3.32 There is a single entry number for rights on the Common within the rights section of the Common Land Register of CL80. The original single entry number 3 on the Common Land Register is to be transferred to M/s Jones, Cadwst Mawr following purchase of the adjacent land known as Mynydd Cwmhwylfod to which rights are registered from J G Jones, Wenallt Fach. Cwmhwylfod Mountain was purchased by Mr J G Jones, Wenallt Fach from E F Best with rights as detailed in entry number 3 amending the original entry number 1.

- 3.33 There is a single entry number for rights on the Common within the Common Land Register of CL59. The original single entry number 1 on the Common Land Register is confirmed to M/s Owen, Pentretainycwm following commons Commissioner decision in 1975.
- 3.34 Through my knowledge of the Commons and the surrounding holdings since April 2024, I have confirmed that only the single commoners with grazing rights were found to utilise each Common. I have identified those respective rights holders as the only graziers of the respective common areas.
- 3.35 A detailed report of the annual grazing patterns of the active graziers ascertained as a result of the extensive consultation process can be found in Appendix 4 with a summary below.

CL80

- 3.36 The only active graziers of CL80 are M/s Jones, Cadwst Mawr. M/s Jones as the only active graziers hold 100% of the actively utilised rights to graze the Common and 100% of the total sheep unit grazing rights held.
- 3.37 There are no rights identified on the register to take bracken for litter.
- 3.38 The consultations with the active graziers have indicated that the extent of grazing rights that had been exercised on the Common in the early summer grazing period to autumn of 2024 amounted to 200 ewes and dry hoggs, in keeping with the registered rights and stocking densities prescribed in Glastir. In late summer this figure remained at 200 sheep. The majority of the late summer numbers were dry sheep turned to the hill following weaning.
- 3.39 In winter 2024, all those animals in the ownership of M/s Jones were removed from November to April. In the spring of 2025, there was little use of the Common evident in during inspection.
- 3.40 In early summer 2025, the Common was utilised by approximately 100 yearling hoggs. In late summer, this figure increased to 200 sheep again with the majority of those sheep being dry ewes turned to the common land area following weaning in July and August.
- 3.41 There was no livestock found to be occupying the Common in late autumn or in early winter 2025.
- 3.42 The consultations I have undertaken have indicated that these stocking numbers have been consistent for a number of years, at least as far back as 2022.
- 3.43 Only a proportion of the sheep indicated will be in occupation of the Common at any one time as flocks are housed in winter and gathered for shearing and dipping. Furthermore, the flocks of the active graziers occupy the Common in conjunction with adjacent areas of open land off the Common on a regular basis. The Common is not fenced from the adjacent open land to the north and the flocks of M/s Jones regularly occupy the common in conjunction with this open land known as Maespyllan and Hendre Brain Sheepwalks.

3.44 No cattle or horses have been found to be grazing CL80.

CL59

3.45 The only active graziers of CL59 are M/s Owen, Pentre. M/s Owen as the only active graziers hold 100% of the actively utilised rights to graze the Common and 100% of the total sheep unit grazing rights held.

3.46 There are no rights identified on the register to take bracken for litter.

3.47 The consultations with the active graziers have indicated that the extent of grazing rights that had been exercised on the Common in the early summer grazing period to autumn of 2024 amounted to 200 ewes and dry hoggs, in keeping with the registered rights. In late summer, this figure remained at 200 sheep. The majority of those were dry sheep turned to the hill following weaning.

3.48 In winter 2024, 50 grazing animals in the ownership of M/s Owen remained on the common with grazing in conjunction with in-bye land from November to April. There was a similar use of the Common evident in the spring inspection.

3.49 In early summer 2025, the Common was utilised by approximately 200 yearling hoggs or ewes, with lambs at foot again with the lambs weaned in August and dry ewes returned to the Common.

3.50 There was no livestock found to be occupying the Common in late autumn or early winter 2025.

3.51 The consultations have indicated that these stocking numbers have been consistent for many years, at least as far back as 1975.

3.52 Only a proportion of the sheep indicated will be in occupation of the Common at any one time as flocks are housed in winter and gathered for shearing and dipping. Furthermore, the flocks of the active graziers occupy the Common in conjunction with adjacent areas of in-bye land within the Pentre Holding and open land off the Common at Llwyn Brain and Coedybedo Sheepwalks on a regular basis. The Common is not fenced from the adjacent open land to the north and east and the flocks of M/s Owen regularly occupy the common in conjunction with this open land itself partly inside and partly outside the site boundary of the proposed scheme.

3.53 No cattle or horses have been found to be grazing CL59.

3.54 Whilst the annual grazing pattern for each respective Common has been consistent, the actual number of stock which the graziers turn to the Common could vary on an annual basis and within any grazing season depending on a range of factors and the respective rights to graze as held. In recent grazing seasons the incidence of active grazing has remained static. The dry summers of 2022 and 2025 resulted in increased grazing usage of common land in Wales and especially in the autumn of 2022 and 2025 by dry sheep. The drought effect of the summer weather conditions in these grazing seasons and resultant management difficulty for fodder conservation and consequent increased grazing pressure of in-bye land resulted in increased numbers of sheep and cattle being turned out onto common land by active graziers around Wales in late Summer 2022 and 2025.

3.55 On CL80 and CL59, it has not been confirmed that there had been an increase in grazing of livestock during the months of August and September 2022 or 2025 by the active graziers. With the Sustainable Farming Scheme (“SFS”) replacing Glastir in 2025, there could be increased grazing of the respective common land areas in ensuing grazing seasons. However, the grazing should be maintained at a level within the registered rights.

Inspection

3.56 The respective Commons, including that which will form the Application Site and the adjacent Replacement Land Areas, have been inspected at various times and during all seasons between March 2024 and through 2025, which has informed this report. The holdings of the various active graziers have been visited on many occasions and in varying seasons during the above period. During these visits the various areas of the Common used by the flocks of the active graziers were inspected. The relationship between the holding location and grazing location of the flocks along with adjacent open land off common was noted and identified in each case.

3.57 The Commons, including the proposed Replacement Lands, were inspected on foot with details taken of topography, aspect, physical features, grassland/heathland and species of flora and fauna. Photographs taken during the various inspections are included in Appendix 4.

The Proposed Development

3.58 Turbine 8 and part of the micro-siting buffer for Turbine 7 (which itself is moved off Common) are proposed for construction on CL80 as part of the Proposed Development. Turbine 8 will be constructed within the Common. Other turbines will be constructed within the adjacent open freehold land to mitigate the effect on the Common.

3.59 The Common is also required for associated infrastructure including access tracks, micro-siting areas, cable trenches and cabling, crane assembly areas, spoil storage bunds and clean water cut off swales. Further tracks, a temporary construction compound and a borrow pit will be constructed within the adjacent land off common again to mitigate the effect on the Common.

3.60 Two turbines are proposed for construction on CL59 as part of the Proposed Development. These turbines will be constructed within the Common. As detailed above, other turbines will be constructed within the nearby open freehold land to mitigate the effect on the Common.

3.61 The Common is also required for associated infrastructure including access tracks, micro-siting areas, cable trenches and cabling, crane assembly areas, spoil storage bunds and clean water cut off swales.

3.62 The Applicant is requesting consent for the Proposed Development to be operational for 40 years after which time it will need to be decommissioned (or a further consent sought). Following decommissioning the turbine locations will be restored to a prescribed depth below finished ground level.

3.63 Once the Proposed Development is operational the access tracks and turbine hard standings will be used periodically by maintenance staff. Crane pads will be left in situ during the operational life of the Proposed Development for use in the event of any requirement for replacement of turbine components. The tracks and crane pads will also be retained in order to remove equipment when the Proposed Development is decommissioned.

3.64 The areas of proposed Replacement Land to be annexed to the respective Commons under section 16 are suitable for inclusion within the Common land area with immediate effect from commencement of works to provide common grazing and access land. The consideration of suitability of the Replacement Land within Part 4 of this Report and the conclusion within Part 5 contains further details.

3.65 Various alternatives have been explored that might reduce the impact of the proposals on the exercise of commoners rights. During the consultation with the graziers and amenity users of the Common, the users were asked what alternatives to the proposed construction plans would reduce any impact on their use of the respective Commons. Alternatives considered by graziers included removal of grazing livestock from the Common to alternative grazing during the construction of the scheme and fencing off all operational areas during construction works.

3.66 The consultation confirmed that as the livestock is grazing each Common openly in conjunction with the adjacent open land off common, that removal of the respective flocks and herds for a grazing season may affect this grazing pattern when they are subsequently returned to the Common after possibly two grazing seasons. Grazing on a restricted basis during the construction phase is considered a suitable alternative.

3.67 The graziers did not consider fencing off the whole of the construction areas to be required. The graziers considered the possibility of grazing animals being disturbed by works traffic as a minor adverse effect on the grazing pattern of livestock on the Common during the construction works. The sheep on the respective Commons already occupy those commons in conjunction with the adjacent open land and will not require increased shepherding caused by disturbance and resultant straying away from normal grazing areas.

Effect on Common Areas

3.68 On CL80, approximately 7.82 Ha of land will de-registered from the Common as a result of the Proposed Development. One turbine is proposed on the central level area within the Common with extensive areas of peripheral land unaffected.

3.69 Of the Release Land within CL80, approximately 3.41 Ha will be construction areas accommodating infrastructure associated with the Proposed Development. The remaining land is de-registered for micro-siting and buffer areas but will be available for grazing and amenity use. There will be a net benefit to the Common of 4.41 Ha of land de-registered but not constructed on and a further net benefit of up to 13.37 Ha of Replacement Land provided in excess of the Release Land.

3.70 On CL59, approximately 12.27 Ha of land will be de-registered from the Common as a result of the Proposed Development. Turbines are proposed on the higher level ridge within the Common with extensive areas of peripheral land unaffected.

3.71 Of the Release Land within CL59, approximately 7.37 Ha will be construction areas accommodating infrastructure associated with the Proposed Development. The remaining land is de-registered for micro-siting and buffer areas but will be available for grazing and amenity use. There will be a net benefit to the Common of 4.9 Ha of land de-registered but not constructed on and a further net benefit of up to 16.43 Ha of Replacement Land provided in excess of the Release Land.

3.72 The construction areas (i.e. the turbine locations and active track construction areas) will be temporarily fenced off during the works. The access tracks linking the construction areas will be mainly unfenced. The location of the works within the central part of the respective Commons will allow unrestricted access for the livestock of the active graziers to the remaining Common with limited disturbance to normal grazing patterns. Horse riders and walkers/ramblers will also be able to access the Common to the south and north of the working areas on each common by navigating around the active construction areas via the peripheral common land areas. The Proposed Development will have an inconsequential effect on public/community amenity use of the Common as a result.

3.73 On completion of the construction works, the fences around the active construction areas will be removed and there will be little or no disturbance to grazing livestock and public access as a result of the turbines being in place. The access trackways to the turbines being open to the common land area tend to green over as a result of being used by grazing livestock and open to the Common as a whole.

3.74 Whilst the Commons have been historically over grazed in the long term past, changes in agricultural support and farming practice since 1995 have generally resulted in common land and, more particularly the relevant Commons, being used less intensively by the active graziers and on a more extensive (but less intensive) basis by graziers actively exercising their rights with grazing livestock. The south-eastern area of CL59 has been subject to increased grazing pressure. This is because this area is close to the Pentre Farmstead and gathered sheep are regularly held in this area for dipping, shearing and lambing turnout. This increased stocking density has promoted a more productive sward on this localised area than the remainder of the common.

3.75 Due to the open and unrestricted nature of the grazing of the commons by sheep by a single active grazier, with the livestock of those graziers occupying the Commons in conjunction with adjacent open land off common, disturbance to the grazing use of this area of the Common, as a result of the turbine construction works, will be minimal.

3.76 There is little possibility that the construction works and associated vehicle movements will disturb the livestock (sheep) grazing the respective Commons. The consultation with the active graziers has revealed that the commons are grazed openly as a whole and the extensive peripheral common areas along with adjacent open land off common will accommodate the livestock during the works.

3.77 The Commons are not overgrazed by livestock. The density of grazing livestock in the respective construction areas of each Common is the lowest of any part of those Commons. This lack of density of livestock means that it is less likely that grazing livestock within these areas will be disturbed by the Proposed Development especially as the turbine locations and active construction areas of the access tracks will be fenced during the works. As a result, it is less likely that the grazing pattern of the Commons will be disturbed by livestock moving away from the construction areas and it is unlikely that there will be a requirement to 'shepherd' livestock by the active graziers of the Common.

3.78 As a result of the relatively small area of land being removed from each Common and the lack of grazing pressure on the relevant areas of the Common, there is unlikely to be any effect on the grazing potential and pattern of the active graziers as a result of the Proposed Development.

3.79 Common land areas have been apportioned to registered rights for the purpose of Single Farm Payments ("SFP") to registered commoners. This agricultural support payment to be replaced by the SFS is likely to be a key benefit that the grazing rights holders on the Commons will consider relevant to their respective registered rights. Although approximately 20.09 Ha of Release Land is to be deregistered from the Commons, the actual area of the Commons unavailable for SFP is the area to be occupied by infrastructure amounting to 10.78 Ha. To maintain the SFS area of the Common, and the apportioned land area to each commoner's right, the same level of Replacement Land will be required for that area affected by the infrastructure. The rights holders in each case are proposed to be providing Replacement Land for each Common land area and there will be no impact on SFS Entitlement. If Replacement Land areas 1 and 2 are not secured by the Applicant then areas 3, 4, 5 and 6 will provide the required area for SFP.

3.80 The proposed Replacement Land would provide the same area of available grazing capacity and increased public access land as the land permanently lost to the Commons as a result of the Proposed Development.

3.81 Chapter 5 (Terrestrial Ecology) of the Environmental Statement describes the habitats present within the common land areas. These include dry and wet upland heath and gorse located within the common area.

3.82 Both Commons are recently included in the Glastir management scheme and have been subject to associated grazing management control for a long period of time. Our consultation with the graziers has indicated that they may wish to enter the common land area into the prospective SFS environmental scheme at varying levels. The common land area will provide for the potential to achieve certain payments for rights holders from any future management scheme subject to control and management of grazing within certain scheme parameters. The Replacement Land as part of the Common could similarly be included in any respective commoner Environmental Management Scheme application because it is a similar habitat to that of the Common.

3.83 No Habitat Management Plan (the "HMP") is proposed to be implemented on the Common. The management recommendation of the SFS is to implement appropriate grazing management in line with the graziers existing management under Glastir and proposed management under SFS; to improve areas of habitat

identified within respective parts of each Common. The appropriate grazing management will be delivered by the control of stocking rates to a level recommended in the SFS; itself based on Glastir and are represented as Livestock Units per Hectare during relevant periods of the grazing calendar.

- 3.84 The consultations with the Rights Holders indicate that they will enter SFS and grazing management of the Commons as a whole will be controlled to encourage a Net Benefit for Biodiversity as a result.
- 3.85 The graziers utilising rights to graze the Commons generally do so in conjunction with their adjacent land outside Common along with open land off common. This reduces the grazing density of livestock on the Commons especially within winter months. The Commons are not over grazed as a consequence and this has resulted in the key ffridd habitats identified in the various areas of the Commons being preserved.
- 3.86 The optimal grazing rates proposed on the Commons will be in line with the stocking rates associated with the future SFS environmental support scheme and will allow the rights holders to conform to that scheme with resultant financial gain.
- 3.87 Controlled grazing management will result in the other habitats detailed in the Environmental Statement on each common developing over time into 'target habitat[s]' in response to this continuation of existing grazing management.
- 3.88 There are significant potential benefits to nature conservation through the management of the Common under the proposed SFS including: the promotion of target habitats in various areas of the Commons; the grazing management of the Commons as a whole will be controlled to encourage a Net Benefit for Biodiversity; and the existing key habitats on the commons will be safeguarded by a prescribed grazing management constituting a significant benefit to the Commons as a whole.
- 3.89 The Commons have been used for non-agricultural and industrial purposes over time and especially since the industrial revolution. There are various small quarries and excavation pits used for winning stone within the commons.
- 3.90 The Proposed Development is in keeping with the historic use of the Commons for industry in conjunction with adjacent land. The open land adjacent to the Commons are traversed by a National Grid power line on poles. The historical context of the Commons is that landowners, commoners and others historically using the Common for public access, amenity and any other reason are familiar with industrial and other non-agricultural schemes within the Commons and adjoining open land.
- 3.91 The Commons have various archaeological features (see Chapter 8 (Cultural Heritage) of the Environmental Statement).
- 3.92 The Replacement Land areas have been considered on the basis that they do not incorporate archaeological features. Replacement Land Area 1 has a dilapidated stone wall Corlan (Sheep Pen) on its boundary with CL59 which may be upgraded to form a Lloches (Bothy).

3.93 There is a wider public interest arising from such a major infrastructure project that can be considered from the development on the commons. The interest is detailed in the Planning Statement to be provided with the planning application.

The hypothetical situation of commoners exercising their full rights to graze the respective common land areas

3.94 I am instructed to consider the hypothetical situation of commoners exercising their full rights to graze the respective Commons. On both commons the full rights are held by the single rights holders who are also the freehold landowners of adjacent prospective replacement land.

3.95 In the hypothetical situation that all rights were exercised, the total number of livestock and followers occupying CL80 would amount to 200 sheep and CL59 200 sheep. On these particular Commons the available grazing material would be able to sustain the level of stocking of the Common prescribed by the rights held. The Commons would also be able to sustain this level of stocking even if there was the proposed release of 20.09 Ha of common land with working area of 10.78Ha to facilitate the Proposed Development. The total common land area is 77 Ha sustaining rights for grazing by 400 Sheep. Removing 10.78 Ha (14%) from the grazable area of the Commons would not result in an impact on the Commons being able to sustain these rights. This is confirmed by the fact that the majority of both the Commons are under grazed; having been managed according to the rights held and further managed within stocking restrictions imposed by the Glastir scheme since 2013. Whilst there is a general over registration of rights on Commons in Wales, this is not the case on CL80 and CL59.

3.96 My informal consultations have identified that the actual grazing numbers over the Commons as exercised by the active graziers at any one time are at a level that the Commons can comfortably sustain. My periodic inspections of the Commons to ascertain the actual numbers of livestock grazing the Common indicate that the actual use by the active graziers is in fact less than that indicated in the consultation process. I consider that this is as a result of the Common being grazed in conjunction with adjacent open land off common with grazing livestock utilising the Common at certain times in conjunction with these much larger open areas off common.

3.97 The Commons are open to nearby commons and sheepwalks as they are not fenced. My consultation confirmed no other graziers or non-active graziers, with or without rights, utilise CL59 or CL80.

Public Access

3.98 I am also instructed to consider the effect of the Proposed Development on access to the Common by the public and local community. The Countryside and Rights of Way Act 2000 (the “CROW Act 2000”) provides rights of access for open air recreation to the public to areas defined as “access land”, which includes registered commons.

3.99 Public footpaths traverse the main scheme site and the footpath Number 175 Llandderfel links to the boundary of CL80 from the main population bases to the south via Foel Fach.

3.100 Details of impacts on these public rights of way and the management plan to manage public access during construction of the wind farm are set out within Chapter 11 (Traffic and Transport) of the Environmental Statement.

3.101 The proposed Replacement Land will be registered as common land and will be subject to the rights this currently affords including access pursuant to The CROW Act 2000. Access will be available to proposed Replacement Land areas amounting to a minimum of 21 Ha with these land parcels being adjacent to the respective Commons. The general public do not currently have a right of access over Replacement Land Area 2 and part of Replacement Land Area 1 including under the CROW Act 2000. These Replacement Land areas which do not currently benefit from open access amount to approximately 12.49 Ha. The provision of these Replacement Land areas will increase the land available for public access and offsets the loss of public access over the permanent and temporary working areas within the Release Land (10.78 Ha) by a net area of 1.71 Ha.

3.102 Replacement Land Area 1 is located to the south of CL59. This area is not currently available for public access. On inclusion to CL59 as replacement land this area of rough grazing will become open access land. Part of CL59 has been fenced in to this land area and this fence will be repositioned on the correct boundary.

3.103 Replacement Land Area 3 is adjacent to the western part of CL80 and has been recommended as replacement land to provide a link between Replacement Land Area 2 and CL80.

3.104 In conjunction with Replacement Land Area 3, Replacement Land Area 2 will be adjacent to the southern part of CL80, and on inclusion of Areas 2 and 3 to the common as replacement land, the eastern part of Replacement Land Area 2 which is not currently available for public access will become open access land.

3.105 Replacement Land Area 4 will provide frontage and an improved link from CL80 to the footpath (Llandderfel No 175) heading north from CL81 through Tynant Sheepwalk.

3.106 The construction areas (i.e. the turbine locations and active track construction areas) will be temporarily fenced off during the works. The access tracks linking the construction areas will be mainly unfenced. The location of the works within the central part of the respective Commons will allow unrestricted access for the amenity use of the common land areas outside the temporarily fenced construction areas.

3.107 These temporary security fenced areas will not prevent access to the peripheral land within the Commons, thus allowing public access whether on foot or on horseback for recreation and amenity use to all other parts of the Commons.

3.108 The tracks and micro-siting areas will be deregistered from CL80 and CL59 but continued rights of access will be available to these areas by amenity users and graziers by virtue of a unilateral section 106 agreement between the Applicant and Landowners.

3.109 The wind farm track between Turbines 7 and 8 is within close proximity to this Public Footpath at Foel Fach and can be accessed from the footpath over the short

length of Public Access land in between. Once on the wind farm track walkers can then chose a cyclical walking route to the north with footpath links to wind farm tracks near Turbine 6 and back to the south via tracks to Turbine 3 and onwards to Llyn Maen Bras. Another cyclical walking route would be to head east from Foel Fach over the wind farm tracks traversing CL80 and CL59 and then South to replacement land Replacement Land Area 1. Then west to Replacement Land Area 2 and onwards to the Public Footpath at Moel Emoel and south to CL81.

- 3.110 The access tracks will therefore provide enhanced access to various parts of the Commons including for disabled persons who otherwise would not be able to gain access on foot as a result of the difficult and uneven walking terrain associated with heathland habitat. My informal consultation with the Ramblers and Open Spaces Society has indicated that an increasing percentage of the membership of these associations (22% of Ramblers) are disabled and access open countryside on mobility aids. These bodies consider tracks linking turbines would allow that increasing percentage of their members to access new areas of the Common. The tracks will also act as firebreaks, as has been evident in the case of similar tracks traversing commons previously abating the spread of illegal fires.
- 3.111 There is no current equine use of either Common with historic equine use limited to shepherding by Commoners and hunting.
- 3.112 Consultation with local horse riders and groups has revealed that they are generally concerned that horses being ridden may be spooked by turbines. The British Horse Society has provided written advice on Wind Turbines and Horses which provides guidance for planners and developers and confirms that there have been no formal trials to establish horses' responses to turbines. Our consultation with horse riders using similar common land areas with established turbines on the Common or on adjacent land has shown that once constructed the turbines have little effect on horses as long as the turbines are visible to them from a distance. The positioning of the turbines on the upper plateaus of land surrounding the common will mean that they are visible from the majority of the Common and should mean that there is no effect on use of the Common by horse riders.
- 3.113 The access tracks will also facilitate inspection of livestock and shepherding of the common areas by the active graziers and will provide solid, dry riding terrain for horse riders following completion of the construction process.
- 3.114 The consultation process has identified no use of the Commons by mountain bike users whether as individuals or as part of local cycling groups.
- 3.115 The consultation process has identified no historic illegal vehicular access by third parties traversing the Commons. The lack of historic vehicular access is as a result of the lack of proximity to access points from public highways of the elevated open countryside within the scheme area. The main site entrance is at Llaithgwm with access over the farm track to Bwlch Gwyn. Access to vehicles to both site entrance and access track will be controlled with no wind farm tracks intersecting with any vehicular access tracks within the scheme boundary. These factors will result in there being no increase in the risk of illegal vehicular access.
- 3.116 At the southeastern edge of Replacement Land Area 1 is a dilapidated stone Corlan (Sheep Pen). Proposed works to upgrade the Corlan to a Lloches (Bothy)

will be discussed and considered by the Applicant and the Replacement Land Area 1 Landowner. The proposed Lloches which is centrally located in terms of the Orddu Mountain Range would be available for use by walkers as it will be adjacent to open access land by virtue of inclusion of Replacement Land Area 1 within the Common.

3.117 The land recommended as Replacement Land in the final application could result in an increase in the area available for open public access of 1.71 Ha, a further benefit of access afforded to deregistered land under s106 agreement and a general improvement in potential for amenity use of the Commons.

Part 4

The Replacement Land

4.1 The Replacement Land parcels proposed to be annexed to the Commons are shown edged light green on the Section 16 Application Plan. The Replacement Land will comprise at least 21 Ha in up to six parcels. The land which will be recommended as Replacement Land in the final application will ensure that rights of Common are not impacted. Each area of potential Replacement Land is considered in detail in Appendix 5.

4.2 The six areas of potential Replacement Land provide three different habitat types based on topography, drainage and previous use as described below. There is no overlap of proposed infrastructure within the Replacement Land and the whole of the Replacement Land area is available from the date the order is made.

4.3 The Replacement Lands differ in topography with each being an extension of the Common. Replacement Land Areas 1, 3 and 6 having an aspect corresponding to the adjacent common. Replacement Land Area 2 is on the opposite side of a mountain steam corridor to the Common and is a mirror image of the adjacent Common as a result.

4.4 Replacement Land Areas 1, 2 and 4 have a stock proof fence boundary between them and the Common, with those fences having been installed as boundaries as a result of the requirement under The Commons Act to fence adjacent land. Replacement Land Areas 3,5 and 6 have been occupied in conjunction with the associated common with no fenced boundary.

4.5 The fence between the respective areas of Replacement Land and the Common will remain in situ to allow ongoing grazing management of the respective parcels as compartments of the respective Commons. Gates and stiles will be provided between common land areas and replacement land areas which are not currently available for public access. This will ensure that there is no impact on public access of the replacement land remaining fenced from the common for agricultural management purposes.

4.6 Each Replacement Land area is immediately adjacent to the Common with direct access to the same by the general public available on provision of gates and stiles within the existing boundary fencing to remain in situ.

Topography and Aspect

- 4.7 Each area of potential Replacement Land directly abuts the Commons and is almost identical in topography and the aspect is either an extension or a mirror image of the Commons. The factors creating the local landform are originally glaciation and subsequent erosion by the mountain streams emanating from the Commons.
- 4.8 Replacement Land Areas 1 and 3 provide a stream valley riparian corridor of rough grazing with mountain ash trees.
- 4.9 Replacement Land Area 2 is the southern side of that stream corridor and is a gently sloping mirror image of Replacement Land Areas 1 and 2 and the adjoining commons.
- 4.10 Replacement Land Areas 4, 5 and 6 are sloping to the commons and are identical in aspect and topography to the adjacent commons and drain to mountain tributaries of the Cefn Coch stream dividing the Commons.

Drainage and Soils

- 4.11 The drainage of each area of potential Replacement Land is largely governed by the topography as mentioned above. Replacement Land Areas 1, 2 and 3 are adjacent to a stream valley draining to the central Cefn Coch stream dividing CL80 from CL59. In each case drainage is similar to the adjacent Common with mainly water retentive soils. Areas 4, 5 and 6 are sloping to the adjacent commons.
- 4.12 The main soil type within the majority of potential replacement areas is a peaty loam over clay or rock. Replacement Land Area 2 has areas of better drained medium loam soils of poor productive capacity as a result of a general lack of soil depth.
- 4.13 Each area of potential Replacement Land provides a direct extension of the adjacent Common in terms of drainage and soils.

Flora and Fauna

- 4.14 The flora and fauna of the potential Replacement Land can be split into three main types.
- 4.15 Areas 1, and 2, of the Replacement Land provide rough grazing and dry upland heath. There are some grass species including meadow fescue, meadow foxtail and tall fescue within Replacement Land Area 1 and occasional bracken. The areas constitute a riparian stream corridor supporting mainly dry upland heath with mosses, molinia and other white grasses within the stream valley which also included rushes, reeds and mountain ash trees with occasional heather and cross leaved heath.
- 4.16 Areas 3, 4, 5 and 6 of the Replacement Land provide wet and dry upland heath. The heathland supports mainly weed grass species with mosses, molinia and other white grasses and occasional bracken; with mature heather in Area 4.

The Surrounding Common

4.17 The surrounding areas of the Commons around the release land areas are open to grazing by sheep. The Commons have moorland grass habitat with occasional heather and cross leaved heath.

4.18 The areas of the potential Replacement Land either have an identical moorland grass habitat or differ slightly in flora and fauna. The differences in habitat on corresponding areas are governed by historic agricultural practice being itself affected by topography and land drainage.

4.19 The majority of the potential Replacement Land comprises level or sloping land which has little productive grass species and a dry heath habitat corresponding to the adjacent Common.

4.20 Replacement Land Areas 1 and 2 being mainly level rough pasture providing agricultural rough grazing being historically enclosed are proposed to remain fenced to promote specific grazing management. Grass species as mentioned are evident on small areas of medium loam soil, promoted by historic cultivation. Replacement Land Areas 3, 5 and 6 are already open to the common and grazed in conjunction with the common. Replacement Land Area 4 is moorland habitat with extensive mature heather and is currently fenced.

4.21 Normally if there are productive land areas within the Replacement Land then opening of this enclosure to the Common might attract local livestock in the very short term due to the presence of grassland species suitable for agriculture. The level areas of the enclosure could then become overgrazed in the short term and may attract sheep from other walks within the Commons thus affecting shepherding of the local walks. There are no such productive land areas with productive grass species within the six areas of proposed replacement land.

4.22 As detailed above, it is recommended that Replacement Land Areas 1 and 2 remain fenced and that specific grazing management restrictions can be adhered to by the rights holders. The consultation with the rights holders has confirmed that subject to completion of cooperation agreements that they would be happy that these areas of land remain fenced and that all areas of Replacement Land identified are included in the application as Commons Replacement Land.

4.23 Replacement Land Area 4 is dry upland heath with a high percentage of mature Heather within the habitat. The area is a fenced sheepwalk and has not been grazed by livestock for a long period of time. It is recommended that this parcel of replacement land remains fenced for specific management of the extensive heather within as a separate compartment of CL80. The consultation with the relevant rights holder has confirmed that subject to completion of cooperation agreements that they would be happy for this area to remain fenced as a separate compartment of CL80 with sole grazing and SFP claimed by that Grazier. Furthermore, that the rights holder would like the compartment to be managed to a prescribed grazing regime with specific further management to protect the heather habitat.

4.24 Replacement Land Areas 3, 5 and 6 although currently tenanted to third party occupiers are already open to CL80 and CL59 respectively for both open access and grazing; with that grazing undertaken by the rights holders on CL80 and CL59

in conjunction with the adjacent common land. It is recommended that these areas remain open to the commons. The existing tenancies will be terminated by the landowner. Area 3 will provide replacement land for grazing and SFP for CL80 and Replacement Land Areas 5 and 6 for grazing and SFP for CL59.

Part 5

Conclusion

- 5.1 In my opinion, the Applicant has knowledge of the interests of the Rights Holders and how they exercise their grazing rights. They have sought to consult with registered graziers on the Common Land Register to understand their views and any concerns, regarding the suitability of the Replacement Land to be provided in replacement for that released from the commons.
- 5.2 Across the potential Replacement Land Areas, it is clear that there is sufficient land available to secure suitable replacement land on a one to one ratio. The areas of the proposed Replacement Land will provide increased land for public access than that utilised as working areas within the Release Land. The tracks and micro siting areas will be deregistered from the Commons, but continued rights of access will be available to these areas by amenity users and graziers by virtue of a unilateral section 106 agreement entered into by the Applicant and Landowners. The registered rights holders and users will not be disadvantaged by the proposals and new cyclical walking routes will be available as a result.
- 5.3 The Rights Holders will have the same amount of land over which to graze their livestock as they currently enjoy and they will still be able to continue to use the respective Commons as they currently do throughout the construction period. The Replacement Land will provide the same level of common area available for SFP or for the proposed SFS when this is implemented.
- 5.4 Public amenity use and access rights over the Replacement Land will be improved to those currently available on the Common. The works within the Commons will only require security fencing around turbine sites and access will be available around these to the larger Common areas and Replacement Land areas.
- 5.5 Suitable Replacement Land is provided to ensure that there is no detriment to the public or the commoners during construction or operation of the Proposed Development.
- 5.6 Keeping boundary fences in situ with improved gate and stile infrastructure between the Replacement Land areas currently fenced from the Commons will allow these areas to be specifically managed for stocking and grazing and will as a result have no detrimental effect on the grazing pattern of the Common as a whole on inclusion as Replacement Land.
- 5.7 I conclude that inclusion of the proposed Replacement Land in exchange for the Release Land to facilitate the scheme will not result in a detrimental effect on the Commons, or those using the Commons for public access, horse riding, grazing livestock or claiming SFS.

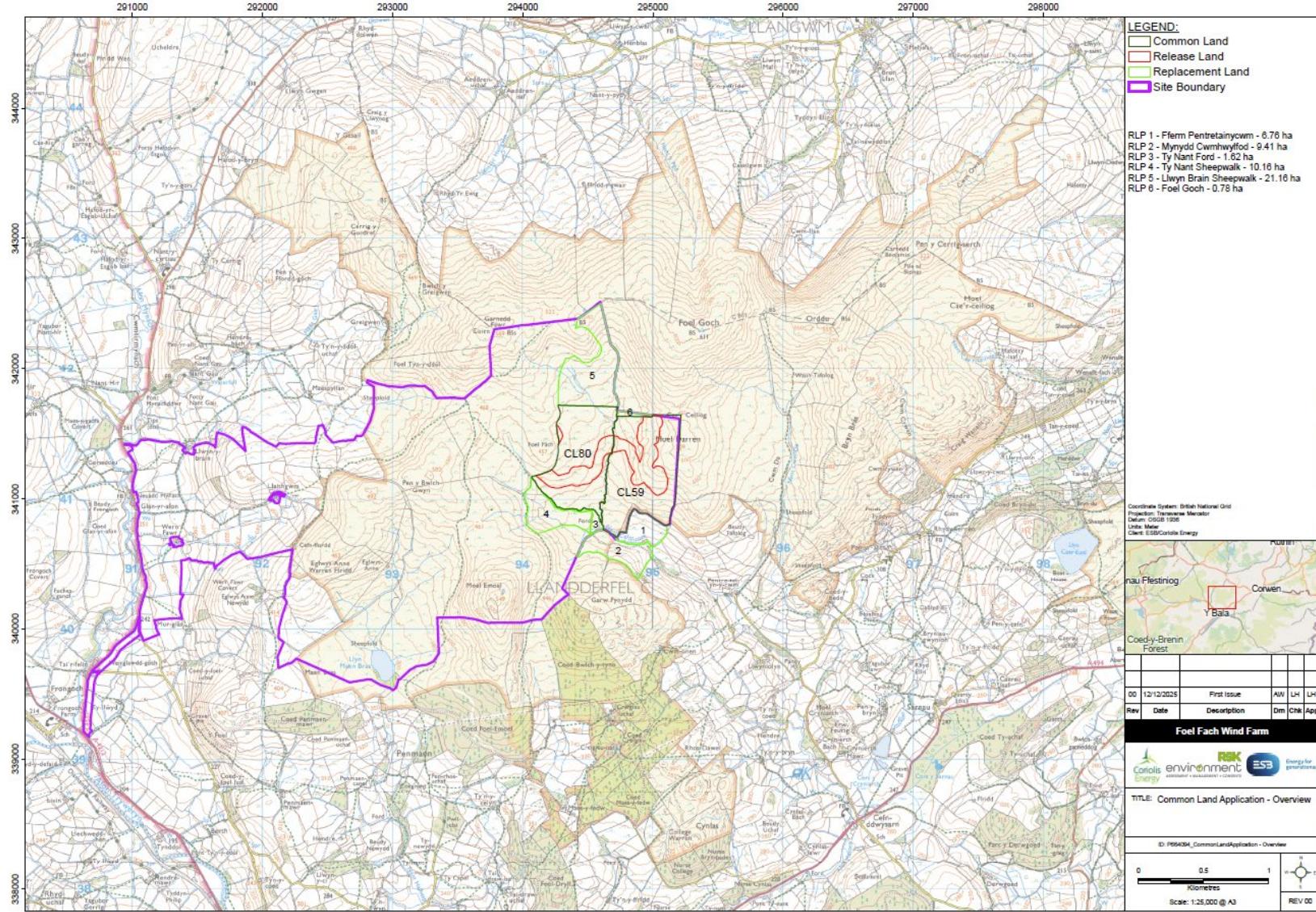
Signed:-

**John Eirian Davies MRICS
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December 2025

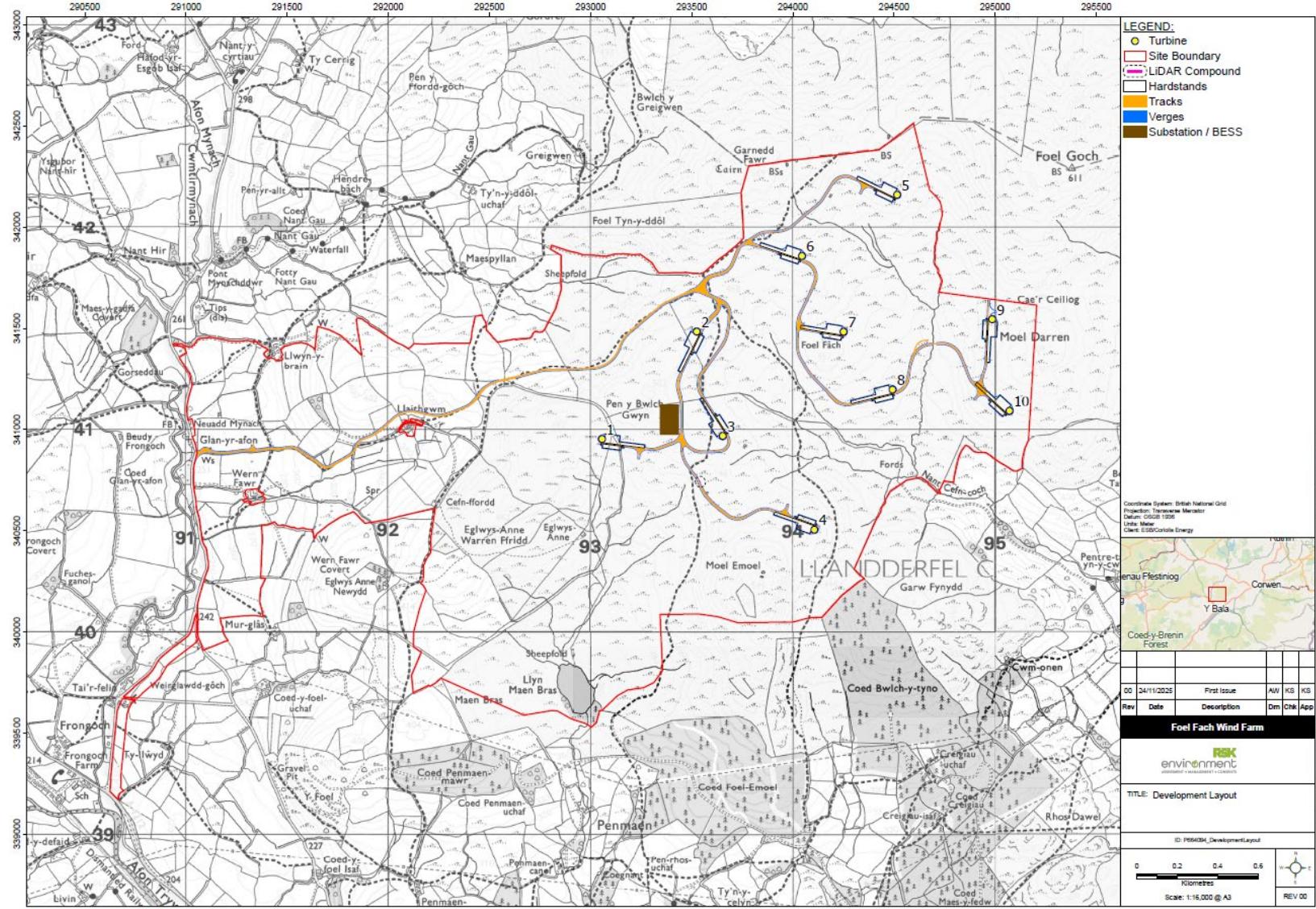
Appendix 1

Planning Application Boundary



Appendix 2

Infrastructure Layout



Appendix 3

Schedule of Photographs

Photograph 1. RLP 1



Photograph 2. RLP 2



Photograph 3. RLP 3



Photograph 4. RLP 4



Photograph 5. RLP 5



Photograph 6. RLP 6



Photograph 7. Release Land T7 Micrositing



Photograph 8. Release Land T8



Photograph 9: Release Land Stream Crossing between CL80 and CL59



Photograph 10: Release Land T9



Photograph 11: Release Land T10



Photograph 12: Dilapidated sheep pens boundary of RLP1 and CL59



Appendix 4

Active Grazier Report

CL80

M/s Jones, Cadwst Mawr.

Rights:- (200 Sheep Units)

Entry	Name	Ownership
3	Mynydd Cwmhwylfod	Conveyance from JG Jones.

The recent consultations with M/s Jones have confirmed the current average stocking rate by M/s Jones' farming business, which is the only registered and active grazier of the common land area varies seasonally as follows.

Spring – April/May turnout – 100 Dry Hoggs.

Summer - 100 Ewes (Lambs weaned Aug).

Autumn - 200 Ewes and Hoggs.

Winter - None.

This rate of stocking has been consistent since 2023.

CL59

M/s Owen, Pentre.

Rights:- (200 Sheep)

Entry	Name	Ownership
1	Pentre Tai'nycwm	Rights registered following commissioner hearing.

The recent consultations with M/s Owen have confirmed the current average stocking rate by M/s Owen' farming business, which is the only registered and active graziers of the common land area varies seasonally as follows.

Spring – April/May turnout – 100 Dry Hoggs.

Summer - 100 Ewes (Lambs weaned Aug).

Autumn - 200 Ewes and Hoggs.

Winter – 50 Dry Hoggs.

This rate of stocking has been consistent since 1975.

Appendix 5

Replacement Land Report

This Appendix considers the suitability of six separate areas of land adjacent to the common for inclusion into the common land area as Replacement Land to ensure that there is no overall reduction in the area of Common, no detriment to the level of grazing available to the common land occupiers and no loss of public access to those utilising the Common as a result of the Proposed Development. This Appendix also identifies any benefits or drawbacks of inclusion of these parcels of land to the Common and considers whether the replacement lands would be detrimental to the interests of the Commoners, Landowners and the Public.

The six areas of proposed Replacement Land which are options to be included within the Common are almost identical in topography, drainage, and soil types to the respective adjacent Common with the aspect a continuation or mirror image of the adjacent Common. Various areas of Replacement Land are already managed in conjunction with the Common with full access for grazing and public amenity. The other areas of replacement land which are currently fenced from the Commons can be incorporated into the Common but will remain compartmentalised with the existing boundary fence remaining in situ between the said areas and the common. This will allow the said areas to be specifically managed in terms of grazing and will ensure that the grazing pattern of livestock using the larger Common areas will not be impacted. These actions will mitigate any effect on the adjacent Common of the inclusion of areas of rough grassland within Areas 1 and 2 and further allow specific management of the Heather within Area 4.

The majority of the flora and fauna within the parcels of Replacement Land immediately adjacent to the Common are identical to the Common.

The incorporation of up to six areas of Replacement Land will provide a benefit for the Commons of improved animal welfare. Areas 1 and 2 include areas of lower elevation and a southerly aspect, thus providing improved shelter from a northerly wind than the adjacent common and continuous access to the valley bottom running natural water supplies.

The Replacement Lands provide a more diverse landscape and improved access for those using the area as a whole for amenity use. A dilapidated Corlan (Sheep Pen) within Area 1 may be renovated to provide a Lloches (Bothy shelter) for walkers. This Lloches will be centrally located within the Orddu Mountain Range and would provide a stop off point for walkers either in an emergency or planned overnight stay basis. The proposed Lloches is positioned at the southern end of a new cyclical walk facilitated by the wind farm tracks over CL80 and CL59 and would be a convenient stop off point for walkers wishing to take advantage of the shelter.

The incorporation of the Replacement Land Areas 1, 2 and 4 into the adjacent Common areas will be achieved by incorporating gates and stiles into the current boundary fences between the parcels and the adjacent Common which are currently stock proof boundaries between the Common land area and the Replacement Land areas.

The public will be able to access the relevant Replacement Land areas from the adjacent Commons at these crossing points along these stock proof boundaries.

Areas 3, 5 and 6 are currently open to the respective Commons with no requirement to remove fencing.

Incorporation of the Replacement Land areas into the Common will provide for increased public access to areas of land previously inaccessible. Replacement Land Area 1 and part of Area 2 amounting to 12.49 Ha are not currently available for Public Access. Incorporation of these areas into the commons will provide a gain of 1.71 Ha of public access land over and above the working areas within the release land.

As a result, it is considered that the six areas of land with part currently not available for public access proposed to be incorporated into the Common will provide significant improvements of public amenity to the Commons as a whole. Public access including access for disabled users is improved. Furthermore, due to the nature of the topography of the land and its lower elevations providing improved shelter for livestock and access to running water for grazing livestock, the incorporation of the land to the Common will provide a major benefit to the Common as a whole.

Each area of replacement land is described in detail as follows:-

Replacement Land Area 1 – Fferm Pentretainycwm – 6.76 Ha.

A gently sloping riparian stream corridor directly abutting CL59. The land is identified as suitable for replacement for CL59 as it provides replacement grazing area and significant amenity benefit.

The parcel is not open access land.

The land has a medium loam soil with areas of water retentive peat-based soil with rough grassland and rushy grass habitat. There is also occasional bracken and mountain ash.

There is a dilapidated Corlan (Sheep Pen) physical feature on the boundary between the land and CL59, and the Applicant is considering upgrading it to a Lloches (Bothy) walkers shelter. The shelter will be at the southern end of a cyclical walk from Foel Fach to Moel Darren and back to Moel Emoel itself facilitated by the wind farm tracks linking the turbines within CL80 and CL59 and incorporation of this Replacement Land area which is not currently open access land along with part of Replacement Land Area 2 which similarly is not currently available for open access.

The land is to the south of CL59 and provides an easy walking link from the Ford over the Cefn Coch stream to Moel Y Darren. Walking groups consider that inclusion of the land within the Common will have a significant benefit to walkers etc. Renovation of the Corlan to a Bothy will provide suitable planned or emergency shelter for walkers wishing to use the shelter as part of a single or multi day cyclical walk over the Orddu range.

The land will remain fenced from the Common by grazing livestock and amenity users will be able to access the common via gates and stiles. The land will be managed in terms of stocking density under the SFS.

In consultation with amenity users this area of land was considered to be particularly suitable as replacement land to provide amenity enhancements and in linking areas of open access land to the west and east.

In consultation with the rights holder on CL59 this area of land was considered to be particularly suitable as replacement land to replace grazing and provide improved shelter and water.

Replacement Land Area 2 – Mynydd Cwmhwylfod – 9.41 Ha.

A gently sloping riparian stream corridor. The land directly abuts CL59 but is provided as replacement land for CL80 on inclusion of Replacement Land Area 3 which will form a link between Replacement Land Area 2 and CL80. The land is identified as suitable for replacement as it provides replacement grazing area and significant amenity benefit.

The land has a medium loam soil with areas of water retentive peat-based soil with rough grassland and rushy grass habitat. There is also occasional bracken and mountain ash.

There are no physical features within the land.

Part of the land amounting to 5.73 Ha is not currently open access land and will provide part of a cyclical walking link in conjunction with Replacement Land Area 2.

The land is to the south of CL80 and provides an easy walking link from the Ford over the Cefn Coch stream to Moel Emoel. Walking groups consider that inclusion of the land within the Common will have a significant benefit to walkers etc.

The land will remain fenced from the Common by grazing livestock and amenity users will be able to access the common via gates and stiles. The land will be managed in terms of stocking density under the SFS.

In consultation with amenity users this area of land was considered to be particularly suitable as replacement land to provide amenity enhancements and in linking areas of open access land including to public footpaths to the west.

In consultation with the Commoners this area of land was considered to be particularly suitable as replacement land to replace grazing and provide improved shelter and water.

Replacement Land Area 3 – Ty Nant Ford – 1.62 Ha.

A level area of riparian stream corridor upland heath grazing directly abutting the CL80 Common. The land is identified as suitable for replacement as it provides replacement grazing and SFP area.

The land has a water retentive peat-based soil with wet heath habitat.

There are no physical features within the land.

The land is to the north of Replacement Land Area 2 and links this area to the Common. The land incorporates a Ford access over the Cefn Coch stream. It is identified in consultation with walking and other amenity groups as being a suitable area of replacement land that will link the existing open access areas to Replacement Land Areas 1 and 2 over which open access will be provided by inclusion into the Commons. Those groups consider that inclusion of the land within the Common will have a significant benefit to walkers etc.

The land is open to the Common with no fence in situ and is open for grazing livestock and amenity users. The land will be managed in terms of stocking density in conjunction with the adjacent common.

In consultation with the Rights Holder this area of land was considered to be particularly suitable as replacement land to provide a common land link to CL80, replacement grazing and SFP for CL80.

Replacement Land Area 4 – Ty Nant Sheepwalk – 10.16 Ha.

A gently sloping area of dry upland heath grazing with extensive mature Heather directly abutting the CL80 Common. The land is identified as suitable for replacement as it provides replacement grazing and improved species diversity as a result of its Heather habitat. Also the land will provide a direct link and improved access to the Public Footpath (Llandderfel No 175) between CL81 and Foel Fach.

The land has a water retentive peat-based soil with wet heath habitat.

There are no physical features within the land.

The land is open access land.

The land is to the north of the Cefn Coch Ford. It is identified in consultation with walking and other amenity groups as being a suitable area of replacement land with enhancement provided to the existing open access by provision of increased gate and stile entrances from the surrounding common to the land. Those groups consider that inclusion of the land within the Common will have a significant benefit to walkers etc as this enhanced access fixed equipment will improve the open access link in conjunction with area 3 above between CL80 and the Public Footpath.

The land will remain fenced from the Common. Grazing livestock and amenity users will be able to access the replacement land via gates and stiles. The land will be managed in terms of stocking density to ensure the Heather based habitat is maintained with further specific Heather management proposed.

In consultation with the Rights holder this area of land was considered to be particularly suitable as replacement land to replace grazing and SFP for CL80.

Replacement Land Area 5 – Llwyn Brain Sheepwalk – 21.16 Ha.

A sloping area of upland heath grazing northwest of CL59 area of Common. The land is identified as suitable for replacement as it provides replacement grazing and SFP.

The land has a water retentive peat-based soil with wet heath habitat. There are no physical features within the land.

The land is open access land.

The land is not currently fenced from the Common. The land is occupied in conjunction with CL59 by grazing livestock and amenity users. The land will be managed in terms of stocking density in conjunction with the Common under the SFS.

In consultation with the Commoners this area of land was considered to be particularly suitable as replacement land to replace grazing and SFP for CL59.

Replacement Land Area 6 – Foel Goch –0.78 Ha.

A gently sloping area of upland heath grazing directly abutting CL59. The land is identified as suitable for replacement land as it provides replacement grazing and SFP area.

The land has a water retentive peat-based soil with wet heath habitat.

There are no physical features within the land.

The land is to the north of CL59 and links the Common to Replacement Land Area 5.

The land is open to the Common with no fence in situ and is open for grazing livestock and amenity users. The land will be managed in terms of stocking density in conjunction with the adjacent common.

In consultation with the Rights Holder this area of land was considered to be particularly suitable as replacement land to provide a common land link from CL59 to Replacement Land Area 5 along with replacement grazing and SFP for CL59.