

T: 01495 356139 Ext./Est: 6139

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

Contact:/Cysylltwch â: Gwasanaethau Democraidaidd



THIS IS A MEETING WHICH THE PUBLIC ARE ENTITLED TO ATTEND

Dydd Gwener, 9 Ebrill 2021 Dydd Gwener, 9 Ebrill 2021

Dear Sir/Madam

PWLLGOR CYNLLUNIO, RHEOLEIDDIO A THRWDDEDU

A meeting of the Pwllgor Cynllunio, Rheoleiddio a Thrwyddedu will be held in Siambr y Cyngor, Canolfan Ddinesig on Dydd Iau, 15fed Ebrill, 2021 at 2.00 pm.

Yours faithfully

Michelle Morris
Managing Director

AGENDA

Pages

1. CYFIEITHU AR Y PRYD

Mae croeso i chi ddefnyddio'r Gymraeg yn y cyfarfod, mae angen o leiaf 3 diwrnod gwaith o hysbysiad ymlaen llaw os dymunwch wneud hynny. Darperir gwasanaeth cyfieithu ar y pryd os gwneir cais.

2. YMDDIHEURIADAU

We welcome correspondence in the medium of Welsh or English. / Croesawn ohebiaith trwy gyfrwng y Gymraeg neu'r Saesneg.

Derbyn ymddiheuriadau.

3. DATGANIADAU BUDDIANT A GODDEFEBAU

Ystyried unrhyw ddatganiadau buddiant a goddefebau a wnaed.

4. ADRODDIAD CEISIADAU CYNLLUNIO 5 - 42

Ystyried adroddiad y Rheolwr Tîm Rheoli Datblygu.

5. MAES Y DDERWEN, STRYD CHARLES , TREDEGAR 43 - 52

Ystyried adroddiad y Rheolwr Gwasanaeth Datblygu a Stadau.

6. APELIADAU, YMGYNGHORIADAU A DIWEDDARIAD DNS EBRILL 2021 53 - 54

Ystyried adroddiad y Rheolwr Gwasanaeth Datblygu a Stadau.

7. DIWEDDARIAD APÊL CYNLLUNIO: 51 TYNEWYDD NANTYBWCH TREDEGAR CYF: C/2020/0202 55 - 58

Ystyried adroddiad y Swyddog Cynllunio.

8. RHESTR CEISIADAU A BENDERFYNWYD DAN BWERAU DIRPRWYEDIG RHWNG 19 CHWEFROR 2021 A 19 MAWRTH 2021 59 - 64

Ystyried adroddiad Uwch Swyddog Cymorth Busnes.

EITEM EITHRIEDIG

Derbyn ac ystyried yr adroddiad dilynol sydd ym marn y swyddog priodol yn eitem(au) eithriedig gan roi ystyriaeth i'r prawf budd cyhoeddus ac y dylai'r wasg a'r cyhoedd gael eu heithrio o'r cyfarfod (mae'r rheswm dros y penderfyniad am yr eithriad ar gael ar restr a gedwir gan y swyddog priodol).

9. ACHOSION GORFODAETH A GAFODD EU CAU RHWNG 24 CHWEFROR 2021 I 26 MAWRTH 2021 65 - 70

Ystyried adroddiad y Rheolwr Gwasanaeth Datblygu.

To: D. Hancock (Cadeirydd)

W. Hodgins (Is-gadeirydd)

D. Bevan

G. L. Davies

M. Day

J. Hill

C. Meredith

K. Pritchard

K. Rowson

T. Smith

B. Thomas

G. Thomas

D. Wilkshire

B. Willis

L. Winnett

All other Members (for information)

Manager Director

Chief Officers

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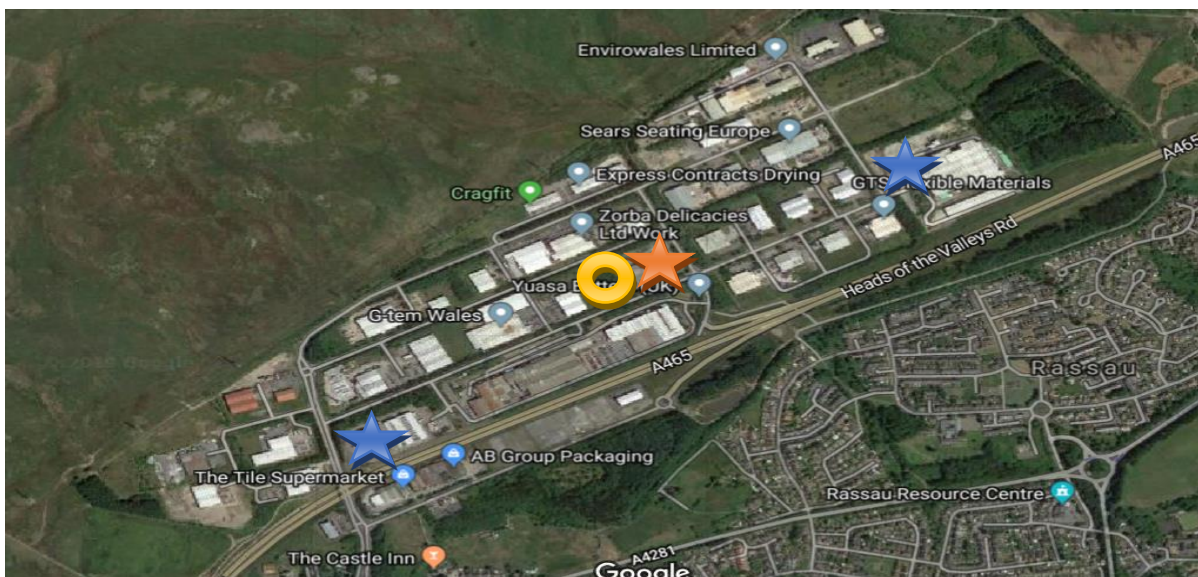
BLAENAU GWENT COUNTY BOROUGH COUNCIL	
Report to	The Chair and Members of Planning, Regulatory and General Licensing
Report Subject	Planning Applications Report
Report Author	Team Manager Development Management
Report Date	29th March 2021
Directorate	Regeneration & Community Services
Date of meeting	15th April 2021

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 Address No.
C/2020/0301 Unit 19, Rassau Ind Est, Rassau, Ebbw Vale
3. Recommendation/s for Consideration
Please refer to individual reports

Planning Report

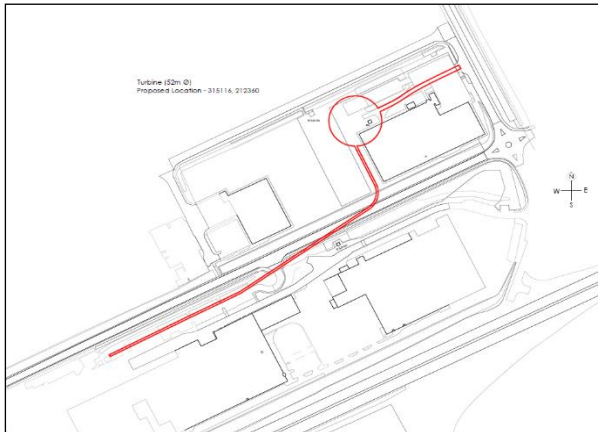
Application No: C/2020/0301	App Type: Full
Applicant: Infinite Renewable Group Ltd C/o Barton Willmore Studio 117 Unit 8a Cardiff CF10 1AF	Agent: Barton Willmore Mr Joe Ayoubkhani Studio 117 Unit 8a Cardiff CF10 1AF
Site Address: Unit 19 Rassau Industrial Estate, Rassau, Ebbw Vale, NP23 5SD	
Development: Erection of 1 wind turbine and associated infrastructure	
Case Officer: Steph Hopkins	



Blue stars = existing turbines

Yellow circle = Extant planning permission for single turbine: not constructed (Unit 18)

Orange Star = Unit 19: Proposed turbine being considered as part of this application



1.0	Background, Development and Site Context
1.1	Members may be aware that in 2019 an application for the erection of a single wind turbine at Unit 18 (yellow circle on image above) was approved at Planning Committee.
1.2	Since the granting of this permission, a further planning permission has been granted for the erection of a Synchronous Condenser plant on the same site and is currently well under construction. Case law has held that overlapping consents are unable to both be implemented. As such the permission for the wind turbine at Unit 18 is not capable of being implemented alongside the permission for the Synchronous Condenser. There is also insufficient space to accommodate both developments.
1.3	The developer is now applying for planning permission for a single wind turbine at Unit 19, Rassau Industrial Estate. The cabling route is proposed to run from the turbine, transverse the highway below and connect to an existing substation within the site of Yuassa Battery UK (Ltd) (see image above showing red line boundary).
1.4	The application site is located within the yard area of Unit 19. The wider plot is bounded at the northern, western and southern boundaries by vegetation. The area where the access track, turbine and associated infrastructure is located comprises of a level hardstand.
1.5	The application site lies in the middle of Rassau Industrial Estate. Beyond the units to the north/north west lies open countryside which forms a buffer between the built up area and the boundary of Brecon Beacons National Park (approx. 800m away). The residential area of Rassau is located beyond to the south, southeast and southwest at a distance of approximately 400m away (to the nearest property) at a lower level than the estate and is separated by the recently realigned A465 and a tree belt. To the east of the

	<p>industrial estate at approximately 1 km away is the settlement of Garnlydan which is on a similar elevation to the proposed turbine.</p>
<p>1.6</p>	<p>Two wind turbines 74m and 77m in height already exist on the estate approximately 550 metres to the south-west and 650m to the north-east respectively (positions marked as blue stars on map above). To the north of the industrial estate lies a line of high voltage electricity pylons running east-west that form a visual backdrop to the estate and the Heads of the Valleys corridor.</p>
<p>1.7</p>	<p>The LDP indicates the site is located within the settlement boundary and also within the employment protection area EMP2.2 Rassau Industrial Estate. The industrial estate also forms part of the wider Ebbw Vale Enterprise Zone, designated by the Welsh Government to provide optimum conditions for future growth in the manufacturing sector.</p>
<p>1.8</p>	<p>The proposed turbine has a three bladed horizontal axis, with a blade tip height of 80m, hub height 54m, rotor diameter of 52m and a rated capacity of upto 900kw. The turbine would comprise a tubular steel tower with fibreglass rotor blades. The Planning Statement confirms that the turbine would be subject to two or more regular maintenance visits per year. The proposed dimensions are the same as those previously approved at Unit 18.</p>
<p>1.9</p>	<p>The proposal includes a small building to house a transformer, associated switchgear and electrical protection equipment, no details have been submitted at this stage. This would be located close to the base of the turbine tower and connected to the grid connection point via underground cabling.</p>
<p>1.10</p>	<p>The proposed turbine will supply power directly to the nearby Yuassa Battery (UK) Ltd manufacturing facility. The agent has confirmed that the turbine will generate approximately 1993MWh of electricity per annum contributing directly towards the Government's regional and national targets of energy supply from sustainable energy sources.</p>
<p>1.11</p>	<p>The Transport Management Plan confirms that access to the site will be via the Heads of the Valleys (A465) Trunk Road and the main access road into the Rassau Industrial Estate. Some of the turbine components would be classified as Abnormal Loads in terms of their size and weight. Delivery of turbine components will follow the necessary procedures for abnormal loads, for example a police escort and the timing of deliveries where applicable. No new access road is required within Unit 19.</p>

1.12	The application is accompanied by a Planning Statement, a Landscape and Visual Impact Assessment, a Noise Study, a Shadow Flicker Appraisal, Ecological Assessments, Drainage Strategy and a Traffic Management Plan.		
1.13	Environmental Impact Assessment The application has been screened and EIA is not required.		
2.	Site History		
	Ref No	Details	Decision
2.1	C/2002/0128	Car park, fencing access & additional doors	Approved 05/06/02
2.2	C/2015/0372	Change of use from B1/B2/B8 to a sui generis use - recovery and recycling of tyres and provision of dust extraction and filtering system with associated 10m stack	Refused 11/04/16
3. Consultation and Other Relevant Information			
3.1	<u>Internal BG Responses</u>		
3.2	<u>Team Leader Building Control:</u> Not required.		
3.3	<u>Service Manager Infrastructure:</u> Highways: The delivery of large turbine components has previously been successfully undertaken at Rassau Industrial Estate. The type of vehicle movements associated with this application are very similar to those already transported to the industrial estate and therefore a trial run is not required. The Transport Management Plan (TMP) complies with Welsh Government Guidance. The proposal complies with Policy DM1 (3a). No objections subject to conditions.		
3.4	Drainage: No objections in relation to surface water drainage.		
3.5	Ground Stability: Recommend that a site investigation be undertaken to ascertain the ground conditions of the site to ensure they are suitable for the proposed development.		
3.6	Landscape:		

	<p>The LVIA provides an accurate, robust assessment of the potential impacts of the proposal to which there are no objection in principle although the following observations should be a condition of planning:</p> <ol style="list-style-type: none">1. That the surrounding vegetation is maintained for its environmental benefits and local screen value.2. Where the service corridor impacts on the boundary vegetation, details should be provided to demonstrate that any vegetation loss is minimised and that any loss is mitigated for with replacement native species woodland planting.
3.7	<p>Ecology: Mitigation, compensation and enhancement measures are to be conditioned in respect of bats and birds. Advisory note also required regarding protection of wild birds and their nests and bats. In addition, a Habitat Management Plan is also required which includes biodiversity enhancements and a Construction Environment Management Plan (CEMP) which includes provision of a bio-diversity walk-over of the site.</p>
3.8	<p><u>Service Manager Public Protection:</u> Noise levels are within approved guidance levels. The assessment also covered the nearest noise sensitive residential property. A noise survey has also been carried out in relation to any impact on the adjacent industrial units. This also concluded that noise levels would be within approved guidelines. Accordingly, there is no objection with regards to noise however conditions are proposed to ensure noise levels are controlled. There is no objection in terms of shadow flicker however a condition is suggested to ensure any complaints regarding shadow flicker are assessed and mitigated for if necessary.</p>
3.9	<p><u>External Consultation Responses</u></p>
3.10	<p><u>Brecon Beacons National Park Authority (BBNPA):</u> Raise significant concern regarding the cumulative impact upon the special qualities of the BBNP.</p>
3.11	<p><u>Natural Resources Wales:</u> NRW advise that, whilst there would be some adverse effects of moderate significance on viewpoints within the BBNP and some adverse cumulative impacts, these effects would not have a significant adverse effect on the</p>

	<p>landscape character or visual amenity of the BBNP or have a significant adverse effect on the natural beauty or special qualities of the park. They advise that a condition be imposed to any subsequent approval to control the final finish colour of the turbine to ensure no significant adverse impacts on the natural beauty and special qualities of the BBNP.</p> <p>The information submitted in relation to impacts on bats is sufficient. Conditions are required to ensure that bat mitigation measures are adhered to and that post-construction monitoring and protection of bats is undertaken.</p>
3.12	<p><u>WG Department for Economy and Infrastructure:</u> Issued a <u>direction</u> that a condition must be applied to any approval which requires an updated Construction Traffic Management Plan to be submitted prior to transportation of any AIL components. The document must include details of AIL travelling vehicle weights/dimensions; definitive route; holding areas, passing areas and layovers; escort proposals and evidence that hauliers have surveyed key junctions.</p>
3.13	<p><u>Welsh Water:</u> The proposed site is crossed by a public sewer.</p>
3.14	<p><u>Coal Authority:</u> The application site does not fall within the defined Development High Risk Area.</p>
3.15	<p><u>Western Power:</u> Indicate position of apparatus.</p>
3.16	<p><u>W&W Utilities:</u> Indicate position of apparatus.</p>
3.17	<p><u>CADW:</u> No objections. The modern landscape has changed significantly in recent years since the construction of the industrial estate comprising large buildings including two turbines. These changes have already had a very large adverse impact on the setting of scheduled monument Twyn Bryn March Round Cairn (MM344) and the addition of another wind turbine of a similar size to the existing turbines will have a very low additional impact.</p>
3.18	<p><u>GGAT:</u> It is unlikely that archaeological remains of significance would be encountered during the development and accordingly no mitigation is recommended. No objection.</p>

3.19	<u>JRC (Joint Radio Company) Windfarms:</u> No response received.
3.20	<u>Defence Infrastructure Organisation:</u> No objection subject to the installation of accredited aviation safety lighting.
3.21	<u>NATS Safeguarding (aircraft safety):</u> The proposed development has been examined from a technical safeguarding aspect and does not conflict with safeguarding criteria.
3.22	<u>GTech Surveys Ltd (television signal):</u> No response received.
3.23	<u>Public Consultation:</u> <ul style="list-style-type: none">• 12 letters to nearby industrial units• 16 site notices (72 Queensway, Garnlydan; Bus Stop at shops Queensway, Garnlydan; Bus Stop opposite 53 Prince Phillip Avenue; opposite entrance to Rowan Way, Rassau; mid-way through Rowan Way, Stonebridge Road junction, junction at Honeyfiled Road; green amenity area at Maple Way, Rassau; Premier Shop, near Rhondda Close, Nanty Melyn and Phillips Close Rassau; near junction to Pen y Bryn, Rassau; opposite Community Centre, Rassau; Castle Public House, Nantycroft, Rassau; Beaufort Wells; and around the application site.• press notice• website public register of applications• ward members by letter• all members via weekly list of applications received• other
3.24	<u>Response:</u> One objection email was received from a Rassau resident on the basis the turbine would be directly behind her house and she has concerns regarding noise.
3.25	A letter was also received from the neighbouring unit who are in the process of constructing the synchronous condenser and raised a number of concerns which can be summarised as follows: <ul style="list-style-type: none">• Procedural matters with the redline plan. These have now been addressed.

<p>3.26</p>	<ul style="list-style-type: none"> • Concerns that the cabling route may impact on landscape/ecology if trees/landscape features are removed. • Concerns whether the bat mitigation strategy is acceptable. • Health & Safety concerns regarding the proximity of the turbine to the synchronous condenser. These include toppling of the turbine, ice throw from the blades hitting the plant that would have a catastrophic impact given the high voltage transformers operating on site; concerns that the synchronous condenser operates a Hot Zone earthing methodology which may impact on the control systems used in the turbine and subsequent issues with touch voltages. • Concerns that the foundations will be adequate for the turbine. • The author confirmed that whilst they are supportive of renewable energy they believe the proposed turbine is an unacceptable location for the above reasons. <p>The health and safety concerns raised were very technical and specific to the two types of development involved and I do not have the expertise to assess the risk of those issues raised. Accordingly, additional information was requested from the agent which was sent on to the company developing the synchronous condenser. On receipt of the additional information and the assurance that conditions would be imposed to control ice throw and the foundation design of the turbine, the representative of the company confirmed he was satisfied that his concerns were addressed and that there were other regulatory bodies that would ensure the safety concerns he raised would be managed. He also confirmed he was satisfied the ecological issues raised would be satisfactorily addressed by the Local Planning Authority.</p>
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4. Planning Policy

<p>4.1</p>	<p><u>Team Manager Development Plans:</u> Broadly support the proposal subject to the following being addressed:</p> <ul style="list-style-type: none"> - Acceptability of the Landscape and Visual Impact Assessment/Noise Report/Shadow Flicker Appraisal/ Preliminary Ecology Appraisal/Traffic Management Plan/Drainage Strategy - Impact on Users of Rights of Way - Impact on the setting of Scheduled Ancient Monuments - Potential effects of the development on aviation and telecommunications - Proposed lifespan of the turbine
<p>4.2</p>	<p><u>LDP Policies:</u> SP6 Accessibility</p>

	<p>SP7 Climate Change SP8 Sustainable Economic Growth SP10 Protection and Enhancement of the Natural Environment SP11 Protection and Enhancement of the Historic Environment DM1 New Development DM3 Infrastructure Provision DM4 Low and Zero Carbon Energy DM10 Use Class Restrictions – Employment DM14 Biodiversity Protection and Enhancement SB1 Settlement Boundaries EMP2 Employment Protection Areas</p>
4.3	<p><u>FW, PPW & TANs:</u></p> <ul style="list-style-type: none"> - Future Wales – the National Plan 2040 (February 2021) - Planning Policy Wales (PPW) Edition 11, Chapter 5 (Feb 2021) - Planning Implications of Renewable and Low Carbon Energy (February 2011)
4.4	<p><u>Supplementary Planning Guidance:</u></p> <ul style="list-style-type: none"> - Heads of the Valleys – Smaller Scale Wind Turbine Development – Landscape Sensitivity and Capacity Study (June 2015) - Planning Guidance for Smaller Scale Wind Turbine Development – Landscape and Visual Impact Assessment Requirements (Sept 2015)
5.0	Planning Assessment
5.1	<p>Principle of the development/policy context</p> <p>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. The publication of this Plan also resulted in the cancellation of Technical Advice Note (TAN) 8: Planning for Renewable Energy.</p>
5.2	<p>Generating renewable energy is a key part of Welsh Governments commitment to decarbonisation and tackling the causes of climate change. The Plan sets the following ambitious targets for the generation of renewable energy:</p> <ul style="list-style-type: none"> • For 70 per cent of electricity consumption to be generated from renewable energy by 2030. • For one gigawatt of renewable energy capacity to be locally owned by 2030. • For new renewable energy projects to have at least an element of local ownership by 2020.

5.3	<p>The Plan identifies two categories of energy development with large scale development classed as Development of National Significance (which are determined by the Welsh Ministers) and proposals below this being the second category and being determined by local planning authorities. This application is 0.9 MW and therefore not large scale.</p>
5.4	<p>Policy 18 of Future Wales identifies 'Pre-Assessed Areas for Wind Energy' where the Welsh Government have already modelled the likely impact on the landscape and has found them to be capable of accommodating development in an acceptable way. There is a presumption in favour of large-scale wind energy development (including repowering) in these areas. Whilst Blaenau Gwent does have a Pre-Assessed Area, this is located in the south of the Borough and is therefore not relevant to this application.</p>
5.5	<p>Policy 17 – Renewable and Low Carbon Energy and Associated Infrastructure of this document states that the Welsh Government strongly supports the principle of developing renewable and low carbon energy from all technologies and at all scales to meet our future energy needs. In determining planning applications for renewable and low carbon energy development, decision-makers must <u>give significant weight to the need to meet Wales' international commitments and our target to generate 70% of consumed electricity by renewable means by 2030 in order to combat the climate emergency.</u></p>
5.6	<p>Planning Policy Wales Edition 11, Chapter 5 deals with renewable energy. The Welsh Government has identified targets for the generation of renewable energy and states that the planning system has an active role to help ensure the delivery of these targets in terms of new renewable energy generating capacity. To assist in the achievements of energy and decarbonisation targets, local and regional authorities must take an active, leadership approach at the local or regional level, by setting out their vision for decarbonisation and energy for their areas. Using Local Area Energy Planning or other development plan evidence, local authorities should identify challenging, but achievable targets for renewable energy in local/regional plans.</p>
5.7	<p>The current Renewable Energy Assessment for Blaenau Gwent assessed the capacity of potential renewable electricity in Blaenau Gwent. The study identified that in terms of electricity, Blaenau Gwent's projected demand for electricity by 2020 was 284 Gwh/yr. The current position (Jan 2021) identifies that there is 52.84Gwh/yr of installed capacity which is 18.6% of Blaenau Gwent's projected demand. PPW identifies that the target for Wales is to</p>

	<p>generate 70% of its electricity from renewable energy by 2030, <u>therefore there is a local authority wide need for this energy</u>. The application involves the erection of one wind turbine with the potential to generate 0.9 MW of energy on Rassau Industrial Estate.</p>
5.8	<p>The local policy context for the development is set out in the Blaenau Gwent LDP. Policy SP7 seeks to address the causes of climate change through encouraging more of the County Borough's electricity to be generated by renewable and low/zero carbon technologies.</p>
5.9	<p>Accordingly, there is no policy objection to the principle of the development, which would contribute towards meeting local and national targets of energy generation from onshore wind.</p>
5.10	<p>Principle of the development on a Primary Employment Site</p>
5.11	<p>Rassau Industrial Estate is identified as a Primary Employment site which means development will only be permitted if it is: within use class B1, B2, B8; an appropriate Sui Generis uses; or provides an appropriate ancillary or service to the existing employment use.</p>
5.12	<p>What is key in this case is whether the wind turbine can be considered an appropriate ancillary use or service to the existing employment use. This issue is addressed in the submitted Planning Statement where it states that the proposed turbine will supply power directly to the nearby Yuassa Battery (UK) Ltd manufacturing facility. I accept that this is considered to be an appropriate ancillary service to the existing employment use, Planning Policy share this view.</p>
5.13	<p>Landscape and visual impact</p>
5.14	<p>Wind turbines are tall structures that will inevitably have an impact on the landscape and on views. The landscape and visual effects of wind turbines has the potential to be far reaching. It is therefore imperative that the landscape and visual effects of the development are assessed in a robust manner to ensure that the nature and significance of the impacts are identified, considered and, where appropriate, mitigation measures proposed. The planning application includes a Landscape and Visual Impact Assessment (LVIA).</p>
5.15	<p>The proposed development site falls within the Heads of the Valleys area covered by the adopted Supplementary Planning Guide (SPG) 'Heads of the Valleys Smaller Scale Wind Turbine Development – Landscape Sensitivity and Capacity Study, April 2015' (HOV Study). As the proposed turbine is not</p>

	located in a pre-assessed area as defined by Future Wales, this SPG is of relevance in determining this application.
5.16	The study identifies that the proposed development is considered large scale, being 80m or more in height and comprising just one wind turbine.
5.17	The Study is divided into various units and the associated impacts arising from wind turbines within each unit is assessed. The study identifies that this is a large to medium scale landscape which is dominated by development. It acknowledges that there are a large number of residential receptors within the unit and that there is some intervisibility with the southern edge of the BBNP. The study concludes that this landscape unit has a medium to high sensitivity to medium scale development due to the medium scale landscape with a high level of enclosure.
5.18	<p>The landscape objective within Landscape Unit 19 is 'to maintain landscape character' and the study sets out a number of objectives in relation to the siting of proposals. The study considers that new wind turbine development within this unit should:</p> <ul style="list-style-type: none">• Consider the effects of development on views to and from the BBNP;• Maintain the integrity of Tredegar Conservation Area;• Protect the settings of designated and other important cultural heritage features and the key views to and from these features;• Avoid cumulative effects with other large scale infrastructure;• Avoid the loss of trees and woodland in this area which overall has limited tree cover; and• Consider woodland and tree planting mitigation for smaller scale development where appropriate.
5.19	Whether or not the development can meet the above objectives of the Heads of the Valleys study is a key consideration in assessing the landscape and visual impact of the proposed development.
5.20	<p><i>Impact on wider landscapes and landscapes of national/international importance:</i></p> <p>The submitted LVIA considers the potential visual effects of the development upon the National Park which is the only designated site likely to be affected by the development. The National Park (approx. 800m away) designation affords the area the highest status of protection in landscape terms and the LPA must have due regard to the statutory purpose to conserve the natural beauty, wildlife and cultural heritage of the area.</p>

5.21	The LVIA concludes that the special qualities of the National Park would not be affected by the development. I do not agree with this conclusion.
5.22	I have also considered the objection received from BBNP Authority.
5.23	The National Park has sweeping, extensive views in all directions. Given the close proximity to the Park boundary from this location the turbine will be visible, increasing the number of industrial features in a number of views south of the Park which will inevitably have some effect on this special quality.
5.24	However, it will be seen between the existing turbines at Rassau Industrial Estate and the transmission pylons that run east-west along the Heads of the Valleys. As the proposed turbine would sit between the two existing turbines (albeit slightly taller) it represents an infill rather than an extension of the already industrialised character of the landscape in this location which would be likely to have a more significant visual effect on the landscape of the character of the National Park.
5.25	In my opinion within broader panorama of the National Park the proposal is considered to represent a minor component and the magnitude of change is considered low. This gives rise to an effect of moderate adverse significance, which is considered acceptable and will not materially affect people's enjoyment of the BBNP. Overall it is considered that the proposal can be integrated without significant harm to the setting of, or views into and out of, the BBNP.
5.26	NRW consider that there would be some adverse effects of moderate significance on receptors within the National Park, however the effects are not considered to so significant to make the proposal unacceptable.
5.27	On balance the proposed turbine is not considered to have such a significant adverse impact on the nationally significant landscape of the BBNP to warrant refusal of planning permission.
5.28	<i>Local landscape and visual impact assessment.</i>
5.29	The application site is located within the settlement boundary and within the boundary of an existing industrial estate that lies on the edge of the open countryside.
5.30	The development will be clearly visible from numerous receptors, including the sensitive receptor of the Brecon Beacons National Park to the north (addressed above). However, locally the development will be viewed in the

	<p>context of an industrial land setting in between two existing turbines of a similar height and whilst adding to the local character setting, is not considered to be of significant magnitude in terms of landscape impact in itself.</p>
5.31	<p>The submitted LVIA/addendum concludes that the significant visual effects of the development will be highly localised as a consequence of local topography and above ground features (built form/trees). The turbine will be seen within the context of the existing turbines on the industrial estate and will appear as a natural addition to the existing group and not a new alien component into these views. Accordingly, the LVIA states that the proposal is not considered to represent an effect so great as to significantly harm the qualities or amenities of these views. In summary it states that overall, the proposal is located in an urban landscape context and can be integrated without adversely affecting those characteristics that positively contribute to the local landscape. The proposed turbine would represent a positive green energy within the context of the regenerated urban landscape in which it is proposed.</p>
5.32	<p>The proposal doesn't comply with the HOV Study as it states that "there is no capacity for large and very large scale development in this unit". However, at 80m in height the proposed turbine only just tips into the 'large scale' development category (defined as being 80m or more in height and comprising just one wind turbine). Given the fact that it will sit between two turbines measuring 74m and 77m, when viewed in context over a distance it is not considered that the turbine will appear excessively taller than the existing turbines. Having regard to the fact that this landscape has already changed as discussed above, that the turbine will be viewed as an infill and that there will be no direct irreversible impacts on statutorily protected sites and their setting, I am satisfied that in this case the HOV Study does not need to be slavishly adhered to.</p>
5.33	<p>I am satisfied that the conclusions of the LVIA together with the addendum robustly demonstrate that the effects of the wind turbine on the local landscape would be acceptable.</p>
5.34	<p><i>Cumulative visual impact.</i></p>
5.35	<p>For the purposes of assessing cumulative impact the LVIA identified 24 turbines within a 15km radius study and examined the combined and sequential impact on users within the study area. The study concludes that the principle of wind turbine development is established in this landscape setting and that turbines form a characteristic component within the upland landscapes to the south. It is acknowledged in the assessment that the</p>

	<p>proposals will introduce a new component to some views; however, it will not significantly increase the perceived presence of this type of development within the wider landscape setting and can therefore be integrated without detriment.</p>
5.36	<p>The applicant therefore considers that the proposal will not result in a significant cumulative effect. He contends the scheme is set relatively low down within the surrounding landscape context, within the context of an existing group of turbines. The applicant is of the opinion that the turbine can be integrated without detriment to the character or qualities of the wider landscape context and visual environment.</p>
5.37	<p>Whilst there is potential for cumulative visual effects the LVIA provides a reasonable argument and demonstrates that the cumulative visual effects are within acceptable parameters. The Service Manager Green Infrastructure accepts the findings of the assessment, and I agree with his opinion. NRW also confirms that from the perspective of the impact on the National Park the proposal would not add significantly to the cumulative effect from other operational and consented wind turbines in the heads of the valleys corridor.</p>
5.38	<p>One of the objectives of the HOV Study for Landscape Unit 19 is to avoid cumulative effects with other large scale infrastructure to maintain landscape character. The LVIA study and the statutory consultees concur that the proposed wind turbine would have cumulative effects but that these would be within acceptable parameters and that existing landscape character would be maintained. I share their opinion and consider that the cumulative visual effects of the proposed development are not significant enough to warrant refusal of planning permission.</p>
5.39	<p><i>Direct local visual impact.</i> I have given careful consideration to the direct visual impact of the wind turbines on the amenity of residential occupiers which borders the industrial estate and the wider area.</p>
5.40	<p>The edge of the Rassau residential area lies approximately 400m away to the south from the site of the proposed turbine and at an elevation between 25 - 50 metres lower than the application site. The residential area is separated from the industrial estate by a tree line that forms part of structural landscaping on the southern boundary of the estate and offers some screening of the estate from parts of the residential area.</p>
5.41	<p>In recent years Planning Inspectors have commonly used set distances from wind turbines to determine the significance of the impact of wind turbines on</p>

	<p>local communities, taking into account local conditions. The distance at which a wind turbine can be considered to have an overwhelming and overbearing impact is a distance equivalent to 8x the blade tip height. However, the impacts up to 10x the blade tip heights are also commonly taken into account and there is some disagreement as to whether the measurement for the multiplication should refer to only the visible part of the turbine rather than the whole structure.</p>
5.42	<p>In this case a large number of properties within the Rassau area are located both within 8 x the blade tip height distance from the turbine (640m) and within 10x the blade tip height distance from the turbine (800m). The residential area of Garnlydan, to the southeast, is also in close proximity, being sited between approximately 1200m – 1300m of the proposed turbine.</p>
5.43	<p>There is no specified minimum separation distance in national policy between turbines and residential properties. Whilst I appreciate the blade tip height distance has been used as a guide in other cases, in respect of visual amenity, in the absence of any specified distances each case needs to be assessed on its individual merits and context.</p>
5.44	<p>There is no dispute in terms of assessing visual sensitivity to the development those ‘receptors’ living within view of the scheme are usually regarded as the highest sensitivity group (along with those engaged in outdoor pursuits for whom landscape experience is the primary objective). However, the significance of visual effects relies to a great extent on professional judgement and local circumstances.</p>
5.45	<p>I note that no viewpoints within the LVIA have been taken from within the Rassau residential area. However, I did not feel that it was necessary to request these, it is evident from my own observations and wider viewpoints that the turbine and its blades will be visible from some vantage points within Rassau residential estate.</p>
5.46	<p>Given the rising topography, separation distance substantial tree belt and intervening development I am of the opinion that those residential properties that are closer to the turbine are more effectively screened from the development than those further away and would generally be restricted to a partial view of the turbine. The wind turbine would not be considered to be overbearing in terms of scale, massing and general effect.</p>
5.47	<p>In terms of those residential properties further away from the turbine (not restricted to Rassau) it is accepted that the turbine would be more visible. However, given the distances involved and it being viewed in the context of</p>

	<p>other turbines, large buildings and pylons I do not consider that the turbine would have an overbearing impact on the occupiers of these properties.</p>
5.48	<p>This position has also been shared by the Planning Inspectorate in 2015 in relation to the appeal against the refusal of planning permission for the wind turbine at Tech Board Site, Rassau Industrial Estate which is slightly closer to residential properties.</p>
5.49	<p>Accordingly, I am satisfied that none of the visual effects would be so adverse to cause significant harm to the levels of residential amenity enjoyed by the occupiers of these properties.</p>
5.50	<p>In summary consideration of the landscape and visual impact of the proposed development on the landscapes of Blaenau Gwent, surrounding landscapes and the amenity of the local residential area has been carefully assessed. It is concluded that the proposal would not have a significant adverse impact on local views and landscapes or on wider landscapes of national significance. It is acknowledged that, in combination with other similar developments, the proposal would have a sequential, cumulative impact along the Heads of the Valleys corridor, but the degree of impact is within acceptable parameters. Similarly, whilst the development would have direct visual impacts on residential receptors in the vicinity of the site, site conditions between those areas and the turbine dictate that the degree of impact would be within acceptable limits in terms of the impact on residential amenity.</p>
5.51	<p>Noise and vibration</p>
5.52	<p>Welsh Government Practice Guidance (2011) advises that wind turbine developments should be located so that any increases in ambient noise levels around noise sensitive developments are kept to acceptable levels. This will normally be achieved through good design of wind turbines and through allowing sufficient distance between the turbines to any existing noise sensitive development.</p>
5.53	<p>In examining the issue of noise the following matters of significance are considered: background noise levels, predicted noise levels, separation distances with noise sensitive receptors, elevation, wind speed, low frequency noise and vibration issues.</p>
5.54	<p>Policy DM1.2.h of the LDP requires that there would be no unacceptable risk of harm to health and /or local amenity from unacceptably high levels of noise. Policy DM4.d is also relevant and requires that technology should not have an unacceptable adverse impact on local amenity by reason of noise.</p>

5.55	To assess the noise impact from the proposal the applicant has carried out a desk-top study and a full noise impact assessment using government approved guidance ETSU-R-97 and the Institute of Acoustics Good Practice Guides. This is regarded as an accepted industry standard.
5.56	The assessment was undertaken to determine appropriate noise limits at noise sensitive receptors, including the adjacent industrial units. The proposed wind turbine model used in the assessment was the 900kw turbine sited with a hub height of 54 metres. The nearest noise sensitive properties were identified as being; adjacent units 18 and 19 Rassau Industrial Estate and a residential property on Stonebridge Road at approximately 400m distance.
5.57	The Noise Assessment concludes that noise levels are such that the turbine will not have an unacceptable detrimental impact on residential dwellings in the nearby vicinity or adjacent Units 18 and 19.
5.58	The EHO concurs with the conclusions of the Noise Assessment and raises no objections in this regard but does advise that monitoring, compliance and enforcement conditions are imposed to ensure that the development complies with these noise levels for the lifetime of the development. It is my opinion that these conditions are necessary to ensure that the noise parameters of the development are complied with and can be properly enforced if problems arise. This approach would be consistent with other consented wind turbines within the Borough.
5.59	<p>Shadow flicker</p> <p>Shadow Flicker can occur when the sun passes behind the rotors of a wind turbine, which casts a shadow over neighbouring properties that flicks on and off as the blades rotate. However, this only occurs under particular circumstances, having regard to the distance between wind turbines and neighbouring properties, the position of the turbine rotor blades relative to the sun, the orientation of properties to wind turbines, the time of year, weather conditions and the size of windows. The effects are seasonal last for only a few minutes or hours per day. It is acknowledged that shadow flicker can cause a disturbance for affected residents of nearby properties and can have potentially harmful impacts on sufferers of photo-sensitive epilepsy. Careful choice of blade colour and surface finish needs to be considered to stop flashes of reflected light.</p>
5.60	To assess the potential for shadow flicker it is accepted by the industry that properties 130 degrees either side of north and within 10x the rotor diameter, relative to the turbines can be affected at these latitudes in the UK; turbines

	<p>do not cast long shadows on their southern side. Shadow flicker can be mitigated by siting wind turbines at sufficient distance from residences likely to be affected.</p>
5.61	<p>Policy DM1.2.h is applicable as is Policy DM4.d. Both policies require the proposal should not have an unacceptable adverse impact on local amenity by reason of shadow flicker.</p>
5.62	<p>The applicant has submitted an assessment of shadow flicker. The turbine proposed in the application has a blade diameter of 52 metres. The assessment assessed shadow flicker at seven locations within 520 metres (generally, the impacts of shadow flicker are not considered to adversely impact properties which are greater than 10 rotor diameters away from a turbine) and 130 degrees either side of north of the proposed turbine. No residential properties were assessed, this is because the residential properties are located south of the proposed turbine and would not be affected by shadow flicker. Environmental Health confirmed that this justification is acceptable on the previous application for the turbine at Unit 18.</p>
5.63	<p>The Shadow Flicker Assessment does acknowledge that there will inevitably be some impact on receptors within the industrial estate however the levels are not considered to be unacceptable. Residential properties will not be affected as they are located south of the turbine. Environmental Health have confirmed they have no objection in respect of shadow flicker, but that a condition should be imposed so that any complaints of shadow flicker can be adequately assessed and mitigated for if necessary.</p>
5.64	<p>I am satisfied that the proposed development has been assessed against current government guidance and accept that there is a low potential for residential properties in the vicinity to be affected by shadow flicker. However, a condition is proposed to ensure that mitigation measures can be enforced in the event unacceptable shadow flicker effects arise following the implementation of the development.</p>
5.65	<p>Ecology Welsh Government Practice Guidance (2011) advises that the main ecological impacts resulting from wind turbines, either individually or as larger groups, are associated with site infrastructure, i.e. the access roads, construction compounds and the turbines themselves. The key ecological and ornithological impacts that may occur include:</p>

5.66	<ul style="list-style-type: none"> • Direct and indirect impacts of wind turbine construction on ecological receptors, e.g. habitat disturbance, fragmentation and loss and, loss of plant or animal species. • Direct and indirect impacts of the operation of wind turbines on ecological receptors, e.g. disturbance of habitats and birds/bats colliding with the turbine blades during operation.
5.67	<p>Many potential impacts can be mitigated by the careful design and layout of developments and through habitat enhancement where appropriate.</p>
5.68	<p>Policy DM4.a is relevant and requires that development will not have any unacceptable adverse impact on nature conservation.</p>
5.69	<p>The site is located within 1km of several SINC's and within 2km of two LNRs. Policy DM14.2 states that in close proximity to SINC's development proposals will only be permitted where either: it maintains or enhances the ecological or geological importance of the designation and species, or the need for the development outweighs the nature conservation importance of the site/species, and it can be demonstrated that the development cannot be reasonably be located elsewhere and compensatory provision will be made equivalent to that lost as a result of the development.</p>
5.70	<p>Policy DM14 states that development proposals within 10km of the Usk Bat Sites SAC that would have an impact on connectivity corridors or cause direct or indirect disturbance to its features to be subject of a project level Habitat Regulations Assessment. The site is on the edge of the Usk Bat SAC however neither NRW or the Councils Ecologist requested a Habitat Regulations Assessment (HRA) to assess the impact of the development on the SAC, but both have given due consideration to the likely impact on bats.</p>
5.71	<p>One of the main considerations is the impact of the proposed turbine, in combination with the existing turbines on the Rassau Industrial Estate, on the integrity of the Usk Bat Special Area of Conservation (SAC). This is a site of European importance designated due to its importance for the lesser horseshoe bat.</p>
5.72	<p>In support of the application an Ecological Assessment (December 2020) and a Winter & Spring/Summer Vantage Point Bird Surveys & Bat Activity Transects report (April 2019) were submitted. The Council Ecologist and NRW have reviewed the information and found it to be robust.</p>

5.73	The assessments acknowledge that there are bat activities around the turbine location. However, the report suggests that providing that curtailment measures ¹ are put in place during the operational phase of the turbine during the bat active season, this will reduce adverse impacts to bats. Post-construction monitoring of the impact on bats is also advised.
5.74	Whilst there is a likelihood that the development will cause some disruption to the foraging behaviour of bats, and cause some casualties, subject to mitigation measures the impact is not deemed to be significant enough by NRW or the Councils Ecologist to warrant refusal of the planning application subject to curtailment and monitoring measures being conditioned.
5.75	An assessment was also carried out in relation to the impact on birds. The Councils Ecologist has confirmed that the risk to Schedule 1 birds is low and therefore they have no objection in relation on such basis. It was noted that the most common species of bird was Gulls. The assessment suggests that monitoring of gull activity post-construction should be undertaken. The Councils Ecologist recommends this should be conditioned. The request to carry out post-construction bird monitoring has been identified in the applicants assessments and is considered to be reasonable and related to the development.
5.76	The agent has confirmed that there will be no loss of any trees to facilitate the cabling route. The route will be installed by a directional drilling method known as 'moling'. This is a trenchless method of laying pipes/cables underground, where a pneumatically driven machine forces a path through the ground, displacing soil rather than removing it.
5.77	Based on the ecological information submitted as part of the application it is considered that the issue of the impact of the development on features of ecological interest has been satisfactorily addressed. The development is considered to have no unacceptable significant adverse impacts on the Usk Bat SAC or on protected species, subject to the attachment of necessary conditions.
5.78	<p>Traffic and transport</p> <p>Welsh Government Practice Guidance (2011) advises that traffic movements during the construction and operation of wind energy developments depend on the number of wind turbines and the length of the construction period. Potential impacts on the road network during the construction phase include:</p>

¹ The operating speeds of the wind turbine will be restricted during certain wind speeds during the night time.

5.79	<ul style="list-style-type: none">• Driver delay on the local road network;• Increased vehicle movements on local roads; and• Accidents and compromised safety on local roads.
5.80	The potential highways impacts are less significant in relation to proposals for individual turbines as fewer vehicle movements will be required during the construction and decommissioning stages of the development. A single turbine also requires less maintenance during their lifetime.
5.81	Given the size of the turbine components using the highway network, the nature of the local highways network and the increased traffic movements during construction and decommissioning, traffic and transport is a material consideration of this development proposal.
5.82	The applicant has submitted a Transport Management Plan (TMP) as part of the application. The Highway Authority confirms that the TMP is acceptable from a Blaenau Gwent County Borough Highway standpoint and demonstrates that the proposed turbine can be safely transported to the site.
5.83	WG Department for Economy and Infrastructure have issued a direction that a condition must be applied to any approval which requires an updated Construction Traffic Management Plan to be submitted prior to transportation of any AIL components. The document must include details of AIL travelling vehicle weights/dimensions; definitive route; holding areas, passing areas and layovers; escort proposals and evidence that hauliers have surveyed key junctions.
5.84	From a highway standpoint the development raises no objections in relation to the likely traffic generated through the construction period, including abnormal indivisible loads, long loads, HGVs and cranes.
5.85	Impact of users in the vicinity of the turbine and Health and Safety Policy DM1.3.a requires development proposals to have regard for the safe, effective and efficient use of the transportation network.
5.86	Properly designed, erected and maintained wind turbines are a safe technology. Members should note that the developers of all wind turbines have statutory duties under the UK Health and Safety legislation regarding the safe operation of wind turbines which must be adhered to and which would reduce all of these risks to a minimum.

5.87	Members may also recall that an appeal decision for a single, 74m high wind turbine on the Rassau Industrial Estate, which was dismissed by the Planning Inspector by reason of its potential impact on users of the surrounding industrial area in the event of a catastrophic failure of the turbine, was challenged by Judicial Review and the decision quashed by the High Court.
5.88	Under icing conditions, all exposed parts of the turbine are liable to ice build-up which can lead to ice throw. This could cause a particular issue for the safe operation of the adjacent synchronous condenser and any other buildings/vehicles or persons in close proximity to the turbine. In order to mitigate the risk of ice build-up on the turbine an Ice Detection system will be fitted to the turbine. Under icing conditions the system will automatically shut down the turbine. The turbine will remain shut down until the turbine has been visually inspected by a competent person to check that the blades and any other components are clear of any ice and the ice detection system is manually reset at the turbine site and the start button reactivated. The agent has agreed that an appropriately worded condition can be imposed to ensure an ice detection system is installed.
5.89	The impacts associated with noise and shadow flicker arising from the development have been considered elsewhere in this report.
5.90	Having considered the impact of the development on users in the vicinity of the application site it is considered that the development poses negligible risks and that these can be satisfactorily managed through health and safety regulations regarding the safe operation of wind turbines and appropriately worded conditions.
5.91	<p>Hydrology and hydrogeology</p> <p>A Drainage Strategy has been submitted with this application. The Council's Drainage Engineer has raised no objections regarding surface water drainage. It is considered that the proposal raises no significant issues with regard to hydrology or hydrogeology.</p>
5.92	<p>Historic environment</p> <p>The applicant has considered the impact on the historic environment within the LVIA. The report has been reviewed by CADW and GGAT who confirm that, on the basis of the report, known historical data and the significant change on the landscape since the construction of the Rassau Industrial Estate the addition of another wind turbine of a similar size to the existing ones will have a very low additional impact on the historic environment. It has also been noted that it is unlikely that archaeological remains of significance would be encountered within the site.</p>

5.93	<p>Aviation</p> <p>Consultations have been undertaken on the application with NATS and the MOD. NATS confirm no objection to the proposed development. MOD has no objection to the proposal however it has requested that the turbine be fitted with MOD accredited safety lighting. This is a reasonable request to ensure that the turbine does not create a physical obstruction to air traffic movements and cause interference to Air Traffic Control and Air Defence radar installations and can be conditioned.</p>
5.94	<p>Telecommunications</p> <p>No assessment has been carried out by the applicant to date in relation to the impact of the development on telecommunications. No responses have been received following the consultations undertaken on this application with the relevant statutory undertakers. However, they did confirm on the application for Unit 18 that they had no objections with regard to the impact of the development on radio signals but they did identify that there could be a potential impact on television networks.</p>
5.95	<p>In this regard I am of the opinion that given that the approved turbine at Unit 18 is only 60m away, the issue is likely to be still relevant. Accordingly, I am of the view that a desktop-based study to identify any areas at risk of interference and a baseline signal survey should be submitted prior to the start of construction to locate any sensitive receptors and to provide the baseline TV reception conditions should be required. Should interference occur at any residential dwelling identified during the baseline survey, mitigation should be suggested and implemented (once verified to have been caused by turbine operations) to restore reception conditions to the baseline level.</p>
5.96	<p>Associated Infrastructure and Grid connection</p> <p>In order to install the wind turbine it will be necessary to install a temporary crane pad, foundations, and a switchgear building.</p>
5.97	<p>None of these works are considered to have any unacceptable visual impact due to their position and scale within the grounds of an existing industrial unit. Details of the position of the temporary crane pad have been submitted which are acceptable. However, a condition is required regarding the foundation design and full details of the switchgear building.</p>
5.98	<p>The application proposes for the cabling route to travel southwards through the site, estate road and into a sub-station within the grounds of Yuassa Battery. No objections have been received in this respect from Estates, the</p>

	<p>Highway Authority, Statutory Network Operators or relevant landowners. Welsh Water has however noted the position of a public sewer that crosses the route of the cabling route. The agent is aware of this and is in discussions with Welsh Water.</p>
5.99	<p>Geotechnical A condition will be required for the submission of a Site Investigation to assess ground conditions and details of the foundation design for the turbine to ensure they are suitable for the proposed development.</p>
5.100	<p>Decommissioning and site restoration The applicant has not stated the anticipated lifespan of the turbine. Between 20 and 25 years is the industry standard and for the purposes of this application I will assume 25 years to be the case. Following the termination of the use it is important that the decommissioned infrastructure is removed and the site reinstated to its former condition. To ensure that this is adequately controlled a condition should be attached to any future permission requiring the cessation of the use after 25 years. Given the scale of the development and the environmental constraints identified in this report, a further condition should also be attached requiring the prior approval of a Decommissioning Management Plan to enable the environmental effects of the decommissioning process to be minimised and controlled at an appropriate time.</p>
5.101	<p>Conclusion In determining this planning application Members are advised to give <u>significant weight to the contribution this proposal could make towards meeting identified National, UK and European targets for renewable energy</u>, as well as giving weight to each material planning consideration when making the final decision.</p>
5.102	<p>My report has outlined in detail how the material planning issues associated with the development can be addressed and the impacts mitigated. It is considered that the principle of the proposed wind turbine with associated infrastructure is acceptable in the proposed location and conforms with national and local policy. Furthermore, it would contribute to meet Welsh Government targets for energy provision from onshore wind. Accordingly, I recommend that planning permission be granted subject to conditions.</p>
<p>6. Legislative Obligations</p>	
6.1	<p>The Council is required to decide planning applications in accord with the Local Development Plan unless material considerations indicate otherwise.</p>

6.2	<p>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.</p> <p>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.</p>
<p>7. Conclusion and Recommendation</p>	
7.1	<p>Planning permission be <u>GRANTED</u> subject to the following condition(s):</p> <ol style="list-style-type: none"> The development shall be completed in full accordance with the following approved plans and documents: <u>Approved Plans:</u> <ul style="list-style-type: none"> Proposed Location Plan, Drg No IR-U19-201 Rev A, stamped received 15/02/2021 Proposed Site Plan, Drg No IR-U19-203, stamped received 21/12/2020 Turbine Elevations, Drg No IR-U19-902, stamped received 21/12/2020 <u>Documents:</u> <ul style="list-style-type: none"> Transport Management Plan (Acstro November 2020), stamped received 21/12/2020 Bird monitoring programme set out in 6.1.1 and <i>Appendix 7 Winter & Spring/Summer Vantage Point Bird Surveys & Bat Activity Transects</i> (Acer Ecology April 2019), stamped received 15/02/2021 Surface Water Drainage Statement (Ramboll January 2021), stamped received 08/01/2021 <p>Unless required by conditions listed below. Reason: To clearly define the scope of the permission.</p> This planning permission shall endure for a period of 25 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. <u>Reason:</u> This is a temporary development with a maximum duration of 25 years.

3. If the wind turbine generator hereby permitted ceases to export electricity to the grid or directly to a business 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 of the area.

4. Not later than 12 months prior to the end of this permission, a decommissioning and site restoration scheme shall be submitted for the written approval of the Local Planning Authority. The scheme shall make provision for, the removal of the wind turbine and associated above ground infrastructure approved under this permission and details of the depth to which the wind turbine foundations will be removed. The approved scheme shall be fully implemented within 6 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 of the area.

5. Prior to the commencement of development details of the proposed wind turbine model and its specification including specification of curtailment apparatus, ice detection system and technical ability shall be submitted to and approved in writing by the Local Planning Authority. The turbine model shall not exceed the parameters hereby approved (blade tip height 80m, hub height 54m, rotor radius 26m, 900kw). In the event that the proposed turbine model for installation differs from the machine utilised in the Noise Survey, prior to installation of the turbine a revised noise impact assessment report shall be submitted, demonstrating that predicted noise levels indicate likely compliance with the noise condition levels stated in Table 1 of condition 18. The development shall be implemented, operated and maintained thereafter in accordance with the approved details.

Reason: In the interests of visual amenity, to ensure the turbine model is capable of curtailment measures for the protection of bats, ice shed

and in the interests of residential amenity by ensuring an acceptable noise level for the occupants of noise sensitive properties.

6. Prior to the commencement of development details of the external finish of the turbine towers, nacelle and blades, shall be submitted to and approved in writing by the Local Planning Authority. The approved colour and finishes shall be implemented prior to the turbine becoming operational and thereafter retained in accordance with these details.

Reason: In the interests of visual amenity of the surrounding area and landscape and to ensure no significant impacts on the natural beauty and the special qualities of the National Park.

7. Prior to transportation of ALL components an updated CTMP shall be submitted for approval that identifies:

- ALL travelling vehicle weights/dimensions
- Definitive route with regard to any structure weight limits
- Holding areas, passing places and layover locations on route
- Escort proposals
- Evidence that any appointed hauliers have surveyed key junctions (1.3 of TMP)

Reason: In the interests of highway safety.

8. No development shall take place until an assessment of the stability of the land (and the surrounding area) has been carried out in accordance with a methodology which must first be submitted to and approved in writing by the Local Planning Authority. The results of such an assessment (and any intrusive site investigation works identified as being necessary) shall be submitted to the Local Planning Authority before works commence on site. If any land instability issues are the site investigation, a further report specifying the measures to be taken to remediate the site to render it suitable for the development hereby approved shall also be submitted to and approved in writing by the Local Planning Authority before works commence on site. The development shall not be brought into use until all the measures identified as necessary in any reports that are approved by the Local Planning Authority are implemented and the Local Planning Authority is provided with a validation report, signed by a suitably qualified person that confirms that such measures and/or works have been fully implemented.

	<p>Reason: The Local Planning Authority is aware that the site may be affected by land instability and considers that this should be addressed prior to development.</p> <p>9. If during the course of development, any unexpected land instability issues are found which were not identified in the site investigation referred to in condition 8, 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 (for the period agreed in the remediation scheme/in perpetuity).</p> <p>Reason: To ensure that any unexpected land stability issues are adequately dealt with and that ground stability issues are appropriately addressed.</p> <p>10. Prior to the commencement of development the developer shall submit to the Local Planning Authority details of the foundations for the wind turbine including a structural design certificate completed and signed by a Chartered Engineer. <u>Reason:</u> To ensure the stability of the development in view of prevailing ground conditions.</p> <p>11. Prior to the installation of the substation/switchgear building details of its appearance and location shall be submitted to and approved in writing by the Local Planning Authority. The substation/switchgear building shall be implemented in full accordance with such details as may be approved. Reason: In the interest of visual amenity.</p> <p>12. Prior to the turbine becoming operational, the turbine shall be fitted with MoD accredited aviation safety lighting in the form of a 25 candela omni-directional red lighting or infrared lighting with an optimised flash pattern of 60 flashes per minute of 200ms to 500ms duration at the highest practicable point. The aviation safety lighting shall be maintained in perpetuity. Reason: In the interest of aviation safety.</p> <p>13. Prior to the erection of the wind turbine a desk-top study and baseline signal survey to identify any areas at risk of TV interference from the development and appropriate mitigation (if necessary) to restore reception conditions to the baseline level shall be submitted to and</p>
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	<p>agreed in writing by the Local Planning Authority. Any necessary mitigation shall be implemented in full accordance with such details as may be approved prior to the turbine becoming operational. Reason: In the interest of maintaining baseline level TV reception conditions.</p> <p>14. Within 21 days from receipt of a written request from the Local Planning Authority following a justified complaint to it from an occupant of a property within the vicinity of the development alleging TV interference from the development, the wind turbine operator shall, at its expense, employ a consultant approved by the Local Planning Authority to assess the TV interference from the wind turbine at the complainant's property. Where the Local Planning Authority is satisfied TV interference is being caused by the wind turbine at a receptor premises, upon notification of this by the Local Planning Authority in writing to the wind turbine operator shall within 21 days propose a scheme of remediation for the written approval of the Local Planning Authority. The remediation shall be designed to mitigate the TV interference and to prevent its future recurrence, and shall specify the timescales within it. The remediation as implemented shall be retained thereafter unless otherwise agreed in writing with the Local Planning Authority. Reason: In the interest of maintaining baseline level TV reception conditions.</p> <p>15. No part of the development shall display any name, logo, sign advertisement, other than those required to meet statutory health and safety requirements, or means of illumination. <u>Reason:</u> In the interests of visual amenity.</p> <p>16. Prior to the commencement of development a detailed Construction and Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority to include the following matters: a) Wheel cleaning; b) Dust prevention and control; c) Disposal of waste materials, including contaminated materials; d) Detailed method statement for the construction of the turbine, crane hard-standing, lay-down area, access tracks and any associated drainage; e) Detailed method statement for the construction of the site compound; f) Mitigation measures to avoid impacts on protected species during the construction period;</p>
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- g) Details of the proposed method of and timescales for the reinstatement/restoration of the area occupied by the temporary crane hard standing/lay down area, and site compound; and
- h) Site monitoring of the above.

The development shall be implemented in accordance with the approved details.

Reason: To safeguard local amenity interests and to ensure that the impacts of the construction phase, including the protection and mitigation of the ecological interests of the site, are appropriately and adequately addressed.

17. Construction work on the site shall be confined to the hours of 0700 - 1900hrs on Monday to Friday inclusive, 0900 - 1600hrs on Saturday with no working on a Sunday or national public holiday, unless otherwise first agreed in writing by the Local Planning Authority; save for the delivery of abnormal loads which may be scheduled following police advice outside these hours.

Reason: In the interest of safeguarding amenity.

18. The rating level of noise emissions from the combined effects of the wind turbine (including the application of any tonal penalty), shall not exceed the values for the relevant integer wind speed set out in, or derived from, Table 1 attached to this condition at any dwelling which is lawfully existing or has planning permission at the date of this permission.

- a) The wind turbine operator shall continuously log power production, wind speed and wind direction, all in accordance with Guidance Note 1(d)². These data shall be retained for a period of not less than 24 months. The wind turbine 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 turbine 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 justified complaint to it from an occupant of a dwelling alleging noise disturbance at that dwelling, the wind turbine

² Guidance Notes will be attached separately to the Decision Notice if planning permission is granted.

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

- d) The assessment of the rating level of noise emissions shall be undertaken in accordance with an assessment protocol that shall previously have been submitted to and approved in writing by the Local Planning Authority. The protocol shall include the proposed measurement location identified in accordance with the Guidance Notes where measurements for compliance checking purposes shall be undertaken, 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 emissions. The proposed range of conditions shall be those which prevailed during times when the complainant alleges there was disturbance due to noise, having regard to the written request of the Local Planning Authority under paragraph (c), and such others as the independent consultant considers likely to result in a breach of the noise limits.
- e) Where a dwelling to which a complaint is related is not listed in the table attached to these conditions, the wind turbine 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 emissions resulting from the combined effects of the wind turbine 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 turbine operator shall provide to the Local Planning Authority the independent consultant's assessment of the rating level of noise emissions undertaken in accordance with the Guidance Notes within 2 months of the date of the written request of the Local Planning Authority

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

- g) Where a further assessment of the rating level of noise emissions from the wind turbine is required pursuant to Guidance Note 3(c), the wind turbine 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.

Location	Table 1 – At any time - Noise limits expressed in dB LA90, 10-minute as a function of the measured wind speed (m/s) at 10 meter height as determined within the site averaged over 10 minute periods.									
	Measured wind speed at 10 m height, m/s									
	4	5	6	7	8	9	10	11	12	
Stonebridge Road (Single)	25	29	34	36	37	37	36	35	35	
Stonebridge Road (Cumulative)	26	30	35	37	38	38	37	37	37	

(The geographical coordinate references are provided for the purpose of identifying the general location of dwellings to which a given set of noise limits applies).

Reason: In the interests of residential amenity by ensuring an acceptable noise level for the occupants of noise sensitive properties.

19. Should the wind turbine be identified as operating above the parameters specified in condition 18, 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 residential amenity by ensuring an acceptable noise level for the occupants of noise sensitive properties.

20. Once the Local Planning Authority has received the independent consultant's noise assessment required by condition 18f , 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 Tables 1 attached to condition 18, upon notification by the Local Planning Authority in writing to the wind turbine operator of the said breach the wind turbine 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 reasonably approved by the Local Planning Authority and according to the timescales within it. The scheme as implemented shall be retained thereafter unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of residential amenity by ensuring an acceptable noise level for the occupants of noise sensitive properties.

21. Within 21 days from receipt of a written request from the Local Planning Authority following a justified complaint to it from an occupant of a dwelling within the vicinity of the development alleging shadow flicker at that dwelling from the development, the wind farm operator shall, at its expense, employ a consultant approved by the Local Planning Authority to assess the shadow flicker from the wind farm at the complainant's property. Where the Local Planning Authority is satisfied shadow flicker is being created at a receptor premises, upon notification by the Local Planning Authority in writing to the wind farm operator of the existence of shadow flicker, 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 shadow flicker to a level approved by the Local Planning Authority and to prevent its future recurrence, and shall specify the timescales for implementation. The scheme shall be implemented as reasonably approved by the Local Planning Authority and according to the timescales within it. The scheme as implemented shall be retained thereafter unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interest of the amenity of nearby occupiers.

	<p>22. If any trees on the southern boundary of the site are required to be removed to facilitate the cabling route, prior to the installation of the wind turbine details of replacement trees (including a timescale for planting) shall be submitted to and approved in writing by the Local Planning Authority. The replacement planting shall be completed in full accordance with such details as may be approved. Reason: In the interest of visual amenity.</p> <p>23. Prior to commencement of development a Habitat Management Plan which includes biodiversity enhancements shall be submitted to and approved in writing to the Local Planning Authority. Any enhancements identified within the Plan must be fully implemented in accordance with such details as may be approved prior to the turbine becoming operational. Reason: To maintain and enhance biodiversity benefits from the development.</p> <p>24. The development will operate in accordance with the following bat mitigation measures:</p> <ul style="list-style-type: none">- The turbine is feathered at idle- A cut in speed of 5m/s during the bat active period of April to October (inclusive)- Wind speed shall be measured at the nacelle not at ground level <p>These bat mitigation measures shall be maintained for the lifetime of the development, unless alternative curtailment measures are agreed in writing by the LPA following a review of the bat survey and monitoring data/.</p> <p>Reason: To ensure the development does not detrimentally affect Bats (European Protected Species).</p> <p>25. Prior to commencement of development a detailed Bat Monitoring and Protection Plan shall be submitted to and approved in writing by the Local Planning Authority. The Bat Monitoring and Protection Plan will include details of the following matters:</p> <ul style="list-style-type: none">- Fatality searches using dogs in each month between April – mid October inclusive and a minimum of five consecutive days are searched in each month (following a sweep search to remove any existing corpses).- The searches are accompanied by a searcher efficiency and scavenger removal trials, the collection of data using a weather station and the deployment of static datalogger.- A timetable for the commencement of monitoring and submission of the findings of the monitoring.
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The post commencement Bat Monitoring and Protection Plan shall be submitted to the Local Planning Authority by the first of December in the same year the development becomes operational. The Post commencement Bat Monitoring and Protection Plan shall include an assessment on the need for further monitoring and will be used to inform the Local Planning Authority whether cut in speeds can be altered or alternative curtailment implemented for periods of the spring and summer.

Reason: To ensure the development does not detrimentally affect Bats (a European Protected Species).

26. The bird monitoring programme set out in 6.1.1 and *Appendix 7 of Winter & Spring/Summer Vantage Point Bird Surveys & Bat Activity Transects, April 2019 (Acer Ecology)* shall be undertaken for a minimum of one year from the first date that electricity is exported from the turbine at Unit 19 and the findings shall be submitted to the local authority no later than one month following cessation of the monitoring programme.

Reason: To increase the knowledge of the relationship between wind energy schemes and the impacts on birds.

27. 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.

Informatives:

1. The proposed development site is crossed by a public sewer with the approximate position being marked on the attached Statutory Public Sewer Record. No operational development shall be carried out within 3m either side of the centreline of the sewer. The applicant is advised to contact Dwr Cymru Welsh Water on 0800 085 3968 to discuss this matter in more detail as this may affect the cabling route.
2. Prior to the commencement of development the applicant is advised to inform the Ministry of Defence (Safeguarding Officer Wind Energy) of the date construction starts and ends, the maximum height of construction equipment and the latitude and longitude of the turbine. This information is vital as it will be plotted on flying charts to make sure that military aircraft avoid the area.
3. The applicant may require Temporary Traffic Regulation Orders (TRROs) for each section of the route where the police may need to stop or hold traffic to allow the transportation of all Abnormal Indivisible Loads (AILs) vehicles to pass (this may involve applying to multiple

	<p>Highway Authorities). This requirement must be agreed with the relevant Police and Highway Authorities prior to any AIL movements.</p> <ol style="list-style-type: none"> 4. The haulier will be required to indemnify each Highway Authority against any damage caused to any road, bridge or other structure. Details of haulier and AIL transport dates must be provided to the Highway Authority prior to any AIL movements being made. 5. The developer is advised to liaise with the relevant statutory undertakers (Welsh Water, Western Power Distribution, Wales & West Utilities) to discuss their requirements in detail with regard to the location of existing infrastructure and the provision/connection of services to the site. 6. The applicant should be aware that all British Birds, their nests and eggs (with certain limited exceptions) are protected under section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside Rights of Way Act 2000. This makes it an offence to intentionally or recklessly kill, injure or take any wild bird, damage or destroy the nest of any wild bird whilst it is in use or being built or take or destroy the egg of any wild bird. 7. All British bat species are protected under the Conservation of Habitats and Species Regulations 2010 (as amended), known as the Habitats Regulations, it is an offence if you; deliberately capture, injure or kill any wild animal of an European Protected Species, deliberately disturb wild animals of any such species or damage or destroy a breeding site or resting place of such an animal. 8. The developer is respectfully requested to utilise local labour and supply chains in the construction and decommissioning of the development in the interest of the local economy. 9. Guidance Notes for Noise Conditions to be attached.
8. Risk Implications	
8.1	None

BLAENAU GWENT COUNTY BOROUGH COUNCIL	
Report to:	Planning, Regulatory & General Licensing Committee
Report Subject:	<p><i>Application: C/2020/0282</i></p> <p><i>Site: Maes y Dderwen, Charles Street, Tredegar</i></p> <p><i>Proposal: 5 bedroom supported living unit and associated works</i></p>
Report Author:	Service Manager Development & Estates
Directorate:	Regeneration and Community Services
Date of meeting:	15 th April 2021

1.0 Purpose of Report

- 1.1 At the February cycle of this Committee, Members considered a report for the development of a new residential facility at the above site. It would provide for a new 5 bedroom supported living unit.

- 1.2 The officer recommendation was that planning permission be granted subject to conditions. This was based on the fact that the proposal was for a residential use in a predominantly residential area, that there were no substantive matters raised by consultees that could not be addressed by planning condition and that the facility would make a valuable contribution to meeting the needs of a particular client group.

- 1.3 Following a vote, Planning Committee resolved to refuse planning permission. This report considers the reasons for refusal.

- 1.4 I have also appended a letter submitted on behalf of the applicant received after last Planning Committee.

2.0 Background & Context

- 2.1 Before turning to the reasons, it is my duty as principal advisor to this Committee to deal with issues surrounding that resolution.
- 2.2 As I informed Members at the March meeting, if planning permission is refused then Members must be cognisant of important issues and consequences:
- 2.3 1. Consideration of the merits of the application must be limited to relevant planning matters. That is a legal requirement. Whilst operational issues relating to the existing home may give rise to concern, if they come under the remit of other regulatory systems, then Planning Committee is not entitled to have regard to those matters.
- 2.4 2. If planning permission is refused, the reason(s) must be clear and unambiguous. This is dealt with later in this report.
- 2.5 3. The reason(s) for refusal must be capable of being defended at an appeal. This will require evidence.
- 2.6 4. Each reason for refusal must stand on its own merit. The case is not made stronger by virtue of the number of reasons given. It is preferable to use one defensible reason where evidence can be produced rather than multiple reasons of questionable validity. Failure to justify each and every reason is important at an appeal; costs can be awarded in respect of an unjustified reason(s) even if the appeal itself were to be dismissed.
- 2.7 This Council has been the subject of a number of costs awards in recent times for refusing planning permission where Planning Committee has been unable to defend that decision with evidence. These costs awards are mounting up and are significant. There is no budget to meet this expenditure.
- 2.8 I must place on record my concern that an unsustainable refusal of this application again places the Council in a position where a costs award is a realistic prospect. Reliance on anecdotal evidence or “local knowledge” is insufficient.
- 2.9 I also wish to pick up on comments made by Members at the last meeting around their role on Planning Committee.

- 2.10 It appeared to me from the debate that there is a misconception that Planning Committee Members should merely represent the majority view of their electorate when deciding planning applications. This demonstrates a fundamental misunderstanding of the role.
- 2.11 Democracy is built into the system in that Planning Committee is comprised of elected representatives. However, Planning Committee does not decide applications by way of a “referendum”. A Member of Planning Committee must represent the wider public interest. In doing this they must have regard to planning policy, relevant planning matters and the advice of the planning officer and other consultees.
- 2.12 The fact that there are objectors to a planning application is itself a material consideration. However, it is not determinative. Members should have regard to the volume of correspondence and in my view, more importantly the matters raised and attach weight as they see fit. Placing undue weight on any one consideration (including the views of the public) amounts to flawed decision making
- 2.13 Some of the comments made at the last meeting suggested that Members were acting as Ward Members and not as a member of Planning Committee – an issue that has been covered numerous times in Member induction, training (including an external trainer) and in the Planning Protocol – a document approved by this Committee and distributed to all Planning Committee Members.
- 2.14 That Protocol States.... *“Planning Committee acts in a quasi-judicial capacity. This means that the Committee sits in judgement of planning applications in a similar way to a court of law. It must therefore comply with the legal requirements of national and UK government.”*
- 2.15 It goes on...
- 2.16 *“A Councillor’s knowledge of the issues and area they serve is a key part of the process. They are accountable to their constituents, including those who did not vote for them. When sitting on Planning Committee, their overriding responsibility is to the community of Blaenau Gwent as a whole”.*

2.17 Further...

2.18 *“Members must vote in what they perceive to be the best interests of the whole of Blaenau Gwent, not simply the interests of their Ward. It is acknowledged that this can place Members in a difficult position, especially where there is widespread public opinion either for or against a proposal. Nevertheless, it is a requirement that applications are decided for planning reasons and not simply on weight of public opinion.”*

2.19 And finally...

2.20 *“If Members wish to take a decision contrary to the professional advice contained in the report (to approve or refuse), they are fully entitled to do so. They must state clearly for the minutes their reasons for setting aside the recommendation.... However, it is not the role of Officers to provide Members with reasoning to justify their decision.*

3.0 Reasons for Refusal

3.1 Turning specifically to the matters that were referred to at the meeting as reasons for refusal, 5 broad subject areas were recorded for refusing planning permission. I offer wording (in **bold**) which reflects Members concern as they appear in the minutes of the meeting.

3.2 I invite Planning Committee to endorse, add/amend or withdraw each as appropriate. I also offer a commentary on each reason.

3.3 **1. The proposed development will give rise to major highway concern as it will generate additional demand for parking spaces for which there is insufficient capacity within the site and surrounding area. This will lead to on street parking associated with the development to the detriment of highway safety.**

3.4 Comment – Highway matters are a material planning consideration. However, in this case the Highway Authority have confirmed that subject to the 3 new spaces being constructed prior the occupation of the building, they have no objection to the scheme. The development complies with our parking guidelines.

- 3.5 There is therefore no evidence to suggest that the car generating aspects of the proposal cannot be accommodated within the site.
- 3.6 **2. The site is not suitable for a home for vulnerable clients with support needs as the site is adjacent to a public house.**
- 3.7 Comment - Evidence is required to explain why this arrangement of uses is unacceptable. Members should remember that management of the facility is controlled by other regulators.
- 3.8 **3. The proposed development would result in overdevelopment of the site.**
- 3.9 Comment – I am unclear whether reference to over development relates to the footprint of buildings, ancillary development like the car park or whether it concerns a lack of available amenity space within the site. The reason for refusal should be expanded to explain the concern that Planning Committee holds.
- 3.10 **4. The proposed development is not in the best interests of the community surrounding the development.**
- 3.11 Comment - This reason is ambiguous. It does not explain to the applicant why Planning Committee consider the development unacceptable. My advice is to elaborate the reason to deal with why the community is disadvantaged by virtue of the scheme. These negative impacts must be relevant to planning and be incapable of being mitigated/addressed by planning conditions.
- 3.12 **5. The proposed development will result in a Class C3 building next to a public house. These uses should not be located next to each other.**
- 3.13 Comment - The proposed use is residential. The surrounding area is primarily residential. Domestic/residential uses commonly co-exist with licensed premises in our valley communities. There are numerous examples of this throughout the County Borough. If this is to be a reason for refusal, evidence would be required at an appeal to demonstrate why this relationship between the uses is unacceptable. As it stands, there is nothing to support the view that these uses are incompatible.

4.0 Recommendation

- 4.1 i. Members carefully consider each reason for refusal and advise on any amendments in order that a decision notice that formally refuses planning permission can be issued.
- 4.2 ii. That Members note that under the terms of the adopted Blaenau Gwent Planning Committee Protocol, in the event of an appeal, officers will not be able to defend the decision. Members will be called upon to present the case, including if necessary be subject to cross examination at a public inquiry.
- 4.3 iii. That Members note that in the event of an appeal, the potential for an award of costs is high unless substantive evidence to support the reasons for refusing planning permission are brought to the case.

Date: 26th March 2021
Our Ref: 20.301

Unit 9 Oak Tree Court
Mulberry Drive
Cardiff Gate Business Park
Cardiff
CF23 8RS

Tel: 02920 732 652
www.asbriplanning.co.uk

Jane Engel
Planning Services
Blaenau Gwent County Borough Council
Civic Centre
Ebbw Vale
NP23 6XB

Dear Jane,

Town and County Planning Act 1990 (As Amended)
Proposed 5 bedroom supported living unit at Maes y Dderwen, Charles Street, Tredegar
Planning Application Ref: C/2020/0282

Asbri Planning is appointed as planning agent to Shaw Healthcare in respect of the above planning application for a proposed 5 bed supported living unit at Maes y Dderwen, Charles Street, Tredegar. There is an existing 24 bed care home on the Maes y Dderwen site which provides nursing, dementia and schizophrenia care and which is owned and operated by the applicant.

The application was heard at Blaenau Gwent County Borough Council Planning Committee on 4th March 2021. The application was recommended for approval. However, local members proposed an amendment to the recommendation and resolved to refuse the application. It is therefore being presented again to Committee on 14th April for the decision to be confirmed.

Notwithstanding, this letter will address the concerns raised by members from a strictly planning perspective which are as follows:

- A care facility being sited next to a public house;
- The impact of the development on highways safety and parking provision;
- Number of deliveries associated with the proposed development;
- The impact of the development on the adjacent Public Right of Way;

Each of the above will be discussed in turn below:

A care facility being sited next to a public house

One concern raised by local members was the fact that the proposed property would be sited in close proximity to a public house (the Coach and Horses). It should be emphasised that there is an existing care facility (Maes y Dderwen) already situated within close proximity to the pub which cares for persons with similar care needs to those which would occupy the proposed development. The application is therefore not introducing a new use to the area.

On the southern elevation, nearest to the public house there are no windows to habitable rooms, indeed there is only one window on the ground floor which serves a staff room and one on the first floor landing. As such, there is limited opportunity for residents and patrons of the pub to engage with one another. The window to the staff room will increase natural surveillance of the adjacent footpath closest to the pub.

Notwithstanding, the applicant is aware of the concerns held by members and is willing to work with the Local Authority to appease those concerns. This could potentially be achieved via appropriate screening of the front elevation by natural landscaping or fencing. In addition, the southern elevation could be fitted with additional (but sensitive) lighting and CCTV cameras which would reduce the potential for anti social behaviour.

In addition, as a registered care provider in Wales, Maes y Dderwen is registered with the Care Inspectorate Wales, which confirms that their national regulatory body is satisfied with the existing facility being located next to a public house. Finally, Maes y Dderwen is one of few facilities in Wales that has accreditation for all four ISO Certificates – 9001, 14001, 27001 and 45001.

The impact of the development on highways safety and parking provision

It was raised during the debate that Charles Street is subject to a high number of traffic collisions and therefore, the proposed development despite only requiring parking for staff, will intensify the issue. Notwithstanding, a review of the crashmap database (<https://www.crashmap.co.uk/Search>) reveals that there is not a significant highway safety concern along Charles Street, with no recorded incidents in the period January 2016 to December 2020. As illustrated on the map extract below:



Notwithstanding the evidence above, the proposed development will not result in a material increase of vehicular trips associated with the Maes y Dderwen facility as a whole which could lead to highway safety concerns. Indeed, the only vehicular trips associated with the proposed development will be made by staff and visitors.

As such, the evidence confirms that there is not a highway safety problem along Charles Street and the proposed development will not result in a material increase in vehicular trips which would raise highway safety concerns.

In respect of parking provision, it is in line with the adopted Blaenau Gwent "Access, Car Parking and Design" Supplementary Planning Guidance which requires 1 space per resident staff, 1 space per 3 non-resident staff, and 1 space per 4 beds. Three spaces are provided with this new facility, to accommodate the 2 carers/staff and 1 visitor space, as per the SPG requirement of providing 1 visitor space per 4 beds. These three additional spaces are provided within the red line of the application site.

It must be noted that there are 10 car parking spaces in the existing Maes y Dderwen car park serving 24 beds in the main facility. This is a ratio of 0.42 spaces per unit. The new facility will provide 5 additional units and 3 additional car

parking spaces, equating to 29 units and 13 spaces. This results in an improved ratio of 0.44 spaces per unit, which is a betterment when compared with the existing parking provision.

Notwithstanding the improved parking ratio, the facility provides sufficient car parking **in its own right** and these three spaces are contained within the red line of the application site, and can be secured for the sole use of the new replacement facility if the highway authority requires it, although it is the applicant's view that this won't be necessary and that increasing the shared provision across the site is a better option.

The Authority's Highways Officer did not raise an objection to the proposed development and confirmed that the level of parking is acceptable.

The possibility of residents with mobility concerns who own cars or mobility scooters occupying the development was discussed at planning committee which would result in an under provision of parking. It should be emphasised that the occupants of the proposed development will have complex care needs and are unable to drive, therefore will not have access to a car. Whilst the C3(b) use class covers a range of care needs, this is a bespoke development designed to cater for persons with specific care needs. It therefore is not suitable for persons with significantly different care needs. For example, it cannot cater for those with mobility concerns as there is no downstairs bedroom, wet room or lift provision. Therefore it will not be occupied by persons with mobility concerns who would have access to cars and mobility scooters, instead it will house people with care needs who do not have access to a car.

The impact of the development on parking provision is therefore acceptable.

Number of deliveries associated with the proposed development

In terms of traffic generation, the existing facility has food deliveries on Mondays, Thursdays and Fridays and refuse on Wednesdays as per the existing arrangement for the rest of Charles Street. The development will not result in an increase to this nor will it require the relocation of the existing refuse compound. In addition, the other Maes y Dderwen facility previously situated on Charles Street has been relocated, as such, the deliveries previously associated with this facility have been removed from the traffic flow along the street. The new development will share the deliveries with the existing Maes y Dderwen facility, thereby reducing deliveries along Charles Street as a whole as many more deliveries can be shared. Notwithstanding, delivery vehicles will not be materially different to a Tesco delivery vehicle that serves domestic properties, which will likely drop off from 2020 levels as Covid restrictions ease.

The impact of the development on the adjacent Public Right of Way

A Public Right of Way runs outside, albeit parallel to, the southern boundary between the site and the Coach and Horses which provides access to Martindale Close. There were discussions during Planning Committee regarding the impact of the development on the public right of way. It should be emphasised that the footpath link lies outside the site boundary and therefore not within the gift of the application. The public right of way therefore cannot be impacted upon as a result of this application.

This was confirmed by the public rights of way officer who had no objection to the application.

Conclusion

To conclude, all considerations raised at planning committee have been addressed and there are no objections in terms of highways, design, noise, landscape, ecology, trees or public protection from technical consultees. Further, Maes y Dderwen is registered with the Care Inspectorate Wales, which confirms that their national regulatory body is satisfied with the existing facility being located next to a public house; this also applies to the new facility albeit

accreditation can only be obtained once it is built, and Maes y Dderwen is one of few facilities in Wales that has accreditation for all four ISO Certificates – 9001, 14001, 27001 and 45001.

It is therefore respectfully requested that local members overturn the committee resolution to refuse the application and approve the application in line with the Local Planning Authority's original recommendation for approval.

Yours sincerely,



Pete Sulley
Director

Enc.

Agenda Item 6

Report Date: 22nd February 2021

Report Author: Katherine Rees

BLAENAU GWENT COUNTY BOROUGH COUNCIL	
Report to	The Chair and Members of Planning, Regulatory and General Licensing
Report Subject	Appeals, Consultations and DNS Update April 2021
Report Author	Service Manager Development & Estates
Report Date	29th March 2021
Directorate	Regeneration & Community Services
Date of meeting	15th April 2021

1.0	Purpose of Report
1.1	To update Members in relation to planning appeal and related cases.
2.0	Present Position
2.1	The attached list covers the “live” planning appeals and Development of National Significance (DNS) caseload.
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	C/2020/0202 APP/X6910/D/21/3266321 Jane Engel	51 Tynewydd, Nantylwch, Tredegar	Proposed garage to front garden	Refusal of planning permission Written Reps	Decision received 23 February 2021 Appeal dismissed Refer to separate report on this agenda
2	C/2020/0277 APP/X6910/D/21/3271279 Joanne White	1 Medhurst Court, Farm Road, Nantylw	Proposed detached garage with first floor amenity room	Refusal of planning permission Written Reps	Questionnaire Submitted 26.03.2021
3	C/2017/0193 APP/X6910/A/21/3270862 Jane Engel	Land at the rear of Park Hill Tredegar	Construction of 4 no new detached dwellings with associated parking. Landscaping and off site highway improvement works	Refusal of planning permission Written Reps	Questionnaire Submitted 23.03.2021
4	CO/2019/000101 APP/X6910/C/21/3268852 Jonathan Brooks	1 Hawthorne Glade Tanglewood Blaina	Without planning permission, the construction of steel framed raised decking	Enforcement Notice Written Reps	Questionnaire Submitted 16.03.2021 Statement of LPA submitted 06.04.2021

BLAENAU GWENT COUNTY BOROUGH COUNCIL	
Report to	Planning, Regulatory & General Licensing Committee
Report Subject	Planning Appeal Update: 51 Tynewydd Nantybwich Tredegar Ref.: C/2020/0202
Report Author	Jane Engel
Directorate	Regeneration and Community Services
Date of meeting	15th April 2021
Date Signed off by Monitoring Officer	

Report Information

1. Purpose of Report

To advise Members of the decision of the Planning Inspectorate in respect of a planning appeal against the refusal of planning permission ref: C/2020/0202 for a proposed garage in the front garden of 51 Tynewydd, Nantybwich, Tredegar The application was refused under delegated powers on 12th October 2020.

2. Scope of the Report

The applicant was refused for two reasons: Officers were of the view that the siting of the garage forward of the dwelling's principle elevation resulted in an incongruous structure that would have an unacceptable visual impact upon the streetscene to the detriment of the character and appearance of the surrounding area. The proposal was therefore considered to be contrary to policy DM1 2 (b) of the adopted Blaenau Gwent Local Development Plan (LDP) and the Council's Adopted Supplementary Planning Guidance Note 2 Householder Design Guidance,

Policy DM1 of the LDP requires that proposals for development have regards for the safe, effective and efficient use of the transportation network. The Council's Built Infrastructure Team Manager objected to the planning application on the grounds that any vehicles egressing the garage would not be able to see pedestrians walking along the public footway outside the property. The proposal was therefore considered to be contrary to Policy DM1 3 (a) of the LDP

The applicant appealed this decision on the grounds that planning permission should have been granted. The Inspector's decision was received on 23rd February 2021 (the decision letter is attached for Members Information).

In summary, the Inspector dismissed the appeal. He was of the opinion that the garage would erode the existing open character of the gardens and concurred with LPA's assessment that the garage would appear incongruous to the setting and harmful to the areas character and appearance.

The Inspector commented that there was little evidence of significant pedestrian activity on the footway, However, he considered that the inadequate visibility for existing drivers caused by the garage's siting and solid construction would introduce an unacceptable risk of harmful conflict with pedestrians using the footway.

In conclusion, the Inspector considered that the proposed development would conflict the aim of policy DM1 (2) b of the LDP to avoid unacceptable adverse visual impact on the townscape or landscape and with advice given in the Councils *Householder Design Guidance* Supplementary Planning Guidance. Furthermore, he considered that the proposal would not accord with the objectives of the LDP policy DM1 (3) (a) for proposals to have regard to the safe, effective and efficient use of the transportation network.

Accordingly, he **DISMISSED** the appeal and planning permission was refused for the development.

3. Recommendation/s for Consideration

1. That Members note for information the appeal decision for planning application C/2020/0202 as attached at **Appendix A**.



Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 28/01/21

gan Paul Selby, BEng (Hons) MSc
MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 23/2/21

Appeal Decision

Site visit made on 28/01/21

by Paul Selby, BEng (Hons) MSc MRTPI

an Inspector appointed by the Welsh Ministers

Date: 23rd February 2021

Appeal Ref: APP/X6910/D/21/3266321

Site address: 51 Tynewydd, Nantybwich, Tredegar, NP22 3SG

The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.

- 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 Mr and Mrs Price against the decision of Blaenau Gwent County Borough Council.
 - The application Ref C/2020/0202, dated 19 August 2020, was refused by notice dated 12 October 2020.
 - The development proposed is Proposed garage to front garden.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on: a) the character and appearance of the area; and: b) the safety and convenience of highway users.

Reasons

3. The appeal relates to a semi-detached residential property fronting Trefil Road located close to the settlement edge of Nantybwich. The plot features a front garden of notable length which slopes up from its frontage. Traffic calming, associated with a pedestrian crossing point, is installed on Trefil Road a short way west of the appeal site.

Character and appearance

4. Properties of similar appearance and siting lie to either side of the appeal property, albeit those to the west front onto a crescent which adjoins the main road. Front boundary and landscaping treatments in these properties' front gardens varies, as does the size of the gardens themselves. In a limited number of cases, front gardens accommodate driveways. However, despite these differences, the predominant character is of front gardens which are relatively open to the public realm. This affords the immediate area a spacious appearance which complements its location at the settlement edge.
5. The proposed double garage would be sited within an excavated part of the front garden. Nonetheless, viewed from the footway its height and width would largely

conceal the remaining area of the front garden to its rear, thereby substantially eroding the plot's existing open character. The garage's boxy form and its siting adjacent to the footway would appear stark and utilitarian, conflicting with the prevailing character of other properties nearby. Given the absence of other similar structures in nearby front gardens, it would also appear incongruous to the setting, harming the area's character and appearance.

6. Accordingly I conclude that the proposal would conflict with the aim of policy DM1(2)(b) of the Blaenau Gwent Local Development Plan (LDP) to avoid unacceptable adverse visual impact on townscape or landscape, and with the advice given in the Council's 'Householder Design Guidance' Supplementary Planning Guidance.

Safety and convenience of highway users

7. Traffic calming installed on the eastbound carriageway of Trefil Road would be likely to moderate traffic speeds in the vicinity of the appeal property. Sightlines towards the appeal site would allow approaching drivers to see a vehicle nosing out of the garage onto the footway and moderate their speed accordingly. Nonetheless, as the proposed garage would abut the footway, drivers of vehicles exiting the garage in forward gear would have a limited view of approaching pedestrians, cyclists or vehicles. This visibility would be further restricted for vehicles exiting the garage in reverse gear.
8. Vehicles would exit the garage only infrequently and there is little evidence of significant pedestrian activity on the footway. Nonetheless, the inadequate visibility for exiting drivers caused by the garage's siting and solid construction would introduce an unacceptable risk of harmful conflict with pedestrians using the footway. Moreover, the poor sightlines for exiting drivers into oncoming traffic would require exiting vehicles to temporarily obstruct the footway, causing inconvenience to pedestrians.
9. Although I note the comments of the Council's Highways officer regarding the potential re-siting of the garage, I must determine the appeal based on the submitted plans. For the above reasons I conclude that the proposal would not accord with the objective of LDP policy DM1(3)(a) for proposals to have regard to the safe, effective and efficient use of the transportation network.

Conclusion

10. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed. In reaching my decision, I have taken account of the requirements of the Well-Being of Future Generations (Wales) Act 2015 and consider that this decision would contribute towards building healthier communities and better environments.

Paul Selby

INSPECTOR

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 19th February 2021 and 19th March 2021
Report Author	Senior Business Support Officer
Report Date	29th March 2021
Directorate	Regeneration & Community Services
Date of meeting	15th April 2021

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 19 th February 2021 and 19 th March 2021.
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	Proposal	Valid Date Decision Date
C/2021/0040	9 Hereford Road, Beaufort, Ebbw Vale	Non material amendment application to accommodate a gap between the proposed extension and the existing extension at the rear of the adjacent property. Planning permission C/2020/0267 (rear extension, alterations to roof and installation of dormer window to front roof plane).	10/02/21 08/03/21 Approved
C/2021/0037	Former garage site adjacent to Hillcroft Cottage, Park Hill, Tredegar	Application for Non-material amendment to reduce the footway width to 1m and relocate as built position detached garage for plot 3 of planning permission C/2008/0357 (3 No. private dwellings)	18/02/21 16/03/21 Approved
C/2019/0116	Former Pochin Works Site, Newport Road, Tredegar	Construction of highway soakaway facility	17/05/19 25/02/21 Approved
C/2021/0029	Former Tech Board Building & Site, Rassau Ind Est, Main Spine Road North, Rassau, Ebbw Vale	Application for Non material amendment of planning permission C/2020/0071 (Demolition of ancillary building and tower, re-cladding & repair of existing elevations, new canopy & curtain walling to front elevation, new canopy to rear elevation & ancillary works) to relocate the proposed bat house & reposition bat boxes on land the east of the application site	04/02/21 25/02/21 Approved

C/2021/0028	24 Lakeside, Tredegar	'Discharge of condition 2 to use obscure glazing in the projecting triangular bay window and condition 3 relating to brick type to phoenix blend and to use river dredged red pit sand mortar of planning permission C/2010/0420 (New build 4 bed detached house with integral garage (alternative positioning))	03/02/21 24/02/21 Condition Discharged
C/2020/0224	Ty Teulu Ni, Charles Street, Tredegar	Construction of a pair of two storey semi-detached houses, with accommodation in the attic space.	28/09/20 16/03/21 Approved
C/2021/0031	Former Tech Board Building & Site Rassau Ind Est, Main Spine Rd North, Rassau, Ebbw Vale	Application for Discharge of Condition 4 (Samples of external finishes) of planning permission C/2020/0071 (Demolition of ancillary building and tower, re-cladding and repair of existing elevations, new canopy and curtain walling to front elevation, new canopy to rear elevation and ancillary works)	08/02/21 11/03/21 Condition Discharged
C/2021/0008	25 Alandale Road, Ebbw Vale	Proposed rear single storey extension, decking and front off-road parking area.	06/01/21 24/02/21 Approved
C/2021/0030	78 Cwmcelyn Road, Blaina, Abertillery	Tree works to sycamore tree (T1 - TPO No. BG86) comprising of selective shortening of lateral branches to a maximum of 5m to leave a balanced crown; crown clean via the removal of dead, dying and diseased branches; crown	04/02/21 15/03/21 Approved

thin via the removal of crossing and rubbing branches; and removal of epicormic growth above footpath.

C/2021/0015	Ty Duffryn, Duffryn Road, Waunlwyd, Ebbw Vale	Retention of garden shed/fitness room	18/01/21 04/03/21 Approved
C/2021/0013	Unit 2 Tafarnaubach Industrial Estate, Tafarnaubach, Tredegar	Application for Discharge of Condition 4 (Timber fence details) & 6 (Details of provision of 9 cycle stands) of planning permission C/2019/0330 (The change of use of existing building from Education Training Centre to B2 industrial use for the recycling and recovery of WEEE (Waste Electronic & Electrical Equipment) & associated materials & products)	14/01/21 03/03/21 Condition Discharged
C/2021/0017	40-42 Somerset Street, Abertillery	Replacement of existing shopfront	18/01/21 02/03/21 Approved
C/2020/0274	31 St James Park, Tredegar	Second storey extension above double garage and extension of and conversion of the garage for annexe accommodation	19/11/20 11/03/21 Approved
2021/0032	Pharmacy, Riverside, Beaufort, Ebbw Vale	Alterations to front elevation to include: the installation of automated prescription collection machine; new shop front with amended access ramp; re-rendering of external walls and new fascia; removal of existing projecting sign and	08/02/21 15/03/21 Approved

shutter box and provision of new internal shutter and addition of two canopies.

C/2021/0018	Flats 1-6 & 9-11 Cosy Place, King Street, Brynmawr	Renovation of Flats 1- 6 and 9 -11, including construction of new staircases to both flats blocks and associated external works.	14/01/21 01/03/21 Approved
C/2021/0021	94 High Street, Blaina	Construction of store area, waste bin enclosure and shelter	20/01/21 16/03/21 Approved
C/2021/0011	Land at Waun y Pound/ College Road, Ebbw Vale	Discharge of condition application to discharge conditions: 14 (puffin/toucan upgrades), 16 (junction improvement & bus stop) and 18 (junction stopping up phasing) of planning permission C/2019/0005 (Residential development of 277 dwellings & associated works).	12/01/21 08/03/21 Condition Discharged
C/2021/0016	Land off Dukestown Road, Dukestown, Tredegar	Construction of 1no. 2 bedroom bungalow with associated works	18/01/21 14/03/21 Approved

C/2021/0024	10 The Circle, Tredegar	Hand painted fascia signage	02/02/21 05/03/21 Approved
C/2021/0006	Land at western end of HoV Hub Industrial Estate, Crown Avenue, Dukestown, Tredegar	Industrial building subdivided into six small units and use of part of the site for the siting of approximately 14 metal containers units to be used as a container storage facility	11/01/21 08/03/21 Approved
C/2021/0010	46 Lilian Grove, Glyncoed, Ebbw Vale	First floor extension and porch (front elevation) and rear single storey extension	12/01/21 25/02/21 Approved

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

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