

Our Ref: 5277-01/SH

28 September 2026

By email only: planning@npt.gov.uk

FAO: Mr Gavin Sterio
Development Management
Neath Port Talbot County Borough Council
Civic Centre
Port Talbot
SA13 1PJ

Dear Gavin,

PROPOSED NON-MATERIAL AMENDMENT TO PLANNING PERMISSION REFERENCE P2022/0517 AT FOEL TRAWSNANT, MAESTEG, BRYN, NEATH PORT TALBOT, WALES, CF34 9PR

1. Introduction

We write on behalf of Alerion UK Ltd in support of an application for a non-material amendment to planning permission reference P2022/0517, relating to the Foel Trawsant Wind Farm at Foel Trawsant, Bryn, Port Talbot ("the Approved Development").

Planning permission reference P2022/0517 was granted under section 73 of the Town and Country Planning Act 1990, and represents the current planning permission for the Approved Development. Following the submission of various Non-Material Amendments, the latest version of the Decision Notice for application P2022/0517 was issued on 1 September 2026 and is referred to as *Revision 3*. The permission requires development to begin before 25 November 2026.

This application is made under section 96A of the Town and Country Planning Act 1990, seeking an amendment to the wording of Condition 15, which relates to the submission of a scheme for the mitigation of the potential impact of the Approved Development on telecommunications and radio links ("the Written Scheme").

The proposed amendments would not alter the description, location, layout, scale or operational characteristics of the Approved Development. They relate solely to the timing and continued necessity of the relevant planning controls and are considered non-material in the context of the planning permission as a whole.

2. Application Documents

The application comprises the following documents:

- i. completed non-material amendment application form;
- ii. this covering letter, which includes the proposed amended wording of Condition 15; and
- iii. the requisite application fee, paid electronically through the Planning Portal.

3. Planning History and Context

Planning permission reference P2022/0517 was granted by Neath Port Talbot County Borough Council (NPTCBC) on 4 April 2023 under section 73 of the Town and Country Planning Act 1990. It constitutes the current planning permission for the Approved Development and was granted for:

“Amendment to the plans referred to in Condition 3 of planning permission reference P2014/0825 to allow for the approval of revised plans for the development. The revised plans include increases in rotor diameter of five turbines (T5, T6, T9, T10 and T11) up to 133m and increase in rotor diameter up to 177m of three turbines (T1, T2 and T8) with no increase in overall turbine height. The number of turbines to be constructed will be reduced from 11 to 8 (turbines T3, T4 and T7 removed)”.

Condition 1 requires the Approved Development to be begun before 25 November 2026.

One previous amendment has been made to planning permission P2022/0517 pursuant to section 96A of the Town and Country Planning Act 1990. A Non-Material Amendment (NMA) application was submitted under planning reference P2026/0508, seeking to amend the wording of Conditions 6, 18 and 24 attached to the planning permission. It was subsequently approved on 1 September 2026, with a revised Decision Notice (Revision 3) issued by NPTCBC that included these amendments.

A review of those conditions still to be discharged has identified that there would be a benefit in discharging Condition 15 contemporaneously with Condition 16, relating to TV Reception, once specific aspects of the detailed design (predominantly those relating to the location of turbines 10 and 11 after micro siting and the access track alignment between these turbines), have been confirmed by the Principal Contractor. This would allow preparation of the Written Scheme to be cognisant of the requirements of any mitigation scheme for TV Reception (required under Condition 16) to ensure there is no conflict between the requirements of these two schemes.

The justification for the proposed amendment is set out in the following sections.

4. Legislative and Policy Context

This application is made under section 96A of the Town and Country Planning Act 1990. Section 96A enables a Local Planning Authority to make a change to a planning permission where it is satisfied that the change is non-material. This power includes the alteration or removal of conditions attached to a planning permission.

There is no statutory definition of a non-material amendment. Whether a proposed change is non-material must therefore be considered in the context of the planning permission as a whole. In determining the application, the Local Planning Authority must have regard to the effect of the proposed amendments, together with any previous changes made to the Permission under section 96A.

Welsh Government Circular 016/2014, The Use of Planning Conditions for Development Management, confirms that planning conditions should only be imposed where they are:

- i.necessary;
- ii.relevant to planning;
- iii.relevant to the development permitted;
- iv.enforceable;
- v.precise; and
- vi.reasonable in all other respects.

The proposed amendment to Condition 15 has been considered against these tests. The detailed justification for each amendment is set out below, followed by an assessment of their combined effect and non-materiality in the context of the Permission as a whole.

This correctly applies the Welsh section 96A guidance and the six tests in Circular 016/2014.

5. Proposed Amendment to Condition 15

Currently no part of the Approved Development may commence until the Written Scheme required by Condition 15 has been submitted to and approved in writing by the Local Planning Authority.

The purpose of Condition 15 is to ensure that existing telecommunications links are not adversely affected by the construction or operation of the development. This is consistent with and has been applied to the development to comply with Policy RE1 of the Neath Port Talbot Local Development Plan. In particular, Section 4 of Policy RE1 requires renewable and low carbon energy developments to demonstrate that they would not interfere with a range of existing communication and infrastructure systems, including telecommunications links, radar, air traffic control systems, television reception, radio communications and emergency services communications. Condition 15 has therefore been applied to provide a specific mechanism to safeguard existing telecommunications links from potential interference arising during the construction and operation of the Approved Development.

The Applicant does not seek to remove or reduce the telecommunications protections that are currently secured by Condition 15. Previous assessment undertaken by the Joint Radio Company (JRC) identified potential impacts on the existing UHF Scanning Telemetry Link, which passes between Turbines 10 and 11. This assessment concluded that targeted mitigation would likely be required to address construction and operational impacts on this UHF link.

The potential impact is focused on the area between, and immediately surrounding, Turbines 10 and 11. It is therefore considered reasonable to amend the trigger of Condition 15 so that it only applies to construction activities that have the potential to impact upon the UHF Link. This would allow preliminary works associated with site access arrangements to begin in advance of the Written Scheme being finalised, noting that these works do not relate to the installation of turbines, nor the construction of turbine foundations or hardstandings. Accordingly, these preliminary works would not impact upon the UHF link.

The proposed amendment would therefore only alter the timing trigger of Condition 15. A Written Scheme would still be required to be submitted demonstrating that telecoms impacts have been appropriately mitigated.

It is therefore proposed to update Condition 15 so as to reflect the necessary adjustment to the condition. The proposed condition wording is as follows:

~~“No development~~ *No development specifically required for the installation of Turbines 10 and 11, including foundations, hardstandings and access tracks* shall commence until a scheme has been submitted to and approved in writing by the local planning authority (in consultation with Western Power Distribution (WPD) and the Joint Radio Company (JRC)) providing for the mitigation of the impact of the development on any telecommunications links operated by WPD. The scheme shall be implemented as approved in writing by WPD”

The reason for the condition would remain unchanged.

The proposed amendment would retain the purpose and substantive requirements of Condition 15 while replacing the existing blanket pre-commencement restriction with a more proportionate and relevant trigger that allows telecommunications and TV reception issues to be addressed

contemporaneously. The amended condition would remain precise and enforceable and would continue to ensure that telecommunications would remain unimpacted by the development.

6. Assessment of Non-Materiality

One previous amendment has been made to planning permission P2022/0517 under section 96A of the Town and Country Planning Act 1990. An NMA application to amend the wordings of Conditions 6, 18 and 24 were made under planning reference P2026/0508.

Whether an amendment is non-material must be considered in the context of the planning permission as a whole. The proposed amendment would not alter:

- i. the description or principle of the Approved Development;
- ii. the number, location, height, dimensions or design of the approved wind turbines;
- iii. the approved Site boundary, layout or associated infrastructure;
- iv. the proposed construction methods or operational characteristics of the Approved Development; or
- v. the nature, route or anticipated volume of construction traffic associated with the Approved Development.

The amendment to Condition 15 relates solely to the timing of the submission and approval of a Written Scheme of mitigation relating to telecommunications. It would not remove the requirement to mitigate the impact of the Approved Development upon telecommunications. The purpose of the condition would therefore be retained. Condition 15 currently applies a blanket restriction preventing any development from commencing before completion and approval of the Written Scheme.

The proposed amendments would not give rise to any new or materially different environmental effects, alter the effects previously assessed through the Environmental Impact Assessment, or change the planning balance upon which permission was granted. They would not materially affect the interests of neighbouring occupiers, highway users or other third parties.

The proposed amendments would retain all controls necessary to regulate the construction and operation of the Approved Development, whilst amending a trigger that is not appropriately timed. The amendments are therefore considered non-material in the context of planning permission P2022/0517, and capable of approval under section 96A of the Town and Country Planning Act 1990.

7. Conclusions

The proposed amendments are limited to the timing of the telecommunications requirements under Condition 15.

The amendment to Condition 15 would retain the requirement for the proposed written scheme of mitigation, it would simply allow preliminary development to proceed before the scheme itself is submitted and approved by the local planning authority.

The proposed amendments would not alter the Approved Development or give rise to any new or materially different environmental effects. They are therefore considered non-material in the context of planning permission P2022/0517 and capable of approval under section 96A of the Town and Country Planning Act 1990.

Therefore, we respectfully request that the Local Planning Authority approves the amended wording of Condition 15 set out in Section 5 of this letter.

We trust that the information submitted is sufficient to enable the application to be determined. Should the Local Planning Authority require any further information or wish to discuss the proposed amendments, please contact the undersigned.

Yours sincerely

A handwritten signature in black ink, appearing to read 'SH', with a stylized flourish at the end.

Steve Harding

Associate Director on behalf of Axis

cc: Josh Nicholls (Alerion UK Ltd)