

PLANNING AND DEVELOPMENT CONTROL COMMITTEE
18TH FEBRUARY 2014

ENVIRONMENT

REPORT OF THE HEAD OF PLANNING – N. PEARCE

INDEX OF REPORT ITEMS

PART 1 – Doc.Code: PLANDEV-180214-REP-EN-NP

SECTION A – MATTERS FOR DECISION

**1. PLANNING APPLICATIONS
RECOMMENDED FOR APPROVAL**

1.1	APP NO: P/2012/581	TYPE: Vary Condition	Page Nos: 3-34	Wards Affected: Coedffranc West
PROPOSAL:	Variation of Condition 31 to amend the details of the landscape buffer including its size, of Planning Permission P2008/0514 granted on the 30/09/2011 (amended description, revised illustrative layout plan and revised landscaping scheme.)			
LOCATION:	Land North Of, Elba Crescent, Crymlyn Burrows, Neath			

1.2	APP NO: P/2012/999	TYPE: Full Plans	Page Nos: 35-113	Wards Affected: Bryncoch North
PROPOSAL:	Erection of 5 wind turbines with a max blade tip height of 126.5m, control building, electricity sub station, transformers crane hard standings, 82m anemometry mast, improvements to access off A474, new bridge, upgrading of existing on site tracks and construction of new on site access tracks, underground electricity cables. Temporary construction compounds and two temporary 82m anemometry masts. Additional Information in respect of highways, hydrogeology, landscape, visual and ecological impacts Received 13-09-13			
LOCATION:	Mynydd Marchywel, Between Rhos & Cilfrew, Neath			

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Human Rights Act

The Human Rights Act 1998 came into force on 2nd October 2000. It requires all public authorities to act in a way which is compatible with the European Convention on Human Rights. Reports and recommendations to the Sub-Committee have been prepared in the light of the Council's obligations under the Act and with regard to the need for decisions to be informed by the principles of fair balance and non-discrimination.

Background Papers

The relevant background papers for each of the planning applications listed in sections 1 to 5 above are contained in the specific planning applications files and documents listed in Background Information in each individual report. The contact officer for the above applications is Nicola Pearce

SECTION A – MATTERS FOR DECISION

1. PLANNING APPLICATIONS RECOMMENDED FOR APPROVAL

<u>ITEM 1.1</u>	
<u>APPLICATION NO:</u> P/2012/581	<u>DATE:</u> 24/01/2014
PROPOSAL: Variation of Condition 31 to amend the details of the landscape buffer including its size, of Planning Permission P2008/0514 granted on the 30/09/2011 (amended description, revised illustrative layout plan and revised landscaping scheme.)	
LOCATION: Land North Of, Elba Crescent, Crymlyn Burrows, Neath	
APPLICANT: Gracelands Investments	
TYPE: Vary Condition	
WARD: Coedffranc West	

Background:

The application has been called to committee by Cllr H Bebell who is concerned about the number of accesses onto Elba Crescent and the resultant impact on the neighbouring properties and highway safety.

Planning History:

P2008/0514 - Mixed use development comprising business (Class B1, B2, and B8) and Residential (Class C3) with associated car parking, landscaping and infrastructure requirements (outline permission) - Conditional Approval 30/09/11

P2008/1436 - Variation of condition 3 of planning ref P2004/1554 to extend the time in which an application for reserved matters can be made - Disposed of 17/06/11.

P2007/0671 - Demolition of existing industrial warehouse building and erecting new - Approved-20/11/07

P2006/0218 - Re-cladding of warehouse- Approved- 16/3/06

P2004/1554 - Residential Development- Approved- 9/6/05

Publicity and Responses if applicable:

Coedffranc Community Council: The Council has requested that this proposal has structural engineering scrutiny to ensure that the bund will be sufficiently stable if it is reduced. In response to the revised details they have stated that they are concerned about the proposed increase in properties and the impact the development would have in the local area and that the buffer zone should remain the same size because by reducing the buffer, could lead to a potential diminishing appeal to prospective purchasers.

Biodiversity: In principle they have no objection but have a number of concerns regarding certain details of the proposed landscaping plan.

Pollution Control (Noise): Requested a revised assessment to represent the current noise climate of the site and based on that revised assessment he would have no objection to the proposed development subject to the imposition of conditions.

Head of Engineering and Transport (Highways): No objection subject to conditions.

Head of Engineering and Transport (Drainage): No objection subject to conditions.

Head of Community Care and Housing Services: Are seeking a 20% affordable housing provision for the development.

Crime Prevention Design Advisor: Raised concerns regarding the initial proposed landscaping scheme and access to the rear of the proposed dwellings. No response has been received to the revised landscaping scheme.

79 properties were consulted by letter and site notices were displayed around the site. The application was also advertised in the local press. A revised landscaping scheme and corrected illustrative layout plan were submitted and also a revised Design and Access Statement has been submitted that details the proposed parameters for both the commercial and residential development phases of the development. A revised consultation was undertaken. 4 letters of objection were received in response to this consultation which can be summarised as follows:

(1) They are disappointed that their objections that they raised in

response to the consultation on the original application were not reflected in this application. They were told there would be only two access points from the development onto Elba Crescent, but the plan shows all properties fronting Elba Crescent having direct access via their drive ways, which would mean that these thirty dwellings would make constant use of roadway and result in further pressure on the existing on-street car parking.

(2) They are assuming that the proposed development would necessitate the removal of the existing row of conifer trees that run along the Elba Crescent frontage of the site, which is unacceptable to them as it screens their view.

(3) The submitted plans do not show the details of the proposed buildings.

(4) One resident supported the principle of residential development on the site, but not the amount, due to the increase in traffic movements along Elba Crescent and using the Junction with Fabian Way, which would see even more traffic, as a result of the University development. They wanted to know why can't access to this development be from the new road?

(5) Perhaps the bus barriers could be removed, which would ease pressure on an already strained Fabian Way.

(6) There are existing problems with land drainage to the rear of the existing dwellings along Elba Crescent. The proposed development would increase the number of properties; the amount of area covered by concrete and removal material drainage in this area; resulting in more surface water, which would increase flooding.

Description of Site and its Surroundings:

The application site is a large, irregular shaped area of industrial land of approximately 13.7hectares. The site currently accommodates a mixture of existing industrial buildings, primarily located within the western and northern portions of the site, however the more southern area of the site has been cleared of buildings and is level and currently vacant.

The southern boundary of the site adjoins Elba Crescent with a 370m tree lined frontage of mature conifer trees. Further to the south, on the opposite side of the road is a row of semi detached dwellings, which back

onto a rear access lane, a landscaped verge and then Fabian Way (A483). Beyond the Fabian Way corridor in a southerly direction is the site of the new Swansea University Bay Campus development. To the northern boundary of the site is the western phase II section of the Ffordd Amazon roadway, which the Coed Darcy Southern Road Link is expected to connect onto. Further to the north is the MREC Waste Processing Plant, a railway line, the Tenant Canal and beyond this Crymlyn Bog, which is an identified protected site under Ramsar, SAC and SSSI regulations. To the east of the application site is the former Visteon Plant, which is currently occupied by a number of different commercial ventures, including a film studio. To the west is a row of semi detached dwellings that front onto Baldwin's Crescent and to the north of these USE Superheaters Unit which is an unrestricted (24hrs operation) (B2 general industrial use) heavy engineering company.

Planning permission has previously been granted for a linear residential development on part of the frontage of this site under application P2004/1554. Planning permission was then subsequently granted under application P2008/0514 for a mixed use redevelopment of the area including an element of residential development that was to be separated from the industrial development of the surrounding land by the provision of a 20m wide landscape buffer that including the creation of a raised bund screen. Other relevant planning permissions within the area include permission for the re-cladding of the Superheaters building, under application P2006/0218 and the reconstruction of a general industrial B2 use building at the former Kings Dock building site, which is located within the northern part of the current and previous application site under application P2007/0671.

Brief description of proposal:

The application seeks permission under section 73 for the variation of condition 31 of planning application P2008/0514 to require the submission of the landscaping scheme for the buffer area before the start of works on the construction of any residential development on any phase of the development.

Condition 31 currently states:

(31) As part of the first reserve matters for any residential phase of development, a scheme shall be submitted to and approved in writing detailing the landscaped buffer. This shall include both engineering and landscaping details, together with an acoustic report outlining the

potential impact of the zone as designed upon the amenity of occupiers of any adjacent and/or potential residential development, apart from that required to provide temporary construction access. The landscaping shall incorporate native grass and wildflower mix, which are wildlife friendly, and promote habitat creation. The construction of all bunds and engineering works associated with the landscaping shall be completed prior to any development taking place on any residential unit, apart from that required to provide temporary construction access. The landscaping shall be fully implemented within the first planting season following completion of the bunds/engineering works within the landscape buffer zone, any trees or plants which within a period of five years from the completion of the residential development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and the same species, unless the Local Planning Authority gives written consent to any variation. Upon completion of the construction phase of the residential development, or the occupation of the last dwelling, whichever is sooner, the temporary access through the landscape buffer shall be removed and the landscaping bund/engineering works completed in accordance with the approved scheme, landscaped and retained as such thereafter.

Reason: In the interests of amenity and biodiversity.

The applicant has stated that the intention is to remove uncertainty created by the unknown details of the buffer area and to allow the development of a proposed site layout that could then be submitted as part of a reserved matters application.

In addition to this the applicant has also submitted a proposed landscaping scheme for the buffer area, which they have requested be agreed at this stage. In response to initial concerns expressed by the Authority regarding the formal proposed landscaping scheme for the buffer area and community safety issues, the applicants submitted a revised landscaping scheme detailing a bund and denser planting.

EIA and AA Screening.

The application site exceeds the Schedule 2, column 2 threshold for development of this type as outlined within the Environmental Impact Assessment Regulations. As such the application has been screened in accordance with the requirements of Schedule 3 of the Regulations. The findings of the screening report were that the scale and nature of the potential impacts associated with the development both alone and in

combination with other developments within the area would not be of a type that would require the carrying out of an Environmental Impact Assessment or the subsequent submission of an Environment Statement in support of the application.

The original development was not considered to be located within a zone of influence for any SAC, CSAC or Ramsar sites and as such it is considered that an Appropriate Assessment as set down within the Conservation of Habitats and Species Regulations 2010 is not required.

Material Considerations:

The main considerations in the determination of the application are the material change in circumstances since the determination of application P2008/0514; the impact of the proposed variation of condition 31 upon the character and appearance of the surrounding area; the impact upon the amenity of the occupiers of the adjacent properties and the future occupiers of the development itself; the impact upon the highway and pedestrian safety of the existing road network and the impact upon the biodiversity of the surrounding area.

Policy Context:

The application site is located outside the identified settlement within a well-established general industrial area. Historically much of the industrial land within this area developed as either the former Ford Car plant or as ancillary uses that supported this enterprise. Following the closure of the Ford Plant and the subsequent Visteon enterprise much of the area fell into disuse. However, in recent years, despite the general economic downturn within the economy there has been a slow, but steady growth of new enterprise within the area, including the development of a film studio, a new major storage and distribution plant (Amazon), and the new technology campus for Swansea University which is currently under construction. There has also been some growth of small businesses, which have set up within parts of the former Visteon Plant buildings. The opening of the second phase of the Ffordd Amazon road has helped the continued growth within this area.

Outline planning permission was granted for the mixed use redevelopment of a 13.7 hectare brownfield site under application P2008/0514. This application was determined under the previous outline permission process where applicants were not required to provide an illustrative layout, parameters or specify the quantity of development.

However the applicants did submit a proposed master plan of their development together with supporting information, which detailed the sub-division of the Kings Dock Building into showroom units with the construction of two buildings that would create 11 new starter units in one long unit adjacent to the boundary with a landscape buffer that would surround an area of proposed residential development and a second building of 3 additional and slightly larger new starter units off to the eastern side of the site. The master plan also showed the extent of the proposed residential development area enclosed by the landscape buffer.

During the course of the application this residential area was amended to show the formation of a more significant 20m wide landscaped area with the addition of a bund to screen the residential area from the existing and proposed industrial development. The resultant effect of the increase in size of the landscaped buffer area was the reduction in size of the available residential development area.

The applicants now seek to vary the conditions requiring the provision of the detailed landscape and engineering details of the landscaped buffer in support of the submission of the first reserved matters application, to require the submission prior to any residential development taking place on any phase of development. They have also asked that the details of the landscaping scheme for the buffer area be agreed at this stage.

It is considered that there has been no material change in policy circumstances since the determination of the original application P2008/0514 on the 30/09/2011. As such the principle of the mixed use redevelopment of the proposed application site remains acceptable. However, impacts associated with the requested variation of condition 31 together with the submitted details of the landscape buffer will be assessed within the remainder of this report.

The relevant policies for consideration are:

GC1: New Buildings/Structures and Changes of Use.

ENV13: Brownfield, Derelict and Waste Land.

ENV16: Contaminated Land.

ENV17: Design.

ENV27: Location of Sensitive Uses

ENV29: Environmental Quality and Amenity.

H2: Housing Density.

H4: Affordable Housing.

EC1: Employment Landbank.

EC2: Extensions to Industrial/Business Premises.
T1: Location, layout and Accessibility of New Proposals.
RO3: Provision of Open Space to Serve New Residential Developments.

Visual Amenity:

The applicants have indicated within their covering letter (dated 12 June 2012) that it is their intention to aid the potential marketing of the residential element of the development by varying the wording of condition 31, to eliminate some of the uncertainties that they consider to exist in relation to the development. They stated that *“This application is intended to provide the detail necessary for a layout to be designed by the house builders and subsequently for reserved matters to be submitted. A more sequential approach is required to provide the design parameters for a layout to be drafted. Consequently the application seeks to remove the link between discharging condition 31 and submission of reserved matters. There is no amendment to the actual details that will be submitted as per condition 31 or condition 1 (the reserved matters) merely an alteration in terms of timing.”*

In addition to the rewording of condition 31 the applicant is also requesting that the submitted landscaping details for the buffer area be agreed at this stage.

While the applicants claim that there would be ‘no amendment to the actual details submitted as per condition 31 or condition 1’ it was clear from the initial submitted landscaping scheme that the buffer area has been reduced in width down from 20m to 10m and the raised bund detail had been removed from the proposal. Instead the submitted scheme detailed a formal landscaped area with seating and pathways, which would be open for public use.

In addition to this, the submitted illustrative layout plan (which is now a requirement of the current outline planning application process) shows that the area that no longer forms the landscaping buffer would be developed for additional housing units, thereby increasing the amount of residential development that could be achieved on the site. The application seeks permission for up to 141 dwellings. The details specified within the submitted Design and Access Statement states that the residential development would be a mix of 2 and 3 bed terrace units, 3 and 4 bed semi-detached dwellings and 4 bed detached dwellings. Within the stated parameters for the development the applicants have stated that all the dwellings would have a maximum ridge height of 9.8m and a

minimum of height of 6.3m with varying widths of between 4m to 15m and with depths between 6m to 15m.

As the application seeks outline planning permission with all matters reserved for determination at a later date, (with the exception of the landscaping details for the landscaped buffer area) it is difficult to fully assess the potential impacts of the proposed development upon the visual amenity of the surrounding area, as the final design and appearance of the dwellings and the layout of the development is not known at this stage. However the applicant is required to submit an illustrative layout plan which shows one possible layout that the development could take. The submitted illustrative layout shows that 141 dwellings could be located on the site with their associated garden area. It also shows that the development could create a street frontage to the north side of Elba Crescent. However while the submitted Design and Access Statement does state that the proposal would include adequate provision of parking spaces in accordance with the adopted parking standards, there are no details shown within the illustrative layout plan or details within the submission documents. While the development is shown to achieve a housing density of approximately 37 dwellings per hectare and with some plots having little opportunity to accommodate on-site car parking provision, there is additional land within the application area that is currently shown as public open space which illustrates that there is additional land available that could be used to design an appropriate development layout with sufficient space to incorporate the required on-site car parking provision for the proposed development.

It should also be noted that the current submitted layout plan with its rigidly straight building pattern, rear access lanes, insufficient turning facilities and the inter-relationship between some of the dwellings is not considered to achieve an appropriate amenity level for some of the future occupiers of certain plots, or a streetscene which would create interest and an acceptable sense of place within the development. However, the submitted layout is just for illustrative purposes only, (due to the outline nature of the application). It is considered that a more successful streetscene could be designed at the reserved matters stage which could formulate a layout that would help to unite the existing and proposed dwellings to form one community with a strong identity and creating a strong sense of place. As such refusal of planning permission could not be supported on this ground. Any reserved matters scheme that were to be given a favourable officer's recommendation would have to demonstrate the provision of the required amount of car parking spaces, together with adequate private amenity areas for each dwelling, while

also forming an attractive and interesting place to live for the future occupiers of the dwellings, while also resulting in the creation of a strong sense of place within the site, but which also relates to the adjacent existing properties within the established streetscene of Elba Crescent.

The original submitted details of the proposed landscaping scheme for the buffer area which would surround the residential development to the east, north and west as shown on drawing 303 rev A, showed a formally landscaped, level area enclosed on one side by a 3m high acoustic fence and which would be enclosed on the other by a 1.8m to 2m high boundary treatment for the rear garden areas of the proposed dwellings. The area was clearly intended to be used by the wider public, with its attractive planting scheme, seating areas and meander footpaths that led through the area.

The illustrative layout plan shows that the majority of the proposed dwellings would back onto the landscape buffer. While it is understood that due to the nature of the adjacent industrial area, it would not be desirable to have the dwellings facing directly onto the adjoining industrial land, the resultant effect would be that the 10m wide landscape buffer would have virtually no natural surveillance and any long distance views would be most likely from first floor windows or across garden areas, over rear boundary fences (normally with a height of 1.8m) and would also be screened by the numerous trees that were shown as part of the formal landscaping plan. Due to the lack of natural surveillance of this area, combined with its narrow design, and the 3m high acoustic fence to the boundary with the industrial development and a 1.8m high boundary fence to the dwellings itself, together with the numerous 90° turns in the shape of the area preventing clear lines of sight along the length of the area; would result in the creation of a public space with very little security for potential users, thereby creating a perceived atmosphere within the area of being unsafe for users. This lack of natural surveillance and clear lines of sight are the types of environmental features that can attract antisocial behaviour, especially to the secluded landscaped and seating areas, while also providing easy access to the rear boundary fences of the dwellings.

In light of these concerns the applicants submitted a revised landscaping scheme that shows the reinstatement of the previously agreed bund, but which has retained the reduced width of the landscape buffer to 10m. The proposed bund is shown to have a height of 1.3m to its apex, with either a symmetrical or asymmetrical shape. The symmetrical shape shows that the apex of the bund would be located approximately 5m away

from the boundary fence of the residential properties. The slopes of the bund are shown to be planted within dense shrubs that would grow to an estimated height of between 2.5m to 3m and would be interspersed with trees, which would grow to provide a visual screen for the adjacent industrial development for the dwellings. Such dense planting, or even regular pockets of such planting, especially when combined with prickly species would help discourage people from accessing the buffer area, thereby ensuring that the area does not attract antisocial behaviour or provide easy access to the rear of properties for criminals.

As such, subject to the formation of a suitable site layout and design of appropriate dwellings at the reserved matters stage, the wording of condition 31 could be amended to accept the principle of the design of the landscape buffer and bund, subject to a changes in species and planting patterns of the proposed planting scheme to ensure an appropriate mix of plants which would help to restrict access and movement through the buffer area, without having a detrimental impact upon the character and appearance of the proposed development or upon the wider surrounding area.

Amenity of the Occupiers of Adjacent and Proposed Properties:

The applicant's revised landscaping scheme shows the reduction of the width of the previously approved landscaped buffer down from 20m to 10m and a reduction in the height of the proposed bund. The illustrative layout plan shows that the area that had been previously shown as landscape buffer would now be used as an additional area of residential development. The proposed reduction in the buffer area would mean that the proposed dwellings could be located 10m closer to the existing and proposed industrial uses on the adjacent sites.

The applicants have submitted an Environmental Noise Assessment (177/ENS2_Rev3 15 May 2012) that indicated that the erection of a 3m high close board acoustic fence, together with the 10m wide buffer would be sufficient to protect the proposed dwellings from noise levels generated from the adjacent existing and proposed industrial uses. They have also stated that the construction of a B1 unit to the northern boundary of the residential development would further screen the residential properties from noise from the existing B2 unit known as the former Kings Dock Building. However, planning permission P2008/0514 was granted outline consent with all matters reserved for determination at a later date, so it is not possible to completely assess the potential impact that the existing and potential future industrial uses could have upon the

future occupiers of the residential development at this stage. Nevertheless, the Council's Environmental Health Officer (Noise) has not raised any objection to the reduced buffer area, and has recommended the imposition of suitably worded conditions that would ensure that the proposed detailed housing scheme was designed to achieve specified noise levels both internally and externally within garden areas. The achievement of such standards would potentially affect the siting, orientation and design of the proposed dwellings, therefore the reserved matters submission will need to demonstrate how these levels have informed the design and layout of the residential development.

The imposition of such conditions is of particular importance on this site due to the existing, as well as the proposed uses on the adjacent land. In this particular case that includes both the USE Superheater unit which is a heavy industrial engineering company located to the west and the film studios to the east. Both companies are existing B2 general industrial uses which are established on long standing historic B2 lawful uses/consents which have few if any planning conditions controlling their operations, such as operating hours, their emissions to air, noise, vibration and other such impacts. It is understood that both uses have the ability to undertake 24 hour operations. As such there is a real potential for these uses to impact upon the residential amenity of the adjacent proposed dwellings. Regulations and guidance suggest that such issues should be taken into consideration at the planning stage. While the serving of a Abatement Notice to stop an existing company causing a nuisance upon a new housing development should have to rely upon a material change in circumstance, the close proximity of the proposed residential development to the existing general industrial uses could be likely to result in restrictions being placed upon these premises' ability to operate, expand or change their working practices in the future.

As such, it is considered that the proposed rewording of condition 31 could be amended to read as requested by the applicant and the submitted details accepted in regarding to the principle of the design and size of the landscape buffer and bund, but only subject to the imposition of additional conditions requiring amended details of the proposed planting scheme and that would ensure that the reserved matters schemes were designed with an appropriate site layout, of suitably designed dwellings which could achieve the required level of noise protection to ensure that the development would not bring the existing industrial users into conflict with the residential amenity of the future occupiers of the residential development.

Highway Safety (e.g. Parking and Access):

The proposed reduction in the size of the landscape buffer would increase the area of land available for residential development, thereby increasing the number of overall dwellings which could be accommodated on the site. The applicants have indicated that there would be an increase in the number of dwellings. These dwellings would access onto Elba Crescent which would resultantly increase the use of the traffic light controlled junction with Fabian Way. However, the Head of Engineering and Transport (Highways) does not consider that the proposed development would result in a significant material increase in vehicle movements over and above that of the previously approved scheme to such a degree as to have a detrimental impact upon the highway safety of the existing road network, as such he has raised no objection to the proposed development subject to the imposition of suitable conditions, which would ensure the provision of adequate on site car parking provision for each dwelling, which would ensure that there would be no significant increase in current on street car parking only Elba Crescent.

Ecology (including trees & protected species):

The principle of the redevelopment of this brownfield site was established by the granting of planning permission P2008/0514. The planning permission was subject to conditions 15 and 16, which required the submission of an ecological survey and a reptile survey, respectively, and if necessary the submission of a mitigation strategy for habitat and species impacts. These conditions still remain necessary, and the Biodiversity officer has raised concerns regarding the suitability of the reduced sized landscaping area to accommodate any mitigation that may be necessary. However, as the application is for outline permission only, it is for the development to identify, if necessary where on the site any such mitigation measures are proposed to be located, together with a suitably designed scheme to comply with the requirements of both condition 15 and 16. If the landscape buffer area is no longer a suitable location for such mitigation, and if mitigation is identified by the required surveys to be necessary then the developer would have to design a suitable mitigation strategy to comply with the condition elsewhere.

Others (including objections):

When considering the determination of a section 73 application to vary the provisions of a condition, Authorities must give consideration to whether the proposal would require the amendment of any other

condition on the permission to facilitate the variation or if there has been any material change in circumstances that has occurred since the original granting of conditional planning permission that may require other conditions within the permission to also be varied.

The original planning permission was subject to 35 conditions, most of which can remain unchanged by either the rewording of condition 31 or through changes in material circumstances. However, as identified within the above appraisal additional noise conditions are considered to be necessary to ensure that the reduction in the size of the landscape buffer and bund do not result in the development increasing conflict between the existing and proposed industrial development within the immediate surrounding area.

Condition 30 of the permission states:

(30) Notwithstanding the details submitted the residential development shall be confined to that area, as identified on the Masterplan d ax101 Rev L (A). That area omitted from the residential area (as hatched green), fronting Elba Crescent, shall be incorporated within the landscape belt.

Reason: In order to protect the viability of and not to prejudice the development of adjoining land.

It is noted that the illustrative layout plan and submitted landscaping scheme would not comply with the requirements of this condition. As such the wording of this condition will need to be amended to state that the residential development shall be limited to that area shown on the illustrative layout plan enclosed within the green line, but excluding the area of the landscape buffer and a hatched area that would include the land that was previously excluded from the development area and included within the landscape buffer. This would ensure that the land remained available so as to not prejudice the potential redevelopment of the adjacent land.

A number of the conditions refer to 'phases of development' however a condition was not imposed to require the submission of a phasing scheme prior to the submission of the first reserved matters application. It is therefore suggested that such a condition be imposed now to ensure that an adequate level of understanding of the development phases is available to allow the agreement of details to comply with the conditions which allow details to be submitted in phases.

Since the original planning permission was granted on the 30 September 2011, the Welsh Government has introduced the requirement for new housing developments to achieve code level 3 with at least 1 credit being achieved under Ene1 and non-residential development to achieve BREEAM level very good and at least excellent under Ene1. As such, conditions requiring the developers to demonstrate compliance with these requirements are now recommended for imposition. The above, the contact information within the conditions and informatives on the decision notice also need to be updated.

In addition the original planning permission P2008/0514 was subject to a Section 106 Agreement to secure the payment of £100,000 to be paid towards the provision and/or improvement of open space play provision and community facilities within the area of Crymlyn Burrows. Therefore, a legal agreement would be required to transfer the obligations to this permission.

Condition 35 on the original permission secured the provision of not less than 20% of the total number of residential units on the site being provided as affordable housing within the development or a commuted sum for off site provision. This condition would also have to be imposed on this current permission to ensure compliance with the Council's Affordable Housing Policies.

A number of the objections raised by the local residents have been addressed within the above report. However, the following comments are made in response to those matters that remain outstanding:

In regards to the objections raised by local residents on the previously determined scheme, that application was determined on its own merits and was considered to be acceptable as it stood. As such, we are unable to require the developer to amend the development to comply with the local residents comments as there would be no planning reason to do so on this application.

In relation to the number of access vehicle access points on to Elba Crescent, the application seeks outline planning permission with all matters reserved for determination at a later date. This would include the details of the proposed means of access. Issues related to the increase in vehicle movements and on-street car parking along Elba Crescent and the use of the junction with Fabian Way have been addressed within the above appraisal.

It would be likely that the existing conifer trees along the Elba Crescent road frontage of the site would have to be removed to facilitate the development of the site. However, this is not a material change in circumstance since the determination of the previous application. The conifer trees do provide screening to the current dwellings of the existing adjacent and currently vacant industrial land. The proposed development would have to demonstrate at the reserved matters stage that it would have a suitable design and appearance that would be in keeping with the character of the streetscene. As such, it is not considered that the existing dwellings would have to be screened from the visual appearance of the proposed residential development.

The submitted plans do not show the details of the proposed buildings, as the application is seeking the variation of condition on an existing outline planning permission. The outline permission had all matters reserved for determination at a later date, including layout, scale and appearance of the buildings. The subsequent reserved matters applications if they were to be submitted would be subject to additional public consultation.

With regards to the suggestions that the residential development is accessed via the new Ffordd Amazon road and the removal of the current bus gate, this section of road way is currently only used by commercial vehicles and buses. Even if the Coed Darcy Southern road Link were to be constructed the existing bus gate would prevent domestic traffic from travelling this section of the road way to access Fabian Way. As such it is considered that it would not be suitable for domestic traffic from the proposed development. However there is a condition both on the original decision and recommended for imposition on this application which would require the commercial part of the proposed development to access the Ffordd Amazon site. Currently the existing industrial site has full access to Elba Crescent, therefore the proposed development would restrict this current use of Elba Crescent.

The existing development site has large areas of hard surfacing which covers the majority of the site. The proposed development would however have to submit proposed surface water and highway drainage schemes. These submitted schemes would have to show that the development could deal with the drainage of the site in an appropriate matter.

Conclusion:

The proposed application for the variation of the wording of condition 31 and the agreement of the details for the landscape buffer and bund area would have no detrimental impact upon the visual amenity of the area, upon the residential amenity of the occupiers of adjacent properties, upon highway safety of the road network or upon the biodiversity of the area subject to additional conditions to ensure that at reserved matters stage the development has an appropriate layout and design of dwellings to provide noise attenuation to achieve the required levels within both the dwellings and their garden areas, while also requiring a revised planting plan for the landscape buffer area. The permission would also be subject to a legal agreement which would transfer the obligations from the original outline permission over to this application. The agreement secures the payment of £100,000 to be paid towards the provision and/or improvement of open space play provision and community facilities within the area of Crymlyn Burrows. As such, the proposed development is considered to be in accordance with the policies of the Neath Port Talbot Unitary Development Plan.

Recommendation:

To grant planning permission subject to the signing of a legal agreement to carry over the obligations from the previous permission P2008/0514 and subject to conditions.

CONDITIONS:

(1) Approval of the details of the layout, scale and appearance of the building(s), the means of access thereto and the landscaping of the site (hereinafter called the reserved matters) shall be obtained from the Local Planning Authority in writing before any development is commenced on that phase of development.

Reason

The application was made for outline planning permission.

(2) Plans and particulars of the reserved matters referred to in Condition 1 above, relating to the layout, scale and appearance of any buildings to be erected, the means of access to the site and the landscaping of the site, shall be submitted for that phase of development in writing to the Local Planning Authority and shall be carried out as approved.

Reason

The application was made for outline planning permission.

(3) Application for approval of the Reserved Matters for each phase of development shall be made to the local planning authority before the expiration of three years from the date of this permission.

Reason

To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

(4) The first phase of development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of the approval of the last of the reserved matters to be approved, whichever is the later.

Reason

To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

(5) Each dwelling hereby permitted shall be constructed to achieve a minimum Code for Sustainable Homes Level 3 and achieve 6 credits under category Ene1 if the site was registered with a Code Assessor prior to 11th December 2010 in accordance with the requirements of Code for Sustainable Homes: Technical Guide April 2009, or Level 3 and 1 credit under category Ene1 of the code if the site was registered on or after 11th December 2010 in accordance with the requirements of Code for Sustainable Homes: Technical Guidance November 2010.

Reason

In the interests of Sustainability.

(6) No development of any dwelling hereby approved shall commence until details of a Code for Sustainable Homes 'Design Stage' assessment and related certification certifying that Code Level 3 and 6 Credits under Ene1 are achieved if the site was registered with a Code Assessor prior to 11th December 2010 in accordance with the requirements of Code for Sustainable Homes: Technical Guide April 2009, or Level 3 and 1 credit under category Ene1 of the code if the site was registered on or after 11th December 2010 in accordance with the requirements of Code for Sustainable Homes: Technical Guidance November 2010 have been achieved have been submitted to and approved in writing by the Local

Planning Authority. The development shall be carried out entirely in accordance with the approved assessment and certification unless otherwise agreed in writing by the Local Planning Authority.

Reason

In the interests of Sustainability.

(7) Unless otherwise agreed in writing, no dwelling hereby approved shall be occupied until a Code for Sustainable Homes 'Post Construction Stage' assessment has been carried out in relation to it, and a Final Code Certificate has been issued for it certifying that Code Level 3 and 6 Credits under Ene1 have been achieved under Technical Guide April 2009, if the site was registered with a code assessor prior to 11th December 2010, or Level 3 plus 1 credit under Ene 1 are achieved if the site was registered with a code assessor either on or after the 11th December 2010 under the requirements of Code for Sustainable Homes Technical Guidance November 2010. The certificate shall be submitted to and approved in writing by the Local Planning Authority.

Reason

In the interests of Sustainability.

(8) Each non-residential building hereby permitted shall be constructed to achieve a minimum Building Research Establishment BREEAM (or subsequent equivalent quality assured scheme) overall 'Very Good' and achieve the mandatory credits for 'Excellent' under issue Ene1 Reduction of CO2 Emissions where BREEAM 2008 applies to the development on registration under BREEAM, or the equivalent credits for 'Excellent' from BREEAM 2008 where BREEAM 2011 applies to the development.

Reason

To ensure that the development is sustainably constructed in accordance with the requirements of TAN 22.

(9) No development shall begin on each non-residential building until details of a 'Design Stage' assessment and related certification have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out entirely in accordance with the approved assessment and certification unless the Local Planning Authority shall otherwise consent in writing.

Reason

To ensure that the development is sustainably constructed in accordance with the requirements of TAN 22.

(10) Unless otherwise agreed in writing, following practical completion of the final non-residential building in each defined phase, no building unit shall be occupied until a 'Post Construction Stage' assessment has been carried out in relation to it, a Final Certificate has been issued for it certifying that 'Very Good' and achieve the mandatory credits for 'Excellent' under issue Ene1 Reduction of CO2 Emissions where BREEAM 2008 applies to the development on registration under BREEAM, or the equivalent credits for 'Excellent' from BREEAM 2008 where BREEAM 2011 applies to the development.

Reason

To ensure that the development is sustainably constructed in accordance with the approved plans and in accordance with the design stage assessment required by TAN 22.

(11) No development shall take place on any agreed phase of the site until an assessment of the nature and extent of contamination has been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site.

The report of the findings shall include:

(i) A desk top study to identify all previous uses at the site and potential contaminants associated with those uses and the impacts from those contaminants on land and controlled waters. The desk study shall establish a 'conceptual site model' (CSM) and all identified potential source, pathway, and receptor linkages must be assessed;

(ii) an intrusive investigation to assess the extent scale and nature of contamination which may be present;

(iii) the risk to following should be addressed: human health, groundwaters and surface waters, adjoining land, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, ecological systems; and any other receptors identified at (i)

(iv)an appraisal of remedial options, and proposal of the preferred remedial option(s).

Reason

To ensure that information provided for the assessment of the risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems is sufficient to enable a proper assessment.

(12) No development shall take place on any phase of development until a detailed remediation scheme and verification plan to bring the phase of the site to a condition suitable for the intended use by removing any unacceptable risks to human health, controlled waters, buildings, other property and the natural and historical environment shall be prepared and submitted to the Local Planning Authority for its approval. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason

To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors

(13) The remediation scheme for each phase as approved by condition 12 must be fully undertaken in accordance with its terms prior to the commencement of any other development within that phase unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of the measures identified in the approved remediation scheme for that phase, a verification report that demonstrates the effectiveness of the remediation carried out within that area must be produced, and shall be submitted to and approved in writing by the Local Planning Authority prior to the start of construction of any building within that phase of the approved scheme.

Reason

To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors

(14) In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority, all associated works must stop in that area of the development site, and no further development in that area shall take place unless otherwise agreed in writing or until a scheme to deal with the contamination found has been approved in writing by the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 11, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 12, which shall be submitted to and approved in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, submitted to and approved in writing by the Local Planning Authority in accordance with condition 13.

Reason

To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors

(15) A monitoring and maintenance scheme to include details of the monitoring of the long-term effectiveness of the proposed remediation over a period of 5 years following its completion, unless otherwise agreed in writing by the Local Planning Authority, and the provision of reports on the same must be prepared and shall be submitted to and approved in writing by the Local Planning Authority, prior to the occupation of any development within that phase of development. Within 3 months of completion of the monitoring and maintenance measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and shall be submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

(16) Prior to the commencement of works on any phase of development a scheme to investigate and monitor the site for the presence of gases being generated within that phase/part of the site or land adjoining thereto, shall be submitted to and approved in writing by the Local Planning Authority. Within 3 months following completion of the approved monitoring scheme the proposed details of appropriate gas protection measures to ensure the safe and inoffensive dispersal or management of gases and to prevent lateral migration of gases into or from land surrounding the application site shall be submitted to and approved in writing to the Local Planning Authority. All required gas protection measures shall be installed in accordance with the approved details and appropriately verified before occupation of any building within that phase of the development by the submission of a verification report and its approval in writing by the Local Planning Authority and must be retained and maintained until such time as the Local Planning Authority agrees in writing.

Reason

To ensure that the safety of future occupiers is not prejudiced.

(17) Any topsoil [natural or manufactured], or subsoil, to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation to be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes.

Subject to approval of the above, verification sampling of the material received at the development site is required to verify that the imported soil is free from contamination and shall be undertaken in accordance with a scheme which shall first have been submitted to and approved in writing by the Local Planning Authority. The completed verification report shall be submitted to and approved in writing by the local Planning Authority prior to the importation of any subsoil or top soil on to the site.

Reason

To ensure that the safety of future occupiers is not prejudiced.

(18) Any aggregate (other than virgin quarry stone) or recycled aggregate material to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation to be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes.

Subject to approval of the above, verification sampling of the material received at the development site is required to verify that the imported soil is free from contamination and shall be undertaken in accordance with a scheme which shall first have been submitted to and approved in writing by the Local Planning Authority. The completed verification report shall be submitted to and approved in writing by the local Planning Authority prior to the importation of any subsoil or top soil on to the site.

Reason

To ensure that the safety of future occupiers is not prejudiced.

(19) No phase or part of the development approved by this permission shall be commenced until a method statement detailing all necessary pollution prevention measures for the construction stage of that development phase is submitted to and approved in writing by the Local Planning Authority. At a minimum the method statement should identify storage facilities for all fuels, oils and chemicals, construction compounds, car parks, offices etc. Details of surface water drainage arrangements to be installed to intercept and treat contaminated surface water run-off, details of measures to ensure no polluting discharge from haul roads/disturbed areas, details of the nature, type and quantity of materials to be imported on to the site, measures for dealing with any contaminated material (demolition waste or excavated waste) Identification of any buried services, such as foul sewers, so that they are protected, details of emergency contacts, for example, the Natural Resources Wales Pollution Hotline: 0800 807060. The development shall be constructed in accordance with the approved method statement.

Reason

Prevention of pollution.

(20) No phase or part of the development hereby permitted shall be commenced until such time as a scheme to treat and remove suspended solids from surface water run off during construction works for that part or phase has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented as approved throughout the construction of that phase of development.

Reason

Prevention of pollution.

(21) As part of the first of the Reserved Matters for each phase of development and prior to any development taking place, including any site clearance an ecological survey of the site shall be undertaken to identify habitats and species (especially botanical) on the site. The subsequent report shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development within that area or phase, and should include details of all mitigation strategy proposed for any habitat or species impacts identified, and a timescale for its implementation. Any mitigation scheme approved shall be fully implemented as approved.

Reason

In the interests of Biodiversity.

(22) As part of the first of the Reserved Matters for each phase of development and prior to any development taking place within that phase, including any site or vegetation clearance a reptile survey shall be undertaken. The subsequent report shall be submitted to and approved in writing by the Local Planning Authority and shall include details of capture and release programme if reptiles are discovered. This should include the identification of a suitable receptor site a scheme for any habitat creation works required at that location and details of any fencing works needed. The capture and release programme should then be fully implemented on site prior to vegetation clearance in accordance with the approved details.

Reason

In the interests of biodiversity and ecology.

(23) As part of the first reserved matters application for each phase of residential development, a scheme detailing fully how the development will be designed to achieve indoor ambient noise levels that do not exceed that values specified within Table 5 of BS8233:1999 and gardens

areas which achieve at least 50% of the garden areas where the maximum day noise level does not exceed 55dBA Leq 16 Hour (free field) shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include details of the construction specification of the sound insulation performance of each structure and the layout of the dwellings. If the developers are unable to achieve the required noise levels within the garden areas, a report fully detailing why and where this can not be achieved and the methods that would be employed to reduce the levels down as far as possible shall be submitted to and approved in writing as part of the submitted scheme. The development shall be constructed as approved and retained as such thereafter.

Reason

In the interests of the residential amenity of the future occupiers of the dwellings.

(24) As part of the first reserved matters application for the first phase of residential development full details of the proposed construction of the accoustic barrier fence or wall shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include the proposed located of the fence or wall, details of the proposed materials and a typical section of the fence or wall's elevation. The approved scheme shall be fully implemented on site prior to the occupation of any dwelling and shall be retained as such thereafter.

Reason

In the interests of the residential amenity of the future occupiers of the dwellings and in the interests of the existing and proposed commercial developments.

(25) Prior to any development taking place, on any part of any phase of the development site hereby approved, any Japanese Knotweed and Sea Buckthorn present on the site shall be eradication in accordance with Natural Resources Wales Guidance.

Reason

In the interests of Biodiversity.

(26) A Landscape Management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas including the landscaped buffer zone, other than small privately owned domestic gardens, within the area hereby approved for

residential development, shall be submitted as part of the first reserved matters for each phase of development and approved by the Local Planning Authority prior to the occupation of any development within that phase. The landscape management plan shall be carried out as approved.

Reason

In the interest of visual amenity and to accord with Section 197 of the Town and Country Planning Act 1990.

(27) As part of the first Reserved Matters application for any residential phase of the development a scheme shall be submitted to and approved in writing by the Local Planning Authority for the upgrade of the existing signals at the junction of Elba Crescent with Fabian Way. The scheme as approved shall be fully implemented on site to the approval of the Local Planning Authority, prior to the first occupation of any dwelling on the application site.

Reason

In the interests of Highway and Pedestrian safety, and the free flow of traffic.

(28) Prior to the occupation of any dwelling a 2m wide footpath shall be constructed to adoptable standards along the entire frontage of the development site, to the surface level and with kerbing to adjoin the existing footway adjacent to the bus shelter to the eastern side of the site and this land shall remain open for the public thereafter.

Reason

In the interests of Highway and Pedestrian.

(29) All heavy goods vehicles, including all related construction traffic shall enter and exit the site via the Crymlyn Burrows Industrial Estate access road off Baldwin's Crescent, west of the existing bus gate. No heavy goods vehicles or related construction traffic shall enter or exit the site via Elba Crescent, unless otherwise first agreed in writing by the Local Planning Authority or under any other condition of this permission. Only residential traffic for the approved development shall access and exit the site via Elba Crescent.

Reason

In the interest of Highway and Pedestrian safety.

(30) No traffic shall be allowed to gain access to or from the site, identified on the Masterplan, as edged green, via any existing access onto Elba Crescent, apart from that area of car parking, fronting USE Superheaters, as identified on the masterplan hereby approved. There shall be no through access allowed, and the gate as identified on the plan hereby approved adjoining USE Superheaters, shall remain closed at all times to vehicular traffic, and be used for emergency vehicle access only.

Reason

In the interests of highway and pedestrian safety, as Elba Crescent is unsuitable for heavy goods vehicles.

(31) Together with the first of the Reserved Matters for any development on that area or phase of the site identified on the masterplan hereby approved for B1, B2 or B8 uses, a scheme for parking for those units shall be submitted to and approved in writing by the Local Planning Authority. These details shall include hard surfaced, lit and lined, and drainage details, all industrial access roads shall consist of a 7.3m wide carriageway with 2m footways each side and shall have gradients no greater than 1 in 12 or less than 1 in 150. The approved details shall be fully implemented on site prior to the first beneficial use of each associated building, unless otherwise agreed in writing by the Local Planning Authority.

Reason

In the interests of Highway and Pedestrian safety.

(32) As part of the first Reserved Matters for each phase of the development a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority for that area or phase. The approved statement shall be adhered to throughout the construction period, and shall include;

- the parking of vehicles of site operatives and visitors.
- Loading and unloading of plant and materials
- storage of plant and materials used in constructing the development.
- The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- wheel washing facilities

- measures to control the emission of dust and dirt during construction
- a scheme for recycling/disposing of waste resulting from demolition and construction works.

Reason

In the interests of highway and pedestrian safety.

(33) Unless otherwise agreed in writing by the Local Planning Authority, all buildings within the development hereby approved shall be connected to the main sewer prior to its first beneficial use.

Reason

In the interests of Highway and Pedestrian safety.

(34) Unless otherwise agreed in writing by the Local Planning Authority, no surface water or land drainage run off shall connect directly or indirectly into the public sewerage system.

Reason

In the interests of amenity, and to prevent overloading of the public sewerage system.

(35) As part of the first reserved matters application for each respective phase of development, a scheme shall be submitted to and approved in writing by the Local Planning Authority that fully details the proposed surface water run-off scheme for that phase of development which shall demonstrate that surface water shall be discharged and maintained at 'green field' run off levels, unless otherwise agreed in writing by the Local Planning Authority. The approved scheme shall be fully implemented on site prior to the first beneficial use of each association building and shall be retained as such thereafter.

Reason

In the interests of ensuring the provision of a sustainable surface water drainage scheme.

(36) Any existing drainage pipes, land drains, highway drain or highway run-off entering, crossing, or discharging onto the development site shall be accommodated into the site development works by the developer. There shall be no interference, alteration, or diversion of a ditch, watercourse, stream or culvert crossing or bordering the site, without a scheme first being submitted to and approved in writing by the local

Planning Authority. The development scheme shall be carried out on site in accordance with the approved details.

Reason

In the interests of amenity.

(37) Notwithstanding the details submitted the residential development shall be confined to that area edged in green on drawing Plan 1, and shall exclude from the residential development the area hatched green fronting Elba Crescent which shall be incorporated within the landscaped buffer.

Reason

In order to protect the viability of and not to prejudice the development of adjoining land.

(38) Notwithstanding the submitted details and prior to the start of any works on the first residential phase of development full details of a planting scheme for the landscape buffer shall be submitted to and approved in writing. The submitted planting scheme shall incorporate native grass and wildflower mix, which are wildlife friendly, and promote habitat creation, together with pockets of dense planting of species which would impede pedestrian access and movement through the landscape buffer area. The construction of all bunds and engineering works associated with the landscaping buffer shall be completed prior to any development taking place on any residential unit, apart from that required to provide temporary construction access. The landscaping shall be fully implemented within the first planting season following completion of the bunds/engineering works within the landscape buffer zone, any trees or plants which within a period of five years from the completion of the residential development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and the same species, unless the Local Planning Authority gives written consent to any variation. Upon completion of the construction phase of the residential development, or the occupation of the last dwelling, whichever is the sooner, the temporary access through the landscaped buffer zone shall be removed, and the landscaping bund/engineering works completed in accordance with the approved scheme, landscaped, and retained as such thereafter in accordance with the landscape management strategy required under condition 26.

Reason

In the interests of amenity, community safety and biodiversity.

(39) Prior to the submission of the first reserved matters application for any phase of development a detailed construction phasing plan for the whole of the development shall be submitted to and approved in writing. The development shall be carried out in accordance with these details unless otherwise agreed in writing by the local planning authority.

Reason

In the interests of highway and pedestrian safety and the free flow of traffic.

(40) As part of the first reserved matters application for each phase of the residential development a scheme detailing the access roads construction shall be submitted to and approved in writing by the Local planning Authority. The submitted scheme shall show all residential access roads having a width of 5.5m wide carriageway with 2m footways to each side and shall have gradients no greater than 1 in 12 or less than 1 in 150. Each residential driveway shall be 3.6m minimum width and a minimum of 6m in length from back of footway to garage door, and shall be hardsurfaced in concrete, tarmacadam or block paving to a maximum gradient of 1 in 9 and maintained as such thereafter. Pedestrian vision splays of 2.4 metres (measured back from back of footway) shall be provided and maintained each side of each access within nothing over 600mm in height shall be erected or allowed to grow. Vision splays of 2.4 metres x 90 metres shall be provided in either direction at each point of access throughout the development. Prior to work commencing on site a scheme shall be submitted to and approved in writing by the Local Planning Authority, which include:

- Longitudinal and vertical carriageway alignment.
- Cross sections through the highway every 10 metre intervals.
- Surface water drainage proposals including highway gully's and manhole positions.
- Street lighting proposals

This scheme shall be fully implemented in accordance with those details as approved, unless otherwise agreed in writing by the Local Planning Authority.

Reason

In the interests of Highway and Pedestrian safety.

(41) As part of the first reserved matters for any phase of residential development pursuant to this planning permission, a scheme for the provision of affordable housing social rented and/or low cost home ownership within the development site, in accordance with Policy H4 of the Neath Port Talbot Unitary Development Plan of not less than 20% of the total number of residential units provided within the development site, or a commuted sum for off site provision shall be submitted to and agreed in writing by the Local Planning Authority. This scheme shall be fully implemented in accordance with the agreed phasing submitted as part of the approved details.

Reason

In order to secure an appropriate level of affordable housing in accord with Policy H4 of the Neath Port Talbot Unitary Development Plan

REASON FOR GRANTING PLANNING PERMISSION

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.

The proposed application for the variation of the wording of condition 31 and the agreement of the details for the landscape buffer and bund area would have no detrimental impact upon the visual amenity of the area, upon the residential amenity of the occupiers of adjacent properties, upon highway safety of the road network or upon the biodiversity of the area subject to additional conditions to ensure that at reserved matters stage the development has an appropriate layout and design of dwellings to provide noise attenuation to achieve the required levels within both the dwellings and their garden areas, while also requiring a revised planting plan for the landscape buffer area. The permission would also be subject to a legal agreement which would transfer the obligations from the original outline permission over to this application. The agreement secures the payment of £100,000 to be paid towards the provision and/or improvement of open space play provision and community facilities within the area of Crymlyn Burrows. As such, the proposed development is considered to be in accordance with the policies of the Neath Port Talbot Unitary Development Plan.

<u>ITEM 1.2</u>	
<u>APPLICATION NO: P/2012/999</u>	<u>DATE: 06/12/2012</u>
<p>PROPOSAL: Erection of 5 wind turbines with a max blade tip height of 126.5m, control building, electricity sub station, transformers crane hard standings, 82m anemometry mast, improvements to access off A474, new bridge, upgrading of existing on site tracks and construction of new on site access tracks, underground electricity cables. Temporary construction compounds and two temporary 82m anemometry masts.</p> <p>Additional Information in respect of highways, hydrogeology, landscape, visual and ecological impacts Received 13-09-13</p>	
LOCATION: Mynydd Marchywel, Between Rhos & Cilfrew, Neath	
APPLICANT: RES UK & Ireland Limited	
TYPE: Full Plans	
WARD: Bryncoch North	

Planning History

P2010/1248 - Request for scoping opinion for 11 Wind Turbines, access tracks and associated works

P2010/0984 - Retention of temporary 69.5m high anemometer mast for 24 months – Approved 9/9/10

P2007/1260 - Renewal of temporary permission for installation of temporary anemometer mast for a further period of 24 months – Approved 29/01/08

P2005/1111 - Installation of temporary anemometer mast for a period of 24 months – Approved 22/09/05

Publicity and Responses (if applicable):

A series of public exhibitions have been held by the Applicant during the development of the design scheme. Events at Rhos, Cilfrew and Crynant were held in January and February 2007 together with a leaflet drop to all households within 3 km of the site (over 4000) in January 2007

Further public exhibitions took place at the above locations in June 2012 and an updated leaflet drop was also undertaken in May 2012.

This approach is in accordance with the requirements of the Authority's Supplementary Planning Guidance for Wind Farms.

The Authority

The proposal has been advertised by means of a press notice and the posting of 21 site notices.

Following the submission of additional information on 13th September 2013 in relation to Highways, Hydrology, ecology and Landscape and Visual Assessment, further consultation was undertaken by means of a press notice and site notices.

To date approximately 586 individual letters have been received objecting to the proposal for the following summarised reasons:

1. Detrimental effect on the landscape
2. Detrimental effect on residents, visitors and tourism
3. Noise impact – unknown association recommend siting the turbines 1.6 km from dwellings
4. Impact on ecology, birds
5. Shadow Flicker
6. Impact upon water supply
7. The development is partly outside SSA E
8. The site does not accord with the criteria set out in Paragraph 2.9 of TAN 8 as it is not a plateau.
9. The development of the site is contrary to the Council IPG on wind farm development
10. Traffic congestion and highway safety
11. Community fund should be operated by an independent organisation
12. Impact on heritage sites
13. Turbines result in increased rain
14. Saturation of windfarms within the area
15. Dust, noise from construction
16. Loss of hedgerows
17. Effect on peat
18. Effect on electricity supply caused by power surges
19. No requirement for power from this development
20. Wind energy is insufficient
21. Without subsidy no one would erect wind turbines
22. The proposed development will not address the issue of climate change.
23. Danger to aviation
24. Turbines are dangerous and can explode

25. No direct economic effect from the development
26. Effect of noise on health
27. Revaluation of property
28. Release of carbon during construction
29. Insufficient wind speed at site
30. The developer will not provide a community benefit fund
31. Arup report concluded that the site was not appropriate for wind farm development
32. Soil removal will create drainage problems
33. There has been inadequate consultation associated with this application

A letter of objection has also been received from **Tonna Community Council** on the grounds that the proposal will have a detrimental visual impact upon Tonna and the proposal is outside the Council refined Strategic Search Area.

A letter has been received from **Gwenda Thomas AM** and **Peter Hain MP** outlining the concerns of local residents.

A letter of objection has been received from **Bethan Jenkins AM** objecting to the proposal on the grounds of noise, vibration, visual impact and impact on tourism.

63 letters of support have been received on the grounds that the proposed development will :

- Provide a form of renewable energy
- Reduce Carbon emissions
- Provide community benefits to the area
- Provide short and long term employment to the local and regional community.
- Give energy security
- Assist in meeting Welsh and UK renewable energy targets
- Not give rise to waste and carbon emissions associated with nuclear power and fossil fuels

Neath Port Talbot Badger Group - No Objection

Brecon Beacons National Park - No Objection

Bridgend County Borough Council - No Objection

British Telecom - No reply, therefore no observations to make

CADW – The development will have very significant effects on two scheduled ancient monuments

Countryside Council for Wales (now NRW) - No Objection subject to conditions

Cilybebyll Community Council – Objection on the basis of visual impact, residential amenity, proximity to properties, noise, adverse effect on recreation and tourism, and on the inadequate consideration of environmental issues.

Blaenhonddan Community Council - Objection on the basis of noise, ecology (particularly birds), traffic congestion and impact on the landscape.

Crynant Community Council – Objection on the basis of impact on landscape, historical environment, tourism, employment and house prices.

Council for the Protection of Rural Wales - No reply, therefore no observations to make

Natural Resources Wales – No objection, subject to the imposition of conditions

Biodiversity Unit – No objection, subject to conditions

Forestry Commission (now NRW) – No objection

Pollution Control Section (Land Contamination) – No objection

Footpaths - No Objection

Wales and West Utilities - No Objection

Glamorgan Gwent Archaeological Trust No objection, subject to the imposition of conditions

Glamorgan Wildlife Trust - No reply, therefore no observations to make

Welsh Water - No Objection

The Coal Authority - No Objection

National Grid - No objection, subject to conditions

Ramblers Association – No reply, therefore no observations to make

Rhondda Cynnon Taff CBC - No Objection

Royal Society for the Protection of Birds – No reply, therefore no observations to make

Head of Engineering and Transport (Structures) - No Objection

City and County of Swansea - No Objection

Biodiversity Forum – No reply, therefore no observations to make

Head of Housing and Public Protection (Noise) – No objection, subject to conditions

Head of Engineering and Transport (Highways) - No objection, subject to conditions

Head of Engineering and Transport (Drainage) – No objection, subject to conditions

Ministry of Defence - No Objection

Civil Aviation Authority - No reply, therefore no observations to make

BBC - No reply, therefore no observations to make

OFCOM - No objection

Swansea Airport- No reply, therefore no observations to make

Ancient Monument Society - No reply, therefore no observations to make

Welsh Assembly Government – No reply, therefore no observations to make

Description of Site and its Surroundings

The application site is located on Mynydd Marchywel, approximately 4 km north of Neath. The site is centred on grid reference: E276100, N202500; OS Grid Reference SN7610 0250 between Rhos (2 km west), Crynant (3 km north-east) and south of the Crynant Forest. Mynydd Marchywel rises to a height of 418m to the north east of the site and runs south into lower valley

landscapes.

The site covers approximately 235.8 hectares and is typical upland moorland, consisting of wet and dry heaths, heather moor and areas of rushes and sedge in wetter regions with some rough grazing. Coniferous plantation dominates the northern part of the site

Brief description of proposal

The proposed development is for the construction and operation of a wind farm of 5 three-bladed, horizontal axis wind turbines with an installed capacity of up to 11.5MW, each up to 126.5m maximum height to blade tip and associated works including:-

- electricity transformers
- underground cabling
- watercourse crossings
- new bridge
- access improvements
- new and upgraded tracks
- crane hard standings
- control building
- electricity substation
- communications mast
- 82m anemometer mast

During construction and commissioning there would be a number of temporary works including construction compounds, storage area, access track turning heads, welfare facilities, and two meteorological masts up to 82 m high

The application is accompanied by an Environmental Statement (ES) which deals with a range of issues, but primarily deals with the following :-

1. Introduction.
2. Planning Policy
3. Design Development and Consultation
4. Description of development
5. Landscape and Visual Assessment
6. Ecology
7. Cultural heritage and Archaeology
8. Hydrology and Hydrogeology
9. Geology, Mining and Mineral Resources
10. Noise

11. Traffic and Transportation and Access
12. Electromagnetic Interference and Aviation.
13. Socio- Economic

Supplementary Environmental Information (SEI) was also submitted on 13th September 2013 which provides additional information in respect of Highways, Hydrology, Ecology and Landscape and Visual assessment

This additional information was the subject of additional publicity under Reg 19

The Applicants submission in the ES and other submissions

This section summarises the applicant's submission. The Local Planning Authority's comments on the issues are set out later in the report.

Planning Policy

This section identifies the energy and land use planning policy and legislation against which this proposal is assessed.

The conclusions in the ES are that policy at a national level fully supports the development of large scale renewable energy projects through TAN8 whilst ensuring that any detrimental environmental effects on local communities are minimised. The proposal falls within the Strategic Search Area E and the 5km buffer area as defined in TAN 8 which has an indicative capacity of 152 MW and as such will make a valuable contribution to WGs 2020/2025 indicative energy targets.

Design Development and Consultation

This chapter outlines the procedures used for selecting potential sites for wind farm development in Wales and details community consultation undertaken for the Mynydd Marchywel Wind Farm.

The conclusion reached, having regard to national policy, is that the site is suitable for windfarm development having regard to specific site constraints.

Description of the Project

This chapter describes the proposal and deals with the construction operations and decommissioning phases of the development.

Landscape and Visual Assessment

This section presents the findings of a landscape and visual assessment that has considered the potential effects of the proposed wind farm and associated works on the landscape character and visual amenity of locations at a considerable distance beyond the site boundary. The study area for the Landscape Visual Impact Assessment was based on a 30 km study area extending from the Gower Peninsula, Swansea Bay and Porthcawl in the south to the Black Mountains in the north, Llanelli in the west to Aberdare and the edges of Merthyr Tydfil in the east.

The baseline conditions include 19 wind farm sites that are either operational, under construction, consented or in planning and are also located within the landscape of the study area.

The assessment has taken account of the potential cumulative or additional effects on landscape and visual amenity arising from the proposal, in conjunction with the known baseline of operational and/or consented wind farms and in conjunction with this baseline all of the submitted stage wind farms as identified above. In addition, the assessment considers the entire period of the development which includes the site preparation and commissioning phases, the operation of the wind farm, final decommissioning and reinstatement of the site.

The landscape assessment identified 16 landscape character type/areas within the study area and assessed the impact of the proposal on those areas. A summary of the effects is set out in the table below.

Landscape Character Type/Area	Sensitivity to change	Magnitude of change	Effect	Significance
Exposed Open Uplands	Medium	Substantial in a limited area Overall Moderate	Major/Moderate in a limited area Moderate overall	Significant in a limited area Overall Not Significant
Commercial Softwood Plantation	Low	Slight	Minor	Not Significant
Central Beacons	High	Slight	Moderate	Not Significant
Fforest Fawr	High	Slight	Moderate	Not Significant
Y Mynydd Du	High	Moderate in a limited area Overall Slight	Major/ Moderate in a limited area. Moderate overall	Significant in a limited area. Overall Not Significant
Transitional Slopes	Medium	Substantial in a limited area Moderate overall	Major/Moderate Moderate overall	Significant in a limited area Overall Not Significant
Modified Coastal Plain	Low	Slight	Minor	Not Significant
Broad Open Valley	High/Medium	None	None	Not Significant
Lowland Heaths	High	Slight	Moderate	Not Significant
Lowland Rolling Agriculture	Medium	Slight	Moderate/Minor	Not Significant
Rocky Coast and Cliffs	High	Negligible	Moderate/Minor	Not Significant
Depositional Coastland	Medium	Slight	Moderate/Minor	Not Significant
Urbanised Bay	Low	Slight	Minor	Not Significant
Enclosed Intertidal Bay	Medium	Slight	Moderate/ Minor	Not Significant
Open Sea	Low	Slight	Minor	Not Significant
Major Urban Areas	Low	Slight	Minor	Not Significant

A viewpoint analysis of the potential effects on both the landscape and visual amenity arising from the proposal at each of the selected viewpoints was carried out. This analysis involved the production of computer generated wire frames and photomontages. In addition, an interactive virtual reality computer generated model produced for the original application has been up dated to illustrate the amended application.

Visual receptors within the study area are considered principally to consist of residents, workers, users of the Brecon Beacons National Park , users of informal outdoor recreational facilities including long distance walking routes, public footpaths and bridleways as well as cycle routes, and users of the road and rail networks.

The visual effects of the proposal have been assessed from 26 viewpoints.

No	Viewpoint	Receptors (Sensitivity)	Magnitude of change	Visual effect	Significant
1	Cilfrew	Residents (High)	Substantial	Major	Yes
2	Rhos	Residents (High)	Substantial	Major	Yes
3	Bryn Coch	Residents (High)	Substantial	Major	Yes
4	Ynysmeudwy	Residents (High)	Moderate	Major/Moderate	Yes
5	Pontardawe	Residents (High)	Moderate	Major/Moderate	Yes
6	Crynant	Residents (High)	Moderate	Major/Moderate	Yes
7	St Illtyd's Walk - Hirfynydd	Walkers (High)	Moderate	Major/Moderate	Yes
8	Tonna	Residents (High)	Moderate	Major/Moderate	Yes
9	Neath Gnoll Estate Country Park	Resident & Visitors (High)	Moderate	Major/Moderate	Yes
10	Neath Town Centre	Residents (High)	Slight	Moderate	No
11	St Illtyd's Walk - Mynydd Marchywel	Walkers (High)	Slight	Moderate	No
12	Blaendulais/Seven Sisters	Residents (High)	Slight	Moderate	No
13	Cefn Ffordd	Walkers (High)	Slight	Moderate	No
14	Swansea (Morriston)	Residents (High)	Slight	Moderate	No
15	Margam Mountain	Site of Special Historic Interest (High)	Slight	Moderate	No

No	Viewpoint	Receptors (Sensitivity)	Magnitude of change	Visual effect	Significant
16	Beacons Way (north of Garreg Lwyd)	Walkers (High)	Slight	Moderate	No
17	Minor Road at Banc Crucorod (Above Glanamau)	Motorists (Medium) & Visitors (High)	Slight	Motorists - Moderate/minor Visitors - Moderate	No
18	Gorseinon	Residential receptors (High)	Negligible	Moderate/minor	No
19	Mumbles Head (Gower, Swansea)	Residents and Visitors (High)	Negligible	Moderate/minor	No
20	Cribarth	Walkers (High)	Slight	Moderate	No
21	Moel Penderyn	Walkers (High)	Negligible	Moderate/minor	No
22	Mynydd y Gwair	Walkers (High)	Slight	Moderate	No
23	Rhos, March Hywel	Residents (High)	Substantial	Major	Yes
24	Rhos, Smith Arms	Residents & Visitors (High)	Substantial	Major	Yes
25	Hendrelas	Residents (High)	Substantial	Major	Yes
26	Fforest Goch, Neath Road	Residents (High)	Substantial	Major	Yes

Landscape effect

The assessment concludes that the wind farm has a good fit with the Exposed Open Uplands landscape type although there will be significant effects upon the key characteristics of the Exposed Open Uplands Landscape character types (LCT) within 5 km of the proposed wind farm resulting from the introduction of the development.

There would also be significant effects upon southern areas of the Y Mynydd Du Landscape Character Area (LCA) and limited units of the Transitional Slopes LCT within 7 km of the proposed wind farm. The effects on landscape character across the majority of the study area would not be significant due to fragmented visibility of the proposed wind farm and the fact that it would physically affect only two of the 16 LCT/LCA. The scale of the landscape is considered to be sufficiently large to accommodate the proposed wind farm, both within the application site, and when considered in the context of the wider landscape of the study area.

The assessment indicates there will be significant effects upon a limited part of the Brecon Beacons National Park immediately to the north of the proposed wind farm and lying between the A4069 and the A4067. Elsewhere within the Park, visibility of the proposed wind farm would be fragmented or it would be seen as a minor element on the distant horizon thereby having a weak influence on the qualities and characteristics of the Park. The overall effect on the Park would not be significant and the integrity of the designated area would not be compromised

The assessment identifies significant effects on only one Registered Park and Garden at Gnoll Country Park, Neath which is primarily due to the short separation distance between the proposed wind farm and the designated landscape. There would be no significant effect on the other Registered Parks and Gardens (RP & G) or Landscapes of Historic Interest (LHI) within the study area.

Visual effect

27 settlements are identified within the study area. 16 would have no visibility of the proposed wind farm. Significant effects were identified in 5 settlements; Rhos, Pontardawe, Tonna, Bryn Coch and parts of Neath, with visibility varying considerably throughout each settlement, due to the shielding effects and orientation of buildings and screening by vegetation, such that some areas will experience no or very limited visibility of the proposed wind farm. Significant effects are restricted to those settlements within 5 km of the proposed wind farm.

Route corridor assessment indicates that, due to landform variation and features, the fragmented pattern of visibility and the shielding effects of vegetation and buildings, the effects on route corridors will not be significant, with the exception of limited sections of St Illtyd's Way- Hirfynydd.

Of the 26 viewpoints assessed it is considered that there would be significant effects upon 13 viewpoints. The 13 viewpoints all lie within 5 km of the proposed wind farm. Of these, six viewpoints lie immediately to the west, and share a very similar view of the proposed wind farm, in particular the 3 short distance viewpoints on the east side of the village of Rhos.

In general the proposed wind farm will be seen as a well designed new feature in relation to the local landscape character and context or as a distant element on the far horizon.

Viewpoint locations in the Gower Peninsula AONB and the Brecon Beacons National Park would not experience significant effects.

Cumulative effect

The assessment of cumulative effects indicates that the proposed wind farm would introduce negligible new areas of visibility, where wind energy development is currently not seen, into the study area. Whilst the proposed wind farm would be seen in combination with other cumulative development across most of the Landscape Character Types (LCT) and Landscape Character Areas (LCA) in the study area, the addition of the proposed wind farm would not add significantly to existing and proposed cumulative development and would have a relatively limited effect which would not be significant on any LCT or LCA.

Significant cumulative effects will not occur over the majority of the Brecon Beacons National Park although there would be limited significant effects within an area to the north of the proposed wind farm lying between the A4069 and the A4067. The built and consented developments of Mynydd y Betws, Mynydd y Gwrhyd and Maesgwyn would exert a greater influence upon the qualities and character of the Park with the proposed wind farm being a minor addition within landscapes at a medium separation distance from the Park.

There would not be significant effects on Gnoll Estate Country Park Registered Park and Garden (RP & G) due to the negligible influence of cumulative development and therefore the very limited combined effects of the proposed wind farm with other development.

The assessment of cumulative effects on 13 viewpoints indicates there would be significant effects on viewpoints at Rhos, St Illtyd's Way (Hirfynydd) and Gnoll Estate Country Park. From these locations other cumulative development is visible either in succession or in combination with the

proposed wind farm. At these locations the proposed wind farm would be the more noticeable and would result in a significant increase in the amount of wind energy development visible.

The cumulative effects on settlements is not considered to be significant due to a combination of long separation distances between the proposed wind farm and the settlement, the limited scope for views in combination with other wind farm developments and the pattern of cumulative development across the study area.

The conclusions reached in the landscape and visual assessment indicate that even though there are some significant effects on the landscape resource and visual amenity in the study area as discussed above, these will not result overall in an inappropriate or unaccommodatable change in landscape or visual terms at this location.

Ecology

The assessment provides baseline information, identifies potential impacts of the proposal on the ecology of the area, assesses the significance of those impacts, describes mitigation measures to avoid, reduce, remedy or compensate for those impacts, assesses the significance of the residual effects based on the magnitude of the impact and the sensitivity of the receptor. This section also discusses ongoing management, monitoring and mitigation measures that may be required.

The Assessment includes :

- vegetation survey – National Vegetation classification (NVC) in 2006 and updated in 2012
- peat survey
- breeding and non-breeding bird surveys
- vantage point surveys for overflying birds
- bat survey
- badger survey
- otter survey
- Water Vole survey
- Great Crested Newt survey
- Other species of interest such as reptiles and invertebrates were recorded during walkover surveys.

Mitigation of possible impacts includes the following:

- Timing of works

- Appropriate environmental site supervision to be provided during construction;
- Buffer zones around important habitat
- Post construction monitoring would be undertaken of bats

Impact on Habitat

The E.S. identifies that no rare or scarce plants, or plant species noted as priority species in the Neath Port Talbot or UK Biodiversity Action Plans, were recorded on the surveyed area. The proposal will involve the loss of a very small area of heath and mire habitats that are BAP priorities. There will be a loss of 1.01ha of heath and mire but there will be a net gain of 11 ha of heath and mire from the clearance of conifers.

The E.S. concludes the development does not involve significant land take and, with habitat management, no significant effects on habitats are predicted and there should be a net conservation gain from increased areas of heath.

Impacts on bats

Four species of bats were observed along wooded corridors. There are no known bat roosts which would be affected during construction.

The E.S. concludes that the proposal will have a negligible impact on the Bat population.

Impacts on Mammals, Reptiles, Amphibians and Invertebrates

A habitat survey has been undertaken on the site. None of the following species were found on the site

Badgers

Otters

Water voles

Great Crested Newts

Reptiles

Invertebrates and amphibians were recorded but as the development will not effect these locations the E.S. concludes that the proposed development will have no significant impact on reptiles, mammals, Invertebrates and Amphibians.

Impacts on birds

There are three key potential impacts on birds from wind farm construction and operation. These are disturbance, loss of habitat and death or injury from collision with turbines, especially turning blades.

The conclusion in the ES is that as the proposed development will only have a negligible effect on the total habitat available in the area, the impact on the local bird populations from habitat loss is therefore negligible. It is also considered that there will be no significant disturbance from the development during the construction and decommissioning phases.

However, there remains a collision risk to all species during the operational phase. The ES indicates that whilst a model exists to calculate collision risk the low number of birds recorded at the site was too low to make a meaningful calculation. The ES therefore concluded that the development would have a negligible impact on the local bird populations.

Impact on Peat

The development will result in a direct effect on 40 cubic metres of peat. The ES indicates that hydrological connectivity will be retained through peat deposits and where possible excavated peat will be transferred to habitat restoration areas. The ES therefore concluded that the development would have a negligible impact on peat.

Cultural Heritage and Archaeology

The ES notes that there are 69 cultural heritage sites within a 3km x 3km study area. These included three Scheduled Ancient Monuments, comprising a Cairn on Mynydd-March-Hywel (GM327), Standing Stones (GM342), and two Platform Houses (GM326). There are two Grade II Listed Buildings in the area, Cefn Celfi (LB11193) and Outbuilding at The Mill (LB82293).

The proposed development has been assessed as having a 'Severe' magnitude of effect on five sites, a 'Major' magnitude of effect on four sites, and a 'Minor' magnitude of effect on ten sites. The magnitude of effect on the remaining 50 sites has been assessed as 'None'

The ES concluded that with appropriate mitigation, by way of an archaeological watching brief, recording and protective fencing, impacts on archaeological and cultural heritage can be reduced.

Hydrology and Hydrogeology

The ES describes the baseline conditions and assesses the development in relation to hydrogeology, groundwater, hydrology, water quality, surface water discharge, abstraction, private water supplies, fisheries, water habitats, and flooding from construction and decommissioning of the wind farm.

The ES concluded that there are areas of activity, particularly during construction and decommissioning operations which have the potential to effect the hydrology/hydrogeology of the site. Of note was the risk of affecting private water supplies, environmentally sensitive receiving watercourses and the potential flood risk at the proposed access to the site on the River Clydach

However the ES concluded that with the adoption of suitable technical solutions, construction and decommissioning activities would give rise to negligible to Minor adverse effects on Hydrology and Hydrogeology

Geology, Mining and Mineral Resources

A baseline assessment of the site has been undertaken including the assessment of published information, site walk over and ground investigations. There are no current or future coal mining or mineral operations within the site although there are a number of past mining operations within the site.

There are a number of factors which have the potential to affect the proposed development. These were identified in the desk studies and walk-over survey and confirmed by ground investigations. These can be adequately mitigated against with appropriate construction methods.

The ES concludes that impacts of the proposed wind farm development on geology, mining and mineral resources are likely to be limited but nevertheless will require to be addressed at the key stages of the proposed development.

Noise Assessment

A baseline noise survey was conducted at three locations (Gelli March Farm, Tirlan and Pen-Twyn) to determine noise levels in the area of the wind farm. Noise measurements were made at each location for a 21day period. The noise monitoring data was correlated with wind speed data taken from various anemometry locations around the site.

For the quiet daytime periods, the suggested external noise limits are 35 to 40 dB La90 or 5dB above the prevailing background noise, whichever is the

greater. For night time periods, the external noise limit is 43dBL_A90 Or 5dB (A) above the background whichever is the greater. In most rural environments that are away from busy roads, the background noise near properties depends on the wind speed unless there are other natural features such as streams. At high speeds, noise from wind in the trees and flowing over local features such as roofs can be considerable and is often sufficient to mask the sound of the wind turbine. Therefore, it is often during lower wind speeds that the turbines are more audible.

Mitigation has already been considered in the design of the wind farm layout which has gone through several iterations to ensure that noise levels are generally low and within the ETSU limits, and has also taken into consideration the consented or submitted wind farms.

The ES concludes that the wind farm can meet the noise limits therefore no further mitigation in respect of the operation is considered necessary.

Noise during the construction period will arise from the construction of the turbines, the erection of the turbines, the excavation of trenches for cables, the construction of associated hardstandings, new bridge, new access tracks, construction compound and noise from vehicles on local roads and access tracks due to the delivery of the turbine components and construction materials. Noise will also arise during decommissioning from the removal of the turbines and breaking of the exposed part of the concrete bases.

Predictions of noise levels during the construction process have been carried out using the methods prescribed in Annex F of BS 5228-1:2009 with adoption of the worst case scenario where all major construction activities take place at the nearest possible location to each assessed house.

The ES concludes that there may be a temporary increase above the 65 dB(A) criteria noise level due to upgrading the access track near Lletysaic Farm, Banwen Farm, Holiday Cottages 2 and 39 Neath Road, but this is only when this activity is at its closest. Levels will likely remain above 65 dB(A) for approximately three days.

In addition 39 Neath Road may experience levels above 65 dB(A) due to the construction of a new bridge. The ES suggest that this could be mitigated using acoustic barriers.

Traffic Transportation and Access

The total number of vehicle journeys during the 13 month construction stage is anticipated to be 12,099. This is made up of 7800 (64%) vans and cars and 4299(36%) HGV.

The greatest number of journeys per day would be generated between months six and eight. Most traffic is generated on days when turbine foundations and transformer bases are poured. Each turbine and transformer foundation pour would require concrete from 60 mixer trucks, as well as additional associated HGVs. As there are 5 proposed turbines, these busy days would only occur 5 times. This activity would generate 120 concrete mixer lorry movements and up to 10 associated HGV deliveries.

Delivery of each turbine will require 8 abnormal loads. An additional 2 trailers will be required to carry cables, controllers and other ancillaries for all the turbines. As 5 turbines are proposed, there will be 42 abnormal load vehicles in total. During the construction period, it is assumed that components will be delivered to site in convoys of up to 4 vehicles. Each convoy may comprise up to 4 vehicles of the same type, or up to 4 vehicles of differing types. Delivery periods are likely to be short rather than spread over a longer period

The preferred route for the abnormal load deliveries is:

- A483 from Swansea Docks
- M4
- A465
- A474

The ES concluded that with successful implementation of an appropriate Traffic Management Plan the impacts were assessed to be minor adverse during the construction phase of the wind farm. This assessment applied in relation to abnormal loads. No significant traffic or transportation impacts were anticipated during the operation of the wind farm.

Electromagnetic Interference and Aviation

The ES includes a study in to the potential for interference with domestic radio and TV reception. No disruption to services is expected.

The ES indicates that all aviation stakeholders were consulted on the previously proposed 11 turbine, 118 m tip height, development and no concerns over obstruction or hazard were raised. A further proforma has been

submitted to the MoD and CAA, based on the current 5 turbine, 126.5 m proposal, and a response is awaited.

Socio Economic Assessment

Economic benefits

In terms of economic benefits, the ES states that up to 25 people will be employed on site at any one time during the 12 month construction period, with indirect benefits to local communities. During operation of the wind farm the potential for direct employment is fairly low with 1-2 permanent part time jobs.

Recreation and Tourism

There are no tourist facilities within the application site or within 5 km of the site. Main tourist attractions within a 30 km radius from the Site include:

- Afon Forest Park (23.4 km)
- Aberdulais Falls, Neath (7.7 km)
- Margam Country Park (24.5 km)
- Gnoll Estate (6 km)
- Graig Gwladys (6.5 km)
- Cefn Coed colliery museum (11 km)
- Neath and Tennant Canal (8 km)

There are no other footpaths, bridleways or byways directly affected by the development. The ES concludes that recreation and tourism within the surrounding area would not be directly affected by the proposal as there are no PRoW and no particular tourist attractions close to or connected to the site.

Education and Safety

The ES indicates that the construction of the wind farm may provide an educational resource to visit. In relation to safety during the construction and operational phases risks associated with the development are slight or not significant.

Shadow Flicker

The E.S. includes a shadow flicker assessment undertaken for five properties in the locality of the development which fall within 930 metres from the turbines.

The ES concluded that no significant impacts are predicted.

ASSESSMENT

It is considered that the main issues in the determination of this application are whether the proposal is consistent with the aims and objectives of relevant Development Plan policies together with National Planning Policy and planning policy guidance; whether it would have an adverse impact on ecology, mineral resources, whether there would be noise or traffic implications; whether it would meet sustainability objectives; whether the proposal would have an adverse impact on landscape, visual amenity socio-economic and cultural issues.

Policy Context:

National Guidance Wales Spatial Plan (2008)

The Wales Spatial Plan whilst post dating the adoption of the UDP is an important strategic document to direct new development to appropriate locations as part of both the LDP process and Development Control Process and this achieves the regional objectives as set out within the Plan. The Wales Spatial Plan provides the context and direction of travel for local development plans and the work of local service delivery boards, and sets out within its vision the following key features; fuzzy boundaries, key settlements, cross-boundary settlements, socio-economic hub and international/interregional links/ regional links. The key issues and challenges facing Wales as a whole are considered as;

- Building sustainable communities.
- Promoting a sustainable economy.
- Valuing our environment.
- Achieving sustainable accessibility.
- Respecting distinctiveness.

Of these specifically important with regard to this proposed development is; Promoting a sustainable economy and valuing our environment.

The Wales Spatial Plan Area Strategies set out further specific aims and objectives, and with reference to this region as a whole, the Swansea Bay Waterfront and Western Valleys identifies the need to create...

“A network of interdependent settlements with Swansea at its heart which pull together effectively as a city region with a modern, competitive, knowledge-based economy designed to deliver a high quality of life, a sustainable environment, a vibrant waterfront and

excellent national and international connections”.

It is considered that the natural landscape and built environment has an effect on the quality of life experienced by individuals.

Therefore within the context of the Wales Spatial Plan, development should not prejudice the delivery of a high quality of life. Where core objectives compete, in this case the need to deliver a sustainable environment and high quality life, a balancing exercise must be undertaken.

This issue will be assessed in greater detail later in the report where the issue of exploiting both wind and mineral resources potentially conflict.

“A Low Carbon Revolution” – (The Welsh Government Energy Policy Statement (2010))

In this policy statement, the Welsh Government sets out its ambitions for low carbon energy in Wales. It recognises the challenge of climate change and the aim is to renewably generate up to twice as much electricity annually by 2025 compared to output in 2010.

UK National Renewable Energy Action Plan (2010)

The National Renewable Energy Action Plan provides details on a set of measures that would enable the UK to meet its 2020 target for renewable energy. It also seeks to secure UK energy supplies through 2020 and beyond and provides a sound framework for business to develop in the new industries, providing jobs and cutting harmful greenhouse gases.

The action plan recognises the role of the planning system to deliver the infrastructure required to reduce carbon emission. It also equally recognises the need for the planning system in

“safeguarding our landscape and natural heritage and allowing communities and individuals the opportunity to shape where they live and work.”

UK Renewable Energy Road Map (July 2011)

This document sets out the shared approach to unlocking the UK renewable energy potential and ensures that 15% of the UK energy demand is met from renewable sources by 2020 in the most cost effective way.

The role of the planning system is also recognised within the document. Paragraph 3.20 states

“The planning system plays a central role in delivering the infrastructure we

need to reduce our carbon emissions, to ensure continued security of energy supply and help our economy to grow. It has a vital role in safeguarding our landscape and natural heritage and allowing individual communities the opportunity to shape their environment.”

UK National Infrastructure Plan EN-3 (July 2011)

The document recognises the need for large scale renewable energy projects to deliver the ambitious 15% renewable energy targets. The policy document recognises the importance of design within the context of the surrounding environment. Paragraph 2.4

“ Section 10(3)(b) of the Planning Act 2008 requires the Secretary of State to have regard, in designating an NPS, to the desirability of good design.

Section 4.5 of EN-1 sets out the principles of good design that should be applied to all energy infrastructure.

Proposals for renewable energy infrastructure should demonstrate good design in respect of landscape and visual amenity, and in the design of the project to mitigate impacts such as noise and effects on ecology.”

The policy documents accepts that in relation to wind turbine development

“ - there will always be significant landscape and visual effects from their construction and operation for a number of kilometres”. As such sensitive design and siting is critical.

“ The arrangement of wind turbines should be carefully designed within a site to minimise effects on the landscape and visual amenity while meeting technical and operational siting requirements and other constraints.”

Section 4.5 of EN-1 indicates that infrastructure projects should be “*sensitive to place*”. Whilst the document accepts that there are limitations in the appearance of some infrastructure applicants ought to demonstrate

“good design in terms of siting relative to existing landscape character, landform and vegetation”

Planning Policy Wales Edition 5 (2012) sets out the strategic framework for the effective operation of the planning system in Wales.

Biodiversity and landscape considerations must be taken into account in determining individual applications contributing to the implementation of specific projects. The effect of a development proposal on the wildlife or landscape of any area can be a material consideration. In such instances and the interests of achieving sustainable development it is important to balance conservation objectives with the wider economic needs of local businesses and

communities. Where development does occur it is important to ensure that all reasonable steps are taken to safeguard or enhance the environmental quality of land.

The Welsh Government recognises the need to tackle climate change

Para 4.5.1 “Tackling climate change is a fundamental part of delivering sustainable development. Climate change is one of the most important challenges facing the world and the Assembly Government has made a commitment to tackling climate change, resolving that the Government and people of Wales will play the fullest possible part in reducing its carbon footprint (see 1.4.4). Our commitment to action on climate change is based on a scientific imperative to act and to act urgently to reduce greenhouse gas emissions and deal with the consequences of climate change.”

Whilst establishing the need to address climate change the Welsh Government recognises the need to properly consider proposals.

Paragraph 5.5.2 goes on to highlight that “*when considering any development proposal Local Planning Authorities should consider environmental impact, so as to avoid, where possible adverse effects on the environment. Where other material considerations outweigh the potential adverse environmental effects, authorities should seek to minimise those effects and should, where possible, retain and, where practicable, enhance features of conservation importance.*”

Section 12 outlines the Welsh Government’s commitment to playing its part by delivering an energy programme which contributes to reducing carbon emissions.

12.8.1 The Assembly Government is committed to playing its part by delivering an energy programme which contributes to reducing carbon emissions as part of our approach to tackling climate change (see 4.2). The Welsh Assembly Government’s Energy Policy Statement (2010) identifies the sustainable renewable energy potential for a variety of different technologies as well as establishing our commitment to energy efficiency

Within Planning Policy Wales (2012) the Welsh Government outlined that 0.7 GW of capacity is operational or consented and set an aspiration target of 2GW (2000 mega watts) by 2015/17. This position has been further endorsed by the Minister for Environment and Sustainable Development in a clarification letter dated July 2011.

In delivering the target the Welsh Government sets out a framework for Local

Authorities to work within

12.8.9 Local planning authorities should facilitate the development of all forms of renewable and low carbon energy to move towards a low carbon economy (see Section 4.4.3) to help to tackle the causes of climate change (See Section 4.7.3). Specifically, they should make positive provision by:

- considering the contribution that their area can make towards developing and facilitating renewable and low carbon energy, and ensuring that development plan policies enable this contribution to be delivered;*
- ensuring that development control decisions are consistent with national and international climate change obligations, including contributions to renewable energy targets and aspirations;*
- recognising the environmental, economic and social opportunities that the use of renewable energy resources can make to planning for sustainability; and*
- ensuring that all new publicly financed or supported buildings set exemplary standards for energy conservation and renewable energy production.*

12.8.10 At the same time, local planning authorities should:

- ensure that international and national statutory obligations to protect designated areas, species and habitats and the historic environment are observed;*
- ensure that mitigation measures are required for potential detrimental effects on local communities whilst ensuring that the potential impact on economic viability is given full consideration; and*
- encourage the optimisation of renewable and low carbon energy in new development to facilitate the move towards zero carbon buildings*

Whilst acknowledging the need for renewable resources and the potential resources within Wales the Welsh Government recognises that

“the introduction of new, often very large structures for onshore wind needs careful consideration to avoid, and where possible minimise their impact.”
(para 12.8.12)

Paragraph 12.8.14 recognises the potential of cumulative impact within SSA and importantly outlines that

“Developers will need to be sensitive to local circumstances, including siting in relation to local landform, proximity to dwellings and other planning considerations.”

Paragraph 7.2.2 states that *“Local planning authorities are required to ensure that the economic benefits associated with a proposed development are understood and that these are given equal consideration with social and environmental issues in the decision-making process, and should recognise that there will be occasions when the economic benefits will outweigh the social and environmental considerations”*.

Technical Advice Note (TAN) 8 : Renewable Energy (2005)

TAN 8 provides technical advice on renewable energy proposals and is relevant in the determination of planning applications.

Section 2.2-2.5 of TAN 8 recognises that in the short term, onshore wind provides the greatest potential to increase renewable energy in Wales. In order to meet the renewable energy targets, large scale on shore wind farms should be concentrated within Strategic Search Areas and sets indicative targets for each.

The application site falls within the Strategic Search Area (SSA) E which in 2005 had an indicative target capacity of 100MW. The current capacity following the Ministers letter is 152MW.

In accordance with paragraph 2.9 the SSAs each display the following characteristics, which make them suitable development locations:

- *extensive areas with a good wind resource (typically in excess of 7 metres per second);*
- *upland areas (typically over 300 metres above ordnance datum which contain a dominant landform that is flat plateau rather than a series of ridges);*
- *generally sparsely populated;*
- *dominated by conifer plantation and/or improved/ impoverished moorland;*
- *general absence of nature conservation or historic landscape designations;*
- *of sufficient area to accommodate developments over 25MW, to achieve 70MW installed capacity and to meet the target capacity; and*
- *largely unaffected by broadcast transmission, radar MOD Mid Wales Tactical Training Area (TTA) and other constraints.*

Section 2.10 of the TAN suggests that ;

“Local planning authorities should take an active approach to developing local

policy for SSAs in order to secure the best outcomes.”

This section goes on to highlight that consideration be given to:

- minimising the amount of clear felling in forested areas;
- the creation of alternative wildlife habitat;
- geotechnical implications;
- the impact on tourism and recreation, with consideration given to making positive provision for visitors;
- historic and landscape issues;
- safeguarding wind farm sites from sterilisation by other uses;
- access, particularly during construction; and decommissioning.

It further states onshore wind power offers the greatest potential for an increase in the generation of electricity from renewable energy in the short to medium term. In order to try to meet the target for onshore wind production the Assembly Government has commissioned extensive technical work, which has led to the conclusion that, for efficiency and environmental reasons amongst others, large scale (over 25MW) on shore wind developments should be concentrated into particular areas defined as Strategic Search Areas (SSAs).

It further states in Annex D that within and close to the SSA's, the implicit objective is to accept landscape change and change in landscape character from wind turbine development.

Community Involvement and Benefits

Developers, in consultation with local planning authorities, should take an active role in engaging with the local community on renewable energy proposals. This should include pre-application discussion and provision of background information on the renewable energy technology that is proposed.

Experience has shown that there are opportunities to achieve community benefits through major wind farm development. Some benefits can be justified as mitigation of development impacts through the planning process. In addition, developers may offer benefits not directly related to the planning process. Local Planning Authorities, where reasonably practical, should facilitate and encourage such proposals. The Welsh Government and others can support and advise on community involvement in developing renewable energy and benefiting from it. Local Planning Authorities should make clear in their development plans the scope of possible “planning contributions”. However such contributions should not enable permission to be given to a proposal that otherwise would be unacceptable in planning terms

Technical Advice Note 5: Nature Conservation and Planning (2009) provides supplementary advice to the policies set out in PPW in respect of nature conservation issues. It sets out the criteria against which a development will be judged having regard to the relative significance of international, national and local nature conservation designations. Paragraph 6.2.1 advises that the presence of protected species is a material consideration when a local planning authority is considering a development proposal that, if carried out, would be likely to result in disturbance or harm to the species or its habitats.

Technical Advice Note 6: Planning for Sustainable Rural Communities (July 2010) provides practical guidance on the role of the planning system in supporting delivery of sustainable rural communities in particular to local authorities in rural economies and agriculture. Paragraph 2.1.1 acknowledges that the planning system must respond to the challenges posed by climate change, for example by accommodating the need for renewable energy generation.

Paragraph 2.2.1 states that ‘new development can help to generate wealth to support local services ensuring that communities are sustainable in the long term’. A key question for local authorities when determining applications is whether the proposed development enhances or decreases the sustainability of communities.

Paragraph 3.1.2 confirms that planning authorities should support diversification of the rural economy as a way to provide local employment opportunities. Paragraph 3.7.2 recognises that many economic activities can be sustainably located on farms.

Technical Advice Note 11: Noise (1997) identifies the need to ensure that noise generating developments (such as wind farms) do not cause unacceptable levels of disturbance. In relation to wind farms, TAN 11 refers to the more detailed guidance set out in TAN 8 and the need to comply with ETSU guidance on noise.

Technical Advice Note 12: Design (2009) calls for a holistic approach to design in order to contribute to the objectives of sustainable development. In doing so, good design should balance the protection of the environment with prudent use of resources and economic growth. It calls for an interactive approach involving a proactive planning system with consideration given to such issues as landscape setting, layout, density, scale and appearance.

Technical Advice Note 15: Development and Flood Risk (2004) sets out the responsibilities and requirements of the various parties in the development process and seeks to ensure that flood risk, surface water and foul water drainage arrangements are properly considered during the planning process.

Technical Advice Note 19: Telecommunications (2002) explains that there can be two types of radio interference from the proposed development; electrical interference and physical interference that:

‘Large prominent structures such as tower blocks, cranes, warehouses or wind farms, can cause widespread disruption to television and other telecommunications services due to the physical obstruction or reflection of the wanted signals. Digital television signals are far more robust than analogue and, as viewers change to digital over time; offer the prospect of the elimination of such problems as interference caused by reflections from structures. Local planning authorities will need to satisfy themselves that the potential for interference has been fully taken into account in the siting and design of such developments, since it will be more difficult, costly and sometimes impossible to correct after the event.’

Technical Advice Note 23: Economic Development (2014): provides guidance on planning economic development at a strategic level; working with neighbouring authorities and relevant stakeholders; identifying and assessing economic benefits of development proposals and establishing an evidence base to help prepare economic development policies for LDPs.

Development Plan Policy

Neath Port Talbot Unitary Development Plan

POLICY 1

The countryside, seascapes and landscapes of Neath Port Talbot will be enhanced where appropriate and / or protected from proposals that would have unacceptable impacts on their character and appearance.

POLICY 2

Wildlife and habitats, including those within urban areas, will be enhanced where appropriate and protected from proposals that would cause unacceptable impacts. Particular emphasis will be placed on species and habitat areas that are designated as being of international or national importance.

POLICY 3

The area's minerals and other natural resources, both finite and renewable will be conserved and safeguarded, and when exploited the most prudent use of them will be sought.

POLICY 4

The creation of pollution or risks to health and amenities that would have unacceptable impacts upon the environment, communities or individuals will be resisted.

POLICY 6

The County Borough's historic environment including archaeology, ancient monuments, listed buildings, conservation areas and historic parks, gardens and landscapes will be protected and proposals that would aid its preservation and enhancement will be supported.

POLICY 11

Social needs and aspirations of communities and groups within communities will be taken fully into account when planning applications are considered.

POLICY 14

Proposals will be resisted which would be likely to cause unacceptable adverse impact in terms of: -

- a) traffic generation and highway safety;
- b) poor accessibility by public transport, cycling and walking including people with disabilities and
- c) preventing the use or re-use of docks, harbours, wharfs or routes of railway lines.

POLICY 18

The plan will encourage the best and most efficient use of infrastructure and resources, but proposals which would place unacceptable demands on existing and programmed resources and facilities will be resisted.

POLICY 19

Opportunities to create energy from renewable resources will be encouraged provided that unacceptable impacts are not created.

POLICY 21

Mineral resources will be conserved, and the efficient use of aggregates and the use of byproducts and recycled materials as alternatives to primary aggregates promoted.

Policy GC1 - New Buildings /Structures and Changes of Use
 Policy GC2 – Engineering works and operations
 Policy ENV1 – Development in the countryside
 Policy ENV3 – Impact on the Landscape
 Policy ENV4 – Proposal affecting International and National sites for Nature Conservation and Species Protected by European or UK Legislation.
 Policy ENV5 – Nature Conservation
 Policy ENV6 – Agricultural Land
 Policy ENV12 – Proposals affecting water resources
 Policy ENV14 – Unstable Land
 Policy ENV17 – Design
 Policy ENV18 – Listed Buildings
 Policy ENV19 – Proposals within Conservation Areas or which would affect the setting of a Listed Building
 Policy ENV 22 – Archaeological Remains
 Policy ENV23 – Archaeological Evaluation
 Policy ENV24 – Archaeological Recording
 Policy ENV29 – Environmental Quality and Amenity
 Policy EC5 – Employment within the countryside
 Policy CS1- Community Facilities and Services
 Policy T12 – Footpaths, Cycleways and Bridleways
 Policy RO4- Access to the Countryside and Coast

Policy IE6 – Renewable Energy states:

“ proposals for the creation of renewable energy will be supported provided their impacts are acceptable and where appropriate they include measures to reinstate the land”

The supporting text to this policy recognises the importance of addressing climate change and the potential which the area has to exploit renewable energy resources as a means of diversifying the rural economy. The text rather than the policy, goes on to identify a range of impacts including cumulative impacts which need to be assessed and reference is made to the Environment Chapter of the Development Plan. The text identifies that supplementary guidance will be prepared to provide additional guidance on landscape, biodiversity and community issues.

Supplementary Planning Guidance – Landscape

Supplementary Planning Guidance – Biodiversity

Interim Planning Guidance : Wind Turbine Development (2008)

UDP Policies ENV1 – Development in the Countryside; ENV3 Impacts on the Landscape and IE6 Renewable Energy are especially relevant in the consideration of this proposal. The latter in particular supports renewable energy projects provided that their impacts are acceptable and where appropriate, they include measures to reinstate the land. The supporting text notes the considerable potential for projects within the area, but draws attention to possible direct and indirect adverse impacts that should be taken into account.

In addition to TAN 8 and UDP Policies, the Authority has produced Interim Planning Guidance (IPG) July 2008 following a refinement study undertaken by ARUPs. The application site is outside the refined area.

This IPG document and the UDP policies sit within the National policy framework laid out in Planning Policy Wales (PPW) and Technical Advice Note (TAN) 8 as referred to earlier.

Planning Policy Wales (PPW) 2012 sets out the Welsh Governments land use planning policies and confirms in paragraph 12.8.12 that:

The potential for renewable and low carbon energy in Wales as established in the Energy Policy Statement demonstrates that strategic scale wind energy continues to offer the greatest potential (for activities within the control of the planning system in Wales). Wales has an abundant wind resource and power generation using this resource remains the most commercially viable form of renewable energy. The Welsh Government accepts that the introduction of new, often very large structures for onshore wind needs careful consideration to avoid and where possible minimise their impact. However, the need for wind energy is a key part of meeting the Welsh Government's vision for future renewable electricity production as set out in the Energy Policy Statement (2010) and should be taken into account by decision makers when determining such applications.

Whilst it is recognised that TAN 8 identifies the most appropriate location for large scale wind farm development to be within the defined Strategic Search Areas. TAN 8 confirms that the identification of SSAs is a consequence of a "broad Brush" approach and the location of a development within a SSA does not convey its acceptability.

As a consequence of the above this Authority together with Swansea, Bridgend and RCT undertook a refinement process to refine Strategic Search Areas this resulted in a document which was subsequently adopted by this Authority as IPG. It aims to guide development to the best areas in order to minimise

detrimental effects and to provide a reasonable contribution to the national targets.

The IPG has been based on a refinement process undertaken by ARUP. The following three appeal cases have cast doubt over the refinement process and questioned the relevant weight to be attached to the conclusions of the process which are contained within the IPG.(Wern Ddu-APP/1185359, Land South of A465,Hirwaun, A/2058755, Mynydd Y Gelli APP/2181883).

In a recent appeal for Mynydd y Gelli wind farm, the Inspector expressed concerns over the refinement process undertaken by Arup which informed the IPG. In relation to the Arup study she determined *“Whilst the refinement study usefully identifies the extent of the complexity of landscapes in SSA F, it is a strategic overview and I have some concerns regarding the reliability of the ranking exercise undertaken which appears broad brush, and with elements of the scoring mechanism which seem rudimentary and arcane”*

However, in his decision on the Fforch Nest Appeal APP/11/2147835 the Inspector referred to the Arup report as “ useful advice relating to refinement of the “broad brush” scale of the boundaries of SSA’s as shown in TAN8 maps” this was on the basis that the report was not adopted policy or guidance.

Concern over the ARUP report and subsequently the IPG have been further amplified following the publication of the Ministers letter in July 2011. In particular, the Inspector reporting on the Mynydd y Gelli appeal concluded that as the capacities set out in the IPG (derived from the ARUP report) had been increased following the Ministers letter from 100MW to 152MW in SSA E the weight afforded to the IPG was considerably less. As this is the most recent appeal considering such matters, it is considered that the weight that should be attached to the IPG is reduced.

The IPG is, however, adopted guidance within this authority and is therefore a material consideration. Notwithstanding this, given the concerns over the refinement process the application will be considered from first principles.

Principle of the Development

The proposal would have a maximum generating capacity of 11.5MW, and has 2 turbines within Strategic Search Area E and 3 turbines just outside the SSA but within the 5km buffer identified within the TAN.

As indicated previously the SSA’s contained within the TAN are “broad brush” Boundaries. Paragraph 2.4 goes on to accept that not all land within an

SSA may be developable for a number of technical and environmental reasons. Within that context paragraph 2.9 sets out seven criteria which characterise a SSA.

- *extensive areas with a good wind resource (typically in excess of 7 metres per second);*
- *upland areas (typically over 300 metres above ordnance datum which contain a dominant landform that is flat plateau rather than a series of ridges);*
- *generally sparsely populated;*
- *dominated by conifer plantation and/or improved/ impoverished moorland;*
- *general absence of nature conservation or historic landscape designations;*
- *of sufficient area to accommodate developments over 25MW, to achieve 700MW installed capacity and to meet the target capacity; and*
- *largely unaffected by broadcast transmission, radar MOD Mid Wales Tactical Training Area (TTA) and other constraints*

It can be seen that the criteria fall into two broad categories:

1. The suitability of the site in respect of wind resource and generating capacity.
2. The suitability of the site to accommodate a development having regard to the impact of the proposal on matters of importance.

Criteria 1 is a technical matter and it is therefore unlikely that a development would be proposed if it cannot produce sufficient energy because of wind speed or limited capacity. In respect of criteria 2 these are matters relating to impact.

The area is within a designated SSA and contains those key characteristics, defined by TAN 8, which would render it suitable for windfarm development.

The application site covers two zones (5 and 6) as identified within the ARUP report. In relation to the suitability of the site the report sets out the two assessment criteria within Section 4.3.1. They are the six criteria set out in TAN 8 (para. 2.9 p.6) referred to previously and the additional following criteria

- To have a LANDMAP visual and sensory Value aspect rating of less than 'Outstanding'

- To have a landscape sensitivity that is less than is considered 'High'
- To have visual impacts upon residential dwellings which would not cause 'dominance'
- Not to cause cumulative landscape or visual impact upon settlements

At paragraph 5.3 of the ARUP report it concludes that the site passes the test referred to in Section 4.3.1 of the report referred to above.

Whilst it is accepted that Mynydd March Hywel is a single ridge it is within the Incised South Wales Coalfield Plateau and as such ARUP considers that it satisfies the criteria set out in paragraph 2.9 of TAN 8. It should, however, be noted that failure to meet one or a number of the criteria does not make a development immediately unacceptable as each site needs to be addressed on its own merits.

A number of key sustainable development objectives are embodied in the Welsh Government policies which primarily relate to the environment, the economy and society and public participation.

In relation to the environment, the proposed development uses a natural renewable resource, wind, to generate electricity. It will enable local people to benefit from the scheme through community benefits. The generation of renewable energy is also recognised as making a contribution to the avoidance of harmful emissions associated with climate change, acid rain and environmental pollution.

The scheme which proposes 5 turbines would generate up to approximately 11.5 mega watts, which equates to 1.43% of the TAN 8 target for 2010 which is 800MW for all the SSA's. The new target as stated in the Ministerial Letter by John Griffiths 2011 is 1700MW. The proposal will therefore make a 0.67% contribution to this target.

As indicated previously, the maximum capacity for SSA E is 152MW (updated in Ministerial Letter by John Griffiths July 2011) There are currently 4 wind farms which are either operational or consented within SSAE.

	Development	Capacity
Built	Maes Gwyn	26MW
	Mynydd Y Betws	37.5MW
Consented	Mynydd Y Gwair	48MW
	Mynydd Y Gwrhyd	4MW
In Planning	Hirfynydd *	27MW
Total		142.5MW

*The Hirfynydd Wind farm is currently the subject of an appeal.

The total installed and consented capacity amounts to 115.5MW across Area E with a resulting shortfall of 36.5MW. In the event that the Hirfynydd proposal is approved a shortfall of 9.5MW remains.

Given the current uncertainty over Hirfynydd, it is considered that the current baseline installed and consented capacity within area E is 115.5MW. Even allowing for this wind farm, at the capacity presently indicated, there will be a need for a further 25MW of installed capacity to be in place and operating by 2015/17 in order for SSA E to provide its share of the Planning Policy Wales (2012) and Energy Policy Statement (2010) target. Given the applications within the system and the projected construction timetable it is clear that Area E will not meet the 2015/17 target.

Therefore, the proposal would make a measurable contribution towards the current shortfall in the SSA E target.

Whilst the proposal continues to meet the broader sustainability and other criteria set out in the TAN, the development has to be balanced against the potential Environmental Impacts associated with the proposal.

In addition Development plan policy requires an assessment of the impacts of a proposal with the criteria set out in all relevant development plan policies. National Planning policy and guidance is also a material consideration. The following section of this report considers the proposal against these specific criteria.

Landscape and visual effects

The visual impact of the development has overlapping influence in relation to a number of factors. The development has the potential to affect people within the vicinity of the proposal, whether living, working, travelling through or undertaking leisure activities. In relation to the effect on residents there appear to be two tests. A higher test which considers the effect of a proposal on the

living conditions of individuals within their homes, which is often referred to as “the Lavender test” and a second broader test which considers the living conditions of individuals outside their homes within the public realm.

In addition the development has the potential to affect the landscape in relation to its visual, cultural, historical, habitat and geological character.

The acceptability of the current proposal must be influenced by an assessment of its impact upon the landscape character and the area’s visual amenity. The key to assessment is to consider whether the impact will unacceptably dominate a particular landscape and the degree to which people would be affected by that impact.

The Supplementary Planning Guidance differentiates between the level of effects – prominent, dominant and overwhelming. Prominent means something that can be seen and identified in the landscape without the need for closer examination. The word ‘dominant’ may describe the situation where that object draws the observer’s eye to the extent that little else is seen, even in an attractive landscape. ‘Overwhelming’ might describe a situation where the wind energy development is so close and of such a size as to be likely to make the observer feel uncomfortable and want to move away.

The latter two impacts are likely to result in a proposal being refused. In addition, the Guidance further emphasises the effects on communities, and where proposals surround a community i.e. more than 180 degrees then this is likely to be unacceptable. Whilst the above definitions are helpful and well established in the assessment of wind farm developments recent cases (APP/2071880, APP/2113739 and APP2131194) have established differing and less mechanistic approaches. These will be outlined further in the report.

Key expected effects and Landscape Visual Impact Assessment (LVIA)

The wind farm is medium scale in terms of extent, number of turbines and size of turbines. Overall the main landscape and visual effects are considered to be caused by the turbines. Tracks, hardstandings and other structures being less prominent.

The Landscape and Visual Impact Assessment (LVIA) consider the projects likely significant environmental effects. It expresses visual significance in varying degrees.

The department broadly agrees with the LVIA’s conclusions on significant

effect on the landscape and sensitive receptors. This section will examine whether the extent of those effects are acceptable having regard to the policy frameworks identified above.

It is considered that the key visual effects are on the settlements of Cilfrew (VP1), Rhos (VP2), Bryncoch (VP3), Ynysmeudwy (VP4), Pontardawe (VP5), Crynant (VP6) Forest Goch (VP26)

Landscape Effects

The effect on the character and appearance of the area

The application site is located in LANDMAP visual and sensory area NPTV359 and NPTV751 and is considered as having a moderate landscape value.

The site is located approximately 2 km to the east of the village of Rhos. The site comprises an area of moorland, currently used for rough grazing and an area of conifer forest. The topography of the site consists of a spur of higher land at an altitude of between 250 m and 400 m AOD running south into lower valley landscapes.

The land cover of the site is typical upland moorland, consisting of wet and dry heaths, heather moor and areas of rushes and sedge in wetter regions with some rough grazing. Coniferous plantation dominates the northern component of the site.

The application has been the subject of 3 landscape assessments as set out below. The table sets out the findings within character areas in relation to Landscape Quality.

	Neath Port Talbot Landscape Assessment (2004)	South Wales Valleys Consortium (ARUP Report)	Applicant Visual and Landscape Assessment (2012)
Landscape Area	Mynydd March Hywel (zone 25) Dulais Valley (zone 24)	Zone 5/6 Zone 6	Commercial Softwood Plantation (CS) Exposed open Upland (EOU)
Landscape Quality	Moderate (zone 25) Moderate (zone 22)	Moderate (zone 5) Moderate (zone 6)	Low-Medium (CS) Medium (EOU)

PPW and TAN 8 identify SSA boundaries and capacities, however they have been drawn to allow for some local refinement. The advice within the TAN in relation to local refinement is that it is important to ensure that they do not differ significantly, without local evidence. Annex D of TAN 8 provides advice relating to the refinement of the 'broad brush' scale of the boundaries of SSAs shown on the TAN 8 maps.

A refinement study of SSAs E and F has been carried out by a consortium of South Wales Valleys Authority's including this Authority. When the refinement study was undertaken the indicative generating capacity for SSA E set out in Table 1 of TAN 8 was 100 MW. The Ministers letter has subsequently confirmed that the maximum capacity for SSA as increased to 152 MW.

The refinement exercise was undertaken in the context of lower indicative capacities than those contained in the Minister's letter of July 2011 and it has not been up dated accordingly.

Interim Planning Guidance (IPG) –Wind Turbine development was adopted by the Authority in 2008 and is a material consideration in the determination of this application. The guidance draws upon the findings of the refinement exercise, providing advice on how the Council is likely to assess wind turbine proposals and aims to deliver the indicative capacity set out in TAN 8. However, as stated above the indicative capacity for SSA E has subsequently been increased to 152 MW.

The Interim Planning Guidance in Appendix 4 states that large windfarms should be located on large scale landforms with simple smooth skylines. Turbines should be set back from skylines, valley sides and hill fringes. Where possible, turbines should be sited a distance of 5 times its height from the top of break of slope. Other reports related to the SSA refinement work state that, if possible, turbines should be no more than half the height of the landform onto which they are placed.

Whilst this application is for a medium sized windfarm the design and siting criteria can be applied. However, the IPG makes it clear at paragraph 6.18 that the content of the report is guidance and each scheme will need to demonstrate that it will not cause unacceptable impact. This advice is repeated in both National and Welsh Government policy.

The ES indicates that the two landscape character (LCA) areas EOU (Exposed open Upland) and CS (Commercial Softwood Plantation) will experience significant and no significant effect respectively following the construction of

the wind farm. The department accepts the conclusions in relation to the LCA EOU, however it has concerns over the conclusion in relation to LCA CS. This view is supported by the Authorities consultants who assessed the applicants LVIA.

It is unclear as to whether the conclusion drawn by the applicant in relation to LCA CS refers to the localised area around the turbines or the entire landscape area which extends several km to the North. It may well be argued that if the impact of the turbines was assessed within the context of the very large LCA then the conclusion could be that the overall effect of the proposal on the LCA was not significant.

Given the uncertainty in this matter it is considered that a precautionary approach is better and for the purposes of the assessment it is considered appropriate to follow the advice of the Authority's consultants and assess the impact of the proposal on the landscape as being significant in both LCAs.

Overall the conclusions within the ES are accepted. Therefore the matter for consideration is whether the effects on the landscape are so unacceptable that they outweigh the benefits of the proposal.

Visual Effects

In determining the visual impact of windfarm developments on settlements neither TAN 8 or the IPG give guidance or advice on appropriate separation distances from residential receptors. Whilst a distance of 500m is outlined in paragraph 3.4 of Annex D of TAN 8 this is with specific regard to noise impact on residential properties.

A tool used by Rhondda Cynon Taff to help assess the effects of wind farm proposals indicates that in order to prevent settlements of more than 10 dwellings from experiencing the effect being within a wind farm landscape, settlements should not have close/surrounding views of wind turbines i.e. turbines within 2km occupying more than 60° of field view. These were considered as helpful criteria in the assessment of the Pen y Cymoedd development and other windfarm developments within the County Borough.

The 2km threshold criteria for settlements is intended to prevent a settlement feeling as if it is in a wind farm landscape. In broad terms, turbines which fall within the 2km threshold have the potential to be dominant /overbearing features depending on the number of turbines, landforms and intervening land cover. Beyond 2km the turbines are considered to be potentially prominent features ie. easily seen and identified without the need for close examination of

the landscape. However, the settlement would be less likely to feel in a wind farm landscape.

Whilst these are helpful and well establish criteria for establishing the impact of Windfarms they can be mechanistic.

In an appeal decision at Burnthouse Farm (Cambridgeshire) the Inspector considered that the approach taken by Mr Lavender in a previous planning appeal should not be regarded as a “mechanistic test” but that a “transparent and objective approach to assessing visual impact” should be taken.

Mr Lavender in determining the effect of a windfarm on receptors considered that “when turbines are present in such number, size and proximity that they represent an overwhelming and unavoidable presence in main views from a house or garden, there is every likelihood that the property concerned would come to be widely regarded as an unattractive and thus unsatisfactory (but not necessarily uninhabitable) place in which to live”

In assessing subsequent appeals Inspectors have adopted the “Lavender Test” and have asked “would the proposal affect the outlook of residents to such an extent i.e. to become so unpleasant, overwhelming and oppressive that this would become an unattractive place to live”?

These are useful tests in this context and the department see no reason why they could not be applied whether assessing visual effects from residential properties (private views) or from more public views, such as those from streets or public open spaces. However, a judgement still has to be applied to other considerations, including (but not confined to) the following

1. The size, number and layout of the turbines and associated works
2. The separation distance between the development and receptor, including elevation.
3. The changes in the composition of the view and its landscape character eg relationship of the development to landform and landscape patterns landform
4. The sensitivity of the receptor eg resident, walker, road user etc

Residential receptors

The original ES concluded that the visual impact of the development was significant when viewed from the nearby settlements of Cilfrew (VP1), Rhos (VP2,23,24), Bryncoch (VP3), Ynysmeudwy (VP4), Pontardawe (VP5), Crynant (VP6), Hendre Las(VP25) Forest Goch (VP26)

A representative selection of the view points are set out below together with a summary of the proposal from that location.

VP1- View from Cilfrew (1.8km). The turbines would be seen as a simple linear array with rotors of each turbine fully visible. Although the proposed wind farm would not occupy a large proportion of the horizon it would be visible at a short separation distance albeit partly screened by intervening buildings and vegetation. Given the short separation distances and the opportunity for uninterrupted views the effects will be significant.

VP2 - View from Rhos (2.35km). The five turbines would be visible forming a simple linear array across the ridgeline. The turbines would be viewed almost in full, however the access tracks and other ancillary infrastructure, with the exception of the meteorological mast, would not be visible from this location. The turbines of the proposed wind farm would occupy a large proportion of the field of view and would be visible at a short separation distance. Given the short separation distances and the uninterrupted views the effects will be significant.

VP3 – View from Bryn Coch (2.23km). The wireframe indicates that five turbines would be visible forming a simple linear array on the horizon. The photomontage indicates that 3 turbines would be visible from this location due to the screening effects of the tree canopies within the foreground. However, moving a short distance from the viewpoint all five turbines would be visible. The access tracks leading to turbine T5 would be scarcely discernible and the meteorological mast would be discernible. Other ancillary infrastructure would not however be visible from this location. The turbines to the proposed wind farm would occupy a moderate proportion of the field of view and would be visible at a short separation distance. The effects would therefore be significant

VP4 – View from Ynysmeudwy (3.58km). 4 turbines would be visible from this location due to the screening effects of intervening vegetation, although the access tracks and other ancillary infrastructure would not be visible from this location. The proposed wind farm would occupy a moderate proportion of the field of view and would be visible at a short separation distance. The effects would therefore be significant.

VP5 – View from Pontardawe (4.23km). The wireframe indicates that from this location two turbines would be completely visible on the existing skyline with one other turbine partly shielded by woodland and intervening landform. With the exception of the meteorological mast which would be discernible between turbines T2 and T3, the access tracks and other ancillary

infrastructure would not be visible from this location. Whilst the proposed wind farm would comprise a simple linear array and occupy a small proportion of the view, the wind turbines would be a noticeable feature on the skyline. The effects would therefore be significant

VP6 – View from Crynant (3.19km). Three turbines would be visible to hub height with blades only of two turbines visible. The access tracks and other ancillary infrastructure would not be visible from this location. The proposed wind farm would occupy a moderate proportion of the field of view although it is the three turbines in the left of the view that will be more visible occupying only a small proportion of the field of view. The proposed wind farm would be a noticeable new feature on the horizon resulting in a significant effect

VP25 – View from Hendrelas (1.11km). The wireframe and photomontage indicate that the views of the proposed wind farm would be limited and shielded by intervening buildings and vegetation. Where views of the proposed wind farm or components of it in the vicinity of the viewpoint were intermittently available, the magnitude of change would be substantial and the overall effect considered to be significant

VP26 - View from Fforest Goch (1.74km). The turbines would be noticeable new features in the landscape and would occupy a large proportion of the field of view. The access tracks and other ancillary infrastructure would not be visible from this location. The proposed wind farm would be seen as a simple linear array that is readily accommodated on the hill. Given the short separation distance between the viewpoint and the proposed wind farm the overall effect is considered to be significant.

It is clear that the proposal will result in significant visual effect from the above viewpoints and the associated settlements. However the significance of effect does not automatically render the development unacceptable, with careful consideration needing to be given to the extent of such impacts and a balanced decision taken having particular regard to the context of the generally permissive policies governing such renewable energy proposals within the Strategic Search areas. This is considered later in the report.

As part of the ES the applicant has submitted a residential amenity survey which assessed the impact of the proposal on 3462 properties within a radius of 3km from the site. This concluded that 16 properties will experience direct views from ground floor and 21 from upper floor positions.

The assessment within the ES is accepted. Therefore the matter for consideration is whether the effects experienced by residents of the

communities and occupiers of dwellings within those communities is unacceptable and therefore outweighs the benefits of the proposal.

Overall assessment of development in relation to Policy criteria

Landscape

With regards to the acceptability of the proposal in terms of policy, the application site falls within and partially outside Strategic Search Area E as identified in TAN 8 but outside the refined Strategic Search Area in the Council's IPG.

TAN 8 advises that within SSA's the implicit objective is to accept landscape change i.e. significant change in the landscape character from wind turbine development.

Planning Policy Wales (PPW) states that the 'introduction of new, often very large, structures into the open countryside needs careful consideration to minimise the impact on the environment and landscape'.

The application site covers two zones (5 and 6) as identified within the ARUP report. The report sets out the two assessment criteria within Section 4.3.1, namely the six technical and environmental criteria set out in TAN 8 (para. 2.9 p.6)

- extensive areas with a good wind resource (typically in excess of 7 metres per second);
- upland areas (typically over 300 metres above ordnance datum which contain a dominant landform that is flat plateau rather than a series of ridges);
- generally sparsely populated;
- dominated by conifer plantation and/or improved/ impoverished moorland;
- general absence of nature conservation or historic landscape designations;
- of sufficient area to accommodate developments over 25MW, to achieve 70MW installed capacity and to meet the target capacity; and
- largely unaffected by broadcast transmission, radar MOD Mid Wales Tactical Training Area (TTA) and other constraints.

and the additional following criteria

- To have a LANDMAP visual and sensory Value aspect rating of less

than ‘Outstanding’

- To have a landscape sensitivity that is less than is considered ‘High’
- To have visual impacts upon residential dwellings which would not cause ‘dominance’
- Not to cause cumulative landscape or visual impact upon settlements

At paragraph 5.3 of the ARUP report the various zones are ranked. Table 10 sets out the ranking, and concludes that a number of the zones are not required in order to achieve the 100MW target. However, it concludes that there is very little difference between the overall performance of the zone, but critically, and of importance to this site, they all pass the test referred to in Section 4.3.1 of the ARUP report.

Therefore in relation to the landform, the application site is generally considered acceptable in relation to its suitability to develop a wind farm. However, more detailed assessment is required in relation to the impact of the development on the local environment.

The department has received representation in relation to the description of the landform and whether it is a plateau area. Whilst it is accepted that Mynydd March Hywel is a single ridge it is within the incised South Wales Coalfield Plateau and as such ARUP considered that it satisfied the criteria set out in paragraph 2.9 of TAN 8 set out above.

It should, however, be noted that failure to meet one or a number of the criteria set out in the TAN does not make a development immediately unacceptable as each site needs to be addressed on its own merits.

The ARUP report makes it clear that Zone 5 was excluded due to the potential cumulative effect arising from development of windfarms on the eastern side of the Dulais Valley. Part of the application site (two turbines) occupies the southernmost tip of zone 5 and were it not for its forest (which is the predominant landscape characteristic of zone 5) could be included within zone 6. Notwithstanding this, there are currently no consented or operational windfarms to the east of the Dulais Valley adjacent to the settlements of Crynant and Seven Sisters, although Maes Gwyn is located to the North East. This application does not seek to develop the entire length of zone 5 which runs along the western side of the Dulais Valley, and there are currently no developments built or consented to the east of the development which are likely to result in cumulative issues which would prejudice the development of this site.

In relation to zone 6 (within which the remaining three turbines are sited) paragraph 5.3 and figure 11a of the ARUP report conclude it is not required as there is adequate capacity available within other zones. Nevertheless as explained and emphasised earlier in this report, the capacity for SSA Area E has been increased since July 2011 to 152MW, 52% higher than the original target. Accordingly, to facilitate meeting this target it is inevitable that more land is required and the weight to be attached to this part of the IPG as a consequence is diminished. Moreover, Inspectors have criticised the refinement process within the IPG as it had overly reduced the SSA's and as such constrained the ability to reach National targets.

The report concluded with the exclusion of zones 5 and 6 from the refined area. Nevertheless, although the application site was not included within the Final ARUP report and subsequent IPG, it is not appropriate to dismiss its suitability as the reports were at a strategic level and therefore further detailed assessment must be made of the proposal in light of the current policy position, having particular regard to the material Policy changes identified above.

Overall Landscape Impact Conclusions

The application site has no national or local designation and is not of outstanding landscape quality. It therefore meets the various landscape tests set out in TAN 8 and referred to above. The site also meets the technical criteria set within the TAN, as confirmed by the ARUP report.

It is accepted that the introduction of the wind turbines and other associated works on the application site will result in significant landscape change, however, the significant visual effect does not necessarily dictate that the development is unacceptable and the proposal must be considered in relation to prevailing planning policy.

In this respect, it is notable that TAN8 clearly accepts that the introduction of wind farms into a landscape will result in significant change, with TAN8 further stating that within and just outside "*the implicit objective is to accept landscape change*". The application site is located within and just outside SSA E and therefore, in accordance with TAN 8, landscape change must be accepted.

Notwithstanding the above conclusion, the fact remains that the ARUP report removed the site from the refined SSA and this is reflected in the Authority's IPG. In addressing this matter it is clear that the ARUP report indicates that the site meets the technical criteria set within the TAN. Its recommendation to delete the areas are based on need, which has been superseded by the

Minister's letter which increased capacities and potential cumulative effect which are unlikely to occur as there are currently no developments built or consented to the east of the site which are likely to result in cumulative issues which would prejudice the development of this proposal.

Having regard to the assessment above, it is also acknowledged that the proposed wind farm would be visually prominent in short- and long-distance views and would have a significant effect on the landscape. Nevertheless, within the wider positive National Policy context towards renewable energy proposals, these effects must be balanced against the wider benefits of such proposals. In this respect, the now extended targets to be achieved within SSA Area E (a capacity of 152MW by 2015/17) represents a material consideration of substantial weight, most notably given that it is unlikely that the 2015/17 target will be attained, such that there is a pressing need to bring forward acceptable schemes.

Accordingly, in balancing the need for renewable energy against the visual impacts, it is concluded that the landscape impact is not so unacceptable that it outweighs the benefits of the proposal in relation to providing a source of renewable energy.

Residential receptors

The department broadly agrees with the assessment and conclusion contained within the ES in relation to the effect on residential receptors. There are currently two assessments of effect on residential receptors. The first and higher test of effect is on the occupier of individual dwellings within the community. The second test is that on residents within the area from more public views.

The application has been supported by a residential visual amenity survey which has ascertained the impact of the proposal on 3462 properties within 3km of the proposal. The assessment included a desk top study and field work which included the surveying of each property. The survey set out 4 criteria in respect of potential visibility from ground and upper floors namely No View, Direct View, Indirect View, Filtered View. The outcome was that 16 dwellings experienced direct views from ground floor and 21 from upper floor. These were primarily located within the village of Rhos.

The department have not undertaken their own assessment at this level, although 9 representative properties (RP) within the 1.4 km of the site have been visited together with the submitted view point within the local communities. Of the 9 RP's visited, 8 were within 900m of the site.

The dwellings visited by the department vary in scale, orientation, elevation and size and location of private amenity areas.

Views of the proposal from the properties were affected by the orientation of window and private amenity spaces and by the intervening landform and vegetation cover. Generally windows and private amenity spaces did not look directly towards the proposal. The combination of the above factors dictates that when viewed from any individual property the development would not appear overwhelming or dominant so that the properties became unattractive places to live.

Views from the dwellings within the wider community are at significantly greater distances. Cilfrew is the closest community at 1.8 km with other communities being at a distance in excess of 2 km. As with the dwellings above, views are again affected by the orientation of windows and private amenity spaces and by the intervening landform and vegetation cover. In addition the increased separation distance dictates that the proposal is viewed in the context of a larger landscape. The combination of the above factors dictate that when viewed from individual properties within the wider community the development would appear prominent but not dominant such that these properties would become unattractive places to live.

Turning to the views from within the public areas of the surrounding settlements again these are at distances of approximately 1.8 km but predominately in excess of 2 km. The views experienced by receptors within the wider community are more transient and vary in duration depending on the type of activity being undertaken. They are nevertheless important. Given the extent of landscape change identified above, it is similarly accepted that the proposal will have significant effects on the communities of Cilfrew, Rhos, Bryncoch, Ynysmeudwy, Pontardawe and Crynant and Fforest Goch. Nevertheless, it is considered that the combination of the above factors dictate that when viewed from within the wider community the development would appear prominent but not dominant such that these properties would become unattractive places to live.

It is therefore considered that the proposal will not result in the creation of an unacceptable visual impact on occupiers of individual dwellings within the adjacent communities or the residents of those communities within the public area such as to render the properties or areas unattractive areas to live.

Cumulative effects

The E.S. has considered cumulative effects on Landscape, Designated Landscapes and Residential Receptors. The cumulative assessment was based on 11 built or constructed wind farm developments and 8 wind farms in planning.

The nearest 6 sites on Ffynnon Oer (9km) Mynydd y Betws (10km) Mynydd Y Gwrhyd (8.5km), Pen y Cymoedd (7km), Hirfynydd (5km), Mynydd Y Gwair (10.2km). Separate assessments were undertaken for built and consented and built, consented and in planning.

Landscape

The E.S. concluded that within the Landscape Character Areas (LCA), Exposed Open Uplands (EOU) and Commercial Softwood Plantation (CS) the development will not have a significant effect. Given the separation distance between the proposal and built, constructed and in planning scheme it is considered that the proposal will not result in unacceptable change in landscape when considered in conjunction with other built, constructed and in planning schemes.

Landscape Designation

The E.S. concludes that other than the Gnoll designated landscape the development will not have a significant effect when assessed in association with built, constructed and in planning scheme. These findings are accepted.

The E.S. indicated that there are likely to be significant effect on the Gnoll when the proposal is considered together with the proposal at Hirfynydd. This application has been refused but is the subject of an appeal. These findings are accepted. However there will be a limited number of locations within the park where the two proposals are visible. Therefore it is considered that the potential cumulative effects do not have an unacceptable detrimental effect on the Park. In determining the effect of the proposal on the park CADW have offered no objection.

Residential

The E.S. has assessed cumulative impact on residential and other sensitive receptors from 13 locations within the study area. Cumulative issues are more likely to occur for the 6 nearest wind farm developments outlined above. The ZTV shows that depending upon the location within the Neath or Swansea

Valley the proposed development will be generally read in conjunction with separate built, constructed or in planning schemes.

From the 12 view points studied, a significant cumulative effect only occurred from Rhos (CVPI). At Rhos cumulative effects are considered likely to occur in association with Mynydd Y Gwrhyd, Mynydd Y Gwair and Scarweather Sands. These schemes would be at a distance in excess of 8km with Scarweather Sands at 24km from the site. The separation distance between the proposal and other development will dictate that they are read as separate and unconnected proposals, and therefore will not result in the surrounding of properties or settlements.

As such it is considered that the proposal when read in conjunction with other built, constructed and in planning schemes will not result in an unacceptable visual impact.

Recreational and Tourism receptors

There are no tourist facilities within the site or within close proximity of the site. No other identified footpaths, bridleways or byways will be directly affected. The Gnoll and Sarn Helen Roman Road lie outside the sites boundary to the east.

A number of long distance walking routes pass through the study area which are as follows

- Beacons Way follows a broadly west-east braided route through the Brecon Beacons in the north of the study area;
- Coed Morgannwg Way runs across the hills from the vicinity of Glyncorrwg towards Merthyr Tydfil;
- St. Illtyd's Walk, which links with the Coed Morgannwg Way near Glyncorrwg and runs across the hills to within approximately 2 km of the proposed wind farm .

Outdoor pursuits are becoming more popular within the mountainous areas in the north of the study area; in particular the National Park and long distance footpaths attract numerous people to the uplands. The Gower Peninsula is also a key tourist attraction

Whilst users of the Gnoll and these paths will experience some change with the introduction of large structures, this would be transient as walkers move

through the area and limited given the scale of the proposal within the landscape and the significant separation distances.

It is acknowledged that broader impacts will occur further from the site along the routes within the study area however it is considered that any adverse impact resulting from the development would not be sufficient to warrant a refusal of the application.

National Landscape Designations

There is an implicit commitment in TAN 8 to maintain the integrity and quality of the landscape within the National Parks and AONBs within Wales i.e. that there should be no change in landscape character from wind turbine development.

The site is not the subject of any special landscape designation. However, the ES has assessed the potential effect of the proposal within the Brecon Beacons National Park, The Gower AONB, Gower and Glamorgan Heritage coast and 36 registered parks and gardens and 8 registered Landscape of Historical Interest.

Viewpoints 16 and 17 are located within the National Park 14km north, viewpoint 9 (4.18km south) and viewpoint 15(14.4km south east) are from within heritage sites/areas and viewpoint 19(19.24km south west) is from within Gower AONB.

Viewpoint 9 (the Gnoll) is the closest to the application site. The turbines will be visible over a small section of the distant ridgeline. Views from within the park will change depending on screening, however the overall effect is significant.

Views from the remaining view points are all in excess of 14km. Any view which is not interrupted by vegetation, is at a significant distance. The proposal is read within the context of a vast landscape and the proposal is almost imperceptible.

The Welsh Government recognises that onshore wind has a key role to play in meeting its renewable energy potential to 2015/17 and beyond. The proposed scheme would contribute towards meeting these targets. As the proposal would not alter the immediate land form, pattern or topography of Mynydd March Hywel and as such would not compromise the purposes of the National Park's designation, The Gower ANOB and Heritage Coast Lines to warrant a refusal on visual amenity grounds.

The Brecon Beacons National Park Authority has raised no objection to the

proposal.

In relation to the Gnoll it is accepted that the effect will be significant. However, views from within the park will change according to the natural screening moreover the separation distance between ditches that the setting of the park is not effected. CADW have raised no objection in relation to the effect on the Gnoll.

It is therefore considered that the proposed development would not compromise the remote and exposed nature of the landscapes within the National Park, nor does it have an unacceptable detrimental effect on other special landscape designations and sites/areas of heritage importance.

Ecology

The ecological assessment of the EIA and SEI provides baseline information as referred to above. In addition it sets out monitoring and mitigating measures through the provision of an Environmental Management Plan which includes the following:

- Timing of Works
- Measures for the restoration and minimisation of habitat disturbance.
- A construction code of practice monitored by an ecological clerk of works
- Eradication of invasive species
- Habitat enhancement /creation
- Post construction monitoring of bats and birds

The proposed development will have a direct effect on Local Biodiversity Action Plan Habitat. The scheme indicates that 1.01ha of heath and mire and 11ha of conifer forest would be lost during the construction of the development. The conifer forest clearance will however provide scope to create 11ha of open heath habitat.

The bio diversity section are satisfied that the loss of habitat will not have a significant impact on local ecology. Moreover it is considered that suitable mitigation can be provided as part of a Habitat Management Plan. (HMP) to ensure that the impacts on BAP species can be protected.

None of the following species were found on the site

- Badgers
- Otters
- Water voles

- Great Crested Newts
- Reptiles

Invertebrates and amphibians were recorded but as the development will not effect these locations the E.S. concludes that the proposed development will have no significant impact on reptiles, mammals, Invertebrates and Amphibians. The biodiversity section is satisfied that that any species identified within the construction process can be adequately trans-located through detail within an agreed Construction Environmental Management Plan (CEMP) and Habitat Management Plan (HMP).

In relation to bats, NRW and the Biodiversity section have indicated that they are satisfied with the assessment within the ES/SEI and the mitigation proposed. They have indicated that this proposal should for part of the HMP.

In relation to ornithology the ES/SEI identified 44 bird species were recorded during field surveys, including two of high conservation status, namely kestrel and red kite.

The main concerns with wind farms and birds are the potential for fatality if colliding with turbines and/or displacement of birds from the wind farm area due to the disturbance caused by the wind turbines

Scottish Natural Heritage (SNH) guidance specifies specific avoidance rates with a recommended default avoidance rate of 98%. In relation to this site no calculation has been made due to the low level of avian activity. This is considered to be acceptable as any calculation would be so low that it would be meaningless. Notwithstanding, this both NRW and the biodiversity section recommend a program of post construction bird monitoring which can be dealt with in a HMP.

NRW have noted that the development will not have a significant effect on bird populations and agree that habitat enhancement should be delivered via an appropriate HMP.

The development will result in a direct effect on 40 cubic metres of peat. The ES indicates that hydrological connectivity will be retained through peat deposits and where possible excavated peat will be transferred to habitat restoration areas. NRW advises that they are pleased to note the steps contained within the ES to protect and relocate excavated peat and suggest that a scheme be submitted as part of a HMP to deal with the storage, handling and relocation of peat within the site.

In conclusion, it is considered that the original ES and the subsequent SEI demonstrates that the proposal will not have a significant impact on ecological interests to warrant an objection to this proposal. Therefore, subject to the imposition of suggested conditions and the signing of a S106 Agreement which will address issues of ecology through a Habitat Management Plan appropriate mitigation measures and positive habitat management will outweigh any negative ecological effects of the proposal.

Archaeology and Cultural Heritage

There are 69 sites of known archaeological interest within the study area. The ES indicates that 50 of these sites are unaffected by the development while the remaining 19 will experience effects of severe, major or minor.

Of the 69 sites there are three Scheduled Ancient Monuments (SAM), (Cairn on Mynydd March Hywel GM237, Standing Stones GM342 and two Platform Houses GM326). There are two Grade II Listed Buildings in the area, Cefn Gelfi (LB11193 and an outbuilding at The Mill LB82293).

In relation to the listed buildings these are located over 1km to the north west of the site and it is therefore considered that the proposal will not have an effect on the setting of the listed buildings.

GM342 Standing Stones is located 1.5km to the north west of the site and it is therefore considered that the proposal will not have an effect on the setting of the SAM.

The nearest SAMs to the site are GM326 which is within the application site approximately 250m from Turbine 3 and GM327 which is approximately 200m from the northern boundary of the site and 640m from Turbine 1.

GM327 is set within a forest plantation outside the site. The proposal has no direct effect on the SAM and as the proposal does not involve the removal of the forest surrounding the SAM it is considered that the proposal will have no effect on the setting of the SAM.

GM326 is located within the site but there are no direct effects on the SAM as the development is located approximately 125m to the west. The proximity of the works to the SAM dictates that the proposal is likely to have a very significant effect on the setting.

The application site and the immediate area have experienced agricultural forestry and mining activities for centuries. Whilst the current proposal will

introduce large man made structures they none the less continue the activity of man within the area. Despite the proximity of the development to the SAM, the number and location of the turbines ensures that uninterrupted views of the SAM remain.

CADW have also indicated that they consider the proposal has a very significant effect on GM326, but have indicated that should the Authority be minded to grant consent that a suitably worded condition should be imposed to protect the SAM during the construction process.

Whilst it is accepted that the development will have a very significant effect on SAM GM326 the impact does not outweigh the benefits of the proposal in relation to its contribution made in providing a renewable source of energy.

In relation to other historic features within the study area, given the separation between the feature and the proposed development, CADW confirms that there is unlikely to be a detrimental effect on the character, appearance, setting or historical importance of these features to warrant a refusal of this application.

Hydrology and Hydrogeology

The wind farm has the potential to alter the hydrology and hydrogeological regime within the site during the construction, operation and decommissioning phases. Impacts are possible as a result of the construction of tracks, hardstandings, buildings and turbine foundations, including possible increased run off, chemicals and sedimentation.

The ES identifies four sensitive receptors in relation to hydrology namely;

- Peatland
- Private water supplies
- Ground Water
- Watercourses

The ES sets out the risks to sensitive receptors and sets out mitigating measures applied during the design process to safeguard hydrological features which includes the establishment of buffer zones around watercourses. The ES also identifies potential sources of pollution such as sediment, oils, chemicals, lime, cement and grout.

It is proposed that potential impacts will be managed through measures which would be fully detailed in a Construction Environmental Management

Plan(CEMP)

In relation to Hydrogeology, it is recognised that the wind farm developments have the potential to derogate private water supplies. The ES identifies that there is no licensed groundwater or surface water abstraction in the vicinity of the site. The EA does not require a licence for abstractions that are 20 m³ or less per day; therefore private water supplies have been identified in the field and through consultation.

The ES identifies 15 properties which have a private water supply. It indicates that the likely effects on the properties from oil and chemical storage, from potential contamination from sanitary plumbing and from shutter collapse, prior to mitigation and management is Moderate and there is low risk of this occurring.

The ES sets out broad principles to protect private water supplies and sets out that more detailed measures will be contained within a CEMP. It concludes that after mitigation, residual effects were found to be Negligible or Minor.

It is therefore considered that the proposal will not have an adverse impact upon these water supplies.

Natural Resources Wales has raised no objection to the development in principle. However, to prevent ground and surface water pollution and to reduce further the impact on peat a number of conditions are suggested to address these issues.

It is therefore considered that the proposed development will not have a detrimental effect on hydrology, hydrogeology and water quality.

Geology, Mining and Mineral Resources

The ES indicates that there are no current or future coal mining or mineral operations within the site although there are a number of past mining operations within the site.

The geological and mining features that have the potential to affect the proposed development have been identified in the desk studies and walk-over survey and confirmed by ground investigations.

The ES concludes that impacts of the proposed wind farm development on geology, mining and mineral resources are likely to be limited. The ES indicates that ground investigation at the turbine locations have not identified

any issues and therefore no ground stabilisation measures are required for the proposed wind turbines. The access track will however cross historic shallow workings and further detail will be required in order to adequately protect the integrity of the access track. Finally there are no current proposals for the working of mineral resources below or adjacent to the application site.

The Coal Authority have indicated that they are satisfied with the assessment and conclusion reached within the ES and have offered no objection subject to a condition requiring the submission of additional detail to deal with the stabilisation of the access track.

It is therefore considered that the proposal will not have a detrimental effect on geology, mining and mineral resources

Noise

Noise issues relating to the potential impact of this wind farm scheme have been assessed in the Environmental Statement and the methodology is described earlier in this report.

The Head of Public Protection and Housing (Noise) has confirmed that the operational levels fall within the guidance levels specified in the DTI document ETSU-R-97 – The Assessment and Rating of Noise from Wind Farms.

In addition, construction and decommissioning noise levels have been predicted. It is noted that short term exceedences are predicted to last for a couple of days, during the construction of the bridge which will take approximately 8 weeks. The Head of Public Protection and Housing (Noise) has confirmed these can be mitigated against and recommends that a Construction Method Statement detailing expected noise impacts and the mitigation be submitted to the Local Planning Authority. A suitably worded condition can address this matter.

It is therefore considered that the proposed development will have an adverse effect on amenity by virtue of noise.

Traffic and Transport

The ES sets out the baseline conditions in relation to traffic movement along the preferred construction traffic route identifying the annual average daily flow(AADF) together with the overall percentage of HGV traffic using the route along the 11 sections of highway. AADF along the 11 sections of

highway there are between 7649 and 58313 movements with HGV movements between 1.6% and 14.6%

The ES sets out the transportation requirement for each phases of construction identifying the key stage of construction which are likely to have the greatest impact on traffic namely

- Abnormal load movements
- Delivery of stone
- Construction of turbine bases

The total number of vehicle journeys during the 13 month construction stage is estimated as 12,099, comprising (approximately) 7800 vans and cars and 4299 HGVs.

Abnormal load movements

The preferred route for the abnormal load deliveries is:

- A483 from Swansea Docks
- M4 to junction 43
- A465
- A474

In order to assess the suitability of the route the applicant has undertaken a number of surveys including a desk top swept path analysis, highway surveys and a laser survey of Cadaxton railway bridge.

Delivery of each turbine will require 8 abnormal loads. An additional 2 trailers will be required to carry cables, controllers and other ancillaries for all the turbines. As 5 turbines are proposed, there will be 42 abnormal load vehicles in total. During the construction period, it is assumed that components will be delivered to site in convoys of up to 4 vehicles. Each convoy may comprise up to 4 vehicles of the same type, or up to 4 vehicles of differing types. Delivery periods are likely to be short rather than spread over a longer period

In consultation with South Wales Police, who will be responsible for escorting the Abnormal loads, the Head of Engineering and Transport (Highways) has indicated that sufficient information has been submitted to assess the suitability of the route and the impact on highway safety. It is now adopted practise that prior to the delivery of turbine components to the site a dry run is undertaken. This is a requirement of the turbine manufacturers, the Police and the Highway Authority and is a means of making a final assessment of the

route. The developer has indicated that they will be undertaking a dry run and the detail of that will be subject to further agreement with the LPA in consultation with the highway section and Police.

It is accepted that the delivery of the turbine components is likely to cause some temporary delays in the populated area to the south of the site, however the dry run will seek to establish the most appropriate time for deliveries in order to limit impacts. All abnormal loads will be escorted by the Police and it is therefore considered that the movements, whilst creating short periods of temporary delay, will not have a detrimental effect on highway safety.

Stone Delivery

The ES indicates that stone for the use in the development will be sourced from Gilfach quarry which is approximately 2km from the site. The quarry is north of major settlements and as such it is considered that the vehicle movements associated with the delivery of stone to the site will not have a detrimental effect on highway safety. Significantly the movements of stone from the quarry will not result in impacts along busy sections of highway to the south.

Construction of turbine bases

The greatest number of journeys per day would be generated between months six and eight. Most traffic is generated on days when turbine foundations and transformer bases are poured. Each turbine and transformer foundation pour would require concrete from 60 mixer trucks, as well as additional associated HGVs. As there are 5 proposed turbines, these busy days would only occur 5 times. This activity would generate 120 concrete mixer lorry movements and up to 10 associated HGV deliveries.

The maximum number of traffic movements on days when turbine and transformer foundation are poured is estimated at 180 movements. This equates to a 2% increase in AADF on the A474 near the site, a 1% increase on the A474 nearer Neath, and less than 0.04% increase on the A465. The Institute of Environmental Assessment's *Guidelines for the Environmental Assessment of Road Traffic* states that it should be assumed that anticipated changes in traffic flow of less than 10% would create no discernible environmental effect.

The traffic implications relating to the proposal have been considered by The Head of Engineering and Transport (Highways) who has raised no objection to the proposal subject to conditions in respect of alterations to the existing

access and provision of a Traffic Management Plan.

In view of the above, it is considered that the proposal will not have an unacceptable adverse impact on highway safety.

Shadow Flicker

In terms of shadow flicker, the Environmental Statement provides an assessment of possible effect.

Shadow flicker occurs when the alignment of the sun, wind turbine and sensitive receptor's occur during certain climatic conditions. Shadow flicker does not generally create disturbance outdoors as light is reflected from all directions. Therefore animals and sensitive receptors outside are unlikely to experience shadow flicker.

The ES analyses the potential for shadow flicker at five properties within 930m of the proposed development. The results indicated that shadow flicker could be experienced at four properties for between 7.3 hours and 27.6 hours per annum from three of the turbines.

Whilst it is accepted that there are a number of coinciding factors that must occur to result in shadow flicker, the evidence available indicates that when those factors occur four properties will experience shadow flicker which is likely to have an effect on residential amenity.

However, mitigating measures can be set in place to switch off turbines during conditions when shadow flicker may occur, thus protecting residential amenity.

It is therefore considered that subject to a suitably worded condition to prevent shadow flicker the development will not have an adverse effect on the occupier of nearby properties as a result of shadow flicker.

Electromagnetic Interference and Aviation

As part of the iterative design process the applicant has taken into account effects on aviation and electromagnetic interference. No Objection has been received from OFCOM and no comments have been received from, CAA and Swansea Airport.

It is therefore considered that the proposed development will not have a detrimental effect on Electromagnetic Interference and Aviation.

Recreation and Tourism

In respect of tourism, existing studies and research on the effects of wind farms on tourism suggest that the presence of a wind farm does not generally deter visitors or impact on the decisions to revisit and that wind farms can be tourist attractions in their own right. In addition, whilst the scale of the proposal means that it is likely to impact upon the visual experience of walkers and mountain bikers close to the site there is no evidence to suggest that wind farms in areas of high scenic value have experienced reductions in tourism demand.

The operational Ffynnon Oer Wind Farm constructed in 2006 has shown no demonstrable impact upon tourism figures.

There are no tourism facilities on the application site. Existing tourist destinations are over 6km from the site and are not directly connected by footpaths or cycle routes. Therefore given the research and the significant separation distances between the site and key tourist destinations it is considered that the development will not have a detrimental effect on tourism within the area.

Socio- Economic

The construction and operational phases will provide an estimate of 25 jobs during the 12 month construction phase and 1-2 permanent part time jobs during the operational life of the wind farm. It is therefore considered that the proposed wind farm could have very limited long term benefits, but significant short term benefits.

Others (including objections):

In respect of the 586 objections raised by local residents and Community Councils it is considered that the concerns relating to planning policy, visual amenity, historical environment, residential amenity, noise and disturbance, pollution, shadow flicker, stability, ecology, traffic, hydrology, recreation, tourism and socio economic, impact on health and energy production have been addressed in the report.

The other issues are addressed as follows :

The provision of community benefit is not a matter for consideration during the determination of the planning application. Nevertheless in practice

community funds are operated by a body independent of the applicant.

There is no evidence to suggest that windfarm developments result in additional rain. There is some evidence within the USA in an area which contains four of the world's largest wind farms that the windfarm results in slight changes in temperature (0.72 degrees). Whilst in theory the cooling of air can result in rain, there is no evidence to demonstrate that even minor changes in temperature occurring in large developments result in rain. It is therefore considered that this development will not result in additional rainfall.

The supply of power to the grid is controlled and there is no evidence to indicate that the development will create power surges.

Wind energy as with all forms of energy have "down time" when no energy is produced. The application site has a predicted output of 43.3% based on site wind speed.

The provision of subsidies to support the development is not a material consideration

Whilst there is some limited, but well publicised, evidence that turbines have on occasion experienced catastrophic failure, these are exceptional cases. Turbines are constructed with a number of safety features to prevent such occurrences. Given the location of the proposal it is considered that were such an occurrence to occur there would be little likelihood of danger to the public.

There is no clear evidence to indicate that noise from wind farms has a direct effect on health. Moreover, in this case, the noise assessment indicates that there will be noise exceedences above nationally agreed figures.

There is no justifiable evidence that the wind farm would devalue property or unacceptably impact on the local housing market. Nevertheless the impact upon property values is not a material planning consideration.

Carbon is released as a result of any construction activity. In this case, it is considered that the considerable reduction in CO₂ resulting from the generation of renewable energy far outweighs the carbon production during the construction process.

The report sets out that the application has been widely publicised in accordance with the Regulations.

A letter of objection was received from **Bethan Jenkins AM** on the grounds

of noise, vibration, visual impact and the impact upon tourism. All of these issues have been addressed within the report.

Community Benefit

TAN 9 “Community Involvement and Benefits” recognises the opportunities that large developments provide in making contribution that benefit the community. However, it makes it clear in paragraph 2.16 that

“Such contributions should not enable permission to be given to a proposal that otherwise would be unacceptable in planning terms.”

The Authority within its supplementary planning guidance believes that it is more appropriate for these “community contributions” to be dealt with as part of the planning process in order that they may better reflect the needs and aspirations of the area as identified through the Community Plan and UDP/ Local Development Plan (LDP) process, although they should not impact on the decision making process.

The applicant has offered to provide a community benefit contribution of £5000 per installed mega watt per year over the lifetime of the development. Based on 11.5MW this amounts to £57,500 per annum and a total of £1,400,000 over the lifetime of the wind farm.

The applicant proposes to distribute the community benefit in two ways. Via a new initiative (Local Electricity Discount Scheme LEDS) which provides a £100 annual discount on electricity, for a period of 25 years, to household’s within 1.8km, this will amount to £34500 per annum. The remaining value of the community benefit, amounting to £23000 per annum, will be distributed to the local community via a fund.

It should be noted however, that the community benefit is not put forward as mitigation and must not be taken into consideration in the decision of the planning application.

Conclusion

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. In addition, all the relevant European directives, legislation and regulations have been taken into account.

It is accepted that within SSA E the consented and operational capacities fall below those set out in PPW 2012, the minister's letter of July 2011 and TAN8 and there is little prospect of those being achieved by 2015/17. The site, although outside the refined area as defined within the adopted IPG entitled Wind Turbine Development, is located within SSA E or the 5km buffer set out in TAN8 and meets the technical and environmental criteria set out within TAN8 and the Arup report.

The proposed development will make a 11.5MW contribution to the targets which represents 7.5% of the 152MW SSA E maximum required by 2015/17. However the development should not proceed at all costs in order to meet the target without consideration of the wider environmental effects.

The submitted scheme demonstrates that there are no unacceptable detrimental effects in relation to Ecology, Cultural heritage and Archaeology, Hydrology and Hydrogeology, Geology, Mining and Mineral Resources, Noise, Traffic, Transportation and Access, Electromagnetic Interference and Aviation. In relation to Socio-Economic effects there are limited short term benefits in relation to employment.

It is considered that the development will result in a significant effect in relation to the Landscape and there will be a significant effect on residential receptors within 4km of the site.

TAN 8 makes it clear that *“within (and immediately adjacent) to the SSAs, the implicit objective is to accept landscape change”* however, the TAN together with Local and National policy makes it clear that each site must be assessed on its merits as local environmental conditions may dictate that the level of harm associated with the development outweighs the need to provide additional forms of renewable energy.

In relation to landscape it is accepted that the two areas which form the application site Zone 5&6 (ARUP report) and Zone CS & EOU (ES) have no national or local designation. In relation to landscape quality the areas are of moderate value as assessed by ARUP and low-medium and medium as outlined in the ES. It is considered that the introduction of the development into the area will have a significant effect within Zone 6/EOU and no significant effect within Zone 5/CS. However, it should be noted that the proposal will be viewed within the context of a large landscape.

Given the existing landscape quality and the scale of the proposal within the landform it is considered that the impact of the proposal on landscape in

isolation or cumulatively with other built or consented schemes does not outweigh the need to provide a renewable form of energy to meet national targets.

Turning to the issue of visual impact it is considered that the proposal will have a significant visual effect on sensitive receptors for in excess of 4km from the site. The effect of the proposal in isolation and cumulatively with other built or consented schemes has been assessed on all sensitive receptors within the study area including the residents within the local communities and occupiers of some individual properties within those communities.

In relation to the effect of the proposal on the occupiers of individual properties. It is considered that the scale of the proposal, the separation distances, intervening landform, vegetation cover and orientation of the dwellings dictate that the effect of the proposal in isolation or cumulatively with other built or consented schemes does not effect the amenity of residents of those properties so as to make them unattractive places to live.

Finally turning to the effect of the proposal on sensitive receptors within the communities around the proposal. It is considered that the duration of any view, the scale of the proposal, the separation distances, intervening landform, and vegetation cover dictate that the effect of the proposal in isolation or cumulatively with other built or consented schemes would not affect the amenity of residents/users of those communities to such an extent that it would make them unattractive places to live.

In conclusion, the proposal will provide a source of renewable energy in accordance with National, Welsh Government and Local Policy. The proposal will have no unacceptable effects in relation to Ecology, Cultural heritage and Archaeology, Hydrology and Hydrogeology, Geology, Mining and Mineral Resources, Noise, Traffic, Transportation and Access, Electromagnetic Interference and Aviation. In relation to Socio-Economic effects there are limited short term benefits in relation to employment.

In relation to landscape effect it is considered that the impact of the proposal on landscape in isolation or cumulatively with other built or consented schemes does not outweigh the need to provide a renewable form of energy to meet national targets. Finally in relation to visual amenity it is considered that the proposal in isolation or cumulatively with other built or consented schemes does not affect the amenity of individual residents from within their homes or residents/users of those communities so as to make them unattractive places to live.

The development therefore accords with Planning Policy Wales, TAN 8, and Policies GC1, GC2, ENV1, ENV3, ENV4 ENV5, ENV6, ENV12, ENV14, ENV17, ENV18, ENV19, ENV 22, ENV23, ENV24, ENV29, EC5, CS1, T12, RO4 and IE6 of The Neath Port Talbot Unitary Development Plan.

Recommendation

APPROVAL subject to a section 106 agreement to secure a Habitat Management Plan and a community benefit payment of £5000MW per year for a period 25 years.

CONDITIONS:

(1)The development hereby permitted shall be begun before the expiration of five 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) The permission hereby granted shall endure for a period of 25 years from the date when electricity is first exported from a wind turbine within the site to the electricity grid network ('First Export Date'). Written confirmation of this shall be provided to the Local Planning Authority within one month of the First Export Date.

Reason

In the interests of visual amenity

(3) Not later than 12 months before the expiry date of this permission a decommissioning and site restoration scheme shall be submitted for the written approval of the Local Planning Authority. Such a scheme will include the management and timing of works and a traffic management plan to address highway issues during the decommissioning period. Full restoration of the wind farm site shall be completed within 6 months of the approval of this scheme by the Local Planning Authority and the site shall be decommissioned in accordance with the scheme.

Reason

In the interests of visual amenity

(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 (unless otherwise agreed in writing by the Local Planning Authority) in accordance with a scheme approved in writing by the Local Planning Authority for the restoration and aftercare of the relevant wind turbine. The scheme shall be fully implemented in the form approved by the Local Planning Authority.

Reason

In the interests of visual amenity

(5) 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.

(6) The temporary construction compounds and other temporary construction works as set out in the submitted application details shall be removed no later than one year from the First Export Date and the ground restored to its previous condition within 6 months of such removal unless otherwise agreed in writing by the Local Planning Authority.

Reason

In the interests of visual amenity.

(7) No development shall take place until full details of the external finish and colour of the turbines have been submitted to, and approved in writing by, the Local Planning Authority. All wind turbines shall be of a

semi-matt finish and shall not display any name, sign, symbol or logo on any external surfaces unless otherwise approved in writing by the Local Planning Authority. The turbines shall be erected in the approved finish and colour and so retained thereafter during their operation unless otherwise agreed in writing by the Local Planning Authority.

Reason

In the interests of visual amenity

(8) All of the wind turbines shall be of a 3 bladed configuration and all of the wind turbine blades shall rotate in the same direction.

Reason

In the interests of visual amenity

(9) The turbines shall not be illuminated and there shall be no illumination on the site after the construction period unless required by law.

Reason

In the interests of visual amenity

(10) Subject to the allowance for micro-siting provided by condition 11, the turbines and associated crane pads shall be erected at the following coordinates:

T1 276320 203377

T2 276119 202998

T3 276062 202546

T4 276040 202089

T5 275864 201782

Reason

In the interests of visual amenity

(11) Variations of the position of any turbine(s) and their associated infrastructure shall be permitted by up to 50 metres in any direction within the application site unless otherwise agreed in writing by the Local Planning Authority. A plan showing the position of the turbines as built shall be submitted within one month of the First Export Date.

Reason

In the interests of visual amenity

(12) All cabling within the site shall be installed underground

Reason

In the interests of visual amenity

(13) No development shall take place until a scheme to secure the implementation of a programme of archaeological work in accordance with a written scheme of investigation has been submitted to and approved in writing by the Local Planning Authority.

Reason

In the interests of archaeology

(14) No development shall take place until a Construction Environmental Management Plan (CEMP), has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall provide full details of the works to be undertaken including the construction timetable, details of the means of avoidance and mitigation of any impacts on the species and habitats within the development site and the pollution prevention measures to be implemented during the site preparation and construction phases of the development. The CEMP shall be implemented as approved.

The CEMP shall include:

- (i) a scheme for the removal, storage, relocation and restoration of peat
- (ii) a pre construction ecology survey to include badgers, bats, otter, water voles, breeding and schedule 1 listed birds and great crested newt
- (iii) the final route and construction methods for the grid connection
- (iv) a programme for the capture and release of reptiles, including the identification and protection of receptor sites
- (v) details of the appointment and role of an Ecological Clerk of Works

Reason

In the interests of the environment.

(15) No development shall take place until a Habitat Management Plan (HMP) covering the application site has been submitted to the Local Planning Authority. The HMP shall make provision for the subsequent submission of detailed phased specific habitat management plans. Construction of any phase of the wind farm shall not commence until the related phase has been agreed in writing by the Local Planning Authority. The approved HMP, and any subsequent revisions that are agreed in writing by the Local Planning Authority, shall be implemented as set out in the HMP. The HMP shall include proposals for:

- i. Objectives for the management and restoration of the natural habitat;
- ii. Best practice methods for the management and restoration of the natural habitat of the site;
- iii. Ecological management areas defined by a map or maps;
- iv. The restoration and maintenance of the natural hydrological regime of peat bodies, their carbon storage and sequestration potential;
- v. The restoration, enhancement and management of peat bog, heath, acid grassland, ponds and hedgerows or other suitable natural habitat as appropriate to soil conditions, hydrology and topography, with bog being the objective for deep peat;
- vi. The management of stream corridors for nature conservation potential;
- vii. The management of habitat for nightjar prioritising feeding and breeding habitat away from turbines where this does not compromise the objectives for peat and bog;
- viii. The improvement of the biodiversity potential of the site by maintaining and improving wider habitats and ecological functionality, with an emphasis on supporting habitats for appropriate statutory protected species; and
- ix. Provision for monitoring, review and revisions to the HMP where monitoring identifies that the objectives of the HMP are not being achieved in consultation with the Local Planning Authority.
- x. a scheme for the post construction monitoring on bats and birds, together with a scheme for mitigating any effects
- xi. Scheme for ongoing monitoring and treatment of invasive species listed under schedule 9 of the Wildlife and Countryside Act 1981 (as amended)

xii. a scheme for the post construction monitoring on bats and birds, together with a scheme for mitigating any effects

xiii. a bird monitoring scheme

Reason

In the interests of ecology and the environment

(16) No development shall take place until a Construction Method Statement (CMS) has been submitted to and approved in writing by the Local Planning Authority. The construction of the development shall only be carried out in accordance with the approved CMS, unless otherwise approved in writing by the Local Planning Authority. The CMS shall be implemented and maintained for the duration of the construction works and shall address the following matters:

i. All activities associated with the construction of the development shall be carried out 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. A full drainage scheme for the management of surface water and foul water, to include the access track. This shall detail both the temporary and permanent drainage strategy and include details of the hydraulic calculations to control flow rates, discharge points to land and adjacent water course and detail the measures to be implemented.

iii. A scheme for the environmental monitoring and protection of local watercourses, amphibians and reptiles before and during the construction phase. Any such scheme shall be supported by information such as the method and frequency of monitoring and the contingency plans to be implemented should any pollution/derogation be noted.

iv. A scheme for the protection and conservation of soil at the site in order to prevent pollution of the water environment and to enable appropriate re-use and restoration of peat. The scheme shall include the pollution prevention techniques to be deployed during the construction and restoration phases and the treatment and removal of suspended solids.

v. Details of the timing of works and methods of working for cable trenches and foundation works.

vi. Details of the timing of works and construction of the anemometry mast and construction compound.

- vii. Dust management.
- viii. Disposal of surplus materials.
- ix. A construction noise management plan (including identification of access routes, locations of materials lay-down areas, details of equipment to be employed, operations to be carried out, mitigation measures and a scheme for the monitoring of noise).
- x. Temporary site illumination.
- xi. Wheel cleaning facilities.
- xii. Arrangements for keeping the site entrance and adjacent public road clean.
- xiii. Post-construction restoration and reinstatement of the working areas including removal of construction equipment and the construction compound
- xiv. Details for the protection of Scheduled Ancient Monuments within the site
- xv the parking of vehicles of site operatives and visitors
- xvi loading and unloading of plant and materials
- xvii storage of plant and materials used in constructing the development
- xviii the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- xix a scheme for recycling/disposing of waste resulting from construction works.
- xx Details of the final track alignments
- xxi Details of all retaining walls including full calculations
- xxii. Arrangements to prevent wildlife becoming trapped in excavation works.

Reason

In the interests of ecology and the environment

(17) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a site

investigation report relating to potential coal mining activities. The report shall include details of any remedial measures and the timing of those works required in order to ensure the safety and stability of the proposed development. The remedial works identified by the site investigation shall be undertaken as agreed.

Reason

In the interests of ground stability and safety

(18) No development shall take place on the turbines until written confirmation to the Local Planning Authority has been provided confirming that the necessary aviation bodies such as the Ministry of Defence and the Civil Aviation Authority have been given written notice of the proposed date of commencement and completion of the development and the maximum extension of height of any construction equipment or structures and the height above ground level and the Ordnance Survey locations of the turbines.

Reason

In the interests of Aviation safety

(19) Prior to commencement of any works on site other than the formation of the construction compound and access track leading to the construction compound the site access road junction with the A474 shall be completed in accordance with a scheme which shall first be submitted to and approved in writing by the Local Planning Authority. This scheme shall be designed so as to allow all vehicles including Abnormal indivisible loads (AILs) to enter and leave safely. The scheme shall include detail of

(i) The new bridge over the river Clydach,

(ii) the extension or full replacement of the existing culvert under the A474

(iii) and either temporary or permanent relocation of the existing bus stop located within the layby adjacent to the proposed improved access.

Reason

In the interests of highway safety.

(20) Unless otherwise agreed in writing by the Local Planning Authority and prior to first use of the proposed access by any traffic, vision splays

of 2.4m by 120 metres made up as grass verge shall be provided each side of the proposed access road and shall be retained so that nothing over 600mm in height above carriageway level is erected or allowed to grow within the splay areas for the duration of the use of the proposed access.

Reason

In the interests of highway safety.

(21) Prior to commencement of any works a scheme for the provision of traffic signal control (temporary during the construction phase) the reduction of the speed limit to 30mph either side of the proposed access, semi-permanent site access warning signage, speed checkers and road markings shall be submitted to and approved in writing by the Local Planning Authority. These works shall be installed in accordance with a timescale to be agreed as part of the approved scheme.

Reason

In the interests of highway safety.

(22) Prior to the supply of electricity to the grid a scheme for the removal and reinstatement of the access works shall be submitted to and approved in writing by the Local Planning Authority. The scheme as approved shall be completed within six months of the completion of the Wind Farm and retained as such thereafter. The scheme shall include 2.4m by 120 metres vision splays being retained each side of the remaining access which shall be maintained unless otherwise agreed in writing by the Local Planning Authority as grass verge thereafter.

Reason

In the interests of highway safety.

(23) No development shall take place until an Abnormal Indivisible Load Test Run has been undertaken (AILTR) and a Abnormal Indivisible Load Test Run Report (AILTRR) has been submitted to and approved in writing by the Local Planning Authority. 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

(i) The proposed route(s)

(ii) Time(s) and date(s) of the test run

(iii) Type of vehicles to be used

(iv) The methods of recording the test run

(v) 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 ALTR shall be undertaken as approved.

The AILTTR shall include

(i) A written summary of the dry run

(ii) Copies of records as agreed in (iv).

(iii) A schedule of additional works not previously listed in (v) and (vi) above.

(iv) A conclusion.

Reason

In the interests of highway safety.

(24) No development shall take place until a Traffic Management Plan (TMP) has been submitted to and approved in writing by the Local Planning Authority. The TMP shall set out the timing of works and include:

(i) The proposed construction route(s)

(ii) Arrangements for road maintenance and cleaning,

(iii) The timing of construction traffic movements during the construction period, wheel cleaning/dirt control arrangements at key stages of construction;

(iv) Provision of temporary signs, street furniture, traffic control and any carriage way works

(v) Informative road signage warning other road users of forthcoming construction traffic movements, days and times of proposed deliveries

(vi) all streetworks and signage to be removed during the transport of large loads

(vii)proposed traffic orders including removal of on street parking, temporary speed reductions and road closure orders

(viii)a scheme for the permanent reinstatement of all street furniture, kerbs and any highway improvements required under (vi). This scheme shall be completed in accordance with a schedule to be agreed in writing with the Local Planning Authority

(ix)predicted daily traffic flow for all vehicles during the construction phase of the development

The development shall be carried out in compliance with the approved scheme unless otherwise agreed in writing by the Local Planning Authority

Reason

In the interests of highway safety.

(25)Prior to commencement of any works on site a condition survey of the proposed route(s) shall be carried out by the developers and submitted to and agreed in writing by the Local Planning Authority. A further survey shall be undertaken within two months of removal of all temporary works on the site and any damage to the highway identified as being due to the increased volume of construction vehicles shall be repaired by the developer in accordance with a scheme to be agreed in writing within the Local Planning Authority

Reason

In the interests of highway safety

(26) No turbine shall be erected on site until a scheme to secure the investigation and mitigation (including a programme of works) of any electro-magnetic interference with television reception caused by the operation of the turbines has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall provide for the alleviation of any interference with television reception caused by the operation of the wind farm which is notified to the developer within 12 months of the First Export Date. The scheme shall be implemented as approved.

Reason

In the interests of residential amenity

(27)The level of noise emissions from the combined effects of the wind turbines (including the application of any tonal penalty) when calculated in accordance with the Guidance Notes contained within Appendix 10.4 of the Environmental Statement, shall not exceed the values set out in Table 1 or Table 2 contained within Appendix 10.4 of the Environmental Statement (as appropriate). 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 with the Local Planning Authority. The coordinate locations to be used in determining the location of each of the dwellings listed in Tables 1 and 2 shall be those listed in Table 3 of Appendix 10.4

Reason

In the interests of residential amenity

(28)The level of noise emissions from the combined effects of the wind turbines (including the application of any tonal penalty) when calculated in accordance with the Guidance Notes contained within Appendix 10.4 of the Environmental Statement, shall not exceed the values set out in Table 1 or Table 2 contained within Appendix 10.4 of the Environmental Statement (as appropriate). 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 with the Local Planning Authority. The coordinate locations to be used in determining the location of each of the dwellings listed in Tables 1 and 2 shall be those listed in Table 3 of Appendix 10.4

Reason

In the interests of residential amenity

(29) Within 28 days from the receipt of a written request from the Local Planning Authority and following a complaint to the Local Planning Authority from the occupant of a dwelling which lawfully exists or has planning permission at the date of this consent, the wind farm operator shall, at the wind farm operators expense, employ an independent consultant approved by the Local Planning Authority to assess the level of noise emissions from the wind farm at the complainant's property following the procedures described in the Guidance Notes contained within Appendix 10.4 of the Environmental Statement .

Reason

In the interests of residential amenity

(30) The wind farm operator shall provide to the Local Planning Authority the independent consultant's assessment and conclusions regarding the said noise complaint, including all calculations, audio recordings and the raw data upon which those assessments and conclusions are based. Such information shall be provided within 3 months of the date of the written request of the Local Planning Authority unless otherwise extended in writing by the Local Planning Authority.

Reason

In the interests of residential amenity

(31) Wind speed, wind direction and power generation data shall be continuously logged and provided to the Local Planning Authority at its request and in accordance with the Guidance Notes contained within Appendix 10.4 of the Environmental Statement within 28 days of such request. Such data shall be retained for a period of not less than 12 months.

Reason

In the interests of residential amenity

(32) In the event of noise emissions exceeding the values set out in Table 1 or Table 2 contained within Appendix 10.4 of the Environmental Statement the wind farm operator shall, within 28 days from the receipt of a written request by the Local Planning Authority, submit a noise mitigation scheme together with a program of work to be approved in writing by the Local Planning Authority. The scheme shall be implemented as approved.

(33) No development shall commence until there has been submitted to the Local Planning Authority details of a nominated representative for the development to act as a point of contact for local residents (in connection with conditions 29 - 32) together with the arrangements for notifying and approving any subsequent change in the nominated representative. The nominated representative shall have responsibility for liaison with the 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 residential amenity

(34) Prior to the erection of the wind turbines a scheme shall be submitted to and approved in writing by the Local Planning Authority to prevent shadow flicker. The approved scheme shall be implemented prior to the commissioning of the turbines and retained thereafter.

Reason

In the interests of residential amenity .

(35) Notwithstanding the submitted details no development shall take place over or beyond the existing gas pipeline until a scheme for its protection has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved prior to development over or beyond the existing gas pipeline.

Reason

In the interests of safety.

(36) Prior to any works commencing, the Fallopia Japonica (Japanese Knotweed) that is located on the site shall be treated and eradicated in accordance with the Environment Agency Knotweed Code of Practice.

Reason

In the interests of amenity, and to ensure that the treatment is carried out in accordance with recognised good practice.

REASON FOR GRANTING PLANNING PERMISSION

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.

The proposal will provide a source of renewable energy in accordance with National, Welsh Government and Local Policy. The proposal will have no unacceptable effects in relation to Ecology, Cultural heritage and Archaeology, Hydrology and Hydrogeology, Geology, Mining and Mineral Resources, Noise, Traffic, Transportation and Access, Electromagnetic Interference and Aviation. In relation to Socio-Economic effects there are limited short term benefits in relation to employment.

In relation to landscape effect it is considered that the impact of the proposal on landscape in isolation or cumulatively with other built or consented schemes does not outweigh the need to provide a renewable form of energy to meet national targets. Finally in relation to visual amenity it is considered that the proposal in isolation or cumulatively with other built or consented schemes does not affect the amenity of individual residents from within their homes or residents/users of those communities so as to make them unattractive places to live.

The development therefore accords with Planning Policy Wales, TAN 8, and Policies GC1, GC2, ENV1, ENV3, ENV4 ENV5, ENV6, ENV12, ENV14, ENV17, ENV18,ENV19, ENV 22, ENV23, ENV24, ENV29, EC5, CS1, T12, RO4 and IE6 of The Neath Port Talbot Unitary Development Plan

<u>ITEM 1.3</u>	
<u>APPLICATION NO:</u> P/2014/42	<u>DATE:</u> 17/01/2014
PROPOSAL: Replacement shop fronts incorporating roller shutters to all openings.	
LOCATION:	39 Windsor Road, Neath
APPLICANT:	Ms Cari Morgan
TYPE:	Full Plans
WARD:	Neath North

Background

This application is before committee, as the named applicant is Councillor Cari Morgan.

Planning History

N1980/0055 Change of Use Take Away Restaurant – Ref 15/1/80
N1981/0428 Change of Use to American Style Diner – Ref 7/10/81
N1982/0476 Extension at rear for retail use – Approved 13/10/82
N1986/0668 Illuminated Sign – 21/1/86
P2000/1298 Change of Use retail to office - Approved 12/12/00

Publicity and Responses :

The application was advertised on site, and 3 Neighbouring properties have been consulted by letter – No response received

Neath Town Council – No objection

Description of Site and its Surroundings:

The application building is a corner property which has a dual frontage onto Windsor Road and The Ropewalk. The corner of the building is flat in design and accommodates a door at ground floor level with a window installed directly above.

The ground floor provides office accommodation for the Neath Constituency Labour Party, and the first floor accommodates a self contained flat.

Windsor Road is one of the main access roads leading to the Neath town centre, and is identified within the Neath Port Talbot Unitary Plan as a secondary shopping street. There is a mix of commercial properties such as Retail & Hairdressing Salons (A1), Offices and Estate Agents (A2), Restaurants and Take Aways (A3) and Sui Generic Uses such as Beauty Salons, Tattoo Parlours and Amusement Arcades flanking Windsor Road. Due to the variety of the uses, the shopfronts vary significantly in terms of their size, design and external finish.

Brief description of proposal (e.g. size, siting, finishes):

The first element of this application seeks planning permission for replacement shopfronts with roller shutters to all openings.

The elevation facing Windsor Road will comprise of a window opening measuring 3m in width by 2.2m in depth. The window design will consist of 2 window panels, with 2 fan lights per panel. The window will be installed above a 0.5m high stallriser, and between 2 hardwood pilasters. A new fascia will be constructed between the pilasters measuring 3.1m in length, and 0.6m in depth.

The shopfront facing The Ropewalk will comprise of a window opening measuring 2.4m in width and 2.2m in depth, and will match the window design of the proposed shopfront facing Windsor Road. A replacement hardwood door will also be installed in this elevation. The window will be installed above a 0.5m stallriser, and both the proposed window and entrance door will be installed between 2 hardwood pilasters, and below a new fascia measuring 4.3m in width and 0.6m in depth.

Roller shutters will be installed above the shopfront window facing Windsor Road, and above the shopfront window and entrance door facing The Ropewalk. The roller shutters and housing will be located behind the proposed fascia. The roller shutters will be perforated allowing through vision when closed, and will be painted in a colour to match the proposed shopfront.

Material Considerations:

The main issues for consideration with regards to this planning application are the principle of development at this site, together with the impact of the proposal upon visual and residential amenity, and also highway and pedestrian safety having regards to prevailing planning policies.

Policy Context:

Neath Port Talbot Unitary Development Plan

GC1 – General Considerations

ENV17 – Design

TRL8 - Shop front Design

TRL1 – Development in town centres

Policy TRL1 – Development in town centres

As the proposed site is located upon one of the secondary shopping streets of the Neath town centre, as defined under Policy TRL1 of the adopted Unitary Development Plan, and prevailing Policy TRL8 – New shopfronts.

Policy TRL8 – New shopfronts

The principle of a new shop-front would be acceptable in terms of planning policy, provided it relates well to the building taking into account upper-floors, scale, proportion, vertical alignment architectural style and materials; preserves access to upper floors; takes into account the design of neighbouring shop fronts; and uses materials which complement the street-scene.

A new shop front will be permitted provided: -

- a) it relates well to the building taking into account upper floors, scale, proportion, vertical alignment, architectural style and materials;*
- b) it preserves any existing separate access to the floors above;*
- c) it takes account of the design features of neighbouring shop fronts so that the development will fit in with the character of the street scene;*
- d) it uses materials which complement the street scene; and*
- e) any security shutters are designed as to allow a view of the retail display at all times.*

In reference to the criteria outlined above, it is considered that the proposal is acceptable. The application is considered to strengthen the layout and character of the shopping street. In terms of crime and disorder, it is considered that by virtue of the nature of the development, and that the activity will be contained within the premises, the proposed use would not encourage the loitering and anti-social behaviour.

Visual Amenity:

In terms of visual amenity, it is considered that the proposed development

is acceptable in terms of its relationship with the upper floor, scale, proportions, style and finish of the existing property. Furthermore, the proposed development will reintroduce a typical shopfront design, incorporating stallrisers, pilasters and fascia's, which is aesthetically more pleasing than the existing design, and would also create an active frontage which is encouraged along Windsor Road.

Turning to the roller shutter, the shutters will be out of site when not in use and will be enclosed within a box housing which will be located behind the fascia. The shutter has an open design with a 75% perforation, allowing through vision when closed. The roller shutter will be installed in colour which is in keeping with the proposed shopfront.

It is therefore considered that the proposed development will not impact detrimentally upon the application building, and will visually improve the appearance and quality of a building which holds a prominent position upon a shopping street located within the Neath town centre.

Residential Amenity

In terms of residential amenity, it is acknowledged that the majority of the commercial properties along Windsor Road benefit from a residential use at first floor level. However, given the nature of this application, it is not considered that the proposal would result in an adverse residential impact upon the occupiers of those properties, above and beyond that of the previous situation.

Highway Safety (e.g. Parking and Access):

Given the nature of the development, it is not considered that the development will result in a detrimental impact upon highway and pedestrian safety. However, in order to safeguard passing pedestrians, an informative will be added to the planning approval advising the applicant of the correct procedure that should be undertaken should they intend placing skips or scaffolding upon the highway fronting the application building.

Conclusion:

It is considered that the proposed development would not have a detrimental impact upon residential amenity or upon the character or appearance of the street scene, and there would be no adverse impact upon highway and pedestrian safety. Hence, the proposed development would be in accordance with Policy GC1, ENV17, TRL1 and TRL8 of

the Neath Port Talbot Unitary Development Plan.

RECOMMENDATION: **Approval with Conditions**

CONDITIONS;

(1)The development hereby permitted shall be begun before the expiration of five 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)The materials to be used in the construction of the external surfaces of the development hereby permitted shall be as indicated on the approved specification, with the approved roller shutters installed with a powder-coated or painted finish.

Reason

In the interests of visual amenity.

SECTION B – MATTERS FOR INFORMATION

2. APPLICATION UPDATE : ABERNEDD POWER STATION

Background

Members will recall that a consultation under section 36 of the Electricity Act 1989 was submitted to the Authority on 19 September 2008 to construct and operate a gas fired combined cycle gas turbine (CCGT) at Abernedd, Baglan. The response to this consultation was reported to the Planning and Development Committee on 8 April 2010 and, following detailed debate and consideration, Members resolved that a holding objection be maintained in relation to ground contamination issues.

Further discussions between The Department for Climate Change (DECC), Neath Port Talbot and the Environment Agency took place in April 2010, and addressed issues with regard to the conditions to be imposed in respect to ground contamination and the implementation of an effective short and long term remediation strategy. The amended conditions were reported back to the Planning and Development Committee on 17 May 2010 where it was resolved to recommend these and other conditions to the Department of Energy and Climate Change.

Members are reminded that all conditions are recommended to DECC and that the ultimate decision lay with the Secretary of State. The Secretary of State notified the Authority of the decision to grant deemed planning permission for the proposal subject to conditions on 23 February 2011.

On 17 May 2013 SSE formally requested the Secretary of State to grant an extension of time to the deemed consent of the validity period of five years. The condition relating to this request is detailed in Paragraph 4(2) of the deemed permission which states:

“The commencement of the development shall not be later than five years from the date of this consent, or such longer period as the Secretary of State may hereafter direct in writing”.

SSE cited the uncertainties associated with the Governments Electricity Market Reform (EMR) and specifically the lack of clarity on both the timing and operation of the capacity mechanism, as a result of which SSE have postponed any investment decision until 2015 at the earliest. Allied to market uncertainties SSE advised that they would find it difficult to

achieve the current latest “commencement of development” date of February 2016. As such their request was for an extension of 3 years to the time for implementation of the section 36 consent.

On the 30th July 2013 the Secretary of State agreed to extend the validity of the consent for a further three years, therefore making it valid until February 2019. The Secretary of State stated that the agreement is without prejudice to any decision the Local Planning Authority may take on extending the timing of the deemed planning permission contained in condition 5(3) of the section 36 consent.

Condition 5(3) states that:

“The construction of the development shall be begun before expiry of five years from the date of this permission; or before the expiry of two years from the date on which approval is first given in respect of the last matters specified in the following conditions to receive such approval, whichever is the later”.

Purpose of Report

In line with the Secretary of State’s comments, Scottish and Southern Energy contacted the Authority on 10th September 2013 formally requesting an agreement to an extension of time of three years. It was suggested that the second element of condition 5(3) provides the Planning Authority with latitude to deal with the validity period of greater than five years, such as has been granted by the Secretary of State in his direction of 30th July 2013.

The purpose of this report is therefore to advise Members of the following conclusions in respect of the time limits for implementing the consent, following liaison with Legal Services.

Analysis

Officers have consulted with the Department of Climate Change (DECC), following which it was concluded that it was for the Local Authority to decide whether paragraph 5(3) of the deemed consent allows for an extension of time or whether a further application was required, notwithstanding that DECC considered that a planning application was not required.

As a result of consultation with Legal Services, it has been concluded that the condition should be interpreted as allowing the commencement of the development to take place after the five year period has expired provided that it is commenced within two years of the date on which approval is given in respect of the last of the conditions in the consent. Therefore, provided this two year period has not expired (which it has not) then SSE could still implement the consent even though SSE do not intend commencing development within the initial five years.

As this is the case Members are advised that after careful consideration the conclusion is that a further planning application is not required for an extension of time to the deemed consent of three years for the commencement of the development, with the time limit for implementation primarily governed by the condition detailed in Paragraph 4(2) of the deemed permission, as amended in 2012 by DECC.

3. APPEALS RECEIVED

a) **Appeal Ref:** A2014/0001 **Planning Ref:**P2008/0024

PINS Ref: APP/Y6930/A/13/ 2209942

Applicant: Wind Ventures UK Ltd

Proposal: Revised scheme for wind energy development comprising 9 (previously 14) turbines with a maximum height to blade tip of 125m, access tracks, cable trenches, substation, anemometer mast, crane hardstanding. Temporary construction compound and associated infrastructure

Site Address: Farmland Adjoining Forestry East of Crynant and South of Seven Sisters, Neath

Start Date: 20/1/14

b) **Appeal Ref:** A2014/0002 **Planning Ref:**P2013/0397

PINS Ref: APP/Y6930/A/14/2212220

Applicant: Mr T H Owen

Proposal: Detached building incorporating 2 no. 2 bedroom apartments and new car parking area for existing adjacent flats.

Site Address: Land adjacent to Samuels Court & 2-4 Samuels Road, Cwmllynfell

Start Date: 23/1/14

4. APPEALS DETERMINED

a) Planning Appeals

Appeal Ref: A2013/0018 **Planning Ref:** P2012/1060

PINS Ref: APP/Y6930/A/13/2206318

Applicant: Mr Duncan Amos

Proposal: Single-storey detached dwelling (Outline).

Site Address: Land at 134 Shelone Road, Briton Ferry, Neath.

Decision Date: 21/01/2014

Decision Code: Dismissed

Members should note that an appeal was made under the provisions of Section 78 of the Town and Country Planning Act 1990 against the Council's refusal to grant outline planning permission for a single-storey detached dwelling.

The application was submitted in outline, with all matters reserved for subsequent approval. However, the submitted plans include an indicative layout plan to illustrate the anticipated development of the site, together with building parameters, as set out in the Design and Access Statement.

The Inspector noted that the main issues with the appeal were the effect of the proposed development on: highway safety, with particular reference to car parking; the character and appearance of the area; and the living conditions of both the future occupiers of the appeal property and the occupiers of the neighbouring properties, with particular reference to outlook and provision of amenity space.

In respect of highway safety, the Inspector noted that the proposed development did not make provision for any off street parking. He noted that whilst the aspirations of the appellant were commendable, and private car use would be discouraged by the proximity to local facilities and the train station, there was no guarantee that the future occupier of the property would adopt such sustainable principles. Although the appellant contended that there is sufficient on-street parking available in the area, the Inspector noted that the siting of the plot at the junction

between Shelone Road and Rockingham Terrace means that future occupiers would be unable to park directly outside the proposed property without causing significant harm to highway safety. However, given there are no parking restrictions outside the property, he considered there to be a reasonable likelihood that the proposed development would give rise to indiscriminate parking, to the detriment of highway safety. As such, the proposed development would be in conflict with Policy T1 of the Neath Port Talbot Unitary Development Plan (UDP) and the adopted South Wales Counties Parking Guidelines (1993), which required a minimum of one off street parking space.

In respect of the character and appearance of the area, the Inspector noted that the proposed development would be located on a small plot of land to the rear of the two storey semi detached property at No 134 Shelone Road. The proposed bungalow would front Rockingham Terrace and would effectively be sandwiched between the traditional semi detached properties to the north and the rear lane serving the traditional grid patterned terraced properties to the south. He considered that the proposed arrangement would create a development that would appear cramped, which would be exacerbated by the reduced amenity space at No 134, which would be evidently reduced in size to accommodate a dwelling at the appeal site. As a result, the development would appear both cramped and contrived, even taking into consideration other infill developments in the area. He therefore concluded that proposed development could not be adequately accommodated without causing material harm to the character and appearance of the area, and would conflict with Policies GC1 and ENV17 of the UDP.

Turning to the potential impact on the living conditions of future occupiers, the Inspector noted that whilst the views to the rear of the property would be severely limited, the other elevations could sensitively incorporate windows. Moreover, he noted that the indicative floor plan demonstrated that each of the habitable rooms could be designed so as to include windows that would not have an unduly restricted outlook. For these reasons he did not consider the proposed arrangement to be too uncommon or unreasonable given the restricted nature of the site. Furthermore, he noted there would be an opportunity to incorporate detailed design solutions at the reserved matters stage.

Moving on to the matter of amenity space, the Inspector noted that a closed board fence had already been erected at the time of his site visit to demarcate the amenity space available for the occupiers of the adjacent flats. Whilst the available space would be modest, no evidence was submitted to demonstrate that it would be contrary to amenity space

guidelines. He was therefore satisfied that there would be sufficient space available so as to not cause material harm to its occupiers. For these reasons, he was satisfied that the proposal could be accommodated without creating unacceptable living conditions for the future occupiers of the property or the occupiers of the neighbouring properties.

Taking into account all other matters, including its currently overgrown state and associated problems with fly tipping, the Inspector considered that these matters did not outweigh the above concerns and on balance, the appeal should be dismissed.

**5. DELEGATED APPLICATIONS
DETERMINED BETWEEN 18 JANUARY 2014 AND 7
FEBRUARY 2014**

1	App No. P/2011/317	Type Discharge of Cond.
Proposal	Details to be agreed in association with condition 2 (habitat management plan) of application P2010/1100 granted on 18/2/2011	
Location	Land Between Port Talbot Industrial Estate And, Junction 38 Of The M4 At Margam, Port Talbot	
Decision	Approval with no Conditions	
Ward	Margam	

2	App No. P/2012/39	Type Listed Building Cons
Proposal	Installation of roller shutters to front elevation. (application for listed building consent).	
Location	Old Town Hall, New Street, Neath	
Decision	Approval with Conditions	
Ward	Neath North	

3	App No. P/2012/1032	Type Householder
Proposal	Single storey rear extension	
Location	99 Brynamman Road, Gwaun Cae Gurwen	
Decision	Approval with Conditions	
Ward	Gwaun-Cae-Gurwen	

4	App No. P/2012/1086	Type Full Plans
Proposal	Three detached dwellings	
Location	Land Between, 22 & 30 Ynysmeudwy Road, Ynysmeudwy Pontardawe	
Decision	Approval with Conditions	
Ward	Pontardawe	

5	App No. P/2013/24	Type Full Plans
Proposal	Installation of roller shutter gates to front elevation.	
Location	Old Town Hall, New Street, Neath	
Decision	Approval with Conditions	
Ward	Neath North	

6	App No. P/2013/132	Type Full Plans
Proposal	Residential Development comprising 9 semi-detached and detached dwellings with associated access road, engineering and retaining works.	
Location	Land Rear Of, 9-19 Groves Road, Neath	
Decision	Approval with Conditions	
Ward	Neath South	

7	App No. P/2013/213	Type Vary Condition
Proposal	Variation of Condition 5 of Planning Permission P2011/1126 (Approved on the 22/12/11) to defer the submission of the Post Construction Stage BREEAM Certificate for 3 months post practical completion of the building.	
Location	Plot 8, Brunel Way, Baglan Energy Park, Neath	
Decision	Approval with Conditions	
Ward	Briton Ferry West	

8	App No. P/2013/361	Type Discharge of Cond.
Proposal	Details to be agreed in association with Conditions 7 (Access Improvements), 27 (Landscaping scheme) and 28 (Means of Enclosure) of Planning Permission P2012/0658 granted on 03/05/13 (Amended scheme received 20/12/13).	
Location	Neath Car Sales, Neath Road, Briton Ferry	
Decision	Approval with Conditions	
Ward	Briton Ferry East	

9	App No. P/2013/427	Type Discharge of Cond.
Proposal	Details to be agreed in association with condition 52 (Appointment of Peat Protocol Officer and Ecological Clerk of Works) of planning permission ref: P2009/1053 (DECC Ref: 12.04.09.26C) granted on 8/5/12	
Location	Pen Y Cymoedd, South of the Heads of the Valleys Road (A465) between Neath and Aberdare to the North of Maerdy, Treorchy and Glynccorwg and to the East of Tonmawr, Port Talbot	
Decision	Approval with no Conditions	
Ward	Glynccorwg	

10	App No. P/2013/434	Type Discharge of Cond.
Proposal	Details (part) to be agreed in association with condition 6 (pre-construction ecological site surveys) of planning permission ref: P2009/1053 (DECC Ref: 12.04.09.26C) granted on 8/5/12 (Amended Information Rec 30-10-13)	
Location	Pen Y Cymoedd, South of the Heads of the Valleys Road (A465) between Neath and Aberdare to the North of Maerdy, Treorchy and Glynccorrwg and to the East of Tonmawr, Port Talbot	
Decision	Approval with no Conditions	
Ward	Glynccorrwg	

11	App No. P/2013/448	Type Full Plans
Proposal	Demolition of existing dwelling and construction of two-storey detached 6-bedroom replacement dwelling.	
Location	Glynfelin House, Lane From Longford Road To Taillywyd Road, Longford, Neath	
Decision	Approval with Conditions	
Ward	Dyffryn	

12	App No. P/2013/685	Type Vary Condition
Proposal	Variation of Condition 7 (SUDS scheme) and Condition 9 (Ecological Mitigation) of Planning Permission ref. P2011/0985 (granted on 15/11/11) to allow for the agreement of details after the commencement of development.	
Location	Land opposite 34-54 Scarlet Avenue, Sandfields, Port Talbot	
Decision	Approval with Conditions	
Ward	Sandfields West	

13	App No. P/2013/822	Type Full Plans
Proposal	Single storey detached building to accommodate swimming pool for residents only	
Location	Calon Celtiadd, Morrison Court, Sandfields, Port Talbot	
Decision	Approval with Conditions	
Ward	Sandfields East	

14	App No. P/2013/868	Type Full Plans
Proposal	Residential development comprising 11 No. 2 bed houses and 4 No. 1 bed flats, together with associated car parking and landscaping.	
Location	Old Furnace House, Old Furnace Terrace, Neath	
Decision	Approved subject to s.106	
Ward	Neath East	

15	App No. P/2013/893	Type Discharge of Cond.
Proposal	Details to be agreed in association with condition 5 (scheme of archaeological investigation) and Condition 6 (archaeological sites) of planning permission ref: P2007/1413 (APP/Y6930/A/08/2092727) granted on 07/05/2009	
Location	Mynydd Y Gwrhyd	
Decision	Approval with no Conditions	
Ward	Gwaun-Cae-Gurwen	

16	App No. P/2013/914	Type Discharge of Cond.
Proposal	Details to be agreed in association with condition 13 (siting of substation), of planning permission ref: P2007/1413 (APP/Y6930/A/08/2092727) granted on 07/05/2009	
Location	Mynydd Y Gwrhyd	
Decision	Approval with no Conditions	
Ward	Gwaun-Cae-Gurwen	

17	App No. P/2013/926	Type Householder
Proposal	Two storey side and single storey rear extensions	
Location	New Cottage, Water Street, Margam, Port Talbot	
Decision	Approval with Conditions	
Ward	Margam	

18	App No. P/2013/930	Type Householder
Proposal	Two storey side extension	
Location	Penpound Farm, 29 Primrose Lane, Rhos Pontardawe	
Decision	Approval with Conditions	
Ward	Rhos	

19	App No. P/2013/951	Type App under TPO
Proposal	Works to three trees protected by TPO number T200/A9	
Location	28 Corner Meadow, Rhos Pontardawe	
Decision	Approval with Conditions	
Ward	Rhos	

20	App No. P/2013/959	Type Change of Use
Proposal	Change of use from granny annexe (Class C3) to seasonal holiday let (Class C3)	
Location	Tygwyn, Sunny Bank, Glynccorwg, Port Talbot	
Decision	Approval with Conditions	
Ward	Glynccorwg	

21	App No. P/2013/969	Type Vary Condition
Proposal	Variation of conditions 3 and 4 of planning application P2010/1057 granted on the 29th November, 2010 to extend the period of time for the submission of reserved matters.	
Location	Troed-Yr-Rhiw, 4 Fernfield, Baglan, Port Talbot	
Decision	Approval with Conditions	
Ward	Baglan	

22	App No. P/2013/996	Type Full Plans
Proposal	Construction of a 1st and 2nd mezzanine floor and external alterations consisting of seven new windows to first and second floor front elevation.	
Location	Unit 13 Mardon Park, Central Avenue, Baglan Energy Park, Port Talbot	
Decision	Approval with Conditions	
Ward	Baglan	

23	App No. P/2013/998	Type App under TPO
Proposal	Works to lime tree covered by Tree Preservation Order T252	
Location	Alltygrug Park, Clyngwyn Road, Ystalyfera	
Decision	Approval with Conditions	
Ward	Ystalyfera	

24	App No. P/2013/1017	Type Householder
Proposal	Two storey side and rear extension incorporating chimney, plus a dormer window in the rear elevation.	
Location	7 Cefn Parc, Skewen, Neath	
Decision	Approval with Conditions	
Ward	Coedffranc Central	

25	App No. P/2013/1029	Type App under TPO
Proposal	Felling of sycamore tree covered by Tree Preservation Order T154/W1	
Location	12 Lloyd Street, Trebanos Pontardawe	
Decision	Approval with Conditions	
Ward	Trebanos	

26	App No. P/2013/1032	Type App under TPO
Proposal	Works to 5 sycamore trees protected by Tree Preservation Order T154/W1	
Location	10 Lloyd Street, Trebanos Pontardawe	
Decision	Approval with Conditions	
Ward	Trebanos	

27	App No. P/2013/1037	Type Full Plans
Proposal	Single storey side and rear extension to existing industrial unit, fencing and hardstanding	
Location	Unit 13, Brunel Industrial Estate, Cwmavon, Port Talbot	
Decision	Approval with Conditions	
Ward	Bryn & Cwmavon	

28	App No. P/2013/1040	Type Discharge of Cond.
Proposal	Details (Part) to be agreed in association with condition 5 (Peat impact minimisation protocol - agreement of final turbine location T16,17,18,68,69,70,29,30,35,38,39,46,50,55,56,65) of P2009/1053 (DECC Ref 12.04.09.26C) granted on 08/05/12 agreement of final turbine location	
Location	Pen Y Cymoedd, South of the Heads of the Valleys Road (A465) between Neath and Aberdare to the North of Maerdy, Treorchy and Glynccorwg and to the East of Tonmawr, Port Talbot Neath Port Talbot	
Decision	Approval with no Conditions	
Ward	Glynccorwg	

29	App No. P/2013/1045	Type Full Plans
Proposal	Installation of ATM and security door with associated external lighting to front elevation including revised transom to shop-front, plus new door and window to side elevation.	
Location	Former Neath Car Sales Ltd (Unit 1), Neath Road, Briton Ferry, Neath	
Decision	Approved with 5yr expiry only	
Ward	Briton Ferry East	

30	App No. P/2013/1046	Type Discharge of Cond.
Proposal	Details to be agreed in association with condition 57 (water monitoring) of P2009/1053 (DECC REF12.04.0926C) granted on 08/05/12 (Amended Water Level Monitoring Plan Methodology)	
Location	Pen Y Cymoedd, South of the Heads of the Valleys Road (A465) between Neath and Aberdare to the North of Maerdy, Treorchy and Glynccorwg and to the East of Tonmawr, Port Talbot	
Decision	Approval with no Conditions	
Ward	Glynccorwg	

31	App No. P/2013/1049	Type App under TPO
Proposal	Works to Oak Tree covered by Tree Preservation Order T272/T3, comprising of a 4m crown lift and 20% crown thin.	
Location	25 Rowan Tree Close, Bryncoch, Neath	
Decision	Approval with Conditions	
Ward	Bryncoch South	

32	App No. P/2013/1065	Type Householder
Proposal	Proposed installation of 2 No velux windows to front roof plane and first floor window to side (south eastern elevation)	
Location	Cefn Llan, Church Road, Cilybebyll Pontardawe	
Decision	Approval with Conditions	
Ward	Rhos	

33	App No. P/2013/1075	Type Discharge of Cond.
Proposal	Details to be agreed in association with condition 6 (Land Contamination) of planning permission ref: P2011/0865 granted on 18/10/11	
Location	Port Talbot Parkway Railway Station, Cramic Way, Port Talbot	
Decision	Approval with no Conditions	
Ward	Margam	

34	App No. P/2013/1081	Type Full Plans
Proposal	Retention of Solar PV System (200 panels - 1.60m x 900mm) on the existing roof of the industrial unit.	
Location	Unit 14, Seaway Parade Industrial Estate, Baglan, Port Talbot	
Decision	Approval with no Conditions	
Ward	Baglan	

35	App No. P/2013/1089	Type Householder
Proposal	First floor rear extension	
Location	36 Leyshon Road, Gwaun Cae Gurwen	
Decision	Approval with Conditions	
Ward	Gwaun-Cae-Gurwen	

36	App No. P/2013/1092	Type Full Plans
Proposal	New access road, creation of laybys to existing access road and vehicular height restriction barrier.	
Location	Swansea Gate Business Park, Fabian Way, Crymlyn Burrows, Swansea	
Decision	Approval with Conditions	
Ward	Coedffranc West	

37	App No. P/2013/1099	Type Discharge of Cond.
Proposal	Details to be agreed in association with Condition 39 (Pollution Incident Response Plan) of P2009/1053(DECC Ref 12.04.09.26C) granted on 8/5/12	
Location	Pen Y Cymoedd, South of the Heads of the Valleys Road (A465) between Neath and Aberdare to the North of Maerdy, Treorchy and Glynccorwg and to the East of Tonmawr, Port Talbot	
Decision	Approval with no Conditions	
Ward	Glynccorwg	

38	App No. P/2013/1102	Type Householder
Proposal	Certificate of Lawful Development (Proposed) Single storey rear extension.	
Location	32 Avon Street, Glynneath, Neath	
Decision	Issue Lawful Dev.Cert.	
Ward	Blaengwrach	

39	App No. P/2013/1103	Type LawfulDev.Cert-Prop.
Proposal	Application for Lawful development certificate (proposed) for a detached outbuilding	
Location	13 Fothergill Road, Cwmgwrach, Neath, SA11 5PH	
Decision	Not to Issue Lawful Dev.Cert.	
Ward	Blaengwrach	

40	App No. P/2013/1106	Type Change of Use
Proposal	Change of use of ground floor from Video Shop (Class A1) to a Tattoo Studio (Sui Generis).	
Location	40 Queen Street, Neath	
Decision	Approval with no Conditions	
Ward	Neath North	

41	App No. P/2013/1112	Type Householder
Proposal	Replacement Garage.	
Location	29 Shelone Terrace, Briton Ferry	
Decision	Approval with Conditions	
Ward	Briton Ferry West	

42	App No. P/2013/1113	Type Advertisement
Proposal	Two Internally illuminated fascia signs and one double sided illuminated projecting sign	
Location	Wilkinson, Water Street, Neath	
Decision	Approval with Conditions	
Ward	Neath North	

43	App No. P/2013/1116	Type Householder
Proposal	Removal of garage door and insertion of window to facilitate garage conversion.	
Location	14 Rowan Tree Close, Bryncoch, Neath	
Decision	Approval with Conditions	
Ward	Bryncoch South	

44	App No. P/2013/1121	Type Advertisement
Proposal	New internally illuminated fascia sign to front elevation.	
Location	94 Talbot Road, Port Talbot	
Decision	Advert Approved with Std Cond	
Ward	Port Talbot	

45	App No. P/2013/1123	Type Discharge of Cond.
Proposal	Revised details to be agreed in association with condition 7 of P2009/1053 (DECC Ref: 12.04.09.26c) (regarding scheme for reptiles) granted on 8/5/12	
Location	Pen Y Cymoedd, South of the Heads of the Valleys Road (A465) between Neath and Aberdare to the North of Maerdy, Treorchy and Glynccorwg and to the East of Tonmawr, Port Talbot	
Decision	Approval with no Conditions	
Ward	Glynccorwg	

46	App No. P/2013/1128	Type Advertisement
Proposal	Internally illuminated fascia sign	
Location	Unit 2 (Jenkins Bakery), Neath Road, Briton Ferry	
Decision	Approval with Conditions	
Ward	Briton Ferry East	

47	App No. P/2013/1133	Type Householder
Proposal	Single storey side extension	
Location	53 Waun Daniel, Rhos Pontardawe	
Decision	Approval with Conditions	
Ward	Rhos	

48	App No. P/2013/1135	Type Lawful Dev. Cert-Prop.
Proposal	Lawful Development Certificate (Proposed) roof alteration to side elevation.	
Location	17 Brynawel, Pontardawe	
Decision	Not to Issue Lawful Dev. Cert.	
Ward	Pontardawe	

49	App No. P/2013/1137	Type Full Plans
Proposal	Retention and completion of side conservatory.	
Location	The Croft, Tyllwyd Road, Bryncoch, Neath	
Decision	Approval with no Conditions	
Ward	Bryncoch North	

50	App No. P/2013/1138	Type Discharge of Cond.
Proposal	Partial discharge of Condition 6 (Construction Method Statement incorporating details of impact on ecology) of P2009/1053 (DECC Ref 12.04.09.26C) granted on 8/5/12 (Amended statement received 27-1-14)	
Location	Pen Y Cymoedd, South of the Heads of the Valleys Road (A465) between Neath and Aberdare to the North of Maerdy, Treorchy and Glyncorrwg and to the East of Tonmawr, Port Talbot	
Decision	Approval with no Conditions	
Ward	Glyncorrwg	

51	App No. P/2013/1141	Type Discharge of Cond.
Proposal	Details to be agreed in association with Condition 54 (Aftercare management plan) of P2009/1053 (DECC Ref 12.04.09.26C) granted on 8/5/12	
Location	Pen Y Cymoedd, South of the Heads of the Valleys Road (A465) between Neath and Aberdare to the North of Maerdy, Treorchy and Glynccorwg and to the East of Tonmawr, Port Talbot	
Decision	Approval with no Conditions	
Ward	Glynccorwg	

52	App No. P/2013/1147	Type Prior Notif.Demol.
Proposal	Prior Notification of Proposed Demolition of former nursing home at Caewern Lower House.	
Location	Caewern House, Dwr Y Felin Road, Caewern, Neath	
Decision	Prior Approval Not Required	
Ward	Bryncoch South	

53	App No. P/2013/1151	Type Neigh.Auth/Nat.Park
Proposal	1 No wind turbine with maximum blade height of 45m & capacity of 250kW with assoc. works (Bridgend CBC App)	
Location	Hare Grove Farm, Laleston, Bridgend	
Decision	No Objections	
Ward	Outside Borough	

54	App No. P/2014/2	Type Change of Use
Proposal	Change of use of premises to form an extension to adjoining Restaurant (A3 use class) at number 7 Angel Street.	
Location	8 Angel Street, Neath	
Decision	Approval with Conditions	
Ward	Neath North	

55	App No. P/2014/6	Type Discharge of Cond.
Proposal	Details to be agreed in association with Condition 6 (Maintenance and Management of the Sustainable Drainage Scheme) of P2013/0904 granted on 12-Nov-2013	
Location	Land adjacent to Reel Cinema (including Bowling Alley Shell), The Princess Margaret Way, Aberafan Seafront, Port Talbot	
Decision	Approval with no Conditions	
Ward	Sandfields East	

56	App No. P/2014/7	Type Discharge of Cond.
Proposal	Details to be agreed in association with Condition 20 (Covered parking area for disability scooters) of P2013/0904 granted on 12-Nov-2013	
Location	Land adjacent to Reel Cinema (including Bowling Alley Shell), The Princess Margaret Way, Aberafan Seafront, Port Talbot	
Decision	Approval with no Conditions	
Ward	Sandfields East	

57	App No. P/2014/16	Type Discharge of Cond.
Proposal	Proposed scheme for archaeological work in accordance with a written scheme of investigation under condition 45 of P2006/0853 approved on 15th April 2009	
Location	Cwm Nant Lleici Quarry, Gellifowy Road, Pontardawe	
Decision	Approval with Conditions	
Ward	Pontardawe	

58	App No. P/2014/17	Type LawfulDev.Cert-Prop.
Proposal	Erection of a single storey detached log cabin Lawful Development Certificate Proposed	
Location	Graig Goch Farm, Ton Mawr From Graig Goch Access Lane, Margam, Port Talbot	
Decision	Issue Lawful Dev.Cert.	
Ward	Margam	

59	App No. P/2014/22	Type LawfulDev.Cert-Prop.
Proposal	Certificate of Lawfulness (Proposed) for a single storey rear extension	
Location	74 Varteg Road, Ystalyfera, Swansea	
Decision	Issue Lawful Dev.Cert.	
Ward	Ystalyfera	

60	App No. P/2014/33	Type Neigh.Auth/Nat.Park
Proposal	1 no wind turbine - consultation from neighbouring Authority	
Location	Site Of Former Water Tower, Former Stormy Down Aerodrome, Bridgend	
Decision	No Objections	
Ward	Outside Borough	

61	App No. P/2014/40	Type LawfulDev.Cert-Prop.
Proposal	Single storey rear extension and detached outbuilding - Lawful Development Certificate Proposed	
Location	16 Salem Road, Cwmavon, Port Talbot	
Decision	Not to Issue Lawful Dev.Cert.	
Ward	Bryn & Cwmavon	

62	App No. P/2014/67	Type Discharge of Cond.
Proposal	Details to be agreed in association with Conditions 16, 17 and 18 (Contamination Reports) of Planning Application P2012/0658 granted on 03/05/13.	
Location	Former Neath Car Sales, Neath Road, Briton Ferry, Neath	
Decision	Approval with no Conditions	
Ward	Briton Ferry East	