SECTION A – MATTERS FOR DECISION

Planning Applications Recommended For Approval

APPLICATION NO: P2014/0825	**DATE:** 20/10/2014
PROPOSAL:	Installation of 11 wind turbines with a maximum tip height of 145m to generate up to 33 MW, together with ancillary development including substation and control building, on site underground electrical cables, stone site access tracks, temporary construction compounds, turbine foundations and temporary crane pads. (Amended application which seeks a reduction in the number of turbines from 13 to 11, an increase in maximum tip height of turbines from 120m to 145m)
LOCATION:	Foel Trawsnant, Bryn, Port Talbot
APPLICANT:	Mr Stuart Watcham - Pennant Walters (FoelT) LTD
TYPE:	Full Plans
WARDS:	Bryn & Cwmavon; Cymmer; Pelenna

PURPOSE OF ADDENDUM REPORT

This report is brought before Members for a further resolution due to the time that has expired since the earlier committee resolution, and to ensure that the decision is legally robust having regard to any material changes in policy circumstances since the original resolution.

BACKGROUND

Members may recall that this application was brought to planning committee previously on 6th June 2017 and 24th September 2019 (see 2017 Committee Report and 2019 Committee Report). The original application sought permission for 13 turbines at a height of 120m, and Planning Committee resolved to grant permission subject to the signing of a section 106 agreement in relation to a community benefit fund, habitat management plan and de commissioning bond.

The subsequent amendment brought to planning committee in 2019 (accompanied by a new Environmental Statement) sought to amend the application by reducing the number of turbines from 13 to 11 and increasing the maximum tip height of turbines from 120m to 145m. Planning Committee again resolved to grant permission subject to the signing of a section 106 agreement in relation to a community benefit fund, habitat management plan and de commissioning bond

Since the 2019 resolution, the applicant has been in discussions with the Planning Department in relation to further amendments to the scheme, however after much negotiation they now wish to proceed with the application as agreed in 2019, albeit (having regard to the recent *Finney* court judgement) wish to remove the maximum permitted 33MW from the description of development which will allow them greater flexibility should they amend this application in the future.

The Local Authority's Legal Section after much negotiation have now been provided with the signed legal agreements to allow this application to be issued.

Some 2 years have now passed since the application was brought before Planning Committee and the legal agreements finalised. As such the application is now being brought before one last time to Planning Committee again due to its Strategic Importance and for purposes of consistency, with this addendum report seeking to address whether there have been any material changes in site or policy circumstances since the 2019 resolution that might affect the positive determination of this application.

It should also be noted that if a new application of this size was received today, the scale of application would make it a 'Development of National Significance' (DNS) which would be determined by Planning Environment Decisions Wales (PEDW – formerly the Planning Inspectorate). Nevertheless this scheme remains to be considered locally by Neath Port Talbot Council.

SITE AND CONTEXT

The site has not changed since the earlier resolutions.

The proposed Foel Trawsnant Wind Farm is located approximately 2.3km to the north-west of Maesteg, Bridgend (albeit the site lies entirely within the Neath Port Talbot Local Authority area). The development site lies between approximately 250m and 371m AOD altitude and occupies a position toward the northern end of the higher ground between the Afan and Llynfi Valleys.

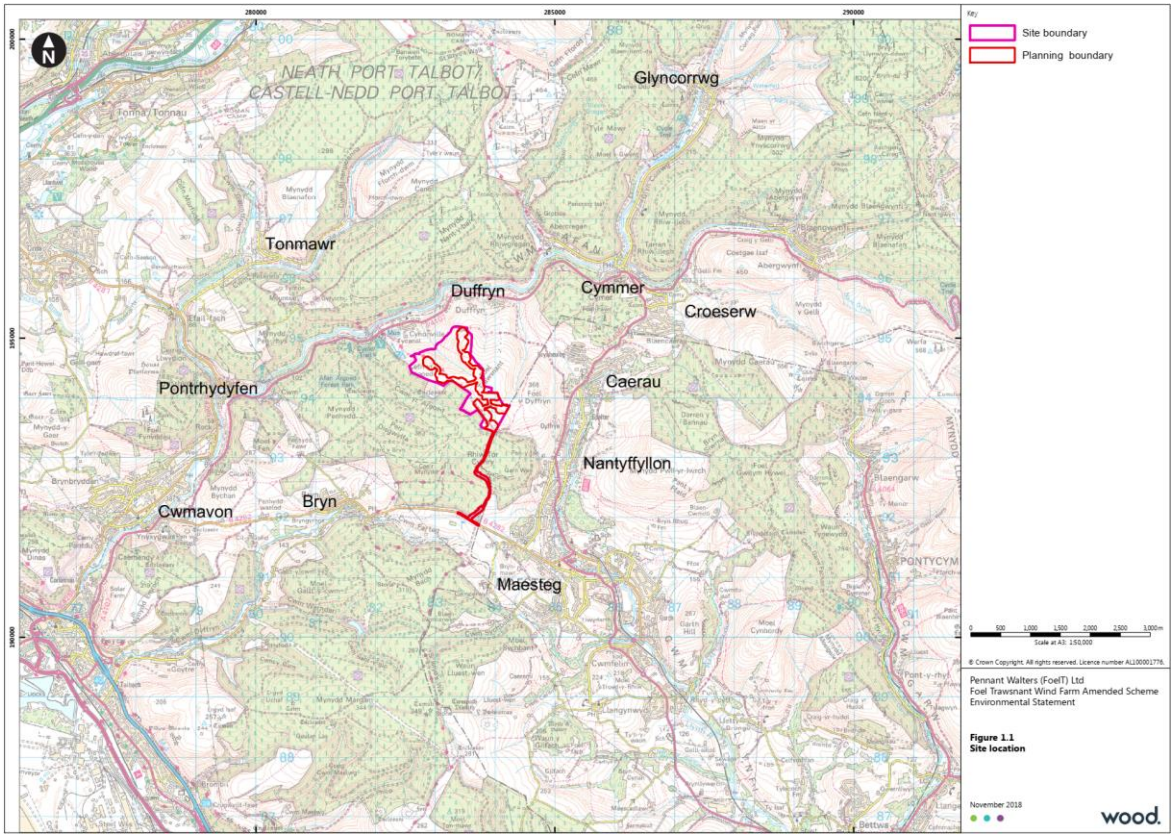
The site is located on land which include habitats such as semi improved grassland, mire communities, as well as areas of upland heath and acid grass land. The majority of the land is used for grazing livestock (a use which can continue after the development has been constructed).

Access to the site will be via the B4282, between Bryn and Maesteg and will utilise an existing forestry track. There are a number of public rights of way that cross the site, and there is designated open access land.

All of the 11 proposed turbines will be located within the refined Strategic Search Area (SSA) 'F' identified within the adopted Local Development Plan, as well as within a Special Landscape Area (SLA). However, Technical Advice Note 8 has been superseded since the 2019 resolution, and strategic search areas (as identified in the TAN) are no longer material - . This has been addressed later in the report.

For Members' information the location plan below shows the site boundary and identifies the surrounding communities.

Plan 1: Location Plan



DESCRIPTION OF DEVELOPMENT

The application (as amended) seeks full planning permission for the construction of 11 no. wind turbines with a maximum hub height of 100m and height to blade tip of 145m.

Associated ancillary development including unit transformers at each turbine, access routes, transformers, electricity sub-station, and two temporary site compounds also form part of the application for consent.

Each turbine will have a maximum power output of approximately 3MW. As such the electrical output of the proposed wind farm is anticipated to be up to a maximum of 33MW. This would be sufficient on average to supply the equivalent of the domestic electricity needs of approximately 19,717 homes.

As part of this addendum the applicant wishes to remove the wording ‘to generate up to 33 MW’ from the description of development. This will allow them more flexibility in the future should they wish to amend a turbine type. Removing the max power output from the description would not have any material change in relation to the impacts the development would have as this would be controlled by conditions and the approved plans. It should also be noted that the signed legal agreements would not be impacted by the removal of this maximum output.

The proposed wind farm is designed to have an operational life of 25 years and permission is sought for this period of operation only. After this period the applicant proposes to fully restore the site to its original condition.

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

1. Introduction
2. Approach to Environmental Impact Assessment
3. Scoping and Consultation
4. Wind Farm Site Selection and Design
5. Description of the Proposed Development
6. Legislative and policy overview
7. Landscape and Visual impact assessment
8. Historic Environment
9. Non avian ecology
10. Ornithology
11. Noise
12. Water Resources and Ground Conditions
13. Traffic and Transport
14. Socio-economics including Recreation and Tourism
15. Shadow Flicker
16. Aviation and Telecommunications
17. Cumulative effects

Cumulative Effect

It is noted that the assessment of cumulative effects in the ES indicate that wind farms that fall within the scope of the cumulative assessment are as follows:

- Ffynnon Oer: 16 operational turbines, 91m high, approximately 3km to the north.
- Pen y Cymoedd: 76 consented turbines, 145m high, a minimum of 3km to the north and extending to the northeast
- Afan Llynfi: 12 consented turbines, 118m high, 4 km to the east
- Mynydd Brombil: 5 turbines, 100m high, 7 km to the southwest.

Although the Council is aware of the proposed Y Bryn windfarm (to be submitted formally to Planning Environment Decisions Wales next year), it is considered that it would be unreasonable in light of the earlier resolutions to require any additional assessment, noting also that the cumulative impacts of Y Bryn would need to address this approved scheme.

All plans / documents submitted in respect of this application, including visualisations, can be viewed on the Council's online register.

CONSULTATIONS

No further consultations have been undertaken since the application was last brought before planning committee.

REPRESENTATIONS

No further representation have been undertaken or received since the application was bought before planning committee.

ASSESSMENT

The main purpose of this addendum report which should be read in conjunction with the previous Planning Committee report, is to assess whether there have been any material changes in circumstances since the resolution to grant permission was authorised by planning committee in Sept 2019, having regard to National Planning Policy guidance the aims and objectives of the Adopted Local Development Plan.

It is considered that the main issue in the determination of this application concern the landscape and visual impact of the proposed turbines on the character and appearance of the area. In addition, matters relating to ecology, heritage assets and the cultural heritage, residential amenity, noise and traffic / highway safety implications. And finally, whether any harm identified in relation to all or any of these matters is outweighed by the benefits of the scheme in terms of its contribution to renewable energy production.

Planning Policy Context

Since the Sept 2019 Planning Committee there has been change in National Policy relating to renewable energy, which is the publication of:

- Future Wales: the National Plan 2040
- Planning Policy Wales Edition 11

In Future Wales the Welsh Government has emphasised its strong support for the principle of developing renewable and low carbon energy from all technologies and at all scales to meet our future energy needs. It emphasises (Policy 17) that in determining planning applications for renewable and low carbon energy development, decision-makers must give significant weight to the need to meet Wales' international commitments and our target to generate 70% of consumed electricity by renewable means by 2030 in order to combat the climate emergency.

Within Future Wales, Welsh Government has undertaken an assessment to identify areas to provide certainty where, in principle, developments would be acceptable for large-scale on-shore wind energy development and the associated landscape change wind energy. These area are identified as 'Pre-Assessed Areas for Wind Energy' and there is a presumption in favour of large scale wind subject to the criteria set out within Policy 18.

It should be noted that the strategic search areas (SSA) that were identified under Technical Advice Note 8 are now superseded by the pre assessed areas for wind (albeit the refined SSAs are still identified within the adopted LDP). This application site was located within the refined SSA and is now located with a pre-assessed area for wind.

Policy 18 "Renewable and Low Carbon Energy Developments of National Significance" states that Proposals for renewable and low carbon energy projects (including repowering) qualifying as Developments of National Significance (which this development would be) will be permitted subject to policy 17 and the following criteria:

1. *outside of the Pre-Assessed Areas for wind developments and everywhere for all other technologies, the proposal does not have an unacceptable adverse*

impact on the surrounding landscape (particularly on the setting of National Parks and Areas of Outstanding Natural Beauty);

2. *there are no unacceptable adverse visual impacts on nearby communities and individual dwellings;*
3. *there are no adverse effects on the integrity of Internationally designated sites (including National Site Network sites and Ramsar sites) and the features for which they have been designated (unless there are no alternative solutions, Imperative Reasons of Overriding Public Interest (IROPI) and appropriate compensatory measures have been secured);*
4. *there are no unacceptable adverse impacts on national statutory designated sites for nature conservation (and the features for which they have been designated), protected habitats and species;*
5. *the proposal includes biodiversity enhancement measures to provide a net benefit for biodiversity;*
6. *there are no unacceptable adverse impacts on statutorily protected built heritage assets;*
7. *there are no unacceptable adverse impacts by way of shadow flicker, noise, reflected light, air quality or electromagnetic disturbance*
8. *there are no unacceptable impacts on the operations of defence facilities and operations (including aviation and radar) or the Mid Wales Low Flying Tactical Training Area (TTA-7T);*
9. *there are no unacceptable adverse impacts on the transport network through the transportation of components or source fuels during its construction and/or ongoing operation;*
10. *the proposal includes consideration of the materials needed or generated by the development to ensure the sustainable use and management of resources;*
11. *there are acceptable provisions relating to the decommissioning of the development at the end of its lifetime, including the removal of infrastructure and effective restoration.*

The cumulative impacts of existing and consented renewable energy schemes should also be considered"

Planning Policy Wales has also been revised since the 2019 committee with the publication of edition 11 in February 2021, however this remains very focused on renewable energy production and committed to reducing carbon emissions.

PPW states the planning system manages the development and use of land in the public interest, prioritising long term collective benefit, contributing to improving the economic, social, environmental and cultural well-being of Wales. It must reconcile the needs of development and conservation, securing economy, efficiency and amenity in the use of land, ensuring the sustainable management of natural resources and protecting, promoting, conserving and enhancing the built and historic environment.

At para 5.7 PPW advises that the planning system plays a key role in delivering clean growth and the decarbonisation of energy, as well as being crucial in building resilience to the impacts of climate change. The transition to a low carbon economy not only brings opportunities for clean growth and quality jobs, but also has wider benefits of enhanced places to live and work, with clean air and water and improved health outcomes.

At 5.7.14 it further identifies that the Welsh Government targets for the generation of renewable energy are:

- for Wales to generate 70% of its electricity consumption from renewable energy by 2030;
- for one Gigawatt of renewable electricity capacity in Wales to be locally owned by 2030; and
- for new renewable energy projects to have at least an element of local ownership by.

The planning system has an active role to ensure the delivery of these targets. PPW recognises that Wales has an abundant wind resource and, as a result, wind energy is a key part of meeting the Welsh Government's (WG) vision for future renewable energy production.

At para 5.9.16 it states *"Wales has an abundant wind resource and, as a result, wind energy forms a key part of meeting the Welsh Government's vision for future renewable energy production."*

Para 5.9.17 states "*Future Wales sets out the Welsh Government's policies for the determination of renewable energy schemes of 10MW and more under the Developments of National Significance procedure. For large scale wind developments, it identifies Pre-Assessed Areas where the Welsh Government has already modelled the likely impact on the landscape and has found them to be capable of accommodating development in an acceptable way. There is a presumption in favour of large scale wind energy development (including repowering) in these areas, subject to other criteria contained within the policy."*

Para 5.9.19 *states when determining applications for the range of renewable and low carbon energy technologies, planning authorities should take into account:*

- *the contribution a proposal will make to meeting identified Welsh, UK and European targets;*
- *the contribution to cutting greenhouse gas emissions; and*
- *the wider environmental, social and economic benefits and opportunities from renewable and low carbon energy development*

In light of the above national policy changes it is considered that the Planning Authorities **should give significant weight** to the Welsh Government's targets to increase renewable and low carbon energy generation, as part of their overall approach to tackling climate change and increasing energy security. (Emphasis added)

<u>Development Plan Policy</u>

Since Sept 2019 there has been no change. The existing Development Plan comprises the Neath Port Talbot County Borough Council Local Development Plan (LDP) which was adopted in January 2016 and covers the period 2011-2026.

<u>Principle of Development</u>

Strategic Policy SP18 states that "a proportionate contribution to meeting national renewable energy targets and energy efficiency targets will be made while balancing the impact of development on the environment and communities". **Policy RE1** then

provides the following criterion-based policy which allows an assessment of the impacts of proposals for Renewable and Low Carbon Energy development: -

Proposals for renewable and low carbon energy development will only be permitted subject to the following criteria:

1. Large scale wind farm developments (>25MW) will be expected to be located within the boundaries of the refined Strategic Search Areas.
2. Proposals for wind farms of any size outside the SSAs will only be permitted where it is demonstrated that there will be no unacceptable impact on visual amenity or landscape character through the number, scale, size, design and siting of turbines and associated infrastructure.
3. Small scale wind farm developments (<5MW) will be required to demonstrate that impacts are confined to the local scale.
4. All renewable energy or low carbon energy development proposals will be required to demonstrate that:
(a) Measures have been taken to minimise impacts on visual amenity and the natural environment;
(b) There will be no unacceptable impacts on residential amenity;
(c) The development will not compromise highway safety;
(d) The development would not interfere with radar, air traffic control systems, telecommunications links, television reception, radio communication and emergency services communications; and
(e) There are satisfactory proposals in place for site restoration as appropriate.

However in light of National Policy change and the removal of SSA's it is considered that the above policy would no longer be relevant in terms of directing the location that large scale development. Instead The Local Authority should assess large scale wind development in accordance with Future Wales Policy 17 and 18. This application is located within pre assessed areas for wind where the presumption in favour of large scale wind development. Accordingly it is considered that the principle of such renewables development is therefore acceptable subject to a detailed assessment of the 'acceptability' of the impacts. This is assessed in turn below, with the 'planning balance', having regard to need, considered subsequently.

Landscape and Visual Effects

In terms of landscape affects there has been no material change since the application was last brought to planning committee. The turbines are located in the same positions and are the same size as previously assessed. Furthermore the site is now within a pre-assessed area for wind where Welsh Government has modelled the likely impact on the landscape and has found them to be capable of accommodating development in an acceptable way.

There has been no change in the size and location of the turbines as such the impacts relating to Landscape effects, Visual Effects, National Landscape Designations, Cumulative effects and Residential Visual Amenity have not changed since the application was last brought to planning Committee. And the impacts address within the previous committee report remain the same.

Having regard to the above and the previous report, it is considered that there would be some significant adverse effects both on the landscape and on visual amenity. The

site is, however, located within a Pre Assessed Area for wind. In this respect, while the planning balance will be assessed below, it is considered that the impacts of development on the area are, given the scale of the proposal, relatively limited and in line with expectations for such renewables development.

Noise Assessment

There has been no change in relation to noise as the position and size of turbine remain the same. The Noise issues relating to the potential impact of this wind farm scheme have been assessed in the ES, with operational noise assessed in accordance with the ETSU-R-97 Guidance, which have been detailed in the previous committee report. As nothing has changed it is considered the development will not have an unacceptable adverse impact on the nearest residential properties subject to conditions that will control noise levels during construction and operation.

Traffic and Transport

There has been no material changes in relation to traffic and transport since the last committee report. The turbines are the same size and will be delivered via the same route which was assessed in the previous report. As such the conclusion found that there will not be any unacceptable impact upon highway and pedestrian safety which cannot be mitigated by condition.

Shadow Flicker

In terms of shadow flicker, there has been no material change that would affect shadow flicker as such the assessment in the previous report remain the same. This conclude that the impacts upon shadow flicker are low. Nevertheless a condition to address shadow flicker from the development is recommended.

Ecology and Ornithology

There has been no material change since the last committee report in terms of ecology which concluded that the ES and subsequent information demonstrate that the proposal will not have a significant impact on ecological interests. Therefore, subject to the imposition of the suggested conditions and S106 requirements and appropriate mitigation measures and positive habitat management (which has now been signed) will outweigh any negative ecological effects of the proposal. Some of the ecological mitigation will need to be undertaken via a S106 agreement as the land lies outside the application site boundary (albeit within the control of the applicant). The development is therefore still considered to accord with Policies SP15, SP16 and EN6 of the Adopted Local Development Plan.

Socio-Economics including recreation and tourism

In respect of tourism, there has been no material change since the previous committee report and the comments set out within that still relevant.

Impacts on Rights of Way

There has been no change since the last committee report the report details the impacts the development would have upon bridleway 39 and footpath 40 cross the site. The ES

suggests that Rights of Way 39 and 40 can be permanently diverted to ensure a 145m set off distance is retained. As such a condition is still recommended to require a formal diversion to be agreed prior to specified turbines being erected and to ensure the footpath is diverted prior to the first beneficial use of those turbines.

Water Resources and Ground Conditions

There has been no change since the previous committee report. The ES assesses the likely significant effects of the proposed development with respect to water resources and ground conditions, including hydrology, hydrogeology and the water quality of the proposed development. The ES confirms that the runoff from the proposed development will be maintained at greenfield rates. Both natural Resources wales and The Head of Engineering and Transport (Drainage) had no objections subject to conditions.

Mineral Safeguarding/ Coal Legacy

There is no change since the previous committee report development is located with a Mineral Safeguarding Area covered by Policy M1 of the Neath Port Talbot Local Development Plan. The location of the development falls within a safeguard Category 1 sandstone resource and coal resource. A condition requiring intrusive site investigations would be required to inform any mitigation measures which may be required in order to ensure the safety and stability of the proposed development.

Land Contamination

The Local Authority's Land contamination Officer has raised no objections, albeit noting that the site is within a coal mining high risk area. The submitted coal authority report also recommends 'technical advice relating to both the investigation of coal and former coal mines and their treatment should be obtained before beginning work on site'. As such a desk study will be needed as a minimum to assess the potential risks to human health. As such standard land contamination conditions can be imposed.

Land Stability

The Local Planning Authority is not aware of any material changes in terms of land stability in the area that were not addressed in the last officer report. As such the comments and conclusions reached remain relevant.

Historic Environment

There are no material changes in relation to the historic Environed. Cultural Heritage has been extensively covered within the ES and previous committee report and conditions recommended.

Telecommunications and Aviation Assessment:

In relation to Telecommunication and Aviation, it is considered that recommendations within the ES assessments and last committee report would still be required

Other
All other matters have been addressed in the previous officer report which remain the same.

Assessment having regard to the benefits of renewable energy ("the planning balance")

The earlier parts of this assessment within this addendum report and the previous committee report have concluded that there would be some significant impacts arising from this development. These impacts are assessed below having regard to the benefits of renewable energy, and in the context of Policy RE1 which requires that there are no 'unacceptable impacts'.

As emphasised earlier in this report, National Policy supports the increased use of renewable energy both to address the concerns about climate change and to deliver national diversity of energy supplies, thus ensuring the UK is not dependent on any one type of fuel or power source.

Future Wales States "*Wales is abundant in opportunities to generate renewable energy and the Welsh Government is committed to maximising this potential. Generating renewable energy is a key part of our commitment to decarbonisation and tackling the climate emergency. We have set the following ambitious targets for the generation of renewable energy:*

- *For 70% of electricity consumption to be generated from renewable energy by 2030.*
- *For one gigawatt of renewable energy capacity to be locally owned by 2030.*
- *For new renewable energy projects to have at least an element of local ownership from 2020"*

The planning system plays a **significant role** in the provision of new renewable and low carbon energy. It gives effect to our national targets and sets the overall strategic framework and direction within which developers can propose new energy infrastructure project. (Emphasis added)

In the 'Pre-Assessed Areas for Wind Energy' the Welsh Government has undertaken an assessment to identify these areas to provide certainty where, in principle, developments would be acceptable. In these areas there is a presumption in favour of large-scale on-shore wind energy development and the associated landscape change subject to the criteria in policy 18.

Future Wales **Policy 17** – Renewable and Low Carbon Energy and Associated Infrastructure states the following:

"The Welsh Government strongly supports the principle of developing renewable and low carbon energy from all technologies and at all scales to meet our future energy needs.

In determining planning applications for renewable and low carbon energy development, decision-makers must give significant weight to the need to meet Wales' international commitments and our target to generate 70% of consumed electricity by renewable means by 2030 in order to combat the climate emergency.

In Pre-Assessed Areas for Wind Energy the Welsh Government has already modelled the likely impact on the landscape and has found them to be capable of accommodating development in an acceptable way. There is a presumption in favour of large-scale wind

energy development (including repowering) in these areas, subject to the criteria in policy 18.

Applications for large-scale wind and solar will not be permitted in National Parks and Areas of Outstanding Natural Beauty and all proposals should demonstrate that they will not have an unacceptable adverse impact on the environment.

Proposals should describe the net benefits the scheme will bring in terms of social, economic, environmental and cultural improvements to local communities.

New strategic grid infrastructure for the transmission and distribution of energy should be designed to minimise visual impact on nearby communities. The Welsh Government will work with stakeholders, including National Grid and Distribution Network Operators, to transition to a multi-vector grid network and reduce the barriers to the implementation of new grid infrastructure"

Future Wales **Policy 18** Renewable and Low Carbon Energy Developments of National Significance states *"that Proposals for renewable and low carbon energy projects (including repowering) qualifying as Developments of National Significance (which this development would be) will be permitted subject to policy 17 and the following criteria:*

1.outside of the Pre Assessed Areas for wind developments and everywhere for all other technologies, the proposal does not have an unacceptable adverse impact on the surrounding landscape (particularly on the setting of National Parks and Areas of Outstanding Natural Beauty);
2.there are no unacceptable adverse visual impacts on nearby communities and individual dwellings;
3.there are no adverse effects on the integrity of Internationally designated sites (including National Site Network sites and Ramsar sites) and the features for which they have been designated (unless there are no alternative solutions, Imperative Reasons of Overriding Public Interest (IROPI) and appropriate compensatory measures have been secured);
4.there are no unacceptable adverse impacts on national statutory designated sites for nature conservation (and the features for which they have been designated), protected habitats and species;
5.the proposal includes biodiversity enhancement measures to provide a net benefit for biodiversity;
6.there are no unacceptable adverse impacts on statutorily protected built heritage assets;
7.there are no unacceptable adverse impacts by way of shadow flicker, noise, reflected light, air quality or electromagnetic disturbance
8.there are no unacceptable impacts on the operations of defence facilities and operations (including aviation and radar) or the Mid Wales Low Flying Tactical Training Area (TTA 7T);
9.there are no unacceptable adverse impacts on the transport network through the transportation of components or source fuels during its construction and/or ongoing operation;
10.the proposal includes consideration of the materials needed or generated by the development to ensure the sustainable use and management of resources;
11.there are acceptable provisions relating to the decommissioning of the development at the end of its lifetime, including the removal of infrastructure and effective restoration.

The cumulative impacts of existing and consented renewable energy schemes should also be considered"

PPW (edition 11) supports the policy aims set out in Future Wales to facilitate the delivery of renewable energy targets. Planning authorities should support and guide renewable and low carbon energy development to ensure their area's potential is maximised.

Notably, at para 5.7.7 PPW also states that "The benefits of renewable and low carbon energy, as part of the overall commitment to tackle the climate emergency and increase energy security, is of **paramount importance**" (emphasis added)

The proposal would have an installed capacity of approximately 33 MW towards the Future Wales target for 70% of electricity consumption to be generated from renewable energy by 2030. This is a significant benefit of the scheme which must weigh heavily in its favour.

Neath Port Talbot Council has, over the years, demonstrated considerable support for the Welsh Government's policies and targets for renewable energy, and has approved and hosts a number of major renewable energy schemes including a significant number of on-shore wind, biomass and solar schemes. The Council's support and commitment towards such schemes has, however, been dependent upon the appropriateness of such development having regard not only to national policy imperatives, but also to local and site-specific circumstances. In considering each case on its respective planning merits, therefore, it is necessary to consider local or wider impacts arising from any development proposals and to balance these against the benefits of generating electricity from renewable onshore wind.

The approach of the Council in this regard is consistent with national policy which, recognises the important role wind energy has in achieving energy security and meeting established targets for energy generation from renewables. As stated earlier within these pre assessed areas for wind, there is a presumption in favour of large-scale on-shore wind energy development and the associated landscape change subject.

The latest edition of PPW (edition11) clearly supports the policy aims set out in Future Wales to facilitate the delivery of renewable energy targets. Planning authorities should support and guide renewable and low carbon energy development to ensure their area's potential is maximised. The Pre assessed areas are the most appropriate locations for large scale wind farm development (subject to an assessment identified impacts). Large scale wind energy developments in these areas will be required to contribute to Welsh, UK and European renewable energy targets, mitigate climate change, and deliver energy security.

The balance struck by national planning policy is reflected in adopted LDP policy, primarily through **Policy RE1 – Criteria for the Assessment of Renewable and Low Carbon Energy Development** however this has somewhat changed with the introduction of pre assessed areas for wind and the removal of strategic search areas, however the fundamental issue remain the same which supports the need for renewable energy in locations where development does not have unacceptable impacts and emphasises the need, when appraising and determining such proposals, to satisfy all the specified criteria which include the need to minimise impact on visual amenity, the

natural environment, historic environment, residential amenity, highway safety and the proposal would not interfere with radar, air traffic control, telecommunications, television reception or radio communications which is in effect an echo of the requirement set out in Future Wales Policy 18.

In the context of above and the levels of harm identified in this report it is concluded that the benefits of the proposal in meeting the acknowledged need for further onshore wind energy, which is a policy imperative of Welsh Government, positively weighs in the planning balance. Therefore, it is considered that the site's location in the pre assessed area for wind, means that it is well placed to speedily contribute to the target for wind energy production, as well as the potential shortfall across Wales in achieving future Welsh Government targets in this respect, and comply with policies 17 and 18 of Future Wales.

It is therefore concluded that there is an overriding need for this development, and any benefits in terms of additional energy generation would outweigh any harm identified earlier in this report in respect of landscape, historic environment, visual and ecology matters.

For this reason, the proposal accords with Policies SP4, TR2, BE1, EN6 and EN7 but also Policy RE1– Criteria for the Assessment of Renewable and Low Carbon Energy Development – given that the impacts of the development would be acceptable, in themselves and within the wider context of the generally permissive policy approach towards renewables.

Community Benefit

Developers in consultation with local planning authorities should take an active role in engaging with the local community on renewable energy proposals. Experience has shown that there are opportunities to achieve community benefits through major wind farm development. Local Planning Authorities, where reasonably practical, should facilitate and encourage such proposals. However, such contributions should not enable permission to be given to a proposal that otherwise would be unacceptable in planning terms.

Notwithstanding the above, for Members' information the applicant has had extensive and positive discussions with the Council regarding community benefit, which is expected to result in a contribution of £5000 per installed MW per year (amounting to up to £165k per year) which has now been secured through a separate community legal agreement.

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.

The submitted scheme demonstrates that there are no unacceptable detrimental effects in relation to Ecology, 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.

Having regard to the landscape and visual impacts identified earlier in this report and the location of the proposed windfarm, it is considered that the siting of the turbines would have significant landscape and visual impacts, nevertheless the level of harm associated with the development would be outweighed by its contribution to the target for wind energy production.

The proposal is therefore considered to accord with Planning Policy Wales (edition 11), Future Wales, and Policies SP1, SP4, SP15, SP16, SP18, SP20 TR2, BE1, SP18, RE1, EN6, EN7, and EN8 of the Neath Port Talbot Adopted Local Development Plan.

RECOMMENDATION:

APPROVAL subject to a section 106 agreement with the following heads of terms:

1. To ensure the completion of ecological works which includes the following:

    - The submission of Habitat Management Plan (HMP). The HMP shall be substantially in accordance with the Outline Habitat Management Plan dated July 2016 and implemented within the site boundary area marked on Figure 3.1 of that document for a minimum of 15 years after commissioning of the wind farm, and shall include, although not limited to:
        - Details of all habitat creation and management works, including locations and methods.
        - Details and programme of ecological mitigation and enhancement success monitoring including habitat and species monitoring; along with details mechanisms to undertake remedial action if significant issues are reported by monitoring.
        - Details of bird monitoring in line with the Scottish Natural Heritage Guidance on Methods for Monitoring Bird Populations at Onshore Wind Farms 2009
        - Details of bat monitoring in line with the most up to date guidelines
        - The developer, or landowner where most appropriate, shall undertake the works detailed in the HMP and shall ensure that appropriate funds are available to do so.
        - An ecological steering group shall be set up to advise on the HMP works; this shall include representatives from Pennant Walters (FoelT) Ltd and NPTCBC. Details of the terms of reference for the group shall be included in the HMP. The group shall meet a minimum of once every 2 years starting the first year of HMP implementation.

2. To secure a bond to cover the scenario that the applicant cannot fulfil its obligation for the decommissioning of the scheme.

And the following conditions:

CONDITIONS

Time Limit 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 The Foel Trawsnant Wind Farm. Written confirmation of the first export date shall be sent to Local Planning Authority within one month of the first export date.
Reason:
In the interest of visual amenity, safety and to accord with Policy RE1 of the Neath Port Talbot Local Development Plan and Supplementary Planning Guidance entitled Renewable and Low Carbon Energy dated July 2017.

Approved Plans

(3) The development shall be carried out in accordance with the following approved plans and documents:

- 40217-Shr214 Site Layout Location Plan
- 40217-Shr215 Wind turbine - elevations
- 40217-Shr216 Substation Control building – plans and elevations
- 40217-Shr217 Transformer Housing - Plan and elevations
- 40217-Shr218 Turbine Pad Foundation plan and cross section
- Construction Traffic Management Plan

Reason:
In the interests of clarity.

Pre-Commencement Conditions

(4) Before beginning any development at the site, you must do the following: -

a) Notify the Local Planning Authority in writing that you intend to commence development by submitting a Formal Notice under Article 24B of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (DMPWO) in the form set out in Schedule 5A (a newly inserted Schedule) of the DMPWO (or in a form substantially to the like effect); and

b) Display a Site Notice (as required by Section 71ZB of the 1990 Act) in the form set out in Schedule 5B (a newly inserted Schedule) of the DMPWO (or in a form substantially to the like effect), such Notice to be firmly affixed and displayed in a prominent place, be legible and easily visible, and be printed on durable material. Such Notice must thereafter be displayed at all times when development is being carried out.
Reason:

To comply with procedural requirements in accordance with Article 24B of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (DMPWO) and Section 71ZB of the Town and Country Planning Act 1990.

NOTE: Templates of the required Notice and Site Notice are available to download at www.npt.gov.uk/planning

(5) No development shall take place, including vegetation clearance, until such time as 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 inter alia, mitigation of any impacts on species and habitats as set out in table 9.12 in the Environmental Statement, 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.
Reason:
In the interests of biodiversity and the amenity of the area as a whole and to ensure the development complies with Policy EN7 of the Neath Port Talbot Local Development Plan.

(6) No development shall commence until an Abnormal Indivisible Load Test Run (AILTR) has been undertaken and an Abnormal Indivisible Load Test Run Report (AILTRR) has been submitted to and approved in writing by the Local Planning Authority. Prior to undertaking the AILTR a scheme shall be submitted to and approved in writing by the Local Planning Authority outlining the scope of the AILTR which shall include:

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

The AILTR shall be undertaken as approved.

The AILTTRR shall include:

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

Reason:
In the interest of highway and pedestrian safety and to accord with Policies TR2, RE1 of the Neath Port Talbot Local Development Plan and Supplementary Planning Guidance entitled Renewable and Low Carbon Energy dated July 2017.

(7) No development shall commence until a scheme has been submitted to and approved in writing by the Local Planning Authority detailing intrusive site investigations for the mine entries and shallow coal workings which shall include the following:

(a) the submission of a report of findings arising from both of the intrusive site investigations;
(b) the submission of a layout plan which identifies appropriate zones of influence for the mine entries on site, and the definition of suitable 'no-build' zones;
(c) the submission of a scheme of treatment for the mine entries on site for approval;
(d) the submission of a scheme of remedial works for the shallow coal workings for approval; and

The scheme as approved, including any remedial works identified by the site investigations shall be undertaken in accordance with the approved details .
Reason:
In the interest of coal mining legacy on the site, which is located within a High Risk Area, in accordance with Policy EN8 of the Neath Port Talbot Local Development Plan.

(8) No development shall commence until written confirmation has been provided to the Local Planning Authority 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 of any Ordinance Survey locations of the turbines.
Reason:
In the interest of aviation safety and to accord with Policy RE1 of the Neath Port Talbot Local Development Plan and Supplementary Planning Guidance entitled Renewable and Low Carbon Energy dated July 2017.

(9) No development shall commence until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.
Reason:
To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource, as required by Planning Policy Wales and Policy SP21 of the Neath Port Talbot Local Development Plan.

(10) No development shall commence until a Construction Method Statement 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 Statement. The statement shall be implemented and maintained for the duration of the construction works and shall address the following matters:

- A full drainage scheme for the management of surface water. This shall detail both the temporary and permanent drainage strategy and include details of the hydraulic calculations to control flow rates and detail measures to be implemented.
- Details of the timing of the works and methods of working for cable trenches and foundation works
- Disposal of surplus material

- The construction of the access into the site and the creation and maintenance of the visibility splays and to include temporary speed reduction measures in the vicinity of the site access
- Wheel cleaning facilitates
- Arrangements for keeping the site entrance and adjacent public highway clean.
- 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.
- A scheme for the protection and conservation of soil at the site in order to prevent pollution of the water environment. The scheme shall include the pollution prevention techniques to be deployed during the construction and restoration phase.
- Details of the timing of works and methods of working for cable trenches and foundation works.
- Details of the timing of works and construction of construction compound and substation
- Dust management.
- A construction noise management plan (including identification of access routes, locations of material lay-down areas, details of equipment to be employed, operations to be carried out, mitigation measures and a scheme for the monitoring of noise).
- Temporary site illumination.
- Post-construction restoration and reinstatement of the working areas including removal of construction equipment and the construction compound.
- Details of any proposed temporary site compounds for storage of materials, machinery and operative/visitor parking within the site, to include the siting of temporary buildings and all means of enclosure and oil/fuel and chemical storage.
- Details of the method of borrow pit working including means of extraction, handling, storage and re use of soil, drainage control and restoration.
- A scheme for recycling/disposing of waste resulting from construction works.
- Arrangements to prevent wildlife becoming trapped in excavation works.
- Programme of works
- Working site speed limit
- Hours of working on site

Reason:
In the interest of highway and pedestrian safety, the environment, and the amenity of residents, and to ensure accordance with Policies BE1, EN8 and TR2 of the adopted Neath Port Talbot Local Development Plan.

(11) No development shall commence until a surface water drainage strategy has been implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in Appendix 4 of TAN 15 (or any subsequent version), and the results of the assessment provided to the local planning authority. The drainage strategy shall include:

a) information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
b) a timetable for its implementation; and
c) Provide a management and maintenance plan for the lifetime of the development.
d) Additional information identified within item 9 of the further Environmental Information dated June 2019.

Reason:
In the interest of good land drainage and ensure the development complies with Policy SP16 and BE1 of the Neath Port Talbot Local Development Plan.

(12) No development shall commence until a scheme for the protection of Public Rights of Way during the construction period within the site and including safety signage has been submitted to and approved in writing by the Local Planning Authority. During the construction period the development shall be carried out in accordance with the approved details.

Reason:
In the interest of safety and to protect rights of way.

(13) Turbines 1, 2, 3, 4, 5, 6 and 11 shall not be constructed until such time as the applicant has provided written confirmation that formal approval has been granted for the diversion of bridleway 39 and footpath 40 to ensure a separation distance of no less than 145m from the base of each respective turbine The diversions shall be fully implemented prior to the first beneficial use of the above turbines and retained as such thereafter.

Reason:
In the interest of safety to members of the public and horses and to ensure the wind turbines are set public rights of way are not adversely affected by the proximity of wind turbines and to accord with Policy RE1 of the Neath Port Talbot Local Development Plan and Supplementary Planning Guidance entitled Renewable and Low Carbon Energy dated July 2017.

(14) No development shall commence until a dilapidation survey of the proposed route(s) (the scope and type to be first agreed by the local Planning Authority in consultation with Bridgend CBC) 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 accordance with Policies BE1, and TR2 of the adopted Neath Port Talbot Local Development Plan.

(15) No development shall commence until a scheme has been submitted to and approved in writing by the local planning authority (in consultation with Western Power Distribution (WPD) and the Joint Radio Company) providing for the mitigation of the impact of the development on any telecommunications links operated by WPD. The scheme shall be implemented as approved in writing by WPD.

Reason

To ensure telecommunication links are not adversely affected and to ensure telecommunication links are not adversely affected and to accord with Policy RE1 of the Neath Port Talbot Local Development Plan and Supplementary Planning Guidance entitled Renewable and Low Carbon Energy dated July 2017

(16) 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 and to ensure telecommunication links are not adversely affected and to accord with Policy RE1 of the Neath Port Talbot Local Development Plan and Supplementary Planning Guidance entitled Renewable and Low Carbon Energy dated July 2017

(17) No development shall commence on site until an assessment of the nature and extent of contamination affecting the application site area has been submitted to and approved in writing by the Local Planning Authority. This assessment must be carried out by or under the direction of a suitably qualified competent person in accordance with BS10175 (2011) 'Investigation of Potentially Contaminated Sites Code of Practice' 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) which identifies and assesses all identified potential source, pathway, and receptor linkages;
(ii) an intrusive investigation to assess the extent, scale and nature of contamination which may be present, if identified as required by the desk top study;
(iii) an assessment of the potential risks to:
- human health,
- groundwater and surface waters
- adjoining land,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,- ecological systems,
- archaeological sites and ancient monuments; and
- any other receptors identified at (i)

(iv) an appraisal of remedial options, and justification for 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, and to ensure compliance with Policies SP16 and EN8 of the Neath Port Talbot Local Development Plan.

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

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 offsite receptors, and to ensure compliance with Policies SP16 and EN8 of the Neath Port Talbot Local Development Plan.

(19) In the event additional works are required to extend or widen existing forest tracks, such works shall not be undertaken until such time as botanical surveys identifying any priority species and detailing appropriate action taken to maintain such species, have been undertaken and the results submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the agreed details.

Reason
To ensure priority species are survey and protected if any forestry tracks are to be widened and to accord with Policies EN7 and RE1 of the Neath Port Talbot Local Development Plan and Supplementary Planning Guidance entitled Renewable and Low Carbon Energy dated July 2017

(20) No development shall commence until a suitably qualified Ecological Clerk of Works has been employed to oversee all of the ecological aspects of the works, as set out within the ES.

Reason
To ensure all the ecological aspects and mitigation set out within ES are adhered to and to accord with Policies EN7 and RE1 of the Neath Port Talbot Local Development Plan and Supplementary Planning Guidance entitled Renewable and Low Carbon Energy dated July 2017

(21) No development shall commence until details of the external finish of the turbines hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason:

In the interest of visual amenity and to accord with Policy RE1 of the Neath Port Talbot Local Development Plan and Supplementary Planning Guidance entitled Renewable and Low Carbon Energy dated July 2017.

Action Conditions

(22) Prior to beneficial use of the proposed development commencing, a verification report which demonstrates the effectiveness of the agreed remediation works carried out in accordance with condition 18 shall have been submitted to and agreed in writing by the Local Planning Authority.

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 offsite receptors and to ensure compliance with Policies SP16 and EN8 of the Neath Port Talbot Local Development Plan.

(23) 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, and to ensure compliance with Policies SP16 and EN8 of the Neath Port Talbot Local Development Plan.

(24) The shadow flicker control system, as set out within the mitigation measures, section 15.13 of the ES shall be fully implemented prior to the first beneficial use of the wind farm and retained in perpetuity.

Reason:
The Control system will reduce the effects of shadow flicker to less than 30 minutes per day and/or 30 hours per year, which would ensure that shadow flicker does not unacceptably affect existing residents and to accord with Policy RE1 of the Neath Port Talbot Local Development Plan and Supplementary Planning Guidance entitled Renewable and Low Carbon Energy dated July 2017.

(25) None of the wind turbines hereby permitted shall be operated until a written scheme has been submitted to and approved in writing by the Local Planning Authority, setting out a protocol for the assessment of shadow flicker in the event of any complaint to the local planning authority from the owner or occupier of any dwelling (defined for the purposes of this condition as a building within Use Class C3 of the Use Classes Order) which lawfully exists or had planning permission at the date of this permission. The written scheme shall be implemented in accordance with the approved details.

Reason
To ensure that shadow flicker does not unacceptably affect existing residents and to accord with Policy RE1 of the Neath Port Talbot Local Development Plan and Supplementary Planning Guidance entitled Renewable and Low Carbon Energy dated July 2017.

(26) Any associated infrastructure and tracks shall minimise impacts on S7/BAP habitats and avoid deep peat deposits no greater than 0.5m in depth.

Reason
In the interest of ecology and protection of the peat resource and to ensure accord with Policy EN7 and RE1 of the Neath Port Talbot Local Development Plan and Supplementary Planning Guidance entitled Renewable and Low Carbon Energy dated July 2017.

(27) Micro-siting of all turbines shall adhere to the following:

- avoid deep peat deposits greater than 0.5m in depth
- Maintain a minimum 50m standoff between turbine blade tips and nearest point of linear/foraging features.
- Maintain a minimum of 145m between any public right of way or bridle way (existing or as diverted)
- Turbine 5, 6 and 11 shall be limited to 20m micro-siting
- Ensure the tips of any blade tips of any turbine remain within the application site boundary (red line).

Reason
In the interest of ecology, rights of ways, telecommunications and clarity and to ensure accord with Policy EN7 and RE1 of the Neath Port Talbot Local Development Plan and Supplementary Planning Guidance entitled Renewable and Low Carbon Energy dated July 2017.

(28) The development shall be carried out in substantial accordance with the principles and mitigation measures as set out within the Environmental Statement and Supplementary Environmental Information accompanying the application.

Reason
The proposed development is the subject of an Environmental Impact Assessment and due regard must be had to the principle impacts of the development in the preparation of detailed design and the operation of the site. Any material alteration to the proposal may have an impact which has not been assessed by the process. And to accord with Policy RE1 of the Neath Port Talbot Local Development Plan and Supplementary Planning Guidance entitled Renewable and Low Carbon Energy dated July 2017.

(29) Within 25 calendar years from the date when electricity is first generated to the grid, or within 12 months of cessation of electricity generation by the wind farm facility, whichever is sooner, the wind farm and all associated works/equipment shall be dismantled and removed from the site and the land restored to its former condition in accordance with the decommissioning and site restoration scheme as approved by the Local Planning Authority.

Reason:
To ensure satisfactory restoration of the site and to accord with Policy RE1 of the Neath Port Talbot Local Development Plan and Supplementary Planning Guidance entitled Renewable and Low Carbon Energy dated July 2017.

(30) No later than 12 months before the expiry date of the planning permission hereby granted a decommissioning and site restoration scheme shall be resubmitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- Details of the removal of all the wind turbines and the surface elements of the development plus one metre of the turbine bases below ground level;
- A de-construction method statement;
- Details of measures to prevent/minimise impacts upon important habitats and species including any protected species surveys;
- Details of all habitat restoration measures including methods and any seed mixes.

The scheme shall be fully implemented as approved.

Reason:
To ensure satisfactory decommissioning and restoration of the site and to accord with Policy RE1 of the Neath Port Talbot Local Development Plan and Supplementary Planning Guidance entitled Renewable and Low Carbon Energy dated July 2017.

(31) If during the course of development, any unexpected land instability issues are found which were not previously identified, measures for their remediation in the form of a remediation scheme shall be submitted to and approved in writing by the Local Planning Authority. The remediation of the site shall incorporate the approved measures which shall be retained thereafter.
Reason
In the interest of safety and to accord with Policy EN8 of the Neath Port Talbot Local Development Plan

(32) In the event of any wind turbine failing to produce electricity supplied to the local grid for a continuous period of 12 months, then it will be deemed to have ceased to be required, the turbine and its ancillary equipment shall be dismantled and removed from site within 3 months of the deemed cessation date and site restored to its former condition.

Reason:
In the interest of visual amenity and to accord with Policy RE1 of the Neath Port Talbot Local Development Plan and Supplementary Planning Guidance entitled Renewable and Low Carbon Energy dated July 2017.

(33) The proposed access of the B4282 shall be metalled for the first 20 metres measured from back edge of highway and provided with drainage to prevent surface water discharging onto or over the highway.

Reason:
In the interest of highway and pedestrian safety and to ensure compliance with Policy TR2 of the Neath Port Talbot Local Development Plan.

Regulatory

(34) The blades of all the approved wind turbines shall rotate in the same direction.

Reason:
In the interest of visual amenity and to accord with Policy RE1 of the Neath Port Talbot Local Development Plan and Supplementary Planning Guidance entitled Renewable and Low Carbon Energy dated July 2017.

(35) Unless required for health and safety purposes, or for aviation purposes, no part of the Development shall display any name, logo, sign or advertisement or means of illumination without the prior written approval of the Local Planning Authority.

Reason:
In the interest of visual amenity and to accord with Policy RE1 of the Neath Port Talbot Local Development Plan and Supplementary Planning Guidance entitled Renewable and Low Carbon Energy dated July 2017.

(36) 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 interest of visual amenity and to accord with Policy RE1 of the Neath Port Talbot Local Development Plan and Supplementary Planning Guidance entitled Renewable and Low Carbon Energy dated July 2017.

(37) All vehicular movements shall be in accordance with the Construction Traffic Management Plan dated November 2018, and in line with item 4.6 there shall be no construction traffic movements during the following periods:

- no construction traffic movements on Sundays and Bank Holidays;
- no construction traffic movements outside the hours of 07:00 to 19:00 Mondays to Fridays; and
- no construction traffic movements outside the hours of 08:00 to 13:00 on Saturdays.

Reason: In the interest of highway and pedestrian safety and to ensure compliance with Policy TR2 of the Neath Port Talbot Local Development Plan.

(38) Any gate or barrier erected across the main access off the B4282 shall be set back a minimum 20 metres from the nearest edge of the metalled highway.
Reason:
In the interest of highway and pedestrian safety and to ensure compliance with Policy TR2 of the Neath Port Talbot Local Development Plan.

(39) All electricity and control cables between the turbines and the site control building shall be laid underground and alongside tracks which are constructed on the site as part of the development. Any variation shall be submitted to and approved in writing before development commences. Development shall be carried out in accordance with the approved details.

Reason:
In the interest of visual amenity and to accord with Policy RE1 of the Neath Port Talbot Local Development Plan and Supplementary Planning Guidance entitled Renewable and Low Carbon Energy dated July 2017.

(40) The rating level of noise emissions from the combined effects of the wind turbines (including the application of any tonal penalty) when determined in accordance with the attached Guidance Notes (to this condition), shall not exceed the values for the relevant integer wind speed set out in, or derived from, the tables attached to this condition at any dwelling which is lawfully existing or has planning permission at the date of this permission and:

a) The wind farm operator shall continuously log power production, wind speed and wind direction, all in accordance with Guidance Note 1(d). These data shall be retained for a period of not less than 24 months. The wind farm operator shall provide this information in the format set out in Guidance Note 1(e) to the Local Planning Authority on its request, within 14 days of receipt in writing of such a request.

b) No electricity shall be exported until the wind farm operator has submitted to the Local Planning Authority for written approval a list of proposed independent consultants who may undertake compliance measurements in accordance with this condition. Amendments to the list of approved consultants shall be made only with the prior written approval of the Local Planning Authority.

c) Within 21 days from receipt of a written request from the Local Planning Authority following a complaint to it from an occupant of a dwelling alleging noise disturbance at that dwelling, the wind farm operator shall, at its expense, employ a consultant approved by the Local Planning Authority to assess the level of noise emissions from the wind farm at the complainant's property in accordance with the procedures described in the attached Guidance Notes. The written request from the Local Planning Authority shall set out at least the date, time and location that the complaint relates to and any identified atmospheric conditions, including wind direction, and include a statement as to whether, in the opinion of the Local Planning Authority, the noise giving rise to the complaint contains or is likely to contain a tonal component.

d) The assessment of the rating level of noise emissions shall be undertaken in accordance with an assessment protocol that shall previously have been submitted to and approved in writing by the Local Planning Authority. The protocol shall include the proposed measurement location identified in accordance with the Guidance Notes where measurements for compliance checking purposes shall be undertaken and also the range of meteorological and operational conditions (which shall include the range of wind speeds, wind directions, power generation and times of day) to determine the assessment of rating level of noise emissions. The proposed range of conditions shall be those which prevailed during times when the complainant alleges there was disturbance due to noise, having regard to the written request of the Local Planning

Authority under paragraph (c), and such others as the independent consultant considers likely to result in a breach of the noise limits.

e) Where a dwelling to which a complaint is related is not listed in the tables attached to these conditions, the wind farm operator shall submit to the Local Planning Authority for written approval proposed noise limits selected from those listed in the Tables to be adopted at the complainant's dwelling for compliance checking purposes. The proposed noise limits are to be those limits selected from the Tables specified for a listed location which the independent consultant considers as being likely to experience the most similar background noise environment to that experienced at the complainant's dwelling. The rating level of noise emissions resulting from the combined effects of the wind turbines when determined in accordance with the attached Guidance Notes shall not exceed the noise limits approved in writing by the Local Planning Authority for the complainant's dwelling.

f) The wind farm operator shall provide to the Local Planning Authority the independent consultant's assessment of the rating level of noise emissions undertaken in accordance with the Guidance Notes within 2 months of the date of the written request of the Local Planning Authority for compliance measurements to be made under paragraph (c), unless the time limit is extended in writing by the Local Planning Authority. The assessment shall include all data collected for the purposes of undertaking the compliance measurements, such data to be provided in the format set out in Guidance Note 1(e) of the Guidance Notes. The instrumentation used to undertake the measurements shall be calibrated in accordance with Guidance Note 1(a) and certificates of calibration shall be submitted to the Local Planning Authority with the independent consultant's assessment of the rating level of noise emissions.

g) Where a further assessment of the rating level of noise emissions from the wind farm is required pursuant to Guidance Note 4(c), the wind farm operator shall submit a copy of the further assessment within 21 days of submission of the independent consultant's assessment pursuant to paragraph (d) above unless the time limit has been extended in writing by the Local Planning Authority.

Table 1: Noise Limits

Location	Noise limit Period	Noise limit in dB $L_{A90,\ 10\ min}$ at Standardised 10m height Wind Speed (m/s)								
		4	**5**	**6**	**7**	**8**	**9**	**10**	**11**	**12**
R1 Tonnau defaid	Day (0700-2300)	40.1	40.6	41.0	41.4	41.7	42.1	42.3	42.6	42.8
	Night (2300-0700)	43.0	43.0	43.0	43.0	43.0	43.0	43.0	43.0	44.5
R2 Pen Y Lan	Day (0700-2300)	40.1	40.6	41.0	41.4	41.7	42.1	42.3	42.6	42.8
	Night (2300-0700)	43.0	43.0	43.0	43.0	43.0	43.0	43.0	43.0	44.5
R3 Sunnyview	Day (0700-2300)	33.6	26.8	37.2	37.9	38.8	39.9	41.3	42.9	44.8
	Night (2300-0700)	43.0	43.0	43.0	43.0	43.0	43.0	43.0	43.0	43.0
R4 Teras Griffiths	Day (0700-2300)	36.6	36.8	37.2	37.9	38.8	39.9	41.3	42.9	44.8
	Night (2300-0700)	43.0	43.0	43.0	43.0	43.0	43.0	43.0	43.0	43.0
R5 Hedre Owen Farm	Day (0700-2300)	45.0	45.0	45.0	45.0	45.0	45.0	45.0	45.0	45.5

	Night (2300-0700)	45.0	45.0	45.0	45.0	45.0	45.0	45.0	45.0	46.0
R6 Tyn Y Pant Farm	Day (0700-2300)	45.0	45.0	45.0	45.0	45.0	45.0	45.0	45.0	47.1
	Night (2300-0700)	45.0	45.0	45.0	45.0	45.0	45.0	45.0	45.0	47.4
R7 Nant yr Hwyaid farm	Day (0700-2300)	53.7	54.3	55.0	55.9	56.7	57.6	58.4	59.1	59.7
	Night (2300-0700)	54.0	54.3	54.8	55.4	56.2	57.3	58.8	60.7	63.0
R8 Ty Canol	Day (0700-2300)	36.5	37.0	37.6	38.6	39.8	41.2	42.9	44.9	47.1
	Night (2300-0700)	43.0	43.0	43.0	43.0	43.0	43.0	43.0	43.0	47.4
R9 Neuadd-wen	Day (0700-2300)	39.3	39.6	40.1	40.7	41.4	42.4	43.2	44.3	45.5
	Night (2300-0700)	43.0	43.0	43.0	43.0	43.0	43.0	43.2	44.5	46.0

Table 2: Coordinate locations of the properties listed in Table 1

Property Name	Easting	Northing
R1 Tonnau defaid	284994	193601
R2 Pen Y Lan	284781	193054
R3 Sunnyview	285331	194626
R4 Teras Griffiths	285213	194602
R5 Hedre Owen Farm	283610	195530
R6 Tyn Y Pant Farm	282515	195007
R7 Nant yr Hwyaid farm	282737	195073
R8 Ty Canol	282316	194987
R9 Neuadd-wen	283168	195414

Note to Table 2: The geographical co-ordinates references are provided for the purpose of locating dwellings to which a given set of noise limits applies.

Guidance Notes for Noise Conditions

These notes are to be read with and form part of the noise condition. They further explain the condition and specify the methods to be employed in the assessment of complaints about noise emissions from the wind farm. The rating level at each integer wind speed is the arithmetic sum of the wind farm noise level as determined from the best-fit curve described in Guidance Note 2 of these Guidance Notes and any tonal penalty applied in accordance with Guidance Note 3. Reference to ETSU-R-97 refers to the publication entitled “The Assessment and Rating of Noise from Wind Farms” (1997) published by the Energy Technology Support Unit (ETSU) for the Department of Trade and Industry (DTI).

Guidance Note 1

(a) Values of the LA90,10 minute noise statistic should be measured at the complainant’s property, using a sound level meter of EN 60651/BS EN 60804 Type 1,

or BS EN 61672 Class 1 quality (or the equivalent UK adopted standard in force at the time of the measurements) set to measure using the fast time weighted response as specified in BS EN 60651/BS EN 60804 or BS EN 61672-1 (or the equivalent UK adopted standard in force at the time of the measurements). This should be calibrated in accordance with the procedure specified in BS 4142: 1997 (or the equivalent UK adopted standard in force at the time of the measurements). Measurements shall be undertaken in such a manner to enable a tonal penalty to be applied in accordance with Guidance Note 3.

(b) The microphone should be mounted at 1.2 – 1.5 metres above ground level, fitted with a two-layer windshield or suitable equivalent approved in writing by the Local Planning Authority, and placed outside the complainant's dwelling. Measurements should be made in "free field" conditions. To achieve this, the microphone should be placed at least 3.5 metres away from the building facade or any reflecting surface except the ground at the approved measurement location. In the event that the consent of the complainant for access to his or her property to undertake compliance measurements is withheld, the wind farm operator shall submit for the written approval of the Local Planning Authority details of the proposed alternative representative measurement location prior to the commencement of measurements and the measurements shall be undertaken at the approved alternative representative measurement location.

(c) The LA90,10 minute measurements should be synchronised with measurements of the 10-minute arithmetic mean wind and operational data logged in accordance with Guidance Note 1(d), including the power generation data from the turbine control systems of the wind farm.

(d) To enable compliance with the conditions to be evaluated, the wind farm operator shall continuously log arithmetic mean wind speed in metres per second and wind direction in degrees from north at hub height for each turbine and arithmetic mean power generated by each turbine, all in successive 10-minute periods. Unless an alternative procedure is previously agreed in writing with the Planning Authority, this hub height wind speed, averaged across all operating wind turbines, shall be used as the basis for the analysis. All 10 minute arithmetic average mean wind speed data measured at hub height shall be 'standardised' to a reference height of 10 metres as described in ETSU-R-97 at page 120 using a reference roughness length of 0.05 metres . It is this standardised 10 metre height wind speed data, which is correlated with the noise measurements determined as valid in accordance with Guidance Note 2, such correlation to be undertaken in the manner described in Guidance Note 2. All 10-minute periods shall commence on the hour and in 10- minute increments thereafter.

(e) Data provided to the Local Planning Authority in accordance with the noise condition shall be provided in comma separated values in electronic format.

(f) A data logging rain gauge shall be installed in the course of the assessment of the levels of noise emissions. The gauge shall record over successive 10-minute periods synchronised with the periods of data recorded in accordance with Note 1(d).

Guidance Note 2

(a) The noise measurements shall be made so as to provide not less than 20 valid data points as defined in Guidance Note 2 (b)

(b) Valid data points are those measured in the conditions specified in the agreed written protocol under paragraph (d) of the noise condition, but excluding any periods of rainfall measured in the vicinity of the sound level meter. Rainfall shall be assessed by use of a rain gauge that shall log the occurrence of rainfall in each 10 minute period concurrent with the measurement periods set out in Guidance Note 1. In specifying such conditions the Local Planning Authority shall have regard to those conditions which prevailed during times when the complainant alleges there was disturbance due to noise or which are considered likely to result in a breach of the limits.

(c) For those data points considered valid in accordance with Guidance Note 2(b), values of the LA90,10 minute noise measurements and corresponding values of the 10-minute wind speed, as derived from the standardised ten metre height wind speed averaged across all operating wind turbines using the procedure specified in Guidance Note 1(d), shall be plotted on an XY chart with noise level on the Y-axis and the standardised mean wind speed on the X-axis. A least squares, "best fit" curve of an order deemed appropriate by the independent consultant (but which may not be higher than a fourth order) should be fitted to the data points and define the wind farm noise level at each integer speed.

Guidance Note 3

(a) Where, in accordance with the approved assessment protocol under paragraph (d) of the noise condition, noise emissions at the location or locations where compliance measurements are being undertaken contain or are likely to contain a tonal component, a tonal penalty is to be calculated and applied using the following rating procedure.

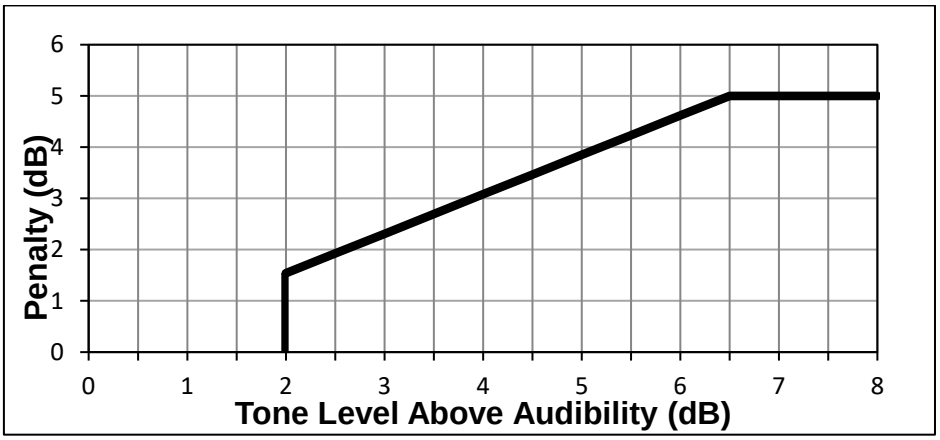
(b) For each 10 minute interval for which $L_{A90,10min}$ data have been determined as valid in accordance with Guidance Note 2 a tonal assessment shall be performed on noise emissions during 2 minutes of each 10 minute period. The 2 minute periods should be spaced at 10 minute intervals provided that uninterrupted uncorrupted data are available ("the standard procedure"). Where uncorrupted data are not available, the first available uninterrupted clean 2 minute period out of the affected overall 10 minute period shall be selected. Any such deviations from the standard procedure, as described in Section 2.1 on pages 104-109 of ETSU-R-97, shall be reported.

(c) For each of the 2 minute samples the tone level above or below audibility shall be calculated by comparison with the audibility criterion given in Section 2.1 on pages 104-109 of ETSU-R-97.

(d) The tone level above audibility shall be plotted against wind speed for each of the 2 minute samples. Samples for which the tones were below the audibility criterion or no tone was identified, a value of zero audibility shall be used.

(e) A least squares "best fit" linear regression line shall then be performed to establish the average tone level above audibility for each integer wind speed derived from the value of the "best fit" line at each integer wind speed. If there is no apparent trend with wind speed then a simple arithmetic mean shall be used. This process shall be repeated for each integer wind speed for which there is an assessment of overall levels in Guidance Note 2.

(f) The tonal penalty is derived from the margin above audibility of the tone according to the figure below.



Guidance Note 4

(a) If a tonal penalty is to be applied in accordance with Guidance Note 3 the rating level of the turbine noise at each wind speed is the arithmetic sum of the measured noise level as determined from the best fit curve described in Guidance Note 2 and the penalty for tonal noise as derived in accordance with Guidance Note 3 at each integer wind speed within the range specified by the Local Planning Authority in its written protocol under paragraph (d) of the noise condition.

(b) If no tonal penalty is to be applied then the rating level of the turbine noise at each wind speed is equal to the measured noise level as determined from the best fit curve described in Guidance Note 2.

(c) In the event that the rating level is above the limit(s) set out in the Tables attached to the noise conditions or the noise limits for a complainant's dwelling approved in accordance with paragraph (e) of the noise condition, the independent consultant shall undertake a further assessment of the rating level to correct for background noise so that the rating level relates to wind turbine noise emission only.

(d) The wind farm operator shall ensure that all the wind turbines in the development are turned off for such period as the independent consultant requires to undertake the further assessment. The further assessment shall be undertaken in accordance with the following steps:

(e). Repeating the steps in Guidance Note 2, with the wind farm switched off, and determining the background noise (L3) at each integer wind speed within the range requested by the Local Planning Authority in its written request under paragraph (c) and the approved protocol under paragraph (d) of the noise condition.

(f) The wind farm noise (L1) at this speed shall then be calculated as follows where L2 is the measured level with turbines running but without the addition of any tonal penalty:

$$L1 = 10\ \mathrm{Log}_{10}\ \{10^{(L2/10)} - 10^{(L3/10)}\}$$

(g) The rating level shall be re-calculated by adding arithmetically the tonal penalty (if any is applied in accordance with Note 3) to the derived wind farm noise L1 at that integer wind speed.

(h) If the rating level after adjustment for background noise contribution and adjustment for tonal penalty (if required in accordance with note 3 above) at any integer wind speed lies at or below the values set out in the Tables attached to the conditions or at or below the noise limits approved by the Local Planning Authority for a complainant's dwelling in accordance with paragraph (e) of the noise condition then

no further action is necessary. If the rating level at any integer wind speed exceeds the values set out in the Tables attached to the conditions or the noise limits approved by the Local Planning Authority for a complainant's dwelling in accordance with paragraph (e) of the noise condition then the development fails to comply with the conditions.