

PLANNING AND DEVELOPMENT CONTROL COMMITTEE

(Civic Centre, Port Talbot)

Members Present:

18th February, 2014

Chairman: Councillor R.G.Jones

Vice Chairman: Councillor A.P.H.Davies

Councillors: H.M.Bebell, J.R.Bryant, Mrs.A.Chaves,
Ms C.Clement, D.W.Davies, M.S.Davies,
Mrs.R.Davies, Mrs.J.Dudley, J.S.Evans,
P.Greenaway, I.B.James, R.James, A.Jenkins,
Mrs.D.Jones, E.E.Jones, E.V.Latham, R.Lewis,
A.R.Lockyer, J.D.Morgan, Mrs K.Pearson,
Mrs.S.M.Penry, M.Protheroe, L.M.Purcell,
H.G.Rawlings, A.J.Siddley, A.Taylor, A.L.Thomas,
R.Thomas, D.Whitelock, I.D. Williams and Mrs
L.G.Williams

UDP/LDP Member: Councillor A.J.Taylor

Observers: Councillors M.L.James and D.Lewis

Officers in Attendance: Mrs N.Pearce, S.Ball, B.McCarthy, R.Bowen,
K.Davies, Mrs J.Woodman-Ralph and Mrs T.Davies

1. MEMBERS' DECLARATIONS

The following Members made declarations at the commencement of the meeting:

Councillor H.M.Bebell - Report of the Head of Planning – Item
No. 1.1 - Application No: P/2012/581 –
Land North of Elba Crescent, Crymlyn
Burrows, Neath as he is a local resident.

- Councillor I.B.James - Report of the Head of Planning – Item No.5 – Delegated Application No. P2013/1075 – as he is employed by Arriva Trains Wales.
- Councillor Mrs D.Jones - Report of the Head of Planning – Item No 1.2 – Application No P/2012/999 - Erection of 5 wind turbines at Mynedd Marchywel, between Rhos and Cilfrew – as she is a Member of Blaenhondden Community Council.

The following Members made the undermentioned declaration at the commencement of the meeting, and withdrew from the room at the start of the item:

- Councillor Mrs S.M.Penry - Report of the Head of Planning – Item
Councillor Mrs L.G.Williams No 1.3 – Application No P/2014/42 –
Councillor R.James Replacement of shop fronts at 39
Councillor A.L.Thomas Windsor Road, Neath – because they are
Councillor A.Jenkins Members of Neath County Labour Party.
Councillor M.Protheroe
Councillor A.L.Thomas
Councillor D.W.Davies
Councillor Mrs K.Pearson
Councillor Mrs D.Jones
Councillor E.E.Jones
Councillor A.J.Siddley

2. **MINUTES OF THE LAST MEETING**

RESOLVED: that the Minutes of the Planning and Development Control Committee, held on the 28th January 2014, as circulated, be confirmed as a correct record.

Report of the Head of Planning

(Note: An amendment sheet – attached and agreed – was circulated at the meeting, as detailed in Appendix A hereto).

3. **PLANNING APPLICATIONS – APPROVED**

Planning Application P/2012/581

Variation of Condition 31 to amend the details of the landscape buffer including size, of Planning Permission P2008/0514 granted on the 30/09/2011 (amended description, revised illustrative layout plan and revised landscaping scheme) at Land North of Elba Crescent, Crymlyn Burrows, Neath.

Planning Application P/2014/42

Replacement shop fronts incorporating roller shutters to all openings at 39 Windsor Road, Neath.

RESOLVED: that the above mentioned applications be approved, subject to the Conditions contained within the circulated report.

4. **PLANNING APPLICATION – REFUSED**

RESOLVED: that the undermentioned application be refused, for the reason verbally clarified at the meeting, as set out below:-

Application No. P/2012/999

Erection of 5 wind turbines with a max blade tip height of 126.5m, control building, electricity substation, 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 had been received 13th September 2013.

Reason for Refusal

Notwithstanding the boundaries of the Strategic Search Area E and the associated buffer zone, as defined within TAN 8, the proposed development by virtue of the central location of Mynydd March Hywel in relation to a number of communities, together with the prominent and linear siting of the turbines which dominate the landform upon which they are to be located, would result in the introduction of visually incongruous structures which would unacceptably detract from the landscape character areas within which they were to be located, and as a consequence would also adversely affect the amenities of residents living within and adjoining these areas, and the socio-economic development (tourism) of the area. The application was therefore contrary to the objectives of TAN 8, the criteria within the Council's Interim Planning Guidance 'Wind Turbines' and Policies GC1, GC2, ENV1, ENV3, IE6, and EC5 of the Neath Port Talbot Unitary Development Plan.

(Note: with regard to the amendment sheet referred to above and attached as an Appendix, on which the Chair had allowed sufficient time for Members to read, in respect of an application item on the published agenda, the Chairman had permitted urgent circulation/consideration thereof at today's meeting, the particular reasons and the circumstances being not to further delay the planning process, unless the Committee itself wanted to defer any applications and to ensure that Members take all extra relevant information into account before coming to any decision at the meeting).

5. **APPLICATION UPDATE: ABERNEDD POWER STATION**

Members received an update in respect of the outcome of the consultation in relation to the application under Section 36 of the Electricity Act 1989, which had been submitted to the Authority on 19th September 2008, to construct and operate a gas fired combined cycle gas turbine (CCGT) at Abernedd, Baglan, the details of which were contained within the circulated report.

RESOLVED: that the report be noted.

6. **APPEALS RECEIVED**

RESOLVED: that the following Appeals received, as detailed in the circulated report, be noted:-

Appeal Ref: A2014/0001

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 at farmland adjoining forestry East of Crynant and South of Seven Sisters, Neath.

Appeal Ref: A2014/0002

Detached building incorporating 2 x 2 bedroom apartments and new car parking area for existing adjacent flats at land adjacent to Samuels Court and 2-4 Samuels Road, Cwmllynfell.

7. **APPEAL DETERMINED**

RESOLVED: that the following Appeal determined be noted, as detailed in the circulated report.

Appeal Ref: A2013/0018– Single-storey detached dwelling (Outline) at land at 134 Shelone Road, Briton Ferry, Neath.

Decision: Dismissed

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

Members received a list of planning applications which had been determined between 18th January and 7th February 2014, as contained within the circulated report.

RESOLVED: that the report be noted

CHAIRMAN

APPENDIX A

**PLANNING AND DEVELOPMENT CONTROL COMMITTEE
18TH FEBRUARY 2014**

ENVIRONMENT

REPORT OF THE HEAD OF PLANNING – N. PEARCE

PLANDEV-180214-REP-EN-NP-UA

AMENDMENT SHEET

<u>ITEM 1. 2</u>	
<u>APPLICATION NO: P/2012/999</u>	<u>DATE: 06/12/2012</u>
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
APPLICANT:	RES UK & Ireland Limited
TYPE:	Full Plans
WARD:	Bryncoch North

REPORT CORRECTIONS

The final paragraph of the noise assessment on page 90 should read “It is therefore considered that the proposed development will **not** have an adverse effect on amenity by virtue of noise”.

The sixth paragraph on page 95 should read: “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 **no** noise exceedences above nationally agreed figures”.

At page 99 the recommendation should read: -

APPROVAL subject to a section 106 agreement to secure a Habitat Management Plan, **bond for restoration of the site**, and a community benefit payment of £5000 **per** MW per year for a period of 25 years”.

ADDITIONAL REPRESENTATIONS RECEIVED

Subsequent to the report being finalised, the department has received the following additional representations: -

10 letters of **support** in relation to the proposal. In summary, the letters support the proposals as a green, renewable form of energy

The department has received 34 letters of **objection** in relation to the proposal. The contents are summarised as follows: -

- The impact of the proposal on ecology, historic environment, tourism, landscape and visual amenity, shadow flicker, hydrology, noise.
- The site is partially outside SSA E
- The proposal does not accord with guidance contained within the Council’s Interim Planning Guidance (IPG) in that the turbines exceed one third of the height of the landform
- The development does not accord with the criteria set out within paragraph 2.9 of TAN 8 as two turbines are below 300m AOD
- Undue weight has been attributed to the Residential Visual Amenity Survey (RVAS)

The Department’s response / comments

- In relation to ecology, historic environment, tourism, landscape, visual amenity, shadow flicker, hydrology, noise, and the location of the proposal within the context of SSA E, these matters have been addressed in detail in the report.

Interim Planning Guidance (IPG): -

- Appendix 4 of the IPG states that “Turbines should not be higher than a third of the height of the landform they are placed on (or likely to be viewed against).” The IPG is based on a strategic level study and paragraph 6.7 makes it clear that “it will be necessary to consider each proposal in detail, including the siting and size of the turbines and their impacts”.

The advice within Appendix 4 is also guidance and not a prescriptive criteria for assessing the suitability of the site. Whilst it is accepted that the turbines are in excess of a third of the height of the landform, the method of calculating the overall height of the landform is not prescribed. Nevertheless, the overall assessment has regard to their location on slope faces, the landscape character and overall scale of the landscape, which together are considered to mitigate against the effect. As such it is considered that the height of the turbines in relation to the scale of the landscape is not so harmful as to warrant refusal of the application, having particular regard to the acceptance in TAN8 that the “implicit objective is to accept landscape change”.

It is also pertinent to note that in the Mynydd y Gelli appeal, whilst the Inspector attributed little weight to the IPG, consent was granted for turbines which were in excess of a third of the height of the landform.

- Paragraph 2.9 of TAN 8 states that SSAs should be:

“Upland areas (typically over 300 m above ordnance datum)”

As with the IPG these are not prescriptive criteria but guidance. However, in this case, whilst two of the turbines are marginally below 300 m the site is above 300m with the land form rising to 418 m to the north east of the site. It should also be noted that as set out previously the ARUP report confirms compliance with the criteria set out in paragraph 2.9 of TAN 8

- The assessment of impact on residential properties has been undertaken using a selection of recognised tools including wireframes, photo montages, residential amenity survey and site visits. The department is satisfied with the methodology adopted. There is no evidence within the ES to indicate that inappropriate weight has been attached to the

Residential Visual Amenity Survey (RVAS), nor has the department attached an inappropriate weight to the RVAS.

The department has also received three letters of objection and a letter from the applicant company that have been sent **directly to Members**.

The objections are summarised as follows:

- The proposal does not accord with TAN8 in relation to location and the sustainability of the land form.
- The proposal does not accord with guidance contained within the Council's IPG in that the turbines exceed one third of the height of the landform
- Scotland has a separation distance of 2km between developments and residential properties.
- Concerns over the methodology within the RVAS
- Concerns over officers assessment of effect on impact on residential properties
- The departments landscape consultant consider that the site "is not an ideal candidate for wind energy"
- Economic benefits arising from the development should be sourced locally
- The proposal will result in congestion in Cadaxton
- Undue weight is given to previous appeal decision

The department's comments

In relation to TAN 8, the IPG, RVAS and highways these have previously been addressed in the report.

- Unlike Scotland, other than for noise, there is no guidance or advice with a minimum separation distance between Windfarms and residential properties.
- The planning balance and assessment of impact on residential properties is based on established case law and practise.
- The department is not able to require the developer to appoint local contractors. However it is understood that the developer is seeking to achieve this through a local supply chain model used on other wind farms.
- Previous appeal decisions can be material consideration. However, their application to other proposals must be carefully considered and

appropriate weight given. In the case of Mynydd y Gelli it is considered that the decision has material weight in relation to the status of the original TAN boundary, the refinement process and the status of the Councils IPG. It is therefore considered that the report has given appropriate weight to previous appeal decisions.

In considering the submissions relating to the conclusion reached by the Authority's consultant Coopers Partnership the following is advised: -

- Coopers Partnership was appointed with a brief to review the adequacy of the Landscape and Visual Impact Assessment (LVIA), and particularly the methodology employed in the assessment.
- In response to the work by Coopers Partnership, Supplementary Environmental Information was received to address initial criticisms;
- While it is acknowledged that the final line of the report's conclusions state that the site "is not an ideal candidate", the brief did not request such an assessment nor does the report provide the evidential base on which such a comment is made.
- Coopers Partnership were not subsequently employed to undertake a further analysis of the final ES/LVIA, with the overall Environmental Statement / LVIA subsequently assessed in detail within the Officer's report to Committee, having regard also to the prevailing planning policy situation and other material considerations, including recent Inspector's appeal decisions.
- Accordingly, while the view is noted it is not considered to form part of the Council's overall assessment of the project.

The applicant's supporting letter, which has been sent to the individual Members of the Planning Committee, responds to the Committee report outlining the local consultation undertaken and that there have been no objections from statutory consultees. The letter also emphasises National and local policy support for the proposal and concludes that the proposal will have benefits for employment, the environment, and renewable energy production. In addition it will provide a source of community benefit.