

02 June 2026



Neath Port Talbot County Borough Council,
Development Control Section,
The Quays, Brunel Way,
Neath,
SA11 2HZ

Jack Pugsley

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Dear Sir/Madam

Upper Ogmore Valley Between Blaengwynfi, Nantymoel & Blaengarw in Bridgend & Neath Port Talbot, CF32 8AH

Section 96A – Application for non-material amendment to the description of development to permission ref. P2023/0559

On behalf of Boralex Ltd, I am submitting this application for a non-material amendment (NMA) under section 96A of the Town and Country Planning Act 1990 to planning permission ref. P2023/0559 for development entitled '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)' ('the Proposed Development') for the 'Upper Ogmore Wind Farm, Neath Port Talbot, SA13 3YE' ('the Site').

The application relates solely to the description of development and comprises the following documents:

- Cover letter (this document);
- Application forms;
- Decision notice for P2023/0559; and
- Site location plan.

A payment of £242 has been paid via Planning Applications Wales in relation to the application fee.

Context

On 28 September 2022, the Minister for Climate Change granted planning permission, subject to conditions, for a development comprising the construction and operation of seven horizontal axis wind turbines (four with a maximum tip height of 149.9m and three with a maximum tip height of 130m) and associated infrastructure including an improved site entrance, new access tracks, crane hardstanding, control building and substation compound, electricity transformers, underground cabling, energy storage containers, drainage works and upgrades to a forestry track and associated felling on land at Upper Ogmore between Abergwynfi, Blaengarw and Nantymoel in the county boroughs of Bridgend, Neath Port Talbot and Rhondda Cynon Taff.

A Secondary Consent under Section 16 of the Commons Act 2016 was also issued to de-register 16.81 hectares of common land at Mynydd Llangeinor Common (CL26) and to offer in exchange an area of 16.81ha in a similar location.

On 19 July 2023, a planning application (ref. P2023/0559) was submitted under Section 73 to Neath Port Talbot County Borough Council to amend the rotor diameter of the approved wind turbines from 105m to 117m. The overall tip height of the wind turbines was not affected and remained as consented. This application was consented on 06 June 2024.

A Section 96A non-material amendment application, seeking the same amendment as proposed herein, was submitted to Bridgend County Borough Council (ref. P/26/207/NMA) and approved on 19 May 2026.

Offices and associates throughout the Americas, Europe, Asia Pacific, Africa and the Middle East.

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The current application has been submitted to Neath Port Talbot County Borough Council in respect of the corresponding consent and for completeness.

Description of development

As per the approved S73 application and associated decision notice, the description of development comprised of:

'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)'

The applicant is minded that the original description of development provides a better description of all aspects of the proposed development for which planning is sought or has been granted (in line with paragraph 9.7.5. of the Welsh Government's Development Management Manual (revision 3) (2025)). That description is:

"A development comprising up to seven horizontal axis wind turbines (four with a maximum tip height of 149.9m and three with a maximum tip height of 130m), improved site entrance, new access tracks, crane hardstanding, control building and substation compound, electricity transformers, underground cabling, energy storage containers, drainage works and upgrades to a forestry track"

Proposed changes

For clarity, the Applicant is proposing to alter the description of development of the s73 application (P2023/0559). In doing so, the Applicant proposes to draw upon the description of development for the original application. The Applicant is proposing to amend the description of development, as per:

Tracked changes - Amended description of development (proposed deletion of text in red ~~strikethrough~~ and proposed insertion in blue underline)

"A development comprising up to seven horizontal axis wind turbines ~~(four with a maximum tip height of 149.9m and three with a maximum tip height of 130m)~~, improved site entrance, new access tracks, crane hardstanding, control building and substation compound, electricity transformers, underground cabling, energy storage containers, drainage works and upgrades to a forestry track"

Clean - Amended description of development

"A development comprising up to seven horizontal axis wind turbines, improved site entrance, new access tracks, crane hardstanding, control building and substation compound, electricity transformers, underground cabling, energy storage containers, drainage works and upgrades to a forestry track"

As the applicant is taking reference from the initial consent, it is considered that no material change occurs because of this NMA. For completeness, the proposed non-material amendment does not change nor remove any controls on the s73 application. The tip heights of the turbines are still controlled through condition 2 (approved documents) and figure 3.1, specifically, with the rotor diameter controlled by the same condition but through figure 3.2. As such, the proposed change to the description of the development is non-material.

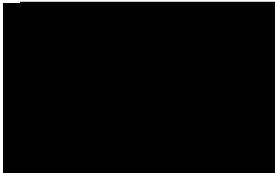
The suitability of a non-material amendment under Section 96a of the Town and Country Planning Act (1990) was confirmed in the *Finney v Welsh Ministers* [2019] EWCA Civ 1868 case and is the correct approach for adjusting the description of development.

In preparing this application, the applicant has had regard to revision three of the Development Management Manual (May 2025); and Planning Guidance: Approving non-material amendments to an existing planning permission (July 2024) – both published by the Welsh Government.



I trust that the above and enclosed is sufficient to allow the prompt registration and determination of the application. However, please let me know should you require any further information

Yours sincerely



Jack Pugsley
Director