

OFFICER REPORT

Application Number: P2026/0360

Site Address: Upper Ogmore Valley Between Blaengwynfi, Nantymoel & Blaengarw in Bridgend & Neath Port Talbot, CF32 8AH
Proposal: A Non-material Amendment Application to amend the description of development of application P2023/0559 granted on 06/06/2024 to - 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.

Applicant: Boralex Limited

Agent: Miss Lucy Hayward

Ward: Gwynfi & Croeserw

Application Type: App for Non-Material Amendments

Valid Date: 3rd June 2026

Statutory Expiry Date: 30th June 2026

Ext. of Time / PPA date:

Publicity Expiry Date: 11th June 2026

RECOMMENDATION - Approved

Proposed Non-Material Amendment to Existing Planning Permission

The Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2014 came into force on 1 September 2014. This inserts a new article 28A into the DMPWO 2012 which "applies to an application made under section 96A(4) of the 1990 Act (power to make non-material changes to planning permission)".

REGISTRATION AND ASSESSMENT

Application Number:	P2026/0360
Site Address:	Upper Ogmore Valley Between Blaengwynfi, Nantymoel & Blaengarw in Bridgend & Neath Port Talbot, CF32 8AH
Proposal:	A Non-material Amendment Application to amend the description of development of application P2023/0559 granted on 06/06/2024 to - 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.

FORM

Is the application made on the correct Form?	Yes
--	-----

INTEREST IN THE LAND

Is the application made on behalf a person with an interest in the land? (Q5) Note: An application can only be made by a person who owns or has a legal interest in the land to which the non-material amendment relates, or someone else acting on their behalf. These are: • A freeholder. • A holder of a lease with over two years remaining (whether as a head lessee, sub-lessee or tenant of an agricultural holding). • A mortgagee. • Someone with an estate contract (i.e. an option to acquire a legal interest in the land or a contract to purchase the land).	Yes
---	-----

FEE

Is the application accompanied by the correct fee?	Yes
Is the application exempt from a fee? Note: The Town and Country Planning (Fees for Non-Material Changes) (Wales) Regulations 2014. • Regulation 4 provides for an exemption from fees in relation to the provision of access to or within a dwellinghouse for a disabled person. • Regulation 5 provides for an exemption from fees in certain cases where permitted development rights have been withdrawn (where they relate to the amendment sought)	No.
If exempt, please state the reason:	

DETAILS

Is the description of the amendment sought acceptable? (Q8)	Yes
---	-----

If NO, amend the description in FastPlanning Note: ACK letter advises applicant/agent to check description	
Is the application accompanied by sufficient information in the form of amended drawings / plan?	Yes
If NO, why?	
If no to either of the above, contact the applicant and request agreement to amended description and/or additional information	
<u>CONSULTATIONS / NOTIFICATIONS</u> An application made under s96A is <u>not</u> an application for planning permission - Existing DMPWO provisions relating to statutory consultation and publicity <u>do not apply</u>. LPAs have discretion in whether and how they choose to inform other interested parties or seek their views, although given that the changes sought will be non-material in nature, it is not expected that consultation or publicity will be necessary in the majority of cases. Where the local planning authority considers consultation is required, it is expected that the local planning authority will target specific third parties who may be affected by the amendment or may assist in determining if it is material.	
Is it considered necessary to notify consultees or neighbours in respect of the amendment sought? (14 day consult only) (14 days should be given to make representations from the date of notification, after which their representations may not be taken into account)	No
If YES, which neighbours <u>and</u> why:	

ASSESSMENT OF PROPOSED AMENDMENT

Non-material amendments to an existing planning permission are normally small changes to an approved development proposal that have no impact on the overall context of the development scheme or its surroundings.

The responsibility for determining whether a proposed change is non-material lies with the local planning authority. It must be satisfied that the amendments sought to the planning permission are non-material in nature and can therefore be determined as an application under Section 96A of the TCPA 1990.

In deciding whether or not a proposed change is non-material, consideration should be given to the effect of the change, together with any previous changes made to the original planning permission.

When assessing and determining whether or not a proposed change would qualify as a non-material amendment, local planning authorities are advised to consider the following tests:

A (i) Is the scale of the proposed change great enough to cause an impact different to that caused by the original approved development scheme;

The application seeks permission to amend the description of development on an approved section 73 application to insert the description of development from the original host planning permission, together with the addition of the words “up to” added immediately before the number of turbines, as well as the removal of the maximum tip height for the two different heights of turbines. The applicants have stated that they wish to make the change to the description of development to make it clearer, as it refers back to what was granted by the original host permission. It is considered that the addition of the words “up to” would not alter the scale or nature of the approved development. Similarly, the removal of the words “*(four with a maximum tip height of 149.9m and three with a maximum tip height of 130m)*” again would not in itself change the scale or nature of the approved development as the development would have to be built in accordance with the approved plans and substantially in accordance with the Environmental Statement. It is therefore considered that the proposed change to description of development would not result in a change of scale that would be great enough to cause a change different to that of the original approval.

And

A (ii) would the proposed change result in a detrimental impact either visually or in terms of local amenity?

The proposed changed, for the reasons as set out above would not result in a detrimental impact either visually or in terms of local amenity, as it just reiterated (with the two changes) the description of development that was original granted permission under the host permission.

B. Would the interests of any third party or body be disadvantaged in planning terms?

For the reasons as outlined in A above the interests of any third parties or bodies would not be disadvantaged as the proposed alterations would not result in a change in the physical development.

C. Would the proposed change conflict with National or Development Plan policies?

No the proposed changes would not conflict with national or development plan policies.

The above tests are considered a 'starting point' for local planning authorities in their consideration of non-material amendments. There may be other considerations that will identify if a proposed amendment is non-material depending on the circumstances of each case.

Are there any other circumstances which affect whether or not the amendment sought is considered to be non-material?

(e.g. Conditions; any material change of circumstances since decision; ground levels etc.)

There are no other circumstances which would affect whether the proposed amendments would be considered to be non-material.

Have there been any other amendments to the original approved development? If so, do they affect conclusions of whether the changes sought are a Non-material? If so, why.

There have been no other alterations to the original approved development since the granting of the section 73 application P2023/0559. As application P2023/0559 is a section 73 application, it is in itself a stand-alone permission. It is therefore considered that while the applicants requested addition to the original description of development are acceptable, it is also considered that the description of development should still refer to the fact that it is a section 73 application to vary condition 2 of DNS/3213662_DNS and then can continue as the applicant has requested. It is considered that the retention of these words are necessary in the interests of clarity. As such, it is considered that the description of development should read as:

Application to vary condition 2 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) of application DNS/3213662_DNS granted on 28/09/2022 for - 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.

If accepted to be a non-material amendment, are any additional conditions required in respect of the non-material amendment sought?

Due to the nature of the proposed changes and that there has been no material

change in circumstances since the determination of the section 73 application it is considered that there are no additional conditions required in respect of the Non-material amendment sought.

Having regard to the above assessment, the following recommendation is made

RECOMMENDATION: *(delete as applicable)*

A. That the amendment sought is APPROVED as a non-material amendment

RECOMMENDATION

Approved

Subject to the following conditions/reasons, which have been imposed for the reasons stated:-

Case Officer

Nicola Lake

Telephone No.

01639 686737

Date of Recommendation 11th June 2026