

**NEATH PORT TALBOT COUNTY BOROUGH COUNCIL
CYNGOR BWRDEISTREF SIROL CASTELL-NEDD PORT TALBOT**

**TOWN AND COUNTRY PLANNING ACT 1990
THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT
PROCEDURE)(WALES) ORDER 2012**

APPROVAL OF FULL PLANNING PERMISSION

Name and address of the applicant

Mrs Amanda Swan
Muirhall Energy Ltd
Muirhall Farm
Lanark
ML11 8LL

DATE REGISTERED: 4 April 2022

APPLICATION NO: P2022/0216

LOCATION: Melin Court Wind Farm, Land To The East Of Melin Court,
Resolven , Neath, Neath Port Talbot

PROPOSAL: Variation of condition 3 (list of approved plans and documents)
of planning permission P2014/0883(Installation of 5 wind
turbines, together with ancillary development including
substation and control building, on site underground electrical
cables, access tracks, meteorological mast, crane hard
standings, temporary construction compound, palisade fencing
on site pond and site access) granted on 16/05/2018 to amend
the maximum heights of the turbines from 145m to tip to
149.9m to tip. (Additional information received)

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL as the Local Planning Authority
in pursuance of its power under the above mentioned Act and Order hereby **GRANTS
PLANNING PERMISSION** for the development as described above to be carried out in
accordance with the application and the plans submitted therewith, subject to compliance
with the following conditions:

Conditions:-

Time Limit Conditions

- 1 The development hereby permitted shall be begun before 16th May 2024.

Reason

To comply with the requirements of Section 91 of the Town and Country Planning
Act 1990.

- 2 The permission hereby granted shall endure for a period of 25 years from the date when electricity is first exported from any wind turbine. Written confirmation of the first export date shall be sent to local planning authority within one month of the first export date.

Reason

In the interest of visual amenity, safety and to accord with Policy RE1 of the Neath Port Talbot Local Development Plan and Supplementary Planning Guidance entitled Renewable and Low Carbon Energy dated July 2017.

List of Approved Plans

- 3 The development shall be carried out in accordance with the following approved plans:
Fig 4.1-UA005026 Issue 03 (Development Site Layout);
Drawing 0004 - UA005026 Issue 01 (Typical Foundation Detail);
Drawing 0005 - UA005026 Issue 03 (Typical Meteorological Mast);
Drawing 0006 - UA005026 Issue 03 (Typical Substation Layout);
Drawing 0007 - UA005026 Issue 01 (Typical Cable Trench Details); Drawing 0008 - UA005026 Issue 01 (Typical Access Track Details);
Drawing 0009 - US005026 Issue 02 (Typical Construction Compound Layout)
Typical Turbine Specification MEL/TE

Reason

In the interest of clarity.

- 4 The development shall be carried out in substantial accordance with the principles and mitigation measures as set out within the Environmental Statement and Supplementary Environmental Information accompanying the application.

Reason

The proposed development is the subject of an Environmental Impact Assessment and due regard must be had to the principal impacts of the development in the preparation of detailed design and the operation of the site. Any material alteration to the proposal may have an impact which has not been assessed by the process. And to accord with Policy RE1 of the Neath Port Talbot Local Development Plan and Supplementary Planning Guidance entitled Renewable and Low Carbon Energy dated July 2017.

- 5 The site shall be in accordance with the Transport Statement and Travel Plan with the construction access and Abnormal Indivisible Loads (AIL) delivery routes being as specified within drawing number Fig 10.1-UA005026 Rev 01 dated March 2014.
Reason.

In the interest of highway and pedestrian safety and to accord with Policies TR2, RE1 of the Neath Port Talbot Local Development Plan and Supplementary Planning Guidance entitled Renewable and Low Carbon Energy dated July 2017.

Pre-Commencement Conditions

6 Before beginning any development at the site, you must do the following: -

a) Notify the Local Planning Authority in writing that you intend to commence development by submitting a Formal Notice under Article 24B of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (DMPWO) in the form set out in Schedule 5A (a newly inserted Schedule) of the DMPWO (or in a form substantially to the like effect); and

b) Display a Site Notice (as required by Section 71ZB of the 1990 Act) in the form set out in Schedule 5B (a newly inserted Schedule) of the DMPWO (or in a form substantially

to the like effect), such Notice to be firmly affixed and displayed in a prominent place, be legible and easily visible, and be printed on durable material. Such Notice must thereafter be displayed at all times when development is being carried out.

Reason:

To comply with procedural requirements in accordance with Article 24B of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (DMPWO) and Section 71ZB of the Town and Country Planning Act 1990.

NOTE: Templates of the required Notice and Site Notice are available to download at www.npt.gov.uk/planning

7 No development shall take place until a scheme for the protection of Public Rights of Way during the construction period within the site and including safety signage has been submitted to and approved in writing by the Local Planning Authority. During the construction period the development shall be carried out in accordance with the approved details.

Reason:

In the interest of safety and to protect rights of way.

8 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.

Reason

To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource, as required by Planning Policy Wales and Policy SP21 of the Neath Port Talbot Local Development Plan

- 9 No development shall take place until written confirmation to the Local Planning Authority has been provided confirming that the necessary aviation bodies such as the Ministry of Defence and the Civil Aviation Authority have been given written notice of the proposed date of commencement and completion of the development and the maximum extension of height of any construction equipment or structures and the height above ground level and the Ordnance Survey locations of the turbines.

Reason

In the interest of aviation safety and to accord with Policy RE1 of the Neath Port Talbot Local Development Plan and Supplementary Planning Guidance entitled Renewable and Low Carbon Energy dated July 2017.

- 10 No development shall commence until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Construction Method Statement shall be implemented as approved and shall address the following matters:
- i. All activities associated with the construction of the development shall be carried out in accordance with British Standard 5228, 2009: Code of Practice for Noise and Vibration Control on Construction and Open Sites: Part 1: Noise, Part 2: Vibration.
 - ii. A full drainage scheme for the management of surface water, to include the access track. This shall detail both the temporary and permanent drainage strategy and include details of the hydraulic calculations to control flow rates, discharge points to land and adjacent water course and detail the measures to be implemented.
 - iii. Details of the design and construction methods of the access tracks including drainage provisions, and the pollution prevention measures to be implemented to ensure there are no polluting discharges from tracks and disturbed areas including provision to ensure that no polluting discharge from the access tracks and disturbed areas enters any water course.
 - iv. Details of the nature, type and quantity of materials to be imported on site for backfilling operations or construction of access tracks.
 - v. Pollution control and prevention measures including sediment control measures, protection of watercourses, ground water and soils, bunding of fuel, oil and chemical storage areas, sewage disposal.
 - vi. Details of the timing of works and methods of working for cable trenches and foundation works.
 - vii. Details of the timing of works and construction of construction compound and substation.
 - viii. Dust management.
 - ix. Disposal of surplus materials.
 - x. A construction noise management plan (including identification of access routes, locations of materials lay-down areas, details of equipment to be employed, operations to be carried out, mitigation measures and a scheme for the monitoring of noise).
 - xi. Temporary site illumination. xii. Wheel cleaning facilities.
 - xiii. Post-construction restoration and reinstatement of the working areas including removal of construction equipment and the construction compound.
 - xiv. Details for the protection of Scheduled Ancient Monuments adjacent to the site.

- Xv. Details of any proposed temporary site compounds for storage of materials, machinery and operative/visitor parking within the site, to include the siting of temporary buildings and all means of enclosure and oil/fuel and chemical storage.
- Xvi. Details of the method of borrow pit working including means of extraction, handling, storage and re use of soil, drainage control and restoration.
- Xvii. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.
- Xviii. A scheme for recycling/disposing of waste resulting from construction works.
- Xix. Details of the final track alignments.
- Xx. Arrangements to prevent wildlife becoming trapped in excavation works.

Reason

In the interest of highway and pedestrian safety, the environment, and the amenity of residents, and to ensure accordance with Policies BE1, EN8 and TR2 of the adopted Neath Port Talbot Local Development Plan.

- 11 No development shall take place until a Traffic Management Plan (TMP) has been submitted to and approved in writing by the Local Planning Authority. The TMP shall set out the timing of works and include:
- (i) Swept Path Analysis (showing full route and mitigation measures);
 - (ii) Arrangements for road maintenance and cleaning;
 - (iii) The timing of construction traffic movements during the construction period, wheel cleaning/dirt control arrangements at key stages of construction;
 - (iv) Component size (width, height, length, weight);
 - (v) Convoy length (number of vehicles including emergency services and escorts);
 - (vi) Traffic Management (during transportation of abnormal loads);
 - (vii) Structures (over bridges height, width, weight restrictions);
 - (viii) Provision of temporary signs, street furniture, traffic control (including provision of any traffic signal control required during the construction phase) and any carriage way works;
 - (ix) Informative road signage warning other road users of forthcoming construction traffic movements, days and times of proposed deliveries;
 - (x) All street works and signage to be removed during the transport of large loads;
 - (xi) Proposed traffic orders including removal of on street parking, temporary speed reductions and road closure orders;
 - (xii) A scheme for the permanent reinstatement of all street furniture, kerbs and any highway improvements required. This scheme shall be completed in accordance with a schedule to be agreed in writing with the Local Planning Authority; and
 - (xiii) Predicted daily traffic flow for all vehicles during the construction phase of the development.
- The development shall be carried out in compliance with the approved scheme.

Reason

In the in interest of highway and pedestrian safety and to ensure the safe and efficient use of the strategic road network and local roads and to ensure compliance with Policy TR2 of the Neath Port Talbot Local Development Plan.

- 12 Prior to the erection of any turbine, details of the external finish of the turbines hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason

In the interest of visual amenity and to ensure compliance with Policy BE1 of the Neath Port Talbot Local Development Plan.

- 13 No development shall take place until a Stability Report has been submitted to, approved in writing by and deposited with, the Local Planning Authority. The purpose of this report shall be to prescribe construction methods for the turbines that will ensure that reasonably foreseeable risks arising from any past, present or future mining activity do not adversely affect their safety, stability or operational effectiveness. The report shall also include foundation details of any associated buildings erected on the site. The construction of each turbine shall be carried out in accordance with the approved Stability Report.

Prior to the first exportation of electricity to the National Grid, a completion report containing full information on the investigation and treatment of the site including, where relevant, arrangements for the longer-term monitoring of any subsidence and maintenance of the integrity of any foundations and structures shall be submitted to and approved in writing by the Local Planning Authority.

Reason

In the interest of safety, and to ensure compliance with Policies SP16 and EN8 of the Neath Port Talbot Local Development Plan.

- 14 None of the wind turbines hereby permitted shall be erected until a written scheme has been submitted to and approved in writing by the Local Planning Authority, setting out a protocol for the assessment of shadow flicker in the event of any complaint to the local planning authority from the owner or occupier of any dwelling (defined for the purposes of this condition as a building within Use Class C3 of the Use Classes Order) which lawfully exists or had planning permission at the date of this permission. The written scheme shall be implemented in accordance with the approved details and thereafter retained. Operation of the wind turbines shall take place in accordance with the approved scheme unless the Local Planning Authority gives its prior written consent to any variation.

Reason

To ensure that shadow flicker does not unacceptably affect existing residents and to accord with Policy RE1 of the Neath Port Talbot Local Development Plan and Supplementary Planning Guidance entitled Renewable and Low Carbon Energy dated July 2017.

- 15 Prior to the commencement of any works, including vegetation clearance, a Construction Environmental Management Plan shall be submitted to the Local Planning Authority. This plan should include:
- A scheme for pre commencement species checks, including breeding birds, schedule 1 birds and protected mammals; along with details of mitigation measures to be implemented where such species are discovered. The latter should include details of buffer distances to be implemented from any confirmed bird nests, and any licensing requirements.
 - A reptile mitigation scheme, including details of all methods
 - Appropriate pollution prevention measures to prevent impacts upon water quality entering any watercourse, waterbodies and peat bodies
 - Detailed drainage scheme utilising cross-drains to ensure that the downslope drainage is not impeded
 - Measures to safeguard ecological receptors, including details of buffers from watercourses/ waterbodies and candidate Sites of Important Nature Conservation (cSINC), and means of demarcation to prevent encroachment.
 - A scheme to minimise impacts upon peat, protected / notable species and habitats; including a monitoring programme
 - Measures to prevent wildlife from becoming trapped e.g. covering excavations or provide means of escape, careful storage of materials.
 - Appropriate measures for soil stripping and storage to support reinstatement of natural habitat
 - Lighting scheme within specific measurements to minimise light spill on any adjacent habitats
 - A programme of ecological works.

Reason

In the interests of biodiversity and the amenity of the area as a whole and to ensure the development complies with Policies EN7 & 8 of the Neath Port Talbot Local Development Plan.

- 16 The commencement of the development shall not take place until there has been submitted to, approved in writing by, and deposited with the Local Planning Authority a scheme for the appointment of an Ecological Clerk of Works to be employed by the Company to oversee all of the ecological aspects of the construction works. The scheme shall be implemented as approved.

Reason

To ensure that the ecological mitigation is overseen by an appropriately competent ecologist, and to ensure the development complies with Policy EN7 of the Neath Port Talbot Local Development Plan.

- 17 No development shall commence until a detailed surface water drainage strategy (including means of pollution control) has been submitted to and approved in writing by the Local Planning Authority. The strategy shall include:
- a: appropriate steps to maintain existing drainage paths and to avoid alternative preferential flow paths forming;

b: details to ensure that during development additional runoff from tracks will be dealt with via swales/ small ponds in order to attenuate runoff rates, such that they do not exceed existing (greenfield) rates;

c: details ensuring that during development additional rate and volume of run off from impermeable areas such as crane hard standing(s) will be managed via sustainable urban drainage systems (SudS);

d: details ensuring that any trenches excavated on site for cabling are relatively short in length to avoid any potential large scale rainfall saturation and the resultant overtopping of surface water;

e: a timetable for its implementation

f: provide a management and maintenance plan for the lifetime of development.

The surface water drainage strategy shall be constructed in accordance with the approved details.

Reason

In the interest of satisfactory drainage of the site, and ensure the development complies with Policy SP16 and BE1 of the Neath Port Talbot Local Development Plan.

Action Conditions

- 18 Within the year prior to decommissioning of the site, but no later than 6 months prior to decommissioning, a full ecological survey of the site shall be undertaken to inform decommissioning. A survey report shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of decommissioning and then implemented as approved. The report shall include ecological mitigation measures, as appropriate, based on the ecological assessment findings to be followed during decommissioning, and beyond.

Reason

In the interest of biodiversity and to ensure the development complies with Policy EN7 of the Neath Port Talbot Local Development Plan.

- 19 Within 25 calendar years from the date when electricity is first generated to the grid, or within 12 months of the cessation of electricity generation by the wind farm facility, whichever is sooner, the wind farm and all associated works/equipment shall be dismantled and removed from the site and the land restored to its former condition in accordance with the decommissioning and site restoration scheme as approved by the Local Planning Authority.

Reason

To ensure satisfactory restoration of the site and to accord with Policy RE1 of the Neath Port Talbot Local Development Plan and Supplementary Planning Guidance entitled Renewable and Low Carbon Energy dated July 2017.

- 20 No later than 12 months before the expiry date of the planning permission hereby granted a decommissioning and site restoration scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- (i) Details of the removal of all the wind turbines and the surface elements of the development plus one metre of the turbine bases below ground level
- (ii) A de-construction method statement
- (iii) Details of measures to prevent /minimise impacts upon important habitats and species
- (iv) Details of all habitat restoration measures including methods and any seed mixes. The scheme shall be fully implemented as approved.

Reason

To ensure satisfactory decommissioning and restoration of the site and to accord with Policy RE1 of the Neath Port Talbot Local Development Plan and Supplementary Planning Guidance entitled Renewable and Low Carbon Energy dated July 2017.

- 21 The temporary construction compounds and other temporary construction works as set out in the submitted application details shall be removed no later than one year from the First Export Date and the ground restored to its previous condition within 6 months of such removal.

Reason:

In the interests of biodiversity and the amenity of the area as a whole and to ensure the development complies with Policy EN7 of the Neath Port Talbot Local Development Plan.

- 22 The rating level of noise emissions from the combined effects of the Melin Court Wind Farm wind turbines (including the application of any tonal penalty) when determined in accordance with the attached Guidance Notes (to this condition), shall not exceed the values for the relevant integer wind speed set out in, or derived from, the tables attached to this condition at any dwelling which is lawfully existing or has planning permission at the date of this permission and:
- a) The wind farm operator shall continuously log power production, wind speed and wind direction, all in accordance with Guidance Note 1(d). These data shall be retained for a period of not less than 24 months. The wind farm operator shall provide this information in the format set out in Guidance Note 1€ to the Local Planning Authority on its request, within 14 days of receipt in writing of such a request.
 - B) No electricity shall be exported until the wind farm operator has submitted to the Local Planning Authority for written approval a list of proposed independent consultants who may undertake compliance measurements in accordance with this condition. Amendments to the list of approved consultants shall be made only with the prior written approval of the Local Planning Authority.
 - C) Within 21 days from receipt of a written request from the Local Planning Authority following a complaint to it from an occupant of a dwelling alleging noise disturbance at that dwelling, the wind farm operator shall, at its expense, employ a consultant approved by the Local Planning Authority to assess the level of noise emissions from the wind farm at the complainant's property in accordance with the procedures described in the attached Guidance Notes. The written request from the Local Planning Authority shall set out at least the date, time and location that the complaint relates to and any identified atmospheric conditions, including wind direction, and include a statement as to whether, in the opinion of the Local Planning

Authority, the noise giving rise to the complaint contains or is likely to contain a tonal component.

D) The assessment of the rating level of noise emissions shall be undertaken in accordance with an assessment protocol that shall previously have been submitted to and approved in writing by the Local Planning Authority. The protocol shall include the proposed measurement location identified in accordance with the Guidance Notes where measurements for compliance checking purposes shall be undertaken and also the range of meteorological and operational conditions (which shall include the range of wind speeds, wind directions, power generation and times of day) to determine the assessment of rating level of noise emissions. The proposed range of conditions shall be those which prevailed during times when the complainant alleges there was disturbance due to noise, having regard to the written request of the Local Planning Authority under paragraph ©, and such others as the independent consultant considers likely to result in a breach of the noise limits. The proposed range of conditions shall be those which prevailed during times when the complainant alleges there was disturbance due to noise, having regard to the written request of the Local Planning Authority under paragraph ©, and such others as the independent consultant considers likely to result in a breach of the noise limits.

E) Where a dwelling to which a complaint is related is not listed in the tables attached to these conditions, the wind farm operator shall submit to the Local Planning Authority for written approval proposed noise limits selected from those listed in the Tables to be adopted at the complainant's dwelling for compliance checking purposes. The proposed noise limits are to be those limits selected from the Tables specified for a listed location which the independent consultant considers as being likely to experience the most similar background noise environment to that experienced at the complainant's dwelling. The rating level of noise emissions resulting from the combined effects of the wind turbines when determined in accordance with the attached Guidance Notes shall not exceed the noise limits approved in writing by the Local Planning Authority for the complainant's dwelling.

F) The wind farm operator shall provide to the Local Planning Authority the independent consultant's assessment of the rating level of noise emissions undertaken in accordance with the Guidance Notes within 2 months of the date of the written request of the Local Planning Authority for compliance measurements to be made under paragraph ©, unless the time limit is extended in writing by the Local Planning Authority. The assessment shall include all data collected for the purposes of undertaking the compliance measurements, such data to be provided in the format set out in Guidance Note 1€ of the Guidance Notes. The instrumentation used to undertake the measurements shall be calibrated in accordance with Guidance Note 1(a) and certificates of calibration shall be submitted to the Local Planning Authority with the independent consultant's assessment of the rating level of noise emissions.

G) Where a further assessment of the rating level of noise emissions from the wind farm is required pursuant to Guidance Note 4©, the wind farm operator shall submit a copy of the further assessment within 21 days of submission of the independent consultant's assessment pursuant to paragraph (d) above unless the time limit has been extended in writing by the Local Planning Authority.

Reason

In the interests of local amenity, and to ensure compliance with Policies SP16, EN8 and BE1 of the Neath Port Talbot Local Development Plan.

- 23 If during the course of development, any unexpected land instability issues are found which were not previously identified, measures for their remediation in the form of a remediation scheme shall be submitted to and approved in writing by the Local Planning Authority. The remediation of the site shall incorporate the approved measures which shall be retained thereafter.

Reason

In the interest of safety and to accord with Policy EN8 of the Neath Port Talbot Local Development Plan

Regulatory Conditions

- 24 In the event of any wind turbine failing to produce electricity supplied to the local grid for a continuous period of 12 months, then it will be deemed to have ceased to be required, the turbine and its ancillary equipment shall be dismantled and removed from the site within 3 months of the deemed cessation date and the site restored to its former condition.

Reason

In the interest of visual amenity and to accord with Policy RE1 of the Neath Port Talbot Local Development Plan and Supplementary Planning Guidance entitled Renewable and Low Carbon Energy dated July 2017.

- 25 The blades of all the wind turbines shall rotate in the same direction.

Reason

In the interest of visual amenity and to accord with Policy RE1 of the Neath Port Talbot Local Development Plan and Supplementary Planning Guidance entitled Renewable and Low Carbon Energy dated July 2017.

- 26 The hours of work during the construction phase of the development (including movements of vehicles other than motor cars) shall be limited to the following other than in an emergency or as approved in writing by the Local Planning Authority: between 0700 hours to 1900 hours Monday to Friday, and between 0700 hours to 1300 hours on Saturday and no work shall take place on Sundays and Bank Holidays.

Reason

In the interest of residential amenity and to ensure the development complies with Policy BE1 and EN8 of the Neath Port Talbot Local Development Plan.

- 27 The turbines and associated crane pads shall be erected within 50m of the following coordinates and shall also lie within the constraints of the red line (Drawing No. Fig 4.1 UA005026 Issue 03).

T1	284521	200748
T2	284947	200727
T3	285103	200488
T4	285255	200247

The access tracks, construction compound and substation shall be sited within 5m of the approved location coordinates and shall also lie within the constraints of the red line plan (Drawing No Fig 4.1 UA005026 Issue 03). Any micro siting of the turbines, associated infrastructure and tracks shall minimise impacts upon all S42/ BAP habitats and cSINCs, including NPTSINC110 Upper Melin Court Valley, Ancient Woodland SINCs and Watercourse SINCs. Micro siting shall not be permitted where it would increase in an increased loss of extent or significant impact of such habitats to that identified in the Supplementary Environmental Information submitted in November 2015.

Reason

In the interest of ecology, rights of ways, telecommunications and clarity and to ensure accord with Policy EN7 and RE1 of the Neath Port Talbot Local Development Plan and Supplementary Planning Guidance entitled Renewable and Low Carbon Energy dated July 2017

- 28 All electricity and control cables between the turbines and the site control building shall be laid underground and alongside tracks which are constructed on the site as part of the development.

Reason

In the interest of visual amenity and to accord with Policy RE1 of the Neath Port Talbot Local Development Plan and Supplementary Planning Guidance entitled Renewable and Low Carbon Energy dated July 2017.

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- 29 Unless required for health and safety purposes, or for aviation purposes, no part of the Development shall display any name, logo, sign or advertisement or means of illumination without the prior written approval of the Local Planning Authority.

Reason

In the interest of visual amenity and to accord with Policy RE1 of the Neath Port Talbot Local Development Plan and Supplementary Planning Guidance entitled Renewable and Low Carbon Energy dated July 2017

- 30 The turbines shall not be illuminated and there shall be no illumination on the site after the construction period unless required by law.

Reason.

In the interest of visual amenity and to accord with Policy RE1 of the Neath Port Talbot Local Development Plan and Supplementary Planning Guidance entitled Renewable and Low Carbon Energy dated July 2017.

- 31 Turbine blades on all wind turbine generators shall at all times be feathered to reduce rotation speeds to below 2 rpm while idling.

Reason:

To ensure that potential adverse impacts on biodiversity are appropriately managed and to accord with Policies EN7 and RE1 of the Neath Port Talbot Local Development Plan and Supplementary Planning Guidance entitled Renewable and Low Carbon Energy dated July 2017 and in accordance with paragraph 7.1.3(a) of the joint agency guidance 'Bats and Onshore Wind Turbines - Survey, Assessment and Mitigation' (Nature Scot et al, August 2021)).

Informatives:

1 It is recommended that vegetation clearance should avoid the bird breeding season March 1st to July 31st inclusive in accordance with the Wildlife and Countryside Act 1981 (as amended).

2 Further to the requirements of Condition 7, no alteration or change of condition to the Public Right of Way or Bridleway is to be undertaken without further consultation with the Countryside Team of Neath Port Talbot County Borough Council or Rhondda Cynon Taff County Borough Council.

3 The applicant is advised that Wales and West Utilities has no apparatus in the area. However Gas Pipes owned by other GTs and also privately owned may be present in this area. Information with regards to such pipes should be obtained from the owners. The applicant is advised that safe digging practices, in accordance with HS(G)47 must be used to verify and establish the actual position of mains, pipes, services and other apparatus on site before any mechanical plant is used. It is the applicant's responsibility to ensure that this information is provided to all persons working on or near gas apparatus.

4 The developer should

- i. consider the need to provide adequate water supplies for fire fighting purposes on the site and general guidance on this matter is given in Appendix B.
- ii. contact the Local Authority's Building Control Department, which is the responsible Authority, when determining issues concerning means of warning and escape, internal fire spread (linings and structure), external fire spread, access and facilities for the Fire and Rescue Service.

Reason for decision

The decision to recommend planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises Future Wales - the National Plan 2040 and the Neath Port Talbot Local Development Plan (2011-2026) adopted January 2016.

All environmental information submitted within the Environmental Statement and addendum and associated Further Environmental Information along with the comments of statutory consultees on the information supplied, and the comments, observations and representations provided by members of the public have been taken into consideration in

this recommendation. In addition, all the relevant European directives, legislation and regulations have been taken into account.

The original report for P2014/0883 provides a comprehensive statement of the consideration of the planning balance of this development which was considered to be acceptable to permit the development. This decision was taken in November 2021 and the balance is considered to be the same at this time. The submitted scheme demonstrates that there are no unacceptable detrimental effects in relation to Ecology, Archaeology, Hydrology and Hydrogeology, Geology, Mining and Mineral Resources, Noise, Traffic, Transportation and Access, Electromagnetic Interference and Aviation. In relation to Socio-Economic effects there are limited short term benefits in relation to employment. Having regard to the landscape and visual impacts identified earlier in this report and the location of the proposed windfarm, it is considered that the siting of the turbines would have significant landscape and visual impacts, nevertheless the level of harm associated with the development would be outweighed by its contribution to the target for wind energy production.

The impact that the amendments to the scheme will have are identified in detail above and detailed consideration is given to the impact of the increased tip height in terms of the main areas of landscape and visual impact; ecological impact; noise; traffic and transport; shadow flicker; and telecommunications. It is considered that the planning balance remains in favour of the proposal.

The proposal is therefore considered to accord Policies SP1, SP4, SP6, SP13, SP15, SP16, SP18, SP20, SP21, TR2, BE1, RE1, EN2/3, SC1, EN6, EN7, and EN8 of the Neath Port Talbot Adopted Local Development Plan.

It is further considered that the decision complies with Future Wales - the National Plan 2040, specifically Policies 1,2,4,5,9,12,17,18,28, and the Council's well-being objectives and the sustainable development principle in accordance with the requirements of the Well-being of Future Generations (Wales) Act 2015.

Signed:



Ceri Morris – Head of Planning & Public Protection

Date: 16 May 2023

IMPORTANT:

(1) Please note that for all decisions issued after 16th March 2016 for outline or full planning permission, a revised decision notice will be issued whenever a subsequent consent is given, for example providing details of any Reserved Matters approvals (outline applications only) and/or approval of conditions (including on Reserved Matters). This will ensure that the current status of the conditions applied to a consent is clear. Accordingly you are advised to visit www.npt.gov.uk/planning to view the application documentation to see if this is the current version, or whether it has been superseded by a more up-to-date revision of this Decision Notice. For Reserved Matters approvals the revised Decision Notice will only be shown under the Outline approval.

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

(3) In addition, any conditions that the Council has imposed on this consent will be listed above and should be read carefully. It is your (or any subsequent developers) responsibility to ensure that the terms of all conditions are met in full at the appropriate time (as outlined in the specific condition). Please note that any works carried out without compliance with the conditions attached to this approval will be entirely at the risk of the persons involved and may result in formal action being taken by the Local Planning Authority.

(4) The developer should have regard to Sections 4, 7, 8 and 8A of the Chronically Sick and Disabled Persons Act 1970 and to the British Standards Institution's Code of Practice for "Design of buildings and their approaches to meet the needs of disabled people" (BS 8300:2009+A1:2010).

(5) From 1st October 2012 it has been an offence to install a public sewer or lateral drain without having an adoption agreement in place. From the 1st October 2012 the vast majority of all existing private sewers and lateral drains which link with the public sewer network were transferred to Welsh Water. For further details on how this will affect your development please contact: Welsh Water Developer Services, PO Box 3146, Cardiff, CF30 0EH. Telephone No. 0800 9172652 or email: .

(6) Welsh Water Dwr Cymru advise that the planning permission hereby granted does not extend any rights to carry out any works to the public sewerage or water supply systems without first having obtained the necessary permissions required by the Water Industry Act 1991.

Please note, in accordance with Construction and Design Management (CDM) Regulations, it is the applicant's responsibility to ensure that any proposed works within their curtilage do not conflict with any underground services and is recommended they review their land registry title deeds for any legal covenants. For Sewers or Watermains that may be present and affected by your proposals, you are advised to contact Dwr Cymru Welsh Water who will be able to explain whether your proposed works will be acceptable as well as any consent required. Prior to commencing works, it is also recommend the applicant review the information and guidance on Building Over Sewers

available on Welsh Water's website at

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

IMPORTANT INFORMATION: TOWN AND COUNTRY PLANNING ACT 1990

The applicant's attention is drawn to the notes below.

- (1) If the applicant is aggrieved by the decision of the Local Planning Authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Welsh Government under Section 78 of the Town and Country Planning Act 1990 (as amended).
- (2) You can also appeal to the Welsh Government against a decision to refuse permission or grant subject to conditions in respect of applications made for :- Listed Building or Conservation Area Consent; Consent under a Tree Preservation Order; Advertisement Consent.
- (3) You can also appeal If your application for a Certificate of Lawful Existing Use or Lawful Proposed Use is partly or wholly refused or is granted differently from what you asked for (under Section 195/196) of the Town and Country Planning Act 1990 (as amended).
- (4) If you are aggrieved of the LPAs decision, the following deadlines apply for appeals to be submitted to the Welsh Government (from the date of the Council's decision):-

(1) Planning Permission (with the exception of Minor Commercial and Householder applications – see below)	Within 6 Months
(2) Householder Appeal see endnote i	Within 12 weeks
(3) Minor Commercial Appeal see endnote i	Within 12 weeks
(4) Listed Building or Conservation Area Consent appeals	Within 6 months
(5) Tree Preservation Order (TPO) Consent	Within 28 days
(6) Advertisement Consent	Within 8 weeks
(7) Certificate of Lawfulness of Existing (Section 191) or Proposed (Section 192) Use or Development	Within 6 months
(8) Hazardous Substances Consent	Within 6 months
- (5) Appeals must be made on a form which is obtainable from the Planning Inspectorate, Crown Buildings, Cathays Park, Cardiff, CF10 3NQ – Tel 0303 444 5940, or online at www.planningportal.gov.uk/pcs .
- (6) The Welsh Government has power to allow a longer period for the giving of notice of appeal but they will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- (7) The Welsh Government is not required to entertain an appeal if it appears to them that permission for the proposed development could not have been granted having regard to the statutory requirements to the provisions of the development order, and to any directions given under the Order. They do not in practice refuse to entertain appeals solely because the decision of the Local Planning Authority was based on a direction given by them.
- (8) If permission to develop land is refused or granted subject to conditions, whether by the Local Planning Authority or by the Welsh Government, and the owner of the land claims that the land has become incapable of reasonable beneficial use in its existing state and cannot be rendered capable of reasonable beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the County Borough Council, in which the land is situated, as the case may be, a **purchase notice** requiring that Council purchase his interest in the land in

accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

Making an Appeal

- (9) Please note that for all applications received by the LPA after 5th May 2017, it is now a requirement that any appeal made to the Planning Inspectorate (other than Householder and Minor Commercial Appeals, and appeals against refusal to grant advertisement consent) must be accompanied by all the information and evidence you intend to rely upon (a **“full statement of case”**). You must also send a copy of the notice of appeal and full statement of case to the LPA.
- (10) In addition, for ‘planning appeals’ an amendment to an application following notice of appeal may only be made to correct an error.
- (11) Additional details and information on making an appeal to the Welsh Government is available from the Planning Inspectorate at the above address and website. The relevant documents are entitled “making your planning appeal” and “planning appeals Public Local Inquiries”.
- (12) Further correspondence regarding this application should bear the reference number quoted on the top of the decision notice.

THIS NOTICE RELATES ONLY TO A PLANNING DECISION AND DOES NOT RELATE TO OTHER LEGISLATION INCLUDING ANY LEGISLATION UNDER:

- BUILDING REGULATIONS – Please contact buildingcontrol@npt.gov.uk or 01639 686820 to discuss all aspects of the service that is offered by Building Control
- HIGHWAY LEGISLATION

IF PLANNING CONSENT HAS BEEN GRANTED IT IS ADVISABLE TO ESTABLISH WHETHER ANY OTHER FORM OF CONSENT IS REQUIRED AND TO OBTAIN SUCH CONSENT BEFORE COMMENCING DEVELOPMENT

ⁱ Please see the [Town and Country Planning \(Referred Applications and Appeals Procedure\) \(Wales\) Regulations 2017](#) for appeal procedures and for full definitions of:

- *“householder application”* (essentially an application for the enlargement, improvement or other alteration of a dwellinghouse, or development within the curtilage of such a dwellinghouse, or change of use to enlarge the curtilage of a dwelling house)
- *“householder appeal”* means an appeal in relation to a householder application, but excludes an appeal against conditions on the grant of planning permission; or an appeal which is accompanied by an enforcement or listed building consent appeal.
- *“minor commercial application”* (essentially relates to existing buildings of no more than 250 square metres gross external floor space at ground floor level, currently in use for any of the purposes set out in Schedule 1A to The Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2015 which is an application for change of use from Class A1 to A2 or A3; or Class A2 to A3); or the carrying out of building or other operations to a shop front.
- *“minor commercial appeal”* means an appeal in relation to a minor commercial application but excludes an appeal against conditions on the grant of planning permission; or an appeal which is accompanied by an enforcement or listed building consent appeal.