

**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 Tuesday, 25 November 2008 you submitted an application for the following development:-

**PROPOSAL      INCREASE IN TIP HEIGHT OF 10 TURBINES  
FROM 115M TO 119.5M PERMITTED UNDER  
PLANNING APPLICATION 06/1261 DATED 2/5/08**

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

**Conditions:-**

## Reference No: P2008/1484

(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)Prior to the erection of any turbine the planting scheme at the junction of the Intervalley Road and Heol Gaer, Onllwyn and approved under Condition No 3 of Application Ref P2006/1261 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.

(3)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.

(4)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

(5)No development shall take place until the applicant or their agents or successors in title have implemented the programme of archaeological work in accordance with the scheme of investigation approved under Condition 6 of Appllication Ref P2006/1261.

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.

(6)No development shall commence until all identified archaeological sites in the application area have been fenced in accordance with the scheme approved under Condition No 7 of Application Ref P2006/1261.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.

## Reference No: P2008/1484

(7) 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.

(8) 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 shall be reinstated in accordance with the scheme approved under Condition No 9 of Application Ref P2006/1261.

Reason

In the interest of visual amenity and safety.

(9) The landscaping scheme approved under Condition 10 of Application Ref P2006/1261 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.

(10) Unless otherwise agreed in writing, the turbines shall be matt mid grey in colour as approved under Condition 11 of Application Ref P2006/1261.

Reason

In the interest of visual amenity.

(11) 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. 3.

**Reference No: P2008/1484**

(12)All construction personnel and service vehicles shall enter and leave the site via the access from the A4109 Intervalley Road as indicated on the plans approved under Application Ref P2006/1261.

Reason

In the interest of highway safety.

(13)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.

(14)The development of the site should be carried out in accordance with the Method Statement approved under Condition No 15 of Application Ref P2006/1261.

Reason

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

(15)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) and that 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.

(16)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.

## Reference No: P2008/1484

(17)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).
- 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.

(18)The method statement detailing the pollution prevention measures and approved under Condition No 20 of Application Ref P2006/1261 shall be fully implemented prior to the development being brought into beneficial use.

Reason

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

(19)The ecological management, mitigation and monitoring plan approved under condition No 21 of Application Ref P2006/1261 shall be implemented as approved.

Reason

To protect and encourage habitats.

(20)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.

(21)The Traffic Management Plan detailing the number and routes for construction traffic and approved under Condition No 23 of Application Ref P2006/ 1261 shall be fully implemented.

Reason

In the interest of highway safety.

## Reference No: P2008/1484

(22) The scheme to alleviate any interference with electromagnetic signals and approved under Condition No 24 of application Ref P2006/1261 shall be implemented as approved.

Reason

To mitigate any electromagnetic interference.

(23) The scheme approved under Condition No 25 of P2006/1261 to alleviate any shadow flicker at any residential property shall be implemented as approved.

Reason

To mitigation against shadow flicker.

(24) Unless otherwise agreed in writing with the Local Planning Authority the improvements listed in 1.1.2 of the approved Traffic Management Plan referred to in Condition 21 above shall be implemented prior to the Principal Construction Works itemised in 1.1.3 of the said Traffic Management Plan.

Reason:

In the interests of highway safety.

(25) Notwithstanding the approved Traffic Management Plan referred to in Condition 21, no construction personnel and service vehicles shall enter the site other than via site access A as indicated on the plan Appendix B of the approved Traffic Management Plan.

Reason:

In the interests of highway safety.

(26) Foul sewerage shall be treated via a septic tank and not a cesspool.

Reason:

To reduce the risk of contamination

(27) Any soil stockpiles that are to remain in place for over a month shall be sacrificially seeded during the planting season.

Reason:

To reduce the risk of dirty water run off.

(28) Should shadow flicker be reported or observed a study shall be carried out by the developers and mitigation measures introduced to alleviate unreasonable nuisance to occupants of affected properties.

Reason:

In the interests of amenity.

**Reason for Granting Planning Permission**

The decision to grant planning permission has been taken in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise.

Whilst the proposal would have some impact it is considered that the increase in height of 10 of the approved turbines is marginal when considered within the context of the approved scheme would not result in a development which would dominate the landscape or have an unacceptable impact on residential amenity. Furthermore, the proposal does not raise any ecological, highway, geology, hydrogeology, hydrology, archaeological, noise and electromagnetic interference issues over and above that which would result from the approved scheme. The proposal therefore complies with Policies IE6, ENV3 and GC1 of the Neath Port Talbot Unitary Development Plan.

Signed : .....  .....

**Geoff White – Head Of Planning**

**Date: 19/06/2009**

**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 an area which could be subject to current coal mining or hazards resulting from past coal mining. Such hazards may currently exist, be caused as a result of the proposed development, or occur at some time in the future. These hazards include:

- Collapse of shallow coal mine workings.
- Collapse of, or risk of entry into, mine entries (shafts and adits).
- Gas emissions from coal mines including methane and carbon dioxide.
- Spontaneous combustion or ignition of coal which may lead to underground heatings and production of carbon monoxide.
- Transmission of gases into adjacent properties from underground sources through ground fractures.
- Coal mining subsidence.
- Water emissions from coal mine workings.

Applicants must take account of these hazards which could affect stability, health & safety, or cause adverse environmental impacts during the carrying out their proposals and must seek specialist advice where required. Additional hazards or stability issues may arise from development on or adjacent to restored opencast sites or quarries and former colliery spoil tips.



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Potential hazards or impacts may not necessarily be confined to the development site, and Applicants must take advice and introduce appropriate measures to address risks both within and beyond the development site. As an example the stabilisation of shallow coal workings by grouting may affect, block or divert underground pathways for water or gas.

In coal mining areas there is the potential for existing property and new development to be affected by mine gases, and this must be considered by each developer. Gas prevention measures must be adopted during construction where there is such a risk. The investigation of sites through drilling alone has the potential to displace underground gases or in certain situations may create carbon monoxide where air flush drilling is adopted.

Any intrusive activities which intersect, disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) require the prior written permission of the Coal Authority. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes.

Failure to obtain Coal Authority permission for such activities is trespass, with the potential for court action. In the interests of public safety the Coal Authority is concerned that risks specific to the nature of coal and coal mine workings are identified and mitigated.

The above advice applies to the site of your proposal and the surrounding vicinity. You must obtain property specific summary information on any past, current and proposed surface and underground coal mining activity, and other ground stability information in order to make an assessment of the risks. This can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at [www.groundstability.com](http://www.groundstability.com)