

**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 Name and address of the agent

**DAN McCALLUM
AWEL AMAN TAWE
76-78 HEOL GWILYM
CWMLLYNFELL
SWANSEA
SA9 2GN**

**Mrs Alison Leeder
Adas Ltd
4205 Park Approach
Leeds
LS15 8GB**

Whereas on the Monday, 05 May 2014 you submitted an application for the following development:-

PROPOSAL Variation of condition 1 of Planning Permission P2007/1413 (Granted on Appeal on the 07.05.09) to allow for the extension of time for the commencement of development and variation of conditions 3 (reference to all works in Environmental Statement and to allow a maximum tip height of 100m and maximum blade diameter of 82m), 9 (borrow pits), 14 (highway improvement works to facilitate revised access route) and 15 (internal access tracks)

LOCATION MYNYDD Y GWRHYD North of Pontardawe East of Cwmgors

THE NEATH PORT TALBOT COUNTY BOROUGH COUNCIL AS THE LOCAL PLANNING AUTHORITY IN PURSUANCE OF ITS POWER UNDER THE ABOVE MENTIONED ACT AND ORDER HEREBY PERMITS THE DEVELOPMENT TO BE CARRIED OUT IN ACCORDANCE WITH THE APPLICATION AND THE PLANS SUBMITTED THEREWITH, SUBJECT TO COMPLIANCE WITH THE CONDITIONS SPECIFIED HEREUNDER:

Conditions:-

(1) The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason

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

(2) This permission relates solely to the erection of two, 3 bladed wind turbines and associated works as described in the application plan and accompanying updated ES, with a maximum height to the blade tip of 100 metres from the original ground level and shall be restricted to the maximum generation of 4 MW of electricity only.

Reason

In the interest of clarity

(3) The permission hereby granted shall endure for a period of 25 years from the date when electricity is first exported from any wind turbine to the electricity grid network (First Export Date). Written confirmation of the First Export date shall be notified in writing by the developer to the Local Planning Authority within one month of the First Export Date.

Reason

In the interests of visual amenity

(4) Not later than 24 years after the First Export Date a decommissioning and site restoration scheme shall be submitted to and agreed in writing with the Local Planning Authority. Such a scheme will include:

- the removal of all surface elements of the development and one metre of the turbine bases below ground level;
- confirmation of the management and timing of works;
- a traffic management plan to address highway issues during the period of the decommissioning works;
- any other works of restoration and aftercare

The scheme shall be implemented as approved.

Reason

In the interests of visual amenity

(5) Notwithstanding the requirements of condition 4, if any wind turbine fails to produce electricity to the grid for a continuous period of 12 months, that turbine and its associated ancillary surface equipment shall be removed from the site in accordance with a scheme that shall have been submitted to and

Reference No: P2014/0402

agreed in writing with the Local Planning Authority within 28 days of the end of such 12 month period. The scheme shall include provisions for the decommissioning of the turbine and associated equipment and the restoration and aftercare of the relevant land (herein referred to as the restoration scheme). The submission shall also include a timetable for the aforementioned and the works shall be completed in accordance with the approved restoration scheme.

Reason

In the interests of visual amenity

(6) The blades of the wind turbines shall rotate in the same direction.

Reason

In the interests of visual amenity

(7) No development shall take place until full details of the following have been submitted to, and approved in writing by the Local Planning Authority:

-The external finish and colour of the proposed turbines;

-The materials to be used for any external unit transformer housing;

The development shall be carried out in accordance with the approved details.

Reason

In the interests of visual amenity

(8) All electricity and control cables between the turbines and the switch room shall be laid underground and alongside tracks which are to be constructed as part of the development.

Reason

In the interests of visual amenity

(9) No construction work shall be undertaken outside the hours of 0730 - 1800 hours on weekdays (Monday - Friday) and 0730 - 1200 hours on Saturdays and at no time on bank holidays and Sundays.

Reason

In the interests of residential amenity

(10) The temporary construction compounds and other temporary construction works as set out in the submitted application details shall be removed no later than three months from the First Export Date and the ground restored in accordance with the proposed restoration of the site within 6 months of such removal.

Reference No: P2014/0402

Reason

In the interests of residential amenity

(11) Variations of the position of any turbine(s) and their associated infrastructure shall be permitted by up to 30 metres in any direction within the application site. Such variations shall be notified to the Local Planning Authority prior to their erection on site via the submission of a plan showing the approved siting and proposed micro siting, together with a reasoned justification for the proposed micro siting. The turbine (s) shall be completed in accordance with the submitted plan. A plan showing the approved siting of the turbines shall be submitted within one month of their construction on site.

Reason

In the interests of visual amenity

(12) Prior to the commencement of development written confirmation shall be submitted to the Local Planning Authority confirming that the Ministry of Defence has been given written notice of the proposed date of commencement and completion of the development, the maximum height of construction equipment, the latitude and longitude of every turbine and the maximum extension of height of any construction equipment, turbines or structures.

Reason

In the interests of Aviation safety to ensure that there is no obstruction to air traffic movements and interference to Air Traffic Control and Air Defence radar installations.

(13) The implementation of the archaeological work and protection of archaeological sites within the application site area shall be carried out in accordance with Archaeology Wales Limited, Written Scheme of Investigation (WSI) (dated September 2013) and QuadConsult Limited Construction Method Statement (dated September 2013), as agreed under planning permission P2013/0893 approved on 23.01.14.

Reason

In the interests of archaeology

(14) The implementation of the ecological mitigation work shall be carried out in accordance with Amber Environmental Consultancy, Ecological Mitigation Method Statement (dated February 2014), as agreed under planning permission P2014/0078 approved on 06.05.14.

Reason

In the interests of ecology

Reference No: P2014/0402

(15) No trees, other than those within a 200 metre radius of the proposed turbines and those required for the new track and the widening of the existing track (as detailed in the Amber Environmental Consultancy Ecological Mitigation Method Statement (February 2014)) shall be felled within the application area.

Reason

In the interests of ecology

(16) Notwithstanding the submitted information, no development shall take place until a Traffic Management Scheme (TMS) has been submitted to and approved in writing by the Local Planning Authority. The TMS shall set out all proposed delivery routes, timings of works and include details of any alterations/amendments to the existing A474 on route through Pontardawe and

up to the site location. This shall include temporary speed reduction measures (if

applicable), give way markings, times of operation, removal of existing street furniture, roundabouts, kerb alignments etc. that allows safe delivery of the wind

turbines. The development shall be carried out in accordance with the approved

Traffic Management Scheme including the reinstatement / restoration of temporary works necessary to allow for the deliveries associated with this development.

Reason:

In the interest of highways safety

(17) There shall be no Abnormal Indivisible Load deliveries to the site before the implementation of the highway junction improvement works (with the A474) as detailed in QuadConsult Limited Construction Method Statement (dated September 2013) paragraph 3.3 and Drawing 13040 100 Rev 5 (submitted 07/10/14).

Reason

In the interests of highway safety.

(18) No part of the development shall display any name, logo, sign or advertisement or means of illumination (save for that required for aviation safety purposes).

Reason

In the interests of visual amenity.

(19) The development hereby permitted shall be carried out in accordance with QuadConsult Limited Construction Method Statement (dated September

Reference No: P2014/0402

2013), as agreed under planning permission P2013/0916 approved on 13.02.14.

Reason

In the interests of highway safety.

(20) The tonal noise emitted from any of the turbines shall not exceed the levels

recommended in guidance in the BERR ETSU-R-97 at any residential property. In particular, the level of noise emissions from the wind farm, measured as described

below, at any dwelling lawfully existing at the date of this permission shall not exceed:

(i) between 0700 and 2300 hours on any day the greater of 40dB LA90 (10 mins)

or 5dB(A) above the Quiet Waking Hours Background Noise Level at that property;

or

(ii) between 2300 hours on any day and 0700 hours on the following day the greater of 43dB LA90 (10 mins) or 5dB(A) above the Night Hours Background Noise

Level at that property.

The following definitions shall apply:

(i) "ETSU" means "The Assessment and Rating of Noise from Wind Farms" published by the Energy Technology Support Unit for the DTI in 1996.

(ii) "Background Noise Level" means the derived prevailing background noise as

reported in the Environmental Statement 2007 at Table 5.1.

(iii) "Tonal Noise" has the meaning given on page 95 of ETSU.

(iv) "Quiet Waking Hours" "Night Hours" have the meaning given on page 95 of

ETSU.

Reason

In the interest of the environment and residential amenity

(21) At the request of the Local Planning Authority following a complaint to it, the

developer shall measure the level of noise emissions, including tonal noise, resulting from the operation of the wind farm in accordance with the methods recommended in Section 2.0 of ETSU at pages 102-109. Wind speed shall be measured on the wind farm site and referenced to a height of 10 metres. Where it is necessary to convert between measured wind speeds and the wind speed at 10 metres height this conversion shall be undertaken using a methodology approved by the Local Planning Authority.

Reference No: P2014/0402

Reason

In the interest of the environment and residential amenity

(22) If the noise and / or tonal noise measured for the site following a complaint as referred to under conditions 21 exceeds the limits specified within condition 21, a noise management plan shall be submitted to and agreed in writing with the Local Planning Authority within one month of the exceedence being identified and the proposed mitigation measures shall be fully implemented in accordance with the timescales as set out within the agreed Noise Management Plan.

Reason

In the interest of the environment and residential amenity

(23) No development shall take place until an aviation safety lighting scheme for the wind turbines has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to erection of either wind turbine.

Reason

In the interests of Aviation safety to ensure that there is no obstruction to air traffic movements and interference to Air Traffic Control and Air Defence radar installations.

(24) In the event that contamination is found at any time when carrying out the approved development that was not previously identified, work on site shall cease immediately and shall be reported in writing to the Local Planning Authority. A Desk Study, Site Investigation, Risk Assessment and where necessary a Remediation Strategy must be undertaken in accordance with the following document:- Land Contamination: A Guide for Developers (WLGA, WAG & EAW, July 2006). This document shall be submitted to and agreed in writing with the Local Planning Authority. Prior to occupation of the development, a verification report which demonstrates the effectiveness of the agreed remediation, shall be submitted to and agreed in writing with the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off site receptors.

(25) Notwithstanding the submitted information, Unless otherwise agreed in writing with the local planning authority, 2.4m x 160m visibility splays in each direction along the A474 at the entrance of the proposed access track, clear

Reference No: P2014/0402

of any obstruction over 600mm shall be constructed prior to commencement of any work on site. These splays shall be retained and maintained as such thereafter.

Reason

In the interest of highway and pedestrian safety

(26) Prior to the commencement of any work on the wind farm development, a condition survey of the existing highway network (including the condition of the carriageway and footway) shall be undertaken only along the following lengths of the proposed access route for deliveries:

1. 100m to the north and the south (200m in total) of the centreline of the junction with the lane on the east side of the A474 leading to Nant y Gaseg Uchaf and the Gwrhyd Common (ie the cross roads at the Pwllfawatkin tip junction). Length marked 'A' on the attached plan reference 13040/050 Rev 0
2. The length of the same lane continuing to the east side of the access leading to Nant y Gaseg Uchaf (approximately 180m). Length marked 'B' on the attached plan reference 13040/050 Rev 0
3. The Gwrhyd Common road from 50m to the south of Perthigwynion farm access northwards to the sharp turn to the west at Ordnance Survey grid reference SN717095 and continuing 50m to the west. Length marked 'C' on the attached plan reference 13040/050 Rev 0.

The survey shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of work on site. Within one month of the completion of the associated wind farm a further condition survey of the same highway network, shall be undertaken, which shall include the condition of the carriageway and footway and shall be submitted to the Local Planning Authority for approval in writing. Any damage to the highway identified as a result of the increased volume of construction vehicles shall be repaired within 6 months of the completion of the associated wind farm in accordance with a scheme to be first submitted and agreed in writing with the Local Planning Authority.

Reason:

In the interest of highway safety

(27) Notwithstanding the submitted information, no development shall commence until such time as a Drainage Strategy to provide evidence of how the surface water along the proposed new access tracks is to be disposed of, together with an associated programme of works, has been submitted to and approved in writing by the local planning authority. The proposed drainage works shall be completed in accordance with the approved scheme.

Reason

Reference No: P2014/0402

In the interest of highway and pedestrian safety and to ensure the provision of a satisfactory means of surface water disposal for the development.

(28) Notwithstanding the submitted information, unless otherwise agreed in writing by The Local Planning Authority, prior to commencement of development on site, a maintenance and management strategy for all existing watercourses, culverts (new or existing) and associated structures sited within and adjoining the application site and effected by the development shall be submitted to and approved in writing by the Local Planning Authority. The scheme as approved shall be implemented and maintained during the lifetime of the consent.

Reason

To ensure drainage system is satisfactorily maintained and to ensure ongoing optimal performance of system

(29) The running widths of the internal access tracks shall be no greater than 5 metres wide, 10 metres on bends and 9 metres at passing places / wheel washing areas.

Reason

In the interest of visual amenity

(30) The location of the substation shall be as agreed under planning permission P2013/0914 as approved on 23.01.14.

Reason

In the interests of ecology

(31) Facilities for the storage of oils, fuels or chemicals shall be as agreed under planning permission P2013/0905 as approved on 06.05.14.

Reason

In the interests of ecology

(32) Prior to the commencement of the construction of any turbine, a scheme which shall include a programme of mitigation shall be submitted and approved in writing by the local planning authority to alleviate any interference with electro-magnetic signals: the scheme shall detail any necessary mitigation measures should interference attributable to the development occur: Any necessary mitigation measures shall be implemented in accordance with the agreed details and the associated programme of works.

Reason

In the interests of residential amenity

Reference No: P2014/0402

(33) The construction compound shall be constructed as set out in the approved construction method statement (September 2013) and drawing numbers 007 and 008.

Reason

In the interests of ecology, visual amenity and the environment

NOTES TO DEVELOPER:

(1) Highways notes to developer (local authority)

Consent under the Town and Country Planning General Permitted Development Order 1995 does not give consent for your apparatus to be erected in or on the Public Highway. For this you must notify the Highway Authority, in writing, that you propose to carry out the works under the provisions of the New Roads and Streetworks Act 1991 for the temporary signals. The address of the Highway Authority is, The Director of Environment, Neath Port Talbot County Borough Council, Streetworks Section, The Quays, Brunel Way, Baglan Energy Park, Neath SA11 2GG (for the attention of Mr Gary Thomas, e-mail address g.thomas3@npt.gov.uk Tel. No. 01639-686327

c.c. Gary Thomas Streetworks Section

Prior to commencement of any works hereby approved permanent and temporary works consents under Section 23 of the Land Drainage Act 1991 must be obtained from the Authority. You are therefore advised to contact the Senior Development Management Engineer Mr. J. W. Griffiths at The Quays, Brunel Way, Baglan Energy Park, Neath, SA11 2GG (Tel.No.01639 686397 e-mail j.griffiths4@npt.gov.uk . Please note such consents can take up to 8 weeks to be processed after registration and early application is advised.

Any amendments to the existing highway as a result of providing adequate access to the development shall require consent under a section 278 agreement of the Highways Act 1980. This agreement and the works thereof shall subject to approval of the scheme, detailed drawings, specifications and reinstatements. You are required to contact Mr J. W. Griffiths at The Quays, Brunel Way, Baglan Energy Park, Neath, SA11 2GG (Tel.No.01639 686397 e-mail j.griffiths4@npt.gov.uk This agreement shall be concluded before any deliveries or works commence on site.

Prior to any abnormal loads using the public highway you are requested to contact The Director of Environment, Neath Port Talbot County Borough Council, Streetworks Section, The Quays, Brunel Way, Baglan Energy Park, Neath SA11 2GG (fao. Hasan Hasan Project Manager Bridge Assessment,

Reference No: P2014/0402

(01639) 686463), to agree the suitability of the vehicles and weight limits of the route in relation to weight of vehicles and axle weights.

(2) Drainage notes to developer (local authority)

Prior to commencement of any works within a watercourse hereby approved permanent and temporary works consents under Section 23 of the Land Drainage Act 1991 must be obtained from the Authority. You are therefore advised to contact the Senior Development Management Engineer Mr. J. W. Griffiths at The Quays, Brunel Way, Baglan Energy Park, Neath, SA11 2GG (Tel.No.01639 686397 e-mail j.griffiths4@npt.gov.uk . Please note such consents can take up to 8 weeks to be processed after registration and early application is advised.

Prior to any abnormal loads using the public highway you are requested to contact The Director of Environment, Neath Port Talbot County Borough Council, Street works Section, The Quays, Brunel Way, Baglan Energy Park, Neath SA11 2GG (fao. Hasan Hasan Project Manager Bridge Assessment, (01639) 686463), to agree the suitability of the vehicles and weight limits of the route in relation to weight of vehicles and axle weights.

(3) The applicant / agent is advised that the Defence Infrastructure Organisation / Ministry of Defence (MOD) Safeguarding wishes to be consulted and notified of the progression of planning applications and submissions relating to this proposal to verify that it will not adversely affect defence interests.

(4) Natural Resources Wales recommend that the precautionary approach to tree and root protection laid down in section 6, shall be followed and implemented as part of any proposals and the any tree work shall be completed outside the bird nesting season (March to August).

(5) The Joint Radio Company (JRC) Limited analyses proposals for wind farms etc. on behalf of the UK Fuel & Power Industry and the Water Industry in north-west England. This is to assess their potential to interfere with radio systems operated by utility companies in support of their regulatory operational requirements.

In the case of this proposed wind energy development, JRC does not foresee any potential problems based on known interference scenarios and the data provided. However, if any details of the wind farm change, particularly the

Reference No: P2014/0402

disposition or scale of any turbine(s), it will be necessary to re-evaluate the proposal.

(6) The Public Right of Way that runs through the site shall be protected at all times and any damage caused to the Right of Way shall be rectified to the satisfaction of this authority. No alteration or change of condition to the PROW is to be undertaken without further consultation with the Countryside Team.

(7) The applicant is made aware that The Coal Authority states that more detailed considerations of ground conditions and/or foundation design may be required as part of any subsequent Building Regulations application.

(8) Ofcom notes to developer

If you should need further information regarding link deployments and their operation then you will need to contact the fixed link operator(s) directly.

Additional coordination is also necessary with the band managers for the water, electricity and utilities industries which operate in the frequency ranges 457-458 MHz paired with 463-464 MHz band. You should contact both the following:

- Atkins Ltd at windfarms@atkinsglobal.com.
- Joint Radio Company (JRC) at windfarms@jrc.co.uk. Additionally, you can call the JRC Wind Farm Team on 020 7706 5197.

For self coordinated links operating in the 64-66GHz, 71-76GHz and 81-86GHz bands a list of current links can be found at: <http://www.ofcom.org.uk/radiocomms/ifi/licensing/classes/fixed/>

Regarding assessment with respect to TV reception, the BBC has an online tool available on their website: http://www.bbc.co.uk/reception/info/windfarm_tool.shtml . Ofcom do not forward enquiries to the BBC.

Please note other organisations may require coordination with regard to your request. More information regarding windfarm planning is available on the British Wind Energy Association website www.bwea.com .

REASON FOR GRANTING PLANNING PERMISSION

Reference No: P2014/0402

The decision to grant 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.

As with the original proposal a range of issues have been raised during the assessment of this application. National policy continues to support renewable energy projects such as this and as such the key issue for Members is whether the revised proposals raise new material issues that have such an adverse impact that the overarching policy support for renewable energy should be set aside in this particular case.

Key issues relate to whether it would be appropriate to extend the date for commencement of development, landscape and visual impacts together with the revised access route and potential for additional vehicular movements. It is not considered that there has been a material change in circumstances since the previous grant of planning permission and the proposal continues to broadly accord with national policy. It is therefore considered that it would be unreasonable to refuse to allow the extension to the time period proposed for commencement of development. In terms of visual impact it is concluded that there will be no greater impact than the earlier proposals. Furthermore, the suitability of the local road network has been assessed and it has been confirmed by the Highway Authority that they have no objections to the revisions, subject to conditions.

All environmental information submitted within the ES and the Supplementary Environmental information along with the comments of statutory consultees on the information supplied, and the comments, observations and representations provided by members of the public have been taken into consideration in this recommendation.

As such it is considered that the submitted scheme demonstrates that there are no unacceptable detrimental effects over and above those previously identified. The development therefore accords with Planning Policy Wales, TAN 8, Policy GC1, ENV1, ENV3, Policy ENV17, Policy IE4 and Policy M6

Reference No: P2014/0402

Signed : 

Nicola Pearce – Head Of Planning

Date: 02/09/2015

Important Notes:

(1) 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 8300:2001).

(2) 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.

(3) From 1st October 2012 it will be 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 will transfer 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