



**NEATH PORT TALBOT COUNTY BOROUGH COUNCIL  
CYNGOR BWRDEISTREF SIROL CASTELL-NEDD PORT TALBOT**

**TOWN AND COUNTRY PLANNING ACT 1990  
THE TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT  
PROCEDURE) ORDER 1995**

**APPROVAL OF FULL PLANNING PERMISSION**

**Name and address of the applicant      Name and address of the agent**

**PENNANT WALTERS  
(MAESGWYN) LTD  
HIRWAUN HOUSE  
HIRWAUN INDUSTRIAL ESTATE  
HIRWAUN  
ABERDARE  
CF44 9UL**

**WHITE YOUNG GREEN  
PLANNING  
21 PARK PLACE  
CARDIFF  
CF10 3DQ**

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Whereas on the Monday, 04 September 2006 you submitted an application for the following development:-

**PROPOSAL      DEVELOPMENT OF A 45MW WIND FARM  
COMPRISING 15 x 3MW WIND TURBINES WITH  
ASSOCIATED MASTS, SUBSTATION AND  
RELATED  
INFRASTRUCTURE TOGETHER WITH  
IMPROVEMENT OF EXISTING ACCESS TO A4109  
AND INTERNAL ACCESS TRACKS ETC.  
LOCATION      (MAESGWYN) LAND NORTH WEST OF  
GLYNNEATH NEATH**

THE NEATH PORT TALBOT COUNTY BOROUGH COUNCIL AS THE LOCAL PLANNING AUTHORITY IN PURSUANCE OF ITS POWER UNDER THE ABOVE MENTIONED ACT AND ORDER HEREBY PERMITS THE DEVELOPMENT TO BE CARRIED OUT IN ACCORDANCE WITH THE

**Reference No: P2006/1261**

APPLICATION AND THE PLANS SUBMITTED THEREWITH, SUBJECT TO COMPLIANCE WITH THE CONDITIONS SPECIFIED HEREUNDER:

**Conditions:-**

(1)The development hereby permitted shall be begun before the expiration of 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)Notwithstanding the submitted plans, this consent shall not relate to turbine numbers 1 and 3.

Reason

In the interest of visual amenity.

(3)Prior to the erection of any turbine, a planting scheme at the junction of the Intervalley Road and Heol Gaer, Onllwyn, shall be submitted to and approved by the local planning authority, the scheme shall be implemented in the first planting season following such approval, and any trees shrubs that die or are removed within a period of 5 years shall be replaced with similar size and species.

Reason

In the interest of highway safety.

(4)Notwithstanding the submitted plans, any turbine shall be located a minimum distance away from any public right of way/bridleway/byway at a distance equivalent to the height from the base to the highest point of the blade tip.

Reason

In the interest of safety.

(5)The public rights of way shall be protected at all times and any damage caused to any right of way shall be repaired to its original condition.

Reason

To protect the publics right of way

(6)No development shall take place until the applicant or their agents or successors in title have secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority.

Reason

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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.

(7) No development shall commence until all identified archaeological sites in the application area have been fenced to a standard agreed in writing with the local planning authority. Throughout the development, no works shall be undertaken within the fenced area without the written consent of the local planning authority.

Reason

To ensure that no archaeological features are damaged.

(8) No trees, other than those identified within a 200m radius of the proposed turbines and those required for new track and existing track widening, shall be felled within the application area unless otherwise agreed in writing with the local planning authority.

Reason

In the interest of visual amenity.

(9) Unless otherwise agreed with the Local Planning Authority after the expiry of 25 years from the commissioning of each turbine, or upon the cessation of energy production of a period of six months, whichever is the sooner, that turbine shall be removed off the site and the land reinstated in accordance with a scheme to be first submitted to and approved by the local planning authority.

Reason

In the interest of visual amenity and safety.

(10) No development shall take place until there has been submitted to and approved in writing by the local planning authority a scheme for landscaping. This scheme shall be carried out in the first planting season after completion of the development or its occupation, whichever is the sooner and any trees or plants which within a period of five years are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and the same species, unless the local planning authority gives written consent to any variation.

Reason

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

(11) Details of the colour of the turbines shall be agreed in writing with the local planning authority prior to their construction.

Reason

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In the interest of visual amenity.

(12)The development shall be carried out in accordance with the approved plans and documents unless otherwise agreed in writing with the local planning authority.

Reason

To allow for minor changes to the approved plans and to allow changes to be made to turbine locations required under Condition no. 2.

(13)All construction personnel and service vehicles shall enter and leave the site via the access from the A4109 Intervalley Road as indicated on the approved plans.

Reason

In the interest of highway safety.

(14)No advertisements/logos shall be displayed on the apparatus, without the prior consent of the local planning authority.

Reason

In the interest of highway safety.

(15)No development approved by this planning permission shall be commenced until: -

- A desktop study has been carried out which shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information. And using this information a diagrammatical representation (conceptual Model) for the site of all potential contaminant sources, pathways and receptors has been produced.

- A site investigation has been designed for the site using the information obtained from the desktop study and any diagrammatical representations (Conceptual Model). This should be submitted to, and approved in writing by the local planning authority prior to that investigation being carried out on site.

- The investigation must be comprehensive enough to enable a risk assessment to be undertaken relating to groundwater and surface waters associated on and off the site that may be affected, and refinement of the Conceptual Model, and the development of a Method Statement detailing the remediation requirements.

- The site Investigation has been undertaken in accordance with details approved by the local planning authority and a risk assessment has been undertaken.

- A Method Statement detailing the remediation requirements, including measures to minimise the impact on ground and surface waters, using the information obtained from the Site Investigation has been submitted to the

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local planning authority. This will need to be approved in writing by the local planning authority prior to that remediation being carried out on the site.

**Reason**

To ensure that the proposed site investigations and remediation will not cause pollution of Controlled Waters.

(16) The development of the site should be carried out in accordance with the approved Method Statement.

**Reason**

To ensure that the development complies with approved details in the interest of protection of Controlled Waters.

(17) Upon completion of the remediation detailed in the approved Method Statement, a report shall be submitted to the local planning authority that provides verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report.

**Reason**

To protect the environment and prevent harm to human health by ensuring that the remediated site has been reclaimed to an appropriate standard.

(18) If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted, and obtained written approval from the local planning authority for, an addendum to the Method Statement which must detail how this unsuspected contamination shall be dealt with.

**Reason**

To ensure that the development complies with approved details in the interest of protection of Controlled Waters.

(19) If borrow pits are proposed, then no development approved by this planning permission shall be commenced until the following information has been submitted to the local planning authority for approval:

- The purpose of the pits.
- The planned size of the pits.
- The ground conditions (including depth of the water table) in proposed areas of the excavation and deposition.
- The nature of the material to be excavated.
- The planned destination for this material.
- Whether the material is contaminated (soil, groundwater and leachate analysis required).

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- The origin and nature of the material planned for backfilling of the pits.
- Any pollution prevention measures that will be required in order to protect controlled waters from suspended solids.
- Potential impacts on the hydro geological regime as a result of the excavation and backfilling.

**Reason**

To prevent pollution and derogation of controlled waters.

(20) No development approved by this planning permission shall be commenced until a method statement has been submitted to the local planning authority detailing the pollution prevention measures that would be put in place to minimise impacts on the water environment.

**Reason**

To ensure that the development complies with approved details in the interests of protection of Controlled Waters.

(21) Prior to the commencement of development an ecological management, mitigation and monitoring plan shall be submitted to and approved by the local planning authority and the plan shall be implemented as approved.

**Reason**

To protect and encourage habitats.

(22) The noise emitted from any of the turbines shall not exceed the levels recommended in Guidance issued by the BERR Reference ETSU-R-97 at any residential property.

**Reason**

To safeguard noise nuisance.

(23) Prior to the commencement of development, a Traffic Management Plan shall be submitted to and approved by the local planning authority detailing the number and routes for construction traffic. The plan shall be implemented as approved.

**Reason**

In the interest of highway safety.

(24) Prior to the commencement of the construction of any turbine, a scheme shall be submitted to and approved by the local planning authority to alleviate any interference with electromagnetic signals. The scheme shall detail mitigation measures should interference occur, which is attributable to the development, and implemented as approved.

**Reason**

To mitigate any electromagnetic interference.

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(25) Prior to the commencement of construction of any turbine, a scheme shall be submitted to and approved by the local planning authority to alleviate any shadow flicker at any residential property. The scheme shall be implemented as approved.

Reason

To mitigation against shadow flicker.

**Reason for Granting Planning Permission**

The decision to grant planning permission has been taken in accordance with Section 54A of the Town and Country Planning Act 1990, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise.

Development Plan Policies encourage renewable energy production providing any impacts are considered acceptable.

It is considered that turbines 1 and 3 would dominate from residential properties in Banwen/Onllwyn, and Golwg Y Bryn, whilst the remainder are considered acceptable. Other impacts including the affect on the National Park are considered such, bearing in mind TAN 8, not to be sufficient to warrant a refusal.

It is considered therefore that, subject to the emission of turbines 1 and 3, the proposal accords with planning policy

Signed : .....  .....  
**Geoff White – Head Of Planning**

**Date: 02/05/2008**

**Important Notes:**

- (1) The developer should have regard to Sections 4, 7, 8 and 8A of the Chronically Sick and Disabled Persons Act 1970 and to the British Standards Institution's Code of Practice for "Design of buildings and their approaches to meet the needs of disabled people" (BS 8300:2001).
- (2) Please note that any works carried out without compliance with the conditions attached to this approval will be entirely at the risk of the persons involved and may result in formal action being taken by the Local Planning Authority.
- (3) Before commencing development, the developer is advised to contact Hyder Network Development Consultants on 01443 331155 in relation to building in the vicinity of a sewer or a connection to a sewer.
- (4) The proposed development lies within a coal mining area. In the circumstances Applicants should take account of any coal mining related hazards to stability in their proposals. Developers must also seek permission from the Coal Authority before undertaking any operations that involves entry into any coal or mines of coal, including coal mine shafts and adits and the implementation of the site investigations or other works. Property specific summary information on any past, current and proposed surface and underground coal mining activity to affect the development can be obtained from the Coal Authority. The Coal Authority Mining Reports Service can be contacted on 0845 762 6848 or at [www.coal.gov.uk](http://www.coal.gov.uk).