

Our Ref: 5277-01/SH

12 August 2026

By email only: planning@npt.gov.uk

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

Dear Gavin,

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

1. Introduction

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

Planning permission reference P2022/0517 was granted under section 73 of the Town and Country Planning Act 1990 and represents the current planning permission for the Approved Development. The permission requires development to begin before 25 November 2026.

This application is made under section 96A of the Town and Country Planning Act 1990 and seeks:

- i. an amendment to the timing trigger contained within Condition 6, relating to the Abnormal Indivisible Load Test Run;
- ii. the amendment of Condition 18, relating to the submission and implementation of a contaminated-land remediation scheme; and
- iii. the consequential amendment of Condition 24, relating to verification of remediation undertaken pursuant to Condition 18.

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

2. Application Documents

The application comprises the following documents:

- i. completed non-material amendment application form;
- ii. this covering letter, including the proposed amended wording of Condition 6, Condition 18 and Condition 24;
- iii. correspondence from Bridgend County Borough Council Highways dated 1 June 2026, regarding the proposed amendment to Condition 6.

- iv. Foel Trawsnant Wind Farm – Phase 1 Geo-Environmental Assessment, prepared by Smith Grant LLP, Report Reference R3551-R01-v2, dated June 2026; and
- v. the requisite application fee, paid electronically through the Planning Portal.

The Phase 1 Geo-Environmental Assessment has been submitted as information only in support of the proposed amendment of Conditions 18 and 24. It considers the potential for contamination at the Site and concludes that no constraints to the Approved Development have been identified in relation to ground contamination and that the Site is suitable for its proposed use.

3. Planning History and Context

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

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

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

That review has identified that:

- i. the pre-commencement trigger within Condition 6 requires amendment to allow preliminary development to take place before the Abnormal Indivisible Load Test Run is undertaken, while retaining the highway-safety controls required before the relevant turbine construction works and AIL deliveries; and
- ii. the technical assessment undertaken in support of the discharge of Condition 17 has established that a contaminated-land remediation scheme is not required and that Condition 18 and 24 are therefore no longer necessary, unless determined otherwise during the discharge of Condition 17 in a separate discharge of conditions application.

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

4. Legislative and Policy Context

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

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

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

- i. necessary;
- ii. relevant to planning;
- iii. relevant to the development permitted;

- iv.enforceable;
- v.precise; and
- vi.reasonable in all other respects.

The proposed amendment to Condition 6, Condition 18 and Condition 24 have been considered against these tests. The detailed justification for each amendment is set out below, followed by an assessment of their combined effect and non-materiality in the context of the Permission as a whole.

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

5. Proposed Amendment to Condition 6

Condition 6 currently prevents any development from commencing until an Abnormal Indivisible Load Test Run ("AILTR") has been undertaken and the resulting Abnormal Indivisible Load Test Run Report ("AILTRR") has been submitted to and approved in writing by the Local Planning Authority. The purpose of the condition is to protect highway and pedestrian safety by confirming that the proposed route can accommodate the vehicles required to deliver turbine components.

The Applicant does not seek to remove or reduce the highway-safety controls secured by Condition 6. However, the present pre-commencement trigger prevents preliminary development from taking place, notwithstanding that the AILTR relates specifically to the later delivery of turbine components.

The immediate intention is to undertake works necessary to lawfully implement the Permission before 25 November 2026. Those works would not involve the delivery of any Abnormal Indivisible Load, the construction of turbine foundations or crane hardstandings, or the erection of any wind turbine.

There are also known sensitivities associated with the proposed AIL route, including evolving highway arrangements at Tondy. Undertaking the AILTR significantly in advance of the proposed turbine deliveries, before the relevant vehicle and highway arrangements are sufficiently settled, may result in a test run that is not representative of the circumstances that will apply when the AIL deliveries take place.

The proposed amendment would therefore alter only the timing trigger. The AILTR and AILTRR would continue to be required before any AIL is delivered to the Site and before the principal turbine construction activities identified in the condition take place. The proposed wording would also require the AILTR to be undertaken at least three months before the first AIL delivery, providing sufficient time for the AILTRR to be considered and for any necessary highway works to be identified and completed.

Initial engagement has taken place with Bridgend County Borough Council Highways regarding the proposed approach, given that the AIL route as currently proposed, is predominantly within Bridgend. Bridgend CBC Highways confirmed by email dated 1 June 2026, on a without-prejudice basis, that an amendment enabling limited works to proceed before the discharge of Condition 6 may be capable of being supported in principle, subject to the precise wording of the and the formal consultation process.

It is proposed to update Condition 06 so as to reflect the necessary adjustment to the condition. The proposed condition wording is as follows:

"No Abnormal Indivisible Load shall be delivered to the Site, no turbine foundation or crane hardstanding shall be constructed, and no wind turbine shall be erected. No development shall take place until an Abnormal Indivisible Load Test Run (AILTR) has been undertaken and an Abnormal Indivisible Load Test Run Report (AILTRR) has been submitted to and approved in writing by the Local Planning Authority. The AILTR shall be undertaken at least three months before the first delivery of any Abnormal Indivisible Load to the site. Prior to undertaking the

AILTR a scheme shall be submitted to and approved in writing by the Local Planning Authority outlining the scope of the AILTR which shall include:

- a) the proposed route(s);*
- b) time(s) and date(s) of the test run;*
- c) type of vehicles to be used;*
- d) the methods of recording the test run; and*
- e) a schedule of the road works required including details of any vegetation and trees to be cut back or removed to enable the test run to be undertaken.*

The AILTR shall be undertaken as approved.

The AILTR shall include:

- a) a written summary of the dry run;*
- b) copies of records as agreed in (d) above;*
- c) a schedule of additional works not previously listed in (e) above; and*
- d) a conclusion.”*

The reason for the condition would remain unchanged.

The proposed amendment would retain the purpose and substantive requirements of Condition 6 while replacing the existing blanket pre-commencement restriction with a more proportionate and relevant trigger. The amended condition would remain precise and enforceable and would continue to ensure that the AIL route is appropriately tested and approved before the relevant deliveries and turbine construction activities take place.

6. Proposed Amendment of Conditions 18 and 24

Condition 17 requires an assessment of the nature and extent of any contamination affecting the Site, including an appraisal of remedial options where remediation is identified as necessary. In support of the application to discharge Condition 17, Smith Grant LLP prepared the Phase 1 Geo-Environmental Assessment, Report Reference R3551-R01-v2, dated June 2026 (“the Phase 1 Assessment”).

The Phase 1 Assessment was informed by a review of the historical use and environmental setting of the Site, a Site inspection and the findings of the previous intrusive site investigation undertaken in 2021. The assessment records that the Site has remained principally undeveloped grassland used for grazing and that no made ground or colliery spoil was encountered during the previous intrusive investigation.

In relation to ground contamination, the Phase 1 Assessment concludes that:

- i.no significant sources of contamination that would preclude the development have been identified;
- ii.the risks to construction workers and future Site users are low;
- iii.the risk to controlled waters is low;
- iv.no constraints to the Approved Development have been identified in relation to ground contamination; and
- v.the Site is suitable for its proposed use.

The Phase 1 Assessment does not therefore identify any unacceptable contamination risks requiring a remediation scheme of the type secured by Condition 18.

The Phase 1 Assessment recommends that a protocol is maintained to address any unexpected contamination encountered during construction. This safeguard is already secured by Condition 25, which requires work to cease and further assessment, remediation and verification to be undertaken where previously unidentified contamination is encountered. Condition 25 would remain in force and would continue to provide an appropriate mechanism for addressing any unexpected contamination.

The Phase 1 Assessment also makes recommendations concerning proof drilling, possible grouting and the investigation of historic mine workings. These recommendations relate to mining legacy and ground stability rather than the remediation of contaminated land. Such matters remain separately controlled through Condition 7, which requires intrusive investigation and, where necessary, treatment of mine entries and shallow coal workings. Condition 33 also provides a further safeguard where unexpected land-instability issues are identified during development.

Accordingly, the proposed amendment to Condition 18 would not result in the removal of any necessary controls relating to contaminated land or ground stability. Rather, it would reflect the findings of the technical assessment undertaken pursuant to Condition 17, which has established that a contaminated-land remediation scheme is not required. On this basis, Condition 18 is no longer considered necessary or proportionate in its current form and it is therefore requested that the condition be amended accordingly.

This position would, however, remain subject to the outcome of the separate discharge of Condition 17, such that, should the assessment undertaken at that stage identify a requirement for contaminated-land remediation or any associated controls, the relevant provisions would be incorporated as necessary.

Condition 24 requires the submission of a verification report demonstrating the effectiveness of remediation works undertaken pursuant to Condition 18. It is therefore wholly dependent upon a remediation scheme being required and implemented under Condition 18.

As the Phase 1 Assessment has established that no such remediation scheme is required, there would be no remediation works to verify and Condition 24 would have no operative purpose, with proviso that it is subject to the discharge of Condition 17 of the permission. Condition 24 is therefore also requested to be amended subject to the discharge of Condition 17.

The amendment of Conditions 18 and 24 would not alter the Approved Development or result in any new or materially different environmental effects. Appropriate safeguards would remain in place through Conditions 7, 25 and 33 to address mining legacy, unexpected contamination and unexpected land instability respectively.

It is therefore proposed that Condition 18 be amended as follows:

~~"Should a remediation scheme be required by Condition 17, no development shall commence on site until a remediation such~~ Should a remediation scheme be required by Condition 17, no development shall commence on site until a remediation such scheme to bring the site to a condition suitable for the intended use by removing any unacceptable risks to human health, buildings, other property and the natural and historic environment, ~~it shall be~~ has been prepared, ~~and~~ submitted to and agreed in writing with the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives, remediation criteria and site management procedures. The measures proposed within the remediation scheme shall be implemented in accordance with an agreed programme of works."

It is therefore proposed that Condition 24 is amended as follows:

~~"Prior to beneficial use of the proposed development commencing~~ Should a remediation scheme have been required to have been submitted in accordance with Condition 18, a verification report which

demonstrates the effectiveness of the agreed remediation works carried out in accordance with condition 18 shall have been submitted to and agreed in writing by the Local Planning Authority.”

7. Assessment of Non-Materiality

No previous amendments have been made to planning permission P2022/0517 under section 96A of the Town and Country Planning Act 1990.

Whether an amendment is non-material must be considered in the context of the planning permission as a whole. The proposed amendment to Condition 6 and the proposed amendment of Conditions 18 and 24 have therefore been considered both individually and collectively.

The proposed amendments would not alter:

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

The amendment to Condition 6 relates solely to the timing of the AILTR and AILTRR requirements. It would not alter the proposed AIL route or remove any requirement relating to the scope, undertaking or reporting of the test run. The highway and pedestrian safety purpose of the condition would therefore be retained. Condition 6 currently applies a blanket restriction preventing any development from commencing before completion and approval of the AILTR process.

The amendment of Conditions 18 and 24 would reflect the findings of the Phase 1 Assessment that no contaminated-land remediation scheme is required. It would not remove necessary controls relating to mining legacy, land stability or unexpected contamination, which would remain secured through Conditions 7, 25 and 33. In particular, Condition 25 would continue to require investigation, remediation and verification if previously unidentified contamination is encountered during construction. The Phase 1 Assessment identifies no significant contamination sources that would preclude the development, while distinguishing its mining-related recommendations from contaminated-land remediation.

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

Considered collectively, the proposed amendments would retain all controls necessary to regulate the construction and operation of the Approved Development while removing or amending requirements that are no longer necessary or appropriately timed. The amendments are therefore considered non-material in the context of planning permission P2022/0517 and capable of approval under section 96A of the Town and Country Planning Act 1990.

8. Conclusions

The proposed amendments are limited to the timing of the AILTR requirements under Condition 6 and the removal of Conditions 18 and 24, which are no longer necessary in light of the conclusions of the Phase 1 Geo-Environmental Assessment.

The amendment to Condition 6 would retain the requirement for the proposed AIL route to be tested and approved before any Abnormal Indivisible Load is delivered to the Site and before the specified turbine construction activities take place. It would simply allow preliminary development to proceed before the AILTR process is completed.

The amendment of Conditions 18 and 24 would reflect the technical evidence that no contaminated-land remediation scheme is required. Appropriate safeguards would remain in place through the other conditions attached to the Permission, including the requirements relating to mining legacy, unexpected contamination and land stability, unless stated otherwise by the determination of Condition 17.

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

We respectfully request that the Local Planning Authority:

- i. approves the amended wording of Condition 6 set out in Section 5 of this letter; and
- ii. approves the amended wording of Condition 18 and Condition 24 in Section 6 of this letter.

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

Yours faithfully



Steve Harding

Associate Director on behalf of Axis

cc: Josh Nicholls (Alerion UK Ltd)

Enc.

Appendix 1 – Email communication with Bridgend County Borough Council

Appendix 2 – Foel Trawsant Wind Farm – Phase 1 Geo-Environmental Assessment (June 2026).