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

**THIS IS A MEETING WHICH THE PUBLIC ARE ENTITLED TO ATTEND**

1st February 2024

Dear Sir/Madam

**PLANNING COMMITTEE**

A meeting of the Planning Committee will be held via Microsoft Teams (if you would like to view this meeting please contact [committee.services@blaenau-gwent.gov.uk](mailto:committee.services@blaenau-gwent.gov.uk)) on Thursday, 8th February, 2024 at 10.00 am.

Yours faithfully

Damien McCann  
Interim Chief Executive

**AGENDA**

**Pages**

1. **SIMULTANEOUS TRANSLATION**

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

2. **APOLOGIES**

To receive any apologies for absence.

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

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

3. **DECLARATIONS OF INTEREST AND DISPENSATIONS**  
To receive any declarations of interest and dispensations.
4. **PLANNING APPLICATIONS REPORT** 5 - 30  
To consider the report of the Team Manager Development Management.
5. **APPEALS, CONSULTATIONS AND DNS UPDATE FEBRUARY 2024** 31 - 34  
To consider the report of the Service Manager Development & Estates.
6. **LOCAL IMPACT REPORT** 35 - 104  
To consider the Local Impact Report.
7. **QUARTERLY PERFORMANCE INFORMATION** 105 - 110  
To consider the report of the Service Manager Development & Estates.
8. **LIST OF APPLICATIONS DECIDED UNDER DELEGATED POWERS BETWEEN 18TH DECEMBER 2023 AND 28TH JANUARY 2024** 111 - 118  
To consider the report of the Business Support Officer.
9. **AREAS FOR MEMBER BRIEFINGS AND TRAINING**  
To discuss any areas for members briefings and training.

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

Councillor J. Thomas  
Councillor D. Wilkshire

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

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# Agenda Item 4

Report Date: 29<sup>th</sup> January 2024

Report Author:

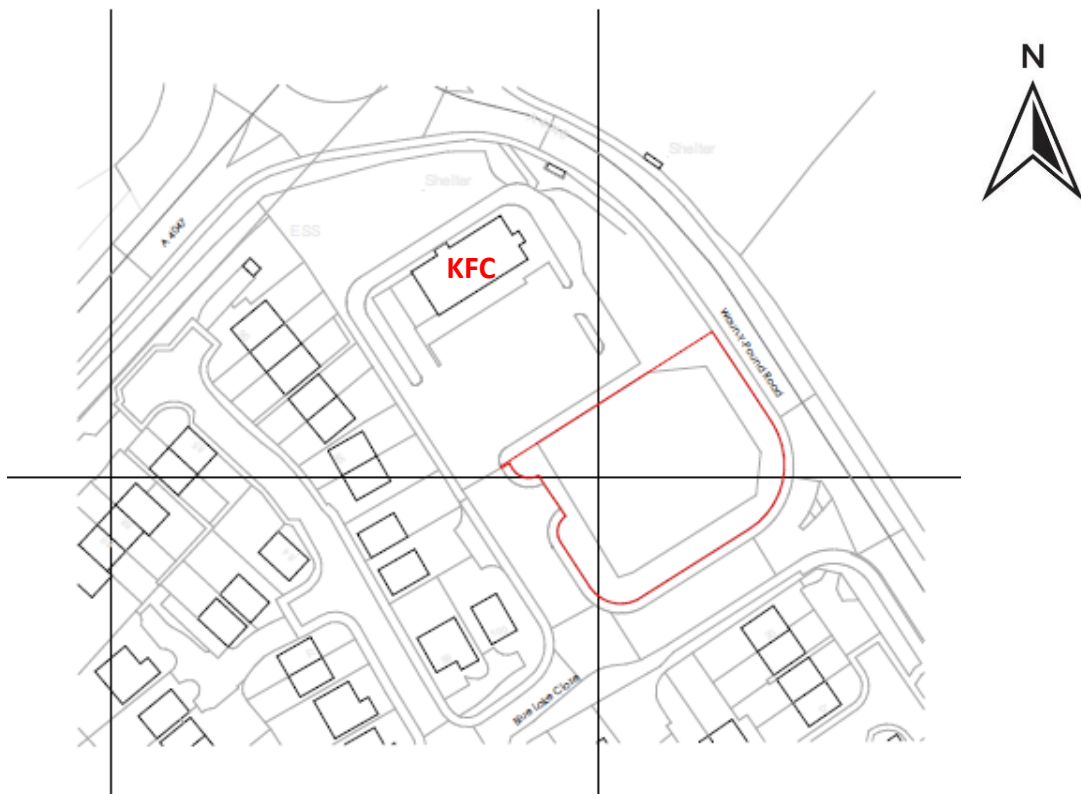
<b>BLAENAU GWENT COUNTY BOROUGH COUNCIL</b>	
<b>Report to</b>	<b>The Chair and Members of Planning, Regulatory and General Licensing</b>
<b>Report Subject</b>	<b>Planning Applications Report</b>
<b>Report Author</b>	<b>Team Manager Development Management</b>
<b>Report Date</b>	<b>29<sup>th</sup> January 2024</b>
<b>Directorate</b>	<b>Regeneration &amp; Community Services</b>
<b>Date of meeting</b>	<b>8<sup>th</sup> February 2024</b>

## Report Information Summary

<b>1. Purpose of Report</b>	
To present planning applications for consideration and determination by Members of the Planning Committee.	
<b>2. Scope of the Report</b>	
Application No.	Address
C/2023/0232	LAND ADJACENT TO KFC, WAUN-Y-POUND ROAD, EBBW VALE, NP23 6LE
<b>3. Recommendation/s for Consideration</b>	
Please refer to individual reports	

## Planning Report

<b>Application No:</b> C/2023/0232	<b>App Type:</b> Full
<b>Applicant:</b> Mr James Marshall Commercial Development Projects Ltd Huddersfield Rd Elland HX5 9BW	<b>Agent:</b> Mr Matthew Gray Montagu Evans LLP 70 St Mary Axe London EC3A 8BE
<b>Site Address:</b> Land adjacent to KFC, Waun-Y-Pound Road, Ebbw Vale, NP23 6LE	
<b>Development:</b> Erection of a drive thru bakery/coffee shop (Class A1/A3 use) and associated development	
<b>Case Officer:</b>	Sophie Godfrey



## 1.0 Background, Development and Site Context

- 1.1 This application seeks full planning permission for the erection of a drive thru bakery/coffee shop (Use Class A1/A3) and other associated development at land adjacent to KFC, Waun-y-Pound Road, Ebbw Vale. The submitted plans indicate the occupier would be Costa.
- 1.2 This application was presented to January 2024 Planning Committee. However the agent raised concerns regarding the description of development he had provided with the application. The agent on reflection was of the opinion 'drive thru bakery' did not accurately describe the proposed use by Costa. Whilst this concern is not shared by officers (who are content that the description covered the intended works) the application was deferred. It has been agreed that the description be amended to include 'coffee shop'. As the use class would remain unchanged, and the description would remain materially the same (with the insertion) it was not considered necessary for the application to be withdrawn and resubmitted or for statutory consultees to be re-consulted. However, in the interest of clarity and transparency, the application was re-advertised with the amended description and neighbouring properties were re-consulted. The result of this publicity exercise is detailed further in this report.
- 1.3 At present the site consists of an unused parcel of grassland. KFC drive thru is located to the north, Waun-y-Pound Road to the east, and residential development known as Blue Lake to the south and west. The site is broadly rectangle in shape and measures approximately 0.2ha. The topography of the site is a gentle slope from north-west to south-east. The site is within the settlement of Ebbw Vale, with Ebbw Vale Town Centre approximately 1.42km to the south east. The application site is allocated in the adopted Local Development Plan (LDP) under Policy MU1 for mixed use development as part of the Ebbw Vale Northern Corridor.



Figure 1.1 Existing Site

1.4

The proposal would include the erection of a drive thru bakery/coffee shop, with access gained off Waun-y-Pound Road to the east of the site and then via an internal road to the west. The drive thru would wrap around a southerly positioned building within the application site. The main customer/pedestrian entrance would be located to the north of the building, with a drive thru service window would be located to the south of the site.



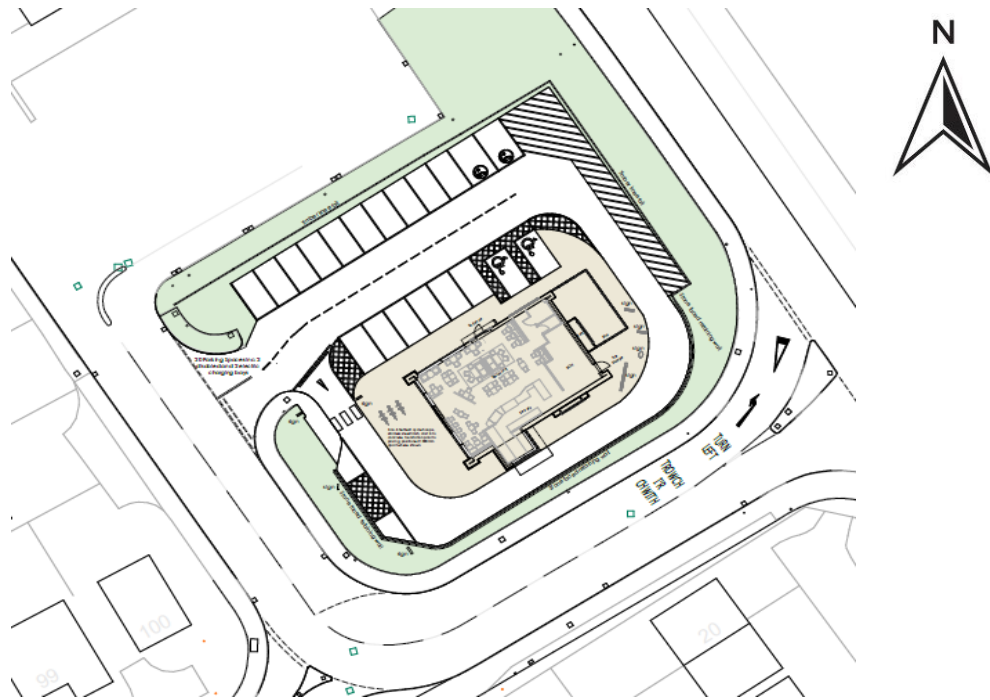


Figure 1.2 Proposed Site Plan

1.5 The building would be typical of a 'Costa' building; finished in red and white thru coloured render with feature vertical red cedar timber cladding. All elevations would include the company logo, with a logo sign to the roof (which will require separate Advertisement Consent).



Figure 1.3 Proposed Elevations

- 1.6 The internal layout would comprise of a back of house/kitchen area, servery and dining area to enable customers to consume food and drink on the property. 20no. parking spaces would be provided to the north of the site, in addition to 3no. bicycle stands. There is a 2m high timber fence proposed to the eastern elevation that will enclose a bin store. A 0.7m high stone faced retaining wall is proposed to the south/south east of the site.
- 1.7 This application is being presented to committee due to the potential impact the proposal may have on businesses in the Ebbw Vale Town Centre. As such, the proposal is considered to be of wider public interest.
- 1.8 It should be noted that there is extant permission on this site for a similar drive thru bakery (Greggs) in use class A1/A3 that was approved at Committee in February 2023.

## 2.0 Site History

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2.1	C/2022/0250	Erection of a drive thru bakery (Class A1/A3 use) and associated development	Approved (09/02/2023)
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## 3.0 Consultation and Other Relevant Information

### 3.1 Internal BG Responses

### 3.2 Service Manager Infrastructure: Highways:

3.3 Highway observations: The submitted planning application complies with the Council's 'Access, Car Parking and Design SPG', and Policy DM 1 (3 a, b, c & d). There are no objections.

3.4 Drainage:  
No objections in principle providing it meets all the requirements of the SAB. This development will have to obtain SAB Approval before commencing work on this site.

3.5 Landscape:  
No objections.

3.6 Ecology:  
No objections.

### 3.7 Service Manager Public Protection

3.8 The Noise assessment concludes that the noise levels from the site will be of low impact. However, the following conditions should be added:

- Plant Noise – 0dBA Above Background
- Delivery Times
- Fume Extraction
- Floodlighting

### 3.9 **External Consultation Responses**

#### 3.10 Welsh Water:

No objection subject to standard informatives and condition regarding the installation of an adequate grease trap.

#### 3.11 Western Power:

Identified Assets in the vicinity.

#### 3.12 W&W Utilities:

Identified Assets in the vicinity.

#### 3.13 Coal Authority:

No objection subject to conditions requiring an intrusive site investigation, associated remedial works where necessary and verification that such works have been carried out.

#### 3.14 **Public Consultation:**

- 22 letters to nearby houses
- 2 site notice(s)
- website public register of applications
- ward members by letter
- all members via weekly list of applications received

#### 3.15 Response:

3.16 2 letters have been received from neighbouring properties raising the following concerns:

- Impact on highway safety due to increased traffic movements around the site and into the access road for the housing estate at Blue Lake Close. Traffic is already bad due to KFC and this is before the Persimmon development has finished.
- Vehicles speed on the highway which causes a serious concern for safety, particularly pedestrian safety with this being a popular walking

route. The new drive thru bakery will cause an increase in the number of cars parking on and next to the pavements around the entrance to Blue Lake Close.

- Concerns if the car park will be big enough to accommodate the volume of cars/people the proposal will attract.
- Loss of privacy to residents of Blue Lake Close.
- Negative Impact on value of nearby houses.
- Increase in noise pollution.
- The proposal will encourage unhealthy eating when obesity is already a problem.
- Increase in number of rats in the area.
- There is a significant amount of rubbish, already coming from KFC. The proposal will only make this worse.
- When surrounding residents purchased their homes, they were advised that KFC would be moving; this did not happen.
- Questions as to whether the proposal supports government policy such as “A Healthier Wales” strategy. Another unhealthy drive thru would add to the already serious health crisis in Wales and put even more pressure on our NHS.
- The development directly goes against the Net Zero Wales policy which states that we should strive for a ‘greener, stronger, fairer Wales’. It goes completely against this policy to build a development that will in no way benefit the environment, and will only cause more parking and traffic congestion. When Blue Lake Close was built, it was built with the environment in mind and there are many green areas where trees and plants have been planted. This has done wonders for the environment and there is often wildlife occupying the large green spaces. The noise and pollution of this new drive thru is only going to prove detrimental to wildlife and the environment.

## 4.0 Planning Policy

- 4.1 Planning Policy accept that the use is a leisure use which is different in operation and usage to a convenience store in the town centre. The use will primarily attract passing vehicles on the highway network.
- 4.2 The Council’s Retail and Leisure Study identifies capacity for additional leisure spend on a year by year basis up to 2.9% on the basis of a growth in expenditure. The study also identifies a shortfall of existing food and drink facilities within the County Borough.

4.3 In February 2023, planning permission was granted on primarily the same site (slight difference in the boundary at the north eastern corner) for the same use A1/A3. Therefore planning policy consider that the principle of development has been established at the site through this permission and there are therefore no planning policy objections in principle. The original application (C/2022/0250) contained an assessment in relation to out of town retail/leisure development and planning policy accepted the findings. Given that nothing substantial has changed since the original planning application, planning policy raise no concerns.

4.4 LDP Policies:

SP1 – Northern Strategy Area – Sustainable Growth and Regeneration

SP3 – The Retail Hierachy and Vitality and Viability of the Town Centre

SB1 – Settlement Boundaries

DM1 – New Development

DM2 – Design and Placemaking

DM3 – Infrastructure Provision

MU1 – Ebbw Vale Northern Corridor

R1 – Retail Allocation

4.5 Supplementary Planning Guidance

Access, Car Parking and Design (March 2014) Supplementary Planning Guidance

4.6 PPW & TANs:

Future Wales 2040

Planning Policy Wales 11: section 4.3 (February 2021)

Technical Advice Note 4: Retail and Commercial Development (November 2016)

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

## **5.0 Planning Assessment**

### **5.1 Principle of Development**

5.2 The Blaenau Gwent Local Development Plan (LDP) indicates that the proposed site lies within the settlement boundary (Policy SB1) within which

development is generally permitted subject to policies in the Plan and other material considerations. The application site is allocated for mixed use development as part of the MU1 Ebbw Vale Northern Corridor allocation. There are no known constraints as per the Constraints Map.

- 5.3 Strategic Policy SP1 requires proposals within the 'Northern Strategy Area' to deliver sustainable growth and regeneration. This will be achieved by: Supporting the creation of a network of sustainable hubs around the principal hub of Ebbw Vale (criterion a);
- Promoting Ebbw Vale as the principal hub for Blaenau Gwent, where majority of social and economic growth will be accommodated including major retail expansion...(criterion b); and
  - Deliver strategic sustainable regeneration flagship schemes at The Works and Ebbw Vale Northern Corridor (criterion c).
- 5.4 The application site is allocated for mixed use development. Policy MU1 identifies the Ebbw Vale Northern Corridor for the construction of 805 homes, a commercial leisure hub, road side services, employment, a strategic mixed use employment and a network of green links. An indicative concept plan accompanies the policy and identifies the application site as white land i.e. no specific land use has been identified for the site.

#### Out of Centre Retail Development

- 5.5 Future Wales - the National Plan 2040 was published on the 24<sup>th</sup> February 2021, and therefore is relevant to this application as it now forms part of the Development Plan. Welsh Government has adopted a town centre first approach and requires that significant new commercial, retail, education, leisure and public service facilities must be located within town centres. They should have good access by public transport to and from the whole town and, where appropriate the wider region. A sequential approach must be used to inform the identification of the best location for these developments.
- 5.6 This is further supported by Planning Policy Wales (PPW) 11 para 4.3.2 which identifies that that retail and commercial centres should be identified in development plans and include established city, town, district, local, village and neighbourhood centres.
- 5.7 The LDP does not contain a development management policy that deals specifically with out of centre retail developments, but instead, relies on the requirements set out in national planning policy. PPW and TAN 4 sets out the tests that need to be applied when determining a retail application:

## 5.8 Quantitative Need

It is important that communities have access to adequate levels of retail provision. Evidence should demonstrate whether retail provision is adequate or not, by assessing if there is further expenditure capacity in a catchment area (quantitative need) or if there is a lack of retail quality, range of goods or accessibility (qualitative need). PPW is clear that precedence should be given to quantitative need for the proposed development (paragraph 4.3.15).

5.9 As part of the evidence base for the preparation of the replacement LDP (RLDP) the Council commissioned a 'Blaenau Gwent Retail and Leisure Study' (the 'Retail Study' or the 'Study'). The Retail Study was finalised in August 2021 and provides the best available information. Whilst the Study does not form part of the adopted LDP its should be considered as a material planning consideration. The Study concludes that there is no quantitative retail need for additional food (convenience) and non-food (comparison) retail floor space in the Borough during the plan period 2018-2033, even before an allowance is made for committed retail developments.

5.10 However, the proposal is for a mixed use (A1/A3) which incorporates both an A1 use (bakery) and an A3 use (café/coffee shop). An A3 use is defined as being the sale of food and drinks for consumption on the premises. Inherently, cafes have become places to socialise and as such, the study identifies A3 uses as a leisure use.

5.11 Given the nature of the development, it is considered that the proposal would be classified as a leisure use, rather than solely retail.

5.12 The Study identifies capacity for additional leisure spend on a year by year basis up to 2.9% on the basis of a growth in expenditure. The study also identifies a shortfall of existing food and drink facilities within the County Borough. The proposed development will therefore positively contribute to meeting this shortfall. It is therefore considered the applicant has demonstrated the quantitative need of the development.

## 5.13 Qualitative Need

5.14 Qualitative need identifies if there is a lack of retail quality, range of goods or accessibility.

5.15 Proposals based on this approach should be closely scrutinised to ensure that their development does not have unintended consequences and detrimental impact on existing retail activity within retail and commercial centres (Technical Advice Note 4, paragraph 6.6). PPW sets out a number of criteria which should

be considered as part of a qualitative assessment and TAN 4 indicates that a combination of these criteria will need to be met in order to justify new retail development:

- support the objectives and retail strategy of an adopted development plan or the policies in this guidance.
- are highly accessible by walking, cycling or public transport and/or contributes to a substantial reduction in, or alleviation of, car journeys, traffic congestion or over-trading.
- contribute to the co-location of facilities in retail and commercial centres identified in the retail hierarchy; and/or significantly contributes to the vibrancy, attractiveness and viability of such a centre.
- address locally defined deficiencies and alleviates a lack of convenience provision in a disadvantaged area.

5.16 It is not considered that the above points can be applied to the proposed development as the site is in an out of centre location and proposes a drive thru which is therefore car dependent.

5.17 However, TAN 4 recognises that regeneration and additional employment benefits may be a material consideration in making a decision on a planning application such as this. This has been raised as a consideration in the submitted, with confirmation that the development will create around 20 jobs.

#### 5.18 The Sequential Test

5.19 PPW 11 (February 2021) outlines The Welsh Government operates a ‘town centres first’ policy in relation to the location of new retail and commercial centre development. In implementing this policy, planning authorities should adopt a sequential approach to the selection of new sites in their development plan and when determining planning applications for retail and other complementary uses. By adopting a sequential approach first preference should be to locate new development within a retail and commercial centre defined in the development plan hierarchy of centres. If a suitable site or building to meet identified need is not available within a retail and commercial centre or centres, then consideration should be given to edge of centre sites and if no such sites are suitable or available, only then should out-of-centre sites in locations that are accessible by a choice of travel modes, including active travel and public transport, be considered. Developers should demonstrate that all potential retail and commercial centre options, and then edge-of-centre options, have been thoroughly assessed using the sequential approach before out-of-centre sites are considered.



- 5.20 It is noted that a sequential test was completed for both Ebbw Vale and Tredegar Town Centres and submitted under the previous application (C/2022/0250) and has been included within the Planning Statement submitted for this application. The Test concluded that there were no available sites that would offer the floor space required for the development, therefore there were no suitable, available and viable alternatives to the Site. Planning Policy agreed with the findings in respect of the existing development opportunities in Tredegar Town Centre and Ebbw Vale, and confirm that as nothing substantial has changed since the original planning application, and the proposals are very similar, they agree with that the assessments are still applicable to the current application and have no objections.
- 5.21 Retail Impact Assessment
- 5.22 The national requirement for impact assessments to be undertaken for proposed retail uses as set by PPW is 2,500 sq. m. The proposed leisure use sits at just 6.6% of the threshold. With the previous extant permission at the site, the applicant submitted a Retail Impact Assessment which concluded that any impact from the proposal would be limited to bakeries, predominantly the existing Greggs located in the town centres of Ebbw Vale and Tredegar. The assessment concluded that the proposal would operate in addition to existing stores without a detrimental impact upon the existing stores in Ebbw Vale and Tredegar which would remain open.
- 5.23 Whereas such Assessment has not been provided with this application, the submitted Planning Statement states that the current proposal would not have a materially different impact to the extant permission on the site. I agree that as the main trade of the proposed unit would be passing motorists, the impact on the existing shops is considered to be minimal and coherent with the impact from the extant permission on the site. Planning Policy have confirmed they are satisfied with this conclusion.
- 5.24 Having considered all of the above, Planning Policy have confirmed they have no objection in terms of land use. I concur with this view and consider that the proposal in land use terms is acceptable and compliant with local and national planning policy and will not result in an unacceptable detrimental impact on Ebbw Vale or Tredegar town centres.
- 5.25 Layout, Scale, Design
- In terms of layout and scale, the proposal is considered to be of a suitable scale, with adequate space to allow for planting and landscaping. The building is positioned towards the south/south east of the site, set in from the western boundary away from the residential dwellings at Blue Lake Close which is welcomed.

- 5.26 In terms of design, the proposal is typical of a drive thru restaurant, finished in red and white thru coloured render with feature vertical red cedar timber cladding. All elevations would include the company logo, with signage to the roof (all of which will require separate Advertisement Consent). There is a planting/hedgerow scheme proposed around all boundaries of the site.
- 5.27 There is a retaining wall proposed to the south east and south west boundaries. However as it would be limited in height at 0.7m, finished with a stone face, and as there is landscaping proposed to the front of the wall, it is considered acceptable in terms of visual amenity. There is also a 2m high timber fence proposed to the eastern elevation that would enclose a bin store. Given the presence of the existing KFC drive thru to the north of the site, and as there is landscaping proposed to all boundaries of the site, it is considered the proposal is acceptable in terms of layout, scale and design and would not have a detrimental impact upon the visual amenity of the surrounding area and wider landscape.

#### Amenity

- 5.28 The nearest residential dwellings would be located approximately 21 metres away to the south and west of the site. It is noted that concerns have been raised regarding the loss of privacy to neighbouring residents, however given the separation distance and as the proposal would be single storey in height, it is not considered that there would be a loss of privacy, loss of light or overbearing impact on any neighbouring residential property.
- 5.29 It is acknowledged that eating establishments have the potential for smells and noise which can impact on neighbouring properties. However, a Noise Impact Assessment has been submitted with the application which concludes that noise from the site will be of a low impact. The Council's Environmental Health Officer has confirmed he has no objections subject to conditions including a condition that restricts noise levels. I am therefore satisfied that the imposition of such conditions will ensure noise levels can be adequately controlled.
- 5.30 The Application Form submitted with this application states the site would operate between the between the hours of 07:00 to 22:00. The Council's Environmental Health Officer has confirmed they have no objections subject to a condition restricting delivery times between the hours of 07:00 to 22:00. In order to protect neighbouring amenity, it is considered a condition should also restrict customer opening times between these hours. Subject to conditions restricting the opening times, the proposal is considered acceptable.

- 5.31 No details have been provided in regards to extraction equipment from the food preparation areas. To ensure there is not a detrimental impact in terms of smell pollution, the Environmental Health Officer has requested a condition requiring details of fume extraction together with a condition for details of a lighting scheme to ensure no light pollution would be experienced by nearby residential properties. These conditions are considered to be necessary to protect amenity of neighbouring properties.
- 5.32 Concerns from residents regarding increased levels of rubbish and rodents in the area are noted. The Council's Environmental Health Section has appropriate powers to deal with noise, pest and odour nuisance complaints. Nevertheless, although the proposed site plan allocates an area for bin storage, no specific details have been provided regarding bins to be used by customers, therefore a condition requiring adequate waste facilities to be provided on site can be imposed.
- 5.33 Air Quality  
It is noted concerns have been raised by neighbouring properties in regards to the impact on the environment from increased traffic movements and congestion at the site. An Air Quality Assessment has been submitted in support of the application. The report states that the impact on air quality at existing receptor locations will be negligible and the pollutant concentrations will remain below the appropriate air quality standards. The Council's Environmental Health Officer has reviewed the information and confirms he has no objections in terms of impact on air quality.
- 5.34 Highways  
Access to the site would utilise the existing access that is used by the residential development at Blue Lake Close and the existing KFC unit. The drive thru would wrap around the building, with 20no. parking spaces provided to the north of the site, in addition to 3no bicycle stands.
- 5.34 The submitted Transport Assessment has been completed by an independent consultant which has concluded that:
- A swept-path analysis has been undertaken for a 10m rigid vehicle which demonstrates that the required delivery vehicles will be able to safely manoeuvre within the proposed development site.
  - The highway accident data has been reviewed for the most recently available three-year road safety record for the area surrounding the site. The data does not demonstrate any pre-existing patterns or trends of incidents that could be affected by the development proposals.

- The accessibility of the site for non-car modes of travel has been assessed. It is considered that the site is located to allow for some journeys by sustainable modes for both customers and staff.
- The trip generation assessment shows that the proposed drive-thru coffee shop unit would generate a maximum of 81 trips during the peak-hour periods. However, as the proposed development is located to draw a large proportion of trade from passing vehicle traffic on the surrounding highway network, the proposals are likely to generate a relatively low level of 'new' or 'primary' vehicular trips.

5.35 The Council's Highways Manager has confirmed that the planning application complies with the Council's 'Access, Car Parking and Design SPG', and Policy DM 1 (3 a, b, c & d). There are no objections subject to conditions requiring the parking and servicing areas and cycle stands to be fully constructed prior to development becoming operational.

5.36 I appreciate the concerns raised by local residents with regards to the impact on highway and pedestrian safety through increased traffic visiting and parking at and around the application site. However as outlined above, the Council's Highways Manager has confirmed there no objections to the proposal and it is in accordance with the relevant LDP policies and SPG. There is sufficient parking proposed at the site and as the drive thru wraps around the building within the site, it is not considered it would result in increased congestion on the access road and junction leading off Waun-y-Pound Road. The submitted Transport Assessment further states that it is likely a large number of customers would be passing trade so the proposals are likely to generate a relatively low level of 'new' or 'primary' vehicular trips.

5.37 Having taken the above into consideration, subject to conditions suggested by the Highways Manager, I am satisfied that the access, parking and servicing provisions, are acceptable and the development complies with LDP Policy DM 1 (3 a, b, c, d & e).

#### Drainage

5.38 Since 7<sup>th</sup> January 2019 any development proposals that have a hard surface area exceeding 100m<sup>2</sup> require separate SAB approval to deal with surface water drainage. This development exceeds that threshold and accordingly will require approval of Sustainable Drainage Systems (SuDS). The Council's Drainage Manager has confirmed he has no objections in principle to this application providing it meets all the requirements of the SAB. An informative note will be added to ensure the developer is aware of their responsibility to obtain the necessary SAB consents to deal with surface water drainage.

### Ground Conditions

- 5.39 The site is located within a development high risk area as defined by the Coal Authority and as such a Coal Mining Risk Assessment has been submitted. The Coal Authority has been consulted on the application and confirmed they have no objections to the proposal subject to conditions requiring the intrusive site investigation and verification report being submitted.

### Landscape & Ecology

- 5.40 The applicant has submitted a detailed soft landscape plan and Landscape Design Statement, Specification & Management Plan with the application. The Council's Landscape Officer has confirmed the proposal includes native species hedgerow planting to screen visually unsympathetic elements (car parking, storage areas etc.). The detailed specification for proposed landscaping and aftercare programme is acceptable, and they have no objections.

- 5.41 It is noted that comments have been received in regards to the impact the proposal would have on green spaces and wildlife. In line with WG guidance and for compliance with PPW 11, the Environment (Wales) Act 2016 and LDP policies DM1, SP10 and SP14 each application for planning permission must now propose ecological and biodiversity mitigation and enhancement. The Council's Ecologist was consulted on the application and confirmed whilst in principle they have no objection to the development biodiversity enhancements should be implemented on site to provide net gain. An appropriately worded condition will ensure this is achieved.

- 5.42 In accordance with Chapter 6 of PPW 11 due regard has been given to the fact that the application should be accompanied by a Green Infrastructure Statement, however given the scale of the development proposed it is not considered proportionate to request one in this instance. The proposed landscaping scheme is considered sufficient and has demonstrated that green infrastructure has been given due regard. It is also noted that Green Infrastructure will also be considered as part of any future SAB application.

### 5.43 Other matters:

Other concerns raised such as impact on unhealthy eating, the negative impact on value and saleability of nearby houses and the proposals compliance with other policy/legislation that is outside of the remit of planning applications are not material planning considerations.

- 5.44 In conclusion, whilst the development is out-of-centre it is considered to be a leisure use and would not have a detrimental impact upon the town centres of Ebbw Vale or Tredegar. Inherently, as a drive thru it will attract vehicular traffic.

However, it has been demonstrated that a large proportion of trade will be from passing vehicular traffic on the surrounding highway network rather than 'new' or 'primary' vehicular trips. It is also worth noting that the 'eat in' restaurant element would serve the recently constructed residential developments at both Blue Lake Close and Carn-y-Cefn (old college site), both of which are within walking distance to the site.

- 5.45 On balance it is considered that the erection of a drive thru bakery/coffee shop (Use Class A1/A3) and other associated development is considered to be acceptable in compliance with LDP Policies SP1, SP3, SB1, DM1, DM2, DM3, MU1 and R1 and the adopted SPGs. I therefore recommend approval accordingly.
- 5.46 It should be noted that neighbours were reconsulted/the application was readvertised on 15<sup>th</sup> January 2024. As such, the 21 day consultation period does not end until 5<sup>th</sup> February 2024. As such, my recommendation is based on no further representations being received between now and the 5<sup>th</sup> February 2024. If however further correspondence is received after the time of writing it will be reported verbally to Planning Committee.

## 6.0 Legislative Obligations

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

## 7.0 Conclusion and Recommendation

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

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

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

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

- Location Plan, Drawing No. 00\_01, dated 03/2022;
- Proposed Site Plan, Drawing No. 00\_01D, recorded received 14/11/2023;
- Proposed Elevations, Drawing No. 02\_02 dated June 2023;
- Proposed Site Sections, Drawing No. 04\_02, dated June 2023;
- Proposed External Works, Drawing No. 1506/46/05 Rev A, dated 25.07.22;
- Detailed Soft Landscape Proposals, Drawing No. TDA.2901.01, dated September 2023;
- Landscape Design Statement, Specification & Management Plan, by TDA, dated September 2023;
- Air Quality Impact Assessment, by Dragonfly Consulting, Report Number DC4078-AR1v2, dated 02.09.2023;
- Noise Impact Assessment, by Acoustic Consultants Ltd, Reference 9758/SF, dated 26/09/2023;
- Transport Statement 2 by Dynamic Transport Planning, Report Number 3705822-TS, dated September 2023;
- Coal Mining Risk Assessment, by ARP Geotechnical Ltd, reference CDP/27/JRjcl1, dated 26 August 2022;
- Foul and Surface Water Drainage Strategy, by ARP Associates, reference 1506/46r1c, dated October 2023

Reason: To clearly define the scope of this permission.

3. Notwithstanding the details on the approved plans, the surface water drainage proposals are not approved.

Reason: To clearly define the scope of this permission.

4. No development shall commence until;

- a scheme of intrusive site investigations must be carried out on site to establish the risks posed to the development by past coal mining activity, and;
- any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance

Reason: Coal mining legacy on the site poses a potential risk to the proposed development. Further investigations are required, along with remedial measures, in order to ensure the safety and stability of the proposed development in accordance with the relevant criteria under LDP Policy DM1.

5. Prior to the development being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason: Coal mining legacy on the site poses a potential risk to the proposed development. Further investigations are required, along with remedial measures, in order to ensure the safety and stability of the proposed development in accordance with the relevant criteria under LDP Policy DM1.

6. Any unforeseen ground contamination encountered during development, to include demolition, shall be notified to the Local Planning Authority as soon as is practicable. Unless otherwise agreed in writing by the Local Planning Authority as unnecessary, an appropriate ground investigation and/or remediation strategy shall be submitted to



and approved in writing by the Local Planning Authority, and the approved strategy shall be implemented in full prior to further works on site. Following remediation and prior to the occupation of any building, a Completion/Verification Report, confirming the remediation has been carried out in accordance with the approved details, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that any potential risks to human health or the wider environment which may arise as a result of potential land contamination are satisfactorily addressed in accordance with the relevant criteria under LDP Policy DM1.

7. The rating level of the noise emitted from (Fixed Plant and equipment (mechanical and electrical)) located at the site shall not exceed the existing background level at any premises used for residential purposes when measured and corrected in accordance with BS 4142: 2019.

Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected in accordance with the relevant criteria under LDP Policy DM1.

8. Fumes from the food preparation areas shall be mechanically extracted and the extraction system shall be provided with de-greasing and de-odorising filters. Details of the extraction equipment (including scaled schematics, location plans, odour attenuation measures and future maintenance) shall be submitted to and approved in writing by the Local Planning Authority prior to its installation, and the equipment shall be installed in accordance with the approved details prior to the commencement of use for the cooking of food. The equipment shall thereafter be maintained in accordance with the approved details

Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected and in the interests of visual amenities in accordance with the relevant criteria under LDP Policy DM1.

9. Should the approved use have a kitchen and / or food preparation area then the use shall not commence until an adequate grease trap has been fitted in accordance with details that have been submitted to and approved in writing by the local planning authority. Thereafter the grease

trap shall be maintained so as to prevent grease entering the public sewerage system.

Reason: To protect the integrity of the public sewage system and ensure the free flow of sewage in accordance with the relevant criteria under LDP Policy DM1.

10. Prior to the installation of the floodlighting scheme, full details shall be submitted to and approved in writing by the Local Planning Authority to provide that:

- Light into neighbouring residential windows generated from the floodlights shall not exceed 10 Ev (lux) (vertical illuminance in lux).
- Each floodlight must be aligned to ensure that the upper limit of the main beam does not exceed 70 degrees from its downward vertical.
- The floodlighting shall be designed and operated to have full horizontal cut-off and such that the Upward Waste Light Ratio does not exceed 5%.
- The submitted scheme shall include an isolux diagram showing the predicted illuminance in the vertical plane (in lux) at critical locations on the boundary of the site and at adjacent properties.

The approved scheme shall be implemented prior to first use of the lighting and be permanently maintained in that state thereafter.

Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected in accordance with the relevant criteria under LDP Policy DM1.

11. There shall be no arrival, departure, loading or unloading of vehicles between the hours of 22:00 and 07:00 on any day.

Reason: To clearly define the scope of the permission and in the interests of amenity in accordance with the relevant criteria under LDP Policy DM1.

12. The property shall not be open to customers outside the following times: 07:00 to 22:00 Mondays to Sundays inclusive. No customers shall

be allowed to enter or remain on the premises and no orders taken for food served outside the specified hours.

Reason: To clearly define the scope of the permission and in the interests of amenity in accordance with the relevant criteria under LDP Policy DM1.

13. The car parking and servicing areas as indicated on the approved plans shall be fully constructed in accordance with the approved details prior to the facility becoming operational. These areas shall be retained for their designated purpose in perpetuity.

Reason: To ensure the parking needs of the development are adequately met and to safeguard highway interests in accordance with the relevant criteria under LDP Policy DM1.

14. The cycle stands as indicated on the approved plans shall be fully constructed in accordance with the approved details prior to the facility becoming operational. These areas shall be retained for their designated purpose in perpetuity.

Reason: To ensure that the needs to bicycle parking are adequately met at all times in accordance with the relevant criteria under LDP Policy DM1.

15. The use hereby permitted shall not commence until litter bins have been provided in accordance with a scheme that has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of subsequent management of litter and maintenance of bins. Any bins provided shall be retained and managed thereafter.

Reason: In the interests of amenity and waste management in accordance with the relevant criteria under LDP Policy DM1.

16. Prior to the first beneficial use of the development, details of biodiversity and ecological enhancements (to include location, position and specification) to be provided as part of the development or within the wider curtilage of the site shall be submitted to and approved in writing

by the Local Planning Authority. The mitigation shall be installed within six months of the details being approved and shall be maintained as such thereafter.

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

17. All planting, hedgerows, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following occupation of the building, the completion of the development (whichever is the sooner), or any alternative timescale that may be approved in writing by the Local Planning Authority before works commence on site. Any trees, shrubs or plants which within a period of 5 years from implementation of the planting scheme die, are removed or become seriously damaged or diseased, shall be replaced by one of the same species and size in the next available planting season.

Reason: To ensure timely implementation of an appropriate landscaping scheme in accordance with the relevant criteria under LDP Policies DM1 and DM2.

#### Informatives:

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

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

2. This permission does not include new shop signage. The applicant is required to apply for the signage under a separate Advertisement Consent application unless they can be installed under permitted development rights contained within The Town and Country Planning (Control of Advertisements) Regulations 1992.

3. The applicant's attention is drawn to the informatives outlined in Dwr Cymru / Welsh Waters response. Their response is attached to this permission for their information.
4. All British birds, their nests and eggs (with certain limited exceptions) are protected under Part 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. To avoid any unlawful act, all works that could affect birds should be carried out between the months of September and February (inclusive).
5. Ground Investigations and groundworks -Under the Coal Industry Act 1994 any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) require the prior written permission of the Coal Authority since these activities can have serious public health and safety implications. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain permission to enter or disturb our property will result in the potential for court action. Application forms for Coal Authority permission and further guidance can be obtained from The Coal Authority's website at: [www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property](http://www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property).
6. Shallow coal seams - In areas where shallow coal seams are present caution should be taken when carrying out any on site burning or heat focused activities.

## 8.0 Risk Implications

8.1 None.

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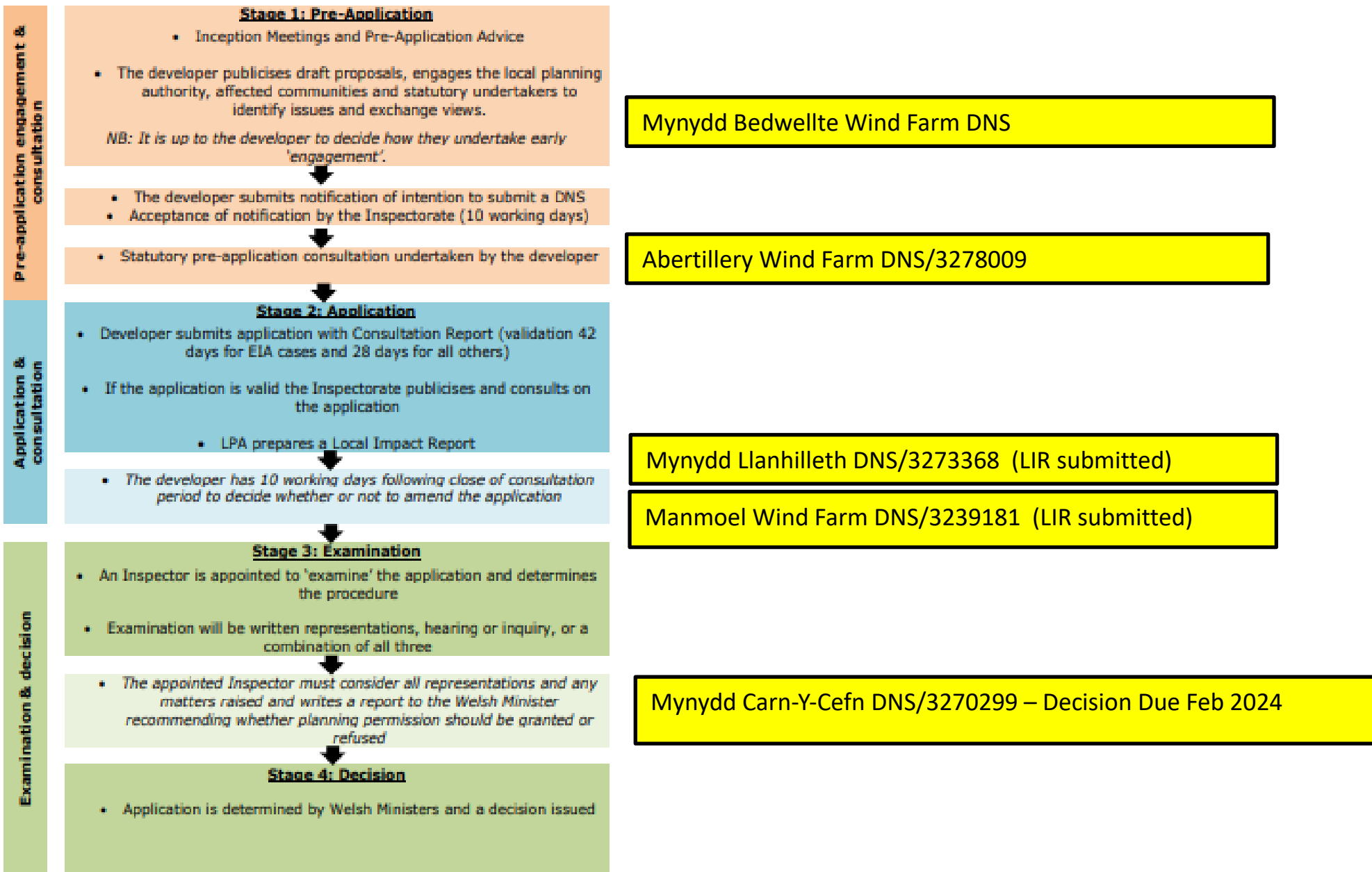
<b>BLAENAU GWENT COUNTY BOROUGH COUNCIL</b>	
<b>Report to</b>	<b>The Chair and Members of Planning</b>
<b>Report Subject</b>	<b>Appeals, Consultations and DNS Update February 2024</b>
<b>Report Author</b>	<b>Service Manager Development &amp; Estates</b>
<b>Report Date</b>	<b>February 2024</b>
<b>Directorate</b>	<b>Regeneration &amp; Community Services</b>
<b>Date of meeting</b>	<b>8<sup>th</sup> February 2024</b>

<b>1.0</b>	<b>Purpose of Report</b>
1.1	<p>To update Members in relation to planning appeals, live DNS cases and status update of anticipated DNS schemes.</p> <p>A Copy of the submitted Local Impact Report in relation to Mynydd Llanhilleth is included for members information.</p>
<b>2.0</b>	<b>Present Position</b>
2.1	The attached list covers the “live” planning appeals and Development of National Significance (DNS) caseload. It also provides information of the status of anticipated DNS schemes.
<b>3.0</b>	<b>Recommendation/s for Consideration</b>
3.1	That the report be noted.

	Application No Appeal Reference Case Officer	Site Address	Development	Type Procedure	Sit Rep
1	CAS-02310-J7Y5T0 (C21/082) Paul Samuel	Underhill, Hawthorn Road, Ebbw Vale, NP23 5HS	Unauthorised raised decking and timber building	Enforcement Appeal  Written Reps	LPA written statement submitted to PEDW
2	CAS-02311-Z4L0N4 (C21/082) Paul Samuel	Underhill, Hawthorn Road, Ebbw Vale, NP23 5HS	Unauthorised change of use of land	Enforcement Appeal  Written Reps	LPA written statement submitted to PEDW
3	CAS-02445-W7P8Q6 Paul Samuel	Glyn Millwr, Stones Houses, NP13 3AA	Unauthorised change of use of land to a residential travellers site including the siting of caravans and associated vehicles	Enforcement Appeal  Written Reps	LPA written statement submitted to PEDW
4	CAS-03113-T1K7P0 Joanne Clare	27 Cwm Road, Waunlwyd, Ebbw Vale NP23 6TR	Refusal of Advertisement Consent under application C/2023/0144	Advertisement Appeal  Written Reps	Questionnaire Submitted to PEDW



## Developments of National Significance (DNS) – Status Update



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**BLAENAU GWENT COUNTY BOROUGH COUNCIL**

**TOWN AND COUNTRY PLANNING ACT 1990 (as amended)**

**The Developments of National Significance  
(Wales) Regulations 2016**

**LOCAL IMPACT REPORT**

Application by: Pennant Walters

Site: Land at Mynydd Llanhilleth

PEDW Reference: DNS/3273368- Mynydd Llanhilleth Wind Farm

## **CONTENTS**

1. Introduction
2. Site and Surroundings
3. The Proposed Development
4. Planning History
5. Local Designations Relevant to the Site / Surroundings
6. Local Development Plan
7. Publicity of the Development National Significance Application
8. Impact of the Development on the Area
9. Secondary Consent Requirements
10. Summary
11. Proposed conditions

### **Appendices**

1. LDP Proposals Map extracts
2. Local Development Plan Policies
3. Sensitivity and Capacity Study
4. Site notice locations and evidence of publicity

## 1.0 **INTRODUCTION**

1.1 This Local Impact Report (LIR) has been prepared to meet the requirements of Section 62K of the 1990 Act, and Regulation 25 of the Developments of National Significance (Procedure) (Wales) Order 2016 (The Order). The LIR has been prepared to inform PEDW of the likely impact of the proposed development on the area. The report is based on existing local knowledge and evidence of local issues.

1.2 In accordance with Section 62K the LIR will set out at a minimum: -

- Planning history of the site.
- Local designations relevant to the site / surroundings.
- Any relevant local planning policies, guidance or other documents.
- Evidence of the Publicity undertaken by the Local Planning Authority (LPA) in accordance with the Procedure Order, i.e. a copy of the Site Notice, a photograph of the Site Notice on display and a map showing the location of the Site Notice.
- The likely impact of the development on the area.
- Secondary consent requirements.
- Draft conditions or obligations which the LPA considers necessary for mitigating any likely impacts of the development.

1.3 This LIR is reliant upon information available within the submitted documents and prior knowledge of the site and has regard to the relevant procedural guidance contained at Appendix 5 of the Welsh Government's 'Guidance on Developments of National Significance'.

1.4 The LIR is a factual document that should not weigh evidence or make recommendations. Accordingly, this LIR will not qualify impacts other than stating whether impacts are anticipated to be positive, negative or neutral, since to do otherwise would be to apply weighting which is expressly excluded in the relevant advice.

## 2.0 **SITE AND SURROUNDINGS**

2.1 The proposed development comprises an elevated plateau, orientated north to south, located on parts of Mynydd Llanhilleth Common. The site is situated between the Ebbw Fach Valley to the west and Afon Valley to the east. Most of the proposed development is located within Torfaen County Borough Council (TCBC) with the western part

(Turbines 3 and 8) located within the Blaenau Gwent County Borough Council (BGCBC) area.

- 2.2 The site is located approximately 300m to the east to Llanhilleth and Brynithel is approximately 500m to the west. Six Bells is approximately 600m to the north-west of the site boundary and beyond that (approximately 1km) is the town of Abertillery. The Bannau Brycheiniog National Park (BBNP) Authority boundary is located approximately 4km (at its closest point) to the east of the nearest turbine. The BBNP then extends further north-east, north and north-west, bordering the northern periphery of BGCBC.
- 2.3 The redline of the application site encompasses an area of approximately 267 hectares (ha) comprised of a mix of upland grasslands, a former quarry with associated coniferous plantations to the southern parts of the site and coniferous and non-coniferous woodland to the northern slopes.
- 2.4 Access to the site is proposed from the B4246 (to the east of Talywain) through an unnamed road onto Farm Road. An unnamed adopted highway runs through the site east to west which links Farm Road with Blean-y-Cwm Road.
- 2.5 The land within the application site is registered as Common Land and an area of Open Access Land is located immediately to the west. There are several Public Rights of Way (PRoW) crossing the site, allowing access from the adjacent settlements.
- 2.6 Although there are no dwellings within the redline of the application site, Blaen Nay y Caws Farm in Pontnewynydd has been identified as being within 300m of the site. The nearest dwelling within Blaenau Gwent is Ty Daffyd Farm, St Illtyds (approximately 559m from Turbine 3). Gilfach Wen Farm is also less than 1km to Turbine 3. Incline Cottage, Llanhilleth is approximately 559m from Turbine 8 and there are a number of other residential properties between 700-1km from Turbine 8, including properties to the east of Regent Street and Oxford Place, Llanhilleth.
- 2.7 There are two existing wind turbines within approximately 600m to the north of the site.

### **3.0 THE PROPOSED DEVELOPMENT**

- 3.1 The Proposed Development would comprise the following elements:
- Up to eight turbines of up to 180m maximum tip height and associated crane pads at each turbine location;
  - Turbine foundations;
  - Underground power cables linking the turbines and the on-site substation;
  - Temporary construction compounds, laydown and storage areas;
  - Access works - improvements to the existing access from the B4246 together with new and improved internal wind farm tracks off the main internal access road;
  - Grid connection infrastructure, including the on-site substation, control building and underground cables linking the Site to the distribution network, together with construction enabling works.
- 3.2 It is anticipated that the development would have an operational lifetime of 30 years and an electrical export capacity of up to 34MW.
- 3.3 This LIR will primarily consider the works within BGCBC however, it will also address wider impacts the development may have upon BGCBC.

### **4.0 PLANNING HISTORY**

4.1	Application No	Proposal and location	Decision
	C/2012/0355	Ty Dafydd Farm, Six Bells Abertillery - Erection of 1 no. WTN 500 Wind Turbine: 50m (hub) high, 74m (tip) high, including ancillary development.	Refused 05/12/2013
	C/2012/0383	Coed Y Gilfach Farm, Six Bells, Abertillery - Erection of a single 500kw wind turbine (hub height 50m, blade tip height approximately 73.5m) with access track, vehicle turning area, crane hard standing, fencing and electrical sub station.	Refused 05/12/2013 APP/X6910/A/14/2215270 - Appeal Dismissed 16/10/2024
	C/2013/0301	Land at Maesynew Farm, Hyde Place, Llanhilleth - The erection of a single wind turbine with a maximum hub height of 50 metres and maximum blade tip of 73.5 metres, together with associated hardstandings, an improved access	Non determination. APP/X6910/A/14/2216488 - Appeal Dismissed against non-determination of application 16/10/2014

	track and associated electrical infrastructure	
C/2016/0098	Coed y Gilfach Farm, Six Bells, Abertillery - Installation of two 250kw wind turbines	Approved 30/06/2016
C/2016/0305	Discharge of condition 21 - Breeding and Wintering Birds Survey of planning permission C/2016/0098 (Two 250kw wind turbines)	Refused 23/11/2016
C/2017/0051	DOC - 6 - ground stability, 8 - archaeology, 21 - bird survey, 23 - ice shed signs of planning permission C/2016/0098	Approved 14/6/2017
C/2018/0092	NMA of planning permission C/2016/0098 - amendment to the timing of condition 7	Approved 22/03/2018
C/2018/0096	DOC - 9 specification of wind turbines, 10 external finish of the turbine towers, nacelle and blades, 11 construction of proposed access track, hard standing/crane pads & upgrades to existing track & 14 Construction & Environmental Management Plan of C/2016/0098	Approved 17/05/2018
C/2018/0149	Discharge of condition 19 - noise assessment for alternative turbine model of planning permission C/2016/0098 (Installation of two 250kw wind turbines)	Approved 25/07/2018
C/2018/0232	C/2018/0232 - Non Material Amendment to planning permission C/2016/0098 (Installation of two 250kw wind turbines) to amend timing element for submission of details in relation to conditions 7, 16B and 22	Approved 13/08/2018
C/2018/0257	Discharge of condition 7 - Turbine foundations & structural calculations. Condition 16(b) - Independent consultations. Condition 22 - Highway condition survey details. Planning permission C/2016/0098 - Installation of two 250kW wind turbines	Approved 07/09/2018
C/2018/0239	Coed Y Gilfach Farm, Six Bells, Abertillery - Retrospective application for revised access track, turning area and 2x crane pads to	Approved 04/10/2018



	facilitate the installation of 2x wind turbines	
C/2019/0091	Application for Non-Material Amendment for the relocation and substitution of single substation/transformer cabinet for three smaller cabinets of planning permission C/2016/0098 (Installation of two 250kW wind turbines)	Approved 31/05/2019
CON/2022/0006	Screening Opinion to construct an access road from Tir Pentwys northwards to join B4248 (West of Blaenavon) – all within BG Admin area to facilitate Secondary Aggregates extraction at land at Tir Pentwys, Torfaen	EIA Required. Response provided 25.11.2022
CON/2022/0007	Scoping Opinion to construct an access road from Tir Pentwys northwards to join B4248 (West of Blaenavon) – all within BG Admin area to facilitate Secondary aggregates extraction at land at Tir Pentwys, Torfaen	Scoping Opinion Adopted 31.01.2023

## 5.0 **LOCAL DESIGNATIONS RELEVANT TO THE SITE/ SURROUNDINGS**

5.1 The proposals and constraints maps forming part of the Blaenau Gwent County Borough Council Local Development Plan (LDP), adopted in 2012, provides the following information:

5.2 The site is in an area of open countryside outside of any defined settlement boundary.

5.3 The following designations fall within and around the site:

- The site falls within Special Landscape Areas (SLAs) known as St Illtyd Plateau & Ebbw Eastern Sides (LDP Policy ENV2.1 and Eastern Ridge & Mynydd James (ENV2.2)
- There are Sites of Importance for Nature Conservation (SINC) within and adjacent to the boundary of the site. These include:
  - ENV3.116 - Coed y Gilfach
  - ENV3.118 – Tirpentwys Cut
  - ENV3.125 – Mulfran, Mynydd Coity, Mynydd James & Gwastad

- Scheduled Ancient Monument MM141 - St. Illtyd's Castle Mound (MM141) is located within 800m of the site boundary to the west
- Listed Buildings Grade II\* St Illtyds Church (Cadw Ref 1866) and Grade II Listed Buildings Hafod arthen (Cadw Ref 1867) and Ty Llwyd (Cadw Ref 22672) are located between 450m-800m from the site.
- Part of the site falls within the High-Risk Coal field area.
- There are several public rights of way that cross the redline boundary of the application site;
- The site falls within a Coal and Aggregates Safeguarding area.

5.4 With regards to surrounding designations, Bannau Brycheiniog National Park (BNNP) and the Usk Bats Site of Special Area of Conservation (SAC) lie approximately 4-4.5km to the north and north-east.

5.5 Blaenavon World Heritage Site (WHS) is located approximately 3.8km to the north of the nearest turbine. There are several other historical assets with statutory and non-statutory designations and Listed Buildings within the surrounding urban areas and landscape that fall within the Zones of Theoretical Visibility (ZTV).

5.6 There are five records of non-designated historic assets located within the Site boundary. These non-designated assets include Mynydd Llanhilleth possible Roman Road, Air Shaft and other mining remains at Cwm Cnyw, Building at Pen Tranch and sheep pens, Cefn Crib Common, Ridgeway and Bridge abutments on the route of the former Talywain Railway.

5.7 Four statutory designated sites of international importance are located within 10km of the Site boundary: Aberbargoed Grasslands Special Area of Conservation (SAC), Usk Bat Sites SAC, Cwm Clydach Woodlands SAC and River Usk SAC. Ty'r Hen Forwyn Site of Special Scientific Interest (SSSI) is within 2km.

5.8 There was extensive opencast mining which took place on Mynydd Llanhilleth between the 1940s and the 1970's.

5.9 An extract of the LDP Proposals map is attached at Appendix 1.

## **6.0 LOCAL DEVELOPMENT PLAN**

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning applications are determined in accordance with the relevant development plan policies, unless material considerations indicate otherwise.

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

6.3 The following policies are of relevance:

### 6.4 Strategic Policies

- SP7- Climate Change
- SP8- Sustainable Economic Growth
- SP9- Active and Healthy Communities
- SP10- Protection and Enhancement of the Natural Environment
- SP11- Protection and Enhancement of the Historic Environment
- SP12- Securing an Adequate Supply of Mineral

### Topic Based Policies

- 6.5
- DM1- New Development
  - DM2- Design and Placemaking
  - DM4- Low and Zero Carbon Energy
  - DM14- Biodiversity Protection and Enhancement
  - DM15- Protection and Enhancement of the Green Infrastructure
  - DM16 – Trees, Woodland and Hedgerow Protection
  - DM19- Mineral Safeguarding
  - ENV2- Special Landscape Areas
  - ENV3- Sites of Importance for Nature Conservation
  - M1- Safeguarding of Minerals
  - M4 – Preferred Areas - Tir Pentwys Tip - M4.2

6.6 A copy of the relevant LDP policies are attached at Appendix 2.

6.7 Supplementary Planning Guidance

6.8 The following study document is also considered relevant:

- Sensitivity and Capacity Study for Renewable Energy Development, Blaenau Gwent County Borough Council and Torfaen County Borough Council (October 2021)

6.9 A copy of the document is provided at Appendix 3.

**7.0 PUBLICISING THE DNS APPLICATION**

7.1 By letter dated 6<sup>th</sup> December 2023, PEDW confirmed that the DNS application had been accepted, determined as valid and the application process had commenced.

7.2 BGCBC hereby confirm that, in compliance with Regulation 20 of The Order, the documents required to be placed on the planning register, and described in the PEDW validation letter, were placed on the Council's online planning register: <https://www.blaenau-gwent.gov.uk/media/kx4mmuz4/week-49.pdf> within the required 5 working days.

7.3 BGCBC also confirm that the site notices issued to them were displayed, in compliance with Regulation 19 and Regulation 25 (2) I of The Order. A plan identifying the location of the site notices and photographic evidence of the site notices as displayed is provided at Appendix 4.

**8.0 IMPACT OF THE DEVELOPMENT ON THE AREA**

**8.1 Ecology and Ornithology**

8.2 The application site occupies part of Mynydd Llanhilleth Common comprising a mosaic of upland habitat types including acid grassland, dwarf shrub heath, wet and dry heath and mire communities. In addition, the site encompasses a former quarry and associated coniferous woodland across its southern extents. The common land is grazed by sheep and to a lesser extent, cattle and horses.

8.3 Chapter 8 and Appendix 8A of the applicant's submission details the baseline and extended ecological surveys undertaken between 2020-2022. Chapter 8, Table 8.6 and Appendix 8A detail the designated sites with an ecological interest located within the site's Zone of Influence (Zoi) and the SINCS within the dedicated search area whilst habitat

types considered to be impacted by the proposed development are listed in Table 8.7.

- 8.4 It is noted from the submission that whilst 13 species including Myotis and Pipistrelle bats were recorded within 10km of the site, records within the boundary of the site are reduced to 9 species, the majority of which are common pipistrelle. The collision vulnerability of these species varies from medium to high with the greatest level of impact likely to occur between August and October.
- 8.5 The report identifies that prior to mitigation effects upon bats during construction will be of moderate significance whilst during operation the effects would be of moderate-major significance. Mitigation measures are indicated within paragraphs 8.9.52 - 8.9.63 of the applicant's submission with a mitigation and monitoring strategy proposed to be set out in a CMMS which could be secured by condition. Post mitigation, the report suggests the local level effects will be negligible.
- 8.6 Effects on Otter, Invertebrates and Reptiles prior to mitigation have been identified in the applicant's submission as being minor to moderate significance. Post mitigation, the effects are identified as being negligible at a local level.
- 8.7 In relation to cumulative effects, the proposal has been considered relative to 15 other wind developments which are listed at Table 8.14 of the submission. The submission concludes that subject to the implementation of proposed ecological avoidance, mitigation and enhancement measures the residual effects of the proposed development alone and in combination with other wind schemes will be negligible.
- 8.8 In relation to birds, Table 9.25 provides a summary of projects that could give rise to cumulative ornithology effects.
- 8.9 It is acknowledged that wind turbines present three main areas of potential risk to birds:
1. Direct habitat loss resulting from the construction of the wind farm and associated infrastructure;
  2. Temporary or permanent displacement due to disturbance during the construction and operations phases and barrier effect which result in the birds altering their migration routes to avoid wind farms; and

3. Death due to collision or interaction with the rotating turbine blades, overhead wires, guy lines and fencing.
- 8.10 The applicant's submission indicates that the proposal (during both construction and operational phases) will have no adverse significant effects (subject to delivery of embedded measures via a CEMP) on defined populations of bird species, particularly those protected by inclusion in Annex I of the Birds Directive and Schedule 1 of the Wildlife and Countryside Act 1981 (as amended), as a result of direct habitat loss, disturbance or displacement or collision with turbines or through cumulative effect.
- 8.11 In relation to cumulative effects, the proposal has been considered relative to 6 other windfarms listed at Table 9.25 of the submission. The submission identifies that there is potential for significant cumulative effects at a local level for certain species, notably red kite, but goes on to state that given the species' ongoing recovery in numbers and range expansion across Wales, it is not likely to cause a significant effect.
- 8.12 The Council's Ecology Officer has reviewed the submitted reports and has provided the following response:
- 8.13 *"The Ecological and Ornithological surveys are robust and help to identify potential ecological constraints when assessing the potential for significant effects upon biodiversity and ornithology. However, although the surveys help to form a robust baseline and approach there are still concerns regarding the negative impacts upon bird and bat species that are found locally to this area.*
- 8.14 **Birds:**  
*There is a heronry at Aberbeeg and grey herons commute from this site to Llandegfedd reservoir located in Torfaen CBC. Breeding birds in particular are likely to become negatively impacted by the proposed turbines whilst making the commute between sites.*
- 8.15 *Recent years have seen an increase in red kite populations in the local area and have successfully bred near St Illtyds and at Cwmtillery.*
- 8.16 *There may also be other bird assemblages such as skylark, stone chat, Meadow pipit and crossbill which are characteristic of upland heath and rush pastures and conifer habitat; that may also be susceptible to the wind turbines.*

8.17 **Bats:**

*Result in increase in bat fatalities, loss of roost sites, foraging and commuting habitat. Especially at turbine 1, 2 & 5 where a large number of trees have been identified as having between low and high bat roost potential. These trees are within the identified buffer zone. Therefore, the report suggests that as a result of turbine 5 there will be direct permanent loss of hedgerow habitat and tree belts within the vicinity of the footprint, whilst additional hedgerow and tree loss may also be required in respect of turbine locations 1, 2 and 6. With respect to bats I feel there is still a high risk especially at turbines 2, 3 and 5, and that they will also have a long term negative impact on potential roost sites. Therefore, I do not think these wind turbines are acceptable as it is clear that there will be direct impacts to bats through collision and barotrauma; indirect impacts which include habitat loss (roosts, commuting routes and foraging areas) and fragmentation.*

8.18 **Cumulative Impacts:**

*Therefore, in my opinion there is still a high risk of negative impacts on the local biodiversity of the area which could be further affected in combination with the likely significant effects with the other proposed wind farm schemes. If all DNS windfarms were in operation this would evidently result in scale of magnitude change. Resulting in long term negative effects through habitat fragmentation and increased collision risks (and direct effects upon local population sizes). Although a cumulative effects analysis was undertaken, I still think this needs further consideration as there could be up to 40 wind turbines in the area which would create a considerable turbine presence across upland and moorland habitat which are characteristic landscapes associated with Blaenau Gwent.*

8.19 *It states in Scottish Natural Heritage (SNH) guidance: Assessing the cumulative impacts of onshore wind farms on birds 2018- that the individual and combined (cumulative) impacts of developments on the natural heritage need to be carefully considered in the planning process. It also states that impact assessments should not be restricted to these but should include all plans or projects in the area, such as mineral extraction, built development, power lines, telecommunications masts, forestry, or recreational pressures. The methods presented in this guidance may be helpful when considering these also.*

8.20 *Therefore, I feel that a full cumulative impact assessment has not been carried out, as it has not taken into consideration other potential projects, other than other wind turbines/farms, in the area which might contribute to the negative impacts and key protected and priority species and habitats. For example, proposal for further mineral extraction from Tirpentwys tip.*

8.21 *This scheme should not be considered in isolation, but must be determined as part of a holistic approach to biodiversity loss. Accordingly, at this time it is anticipated that the proposal would have a negative effect of the biodiversity and ecological value of the site.*

8.22 **To conclude it is considered that the cumulative effects of this and other DNS applications in the immediate vicinity would have a negative impact upon the biodiversity and ecological value of the site, most notably on bats and schedule 1 species.**

### 8.23 **Landscape and Visual Impact Assessment (LVIA)**

8.24 The Landscape and Visual Impact report submitted seeks to take into consideration:

- Direct and indirect effects on landscape character and changes to the landscape;
- Effects on visual amenity of the study area and from selected viewpoints, including changes to the composition of views and the perception and response by receptor grounds to these changes;
- Potential cumulative visual effects resulting from the intervisibility and sequential visibility with consented or submitted wind farms within the study area and
- Effects during the construction, operation and decommission phases of the proposed development.

8.25 Only one turbine with its associated infrastructure (T8) out of the eight proposed would be located within the Pre-Assessed Area (PAA) for wind, as defined by Future Wales: the national plan 2040. Turbines 1-7 would be positioned north and east of the PPA designation boundary. Turbine 8 would not be viewed in the context of turbines 1-7.

8.26 In designating PAAs, the Welsh Government has undertaken an assessment to provide certainty where in principle, developments would be acceptable. Policy 17 identifies that there is a presumption in favour of large-scale on-shore wind energy development in PAAs subject to the criteria in policy 18. The criteria include for example that



there are no unacceptable adverse visual impacts on the surrounding natural environment, nearby communities and individual dwellings and that the cumulative impacts of existing and consented renewable energy schemes should also be considered.

- 8.27 The supporting text associated with Policy 18 provides the following:
- 8.28 “Irrespective of location or scale, the design and micro-siting of proposals must seek to minimise the landscape and visual impact, particularly those in close proximity to homes and tourism receptors. Both within and outside Pre-Assessed Areas, communities should be protected from significant cumulative impacts to avoid unacceptable situations whereby, for example, smaller settlements could be potentially surrounded by large wind schemes.”
- 8.29 BGCBC LDP Policy DM4 Low and Zero Carbon Energy seeks to support Low and Zero Carbon Energy subject to a number of criteria. In particular, these include:
- Appropriate monitoring and investigation can demonstrate that the development will not have any unacceptable adverse impact on nature conservation and the character and appearance of the landscape;
  - The proposal can be safely accessed to permit regular maintenance without an unacceptable adverse impact to the environment or the public rights of way network;
  - They will not have an unacceptable adverse impact on local amenity by reason of noise emission, visual dominance, shadow flicker, reflected light, the emission of smoke, fumes, harmful gases, dust, nor otherwise cause pollution to the local environment;
  - Local receptors of heat and energy from the proposal are identified and, where appropriate, are connected to/benefit from the facility; and
  - Provision has been made for the removal of all infrastructure from, and reinstatement of the site following termination of the use.
- 8.30 As detailed in Appendix 3 TACP, an environmental and landscape consultant, was commissioned by BGCBC and Torfaen County Borough Council (TCBC) to assess the sensitivity and potential capacity of their landscapes to wind and solar development. The study (Sensitivity and Capacity Study for Renewable Energy Development, Blaenau Gwent CBC and Torfaen CBC, October 2021) follows on from the Carbon Trust Renewable and Low Carbon Energy Assessments

that were completed for each Authority in 2020 and which identify potentially suitable areas for both wind and solar power generation.

- 8.31 For the purpose of the study a large turbine is deemed to comprise a tip height of 151m to 180 metres at a spacing of 0.2km<sup>2</sup> per turbine with a small group comprising 1-3 turbines.
- 8.32 Landscape Assessment Units (LAU) comprising consistent landscape types were developed from LANDMAP landscape aspect areas and visual and sensory data to provide the basis for the assessment.
- 8.33 The landscape capacity assessment identifies the quantity and type of development that can be accommodated within a given landscape assessment units (LAU) based upon:
- 8.34
- The overall sensitivity to renewable energy development derived from the landscape and visual sensitivity assessments.
  - Operational and consented renewable energy development within and adjacent to each LAU. This also includes consideration of the PAA;
  - The size of each LAU i.e., there may be scope for a larger number of developments within larger LAUs before a capacity threshold is reached. depending on current land use, aspect and topography all of which may be limiting factors to accommodating further development.
  - The agreed development typologies.
- 8.35 The proposed development is located within LAU 34 and LAU 37 and on the periphery of LAU 32. Seven of the proposed turbines lie within LAU 34, two of which, T3 and T8 lie within BGCBC.
- 8.36 LAU 34 (Mynydd Coity Upland Ridge) is described as a large scale, primarily upland character area with simple form, elevated rounded ridge and undulating topography. The landcover is generally open grass and heathland/moorland. Marginal pasture, contained within a small intimate field pattern, and forestry predominate the flanks of the main ridge. Built development is limited to scattered farmsteads, largely confined to the mid and southern section, whilst to the north open moorland predominates. The undeveloped ridgeline is partially visible from valleys either side, with the undulating land becoming less prominent to the north. However, the open ridge provides extensive and long distance views to adjacent upland and elevated areas.

- 8.37 The southern part of LAU34 above St Illytd and Llanhilleth falls within PAA 10. This area covers the southern extent of the site and is the location for T8.
- 8.38 With regards to visibility and quality of view, the area generally comprises open landscape with forestry blocks, the topography provides long distance and extensive views in and out over the adjacent upland ridges and to the north and west. To the east and south views are more diffuse as the land drops away and becomes more settled both in terms of built development and vegetation cover.
- 8.39 The assessment identifies that the area has a very high sensitivity to wind development but that, due to its scale and where designated landscapes can be avoided, there may still be opportunities to site several small to medium scale wind farms. There is small scale existing wind turbine development near Coed-Y-Gilfach Farm to the immediate northwest of the Proposed Development, on the southern slopes of Mulfran in the north and immediately adjacent at the head of Cwmtillery. Careful consideration would need to be given to cumulative effects relative to the wider PAA designation and existing wind turbines at Coed y Gilfach Farm (two turbines), Pen y Fan Ganol Farm, Oakdale Business Park and Pen-y-Fan Industrial Estate.
- 8.40 The portion of the proposed development located within BGCBC lies within the St Illytd Plateau and Ebbw Eastern Sides Special Landscape Area (SLA). It is also adjacent to the SLAs of Carn-y-Cefn & Cefn yr Arail, Eastern Ridge and Mynydd James and Cwm Tyleri & Cwn Celyn as defined by policy ENV2 of the BGCBC LDP.
- 8.41 The LVIA assessment in support of the application considers the operational effects of it on landscape character and visual amenity within a wider study area up to 26km from the Proposed Development with a more defined study area looking in detail at landscape effects within 15km. A Cumulative Landscape and Visual Impact Assessment (CLVIA) extends slightly beyond the 26km wider study area. A Residential Visual Amenity Assessment (RVAA) was also undertaken reviewing impacts on properties within 2km of the application site.
- 8.42 A total of 88 landscape character areas (LCA) were initially identified, (27 of which fall within BGCBC) with seven considered to have direct effects and two SLAs being the subject of Major/Moderate significant effects.

- 8.43 Significant cumulative effects on landscape character in addition to consented wind farm developments were also identified from three SLAs. Whilst significant cumulative effects on landscape character in addition to submitted and scoping stage proposals were identified from four SLAs.
- 8.44 Within the 26km study area, 30 viewpoints were identified to assess visual amenity of which 19 were predicted to have significant individual effects resulting from the proposed development. Of those 19 viewpoints, 12 are located within 5km of the site, 4 of which fall within BGCBC (PVP 1, 8, 10 and 11).
- 8.45 The same 19 viewpoints continued to indicate significant visual impacts when considered alongside operational and consented wind farm development. Significant effects from the Proposed Development in addition to scoping/planning stage wind farm development will occur at an additional six of the assessed viewpoints within the 26km study area, one of which falls within BGCBC (PVP 19).
- 8.46 The Appendix 6H of the report states that whilst direct effects generated by the additional infrastructure required to service the Proposed Development are considered to be low and reversible, the indirect effects to views and perceptual qualities would be greatly altered by the presence of new, dynamic elements to the skyline.
- 8.47 The report also reviews cumulative impacts upon the SLAs noting that impacts taken alongside operational and consented schemes would be limited and tend to be viewed from a proportion of the more elevated areas of the SLAs. However, cumulative impacts when considering operation and consented schemes and those in planning and scoping would result in a change in the landscape character to that of a 'windfarm landscape'
- 8.48 In respect of the Residential Visual Amenity Assessment (RVAA) it is noted that there are 2,521 within the study area of 2km. These are subsequently split into 85 groups/individual properties. Of these, the stage 4 assessment determined that the residential visual amenity threshold would be significant for 57 of the study groups/individual properties, albeit none were considered to breach the RVVA threshold.
- 8.49 Whilst none of the residential properties assessed were considered to breach the RVAA threshold, it is anticipated by the Council that there would be an unavoidable degradation in the baseline landscape

character generated by the introduction of substantial new manmade prominent structures with moving parts into an otherwise undeveloped landscape and skyline. Whilst this would have an adverse impact upon a limited number of residential visual amenity areas within BGCBC, this would be at a local scale and within relative short proximity to the proposed development.

- 8.50 An assessment has also been made of the visual effects from settlements between 2km and 15km. Significant effects are limited to those settlements within this range, noting that the effects only happen on limited parts of the settlements falling within the zone of theoretical visibility (ZTV). No significant effects were identified from Night time visual effects.
- 8.51 It is noted from the submission that a number of PRow, cycle routes and open access land (OAL) illustrated as Photographic Viewpoints (PVP) would be affected with a Major to Moderate/Minor moderate to moderate impacts which would diminish in significance as users move away from the site.
- 8.52 The Council commissioned TACP to review the applicant's submission and have provided the following comments:
- 8.53 *"The SLAs have been designated in part for their landscape importance, displaying a range of landscape characteristics that provide a distinct identity and sense of place and are locally rare within the borough. Key to this is their pre-industrial pattern of land use, remoteness and tranquillity, and their vulnerability and sensitivity to change. On that basis it is considered that the proposal will have a negative, albeit, reversible visual impact on three of the seven SLAs lying within the Blaenau Gwent County Borough Council authority area.*
- 8.54 *The Applicant's assessment highlights the 'Distinctive open skyline seen from the valleys on either side...' the 'Panoramic views across to other ridges...' and the role the SLAs play in providing a '...varied backdrop to valley settlements...'. Further characteristics are noted including:*
- 8.55
- *Well-reserved pattern of pre-industrial farmland of small rectangular fields with distinctive stone walls and overgrown beech and holly hedges.*
  - *Panoramic views especially west and south, to other plateau landscapes.*

- *Remote from busy valleys, with 'other' world atmosphere due to obvious pre-industrial character.*
- *Valleys sides form attractive backdrop to main valley settlements and routes, due to convoluted topography and a variety of semi-natural vegetation.*
- *Remote and bleak in contrast to the adjacent valley, with panoramic and distant views and forming distinctive and remote skylines.*
- *Valley sides – part of an important gap between the Heads of the Valleys and mid valley settlements.*
- *Uplands have a vast, open character, mostly covered in dry heathland and acid grasslands but with a strong sense of place.*

8.56 *It is noted that direct effects would occur on two of the SLAs which overlap with the Proposed Development and acknowledged that Turbine T8 located in the southerly of these two also lies within PAA 10.*

8.57 *The principal impacts would be from the scale, i.e. height, of the Proposed Development with the introduction of strong vertical elements into an otherwise undeveloped open and expansive landscape of visually connected uplands and ridges. This would have a further impact in the creation of new visual breaks along previously open and undisturbed skylines when viewed from within the adjacent valleys and settlements. However, the layout and positioning of the proposed turbines appears to be well considered and provides an open, spread development that sits within the landscape framework as a group of single turbines rather than as a concentrated linear development lying along a ridge line.*

8.58 *The PVP illustrate the setting, grouping and intervisibility of the Proposed Development over the wider study area as well as within the host SLAs and locally from the adjacent residential properties. A number of these show one or more of the turbines visible from other upland and elevated positions or from adjacent valley sides and lower slopes breaking the skyline which would have a localized negative impact on the key characteristic of an open skyline devoid of development.*

8.59 *These significant adverse visual effects are evident in the RVAA PVP and would be experienced locally by residents, recreational and leisure visitors to the area and other receptors. The impacts are more detrimental when viewed against the open skyline and generate*

*changes in the landscape baseline from remote natural and tranquil upland landscape characteristics to one becoming more developed and industrialised.*

- 8.60 *Wind energy development within the study area has largely been confined to single or small groups of 2 to 3 turbines. These all lie to the west of the Proposed Development. There are 10 further applications for wind farm development in Welsh Government's PAA 10 located on five of BGCBC eight SLAs. Four of these are in scoping and the remaining six are in planning. The cumulative impacts of these combined proposals would create a fundamental change in the upland character of the area changing from an open, undeveloped and expansive 'remote' landscape to one which is typified by wind farm development. However, when considering the Proposed Development in isolation it is not considered that this would create the same fundamental change to the local landscape framework.*
- 8.61 *Welsh Government 'Future Wales' Policy 18 in relation to renewable and low carbon energy states that proposals should ensure there is no significant unacceptable detrimental impact on the surrounding natural environment and local communities. All but one of the turbines proposed in the application lie outside the Welsh Government PPAs and has been assessed as having significant adverse, but reversible visual impact on SLAs. The open layout of the Proposed Development and siting of the turbines show a greater consideration of the topography and landform of Mynydd Llanhilleth, creating a more diffuse visual impact than is shown in similar developments within the wider area. [In isolation] it is not considered that the application should be resisted.*
- 8.62 *In conclusion, whilst it is acknowledged and appreciated that the principle of onshore windfarm has been positively established within a PAA as defined by Policy 17 of Future Wales, Policy 18 specifies that proposals must seek to minimise the landscape and visual impact, particularly those in close proximity to homes and tourism receptors. Both within and outside PPAs, communities should be protected from significant cumulative impacts to avoid unacceptable situations whereby, for example, smaller settlements could be potentially surrounded by large wind schemes.*
- 8.63 *With regard to the detail submitted as part of the Proposed Development, it is considered that the layout and grouping of the wind turbines are more responsive to the landform and landscape framework*

*of the area than in other similar developments. The form and layout of the development present a grouping of individual turbines as opposed to a concentrated line along a ridge that would emphasise both the development and its incongruity in the wider landscape. The exception to this at a local landscape scale, would be the setting of turbine T5, located within TCBC. This is set within a field parcel forming part of the characteristic small scale field pattern of the valley flanks.*

- 8.64 *The ES Table 4.3 Summary of Environmental Measures to be implemented, states that, 'Mitigation planting around access points and additional tree planting in lower parts of the site' would be implemented at Construction stage. However, there appears to be no other details regarding area or species these would include or indication of where this would be carried out. Whilst the compliance mechanism is identified as the LEMP/CEMP details of what is proposed and what mitigation that would provide should be recognised and detailed in advance of any works commencing. The ES is unclear in identifying the direct physical impact that siting of the turbines and infrastructure would have in respect to the siting of the turbine, and in particular turbine T5 (although it is acknowledged that this lies within TCBC), and what the impacts on the local landscape character would be.*
- 8.65 *It is also considered that as the Proposed Development is located on the eastern boundary of BGCBC and that wind farm development further to the east is likely to be less frequent or at least of a smaller scale due to the elevation of the topography, the cumulative impacts to the east would be less significant and would not, in consideration of the proposed development in isolation, create a significantly adverse impact on the landscape and visual amenity of BGCBC.*
- 8.66 *However, of more concern is the cumulative effect of the DNS wind farm applications proposed in the immediate vicinity to the south and west of the Proposed Development. This would be particularly significant for views looking south across Mynydd Maen and Trecelyn and north/northwest towards Abertillery, Mynydd Carn y Cefn and Manmoel. Cumulatively, a layering of wind farm development would be created, changing the landscape character across the visually interlinked upland ridges and plateaux of BGCBC.*
- 8.67 *Approval and consent for all of these would lead to a proliferation of turbines in SLAs specifically designated for their prominence, remoteness and tranquillity and would create a significant change in the landscape character from that of open unspoilt uplands devoid of*



*development to that of a windfarm landscape. As such it is anticipated that overall, the impact on the landscape and visual amenity of the BGCBC area would be negative.”*

- 8.68 **In conclusion whilst it is acknowledged and appreciated that the principle of onshore windfarm has been positively established within a PAA as defined by Policy 17 of Future Wales, Policy 18 specifies that proposals must seek to minimise the landscape and visual impact, particularly those in close proximity to homes and tourism receptors.**
- 8.69 **With regard to the current proposal, when reviewed in isolation, it is considered that the development would not have a significantly detrimental impact upon the character and landscape amenity of the area. However, it is anticipated that the cumulative effect of the numerous wind turbines (existing and proposed) in the immediate vicinity would lead to a proliferation of turbines detrimental to the prominence, remoteness and tranquillity of the SLAs. As such it is anticipated that overall, the cumulative impact on the landscape and visual amenity of the BGCBC area would be negative.**
- 8.70 **Historic Environment**  
The application is supported by an Environmental Statement which includes a Chapter (Chapter 7) dedicated to the Historic Environment together with appendices. The submission considers the impact of the proposed development on designated historic assets within the immediate study area including a 500m buffer covering the grid connection and access track (referred to as an Archaeological Study Area) as well as a wider study area of up to 10km (referred to as a Setting Study Area).
- 8.71 There are no designated heritage assets within the site (listed buildings, scheduled monuments, historic parks and gardens or conservation areas).
- 8.72 Grade II\* and Grade II Listed Buildings St Illtyds Church (Cadw Ref 1866), Hafod arthen (Cadw Ref 1867) and Scheduled Monument St Illtyds Mound (MM141:2381) are located approximately 780m-850m from the site within the Zone of Theoretical Visibility (ZTV).
- 8.73 Non designated historical assets also located within the ZTV include Gilfach Wen Farm (GGAT06399g), Ty-Dafydd Cottage (GGAT06401g),

Blyn Cyffin Farmhouse (GGAT04910g) and Maes-y-Cnyw Farmhouse (GGAT02093g).

- 8.74 The ES identifies that these historical assets have the potential for significant effect as they are located within the ZTV and views to the proposed development could distract from an appreciation within their setting.
- 8.75 The ES considers the impact of the proposed development upon the historical assets and concludes that there will be minor effects on St Illytds Church Hafod-arthen, Ty-Dafydd Cottage, Gilfach Wen Farm and Maes-y-Cynw Farm, but these effects will not be significant.
- 8.76 The LPA concur with this conclusion.
- 8.77 Paragraph 6.1.23 of PPW (Edition 11) specifies that:  
“The planning system recognises the need to conserve archaeological remains. The conservation of archaeological remains and their settings is a material consideration in determining planning applications, whether those remains are a scheduled monument or not.”
- 8.78 Following consultation, it is noted that Glamorgan Gwent Archaeological Trust have provided the following response to the proposal:
- 8.79 *“we have reviewed the detailed information contained on your website and can confirm that the proposal requires archaeological mitigation.*
- 8.80 *We have consulted the regional Historic Environment Record (HER) and note the submission of an Environmental Statement by WSP (dated July 2023) which includes an Historic Environment section (Chapter 7). Several archaeological features are recorded in the area, including a possible Roman road and Industrial extractive sites and associated structures. Historic field boundaries and walls are also noted, as is a sheep pen at Pen March. There is also the potential of currently unknown archaeological sites to be located in the proposed development area.*
- 8.81 *As such there is the potential of encountering archaeological remains during the course of the works, although we note that none of the proposals will impact the possible Roman road. Furthermore, several of the turbines (3, 4, 6 and 7) are located on land that was reinstated following open cast mining in the mid 20th century. As such it is likely*

*that such works will have had an adverse effect on any archaeological remains that may have been present.*

- 8.82 *Therefore, it is our recommendation that a condition requiring the applicant to submit a detailed written scheme of investigation for a programme of archaeological work to protect the archaeological resource should be attached to any consent granted by your Members.*
- 8.83 *We envisage that this programme of work would take the form of recording the Pen Tranch sheep pens, historic field boundaries and walls, as well as a watching brief during the stripping of the turbine bases, new tracks etc, with detailed contingency arrangements including the provision of sufficient time and resources to ensure that any archaeological features or finds that are located are properly investigated and recorded. It should include provision for any sampling that may prove necessary, as well as post-excavation recording, assessment and reporting, and possible publication of the results. To ensure adherence to the recommendations we recommend that the condition should be worded in a manner similar to model condition 24 given in Welsh Government Circular 016/2014.*
- 8.84 *No development shall take place until the applicant, or their agents or successors in title, has secured agreement for a written scheme of historic environment mitigation which has been submitted by the applicant and approved by the local planning authority. Thereafter, the programme of work will be fully carried out in accordance with the requirements and standards of the written scheme.*
- 8.85 *Reason: To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource.*
- 8.86 *We also recommend that a note should be attached to the planning consent explaining that:  
The archaeological work must be undertaken to the appropriate Standard and Guidance set by Chartered Institute for Archaeologists (CIfA), ([www.archaeologists.net/codes/ifa](http://www.archaeologists.net/codes/ifa)) and it is recommended that it is carried out either by a CIfA Registered Organisation ([www.archaeologists.net/ro](http://www.archaeologists.net/ro)) or an accredited Member.*  
”
- 8.87 *The Local Planning Authority agree with the comments provided by GGAT.*

8.88 **Based on the submission and the comments provided by Glamorgan Gwent Archaeological Trust it is anticipated that subject to conditions, the impact of the development upon the historic environment within the Borough will be neutral.**

8.89 **Ground Conditions**

8.90 Coal Mining Risk Assessment

As part of the application site is located within a High-Risk Coal Field Area, a Coal Mining Risk Assessment has been submitted as part of the proposal. Following consultation, the Council's Engineer - Natural Environment has provided the following comments:

8.91 *"The Coal Mining Risk Assessment submitted provides a thorough and detailed desk study review of the site's and surrounding area's mining constraints, setting out the mining related risks identified and providing recommendations on how these risks can be investigated and mitigated.*

8.92 *1. Risks*

*The Coal Mining Risk Assessment (CMRA) identifies the following mining related risks:*

8.93 *Past deep recorded mining: records show mining was at a depth of between 0m bgl and 598m bgl in the area, last worked in 1999. Of the coal seams worked, the Mynyddislwyn Seam was last worked at a depth of 47m bgl in 1999. Past shallow recorded mining: Mine abandonment plans show that shallow workings (within 30m) and most recently worked in 1983 at a depth of 15 to 29m bgl. Workable thicknesses were between 1.6m and 3.2m.*

8.94 *Opencast/High wall: The opencast plans show the opencast followed the mine entries and the Mynyddislwyn and Mynyddislwyn Rider seams were likely to have been opencast to outcrop. Potential highwall and differential settlement.*

8.95 *Mine entries: the CMRA reports that there are 19 shafts and 22 adits within the windfarm site boundary, with no treatment details recorded for any of them. There are also shafts and adits identified within the proposed grid connection area and access road.*

8.96 *Mine gas: No recorded mine gas issues within the site area according to the Coal Authority Report but there is potential for there to be a*

*source of mine gas, pathway and receptor should the development go ahead.*

- 8.97 *Geological Faults and Fault Reactivation: There are several faults that transect the proposed site, the report states that the most significant one being the Trevethin Fault, located at the south eastern side of the site boundary, which appears to be outside the BG boundary. The CMRA stated there were no signs of fault reactivation associated with deep mining but there were signs of mass movement south of Cwm Ddu near the southern end of the site boundary, south of proposed grid connection area. In addition, a subsidence claim was submitted in 2010 to the Coal Authority but not accepted. Again, these areas lie east of the BG boundary.*
- 8.98 *Landslides: considering the proposed locations of the majority of turbines, the risk of mass movement of the valley slopes is considered negligible, although the CMRA says this should be confirmed at detailed design stage, particularly in relation to T1 where its proposed location is less than 140m away from Cwm Ddu. Slope stability should be assessed where steep slopes/valley sides are identified near to proposed development.*
- 8.99 *2. Investigation*  
*The CMRA broadly recommends a geo-environmental and geotechnical site investigation of the site, including proposed turbine locations and other areas of construction/development. The CMRA suggests the mine shafts be investigated initially using geophysics and physical location by intrusive methods (excavation or drilling). The ground investigation should thoroughly investigate the potential hazards identified. The GI should be designed and supervised by a suitably experienced and qualified person/company.*
- 8.100 *In relation to slope stability, the Technical Note provided in Annex D of the ES states that based on the observations made during the site walkover, there are no obvious signs of existing slope instability. Additionally, given the distance to the exposed high walls of the quarried areas, the proposed windfarm activities are anticipated to have a negligible effect on the integrity of the rock outcrops. Given the space available to allow for track widening at the corners, it is also considered unlikely that there will be any problems with the stability of the existing slope. As part of the design of the proposed windfarm it is recommended that a targeted ground investigation is undertaken. This would provide further details on the nature of the underlying ground*

*conditions and would allow for a safe and economical design of the track modifications taking into account its overall slope stability under windfarm traffic loads.*

- 8.101 *The Made Ground, superficial and solid geology will need to be sampled and tested against geotechnical testing suites. The applicant may wish to consider instructing a rock mass assessment detailing compressive strength and discontinuity spacing (faults) at the locations of the proposed turbines. The thickness of peat at each turbine location should also be investigated and confirmed.*
- 8.102 *Sampling and testing of groundwater, soils and rock are advised. BGCBC would add that given the potential for gas pathways to be present, gas monitoring should be undertaken during the ground investigation and post ground investigation to determine and characterise the Gas Situation of the site.*
- 8.103 *BGCBC points out the potential for tipped material/Made Ground to be present on site and this will need to be suitably investigated to determine depth, and sampled and tested against geotechnical and geo-environmental testing suites.*
- 8.104 *3. Mitigation for Development/Risk Control  
Once the detailed ground investigation is complete, the results and findings should be interpreted by a suitably qualified and experienced person/company. Recommendations for ground treatment, foundation design and mitigation measures should be provided in the report.*
- 8.105 *This ground investigation could be made a condition of the planning application/decision notice, i.e. no site development/construction until the ground stability and mining related issues have been thoroughly investigated and any required mitigation or ground treatment works implemented.”*
- 8.106 It is noted that The Coal Authority have raised no objections to the proposal subject to conditions requiring intrusive site investigations to be undertaken prior to commencement to inform the layout of the development. It is assumed any amendments necessary could be accommodated within the micro siting allowance. Furthermore, The Coal Authority recommend any remedial works are undertaken prior to commencement of the development, albeit the remedial works may be phased prior to commencement of each relevant part of the development.

- 8.107 BGCBC concur with the comments provided by The Coal Authority.
- 8.108 **In relation to the CMRA, it is considered that the document provides a detailed review of the ground stability related risks within and near to the development site. In principle, subject to conditions securing full and detailed ground investigations that will provide the applicant with a detailed ground model that identifies the risks spatially within the site and allows the applicant to determine how the site can be safely constructed and operated with regard to ground stability and existing mining constraints identified, it is anticipated that the proposal will have a neutral impact on the land stability of the area.**
- 8.109 Ground Contamination  
In relation to ground contamination, the council's Environmental Health Officer has advised that the land the wind turbines will be built upon within the Blaenau Gwent area is partially overlain with made ground associated with historical industries in the area.
- 8.110 The environmental statement provided confirms that the applicant will be carrying out a Phase 2 geo environmental site investigation prior to construction and therefore there are no objections to the proposed development, albeit a standard land contamination condition should be imposed.
- 8.111 **Subject to a condition securing ground investigations to identify any ground contamination and subsequent remediation where necessary, it is anticipated that the proposal will have a neutral impact.**
- 8.112 **Traffic and Transport**  
Access to the development would be from British Road via the B4246 at Talywain in Torfaen. Four new access points are required off the unnamed adopted highway which crosses the site. These will serve T1 & T2, T3-T7 and an additional ancillary access which will route between Farm Road and Blaen-y-Cwm Road. A further access is then proposed on the Blaen-y-Cwm Road to T8.
- 8.113 The Site will be connected to the grid at Pontnewynydd between the Site substation and a point to the east of the Site, near Tal-Ochor Farm, where existing National Grid infrastructure is located Abnormal Indivisible Loads (AILs) associated with the wind turbines will travel

from the port of entry at Swansea to the site access via the M4, A4051, A4042 (Turnpike Road), A472, A4043 to the B4246 at Talywain.

- 8.114 The construction period for the wind farm is anticipated to last approximately 87 weeks with the peak construction traffic of 77 HGV movements per 24 hours (two-way) lasting approximately 8 weeks. Following consultation, the Council's Team Manager – Built Environment has provided the following comments:
- 8.115 *“It is acknowledged that the proposed access route for all Turbine construction related transport movements (including AIL's) is via the strategic highway network and then locally via Torfaen County Council's public highway network, with access required over small sections of adopted public highway within Blaenau Gwent CBC's remit (A467/B4248/ Un-named roads). In view of this information any Transport implications will need to be considered primarily by Torfaen CC and Welsh Government as relevant highway authority.*
- 8.116 *It is noted that ‘Access to the Proposed Development would be taken via four new access points located on the adopted highway which runs through the site. An access to turbines 1 and 2, an access to turbines 3,4,5,6 and 7 and an additional ancillary access are proposed to be provided on an unnamed adopted highway which routes between Farm Road and Blaen-y-Cwm Road. A final access is proposed to be provided on Blaen-y-Cwm Road for access to turbine 8.’*
- 8.117 *Any highway accommodation/upgrading works identified to facilitate construction traffic and/or the transportation of turbine component deemed as AIL's will need to be agreed with each Highway Authority; with any accommodation works subject to a Section 278 Agreement of the Highways Act 1980. All such costs to undertake any highway mitigation works are to be borne by the applicant.*
- 8.118 *The scope and methodology of the outline CTMP (Appendix 12B) and AIL access study (Appendix 12A) are noted and are acceptable to Blaenau Gwent Council as highway authority. A Construction Traffic Management Plan (CTMP) is required to be submitted for consideration prior to any works commencing, this must be a planning condition of any approval.”*
- 8.119 **As such, based on the above, subject to conditions and secondary consents, it is anticipated that the development would have a**



**neutral impact upon the highway network and upon highway and pedestrian safety.**

**Noise**

- 8.120 To assess the noise impact from the proposal the applicant has carried out a noise impact assessment using government approved guidance ETSU-R-97 and the Institute of Acoustics Good Practice Guides. In order to determine the existing background noise climate, the applicant has carried out noise monitoring in the vicinity of sensitive receptors. The applicant has then compared these background noise levels at varying wind speeds with the predicted noise impact from the turbine at the nearest sensitive receptors.
- 8.121 From this assessment the applicant has concluded that the installation of the wind turbines will result in noise imissions at the nearest residential properties fall below the levels in ETSU-R-97 and fall below the underlying background noise levels apart from locations R5 and R6 Daytime and R6 Daytime Cumulative at varying wind speeds where exceedances have been predicted but mitigation can be implemented to meet the noise limits.
- 8.122 Following review, the Councils Environmental Health Officer has advised that the conclusions of the submission appear robust and as such no objection is raised to the proposal on the grounds of noise. However, mitigation will need to be secured by condition for the two locations identified.
- 8.123 **Subject to the approval and implementation of appropriate noise mitigation measures, it is anticipated that the development would have a neutral effect.**

**Health and Public Safety**

- 8.124 Shadow Flicker  
The applicant has carried out an assessment of the likelihood of shadow flicker arising from the proposed development. The conclusion of this assessment is that there is unlikely to be an occurrence of shadow flicker at residential sensitive receptors of greater than 30 hours in any one year.
- 8.125 **Following review of the information submitted, BGCBC's Environmental Health Officer has confirmed that the conclusions appear robust and as such raised no objection to the development subject to a condition requiring further investigations in the event**

**of shadow flicker complaints. Subject to the imposition of such a condition the anticipated impact of the development would be neutral.**

8.126 Climate

The carbon balance assessment submitted note that the proposed development could result in an expected CO<sub>2</sub> emission saving of over 35,857 tonnes of CO<sub>2</sub> per year when replacing fossil fuel electricity generation.

8.127 With an estimated installed capacity of 33.6MW, the anticipated electricity to be produced over the 30 years is 83.0 megawatt hours per year. Whilst the electricity from this proposed development would enter the National Grid, the potential electricity generation is equivalent to the annual electricity needs of approximately 21,392 UK homes (based on average consumption).

8.128 **It is considered that this proposal would have a positive effect on meeting identified targets for Renewable Energy and mitigate towards the effects of climate change.**

**Socioeconomics**

8.129 It is noted from the submission that the proposed development has the potential to create job opportunities at a local, regional and national level throughout the life cycle of the project and for the proposal to generate financial benefits both at the local and national level.

8.130 Further positive supply chain impacts on local, regional and national levels are also expected with some direct and indirect benefits from the construction of the proposed development likely to be realised within Wales, with BGCBC and TCBC enjoying benefits at the local level.

8.131 **In summary it is anticipated that the creation of jobs at a local, regional and national level throughout the life of the project and the financial benefits both at the local and national level would be positive.**

8.132 Public Rights of Way and Recreation

The Blaenau Gwent Destination Management Plan 2016-2019 (Blaenau Gwent County Borough, 2016) sets out the approach to developing the visitor economy in Blaenau Gwent. This approach has been revised and updated in the Blaenau Gwent Destination Management Plan 2020-25.

- 8.133 Although the latest local wide tourism data available as set out in the Welsh Government's Tourism Profile – Wales Local Authorities 2011-2019 (Welsh Government, 2021b) advises that BGCBC experiences a less than average income from domestic and international tourism, it is noted that the site is crossed by numerous public rights of way (PRoW).
- 8.134 The Rights of Way Officer has provided the following comments:  
*“Turbines within the proposal will be sited directly on or in close proximity to public rights of way. Public path diversion orders should be sought where public rights of way would be situated within a margin of one blade length beyond the ordinary maximum blade length of the turbine. Temporary closure orders will be required with proposed alternative routes where paths will be affected during construction”.*
- 8.135 **Although the proposal would have an impact on the existing PRoWs with diversion and active management necessary during construction, it is noted that the development has been designed to minimise impact on users. It is anticipated that the proposal will have a neutral impact on PRoW users.**

### **Minerals**

- 8.136 The effect of the proposed windfarm on the former quarry is set out in Chapter 16 of the applicant's submission.
- 8.137 Whilst an application to re-open Tir Pentwys quarry was refused in 2019, there is potential for a revised scheme to come forward in the future, including the working of the Tir Pentwys Tip, Llanhilleth, Preferred Area identified under Policy M4, with the land around it falling within a Mineral Buffer Zone (also specified under Policy M4).
- 8.138 BGCBC recognise that there are no turbines located within the Preferred Area for Aggregates and as such the proposed turbines would not directly impact on the potential future working of the aggregate resource. However, the access track to T8, which follows an existing track, would cross north to south through the Preferred Area. Turbine 6 and 8 are also located within the 200m Mineral Sites Buffer Zone (Policy M4). Turbine 4 currently sits on the periphery of the Buffer Zone (Figure 16.2 of the applicant's submission) but could potentially fall within the Buffer Zone as a result of micro-siting.
- 8.139 The Council's Team Manager – Development Plans has provided the following comments:

*“While the sandstone resources at the Tir Pentwys Tip Preferred Area are secondary aggregates in the form of overburden material from former opencast coal workings, no technical assessment (e.g. blast vibration analysis) has been provided to demonstrate the structural stability and compatibility of the turbines with the potential future extraction of the mineral resources located in the Preferred Area for Tir Pentwys. Wind turbines can be considered sensitive development as the type of foundation, construction, underlying geology and ground conditions can impact on the sensitivity of development from blasting/ground vibrations. BGCBC would advise the rationale for the 200m buffer zone is based on the effects of dust, as indicated in MTAN1 paragraph 71, and not on an assessment of potential blasting vibration at this location. As no technical assessment has been provided there appears to be no evidence to support the applicant’s statement at the end of paragraph 16.12.6 of the Environmental Statement regarding the sensitivity of the turbines to blasting.*

- 8.140 *The applicant’s submission indicates that the planning application to extract aggregate at Tir Pentwys was not supported by Inspectors and given that the proposals for Tir Pentwys have not come forward, together with the environmental designation of part of the area as a Regionally Important Geological Site, the effects arising from the construction and operation of the wind farm would not be significant. However, BGCBC notes that the Tir Pentwys Quarry application was refused on the grounds of an unsuitable access route only rather than the principle of mineral extraction. BGCBC has also more recently in 2022 provided a Scoping Opinion for a proposed new access road to serve the quarry from the north, through BGCBC and Torfaen.*
- 8.141 *The proposal is located within an area designated as an Aggregates Safeguarding Area identified under policy M1 and protected through policy MD19. The purpose of safeguarding is to ensure that known resources are not needlessly sterilised by permanent development. National policy also advises that authorities should consider the long term and the need for preventative action to avoid the creation of problems in the future.*
- 8.142 *The BGS Aggregates Safeguarding Map for Wales indicate the area has been identified as containing Category 1 High Specification Aggregate - Sandstone and Igneous Rocks (Category 1 resources being those of national importance). The applicant has sought to justify the proposal under criterion (d) of policy MD19 which requires that the proposal is temporary development that can be implemented and the*

*site restored within the timescale the mineral is likely to be required. Paragraph 16.12.8 of the applicant's statement advises the scheme has a proposed life of 30 years at which point it may be decommissioned.*

- 8.143 *While the temporary nature of the proposal is accepted, it should be noted that BGCBC is currently preparing a Replacement LDP covering the 2018 – 2033 plan period. The proposed temporary wind farm would be operational beyond the plan period of the emerging RLDP and the minimum 10-year aggregate landbank provision requirement of MTAN1. Publication of the Replacement Deposit Plan has slipped from the Delivery Agreement timetable and a revised timetable is due to be agreed with Welsh Government. It is anticipated the Deposit Plan will be published in Spring/Summer 2024.*
- 8.144 *The RLDP will address the aggregates requirements of national policy and the recommendations of Regional Technical Statement 2 (RTS2), including the MTAN1 requirement to maintain a minimum landbank of 10 years throughout the life of the Local Development Plan. The main aggregate need identified for Blaenau Gwent in RTS2 is for Carboniferous Limestone and allocations totalling at least 3.78 million tonnes need to be identified within the RLDP. Aggregate resource assessment work to identify potential mineral allocations in Blaenau Gwent to address the identified aggregate need is ongoing by the authority. The ability of adjoining local authorities in the former Gwent sub-region to meet future aggregate requirements identified in RTS2 is also yet to be confirmed with Replacement LDPs being prepared in Newport, Monmouthshire, and Torfaen (with Torfaen having recommenced work on a Replacement LDP covering the plan period 2022-2037). As a consequence, there remains a level of uncertainty regarding the ability of the sub-region to meet the need for sandstone allocations in Local Development Plans.*
- 8.145 *The fact the proposal would affect a small proportion of the wider safeguarded resource is cited by the applicant as justification alongside the temporary nature of development. It is accepted the proposal would affect a comparatively small proportion of the wider safeguarded resource, however, BGCBC would advise that in the absence of an agreed position on future aggregate provision in the sub-region which addresses RTS2 recommendations, there would remain a level of uncertainty regarding the impact of the proposal on the ability of meeting future aggregate needs for sandstone. In the absence of further justification, there could therefore be negative impact on the*

*sustainable supply of minerals arising from the temporary operation of the proposal.*

8.146 *No technical assessment has been prepared regarding minerals safeguarding areas and the consideration of the remaining criteria in Policy MD19.”*

8.147 **There is insufficient information provided within the application to fully assess the ability of both the proposed development and Tir Pentwys Quarry of operating simultaneously whilst ensuring the proposed wind farm would not jeopardise the future removal of aggregate from the quarry and Preferred Area. Failure to provide this information would result in the proposal having a negative impact upon the mineral resource.**

8.148 **In conclusion the proposal has not considered minerals safeguarding and the requirements of LDP policy DM19. Further justification should be provided that demonstrates how the proposed wind farm development would satisfy mineral safeguarding requirements under Policy DM19 and national policy. Failure to provide this information would result in the proposal having a negative impact on minerals safeguarding.**

## **9.0 Secondary Consent Requirements**

9.1 The development will need to be the subject of secondary consents. These include the following-

9.2 1. Under Section 38 of the Commons Act 2006, consent will be required to carry out any restricted work on land registered as common land under the Commons Registration Act 1965 Common Land.

9.3 T3 and T4 will be constructed on the common with a portion of the access tracks to T1, T2, T5 and improvements to the track serving T8 through Tir Pentwys also falling within the common.

9.4 The applicant proposes managing the construction interface with the commoners via a CEMP with compensatory land being offered via the Commons Act 2006 during operation. The ‘Land Bridge’ across the quarry is indicated as retaining the same level of access as that currently available.

- 9.5 The applicant's submission concludes that the effect of the proposed development during construction and operation would not be significant.
- 9.6 **It is anticipated that the proposal may have some negative impact in terms of recreation, grazing rights, nature conservation and the openness of the area. However, appropriate mitigation could be provided should planning permission be granted.**
- 9.7 2. Under section 16(1) of the 2006 Act secondary consent will be required for the permanent removal of approximately 2.99 hectares of existing common to accommodate the turbines, tracks and associated infrastructure. 4 hectares of land is being offered up as replacement land. The replacement land will be located to the south of Tir Pentwys Quarry and west of T8.
- 9.8 **It is noted from the submission that the replacement land offered would be larger in area than the land sought for release. Subject to the land characteristics of the replacement area being similar, it is anticipated that the impact of the proposal would be neutral.**
- 9.9 3. The temporary diversion/ stopping up of any public rights of way as required by Section 257 of the Town and Country Planning Act 1990 or Section 118/ 119 of or Highways Act 1980.
- 9.10 **With appropriate consultations, given the limited period of time that access would be restricted, it is anticipated that the impact is likely to be neutral.**
- 9.11 4. As the works seek to provide an area of hardstanding in excess of 100sqm, the application will require sustainable drainage systems (SuDS) consent for surface water disposal as detailed by Flood and Water Management Act 2010 (the 2010 Act).
- 9.12 **The SuDS regime will consider the appropriateness of the measures to be provided. As part of the application the developer would have a duty to provide betterment in terms of surface water run-off from the site in addition to biodiversity, ecology and amenity benefits. It is therefore anticipated that the impact of the development would be positive.**
- 9.13 5. Under section 278 Of the Highways Act 1980, Temporary Traffic Regulation Orders (TTRO) will be required for each section of the

route where the police may need to stop or hold traffic to allow the AIL vehicles to pass. This may involve applying to multiple highway authorities for TTROs.

9.14 **With appropriate consultations, given the limited period for which TTROs would be required, it is anticipated that the impact is likely to be neutral.**

9.15 6. Under the Historic Environment (Wales) Act 2016 Scheduled Monument Consent may be required for any works that would disturb a scheduled monument or the ground within a scheduled monument.

9.16 **It is anticipated that any disturbance to a Scheduled Monument will have a negative impact on the historic environment. Cadw will provide advice if there is appropriate mitigation.**

## 10.0 SUMMARY

10.1 **BGCBC has reviewed the submitted information relating to the current proposal and anticipates that the impacts of the development as a whole would be negative, with concerns raised relative to the cumulative impact upon the landscape, biodiversity and a lack of information to fully assess the impact upon mineral safeguarding. It is requested that these issues be considered prior to determination of the application.**

## 11.0 PLANNING CONDITIONS

11.1 At this stage, notwithstanding the comments above in respect of the need for additional information and without prejudice to the determination of the application or the matters raised in this LIR, the following planning conditions are currently recommended (and may be subject to amendment at a later stage).

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

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

- 2 The development shall be carried out in accordance with the following approved plans and documents:



- Figure 1.1 - Site location plan
- Figure 1.2 – Overall site layout
- Figure 3.1 – Typical wind turbine elevations
- Figure 4.1a - Overall site layout – northern extent
- Figure 4.1b - Overall site layout – southern extent
- Figure 4.2 – Site access
- Figure 4.3 – Proposed grid connection
- Figure 4.4 – Typical wind turbine foundation
- Figure 4.5 – Typical wind turbine crane hardstanding
- Figure 4.6 – Typical internal siter track cross section
- Figure 4.7 – Typical cable trench details
- Figure 4.8 – Typical switch room and substation floor plans
- Figure 4.9 – Typical Substation building elevations
- Volumes 1-16 Pennant Walters Mynydd Llanhilleth Farm Environmental Statement
- Design and Access Statement WSP July 2023.
- Planning Statement WSP June 2023.

Unless otherwise specified or required by conditions 3-37 listed below.

Reason: To clearly define the scope of this permission.

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

Within 30 calendar years from the date when electricity is first generated to the grid, or within 12 months of the cessation of electricity generation by the wind turbine facility, whichever is sooner, the wind turbine facility and all associated works/equipment above ground shall be dismantled and removed from the site and the land restored to its former condition in line with the restoration plan to be approved as part of condition 4.

Reason: This is a temporary development with a maximum duration of 30 years and in accordance with LDP Policy DM4 Low and Zero Carbon Energy.

- 4 Not later than 12 months prior to the end of this permission, a decommissioning and site restoration scheme, informed by a full ecological survey of the site, shall be submitted to and approved in writing by the Local Planning Authority.

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

The report shall include ecological mitigation measures, as appropriate, based on the ecological assessment findings to be followed during decommissioning and for a period of 5 years from the completion of the decommissioning and restoration.

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

Reason: To ensure that obsolete structures do not adversely affect the environment in the interests of the character, visual amenity and ecological value of the area and in accordance with LDP policies DM1 New Development and DM4 Low and Zero Carbon Energy.

- 5 The turbines shall not be illuminated (other than for aviation safety purposes) and there shall be no permanent illumination elsewhere on the site.

Reason: In the interests of visual amenity and in accordance with BGCBC LDP Policy DM1 New Development.

- 6 All the wind turbines shall be of a three bladed configuration and not exceed an overall hub height of 105m, rota of 150m and blade tip height of 180m. The turbines shall not display any prominent name logo, symbol, sign or advertisements on any external surface. The specification, colour and finish of the turbines shall be submitted to and approved by the local planning authority prior to their erection.

Reason: In the interests of visual amenity and in accordance with LDP policy DM1 New Development.

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

Reason: In the interests of the character and appearance of the area and in accordance with LDP Policy DM1 New Development and DM4 Low and Zero Carbon Energy.

- 8 **This condition was recommended by Natural Resources Wales (NRW) for a recent DNS windfarm proposal. Further clarification should be sought from NRW as to whether the wording of this condition is appropriate.**

No development, including vegetation clearance, shall commence until a micro-siting protocol has been submitted to and approved in writing by the local planning authority. The protocol shall also accord with the joint agency guidance on 'Bats and Onshore Wind Turbines – Survey, Assessment and Mitigation' (Nature Scot et al, August 2021) and in particular paragraph 7.1.2 thereof with any turbine locations not in accordance with joint agency guidance requiring additional measures to safeguard bat populations to be agreed, submitted to and approved in writing by the Local Planning Authority.

The protocol shall set out a methodology for deciding on micro-siting of all elements of the development hereby approved to minimise the impact of the development. The protocol shall provide for the detailed layout of the turbines to be submitted to and approved in writing by the Local Planning Authority subject to all turbines, being located within 50m of the locations shown on the approved plans and internal wind farm tracks and other infrastructure within 100m.

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

Reason: To ensure that an approved turbine micro-siting plan is implemented, to protect bats and birds affected by the development in accordance with LDP policy DM4, DM14 Biodiversity Protection and Enhancement and DM19 Minerals.

- 9 This condition is based on the wording agreed with WG Transport for Mynydd Carn y Cefn and Mynydd y Glyn DNS. Further clarification should be sought from WG Transport as to whether the wording of this condition is appropriate.

Prior to the commencement of development, a Construction Traffic Management Plan (CTMP) consistent with the ES Appendix 12B Outline Construction Traffic Management Plan by WSP dated July 2023 shall be submitted to and approved in writing by the Local Planning Authority. The CTMP shall contain (but not limited to) the following information:

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

Reason: In the interests of the highway safety and free flow of traffic in accordance with BGCBC LDP Policy DM1 New Development and DM4 Low and Zero Carbon Energy.

- 10 This condition is based on the standard wording from WG Transport suggested in the PAC. Further clarification should be sought from WG Transport as to whether the wording of this condition is appropriate.

No on-site development works shall be undertaken until:

- a. an assessment of the capacity and impact on all structures along those parts of the highway network which shall be utilised during the construction of the development including bridges, culverts, retaining walls, embankments, and;
- b. details of any improvement works required to such structures as a result of construction of the development have been submitted to and approved by the Local Planning Authority.

The required improvement works identified in the assessment shall be completed prior to the commencement of any Abnormal Indivisible Load (AIL) deliveries to the development site.

Reason: In the interests of the highway safety and free flow of traffic in accordance with LDP Policies DM1 New Development and DM4 Low and Zero Carbon Energy.

- 11 This condition is based on the standard wording from WG Transport suggested in the PAC. Further clarification should be sought from WG Transport as to whether the wording of this condition is appropriate.

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

Reason: In the interests of the highway safety and free flow of traffic in accordance with LDP policies DM1 New Development and DM4 Low and Zero Carbon Energy.

- 12 This condition is based on the standard wording from WG Transport suggested in the PAC. Further clarification should be sought from WG Transport as to whether the wording of this condition is appropriate.

Prior to the commencement of development works, a scheme to provide for the remediation of any incidental damage directly attributable to the development to the parts of the highway network which will be utilised during the construction of the development including street furniture, structures, highway verge and carriageway surfaces shall be submitted to and approved by the Local Planning Authority. The scheme shall be implemented as approved throughout the construction phase of the development.

Reason: In the interests of the highway safety and free flow of traffic in accordance with LDP policy DM1 New Development.

- 13 This condition is based on the standard wording from WG Transport suggested in the PAC. Further clarification should be sought from WG Transport as to whether the wording of this condition is appropriate but is supported by the LPAs.

Abnormal Indivisible Loads (AILs) associated with the development shall be delivered strictly in accordance with a Traffic Management Plan (TMP) as shall be agreed with the Local Planning Authority. The TMP shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any works. The TMP shall include:

- a. Proposals for transporting AILs from their point of entry to the Welsh trunk road network to the site that minimise any impact on the safety and free flow of trunk road traffic.
- b. Evidence of trial runs that mimic the movement of the worst case AILs along the access route where appropriate, at the discretion of the Highway Authority.
- c. Number and size of AILs, including loaded dimensions and weights.
- d. Number and composition of AIL convoys, including anticipated escort arrangements.
- e. Methodology for managing trunk road traffic during AIL deliveries, including identification of passing places and holding areas as necessary.
- f. Convoy contingency plans in the event of incidents or emergencies.
- g. Estimated convoy journey durations and timings along the route, including release of forecast traffic queues.
- h. Swept path analysis modelling the movement of the worst case AILs at all potential horizontal and vertical constraints

- along the access route where appropriate, at the discretion of the Local Planning Authority.
- i. Proposals for the temporary or permanent modification of any affected street furniture along the access route and details of how this would be managed.
  - j. Plans for the reinstatement of any temporary works after completion of the construction phase.
  - k. Land ownership must be clarified on all drawings showing proposed highway modifications. The developer shall be responsible for the acquisition and reinstatement of all third party land including re-instatement of boundary features.
  - l. Proposals to liaise with all relevant stakeholders and members of the public regarding construction traffic and AIL movements.
  - m. Consideration of the cumulative impact of other abnormal load generating schemes proposing to use all or part of the same access route.
  - n. The appointment and role of a transport coordinator to administer the abnormal indivisible load delivery strategy.
  - o. Means of control of timing of delivery of AIL movements.
  - p. Temporary traffic diversions and traffic hold points.
  - q. Details of banksmen and escorts for abnormal loads.
  - r. Management and maintenance of layover areas, junctions, passing places, public rights of way and welfare facilities while AIL deliveries take place.
  - s. Details of temporary signage and
  - t. Details of any alterations to any works that are carried out to enable AIL movements.

AILs associated with the maintenance and decommissioning of the development shall leave the site strictly in accordance with a TMP as shall be agreed with the relevant highway authority. The TMP shall be submitted to and approved in writing by the local planning authority prior to the commencement of any removal, replacement of decommissioning works.

Reason: In the interests of the highway safety and free flow of traffic in accordance with LDP policy DP1 New Development.

- 14 This condition is based on the standard wording from WG Transport suggested in the PAC. Further clarification should be sought from WG Transport as to whether the wording of this condition is appropriate but is supported by the LPAs.

No development works shall be undertaken until full details of any highway works associated with the construction of layover areas, passing places and highway improvements as agreed with each relevant Local Planning Authority including:

- a. the detailed design of any works
- b. geometric layout
- c. construction methods
- d. drainage, and
- e. street lighting

have been submitted to and approved in writing by the local planning authority following consultation with the Welsh Government as Welsh trunk road highway authority or other relevant highway authority (as appropriate). The highway works shall be completed in accordance with the approved details prior to the commencement of any AIL deliveries to the development site.

No development works shall be undertaken until the developer demonstrates rights of access to all proposed works that are not part of the highway network to the satisfaction of the local planning authority.

Reason: In the interests of the highway safety and free flow of traffic in accordance with BGCBC LDP Policy DM1 New Development and DM4 Low and Zero Carbon Energy and TCBC LDP Policy S3 and BW1.

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

Reason: In the interests of protecting the water quality, ecology, and amenity of the area in accordance with LDP Policy DM1 New Development and Policy DM4 Low and Zero Carbon Energy.

- 16 No development shall take place on site until an updated Construction Environmental Management Plan (CEMP) consistent with the Outline Construction Environmental



Management Plan by WSP dated July 2023 has been submitted to and approved in writing by the local planning authority. The CEMP shall include (but not be limited to) details of:

- a) Hours of working;
- b) The parking of vehicles of site operatives and visitors;
- c) Wheel washing,
- d) Storage of plant and materials during construction;
- e) The erection and maintenance of security hoarding;
- f) Site lighting,
- g) Material management including storage and management of soil, fuel oil and chemical storage, recycling and disposal of waste;
- h) Biodiversity protection, mitigation and enhancement measures,
- i) Timing and location of works relative to breeding and nesting birds,

The details and measures contained in the CEMP as approved by the local planning authority shall be adhered to throughout the construction and decommissioning periods.

Reason: To safeguard local amenity interests and to ensure that the impacts of the construction phase of the development are appropriately and adequately addressed where they are not protected by other regulatory processes in accordance with BGCBC LDP Policy DM4 Low and Zero Carbon Energy.

- 17 No development, including site clearance, shall commence until a Landscape and Ecological Management Plan (LEMP) which shall include the approach to implementing landscape and ecological mitigation and enhancement and the location of such works during the operational phase of the wind farm has been submitted to and approved in writing by the Local Planning Authority. The LEMP should be consistent with Environmental Statement and Appendices (WSP UK Ltd April 2023) and in particular ES Chapter 8 paragraphs 8.6.6.

The plan shall include (but not be limited to):

- a. A plan showing wildlife and habitat protection zones.
- b. Species Protection Plan
- c. Habitat Management Plan

- d. Details of development and construction methods within wildlife and habitat protection zones and measures to be taken to minimise the impact of any works.
- e. Timing and location of works relative to breeding and nesting birds.
- f. Details of phasing of construction.
- g. The times and locations during construction when specialist ecologists need to be present on site to oversee works.
- h. Details of a monitoring, recording and reporting regime for the site.
- i. Details of net benefits and
- j. The role and responsibilities on site of an Ecological Clerk of Works (ECoW) or similarly competent person.

The Ecological Management Plan shall then be implemented in full accordance with the timings approved by the local planning authority and maintained throughout the operational period of the development.

Reason: In the interests of biodiversity and in accordance with BGCBC Policy DM1 New Development and Policy DM4 Low and Zero Carbon Energy and DM14 Biodiversity Protection and Enhancement and TCBC Policy S7.

- 18 This condition was recommended by Natural Resources Wales (NRW) as part of the PAC. Further clarification should be sought from NRW as to whether the wording of this condition is appropriate.

No development shall take place until an Ecological Construction Method Statement (ECMS) has been submitted to and approved in writing by the Local Planning Authority. The ECMS shall include:

- A plan showing habitat to be lost, created or retained which should identify the extent and location on appropriate scale
- Details of protective measures to be taken to minimise the impacts
- Details of timing, phasing and duration of construction activities and conservation measures
- Details of initial aftercare and long-term maintenance
- Actions to be taken in event previously unidentified habitat features are found
- Persons responsible for implementing the works

- Details of measures to prevent or reduce incidental capture or killing

The Ecological Construction Method Statement shall then be implemented in accordance with the timings approved by the local planning authority and maintained throughout the construction period of the development.

Reason: In the interests of the ecological value of the application site and wider area in accordance with LDP Policy DM1 New Development and Policy DM4 Low and Zero Carbon Energy and DM14 Biodiversity Protection and Enhancement and TCBC Policy S7.

- 19 Before any foundations of any turbine are laid/set, a detailed scheme for the post-construction monitoring of Bats and birds (including Red Kite and Kestrel) at all turbines shall be submitted to an approved in writing by the Local Planning Authority. The scheme shall include (but not be limited to):
- a. Methods for data gathering and analysis.
  - b. Location of monitoring.
  - c. Timing and duration of monitoring.
  - d. Appropriate persons and equipment to carry out monitoring.
  - e. Timing and format for presenting and dissemination of monitoring results including submission to all data relevant databases.
  - f. Remedial measures to reduce any impacts identified through monitoring including in respect of turbine curtailment and
  - g. Contingency prescriptions that will be carried out in the event of failure to undertake required surveillance.

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

Reason: To ensure a scheme of post-construction bat and bird monitoring and mitigation is implemented to protect bats and birds affected by the development area in accordance with LDP Policy DM1 New Development, Policy DM4 Low and Zero Carbon Energy and DM14 Biodiversity Protection and Enhancement.

- 20 Before any foundations of any turbine are laid/set details of a turbine curtailment protocol shall be submitted to and approved in writing by the Local Planning Authority. The protocol shall include consideration of birds and bats and shall build upon the outline proposals set out in ES Chapter 8 Table 8.15 of the applicant's submission and be informed by the joint agency guidance 'Bats and Onshore Wind Turbines- Survey, Assessment and Mitigation' (Nature Scot et al, August 2021). It shall provide for the operation of any turbine to cease immediately in circumstances prescribed by the protocol and in any event whenever the monitoring carried out pursuant to condition 19 shows activity levels at any turbine to be moderate or above to medium and high-risk collision species, using the Ecobat methodology, until a turbine curtailment programme has been submitted to and approved in writing by the local planning authority. When operation is re-commenced it shall accord with the approved turbine curtailment programme.

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

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

Reason: To secure a scheme of post-construction turbine curtailment is implemented to protect bats and birds affected by the development in accordance with LDP Policy DM1 New Development, Policy DM4 Low and Zero Carbon Energy and DM14 Biodiversity Protection and Enhancement.

- 21 This condition was recommended by Natural Resources Wales (NRW) for a recent DNS windfarm proposal. Further clarification should be sought from NRW as to whether the wording of this condition is appropriate.

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

- a. Details of the monitoring methods including any baseline monitoring prior to start of construction.
- b. Timescales for construction.
- c. Timescales for submission of monitoring and interpretative reports to the Local Planning Authority during construction.
- d. Details of triggers for specific action and any necessary contingency actions, for example the need to stop work, introduction of drip trays, make use of spill kits and shut-off valves.

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

Reason: A construction water quality monitoring plan should be submitted to ensure necessary monitoring measures are approved prior to commencement of development or phase of development and implemented to manage any potential adverse impacts of construction on water quality in watercourses in accordance with LDP Policy DM1 New Development and Policy DM4 Low and Zero Carbon Energy.

- 22 No development shall take place until a phase 2 geo-technical site investigation has been carried out in accordance with a methodology first submitted to and approved in writing by the Local Planning Authority and which shall include the geographical scope of the site investigation. The results of the site investigation shall be submitted to the Local Planning Authority before any development begins. If any land instability issues are found during the site investigation, a report specifying the measures to be taken and a timetable for the remediation of the site to render it suitable for the development shall be submitted to and approved in writing by the local planning

authority. Remedial measures shall be carried out prior to the first beneficial use of the development in accordance with the approved details and retained in perpetuity.

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

- 23 If during the course of development, any unexpected land instability issues are found within the geographical scope of the site investigation (in relation to the access track through Tir Pentwys or The British) which were not identified in the site investigation referred to in condition 22, 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 before the development is brought into beneficial use and shall be retained in perpetuity.

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

- 24 No development or phase of development, shall commence until the following components of a scheme to deal with the risks associated with contamination at the site, has been submitted to and approved in writing by the determining Authority.
1. A site investigation scheme, based on the preliminary risk assessment/desk study to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
  2. The results of the site investigation and the detailed risk assessment referred to in (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
  3. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (2) are complete and identifying any requirements for longer-term monitoring of pollutant

linkages, maintenance and arrangements for contingency action.

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

Reason: To ensure the risks associated with contamination at the site have been fully considered prior to commencement of development as controlled waters are of high environmental sensitivity and the interest of health and safety; and where necessary remediation measures and long-term monitoring are implemented to prevent unacceptable risks from contamination in accordance with BGCBC LDP Policy DM1 New Development.

- 25 Prior to the beneficial operation of the development or phase of development a verification plan demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation required by condition 24, shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include a long-term monitoring and maintenance plan for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be carried out in accordance with the approved details.

Reason: To ensure the methods identified in the verification plan have been implemented and completed and the risk associated with the contamination at the site has been remediated prior to beneficial operation, to prevent both future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. In accordance with LDP Policy DM1 New Development.

- 26 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping. The submitted scheme shall include:

- A Tree Protection Plan to include indications of all existing trees (including spread and species) and hedgerows on the land clearly identifying those to be lost or retained together with measures for the protection of retained trees and hedges throughout the course of development;
- details of ground preparation, planting plans, number and details of species including for the replacement planting of trees at a ratio of a minimum of 3:1;
- Assessment of the existing soil for reuse;
- maintenance details for a minimum period of 5 years; and
- a phased timescale of implementation.

Reason: To ensure submission of an appropriate landscaping scheme and to secure a development that makes a positive contribution to the landscape and visual amenities of the area. In accordance with BGCBC LDP Policy DM1, DM4 and DM16.

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

Reason: To ensure timely implementation of an appropriate landscaping scheme. In accordance with BGCBC LDP Policy DM1, DM4 and DM16.

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

Reason: To identify and record any features of archaeological interest discovered during the works and to mitigate the impact of the works on the archaeological resource. In accordance with LDP Policy DM4 Low and Zero Carbon Energy and SP11 Protection and Enhancement of the Historic Environment.



- 29 Prior to the commencement of development details of a climatic detection system and de-icing mechanism shall be submitted to and approved in writing by the local planning authority. The development shall only be operated in accordance with the approved details unless otherwise approved in writing by the Local Planning Authority.

Reason: To prevent ice throw, in the interests of public safety in compliance with LDP policy DM1 New Development.

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

Reason: In the interests of residential amenity. In accordance with LDP Policy DM4 Low and Zero Carbon Energy.

- 31 In the event of a verified complaint received in relation to Amplitude Modulation the developer will investigate this issue using a protocol to be agreed in writing with the Local Planning Authority prior to the investigation taking place. Within 28 days of the investigation, a summary written report of the findings and any mitigation measures required shall be submitted to and agreed in writing by the Local Planning Authority. Any mitigation measures required shall be implemented in accordance with a timeframe to be agreed in writing by the Local Planning Authority.

Reason: In the interests of the residential amenity of those living closest to the site, in compliance with the relevant criteria of policies DM1 and DM4 of the Blaenau Gwent County Borough Council Local Development Plan.

- 32 The rating level of noise imissions from the combined effects of the wind turbines (including the application of any tonal penalty) when determined in accordance with the attached Guidance Notes (Appendix B), shall not exceed the values for the relevant integer wind speed set out in Appendix A, at any dwelling which is lawfully existing or has planning permission at the date of this permission.

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

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

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

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

f) The wind farm operator shall provide to the Local Planning Authority the independent consultant's assessment of the rating level of noise immissions 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) (Appendix B) of the Guidance Notes. The instrumentation used to undertake the measurements shall be calibrated in accordance with Guidance Note 1(a) (Appendix B) and certificates of calibration shall be submitted to the Local Planning Authority with the independent consultant's assessment of the rating level of noise immissions.

g) Where a further assessment of the rating level of noise immissions from the wind farm is required pursuant to Guidance Note 4(c) (Appendix B), the wind farm operator shall submit a copy of the further assessment within 21 days of submission of the independent consultant's assessment pursuant to paragraph

(d) above unless the time limit has been extended in writing by the Local Planning Authority.

Reason: In the interests of the amenity of the area. In accordance with LDP Policy DM1 New Development and DM4 Low and Zero Carbon Energy.

- 33 Should the wind turbines be identified as operating above the parameters specified in the condition 32 and Appendix A, the wind turbines will be modified, limited, or shut down as required to ensure compliance with this condition. These measures shall be applied until such time as maintenance or repair is undertaken sufficient to reduce the absolute noise level of the operating turbines to within the parameters specified.

Reason: In the interests of the amenity of the area. In the interests of the amenity of the area. In accordance with LDP Policy DM1 New Development and DM4 Low and Zero Carbon Energy.

- 34 Once the Local Planning Authority has received the independent consultant's noise assessment required by condition 32f , 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 appended to condition 32, upon notification by the Local Planning Authority in writing to the wind farm operator of the said breach the wind farm operator shall within 21 days propose a scheme of remediation for the written approval of the Local Planning Authority. The scheme shall be designed to mitigate the breach and to prevent its future recurrence and shall specify the timescales for implementation. The scheme shall be implemented as reasonably approved by the Local Planning Authority and according to the timescales within it. The approved scheme as implemented shall be retained thereafter unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of the amenity of the area. In the interests of the amenity of the area. In accordance with LDP Policy DM1 New Development and DM4 Low and Zero Carbon Energy.

- 35 The turbine model shall not exceed the parameters hereby approved (blade tip height 180m). In the event that the proposed turbines model for installation differs from the machine utilised in ES Chapter 13 Noise, a revised noise impact assessment report shall be submitted, demonstrating that predicted noise levels indicate likely compliance with the noise condition levels stated in Appendix A prior to the erection of the first wind turbine.

Reason: In the interests of visual and residential amenity by ensuring an acceptable noise level for the occupants of noise sensitive properties. In the interests of the amenity of the area. In accordance with LDP Policy DM1 New Development and DM4 Low and Zero Carbon Energy.

- 36 **The following condition was suggested as part of recent DNS windfarm proposal. Consideration should be given to the response of Cardiff Airport.**

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

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

- 37 **The following condition has been suggested. Consideration should be given to the response of NATS.**

No turbines shall be erected until a scheme for the mitigation of impact of the wind turbines on the operation of Clee Hill RADAR and military radar (the “radar mitigation scheme”) has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be operated fully in accordance with the approved radar mitigation scheme throughout the operational life of the development.

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

- 38 No means of enclosure shall be erected until details and have submitted to and approved in writing with the Local Planning Authority. The approved details shall be implemented on site and shall be retained for the duration of the development.

Reason: To ensure the development harmonises with the area. In accordance with LDP Policy DM1 New Development, DM4 Low and Zero Carbon Energy.

Appendix A – Noise limits. Conditions 32, 33 and 34.

Location	Table 1 - Daytime (07:00 – 23:00) Wind turbine noise limits (dB L <sub>A90,T</sub> ) for derived in accordance with ETSU-R-97, per Standardised 10m Wind Speed (ms <sup>-1</sup> )										
			Standardised 10m Wind Speed (ms <sup>-1</sup> )								
	Easting	Northing	4	5	6	7	8	9	10	11	12
R1 – Woodview Cottages, Six Bells	32272	20350	35	35	35	36.5	38.8	41.8	45.6	45.6	45.6
R2 – Gilfach Wen Farm, Blaen-Y-Cwm Road, Abertillery	32304	20278	45	45	45	45	45	45	45.6	45.6	45.6
R3 – Ty-Dafydd Farm, Six Bells	32297	20249	45	45	45	45	45	45	45.6	45.6	45.6
R4 – Blaencuffin Barn Farm, Blaen-Y-Cwm Road, Abertillery	32288	20177	45	45	45	45	45	45	45.6	45.6	45.6
R5 – Maescynew Farm, Hyde Place, Llanhileth	32257	20097	35	35	35	35	36	38.9	44	44	44
R6 – 5 Incline Cottages, Llanhileth	32289	20055	35	35	35	35	36	38.9	44	44	44

Location	Table 2 – Night-time (23:00 – 07:00) Wind turbine noise limits (dB L <sub>A90,T</sub> ) for derived in accordance with ETSU-R-97, per Standardised 10m Wind Speed (ms <sup>-1</sup> )										
			Standardised 10m Wind Speed (ms <sup>-1</sup> )								
	Easting	Northing	4	5	6	7	8	9	10	11	12
R1 – Woodview Cottages, Six Bells	32272	20350	43	43	43	43	43	43	44.2	44.2	44.2
R2 – Gilfach Wen Farm, Blaen-Y-Cwm Road, Abertillery	32304	20278	45	45	45	45	45	45	45	45	45
R3 – Ty- Dafydd Farm, Six Bells	32297	20249	45	45	45	45	45	45	45	45	45
R4 – Blaencuffin Barn Farm, Blaen-Y-Cwm Road, Abertillery	32288	20177	45	45	45	45	45	45	45	45	45
R5 – Maescynew Farm, Hyde Place, Llanhileth	32257	20097	43	43	43	43	43	43	43	43	43
R6 – 5 Incline Cottages, Llanhileth	32289	20055	43	43	43	43	43	43	43	43	43



Location	Table 3 – Cumulative Daytime (07:00 – 23:00) Wind turbine noise limits (dB L <sub>A90,T</sub> ) for derived in accordance with ETSU-R-97, per Standardised 10m Wind Speed (ms <sup>-1</sup> )											
			Standardised 10m Wind Speed (ms <sup>-1</sup> )									
	Easting	Northing	4	5	6	7	8	9	10	11	12	
R1 – Woodview Cottages, Six Bells	32272	20350	40	40	40	40	40	41.8	45.6	45.6	45.6	
R2 – Gilfach Wen Farm, Blaen-Y-Cwm Road, Abertillery	32304	20278	45	45	45	45	45	45	45.6	45.6	45.6	
R3 – Ty- Dafydd Farm, Six Bells	32297	20249	45	45	45	45	45	45	45.6	45.6	45.6	
R4 – Blaencuffin Barn Farm, Blaen-Y-Cwm Road, Abertillery	32288	20177	45	45	45	45	45	45	45.6	45.6	45.6	
R5 – Maescynew Farm, Hyde Place, Llanhileth	32257	20097	40	40	40	40	40	40	44	44	44	
R6 – 5 Incline Cottages, Llanhileth	32289	20055	40	40	40	40	40	40	44	44	44	

Location	<b>Table 5 – Cumulative Night-time (23:00 – 07:00) Wind turbine noise limits (dB L<sub>A90,T</sub>) for derived in accordance with ETSU-R-97, per Standardised 10m Wind Speed (ms<sup>-1</sup>)</b>										
			Standardised 10m Wind Speed (ms <sup>-1</sup> )								
	Easting	Northing	4	5	6	7	8	9	10	11	12
R1 – Woodview Cottages, Six Bells	32272	20350	43	43	43	43	43	43	44.2	44.2	44.2
R2 – Gilfach Wen Farm, Blaen-Y-Cwm Road, Abertillery	32304	20278	45	45	45	45	45	45	45	45	45
R3 – Ty-Dafydd Farm, Six Bells	32297	20249	45	45	45	45	45	45	45	45	45
R4 – Blaencuffin Barn Farm, Blaen-Y-Cwm Road, Abertillery	32288	20177	45	45	45	45	45	45	45	45	45
R5 – Maescynew Farm, Hyde Place, Llanhilleth	32257	20097	43	43	43	43	43	43	43	43	43
R6 – 5 Incline Cottages, Llanhilleth	32289	20055	43	43	43	43	43	43	43	43	43

*(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).*

## Appendix B – Noise Guidance Notes. Condition 32.

### **Guidance Notes for Noise Conditions**

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

### **Guidance Note 1**

- a) Values of the LA90,10 minute noise statistic should be measured at the complainant’s property, using a sound level meter of EN 60651/BS EN 60804 Type 1, or BS EN 61672 Class 1 quality (or the equivalent UK adopted standard in force at the time of the measurements) set to measure using the fast time weighted response as specified in BS EN 60651/BS EN 60804 or BS EN 61672-1 (or the equivalent UK adopted standard in force at the time of the measurements). This should be calibrated in accordance with the procedure specified in BS 4142: 1997 (or the equivalent UK adopted standard in force at the time of the measurements). Measurements shall be undertaken in such a manner to enable a tonal penalty to be applied in accordance with Guidance Note 3.
  
- b) The microphone should be mounted at 1.2 – 1.5 metres above ground level, fitted with a two-layer windshield or suitable equivalent approved in writing by the Local Planning Authority, and placed outside the complainant’s dwelling. Measurements should be made in “free field” conditions. To achieve this, the microphone should be placed at least 3.5 metres away from the building facade or any reflecting surface except the ground at the approved measurement location. In the event that the consent of the complainant for access to his or her property to undertake compliance measurements is withheld, the wind farm operator shall submit for the written approval of the Local Planning Authority details of the proposed alternative representative measurement location prior to the commencement of measurements and the measurements shall be undertaken at the approved alternative representative measurement location.

- c) The LA90,10 minute measurements should be synchronised with measurements of the 10-minute arithmetic mean wind and operational data logged in accordance with Guidance Note 1(d), including the power generation data from the turbine control systems of the wind farm.
- d) To enable compliance with the conditions to be evaluated, the wind farm operator shall continuously log arithmetic mean wind speed in metres per second and wind direction in degrees from north at hub height for each turbine and arithmetic mean power generated by each turbine, all in successive 10-minute periods. Unless an alternative procedure is previously agreed in writing with the Planning Authority, this hub height wind speed, averaged across all operating wind turbines, shall be used as the basis for the analysis. All 10 minute arithmetic average mean wind speed data measured at hub height shall be 'standardised' to a reference height of 10 metres as described in ETSU-R-97 at page 120 using a reference roughness length of 0.05 metres. It is this standardised 10 metre height wind speed data, which is correlated with the noise measurements determined as valid in accordance with Guidance Note 2, such correlation to be undertaken in the manner described in Guidance Note 2. All 10-minute periods shall commence on the hour and in 10- minute increments thereafter.
- e) Data provided to the Local Planning Authority in accordance with the noise condition shall be provided in comma separated values in electronic format.
- f) A data logging rain gauge shall be installed in the course of the assessment of the levels of noise immissions. The gauge shall record over successive 10-minute periods synchronised with the periods of data recorded in accordance with Note 1(d).

### **Guidance Note 2**

- (a) The noise measurements shall be made so as to provide not less than 20 valid data points as defined in Guidance Note 2 (b)
- (b) Valid data points are those measured in the conditions specified in the agreed written protocol under paragraph (d) of the noise condition, but excluding any periods of rainfall measured in the vicinity of the sound level meter. Rainfall shall be assessed by use of a rain gauge that shall log the occurrence of rainfall in each 10 minute period concurrent with the measurement periods set out in

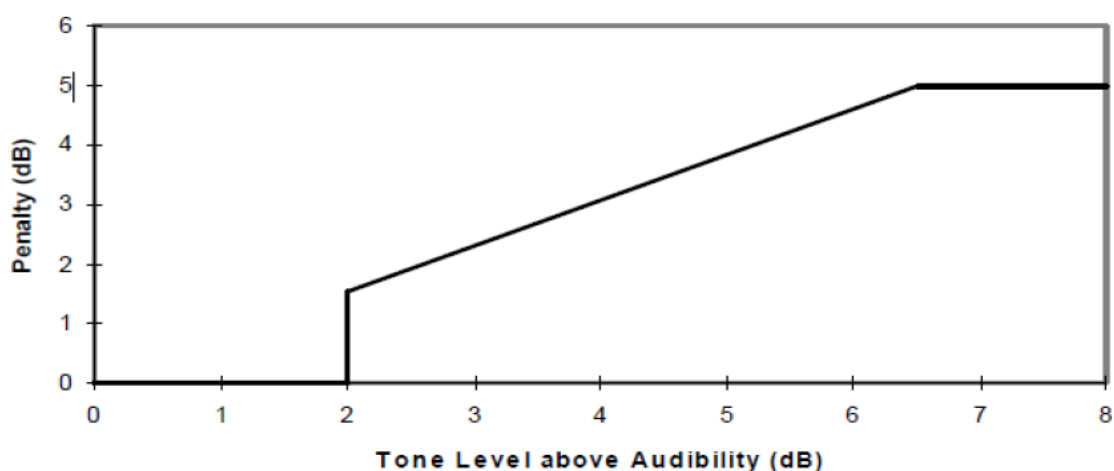
Guidance Note 1. In specifying such conditions the Local Planning Authority shall have regard to those conditions which prevailed during times when the complainant alleges there was disturbance due to noise or which are considered likely to result in a breach of the limits.

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

### **Guidance Note 3**

- (a) Where, in accordance with the approved assessment protocol under paragraph (d) of the noise condition, noise immissions at the location or locations where compliance measurements are being undertaken contain or are likely to contain a tonal component, a tonal penalty is to be calculated and applied using the following rating procedure.
- (b) For each 10 minute interval for which LA90,10 minute data have been determined as valid in accordance with Guidance Note 2 a tonal assessment shall be performed on noise immissions during 2 minutes of each 10 minute period. The 2 minute periods should be spaced at 10 minute intervals provided that uninterrupted uncorrupted data are available (“the standard procedure”). Where uncorrupted data are not available, the first available uninterrupted clean 2 minute period out of the affected overall 10 minute period shall be selected. Any such deviations from the standard procedure, as described in Section 2.1 on pages 104-109 of ETSU-R-97, shall be reported.
- (c) For each of the 2 minute samples the tone level above or below audibility shall be calculated by comparison with the audibility criterion given in Section 2.1 on pages 104-109 of ETSU-R-97.
- (d) The tone level above audibility shall be plotted against wind speed for each of the 2 minute samples. Samples for which the tones were below the audibility criterion or no tone was identified, a value of zero audibility shall be used.

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



#### Guidance Note 4

- (a) If a tonal penalty is to be applied in accordance with Guidance Note 3 the rating level of the turbine noise at each wind speed is the arithmetic sum of the measured noise level as determined from the best fit curve described in Guidance Note 2 and the penalty for tonal noise as derived in accordance with Guidance Note 3 at each integer wind speed within the range specified by the Local Planning Authority in its written protocol under paragraph (d) of the noise condition.
- (b) If no tonal penalty is to be applied then the rating level of the turbine noise at each wind speed is equal to the measured noise level as determined from the best fit curve described in Guidance Note 2.
- (c) In the event that the rating level is above the limit(s) set out in the Tables attached to the noise conditions or the noise limits for a complainant’s dwelling approved in accordance with paragraph (e) of the noise condition, the independent consultant shall undertake a further assessment of the rating level to correct for background noise so that the rating level relates to wind turbine noise immission only.

- (d) The wind farm operator shall ensure that all the wind turbines in the development are turned off for such period as the independent consultant requires to undertake the further assessment. The further assessment shall be undertaken in accordance with the following steps:
- (e) Repeating the steps in Guidance Note 2, with the wind farm switched off, and determining the background noise (L3) at each integer wind speed within the range requested by the Local Planning Authority in its written request under paragraph (c) and the approved protocol under paragraph (d) of the noise condition.
- (f) The wind farm noise (L1) at this speed shall then be calculated as follows where L2 is the measured level with turbines running but without the addition of any tonal penalty:

$$L_1 = 10 \log \left[ 10^{L_2/10} - 10^{L_3/10} \right]$$

- (g) The rating level shall be re-calculated by adding arithmetically the tonal penalty (if any is applied in accordance with Note 3) to the derived wind farm noise L1 at that integer wind speed.
- (h) If the rating level after adjustment for background noise contribution and adjustment for tonal penalty (if required in accordance with note 3 above) at any integer wind speed lies at or below the values set out in the Tables attached to the conditions or at or below the noise limits approved by the Local Planning Authority for a complainant's dwelling in accordance with paragraph (e) of the noise condition then no further action is necessary. If the rating level at any integer wind speed exceeds the values set out in the Tables attached to the conditions or the noise limits approved by the Local Planning Authority for a complainant's dwelling in accordance with paragraph (e) of the noise condition then the development fails to comply with the conditions.

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<b>BLAENAU GWENT COUNTY BOROUGH COUNCIL</b>	
<b>Report to</b>	Chair & Members of Planning Committee
<b>Report Subject</b>	Quarterly Performance Information
<b>Report Author</b>	Service Manager Development & Estates
<b>Directorate</b>	Regeneration and Community Services
<b>Date of Meeting</b>	February 2024
<b>Key Words</b>	Performance Management Speed and quality of decision making Welsh Government Performance Monitoring

## 1.0 Background

- 1.1 Every local planning authority in Wales is required to collect performance information regarding the speed and quality of decision making on all types of planning and related applications. This is submitted to Welsh Government on a quarterly basis.
- 1.2 Welsh Government publishes this data on its website. It is a useful source of comparative information where the Council can not only scrutinise its own performance, but benchmark the data against the 25 other Local Planning authorities (22 unitary authorities and 3 National Parks)
- 1.3 It is usual practise to present a report to Planning Committee to update Members on the most recent performance in the form of a league table. This report deals with Quarter 1 of 2023/24 i.e. April to June 2023.

## 2.0 Content of the Report

- 2.1 This report will examine three indicators:
- 2.2
  - i. Applications determined in time - This is defined as within the 8-week target period or longer time that may be agreed with the applicant/agent.
  - ii. Time Taken – the average time (in days) taken to determine all applications.
  - iii. Quality of decision making – decisions taken by Planning Committee that are contrary to the recommendation of its officers.

### 3.0 Performance Information

- 3.1 The latest data WG has published was on 15<sup>th</sup> December 2023 and covered Quarter 1 being April to June 2023.
- 3.2 i. BG decided **97%** of applications “in time”. This compared to an all-Wales average of 86%.
- 3.3 The trend for BGCBC over the preceding quarters was 99%, 93%, 95%, 90% and now 97%. This is consistently above the all-Wales average in each quarter respectively which was typically in the low to mid 80 percentile range.
- 3.4 ii. On average, it took **95 days** to decide each application against an all-Wales average of 103 days.
- 3.5 In the 4 preceding quarters to this one, the returns were 82, 70, 73 and 84 days. In each of the quarters, this was well above the Wales average which fluctuated between 94 and 123 days.
- 3.6 iii. **0%** of applications in this quarter decided by Planning Committee were contrary to officer recommendation. The Wales average was 5%.
- 3.7 This compares to returns of 17%, 17%, 0% and 0% in the previous 4 quarters.

### 4.0 Evaluation of Performance and Conclusions

- 4.1 Members should recognise that these performance figures represent a snapshot of performance for the given quarter and in this case are over 6 months old. There was a delay in publishing the figures and therefore could not be brought to Members attention until now.
- 4.2 The performance tables confirm our performance is relatively stable in terms of trends over the past year and given capacity, is satisfactory. Nevertheless, we continue to identify areas where we can improve.
- 4.3 Members will be aware that the service is currently operating with one less planning officer who is seconded to other duties associated with a changing out back-office software. Whilst some of this work is being allocated to an external consultancy, it does not fully compensate for losing one FTE.
- 4.4 The average number of days to decide an application is an important indicator. It gives a real world indicator of the time taken to decide an application having regard to extensions of time which are agreed in the interests of applicants as well as the Council but does of course result in slower decision making. The changes to the scheme of delegation agreed in autumn 2023 should help us improve in this area as all applications that are presented to Planning Committee inevitably take longer to process. Until the service is back to full strength and the benefits of the new software become embedded, it is anticipated that this change will improve our performance. However, this change will not reflect in the returns for some time.

## **5.0 Recommendation**

5.1 No decision is required.

5.2 However, Planning Committee is invited to scrutinise the performance returns and officers will address any issues or questions at the meeting.

**Table 1**

**WG Quarterly DM Survey: Q1 23/24**  
**April to June 2023**  
**Percentage of Planning Applications Determined “On Time”**  
*(Ranked in Order of Performance)*

<b>Welsh Local Planning Authority</b>		<b>Percentage of All Applications Determined On Time</b>
1	Caerphilly	99
2	Vale of Glamorgan	98
3=	<b>Blaenau Gwent</b>	<b>97</b>
3=	Anglesey	97
3=	Swansea	97
6	Pembrokeshire	95
7	Merthyr Tydfil	92
8	Monmouthshire	91
9	Powys	90
10	Carmarthenshire	89
11=	Gwynedd	88
11=	Brecon Beacons National Park	88
11=	Ceredigion	88
14	Conwy	87
15	Denbighshire	84
16	Newport	79
17	Wrexham	78
18	Rhondda Cynon Taff	77
19	Cardiff	74
20	Bridgend	69
21	Pembrokeshire Coast National Park	67
22	Torfaen	55
	Neath Port Talbot	--
	Snowdonia National Park	--
	Flintshire	--
<b>WALES AVERAGE</b>		<b>86 %</b>

**Table 2**

**WG Quarterly DM Survey: Q1 23/24**  
**April to June 2023**  
**Average Time to Decide Applications in Days**  
*(Ranked in Order of Performance)*

<b>Welsh Local Planning Authority</b>		<b>Average No. of Days Taken to Decide Each Application</b>
1	Caerphilly	68
2	Pembrokeshire	72
3	Swansea	73
4	Conwy	77
5	Merthyr Tydfil	80
6	Rhondda Cynon Taff	84
7=	Gwynedd	86
7=	Bridgend	86
9	Anglesey	87
10	Vale of Glamorgan	88
11	Denbighshire	90
12	Cardiff	93
13	<b>Blaenau Gwent</b>	<b>95</b>
14	Carmarthenshire	103
15	Monmouthshire	104
16	Newport	117
17	Wrexham	119
18	Pembrokeshire Coast National Park	121
19	Torfaen	128
20	Ceredigion	158
21	Powys	159
22	Brecon Beacons National Park	185
	Neath Port Talbot	--
	Snowdonia National Park	--
	Flintshire	--
<b>WALES AVERAGE</b>		<b>108 Days</b>

**Table 3**

**WG Quarterly DM Survey: Q1 23/24**  
**April to June 2023**  
**Decisions Contrary to Officer Recommendation**  
*(Ranked in Order of Performance)*

<b>Welsh Local Planning Authority</b>		<b>% of Planning Committee Decisions Contrary to Officer Recommendation</b>
1=	<b>Blaenau Gwent</b>	<b>0</b>
1=	Brecon Beacons National Park	0
1=	Bridgend	0
1=	Caerphilly	0
1=	Cardiff	0
1=	Conwy	0
1=	Merthyr Tydfil	0
1=	Monmouthshire	0
1=	Newport	0
1=	Pembrokeshire Coast National Park	0
1=	Pembrokeshire	0
1=	Powys	0
1=	Swansea	0
1=	Torfaen	0
1=	Vale of Glamorgan	0
1=	Wrexham	0
17	Anglesey	5
18	Rhondda Cynon Taff	7
19	Carmarthenshire	13
20=	Denbighshire	20
20=	Ceredigion	20
22	Gwynedd	29
	Neath Port Talbot	--
	Snowdonia National Park	--
	Flintshire	--
<b>Wales Average</b>		<b>5 %</b>

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# Agenda Item 8

Report Date: 29<sup>th</sup> January 2024

Report Author:

<b>BLAENAU GWENT COUNTY BOROUGH COUNCIL</b>	
<b>Report to</b>	<b>The Chair and Members of Planning, Regulatory and General Licensing</b>
<b>Report Subject</b>	<b>List of applications decided under delegated powers between 18<sup>th</sup> December 2023 and 28<sup>th</sup> January 2024</b>
<b>Report Author</b>	<b>Business Support Officer</b>
<b>Report Date</b>	<b>29<sup>th</sup> January 2024</b>
<b>Directorate</b>	<b>Regeneration &amp; Community Services</b>
<b>Date of meeting</b>	<b>8<sup>th</sup> February 2024</b>

<b>1.0 Purpose of Report</b>
1.1 To report decisions taken under delegated powers.
<b>2.0 Scope of the Report</b>
2.1 The attached list deals with the period 18 <sup>th</sup> December 2023 and 28 <sup>th</sup> January 2024
<b>3.0 Recommendation/s for Consideration</b>
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/2023/0180	UNIT 6 TAFARNAUBACH INDUSTRIAL ESTATE TAFARNAUBACH TREDEGAR	Retention of land reprofiling works through the importation of inert materials and the change of use from B2 (General Industrial) to Class B8 (Storage).	23/08/23 22/12/23 Approved
C/2023/0229	44 BRYN COCH BEAUFORT EBBW VALE	Application for a Lawful Development Certificate for a proposed new car port.	30/10/23 24/01/24 Lawful Development Certificate Granted
C/2023/0246	LAND TO THE EAST OF UNIT 29 TAFARNAUBACH INDUSTRIAL ESTATE TAFARNAUBACH TREDEGAR	Renewable Electric Vehicle Charging Hub.	27/11/23 18/01/24 Approved



C/2023/0011	Plots 2, 3, 4, 8, 9, 10, 11, 11A & 12 Beech Tree Crescent Tanglewood (Phase IV) Blaina	Application to vary condition 13 to extend the period for the implementation of the consent by a further five years of planning permission C/2017/0324 (Residential development of 8 dwellings with associated groundworks).	30/11/23 23/01/24 Approved
C/2023/0247	35 PANT Y FFOREST EBBW VALE	Proposed front and rear garage extension.	27/11/23 12/01/24 Refused
C/2023/0266	CAR SHOW ROOM CROWN BUSINESS PARK ROAD DUKESTOWN TREDEGAR	Application for Non-material amendment of planning permission C/2020/0062 (Change of use of land to form part of existing car showroom with new vehicular entrance and security fencing) to substitute approved plan ref: 661003A dated January 2020 within Condition 1 with amended plan ref: 661.008 dated January 2020 to retain existing access to car show room site.	19/12/23 11/01/24 Approved
C/2023/0163	6 GWASTAD FARM CWMTILLERY ABERTILLERY	Application for a Lawful Development Certificate for an existing two storey detached garage, patio and adjacent rooms as well as retaining walls.	26/07/23 02/01/24 Lawful Development Certificate Granted

C/2023/0177	THE TOP HOUSE TREFIL ROAD TREFIL TREDEGAR	Addition of rear access stairs to include balcony area.	21/08/23 10/01/24 Withdrawn
C/2023/0183	PLOT ADJOINING NANT FARM ROAD NEAR CWM COTTAGE RD CWM FARM LANE SIX BELLS	Construction of new 2 bed dormer bungalow with garage at basement level, including access, services and landscaping.	06/09/23 16/01/24 Approved
C/2023/0252	HiVE ADVANCED ENGINEERING CENTRE FOR COLLEGE GWENT SITE OF FORMER MONWELL HANKINSON LTD LETCHWORTH ROAD EBBW VALE	Monolithic totem sign located adjacent to main entrance SIGN 1 HiVE illuminated Logo fixed to the building SIGN 2 HiVE wording fixed to the building (non illuminated) SIGN 3 Coleg Gwent's illuminated Logo fixed to the building	11/12/23 18/01/24 Approved

C/2023/0233	18 CLOS TREHELYG WILLOWTOWN EBBW VALE	Lawful development certificate for an existing use - Dwelling House.	06/11/23 03/01/24 Approved
C/2023/0263	30 BRIDGE STREET ABERTILLERY	Loft conversion with rear dormer and front porch.	14/12/23 26/01/24 Approved
C/2023/0268	PEN Y FAN GANOL FARM MAN MOEL ROAD MANMOEL EBBW VALE	Application for prior notification of agricultural or forestry development - alteration of a section of private way that provides a means of access to Pen Y Fan Ganol Farm, including the construction of a safety bund along the elevated section and resurfacing of the track in the area.	19/12/23 15/01/24 Approved
C/2023/0244	BRYNMAWR SOCIAL CLUB, 61 BEAUFORT STREET BRYNMAWR	Proposed external refurbishment of property including installation of shopfront, application of a self coloured render to walls, replacement windows and doors.	24/11/23 08/01/24 Approved

C/2023/0241	FORMER TREDEGAR GENERAL HOSPITAL, TREDEGAR HEALTH CENTRE AND BEDWELLY PARK PARK ROW TREDEGAR	Application for Discharge of Condition 7 (Travel Plan) of planning permission C/2020/0095 (Reserved matters application relating to access (revised from that approved under outline planning permission), landscaping, appearance, scale and layout of planning permission C/2020/0037 (Demolition of Tredegar Health Centre, partial demolition of Tredegar General Hospital and erection of a new Class D1 Health and Wellbeing Centre)).	16/11/23 20/12/23 Condition Discharged
C/2023/0243	FORMER BRIERY HILL SCHOOL WOODSIDE CRESCENT EBBW VALE	Application for Non-material amendment of planning permission C/2017/0280 (Construction of 35 residential units and associated works) to change the masonry retaining wall to a gabion basket design on the left hand side on entering the site.	24/11/23 21/12/23 Refused
C/2023/0255	126 HIGH STREET BLAINA	Lawful development certificate for the demolition of existing lean to, single storey rear extension, outbuilding and construction of a proposed rear single storey extension.	12/12/23 16/01/24 Lawful Development Certificate Refused
C/2024/0013	HEATHWOOD 203 BADMINTON GROVE EBBW VALE	Application for Non-material amendment of planning permission C/2023/0085 (Retention of garage/garden room extension) to change outlet position of rainwater gutter.	11/01/24 23/01/24 Approved

C/2023/0254	MOUNTAIN VIEW ABERTYSSWG MOUNTAIN ROAD TO MARKHAM AND BOUNDARY CEFN GOLAU TREDEGAR	Single storey side and rear extensions.	12/12/23 19/01/24 Approved
C/2023/0238	UNIT 4 SIRHOWY INDUSTRIAL ESTATE SIRHOWY TREDEGAR	Change of Use from Class D2 (Leisure Use) to revert back to Class B1, B2 & B8.	13/11/23 21/12/23 Approved
C/2023/0209	VACANT PLOT NORTH & EAST RASSAU IND EST RASSAU EBBW VALE	Application to vary condition 3 (approved plans & documents) and remove condition 33 (great crested newts) of planning permission C/2021/0278 (Construction and operation of a purpose-built glass manufacturing facility, and associated development).	04/10/23 24/01/24 Approved
C/2023/0235	LAND ADJOINING VERWEY ROAD NANTYGLO BRYNMAWR	Application for Discharge of Condition 12 (Asbestos Survey) of planning permission C/2022/0329 (Proposed detached two storey cottage (with demolition of outbuilding) including parking).	08/11/23 20/12/23 Condition Discharged

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