



E: committee.services@blaenau-

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

MAE HWN YN GYFARFOD Y MAE GAN Y CYHOEDD HAWL EI FNYCHU

Dydd Iau, 30 Ionawr 2025

Annwyl Syr/Madam

PWYLLGOR CRAFFU CYNLLUNIO

Cynhelir cyfarfod o'r Pwyllgor Craffu Cynllunio yn O Bell yn Defnyddio Microsoft Teams on Dydd Iau, 6ed Chwefror, 2025 am 2.00 pm.

Yn gywir

Stephen Vickers
Cyd-Brif Weithredwr

AGENDA

1. CYFIEITHU AR Y PRYD

Mae croeso i chi ddefnyddio'r Gymraeg yn y cyfarfod. Mae gofyn rhoi rhybudd o 3 diwrnod gwaith o leiaf os byddwch yn dymuno gwneud hynny. Bydd gwasanaeth cyfieithu ar y pryd yn cael ei ddarparu os gofynnir.

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.

2. **YMDDIHEURIADAU**

Cael unrhyw ymddiheuriadau am absenoldeb.

3. **DATGANIADAU O FUDDIANT A GODDEFEBAU**

Cael unrhyw ddatganiadau o fuddiant a goddefebau.

4. **MEYSYDD AR GYFER SESIYNAU BRIFFIO A HYFFORDDIANT AELODAU**

Trafod unrhyw feysydd ar gyfer sesiynau briffio a hyfforddiant aelodau.

5. **ADRODDIAD CEISIADAU CYNLLUNIO** 5 - 40

Ystyried adroddiad y Rheolwr Tîm Rheoli Datblygu.

6. **DIWEDDARIAD AR APELIADAU, YMGYNGORIADAU A DATBLYGIADAU O ARWYDDOCÂD CENEDLAETHOL CHWEFROR 2025** 41 - 44

Ystyried adroddiad y Rheolwr Gwasanaeth Datblygu ac Ystadau.

7. **GWYBODAETH AM BERFFORMIAD CHWARTEROL** 45 - 52

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8. **RHESTR O GEISIADAU Y PENDERFYNWYD ARNYNT RHWNG 22 TACHWEDD 2024 A 23 IONAWR 2025** 53 - 60

Ystyried adroddiad y Swyddog Cymorth Busnes.

9. **PENDERFYNIAD CYNLLUNIO A GORFODI – TIR YN A'R TU ÔL I UNDERHILL, HAWTHORN ROAD, GLYN EBWY NP23 5HS** 61 - 68

Ystyried y penderfyniadau Apelio.

EITEM ESEMPT

Cael ac ystyried yr adroddiad canlynol sydd ym marn y swyddog priodol yn eitem esempt gan ystyried prawf budd y cyhoedd ac y dylid eithrio'r wasg a'r cyhoedd o'r cyfarfod (mae'r rheswm dros y penderfyniad i esemptio ar gael ar restr a gedwir gan y swyddog priodol).

10. ACHOSION GORFODI A GAEWYD RHWNG 30 MEDI 2024 AC 15 IONAWR 2025 69 - 72

Ystyried adroddiad y Rheolwr Gwasanaeth Datblygu ac Ystadau.

At: Cynghorwyr L. Winnett (Cadeirydd)
P. Baldwin (Is-gadeirydd)
M. Day
W. Hodgins
J. Holt
G. Humphreys
E. Jones
J. Millard
J. Morgan, J.P.
L. Parsons
D. Rowberry
C. Smith
J. Thomas
D. Wilkshire

Pob Aelod arall (er gwybodaeth)
Rheolwr Gyfarwyddwr
Prif Swyddogion

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Agenda Item 5

Report Date: 27th January 2025

Report Author:

BLAENAU GWENT COUNTY BOROUGH COUNCIL	
Report to	The Chair and Members of Planning, Regulatory and General Licensing
Report Subject	Planning Applications Report
Report Author	Team Manager Development Management
Report Date	27th January 2025
Directorate	Regeneration & Community Services
Date of meeting	6th February 2025

Report Information Summary

1. Purpose of Report
To present planning applications for consideration and determination by Members of the Planning Committee.
2. Scope of the Report
Application Address No.
C/2023/0212 Penrhiwgwaith Farm, Pen-Rhiw-Gwaith Lane, Hollybush Blackwood, NP12 0ST
3. Recommendation/s for Consideration
Please refer to individual reports

Planning Report

Application No: C/2023/0212	App Type: Full
Applicant: Mr Mike Roberts Penrhiwgwaith Farm, Pen-Rhiw-Gwaith Lane Hollybush Blackwood. NP12 0ST	Agent: Mrs S Hayle Axis Unit 11, Well House Barns Chester Road Bretton, Chester CH4 0DH
Site Address: Penrhiwgwaith Farm, Pen-Rhiw-Gwaith Lane, Hollybush Blackwood, NP12 0ST	
Development: Installation of a wind turbine and associated infrastructure including the turbine foundation, crane hardstanding/laydown area, improvement to existing access track, transformer container and associated cabling	



Fig. 1- Google ariel image and site location

1.0 Background, Development and Site Context

- 1.1 This application seeks full planning permission for the development of a wind turbine and associated works on land forming part of Penrhiwgwaith Farm, Holly Bush, Blackwood. The site already benefits from a 500KW wind turbine generator together with 11KV Substation/ transformer house that was approved under application C/2012/0373 on 17/07/2013. This existing turbine is positioned approximately 160m to the north-west of the application site. The application site is immediately adjacent to the county boundary.
- 1.2 The proposal comprises a single turbine with a hub height of up to 60m and a maximum blade tip height of up to 86.5m, with associated infrastructure including foundations, crane hardstanding/ laydown area, transformer container and associated cabling. The turbine would have an installed capacity of approximately 800kW.

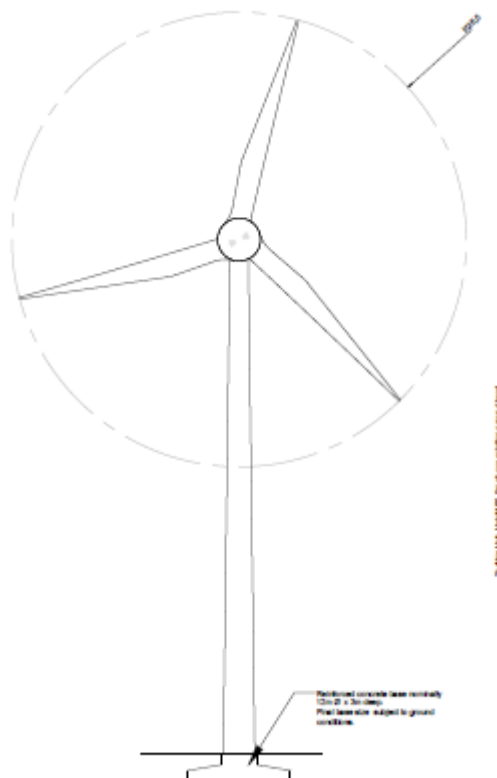


Fig 2. Elevations of the proposed turbine.

- 1.3 The development would be accessed via the existing track which would be extended by approximately 57m into the host field. A hardstanding with an area of approximately 500sq.m and a transformer container measuring 3.1m wide, 2.5m deep and 2.3m high would be developed immediately adjacent to the turbine base. The container would be of a steel or glass reinforced plastic (GRP) construction, in a dark green finish. The container would house the transformer, switch gear and other associated electrical equipment. Cabling from the turbine to the transformer would pass below the turbine foundation

and alongside the existing and proposed access track in a duct. Western Power Distribution (WPD) would be responsible for connecting the turbine to their distribution network.

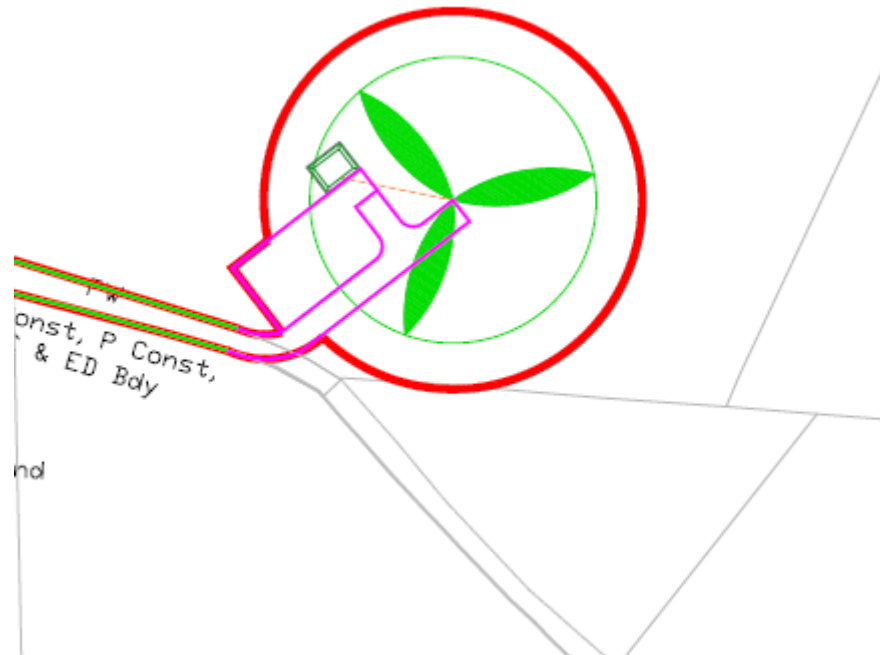


Fig 3. Proposed site layout plan

- 1.4 The turbine would be delivered in component form via 9 separate loads, several of which would need to be delivered under escort as they would be deemed an abnormal load. It is anticipated that the components would likely be docked in Swansea with the transport delivery route being via the M4, A465(T), the B4257 through Rhymney and the B4256 onto and south along the common.

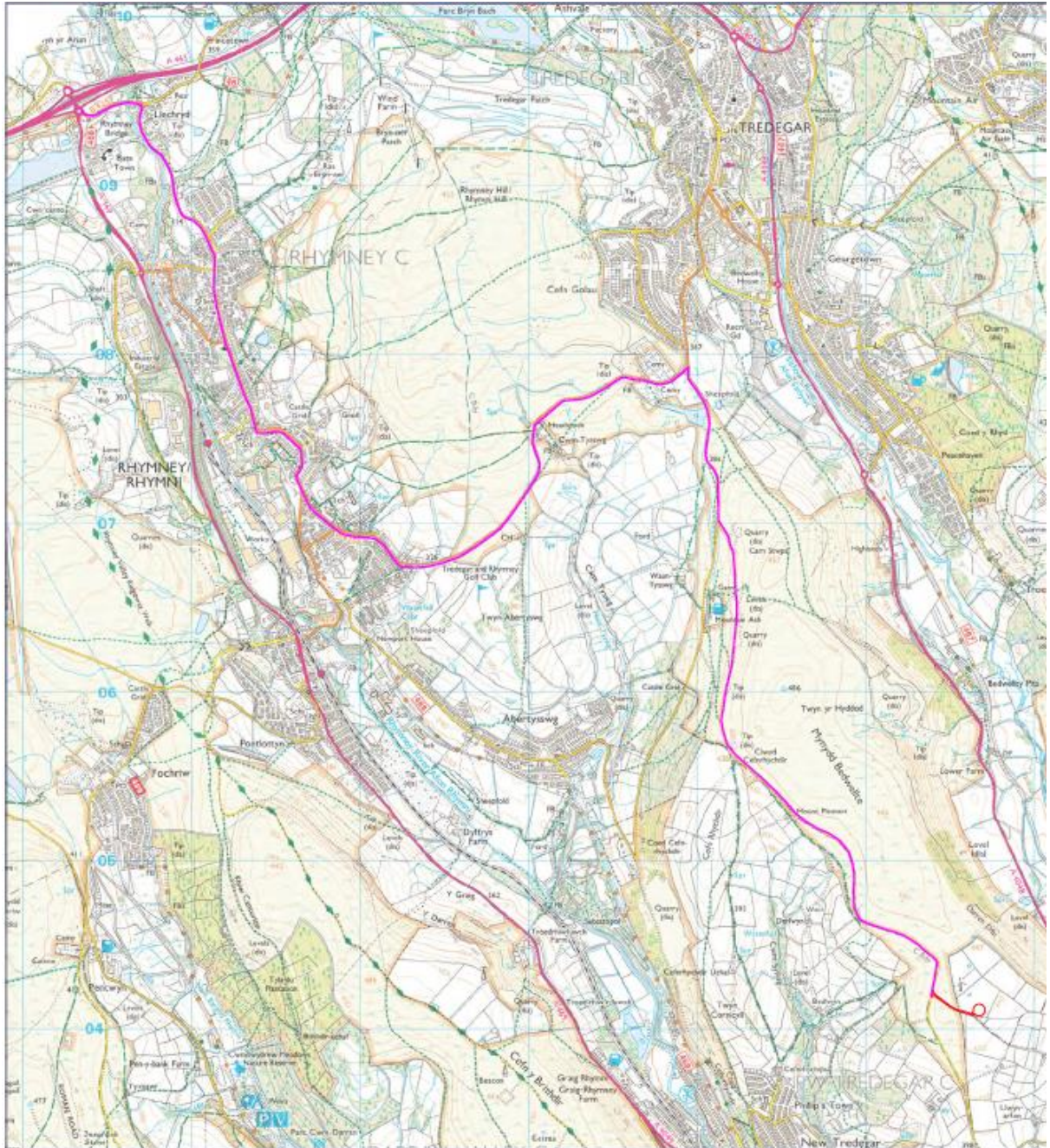


Fig 4. Anticipated delivery route.

- 1.5 It is anticipated that the development would have an operational lifetime of 25-30 years.
- 1.6 The site is situated in the open countryside outside of any settlement boundary, in an elevated position on the Mynydd Bedwellite plateau, approximately 1.5km north-east of New Tredegar and 2.8km to the south of Tredegar. It lies approximately 275m east of the nearest public highway, which is the unclassified road between Aberbargoed and Tredegar.

- 1.7 The turbine would be sited at approximately 440m AOD. The main ridge of Mynydd Bedwellte has an elevation of approximately 465m rising to a highpoint of 486m AOD. Mynydd Bedwellte forms part of one of the parallel ridges that run north-south separating the valleys. The moorland tops are in general sparsely settled, with residential areas generally concentrated along the valley sides.
- 1.8 The nearest properties are located to the northeast at Pochin Houses, at a lower elevation approximately 670m away. A few individual properties are located between 700-800m away. The closest residential settlements are Phillips Town (New Tredegar) 1350m to the south and Hollybush approximately 1500m to the southeast.
- 1.9 The turbine would be located within a semi-improved grassland field, enclosed by post and wire fences, which forms part of the Applicant's farm, which is adjoined to the north, south and west by open sheep-grazed common land. To the east and north-east there is steeply sloping semi-natural acid grassland and broadleaved woodland. The southern boundary of the site forms the border between Blaenau Gwent Council and Caerphilly Council. The surrounding area contains several single wind turbines as indicated in Figs. 1 and 5.

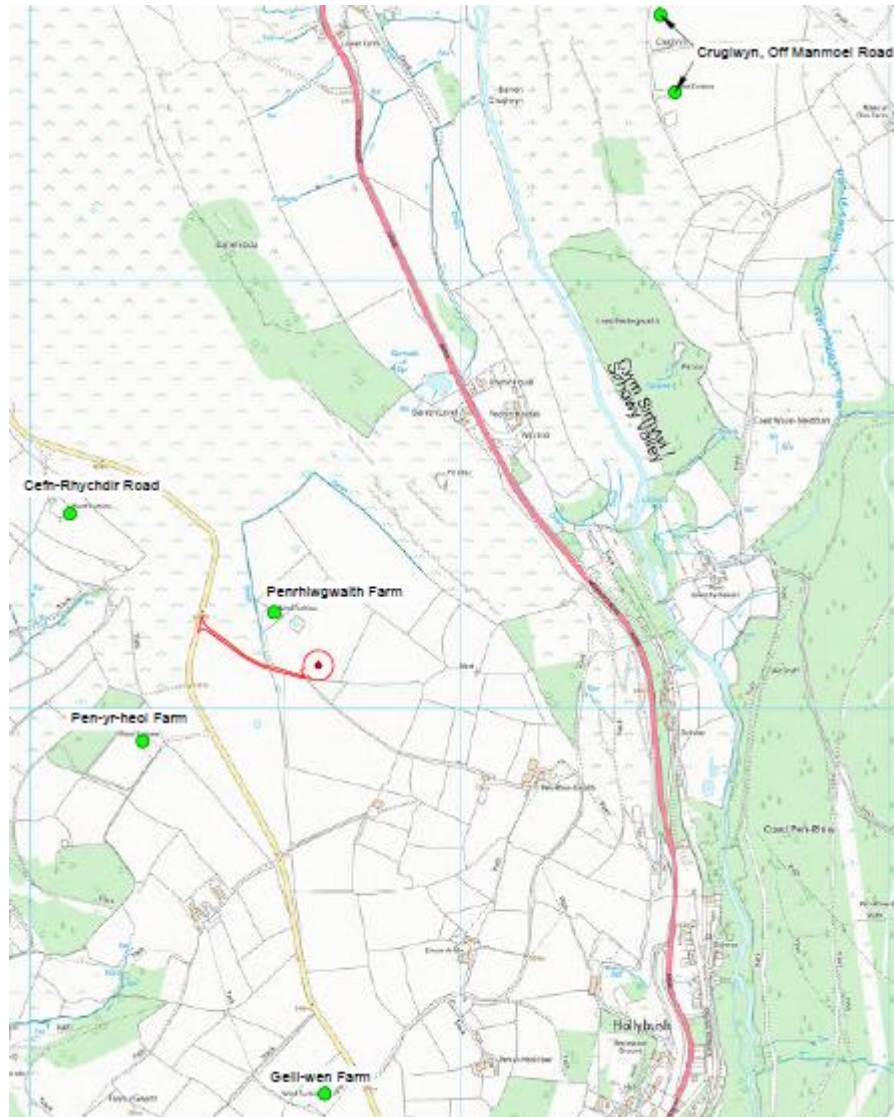


Fig 5. Position of operational turbines.



Fig 6. Photomontage of the site viewed from the north showing existing and proposed turbines.



Fig 7. View of the site from the west. Wire line includes operational, consented and application stage turbines.



Fig 8. View of the site from the south showing existing and proposed turbines

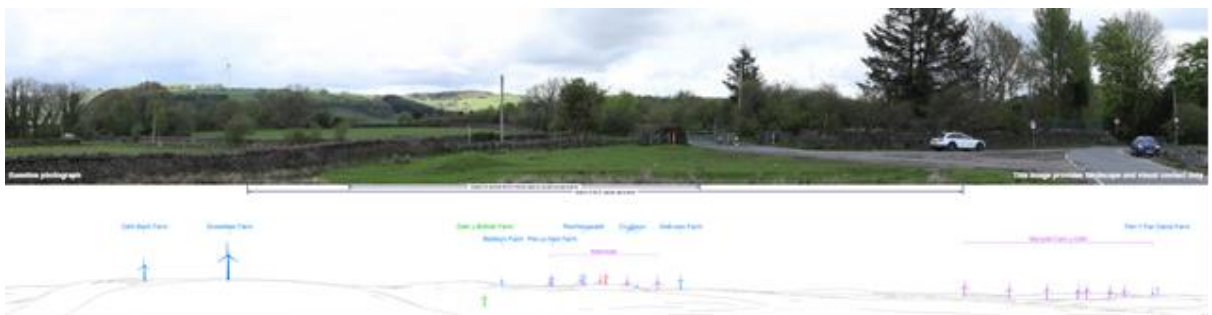


Fig 9. Wider landscape and wire line indicating operational, consented and proposed turbines as viewed from the south.

1.10 With regard to the Blaenau Gwent County Borough Council Local Development Plan (LDP), the site lies outside of the settlement boundary within an area designated as a coal safeguarding area and aggregate safeguarding area (Policy M1). In addition, it lies within a special landscape area (Policy ENV2.5- Mynydd Bedwellty, Rhymney and Sirhowy Sides), and is adjacent to a site of importance for nature conservation (Policy ENV3.50- Mynydd Bedwellte).

1.11 The site is in a Pre-Assessed Area (PAA), as defined by Future Wales: The National Development Plan, where there is a presumption in favour of large-scale wind developments.

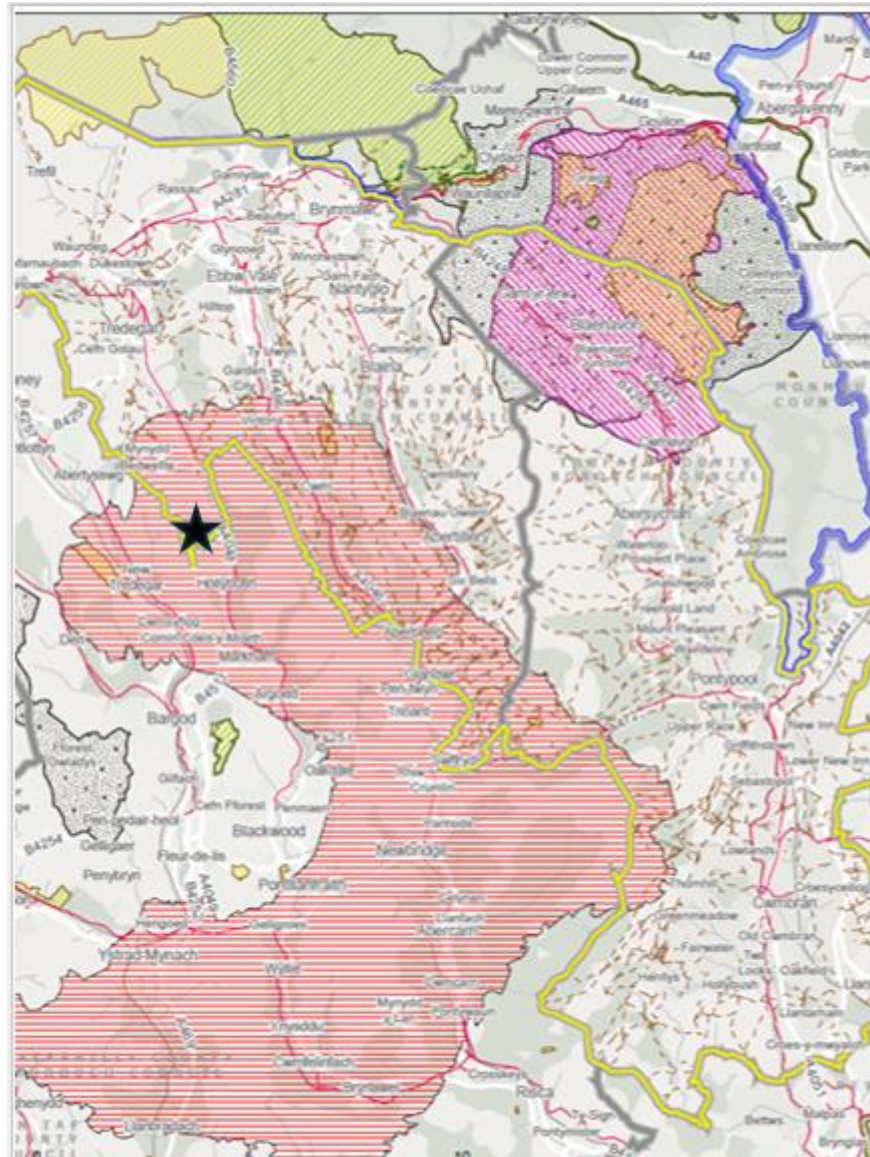


Fig 10. PAA for wind development as defined by Future Wales - the National Plan 2040. Application site shown as a black star above.

1.12 In addition to the detailed plans showing the design and layout the applicant has submitted supplementary information which includes:

- Planning Statement
- Landscape and Visual Impact Assessment
- Ecological Assessment
- Bat Activity Survey
- Great Crested Newts survey
- Archaeological Desk Based Assessment
- Written Scheme of Investigation

1.13 The application has been screened and an Environmental Impact Assessment is not required.

- 1.14 The application is presented to Planning Committee in line with the current Scheme of Delegation as it proposes a non-domestic renewable energy scheme (solar, hydro and wind) and it is also considered to be in the wider public interest.

2.0 Site History

The following applications are relevant to the current application.

Ref No	Details	Decision	
2.1	C/2012/0373	Installation of 500kw wind turbine generator together with 11KV Substation/transformer house, construction of access track, electrical cabling and ancillary works.	Approved 17/07/2013

3.0 Consultation and Other Relevant Information

3.1 Internal BG Responses

3.2 Service Manager Infrastructure:

3.3 Highways: No objection subject to conditions.

3.4 Drainage: No objection in principle. SAB consent may be required for the works.

3.5 Ground Stability: No objections in principle.

3.6 Landscape: Holding objection. Not all the effects of the proposal upon all views or landscape character will be significant as the views available are already strongly influenced by well-established turbines of similar size & scale nearby, the proposal does however increase the change in landscape character and an individual's experience from one of unspoilt, natural, tranquillity to one of increased industrialisation.

3.7 Ecology: No objection subject to the submission of a Construction Environmental Management Plan which can be secured by condition.

3.8 Tree Officer: No objection. There are no trees or hedges at the application site.

- 3.9 Service Manager Public Protection: No objection with regard to land contamination. Conditions are recommended with regards to noise and shadow flicker.
- 3.10 **External Consultation Responses**
- 3.11 Tredegar Town Council: No objection.
- 3.12 Caerphilly County Borough Council
- Highways – conditions recommended
 - Environmental Health - noise and shadow flicker screening recommended
 - Landscape Architect- the landscape and visual effects, as a result of the additional wind turbine, would not be seen as significant, and consequently there is no objection from a landscape or visual perspective.
- 3.13 Welsh Government Highways: No objection. Advice provided regarding the transport of abnormal loads along the trunk road network
- 3.14 Natural Resources Wales: Although concerns remain regarding the proposal, they are satisfied that these concerns can be overcome by attaching conditions with regard to micro-siting, feathering and post construction bat monitoring.
- 3.15 Heneb Glamorgan Gwent Archaeology: The historic environment mitigation work has been undertaken to current professional standards. Conditions are recommended with requiring the submission of a detailed written scheme of investigation for a programme of archaeological work to protect the archaeological resource.
- 3.16 Ministry of Defence (MOD): No objection subject to conditions regarding the installation of aviation lighting, charting and safety management.
- 3.17 Arqiva: No objection. The development will not have an adverse effect on radio transmission and broadcasting links.
- 3.18 National Air Traffic Services Safeguarding (NATS): No objection. The proposed development does not conflict with safeguarding criteria.
- 3.19 Welsh Water: No objection.
- 3.20 Western Power and Wales and West Utilities: Advice provided regarding the location of apparatus within the vicinity of the site.

3.21 **Public Consultation:**

The application has been the subject of the following consultation process:

- 22 letters to nearby houses
- site notices
- press notice
- website public register of applications
- ward members by letter
- all members via weekly list of applications received

3.22 No public objections or representations have been received.

4.0 Planning Policy

4.1 Team Manager Development Plans:

4.2 Strategic Policies

- SP2- Southern Strategy Area- Regeneration
- SP7- Climate Change
- SP10- Protection and Enhancement of the Natural Environment
- SP11- Protection and Enhancement of the Historic Environment
- SP12- Securing an Adequate Supply of Mineral

4.3 Development Management Policies

- DM1- New Development
- DM2- Design and Placemaking
- DM4- Low and Zero Carbon Energy
- DM14- Biodiversity Protection and Enhancement
- DM13- Protection of Open Space
- DM15- Protection and Enhancement of the Green Infrastructure
- DM19- Mineral Safeguarding
- DM20- Waste allocations and designations
- SB1- Settlement Boundary
- ENV2- Special Landscape Areas
- ENV3- Sites of Importance for Nature Conservation
- M1- Safeguarding of Minerals

4.4 Supplementary Planning Guidance

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

- 4.5 PPW & TANs:
Planning Policy Wales Edition 12 (February 2024)
Technical advice note (TAN) 5: nature conservation and planning
Technical advice note (TAN) 11: noise
Technical advice note (TAN) 18: transport
- 4.6 Under the provisions of the 2015 Planning (Wales) Act, any development plan adopted prior to 4 January 2016 will remain the LDP for determining planning applications until replaced by a further LDP. Therefore, the Blaenau Gwent County Borough Council Local Development Plan up to 2021, which was adopted on November 2012, remains the extant statutory development plan for the area beyond the specified 2021 plan period.

5.0 Planning Assessment

5.1 Principle of Development

- 5.2 Future Wales - the National Plan 2040 was published on the 24th February 2021, and is therefore relevant to this application as it now forms part of the Development Plan.
- 5.3 Generating renewable energy is a key part of Welsh Governments commitment to decarbonisation and tackling the causes of climate change. The Plan sets the following ambitious targets for the generation of renewable energy:
- For 70 per cent of electricity consumption to be generated from renewable energy by 2030.
 - For one gigawatt of renewable energy capacity to be locally owned by 2030.
 - For new renewable energy projects to have at least an element of local ownership by 2020.
- 5.4 The Plan identifies two categories of energy development with large scale development i.e. those generating more than 10MW of power, classed as Development of National Significance and proposals below this being the second category and being determined by local planning authorities. This application is 800kW and therefore not large scale.
- 5.5 Policy 17 – Renewable and Low Carbon Energy and Associated Infrastructure, states that the Welsh Government strongly supports the principle of developing renewable and low carbon energy from all technologies and at all scales to meet our future energy needs. In determining planning applications for renewable and low carbon energy development, decision makers must give significant weight to the need to meet Wales’s international commitments and

our target to generate 70% of consumed electricity by renewable means by 2030 to combat the climate emergency.

- 5.6 Policy 17 identifies 'Pre-Assessed Areas for Wind Energy'(PAA) where Welsh Government have already modelled the likely impact on the landscape and found them to be capable of accommodating development in an acceptable way. As a result, there is a presumption in favour of large-scale wind energy development (including repowering) in these areas. This application falls within the defined Pre-Assessed Area for Blaenau Gwent.
- 5.7 Policy 18 of Future Wales provides criteria that renewable and low carbon energy developments must comply with to ensure that their location, scale, design and micro-siting minimise the landscape and visual impact and ensure communities are protected from significant unacceptable situations arising from cumulative impact.
- 5.8 Planning Policy Wales (Ed 12) Chapter 5 outlines that the Welsh Government's highest priority is to reduce energy demand wherever possible and to ensure that low carbon electricity, generated by renewable energy becomes the main source of energy in Wales. The Welsh Government has identified targets for the generation of renewable energy and states that the planning system has an active role to help ensure the delivery of these targets with local and regional authorities encouraged to take an active, leadership approach at the local or regional level, by setting out their vision for decarbonisation and energy for their areas.
- 5.9 The Council has recently adopted the Blaenau Gwent Net Zero 2050 Framework and supporting Local Area Energy Plan (LAEP). The LAEP identifies there is currently 54 Gwh/yr of installed renewable electricity capacity (2023) which equates to 18% of electricity demand (306 Gwh/yr). PPW identifies that the target for Wales is to generate 70% of its electricity from renewable energy by 2030, therefore there is a local authority wide need for this energy. The LAEP also contains an action to "continue to support the development of wind energy schemes that can be accommodated within environmental and landscape capacity" (Action 3.2). This proposal would therefore help to address the identified LAEP actions.
- 5.10 Policy SP7 of the Blaenau Gwent LDP seeks to address the causes of climate change through encouraging more of the County Borough's electricity to be generated by renewable and low/zero carbon technologies.
- 5.11 Although the site lies within an area of open countryside, beyond the settlement boundary, the area is located within a PAA where there is a

presumption in favour of large-scale wind developments as defined by Future Wales. Given the position of the application site at the south-eastern end of the Mynydd Bedwellte plateau, it is considered that position and scale of the turbine it is unlikely to prejudice the development of any large scale renewable energy proposals.

5.12 The Future Wales policy stance supersedes the existing Supplementary Planning Guidance for Smaller Scale Wind Turbine Development that currently limits the number and size of wind turbines in Blaenau Gwent.

5.13 Accordingly, the principle of the development is considered compliant with local and national planning policy and would contribute towards meeting local and national targets of energy generation from onshore wind.

5.14 **Landscape and Visual Impact**

5.15 As detailed above, the application is located within the SLA of Mynydd Bedwellty, Rhymney and Sirhowy Sides and is also located within the PAA for large turbines, as defined by Future Wales (see figure 11 above).

5.16 A Landscape and Visual Impact Assessment (LVIA) has been submitted as part of this application to address concerns over the landscape and visual impact and to assess the site's capacity to accommodate the proposed development without detriment to the local landscape character, or without any substantial adverse effects on important views.

5.17 The assessment notes that the application site comprises an enclosed pasture field located on the southern end of the Mynydd Bedwellte plateau set within a wider context of moorland common grazed by sheep. Along Mynydd Bedwellte to the north the landscape comprises open moorland with an undulating landform, the majority of which is open access land. To the south there is a gently sloping landform with a small-scale agricultural field pattern divided by walls and hedges, which becomes steeper along its eastern edge.

5.18 The Cefn Manmoel ridge rises to around 460m AOD due east of the site (with a high point of 504m further north). Two operational wind turbines at Cruglwyn, which have the same maximum blade tip height as the Proposed Development are located on this ridge, approximately 1.5km north-east of the Site.

5.19. The Cefn y Brithdir ridge to the west has an elevation similar to the site at just over 440m AOD. The pattern of deep valleys set around 200m below open upland ridges is repeated again further to the east and west. In terms of

landscape experience, there is a sharp contrast between the enclosure and linearity of the valleys and the open continuity of the uplands.

- 5.20 To the north, the valleys are linked together by the A465 Heads of the Valleys Road and an associated corridor of development. Several operational wind turbines are located within this developed corridor. Further to the north are the foothills of the Bannau Brycheiniog National Park (BBNP), with the Boundary of the National Park being positioned approximately 8.7km north of the site.
- 5.21 The proposed development would be located within Landscape Unit 5: Rhymney Hill and Mynydd Bedwellte as defined by the Blaenau Gwent CBC and Torfaen CBC, Sensitivity and Capacity Study for Renewable Energy Development, October 2021. The document advises that the landform and visual qualities of the area would be highly susceptible to change and that there would be a very low threshold of development before causing significant adverse effects to both visual and landscape character.
- 5.22 LANDMAP (the formally adopted methodology for landscape assessment in Wales informed by Natural Resources Wales *Guidance Note 318*, and *Guidance Note 4619*) identifies that the site is located within the following Aspect Areas;
- i) Cultural Landscape Services: BLNGWCLS027 Mynydd Bedwellte;
 - ii) Geological Landscapes: BLNGWGL006 Bedwellte;
 - iii) Historic Landscapes: BLNGWHL036: HAA36 Mynydd Bedwellte;
 - iv) Landscape Habitats: BLNGWLH020; and
 - v) Visual & Sensory: BLNGWVS688 Mynydd Bedwellte.
- 5.23 With regard to the above categories, it is identified that the site occupies an exposed upland plateau with a moderate to high sensitivity to development and change.
- 5.24 As part of the LVIA a series of Zone of Theoretical Visibility (ZTV) maps have been provided detailing how much of the turbine would be evident from different locations from 0 to +5km of the site. A cumulative assessment of operational, consented and planning stage turbines has also been undertaken.
- 5.25 With regard to the constructional phase, the LVIA concludes that the impacts on the landscape character visual effects would be transient in nature, not significant and could be further controlled by the imposition of conditions limiting hours of construction and external lighting.
- 5.26 Regarding landscape fabric, the LVIA confirms that the site comprises an area of pasture grassland and an existing access track that runs through this. As

these features are commonplace and are not sensitive elements the report concludes that the change experiences would be limited to very localised loss of pasture grassland.

- 5.27 In relation to Landscape Character the report concludes that none of the Landscape Units would experience significant effects upon their character, due to the established presence of wind turbines in the vicinity of the site and elsewhere within the surrounding upland ridge landscape. Although the proposal would result in a localised increase that could have a moderate adverse effect in the influence of wind turbines upon the landscape, the presence of commercial-scale wind turbines at the southern edge of the Landscape Unit, including the existing Penrhiwgwaith turbine within the Landscape Unit, is an established influence upon character. The report considers that the Landscape Unit would remain an open exposed ridge with wind turbines present at the southern edge, and with views of more distant turbines and other structures available on the surrounding ridges to the east and west.
- 5.28 From other upland ridge Landscape Units to the east and west of the site, the LVIA considers that there would be a limited and incremental change in character. Although the proposed turbine would be a clearly visible new skyline feature that would increase the influence of wind turbines on the skyline above the valley sides when viewed from Sirhowy valley the development would appear very similar to the existing turbines on the south-western skyline and would be very evidently located outside and 'above' the valley. As result the report considers that the change would be principally to the visual context of the landscape, with other characteristics dependent upon landform and land cover remaining unaffected.
- 5.29 From within the Rhymney valley, the proposed turbine would again be visible on the skyline. However, the LVIA considers it would be viewed in a context where other nearby turbines would be located closer to the valley itself, although there would be a localised increase in the influence of wind turbines on the ridge to the east of New Tredegar (with an increase from 4 no turbines to 5 no). However, in the wider context, the report considers that the valley is already subject to the influence of a diverse range of different types of development, including wind turbines, and this would not change because of the proposed development.
- 5.30 Implications for Landscape Capacity
- 5.31 The height of the turbine would fall into the 'small' typology as set out in the Capacity Study as its blade tip height would be less than or equal to 120

metres but it would be set within a medium typology group of 4-6 existing turbines. The study advocates that the no further development should be undertaken within this Landscape Area Unit beyond that included within the PAA in order to preserve, in part, the wild and undeveloped character of the area. As identified in Fig. 11, the site does form part of the defined PAA.

- 5.32 Given the presence of other existing turbines within the vicinity of the site which are of a very similar scale, and the assessment of effects upon landscape character (as reported above) which identifies that the landscape can accommodate the proposed turbine without significant adverse effects upon its character occurring, the LVIA considers that the area does have capacity to accommodate the proposal and the works would not give rise to a fundamental change in character.
- 5.33 The ZTV and viewpoint assessment submitted confirms that the theoretical visibility would be defined largely by landform, with views tending to be available from upland areas, whereas from lower-lying areas, especially in the adjacent valleys typically there would be no visibility of the development. Although the proposal would introduce an additional turbine, views of the site are already strongly influenced by the presence of at least 4 other turbines at short-range. As result the report considers that any further change arising minor to moderate adverse in effect.
- 5.34 Whilst the proposal would comprise a tall, engineered structure with moving blades, the LVIA considers it would be introduced into a context where other similar structures including existing turbines and tall structures such as transmission masts are typically conspicuous features in close proximity and elsewhere in the Study Area. As such, the report determines that there would be few if any locations from which views of the proposed development would be available, and views of existing wind turbines and/ or other structures would not be. In contrast, views from lower-lying valley locations tend to be screened by landform itself and by features within the valleys such as buildings and vegetation. The report advises, as distance from the site increases, the proposed development would appear as an increasingly minor background addition, which would have little or no appreciable influence upon the nature of the views available.
- 5.35 Cumulative Effect
- 5.36 Twenty-five operational wind turbines have been included in the cumulative assessment. The report considers that the cumulative effects of the proposed development upon landscape character where existing and consented schemes are present, would not be appreciably different to those identified as

part of the landscape impact assessment. Although the scheme would result in a localised increase in the influence of the established cluster of wind turbines at the southern edge of Bedwellty and Rhymney columns, with a fifth turbine being added to this group, this would not result in any notable change in the interactions between this turbine cluster and any of the other cumulative schemes.

- 5.37 There would be some contrast in scale between the groups of turbines on either side of the Sirhowy Valley, which is likely to affect landscape character. However, the report considers that this would occur regardless of the presence/ absence of the proposal and any further cumulative effects resulting from the additional turbine would be limited and not significant.
- 5.38 The LVIA identifies that the DNS turbines would be widely visible from much of the Study Area due to their height and number and would be more eye-catching than the smaller existing and consented turbines, which tend to be present singly or in small groups. As such the presence of wind turbines in views from the more exposed locations within the Study Area would undergo a perceptible increase, and this is likely to result in significant effects from some locations. This would occur irrespective of the presence/ absence of the proposed development.
- 5.39 The further presence of the proposal would result in limited changes in view, with the proposed turbines being added to a context where similar existing turbines are already present in the same area at the southern edge of Bedwellty and Rhymney Commons. The report considers that the presence of five, as opposed to four, would not give rise to any additional change of note in a context where other cumulative schemes are present. Visual effects arising from the DNS schemes and from the contrast in size and scale between these larger typology groups and the existing and consented turbines would occur regardless of the presence/ absence of the proposal and may be significant from some locations. The report considers that any further cumulative effects resulting from the introduction of an additional turbine would be very limited and not significant.
- 5.40 With regard to cumulative sequential visual effects the report outlines that there would be few if any locations along any route from which only the proposed development would be visible. Generally, the presence of the DNS turbines would result in wind turbines becoming more prominent from routes running through the Study Area. In particular, the Sirhowy Valley Walk would pass in close proximity to the Manmoel turbines. The LVIA considers that the further presence of the proposal would not result any change in view from any route that would give rise to cumulative visual effects.

5.41 Residential receptors

5.42 A Residential Visual Amenity Assessment (RVAA) has been submitted as part of the LVIA. The RVAA is not simply concerned with whether the development would be visible, but rather whether the effect of the development on residential visual amenity would be of such a nature and/ or magnitude that it potentially affects living conditions or residential amenity.

5.43 In relation to wind energy development, this is referred to as the Residential Visual Amenity Threshold (RVAT). For the purposes of the RVAA, the RVAT is reached when a development would bring about an unpleasantly overwhelming and unavoidable presence upon living conditions at a property.

5.44 The Study Area for the submitted RVAA, extends 865m from the proposed development. There are only three properties within this area that lie within the blade tip ZTV of the proposed turbine. These properties are:

- 5.45 - Pen-Rhiw-Gwaith (the property of the Applicant);
- Llwyn-Arfon; and
- Penyrheol Fawr Cottage.

5.46 Each property is located on the eastern slopes of the Mynydd Bedwelle ridge, with views available facing away from the proposal and the existing Penrhiwgwaith turbine.

5.47 The proposed turbine would be approximately 160m closer to the properties than the existing Penrhiwgwaith turbine, and as such would potentially be more visible. However, the tree belts between the properties and the site would provide some degree of screening. The RVAA outlines that the presence of the proposed turbine would not prevent views looking in other directions from property windows, gardens or other external areas, and in particular views across and along the Sirhowy Valley below would be unaffected. As such, the report considers that whilst there would be some change in view at each property, this change would not result in wind turbines becoming an unpleasantly overbearing or unavoidable presence in views and the RVAT would not be reached.

5.48 Public Rights of Way

5.49 There are a number of rights of way along the valley floors, and along the ridges within and adjacent to the site. Key routes from which views of the Proposed Development would be available include the minor road that runs

over Bedwellty and Rhymney Commons close to the Site, the Sirhowy Valley Walk long-distance route along the top of the ridge to the east, and the Rhymney Valley Ridgeway Walk long-distance route along the top of the ridge to the west.

- 5.50 The overall conclusion of the LVIA is that from each of these, and from other roads, public rights of way and land with public access in the vicinity, the presence of wind turbines in the view is well-established, and any journey along these routes would be made with the expectation that turbines would be visible. In this context, the further presence of the proposed turbine would whilst resulting in some relatively limited change in view, be unlikely to change the experience of users to such a degree that the amenity of users would be materially altered.
- 5.51 The LVIA concludes that the Proposed Development would result in the introduction of a new wind turbine, which would be very similar in scale to the nearby existing turbine at the same site, and the three other existing turbines located nearby. It would therefore be located in a context where the influence of commercial-scale wind turbines of approximately 80m height upon the surrounding landscape and upon views is well established.
- 5.52 In relation to massing and scale and the screening and filters provided by buildings, hedgerows and woodlands it is considered that the proposal would have a moderate-minor adverse residual landscape effect which is not substantial, whilst physical landscape effects upon topography are assessed as being minor adverse and not substantial. Although there would a localised increase in the influence of wind turbines, this would not exceed the capacity of the receiving landscape to accommodate development. Given the context the LVIA considers that the existing landscape characteristics would remain unaffected, and the nature of views available from the surrounding area would remain largely unchanged.
- 5.53 Following consultation, BGCBC's Landscape Officer has provided the following response:
- 5.54 *The landscape is a key part of our heritage, an important natural and economic asset and valued amenity for residents and visitors. The local authority would seek to minimise significant change in certain landscapes where wind turbines become either the dominant or a key characteristic of a landscape, particularly in SLAs which are particularly sensitive to change.*
- 5.55 *Whilst in this instance, not all the effects of the proposal upon all views or landscape character will be significant as the views available are already*

strongly influenced by well-established turbines of similar size & scale nearby, the proposal does however increase the change in landscape character and an individual's experience from one of unspoilt, natural, tranquility to one of increased industrialisation.

- 5.56 *Such developments will not only have a negative impact upon the existing landscape character, but also upon the physical and well-being benefits derived from such spaces upon the local population, who will, if the County's eight SLAs effectively become industrialised by the construction of large-scale wind turbines, need to travel outside the county, potentially to Bannau Brycheiniog National Park to gain a similar experience.*
- 5.57 *The proposal also considers the cumulative visual impact of other wind turbines (existing & proposed), electricity pylons, radio and telecommunication masts etc. In some of these visualisations we see all too clearly the visual clutter which adversely changes the landscape from natural and unspoilt with its distinctive, uncluttered skylines to one of increased industrialisation.*
- 5.58 *Where decisions are made on the design, siting, size, scale and density of wind turbines, we should also seek to strike a balance between the need for sustainable energy and the potential adverse impacts upon Council & Welsh Government policies relating to environmental protection and well-being of local populations and the health and well-being benefits derived from tranquil, unspoilt, natural spaces for the local population, and consider sites within PAA10 which are less sensitive to change.*
- 5.59 *Caerphilly County Borough Council's Landscape Architect has provided the following response:*
- 5.60 *The LVIA covers both Landscape and Visual effects to an acceptable level for the proposed single wind turbine.*
- 5.61 *It is accepted that the proposed development would introduce a new wind turbine of a very similar scale and height to the nearby existing turbines and other existing turbines within the nearby locality.*
- 5.62 *The proposed development would be viewed in the context of the existing turbines and consequently would not result in any appreciable change to this wider context and would only result in limited change locally.*
- 5.63 *It is also accepted that the introduction of an additional turbine of a similar size and height to the existing turbines would result in a localised increase in the influence of wind turbines, but this would not exceed the capacity of the*

existing landscape to accommodate development. I concur that the existing landscape characteristics would remain largely unaffected, and the nature of views available from the surrounding area would remain largely unchanged.

- 5.64 *Therefore, on balance it is considered that the landscape and visual effects, as a result of the additional wind turbine, would not be seen as significant and consequently there is no objection from a landscape or visual perspective.*
- 5.65 In summary, based on the above it is considered that the landscape and visual impact of the proposed development on the landscapes of Blaenau Gwent and the amenity of the local residential and recreational routes and areas have been adequately assessed.
- 5.66 Whilst it is appreciated that the LVIA and landscape architect's responses that the primary effect of the development would be localised, concerns are raised regarding the further proliferation and cumulative visual intrusion of such structures and the resulting change this has upon the inherent character and appearance of the SLAs and hilltop landscapes, from wide open spaces to one of increased industrialization.
- 5.67 However, having regard to the mass, size and scale of the development in conjunction with the context of the site, the distances maintained between turbines (which helps off set the visual impact of the structure), and the site's location within an PAA, which has been determined as capable of accommodating sustainable energy development in an acceptable way, it is considered that the degree of impact arising, from a singular and cumulative perspective, would not exceed the capacity of the existing landscape to accommodate such development to such an extent to warrant refusal of the application on such grounds. It is therefore considered although turbines do increasingly form part of the landscape, they are temporary in nature and existing landscape characteristics and the nature of views available from the surrounding area would remain largely unchanged and unaffected.
- 5.68 Based on the above the application is considered compliant with the relevant requirements of FW policy 18 and LDP policies SP7, SP10, DM1, DM4, DM13 and ENV2.
- 5.69 **Noise and vibration**
- 5.70 Welsh Government Practice Guidance (2011) advises that wind turbine developments should be located so that any increases in ambient noise levels around noise sensitive developments are kept to acceptable levels. This will normally be achieved through good design of wind turbines and through

allowing sufficient distance between the turbines to any existing noise sensitive development.

- 5.71 In examining the issue of noise, the following matters of significance are considered: background noise levels, predicted noise levels, separation distances with noise sensitive receptors, elevation, wind speed, low frequency noise and vibration issues.
- 5.72 Policy DM1.2.h of the LDP requires that there would be no unacceptable risk of harm to health and /or local amenity from unacceptably high levels of noise. Policy DM4.d is also relevant and requires that technology should not have an unacceptable adverse impact on local amenity by reason of noise.
- 5.73 To assess the noise impact from the proposal the applicant has carried out a desk-top study and a full noise impact assessment using government approved guidance ETSU-R-97 and the Institute of Acoustics Good Practice Guides. This is regarded as an accepted industry standard. From this assessment it is concluded that the development would result in noise imissions at the nearest residential properties that fall below the levels in ETSU-R-97.
- 5.74 Following review, the Council's specialist Environmental Health Officer has raised no objection to the proposal but does advise that monitoring, compliance and enforcement conditions should be imposed to ensure that the development complies with these noise levels for the lifetime of the development. Given the nature of the development and its location, the conditions are considered necessary to ensure that the noise parameters of the development are complied with and can be properly enforced if problems arise.
- 5.75 Subject to the imposition of the recommended conditions, the application is considered compliant with the relevant requirements of FW policy 18 and LDP policies DM1 and DM4.
- 5.76 **Shadow flicker**
- 5.77 Policy DM1.2.h and Policy DM4.d specify that development will not be approved that have an unacceptable adverse impact on local amenity by reason of shadow flicker.
- 5.78 A shadow flicker report has been submitted as part of the application 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. The impact of this effect will also be mitigated by the orientation of the dwelling, position of the windows and amenity space and any intervening buildings and vegetation etc.

5.79 Following consultation, the Council's Specialist Environmental Health Officer has confirmed that the report submitted is compliant with industry standard requirements and that the impact of shadow flicker would not be so unacceptable or detrimental to amenity to warrant refusal of the application on such grounds. Accordingly, they have raised no objection to the application, subject to a condition being imposed to ensure that mitigation measures are submitted to and implemented in the event unacceptable shadow flicker effects arise from the development.

5.80 Considering the consultation response received, subject to conditions the application is considered compliant with the relevant requirements of FW policy 18 and LDP policies DM1 and DM4.

5.81 **Ecology**

5.82 Welsh Government Practice Guidance (2011) advises that the main ecological impacts resulting from wind turbines, either individually or as larger groups, are associated with site infrastructure, i.e. the access roads, construction compounds and the turbines themselves. The key ecological and ornithological impacts that may occur include:

- Direct and indirect impacts of wind turbine construction on ecological receptors, e.g. habitat disturbance, fragmentation and loss and, loss of plant or animal species.
- Direct and indirect impacts of the operation of wind turbines on ecological receptors, e.g. disturbance of habitats and birds/bats colliding with the turbine blades during operation.

5.83 Many potential impacts can be mitigated by the careful design and layout of developments and through habitat enhancement where appropriate.

5.84 Policies SP10, DM14 and DM4.a are relevant and require that development will not have any unacceptable adverse impact on nature conservation.

5.85 Policy DM14.2 states that proposals in close proximity to SINC's will only be permitted where either:

- a. It maintains or enhances the ecological or geological importance of the designation and species, or

- b. The need for the development outweighs the nature conservation importance of the site/species, it can be demonstrated that the development cannot be reasonably be located elsewhere and compensatory provision will be made equivalent to that lost as a result of the development.

- 5.86 Policy DM14 states that development proposals within 10km of the Usk Bat Sites SAC that would have an impact on connectivity corridors or cause direct or indirect disturbance to its features to be subject of a project level Habitat Regulations Assessment. The site is approximately 9.5km to the south of the Usk Bat SAC however neither NRW nor the Councils Ecologist have requested a Habitat Regulations Assessment (HRA) to assess the impact of the development on the SAC, but both have given due consideration to the likely impact on bats.
- 5.87 One of the main considerations is the cumulative impact of the proposal relative to the existing turbines in the borough and those being considered as part of the DNS process, on the integrity of the existing bat population.
- 5.88 An ecological assessment and a bat activity survey report have been submitted in support of the application. Regarding the singular and cumulative impacts, the ecological assessment concludes that risks to notable and protected species as a result of this development are low.
- 5.89 The bat activity survey report identifies that three species of bat (Common pipistrelle, soprano pipistrelle and noctule) were recorded during activity surveys and a minimum of five species were recorded by the static monitoring stations.
- 5.90 Following consultation, the Council's Ecologist has advised, given the confirmed presence of bat species within both the site and wider survey area, without mitigation measures, the proposed development does pose some negative impacts to the local bat population whilst in operation and possible disturbance during the construction phase. However, the mitigation measures outlined within the assessment are appropriate and proportionate for the development. The Officer requests that the mitigation and a Construction Environmental Management Plan (CEMP) be secured by condition.
- 5.91 Following consultation, Natural Resources Wales (NRW) have advised that the surveys indicated that bat activity levels on the proposed turbine site are low for all species observed and the turbine is sited according to best practice guidance, with sufficient distance maintained from features likely used by foraging or commuting bats. As a result, NRW are of the opinion that the

proposals are likely to pose low risk to local bat populations, and the development is unlikely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range. However, to mitigate remaining risk (including from possible spring/autumn peaks in bat use of the site) NRW advise that conditions are imposed on any planning permission with regard to micro-siting, feathering and post-construction bat monitoring.

- 5.92 Although no additional assessments have been carried out in relation to the impact on birds, the Councils Ecologist has confirmed that the risk to Schedule 1 birds is low and therefore they have no objection on such basis.
- 5.93 The Ecological Appraisal confirms that the habitat effected by the proposal comprises semi-improved grassland. No established trees or hedges would be removed as part of the development. Given the topography and exposed nature of the site, it is unlikely that any formal green infrastructure enhancement such as trees and hedges would take or establish around the turbine to provide any meaningful provision. Whilst the application does specify that the topsoil to the development site and access track would be returned, reseeded and protected until established, once development has been completed this would only constitute mitigation. With regard to the need for each application to secure enhancement it is recommended that a new hedgerow, comprised of native, deciduous trees and shrubs be planted further down the hillside, closer to the applicant's home. Although away from the development, such a location would help reduce conflict between the turbine and protected species, may result in the provision being more actively used by ecology and would have a greater impact on the biodiversity value of the area. Specific details of the location and planting could be secured by condition.
- 5.94 Following consultation, the Council's Tree Officer has raised no objection to the application.
- 5.95 Based on the ecological information submitted as part of the application it is considered that the issue of the impact of the development on features of ecological interest has been satisfactorily addressed. Subject to conditions, the development is considered to have no unacceptable significant adverse impacts on the Usk Bat SAC or on protected species. It is considered that the mitigation proposed and to be secured by condition, is appropriate and proportionate for the site and will help enhance green infrastructure connections to the benefit of the ecological and biodiversity value of the site. Subject to the attachment of necessary conditions the application is considered compliant with the relevant requirements FW policy 18 and LDP policies SP10, DM1, DM2, DM4, DM14 and DM15.

5.96 **Traffic and transport**

5.97 Welsh Government Practice Guidance (2011) advises that traffic movements during the construction and operation of wind energy developments depend on the number of wind turbines and the length of the construction period. Potential impacts on the road network during the construction phase include:

- Driver delay on the local road network;
- Increased vehicle movements on local roads; and
- Accidents and compromised safety on local roads.

5.98 The potential highways impacts are less significant in relation to proposals for individual turbines as fewer vehicle movements will be required during the construction and decommissioning stages of the development. A single turbine also requires less maintenance during their lifetime.

5.99 Following consultation, Blaenau Gwent County Borough Council Highways have raised no objection to the application subject to a number of conditions requiring the submission of:

- A Construction Traffic Management Plan,
- An Abnormal Load Transport Management Plan (ALTMP), A
- An assessment of the capacity and impact on those structure along the delivery route,
- A condition surveys of all highway features along those parts of the highway network to be used and
- A scheme to provide for the remediation of any incidental damage to the highway structures and route, directly attributable to the development to the parts

5.100 Caerphilly County Borough Council Highways have also recommended the imposition of the above conditions.

5.101 Welsh Government Highways have advised they will not be issuing a direction with regard to the scheme and have provided advisory information for the applicant regarding the delivery of components along the trunk road.

5.102 Subject to conditions recommended by both Highway Departments the application is considered to be compliant with the relevant requirements of FW policy 18 and LDP policies DM1 and DM4.

5.103 **Impact of users in the vicinity of the turbine and health and safety**

Properly designed, erected and maintained wind turbines are a safe technology. Members should note that the developers of all wind turbines have statutory duties under the UK Health and Safety legislation regarding the safe operation of wind turbines which must be adhered to, and which would reduce all these risks to a minimum.

- 5.104 Under icing conditions, all exposed parts of the turbine are liable to ice build-up which can lead to ice throw. This could cause a particular issue for the safe operation of the ancillary transformer and control building or persons walking in close proximity to the turbine. To mitigate the risk of ice build-up on the turbine an Ice Detection system could be fitted to the turbine. Under icing conditions, the system would automatically shut down the turbine. The turbine will remain shut down until the turbine has been visually inspected by a competent person to check that the blades and any other components are clear of any ice and the ice detection system is manually reset at the turbine site and the start button reactivated. As the details of such a mechanism have not been submitted as part the application, they would need to be secured by condition. The agent has agreed that an appropriately worded condition can be imposed to ensure an ice detection system is installed.
- 5.105 Having considered the impact of the development on users in the vicinity of the application site it is considered that the development poses negligible risks and that these can be satisfactorily managed through health and safety regulations regarding the safe operation of wind turbines and appropriately worded conditions. The application is therefore considered compliant with the relevant requirements of FW policy 18 and LDP policies DM1 and DM4.
- 5.106 The site is located in a low-risk area for coal mining. Following consultation, the Council's Geotech Officer has raised no objection to the application, but has recommended that a condition be imposed to determine the prevailing ground conditions of the site, in particular, depth to rock head and the geotechnical characteristics in order to determine the best foundation type for the proposed development.
- 5.107 The Officer further notes that the eastern side of the Mynydd Bedwelte does show signs of localised shallow landslips, which the developer should consider and rule this out as a site constraint for development. This information has been forwarded to the Agent for review.
- 5.108 Given the existing use of the site, it is unlikely that that the land within the vicinity of the proposed turbine is contaminated. Following consultation, the Council's Specialist Environmental Health Officer have raised no objection to the proposal

5.109 Subject to the imposition of the site investigation/ foundation design condition, the application is considered compliant with the relevant requirements of FW policy 18 and LDP policy DM1.

5.110 **Historic Environment**

5.111 A desk based written scheme for archaeology has been submitted in support of the application. Following consultation Glamorgan Gwent Archaeological Trust have confirmed that the historic environment mitigation work has been undertaken to current professional standards.

5.112 The assessment has established that there is a Low to Medium potential for prehistoric remains, a Medium potential for Roman remains and a Low potential for remains of all other periods to survive within the Site. The assessment also considers the potential impact on the setting of known and designated historic assets and concluded that any impact would be negligible.

5.113 In light of the above, GGAT have advised that a condition requiring the applicant to submit a detailed written scheme of investigation for a programme of archaeological work, to include a watching brief during the groundworks required for the development, 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, and sampling that may prove necessary, post-excavation recording and assessment and reporting and possible publication of the results, be added to any grant of consent.

5.114 Subject to such condition, the application is considered compatible with the relevant requirements for FW policy 18 and LDP policies SP11 and DM4.

5.115 **Aviation**

5.116 Consultations have been undertaken on the application with NATS and the MOD. NATS confirm they have no objection to the proposed development. The MOD has no objection to the proposal however, they have requested that the turbine be fitted with MOD accredited safety lighting and the applicant provide written confirmation to the MOD, at least 14 days prior to the commencement of the works, of the date of the commencement, the maximum height of any construction equipment to be used in the erection of the wind turbines; the date any wind turbine generators are brought into use; and the latitude and longitude and maximum heights of each wind turbine and any anemometer mast(s).

5.117 In this instance, being mindful that the development falls within Low Flying Area 7 (LFA 7), an area within which fixed wing aircraft may operate as low as 250 feet or 76.2 metres above ground level to conduct low level flight training and that the proposal has the potential to introduce a physical obstruction to low flying aircraft operating in the area, the request and conditions are considered reasonable and necessary to ensure that the turbine does not create a physical obstruction to air traffic movements and to ensure compliance with the relevant requirements of FW policy 18 and LDP policies DM1 and DM4.

5.118 **Telecommunications**

5.119 Wind turbines by their nature have potential to disrupt radio, tv and telecommunication signals. Whilst no assessment has been carried out by the applicant to date in relation to the impact of the development on telecommunications, following consultation Arqiva, who are responsible for providing the BBC, ITV and the majority of the UK's radio transmission network and is responsible for ensuring the integrity of Re-Broadcast Links have raised no objection to the proposal. However, a condition could be imposed on any grant of planning permission, requiring mitigation to be implemented to restore reception conditions to an agreed baseline level, in the event of any verified complaints being received.

5.120 Subject to the conditions, the application is considered compliant with the relevant requirements of FW policy 18 and LDP policy DM4.

5.121 **Associated Infrastructure and Grid connection**

5.122 To install the wind turbine, it will be necessary to install a temporary crane pad, foundations, and ancillary buildings to accommodate a transformer and control mechanism. None of these works are considered to have any unacceptable visual impact due to their position and scale relative to the turbine and existing buildings and position within the wider Silent Valley compound. The scheme is therefore considered compliant with the relevant requirements of FW policy 18 and LDP policies DM1

5.123 It is highly likely that any cabling required as part of the development will be installed under permitted development rights granted to the relevant statutory undertaker, courtesy of Schedule 2, Part 17, Class G of The Town and Country Planning (General Permitted Development) Order 1995.

5.124 **Decommissioning and site restoration**

- 5.125 It is anticipated that the turbine would have a lifespan between 25 – 30 years. Following the termination of the use it is important that the decommissioned infrastructure is removed, and the site reinstated to its former condition. To ensure that this is adequately controlled a condition should be attached to any future permission requiring the cessation of the use after 30 years to allow for a period of decommissioning. Given the scale of the development and the environmental constraints identified in this report, a further condition should also be attached requiring the prior approval of a Decommissioning Management Plan to enable the environmental effects of the decommissioning process to be minimised and controlled at an appropriate time.
- 5.126 Subject to the submission of decommissioning information, the application is considered compliant with the relevant requirements of FW policy 18 and LDP policy DM4.

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 Conclusion

In determining this planning application Members are advised to give significant weight to the contribution this proposal could make towards meeting identified National, UK and European targets for renewable energy, as well as giving weight to each material planning consideration when making the final decision.

- 7.2 Based on the report above, it is considered that the principle of the proposed wind turbine with associated infrastructure is acceptable and that material planning issues associated with the development can be addressed and the impacts mitigated. Accordingly, the proposal is considered to comply with relevant national and local planning policies, and it is recommended that

planning permission be granted subject to the conditions and informatives detailed below.

7.3 Conditions:

- 1 Time limit full.
- 2 Approved plans.
- 3 30 lifespan of permission.
- 4 Scheme for removal or repair of turbine.
- 5 Decommissioning and site restoration.
- 6 Details and technical spec of turbine. Parameter limitations.
- 7 Details of external finish.
- 8 Highways – Capacity of structures and improvement works.
- 9 Condition surveys of all highway features.
- 10 Scheme for the remediation of incidental damage to highway features.
- 11 Traffic management Plan.
- 12 Abnormal Load Transport Management Plan (ALTMP).
- 13 Details of highway works for layover area, passing places and highway improvements.
- 14 Stage 1-4 Road Safety Audit.
- 15 Geo Technical Site Investigation of ground conditions and stability.
- 16 Unexpected/ previously unidentified land stability.
- 17 Aviation lighting scheme.
- 18 Investigation following a justified alleging TV interference from the development.
- 19 Details of tree and hedgerow planting.

- 20 Implementation and maintenance of landscaping.
- 21 Micrositing with regard to 'Bats and Onshore Wind Turbines – Survey, Assessment and Mitigation' (Nature Scot et al, August 2021).
- 22 Feathering of turbine blades.
- 23 Scheme for the post-construction monitoring of bat activity at the site.
- 24 Submission of a Construction Environmental Management Plan (CEMP).
- 25 Time limit of construction hours.
- 26 The rating level of noise.
- 27 Cessation of use in the event of agreed noise levels being exceeded.
- 28 Mitigation measures in the event of a breach of noise levels.
- 29 Submission of revised noise impact assessment if turbine model changes.
- 30 Mitigation measures with regard to shadow flicker.
- 31 Written scheme of historic environment mitigation.

7.4 Informatives:

- 1 Notice of commencement.
- 2 SuDS and SAB.
- 3 Section 278 Highways Act agreement.
- 4 Protection of species under the Wildlife and Countryside Act 1981 (as amended) and Conservation of Habitats and Species Regulations 2010.
- 5 Bat licence requirements
- 6 Notification to the MOD prior to the commencement of the works

8.0 Risk Implications

8.1 None

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BLAENAU GWENT COUNTY BOROUGH COUNCIL	
Report to	The Chair and Members of Planning
Report Subject	Appeals, Consultations and DNS Update February 2025
Report Author	Service Manager Development & Estates
Report Date	January 2025
Directorate	Regeneration & Community Services
Date of meeting	6th February 2025

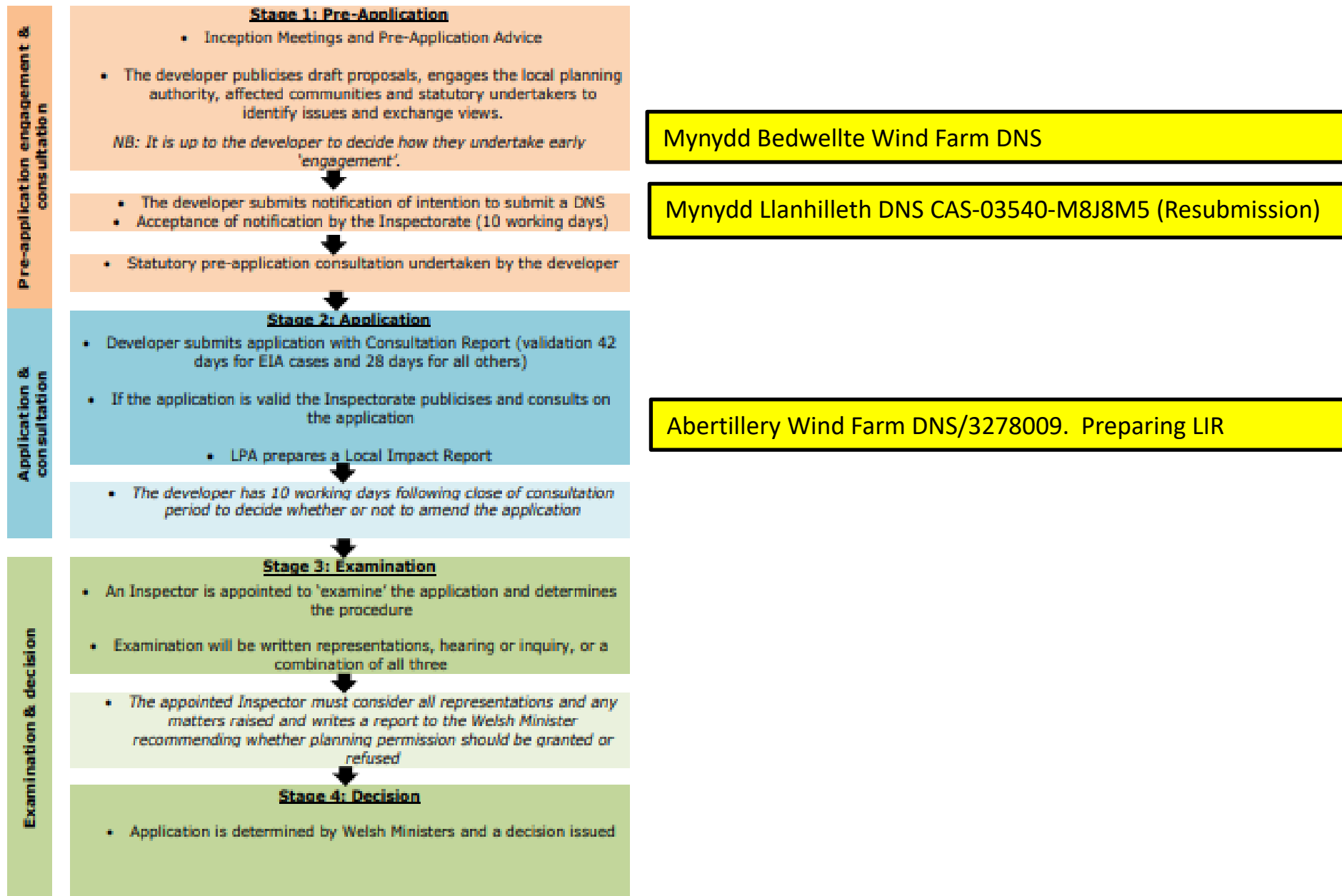
1.0	Purpose of Report
1.1	To update Members in relation to planning appeals, live DNS cases and status update of anticipated DNS schemes.
2.0	Present Position
2.1	The attached list covers the “live” planning appeals and Development of National Significance (DNS) caseload. It also provides information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

	Application No Appeal Reference Case Officer	Site Address	Development	Type Procedure	Sit Rep
1	CAS-02310-J7Y5T0 (C21/082) Paul Samuel	Underhill, Hawthorn Road, Ebbw Vale, NP23 5HS	Unauthorised raised decking and timber building	Enforcement Appeal Written Reps	Appeal dismissed. Update report to Committee provided.
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	Appeal dismissed. Update report to Committee provided.
3	CAS-03157-L6P6B0 Paul Samuel	Springfield Cottage (Plot 2), Queen Victoria Street, Tredegar, NP22 3QA	Unauthorised dwelling (access not implemented)	Enforcement Appeal	LPA questionnaire and written statement submitted. Appeal deferred until further notice.
4	CAS-03364-L2G2S7 Paul Samuel	Penybont Service Station, Victor Road, Abertillery	Unauthorised car wash and valeting operation	Enforcement Appeal	Appeal registered and commenced on 25 th June 2024. LPA questionnaire and supporting info submitted July 2024. Awaiting PEDW decision.
5	CAS-03474-X1X8D7 Steph Hopkins	Pendragon Oak Street Abertillery, NP13 1TE	Change of use of vacant support facility (sui generis) to public house (Use Class A3) with letting rooms and external alterations	Planning Appeal Written Reps	LPA questionnaire submitted. Written statement submitted. Hearing scheduled for April 2025

Report Date:
Report Author:

6	CAS-03876-Q8F3F2 Sophie Godfrey	7 Cwm Cottage Road, Abertillery, NP12 1AT	Retention of domestic garage	Planning Appeal Written Reps	LPA questionnaire submitted. Awaiting PEDW decision.
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Developments of National Significance (DNS) – Status Update



BLAENAU GWENT COUNTY BOROUGH COUNCIL	
Report to	Chair & Members of Planning Committee
Report Subject	Quarterly Performance Information
Report Author	Tean Manager Development Management
Directorate	Regeneration and Community Services
Date of Meeting	February 2025
Key Words	Performance Management Speed and quality of decision making Welsh Government Performance Monitoring Q1 – April to June 2024/25

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 league tables. This report deals with Quarter 1 of 2024/25 i.e. April to June 2024.

2.0 Content of the Report

- 2.1 This report will focus on 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 7th January 2025 and covers Quarter 1 of the financial year being April to June 2024.
- 3.2 i. BG decided **96%** of applications “in time”. This compared to an all-Wales average of 91%.
- 3.3 The trend for BGCBC over the preceding quarters was 97%, 97%, 89%, 95% and now 96% This is consistently above the all-Wales average in each quarter respectively which was typically in the mid 80’s percentile range.
- 3.4 ii. On average, it took **72 days** to decide each application against an all-Wales average of 106 days.
- 3.5 In the 4 preceding quarters to this one, the returns were 95 days, 105 days, 83 days and 76 days. In each of the quarters, this performance was well above the Wales average which fluctuated between 109 and 116 days.
- 3.6 iii. **0%** of applications in this quarter decided by Planning Committee were contrary to officer recommendation. The Wales average for this quarter was 4%.

4.0 Evaluation of Performance and Conclusions

- 4.1 These figures represent a snapshot of performance for the given quarter, in this case the early part of this year. They confirm our performance is relatively stable in terms of trends over the past year and given capacity, more than satisfactory.
- 4.2 The service is currently operating with one less planning officer who is seconded to other duties associated with migrating to a new back-office software system. Whilst some of this work was being allocated to an external consultancy, it does not fully compensate for losing one FTE.
- 4.3 Members are made aware that one of the two enforcement officers is seconded to another team within the Department. Further, we have had a maternity absence since the Autumn. A recruitment exercise to temporarily cover the vacancy failed to attract a suitably qualified or experienced candidate. We have had to increase the volume of outsourced work as a result. The cost has been set against the vacancy in the establishment structure. One of our Planning Officers is also due to retire on 31st March 2025, we have already gone out to advert to backfill this post.
- 4.4 On a positive note, at the time of writing the new back-office software has now been implemented and is in very early stages of applications being online, as such the planning officer remains seconded to this role for the next few months.

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 24

April to June 2024/25

Percentage of Planning Applications Determined “On Time”

(Ranked in Order of Performance – Higher Figure Better)

Welsh Local Planning Authority		Percentage of All Applications Determined On Time
1 st	Torfaen	100
2 nd =	Caerphilly	99
	Powys	99
3 rd =	Cardiff	97
	Monmouthshire	97
	Isle of Anglesey	97
4 th =	Blaenau Gwent	96
	Pembrokeshire	96
5 th =	Swansea	94
	Vale of Glamorgan	94
6 th =	Neath Port Talbot	92
	Newport	92
7 th =	Carmarthenshire	91
	Rhondda Cynon Taff	91
8 th =	Ceredigion	90
	Gwynedd	90
	Merthyr Tydfil	90
9 th	Brecon Beacons	88
10 th	Flintshire	81
11 th	Pembrokeshire Coast	77
12 th	Conwy	76
13 th	Bridgend	70
14 th	Wrexham	59
	Denbighshire	-
	Snowdonia	-
Wales Average		91%

Table 2

WG Quarterly DM Survey: Q1 24/25

April to June 2024/25

Average Time to Decide Applications in Days

(Ranked in Order of Performance - **Lower Figure Better**)

Welsh Local Planning Authority		Average No. of Days Taken to Decide Each Application
1 st	Torfaen	58
2 nd	Caerphilly	65
3 rd	Blaenau Gwent	76
4 th	Merthyr Tydfil	75
5 th	Swansea	79
6 th	Isle of Anglesey	82
7 th	Rhondda Cynon Taff	81
8 th	Monmouthshire	87
9 th	Gwynedd	94
10 th	Cardiff	96
11 th	Pembrokeshire Coast	98
12 th	Vale of Glamorgan	107
13 th	Newport	109
14 th	Conwy	113
15 th	Neath Port Talbot	114
16 th	Bridgend	115
17 th	Pembrokeshire	116
18 th =	Carmarthenshire	124
	Ceredigion	124
19 th	Flintshire	128
120 ^h	Powys	137
21 st	Brecon Beacons	166
22 nd	Wrexham	202
21 st	Denbighshire	-
22 nd	Snowdonia	-
WALES AVERAGE		106 Days

Table 3

WG Quarterly DM Survey: Q1 24/25

April to June 2024/25

Decisions Contrary to Officer Recommendation

(Ranked in Order of Performance – **Lower Figure Better**)

Welsh Local Planning Authority		% of Planning Committee Decisions Contrary to Officer Recommendation
1 st =	Blaenau Gwent	0
	Bridgend	0
	Caerphilly	0
	Cardiff	0
	Carmarthenshire	0
	Conwy	0
	Flintshire	0
	Gwynedd	0
	Isle of Anglesey	0
	Monmouthshire	0
	Neath Port Talbot	0
	Newport	0
	Pembrokeshire Coast	0
	Powys	0
	Swansea	0
	Torfaen	0
	Vale of Glamorgan	0
2 nd	Rhondda Cynon Taff	5
3 rd =	Pembrokeshire	8
	Wrexham	8
	Merthyr Tydfil	20
4 th	Ceredigion	23
5 th	Brecon Beacons	33
	Denbighshire	-
	Snowdonia National Park	-
Wales Average		4%

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Agenda Item 8

Report Date: 24th January 2025

Report Author:

BLAENAU GWENT COUNTY BOROUGH COUNCIL	
Report to	The Chair and Members of Planning, Regulatory and General Licensing
Report Subject	List of determined applications between 22nd November 2024 and 23rd January 2025
Report Author	Business Support Officer
Report Date	24th January 2025
Directorate	Regeneration & Community Services
Date of meeting	6th February 2025

1.0 Purpose of Report

1.1 To report decisions taken under delegated powers.

2.0 Scope of the Report

2.1 The attached list deals with the period 22nd November 2024 and 23rd January 2025

3.0 Recommendation/s for Consideration

3.1 The report lists decisions that have already been made and is for information only.

Application Reference	Address	Description	Received Date	Decision Issued Date	Decision
P/2024/0038	Bourneville Civic Amenity Site Abertillery Road, Blaina, Abertillery, Blaenau Gwent, NP13 3EB	Residential development of 8 detached dwellings including amendments to existing road access point. Change of use of land to residential.	08-02-2024	06-12-2024	Granted
P/2023/0262	Development Site Charles Street, Tredegar, Blaenau Gwent,	Proposed Pair of Semi-detached houses with associated external works.	05-12-2023	13-01-2025	Granted
P/2024/0102	Development Site Fair View, Tredegar, Blaenau Gwent,	Application for Discharge of Conditions: 3 (Affordable Housing) 8 & 9 (Geo-Technical & Remediation), 24 (Retaining walls), 29 (Gigabit capable broadband) of planning permission C/2022/0309 (Residential development and associated works).	25-04-2024	23-12-2024	Conditions Discharged
P/2024/0113	32 High Street, Llanhilleth, Abertillery, Blaenau Gwent, NP13 2JP	Demolition of derelict property and replacement with two new dwellings.	03-05-2024	08-01-2025	Granted
P/2024/0134	S Bray & Sons Eureka Place, Ebbw Vale, Blaenau Gwent, NP23 6LW	Application for a Lawful Development Certificate for the use of the site as a workshop.	21-05-2024	14-01-2025	Refused
P/2024/0148	Land West Of Glanffrwd Terrace, Beaufort, Ebbw Vale, Blaenau Gwent,	Construction of a new Active Travel shared use route to include ramp, street lighting and other associated works.	07-06-2024	09-12-2024	Withdrawn Application
P/2024/0151	Development Site 2 Cemetery Road, Ebbw Vale, Blaenau Gwent,	Application for Discharge of Condition 4 (Site investigation) of planning permission C/2023/0232 (Erection of drive thru bakery/coffee shop (Class A1/A3 use) and associated development) and P/2024/0205 (Application to vary the approved layout of Condition 2 of planning permission LPA Ref. C/2023/0232).	10-06-2024	23-12-2024	Conditions Discharged

P/2024/0162	1 Intermediate Road, Brynmawr, Ebbw Vale, Blaenau Gwent, NP23 4SF	Application for Variation of condition 14 of C/2019/0169 (Variation of condition 11 of C/2014/0039 to extend the time limit) to extend the time limit by a further five years.	20-06-2024	06-12-2024	Granted
P/2024/0164	1 Penygraig Terrace, Brynithel, Abertillery, Blaenau Gwent, NP13 2HP	CONSTRUCTION NEW DETACHED DWELLING WITH INTEGRAL GARAGE AND INCLUDING ACCESS, LANDSCAPING AND SERVICES.	24-06-2024	05-12-2024	Granted
P/2024/0166	4 Gwastad Farm, Cwmtillery, Abertillery, Blaenau Gwent, NP13 1NS	Change of use of land to garden land and retention of car port.	25-06-2024	13-12-2024	Granted
P/2024/0192	Lewis Opticians, 7 Church Street, Abertillery, Blaenau Gwent, NP13 1DA	The proposal seeks: 1no. Fascia signage for 2 separate commercial establishment. 1no. Ground floor illuminated electronic display board. 1no First floor vinyl display board.	15-07-2024	05-12-2024	Advertisement - Approved
P/2024/0201	Willows Social Club Church Street, Tredegar, Blaenau Gwent, NP22 3DS	CONSTRUCTION OF NEW DETACHED GARAGE IN GROUNDS OF PLOT 4 OF WILLOWS RESIDENTIAL DEVELOPMENT, INCLUDING ACCESS AND PARKING.	24-07-2024	23-12-2024	Withdrawn Application
P/2024/0203	7 Brynawel, Brynmawr, Ebbw Vale, Blaenau Gwent, NP23 4RZ	New side garage extension; Existing garage repurposed to include new kitchen & utility areas; New side first floor extension on top of garage spaces.	26-07-2024	10-01-2025	Withdrawn Application
P/2024/0227	Street Record Primrose Lane, Rassau, Ebbw Vale, Blaenau Gwent,	Proposed detached dwelling house with garage and associates external works.	23-08-2024	20-01-2025	Granted
P/2024/0229	52 Stanfield Street, Cwm, Ebbw Vale, Blaenau Gwent, NP23 7TG	Installation of EV charging point and cable gully to pavement.	28-08-2024	27-11-2024	Granted
P/2024/0255	Aldi, Aldi Foodstore Ltd The Walk, Ebbw Vale, Blaenau Gwent, NP23 6AY	Extension and external alteration of the existing retail foodstore (Use Class A1), together with an extension and reconfiguration of the car park, external lighting, drainage, landscaping, and other associated site works.	27-09-2024	25-11-2024	Granted

P/2024/0258	12 Clos Trehelyg, Willowtown, Ebbw Vale, Blaenau Gwent, NP23 6WJ	Proposed two storey side house extension.	02-10-2024	26-11-2024	Granted
P/2024/0260	7 Alfred Street, Ebbw Vale, Blaenau Gwent, NP23 6NQ	Change of use from residential dwelling to HMO C4 maximum 5 persons.	04-10-2024	25-11-2024	Granted
P/2024/0264	New Development Dukestown Road, Tredegar, Blaenau Gwent,	Application for Non-material amendment of planning permission C/2021/0016 (Construction of 1 no. 2 bedroom bungalow with associated work) to amend stone wall to front garden and replace with 1.2m decorative fence.	11-10-2024	24-12-2024	Non Material Amendment Refused
P/2024/0265	43 Brompton Place, Tredegar, Blaenau Gwent, NP22 4NF	Replacement garden outbuilding.	16-10-2024	05-12-2024	Granted
P/2024/0272	1 Cross Brook Cottages, Trefil, Tredegar, Blaenau Gwent, NP22 4ER	Application for Discharge of Condition 2 (Roofing materials, fenestration & rainwater goods) of planning permission C/2020/0045 (Conversion of outbuilding into walkers holiday let accommodation).	22-10-2024	16-12-2024	Granted
P/2024/0277	Development Site Opposite 26 Walter Conway Avenue, Cefn Golau, Tredegar, Blaenau Gwent,	Installation of a storage container set on railway sleepers to maintain drainage.	29-10-2024	03-01-2025	Granted
P/2024/0279	3 Blenheim Road, Six Bells, Abertillery, Blaenau Gwent, NP13 2PU	Demolish existing rear single storey extension and construct new two storey extension, all finishes to match existing.	31-10-2024	20-12-2024	Granted
P/2024/0281	10 Somerset Street, Abertillery, Blaenau Gwent, NP13 1DJ	Change of use from hairdressers (A1) to financial & professional services (A2) at ground floor only.	04-11-2024	09-01-2025	Granted

P/2024/0282	Mynydd Carn Y Cefn Wind Farm, Abertillery, NP13 2ES	Application for discharge of condition 30 (written scheme of Investigation) & Condition 31 (compensation measures for St Illtyds Mound) of planning permission DNS/3270299 (Proposed development of a wind farm of up to 8 turbines and associated infrastructure).	05-11-2024	21-01-2025	Conditions Discharged
P/2022/0345	New Development 1 Whitworth Terrace Lower, Georgetown, Tredegar, Blaenau Gwent,	Application for Discharge of Conditions: 4 (Construction Method Statement), 5 (Constructional details of gabion basket), 6 (Drainage), 7 (External facing & roofing materials), 8 (Landscaping scheme) & 9 (Widening of public highway) of planning permission C/2023/0131 (2 no. new detached dwelling with detached garages, new access & assoc works).	14-12-2022	17-01-2025	Conditions Discharged
P/2024/0284	39 Pant Y Fforest, Ebbw Vale, Blaenau Gwent, NP23 5FR	Proposed Single storey front house extension.	07-11-2024	10-01-2025	Granted
P/2024/0288	Plot 6 Brentwood Place, Willowtown, Ebbw Vale, Blaenau Gwent,	Application for variation of Condition 1 (approved plans) of planning permission C/2022/0218 (Reserved matters consent (pursuant to outline permission C/2021/0084) for the development of plot 6 to provide a pair of semi-detached dwellings) To retain the residential development as built to include alteration to position of dwelling, rear garden design and development of single storey side extension on side of building.	11-11-2024	21-01-2025	Granted
P/2022/0283	Plot 6 Maes Morgan, Nantybwhch, Tredegar, Blaenau Gwent, NP322 BP	outline application for 1 no dwelling with parking provision and vehicle access from road.	06-06-2022	25-11-2024	Granted

P/2024/0298	Festival Park Festival Park Shopping Centre, Victoria, Ebbw Vale, Blaenau Gwent,	Application for Discharge of Conditions: Condition 7 (Surface water run off) & re-discharge of Condition 8 (Ecological enhancement) of planning permission C/2022/0182 (Change of use of former shopping mall into a mixed use business centre comprising Use Classes A, B and D, including remodeling of the existing buildings (and some demolition) together with changes to the internal paths and yards and other associated works).	28-11-2024	14-01-2025	Conditions Discharged
P/2024/0299	Cwm Farm Oak Road, Tanglewood, Blaina, Abertillery, Blaenau Gwent, NP13 3JX	Application for prior notification of agricultural development - proposed - a general purpose barn with hardstanding and access track.	28-11-2024	13-12-2024	Prior Approval not required
P/2024/0305	Aldi, Aldi Foodstore Ltd The Walk, Ebbw Vale, Blaenau Gwent, NP23 6AY	Application for discharge of condition 3 (CEMP), Condition 4 (Ecological enhancements) & condition 5 - (scheme to divert the public sewer) of planning permission P/2024/0255 (Extension and external alteration of the existing retail foodstore (Use Class A1), together with an extension and reconfiguration of the car park, external lighting, drainage, landscaping, and other associated site works.).	02-12-2024	24-12-2024	Conditions Discharged
P/2024/0315	Development Site Fair View, Tredegar, Blaenau Gwent,	Application for Non-material amendment of planning permission C/2022/0309 (Residential development & associated works) for re-positioning of garage in Plot 18.	12-12-2024	23-12-2024	Non Material Amendment Approved

P/2024/0317	34 Brompton Place, Tredegar, Blaenau Gwent, NP22 4NF	Application of non material amendment of planning permission P/2024/0222 (Proposed rear single storey side extension to provide enlarged kitchen/WC) to change pitched roof to flat roof and reduction of 1 roof light at rear of property.	17-12-2024	13-01-2025	Non Material Amendment Approved
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Appeal Decisions

by Iwan Lloyd BA BTP MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 22-11-2024

Appeal references: CAS-02311-Z4L0N4 and CAS-02310-J7Y5T0

Site address: Land at and to the rear of Underhill, Hawthorn Road, Ebbw Vale NP23 5HS

Appeal A Ref: CAS-02311-Z4L0N4

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Paul Cuthbertson against an enforcement notice issued by the Blaenau Gwent County Borough Council.
 - The enforcement notice, numbered C21/082 was issued on 7 October 2022.
 - The breach of planning control as alleged in the notice is without planning permission, unauthorised enclosure and change of use of land outside of the settlement boundary and within a Special Landscape Area (SLA) for use as garden curtilage.
 - The requirements of the notice are to:
 - Cease the use of the land outside of the settlement boundary and within the SLA and reinstate the original boundary.
 - The period for compliance with the requirements is 3 months.
 - The appeal is proceeding on the grounds set out in section 174(2) (b) and (g) of the Town and Country Planning Act 1990 as amended.
 - A site visit was made on 24 September 2024.
-

Appeal B Ref: CAS-02310-J7Y5T0

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Paul Cuthbertson against an enforcement notice issued by the Blaenau Gwent County Borough Council.
- The enforcement notice, numbered C21/082 was issued on 7 October 2022.
- The breach of planning control as alleged in the notice is without planning permission, unauthorised construction of raised timber decking; and raising of ground levels and construction of timber building.
- The requirements of the notice are to:
 - Remove the raised timber decking in its entirety

- Remove the timber building and reinstate natural ground levels.
 - The period for compliance with the requirements is 3 months.
 - The appeal is proceeding on the grounds set out in section 174(2) (a), (e) and (g) of the Town and Country Planning Act 1990 as amended. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
 - A site visit was made on 24 September 2024.
-

Decisions

Appeal A Ref: CAS-02311-Z4L0N4

1. It is directed that the enforcement notice is corrected and varied by:
 - Deleting paragraph 3 of the notice and substituting: Without the benefit of planning permission, the making of a material change of use of the Land to residential use.
2. Deleting paragraph 5 of the notice and substituting the following:
 - Cease the use of the Land for residential use and reinstate the original boundary.
3. The appeal on ground (g) succeeds and the enforcement notice is varied by the deletion of "3 months", and the substitution of "6 months" as the period for compliance.
4. Subject to these corrections and variations the appeal is dismissed, and the enforcement notice is upheld.

Appeal B Ref: CAS-02310-J7Y5T0

5. It is directed that the enforcement notice is corrected and varied by:
6. Deleting paragraph 3 of the notice and substituting: Without the benefit of planning permission, the construction of raised timber decking, raising of ground levels and construction of timber building.
7. The appeal on ground (g) succeeds and the enforcement notice is varied by the deletion of "3 months", and the substitution of "6 months" as the period for compliance.
8. Subject to these corrections and variations the appeal is dismissed, the enforcement notice is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Procedural issues

9. There are two enforcement notices (ENs), one for material change of use (Appeal A), the other operational development (Appeal B).
10. The plan accompanying the EN for appeal A, relates to a rectangular area at the rear of the appeal property denoted in red. The remainder of the property is denoted in green and is intended to demonstrate the original boundaries of the property.
11. The plan accompanying the EN for appeal B, encompasses the whole area of the property and that included for appeal A. The timber building as alleged is located on the area denoted in red on the plan. The raised timber decking is located within the area denoted in green on the plan within the original boundary of the property.
12. Appeal A is proceeding under grounds (b) and (g). No ground (a) and deemed application is pleaded under this appeal.

13. Appeal B is proceeding under grounds (a), (e) and (g). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made for the operational works.
14. Both appeals are proceeding under one name as noted in the headings for these appeals. I have dealt with the two appeals together, except where otherwise indicated, to avoid duplication. Separate decisions are made on each appeal.

Hidden grounds of appeal

15. The appellant has raised matters that are not within the pleaded grounds of appeal. For example, in Appeal B under the ground (a) it is noted that the appellant considers that the garden land the subject of the ENs 'went all the way back to the culvert'. This is a hidden ground (c) appeal that would need to be considered, regardless of the point that it has not been pleaded. Where these claims and others have been raised, they are dealt with in the body of this decision and labelled accordingly.
16. The appellant also raises under-ground (a) for Appeal B that the raised decking is permitted development.

The Notices for Appeals A and B

17. In Appeal A the term 'curtilage' is not a use of land. The allegation does not express the material change of use which relates to a residential use of land. There are also superfluous terms and phrases included which do not describe the development of land, such as the word 'unauthorised', 'the SLA' and 'outside of the settlement boundary'.
18. I shall correct the EN in appeal A to reflect the material change of use, which has been made clear from the submissions made by both parties. Appropriate revisions are made to the requirements to reflect the change to the allegation. In my view, the EN can be corrected under Section 176(1)(a) as to do so would not cause injustice to the parties of this appeal.
19. In Appeal B, the word 'unauthorised' does not add any more to understanding the breach of planning control and is unnecessary. I shall correct the EN in appeal B accordingly. In my view, the EN can be corrected under Section 176(1)(a) as to do so would not cause injustice to the parties of this appeal.

Appeal B – Ground e

20. Appeal B considers the operational development (OD) EN, as corrected. The EN comprises the raised timber decking, the raising of ground levels and the construction of a timber building. A ground (e) appeal is that copies of the EN were not served as required by Section 172 of the Act as amended.
21. The appellant indicates that his neighbours who have also extended their gardens without planning permission have not been served ENs. The appellant questions the legitimacy of the SLA and that it has not been designated correctly following a recognised process. The appellant contends that he obtained permission for the 'fenced boundary' from a neighbouring property owner who indicated that the land was owned by him.
22. The EN was served on the appellant and Ms Evans of the appeal site address. There is no evidence presented that the Council has not served the notice in accordance with Sections 172 and 329 of the Act as amended.
23. It is not within the remit of this ground of appeal whether the Council has served ENs in respect of neighbouring properties. This would be a matter for the Council to decide and this has no bearing on this ground (e) appeal. The onus on this legal ground of appeal is for the appellant to demonstrate that the lack of proper service of the EN has prejudiced

his case. The appellant has appealed both ENs and there is no evidence of improper service.

24. The status of the SLA is not material to the issue of this ground (e) appeal. As the corrections to the EN on Appeal A notes the fact that the land maybe within the SLA and outside the settlement boundary have limited bearing on identifying the correct breach of planning control.
25. Whether or not the appellant obtained permission from a neighbouring property owner to extend the garden is not material to a submission under-ground (e). It transpired that the land was not owned by the neighbouring property owner, and it would have been prudent for the appellant to check the status of the land and its ownership before undertaking the development as alleged and as now corrected.
26. The appeal on ground (e) therefore fails.

Appeal A - Ground b and the hidden ground (c)

27. Appeal A considers the material change of use (MCU) EN and the ground of appeal is that those matters as corrected in the allegation have not occurred. I have dealt separately with whether there has been some misdescription of the development under the 'Notice' heading.
28. In this ground the appellant reiterates that he was advised that his neighbour owned the land and had given permission for it be developed. However, at that time the appellant was unaware that the land was SLA, although he had written to the Council, who clarified that land ownership was not a matter it would be involved in. The appellant indicates that following a complaint, he investigated the status with the Land Registry. The Land Registry revealed that the land was apparently not registered.
29. Furthermore, under the ground (a) for the OD appeal B, the appellant indicates that the land 'went all the way back to the culvert'. In final comments the appellant indicates that he was 'led to believe the land was original curtilage' and 'assumed the land was all garden as did the Estate Agent'.
30. The implication that this land was always part and parcel of the garden of the property is challenged by the Council. The Council indicates that the Estate Agents images show the extent of the garden land.
31. The onus of proof would be on the appellant to demonstrate as a matter of fact and degree that the land in question was part of the original garden for the property. The Council has searched the Land Registry records revealing that the status of the land was unregistered.
32. As the matter of the unregistered land is not in dispute, as a matter of fact and degree it cannot be ascertained on the balance of probability that the land in question is garden land encompassed as part of the original garden of the property.
33. The onus of proof is with the appellant that the alleged development of the MCU has not occurred at all and was not a breach of planning control. On the balance of probability these matters have not been demonstrated.
34. The ground (b) appeal therefore fails. The hidden ground (c) also fails.

Appeal B – hidden ground (c)

35. Appeal B considers the OD. Although not declared the planning merits submission under-ground (a) for this appeal included commentary that the raised decking was permitted development. The appellant indicates that having searched the Welsh Government (WG) website that where raised decking is sited on a slope the height is taken from the highest

point of the construction and not the lowest point. As a result, the appellant claims that the development does not require planning permission. At the top of the bank the appellant asserts that the decking is less than 30 centimetres from natural ground level.

36. There is no dispute raised between the parties that the raised decking constitutes 'development' as defined in Section 55(1) of the 1990 Act as amended. That is 'development' by the carrying out of a building or other operation, in, on, over or under land. Its size comprises several timber components, likely to have been assembled on site. Its permanence suggests that it has not been moved once it was assembled and is anchored in place by virtue of vertical posts and by its weight. As a matter of fact, and degree, the raised platform due to its size, permanent rather than fleeting character, and the nature of anchorage, is a structure which is considered as a building having regard to Section 55(1) of the Act as amended.
37. Section 57 of the 1990 Act as amended states that planning permission is required for development. Planning permission may be granted by development order by section 57(3).
38. Development is permitted by Class E of Part 1 of Schedule 2 of The Town and Country Planning (General Permitted Development) Order 1995 as amended (GPDO) by the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013. Its effect is that the provision within the curtilage of a dwellinghouse of 'any building or enclosure, raised platform, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building, enclosure, platform or pool' does not require express planning permission.
39. In this regard there is no dispute that the raised platform is within the original garden of the property. The GPDO limitation E.1(j) in Class E states that development is not permitted if 'it would include the construction or provision of a veranda, balcony or raised platform of which any part is more than 30 centimetres above the surface of the ground directly below it'.
40. I consider that having viewed and measured parts of the raised platform 'some parts' are over the 30-centimetre limitation. If 'any part' of the raised platform is over this height limitation it cannot be permitted development since it is above the surface of the ground directly below it. From my visit one part was over 70 centimetres above the surface of the ground directly below it. There is no exceedance tolerance in relation to the express permission given by the GPDO, if the development exceeds by any margin, it is not regarded as permitted development, and planning permission is required for it.
41. The technical guide, (the Welsh Government Guidance document entitled Planning: a guide for householders Version 3 May 2020 section C, and section 11 of the Welsh Government Technical Guidance: Permitted development for householders, Version 2, April 2014), to householder development, refers to the same restriction on pages 52 and 53. The guide for householders is a simpler guide and is not an authoritative interpretation of the law as is set out in the introduction on page 1 of this document.
42. Planning permission is required for the raised platform development enforced against and this constitutes a breach of planning control, because there is no record of a planning permission for it. The hidden ground (c) therefore fails.
43. Given the conclusions in relation to the MCU notice permitted development rights do not exist for the timber building and the raising of ground levels OD as these are conclusively presumed to be outside the curtilage of the dwellinghouse. Planning permission would be

required for this component of the OD and is a breach of planning control. There is no record of a planning permission for it.

Appeal B - the ground (a) appeal, the deemed application

44. The main issues in this appeal are as follows:

- In relation to the construction of the timber building whether this is justified in this location having regard to its effect on the character and appearance of the area and the policy of rural restraint of building outside settlement boundaries, and
- In relation to the raised timber decking, raising of ground levels and construction of timber building, the effect of this development on the living conditions of occupiers of nearby residents in relation to privacy and outlook.

First issue

45. The Council contends that the timber building which is positioned on land outside the domestic garden of the property is inappropriate development. This is because it is regarded as land outside the development boundary as defined by the Blaenau Gwent County Borough Council Local Development Plan up to 2021 (LDP). It is also regarded as land within the SLA.
46. No ground (a) deemed application was pleaded for the MCU notice and as I have concluded on the balance of probability that the land in question is not within the original garden of the domestic property, it is difficult to conceive of a situation whereby planning permission could be granted for the timber building on land which is not authorised and is unlawful.
47. I therefore consider that it cannot be appropriate to allow the timber building on this land. I note the Council's assertion that the LDP's objective is to prevent inappropriate development outside settlement limits, and this is endorsed by national guidance in Planning Policy Wales (Edition 12) (PPW). I therefore consider that the development of the timber building is contrary to the LDP objective of managing spatial growth, contrary to Policy SB1, and national policy in PPW (paragraph 3.60).
48. The LDP demonstrates that the area of the extended garden is within the SLA. This is a matter of fact that cannot be disputed. The legitimacy of the designation, whether it has gone through the correct process, and that the land should not have been designated an SLA is not a matter for me to preside over in these appeals. The LDP has gone through an examination process for it to be adopted and it is sufficient that the boundaries of the SLA have been accepted within that process.
49. LDP Policy ENV2 requires development to conform to the highest standards of design, siting, layout and materials appropriate to the character of the area. I disagree with the Council that the land is open in character, I consider it has an enclosed character due to the levels of the site and the dense established landscaping.
50. However, I do agree that the timber building is not of the highest standard of design in terms of its location, position and appearance. In this regard, the timber building is not appropriate in terms of scale and position. Other domestic buildings do not intrude into the landscaped slope to the extent the timber building does, and this adversely effects the character and appearance of the area. Although in a broadly enclosed part of the settlement's fringe, the position and siting of the timber building with its timber balcony has an imposing effect that appears incongruous, thereby conflicting with LDP Policy ENV2.

51. The appellant has painted the timber building to make it less obvious, however, this does not serve to overcome the objection in relation to its design, appearance, siting and elevated position.

52. I conclude in relation to the construction of the timber building that this is unjustified in this location because it is harmful to the character and appearance of the area and conflicts with the policy of rural restraint of building outside settlement boundaries.

Second issue

53. Having stood on the balcony of the timber building, viewed from inside, out of its windows, and stood on the raised timber decking, I am persuaded that the Council's objections and those raised by interested parties that overlooking is a significant and legitimate objection. The raised decking permits unhindered views of adjoining properties rear gardens. Similarly, the views from inside and outside the timber building allows unhindered views back towards the rear of the neighbouring properties.

54. The appellant refutes that there has been any raising of ground levels in connection with the timber building. However, whilst it may have been cut into the slope, I am not convinced that no material has been laid down to raise the lower level of the land to form and facilitate a flat area for the timber building.

55. I consider that both the timber building and the raised decking diminishes the privacy and outlook of occupiers of neighbouring properties to an unacceptable extent, such that they make these places less enjoyable places to reside. No amount of existing landscaping or bamboo planting (already planted in places) would ameliorate this adverse impact.

56. Prior to the construction of the raised decking, it is argued that the elevated path resulted in overlooking. Whilst this may be the case, the raised decking is a construction that requires planning permission, and the consequences of this development must be considered in the light of planning policy and other material considerations. The raised decking and the timber building facilitates the provision for occupiers to sit or stand for a period, and it is these facilities which must be considered, not what may have been situated there, before the development took place.

57. I conclude that in relation to the raised timber decking, raising of ground levels and construction of timber building, the development is harmful on the living conditions of occupiers of nearby residents in relation to privacy and outlook, contrary to LDP Policy DM1(2c).

Conclusion on Appeal B - the ground (a) appeal, the deemed application

58. I have considered the planning permission reference C/2022/0332 granted for the retention of change of use of land to incorporate it as residential curtilage including boundary treatments at Brookfield. However, I note that this permission is controlled by planning conditions which take away permitted development rights for outbuildings and boundary enclosures. The owner/occupier would have to apply for planning permission should they seek to construct buildings/structures in the future. This differentiates from the planning considerations before me in these appeals and are therefore not directly comparable.

59. In reaching my decision, I have taken into account the requirements of sections 3 and 5 of the Well-Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards the Welsh Ministers' well-being objective to make our cities, towns, and villages even better places in which to live and work.

60. Appeal B on ground (a) and the deemed application is therefore dismissed, and the enforcement notice is upheld.

Appeals A and B – the ground g appeals

61. These grounds of appeal are that any period specified in the notices in accordance with Section 173(9) falls short of what should reasonably be allowed.
62. The appellant's grounds of appeal are that 3 months is too short a period to remove the timber building, and the appellant would need to find new suitable office premises for his office equipment. The appellant would be doing the work himself, because of cost. The appellant considers that 6 months would be needed to remove the timber building.
63. The Council maintains that 3 months is long enough to remove both breaches of planning control.
64. To comply with Appeal A the timber building would have to be cleared and removed. To undertake the removal of both buildings in Appeal B, appears to me to be too short a period to achieve. Appeal B also requires the reinstatement of natural ground levels in connection with the timber building. In my view the work required to comply with both ENs demand more time to accomplish.
65. I consider that 6 months for the period of compliance for the steps in the ENs are proportionate given the need for storage, and the works required to comply with the requirements when considering the conflicting matters of the public interest against the private interests of the appellant.
66. To this extent the appeals on ground (g) succeed.

Conclusions

67. For the reasons given, Appeal A is corrected and varied accordingly, but otherwise the appeal is dismissed, and the enforcement notice is upheld.
68. For the reasons given, Appeal B is corrected and varied accordingly. Subject to these corrections and variations the appeal is dismissed, the enforcement notice is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Iwan Lloyd

INSPECTOR

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

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