



T: 01495 355001

E: committee.services@blaenau-gwent.gov.uk

Our Ref./Ein Cyf.
Your Ref./Eich Cyf.
Contact:/Cysylltwch â: Mrs Leeann Turner

THIS IS A MEETING WHICH THE PUBLIC ARE ENTITLED TO ATTEND

16th April 2024

Dear Sir/Madam

PLANNING COMMITTEE

A meeting of the Planning Committee will be held via Microsoft Teams (if you would like to view this meeting please contact leeann.turner@blaenau-gwent.gov.uk) on Tuesday, 23rd April, 2024 at 10.00 am.

Yours faithfully

Damien McCann
Interim Chief Executive

AGENDA

Pages

1. **SIMULTANEOUS TRANSLATION**

You are welcome to use Welsh at the meeting, a minimum notice period of 3 working days is required should you wish to do so. A simultaneous translation service will be provided if requested.

2. **APOLOGIES**

To receive.

Mae'r Cyngor yn croesawu gohebiaeth yn Gymraeg a Saesneg a byddwn yn cyfathrebu gyda chi yn eich dewis iaith, dim ond i chi rhoi gwybod i ni pa un sydd well gennych. Ni fydd gohebu yn Gymraeg yn creu unrhyw oedi.

The Council welcomes correspondence in Welsh and English and we will communicate with you in the language of your choice, as long as you let us know which you prefer. Corresponding in Welsh will not lead to any delay.

3. **DECLARATION OF INTERESTS AND DISPENSATIONS**

To receive any declarations of interest and dispensations.

4. **AREAS FOR MEMBER BRIEFINGS AND TRAINING**

5. **PLANNING APPLICATIONS REPORT** 5 - 46

To consider the report of the Team Manager Development Management.

6. **APPEALS, CONSULTATIONS AND DNS UPDATE APRIL 2024** 47 - 50

To consider the report of the Service Manager Development & Estates.

7. **PLANNING APPEAL UPDATE: PROPOSED FRONT AND REAR GARAGE EXTENSION AT 35 PANT Y FFOREST, EBBW VALE, NP23 5FR** 51 - 58

To consider the report of the Planning Officer.

8. **DEVELOPMENT OF NATIONAL SIGNIFICANCE UPDATE: LAND TO THE WEST OF ABERTILLERY. APPLICATION REF: DNS/3270299.** 59 - 142

To consider the report of the Team Leader Development Management.

9. **LIST OF APPLICATIONS DECIDED UNDER DELEGATED POWERS BETWEEN 22ND FEBRUARY 2024 AND 9TH APRIL 2024** 143 - 150

To consider the report of the Business Support Officer.

EXEMPT ITEM

To receive and consider the following report which in the opinion of the proper officer is/are an exempt item taking into account consideration of the public interest test and that the press and public should be excluded from the meeting (the reason for the decision for the exemption is available on a schedule maintained by the proper officer).

10. **ENFORCEMENT CLOSED CASES BETWEEN 23RD FEBRUARY 2024 AND 4TH APRIL 2024** 151 - 154

To consider the report of the Service Manager
Development & Estates.

To: Councillor L. Winnett (Chair)
Councillor P. Baldwin (Vice-Chair)
Councillor M. Day
Councillor W. Hodgins
Councillor J. Holt
Councillor G. Humphreys
Councillor E. Jones
Councillor J. Millard
Councillor J. Morgan, J.P.
Councillor L. Parsons
Councillor D. Rowberry
Councillor C. Smith
Councillor J. Thomas
Councillor D. Wilkshire

All other Members (for information)
Interim Chief Executive
Chief Officers

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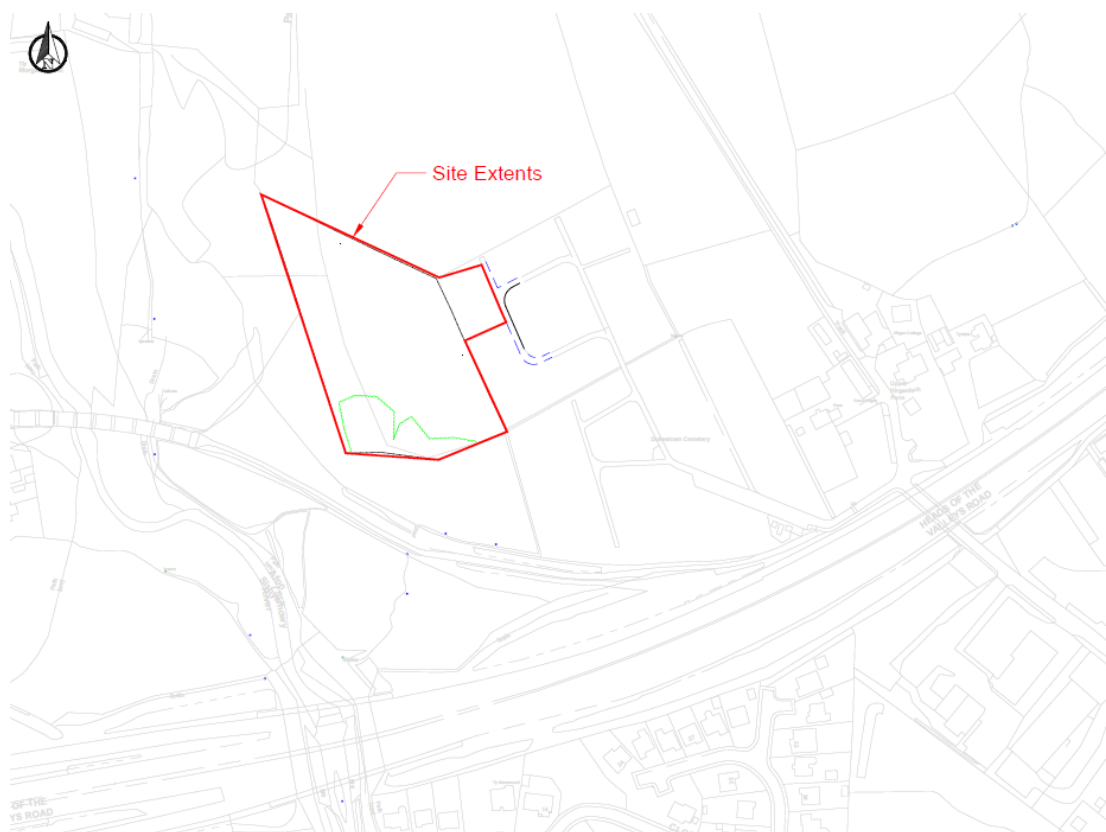
BLAENAU GWENT COUNTY BOROUGH COUNCIL	
Report to	The Chair and Members of Planning, Regulatory and General Licensing
Report Subject	Planning Applications Report
Report Author	Team Manager Development Management
Report Date	11th April 2024
Directorate	Regeneration & Community Services
Date of meeting	23rd April 2024

Report Information Summary

1. Purpose of Report	
To present planning applications for consideration and determination by Members of the Planning Committee.	
2. Scope of the Report	
Application No.	Address
C/2023/0189	FIELD TO WEST OF DUKESTOWN CEMETERY, CROWN AVENUE, DUKESTOWN, TREDEGAR, NP22 4EE
C/2023/0226	LAND AT RHYD Y BLEW, BEAUFORT ROAD, EBBW VALE
3. Recommendation/s for Consideration	
Please refer to individual reports	

Planning Report

Application No: C/2023/0189	App Type: Full
Applicant: David Watkins BGCBC Anvil Court Church Street Abertillery NP131DB	Agent: Blaenau Gwent CBC Mr Gavin Conlon The General Offices Steelworks Road Ebbw Vale United Kingdom NP23 6DN
Site Address: FIELD TO WEST OF DUKESTOWN CEMETERY, CROWN AVENUE, DUKESTOWN, TREDEGAR, NP22 4EE	
Development: Extension of existing cemetery into adjoining open field	
Case Officer:	Sophie Godfrey





1.0 Background, Development and Site Context

- 1.1 This application seeks full planning permission for the extension of the existing Dukestown Cemetery, Crown Avenue, Tredegar into the adjoining field to the west of the cemetery.
- 1.2 The site currently comprises of an open field measuring approximately 147m in depth and 82m in width. The topography of the site is that it slopes from east to west. To the east of the site is the existing Dukestown Cemetery, to the south is the A465 Heads of the Valley Road, and to the north and west is the Trefil and Garnlydan Surrounds Special Landscape Area (SLA). The site is located outside of the settlement boundary, in the countryside and within the Trefil and Garnlydan Surrounds Special Landscape Area (SLA).



Figure 1.1 Proposed site



Figure 1.2 Proposed Site

- 1.3 The proposal would involve the extension of the existing cemetery, with new vehicle access road and pedestrian footways providing access from within the existing cemetery. A new hedgerow is proposed to the southern and western boundaries, with a new retaining wall proposed to the north eastern boundary. The anticipated yearly burial rates are estimated to be between 17 – 25.

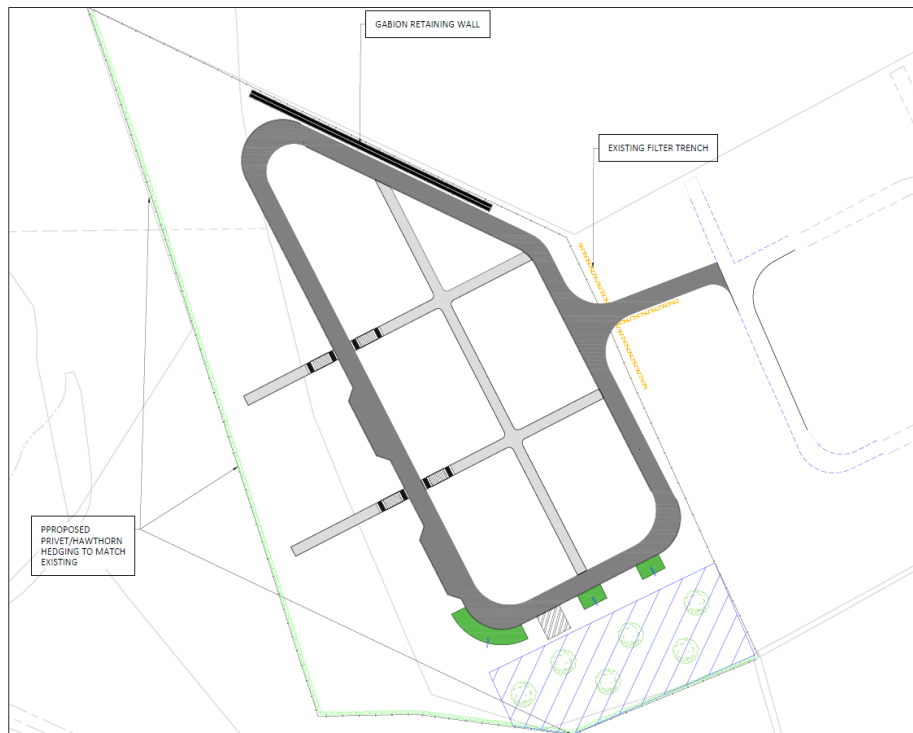


Figure 1.3 Proposed Site Layout

- 1.4 This application is being presented to committee as the proposal is considered to be of wider public interest and a departure from the LDP.

2.0 Site History

2.1 None.

3.0 Consultation and Other Relevant Information

3.1 Internal BG Responses

Service Manager Infrastructure:

3.2 Highways: No objections.

- 3.3 Drainage: No objections. This development will have to obtain SAB Approval before commencing work on this site.
- 3.4 Landscape & Trees: Objects in current form and has requested the submission of a Tree Survey, Arboricultural Implications Assessment, Arboricultural Method Statement and Landscape Scheme.
- 3.5 Ecology: No objections provided mitigation measures and further biodiversity enhancements are made as outlined within the report.
- 3.6 Service Manager Public Protection: No objections subject to imposition of a condition regarding Pollution Prevention of Controlled Waters.
- 3.7 Head of Estates and Strategic Asset Management: No objections.

External Consultation Responses

- 3.8 Town / Community Council: No objections.
- 3.9 Natural Resources Wales: No objections subject to imposition of a condition regarding Pollution Prevention of Controlled Waters.
- 3.10 Welsh Water: No objection subject to standard informatives.
- 3.11 Western Power: No assets identified in the area.
- 3.12 W&W Utilities: No assets identified in the area.
- 3.13 **Public Consultation:**
- 6 no. letters to nearby houses
 - 1 site notice
 - press notice
 - website public register of applications
 - ward members by letter
 - all members via weekly list of applications received

Response: No representations received.

4.0 Planning Policy

- 4.1 Team Manager Development Plans:

The Blaenau Gwent Local Development Plan (LDP) indicates that the site lies outside the settlement boundary (Policy SB1), within a Special Landscape Area (Policy ENV2), within a coal safeguarding area (Policy M1) and an area where coal working will not be acceptable (Policy M3).

- 4.2 Planning Policy Wales (PPW) Edition 12 (February 2024) sets out the Welsh Government's objectives in respect of Green Infrastructure. Cemeteries are identified as green infrastructure at the local scale. This reinforces the position that Cemeteries are appropriate uses outside the settlement boundary.
- 4.3 The LDP includes an allocation to extend the existing Dukestown Cemetery to the north, however this application is for an extension to the west. The application is therefore a departure from the LDP. However, the Council have undertaken further site investigations which resulted in the site to the west of the existing cemetery also being identified as appropriate for the extension. Accordingly, Planning Policy support the proposal in principle for the cemetery extension to be located to the west.
- 4.4 The existing cemetery and proposed site are also designated as mineral safeguarding areas (coal safeguarding area) under policy M1. However, the site is also located in an area where coal working will not be acceptable under policy M3. This policy states that in accordance with national planning policy, the LDP identifies areas where coal working will not be acceptable (unless there are deemed exceptions), these include areas that are 500m from the settlement boundary. Due to the location of the site (approximately 152m from the settlement boundary) it is within an area where coal working will not be acceptable. Due to this, it is not considered that the proposal would sterilise any potential future mineral resources and is acceptable in accordance with policies M1 and M3.
- 4.5 LDP Policies:
SP10 - Protection and Enhancement of the Natural Environment
DM1 - New Development
SB1 - Settlement Boundaries
ENV2 - Special Landscape Areas
ENV5 - Cemeteries
M1 - Safeguarding of Minerals
M3 - Areas where Coal Working will not be Acceptable
- 4.6 PPW & TANs:
Planning Policy Wales Edition 11 (February 2021): 6.2
Future Wales: The National Development Plan for Wales (February 2021)

- 4.7 Under the provisions of the 2015 Planning (Wales) Act, any development plan adopted prior to 4 January 2016 will remain the LDP for determining planning applications until replaced by a further LDP. Therefore, the Blaenau Gwent County Borough Council Local Development Plan up to 2021, which was adopted on November 2012, remains the extant statutory development plan for the area beyond the specified 2021 plan period.

5.0 Planning Assessment

5.1 Principle of Development

- 5.2 Future Wales - the National Plan 2040 was published on the 24th February 2021, and therefore is relevant to this application as it now forms part of the Development Plan. Policy 2 states that the growth and regeneration of towns and cities should positively contribute towards building sustainable places that support active and healthy lives, with urban neighbourhoods that are compact and walkable, organised around mixed-use centres and public transport, and integrated with green infrastructure.
- 5.3 The Blaenau Gwent LDP indicates that the site lies outside the settlement boundary (Policy SB1). Settlement boundaries are a key mechanism for helping to deliver the LDPs objective of maximising the use of land. They define the area within which development will normally be permitted, subject to other policies in the Plan and material considerations. The other aim of the policy is to prevent inappropriate development in the countryside. The site is location in the Trefil & Garnlydan surrounds Special Landscape Area (SLA)
- 5.4 The LDP relies on national guidance set out in Planning Policy Wales (PPW) (Edition 12) to control any development outside the settlement boundary. Paragraph 6.2 outlines that green infrastructure is the network of natural and semi-natural features, green spaces, rivers and lakes that intersperse and connect places. Component elements of green infrastructure can function at different scales. At a local scale, it might comprise parks, fields, ponds, natural green spaces, public rights of way, allotments, cemeteries and gardens or may be designed or managed features such as sustainable drainage systems. It goes onto state that green infrastructure is capable of providing several functions at the same time and as a result offers multiple benefits, for social, economic and cultural as well as environmental resilience.

5.5 Based on the above, as cemeteries are considered to be green infrastructure, the principle of extending the existing cemetery in this location is considered acceptable and aligns with both local and national planning policy.

5.6 Layout, Scale, Design

5.7 The proposed site area is large in scale but is smaller than the existing cemetery. In order to accommodate the extension to the cemetery, the ground levels to the north/north eastern boundary need to be raised and a retaining wall is proposed on this boundary. Information submitted with the application states the wall would be a maximum of 2 metres in height, however no structural calculations have been provided. Full details including finishes and structural calculations of the wall can be conditioned to ensure there is no unacceptable visual impact on the wider SLA or on ground stability. New internal roads and pedestrian footpaths are also proposed within the site. These are considered typical to provide access within cemeteries. There is a privet/hawthorn hedgerow proposed to the western and southern boundaries which will provide screening of the proposal from the public highway.

5.8 Subject to the imposition of conditions, I therefore consider that the scale, layout and appearance of the proposed development is acceptable, would not have a detrimental impact upon the visual amenity of the surrounding area, SLA or wider landscape and complies with the relevant criteria contained in DM1 and DM2.

5.9 Amenity

The nearest residential dwellings are located approximately 150m to the east of the site. There are also residential properties found to the north, south and west in excess of 170m away from the site. Given the scale of the development proposed, and its separation distance from neighbouring properties, it is not considered that there would be a detrimental impact on any neighbouring residents.

5.10 Highways

The Council's Team Manager Built Development has been consulted on the application and confirmed they have no objections to the proposal. It is therefore considered that the extension of the cemetery would not have a detrimental impact on highway safety.

5.11 Drainage

Since 7th January 2019 any development proposals that have a hard surface area exceeding 100m² require separate SAB approval to deal with surface water drainage. This development exceeds that threshold and accordingly will require approval of Sustainable Drainage Systems (SuDS). The Council's Team Leader Drainage Engineer has confirmed they have no objections in principle to this application providing it meets all the requirements of the SAB. An informative note will be added to ensure the developer is aware of their responsibility to obtain the necessary SAB consents to deal with surface water drainage.

5.12 Welsh Water have also been consulted and confirmed they have no objections to the proposal.

5.13 Ecology

Following a LERC (Biodiversity Information & Reporting Database) representation it has been identified that there are a number of protected/priority species within 500m of the site including bats and hedgehogs.

5.14 An Ecological Walkover and Reptile Survey (David Clements Ecology, November 2022) has been submitted to support the application. The Council's Ecologist was consulted on the application and confirmed there should be no long term negative impacts on key protected species provided the appropriate mitigation measures and recommendations as outlined in Section 5 of the report are implemented. However, in order to satisfy WG guidance and for compliance with PPW 11, the Environment (Wales) Act 2016 and LDP policies DM1, SP10 and SP14 biodiversity enhancement measures should also be implemented. For example, native bulb planting, wildflower planting, where appropriate native hedgerow creation of reptile hibernacula. An appropriately worded condition will ensure this is achieved.

5.15 In accordance with Chapter 6 of PPW 11 due regard has been given to the fact that the application should be accompanied by a Green Infrastructure Statement, however given the scale of the development proposed it is not considered proportionate to request one in this instance. The submitted plans show a hedgerow is proposed to the south and western boundaries, which is considered sufficient and has demonstrated that green infrastructure has been given due regard. The plans also show proposed rain gardens to the south of the site, and it is also noted that Green Infrastructure will also be considered as part of any future SAB application.

5.16 Landscape & Trees

The site is located within an area designated in the LDP as a Special Landscape Area (Trefil & Garnlydan surrounds SLA). Whilst LDP Policy ENV2 does not prevent development in these areas, designated SLAs are to be protected as they are considered important to the overall landscape for reasons including dramatic topography, being unspoilt, their remoteness and tranquillity, locally rare or special landscapes. Any development will therefore be required to conform to the highest possible design standards. The site is also adjacent to the Nine Arches Grassland Sites of Importance for Nature Conservation (SINC).

5.17 The Landscape Officer has been consulted on this application and confirmed that subject to the submission of an appropriate landscape scheme that encourages the development to connect with the local landscape, there are no landscape objections to the proposal. An appropriately worded condition could be imposed to secure this.

5.18 The Council's Arboricultural Officer has been consulted on the application and requested the applicant provides a Full Tree Survey, Tree Protection Plan, Arboricultural Implications Assessment and an Arboricultural Method Statement. Whilst this request is noted, following a site visit it is acknowledged that there are only a small number of trees within/in close proximity to the site, none of which are subject to TPO's. The applicant has confirmed that no trees will be removed as part of the development, and the submitted plans show a no build zone to the south of the site where most of the existing trees are located, which will protect these trees. Therefore, subject to a condition requiring existing trees at the site to be retained, or any loss of trees to be compensated as part of a robust landscaping scheme, in this instance the proposal is considered acceptable, and it is not considered a Tree Survey and other Arboricultural Assessments are required.

5.19 Ground Conditions

NRW and Environmental Health were consulted on the application and commented that cemeteries have the potential to cause pollution of controlled waters. NRW stated that they had concerns with the application as submitted because inadequate information has been provided in support of the proposal to understand the potential risk to groundwater. To assess the potential impacts, they requested further information from the application in the form of a Stage 1 – Preliminary Risk Assessment. Dependent on the results of Stage 1, a Stage 2 Determination of the appropriate level of risk assessment may also be required.

- 5.20 In response to this the applicant submitted a Ground Investigation Interpretative Report (Quantum Geotech, Report No. Q0526/IR, April 2022). The applicant also also confirmed that the current yearly burial rates for the authority is on average 17. However to allow for unforeseen issues, they have provided an estimated 25 yearly maximum number of burials.
- 5.21 NRW and the Council's Environmental Health Officer were re-consulted on submission of this additional information and confirmed that their concerns can be overcome by attaching a condition on the Pollution Prevention of Controlled Waters to any planning approval. Subject to this condition, it is not considered that the proposal would have a detrimental impact on controlled waters.
- 5.22 Conclusion
I acknowledge that the development to extend the existing cemetery is a departure from policy SB1 of the LDP (and has been advertised as such). However, as cemeteries are identified as green infrastructure at the local scale, this reinforces the position that Cemeteries are appropriate uses outside the settlement boundary. In addition, although not allocated in the current LDP, further site investigations have been undertaken which resulted in the site being identified as appropriate for the extension of the existing cemetery. Having considered the above and all relevant material planning considerations, I am satisfied that the development is acceptable subject to conditions and accords with LDP Policies DM1, DM2, ENV2 and ENV5. I therefore recommend approval accordingly.

6.0 Legislative Obligations

- 6.1 The Council is required to decide planning applications in accord with the Local Development Plan unless material considerations indicate otherwise. The planning function must also be exercised in accordance with the principles of sustainable development as set out in the Well-Being of Future Generations (Wales) Act 2015 to ensure that the development and use of land contributes to improving the economic, social, environmental and cultural well-being of Wales.
- 6.2 The Council also has obligations under other legislation including (but not limited to) the Crime and Disorder Act, Equality Act and Human Rights Act. In presenting this report, I have had regard to relevant legislation and sought to present a balanced and reasoned recommendation.

7.0 Conclusion and Recommendation

- 7.1 Planning permission be **GRANTED** subject to the following condition(s):

1. The development shall begin not later than five years from the date of this decision notice.

Reason: To comply with the requirements of Section 91 of The Town and Country Planning Act 1990.

2. The development shall be completed in full accordance with the following approved plans and documents:

- Site Location Plan, dated 06/2023;
- Proposed Site Plan, recorded received 14/11/2023 (excluding surface water drainage details);
- Proposed Elevations, recorded received 13/02/2024;
- Retaining wall dimensions, recorded received 19/02/2024;
- Ground Investigation Interpretative Report, by Quantum Geotech, Report No. Q0526/IR, dated April 2022;
- Ecological Walkover and Reptile Survey, by David Clements Ecology, dated November 2022

Reason: To clearly define the scope of this permission.

3. Before works commence on site details shall be submitted to and approved in writing by the Local Planning Authority of the finishes and constructional details of any retaining wall or works required in association with the construction of the proposal hereby approved that will exceed 1.5 metres in height. Such details must also include a certificate signed by a suitably qualified engineer that shall verify the structural integrity of the proposed works. All works shall be undertaken and completed in full accordance with such details and specifications as may be approved in writing by the Local Planning Authority before the extension/building is brought into beneficial use.

Reason: To safeguard the integrity of any retaining works required in association with the approved development and to safeguard visual amenity interests in accordance with the relevant criteria under LDP Policy DM1.

4. All burials in the cemetery must:
- be a minimum of 250 metres from a potable groundwater supply source
 - be a minimum of 30 metres from a watercourse or spring
 - be a minimum of 10 metres distance from field drains
 - have at least 1 metre clearance between the base of the grave and the top of the water table and not made into standing water

Reason: To ensure the protection of controlled waters present on site in accordance with the relevant criteria under LDP Policies DM1.

5. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping. The submitted scheme shall include :-
- a) indications of all existing trees (including spread and species) and hedgerows on the land clearly identifying those to be lost or retained;
 - b) measures for the protection of retained trees or hedges throughout the course of development;
 - c) details of ground preparation, planting plans, number and details of species;
 - d) maintenance details for a minimum period of 5 years; and
 - e) a phased timescale of implementation

Reason: To ensure submission of an appropriate landscaping scheme and to secure a development that makes a positive contribution to the landscape and visual amenities of the area in accordance with the relevant criteria under LDP Policies DM1 and DM2.

6. Prior to the extension of the cemetery being brought into beneficial use of the development, details of biodiversity and ecological enhancements (to include location, position and specification) to be provided as part of the development or within the wider curtilage of the site shall be submitted to and approved in writing by the Local Planning Authority. The mitigation shall be installed within six months of the details being approved and shall be maintained as such thereafter.

Reason: In the interests of the ecological and biodiversity value of the site in accordance with the relevant criteria under LDP Policy DM14.

Informatives:

1. The applicant/developer should note that the development hereby approved also requires SuDS approval before work commence. Further guidance can be found at <https://www.blaenau-gwent.gov.uk/en/resident/planning/how-to-apply-for-planning-permission/permission-for-drainage/>

On such basis any surface water drainage details submitted as part of your application have not been considered. Should it be necessary to amend your development to meet the requirements of the SAB (SuDS Approval Body) you should seek further advice from the Local Planning Authority.

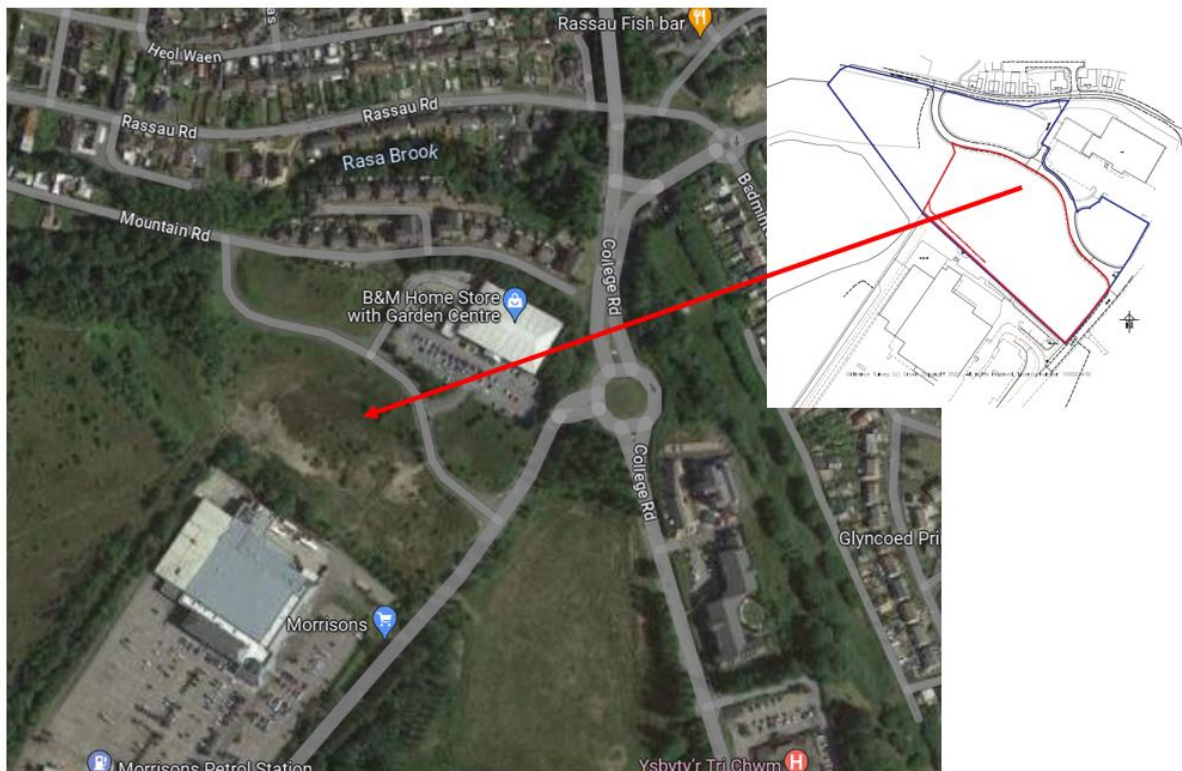
2. The applicants attention is drawn to the informatives outlined in Dwr Cymru/Welsh Waters response dated 21st September 2023.
3. Reptiles are protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). Should any species be found during the course of development, works should cease immediately and the developer should contact the Council's Biodiversity Officer for advice in this regard.
4. The landscaping scheme as requested in condition 6 should provide mitigation for the loss of any trees resulting from the development.

8.0 Risk Implications

8.1 None.

Planning Report

Application No: C/2023/0226	App Type: Full
Applicant: T J Morris Limited C/O Quod 21 Soho Square London W1D 3QP	Agent: Eve Warwick Quod 21 Soho Square London W1D 3QP
Site Address: LAND AT RHYD Y BLEW, BEAUFORT ROAD, EBBW VALE	
Development: Erection of 1no. retail unit (Class A1) with external display area, along with access and servicing arrangements, car parking, landscaping and associated works.	
Case Officer:	Joanne White



1.0 Background, Development and Site Context

1.1 This report will contain references to four terms that are key to deciding this application. Below is a brief definition of each:

1. Convenience goods - the sale of food items e.g. groceries.
2. Comparison goods - the sale of non-food items e.g. Household items, furniture, DIY, garden and pet products, stationery, household appliances etc.
3. Quantitative need - is a way of calculating the need for future retail floorspace. It is based on forecasting of expenditure on a certain type of retail goods (comparison or convenience for example) over a period of time, which is then assessed against the current level of provision.
4. Qualitative need - The need for an appropriate distribution and range of sites for retail stores which meets the needs of all communities.

1.2 Background

Outline permission was granted for A1, A2, A3 and B1 uses on the site (including two smaller parcels of land adjacent to B&M Home Stores) in 1997 (ref 96/0236). This was subsequently renewed in 2001 and again in 2004, with a Reserved Matters (RM) application approved in 2006 (C/2006/0170) for retail development comprising of 13 units of varying sizes totaling 8,361sq m of gross non-food retail floorspace (6,000sq m net sales area). Whilst there are no buildings on the site, the 2006 consent has been partially implemented (in the form of groundworks) and therefore the site has the benefit of an extant planning permission. This means that the 2006 permission could be completed at any time.

1.3 The site is allocated in the current Local Development Plan (LDP) as a retail commitment under policy R1.1 Rhyd y Blew Retail Park for 6,000 sq m of non-food (comparison) retail floorspace. This reflects the 2006 permission.

1.4 Proposal

This application seeks planning permission to construct a single A1 retail unit with external display area and associated works including access, servicing, car park and landscaping.

1.5 The proposal includes 2,361sqm of Gross Internal floorspace (GIA) for the building together with 684sqm of GIA to the external garden centre area, compared to the 8,361sqm of GIA approved in the extant scheme. For clarity, the agent has explained that the garden centre element is an external display area ancillary to the main retail offer. The total floor area including the building plus external garden centre area would be 5,316sqm **less** than the extant permission.

- 1.6 The application has been supported by a Planning and Retail Statement (PRS). The submitted PRS specifies that 70% of the total retail floor space would be for non-food (comparison) goods which aligns with the extant permission and LDP allocation but 30% is now proposed to be food (convenience) retail floorspace (approximately 709 sq m gross floorspace).

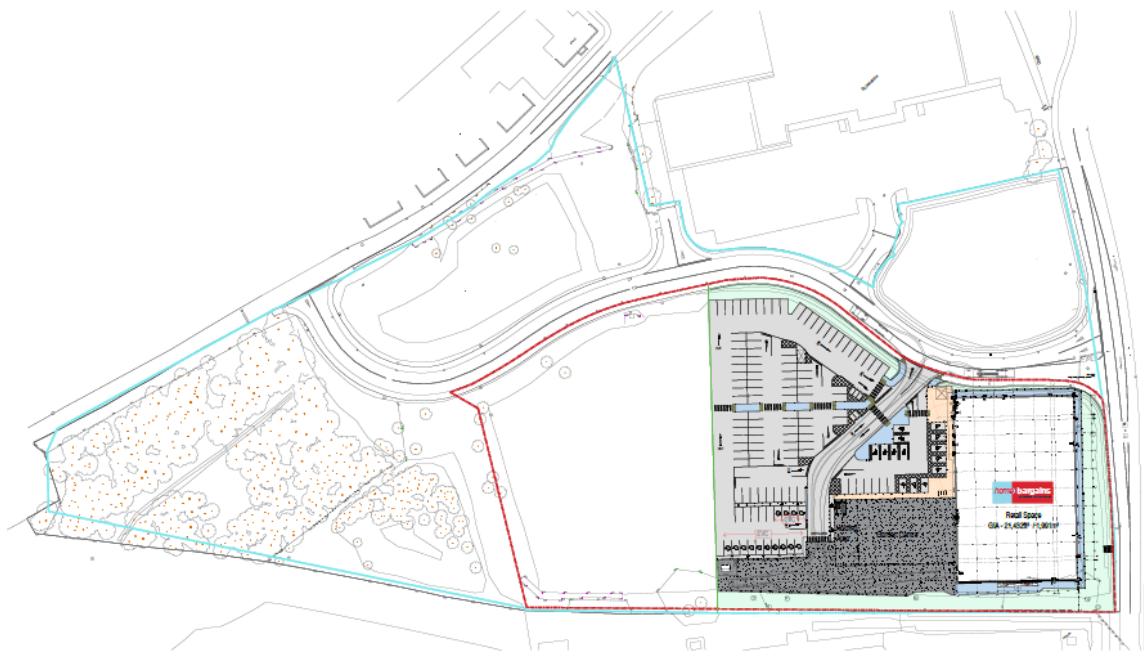


Fig 2: Proposed site layout

- 1.7 A new access will be created off the existing access road which branches off Beaufort Road (A4047). 135 car parking spaces will be provided which includes provision for 8 disabled bays, 6 parent & child parking and 14 electrical vehicle charging points. An additional five motorcycle parking bays are also incorporated into the proposal.
- 1.8 The proposed building will be single storey and measure approximately 40m x 60m with a height of up to approximately 9.7m. The external sales area (garden centre) will measure approximately 40m x 23m and will be enclosed with a 5m high weld-mesh fence. The building will be a simple portal frame with an external skin of red brick to 3.5m high with grey cladding to the upper sections.
- 1.9 The south-west elevation (fronting Morrisons) comprises of silver insulated vertical cladding. This elevation is largely screened by the embankment and significant tree and shrub growth. Plant and equipment is also proposed to this elevation.



Proposed Elevation(s)

Fig 3 (above): Proposed Elevations

1.10 Feature towers with signage, glazing and grey brickwork have been incorporated to the south-east and eastern elevations which front the A4047 and the access road.

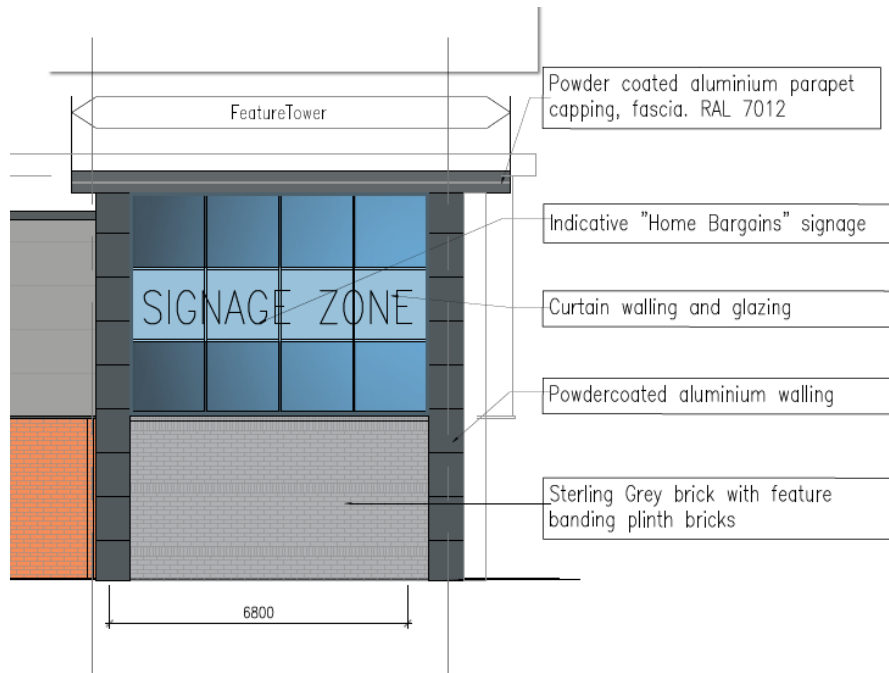
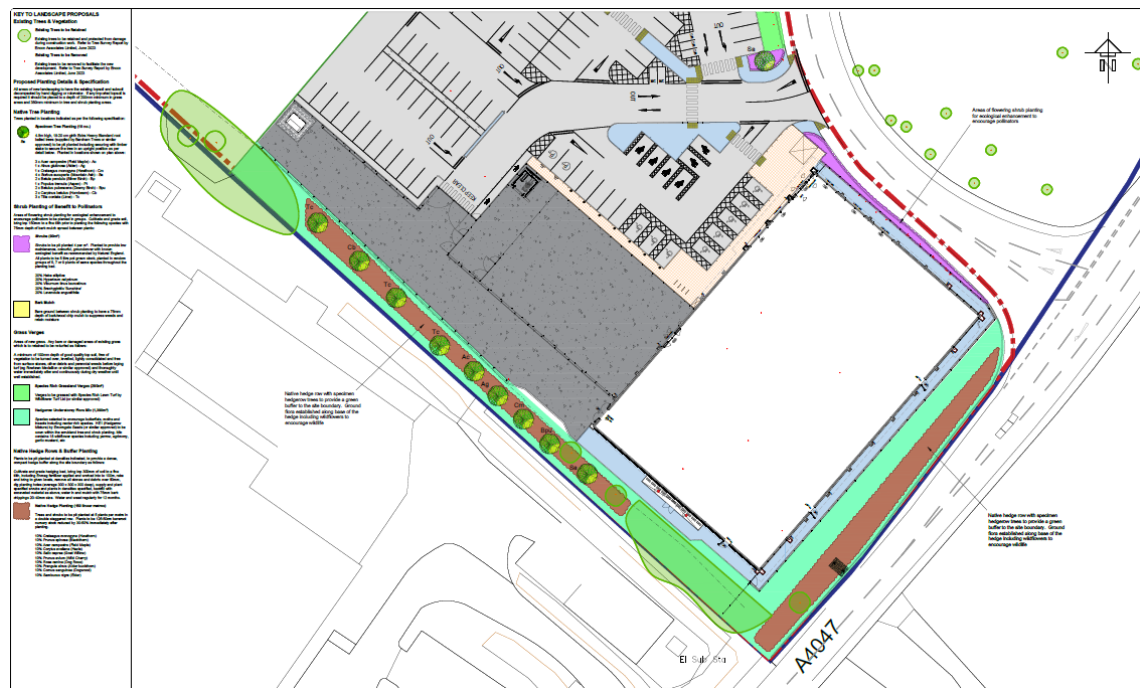
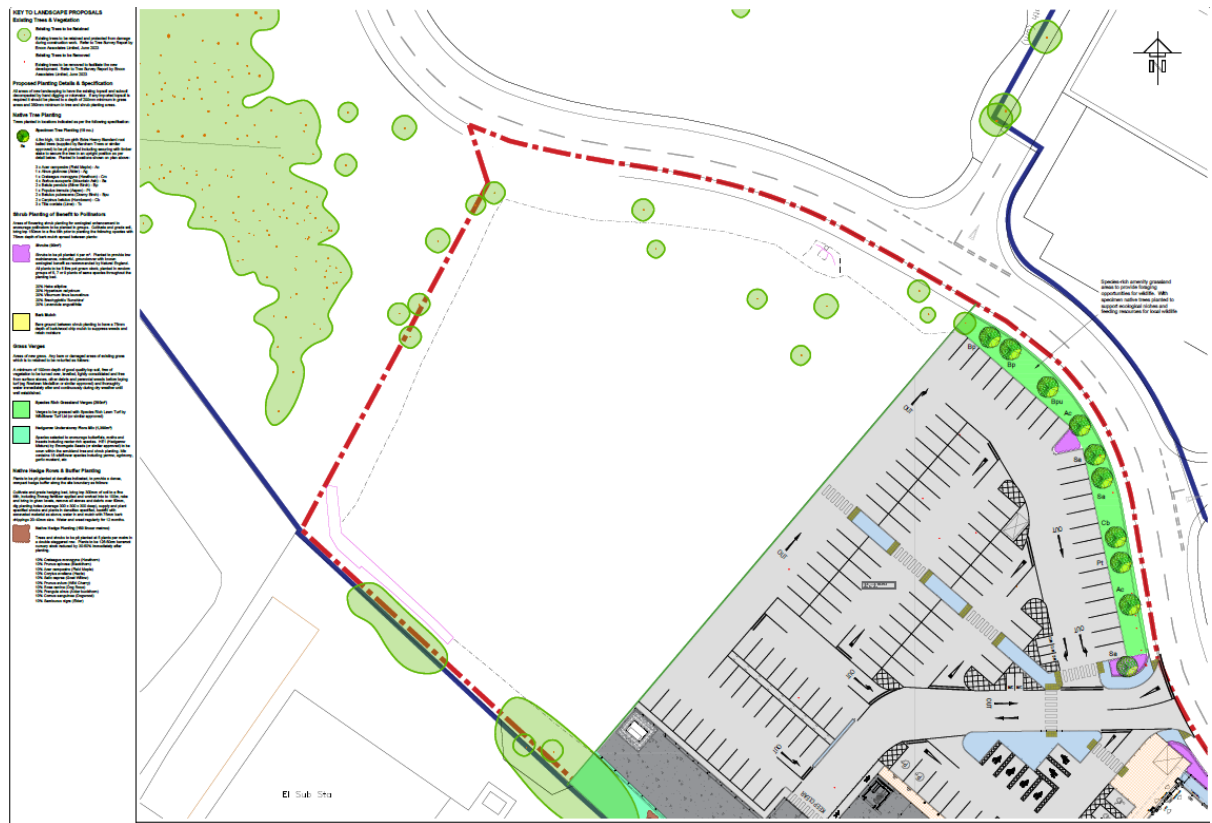


Fig 4: Proposed Feature Towers

1.11 A landscaping scheme has been submitted which includes provision for a combination of tree and native hedgerow planting, shrubs, and species rich grassland to the south-east, south-west and north-east boundaries.



1.12 Fig 5 (above) and Fig 6 (below): Proposed Landscaping



- 1.13 The plans indicate provision of a new totem to the south-eastern boundary. However, this would be subject to a separate application for Advertisement Consent.
- 1.14 The intended retailer (Home Bargains) already benefits from a store located within Ebbw Vale town centre. However, the submitted PRS confirms that the proposed store would complement the existing offering within the town centre rather than replace it.
- 1.15 It is anticipated that the proposal would create over 100 full and part-time jobs with an investment of over £15 million in the local economy.

Site Context

- 1.16 The application site comprises an underdeveloped parcel of land located to the north-east of Morrisons and south-west of B&M Home Store. The site is accessed off Beaufort Road (A4047) which runs parallel to the south-eastern boundary. Beyond that, to the south-east, is vacant land which is currently subject to an application for dwellings and the new residential development at College Road.



Fig 7(above): View of the site as viewed from the access road, looking west

Fig 8 (below): View of the site at the junction with the A4047, looking south-west



Fig 9 (below): View of the site from A4047 looking north/north-west.



Fig 10 (below): View of the site from A4047 looking north.



- 1.17 The site levels are uneven, or better described as undulating, with a steep embankment running along the south-western boundary where the land then rises to serve the Morrisons store. B&M Stores to the north-east is located at a lower level relative to the site.
- 1.18 Revised Plans were submitted in March 2024 to which this application now relates. The changes largely comprise omitting the rear internal servicing road and re-configuring the car park area. A full re-consultation exercise was undertaken.

- 1.19 In addition to the site layout, building floor and elevation plans, the applicant has submitted a suite of supporting documents which includes a Design and Access Statement, Planning and Retail Statement (including Energy Statement), Ecology Assessment, Tree Survey, Green infrastructure Statement, Travel Plan, Transport Statement, a Preliminary Risk Assessment and Interpretative Ground Assessment.
- 1.20 The applicant has undertaken pre-application consultation prior to the submission of the planning application, which included publicising a draft of the proposed development and consultation with the community and specialist consultees, including ward members. A related Pre-Application Consultation Report has been submitted with the planning application.
- 1.21 The application is being presented to planning committee as it is a major application that is in the wider public interest in respect of the potential impacts upon the town centre.

2.0 Site History

	Ref No	Details	Decision
2.1	96/0236	Ebbw Vale Bus & Retail Park, Use class A1 A2 A3 B1	Approved 29/8/96
2.2	C/2001/0178	Renewal of outline plan perm 96/0236 retail development	Approved 8/11/2001
2.3	C/2004/0562	Renewal of outline Planning permission C/2001/0178	Approved 1/12/2004
2.4	C/2006/0170	Proposed retail development	Approved 4/8/2006

3.0 Consultation and Other Relevant Information

3.1 Internal BG Responses

Service Manager Infrastructure:

3.2 Highways:

No objection subject to conditions requiring submission of a final Travel Plan and for the roads, servicing areas, car & cycle parking to be fully constructed prior to beneficial use.

3.3 Drainage: No objections. Will require SAB approval.

- 3.4 Ground Stability: No objection subject to conditions requiring compliance with the recommendations set out in Section 6 of the Preliminary Risk Assessment Report (Fairhurst, February 2024) including additional geotechnical investigations and agree an invasive species survey should be undertaken with regards to Japanese Knotweed.
- 3.5 Landscape and Trees: No objection, subject to condition requiring landscape maintenance for period of 5 years.
- 3.6 Ecology:
As a result of the development, habitat that is ruderal/ephemeral with mixed scrub, dry ditches and temporary pools will be permanently lost. This habitat has the potential to support protected and priority species such as nesting birds, reptiles, invertebrates, hedgehogs and foraging and commuting bats as the site has habitat connectivity to the wider landscape. The Ecology report has put forward some mitigation measures to address the loss of habitat which are acceptable but more details are required to compensate for the area of habitat lost due to the building footprint.
- 3.7 No objection subject to conditions requiring a CEMP, sensitive lighting design following Bat Conservation Trust Guidelines and a Landscape and Ecological Management Plan (LEMP) to include additional mitigation measures.
- 3.8 Rights of Way: No objection.
No public rights of way are currently recorded on the definitive map within the site boundary. Public Footpath known as 332/49 would run in close proximity to the external boundary of the site at its western corner however does not appear to be adversely affected by the proposal.
- 3.9 Estates: No objection.
- 3.10 Service Manager Public Protection:
The land the development is proposed to be built upon is overlain with made ground associated with historical industries in the area.
- 3.11 The Phase II interpretive ground assessment report prepared by Sutcliffe investigations confirmed that the levels of contamination present in the soil on the site were within acceptable thresholds for a commercial development. The report also included a ground gas risk assessment which identified the need for gas protection measures for the building and used a combination of two risk assessment methods.

3.12 No objection subject to conditions requiring a CEMP (including hours of working), unforeseen contamination, submission of revised gas protection measure and a verification/validation report to confirm the necessary works have been completed.

3.13 **External Consultation Responses**

3.14 Natural Resources Wales:

Raise concerns with the application as submitted in respect of land contamination and pollution. However, having had regard to the information submitted with the application they are satisfied that these concerns can be overcome by attaching suggested conditions regarding unforeseen contamination, and a Construction Environmental Management Plan (CEMP).

3.15 Welsh Water:

No objection subject to a condition requiring foul water only to discharge to the public sewerage system and specifying that the discharge shall be made between manhole SO15119205 and SO15119208. Standard informative notes to the applicant are also recommended.

3.16 W&W Utilities: Note position of apparatus.

3.17 National Grid: Note position of apparatus.

3.18 Coal Authority: No objections.

3.19 Fire Authority: No objections. Suggest standard informative notes to advise of adequate water supplies on site and access for emergency services.

3.20 Police:

No objection. Recommend the applicant seeks Secured by Design (SBD) approval for the development.

3.21 **Public Consultation:**

- 3 x letters to nearby premises
- 2 x site notices
- Press Notice
- website public register of applications
- ward members by letter
- all members via weekly list of applications received

3.22 Response: No representations received.

4.0 Planning Policy

4.1 Team Manager Development Plans:

Planning policy originally raised concerns with the proposed development on the basis that there is no established quantitative need for the development as identified in the Retail and Leisure Study (2021) commissioned by the Council to inform the Replacement Local Development Plan (RLDP).

4.2 In response to the concerns raised, the applicant submitted further information in the form of a letter dated 17th January 2024 (ref Q200490/AF/TR). The additional information provides clarification and addresses points raised regarding the quantitative and qualitative need arguments (for convenience and comparison) and the requirement to demonstrate this under national policy. In the context of the fallback position Planning Policy have confirmed that the evidence is proportionate and reasonable in that respect.

4.3 Planning Policy are satisfied with the further information provided and support the application.

4.4 LDP Policies:

SP1	Northern Strategy Area – Sustainable Growth and Regeneration
SP3	The Retail Hierarchy and Vitality and Viability of Town Centres
DM1	New Development
DM2	Design and Placemaking
DM4	Low and Zero Carbon Energy
DM14	Biodiversity Protection and Enhancement
DM16	Trees, Woodland and Hedgerow Protection
SB1	Settlement Boundaries
R1	Retail Allocations

4.5 PPW & TANs:

- Planning Policy Wales Edition 12 (February 2024)
- Future Wales The National Plan 2040
- Blaenau Gwent Retail and Leisure Study (2021)
- Blaenau Gwent Retail and Leisure Study Update (June 2023)

4.6 Under the provisions of the 2015 Planning (Wales) Act, any development plan adopted prior to 4 January 2016 will remain the LDP for determining planning applications until replaced by a further LDP. Therefore, the Blaenau Gwent County Borough Council Local Development Plan up to 2021, which was adopted on November 2012, remains the extant statutory development plan for the area beyond the specified 2021 plan period.

5.0 Planning Assessment

- 5.1 The Blaenau Gwent LDP identifies that the site is located within the settlement boundary within which development is generally permitted subject to other policies in the plan and material considerations. As highlighted earlier in this report, the site is allocated for retail within the LDP under policy R1.1 for 6,000 sq m of non-food retail to reflect the permission granted in 2006.
- 5.2 As part of the evidence base for the preparation of the Replacement LDP (RLDP) the Council commissioned a 'Blaenau Gwent Retail and Leisure Study' (the 'Retail Study' or the 'Study'). The Retail Study was finalised in August 2021. The study was reviewed in June 2023 to ensure that its findings remained relevant and valid given economic challenges.
- 5.3 The review reinforces the 2021 advice that there will be no quantitative need for additional non-food (comparison) floorspace provision in Blaenau Gwent during the plan period. Based on this, the Study made some policy recommendations in relation to the current retail commitment allocations. Of the 6 sites allocated for retail development in the current LDP, none have come forward for development to date. The study therefore suggests that there is therefore no requirement to retain the allocations in the replacement plan. The study made the following conclusion regarding the Rhyd y Blew Retail Park site:
- 5.4 *“• R1.1 Rhyd y Blew Retail Park, Ebbw Vale – this site has planning permission for 6,000 sqm net of non-food retail floorspace and, it is our understanding that the development has been partially implemented and thus, this is an extant permission. This means it could come forward for development at any time. However, it is not necessary to retain it as an allocation and instead it should be treated as any other out of centre retail site should new proposals come forward.”*
- 5.5 **Out of Centre Retail Development**
Future Wales - the National Plan:2040 (Feb, 2021) forms part of the Development Plan. Welsh Government has adopted a town centre first approach and requires that significant new commercial, retail, education, leisure and public service facilities must be located within town centres. They should have good access by public transport to and from the whole town and, where appropriate the wider region. A sequential approach must be used to inform the identification of the best location for these developments (Policy 6, page 71).

- 5.6 The LDP does not contain a development management policy that deals specifically with out-of-centre retail developments, but instead, relies on the requirements set out in national planning policy.
- 5.7 Section 4 of Planning Policy Wales (PPW) (Edition 12, February 2024) sets out a number of objectives for retail and commercial centres. Paragraph 4.3.25 specifies that “*Retail developments outside designated retail and commercial centres, and which are not on an allocated site, can impact on the viability and vibrancy of a centre. Impacts resulting from such development, whether individual or cumulative, may include changes in turnover and trading ability, consumer choice, traffic and travel patterns, footfall, as well as affect centre regeneration strategies and existing or proposed retail sites allocated in the development plan.*”
- 5.8 Whilst it is acknowledged that the site is allocated within the LDP as an out-of-centre development, the allocation is for non-food retail only. Given the proposal seeks to introduce 30% floorspace for food retail and taking into account the advice contained in the latest review of the Retail Study, it was considered prudent to seek a proportionate assessment of the proposal against the relevant ‘retail tests’ namely retail need, sequential approach to site selection and retail impact.
- 5.9 PPW advises that in establishing whether a need exists outside existing centres, this may be ‘quantitative’ to address an unmet demand for the provision concerned or ‘qualitative’. Quantitative need assesses if there is further expenditure capacity within a catchment area whilst qualitative need identifies if there is a lack of retail quality, range of goods or accessibility (para 4.13.13). However, it is clear that “precedence should be given to establishing quantitative need before qualitative need is considered for both convenience (food) and comparison (non-food) floor space...” (Para 4.3.15, PPW 12).
- 5.10 Quantitative Need
The Retail Study identifies that over the Replacement LDP period 2018-2033 there is no need for further food (convenience) and non-food (comparison) retail development. Nevertheless, it is acknowledged that the site benefits from an extant planning permission which is therefore a material consideration in assessing this application. Furthermore, the proposal is for approximately 3,800sq m less retail space (net sales area) compared to the extant scheme.
- 5.11 The application has been supported by a Planning and Retail Statement (PRS) to demonstrate the retail need for the proposal. Unlike the Retail Study, the PRS focusses on localised catchments, namely Ebbw Vale North area (Zone 2 of the Study) where the site is located. Following initial concerns raised by

the Policy team, the area of study was extended to include Tesco's which sits within the Ebbw Vale South area (Zone 1 of the Study) and a supplementary statement was submitted.

- 5.12 The statement submitted demonstrates that despite the available food retail expenditure decreasing within the area by 2028 (£9.37 million), there is still sufficient capacity to support to the turnover of the proposal (£3.96 million).

	2023	2028
Available Convenience Expenditure in Zone 2 (£m)	21.43	21.16
Turnover of Existing Facilities in Zone 2 (plus Tesco) derived from Zone 2 (£m)	11.43	11.80
Residual Convenience Capacity (£m)	10.00	9.37
Convenience Turnover of Proposal (£m)	3.84	3.96
Capacity Headroom over and above Proposal (£m)	6.16	5.40

Fig 11: Convenience Retail Capacity within Zone 2 (including Tesco, North West Approach), Table 1 of Additional Planning Statement, Quod, January 2024.

- 5.13 Furthermore, the statement identifies that almost half (47%) of food retail (convenience) expenditure in Zone 2 (including Tesco) is directed to facilities elsewhere. It could therefore be argued that by improving the retail offer locally, it could reduce the need for residents to travel further afield.
- 5.14 Of the food retail expenditure that is retained within the locality, the statement identifies that the vast majority is directed to Morrisons. The dominance of Morrisons suggests that there is a lack of consumer choice locally. It could therefore be argued that the proposal would improve consumer choice locally in terms of food (convenience) goods.
- 5.15 In terms of non-food (comparison) goods, members are reminded of the fall-back position that there is an extant permission on the site for a much larger non-food development than what is being proposed under this application. Nevertheless, the applicant has carried out an assessment of quantitative need for comparison retail floorspace for completeness. This follows the same broad approach as that undertaken for the convenience (food) element and is summarised at Table 2 below:

	2023	2028
Available Comparison Expenditure in Zone 2 (£m)	24.58	26.05
Turnover of Existing Facilities in Zone 2 (plus Tesco) derived from Zone 2 (£m)	2.60	2.80
Residual Convenience Capacity (£m)	21.98	23.25
Comparison Turnover of Proposal (£m)	8.96	9.66
Capacity Headroom over and above Proposal (£m)	13.02	13.58

Fig 12: Comparison Retail Capacity within Zone 2 (including Tesco, North West Approach), Table 2 of Additional Planning Statement, Quod, January 2024.

- 5.16 The PRS demonstrates that there is sufficient capacity for additional non-food retail in the local area (in excess of £23 million by 2028) with the proposal accounting for just 40% of the identified capacity in the local area. Having considered the above, it could be argued that there is a 'need' for both additional food (convenience) and non-food (convenience) retail within the local area (Ebbw Vale North, including Tesco).
- 5.17 The Planning Policy team agree with the findings of the PRS as do I. I am therefore satisfied, that the development has adequately demonstrated a quantitative need for both food and non-food retail at the site.
- 5.18 Qualitative Need
Qualitative need identifies if there is a lack of retail quality, range of goods or accessibility.
- 5.19 National policy sets out a number of criteria which should be considered as part of a qualitative assessment and indicates that a combination of these criteria will need to be met in order to justify new retail development.
- 5.20 Qualitative considerations include both positive and negative considerations including, amongst other things:
- the degree to which it supports the objectives of the retail strategy;
 - the accessibility of the site;
 - whether it contributes to a reduction in car journeys;
 - whether it contributes to the co-location of facilities in existing retail and commercial centres;
 - whether it adds to the attractiveness and vibrancy of a centre;
 - whether it addresses locally defined deficiencies in provision in terms of quality and quantity (paragraph 4.3.16, PPW 12).
- 5.21 Members should note that "*Regeneration and additional employment benefits are not considered qualitative need factors in retail policy terms. However, they may be material considerations in making a decision on individual planning applications if the regeneration and job creating benefits can be evidenced*" (Para 4.3.17 of PPW 11).
- 5.22 The proposed development is considered to meet the following criteria:
- The development supports the objectives of the retail strategy or an adopted development plan by the fact that the site is allocated as a retail commitment under Policy R1.1 in the LDP;

- The application site is considered to be accessible by walking, cycling and public transport, given its location on a bus route (A4047) and in close proximity to residential developments at College Road and Blue Lake Close.
- The proposed development would improve the provision of local goods and services, which will reduce the leakage of expenditure from the area and reduce unnecessary trips further afield.

5.23 The Retail Study did not identify any areas of local deficiency or areas where new retail development is necessary to contribute to the vibrancy, attractiveness or viability of any of the centres. However, it does suggest that given the extraordinary events of 2020, a regular review of qualitative needs is undertaken, as retail provision and shopping habits may change significantly within the plan period.

5.24 The applicant's PRS refers to the Retail Study and considers that retail need has been addressed across the County as a whole but not in more localised catchments. The PRS refers to Ebbw Vale North in Zone 2 of the study and includes Tesco's in the Ebbw Vale South area. The PRS concludes that the high market share at Morrisons in Ebbw Vale suggests that there is a lack of food retail choice locally and there is a need to improve retail facilities locally and encourage sustainable shopping patterns.

5.25 Similarly, in terms of non-food retail, the majority (approximately 90%) of locally generated expenditure in Ebbw Vale North (including Tesco's) is directed elsewhere, suggesting there is a greater deficiency in Ebbw Vale North.

5.26 Planning Policy are satisfied with the findings of the revised PRS and I share their view.

5.27 The Sequential Test

PPW states that the sequential approach to development applies to all retail and other uses that are complementary to retail centres.

5.28 The Planning Policy Team have confirmed that they agree there are no sequentially preferable sites available, or other properties capable of conversion within or on the edge of Ebbw Vale (or Brynmawr or Tredegar) to accommodate the proposed total indoor floor space of 2,364sq m (gross), with the largest available unit at The Walk, Ebbw Vale being only 364sq m.

5.29 This is supported by PPW which stipulates that "*some types of retail store, such as those selling bulky goods and requiring large showrooms, may not be*

able to find suitable sites or buildings within existing retail and commercial centres. Where this is the case such stores should in the first instance be located on sites identified for such a purpose in the development plan, preferably on an edge-of-centre site". Whilst the site is considered to be an 'out-of-centre' location, Members are reminded that the site is allocated within the current LDP and has the benefit of an extant permission for retail.

5.30 As such, I am satisfied that the sequential test has been satisfied.

5.31 Retail Impact Assessment

In terms of the impact on the town centres, the table included in the PRS below anticipates the trading effects of the proposal:

Address	Floorspace (square metres)
Ebbw Vale	
Unit 2, The Walk	364
26 Bethcar Street	259
14 Bethcar Street	81
30a Church Street	47
Tredegar	
12-12a Commercial Street	54
Unit 7, Gwent Shopping Centre	60
Unit 9-10, Gwent Shopping Centre	156
Brynmawr	
32a Bailey Street	22

Fig 13: Existing Vacancies / Units being Marketed within Neighbouring Town Centres, PRS, table 5.3, para 5.49.

5.32 The PRS concludes that the levels of impact for any town centre is not likely to undermine the long-term vitality and viability. The greatest impacts are likely to be on Ebbw Vale town centre and Tredegar Town Centre at -1.8% and -1.7% respectively. Planning Policy have confirmed that the health of Ebbw Vale town centre is reasonable, with a 15% vacancy rate (October 2023). It has a reasonable mix of uses with a dominance of A1 uses at 43% with 20% Sui Generis and A2 uses. The health of Tredegar town centre is worse when compared to Ebbw Vale. 20% of units within the town centre are vacant, 38% are A1 and 19% are Sui Generis and A2 uses (October 2023).

5.33 The findings of the Study demonstrates that the centres are dominated by comparison goods retailing and local services. Therefore, these sectors are unlikely to be undermined by allowing food sales at the application site.

5.34 The PRS refers to the fallback position of the extant scheme and shows the table below:

Destination	Impact	
	Extant Scheme	Proposed Development
Ebbw Vale Town Centre	-17.0%	-3.4%
Abertillery District Centre	-5.5%	-0.4%
Brynmawr District Centre	-6.8%	-0.6%
Blaina Local Town Centre	-2.8%	-1.5%
Tredegarr District Centre	-2.8%	-1.9%

Fig 14: Anticipated Trading Effects of the Proposal and Extant Scheme (Convenience & Comparison Foods) (2028) – Main Centres, Table 5.6 of the PRS, para 5.77

5.35 Planning Policy agree that the extant planning permission will have a greater impact on the town centre given it is for greater floorspace comprising of a number of units in varying sizes (across this site and land adjacent to B&M Home Stores) which are likely to be comparable to the town centre units.

5.36 Planning Policy sought further clarification from the applicant in respect of the existing Home Bargains in Ebbw Vale Town Centre and whether it will remain operational alongside this proposal. The PRS states that the retail offer of the two stores fundamentally differs with the town centre store focussed on basket shoppers in contrast to the proposed store which would include a garden centre and aimed at consumers doing a trolley shop. The PRS also confirms that the town centre store is owned freehold with no plans to close the store. Whilst this remains an area of uncertainty, examples have been provided where an out-of-centre and in-centre Home Bargains store remain operational including Bridgend and Llanelli.

5.37 Planning Policy are satisfied with the information provided by the applicant. The quantitative and qualitative need arguments (for convenience and comparison) have been addressed and the requirement to demonstrate this under national policy. This also helps to address the retail impact concerns and in the context of the fallback position the evidence provided within the PRS appears to be proportionate and reasonable. I concur with the views of the Policy team and as such am satisfied that the development accords with TAN 4, PPW 12 and Future Wales.

5.38 **Other Matters**

5.39 **Layout, Scale and Design**

The scale, design and appearance is typical of an out of town retail unit of this size and will not be out of context with the built form in the surrounding area.

- 5.40 The building is orientated so that the entrance to the store fronts the car park to the north-west. Consequently, the rear and south-east side of the building will be visible from the A4047 and the access road. However, the inclusion of feature towers to the rear and south-east side elevations ensures that the building will interact well with the streetscape. Landscaping is also proposed along the A4047 to soften the built form when viewed from this road. The car park is located as such that it doesn't dominate the street frontage.
- 5.41 Whilst I acknowledge that the building will sit forward of the building line of the adjacent Morrisons store and slightly forward of the B & M Home Store, I am of the view that the topography, separation distances and natural screening is such that the proposed building would not appear as an incongruous feature within the streetscene.
- 5.42 Whilst the site is relatively level to the road, the land itself is uneven. Details of site levels and finished floor level have not been provided with the application and as such a condition will be imposed requiring such details prior to development.
- 5.43 Similarly, details of boundary treatments to the garden centre and the wider site are unclear and will therefore need to be secured by a suitably worded condition.
- 5.44 Land Stability
The application site falls within the defined Development High Risk Area; this means that within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application. As such a Coal Mining Stability and Coal Mining Risk Assessment has been submitted together with a Preliminary Risk Assessment and Ground Assessment.
- 5.45 The submitted Preliminary Risk Assessment recommends that geotechnical ground investigations are undertaken to inform the design and ground solution.
- 5.46 The Coal Authority have raised no objections to the development and the Council's Geotechnical Engineer has confirmed that they agree with the findings and recommendations of the Risk Assessment.
- 5.47 Subject to a condition requiring an intrusive site investigation I am satisfied that the proposal has had due regard to LDP Policy DM1(i).
- 5.48 Ground Contamination

In terms of contamination, the submitted ground assessment and risk assessment confirms that the level of contamination present in the soil is within acceptable thresholds for commercial development and that controlled waters at the site have been assessed as moderate to low risk.

- 5.49 The Risk Assessment does however recommend that further geo-environmental investigations are carried out which should include groundwater samples for potential pollutant linkages, further gas monitoring, and an invasive species survey.
- 5.50 Natural Resources Wales (NRW) have raised no objection to the proposal subject to conditions including a condition in the event of unforeseen contamination and this is echoed by the Council's Environmental Health Officer. NRW have also highlighted that grouting has been undertaken in the wider area and that this may be required on the application site following the outcome of intrusive site investigations.
- 5.51 The Council's Environmental Health Officer has confirmed that they have no objections to the proposal subject to the aforementioned condition and a condition requiring the submission of a revised gas risk assessment and gas protection measures with verification report.
- 5.52 Having considered the above, subject to conditions requiring an intrusive site investigation, including a revised gas risk assessment and gas protection measures, the development has had due regard to ground stability and contamination in compliance with Policy DM1.2(j).
- 5.53 Noise/Dust/Amenity
With regards to construction works, NRW have requested a condition requiring submission of a Construction Environmental Management Plan (CEMP) to protect the River Ebbw from pollution on the basis that the proposal is located within 90m of Rasa Brook which is hydrologically connected to the Ebbw River.
- 5.54 The Environmental Health Officer has also requested submission of a CEMP to include details of noise and dust suppression and construction working hours in the interests of local amenity.
- 5.55 There are no residential properties located adjacent to the site to experience any unacceptable impacts from the development and thus there are no concerns in regard to residential amenity.
- 5.56 Having considered the above, an an appropriately worded condition will be imposed to require the submission of a CEMP.

5.57 Drainage

Since 7th January 2019 any development proposals that have a hard surface area exceeding 100m² require separate SAB approval to deal with surface water drainage. This development exceeds that threshold and accordingly will require approval of Sustainable Drainage Systems (SuDS). An informative note will be added to ensure the developer is aware of their responsibility to obtain the necessary SAB consents to deal with surface water drainage.

5.58 In terms of foul drainage, Welsh Water have confirmed they have no objections to the proposal subject to a condition requiring foul water only to discharge to the public sewerage system and specifying that the discharge shall be made between manhole SO15119205 and SO15119208 (the junction along the A4047). A suitably worded condition would therefore be imposed.

5.59 Highways

The Team Manager Built Environment concurs with the conclusions of the submitted Transport Statement in that the proposed store will not have a material impact upon the safety or operation of the surrounding local highway network.

5.60 Furthermore, the objectives and monitoring proposals of the framework Travel Plan are acceptable to the Highway Authority. However, a condition will be imposed requiring a Final Travel Plan to be submitted confirming details of the proposed Travel Plan Coordinator.

5.61 Revised plans indicate that the cycle, car parking and delivery servicing areas are acceptable, including provision for 10% Electrical vehicle parking spaces (14 of the 135 spaces) to accord with PPW 12. A condition will be imposed to ensure the aforementioned highway works are fully completed prior to beneficial use.

5.62 An informative note will also be added to advise the developer to obtain the necessary separate design approval/consents from the Highway Authority in relation to highway junction accommodation works.

5.63 Landscape & Trees

A detailed landscaping scheme has been submitted with the application, which is supplemented by a Tree Survey, Ecological Assessment, Planning Statement and Green Infrastructure Statement.

5.64 Welsh Government requires new development to provide not only ecological mitigation but also enhancement (Chapter 6 PPW12).

- 5.65 The submitted tree survey identified 20 groups of trees of which 3 groups were identified as category B2 'trees of moderate quality' and the remaining as category C2 'trees of low or poor quality'. Five of the groups and two partial groups, equating to a total of 35 trees, are required to be removed to facilitate the development (13 groups of trees will be retained). The trees being removed are all low category/poor quality trees comprising largely Goat Willow and Alder. National policy now requires replacement planting at a ratio of 3 trees per 1 lost. The replacement planting should be of an equivalent quality, environmental and ecological importance of those lost. The landscape proposal includes provision for the replanting of 19 trees and 105m length of native hedge planting comprising trees and shrubs planted at 5 plants per metre, equating to 750 plants. I am of the opinion that the trees and hedgerow species proposed will provide far greater biodiversity net gains when compared to the poor-quality trees being lost. Furthermore, it is likely that additional biodiversity enhancements will be required as part of any future SAB application to deal with surface water drainage.
- 5.66 The Landscape Officer has confirmed that the landscaping design creates connectivity with the adjacent SINC by creating a wildlife corridor by retaining existing trees, planting a native hedgerow together with additional specimen tree planting. Furthermore, the hedgerow and specimen trees will not only mitigate for any canopy loss but will increase tree canopy cover of the site. The Landscape Officer has however requested a condition requiring the submitted maintenance programme to cover a period for a minimum of 5 years. A suitably worded condition can be added in this regard.
- 5.67 Ecology
The Council's Ecology Officer has confirmed that the Ecological Assessment and Landscape plans clearly demonstrate biodiversity mitigation and enhancements. However, additional measures should be proposed to compensate for the permanent habitat being lost to the proposed footprint of the building. Further details and a management plan are required to positively manage the grassland for wildlife to ensure diversity of species is maintained. Long-term management of the woodland is also required to ensure ecosystem resilience and to enhance ecological connectivity of the site. This could be demonstrated through a Landscape and Ecological Management Plan (LEMP) and as such a suitably worded condition will be imposed.
- 5.68 Whilst there are no opportunities within the site for roosting bats, on-site vegetation and neighbouring woodland areas provide 'low-moderate' suitability for foraging and commuting bats within the wider landscape. Mitigation is therefore proposed in the form of a sensitive lighting scheme to

ensure any potential significant effects are avoided. Enhancements will also be provided in the form of bat boxes within the development. Details of a lighting scheme have not been provided and will therefore be required by condition.

- 5.69 Invasive species are considered to be present within small areas of the site and will need to be disposed of appropriately using specialist contractors. An informative note will be added to advise the developer of their responsibilities in this regard.
- 5.70 As the application site is located adjacent to Sites of Importance for Nature Conservation (SINCs) at Rhyd-Y-Blew and Bryn Serth, the Ecology Officer has requested a CEMP be submitted in respect of pollution control and dust to minimise any indirect risk to the SINC.
- 5.71 Provided the mitigation and enhancements outlined within the report are successfully implemented, and subject the aforementioned conditions being imposed, there should be no long-term negative impacts to key protected species and net biodiversity will be secured.
- 5.72 As such, I am satisfied that due consideration has been given to the requirements of national policy.

DM4 Low and Zero Carbon Energy

- 5.73 The Council encourages major development proposals to incorporate schemes which generate energy from renewable and low/zero carbon technologies. Policy DM4 defines major development proposals as 100 or more homes and / or provision of 1,000 sq m or over of floorspace. Paragraph 7.39 of the Plan requires energy statements to be prepared for all major development proposals to examine the potential for renewable energy generation and/or low /zero carbon technologies on-site and, where appropriate the sharing of renewable energy with the wider community.
- 5.74 This proposal will have a floor space that will exceed 1000sqm. Accordingly, an energy statement has been submitted with the application contained within the Planning Statement and revised plans illustrate that solar photovoltaic panels will be included to the south-east roof plane which is positive and acceptable. Building Regulations legislation will also seek to reduce carbon emissions through build design.
- 5.75 Conclusion
The proposed development is considered acceptable in land use terms. The retail need has been assessed against national policy to demonstrate that the

proposal will not have an unacceptable impact upon the vitality and viability of the town centre, particularly when taking into account the fallback position of a larger-scale A1 non-food development having the benefit of an extant permission on the site. The development therefore accords with national policy contained with Future Wales 2040, PPW12 and TAN4.

- 5.76 Furthermore, the proposal would not have an unacceptable impact on the character, appearance or amenity of surrounding area and wider landscape, or the safe, effective and efficient use of the highway network in accordance with LDP Policies.

6.0 Legislative Obligations

- 6.1 The Council is required to decide planning applications in accord with the Local Development Plan unless material considerations indicate otherwise. The planning function must also be exercised in accordance with the principles of sustainable development as set out in the Well-Being of Future Generations (Wales) Act 2015 to ensure that the development and use of land contributes to improving the economic, social, environmental and cultural well-being of Wales.
- 6.2 The Council also has obligations under other legislation including (but not limited to) the Crime and Disorder Act, Equality Act and Human Rights Act. In presenting this report, I have had regard to relevant legislation and sought to present a balanced and reasoned recommendation.

7.0 Conclusion and Recommendation

- 7.1 It is considered that the development proposal is acceptable subject to conditions and complies with relevant policies contained within the LDP.
- 7.2 I therefore recommend planning permission be **GRANTED** subject to the following condition(s):
1. Standard Time Limit
 2. Approved Plans and Documents list
 3. Surface Water Drainage not approved
 4. Foul drainage details to be submitted
 5. Request submission of an Intrusive Site Investigation (Geo-technical)
 6. Request submission of Intrusive Site Investigation Geo-environmental
 7. Unforeseen contamination and submission of validation report to confirm all remedial works have been implemented
 8. Request details of existing and proposed site levels

9. Submission of Construction Environmental Management Plan (CEMP), including working hours
10. Requiring full details/samples of external finishes
11. Request full details of boundary treatments to garden centre and wider site.
12. Notwithstanding the Landscape plan, submission of a LEMP
13. Any approved LEMP to be implemented within first planting season and maintained for a minimum period of 5 years
14. Request Lighting strategy (ecology)
15. Highways – Access roads, car & cycle parking and servicing areas to be fully constructed prior to beneficial use of the store.
16. Final Travel Plan to be submitted including details and provision of Travel Plan Coordinator.
17. Foul water only to discharge to the public sewerage system
18. Condition limiting the amount of food and drink goods allowed to be sold from the store i.e. 30% net sales area.
19. No Mezzanine floors to be provided
20. No sub-division of the unit

Informative Notes:

1. Requirement for developer to give LPA notification of commencement and display site notice (Major Development requirement)
2. SAB and Ordinary Watercourse consent.
3. Welsh Water standard advice notes
4. Applicant advised to contact Highway Authority to obtain consent to undertake the necessary highway junction accommodation works.
5. NRW notes to applicant – Environmental Permits may be required
6. Standard ecology advice
7. Fire Authority standard advice
8. In satisfying condition 4 (Intrusive SI) details of grouting where necessary shall be submitted.

8.0 Risk Implications

8.1 None

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BLAENAU GWENT COUNTY BOROUGH COUNCIL	
Report to	The Chair and Members of Planning
Report Subject	Appeals, Consultations and DNS Update April 2024
Report Author	Service Manager Development & Estates
Report Date	10 April 2024
Directorate	Regeneration & Community Services
Date of meeting	23rd April 2024

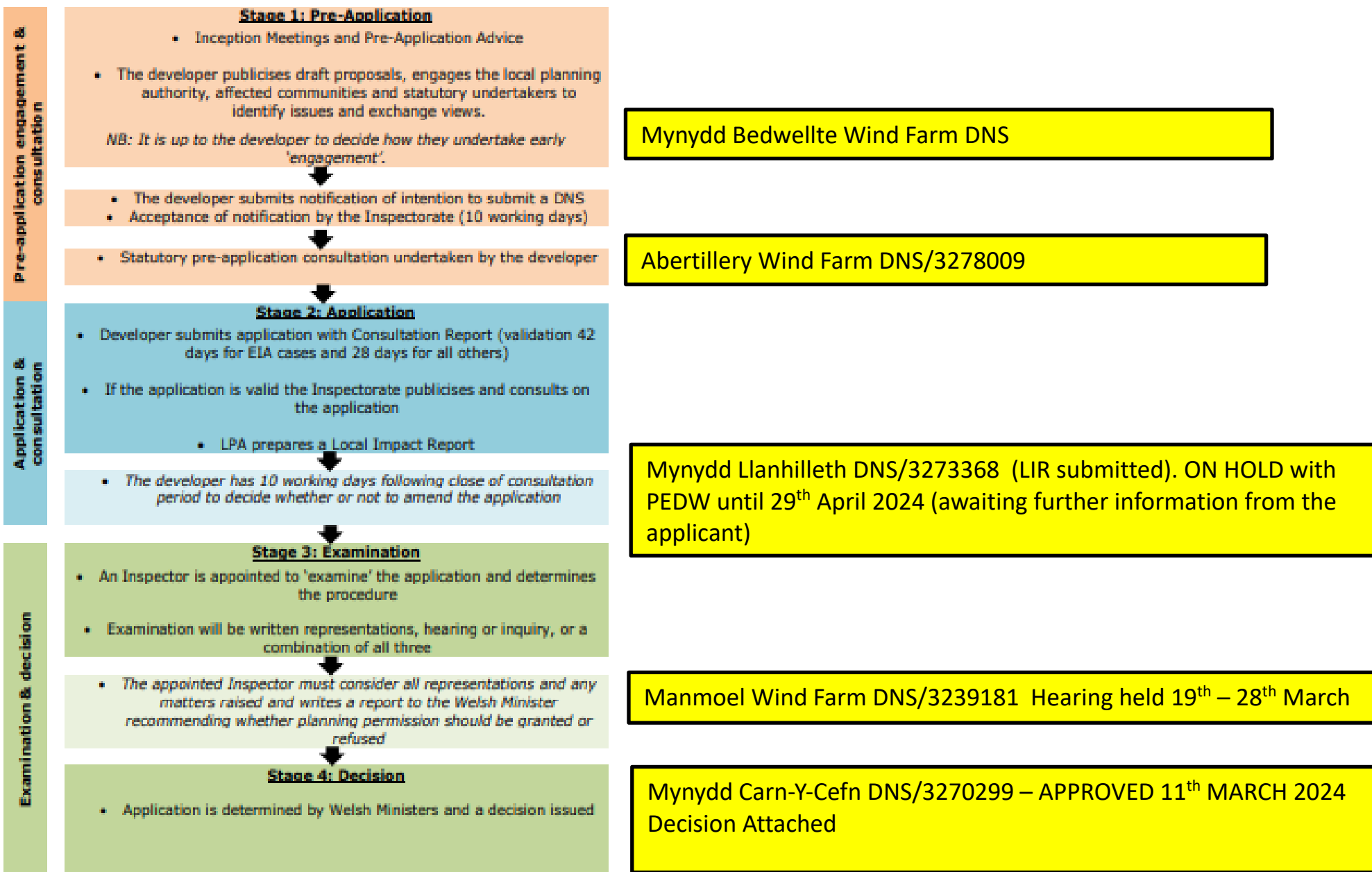
1.0	Purpose of Report
1.1	To update Members in relation to planning appeals, live DNS cases and status update of anticipated DNS schemes.
2.0	Present Position
2.1	The attached list covers the “live” planning appeals and Development of National Significance (DNS) caseload. It also provides information of the status of anticipated DNS schemes.
3.0	Recommendation/s for Consideration
3.1	That the report be noted.

	Application No Appeal Reference Case Officer	Site Address	Development	Type Procedure	Sit Rep
1	CAS-02310-J7Y5T0 (C21/082) Paul Samuel	Underhill, Hawthorn Road, Ebbw Vale, NP23 5HS	Unauthorised raised decking and timber building	Enforcement Appeal Hearing	LPA questionnaire and written statement submitted. Awaiting PEDW decision.
2	CAS-02311-Z4L0N4 (C21/082) Paul Samuel	Underhill, Hawthorn Road, Ebbw Vale, NP23 5HS	Unauthorised change of use of land	Enforcement Appeal Written Reps	LPA questionnaire and written statement submitted. Awaiting PEDW decision.
3	CAS-02445-W7P8Q6 Paul Samuel	Glyn Millwr, Stones Houses, NP13 3AA	Unauthorised change of use of land to a residential travellers site including the siting of caravans and associated vehicles	Enforcement Appeal Written Reps	LPA questionnaire and written statement submitted. Awaiting PEDW decision.
4	CAS-03020-K5G8C8 Paul Samuel	Brooklyn House, Dukestown Road, Tredegar, NP22 4QG	Unauthorised raised decking erected within Flood Risk Zone C2	Enforcement Appeal Written Reps	LPA questionnaire and written statement submitted. Awaiting PEDW decision.
5	CAS-02964-LP0P1L0 Paul Samuel	27 York Avenue, Garden City, Ebbw Vale,	Unauthorised change of use of land outside the settlement boundary	Enforcement Appeal Written Reps	LPA questionnaire and written statement submitted. Awaiting PEDW decision.
6	CAS-03230-F0X7W7 Paul Samuel	27 York Avenue, Garden City, Ebbw Vale,	Unauthorised structures erected on land outside the settlement boundary	Enforcement Appeal Written Reps	LPA questionnaire and written statement submitted. Awaiting PEDW decision.

Report Date:
Report Author:

7	CAS-03157-L6P6B0 Paul Samuel	Springfield Cottage (Plot 2), Queen Victoria Street, Tredegar, NP22 3QA	Unauthorised dwelling (access not implemented)	Enforcement Appeal	LPA questionnaire and written statement submitted. Awaiting PEDW decision.
8	CAS-03208-F4F4F3 Sophie Godfrey	35 Pant Y Fforest, Ebbw Vale	Proposed front and rear garage extension	Householder Appeal Written Reps	Appeal Allowed. See attached report and decision
9	CAS-03154-D3V7Y9 Prospero	Unit G Crown Business Park Tredegar NP22 4EF	Change of use on external building to carry out pet crematorium services.	Planning Appeal Written Reps	Appeal Questionnaire submitted to PEDW 18.03.2024
10	CAS-03364-L2G2S7 Paul Samuel	Penybont Service Station, Victor Road, Abertillery	Unauthorised car wash and valeting operation	Enforcement Appeal	Appeal registered by PEDW. Awaiting commencement from PEDW.

Developments of National Significance (DNS) – Status Update



BLAENAU GWENT COUNTY BOROUGH COUNCIL	
Report to	The Chair and Members of Planning
Report Subject	Planning Appeal Update: Proposed front and rear garage extension at 35 Pant Y Fforest, Ebbw Vale, NP23 5FR.
Report Author	Sophie Godfrey
Directorate	Regeneration and Community Services
Date of meeting	April 2024

1. Purpose of Report

- 1.1 To advise Members of the decision of the Planning Environment and Decisions Wales (PEDW) in respect of a planning appeal against the refusal of planning permission (Ref: C/2023/0247). The development was for the erection of a front and rear garage extension.
- 1.2 The application was refused by the case officer under delegated powers on 12th January 2024.

2.0 Scope of the Report

- 2.1 The application was refused on the grounds that the proposed front extension element by virtue of its scale, design and relationship to the existing house would unduly dominate the principle elevation of the dwelling. The proposal would result in a detrimental visual impact on the host dwelling and was considered to be out of keeping with the character and appearance of the existing property and streetscene.
- 2.2 The Inspector determined that the main issue was the effect of the proposal on the character and appearance of the area.

- 2.3 The appeal site relates to a detached single storey dwelling located within the settlement boundary of Ebbw Vale. Residential properties are found to the north and south of the site, with open green space/trees to the west.
- 2.4 The Inspector noted that although dwellings in the vicinity share some characteristics, there is no consistency of design. Staggered front elevations with varying roof treatments feature in most nearby properties. They state that the proposed front garage extension would essentially replicate the form of No 25's existing hipped projection, albeit it would be considerably narrower, with a ridge set well down from that of the main roof. Whilst enclosing the central part of the front elevation and the principal entrance, the extended garage would project no further forward than the existing hipped projection and its modest height and width would moderate its mass.
- 2.5 The further noted that although the resulting 'U shaped' front elevation might be uncommon, subject to the use of matching external materials there would be a coherence to the resulting dwelling's form and appearance which, in their view, would meet the hallmarks of good design. The front extension would be visible from several vantage points. However, the dwelling's siting at a terminus of the cul-de-sac and the ample separation distance between the front extension and front property boundary would ensure that the projecting garage would not appear as a prominent feature of the street scene. They add that existing side and rear boundary walls would considerably screen views of both front and rear extensions from the adjacent public footpaths, limiting the visual impact of the proposal from these vantage points.
- 2.6 In conclusion, the Inspector was of the view that the proposal would not harm the area's character and appearance and would avoid unacceptable adverse visual impacts on townscapes and ensure that extensions to buildings reflect, complement or enhance the form, siting, materials, architectural details and character of the original building, its curtilage and the wider area. They stated the proposal would accord with the objectives of policies DM1(2) and DM2 of the Blaenau Gwent Local Development Plan and the Council's adopted 'Householder Design Guidance' Supplementary Planning Guidance.

2.8 The Inspector accordingly ALLOWED the appeal.

3. Recommendation/s for Consideration

3.1 That Members note for information the appeal decision for planning application C/2023/0247 as attached at **Appendix A**.

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Appeal Decision

by Paul Selby BEng (Hons) MSc MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 27/03/2024

Appeal reference: CAS-03208-F4F4F3

Site address: 35 Pant Y Fforest, Ebbw Vale NP23 5FR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Peter Robinson against the decision of Blaenau Gwent County Borough Council.
 - The application Ref C/2023/0247, dated 22 November 2023, was refused by notice dated 12 January 2024.
 - The development is Proposed front and rear garage extension.
 - A site visit was made on 18 March 2024.
-

Decision

1. The appeal is allowed and planning permission is granted for Proposed front and rear garage extension at 35 Pant Y Fforest, Ebbw Vale NP23 5FR, in accordance with the terms of the application, Ref C/2023/0247, dated 22 November 2023, subject to the conditions set out in the schedule to this decision letter.

Procedural Matter

2. Since the appeal was made, a new version of Planning Policy Wales (PPW) has been published (edition 12). This largely consolidates previously published content. I am satisfied that it does not raise any new matters which have not already been addressed in the evidence or would otherwise have a bearing on my decision.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

4. The appeal site lies within a cul-de-sac of detached residential properties. Although dwellings in the vicinity share some characteristics, there is no consistency of design. Staggered front elevations with varying roof treatments feature in most nearby properties. Whether or not the various front projections, porches, conservatories or garages are original features or later additions, the resulting variety in design and form is a defining characteristic of the cul-de-sac.
5. The proposed front garage extension would essentially replicate the form of No 25's existing hipped projection, albeit it would be considerably narrower, with a ridge set well down from that of the main roof. Whilst enclosing the central part of the front elevation and the principal entrance, the extended garage would project no further forward than the existing hipped projection and its modest height and width would moderate its mass.

Although the resulting 'U shaped' front elevation might be uncommon, subject to the use of matching external materials there would be a coherence to the resulting dwelling's form and appearance which, in my view, would meet the hallmarks of good design.

6. The front extension would be visible from several vantage points. However, the dwelling's siting at a terminus of the cul-de-sac and the ample separation distance between the front extension and front property boundary would ensure that the projecting garage would not appear as a prominent feature of the street scene. Nor do I consider that it would appear at odds with the established character of the cul-de-sac, particularly seen in the context of a nearby dwelling which features an integrated projecting garage, and another which hosts a garage set forward of the principal elevation.
7. Existing side and rear boundary walls would considerably screen views of both front and rear extensions from the adjacent public footpaths, limiting the visual impact of the proposal from these vantage points. Consequently, I conclude that the appeal scheme would not harm the area's character and appearance and would accord with the objectives of policies DM1(2) and DM2 of the Blaenau Gwent Local Development Plan to avoid unacceptable adverse visual impacts on townscapes and ensure that extensions to buildings reflect, complement or enhance the form, siting, materials, architectural details and character of the original building, its curtilage and the wider area. For the same reasons the proposal would accord with the underlying objectives of the Council's adopted 'Householder Design Guidance' Supplementary Planning Guidance.
8. I have had regard to the conditions suggested by the Council and have adjusted these where necessary to accord with the advice of Circular 016/2014 'The Use of Planning Conditions for Development Management'. Given the modest increase in the built footprint I do not consider the suggested drainage condition to be necessary or enforceable, and so have not imposed it.
9. I have considered the other matters raised but none alters my decision. I shall therefore allow the appeal.
10. In reaching my decision, I have taken into account the requirements of sections 3 and 5 of the Well-Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives.

Paul Selby

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development shall begin not later than five years from the date of this decision.
Reason: To comply with Section 91 of The Town and Country Planning Act 1990.
- 2) The development shall be carried out in accordance with the following approved plans:
Site Location Plan (Ref: 23-133/P/01); Floor Plan as Proposed (Ref: 23-133/P/04);
Proposed Elevations 1 of 2 (Ref: 23-133/P/05); Proposed Elevations 2 of 2 (Ref: 23-

133/P/06); Site Plan as Proposed (Ref: 23-133/P/07); Design and Assess Statement dated 22/11/2023.

Reason: To ensure the development is carried out in accordance with the approved documents and plans submitted with the application.

- 3) The materials to be used in the construction of the external surfaces of the extensions shall match those used in the existing building.

Reason: In the interests of visual amenity, in accordance with policy DM2 of the Blaenau Gwent Local Development Plan up to 2021.

- 4) The bat and bird roosts shown on drawing Refs: 23-133/P/05, 23-133/P/06 and 23-133/P/07 shall be installed within 6 months of the development being completed and shall be maintained as such thereafter.

Reason: In the interests of ecology and biodiversity, in accordance with policy DM14 of the Blaenau Gwent Local Development Plan up to 2021 and Policy 9 of Future Wales.

- 5) Any unforeseen ground contamination encountered during development, to include demolition, shall be notified to the Local Planning Authority as soon as is practicable. Unless otherwise agreed in writing by the Local Planning Authority as unnecessary, an appropriate ground investigation and/or remediation strategy shall be submitted to and approved in writing by the Local Planning Authority, and the approved strategy shall be implemented in full prior to further works on site. Following any necessary remediation, a Completion/Verification Report confirming that the remediation has been carried out in accordance with the approved details shall be submitted to and approved in writing by the Local Planning Authority, prior to the extensions being put to beneficial use.

Reason: In the interests of public safety and environmental health, in accordance with policy DM1 of the Blaenau Gwent Local Development Plan up to 2021.

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BLAENAU GWENT COUNTY BOROUGH COUNCIL	
Report to	The Chair and Members of Planning
Report Subject	Development of National Significance update: land to the west of Abertillery. Application ref: DNS/3270299.
Report Author	Helen Hinton
Directorate	Regeneration and Community Services
Date of meeting	April 2024

1. Purpose of Report

- 1.1 To advise Members of the Welsh Minister's decision, following consideration of the Planning and Environment Decision Wales (PEDW) Inspector's report (IR), regarding the Development of National Significance (DNS) for the erection of up to 8 wind turbines and associated infrastructure on land to the west of Abertillery. Application ref: DNS/3270299.

2.0 Scope of the Report

- 2.1 The Council received notification of the valid DNS application on 23rd November 2022. A Local Impact Report (LIR) was submitted by the Local Planning Authority to PEDW for consideration on 6th March 2023. A hearing regarding the application was held on 30th August and 13th September 2023. The Welsh Minister's decision was received on 11th March 2024.
- 2.2 The Inspector, determined that the main issues to be considered were:
- The effect of the proposed development on landscape character and visual amenity.

- The effect of the proposed development on historic assets.
 - The effect of the proposed development on ecological interests.
 - The effect of the proposed development on the living conditions of the occupiers of neighbouring residential properties, having particular regard to noise and shadow flicker.
 - The effect of the proposed development upon traffic flows and highway safety, particularly through the construction phase and,
 - Whether any identified harm in respect of the above matters would be outweighed by the benefits and other matters in favour of the scheme, particularly the in-principle policy support for large scale wind farm development and the contribution towards renewable energy generation.
- 2.3 The Inspector accepts there would be an impact on landscape character and the impact on visual amenity would be significant, in conflict with policies of the Blaenau Gwent County Borough Council Local Development Plan (LDP). However, the Inspector notes this must also be considered in the context of Future Wales (FW) Policies 17 and 18, which clearly support wind farm development in Pre-Assessed Areas and concludes that the development could be accommodated within the landscape in acceptable manner.
- 2.4 With regard to visual amenity, when judged objectively and in the public interest, the Inspector notes, the visual effects of the development would be locally significant and adverse and affords this harm moderate weight. However, the Inspector concludes, whilst recognising there would be localised significant visual harm, the proposal would be consistent with the thrust of the LDP overall to support wind energy development (IR 139 and 188).
- 2.5 In relation to the effect of the proposed development on historic assets the Inspector notes the moderate to significant adverse effects of the proposed development upon the setting of a Scheduled Monument could not be directly mitigated and offsetting/ compensations measures are proposed. Whilst the Inspector concludes that the proposal would represent a minor conflict with LDP Policy SP11, considering the temporary and reversible nature of the development, the proposal is considered to be in accordance with Policy 18 of FW (IR 149 189).

- 2.6 Concerning ecological matters, the Inspector concludes the development would not have an unacceptable adverse effect on any internationally designated sites, alone or cumulatively. Furthermore, subject to conditions, the Inspector is satisfied there would be no unacceptable adverse impacts on nationally designated sites for nature conservation habitats or species. The Inspector also concludes that the proposal would have no effect on the integrity or conservation status of any SINCs, and is satisfied that ecological protection, monitoring and enhancement measures would be provided through relevant planning conditions (IR161).
- 2.7 The Minister concludes, based on the information available, the Inspector's assessment of ecological impacts and securing the mitigation, enhancements and management measures identified in the Habitats Management Plan and Construction Environmental Management Plan by condition, ensures the proposal complies with the requirements in national planning policy with regards to ensuring the proposal results in a net benefit for biodiversity and that the policy update to Chapter 6 of Planning Policy Wales does not have a material impact on the Inspector's assessment and addresses the Section 6 duty in the Environment (Wales) Act 2016.
- 2.8 Regarding the living conditions of the occupiers of neighbouring residential properties, the Inspector concludes that subject to appropriately worded conditions, requiring the submission and approval of the details of mitigation to prevent nuisance shadow flicker, the noise impact and shadow flicker would not cause material harm to the living conditions of the occupiers of nearby residential properties, in compliance with the aims of FW Policy 18, the guidance in PPW and is broadly consistent with the aims of the relevant LDP Policies (IR 165-168).
- 2.9 Concerning highway safety, the Inspector is satisfied that there would not be any unacceptable traffic or highway implications arising from the development and the proposal would be generally consistent with the aims of national and local planning policy relating to such matters (IR169-172A).
- 2.10 In terms of benefits the Inspector notes that the development represents a doubling of the installed capacity within Blaenau

Gwent. As such it is considered that the development represents a substantial and meaningful contribution to the production of energy from renewable resources and to the reduction in greenhouse gas emissions and would be significant in the context of Welsh Government targets and commitments to address the climate emergency. Furthermore, the estimated £13m regional investment during construction would have a moderately positive effect on the socio-economics of the area whilst acknowledging this must be balanced against any adverse impact. Overall, the Inspector gives the benefits of the scheme considerable weight considering the clear support for such contributions in Policies 17 and 18 of FW (IR 174-175, 187, 194).

- 2.11 The Inspector considered matters of ecology, noise, shadow flicker and highway safety to be neutral in the planning balance (IR191-193).
- 2.12 In relation to other material considerations, which include subsidence, movement, fissures, fault lines, land contamination, effects on public rights of way, minerals safeguarding and radar matters in relation to aviation and telecommunications, that could affect the proposal, the Inspector was satisfied that such matters can be dealt with by imposing conditions to ensure that investigatory works and any remediation measures necessary to ensure the safety and stability of the proposal and risks are mitigated, prior to development commencement (IR 176-177, 179, 181).
- 2.13 In relation to rail network safety, the Inspector is satisfied that an adequate distance from Network Rail's boundary would be achieved in the unlikely event Turbine 8 were to topple in the direction of the railway (IR 180).
- 2.14 Concerning flooding, the Inspector is satisfied that the proposal would not be subject to an unacceptable level of risk, nor would there be potential increased risk or any significant effects on the water environment (IR 182).
- 2.15 In summary, the Inspector is satisfied the proposed development complies with Future Wales which is the most recently adopted part of the development plan and contains the most directly relevant policies for renewable energy projects of national significance. The proposal would not conflict with the LDP.

- 2.16 Accordingly, the Inspector recommend planning permission be granted for the development, subject to conditions.
- 2.17 Following review of the Inspector's report the Minister confirms that they agree with the Inspector's appraisal, conclusions, and reasoning and accepted the recommendations and approved the application, subject to conditions accordingly.

3. Recommendation/s for Consideration

- 3.1 That Members note for information the Ministers Decision and the Inspector's report for DNS/3270299 as attached at Appendix A and B.

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Ein cyf/Our ref: JJ/PO/82/2024

Mr David Kenyon
Technical Director - Planning
WSP

E-mail: david.kenyon@woodplc.com

11th March 2024

Dear Mr Kenyon,

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 62D
THE DEVELOPMENTS OF NATIONAL SIGNIFICANCE (WALES) REGULATIONS 2016
APPLICATION BY PENNANT WALTERS LIMITED FOR THE PROPOSED
DEVELOPMENT OF A WIND FARM OF UP TO 8 TURBINES AND ASSOCIATED
INFRASTRUCTURE AT LAND TO THE WEST OF ABERTILLERY, BLAENAU GWENT
APPLICATION REF: DNS/3270299**

1. Consideration has been given to the report of the Inspector who examined the Developments of National Significance (DNS) planning application.
2. In accordance with section 62D of the Town and Country Planning Act 1990, the application was made to the Welsh Ministers for determination.
3. The Inspector made site visits on 12 September 2023 and 10 October 2023. A copy of the Inspector's report (IR) is enclosed. All references to paragraph numbers, unless otherwise stated, relate to the IR.
4. Since receipt of the IR, Planning Policy Wales 12 was published on 7 February 2024. Consideration of the impact of amended policy is set out in paragraphs 42 to 45 of this letter.

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:
0300 0604400

Bae Caerdydd • Cardiff Bay
Caerdydd • Cardiff
CF99 1SN

Gohebiaeth.Julie.James@llyw.cymru
Correspondence.Julie.James@gov.Wales

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

Main Considerations

5. I agree the main considerations are those listed at IR 118:
- the effect of the proposed development on landscape character and visual amenity;
 - the effect of the proposed development on historic assets;
 - the effect of the proposed development on ecological interests;
 - the effect of the proposed development on the living conditions of the occupiers of neighbouring residential properties, having particular regard to noise and shadow flicker;
 - the effect of the proposed development upon traffic flows and highway safety, particularly through the construction phase; and,
 - whether any identified harm in respect of the above matters would be outweighed by the benefits and other matters in favour of the scheme, particularly the in-principle policy support for large scale wind farm development and the contribution towards renewable energy generation.

Landscape Character and Visual Amenity

Landscape Character

6. The application is supported by a Landscape and Visual Impact Assessment (LVIA), which has been prepared in accordance with the Guidelines for Landscape and Visual Impact Assessment 2013 and the LANDMAP methodology 2016, and assesses the construction, operational and decommissioning phases of the development.
7. The Inspector accepts the construction and decommissioning phases would, at certain times, have a greater impact than during its operation, however, as construction and decommissioning are likely to be relatively short-lived, the Inspector has focussed mainly on the operational period of the project. (IR 119-120)
8. The application site is located within the Mynydd Carn y Cefn and Cefn yr Arail Special Landscape Area (SLA) and is located within National Landscape Character Area (NLCA) 37: South Wales Valleys. This covers an extensive upland area dissected by deep, urbanised valleys. (IR 121-122 and IR 68)
9. The 'Brecon Beacons National Park Landscape Character Assessment' defines 15 Landscape Character Areas (LCAs) within the Bannau Brycheiniog National Park (BBNP), 6 of which fall within the Zone of Theoretical Visibility, including LCA 9: Mynyddoedd Llangatwg and Llangynidr. The Inspector agrees potential effects on these landscapes would be limited to indirect effects on the key visual or perceptual characteristics of these landscapes resulting from views of wind turbines. (IR 123)
10. Although the Environmental Statement (ES) concludes there would be no significant effects upon the BBNP, the Inspector notes Natural Resources Wales (NRW) disagrees with this position insofar as it considers the development would conflict with advice in Planning Policy Wales (PPW) concerning the conservation and enhancement of natural beauty within the Park and the public's enjoyment of its special qualities. The visibility mapping from the BBNP indicates the site of the proposed development would be within the lowest of five visibility bands, i.e. turbine options at both 150m and 250m tall would only be visible from between 1% to 25% of the BBNP. Pre-Assessed Areas (PAA) are identified by Policy 17 of Future Wales. The area which subsequently formed PAA 10 incorporates a substantial buffer to the

BBNP, in excess of 4.5km at its closest point and the northern limit of the PAA set to the south of the towns of Rhymney and Ebbw Vale. (IR 124)

11. The Inspector notes, the applicant has asserted that the geographical extent, as well as the size or scale of change, should be considered as part of the magnitude of change judgement in assessing the effect on the setting of the BBNP. The applicant argued that landscape effects occurring over a larger geographical extent and a higher proportion of a landscape designation are more likely to be regarded as significant. The Inspector is of the opinion the proposed development would affect only a small part of the overall visual experience gained from within this landscape, and it would be experienced as part of much wider panoramas in which existing vertical structures beyond the National Park boundary are present. Whilst the Inspector accepts the proposal would lead to a slight dilution of the baseline levels of tranquillity and remoteness, it is not considered it would significantly alter the distinctive characteristics or the key perceptual and visual characteristics of LCA 9. In this context, the Inspector does not consider there would be any significant effects on landscape character within the BBNP or its setting, or any significant effects on the special qualities of the designation. (IR 125)
12. With regard to concerns raised by NRW regarding the night-time view at Viewpoint 17, which it considers would likely include the same people who would experience a moderate/major adverse visual effect in the daytime, and that a visual change at night would also contribute to the erosion of the perceptual qualities of the BBNP. The Inspector accepts the aviation warning lights would contribute to a distant effect on the night-time views. However, the Inspector considers they would appear as very small, points of light appreciated in the same field of view as the brightly lit valley conurbation of Brynmawr despite there currently existing no light sources on the upper slopes or ridgeline in the field of view that would be affected by the development. The Inspector is of the view, given a separation distance in the order of 8km, the visual presence of aviation lights would not seriously alter or erode the Special Qualities of the BBNP. (IR 126)
13. The application site is located within the Mynydd Carn y Cefn and Cefn yr Arail SLA. The assessment concludes there would be significant direct landscape effects on this SLA. Additionally, there would be significant indirect landscape effects on the Eastern Ridge and Mynydd James SLA, Cwm Tyleri and Cwm Celyn SLA, Cefn Manmoel SLA, St. Illtyd Plateau and Ebbw Eastern Sides SLA and the Manmoel Visually Important Local Landscape (VILL). The Inspector does not dispute that the proposed development has been designed to reduce the effects on these local landscape designations, including by using non-reflective pale grey on the rotor blades and upper towers. Nevertheless, the Inspector finds that a significant effect would remain despite such measures. (IR 127)
14. The Inspector is mindful that paragraph 6.3.3 of PPW identifies a requirement to ensure statutory landscape designations are protected but also that opportunities for renewable energy are taken into account. The Inspector notes it focuses upon landscape character and does not reference visual amenity. The statutory duty to have regard to National Park Purposes including their setting is noted at paragraph 6.3.5 of PPW. (IR 128)
15. Future Wales (FW) forms part of the development plan for the area and the Inspector notes that regard must be given to the site's location within PAA 10, where the likely impact on the landscape has already been modelled and found it to be capable of accommodating development in an acceptable way. The Inspector is of the view there

is no compelling evidence to reach an alternative conclusion. The Inspector notes that FW also goes on to state there should be a presumption in favour of large scale wind energy development in these areas, subject to the criteria set out in Policy 18. Policy 18 expressly omits any test in respect of landscape impacts for wind energy proposals located within the PAAs. (IR 129)

Visual Amenity

16. The Inspector notes there is no dispute between the parties that several receptors would be likely to experience some form of significant effect as a result of the proposed development, including those at 16 settlements, 9 designated long-distance footpaths, Sustrans National Cycle Routes NCR465 and NCR466, Country Parks, open access land and PRow, together with locally promoted walking routes and transport routes. (IR 130)
17. The Inspector considers receptors in settlements within 2km of the turbines (such as parts of Abertillery, Aberbeeg, Brynithel, Cwm and Manmoel) would experience the most significant effects on visual amenity resulting from visibility and movement of the proposed wind turbines together with an effect on night-time views from the aviation warning lights associated with the introduction of proposed turbines on elevated land with some unrestricted views. Although the Inspector does not dispute that in some instances views would be restricted by dwelling orientation, intervening built form, topography and mature tree cover, the concerns of residents most likely to be affected are acknowledged by the Inspector. (IR 131)
18. NRW has suggested Turbine 1 should be omitted due to it standing “most exposed in the landscape”. The Inspector notes the applicant has stated the removal of Turbine 1 would have a negligible benefit insofar as it would be perceived as part of a coherent wind farm design, with turbines appearing as a discrete cluster that relate simply to the skyline. The Inspector is of the opinion that Turbine 1 would appear ‘exposed’ from a small number of viewpoints but would read as part of the group in viewpoints from other directions. On this basis, the Inspector does not find the omission of this turbine would, overall, alter the visual impact of the development in any meaningful way. (IR 132)
19. The Inspector concludes there is no reason to doubt the findings of the ES that, overall, there is no potential for the proposed development to result in significant cumulative visual effects. (IR 134-135)
20. On balance, the Inspector is of the view that the proposed development would be obvious in the landscape and have a significant visual impact when seen from sensitive receptors in existing settlements and users of long-distance footpaths, Sustrans Routes, Country Parks, open access land and PRow. The Inspector considers them to be long-term (albeit reversible) and adverse for those receptors affected. (IR 136)

Overall conclusion on character and appearance

21. The Inspector considers the applicant has sought to reduce the significance of the landscape and visual effects by incorporating mitigation measures which include the siting of turbines as far from the plateau edge as is possible, taking into account other technical constraints. The Inspector also acknowledges that many of the large blocks of forestry which are a conspicuous landscape feature across parts of the LVIA study area are likely to be felled as commercial crops in the future. The Inspector considers

there would be localised landscape and visual impact consequences, including negative changes to the nature of views available to some visual receptors within the LVIA study area. (IR 137- 138)

22. The Inspector accepts there would be an impact on landscape character and the impact on visual amenity would be significant, and thus in conflict with the aims of LDP Policies SP10, DM1, DM2 and ENV2. However, the Inspector notes this must also be considered in the context of FW Policies 17 and 18, which clearly support wind farm development in PAAs. Hence, the Inspector concludes the proposal would be consistent with the thrust of the Development Plan overall to support wind energy development, whilst recognising there would be localised significant visual harm. (IR 139)

Historic assets

23. The application is accompanied by an Historic Environment Desk-Based Assessment and a Stage 1 Settings Assessment. Cadw agrees with the conclusions in the ES that the proposed development would not have a significant adverse effect on the assessed designated heritage assets, however, it considers that a moderate impact on the St Illtyd Castle Mound Scheduled Monument would be caused by the change to its setting. Having regard to the evidence submitted and the site visit, the Inspector considers the development would have a moderate effect on the setting of St Illtyd's Castle Mound. (IR 140-144)
24. The Inspector notes the ES states the proposed development, in combination with other proposed wind energy developments, would result in a medium magnitude of change to the setting of St Illtyd's Castle Mound, resulting in a major effect, which would be significant. The Inspector agrees that the cumulative impact of these developments would be to increase the arc in which turbines would be visible, and therefore the effect would be adverse and significant. (IR 145)
25. The parties agree that the impact of the proposed development on this Scheduled Monument could be offset by the preparation of the 'Monument Management Plan', as detailed in Appendix 7D of the ES, and which would identify measures for improving access, the provision of interpretation panels and management of the monuments during construction and operation. (IR 146)
26. The Inspector has had regard to the advice in PPW that 'Any change that impacts on an historic asset or its setting should be managed in a sensitive and sustainable way', and is also mindful that the introduction of the suggested compensatory proposals would not reduce the impact of the development on the setting of the historic asset and cannot therefore be accepted as mitigation. However, the Inspector considers that the proposed compensatory measures should be factored into the planning balance in weighing the benefits of the scheme against the impact of the development on the setting of the historic asset. (IR 147)
27. Given the identified recorded archaeological remains possibly from the prehistoric period within the site boundary (Abertillery Round Barrow) together with further Bronze Age barrows in the study area to the north of the site, it has been concluded that there is a moderate potential for prehistoric remains in localised areas of the site, of low-medium significance. In this context, a condition requiring a written scheme of historic environment mitigation would ensure that any features of archaeological interest discovered during construction works is identified, recorded and mitigated. (IR 148)

28. Having regard to the above, the Inspector considers the proposal would cause a degree of harm to the setting of a designated heritage asset. However, in light of the temporary and reversible nature of the development, whilst the Inspector concludes that it would represent a minor conflict with LDP Policy SP11, it is considered to be in accordance with policy 18 of FW which states there should be no unacceptable adverse impacts on statutorily protected built heritage assets. (IR 149)

Ecology

29. The site is dominated by semi-natural and heavily modified habitats including improved grassland, species poor semi-improved grassland and semi-improved acid grassland, dry heath/acid grassland and areas of continuous bracken. There are a large number of mature trees scattered throughout the grassland and along the field boundaries, together with semi-natural broad-leaved woodland present on the north-west and south-east boundaries of the site, generally with a very bare or bracken dominated understorey and high canopy dominated by beech trees, with oak, hawthorn and silver birch scattered occasionally. The Unified Peat Map of Wales showed no peat deposits on the site and the absence of deep peat was confirmed by a peat survey in 2021. (IR 150)

Habitats Regulation Assessment

30. There are three European designated nature conservation sites within 10km of the application site, Aberbargoed Grasslands Special Area of Conservation (SAC), Cwm Clydach Woodlands SAC and Usk Bat Sites/ / Safleoedd Ystlumod Wysg SAC. (IR 12)
31. Regulation 63 of The Conservation of Habitats and Species Regulations 2017 (as amended) (the 'Habitats Regulations') states that if a plan or project is "(a) is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects); and (b) is not directly connected with or necessary to the management of the site", the competent authority must "...make an appropriate assessment of the implications of the plan or project for that site in view of that site's conservation objectives" before undertaking, consenting or permitting the plan or project. The application was accompanied by a shadow Habitats Regulations Assessment (sHRA). (IR 13-14)
32. The sHRA concludes there is no pathway by which the conservation objectives for the Aberbargoed Grasslands SAC or Cwm Clydach Woodlands SAC could be undermined by the proposed development, either alone or in combination, given the separation distances and the lack of hydrological or ecological connectivity. NRW has confirmed it concurs with this position. (IR 15)
33. Having regard to the Usk Bat Sites/ Safleoedd Ystlumod Wysg SAC, surveys have recorded lesser horseshoe bats on and adjacent to the site and, due to the proximity to the SAC, these bats are considered to contribute to the population for which the Usk Bat Sites/ Safleoedd Ystlumod Wysg SAC is notified. The sHRA considers that although lesser horseshoe bats have been recorded on site, the habitats within the site boundary are used only infrequently by this species with low or no activity at turbine locations. (IR 16)
34. The assessment finds there is an absence of effect pathways on the SAC due to the distance of known lesser horseshoe roosts and important commuting or foraging habitat (located outside the site) from construction and operational areas. Due to the combination of low or low-moderate activity levels and lesser horseshoe bats being a

low collision risk species, the risk of significant effects on lesser horseshoe bat populations due to collision/barotrauma fatalities associated with the proposed development is considered negligible. (IR 17)

35. Having regard to NRW's specialist advice, I am satisfied that the proposal alone or in combination with other projects, would not have a likely significant effect on the integrity or undermining of the conservation objectives of the Usk Bat Sites SAC as there are no known potential pathways to this protected site. (IR 18)
36. I am satisfied the proposed development would not, either alone or in combination with other projects, have a likely significant effect on the integrity of any of the European designated nature conservation sites and therefore it is not necessary to undertake an Appropriate Assessment. (IR 19)

Ecological Features

37. In terms of the national context, the ES confirms that there would be a negligible effect on the Cwm Merddog Site of Special Scientific Interest (SSSI), due to the distance and absence of reasonable impact pathways. The Inspector concludes there would be no effect on the features for which the SSSI has been designated and no significant effect on the Ancient Woodlands as an ecological feature of national importance. The Inspector also concludes there would be no significant effects on the Sites of Importance for Nature Conservation (SINCs) subject to the measures identified in the submitted Habitats Management Plan (HMP) and Construction Environmental Management Plan (CEMP), which would be secured by condition. (IR 152-153)
38. The ES considers it likely that the proposed wind farm would affect the use of the site by bat species and would increase the mortality risk for bats locally. However, the ES concludes such changes would not have any significant effects on local bat populations due to the embedded measures incorporated in the proposed development. The Inspector is of the view that subject to a planning condition to deal with the curtailment and cessation of turbines, it is reasonable to conclude the impact on bat species would be minimised. (IR 154)
39. In terms of ornithology, the Inspector is satisfied that measures, secured by conditions, would ensure there would not be any long-term change in breeding bird populations, and no significant effects. (IR 155)
40. The Inspector is satisfied that a comprehensive assessment of the potential effects arising from the proposed development and other known projects based on currently available information has been carried out. It is noted that consultees including NRW have not raised concerns regarding the methodology for the cumulative assessment and are in agreement with the cumulative conclusions of Chapters 8 and 9, as confirmed in the Statement of Common Ground. (IR 156-160)
41. The Inspector concludes that the proposed development would not have an adverse effect on the integrity of internationally designated sites or unacceptable adverse impacts on national statutory designated sites for nature conservation, protected habitats and species, and it would secure biodiversity enhancement measures to provide a net benefit for biodiversity, and therefore the proposal would be consistent with the aims of FW Policy 18. The Inspector is also of the view that the proposal would also align with the principles outlined in PPW, which identifies the planning system's key role in helping to reverse the decline in biodiversity and increasing the resilience of ecosystems, at various scales, by ensuring appropriate mechanisms

would be in place to both protect against loss and to secure enhancement, not least through the imposition of conditions. Additionally, the Inspector considers the objectives of PPW and the requirements of FW reflect the duties set out in the Environment (Wales) Act 2016 to incorporate biodiversity enhancement measures in addition to necessary ecological mitigation and compensation, in order to achieve a net gain to biodiversity interests of a site. The Inspector therefore consider the proposal is consistent with the aims of national and local planning policy in this regard. (IR 161)

42. Following receipt of the Inspector's report, the Welsh Ministers published an update to Chapter 6 of PPW. I have considered the Inspector's report and its assessment of ecology considerations in light of this policy update.
43. The scheme has been through a number of design iterations, informed by ecological surveys, and includes embedded design measures to avoid and mitigate harmful environmental effects. I note the proposal would result in the temporary and permanent loss of a limited area of habitat within certain SINCS. An assessment of the effects of the proposal on SINCS is provided in the ES and concludes for each SINC there would be no effect on their integrity or conservation status, subject to securing the mitigation, enhancement and management measures outlined in the Construction Environmental Management Plan (CEMP) and Habitat Management Plan.
44. The proposal would also involve some limited tree clearance. However, there would be no removal of trees or vegetation listed on the Ancient Woodland Inventory (AWI) and a landscaping scheme, to include detailed planting plans, would be secured by planning condition.
45. The policy update to Chapter 6 of PPW states that non-statutory designations do not preclude appropriate developments where there are no adverse impacts on the features for which a site is designated and on wider ecosystem resilience. Based on the environmental information available, the Inspector's assessment of ecological impacts and securing the mitigation, enhancement and management measures identified in the Habitats Management Plan (HMP) and Construction Environmental Management Plan (CEMP), I am satisfied the proposal complies with the requirements in national planning policy. I am satisfied that the policy update to Chapter 6 of PPW does not have a material impact on the Inspector's assessment. I am also content the scheme would result in a net benefit for biodiversity, to be secured by planning conditions, and addresses the section 6 duty in the Environment (Wales) Act 2016.

Impact on Living Conditions

Noise

46. An assessment of noise effects has been undertaken in accordance with the ETSU-R-97 Guidance 'The Assessment and Rating of Noise from Windfarms' and 'A Good Practice Guide to the Application of ETSU-R-97 for the Assessment and Rating of Wind Turbine Noise' by the Institute of Acoustics (the ETSU Guidance). (IR 162)
47. The Inspector concurs with the findings of the ES that the implementation of general good-practice noise control measures during construction and decommissioning would ensure no significant effects on receptors. Such measures could be secured through the imposition of a condition requiring details of a CEMP. (IR 163)

48. An assessment of the acoustic impact from operation of the proposed development has been undertaken, considering the identified nearest residential properties. Operational noise levels would lie within the noise limits set by the ETSU Guidance during day-time and night-time, apart from one receptor where minor exceedances of 0.3dB and 0.5dB would be experienced at certain wind speeds during the day-time. In terms of cumulative impacts, exceedances of 0.5 to 1.9dB are predicted at certain wind speeds at one receptor in-combination with other existing and proposed wind farm developments. In its Local Impact Report (LIR), Blaenau Gwent County Borough Council (BGCBC) confirms it considers the submitted Noise Impact Assessment to be robust and that subject to the imposition of mitigation to control the effect on the one location, the proposal would have a neutral effect. (IR 164)
49. The Inspector is of the view, the proposed development, with mitigation in place, would not result in a significant noise effects, subject to conditions controlling noise levels and securing mitigation in the event that noise limits are exceeded. The Inspector concludes that the proposed development would not cause material harm to the living conditions of the occupiers of nearby residential properties by reason of noise impact. It would be compliant with the aims of FW Policy 18, the guidance in PPW and broadly consistent with the aims of LDP Policies DM1 and DM4. (IR 165-166)

Shadow Flicker

50. The Inspector is satisfied that there would be no unacceptable shadow flicker effects arising from the proposed development, subject to an appropriately worded condition requiring the submission and approval of the details of mitigation to prevent nuisance shadow flicker. Consequently, the Inspector concludes the proposed development would not cause material harm to the living conditions of the occupiers of nearby residential properties. The Inspector considers the proposal would therefore be compliant with the aims of FW Policy 18, the guidance in PPW and broadly consistent with the aims of LDP Policies DM1 and DM4. (IR 167-168)

Highway safety

51. The Inspector considers it necessary to require the details of traffic management measures in the form of a Construction Traffic Management Plan (CTMP). Whilst a draft CTMP has been provided as part of the submission documents, the final details would need to be secured through a planning condition. Having regard to the evidence submitted with the application, the Inspector is satisfied that there would not be any unacceptable traffic or highway implications arising from the development. The Inspector considers the proposal would therefore be generally consistent with the aims of national and local planning policy relating to such matters. (IR 169-172)

Benefits

52. The development is estimated to produce sufficient energy to meet the annual electricity needs of approximately 21,100 homes over its operational lifespan. The Inspector considers this represents a substantial contribution to the production of energy from a renewable resource and to the reduction in greenhouse gas emissions. The Inspector notes the concerns of interested parties regarding the sustainability credentials associated with the manufacturing and disposal/ decommissioning of wind turbines. However, the ES outlines a less environmentally damaging decommissioning approach and decommissioning details would be secured by condition. In any event, the Inspector is of the view the generation of energy from a renewable resource would be significant in the context of WG targets and its commitment to address the climate

emergency. At a maximum output of 34MW, the proposed development represents almost a doubling of the installed capacity within Blaenau Gwent and would contribute to the achievement of the Welsh Government's target for 70% of energy consumption to be provided by renewable sources by 2030. It would also reduce CO2 emissions going into the atmosphere by replacing that generated through fossil fuels. (IR 173)

53. The Inspector considers the proposal would offer economic and social benefits and would constitute a large investment in the region during the construction phase (estimated at £13m), providing both direct and indirect job opportunities. Overall, the Inspector considers it likely that the construction of the wind farm would have a moderately positive effect on the socio-economics of the area, given the potential for economic benefit to local construction firms, quarries, accommodation establishments and other local services. (IR 174-175)

Other Material Considerations

54. With regard to matters raised in relation to subsidence and movement within the area, fissures and fault lines within the site, the Inspector notes the submissions acknowledge that past coal mining activity poses a potential risk to the proposed development and that there is a need for further intrusive investigations to allow the potential subsidence risk to be better understood. The Inspector is satisfied that this matter can be dealt with by imposing conditions on any consent granted to ensure that these investigatory works, and any measures necessary to ensure the safety and stability of the project, are carried out prior to development commencing. (IR 176)
55. The Inspector acknowledges that the Phase 1 Geo-environmental desk study has also identified potential sources of land contamination on the site. The Inspector is satisfied that this matter can be dealt with by imposing site investigation conditions on any consent granted to deal with the risks associated with contamination of the site. (IR 177)
56. The application site is located within a Minerals Safeguarding Area, as defined in the adopted LDP. The Inspector is satisfied that the proposal would not conflict with LDP Policies M1, M2, M4 and DM19 to safeguard the County's mineral resource subject to the implementation of the relevant micro-siting condition. (IR 178)
57. In terms of matters in relation to aviation and telecommunications, the Inspector notes that although a desk-based assessment informed the findings of the ES, and measures proposed to ensure no significant effects on aviation or telecommunications would arise, it is noted at the time of its production further consultation was being undertaken with NATS/Cardiff Airport to identify any necessary measures to mitigate effects on radar. Having regard to the indication that mitigation is likely to be available, the Inspector concludes that it is appropriate to deal with this matter by condition. The Inspector is satisfied that conditions dealing with micro-siting and aviation lighting would overcome any outstanding concerns in respect of these matters. (IR 179)
58. The Inspector is satisfied an adequate distance from Network Rail's boundary would be achieved in the unlikely event Turbine 8 were to topple in the direction of the railway. (IR 180)
59. The Inspector notes that a number of Public Rights of Ways cross the site. The Inspector considers that although authorisation for the diversion of PRoW is to be pursued separately with BGCBC, in the event of planning permission being granted, a condition is recommended requiring no development to take place until a scheme for

the protection of PRoW during the construction and operational periods has been submitted to the LPA. (IR 181)

60. The Inspector is satisfied all potential sources of flooding have been considered, with surface water runoff due to increased areas of hardstanding posing the greatest potential flood risk. The submitted Flood Consequences Assessment concludes that the proposed development, together with the proposed flood risk management measures, would not be subject to an unacceptable level of risk, nor would there be potential increased flood risk elsewhere. The Inspector concludes the construction, operation and decommissioning of the proposed development is not expected to result in any significant effects on the water environment. (IR 182)

Other Matters

61. Representations have been made by interested parties regarding the identification of the PAAs for wind farm development without any notable or significant public consultation. The basis on which the national policy position in relation to wind farm development was derived is not for this application, albeit FW was developed with public engagement and consultation. In any event, the site's location within a PAA does not mean planning permission has automatically been granted, but that there is a presumption in favour of large-scale wind energy development in these areas. The proposal has been assessed on its individual merits. (IR 183)

Conditions

The Inspector's consideration of the recommended planning conditions is set out in IR 184 – 186. I am satisfied the recommended conditions meet the relevant tests set out in Welsh Government Circular 016/2014 "The use of planning conditions for development management".

Planning Balance

62. The Inspector notes FW is clear that decision makers must give significant weight to the need to meet Wales' international commitments and the target of generating 70% of energy used from renewable sources by 2030. The proposed development would see the generation of up to 34MW of renewable energy which would support the electricity needs of approximately 21,100 homes each year over its operational lifespan. The Inspector therefore considers the proposed development would make a meaningful contribution to WG's commitment to developing large scale renewable and low carbon energy to meet future energy needs and combat the climate emergency. In addition, the Inspector considers the development would also offer social and economic benefits. However, the Inspector acknowledges that the benefits of contributing to energy targets and economic benefit must be balanced against any adverse impacts. (IR 187)
63. The acceptance of some degree of landscape change is outlined in FW Policy 17 with the identification of PAAs for Wind Energy development, therefore the Inspector concludes that the development could be accommodated within the landscape in an acceptable manner. Whilst the Residential Visual Amenity Assessment finds that there is no change which would lead to the residential areas becoming an unattractive place to live when judged objectively and in the public interest, the visual effects of the development would be locally significant and adverse. Therefore, overall, the Inspector affords this harm moderate weight. (IR 188)

64. The Inspector notes the moderate to significant adverse effects of the proposed development upon the setting of a Scheduled Monument could not be directly mitigated and, as such, offsetting / compensation measures are proposed. Such measures would not reduce the impact of the development on the setting of the historic asset, although the Inspector recognises that the development would be temporary and the impact reversible, and therefore affords minor weight to this matter. (IR 189)
65. As any impacts can be mitigated by condition, the Inspector considers the development would not cause any material harm to the living conditions of the occupiers of nearby residential properties by reason of noise impact or shadow flicker. (IR 190)
66. The Inspector concludes that the development would not have an unacceptable adverse effect on any internationally designated sites, alone or cumulatively. Furthermore, subject to conditions, the Inspector is satisfied there would be no unacceptable adverse impacts on nationally designated sites for nature conservation, habitats or species. The Inspector also concludes that the proposal would have no effect on the integrity or conservation status of any SINCs, and is satisfied that ecological protection, monitoring and enhancement measures would be provided through relevant planning conditions. (IR 191)
67. The Inspector considers matters of noise impacts, shadow flicker, ecology and highway safety to be neutral in the planning balance. (IR 192-193)
68. Overall, the Inspector gives the benefits of the scheme considerable weight in light of the clear support for such contributions in Policies 17 and 18 of FW which sets out Welsh Government's approach to promoting the increased production of renewable energy in a way that seeks to strike an appropriate balance with the protection of other relevant interests. (IR 194)
69. The Inspector is satisfied the proposed development complies with Future Wales which is the most recently adopted part of the development plan and contains the most directly relevant policies for renewable energy projects of national significance. The proposal would not conflict with the LDP. The Inspector concludes the proposal complies with the development plan. (IR 195)
70. The Inspector recommends planning permission is granted for the development, subject to conditions.

Decision

71. I agree with the Inspector's appraisal of the main considerations, the conclusions of the IR and the reasoning behind them, and I accept the recommendation. Therefore, I hereby grant planning permission for DNS/3270299, subject to the conditions in the Annex to this decision letter.

Well-being of Future Generations (Wales) Act 2015 (WFG Act)

72. The Welsh Ministers must, in accordance with the WFG Act, carry out sustainable development. This includes taking all reasonable steps to meet their well-being objectives.
73. I have considered the extent to which granting planning permission meets the Welsh Government's well-being objectives. I recognise there will be some temporary negative environmental effects during construction and decommissioning phases. Although these impacts would be mitigated through the Construction Environment Management Plan (CEMP) they would have a limited negative effect on the objective of making our cities, towns and villages even better places in which to live and work.
74. However, overall the decision would have a positive effect on the objectives to "Build an economy based on the principles of fair work, sustainability and the industries and services of the future", "Build a stronger, greener economy as we make maximum progress towards decarbonisation" and "Embed our response to the climate and nature emergency in everything we do". The effect of this decision on the other objectives is neutral.
75. In reaching my decision on the application, I have taken into account the ways of working set out at section 5(2) of the WFG Act and 'SPSF1: Core Guidance, Shared Purpose: Shared Future – Statutory Guidance on the WFG Act'.

Looking to the long-term

76. The decision takes account of the long-term objective and commitment of Welsh Government's target to generate 70% of consumed electricity by renewable means by 2030 to combat the climate emergency.

Involving people/Collaborating with others

77. Within the framework of a statutory decision-making process, which is governed by prescribed procedures, the application was subject to publicity and consultation, providing the opportunity for public and stakeholder engagement. Representations received through these procedures have been considered and taken into account in making a determination on this application.

Taking an integrated approach

78. The decision has taken account of the development plan and its integration of economic, social and environmental strands across spatial scales. It has also taken account of the objectives of those public sector organisations involved in the consultation process which are pursuing their own well-being objectives under the WFG Act such as NRW.

Prevention

79. The decision takes account of the need to increase renewable energy production and combat the climate emergency, as well as increasing energy security.

Reasonable steps

80. I have considered whether, having regard to the Welsh Ministers' wellbeing duty, it would be reasonable to take a different decision. I note the alternative decision would be to refuse planning permission for the development. This would negatively impact on the objective to "Build an economy based on the principles of fair work, sustainability and the industries and services of the future", "Build a stronger, greener economy as we make maximum progress towards decarbonisation" and "Embed our response to the climate and nature emergency in everything we do". The effect of this alternative decision on the other objectives would be neutral. Consequently, I consider the decision to grant planning permission subject to conditions is a reasonable step in meeting the Welsh Ministers' well-being objectives.

Environmental Information

81. I have taken the Environmental Statement and all other environmental information provided into account in the consideration of this application, as required by the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017.
82. A copy of this letter has been sent to Blaenau Gwent County Borough Council.

Yours sincerely



Julie James AS/MS
Y Gweinidog Newid Hinsawdd
Minister for Climate Change

ANNEX

DNS/3270299 - Conditions

1. This development shall be begun within 5 years from the date of this decision.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

2. The development shall be carried out in accordance with the following approved plans and documents unless otherwise specified or required by Conditions 3-38 listed below:
 - Figure 1 – Site location, Drawing 42863-WOOD-XX-XX-FG-J-0047_S2_P01.1.
 - Figure 2 – Overall site layout, Drawing 42863-WOOD-XX-XX-FG-J-0036_S2_P01.1.
 - Figure 3 – Typical wind turbine, Drawing 42863-WOOD-XX-XX-FG-J-0037_S2_P01.1.
 - Figure 4 – Typical wind turbine foundation, Drawing 42863-WOOD-XX-XX-FG-J-0038_S2_P01.1.
 - Figure 5 – typical wind turbine crane hardstanding, Drawing 42863-WOOD-XX-XX-FG-J-0039_S2_P01.1.
 - Figure 6 – Typical internal site track cross section, Drawing 42863-WOOD-XX-XX-FG-J-0040_S2_P01.1.
 - Figure 7 – Typical cable trench details, Drawing 42863-WOOD-XX-XX-FG-J-0041_S2_P01.1.
 - Figure 8 – Typical switch room and substation compound, Drawing 42863-WOOD-XX-XX-FG-J-0042_S2_P01.1.
 - Figure 9 – Substation building elevations, Drawing 42863-WOOD-XX-XX-FG-J-0049_S2_P01.1.
 - Volumes 1- 4 Pennant Walters Mynydd Carn y Cefn Wind Farm Environmental Statement
 - Preliminary Ecological Appraisal, by Wood Group UK Limited, dated September 2022
 - Technical note: Mynydd Carn y Cefn (Ref. DNS/3270299) - Minerals Additional Information & High-Level Review, By WSP, 2023.
 - Further information response – MSA and site layout, Drawing 42863-WOOD-XX-XX-FG-J-0050_S2_P01.
 - Mynydd Carn y Cefn Windfarm - Geotechnical Site Investigation Review, By Integral Geotechnique, dated 23 February 2023.
 - Technical note: Mynydd Carn y Cefn Wind Farm – Construction Mitigation Monitoring strategy, by WSP, May 2023, Document Ref: 62280938 – CMMS – 20230509 – V3.
 - Pennant Walters Mynydd Carn y Cefn Wind Farm Geological Model: Assessment of Mining Related Constraints, by Wardell Armstrong, dated March 2023.
 - Appendix 8B: Bat Survey Report' by Wood Group UK Limited, dated January 2022
 - Appendix 8H: Outline Habitat Management Plan' by Wood Group UK Limited, dated September 2022
 - Further information response – Appendix 12a Annex B, comprising:
 - Swept Path Analysis Pinch Point 1, Drawing 4263-WOOD-XX-XX-DR-OT-0001_S0, Revision P01.
 - Swept Path Analysis Pinch Point 2, Drawing 4263-WOOD-XX-XX-DR-OT-0002_S0, Revision P01.

- Swept Path Analysis Pinch Point 3, Drawing 4263-WOOD-XX-XX-DR-OT-0003_S0, Revision P01.
- Swept Path Analysis Pinch Point 4, Drawing 4263-WOOD-XX-XX-DR-OT-0004_S0, Revision P01.
- Swept Path Analysis Pinch Point 5, Drawing 4263-WOOD-XX-XX-DR-OT-0005_S0, Revision P01.
- Swept Path Analysis Pinch Point 6, Drawing 4263-WOOD-XX-XX-DR-OT-0006_S0, Revision P01.
- Swept Path Analysis Pinch Point 7, Drawing 4263-WOOD-XX-XX-DR-OT-0007_S0, Revision P01.
- Swept Path Analysis Pinch Point 8, Drawing 4263-WOOD-XX-XX-DR-OT-0008_S0, Revision P01.
- Swept Path Analysis Pinch Point 9, Drawing 4263-WOOD-XX-XX-DR-OT-0009_S0, Revision P01.
- Swept Path Analysis Pinch Point 10, Drawing 4263-WOOD-XX-XX-DR-OT-0010_S0, Revision P01.
- Swept Path Analysis Pinch Point 11, Drawing 4263-WOOD-XX-XX-DR-OT-0011_S0, Revision P01.
- Swept Path Analysis Pinch Point 12, Drawing 4263-WOOD-XX-XX-DR-OT-0012_S0, Revision P01.

Reason: To clarify the scope of this permission.

3. This planning permission shall endure for a period of 30 years from the date when electricity is first exported from the wind turbines to the electricity grid ('First Export Date'). Written notification of the First Export Date shall be provided by the developer to the Local Planning Authority no later than 1 calendar month after that event.

Reason: This is a temporary development with a maximum duration of 30 years, in accordance with LDP Policy DM4.

4. All the wind turbines shall be of a three bladed configuration and not exceed an overall hub height of 105m and blade tip height of 180m. The turbines shall not display any prominent name logo, symbol, sign or advertisements on any external surface. The colour and finish of the turbines shall be submitted to and approved by the Local Planning Authority prior to their erection.

Reason: In the interests of visual amenity, in accordance with LDP Policy DM1.

5. Not later than 12 months prior to the end of this permission, as defined in Condition 3, a decommissioning and site restoration scheme, informed by a full ecological survey of the site, shall be submitted for the written approval of the Local Planning Authority.

The decommissioning and site restoration scheme shall make provision for, the removal of the wind turbines and associated above ground infrastructure approved under this permission and details of the depth to which the wind turbine foundations will be removed.

The survey report shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of decommissioning and then implemented as approved. The report shall include ecological mitigation measures, as appropriate, based on the ecological assessment findings to be followed during decommissioning and for a period of 5 years from the completion of the decommissioning and restoration.

The approved scheme shall be fully implemented within 12 months of the expiry of this planning permission, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that obsolete structures do not adversely affect the environment in the interests of the character and visual amenity of the area, in accordance with LDP Policies DM1 and DM4.

6. In the event that a wind turbine hereby permitted fails to produce electricity supplied to the grid for a continuous period of 12 months, a scheme shall be submitted to the Local Planning Authority for written approval within 3 months of the end of the 12-month period, for the repair or removal of the turbine. The scheme shall include, as relevant, a programme of remedial works where repairs to the turbine are required. Where removal is necessary the scheme shall include a programme for removal of the turbine and associated above ground works approved under this permission, details of the depth to which the wind turbine foundations will be removed and for site restoration measures following the removal of the relevant turbine. The scheme shall thereafter be implemented in accordance with the approved details and timetable.

Reason: In the interests of the character, appearance and visual amenity of the area, in accordance with LDP Policies DM1 and DM4.

7. No development, including vegetation clearance, shall commence until a micro-siting protocol has been submitted to and approved in writing by the Local Planning Authority. The protocol shall accord with the joint agency guidance on 'Bats and Onshore Wind Turbines – Survey, Assessment and Mitigation' (Nature Scot et al, August 2021) and in particular paragraph 7.1.2 thereof.

The protocol shall set out a methodology for deciding on micro-siting of all elements of the development hereby approved to minimise the impact of the development. The protocol shall provide for the detailed layout of all turbines, being located within 50m of the locations shown on the approved plans and the internal wind farm tracks and other infrastructure to be sited within 100m. Any turbine locations not in accordance with joint agency guidance requiring additional measures to safeguard bat populations to be agreed, submitted to and approved in writing by the local planning authority.

The specific location of the turbines, access track and associated infrastructure shall be submitted to and approved in writing by the Local Planning Authority prior to the erection of the first turbine. The details shall clarify the extent of the permanent/temporary land take and/or changes that would result in degradation and/or loss of habitat.

A plan showing the position of the turbines and tracks established on the site shall be submitted to the Local Planning Authority within one month of the First Export Date.

Reason: To ensure that an approved turbine micro-siting plan is implemented to protect bats affected by the development, in accordance with LDP Policies DM4 and DM14.

8. Notwithstanding the submitted plan (listed as Figure 2 of Condition 2) and Condition 7:
 - (i) Turbine 8 shall be micro-sited to a location which provides a minimum of 50m buffer between blade tip and the existing Abertillery to Rhymney SHF

Microwave Link. The location shall be submitted to and agreed in writing by the LPA before any foundations of any turbine are laid/set.

- (ii) Turbine 6's foundations shall not be micro-sited to a position less than 30m from the Cwm Preferred Area (as defined by the BGCBC LDP).

Reason: To ensure that the development does not affect existing telecommunications infrastructure and to protect the identified mineral safeguarding area, in accordance with LDP Policies DM4 and DM19.

9. Prior to the commencement of development a Construction Traffic Management Plan (CTMP) consistent with the ES Appendix 12B CTMP by Wood Group UK Ltd dated September 2022 shall be submitted to and approved in writing by the Local Planning Authority. The CTMP shall contain (but not limited to) the following information:
- (i) Introduction - background; number of turbines; scope of TMP;
 - (ii) Context - relevant studies relating to TMP proposals; other proposed wind farm developments that may be using a similar access route(s) where information is available;
 - (iii) Description of Route - Detailed description of the access route and any proposed route restrictions;
 - (iv) General construction Traffic - details of all non-abnormal loads forecast to travel to and from the site; route choice or different types of load throughout the construction programme; anticipated times of movement through traffic sensitive and/or residential areas; and
 - (v) Public Awareness - proposals for consultation with and notification to the travelling public and local communities

Reason: In the interests of the highway safety and free flow of traffic in accordance with LDP Policies DM1 and DM4.

10. Prior to the commencement of any deliveries to the site an Abnormal Load Transport Management Plan (ALTMP) to specifically deal with the delivery of the turbine components consistent with ES Appendix 12A Abnormal Indivisible Load (AIL) Access Study by Wood Group UK Ltd dated September 2022 shall be submitted to and approved in writing by the Local Planning Authority. The ALTMP shall contain (but not limited to) the following information:
- (i) Description of Route - Detailed description of the access route from the port of entry to the site, identifying road types and characteristics; information on other relevant, proposed developments such as other wind farms where this is readily available; plans showing the extent of the route;
 - (ii) Convoy Size - number and sizes/details of loads; possible convoy composition including private and police escorts (to be agreed with the police);
 - (iii) Traffic Management - to include methodology for moving convoys whilst minimising delay to other traffic; detailed design and location of holding/ overrun areas, including passing places and overnight/longer term layover areas; plans showing points where the police may need to hold other traffic to enable the convoys to pass, such as at junctions or bends; contingency plans in the event of incidents or emergencies;
 - (iv) Delivery Times - estimated journey durations based on assumed convoy speeds, including timings for traffic sensitive locations, delays to negotiate constraints and assumed arrival/departure times at residential communities; forecast queues of other traffic in both directions along the route, based on

- background traffic flow data; consideration of turbine deliveries to other wind farms proposing to use similar routes;
- (v) Trial Runs - documented trial run information, mimicking the movement of the longest and widest anticipated loads, witnessed/observed by the relevant highway authorities and police and recorded with full video coverage; and
 - (vi) Consultees for TMP - list to include all affected highway authorities and police forces.

Reason: In the interests of the highway safety and free flow of traffic, in accordance with LDP Policies DM1 and DM4.

11. No turbine components shall be delivered to site until:

- (i) An assessment of the capacity and impact on those structures identified by WG Transport as requiring assessment along the parts of the highway network which shall be utilised during the construction of the development including bridges, culverts, retaining walls, embankments; and
- (ii) Details of any improvement works required to such structures as a result of construction of the development

have been submitted to and approved in writing by the Local Planning Authority. The required improvement works identified in the assessment shall be completed prior to the commencement of any Abnormal Indivisible Load (AIL) deliveries to the development site.

Reason: In the interests of the highway safety and free flow of traffic, in accordance with LDP Policies DM1 and DM4.

12. Condition surveys of all highway features along those parts of the highway network which shall be utilised during the construction of the development shall be undertaken prior to, during and on completion of the construction phase of the development. The survey reports shall be submitted to the Local Planning Authority for approval within 28 days of each corresponding survey being undertaken.

Reason: In the interests of the highway safety and free flow of traffic, in accordance with LDP Policies DM1 and DM4.

13. Prior to the first delivery of any turbine components to the site a scheme to provide for the remediation of any incidental damage directly attributable to the development to the parts of the highway network which will be utilised during the construction of the development including street furniture, structures, highway verge and carriageway surfaces shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved throughout the construction phase of the development and in accordance with a timetable that has first been agreed by the Local Planning Authority.

Reason: In the interests of the highway safety and free flow of traffic, in accordance with LDP Policies DM1 and DM4.

14. No development shall commence until a water quality monitoring plan for the protection of water quality in the watercourses has been submitted to and approved in writing by the Local Planning Authority. The water quality monitoring plan should include:

- (i) Details of the monitoring methods including any baseline monitoring prior to start of construction;
- (ii) Timescales for construction;
- (iii) Timescales for submission of monitoring and interpretative reports to the LPA during construction; and
- (iv) Details of triggers for specific action and any necessary contingency actions, for example the need to stop work, introduction of drip trays, make use of spill kits and shut-off valves.

The water quality monitoring plan shall be carried out in accordance with the approved details during the site preparation and construction phases of the development.

Reason: To ensure necessary monitoring measures are approved prior to commencement of development and implemented to manage any potential adverse impacts of construction on water quality in watercourses, in accordance with LDP Policies DM1 and DM4.

15. Prior to the operation of the development, a long-term monitoring plan for water quality (watercourses and ground water within the site) shall be submitted and approved in writing by the Local Planning Authority. The long-term monitoring plan should include:

- (i) Details of the methods and triggers for action to be undertaken;
- (ii) Timescales for the long-term monitoring and curtailment mechanisms (e.g. a scheme of monitoring for 3 years unless the monitoring reports indicate that subsequent monitoring is or is not required);
- (iii) Timescales for submission of monitoring reports to the Local Planning Authority;
- (iv) Details of any necessary contingency and remedial actions and timescales for actions;
- (v) Details confirming that the contingency and remedial actions have been carried out.

The monitoring plan shall be carried out in accordance with the approved details and within the agreed timescales.

Reason: To ensure necessary monitoring measures are approved to manage any potential adverse impacts on water quality, in accordance with LDP Policy DM1.

16. Prior to the commencement of development details of the foul water drainage system for the site shall be submitted to and approved in writing by the Local Planning Authority. The drainage system shall be completed in accordance with the approved details prior to the first export date and shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.

Reason: In the interests of protecting the water quality, ecology, and amenity of the area, in accordance with LDP Policies DM1 and DM4.

17. No development shall take place until an updated habitat management and protection plan consistent with the Appendix 8H: Outline Habitat Management Plan by Wood Group UK Ltd., dated September 2022, has been submitted to and approved in writing by the Local Planning Authority. The management and protection plan shall include:

- (i) A plan showing wildlife and habitat protection zones;

- (ii) Details of development and construction methods within wildlife and habitat protection zones and measures to be taken to minimise the impact of any works;
- (iii) Details of phasing of construction;
- (iv) Details of invertebrate monitoring, recording, and reporting to the Local Planning Authority;
- (v) A programme of annual bracken reduction; and
- (vi) Methods to control grazing pressures.

The habitat management and protection plan shall be implemented in accordance with the timings approved by the Local Planning Authority and maintained throughout the operational period of the development.

Reason: In the interests of the ecological value of the application site and wider area, in accordance with LDP Policies DM1, DM4 and DM14.

18. No development shall take place on site until an updated Construction Environmental Management Plan (CEMP) consistent with the CEMP by Wood Group UK Ltd, dated May 2023, has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include (but not be limited to) details of:

- (i) Hours of working;
- (ii) The parking of vehicles of site operatives and visitors;
- (iii) Wheel washing;
- (iv) Storage of plant and materials during construction;
- (v) The erection and maintenance of security hoarding;
- (vi) Site lighting;
- (vii) Material management including storage and management of soil, fuel oil and chemical storage, recycling and disposal of waste;
- (viii) Biodiversity protection, mitigation and enhancement measures;
- (ix) Timing and location of works relative to breeding and nesting birds; and
- (x) Details of Public Right of Way closure and signage.

The details and measures contained in the CEMP as approved by the Local Planning Authority shall be adhered to throughout the construction period.

Reason: To safeguard local amenity interests, in accordance with LDP Policy DM4.

19. Before any foundations of any turbine are laid/set, a detailed scheme for the post-construction monitoring of bats at all turbines shall be submitted to an approved in writing by the Local Planning Authority. The scheme shall build upon the principles set out in ES Chapter 8, Table 8.10 and accord with the joint agent guidance 'Bats and Onshore Wind Turbines- Survey, Assessment and Mitigation' (Nature Scot et al, August 2021). It shall include:

- (i) Methods for data gathering and analysis;
- (ii) Location of monitoring;
- (iii) Timing and duration of monitoring;
- (iv) Appropriate persons and equipment to carry out monitoring;
- (v) Timing and format for presenting and dissemination of monitoring results including submission to all data relevant databases;
- (vi) Remedial measures to reduce any impacts identified through monitoring including in respect of turbine curtailment; and

- (vii) Contingency prescriptions that will be carried out in the event of failure to undertake required surveillance.

The scheme shall be implemented in accordance with the approved details upon commencement of operation of one or more of the turbines.

Reason: To protect bats affected by the development area, in accordance with LDP Policies DM1, DM4 and DM14.

- 20. Before any foundations of any turbine are laid/set details of a turbine curtailment protocol shall be submitted to and approved in writing by the Local Planning Authority. The protocol shall build upon the outline proposals set out in ES Chapter 8, Table 8.10, and be informed by the joint agency guidance 'Bats and Onshore Wind Turbines Survey, Assessment and Mitigation (Nature Scot et al, August 2021). It shall provide for the operation of any turbine to cease immediately in circumstances prescribed by the protocol and in any event whenever the monitoring carried out pursuant to Condition 19 shows activity levels at any turbine to be moderate or above to medium and high risk bat species, using the Ecobat methodology. When operation is re-commenced it shall accord with the approved turbine curtailment programme.

The protocol shall provide for turbine curtailment programme to include provision for ongoing monitoring of the effects of the programme on bat injuries, fatalities and activity at the site, and shall provide for the preparation of an adjusted curtailment programme to accord with the results recorded. Where monitoring shows that the impact on bats is unacceptable in the reasonable opinion of the local planning authority, operation shall cease immediately until the adjusted curtailment programme has been submitted to and approved in writing by the Local Planning Authority. Upon recommencement of operation of the turbine, the turbine operation shall comply with the adjusted curtailment programme as approved.

Reason: To protect bats affected by the development in accordance with LDP Policies DM1, DM4 and DM14.

- 21. The turbine blades on all turbines shall at all times be feathered to reduce rotation speeds to below 2 rpm while idling, in accordance with paragraph 7.1.3(a) of the joint agency guidance 'Bats and Onshore Wind Turbines – Survey, Assessment and Mitigation' (Nature Scot et al, August 2021).

Reason: To protect bats affected by the development, in accordance with LDP Policies DM1, DM4 and DM14.

- 22. No development, including site clearance, shall commence until all pre-construction bird surveys carried out in accordance with section 2.1 of the Construction Mitigation Monitoring Strategy by WSP, dated May 2023, have been submitted to and approved in writing by the Local Planning Authority. The results of the survey(s) together with proposed mitigation measures and a timescale of implementation shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the protection of species in accordance with LDP Policies DM1, DM4 and DM14.

- 23. During the construction and operation of the development hereby approved, the results of monitoring reports as set out in Section 2.2 of the Construction Mitigation Monitoring Strategy by WSP, dated May 2023, together with any mitigation including timetable for

implementation shall be submitted to and approved in writing by the Local Planning Authority. Mitigation shall be carried out in accordance with the approved details and within agreed timescales.

Reason: To ensure the protection of species, in accordance with LDP Policies DM1, DM4 and DM14.

24. No development shall take place until a Phase 2 Geo Technical Site Investigation has been carried out in accordance with a methodology first submitted to and approved in writing by the Local Planning Authority and which shall include the geographical scope of the site investigation. The results of the site investigation shall be submitted to the local planning authority before any development begins. If any land instability issues are found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development shall be submitted to and approved in writing by the Local Planning Authority. Remedial measures shall be carried out prior to the first beneficial use of the development in accordance with the approved details and retained in perpetuity.

Reason: In the interests of health and safety and to ensure the development does not cause or exacerbate any land stability issues on the site or wider area, in accordance with LDP Policy DM1.

25. If during the course of development, any unexpected land instability issues are found within the geographical scope of the site investigation which were not identified in the site investigation referred to in condition 23, additional 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 additional measures which shall be retained in perpetuity.

Reason: In the interests of the health and safety and to ensure the development does not cause or exacerbate any land stability issues on the site or wider area, in accordance with LDP Policy DM1.

26. No development, shall commence until the following components of a scheme to deal with the risks associated with contamination at the site, has been submitted to and approved in writing by the Local Planning Authority: (i) A site investigation scheme, based on the preliminary risk assessment/desk study to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site. (ii) The results of the site investigation and the detailed risk assessment referred to in (i) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken. (iii) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (ii) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. The remediation strategy and its relevant components shall be carried out in accordance with the approved details.

Reason: To ensure the risks associated with contamination at the site have been fully considered prior to commencement of development and that necessary remediation measures and long-term monitoring are implemented to prevent unacceptable risks from contamination, in accordance with LDP Policy DM1.

27. Prior to the beneficial operation of the development a verification plan demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include a long-term monitoring and maintenance plan for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be carried out in accordance with the approved details.

Reason: To ensure the methods identified in the verification plan have been implemented and completed and the risk associated with the contamination at the site has been remediated prior to beneficial operation, in accordance with LDP Policy DM1.

28. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping. The submitted scheme shall include: (i) indications of all existing trees (including spread and species) and hedgerows on the land clearly identifying those to be lost or retained; (ii) measures for the protection of retained trees or hedges throughout the course of development; (iii) details of ground preparation, planting plans, number and details of species; (iv) maintenance details for a minimum period of 5 years; and (v) a phased timescale of implementation.

Reason: To ensure submission of an appropriate landscaping scheme in order to protect the character and appearance of the area, in accordance with LDP Policy DM2.

29. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first beneficial operation of the first turbine; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To ensure timely implementation of an appropriate landscaping scheme, in accordance with LDP Policy DM2.

30. No development shall take place until the applicant, or their agents or successors in title, has secured agreement for a written scheme of historic environment mitigation which has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the programme of work will be fully carried out in accordance with the requirements and standards of the written scheme.

Reason: To identify and record any features of archaeological interest discovered during the works and to mitigate the impact of the works on the archaeological resource, in accordance with LDP Policies DM4 and SP11.

31. Prior to the commencement of development, details of the compensation measures for St Illtyd's Mound as detailed in ES Appendix 7E, shall be submitted to, and approved in writing by the Local Planning Authority. The compensation measures shall be installed in accordance with the approved details, unless otherwise agreed in writing

within one month of the first beneficial operation of the first turbine and shall be retained as such thereafter.

Reason: In the interest of protecting and promoting the archaeological resource, in accordance with LDP Policies DM4 and SP11.

32. Prior to the commencement of development, details of a mechanism and /or control module to reduce shadow flicker shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be operated in accordance with the approved details.

Reason: In the interests of residential amenity, in accordance with LDP Policies DM1 and DM4.

33. The rating level of noise imissions from the combined effects of the wind turbines (including the application of any tonal penalty) when determined in accordance with the [attached] Guidance Notes, shall not exceed the values for the relevant integer wind speed set out in Appendix 1, at any dwelling which is lawfully existing or has planning permission at the date of this permission.
- a. The wind farm operator shall continuously log power production, wind speed and wind direction, all in accordance with Guidance Note 1(d) of the LPA's LIR. 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 verified 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 imissions 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 imissions 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, whether noise giving rise to the complaint contains or is likely to contain a tonal component, 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 imissions. 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 table (Appendix 1) 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 Table 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 imissions 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 imissions 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 imissions.
- g. Where a further assessment of the rating level of noise imissions 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.

Reason: In the interests of the amenity of the area, in accordance with LDP Policies DM1 and DM4.

- 34. Should the wind turbines be identified as operating above the parameters specified in Condition 33 and Appendix 1, the wind turbines will be modified, limited, or shut down as required to ensure compliance with this condition. These measures shall be applied until such time as maintenance or repair is undertaken sufficient to reduce the absolute noise level of the operating turbines to within the parameters specified.

Reason: In the interests of the amenity of the area, in accordance with LDP Policies DM1 and DM4.

35. Once the Local Planning Authority has received the independent consultant's noise assessment required by Condition 33(f), including all noise measurements and any audio recordings, where the Local Planning Authority is satisfied of an established breach of the noise limits set out in the Tables appended to Condition 33, upon notification by the Local Planning Authority in writing to the wind farm operator of the said breach the wind farm operator shall within 21 days propose a scheme of remediation for the written approval of the Local Planning Authority. The scheme shall be designed to mitigate the breach and to prevent its future recurrence and shall specify the timescales for implementation. The scheme shall be implemented as approved by and according to the timescales within it. The scheme as implemented shall be retained thereafter.

Reason: In the interests of the amenity of the area, in accordance with LDP Policies DM1 and DM4.

36. The turbine model shall not exceed the parameters hereby approved. In the event that the proposed turbines model for installation differs from the machine utilised in ES Chapter 13 Noise, a revised Noise Impact Assessment report shall be submitted, demonstrating that predicted noise levels indicate likely compliance with the noise condition levels stated in Appendix 1 prior to the erection of the first wind turbine. Should the revised assessment show that the limits stated in Appendix 1 be exceeded, a scheme of mitigation shall be submitted to and approved in writing by the Local Planning Authority, demonstrating how compliance with the limits stated in Appendix 1 will be achieved. The scheme of mitigation shall be implemented in full prior to the turbines being brought into beneficial use and shall be retained for the lifetime of the development.

Reason: In the interests of the amenity of the area, in accordance with LDP Policies DM1 and DM4.

37. No development shall take place until a scheme for the protection of PRow during the construction and operational periods, including safety signage and repair of damage caused during construction, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include timescales for implementation and shall be implemented as approved. The measures agreed for the operational phase shall be maintained for the lifetime of the development.

Reason: In the interests of the protection of users of PRow, in accordance with LDP Policy DM4.

38. No turbines shall be erected until a scheme for the mitigation of impact of the wind turbines on the operation of Cardiff Airport primary surveillance radar (the "radar mitigation scheme") has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be operated fully in accordance with the approved radar mitigation scheme throughout the operational life of the development.

Reason: To ensure no unacceptable impacts on radar operations in accordance with FW Policy 18 (8).

Appendix 1: Noise limits

The following tables presents the recommended noise limits for the Mynydd Carn-y-Cefn Wind Farm in isolation at the noise sensitive receptor (NSR) locations as listed within Table 13.16 of the Environmental Statement (ES), Chapter 13. The levels have been based upon the identified ETSU-R-97 limits (Table 13.21 and 13.22 of the ES) minus the noise levels from all wind farms except Mynydd Carn-y-Cefn. The resultant level provides the headroom available for Mynydd Carn-y-Cefn.

Table 1 Daytime (07:00 – 23:00) Wind turbine noise limits (dB LA90,T) for Mynydd Carn-y-Cefn, derived in accordance with ETSU-R-97, per Standardised 10m Wind Speed (ms-1)

NSR	Standardised 10m Wind Speed (ms ⁻¹)								
	4	5	6	7	8	9	10	11	12
R1	41.3	41.0	40.5	40.3	40.3	41.6	42.6	42.6	42.6
R2	41.4	41.2	40.9	40.7	40.7	41.9	42.9	42.9	42.9
R3	39.8	39.6	39.3	40.0	42.1	44.5	47.2	50.5	54.3
R4	39.8	39.6	39.2	39.9	42.0	44.4	47.2	50.5	54.3
R5	39.8	39.6	39.4	40.1	42.1	44.5	47.2	50.5	54.3
R6	39.8	39.6	39.4	40.1	42.1	44.5	47.2	50.5	54.3
R7	39.8	39.6	39.3	40.0	42.0	44.4	47.2	50.5	54.3
R8	39.6	39.4	39.0	39.3	41.3	43.8	46.8	50.3	54.2
R9	39.9	39.8	39.7	39.6	40.5	40.5	40.5	40.5	40.5
R10	39.9	39.8	39.6	39.5	40.4	40.4	40.4	40.4	40.4
R11	39.7	39.5	39.1	38.8	39.9	39.9	39.8	39.9	39.9
R12	39.9	39.7	39.6	39.4	40.4	40.4	40.4	40.4	40.4
R13	44.9	44.8	44.6	44.5	44.5	44.5	44.5	44.5	44.5
R14	39.7	39.5	39.1	39.0	40.0	40.0	40.0	40.0	40.0
R15	43.8	43.6	43.4	43.3	43.3	43.4	43.4	43.4	43.4
R16	43.8	43.6	43.4	43.3	43.3	43.4	43.4	43.4	43.4
R17	43.8	43.6	43.4	43.3	43.3	43.4	43.4	43.4	43.4
R18	43.7	43.4	43.0	42.7	42.7	42.9	42.8	42.8	42.8
R19	43.8	43.6	43.4	43.3	43.3	43.5	43.5	43.5	43.5
R20	43.8	43.7	43.6	43.5	43.5	43.7	43.7	43.7	43.7

Table 2 Night-time (23:00 – 07:00) Wind turbine noise limits (dB LA90,T) for Mynydd Carn-y-Cefn, derived in accordance with ETSU-R-97, per Standardised 10m Wind Speed (ms-1)

NSR	Standardised 10m Wind Speed (ms ⁻¹)								
	4	5	6	7	8	9	10	11	12
R1	42.9	42.7	42.3	42.2	42.2	42.7	42.7	42.7	42.7
R2	42.9	42.8	42.6	42.5	42.4	42.9	42.9	42.9	42.9
R3	42.9	42.8	42.7	42.6	42.5	42.5	44.1	45.9	47.4
R4	42.9	42.8	42.6	42.5	42.5	42.4	44.1	45.9	47.4
R5	42.9	42.8	42.7	42.6	42.5	42.5	44.1	45.9	47.4
R6	42.9	42.8	42.7	42.6	42.5	42.5	44.1	46.0	47.4
R7	42.9	42.8	42.7	42.5	42.5	42.4	44.0	45.9	47.4
R8	42.8	42.7	42.5	42.2	41.8	41.4	43.2	45.4	47.0

R9	42.9	42.9	42.9	42.8	42.8	42.8	42.7	42.8	42.8
R10	42.9	42.9	42.8	42.7	42.7	42.7	42.7	42.7	42.7
R11	42.9	42.8	42.6	42.4	42.4	42.4	42.4	42.4	42.4
R12	42.9	42.9	42.8	42.7	42.7	42.7	42.7	42.7	42.7
R13	44.9	44.8	44.6	44.5	44.5	44.5	44.5	44.5	44.5
R14	42.9	42.8	42.6	42.5	42.5	42.5	42.5	42.5	42.5
R15	42.8	42.7	42.4	42.3	42.3	42.2	42.2	42.2	42.2
R16	42.9	42.7	42.4	42.3	42.3	42.3	42.2	42.2	42.2
R17	42.9	42.7	42.4	42.3	42.3	42.3	42.2	42.2	42.2
R18	42.8	42.4	41.8	41.6	41.6	41.5	41.5	41.5	41.5
R19	42.9	42.7	42.4	42.3	42.3	42.3	42.3	42.3	42.3
R20	42.9	42.8	42.7	42.6	42.6	42.6	42.6	42.6	42.6

Notification of initiation of development and display of notice

You must comply with your duties in section 71ZB (notification of initiation of development and display of notice: Wales) of the Town and Country Planning Act 1990. The duties include the following:

Notice of initiation of development

Before beginning any development to which this planning permission relates, notice must be given to the Local Planning Authority in the form set out in Schedule 5A to the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 or in a form substantially to the like effect. The form sets out the details which must be given to the Local Planning Authority to comply with this duty.

Display of notice

The person carrying out development to which this planning permission relates must display at or near the place where the development is being carried out, at all times when it is being carried out, a notice of this planning permission in the form set out in Schedule 5B to the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 or in a form substantially to the like effect. The form sets out the details the person carrying out development must display to comply with this duty.

The person carrying out development must ensure the notice is:

- (a) firmly affixed and displayed in a prominent place at or near the place where the development is being carried out;
- (b) legible and easily visible to the public without having to enter the site; and
- (c) printed on durable material. The person carrying out development should take reasonable steps to protect the notice (against it being removed, obscured or defaced) and, if need be, replace it



Penderfyniadau
Cynllunio ac
Amgylchedd **Cymru**

Planning &
Environment
Decisions **Wales**

Report

Site visits made on 12/09/23 & 10/10/23

by Melissa Hall BA (Hons) BTP MSc MRTPI

an Inspector appointed by the Welsh Ministers

Date: 20.10.2023

TOWN AND COUNTRY PLANNING ACT 1990

SECTION 62D

The Developments of National Significance (Wales) Regulations 2016

The application dated 7 October 2022, was made under section 62D of the Town and Country Planning Act 1990 (as amended by the Planning (Wales) Act 2015).

The applicant is Pennant Walters Limited.

The application was confirmed as valid on 23 November 2022.

The proposed development is a wind farm of up to 8 turbines and associated infrastructure.

Land to the West of Abertillery, Blaenau Gwent

Cyf ffeil/File ref: DNS/3270299

Procedural Matters

1. The examination was suspended on 5 January 2023 to allow the Local Planning Authority (LPA) to submit its Local Impact Report (LIR). The suspension was extended on 19 April 2023 for the applicant to submit further information on matters including landscape and visual amenity, ground stability, land contamination and ground water protection, ecology, and highway safety. The applicant submitted the requested information which was subject to consultation ending on 23 June 2023.
2. Further to the submission of the LIR, I understand that the LPA subsequently sought the views of Glamorgan Gwent Archaeological Trust (GGAT) as the archaeological advisors to the Unitary Authorities in south-east Wales. I have been provided with a copy of GGAT's representations, dated 14th August 2023, which I have reported alongside the consultation replies from other statutory consultees and interested parties in the interest of completeness.
3. On 18 August 2023, the applicant wrote to Planning and Environment Decisions Wales (PEDW) to request that, having regard to *Finney v Welsh Ministers & Ors [2019] EWCA Civ 1868*, the description of the development be amended by omitting reference to the rotor diameter, hub height or blade tip measurements. As the proposed scheme remains the same as that applied for and maximum parameters could be contained in a planning condition in the event of planning permission being granted, I am satisfied that the proposed change to the wording of the description of development does not alter the proposal that is before me. Accordingly, I did not consider it necessary to re-consult interested parties on the proposed amendment. The wording to be used in the decision, however, is a matter for the Welsh Ministers.
4. Having considered the representations, the ES, the Further Information and the other application documents, I concluded that it was necessary to hold hearing sessions in respect of the following:
 - Character and appearance
 - Planning conditions
 - Other Matters (including minerals safeguarding, highway safety and cumulative effects)
5. Participants of the hearing sessions were invited to provide hearing statements in advance of the relevant sessions. Statements were submitted on behalf of the applicant only.
6. The applicant has agreed Statements of Common Ground (SoCG) with Blaenau Gwent County Borough Council (BGCBC) and Natural Resources Wales (NRW), which include the schedule of draft planning conditions original submitted by BGCBC and amended through the examination process in discussion with interested parties. However, an amended schedule of planning conditions was subsequently submitted to reflect the matters arising from the hearings. The relevant parties were given the opportunity to comment on the same.
7. Whilst the first unaccompanied site visit of 12 September 2023 was undertaken in inclement weather, visibility was satisfactory for much of the day from the immediate and wider surroundings. However, a second visit was conducted on 10 October 2023 which provided an opportunity to view the site from additional viewpoints.
8. Interested parties have raised concern regarding what they believe to have been a flawed public consultation exercise, not least due to (i) the turbine size being seriously

under-represented in consultation letters and photographs resulting in residents being asked to comment on incorrect information; and (ii) an incorrect and misleading name given to the proposal given that the site is on the Arail hilltop rather than Mynydd Carn Y Cefn (which is a summit about 4 or 5 miles north west of the site). I am satisfied that the consultation / publicity requirements have been followed to the extent that this matter does not seriously undermine my ability to accurately assess the impact of the proposed development, which is based on the totality of the written and oral submissions and my site visits.

Environmental Impact Assessment (EIA)

9. The submission was accompanied by an Environmental Statement (ES). The ES comprises the following volumes: Volume 1 - Non-technical Summary; Volume 2 - Main Text (Chapters 1-17); Volume 3 - Appendices (technical information relating to the environmental topics such as detailed methodologies, baseline data information and data analysis); and Volume 4 - Figures (the plans / drawings / details / illustrations that accompany the ES).
10. The ES has been prepared using the following structure: Chapter 1 – Introduction; Chapter 2 - Approach to Environmental Impact Assessment; Chapter 3 - Scheme Need, Alternatives and Iterative Design Process; Chapter 4 - Description of the Proposed Development; Chapter 5 - Legislative and Policy Overview; Chapter 6 - Landscape and Visual Impact Assessment; Chapter 7 - Historic Environment; Chapter 8 – Biodiversity; Chapter 9 – Ornithology; Chapter 10 - Water Environment; Chapter 11 - Ground Conditions; Chapter 12 - Traffic and Transport; Chapter 13 – Noise; Chapter 14 - Aviation and Telecommunication; Chapter 15 - Shadow Flicker; Chapter 16 - Socio-economics; and Chapter 17 - Cumulative Effects.
11. The ES was found to contain the level of information identified in Regulation 17 and Schedule 4 of The Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017 (hereinafter referred as the EIA Regulations) and was therefore declared complete for the purposes of those regulations.

Habitats Regulation Assessment

12. There are three European designated nature conservation sites within 10km of the application site, Aberbargoed Grasslands Special Area of Conservation (SAC), Cwm Clydach Woodlands SAC and Usk Bat Sites/ / Safleoedd Ystlumod Wysg SAC.
13. Regulation 63 of The Conservation of Habitats and Species Regulations 2017 (as amended) (the ‘Habitats Regulations’) states that if a plan or project is “(a) *is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and (b) is not directly connected with or necessary to the management of the site*”, the competent authority must “...*make an appropriate assessment of the implications of the plan or project for that site in view of that site’s conservation objectives*” before undertaking, consenting or permitting the plan or project.
14. The application was accompanied by a shadow Habitats Regulations Assessment (sHRA) dated April 2022 and referenced ‘*Appendix 8G: Information to Support an Assessment against Regulation 63 of the Conservation of Habitats and Species Regulations 2017.*’
15. The sHRA concludes that there is no pathway by which the conservation objectives for the Aberbargoed Grasslands SAC or Cwm Clydach Woodlands SAC could be undermined by the proposed development, either alone or in combination, given the separation distances and the lack of hydrological or ecological connectivity. NRW has confirmed that it concurs with this position.

16. Turning to the Usk Bat Sites/ Safleoedd Ystlumod Wysg SAC. Surveys have recorded lesser horseshoe bats on and adjacent to the site and, due to the proximity to the SAC, these bats are considered to contribute to the population for which the Usk Bat Sites/ Safleoedd Ystlumod Wysg SAC is notified.
17. The sHRA considers that although lesser horseshoe bats have been recorded on site, the habitats within the site boundary are used only infrequently by this species with low or no activity at turbine locations. It is on this basis that the assessment finds that there is an absence of effect pathways on the SAC due to *inter alia* the distance of known lesser horseshoe roosts and important commuting or foraging habitat (located outside the site) from construction and operational areas. Due to the combination of low or low-moderate activity levels and lesser horseshoe bats being a low collision risk species with an overall 'low population vulnerability' to collision, the risk of significant effects on lesser horseshoe bat populations due to collision/barotrauma fatalities associated with the proposed development is considered to be negligible.
18. Having regard to NRW's specialist advice, I am satisfied that the proposal alone or in combination with other projects, would not have a likely significant effect on the integrity or undermining of the conservation objectives of the Usk Bat Sites SAC as there are no known potential pathways to this protected site.
19. In view of the above findings, it is not necessary to undertake an Appropriate Assessment.

The Site and Surroundings

20. The site encompasses an area of approximately 208 hectares (ha) and comprises a mix of semi-improved and improved grassland which forms the southern end of a forked upland ridge between the Ebbw Fawr valley and the Ebbw Fach valley. It is split by an area of coniferous plantation woodland on the slopes of Cwm Big and a forestry haul road which follows the course of the Nant Big watercourse northwards from Aberbeeg.
21. The site is located approximately 500m from the western edge of Abertillery and the village of Cwm is located approximately 700m to the north-west of the site.
22. A more detailed description of the site and surrounding area is set out in Chapter 4 of the ES.

Proposed Development

23. The proposed development consists of up to eight wind turbines, with a maximum hub height of 105m and a maximum height to blade tip of 180m. Associated development includes unit transformers at each turbine, access routes, electricity substation, and a temporary site compound (maximum 50m x 50m).
24. The development would have an installed capacity of up to 34MW dependent on the final turbine chosen for the scheme, albeit for the purposes of the ES a 4.2MW turbine has been used. The annual generation for an 8 turbine scheme would equate to some 33.6MW and be expected to supply the domestic electricity needs of approximately 21,084 households. The proposed wind farm is designed with an operational life of 30 years and a temporary planning permission is sought for this period of operation only.
25. The access point into the site is from the forestry haul road off the A4046 Aberbeeg Road to the west. Construction of the wind farm is anticipated to take around 22 months, depending upon weather conditions. It is anticipated that the Abnormal Indivisible Loads (AILs) would travel by road from the Port of Swansea.

26. A connection between the on-site substation and the electricity grid at Crumlin would be subject to a separate planning application but has been considered in the ES.
27. Full details of the proposed development can be found at Chapter 4 of the ES.

Planning Policy

The Development Plan

28. The development plan comprises Future Wales (FW) and the Blaenau Gwent Local Development Plan up to 2021 (LDP), adopted in November 2012.
29. FW Policy 17 requires decision makers to give significant weight to meeting Wales' international commitments and the Government's target to generate 70% of consumed electricity by renewable means by 2030. In Pre-Assessed Areas (PAA) 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; there is a presumption in favour of large-scale wind energy development in these areas, subject to the criteria in Policy 18.
30. Policy 18 is clear that the requirement for a proposal to not have an unacceptable adverse impact on the surrounding landscape (particularly on the setting of National Parks and Areas of Outstanding Natural Beauty) relates to those sites outside of the PAAs for wind development. It is permissive of low carbon energy projects subject to there being no unacceptable adverse impacts on, amongst other things, ecology, heritage assets and the living conditions of nearby residents.
31. Policy 9 requires action towards securing the maintenance and enhancement of biodiversity (to provide a net benefit), and that the resilience of ecosystems and green infrastructure assets must be demonstrated as part of development proposals through innovative, nature-based approaches to site planning and the design of the built environment.
32. Within Policy 33, which identifies Cardiff, Newport and the Valleys as a National Growth Area, the overall strategic view for development in the South East area is set out. Among other provisions, the Policy states that "*The Welsh Government supports co-ordinated regeneration and investment in the Valleys area to improve well-being, increase prosperity and address social inequalities*".
33. LDP Policy SP7 seeks to address climate change and reduce energy demand to improve the sustainability of the valley communities in Blaenau Gwent, including by encouraging more of the county's electricity and heat requirements to be generated by renewable and low/zero carbon technologies. Policy DM4 encourages major development proposals to incorporate schemes which generate energy from renewable and low/zero carbon technologies. These technologies include onshore wind, which will be permitted provided that the development *inter alia* would not have any unacceptable adverse impact on nature conservation, the character and appearance of the landscape and local amenity.
34. Policy SP10 seeks the protection and enhancement of the natural environment and designated landscapes across the county, whereas Policy DM14 resists development that would result in an adverse effect on the integrity of international, national and local designations of nature conservation importance, including the Usk Bat Sites Special Area of Conservation (SAC).

35. Other policies of relevance include:

SP9	Active and Health Communities
SP11	Protection and Enhancement of the Historic Environment
DM1	New Development
DM2	Design and Placemaking
DM16	Trees, Woodland and Hedgerow Protection
DM19	Mineral Safeguarding
ENV2	Special Landscape Areas
ENV3	Sites of Importance for Nature Conservation
M1	Safeguarding of Minerals
M2	Mineral Buffer Zones
M4	Protected Areas

36. Given the scheme's potential for indirect effects on landscapes in the wider area and outside BGCBC's administrative boundaries, regard has also been had to the Development Plan policies of neighbouring Councils as follows:

Caerphilly County Borough Local Development Plan, adopted 2010.		
CW4	Natural Heritage Protection	Permits development proposals only where they conserve and, where appropriate, enhance the distinctive or characteristic features of the Special Landscape Area(SLA) or Visually Important Local Landscape (VILL).
NH1	Special Landscape Areas (SLAs)	Identifies and seeks to protect SLAs.
NH2	Visually Important Local Landscapes (VILLs)	Identifies and seeks to protect VILLs.
Torfaen County Borough Council Local Development Plan, adopted 2010.		
C2	Special Landscape Areas	Development proposals that could impact on SLAs will be expected to conform to high standards of design and environmental protection which is appropriate to the LANDMAP character of the area.

Other National Policy

37. PPW states that low carbon electricity must become the main source of energy in Wales (5.7.1) and the planning system should secure an appropriate mix of energy provision whilst minimising potential environmental and social impacts (5.7.6). PPW sets a target of 70% of electricity consumption from renewable energy by 2030 (5.7.14). In determining applications for renewable energy decision makers should take into account the contribution a proposal will make to meeting identified Welsh, UK and European targets.

38. The Technical Advice Notes (TANs) relevant to the consideration of onshore wind farms include:

- Technical Advice Note 6: Planning for Sustainable Rural Communities (2010)
- Technical Advice Note 5: Nature Conservation and Planning (2009)

- Technical Advice Note 11: Noise (1997)
 - Technical Advice Note 12: Design (2016)
 - Technical Advice Note 19: Telecommunications (2002)
 - Technical Advice Note 23: Economic Development (2014)
 - Technical Advice Note 24: The Historic Environment (2017)
39. There are also a range of legislative, regulatory and policy imperatives that embed the need to reduce carbon emissions and increase the renewable energy capacity of Wales, including:
- Energy Wales: A Low Carbon Transition (2012)
 - Environment (Wales) Act 2016
 - Energy Generation Targets for Wales: Statement to Assembly Members (2017)
 - Policy Statement: Local Ownership of Energy Generation in Wales – Benefitting Wales Today and for Future Generations (2020)
 - Net Zero Wales (2021)

The Case for the Applicant

The application is supported by an Environmental Statement (ES) and a range of other documents. Evidence of particular relevance to the determination of the proposal is summarised as follows:

Planning Policy

40. FW is the most up-to-date development plan and in accordance with the latest PPW. Therefore, an assessment of the proposed development against the policies of FW is crucial to establishing the planning merits. However, understanding the compliance with the aims of PPW is also crucial to understanding the compliance with national policy.

Benefits

41. Based on turbines of 4.2MW capacity, the proposed development would see the generation of 33.6MW of renewable energy which would support the electricity needs of around 21,084 homes.
42. Additionally, the proposed development would support investment in the economy and employment with approximately 57 FTE (full time equivalent) jobs during construction and 4 FTE during operation. It is estimated that the expenditure in Wales associated with the construction phase would total £13.3m whilst the operation phase would equate to £0.99m per annum.
43. The applicant is a business registered in Wales, and therefore meets the WG definition of local ownership. The proposed development would therefore contribute to the WG local ownership of renewable energy target.

Landscape and Visual Impact

44. With regards to landscape and visual impacts, the acceptance of some degree of landscape change is outlined in FW Policy 17 and the identification of PAA for Wind Energy. The ES identifies that there will be some significant effects on local landscape designations (within five Special Landscape Areas). There are no significant effects on the nationally designated Brecon Beacons National Park.

45. Additionally, the LVIA identifies that there would be likely significant visual effects on a range of residential receptors. However, the Residential Visual Amenity Assessment (RVAA) finds that there is no change that would lead to the residential areas becoming an unattractive place to live (as opposed to less attractive) when judged objectively, and in the public interest.

Historic Environment

46. The ES concludes that the proposed development would not result in significant effects on built heritage assets including a number of listed buildings, Blaenavon Industrial Landscape World Heritage Site or a number of Scheduled Monuments.
47. Additionally, the proposed development would not result in any significant effects from disturbance of archaeological remains. Direct effects on existing known archaeology would be mitigated through archaeological recording secured through a planning condition.
48. Consideration has been given to cumulative effects and a moderate (significant) effect on the setting of St Illtyd's Castle Mound Scheduled Monument in combination with other schemes, has been assessed (although assessment is based on early scoping information for the other wind farms).
49. A Mitigation Plan has been prepared in order to describe historic environment mitigation and enhancement measures which are proposed to reduce and compensate for effects on the historic environment arising out of the construction and operation of the proposed development.
50. Thus, there are considered to be no unacceptable adverse impacts on built heritage assets.

Ecology

51. The ES concludes that there would be no unacceptable impacts on protected species or habitats. Neither would there be adverse effects on the integrity of the Usk Bat Sites SAC. Given the distance between the Aberbargoed Grasslands SAC and Cwm Clydach Woodlands SAC, the Habitats Regulation Assessment concludes that there would not be significant impacts on the ecological interest of these sites (alone or cumulatively) as a result of the proposed development.
52. The proposed development would have no effect on the integrity or conservation status of nine Sites of Importance for Nature Conservation (SINCs) within the site boundary. A range of embedded measures will ensure that protected species are safeguarded during construction including pre-construction surveys, method statements for vehicle movements, excavations, site lighting and construction activities. A Habitat Management Plan will set out the objectives for biodiversity protection, mitigation, monitoring and habitat enhancement measures.
53. A range of embedded measures would ensure that protected species are safeguarded during construction including pre-construction surveys, method statements for vehicle movements, excavations, site lighting and construction activities. Specific measures are also included for reptiles including implementation of standard best practice and effective management of potential reptile habitats and for bats, including design measures and a range of methods to avoid collision, 'feathering' of turbines when idle and monitoring.
54. The ES considers that although the proposed development would affect the use of the site and increase the mortality risk for bats (particularly common pipistrelle) locally, due to the embedded measures there are unlikely be any significant effects on local bat populations. The ES considers that effects on reptiles during construction will largely be

avoided or mitigated and whilst the mortality risk will be elevated above baseline levels such risk will be moderated and there will be negligible effects on reptile populations during operation. The ES considers that there is a lack of suitable habitat to support dormice.

Noise

55. Compliance with noise limits based on worst case scenario is assessed based on modelling operation except for one noise sensitive receptor where slight exceedances are predicted in the daytime of the operational phase. With further baseline monitoring the turbine noise levels at the receptor where exceedances are predicted could be reduced to under the noise limits. The ES notes that if exceedances remain, the noise levels would be able to be further reduced using low noise modes of the candidate turbine. It is therefore considered that the proposed development, if mitigated, would not result in a significant noise effect.

Shadow Flicker

56. The applicant is committed to installing a shadow flicker impact control module prior to operation to turbines which have the potential to cause shadow flicker on nearby properties as an embedded design measure. It is anticipated that a condition could be attached to a permission to ensure that any complaints of shadow flicker be investigated, and problems substantiated would be mitigated promptly and effectively.
57. Overall, no significant effects on residential properties are considered likely.

Traffic and Transport

58. The ES examines the potential effects on the transport network and assesses the A4046 (Ebbw Vale), A4046 (Aberbeeg) and A467 (Brynithel) roads. Based on the construction programme the combined wind farm and grid connection construction traffic would result in an approximate peak of 62 HGV movements per day two-way.
59. The ES is also supported by an Abnormal Indivisible Loads (AIL) access study, which identifies the preferred route for AIL transit. The study identifies temporary structural improvements are required at a number of junctions.
60. A Draft Construction Traffic Management Plan (CTMP) has also been prepared. This sets out the management of daily delivery profiles and control construction vehicle movements and routeing of HGVs to/from the site.

Cumulative effects

61. The ES sets out an assessment of the cumulative effects of the proposed development in combination with existing and consented renewable energy schemes within the topic-related specific chapters. Overall, the cumulative assessment does not identify any additional impacts that would be unacceptable.

Blaenau Gwent County Borough Council

The Local Impact Report (LIR) details the Council's factual and objective view regarding the likely impact of the proposed development. It should be noted that it was produced prior to the submission of the Further Information in May 2023. Consequently, the Council has amended its position on some of the matters it identified as at issue in its LIR following the submission of the Further Information, the SoCG and subsequent oral submissions at the Hearing sessions. Its final, updated position is therefore detailed in the relevant sections below.

Landscape and Visual Impact

62. The Council anticipates that the introduction of substantial new man-made prominent and dominant structures into the landscape, skyline and views out of the valley, that would contrast with the small-scale valley landform, could reduce the strong rural character and hidden tucked away qualities of the landscape. Further it is noted that insufficient information has been submitted with regards to the programmed felling of coniferous forestry and the implication this could have on the localised landscape and changes to the nature of available views to a number of visual receptors within the LVIA study area. It is therefore anticipated that the size, scale, elevated position, visual prominence and dominance of the turbines would have a negative impact upon the landscape character areas within the administrative area BGCBC.
63. LANDMAP Aspect Area - The reports submitted have assessed the proposal relative to two Geological Landscape Aspect Areas (GLAAs) - Mynydd Carn y Cefn and Cefn yr Arail. Both are deemed to have a high landscape value; a medium-low landscape susceptibility and an overall landscape sensitivity of medium. However, the magnitude of change arising from the development is deemed to be low with a moderate/ minor to no level of effect. Given the above, it is anticipated that the impact of the proposal on the GLAAs would be neutral.
64. Landscape Habitats Aspects Areas - Four Landscape Habitats Aspects Areas (LHAA) receptors within the Study Area have been assessed as part of the proposal. At its greatest impact, it is considered that the proposal would generate a low magnitude of change with a moderate to minor level of effect. Given the above, it is anticipated that the impact of the proposal on the LHAA's would be neutral.
65. Visual and Sensory Aspect Areas - The study has reviewed 40 Visual and Sensory Aspect Areas (VSAA) within the Study Area. Of these, eleven have been identified as likely to experience significant landscape effects. Given the proportion unlikely to be affected, the impact of the proposal is anticipated to be neutral.
66. Historic Landscape Aspect Areas - Of the 60 Historic Landscape Aspect Areas (HLAA) within the study area, two (Hafod Y Dafal and St Illtyds Fieldscape) are considered to experience significant landscape effects as a result of the proposal. Given the number of aspect areas unaffected, the impact of the proposal is anticipated to be neutral.
67. Cultural Landscape Services Aspect Areas - Whilst the applicant's submissions identify that no Cultural Landscape Services Aspect Areas are predicted to experience significant landscape effects, all would experience a medium magnitude of change and a moderate (potentially significant) level of effect. The effect of the proposal is anticipated to be negative, not significant.
68. Local Landscape Designations - The application site is located within the Mynydd Carn y Cefn and Cefn yr Arail Special Landscape Area (SLA). The value of the SLA is assessed as High to Medium. The susceptibility of the primary landscape qualities and features of the SLA to the type of development proposed is assessed as Medium to High. It is anticipated that the impact on the turbines due to the size, scale, density of provision and the undeveloped area within the SLA would have a negative impact on the designation. Given the actively managed context of the site, it is anticipated that impact of the grid connection would be neutral.
69. Indirect landscape effects on SLAs and Visually Important Local Landscapes - Significant landscape effects are predicted for the Eastern Ridge and Mynydd James SLA, Cwm Tyleri, Cwm Celyn SLA, Cefn Manmoel SLA and the St. Illtyd Plateau and Ebbw Eastern Sides SLA together with the Manmoel VILL. It is anticipated that the size,

scale, visual prominence, dominance and industrial form of the turbines would have a negative impact on the designations.

70. Visual effects - It has been determined that views in the direction of the site from receptors in settlements are generally medium to high value with all having a high sensitivity with residents in particular having a high susceptibility to change. As to be expected, the magnitude of change experienced would range from zero to high with the impact experienced affected by intervening landforms, buildings, tree or vegetation cover, the overall orientation of the settlement and dwellings and elevation. In conjunction with the above factors the level of effect would range from no effect to major. Out of the 11 settlements that are within BGCBC, the effect would be not significant for four (36.3%); potentially significant for 1 (9.09%) and significant for 6 (54.54%) with the nature of the effect being long-term (reversible) indirect and adverse. It is therefore anticipated that the impact of the proposal would be negative.
71. Residential Visual Amenity Assessment (RVAA) – The submitted RVAA concludes that the proposed development would not have an overbearing effect or otherwise affect the living standards of individual properties such that any of these would become an unattractive place to live (as opposed to less attractive) when judged objectively. However, given the number of receptor dwellings in the study area, the density of occupation in conjunction with location specific environmental, topographical and social conditions, it is anticipated that the impact of the proposal would be negative.
72. Visual effects from promoted long-distance footpaths and cycle routes:
- With regard to the two long-distance, promoted footpaths which run through the BGCBC area, it has been determined that the views in the direction of the site are high and are subject to high sensitivity. As a result of intervening landform and screening provided by vegetation the magnitude of change would range from zero to high with the resulting level of effect ranging from no view to major and significant. The nature of the effect would be long-term (reversible), indirect and neutral to adverse. Given the known and perceived vulnerability of users and the scale of the development, it is anticipated that the impact of the proposal would be negative.
 - In terms of the national cycle routes, it is determined that cyclists have a high susceptibility to change. Views in the direction of the site are deemed to be medium value with a high sensitivity and a magnitude of change ranging from no change to high, for selective sections. The resulting level of effect would range from no effect for the majority of the routes to major and significant for a 0.7km stretch along one route. The nature of the effect would be long-term (reversible), indirect and adverse. Given the modest length of the paths subject to major and significant effects, on balance the anticipated impact is considered neutral.
73. Assessment of visual effects from Historic Parks and Gardens, Golf Courses, Country Parks, PRow, and Open Access Land:
- Users of Brynbach Parc have a High susceptibility to change and the views in the direction of the Site are assessed to be of Medium to High value resulting in an overall High sensitivity. The magnitude of change would range from Zero to Low and the resulting level of effect would range from No View to Moderate and Not Significant given the limited and restricted nature of views from the park. The anticipated impact is therefore likely to be neutral.
 - In terms of designations within 5km of the site it is noted that a large proportion of the upland land landscape to the north and east of the Site, above the settlements in the valleys is designated as open access land and also contains a high density of PRow. Users of the open access land have a High susceptibility to change and the views in the direction of the Site are assessed to be of Medium to High value resulting in an

overall High sensitivity. The magnitude of change would range from Zero to High. The resulting level of effect would range from No View to Major and Significant. The nature of the effects experienced by users of the open access land would be long-term (reversible), indirect and neutral to adverse. The anticipated impact of the proposal is therefore likely to be negative.

- With regard to designations within 5-10km of the site the applicant's submission details that a proportion of the upland landscape to the north and west of the Site is designated as open access land that falls within the Zone of Theoretical Visibility (ZTV). Users of the open access land have a High susceptibility to change and the views in the direction of the Site are assessed to be of Medium to High value, resulting in an overall High sensitivity. Locations within the County Boundary where the Proposed Development would be clearly visible with hub visibility include, Mynydd Bedwellte and Rhymney Hill. At these locations, the magnitude of change would range from Zero to Medium or High/Medium. The resulting level of effect would range from No View to Major or Major/Moderate and Significant. The nature of the effects experienced by users of the open access land would be long-term (reversible), indirect and neutral to adverse. The anticipated impact of the proposal is therefore likely to be negative and significant.
- Of the locally promoted walking routes assessed within 5km it is noted that the walkers on the routes have a High susceptibility to change and the views in the direction of the Site are assessed to be of High value resulting in an overall High sensitivity. The magnitude of change would range from Zero up to High where less restricted views are available. The resulting level of effect would range from No View to Major with 90 of the routes experiencing a significant impact. The nature of these effects would be long-term (reversible), indirect and neutral to adverse. The anticipated impact of the proposal is therefore likely to be negative.
- With regard to the Transport Routes (A and B roads) assessed that fall within the County Boundary, it is noted that users would have at worst a medium susceptibility to change with views in the direction of the site.

74. The subsequent SoCG with BGCBC details the matters that remain in dispute. Specifically with reference to landscape character and visual impact, the following continues to be in dispute:

- (i) The weight to be given to landscape effects upon the SLAs and VILLs;
- (ii) The effect on the visual amenities of residents given the number of receptor dwellings in the study area and the density of occupation in conjunction with location specific environmental, topographical and social conditions; and
- (iii) The assessment of cumulative effects.
- (iv) The overall impact on PRowS, albeit the wording of the planning condition which seeks to protect PRow is agreed by both parties.

Biodiversity

- 75. Lesser horseshoe bats and roost sites - as a result of lower recorded levels of activity and lower collision risk of the species, it is anticipated that the impact on the lesser horseshoe bats could be neutral. It is agreed that the magnitude of change on the Usk Bat Sites SAC would be negligible.
- 76. Common pipistrelles, soprano pipistrelles and noctule bats - these species are considered high collision risk and likely to experience increased mortality as a result of barotrauma. Four of the turbines are considered as high risk for collision. There is no evidence of the formula detailed in Natural England Technical Information Note TIN051

being used to calculate the recommended 50m buffer between tip of blade and linear feature. It is therefore considered that the location of 6, 7, and 8 fails to meet the minimum required distance. Insufficient information has been submitted to justify and determine the location of the turbines. In the absence of such information, it cannot be ruled out that the development would not result in a negative impact on the population of protected species within the site. As a result of the proximity of the turbines to the hibernation and summer day roost for pipistrelles, the high levels of recorded activity and the high collision risk of the species, it is anticipated that the development would have a negative impact on the population of protected species within the site.

77. SINC- it is anticipated that the proposal would have no effect on the integrity of the conservation status of the SINC with the scale of impacts being anticipated as not significant. Given the mitigation and compensation measures proposed there is the opportunity to enhance the ecosystem resilience of the designated SINC. Areas of heathland should also be restored to improve connectivity of this habitat. It is therefore anticipated that the proposal would have a positive impact in this regard.
78. Cumulative effect - the proposal should take into consideration in combination of the likely significant effects with other proposed wind farm schemes. As a result, concerns are raised that in combination, this may have a detrimental impact on protected species; especially schedule 1 bird species which have been recorded on site. If all potential windfarms were in operation, this would result in scale of magnitude change, resulting in long term negative effects through habitat fragmentation, increased collision risks and direct effects upon local population sizes. Therefore, the cumulative impact would be negative and further consideration is needed in the absence of this information.
79. The SoCG identifies the matters that remain in dispute as:
 - (i) Whether sufficient information has been submitted to conclude that the development would not result in a negative impact on the population of protected species within the site.
 - (ii) Whether the assessment of cumulative effects, in particular in relation to schedule 1 bird species, is robust given the availability of data in respect of other large scale windfarm proposals.

Highways

80. There are no existing highway safety issues that would be exacerbated by the vehicle movements associated with the construction of the proposed wind farm. The information supplied is sufficient and no objection is raised to the proposal subject to conditions requiring the submission of a Construction Traffic Management Plan.
81. It is considered that the development would have a neutral impact upon the highway network and upon highway and pedestrian safety.

Noise

82. The conclusions of the submitted Noise Impact Assessment, using government approved guidance ETSU-R-97 and the Institute of Acoustics Good Practice Guides, are considered to be robust. As such, it is anticipated that subject to the imposition of mitigation to control the effect on the one location, the proposal would have a neutral effect.

Shadow Flicker

83. The shadow flicker assessment comprises a numerical modelling of the proposed turbines and receptors within the defined study area. Based on the detailed results of

the model, receptors 1, 2, 3, 6, 7, 9, 10 11, 12 and 14 would not experience any shadow flicker as a result of the development.

84. The remaining 10 receptors would experience between 11.2 and 59.8 hours of shadow flicker per year, based on the worst case model.
- Receptor locations 4, 5 and 8 are rural and could experience between 11.2 and 12.9 hours of potential shadow flicker per year. The effect is therefore deemed to be low and not significant.
 - Receptor location 8 is again rurally located and set slightly higher than the base location of turbines 6, 7 and 8. The receptor could experience up to 59.8 hours per year of potential shadow flicker. The effect is therefore deemed to be medium and significant.
 - Receptor locations 15, 16, 17, 18, 19 and 20 are located within one of the most densely populated areas of the Borough and could experience up to 57.1 hours of potential shadow flicker per year. This effect is deemed to be medium and significant.
85. In order to mitigate the impact of the effect on receptor locations 8, 15, 16, 17, 18, 19 and 20, it is proposed that a control system/ module be installed which can be programmed to shut down the wind turbine to restrict effects to less than 30 minutes per day and / or 30 hours per year at any property. Once this mitigation is taken into consideration the effect is deemed to be low to medium in magnitude and not significant.
86. It is therefore concluded, subject to conditions requiring the control module to be installed in order to limit the potential shadow flicker effect, the anticipated impact of the development would be negative but not significant.

Contamination

87. The submitted Phase 1 Geo Environmental Desk Study is sufficient and the recommendation that a Phase 2 Intrusive Geo Environmental Ground Investigation is carried out is supported. Standard conditions with regards to unforeseen land contamination are recommended. In light of the reports submitted and conditions recommended, it is anticipated that the issues and impacts relating to land contamination would be neutral.

Ground Conditions and Stability

88. The submissions acknowledge that that there is a need for further intrusive investigations to allow the potential subsidence risk to be better understood, to clarify the extent or form of remediation that may subsequently be needed and to inform the form and scale of the foundation system for each turbine. It is suggested by the applicant that this information be secured by condition.
89. Mindful of known subsidence and movement within the area, fissures and fault lines within the site which are exacerbated by freeze-thaw and hydrological movement, in conjunction with areas of made up ground and the underlying sandstone bedrock, it is considered that this information and detail should be presented for consideration and review prior to determination of the application.
90. Thus, insufficient information has been supplied to allow a full assessment to be made of the construction, the potential effect of operational vibration and any remediation required to mitigate the risks of adverse stability within the site and wider area. Given the proximity of the proposal to densely populated urban areas, it is anticipated that the development could have a negative and significant impact.

Minerals

91. The micro-siting of turbine 6 and the internal site access serving turbines 1-5, would be within the 200m buffer zone around the Preferred Area (areas of known mineral resources with some commercial potential and where planning permission might reasonably be expected). Whilst it is acknowledged that the micro siting of turbine 6 could be restricted to prevent encroachment, concerns are raised regarding the potential to relocate the access as a result of the topography.
92. Consequently, it is considered that the application has failed to acknowledge the mineral resources designations or demonstrate the impacts the proposal would have on the designation and its potential future working. Given the close proximity of the turbines and primary access route to the defined allocation and within the buffer zone, it is considered that insufficient information has been submitted to demonstrate that the proposal would not have an unacceptable detrimental impact. Concerns are raised that the proposal would have a negative, prejudicial and sterilising impact on the extraction of the resource.

Cultural Heritage and Historic Environment

93. Whilst there are no designated historic assets located within the site boundary, there are designated historic assets within the wider study area; these consist of five Scheduled Monuments, nine listed buildings, one registered historic landscape and one World Heritage Site located within 1-5km of the site that are subject to potential effects on their settings. There are also eighteen records of non-designated historic assets located within the site boundary.
94. It is anticipated that the proposal would have a neutral impact on the majority of cultural heritage and historic assets within 5km of the site. Although it is considered that the proposal could have a negative impact on historical assets of local importance, this would be not significant in scale relative to the wider historical environment.
95. In terms of historic environment matters, the SoCG identifies that the effect of the proposal on the archaeological resource requires consideration following the receipt of a response from GGAT.

Socio-economics

96. The proposal would have an impact on the existing PRoWs whilst also noting that any diversion would be pursued separately with BGCBC at a future date. It is also likely that the operational use of the site would negatively impact on Bridleway users in the long term. It is requested that consideration be given to the advice provided within the British Horse Society publication - Wind Turbines and Horses for Riders and Carriage Drivers. Whilst mindful of embedded environmental measures and arrangements that could be implemented, it is anticipated that the overall effect of the proposal would be negative.

Renewable Energy

97. It is noted that the proposed development is for a wind farm of up to 34MW which is equivalent to providing enough power to meet the annual electricity needs of approximately 21,100 homes. By way of comparison, the BGCBC area is estimated to have 31,371 households as of 2020 (Stats Wales, 2021c). Accordingly, having regard to FW, it is considered that this proposal would have a positive effect on meeting identified targets for Renewable Energy.

Cumulative Effects

98. The proposed development is located within 3.1km of three proposed Developments of National Significance (DNS) wind farm applications which are at pre-application

consultation phase – Mynydd Llanhilleth wind farm (12 turbines), Abertillery wind farm (7 turbines), Manmoel wind farm (5 turbines) – and within 10km of 5 consented wind turbines and one 1 turbine proposal at the planning application stage. At the time of EIA scoping consultation comments (May 2021) BGCBC had not been aware that there are at least a further three potential applications for DNS windfarms in or adjacent to the southern part of the authority.

99. When reviewing the proposal relative to operational windfarms, consented turbines plus those within the planning and scoping stages plus the landscape sensitivity which is classified as high due to its undeveloped condition and lack of existing turbines within the landscape unit, it is anticipated that the cumulative impact would be negative.

Consultation Replies

Responses were received from interested parties, including WG, Dŵr Cymru / Welsh Water (DCWW), Cadw, NRW and the Coal Authority in respect of the initial DNS public consultation exercise. However, following the submission of Further Information, interested parties were re-consulted. The main points raised in relation to the scheme in light of the Further Information are summarised below.

NRW

100. NRW continues to express concerns in respect of the proposal's impact on landscape character and visual amenity notwithstanding the submission of Further Information. It therefore states that additional information should be sought from the applicant regarding these matters. In particular, the following concerns are raised:
- Based on its own on-site assessment using the photomontages, NRW agrees with the LVIA where it assesses the visual impact at Viewpoint 17 as significant (moderate/major adverse). However, it advises that the magnitude of change to the sense of tranquillity within parts of Landscape Character Area (LCA) 9, which is related to the visual impact, would be greater than assessed in the LVIA. It would also result in a medium magnitude of change to sensory and perceptual qualities within LCA 9 and these impacts would result in a major/moderate adverse effect, and would be significant.
 - Turbine 1 would continue to be the most prominent turbine when viewed from certain locations within BBNP. At Viewpoints 20, 22 and 23, given the sensitivity of the location, the stacking of the turbines and the scenic quality of the existing view, which features a wide expanse of open plateau intersected with valleys, the effect would be significant.
 - The development's effects would detrimentally alter the public's experience of the BBNP's character and special qualities in these areas. Whilst at locations such as Viewpoints 17, 20, 22, and 23, the development would occupy only a limited proportion of the view, the visual effects identified at these locations would be significant and in turn would erode sensory and perceptual qualities within the applicable LCAs and interfere with people's enjoyment of the landscape.
 - A visual change at night would also contribute to the erosion of the perceptual qualities of the BBNP.
 - Opportunities should be explored to avoid and or mitigate the development's effect on the BBNP including by removing Turbine 1 which stands most exposed in the landscape at different viewpoints within BBNP.

101. Based on the information submitted to date, conditions dealing with land contamination (ground water protection), pollution protection, ornithology and European Protected Species should be attached to any planning permission granted.
102. The subsequent SoCG with NRW details the matters that remain in dispute, which relate to:
 - (i) the effects upon the BBNP;
 - (ii) the wording of a planning condition in relation to turbine curtailment;
 - (iii) a requirement to amend the Phase 1 Geo environmental Desk Study to include ground water monitoring and sampling; and
 - (iv) a requirement to amend section 4.4.2 of the Construction Environment Management Plan to include risk to ground waters.

The Coal Authority

103. It is noted that the submission is now supported by a Phase 1 Geo-environmental Desk Study, dated May 2023. Section 5 of the report concludes that past coal mining activity poses a potential risk to the proposed development. The report authors go on to recommend that intrusive site investigations are carried out on site to establish the exact situation in respect of the coal mining features present and to inform the design of any necessary mitigation works to allow the development to proceed safely.
104. It is therefore recommended that conditions are imposed on any consent granted to ensure that these investigatory works, and any measures necessary to ensure the safety and stability of the project, are carried out prior to development commencing in those areas identified as being at risk from past coal mining legacy.

Arqiva

105. Turbine 8 would be positioned within the 100m buffer either side of a radio link (which must be kept free from interference). Having regard to the proposed micro-siting condition on any planning permission granted, if Turbine 8 were to be positioned 50m in a NNE direction on a bearing of 10-15 degrees from its current position, this would be sufficient to overcome Arqiva's concerns.

BGCBC Highway Authority

106. The Abnormal Indivisible Load (AIL) Access Study proposes two possible routes for delivery of AIL's. It is noted that from the submitted Swept Path Analysis drawing 'Pinch Point 11' that an area of overrun is required to be temporarily constructed over an embankment to the south-west of the roundabout. The applicant is advised that this embankment is not deemed as public highway verge, it is within third party ownership.

Network Rail

107. Network Rail would wish to see such equipment sited so that the lateral distance from railway boundary to foot of mast is greater than height of mast plus length of propeller blade. Should the turbines collapse for any reason then the developer should ensure that any fail-safe distance will include the wind-turbines potential for topple in the direction of the railway line.

Cadw

108. Concurs with the conclusions in the ES that the proposed development would not have a significant adverse effect on the assessed designated heritage assets.

109. The adverse impact on the St Illtyd Caste Mound is caused by the change to its setting. This is assessed as a low impact on a heritage asset of high value which would have a moderate impact, potentially rising to a major impact when the cumulative effect of other proposed windfarms in the area are considered.
110. A series of offsetting measures are proposed to compensate for the adverse impact on this Scheduled Monument. It is considered that the offsetting measures are appropriate and would provide suitable compensation.

WG Transport

111. Detail needs to be provided to prove access for transporting AILs is achievable from the point of entry to the Welsh trunk road network to the point of egress, that minimises any impact on the safety and free flow of trunk road traffic.
112. The existing information appears to be missing the swept path analysis drawings, which should detail swept paths of the worst case AILs at all potential horizontal and vertical constraints along the access route.
113. Concerns are raised regarding the use of Route 2 for abnormal loads, specifically the unsuitability of the A4042 at the bridge over the River Usk, north of Llanellen.
114. Standard planning conditions are recommended in relation to structural assessment, condition surveys, liability for incidental damage, traffic management plan, road safety audit and a Section 278 Agreement.

GGAT

115. No objection to the proposed development subject to a condition requiring the applicant to submit a detailed written scheme of investigation, for the implementation of a programme of archaeological work to protect the archaeological resource.

Other Representations

116. JRC Ltd has advised that it does not object to the proposal in assessing its potential to interfere with radio systems operated by utilities companies. DCWW confirms that there are no assets in the location specified that rely on 'point to point' communications that would be affected by the proposed development.
117. Several local residents and the Ward Member for Abertillery & Six Bells raise concerns with regard to:
- The challenging and technical nature of the submitted documents and flawed consultation process,
 - Lifetime of the development,
 - Impact on landscape character and visual amenity,
 - Effect on ecology,
 - Construction related traffic congestion issues,
 - Impact on health, wellbeing and living conditions arising from traffic, shadow flicker, noise and light pollution,
 - Flooding,
 - Impact on sustainable tourism and alteration of established bridleways and trails,
 - Land instability, ground conditions and land contamination,
 - Cumulative effects with other wind farm developments.

- Impact on the existing solar farm, which would be impacted by shadow and shadow flicker of the wind turbines. Mitigation would render the site inoperable for many hours each day, making electricity generation unviable and loss making.
- Community funding using any money from a development that impacts communities is not acceptable.
- Manufacturing of wind turbines is inherently unsustainable and environmentally damaging.

Appraisal

118. The main considerations are:

- the effect of the proposed development on landscape character and visual amenity;
- the effect of the proposed development on historic assets;
- the effect of the proposed development on ecological interests;
- the effect of the proposed development on the living conditions of the occupiers of neighbouring residential properties, having particular regard to noise and shadow flicker;
- the effect of the proposed development upon traffic flows and highway safety, particularly through the construction phase; and finally,
- whether any identified harm in respect of the above matters would be outweighed by the benefits and other matters in favour of the scheme, particularly the in-principle policy support for large scale wind farm development and the contribution towards renewable energy generation.

Character and Appearance

Landscape character

119. The ES includes a Landscape and Visual Impact Assessment (LVIA), which has been prepared in accordance with the Guidelines for Landscape and Visual Impact Assessment 2013 and the LANDMAP methodology 2016. It is informed by a Zone of Theoretical Visibility (ZTV) which is based upon the topography across the local landscape and defines the area within which to assess the potential significant landscape and visual effects. These maps are supported by a series of representative viewpoints for which photomontages depicting the appearance of the scheme have been prepared, with additional viewpoints having been requested by NRW and subsequently prepared in order to inform the assessment.
120. The LVIA has assessed the construction, operational and decommissioning phases of the development. I accept that the construction and decommissioning phases would, at certain times, have a greater impact than during its operation. However, as construction and decommissioning are likely to be relatively short-lived, I have focussed mainly on the operational period of the project.
121. The site is located on the southern end of the north/south orientated ridgeline that separates the valleys occupied by the Ebbw Fawr river to the west and the Ebbw Fach river to the east. The land-use of the more elevated section of the ridgeline that extends northwards is mainly unimproved upland moorland with an absence of field boundaries which extends some of the northern and central parts of the site east of Cwm Big including a substantial area that is used for motorbike scrambling. The more southerly and westerly parts of the site are characterised by improved and semi-improved grazing

land and a distinctive angular shaped field pattern. Field boundaries are mainly stone walls and isolated lengths of beech hedgerow that are overgrown.

122. The site is located within National Landscape Character Area (NLCA) 37: South Wales Valleys. This covers an extensive upland area dissected by deep, urbanised valleys. The LANDMAP evaluation of the aspect areas within which the site is located would be 'significant' in relation to indirect effects on 11no. Visual and Sensory Aspect Areas and 3no. Historic Landscape Aspect Areas.
123. Turning to the Bannau Brycheiniog National Park (BBNP), which lies partly within the study area. The '*Brecon Beacons National Park Landscape Character Assessment*' defines 15 Landscape Character Areas (LCAs) within the BBNP, six of which fall within the ZTV, including LCA 9: Mynyddoedd Llangatwg and Llangynidr. I agree that potential effects on these landscapes would be limited to indirect effects on the key visual or perceptual characteristics of these landscapes resulting from views of wind turbines.
124. Although the ES concludes that there would be no significant effects upon the BBNP, NRW disagrees with this position insofar as it considers that the development would conflict with advice in PPW concerning the conservation and enhancement of natural beauty within the Park and the public's enjoyment of its special qualities, as demonstrated by Viewpoints 17, 20, 22 and 23 in the main. In the Hearing Statement for Hearing Session 1, the applicant draws my attention to the Arup Study that informed the definition of the PAA areas. In short, notes from the workshop with NRW state that it considered the northern part of the area to be more appropriate for wind and solar '*due to the fact that this landscape has undergone significant changes in the past due to deindustrialisation and therefore may be more adaptable to change*'. The visibility mapping from the BBNP indicates that the site of the proposed development would be within the lowest of five visibility bands, i.e. turbine options at both 150m and 250m tall would only be visible from between 1% to 25% of the BBNP. The area that subsequently formed PAA 10 incorporates a substantial buffer to the BBNP, in excess of 4.5km at its closest point and the northern limit of the PAA set to the south of the towns of Rhymney and Ebbw Vale. The applicant drew my attention to the siting of the proposed turbines some 2km further south of the northern limit of PAA 10, and over 8km from that part of the BBNP that lies within the ZTV at the closest point.
125. At hearing session 1, the applicant further asserted in oral submissions that the geographical extent, as well as the size or scale of change, should be considered as part of the magnitude of change judgement in assessing the effect on the setting of the BBNP. The applicant went on to argue that landscape effects occurring over a larger geographical extent and a higher proportion of a landscape designation are more likely to be regarded as significant. Based on my understanding of the written evidence, the oral submissions (including NRW's oral response at the Hearing) and my site visits, I am of the opinion that the proposed development would affect only a small part of the overall visual experience gained from within this landscape, and it would be experienced as part of much wider panoramas in which existing vertical structures beyond the National Park boundary are present. Whilst I accept that the proposal would lead to a slight dilution of the baseline levels of tranquillity and remoteness, I do not find that it would significantly alter the distinctive characteristics or the key perceptual and visual characteristics of LCA 9. In this context, I do not consider that there would be any significant effects on landscape character within the BBNP or its setting, or any significant effects on the special qualities of the designation.
126. Turning to NRW's concerns regarding the night-time view at Viewpoint 17, which it considers would likely include the same people who would experience a moderate/major adverse visual effect in the daytime, and that a visual change at night would also contribute to the erosion of the perceptual qualities of the BBNP. From my

understanding of the submissions, the Special Qualities in this respect relate to “dark night time skies”, noting that the hub height ZTV includes a small proportion of the BBNP core dark skies area designated in the ‘*Brecon Beacons National Park, International Dark Sky Reserve External Lighting Management Plan*’. I accept that the aviation warning lights would contribute to a distant effect on the night-time views. However, to my mind, they would appear as very small, points of light appreciated in the same field of view as the brightly lit valley conurbation of Brynmawr even though I acknowledge that there are currently no light sources on the upper slopes or ridgeline in the field of view that would be affected by the development. Be that as it may, given a separation distance in the order of 8km, I do not consider that the visual presence of aviation lights would seriously alter or erode the Special Qualities of the BBNP.

127. At a local level, the application site is located within the Mynydd Carn y Cefn and Cefn yr Arail SLA, as designated in the LDP. The assessment concludes that there would be significant direct landscape effects on this SLA. Additionally, there would be significant indirect landscape effects on the Eastern Ridge and Mynydd James SLA, Cwm Tyleri and Cwm Celyn SLA, Cefn Manmoel SLA, St. Illtyd Plateau and Ebbw Eastern Sides SLA and the Manmoel VILL. I do not dispute that the proposed development has been designed so as to reduce the effects on these local landscape designations, including through the use of non-reflective pale grey on the rotor blades and upper towers. Nevertheless, I find that a significant effect would remain despite such measures.
128. I am mindful that paragraph 6.3.3 of PPW identifies a requirement to ensure statutory landscape designations are protected but also that opportunities for renewable energy are taken into account. It focuses upon landscape character and does not reference visual amenity. The statutory duty to have regard to National Park purposes including their setting is noted at paragraph 6.3.5 of PPW.
129. As set out previously, FW forms part of the development plan for the area and provides more up to date policy advice, specifically for DNS applications. As such, I must also have regard to the site’s location within PAA 10 identified in FW, where WG has already modelled the likely impact on the landscape and has found it to be capable of accommodating development in an acceptable way. There is no compelling evidence before me to lead me to an alternative conclusion. That same policy also goes on to state that there should be a presumption in favour of large-scale wind energy development in these areas, subject to the criteria set out in Policy 18. For the avoidance of doubt, Policy 18 expressly omits any test in respect of landscape impacts for wind energy proposals located within the PAAs.

Visual Amenity

130. There is no dispute between the parties that a number of receptors would be likely to experience some form of significant effect as a result of the proposed development, including those at 16 settlements (Abertillery, Aberbeeg, Brynithel, Llanhilleth, Trinant / Pentwyn, Blaina, Markham, Swffryd, Crumlin, Nantyglo, Oakdale, Newbridge, Brynmawr, Bargoed, Hengoed and Cefn Hengoed), 9 designated long-distance footpaths, Sustrans National Cycle Routes NCR465 and NCR466, Country Parks, open access land and PRow, together with locally promoted walking routes and transport routes.
131. Despite the applicant’s contention that embedded measures have been incorporated to minimise effects, such as limiting the loss of hedgerow and woodland, the re-vegetation and reinstatement of grassland / scrub, the siting of turbines 1-5 as far west and south-west as possible and the selection of a non-reflective pale grey colour to minimise contrast, I am not persuaded that the visual impact would be less than adverse and significant for a number of visual receptors. For example, I consider that those receptors

in settlements within 2km of the turbines (such as parts of Abertillery, Aberbeeg, Brynithel, Cwm and Manmoel) would experience the most significant effects on visual amenity resulting from visibility and movement of the proposed wind turbines together with an effect on night-time views from the aviation warning lights associated with the introduction of proposed turbines on elevated land with some unrestricted views. Although I do not dispute that in some instances views would be restricted by dwelling orientation, intervening built form, topography and mature tree cover, I fully acknowledge the concerns of local residents most likely to be affected.

132. NRW has suggested that Turbine 1 should be omitted on account of it standing “most exposed in the landscape”. I heard from the applicant that the removal of Turbine 1 would clearly have a negligible benefit insofar as it would be perceived as part of a coherent wind farm design, with turbines appearing as a discrete cluster that relate simply to the skyline, complying with best practice design guidance. In my opinion, Turbine 1 would appear ‘exposed’ from a small number of viewpoints but, owing to landform and topography, would read as part of the group in viewpoints from other directions. On this basis, I do not find that the omission of this turbine would, overall, alter the visual impact of the development in any meaningful way.
133. I also note NRW’s concerns regarding the ‘stacking’ of turbines from Viewpoint 23. However, as this would tend to occur in longer distance views (in excess of 10km distant and experienced as part of a 360 degree panorama), I do not consider this issue to be a significant one.
134. A cumulative assessment has also been undertaken in order to evaluate the effects that could be generated were Mynydd Carn y Cefn Wind Farm to become operational together with some or all of the other wind farms that are either already operational, have been consented or are proposed, in a 28km radius study area. The assessment considers 66 wind energy developments within the cumulative study area. Two scenarios were assessed; Scenario 1 includes only operational wind turbines and those already consented while Scenario 2 adds those within the planning and scoping process. The ES concludes that the development would not result in significant cumulative visual effects in either scenario.
135. I have no reason to doubt the findings of the ES that, overall, there is no potential for the introduction of the proposed development to result in significant cumulative visual effects where these would not arise in relation to either Mynydd Carn y Cefn or one of the other included baseline wind farms alone in relation to either scenario.
136. Notwithstanding the above, on balance, I am of the view that the proposed development would be obvious in the landscape and have a significant visual impact when seen from sensitive receptors in existing settlements and users of long-distance footpaths, Sustrans Routes, Country Parks, open access land and PRow. Although such impacts are almost inevitable given the site’s location within a PAA on an elevated area of land, they would be long-term (albeit reversible) and adverse for those receptors affected.

Overall conclusion on character and appearance

137. I do not dispute that the applicant has sought to reduce the significance of the landscape and visual effects by incorporating mitigation measures that include the siting of turbines as far from the plateau edge as is possible, taking into account other technical constraints.
138. I have also had regard to BGCBC’s concern that many of the large blocks of forestry that are a conspicuous landscape feature across parts of the LVIA study area are coniferous and are likely to be felled as commercial crops at some point. I therefore concur that there would be localised landscape and visual impact consequences,

including negative changes to the nature of views available to some visual receptors within the LVIA study area.

139. In this context, I accept that there would be an effect on landscape character and the impact on visual amenity would be significant, and thus in conflict with the aims of LDP Policies SP10, DM1, DM2 and ENV2. However, this must also be considered in the context of FW Policies 17 and 18, which clearly support wind farm development in PAAs. Hence, I must conclude that the proposal would be consistent with the thrust of the Development Plan overall to support wind energy development even though I recognise that there would be localised significant visual harm.

Historic assets

140. The application is accompanied by an Historic Environment Desk-Based Assessment and a Stage 1 Settings Assessment, which consider the likely significant effects of the proposed development on the historic environment, including archaeological remains, historic buildings and historic landscapes.
141. There are no designated features on site, albeit there are five Scheduled Monuments, nine listed buildings, one registered historic landscape and one World Heritage Site located within 1-5km of the site that are subject to potential effects on their settings.
142. Whilst Cadw concurs with the conclusions in the ES that the proposed development would not have a significant adverse effect on the assessed designated heritage assets, it recognises that a moderate impact on the St Illtyd Castle Mound Scheduled Monument would be caused by the change to its setting.
143. The ES identifies that this monument comprises the remains of a motte and ditch, dating to the medieval period, which is located immediately to the east of the medieval, possible pre-Conquest church of St Illtyd, which may be located within the former bailey. Beyond this to the east are the buried footings of 13th -14th century towers of Castell Taliorum. The relationship between motte, church and castle is uncertain, however, the ES confirms that there is group value between these upland early ecclesiastical and successive secular sites, which lie within the former Welsh lands of Gwynllwg and Senghenydd.
144. Based on the submitted evidence and my site visits, it is apparent that the proposed development would introduce turbines within approximately 1.65km of St. Illtyd's Castle Mound, which would be fully visible in views to the north across the valley of the Ebbw Fach River. It would thus affect, in part, the significance of the asset's setting. That being said, I accept that the proposal would not affect wide views in other directions or the relationship of the monument to St Illtyd's Church. I also do not dispute that the significance of the asset has already been affected by the construction of a modern farm immediately adjacent to the east of the monument and that mature trees screen the north-western side of St. Illtyd's Castle Mound, which is generally overgrown with vegetation. Taking all of these factors into account, and whilst I acknowledge that views are only part of the factors that determine the setting of a monument, I concur that the development would have a moderate effect on the setting of St Illtyd's Castle Mound in this regard.
145. Given that the only historic asset which would be likely to be affected by the proposed development is this Scheduled Monument, a cumulative assessment has been undertaken which concentrates potential effects on its setting. This assessment considers potential effects with other operational, consented and proposed wind farms within 5km of the proposed development, including the proposed wind farms at Mynydd Llanhilleth (2km to the south-east), Abertillery (approximately 1.5km to the east) and Manmoel (3km to the north-west). The ES assesses that the proposed development, in

combination with other proposed wind energy developments, particularly Abertillery and Mynydd Llanhilleth wind farms, would result in a medium magnitude of change to the setting of St Illtyd's Castle Mound, resulting in a major effect, which would be significant. I concur that the cumulative impact of these developments would be to increase the arc in which turbines would be visible, particularly in prominent views across the valley to the north as well to the east, notwithstanding that the existing modern farm would offer a degree of partial screening. Hence, the effect would be adverse and significant.

146. Cadw suggests that measures to directly mitigate these effects are unlikely to be effective and that offsetting measures should therefore be considered. The parties agree that the impact of the proposed development on this Scheduled Monument could be offset by the preparation of the 'Monument Management Plan', as detailed in Appendix 7D of the ES, and which would identify measures for improving access, the provision of interpretation panels and management of the monuments during construction and operation.
147. I have had regard to the advice in PPW that '*Any change that impacts on an historic asset or its setting should be managed in a sensitive and sustainable way*' (my emphasis). I am also mindful that the introduction of the suggested compensatory proposals would not reduce the impact of the development on the setting of the historic asset and cannot therefore be accepted as mitigation. However, I consider that the proposed compensatory measures should be factored into the planning balance in weighing the benefits of the scheme against the impact of the development on the setting of this asset. To this end, a condition is suggested requiring details of the compensation measures for St Illtyd's Mound in the event of planning permission being granted.
148. To understand the potential for and significance of archaeological remains on the site, a Written Scheme of Investigation: Desk Based Assessment has been carried out. Given the identified recorded archaeological remains possibly from the prehistoric period within the site boundary (Abertillery Round Barrow) together with further Bronze Age barrows in the study area to the north of the site, it has been concluded that there is a moderate potential for prehistoric remains in localised areas of the site, of low-medium significance. In this context, a condition requiring a written scheme of historic environment mitigation would ensure that any features of archaeological interest discovered during construction works is identified, recorded and mitigated.
149. In light of the above, the proposal would cause a degree of harm to the setting of a designated heritage asset. However, in light of the temporary and reversible nature of the development, I conclude that it would represent a minor conflict with FW Policy 18 and LDP Policy SP11.

Ecology

150. The site is dominated by semi-natural and heavily modified habitats including improved grassland, species poor semi-improved grassland and semi-improved acid grassland, dry heath/acid grassland and areas of continuous bracken. There are a large number of mature trees scattered throughout the grassland and along the field boundaries, together with semi-natural broad-leaved woodland present on the north-west and south-east boundaries of the site, generally with a very bare or bracken dominated understorey and high canopy dominated by beech trees, with oak, hawthorn and silver birch scattered occasionally. The site habitats are not particularly notable examples, with their condition heavily influenced by historic and current agricultural practices (drainage, grazing, etc.). The Unified Peat Map of Wales showed no peat deposits on the site and the absence of deep peat was confirmed by a peat survey in 2021.

151. I have already set out in the HRA section of this Report my reasons for concluding that the proposed development would not, either alone or in combination with other projects, have a likely significant effect on the integrity of any of the European designated nature conservation sites.
152. In terms of the national context, the ES confirms that there would be a negligible effect on the Cwm Merddog Site of Special Scientific Interest (SSSI), due to the distance and absence of reasonable impact pathways. Additionally, there would be no permanent or temporary land-take or changes to Ancient Woodland habitats from the proposed development nor permanent loss or deterioration of ancient woodland associated with the grid connection. Within the site boundaries there are 9 non-statutory Sites of Nature Conservation Interest (SINCs), with no significant effects having been identified subject to embedded measures to ensure that effects would be prevented or appropriately managed, where necessary.
153. As such, and in the absence of evidence to the contrary, I conclude that there would be no effect on the features for which the SSSI has been designated and no significant effect on the Ancient Woodlands as an ecological feature of National importance. Neither would there be significant effects on the SINCs subject to the measures identified in the submitted Habitats Management Plan (HMP) and Construction Environmental Management Plan (CEMP), which would be secured by condition.
154. The surveys have identified at least seven bat species or species groups recorded at the site with five roosts identified within the survey area. The ES considers it likely that the proposed wind farm would affect the use of the site by bat species (other than the Lesser Horseshoe bat which is a qualifying feature of the Usk Bat Sites/ / Safleoedd Ystlumod Wysg SAC) and would increase the mortality risk for bats locally, particularly common pipistrelle (this being by far the most frequently recorded bat on the site). However, the ES concludes that such changes would not have any significant effects on local bat populations due to the embedded measures incorporated in the proposed development. Subject to a planning condition that seeks to deal with the curtailment and cessation of turbines, which is dealt with later in this Report, it is reasonable to conclude that the impact on bat species would be minimised.
155. In terms of ornithology, the site supports two distinct breeding bird communities associated with grassland/moorland habitats and woodland habitats respectively with the birds recorded as potentially breeding within the site including common crossbill, goshawk, peregrine, red kite and barn owl. The ES confirms that measures would be adopted to minimise disturbance to bird habitats during construction, including the adoption of buffer zones and work schedules to avoid sensitive areas and times of year. I am therefore satisfied that such measures, secured by conditions, would ensure there would not be any long-term change in breeding bird populations, and no significant effects.
156. A collision risk modelling exercise has been undertaken to understand the risk of birds colliding with turbine blades once operational. The exercise concluded that there would be a negligible impact on bird populations given the dimensions of the turbines, the heights at which the birds recorded on site typically fly, and population densities of the birds. Whilst no significant effects are anticipated, a condition requiring the results of monitoring reports as set out in Section 2.2 of the submitted Construction Mitigation Monitoring Strategy, together with any mitigation measures, would ensure the protection of species listed under Section 7 of the Environment Act (Wales) 2016 and those listed on the Red List (Birds of Conservation Concern Wales) throughout the construction and operational phases. Additional measures developed for the site as part of the HMP are expected to benefit breeding species and more than compensate for temporary

disturbance during construction and permanent loss of habitat during the operational phase.

157. BGCBC raised concerns regarding the cumulative assessment of ecological and ornithological effects in relation to the assessment of other DNS projects, in particular citing “...*at least a further four potential applications for DNS windfarms in or adjacent to the southern part of the authority*”. The applicant confirmed that three of the five additional DNS applications referred to by BGCBC had been assessed as part of the cumulative assessment in Chapters 8 and 9 of the ES. Of the two that had not been assessed, Twyn Hywel Wind Farm is located outside of the 10km buffer applied for the assessment of ecological and ornithological cumulative effects, and was not considered relevant. The project which had not been included within the assessment was Mynydd Maen Wind Farm. However, at the time of the request for Further Information no detailed information in relation to bat survey results or Collision Risk Modelling (CRM) for ornithology receptors had been completed for Mynydd Maen given that it was at scoping stage. As such, it could not be used to inform or update the cumulative assessment of effects provided within this ES.
158. Disagreement remains as to the outcomes of the cumulative assessment, with BGCBC confirming in oral submissions at Hearing Session 3 that it remains concerned with the conclusions of the assessment of cumulative effects particularly with regard to Schedule 1 bird species, even though it was accepted that the other large scale wind farms are in early stages of planning and thus have not prepared individual CRM in order to serve any useful purpose in assessing cumulative effects. Rather, despite acknowledging that the applicant had carried out a robust assessment on the basis of the information that was available to-date, BGCBC continued to argue that if all proposed DNS wind farms were in operation, cumulative effects would be negative.
159. In my opinion, the applicant has carried out a cumulative assessment in accordance with the Planning Inspectorate’s Advice Note Seventeen, dated August 2019, which provides helpful guidance regarding the format and content of cumulative effects assessments as relevant to nationally significant infrastructure projects. In particular, I note the advice contained therein that ‘*The assessment should be undertaken to an appropriate level of detail, commensurate with the information available at the time of assessment*’. Moreover, it lists criteria that may be used to indicate the certainty that can be applied to each ‘other existing development and/or approved development’, with the criteria assigned in tiers which descend from Tier 1 (most certain) to Tier 3 (least certain) and reflect a diminishing degree of certainty which can be assigned to each development. It recognises that ‘...*there is a decreasing level of detail likely to be available as you go from Tier 1 to Tier 3*’.
160. In light of the above, I am satisfied that a comprehensive assessment of the potential effects arising from the proposed development and other known projects based on currently available information has been carried out. Although I do not dispute that there is limited information available in relation to projects at the early stages, such as those where no planning application has been submitted but a request for a Screening Opinion has been made, such projects would need to prepare their own cumulative assessments in due course which would take into account the scheme before me and others where the impacts have been more comprehensively assessed. Furthermore, other consultees including NRW have not raised concerns regarding the methodology for the cumulative assessment and are in agreement with the cumulative conclusions of Chapters 8 and 9, as confirmed in the SOCG.
161. Given that the proposed development would not have an adverse effect on the integrity of internationally designated sites or unacceptable adverse impacts on national statutory designated sites for nature conservation, protected habitats and species, and it

would secure biodiversity enhancement measures to provide a net benefit for biodiversity, it would be consistent with the aims of FW Policy 18. It would also align with the principles outlined in PPW, which identifies the planning system's key role in helping to reverse the decline in biodiversity and increasing the resilience of ecosystems, at various scales, by ensuring appropriate mechanisms would be in place to both protect against loss and to secure enhancement, not least through the imposition of conditions. Additionally, the objectives of PPW and the requirements of FW reflect the duties set out in the Environment (Wales) Act to incorporate biodiversity enhancement measures in addition to necessary ecological mitigation and compensation, in order to achieve a net gain to biodiversity interests of a site. I therefore consider that the proposal is consistent with the aims of national and local planning policy in this regard.

Noise

162. An assessment of noise effects has been undertaken in accordance with the ETSU-R-97 Guidance '*The Assessment and Rating of Noise from Windfarms*' and '*A Good Practice Guide to the Application of ETSU-R-97 for the Assessment and Rating of Wind Turbine Noise*' by the Institute of Acoustics ("the ETSU Guidance").
163. The ES finds that noise from construction and decommissioning of the proposed development would be minimal. Nevertheless, I concur that the implementation of general good-practice noise control measures (such as the use of silencers, mufflers and/or acoustic hoods on machinery) during construction and decommissioning would ensure no significant effects on receptors. Such measures could be secured through the imposition of Condition 18 requiring details of a CEMP.
164. An assessment of the acoustic impact from operation of the proposed development has been undertaken, taking into account the identified nearest residential properties. Operational noise levels would lie within the noise limits set by the ETSU Guidance during day-time and night-time, apart from one receptor where minor exceedances of 0.3dB and 0.5dB would be experienced at certain wind speeds during the day-time (the survey results show compliance at all receptors during the night-time period). In terms of cumulative impacts, exceedances of 0.5 to 1.9dB are predicted at certain wind speeds at one receptor in-combination with other existing and proposed wind farm developments (again at night-time, compliance is predicted at all receptors). In its LIR, BGCBC confirms that it considers the submitted Noise Impact Assessment to be robust and that subject to the imposition of mitigation to control the effect on the one location, the proposal would have a neutral effect.
165. Given the conclusions in the ES that there is likely to be an element of directivity in the turbine operation such that the affected receptor is not going to be downwind of all of the assessed wind farm sites at the same time, noise levels are likely to be lower than that predicted in the assessment in any event. Be that as it may, and whilst it is unlikely that mitigation would be required to reduce noise levels at the affected receptor due to the directivity of the effects, mode selection for the Vestas V150 (the candidate turbine) would reduce noise to below the identified limits without taking directivity into account.
166. Thus, the proposed development, with the identified mitigation in place, would not result in a significant noise effect subject to conditions controlling noise levels and securing mitigation in the event that noise limits are exceeded. I therefore find that the proposed development would not cause material harm to the living conditions of the occupiers of nearby residential properties by reason of noise impact. It would be compliant with the aims of FW Policy 18, the guidance in PPW and broadly consistent with the aims of LDP Policies DM1 and DM4.

Shadow Flicker

167. The applicant's study identifies that up to 20 properties have been identified which have the potential to experience some level of shadow flicker as a result of the operation of the wind farm. The ES states that the effect of shadow flicker can be resolved using standard mitigation measures such as a turbine control module which can control a specific turbine (or turbines) to shut down on specific dates at specific times when conditions are such that nuisance shadow flicker could occur.
168. Subject to an appropriately worded condition requiring the submission and approval of the details of such a mechanism, I am satisfied that there would be no unacceptable shadow flicker effects arising from the proposed development. Consequently, the proposed development would not cause material harm to the living conditions of the occupiers of nearby residential properties. It would therefore be compliant with the aims of FW Policy 18, the guidance in PPW and broadly consistent with the aims of LDP Policies DM1 and DM4.

Highway safety

169. The principal issue arising in respect of traffic and highway safety relates to construction traffic and the access route for abnormal loads. In response to WG Transport's query regarding the suitability of Route 2 for abnormal loads, specifically the A4042 at the bridge over the River Usk north of Llanellen, the applicant confirmed that Route 2 was provided as a secondary option and is not expected to be progressed. At Hearing Session 3, WG Transport confirmed that it does not take issue with Route 1 and, in such circumstances, there would be no need for a secondary route to be identified.
170. Additionally, BGCBC took issue with the mitigation identified at Pinch Point 11 (A467/B4471/A4046 roundabout). The applicant subsequently undertook a swept path analysis of this pinch point, using a blade lifter vehicle arrangement, which shows that the vehicle and blade can negotiate the junction without the use of the third-party land in contention, but subject to the temporary removal of street furniture and streetlights. The Highway Authority confirmed in oral submissions at Hearing Session 3 that such an approach was acceptable in principle.
171. Notwithstanding the above, and in order to reduce the potential for effects as far as is reasonably possible, I consider it necessary to require the details of traffic management measures in the form of a Construction Traffic Management Plan (CTMP). Whilst a draft CTMP has been provided as part of the submission documents, the final details would need to be secured through a planning condition.
172. Thus, subject to the imposition of appropriately worded conditions, I am satisfied that there would not be any unacceptable traffic or highway implications arising from the development. It would therefore be generally consistent with the aims of national and local planning policy relating to such matters.

Benefits

173. The development is estimated to produce sufficient energy to meet the annual electricity needs of approximately 21,100 homes over its operational lifespan. This represents a substantial contribution to the production of energy from a renewable resource and to the reduction in greenhouse gas emissions. Although I note the concerns of interested parties regarding the sustainability credentials associated with the manufacturing and disposal / decommissioning of wind turbines, the ES outlines a decommissioning approach that would be less environmentally damaging, including the retention of access tracks / roads for use by the landowner and that the turbine components themselves would be taken to an appropriate recycling facility where applicable. In any

event, the generation of energy from a renewable resource would be significant in the context of WG targets and its commitment to address the climate emergency. At a maximum output of 34MW, the proposed development represents almost a doubling of the installed capacity within Blaenau Gwent and would contribute to the achievement of the Welsh Government's target for 70% of energy consumption to be provided by renewable sources by 2030. It would also reduce CO₂ emissions going into the atmosphere by replacing that generated through fossil fuels.

174. The proposal would offer economic and social benefits. It would constitute a large investment in the region during the construction phase (estimated at £13m) and, as such, would provide both direct and indirect job opportunities, mostly associated with the construction phase but also in relation to the long-term maintenance and operation of the site. Other indirect benefits to the local economy are anticipated through an increased spend in bed and breakfast and other accommodation, together with the use of other local services and facilities, during the construction phase.
175. Overall, I consider it likely that the construction of the wind farm would have a moderately positive effect on the socio-economics of the area, given the potential for economic benefit to local construction firms, quarries, accommodation establishments and other local services.

Other Material Considerations

176. My attention has been drawn to known subsidence and movement within the area, fissures and fault lines within the site, in conjunction with areas of made-up ground and the underlying sandstone bedrock. Although a Phase 1 Geo-environmental desk study and a Coal Mining Risk Assessment have been carried out, the submissions acknowledge that past coal mining activity poses a potential risk to the proposed development and that there is a need for further intrusive investigations to allow the potential subsidence risk to be better understood, to clarify the extent or form of remediation that may subsequently be needed and to inform the form and scale of the foundation system for each turbine. It is therefore recommended that conditions are imposed on any consent granted to ensure that these investigatory works, and any measures necessary to ensure the safety and stability of the project, are carried out prior to development commencing.
177. The Phase 1 Geo-environmental desk study has also identified potential sources of land contamination on the site, including a former licensed landfill and other potential landfill areas, residual mine waste from onsite surface workings, made-up ground, historical farm operations including use of fuels/oils, agricultural chemicals such as pesticides, dilapidated farm buildings with possible asbestos content which may be released as asbestos fibres to ground, mine gas from former deep workings and ad hoc use of the northern area of the site for motorbike scrambling. Planning conditions to deal with the risks associated with contamination of the site and any unforeseen contamination are therefore recommended.
178. The application site is located within a Minerals Safeguarding Area, as defined in the adopted LDP. The LPA's concerns in its LIR relate specifically to the micro-siting of Turbine 6 and the proposed site access road, both of which would be within the 200m buffer zone around the allocated mineral resource preferred area. An additional assessment was subsequently carried out which concluded that the proposed development would not prejudice the potential extraction of minerals from the identified preferred areas. The SoCG confirms that parties are in agreement on this matter. In this context, I am of the view that the proposal would not conflict with LDP Policies M1, M2, M4 and DM19 to safeguard the County's mineral resource subject to the implementation of the relevant micro-siting condition.

179. Turning to aviation and telecommunications. Although a desk-based assessment informed the findings of the ES, and measures proposed to ensure no significant effects on aviation or telecommunications would arise, I note that at the time of its production further consultation was being undertaken with NATS/Cardiff Airport to identify any necessary measures to mitigate effects on radar. I am also aware of the concerns raised by Arqiva regarding the negative impact associated with the siting of Turbine 8 on their existing broadcast network, in particular, it being within the 100m buffer zone of the Abertillery to Rhymney link. However, I understand that conditions dealing with micro-sting and aviation lighting would overcome the outstanding concerns in respect of these matters.
180. Network Rail raised concerns regarding the siting of Turbine 8 insofar as it would be located near the railway boundary. Further information was subsequently submitted which Network Rail has confirmed addresses its concerns. I am thus satisfied an adequate distance from Network Rail's boundary would be achieved in the unlikely event Turbine 8 were to topple in the direction of the railway.
181. A number of PRow cross the site, including three footpaths, a restricted byway and a bridleway. Two options have been identified in the ES for addressing the potential conflict with PRow users, with the aim of ensuring that there would be no significant physical effects on these users. Although authorisation for the diversion of PRow is to be pursued separately with BGCBC in the event of planning permission being granted, a condition is recommended requiring no development to take place until a scheme for the protection of PRow during the construction and operational periods has been approved by the Local Planning Authority.
182. I note the concerns of interested parties regarding the effect of the development on flooding. I am satisfied that all potential sources of flooding have been considered, with surface water runoff due to increased areas of hardstanding posing the greatest potential flood risk. The submitted Flood Consequences Assessment concludes that the proposed development, together with the proposed flood risk management measures, would not be subject to an unacceptable level of risk, nor would there be potential increased flood risk elsewhere. Hence, the construction, operation and decommissioning of the proposed development is not expected to result in any significant effects on the water environment, provided that all recommended mitigation measures are put in place. Neither are cumulative effects with other developments anticipated.

Other Matters

183. Representations have been made by interested parties regarding the identification of the PAAs for wind farm development without any notable or significant public consultation. The basis on which the national policy position in relation to wind farm development was derived is not for this application, albeit FW (and the PAAs identified therein following further assessment) was developed with public engagement and consultation. In any event, and as noted earlier in this report, the site's location within a PAA does not mean planning permission has automatically been granted, but that there's a presumption in favour of large-scale wind energy development in these areas. The proposal has been assessed on its individual merits.

Conditions

184. I have considered the suite of suggested planning conditions, which reflects that agreed between the applicant, BGCBC and other interested parties. Having regard to the advice in WG Circular 16/2014: *The Use of Planning Conditions for Development Management* (October 2014) and with the exception of the conditions discussed below,

the wording of the majority of the conditions remains unchanged save for minor amendments.

185. At Hearing Session 3, and as confirmed in writing subsequently, WG Transport suggested that there is a need for additional conditions in respect of: (i) an assessment of the capacity and impact on all structures along those parts of the highway network which shall be utilised during the construction of the development; (ii) condition surveys of all highway features along those parts of the highway network that would be utilised during the construction of the development; and (iii) a scheme to provide for the remediation of any incidental damage to the highway network directly attributable to the development. I consider that such conditions would be both reasonable and necessary in the interest of highway safety and its efficient operation. Recommended Conditions 11-13 therefore deal with these matters.
186. Turning to the proposed condition regarding the submission of details of a turbine curtailment protocol. In particular, NRW has confirmed that it would wish the curtailment and cessation of turbines to cover 'medium' and 'high' collision risk bat species, rather than the 'high risk' species only suggested by the applicant and detailed in Condition 20 as then drafted. It is clear that the survey identified a number of bat species potentially roosting, foraging and commuting on site, including high collision risk species such as Common pipistrelle, Soprano pipistrelle and Noctules which were widely recorded across the site during survey work. Nevertheless, from my reading of the submitted Bat Survey Report at ES Appendix 8B, the presence across the site of Serotine, a medium collision risk species, cannot be ruled out despite no definitive recordings of these species having been made. I also note Table 4.5 in ES Appendix 8B provides a summary of bat activity records within 10km of the site, with a total of 82 records of 'unidentified bat species'. I heard from the applicant that Serotine are classed within the rarest category in Wales and their presence is unlikely based on a lack of records (other than activity) within the bat survey area. Conversely, NRW contends that medium risk bat species also exhibit flight behaviour which brings them in close proximity to turbine blades and Serotine is of conservation concern given that it is only infrequently encountered; It therefore asserts that the incision of medium risk species is an appropriate and proportionate safeguard. As I am not persuaded by the evidence that there would be no medium risk bat species affected, and having regard to the advice of NRW (which is based on a precautionary principle) together with the duties set out in Section 6 of the Environment (Wales) Act to maintain and enhance biodiversity, I consider that it is appropriate to require the turbine curtailment protocol to apply to medium risk as well as high risk bat species. I have therefore re-worded the condition accordingly.

Planning Balance

187. FW is clear that decision makers must give significant weight to the need to meet Wales' international commitments and to generate 70% of energy used from renewable sources by 2030. The proposed development would see the generation of up to 34MW of renewable energy which would support the electricity needs of approximately 21,100 homes each year over its operational lifespan. The proposed development would therefore make a meaningful contribution to WG's commitment to developing large scale renewable and low carbon energy to meet future energy needs and combat the climate emergency. In addition, the development would offer social and economic benefits as outlined above. Be that as it may, such benefits in terms of contributing to energy targets and economic benefit have to be balanced against any adverse impacts.
188. The acceptance of some degree of landscape change is outlined in FW Policy 17 with the identification of PAAs for Wind Energy development. Based on the recognition in

FW that WG has already modelled the likely impact on the landscape, I have found that the development could be accommodated within the landscape in an acceptable manner. Whilst the Residential Visual Amenity Assessment finds that there is no change that would lead to the residential areas becoming an unattractive place to live when judged objectively and in the public interest, the visual effects of the development would be locally significant and adverse. Thus, overall, I afford this harm moderate weight.

189. The moderate to significant adverse effects of the proposed development upon the setting of a Scheduled Monument could not be directly mitigated and, as such, offsetting / compensation measures are proposed. Such measures would not reduce the impact of the development on the setting of the historic asset, albeit I recognise that the development would be temporary and the impact reversible. I therefore afford this matter minor weight.
190. It has been demonstrated that noise impacts and shadow flicker could be effectively mitigated through the imposition of suitably worded planning conditions. I therefore find that the development would not cause any material harm to the living conditions of the occupiers of nearby residential properties by reason of noise impact or shadow flicker.
191. The development would not have an unacceptable adverse effect on any internationally designated sites, alone or cumulatively. Furthermore, subject to conditions, there would be no unacceptable adverse impacts on nationally designated sites for nature conservation, habitats or species. The proposed development would have no effect on the integrity or conservation status of any SINCs. Ecological protection, monitoring and enhancement measures would be provided through relevant planning conditions.
192. Similarly, the development would not give rise to any unacceptable traffic or highway safety issues subject to details being agreed and implemented through planning conditions.
193. Hence, I consider matters of noise impacts, shadow flicker, ecology and highway safety to be neutral in the planning balance.
194. Overall, I afford the benefits considerable weight in light of the clear support for such contributions in Policies 17 and 18 of FW which sets out Welsh Government's approach to promoting the increased production of renewable energy in a way that seeks to strike an appropriate balance with the protection of other relevant interests.
195. As FW is the most recently adopted part of the Development Plan containing the most directly relevant policy to renewable energy projects of national significance, and the harms I have identified are localised and represent relatively minor to moderate conflict with the LDP policies, I conclude that the proposal would comply with the Development Plan as a whole. There are no material planning considerations that indicate the application should be determined other than in accordance with the Development Plan.

Recommendations

196. That planning permission be granted for the development proposed, subject to the planning conditions set out at Annex A.
197. In reaching my recommendation, I have taken into account the requirements of sections 3 and 5 of the Well-Being of Future Generations (Wales) Act 2015. I consider that this recommendation is in accordance with the Act's sustainable development principle through its contribution towards embedding our response to the climate and nature emergency in everything we do.

Report DNS/3270299

Melissa Hall

Inspector

ANNEX A - Schedule of Recommended Conditions

1. The development shall begin not later than five years from the date of this decision.

Reason: To comply with the requirements of Section 91 of The Town and Country Planning Act 1990.

2. The development shall be carried out in accordance with the following approved plans and documents unless otherwise specified or required by Conditions 3-38 listed below:
 - Figure 1 – Site location, Drawing 42863-WOOD-XX-XX-FG-J-0047_S2_P01.1.
 - Figure 2 – Overall site layout, Drawing 42863-WOOD-XX-XX-FG-J-0036_S2_P01.1.
 - Figure 3 – Typical wind turbine, Drawing 42863-WOOD-XX-XX-FG-J-0037_S2_P01.1.
 - Figure 4 – Typical wind turbine foundation, Drawing 42863-WOOD-XX-XX-FG-J-0038_S2_P01.1.
 - Figure 5 – typical wind turbine crane hardstanding, Drawing 42863-WOOD-XX-XX-FG-J-0039_S2_P01.1.
 - Figure 6 – Typical internal site track cross section, Drawing 42863-WOOD-XX-XX-FG-J-0040_S2_P01.1.
 - Figure 7 – Typical cable trench details, Drawing 42863-WOOD-XX-XX-FG-J-0041_S2_P01.1.
 - Figure 8 – Typical switch room and substation compound, Drawing 42863-WOOD-XX-XX-FG-J-0042_S2_P01.1.
 - Figure 9 – Substation building elevations, Drawing 42863-WOOD-XX-XX-FG-J-0049_S2_P01.1.
 - Volumes 1- 4 Pennant Walters Mynydd Carn y Cefn Wind Farm Environmental Statement
 - Preliminary Ecological Appraisal, by Wood Group UK Limited, dated September 2022
 - Technical note: Mynydd Carn y Cefn (Ref. DNS/3270299) - Minerals Additional Information & High-Level Review, By WSP, 2023.
 - Further information response – MSA and site layout, Drawing 42863-WOOD-XX-XX-FG-J-0050_S2_P01.
 - Mynydd Carn y Cefn Windfarm - Geotechnical Site Investigation Review, By Integral Geotechnique, dated 23 February 2023.
 - Technical note: Mynydd Carn y Cefn Wind Farm – Construction Mitigation Monitoring strategy, by WSP, May 2023, Document Ref: 62280938 – CMMS – 20230509 – V3.
 - Pennant Walters Mynydd Carn y Cefn Wind Farm Geological Model: Assessment of Mining Related Constraints, by Wardell Armstrong, dated March 2023.
 - Further information response – Appendix 12a Annex B, comprising:
 - Swept Path Analysis Pinch Point 1, Drawing 4263-WOOD-XX-XX-DR-OT-0001_S0, Revision P01.
 - Swept Path Analysis Pinch Point 2, Drawing 4263-WOOD-XX-XX-DR-OT-0002_S0, Revision P01.
 - Swept Path Analysis Pinch Point 3, Drawing 4263-WOOD-XX-XX-DR-OT-0003_S0, Revision P01.
 - Swept Path Analysis Pinch Point 4, Drawing 4263-WOOD-XX-XX-DR-OT-0004_S0, Revision P01.
 - Swept Path Analysis Pinch Point 5, Drawing 4263-WOOD-XX-XX-DR-OT-0005_S0, Revision P01.
 - Swept Path Analysis Pinch Point 6, Drawing 4263-WOOD-XX-XX-DR-OT-0006_S0, Revision P01.

- Swept Path Analysis Pinch Point 7, Drawing 4263-WOOD-XX-XX-DR-OT-0007_S0, Revision P01.
 - Swept Path Analysis Pinch Point 8, Drawing 4263-WOOD-XX-XX-DR-OT-0008_S0, Revision P01.
 - Swept Path Analysis Pinch Point 9, Drawing 4263-WOOD-XX-XX-DR-OT-0009_S0, Revision P01.
 - Swept Path Analysis Pinch Point 10, Drawing 4263-WOOD-XX-XX-DR-OT-0010_S0, Revision P01.
 - Swept Path Analysis Pinch Point 11, Drawing 4263-WOOD-XX-XX-DR-OT-0011_S0, Revision P01.
 - Swept Path Analysis Pinch Point 12, Drawing 4263-WOOD-XX-XX-DR-OT-0012_S0, Revision P01.
- Appendix 8B: Bat Survey Report' by Wood Group UK Limited, dated January 2022
 - Appendix 8H: Outline Habitat Management Plan' by Wood Group UK Limited, dated September 2022

Reason: To clarify the scope of this permission.

3. This planning permission shall endure for a period of 30 years from the date when electricity is first exported from the wind turbines to the electricity grid ('First Export Date'). Written notification of the First Export Date shall be provided by the developer to the Local Planning Authority no later than 1 calendar month after that event.

Reason: This is a temporary development with a maximum duration of 30 years, in accordance with LDP Policy DM4.

4. All the wind turbines shall be of a three bladed configuration and not exceed an overall hub height of 105m and blade tip height of 180m. The turbines shall not display any prominent name logo, symbol, sign or advertisements on any external surface. The colour and finish of the turbines shall be submitted to and approved by the Local Planning Authority prior to their erection.

Reason: In the interests of visual amenity, in accordance with LDP Policy DM1.

5. Not later than 12 months prior to the end of this permission, as defined in Condition 3, a decommissioning and site restoration scheme, informed by a full ecological survey of the site, shall be submitted for the written approval of the Local Planning Authority.

The decommissioning and site restoration scheme shall make provision for, the removal of the wind turbines and associated above ground infrastructure approved under this permission and details of the depth to which the wind turbine foundations will be removed.

The survey report shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of decommissioning and then implemented as approved. The report shall include ecological mitigation measures, as appropriate, based on the ecological assessment findings to be followed during decommissioning and for a period of 5 years from the completion of the decommissioning and restoration.

The approved scheme shall be fully implemented within 12 months of the expiry of this planning permission, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that obsolete structures do not adversely affect the environment in the interests of the character and visual amenity of the area, in accordance with LDP Policies DM1 and DM4.

6. In the event that a wind turbine hereby permitted fails to produce electricity supplied to the grid for a continuous period of 12 months, a scheme shall be submitted to the Local Planning Authority for written approval within 3 months of the end of the 12-month period, for the repair or removal of the turbine. The scheme shall include, as relevant, a programme of remedial works where repairs to the turbine are required. Where removal is necessary the scheme shall include a programme for removal of the turbine and associated above ground works approved under this permission, details of the depth to which the wind turbine foundations will be removed and for site restoration measures following the removal of the relevant turbine. The scheme shall thereafter be implemented in accordance with the approved details and timetable.

Reason: In the interests of the character, appearance and visual amenity of the area, in accordance with LDP Policies DM1 and DM4.

7. No development, including vegetation clearance, shall commence until a micro-siting protocol has been submitted to and approved in writing by the Local Planning Authority. The protocol shall accord with the joint agency guidance on 'Bats and Onshore Wind Turbines – Survey, Assessment and Mitigation' (Nature Scot et al, August 2021) and in particular paragraph 7.1.2 thereof.

The protocol shall set out a methodology for deciding on micro-siting of all elements of the development hereby approved to minimise the impact of the development. The protocol shall provide for the detailed layout of all turbines, being located within 50m of the locations shown on the approved plans and the internal wind farm tracks and other infrastructure to be sited within 100m. Any turbine locations not in accordance with joint agency guidance requiring additional measures to safeguard bat populations to be agreed, submitted to and approved in writing by the local planning authority.

The specific location of the turbines, access track and associated infrastructure shall be submitted to and approved in writing by the Local Planning Authority prior to the erection of the first turbine. The details shall clarify the extent of the permanent/temporary land take and/or changes that would result in degradation and/or loss of habitat.

A plan showing the position of the turbines and tracks established on the site shall be submitted to the Local Planning Authority within one month of the First Export Date.

Reason: To ensure that an approved turbine micro-siting plan is implemented to protect bats affected by the development, in accordance with LDP Policies DM4 and DM14.

8. Notwithstanding the submitted plan (listed as Figure 2 of Condition 2) and Condition 7:

(i) Turbine 8 shall be micro-sited to a location which provides a minimum of 50m buffer between blade tip and the existing Abertillery to Rhymney SHF Microwave Link. The location shall be submitted to and agreed in writing by the LPA before any foundations of any turbine are laid/set.

(ii) Turbine 6's foundations shall not be micro-sited to a position less than 30m from the Cwm Preferred Area (as defined by the BGCBC LDP).

Reason: To ensure that the development does not affect existing telecommunications infrastructure and to protect the identified mineral safeguarding area, in accordance with LDP Policies DM4 and DM19.

9. Prior to the commencement of development a Construction Traffic Management Plan (CTMP) consistent with the ES Appendix 12B CTMP by Wood Group UK Ltd dated September 2022 shall be submitted to and approved in writing by the Local Planning Authority. The CTMP shall contain (but not limited to) the following information:

- (i) Introduction - background; number of turbines; scope of TMP;
- (ii) Context - relevant studies relating to TMP proposals; other proposed wind farm developments that may be using a similar access route(s) where information is available;
- (iii) Description of Route - Detailed description of the access route and any proposed route restrictions;
- (iv) General Construction Traffic - details of all non-abnormal loads forecast to travel to and from the site; route choice or different types of load throughout the construction programme; anticipated times of movement through traffic sensitive and/or residential areas; and
- (v) Public Awareness - proposals for consultation with and notification to the travelling public and local communities.

Reason: In the interests of the highway safety and free flow of traffic in accordance with LDP Policies DM1 and DM4.

10. Prior to the commencement of any deliveries to the site an Abnormal Load Transport Management Plan (ALTMP) to specifically deal with the delivery of the turbine components consistent with ES Appendix 12A Abnormal Indivisible Load (AIL) Access Study by Wood Group UK Ltd dated September 2022 shall be submitted to and approved in writing by the Local Planning Authority. The ALTMP shall contain (but not limited to) the following information:

- (i) Description of Route - Detailed description of the access route from the port of entry to the site, identifying road types and characteristics; information on other relevant, proposed developments such as other wind farms where this is readily available; plans showing the extent of the route;
- (ii) Convoy Size - number and sizes/details of loads; possible convoy composition including private and police escorts (to be agreed with the police);
- (iii) Traffic Management - to include methodology for moving convoys whilst minimising delay to other traffic; detailed design and location of holding/ overrun areas, including passing places and overnight/longer term layover areas; plans showing points where the police may need to hold other traffic to enable the convoys to pass, such as at junctions or bends; contingency plans in the event of incidents or emergencies;
- (iv) Delivery Times - estimated journey durations based on assumed convoy speeds, including timings for traffic sensitive locations, delays to negotiate constraints and assumed arrival/departure times at residential communities; forecast queues of other traffic in both directions along the route, based on background traffic flow data; consideration of turbine deliveries to other wind farms proposing to use similar routes;
- (v) Trial Runs - documented trial run information, mimicking the movement of the longest and widest anticipated loads, witnessed/observed by the relevant highway authorities and police and recorded with full video coverage; and
- (vi) Consultees for TMP - list to include all affected highway authorities and police forces.

Reason: In the interests of the highway safety and free flow of traffic, in accordance with LDP Policies DM1 and DM4.

11. No turbine components shall be delivered to site until:
- (i) An assessment of the capacity and impact on those structures identified by WG Transport as requiring assessment along the parts of the highway network which shall be utilised during the construction of the development including bridges, culverts, retaining walls, embankments; and
 - (ii) Details of any improvement works required to such structures as a result of construction of the development

have been submitted to and approved in writing by the Local Planning Authority. The required improvement works identified in the assessment shall be completed prior to the commencement of any Abnormal Indivisible Load (AIL) deliveries to the development site.

Reason: In the interests of the highway safety and free flow of traffic, in accordance with LDP Policies DM1 and DM4.

12. Condition surveys of all highway features along those parts of the highway network which shall be utilised during the construction of the development shall be undertaken prior to, during and on completion of the construction phase of the development. The survey reports shall be submitted to the Local Planning Authority for approval within 28 days of each corresponding survey being undertaken.

Reason: In the interests of the highway safety and free flow of traffic, in accordance with LDP Policies DM1 and DM4.

13. Prior to the first delivery of any turbine components to the site a scheme to provide for the remediation of any incidental damage directly attributable to the development to the parts of the highway network which will be utilised during the construction of the development including street furniture, structures, highway verge and carriageway surfaces shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved throughout the construction phase of the development and in accordance with a timetable that has first been agreed by the Local Planning Authority.

Reason: In the interests of the highway safety and free flow of traffic, in accordance with LDP Policies DM1 and DM4.

14. No development shall commence until a water quality monitoring plan for the protection of water quality in the watercourses has been submitted to and approved in writing by the Local Planning Authority. The water quality monitoring plan should include:
- (i) Details of the monitoring methods including any baseline monitoring prior to start of construction;
 - (ii) Timescales for construction;
 - (iii) Timescales for submission of monitoring and interpretative reports to the LPA during construction; and
 - (iv) Details of triggers for specific action and any necessary contingency actions, for example the need to stop work, introduction of drip trays, make use of spill kits and shut-off valves.

The water quality monitoring plan shall be carried out in accordance with the approved details during the site preparation and construction phases of the development.

Reason: To ensure necessary monitoring measures are approved prior to commencement of development and implemented to manage any potential adverse impacts of construction on water quality in watercourses, in accordance with LDP Policies DM1 and DM4.

15. Prior to the operation of the development, a long-term monitoring plan for water quality (watercourses and ground water within the site) shall be submitted and approved in writing by the Local Planning Authority. The long-term monitoring plan should include:
- (i) Details of the methods and triggers for action to be undertaken;
 - (ii) Timescales for the long-term monitoring and curtailment mechanisms (e.g. a scheme of monitoring for 3 years unless the monitoring reports indicate that subsequent monitoring is or is not required);
 - (iii) Timescales for submission of monitoring reports to the Local Planning Authority;
 - (iv) Details of any necessary contingency and remedial actions and timescales for actions;
 - (v) Details confirming that the contingency and remedial actions have been carried out.

The monitoring plan shall be carried out in accordance with the approved details and within the agreed timescales.

Reason: To ensure necessary monitoring measures are approved to manage any potential adverse impacts on water quality, in accordance with LDP Policy DM1.

16. Prior to the commencement of development details of the foul water drainage system for the site shall be submitted to and approved in writing by the Local Planning Authority. The drainage system shall be completed in accordance with the approved details prior to the first export date and shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.

Reason: In the interests of protecting the water quality, ecology, and amenity of the area, in accordance with LDP Policies DM1 and DM4.

17. No development shall take place until an updated habitat management and protection plan consistent with the Appendix 8H: Outline Habitat Management Plan by Wood Group UK Ltd., dated September 2022, has been submitted to and approved in writing by the Local Planning Authority. The management and protection plan shall include:
- (i) A plan showing wildlife and habitat protection zones;
 - (ii) Details of development and construction methods within wildlife and habitat protection zones and measures to be taken to minimise the impact of any works;
 - (iii) Details of phasing of construction;
 - (iv) Details of invertebrate monitoring, recording, and reporting to the Local Planning Authority;
 - (v) A programme of annual bracken reduction; and
 - (vi) Methods to control grazing pressures.

The habitat management and protection plan shall be implemented in accordance with the timings approved by the Local Planning Authority and maintained throughout the operational period of the development.

Reason: In the interests of the ecological value of the application site and wider area, in accordance with LDP Policies DM1, DM4 and DM14.

18. No development shall take place on site until an updated Construction Environmental Management Plan (CEMP) consistent with the CEMP by Wood Group UK Ltd, dated May 2023, has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include (but not be limited to) details of:

- (i) Hours of working;
- (ii) The parking of vehicles of site operatives and visitors;
- (iii) Wheel washing;
- (iv) Storage of plant and materials during construction;
- (v) The erection and maintenance of security hoarding;
- (vi) Site lighting;
- (vii) Material management including storage and management of soil, fuel oil and chemical storage, recycling and disposal of waste;
- (viii) Biodiversity protection, mitigation and enhancement measures;
- (ix) Timing and location of works relative to breeding and nesting birds; and
- (x) Details of Public Right of Way closure and signage.

The details and measures contained in the CEMP as approved by the Local Planning Authority shall be adhered to throughout the construction period.

Reason: To safeguard local amenity interests, in accordance with LDP Policy DM4.

19. Before any foundations of any turbine are laid/set, a detailed scheme for the post-construction monitoring of bats at all turbines shall be submitted to an approved in writing by the Local Planning Authority. The scheme shall build upon the principles set out in ES Chapter 8, Table 8.10 and accord with the joint agent guidance 'Bats and Onshore Wind Turbines- Survey, Assessment and Mitigation' (Nature Scot et al, August 2021). It shall include:

- (i) Methods for data gathering and analysis;
- (ii) Location of monitoring;
- (iii) Timing and duration of monitoring;
- (iv) Appropriate persons and equipment to carry out monitoring;
- (v) Timing and format for presenting and dissemination of monitoring results including submission to all data relevant databases;
- (vi) Remedial measures to reduce any impacts identified through monitoring including in respect of turbine curtailment; and
- (vii) Contingency prescriptions that will be carried out in the event of failure to undertake required surveillance.

The scheme shall be implemented in accordance with the approved details upon commencement of operation of one or more of the turbines.

Reason: To protect bats affected by the development area, in accordance with LDP Policies DM1, DM4 and DM14.

20. Before any foundations of any turbine are laid/set details of a turbine curtailment protocol shall be submitted to and approved in writing by the Local Planning Authority. The protocol shall build upon the outline proposals set out in ES Chapter 8, Table 8.10, and be informed by the joint agency guidance 'Bats and Onshore Wind Turbines- Survey, Assessment and Mitigation (Nature Scot et al, August 2021). It shall provide for the operation of any turbine to cease immediately in circumstances prescribed by the protocol and in any event whenever the monitoring carried out pursuant to Condition 19 shows activity levels at any turbine to be moderate or above to medium and high risk bat species, using the Ecobat methodology. When operation is re-commenced it shall accord with the approved turbine curtailment programme.

The protocol shall provide for turbine curtailment programme to include provision for ongoing monitoring of the effects of the programme on bat injuries, fatalities and activity at the site, and shall provide for the preparation of an adjusted curtailment programme to accord with the results recorded. Where monitoring shows that the impact on bats is unacceptable in the reasonable opinion of the local planning authority, operation shall cease immediately until the adjusted curtailment programme has been submitted to and approved in writing by the Local Planning Authority. Upon recommencement of operation of the turbine, the turbine operation shall comply with the adjusted curtailment programme as approved.

Reason: To protect bats affected by the development in accordance with LDP Policies DM1, DM4 and DM14.

21. The turbine blades on all turbines shall at all times be feathered to reduce rotation speeds to below 2 rpm while idling, in accordance with paragraph 7.1.3(a) of the joint agency guidance 'Bats and Onshore Wind Turbines – Survey, Assessment and Mitigation' (Nature Scot et al, August 2021).

Reason: To protect bats affected by the development, in accordance with LDP Policies DM1, DM4 and DM14.

22. No development, including site clearance, shall commence until all pre-construction bird surveys carried out in accordance with section 2.1 of the Construction Mitigation Monitoring Strategy by WSP, dated May 2023, have been submitted to and approved in writing by the Local Planning Authority. The results of the survey(s) together with proposed mitigation measures and a timescale of implementation shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the protection of species in accordance with LDP Policies DM1, DM4 and DM14.

23. During the construction and operation of the development hereby approved, the results of monitoring reports as set out in Section 2.2 of the Construction Mitigation Monitoring Strategy by WSP, dated May 2023, together with any mitigation including timetable for implementation shall be submitted to and approved in writing by the Local Planning Authority. Mitigation shall be carried out in accordance with the approved details and within agreed timescales.

Reason: To ensure the protection of species, in accordance with LDP Policies DM1, DM4 and DM14.

24. No development shall take place until a Phase 2 Geo Technical Site Investigation has been carried out in accordance with a methodology first submitted to and approved in writing by the Local Planning Authority and which shall include the geographical scope of the site investigation. The results of the site investigation shall be submitted to the local planning authority before any development begins. If any land instability issues are found during the site investigation, a report specifying the measures to be taken to

remediate the site to render it suitable for the development shall be submitted to and approved in writing by the Local Planning Authority. Remedial measures shall be carried out prior to the first beneficial use of the development in accordance with the approved details and retained in perpetuity.

Reason: In the interests of health and safety and to ensure the development does not cause or exacerbate any land stability issues on the site or wider area, in accordance with LDP Policy DM1.

25. If during the course of development, any unexpected land instability issues are found within the geographical scope of the site investigation which were not identified in the site investigation referred to in condition 23, additional 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 additional measures which shall be retained in perpetuity.

Reason: In the interests of the health and safety and to ensure the development does not cause or exacerbate any land stability issues on the site or wider area, in accordance with LDP Policy DM1.

26. No development, shall commence until the following components of a scheme to deal with the risks associated with contamination at the site, has been submitted to and approved in writing by the Local Planning Authority:

- (i) A site investigation scheme, based on the preliminary risk assessment/desk study to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- (ii) The results of the site investigation and the detailed risk assessment referred to in (i) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- (iii) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (ii) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The remediation strategy and its relevant components shall be carried out in accordance with the approved details.

Reason: To ensure the risks associated with contamination at the site have been fully considered prior to commencement of development and that necessary remediation measures and long-term monitoring are implemented to prevent unacceptable risks from contamination, in accordance with LDP Policy DM1.

27. Prior to the beneficial operation of the development a verification plan demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include a long-term monitoring and maintenance plan for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be carried out in accordance with the approved details.

Reason: To ensure the methods identified in the verification plan have been implemented and completed and the risk associated with the contamination at the site has been remediated prior to beneficial operation, in accordance with LDP Policy DM1.

28. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping. The submitted scheme shall include:
- (i) indications of all existing trees (including spread and species) and hedgerows on the land clearly identifying those to be lost or retained;
 - (ii) measures for the protection of retained trees or hedges throughout the course of development;
 - (iii) details of ground preparation, planting plans, number and details of species;
 - (iv) maintenance details for a minimum period of 5 years; and
 - (v) a phased timescale of implementation.

Reason: To ensure submission of an appropriate landscaping scheme in order to protect the character and appearance of the area, in accordance with LDP Policy DM2.

29. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first beneficial operation of the first turbine; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To ensure timely implementation of an appropriate landscaping scheme, in accordance with LDP Policy DM2.

30. No development shall take place until the applicant, or their agents or successors in title, has secured agreement for a written scheme of historic environment mitigation which has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the programme of work will be fully carried out in accordance with the requirements and standards of the written scheme.

Reason: To identify and record any features of archaeological interest discovered during the works and to mitigate the impact of the works on the archaeological resource, in accordance with LDP Policies DM4 and SP11.

31. Prior to the commencement of development, details of the compensation measures for St Illtyd's Mound as detailed in ES Appendix 7E, shall be submitted to, and approved in writing by the Local Planning Authority. The compensation measures shall be installed in accordance with the approved details, unless otherwise agreed in writing within one month of the first beneficial operation of the first turbine and shall be retained as such thereafter.

Reason: In the interest of protecting and promoting the archaeological resource, in accordance with LDP Policies DM4 and SP11.

32. Prior to the commencement of development, details of a mechanism and /or control module to reduce shadow flicker shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be operated in accordance with the approved details.

Reason: In the interests of residential amenity, in accordance with LDP Policies DM1 and DM4.

33. The rating level of noise imissions from the combined effects of the wind turbines (including the application of any tonal penalty) when determined in accordance with the [attached] Guidance Notes, shall not exceed the values for the relevant integer wind

speed set out in Appendix 1, at any dwelling which is lawfully existing or has planning permission at the date of this permission.

- (a) The wind farm operator shall continuously log power production, wind speed and wind direction, all in accordance with Guidance Note 1(d) of the LPA's LIR. 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 verified 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 imissions 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 imissions 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, whether noise giving rise to the complaint contains or is likely to contain a tonal component, 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 imissions. 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 table (Appendix 1) 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 Table 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 imissions 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 imissions 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 imissions.
- (g) Where a further assessment of the rating level of noise imissions 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.

Reason: In the interests of the amenity of the area, in accordance with LDP Policies DM1 and DM4.

- 34. Should the wind turbines be identified as operating above the parameters specified in Condition 33 and Appendix 1, the wind turbines will be modified, limited, or shut down as required to ensure compliance with this condition. These measures shall be applied until such time as maintenance or repair is undertaken sufficient to reduce the absolute noise level of the operating turbines to within the parameters specified.

Reason: In the interests of the amenity of the area, in accordance with LDP Policies DM1 and DM4.

- 35. Once the Local Planning Authority has received the independent consultant's noise assessment required by Condition 33(f), including all noise measurements and any audio recordings, where the Local Planning Authority is satisfied of an established breach of the noise limits set out in the Tables appended to Condition 33, upon notification by the Local Planning Authority in writing to the wind farm operator of the said breach the wind farm operator shall within 21 days propose a scheme of remediation for the written approval of the Local Planning Authority. The scheme shall be designed to mitigate the breach and to prevent its future recurrence and shall specify the timescales for implementation. The scheme shall be implemented as approved by and according to the timescales within it. The scheme as implemented shall be retained thereafter.

Reason: In the interests of the amenity of the area, in accordance with LDP Policies DM1 and DM4.

- 36. The turbine model shall not exceed the parameters hereby approved. In the event that the proposed turbines model for installation differs from the machine utilised in ES Chapter 13 Noise, a revised Noise Impact Assessment report shall be submitted, demonstrating that predicted noise levels indicate likely compliance with the noise condition levels stated in Appendix 1 prior to the erection of the first wind turbine. Should the revised assessment show that the limits stated in Appendix 1 be exceeded, a scheme of mitigation shall be submitted to and approved in writing by the Local Planning Authority, demonstrating how compliance with the limits stated in Appendix 1 will be achieved. The scheme of mitigation shall be implemented in full prior to the turbines being brought into beneficial use and shall be retained for the lifetime of the development.

Reason: In the interests of the amenity of the area, in accordance with LDP Policies DM1 and DM4.

37. No development shall take place until a scheme for the protection of PRow during the construction and operational periods, including safety signage and repair of damage caused during construction, has been submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall include for the timing of the measures to be implemented and the measures agreed as appropriate for the operational phase shall be maintained for the lifetime of the development.

Reason: In the interests of the protection of users of PRow, in accordance with LDP Policy DM4.

38. No turbines shall be erected until a scheme for the mitigation of impact of the wind turbines on the operation of Cardiff Airport primary surveillance radar (the "radar mitigation scheme") has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be operated fully in accordance with the approved radar mitigation scheme throughout the operational life of the development.

Reason: To ensure no unacceptable impacts on radar operations in accordance with FW Policy 18 (8).

Appendix 1: Noise limits

The following tables presents the recommended noise limits for the Mynydd Carn-y-Cefn Wind Farm in isolation at the noise sensitive receptor (NSR) locations as listed within Table 13.16 of the Environmental Statement (ES), Chapter 13. The levels have been based upon the identified ETSU-R-97 limits (Table 13.21 and 13.22 of the ES) minus the noise levels from all wind farms except Mynydd Carn-y-Cefn. The resultant level provides the headroom available for Mynydd Carn-y-Cefn.

Table 1 Daytime (07:00 – 23:00) Wind turbine noise limits (dB L_{A90,T}) for Mynydd Carn-Y-Cefn, derived in accordance with ETSU-R-97, per Standardised 10m Wind Speed (ms⁻¹)

NSR	Standardised 10m Wind Speed (ms ⁻¹)								
	4	5	6	7	8	9	10	11	12
R1	41.3	41.0	40.5	40.3	40.3	41.6	42.6	42.6	42.6
R2	41.4	41.2	40.9	40.7	40.7	41.9	42.9	42.9	42.9
R3	39.8	39.6	39.3	40.0	42.1	44.5	47.2	50.5	54.3
R4	39.8	39.6	39.2	39.9	42.0	44.4	47.2	50.5	54.3
R5	39.8	39.6	39.4	40.1	42.1	44.5	47.2	50.5	54.3
R6	39.8	39.6	39.4	40.1	42.1	44.5	47.2	50.5	54.3
R7	39.8	39.6	39.3	40.0	42.0	44.4	47.2	50.5	54.3
R8	39.6	39.4	39.0	39.3	41.3	43.8	46.8	50.3	54.2
R9	39.9	39.8	39.7	39.6	40.5	40.5	40.5	40.5	40.5
R10	39.9	39.8	39.6	39.5	40.4	40.4	40.4	40.4	40.4
R11	39.7	39.5	39.1	38.8	39.9	39.9	39.8	39.9	39.9
R12	39.9	39.7	39.6	39.4	40.4	40.4	40.4	40.4	40.4
R13	44.9	44.8	44.6	44.5	44.5	44.5	44.5	44.5	44.5
R14	39.7	39.5	39.1	39.0	40.0	40.0	40.0	40.0	40.0
R15	43.8	43.6	43.4	43.3	43.3	43.4	43.4	43.4	43.4
R16	43.8	43.6	43.4	43.3	43.3	43.4	43.4	43.4	43.4
R17	43.8	43.6	43.4	43.3	43.3	43.4	43.4	43.4	43.4
R18	43.7	43.4	43.0	42.7	42.7	42.9	42.8	42.8	42.8
R19	43.8	43.6	43.4	43.3	43.3	43.5	43.5	43.5	43.5
R20	43.8	43.7	43.6	43.5	43.5	43.7	43.7	43.7	43.7

Table 2 Night-time (23:00 – 07:00) Wind turbine noise limits (dB L_{A90,T}) for Mynydd Carn-Y-Cefn, derived in accordance with ETSU-R-97, per Standardised 10m Wind Speed (ms⁻¹)

NSR	Standardised 10m Wind Speed (ms ⁻¹)								
	4	5	6	7	8	9	10	11	12
R1	42.9	42.7	42.3	42.2	42.2	42.7	42.7	42.7	42.7
R2	42.9	42.8	42.6	42.5	42.4	42.9	42.9	42.9	42.9
R3	42.9	42.8	42.7	42.6	42.5	42.5	44.1	45.9	47.4
R4	42.9	42.8	42.6	42.5	42.5	42.4	44.1	45.9	47.4
R5	42.9	42.8	42.7	42.6	42.5	42.5	44.1	45.9	47.4
R6	42.9	42.8	42.7	42.6	42.5	42.5	44.1	46.0	47.4
R7	42.9	42.8	42.7	42.5	42.5	42.4	44.0	45.9	47.4
R8	42.8	42.7	42.5	42.2	41.8	41.4	43.2	45.4	47.0

R9	42.9	42.9	42.9	42.8	42.8	42.8	42.7	42.8	42.8
R10	42.9	42.9	42.8	42.7	42.7	42.7	42.7	42.7	42.7
R11	42.9	42.8	42.6	42.4	42.4	42.4	42.4	42.4	42.4
R12	42.9	42.9	42.8	42.7	42.7	42.7	42.7	42.7	42.7
R13	44.9	44.8	44.6	44.5	44.5	44.5	44.5	44.5	44.5
R14	42.9	42.8	42.6	42.5	42.5	42.5	42.5	42.5	42.5
R15	42.8	42.7	42.4	42.3	42.3	42.2	42.2	42.2	42.2
R16	42.9	42.7	42.4	42.3	42.3	42.3	42.2	42.2	42.2
R17	42.9	42.7	42.4	42.3	42.3	42.3	42.2	42.2	42.2
R18	42.8	42.4	41.8	41.6	41.6	41.5	41.5	41.5	41.5
R19	42.9	42.7	42.4	42.3	42.3	42.3	42.3	42.3	42.3
R20	42.9	42.8	42.7	42.6	42.6	42.6	42.6	42.6	42.6

BLAENAU GWENT COUNTY BOROUGH COUNCIL	
Report to	The Chair and Members of Planning, Regulatory and General Licensing
Report Subject	List of applications decided under delegated powers between 22nd February 2024 and 9th April 2024
Report Author	Business Support Officer
Report Date	10th April 2024
Directorate	Regeneration & Community Services
Date of meeting	23rd April 2024

1.0 Purpose of Report
1.1 To report decisions taken under delegated powers.
2.0 Scope of the Report
2.1 The attached list deals with the period 22 nd February 2024 and 9 th April 2024
3.0 Recommendation/s for Consideration
3.1 The report lists decisions that have already been made and is for information only.

Application No.	Address	Description	Valid Date Decision Date
C/2023/0126	PLOTS 1 & 2 MOUNTAIN VIEW CWM EBBW VALE	Proposed new detached building to form annex to house at plot 2 comprising of games room/gym to lower ground floor, garage and workshop to ground floor and 2 bedroom residential apartment to upper floor/attic. Amendments to permission C/2021/0100 to replace the approved garage with study at plot 2 and other external alterations.'	07/06/23 27/03/24 Refused
C/2023/0059	RHOS Y FEDWEN PRIMARY SCHOOL HONEYFIELD ROAD RASSAU EBBW VALE	Proposed 3G artificial pitch.	11/03/24 14/03/24 Approved
C/2024/0030	58 VALE TERRACE TREDEGAR	Application for a Lawful Development Certificate for proposed single storey rear extension.	02/02/24 13/03/24 Lawful Development Certificate Refused

C/2023/0130	LAND ADJOINING RIVER VIEW & HILL CREST, OFF VICARAGE ROAD DUKESTOWN TREDEGAR	Detached dormer bungalow and garage.	13/06/23 08/03/24 Approved
C/2024/0044	LAND OFF DUKESTOWN ROAD TREDEGAR	Application for Discharge of Condition 2 (details of footpath between the points x-y on the approved site plan) of planning permission C/2021/0016 (Construction of 1 no. 2 bedroom bungalow with associated works).	22/02/24 29/02/24 Condition Discharged
C/2024/0018	36 GLANYSTRUTH BLAINA	Proposed single storey rear extension to the North elevation.	19/01/24 14/03/24 Approved
C/2024/0017	PLAYGROUND & LAND ADJACENT TO CHARTIST WAY TREDEGAR	Discharge of Condition 12 (Full details/samples of all external facing & roofing materials & finishes of hard landscaping) of planning permission C/2022/0103 (Proposed new welsh medium primary school, incorporating a new drop-off area facility, staff parking, bus turning including a multi-use games areas, and relocation of the existing playground).	22/01/24 23/02/24 Condition Discharged

C/2024/0021	1 NANT-Y-CROFT RASSAU ROAD RASSAU EBBW VALE	Proposed front porch and rear roof canopy.	23/01/24 28/02/24 Approved
C/2024/0048	Land adjacent to KFC off Waun Y Pound Road Ebbw Vale	Signs associated with drive-thru coffee including fascia signs to building, totem signs, vehicle height restriction, menu boards, free standing direction boards, banners signs & Mesh banners.	27/02/24 05/04/24 Approved
C/2024/0050	FORMER QUARRY ADJACENT GRAIG HOUSE NANT Y CROFT RASSAU EBBW VALE	Application for Non-material amendment of planning permission C/2021/0366 (Submission of Reserved Matters for approval in relation to layout (47 no. units), appearance, scale, landscaping and associated works pursuant to outline planning permission C/2018/0205) for replacement of the pair of patio doors on each of 3 bed semi-detached properties, with a single larger aperture with sliding doors on plots 2,3, 11, 12, 13, 14, 31, 32, 40, 41, 45 and 46.	29/02/24 27/03/24 Approved
C/2024/0005	GREENFIELD COTTAGE FEEDER BANK DUKESTOWN TREDEGAR	Proposed second storey rear extension and balcony.	20/02/24 21/03/24 Approved

C/2023/0113	BRYNDERWEN QUEENS SQUARE EBBW VALE	New vehicular access, gate, and off-street parking. Changes to the existing stone boundary wall to accommodate visibility splays.	22/05/23 06/03/24 Approved
C/2023/0230	LAMB HOUSE INKERMAN ROW BLAINA	Formation of new pedestrian entrance onto Highway, and formation of new external doorway and ramp access.	31/10/23 22/02/24 Approved
C/2023/0135	3 - 5 SPENCER STREET EBBW VALE	Change of use of existing A2 use to A1 shop at ground floor (with associated storage to basement and external roller shutter) with flat to first floor, canopy and external alterations.	20/06/23 15/03/24 Approved
C/2024/0007	8 BRECON HEIGHTS VICTORIA EBBW VALE	Removal of existing conservatory and construction of double storey extension to rear.	26/02/24 26/02/24 Approved
C/2023/0236	58 PENNANT STREET EBBW VALE	Proposed first floor rear house extension, provision of car port and proposed balcony with privacy screen.	13/11/23 11/03/24 Refused

C/2024/0016	BEDWELLY PARK BOWLS CLUB, 1-2 LOWER SALISBURY STREET TREDEGAR	Installation of photovoltaic panels to roof of clubhouse.	18/01/24 28/02/24 Approved
C/2024/0019	UNIT 28 TAFARNAUBACH INDUSTRIAL ESTATE TAFARNAUBACH TREDEGAR	Proposed two storey office extension to the side elevation.	22/01/24 27/03/24 Approved
C/2023/0210	LAND REAR OF 151 KING STREET BRYNMAWR	Construction of detached garage and fence panels.	05/10/23 28/02/24 Withdrawn
C/2024/0033	UNIT 3 AND 4 KING STREET RETAIL PARK BRYNMAWR	Retention of decking and balustrade constructed outside the front of the restaurant for customers to use.	07/02/24 18/03/24 Approved

C/2023/0248	LAND OFF DUKESTOWN ROAD TREDEGAR	Application for discharge of conditions 3 (Facing & roofing materials) and 6 (Aboricultural Impact Assessment & Aboricultural Method Statement) of planning permission C/2021/0016 (Construction of 1no. 2 bedroom bungalow with associated works).	29/11/23 27/02/24 Condition Discharged
C/2024/0024	ST MARYS RC CHURCH CATHOLIC ROAD BRYNMAWR	Application for prior notification of proposed demolition of boiler room annexe.	24/01/24 22/02/24 Prior Approval Required
C/2024/0025	6 GWASTAD FARM CWMTILLERY ABERTILLERY	Change of use of hobby room/granny annexe to holiday let.	26/01/24 21/03/24 Approved
C/2023/0087	CELTIC ROSE COMMERCIAL ROAD LLANHILLETH ABERTILLERY	9 New dwellings and access road.	01/08/23 20/03/24 Approved
C/2024/0028	4 KEIR HARDIE TERRACE SWFFRYD ABERTILLERY	To create off street parking hard stand.	29/01/24 13/03/24 Approved

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By virtue of paragraph(s) 12 of Part 1 of Schedule 12A of the Local Government Act 1972.

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