

**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

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RES
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DATE REGISTERED: 2 August 2023

APPLICATION NO: P2023/0559

LOCATION: Upper Ogmore Wind Farm, Neath Port Talbot, SA13 3YE

PROPOSAL: Application to vary condition 2 of application DNS/3213662_DNS granted on 28/09/2022, to amend the approved plans to increase the rotor diameter of the wind turbines from 105m to 117m (with the overall maximum height of the turbines remaining unchanged).

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:-

- 1 The development shall begin not later than five years from the date of this decision.

Reason: To conform with the requirements of Section 91 of the Town and Country Planning Act 1990.

- 2 The development shall be carried out in accordance with the following list of approved plans and in accordance with the recommendations and measures contained within the following approved supporting documents:

Figure 1.2 Planning Application Boundary, Drawing No: 02959D2405-03;
Figure 2.2 Turbine Layout, Drawing No: 02959D2227-04;
Figure 3.1 Infrastructure Layout, Drawing No: 02959D1001-03;

Figure 3.2 Wind Turbine Elevation, Drawing No: 02959-RES-WTG-DR-PT-001 Rev1;
 Figure 3.3 Wind Turbine Foundation, Drawing No: 02959D2303-01;
 Figure 3.4 Crane Hardstanding General Arrangement, Drawing No: 02959D2302-01;
 Figure 3.5 Access Track Typical Details, Drawing No: 02959D2301-01;
 Figure 3.6 Substation Building and Compound, Drawing No: 02959D2230-01;
 Figure 3.7 Energy Storage Layout Plan, Drawing No: 02959D2217-02;
 Figure 3.8 Energy Storage Elevations, Drawing No: 02959D2218-02;
 Figure 3.9 Site Entrance, Drawing No: 02959D2407-01;
 Figure 3.10 Temporary Construction Compound Layout Plan, Drawing No: 02959D2237-02;
 Figure 3.11 Indicative Borrow Pit Details, Drawing No: 02959D2235-01;
 Figure 3.12 Cable Trench Details, Drawing No: 02959D2241-01;
 Figure 9.3 Forestry Track Widening Details 1-12, Drawing No: 02959D2404- 04;
 Figure 9.4 Typical Forestry Track Widening Detail, Drawing No: 02959D2304- 01;
 Figure 12.2b Common Land Swap Plan, Drawing No: 02959D2223 - Revision 6.

Reason: To ensure that the development is carried out in accordance with the approved documents, plans and drawings submitted with the application.

- 3 The permission hereby granted shall expire 35 years from the date when electrical power is first exported (first export date) from the development to the electricity grid network. Written confirmation of the first export date shall be provided to both of the Local Planning Authorities no later than one calendar month after the event.

Reason: In the interests of the character and appearance of the area - Policies SP2, SP4, ENV3 and ENV18 of the adopted Bridgend LDP and policies SP1, SC1 and BE1 of Neath Port Talbot Local Development Plan.

- 4 Within 35 years and six months following the date of first export, or within six months of the cessation of electricity generation by the facility, whichever is the sooner, the turbines and all associated infrastructure and works hereby approved shall be removed from the site and the land returned to its former agricultural status, in accordance with a decommissioning and site restoration scheme which has first been submitted to and approved in writing by the relevant Local Planning Authority. The decommissioning plan shall include pollution control measures. All existing and new planting implemented as part of the approved scheme shall be retained. The developer shall notify the Local Planning Authority in writing no later than one month following cessation of power production. The approved restoration scheme shall be implemented in full within 12 months of the cessation of electricity generation.

Reason: In the interest of the character and appearance of the area - Policies SP2, SP4, ENV3 and ENV18 of the adopted Bridgend LDP and policies SP1, SC1 and BE1 of Neath Port Talbot Local Development Plan.

- 5 If any wind turbine fails to produce electricity to the grid for a continuous period of 12 months, the wind turbine and its associated ancillary equipment shall be removed from the site within a period of 6 months from the end of that 12 month period.

Reason: In the interest of the character and appearance of the area - Policies SP2, SP4, ENV3 and ENV18 of the adopted Bridgend LDP and policies SP1, SC1 and BE1 of Neath Port Talbot Local Development Plan.

- 6 No wind turbine shall be erected and no external transformer unit installed until details of the make, model and external appearance (including colour and surface finish) of the wind turbines and any unit transformer housing have been submitted to and approved in writing

by the relevant Local Planning Authority. The development shall be carried out and retained in accordance with the approved details.

Reason: In the interest of the character and appearance of the area - Policies SP2, SP4, ENV3 and ENV18 of the adopted Bridgend LDP and policies SP1, SC1 and BE1 of Neath Port Talbot Local Development Plan..

- 7 All wind turbines blades shall rotate in a clockwise direction.

Reason: In the interest of the character and appearance of the area - Policies SP2, SP4, ENV3 and ENV18 of the adopted Bridgend LDP and policies SP1, SC1 and BE1 of Neath Port Talbot Local Development Plan.

- 8 Notwithstanding the design or colour approved by the relevant Local Planning Authority pursuant to Condition No.6, above, all wind turbines shall be of a 3 bladed configuration and shall be of a semi-matt finish and shall not display any prominent name, sign, symbol or logo on any external surfaces.

Reason: In the interest of the character and appearance of the area - Policies SP2, SP4, ENV3 and ENV18 of the adopted Bridgend LDP and policies SP1, SC1 and BE1 of Neath Port Talbot Local Development Plan.

- 9 Except during installation and maintenance, the turbines shall not be illuminated. There shall be no permanent illumination on the site at any time.

Reason: In the interest of the character and appearance of the area - Policies SP2, SP4, ENV3 and ENV18 of the adopted Bridgend LDP and policies SP1, SC1 and BE1 of Neath Port Talbot Local Development Plan.

- 10 Subject to the allowance for micro-siting provided by this condition, the turbines shall be erected at the coordinates indicated on Figure 2.2 Turbine Layout (Reference: 02959D2227-04).

i. Any variations to the indicated position of any turbine(s) shall be permitted by up to 50m in any direction, subject to the written approval of the relevant Local Planning Authority.

ii. In determining the final position of the turbines, the developer must consult BT and, subject to substantive responses to that consultation being provided within 30 days, shall have due regard to minimising impacts of the turbines on delivery of the Emergency Services Network. Within 30 days of receipt of BT's consultation responses, the developer shall provide a written explanation of the reasons for the final micro-siting of the Turbines and how any BT consultation responses have been taken into account.

iii. A plan showing the position of the turbines as built shall be submitted to the relevant Local Planning Authority within one month of the first export date.

Reason: In the interest of the character and appearance of the area - Policies SP2, SP4, ENV3 and ENV18 of the adopted Bridgend LDP and Policies SP1, EN6 and EN7 of the adopted Neath Port Talbot LDP.

- 11 No development shall take place until the proposed means of access onto the A4107 has been laid out as detailed on Drawing No: 02959D2407-01. The means of access shall be completed in permanent materials for a distance of no less than 20m from the edge of the classified route A4107.

Reason: In the interest of the character and appearance of the area and highway safety - Policies SP2, SP3, SP4, ENV3 and ENV18 of the adopted Bridgend LDP.

- 12 Notwithstanding the details approved under Drawing No: 02959D2407-01, no development shall commence until the proposed means of access onto the A4107 has been laid out with visibility splays of 2.4m x 120m in both directions.

Reason: In the interests of highway safety - Policies SP2, SP3 and ENV18 of the adopted Bridgend LDP.

- 13 No structure, erection or planting exceeding 0.9m in height above adjacent carriageway level shall be placed within the required vision splay areas.

Reason: In the interests of highway safety - Policies SP2, SP3 and ENV18 of the adopted Bridgend LDP.

- 14 No development shall commence until a scheme of road markings detailing the edge of carriageway across the junction bell mouth has been submitted to and agreed in writing by the relevant Local Planning Authority. The approved scheme shall be completed in permanent materials in accordance with the approved layout prior to the approved development being brought into beneficial use.

Reason: In the interests of highway safety - Policies SP2, SP3 and ENV18 of the adopted Bridgend LDP and policies SP20 and TR2 of the adopted Neath Port Talbot LDP.

- 15 No development shall commence until a scheme for junction warning signs on the Eastbound approach to the proposed site access has been submitted to and agreed in writing by the relevant Local Planning Authority. The approved scheme shall be completed prior to the approved development being brought into beneficial use.

Reason: In the interests of highway safety - Policies SP2, SP3 and ENV18 of the adopted Bridgend LDP and policies SP20 and TR2 of the adopted Neath Port Talbot LDP.

- 16 No works shall commence on site until a scheme of temporary traffic management, including traffic speed reduction measures on the classified route A4107 at and on the approaches to the proposed site access, has been submitted to and approved in writing by the relevant Local Planning Authority. The approved scheme shall be implemented prior to construction of the proposed access and retained during the construction of the proposed development.

Reason: In the interests of highway safety - Policies SP2, SP3 and ENV18 of the adopted Bridgend LDP and policies SP20 and TR2 of the adopted Neath Port Talbot LDP.

- 17 Details showing the entrance/ gates set back not less than 20 metres from the nearside edge of carriageway and the area between the gates and the edge of highway completed in permanent materials shall be approved in writing by the relevant Local Planning Authority before any works commence. The details shall be implemented in accordance with those approved by the Local Planning Authority.

Reason: In the interests of highway safety - Policies SP2, SP3 and ENV18 of the adopted Bridgend LDP and policies SP20 and TR2 of the adopted Neath Port Talbot LDP.

- 18 No development shall take place, until a Construction Transport Management Plan ("CTMP") has been submitted to and approved in writing by the relevant Local Planning

Authority. The approved CTMP shall be adhered to throughout the construction period and shall provide for:

- a. The routing of HGV construction traffic to and from the site in order to avoid the A4061 south of its junction with the A4107 and the A4063 south of its junction with the A4107;
- b. details of the number and frequency of HGV movements along the A4107;
- c. the parking of vehicles of site operatives and visitors;
- d. loading and unloading of plant and materials;
- e. storage of plant and materials used in constructing the development;
- f. wheel washing facilities;
- g. measures to control the emission of dust and dirt during construction; and
- h. the provision of temporary traffic and pedestrian management along the A4107.

Reason: In the interests of highway safety - Policies SP2 and SP3 of the adopted Bridgend LDP and Policy TR2 of the adopted Neath Port Talbot LDP.

- 19 No development, including any vegetation clearance or tree felling, shall take place until a Construction Environment Management Plan ("CEMP") has been submitted to and approved in writing by the relevant Local Planning Authority. The development shall only be carried out in strict accordance with the approved CEMP. The CEMP shall address the following:

- i. Noise and vibration associated with the construction of the development, 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. The management of foul and surface water, temporary and permanent drainage details and details of the hydrological and hydraulic calculations to control flow rates;
- iii. The protection and conservation of soil in order to prevent pollution of the water environment, including details of the pollution prevention techniques to be deployed during the construction and restoration phases;
- iv. Details of the timing and methods of works for cable trenches and foundations;
- v. Borrow pit management arrangements;
- vi. Dust management arrangements;
- vii. Arrangements for the disposal of surplus materials;
- viii. A construction noise management plan, including identification of access routes, locations of material laydown areas, equipment to be employed, operations to be carried out, mitigation measures and a scheme for the monitoring of noise;
- ix. Temporary site illumination, including measures to reduce light-spill onto sensitive ecological receptors;
- x. Access arrangements from the access track onto the A4107 which shall include the maintenance of the existing asphalt surface for the first 20 metres measured back from nearest edge of metalled carriageway, the creation and maintenance of visibility splays and temporary speed reduction measures within the vicinity of the track exit;
- xi. Arrangements for wheel cleaning facilities and keeping the site access onto the A4107 and adjacent public highway clean;
- xii. Details of forestry track widening, including layout plans;
- xiii. Arrangements for the protection of breeding birds, reptiles, water vole, and clubmoss populations on both the site and access track, including pre-construction surveys and mechanisms to take remedial action and monitor outcomes;
- xiv. Measures to minimise and where possible avoid impacts on areas of wet modified bog and deep peat (over 50cm in depth) on both the site and access track;
- xv. Details of the re-use of extracted peat with priority given to support existing peat resources and peat/ bog habitat;
- xvi. Methods and timescales for habitat reinstatement in any areas needed temporarily during the construction process; and

xvii.A prescription and timeline for the removal of Japanese knotweed from the vicinity of the access track.

Reason: In the interest of highway safety, the character and appearance of the area and nature conservation - Policies SP2 and SP3 of the adopted Bridgend LDP and Policies EN6, EN7, EN8 and TR2 of the adopted Neath Port Talbot LDP.

- 20 No development shall take place until a site investigation in respect of land stability has been carried out in accordance with a methodology first submitted to and approved in writing by the relevant Local Planning Authority. The results of the site investigation shall be submitted to the relevant Local Planning Authority before any development begins. If any land instability issues are found during the site investigation, a Report specifying the measures to be taken to remediate the site to render it suitable for the development shall be submitted to and approved in writing by the relevant Local Planning Authority. Remedial measures shall be undertaken in accordance with the approved details prior to the commencement of the development.

Reason: In the interests of highway safety - Policies SP2 and ENV18 of the adopted Bridgend LDP and policies SP1, SC1, TR2 and BE1 of Neath Port Talbot Local Development Plan..

- 21 Should any contaminated material be observed during construction which has not been previously identified, then development shall cease and the relevant Local Planning Authority immediately informed. A desk study, site investigation and risk assessment to determine the nature and extent of the contamination should be undertaken in accordance with methodologies which have been first submitted to and approved in writing by the relevant Local Planning Authority. The results of the desk study, site investigation and risk assessment, and a Report specifying the measures to be taken to remediate the site to render it suitable for the development, shall be submitted to and approved in writing by the relevant Local Planning Authority. Remedial action, which may include measures to protect surface and ground water interests, shall be undertaken in accordance with the approved details prior to development recommencing.

Reason: In the interest of public safety and nature conservation - Policies SP2, SP4, ENV6 and ENV7 of the adopted Bridgend CBC LDP and Policies SP16 and EN8 of the adopted Neath Port Talbot LDP.

- 22 No development shall commence until a scheme for the comprehensive and integrated drainage of the site, including the means of drainage from all hard surfaces and structures within the site and accesses to the local highway network, has been submitted to and approved in writing by the relevant Local Planning Authority. The approved scheme shall be implemented and retained for the duration of the construction works and operation of the development.

Reason: In the interest of adequate site drainage - Policies SP2, SP4, ENV6 and ENV18 of the adopted Bridgend LDP and Policies SP15, SP16, EN6 and EN8 of the adopted Neath Port Talbot LDP.

- 23 No development shall take place until a scheme for the protection of public rights of way during the construction period, including safety signage and repair of damage caused during construction, has been submitted to and approved in writing by the relevant Local Planning Authority. During the construction period the development shall be carried out in accordance with the approved scheme.

Reason: In the interests of the protection of public rights of way - Policies SP2, SP3 and PLA9 of the adopted Bridgend LDP and Policy BE1 of the adopted Neath Port Talbot LDP.

- 24 No development shall commence, including any vegetation clearance, until an Ecological Management Plan ("EMP") has been submitted to and approved in writing by the relevant Local Planning Authority. The EMP shall set out the management and monitoring arrangements for all relevant ecological features, set out detailed enhancement measures proposed and include timescales for implementation. The development shall be carried out in accordance with the approved details.

The EMP shall include, but not be limited to, the following:

- a. Description and evaluation of ecological features, present or to be created on site, to be managed;
- b. Details of the desired condition of features, present and to be created at the site, using attributes with measurable targets to define favourable condition;
- c. Aims and objectives of management;
- d. Ecological trends and constraints on site that might influence management and achieving favourable condition of the retained and new features to be created on site;
- e. Identification of appropriate management options for achieving aims and objectives, including management prescriptions;
- f. Details of the monitoring of habitats, species and conservation enhancement measures. Where the results from monitoring show that conservation aims and objectives of the EMP are not being met, the EMP shall set out how contingencies and/ or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally agreed scheme;
- g. Details of the body or organisation responsible for implementation of the plan, including management and maintenance responsibilities of the EMP and ensure compliance with all relevant regulatory and other requirements, method statements and plans, and to report to the principal contractor and statutory consultees;
- h. Preparation of a work scheme detailing the timescale for delivery of the initiatives identified within the EMP, including all species and habitat management and monitoring and habitat aftercare, and a five year rolling programme with specified timescales for each element;
- i. Details of the periodic review of effectiveness of the EMP, with a written report submitted to the relevant Local Planning Authority every 5 years, and any revisions to the plan to be agreed in writing by the relevant Local Planning Authority prior to implementation.

The above shall be provided for the following initiatives:

- i. Upper Garw Valley - Natural Sediment Management initiative and wider habitat creation works

-Contribute towards implementation of natural sediment management schemes in Upper Garw to reduce the quantity of excess fine sediment entering the river system and improve water quality.

-Slow down water-flow into the catchment.

-Implementation of measures at the head of the Garw Valley (the northern end of Cwm Garw) and along the western side of Mynydd Llangeinwyr.

-Measures shall include installation of gully blocks, channel stuffing and leaky barriers to reduce scour and siltation of watercourse and pools further down the catchment.

-Improvement of water quality, rewetting and reducing erosion of marshy grassland and bog habitats, improvement of habitat for water vole, breeding passerines (such as grasshopper warbler), reptiles and wetland invertebrates.

-Implementation of measures along Mynydd Llangeinwyr, including land which extends over 5.5km to the south of the wind farm, to include biodiversity gain through wetland habitat creation and the erection of kestrel boxes, with associated net benefits to species such as water vole and kestrel.

Locations of initiatives, as indicated on Drawing No.02959-RES_IMP-DR- EN-001, to be agreed in writing with relevant the Local Planning Authority following feasibility work and optioneering study.

ii. Water Vole Conservation Works

-Objective of increasing the extent of optimal habitat for water vole within the application site and, in particular, land in the eastern part of the application area, increasing the size and resilience of the population.

-The feasibility of proposed water vole conservation measures shall be carefully considered and assessed. Measures to include localised water management measures such as gully blocks, channel stuffing, leaky barriers and stock management measures.

-Conservation measures to be submitted to and agreed in writing with the relevant Local Planning Authority.

Locations of initiatives, as indicated on Drawing No.02959-RES_IMP-DR- EN-001 to be agreed in writing with the relevant Local Planning Authority following feasibility work and optioneering study.

iii. Operational mitigation to reduce bird and bat strike

-Between dusk and dawn between 1 April and 31 October each year, all turbine blades shall be 'feathered' when wind speeds are below the cut in speed of the operational turbines. This shall involve pitching the blades to 90 degrees and/ or rotating the blades parallel to the wind direction to reduce the blade rotation speeds below two revolutions per minute whilst idling.

Reason: To maintain and improve the appearance of the area in the interests of visual and residential amenity and to promote nature conservation - Policies SP2, ENV5, ENV6 and ENV18 of the adopted Bridgend LDP and policies SP1, EN7 and BE1 of Neath Port Talbot Local Development Plan..

- 25 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 first submitted to and approved in writing by the relevant 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 - Policies SP2, SP5, and ENV18 of the adopted Bridgend LDP and Policy 21 of the adopted Neath Port Talbot LDP.

- 26 No development shall take place until a Monument Management Plan covering the Designated Historic Assets within the application site has been submitted to and approved in writing by the relevant Local Planning Authority. The Monument Management Plan shall include measures to protect and manage historic assets on site, proposals to improve access to the historic assets including details of interpretation/information panels and a programme of works. The site shall be developed in accordance with the approved Monument Management Plan.

Reason: To mitigate the impact of the works on the Designated Historic Assets on site - Policies SP2, SP5, and ENV18 of the adopted Bridgend LDP and Policy 21 of the adopted Neath Port Talbot LDP.

- 27 Construction works which are audible at the boundary of any residential receptor shall not take place outside the hours of 8:00am to 18:00pm Monday to Friday, 8:00am to 1:00pm on Saturday. No construction work shall be conducted on Sundays or Bank Holidays. Outside of these hours, development shall be limited to turbine testing, commissioning works, emergency work and dust suppression.

Reason: In the interests of the amenities of the area - Policies SP2, ENV7 and ENV18 of the adopted Bridgend LDP and Policies BE1 and EN8 of the adopted Neath Port Talbot LDP.

- 28 Within 28 days of a written request from the relevant Local Planning Authority, following a complaint alleging shadow flicker from an occupant of a dwelling which lawfully existed or had planning permission at the date of this permission, the wind farm operator shall, at its expense, commission and submit a report to the relevant Local Planning Authority assessing the reported shadow flicker event(s). Where the relevant Local Planning Authority confirms in writing that the incident of shadow flicker is affecting the living conditions of the resident(s), the wind farm operator shall, within 21 days, submit for approval in writing a scheme of mitigation to the relevant Local Planning Authority. The scheme shall be designed to mitigate the event of shadow flicker and to prevent its future recurrence and shall specify timescales for implementation. The scheme shall be implemented as approved.

Reason: In the interests of the amenities of the area - Policies SP2, ENV7 and ENV18 of the adopted Bridgend LDP and Policies BE1 and EN8 of the adopted Neath Port Talbot LDP.

- 29 The rating level of noise immissions from the combined effects of the wind turbines hereby permitted (the wind farm) (including the application of any tonal penalty) when determined in accordance with the attached Guidance Notes, shall not exceed the values for the relevant integer wind speeds set out in Tables A1 to A6 and B1 to B6 (attached to these conditions). Noise limits for dwellings which lawfully exist or have planning permission for construction at the date of this consent but are not listed in the Tables attached shall be those of the physically closest location listed in the Tables unless otherwise agreed in writing by the relevant Local Planning Authority. The coordinate locations to be used in determining the location of each of the dwellings listed in Tables A1 to A6 and B1 to B6 shall be those listed in Table C.

Reason: In the interests of the amenities of the area - Policies SP2, ENV7 and ENV18 of the adopted Bridgend LDP and Policies BE1 and EN8 of the adopted Neath Port Talbot LDP.

- 30 Within 21 days from receipt of a written request from the relevant Local Planning Authority, following a complaint from the occupant of a dwelling which lawfully existed or had planning permission at the date of this consent alleging noise disturbance at that dwelling from either the operational Llynfi Afan site or the wind farm hereby approved, the wind farm operator of the development hereby approved shall, at its expense, employ an independent consultant approved by the relevant Local Planning Authority to assess the level of noise immissions from the turbines of the hereby approved wind farm at the complainant's property following the procedures described in the attached Guidance Notes.

Reason: In the interests of the amenities of the area - Policies SP2, ENV7 and ENV18 of the adopted Bridgend LDP and Policies BE1 and EN8 of the adopted Neath Port Talbot LDP.

- 31 The wind farm operator shall provide to the relevant Local Planning Authority the independent consultant's assessment and conclusions of the rating level of noise immissions undertaken pursuant to Condition No.30, including all calculations, audio recordings and the raw data upon which those assessments and conclusions are based. The data shall be presented in a format that can be independently verified by the relevant Local Planning Authority and demonstrates compliance with each of the Tables A1 to A6 and B1 to B6. Such information shall be provided within 2 calendar months of the date of the written request from the relevant Local Planning Authority, unless otherwise extended in writing by the relevant Local Planning Authority.

Reason: In the interests of the amenities of the area - Policies SP2, ENV7 and ENV18 of the adopted Bridgend LDP and Policies BE1 and EN8 of the adopted Neath Port Talbot LDP.

- 32 Where, following receipt of the independent consultant's noise assessment required by Condition No.30, the relevant Local Planning Authority is satisfied of an established breach of the noise limits set out in the attached Tables A1 to A6 and B1 to B6, the wind farm operator shall within 21 days of written notification by the relevant Local Planning Authority, submit a scheme of mitigation for approval in writing. The scheme of mitigation shall include measures to mitigate the breach, measures to prevent its future recurrence and a timetable for implementation. The scheme shall be implemented as approved and shall be retained thereafter.

Reason: In the interests of the amenities of the area - Policies SP2, ENV7 and ENV18 of the adopted Bridgend LDP and Policies BE1 and EN8 of the adopted Neath Port Talbot LDP.

- 33 Where a dwelling to which a complaint is related is not listed in Table C, the wind farm operator shall submit to the relevant Local Planning Authority for written approval proposed noise limits selected from those listed in the Tables A1 to A6 and B1 to B6 to be adopted at the complainant's dwelling. The rating level of noise immissions 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 relevant Local Planning Authority for the complainant's dwelling.

Reason: In the interests of compliance-checking and the amenities of the area - Policies SP2, ENV7 and ENV18 of the adopted Bridgend LDP and Policies BE1 and EN8 of the adopted Neath Port Talbot LDP.

- 34 The assessment of the rating level of noise immissions shall be undertaken in accordance with an assessment protocol that shall previously have been submitted to and approved in writing by the relevant 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, whether noise giving rise to the complaint contains or is likely to contain a tonal component, 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 immissions. 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 relevant Local Planning Authority under

Condition No.30, and such others as the independent consultant considers likely to result in a breach of the noise limits.

Reason: In the interests of the amenities of the area - Policies SP2, ENV7 and ENV18 of the adopted Bridgend LDP and Policies BE1 and EN8 of the adopted Neath Port Talbot LDP.

- 35 Wind speed, wind direction and power generation data shall be continuously logged and provided to the relevant Local Planning Authority within 14 days of any such request and shall be in a format that will allow the relevant Local Planning Authority to enable checks to be undertaken to verify compliance with Tables A1 to A6 and B1 to B6 and in accordance with the attached Guidance Notes. Such data shall be retained for a period of not less than 24 months.

Reason: In the interests of the amenities of the area - Policies SP2, ENV7 and ENV18 of the adopted Bridgend LDP and Policies BE1 and EN8 of the adopted Neath Port Talbot LDP.

- 36 For the purposes of demonstrating compliance with the levels stated in Tables A1 to A6 and B1 to B6, during the first 12 months of operation, the wind farm operator shall, at its expense, employ a consultant approved by the relevant Local Planning Authority to assess the level of noise immissions from the wind farm, according to a measurement protocol to be agreed with the relevant Local Planning Authority.

Reason: In the interests of the amenities of the area - Policies SP2, ENV7 and ENV18 of the adopted Bridgend LDP and Policies BE1 and EN8 of the adopted Neath Port Talbot LDP.

- 37 In the event that the sound power levels of the proposed turbine model for installation are higher, or the turbine model is more tonal, than the candidate turbine used in the acoustic assessment in Chapter 10 of the Upper Ogmore Wind Farm & Energy Storage Facility - Environmental Statement, a revised noise assessment report shall be submitted prior to the erection of the turbines, demonstrating that the predicted noise levels still indicate compliance with the limits stated in Tables A1 to A6 and B1 to B6. Should the revised assessment show that the limits stated in Tables A1 to A6 and B1 to B6 will be exceeded, a scheme of mitigation shall be submitted to and approved in writing by the relevant Local Planning Authority, demonstrating how compliance with the limits state in Tables A1 to A6 and B1 to B6 will be achieved. The scheme of mitigation shall be implemented in full prior to the turbines being brought into beneficial use and shall be retained for the lifetime of the development.

Reason: In the interests of the amenities of the area - Policies SP2, ENV7 and ENV18 of the adopted Bridgend LDP and Policies BE1 and EN8 of the adopted Neath Port Talbot LDP.

- 38 No development shall commence until details of a nominated representative for the development to act as a point of contact for local residents (in connection with Condition Nos. 30-35), together with the arrangements for notifying and approving any subsequent change in the nominated representative, have been submitted to and approved in writing by the relevant Local Planning Authority. The nominated representative shall have responsibility for liaison with the relevant Local Planning Authority in connection with any noise complaints made during the construction, operation and decommissioning of the wind farm.

Reason: In the interests of the amenities of the area - Policies SP2, ENV7 and ENV18 of the adopted Bridgend LDP and Policies BE1 and EN8 of the adopted Neath Port Talbot LDP.

- 39 No turbines shall be erected until a scheme for the mitigation of impact of the wind turbines on the operation of Cardiff Airport primary surveillance radar (the "radar mitigation scheme") has been submitted to and approved in writing by the relevant Local Planning Authority. The development shall thereafter be operated fully in accordance with the approved radar mitigation scheme throughout the operational life of the development.

Reason: To ensure no unacceptable impacts on radar operations - Policy 18 (8) Future Wales

- 40 Prior to commencing construction of any wind turbine generators, or deploying any construction equipment or temporal structure(s) 50 metres or more in height (above ground level) the developer shall submit to and have agreed in writing by the Local Planning Authority, in conjunction with the Ministry of Defence an aviation lighting scheme defining how the development will be lit throughout its life to maintain civil and military aviation safety requirements as determined necessary for aviation safety by the Ministry of Defence. This should set out:

a. details of any construction equipment and temporal structures with a total height of 50 metres or greater (above ground level) that will be deployed during the construction of wind turbine generators and details of any aviation warning lighting that they will be fitted with; and

b. the locations and heights of all wind turbine generators and any anemometry mast featured in the development identifying those that will be fitted with aviation warning lighting identifying the position of the lights on the wind turbine generators; the type(s) of lights that will be fitted and the performance specification(s) of the lighting type(s) to be used.

Thereafter, the developer must exhibit such lights as detailed in the approved aviation lighting scheme. The lighting installed will remain operational for the lifetime of the development.

Reason: To maintain aviation safety

- 41 The undertaker must notify the Ministry of Defence, at least 14 days prior to the commencement of the works, in writing of the following information:
- a. the date of the commencement of the erection of wind turbine generators.
 - b. the maximum height of any construction equipment to be used in the erection of the wind turbines.
 - c. the date any wind turbine generators are brought into use.
 - d. the latitude and longitude and maximum heights of each wind turbine generator, and any anemometer mast(s).

The Ministry of Defence must be notified of any changes to the information supplied in accordance with these requirements and of the completion of the construction of the development.

Reason for condition. To maintain aviation safety.

- 42 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

Reasons 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.

In reaching the recommendation below the Authority has had regard to the environmental information submitted within the Environmental Statement, the comments of all statutory consultees on the information supplied, and the comments/observations provided by members of the public. In addition, all relevant European directives, legislation and regulations and information that they authority holds on other EIA development have been taken into consideration.

It is considered that the proposed changes to the existing DNS consent would represents an appropriate form of development that would have no unacceptable impact on the visual amenity, residential amenity, highways safety, historic assets and the environment of the Authority, over and above those of the existing permission. Accordingly, the proposed development is in accordance with Policies SP1, SP2, SP3, SP4, SP15, SP16, SP18, SP20, SC1, I1, TO4, EN6, EN7, EN8, RE1, RE2TR2, and BE1 of the Neath Port Talbot Local Development Plan.

It is further considered that the decision complies with Future Wales - the National Plan 2040, Policies 2, 9, 17 and 18 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.

Informatives.

Noise Planning Conditions - Tables of Noise Limits

The limits in each of the six 60 degree sectors are based on the assumptions that the existing sites are operating at their predicted noise levels for each sector, with an additional 5 dB uncertainty added capped at the level set by limits in their planning conditions.

The curtailment required to meet these limits, for the candidate turbine, results in an energy yield of 81.0848 GWh/annum, relative to the base case of no curtailment which results in a yield of 84.0000 GWh/annum. This reduction of 2.9152 GWh/annum would be the equivalent to a loss in the supply of renewable energy to some 770 homes each year (This figure is derived using the annual UK average domestic household consumption of electricity published by BEIS).

Tables A1 – A6: Noise Limits, Day-Time Hours 0700- 2300

Table A1 – Wind Direction ≥ 345 and < 45 degrees

	Standardised 10 m Height Wind Speed (m/s)											
Property	1	2	3	4	5	6	7	8	9	10	11	12
	Noise Limit (dB LA90,10 min)											
H1	27.5	27.5	27.5	27.5	29.7	30.7	27.5	27.9	34.2	35.9	35.9	35.9
H2	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5
H3	27.5	27.5	27.5	27.5	30.0	33.9	35.9	36.2	36.2	36.2	36.2	36.2
H4	27.5	27.5	27.5	28.3	30.9	27.6	28.6	29.1	29.9	30.2	30.2	30.2
H5	27.5	27.5	27.5	27.5	30.0	33.9	35.9	36.2	36.2	36.2	36.2	36.2
H6	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.7	29.1	29.1	29.1
H7	27.5	27.5	27.5	29.2	30.2	27.5	28.7	29.2	29.8	30.0	30.0	30.0
H8	27.5	27.5	27.5	27.5	29.0	31.4	27.5	27.9	35.1	35.1	35.1	35.1
H9	27.5	27.5	27.5	27.5	27.5	27.5	27.6	27.5	27.7	29.1	29.1	29.1
H10	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5
H11	27.5	27.5	27.5	29.0	30.3	27.5	28.7	29.2	29.8	30.0	30.0	30.0
H12	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5
H13	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.7	28.9	28.9	28.9
H14	27.5	27.5	27.5	27.5	29.5	30.4	27.5	27.9	33.9	35.7	35.7	35.7
H15	27.5	27.5	27.5	27.5	30.0	33.9	35.9	36.2	36.2	36.2	36.2	36.2

Table A2 – Wind Direction ≥ 45 and < 105 degrees

	Standardised 10 m Height Wind Speed (m/s)											
Property	1	2	3	4	5	6	7	8	9	10	11	12
	Noise Limit (dB LA90,10 min)											
H1	27.5	27.5	27.5	27.5	29.7	33.6	32.9	32.9	35.9	35.9	35.9	35.9
H2	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5
H3	27.5	27.5	27.5	27.5	27.6	31.5	33.5	33.8	33.8	33.8	33.8	33.8
H4	27.5	27.5	27.5	28.3	32.2	32.5	32.2	34.7	34.7	33.3	33.2	33.2
H5	27.5	27.5	27.5	27.5	27.5	29.0	31.0	31.3	31.3	31.3	31.3	31.3
H6	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	28.9	30.3	30.3	30.3
H7	27.5	27.5	27.5	29.2	32.5	31.5	31.0	34.0	33.6	31.4	31.3	31.3
H8	27.5	27.5	27.5	27.5	29.0	32.9	32.4	32.2	35.1	35.1	35.1	35.1
H9	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.6	29.2	30.3	30.3	30.3
H10	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5
H11	27.5	27.5	27.5	29.0	32.6	31.6	31.2	34.0	33.7	31.7	31.5	31.5
H12	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5
H13	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.8	29.5	30.6	30.6	30.6
H14	27.5	27.5	27.5	27.5	29.5	33.4	33.0	33.0	35.7	35.7	35.7	35.7
H15	27.5	27.5	27.5	27.5	27.5	29.0	31.0	31.3	31.3	31.3	31.3	31.3

Table A3 – Wind Direction ≥ 105 and < 165 degrees[illegible]

Table A4 – Wind Direction >= 165 and < 225 degrees

Property	Standardised 10 m Height Wind Speed (m/s)											
	1	2	3	4	5	6	7	8	9	10	11	12
	Noise Limit (dB L _{A90,10 min})											
H1	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5
H2	27.5	27.5	27.5	27.5	27.5	28.4	30.4	30.7	30.7	30.7	30.7	30.7
H3	27.5	27.5	27.5	27.5	27.5	28.6	30.6	30.9	30.9	30.9	30.9	30.9
H4	27.5	27.5	27.5	27.5	27.5	27.8	29.8	30.2	30.2	30.2	30.2	30.2
H5	27.5	27.5	27.5	27.5	27.5	30.1	32.1	32.4	32.4	32.4	32.4	32.4
H6	27.5	27.5	27.5	27.5	27.5	29.4	30.6	27.6	28.6	29.8	29.8	29.8
H7	27.5	27.5	27.5	27.5	27.5	29.1	31.2	31.5	31.5	31.5	31.5	31.5
H8	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5
H9	27.5	27.5	27.5	27.5	27.5	30.6	30.5	27.5	28.7	29.8	29.8	29.8
H10	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5
H11	27.5	27.5	27.5	27.5	27.5	28.8	30.9	31.2	31.2	31.2	31.2	31.2
H12	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5
H13	27.5	27.5	27.5	27.5	27.5	31.0	30.4	27.5	28.7	29.8	29.8	29.8
H14	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5
H15	27.5	27.5	27.5	27.5	27.5	29.9	31.9	32.2	32.2	32.2	32.2	32.2

Table A5 – Wind Direction >= 225 and < 285 degrees

Property	Standardised 10 m Height Wind Speed (m/s)											
	1	2	3	4	5	6	7	8	9	10	11	12
	Noise Limit (dB L _{A90,10 min})											
H1	27.5	27.5	27.5	27.5	27.5	28.7	30.8	31.2	31.2	31.2	31.2	31.2
H2	27.5	27.5	27.5	27.5	27.5	28.4	30.4	30.7	30.7	30.7	30.7	30.7
H3	27.5	27.5	27.5	27.5	30.0	33.9	35.9	36.2	36.2	36.2	36.2	36.2
H4	27.5	27.5	27.5	27.5	27.5	29.1	30.8	29.8	30.0	30.0	30.0	30.0
H5	27.5	27.5	27.5	27.5	30.0	33.9	35.9	36.2	36.2	36.2	36.2	36.2
H6	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5
H7	27.5	27.5	27.5	27.5	27.6	28.7	30.0	33.4	30.4	30.0	30.0	30.0
H8	27.5	27.5	27.5	27.5	27.5	28.7	30.7	31.1	31.1	31.1	31.1	31.1
H9	27.5	27.5	27.5	27.5	27.5	27.5	27.7	27.5	28.1	28.1	28.1	28.1
H10	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5
H11	27.5	27.5	27.5	27.5	27.5	28.1	29.6	33.1	29.8	30.0	30.0	30.0
H12	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5
H13	27.5	27.5	27.5	27.5	27.5	27.5	29.3	28.3	28.4	29.7	29.7	29.7
H14	27.5	27.5	27.5	27.5	27.5	28.6	30.7	31.0	31.0	31.0	31.0	31.0
H15	27.5	27.5	27.5	27.5	30.0	33.9	35.9	36.2	36.2	36.2	36.2	36.2

Table A6 – Wind Direction >= 285 and < 345 degrees

Property	Standardised 10 m Height Wind Speed (m/s)											
	1	2	3	4	5	6	7	8	9	10	11	12
	Noise Limit (dB L _{A90,10 min})											
H1	27.5	27.5	27.5	27.5	29.5	33.1	29.0	27.9	34.9	35.7	35.7	35.7
H2	27.5	27.5	27.5	27.5	27.5	28.4	30.4	30.7	30.7	30.7	30.7	30.7
H3	27.5	27.5	27.5	27.5	30.0	33.9	35.9	36.2	36.2	36.2	36.2	36.2
H4	27.5	27.5	27.5	28.0	31.9	27.5	28.6	29.6	30.4	30.6	30.6	30.6
H5	27.5	27.5	27.5	27.5	30.0	33.9	35.9	36.2	36.2	36.2	36.2	36.2
H6	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5
H7	27.5	27.5	27.5	28.9	32.2	27.5	28.6	29.5	30.3	30.5	30.5	30.5
H8	27.5	27.5	27.5	27.5	28.8	32.7	30.5	28.9	35.0	35.0	35.0	35.0
H9	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5
H10	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5
H11	27.5	27.5	27.5	28.8	32.1	27.5	28.6	29.6	30.4	30.6	30.6	30.6
H12	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5
H13	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5	27.5
H14	27.5	27.5	27.5	27.5	29.2	33.0	28.5	27.9	34.7	35.5	35.5	35.5
H15	27.5	27.5	27.5	27.5	30.0	33.9	35.9	36.2	36.2	36.2	36.2	36.2

Tables B1 – B6: Noise Limits, Night-Time Hours 2300-0700

Table B1 – Wind Direction ≥ 345 and < 45 degrees

	Standardised 10 m Height Wind Speed (m/s)											
Property	1	2	3	4	5	6	7	8	9	10	11	12
	Noise Limit (dB LA90,10 min)											
H1	33.0	33.0	33.0	33.0	33.0	33.6	35.6	35.9	35.9	35.9	35.9	35.9
H2	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0
H3	33.0	33.0	33.0	33.0	33.0	33.9	35.9	36.2	36.2	36.2	36.2	36.2
H4	33.0	33.0	33.0	33.0	33.0	36.1	38.1	38.5	38.5	38.5	38.5	38.5
H5	33.0	33.0	33.0	33.0	33.0	33.9	35.9	36.2	36.2	36.2	36.2	36.2
H6	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0
H7	33.0	33.0	33.0	33.0	33.0	36.9	39.0	39.3	39.3	39.3	39.3	39.3
H8	33.0	33.0	33.0	33.0	33.0	33.0	34.8	35.1	35.1	35.1	35.1	35.1
H9	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0
H10	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0
H11	33.0	33.0	33.0	33.0	33.0	36.8	38.9	39.2	39.2	39.2	39.2	39.2
H12	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0
H13	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0
H14	33.0	33.0	33.0	33.0	33.0	33.4	35.4	35.7	35.7	35.7	35.7	35.7
H15	33.0	33.0	33.0	33.0	33.0	33.9	35.9	36.2	36.2	36.2	36.2	36.2

Table B2 – Wind Direction ≥ 45 and < 105 degrees[illegible]Table B3 – Wind Direction ≥ 105 and < 165 degrees[illegible]

Table B4 – Wind Direction >= 165 and < 225 degrees

Property	Standardised 10 m Height Wind Speed (m/s)											
	1	2	3	4	5	6	7	8	9	10	11	12
	Noise Limit (dB L _{A90,10 min})											
H1	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0
H2	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0
H3	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0
H4	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0
H5	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0
H6	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0
H7	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0
H8	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0
H9	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0
H10	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0
H11	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0
H12	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0
H13	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.4	33.4	33.4	33.4	33.4
H14	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0
H15	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0

Table B5 – Wind Direction >= 225 and < 285 degrees

Property	Standardised 10 m Height Wind Speed (m/s)											
	1	2	3	4	5	6	7	8	9	10	11	12
	Noise Limit (dB L _{A90,10 min})											
H1	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0
H2	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0
H3	33.0	33.0	33.0	33.0	33.0	33.9	35.9	36.2	36.2	36.2	36.2	36.2
H4	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0
H5	33.0	33.0	33.0	33.0	33.0	33.9	35.9	36.2	36.2	36.2	36.2	36.2
H6	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0
H7	33.0	33.0	33.0	33.0	33.0	33.0	33.6	34.0	34.0	34.0	34.0	34.0
H8	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0
H9	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0
H10	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0
H11	33.0	33.0	33.0	33.0	33.0	33.0	33.4	33.8	33.8	33.8	33.8	33.8
H12	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0
H13	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0
H14	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0
H15	33.0	33.0	33.0	33.0	33.0	33.9	35.9	36.2	36.2	36.2	36.2	36.2

Table B6 – Wind Direction >= 285 and < 345 degrees

Property	Standardised 10 m Height Wind Speed (m/s)											
	1	2	3	4	5	6	7	8	9	10	11	12
	Noise Limit (dB L _{A90,10 min})											
H1	33.0	33.0	33.0	33.0	33.0	33.4	35.4	35.7	35.7	35.7	35.7	35.7
H2	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0
H3	33.0	33.0	33.0	33.0	33.0	33.9	35.9	36.2	36.2	36.2	36.2	36.2
H4	33.0	33.0	33.0	33.0	33.0	35.8	37.9	38.2	38.2	38.2	38.2	38.2
H5	33.0	33.0	33.0	33.0	33.0	33.9	35.9	36.2	36.2	36.2	36.2	36.2
H6	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0
H7	33.0	33.0	33.0	33.0	33.0	36.7	38.3	38.4	38.4	38.5	38.5	38.5
H8	33.0	33.0	33.0	33.0	33.0	33.0	34.7	35.0	35.0	35.0	35.0	35.0
H9	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0
H10	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0
H11	33.0	33.0	33.0	33.0	33.0	36.6	38.2	38.3	38.4	38.4	38.4	38.4
H12	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0
H13	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0
H14	33.0	33.0	33.0	33.0	33.0	33.1	35.2	35.5	35.5	35.5	35.5	35.5
H15	33.0	33.0	33.0	33.0	33.0	33.9	35.9	36.2	36.2	36.2	36.2	36.2

Table C: Dwellings

ID	Address	Easting*	Northing*
H1	Brynbedw House	290444	193183
H2	1 Greenfield Terrace	294341	195716
H3	Nantymoel Farm	293130	193296
H4	Bryn Eglur	289909	193514
H5	60 Vale View Terrace	293425	193458
H6	13 Scotch Street	289339	196040
H7	14 Pwllgarn Terrace	290069	193653
H8	Residential Caravan	290722	193207
H9	Abergwynfi	289368	196146
H10	Blaen Cwmdu Farm	287709	192104
H11	Blaengarw	290048	193644
H12	Bryn Coed	287062	195082
H13	40 High Street	289431	196124
H14	30 Queen Street	290404	193174
H15	Ty-Talgarth	293626	193025

*Eastings and northings are included to show approximate location

Guidance for Noise Conditions

These notes are to be read with and form part of the noise conditions. They further explain the condition and specify the methods to be employed in the assessment of complaints about noise immissions from the wind farm. The rating level at each integer wind speed is the arithmetic sum of the wind farm noise level as determined from the best-fit curve described in Guidance Note 2 of these Guidance Notes and any tonal penalty applied in accordance with Guidance Note 3. Reference to ETSU-R-97 refers to the publication entitled “The Assessment and Rating of Noise from Wind Farms” (1997) published by the Energy Technology Support unit (ETSU) for the Department of Trade and Industry (DTI).

Guidance Note 1

(a) Values of the LA90,10-minute noise statistic should be measured at the complainant's property, using a sound level meter of EN 60651/BS EN 60804 Type 1, or BS EN 61672 Class 1 quality (or the equivalent UK adopted standard in force at the time of the measurements) set to measure using the fast time weighted response as specified in BS EN 60651/BS EN 60804 or BS EN 61672-1 (or the equivalent UK adopted standard in force at the time of the measurements). This should be calibrated in accordance with the procedure specified in BS 4142: 1997 (or the equivalent standard thereof). Measurements shall be undertaken in such a manner to enable a tonal penalty to be applied in accordance with Guidance Note 3. These measurements shall be made in such a way to enable a tonal penalty to be applied in accordance with Guidance Note 3 to satisfy that the requirements of Guidance Note 3 shall also be satisfied.

(b) The microphone should be mounted at 1.2 - 1.5 m above ground level, fitted with a two layer windshield (or suitable alternative approved in writing from the relevant Local Planning Authority), and placed outside the complainant's dwelling. Measurements should be made in “free-field” conditions. To achieve this, the microphone should be placed at least 3.5m away from the building facade or any reflecting surface except the ground at a location agreed with the relevant Local Planning Authority.

(c) The LA90,10min measurements shall be synchronised with measurements of the 10-minute arithmetic mean wind speed and with operational data logged in accordance with Guidance Note 1(d), including power generation information for each wind turbine, from the turbine control systems of the wind farm.

(d) To enable compliance with the conditions to be evaluated, the wind farm operator shall continuously log arithmetic mean wind speed in metres per second and wind direction in degrees from north at hub height for each turbine and arithmetic mean power generated by each turbine, all in successive 10- minute periods. Unless an alternative procedure is previously agreed in writing with the relevant Planning Authority, this hub height wind speed, averaged across all operating wind turbines, shall be used as the basis for the analysis. All 10 minute arithmetic average mean wind speed data measured at hub height shall be 'standardised' to a reference height of 10 metres as described in ETSU-R-97 at page 120 using a reference roughness length of 0.05 metres. It is this standardised 10 metre height wind speed data, which is correlated with the noise measurements determined as valid in accordance with Guidance Note 2, such correlation to be undertaken in the manner described in Guidance Note 2. All 10- minute periods shall commence on the hour and in 10- minute increments thereafter.

(e) Data provided to the relevant Local Planning Authority in accordance with the noise condition shall be provided in comma separated values in electronic format with the exception of audio data which shall be supplied in the format in which it is recorded.

Guidance Note 2

(a) The noise measurements shall be made so as to provide not less than 20 valid data points as defined in Note 2 paragraph (b). Such measurements shall provide valid data points for the range of wind speeds, wind directions, times of day and power generation requested by the Local Planning Authority. In specifying such conditions the relevant Local Planning Authority shall have regard to those conditions which were most likely to have prevailed during times when the complainant alleges there was disturbance due to noise or which are considered likely to result in a breach of the noise limits.

(b) Valid data points are those that remain after all periods during rainfall have been excluded. Rainfall shall be assessed by use of a rain gauge that shall log the occurrence of rainfall in each 10minute period concurrent with the measurement periods set out in Note 1

(c) and is situated in the vicinity of the sound level meter.

(c) For those data points considered valid in accordance with Guidance Note 2(b), values of the LA90, 10 minute noise measurements and corresponding values of the 10- minute wind speed, as derived from the standardised ten metre height wind speed averaged across all operating wind turbines using the procedure specified in Guidance Note 1(d), shall be plotted on an XY chart with noise level on the Y-axis and the standardised mean wind speed on the X-axis. A least squares, "best fit" curve of an order deemed appropriate by the independent consultant (but which may not be higher than a fourth order) should be fitted to the data points and define the wind farm noise level at each integer speed.

Guidance Note 3

Where, in the opinion of the Local Planning Authority, noise immissions at the location or locations where assessment measurements are being undertaken contain a tonal component, the following rating procedure shall be used:

(a) For each 10-minute interval for which LA90, 10-minute data have been determined as valid in accordance with Guidance Note 2 a tonal assessment shall be performed on noise immissions during 2 minutes of each 10-minute period. The 2-minute periods should be spaced at 10-minute intervals provided that uninterrupted uncorrupted data are available ("the standard procedure"). Where uncorrupted data are not available, the first available uninterrupted clean 2-minute period out of the affected overall 10-minute period shall be

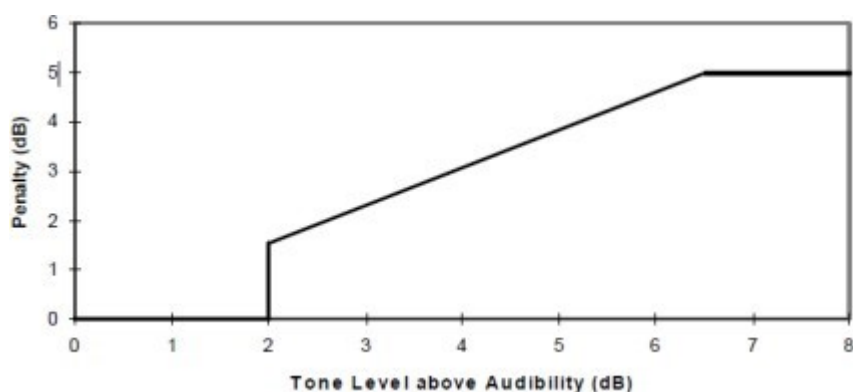
selected. Any such deviations from the standard procedure, as described in Section 2.1 on pages 104-109 of ETSU-R-97, shall be reported.

(b) For each of the 2-minute samples the tone level above or below audibility shall be calculated by comparison with the audibility criterion given in Section 2.1 on pages 104-109 of ETSU-R-97.

(c) The arithmetic average margin above audibility shall be calculated for each wind speed bin where data is available, each bin being 1 metre per second wide and centred on integer wind speeds. For samples for which the tones were below the audibility criterion or no tone was identified, a value of zero audibility shall be substituted.

(d) The tonal penalty shall be derived from the margin above audibility of the tone according to the figure below. The rating level at each wind speed shall be calculated as the arithmetic sum of the wind farm noise level, as determined from the best-fit curve described in Note 2, and the penalty for tonal noise.

(e) The tonal penalty is derived from the margin above audibility of the tone according to the figure below.



Guidance Note 4

(a) If a tonal penalty is to be applied in accordance with Guidance Note 3 the rating level of the turbine noise at each wind speed is the arithmetic sum of the measured noise level as determined from the best fit curve described in Note 2 and the penalty for tonal noise as derived in accordance with Guidance Note 3 at each integer wind speed within the range specified by the relevant Local Planning Authority in its written assessment protocol.

(b) If no tonal penalty is to be applied then the rating level of the turbine noise at each wind speed is equal to the measured noise level as determined from the best fit curve described in Guidance Note 2.

(c) In the event that the rating level is above the limit(s) set out in Tables A1 to A6 and B1 to B6 attached to the noise conditions or the noise limits for alternative agreed complainant's dwelling, the independent consultant shall undertake a further assessment of the rating level to correct for background noise so that the rating level relates to wind turbine noise immission from the site, hereby consented, only.

(d) The wind farm operator shall ensure that all the wind turbines in the development are turned off for such period as the independent consultant reasonably requires to undertake the further assessment or any other assessment to determine compliance with Tables A1 to

A6 and B1 to B6 as attached. The further assessment shall be undertaken in accordance with the following steps:

- i. Repeating the steps in Guidance Note 2, with the wind farm switched off, and determining the background noise (L3) at each integer wind speed within the range requested by the relevant Local Planning Authority in its written request and the approved protocol.
- ii. The wind farm noise (L1) at this speed shall then be calculated as follows where L2 is the measured level with turbines running but without the addition of any tonal penalty:

$$L_1 = 10 \log \left[10^{\frac{L_2}{10}} - 10^{\frac{L_3}{10}} \right]$$

- iii. The rating level shall be re-calculated by adding the tonal penalty (if any is applied in accordance with Guidance Note 3) to the derived wind farm noise L1 at that integer wind speed.
- iv. If the rating level after adjustment for background noise contribution and adjustment for tonal penalty (if required in accordance with note (iii) above) at any integer wind speed exceeds the values set out in Tables A1 to A6 and B1 to B6 or exceeds the noise limits approved by the relevant Local Planning Authority for an alternative agreed complainant's dwelling then the development fails to comply with the conditions.

Notification of initiation of development and display of notice

You must comply with your duties in section 71ZB (notification of initiation of development and display of notice: Wales) of the Town and Country Planning Act 1990. The duties include the following:

Notice of initiation of development

Before beginning any development to which this planning permission relates, notice must be given to the Local Planning Authority in the form set out in Schedule 5A to the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 or in a form substantially to the like effect. The form sets out the details which must be given to the Local Planning Authority to comply with this duty.

Display of notice

The person carrying out development to which this planning permission relates must display at or near the place where the development is being carried out, at all times when it is being carried out, a notice of this planning permission in the form set out in Schedule 5B to the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 or in a form substantially to the like effect. The form sets out the details the person carrying out development must display to comply with this duty.

The person carrying out development must ensure the notice is:

- (a) firmly affixed and displayed in a prominent place at or near the place where the development is being carried out;

(b) legible and easily visible to the public without having to enter the site; and printed on durable material. The person carrying out development should take reasonable steps to protect the notice (against it being removed, obscured or defaced) and, if need be, replace it.

A black and white image of a handwritten signature, which appears to be 'Ceri Morris', written in a cursive style.

Signed:

Ceri Morris – Head of Planning & Public Protection

Date: 6 June 2024

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: developer.services@dwrcymru.com.

(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

<https://developers.dwrcymru.com/en/applications/planning/build-over-or-near-to-sewers>

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 & Environment Decisions Wales, Crown Buildings, Cathays Park, Cardiff, CF10 3NQ – Tel 0300 060 4400, or online at <https://planningcasework.service.gov.wales/>.
- (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.