

## **PLANNING & DEVELOPMENT COMMITTEE**

**7 JULY 2022**

### **REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT**

#### **PURPOSE OF THE REPORT**

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 22/0493/10 (MF)  
**APPLICANT:** Pennant Walters  
**DEVELOPMENT:** Installation of 90m high anemometer mast for a temporary period of up to 3 years - a single structure with supporting steel guy wire ropes connected to ground anchors at 25m and 50m from mast.  
**LOCATION:** LAND AT MYNYDD Y GLYN, TREBANOG, PORTH  
**DATE REGISTERED:** 04/05/2022  
**ELECTORAL DIVISION:** Tonyrefail East

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**RECOMMENDATION:** Approve for a temporary period of 3 years, subject to conditions.

**REASONS:** The proposed development would allow the applicant to gather relevant information for the preparation of a potential future wind turbine development at the site, which is supported by Welsh Government renewable energy objectives and national planning policy.

The development would have no undue impact upon biodiversity at the site, the amenities of the nearest residents, or highway safety in the vicinity.

Furthermore, while it is accepted the structure would form a visible and prominent feature in the landscape, it would be temporary in nature and any impact upon the site would be wholly reversed once the mast and all associated infrastructure has been removed. Therefore, it is not considered any visual impact would be significant enough to warrant refusal of the application.

The application therefore complies with the relevant local and national planning policies and is considered acceptable.

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#### **REASON APPLICATION REPORTED TO COMMITTEE**

3 no. letters of objection have been received.

#### **APPLICATION DETAILS**

Full planning permission is sought for the erection of a 90m high anemometer mast at Mynydd Y Glyn, Trebanog. It is detailed that the mast would be in place for a temporary period of up to 3 years after which it would be removed and the site restored to its original condition.

The applicant has advised that the mast would gather a range of meteorological information such as accurate wind direction, speeds, etc. to support the preparation of a potential, future wind turbine development at this location. Also, that the siting proposed is considered to be the optimal position in respect of acquiring the relevant data in this area.

The proposed mast would be installed at ground level upon a 1m<sup>2</sup> steel plate. It would comprise a triangular aluminium lattice structure of a matt 'dull grey' finish, with supporting guy wire ropes connected to 6 no. 2m deep ground anchors at 25m and 50m from it. It is detailed that no concrete or permeant fixings would be required but depending on exact ground conditions, it may be necessary to excavate topsoil and backfill with firmer material which would be won from a borrow pit on site. 1.2m high stock fencing would be placed around the mast itself and the guy wire anchors to prevent any issues with livestock. Obstruction lighting would be sited on the mast at heights of 45m and 90m.

It is detailed that no new access tracks, or other infrastructure, would be required for vehicular movements on site as use would be made of the existing private access tracks leading up to the site from the nearby Rhiwgarn Fach Farm. Only up to 2 no. 4x4 vehicles would be required for delivery of material/engineers, and a single 13 tonne tracked excavator for groundworks.

Finally, the applicant has also set out that the erection of the mast would take less than one week and once installed very few visits would be required during its operation, just for routine maintenance when necessary, as the meteorological data recorded would be accessed remotely. Further, decommissioning would involve a similar level of time/activity.

## **SITE APPRAISAL**

The application site is located at a countryside, mountain top location approximately 1.5km south-east of Trebanog and 1.5km north-east of Tonyrefail, at the plateau summit of Mynydd y Glyn approximately 360m A.O.D.

The site amounts to approximately 0.95ha and consists of upland habitat, the majority of which has been improved for agricultural grazing.

There are several scattered residential properties in the locality, the closest of which being Rhiwgarn Fach Farm, approximately 800m to the north-west (to which the land where the mast would be sited belongs).

Access to the site would be via existing farm tracks from Rhiwgarn Fach Farm which enter the public highway at Rhiwgarn, Trebanog, a residential street to the north-west.

The entire site lies within the Mynydd y Glyn and Nant Muchudd Basin Special Landscape Area (SLA), the Mynydd y Glyn Site of Importance for Nature Conservation (SINC), and a Sandstone Resources area. It is also located approximately 750m south of the designated Rhondda Landscape of Special Historic Interest area.

## **PLANNING HISTORY**

Previous planning applications submitted at the site:

14/1558/10 – The erection of a meteorological mast with an operational life of three years and a maximum height of 70m.

Decision: Granted, 24/03/15.

## **PUBLICITY**

The application has been advertised by direct notification to 20 no. neighbouring properties scattered throughout the surrounding countryside and by 8 no. site notices at the site and in the nearby villages. 3 no. letters of objection have been received and are summarised below:

- The mast would be a precursor to future wind farm development at the site, to which we strongly object.
- The proposed mast would have a detrimental visual impact upon the landscape and surrounding SLA.
- The proposed mast would have a detrimental impact upon biodiversity at the site and within the surrounding SINC.
- The proposed mast would have a detrimental impact upon the cultural identity of the Rhondda Valleys and their status as a designated Landscape of Special Historic Interest.
- National planning policy recognises that Wales has the topography and prevailing weather conditions to potentially generate energy, but only where cherished, protected landscape areas are not harmed. This would not be the case with any development on Mynydd y Glyn.
- Whilst policy makers are encouraging decision makers to give weight to the need to meet Wales's international commitments to generate 70% of consumer electricity by renewable means by 2030, Mynydd y Glyn was recognised for its importance and was excluded from the pre-assessed areas set aside for

potential wind farm development. As such, we do not understand why the developer considers this a suitable site for yet another wind farm in RCT.

## **CONSULTATION**

Highways and Transportation – No objection or conditions suggested. The proposal would have no impact upon the local highway network or pedestrian safety in the vicinity.

Public Health and Protection – No objection subject to conditions in respect of construction noise, waste, dust and lighting.

Flood, Water and Tip Risk Management – No objection subject to condition. As the proposed development area would be less than 100m<sup>2</sup> separate SuDS approval would not be required. However, no site drainage arrangements have been submitted with the application. It is therefore considered a condition should be added to any consent requiring this information be submitted to and approved by the Local Planning Authority (LPA) prior to any development works commencing on site to ensure there is no surface water flood risk impact.

Countryside, Landscape and Ecology – No objection subject to condition. Given the relatively minor scale of any built form there would be minimal impact upon ecology on and around the site. However, no details of the decommissioning and site restoration phase have been submitted. It is therefore considered a condition should be added to any consent requiring this information be submitted to and approved by the LPA prior to any development works commencing on site to ensure there is no impact upon the SINC.

Natural Resources Wales – No objection or conditions suggested. While the proposed mast would be located within 17km of Brecon Beacons National Park, given its scale, design and siting, it would unlikely result in a substantial visual impact upon the National Park.

Ministry of Defense – No comments received.

National Air Traffic Services – No comments received.

Civil Aviation Authority – No comments received.

Cardiff Airport – No comments received.

Tonyrefail Community Council – No comments received.

## **POLICY CONTEXT**

The current LDP's lifespan was 2011 to 2021. It has been reviewed and is in the process of being replaced. The Planning (Wales) Act 2015 introduced provisions specifying the period to which a plan has effect and providing that it shall cease to be the LDP at the end of the specified period. These provisions were commenced on 4<sup>th</sup> January 2016 but do not have retrospective effect. Therefore, the provisions do not apply to LDPs adopted prior to this date and plans adopted before 4<sup>th</sup> January 2016 will remain the LPD for determining planning applications until replaced by a further LDP. This was clarified in guidance published by the Minister on 24<sup>th</sup> September 2020.

Subsequently, the existing LDP remains the development plan for consideration when determining this planning application.

### **Rhondda Cynon Taf Local Development Plan**

The application site is located outside of settlement limits and within the Mynydd y Glyn and Nant Muchudd Basin SLA, the Mynydd y Glyn SINC, and a Sandstone Resources area.

**Policy CS2** – sets out the criteria for development in the Southern Strategy Area.

**Policy AW2** – supports development in sustainable locations and includes sites that are accessible by a range of sustainable transport modes and would not unacceptably conflict with surrounding uses.

**Policy AW4** – details the criteria for planning obligations including Section 106 Agreements and the Community Infrastructure Levy.

**Policy AW5** – sets out criteria for new development in relation to amenity and accessibility.

**Policy AW6** – requires development to involve a high standard of design and to make a positive contribution to placemaking, including landscaping.

**Policy AW7** – identifies that proposals which impact upon sites of architectural or historic merit will only be permitted where it can be demonstrated that the proposal would preserve or enhance the character of the area.

**Policy AW8** – sets out criteria for the protection and enhancement of the natural environment.

**Policy AW10** – does not permit proposals where they would cause or result in a risk of unacceptable harm to health and/or local amenity.

**Policy AW12** – supports development proposals which promote the provision of renewable energy where it can be demonstrated there would be no unacceptable effects.

**Policy AW13** – supports large scale wind farm development, subject to relevant criteria and where it can be demonstrated there would be no unacceptable effects.

**Policy AW14** – safeguards minerals from development that would sterilise them or hinder their extraction.

**Policy SSA4** – sets out the criteria for development within the Key Settlement of Tonyrefail.

**Policy SSA23** – identifies that development within SLAs will be expected to conform to the highest standards of design, siting, layout and materials appropriate for the site.

## **Supplementary Planning Guidance**

- Design and Placemaking
- The Historic Built Environment
- Nature Conservation
- Access, Circulation and Parking

## **National Guidance**

*In the determination of planning applications regard should also be given to the requirements of national planning policy which are not duplicated in the Local Development Plan, particularly where national planning policy provides a more up to date and comprehensive policy on certain topics.*

Planning Policy Wales Edition 11 (PPW) was issued on 24<sup>th</sup> February 2021 in conjunction with Future Wales: The National Plan 2040 (FW2040). PPW incorporates the objectives of the Well-being of Future Generations (Wales) Act into town and country planning and sets out Welsh Government's (WG) policy on planning issues relevant to the determination of all planning applications. FW2040 sets out the National Development Framework for Wales (NDF), WG's current position on planning policy at regional and national level.

It is considered the proposed development is consistent with the key principles and requirements for placemaking set out in PPW; and is also consistent with the Well-being of Future Generations (Wales) Act's sustainable development principles through its contribution towards the Welsh Ministers' well-being objectives of driving sustainable development and building healthier communities and better environments.

It is also considered the proposed development is compliant with the NDF, with the following policies being relevant to the development proposed:

- Policy 1 – Where Wales will grow
- Policy 17 – Renewable and Low Carbon Energy and Associated Infrastructure
- Policy 18 – Renewable and Low Carbon Energy Developments of National Significance
- Policy 33 – National Growth Area – Cardiff, Newport and the Valleys

Other relevant national planning policy guidance consulted:

- PPW Technical Advice Note 5: Nature Conservation and Planning
- PPW Technical Advice Note 12: Design
- PPW Technical Advice Note 24: The Historic Environment

## **REASONS FOR REACHING THE RECOMMENDATION**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Furthermore, applications that are not in accordance with relevant policies in the plan should not be allowed, unless material considerations justify the grant of planning permission.

### **Principle of the Proposed Development**

Full planning permission is sought for the erection of a 90m high anemometer mast for a temporary period of up to 3 years, after which it would be removed and the site restored to its original condition.

In April 2019 WG declared a climate emergency and published its FW2040 which provides a positive policy framework for renewable and low carbon energy from all technologies and at all scales to meet future demands.

As highlighted by an objector, FW2040 recognises that Wales has the topography and prevailing weather conditions to potentially generate energy through wind but advises that such developments should only take place where cherished, protected landscape areas are not harmed, and any development complies with the relevant criteria set out in Policies 17 and 18.

The Policies encourage decision makers to give weight to the need to meet Wales's international commitments to generate 70% of consumer electricity by renewable means by 2030; and provide 10 no. pre-assessed areas for wind energy that WG have already modelled the likely impact upon the landscape and has found capable of accommodating such development in an acceptable way.

In addition, PPW encourages all forms of renewable and low carbon energy development and advises that LPAs should seek to ensure their area's full potential for renewable and low carbon energy generation is maximised and renewable energy targets are achieved.

In this instance, as noted by the objector, the application site, and the proposed wider future wind farm site, are outside of the FW2040 pre-assessed areas. However, the FW2040 policies do not preclude wind energy developments outside of the pre-assessed areas, just provide relevant criteria that any proposed developments must meet to be considered acceptable in such locations. FW2040 generally retains a positive presumption in favour of onshore wind energy generation in locations outside of the pre-assessed areas.

While the above is pertinent to this case, this planning application does not propose any wind turbines, simply an anemometer mast for a temporary period that would

gather a range of meteorological information to support the preparation of a potential, future wind turbine development at this location. As such, only the potential impacts of the proposed mast can be considered at this time. Any impact of a proposed future wind farm development would be assessed against the relevant policies/guidance if/when a subsequent application is submitted.

Subsequently, as set out above, national planning policy is generally in favour of renewable energy schemes and this development would enable data to be gathered that would inform the preparation of a potential future planning application for a proposed wind farm at Mynydd y Glyn, in accordance with both FW2040 and PPW. It is also noted that planning permission was granted for a similar development at the site in 2014, albeit for a mast of a lower height (70m).

Therefore, while it is accepted the area has been designated as an SLA to protect its fine landscape qualities, given the relatively minor footprint of the proposed mast, the very minor development works necessary, and the fact that the mast would be in situ for a temporary period only after which it would be removed and the site restored to its original condition, the proposal is generally considered acceptable, in principle, subject to compliance with the relevant criteria set out below.

## **Visual Impact**

Concern has been received regarding the potential adverse impact of the proposed mast on the existing landscape and the visual appearance of the open, upland area of Mynydd y Glyn which is a designated SLA.

It is considered that the introduction of a 90m high man-made structure, in such an elevated location, would inevitably form a visible and prominent feature in the locality that would result in an impact upon the landscape's character and visual appearance. Consequently, the proposed development would unavoidably, to a certain extent, detract from the character of the SLA in this location.

Further, the mast would be clearly visible within a 1 – 2km distance of the site from the nearest residential areas of Trebanog, Porth, and Tonyrefail, from the many scattered dwellings to the east / south-east of the site, as well as from the users of the nearby public rights of way and open access land. There would also be more distant views from elevated positions further afield at Beddau and Penycoedcae. However, views to the north and west would be largely obscured by the existing ground profiles, conifer plantations and other vegetation.

Notwithstanding the above, such masts are necessarily functional in nature and therefore design elements such as use, amount, layout, scale, landscaping and appearance are fixed. The mast would have a 'dull grey' finish together with a very minor footprint (1m<sup>2</sup>) and a slender form and design which it is considered would mitigate much of the visual impact, resulting in most effect being from short distance views and any impact significantly diminish when seen from distant vantage points.



Further, it would be temporary in nature and the site would be returned to its current state once the mast has been removed, leaving little or no trace.

It is also noted that the proposed mast would be located on upland improved pasture and there are no proposed impacts on any adjacent landscape features such as trees and hedges adjacent to the site.

It is subsequently considered the relatively small scale and temporary nature of the development would be unlikely to have a significant enough impact upon the landscape's character and visual appearance to warrant refusal of the application.

## **Ecology**

Following consideration of the scheme the Council's Ecologist commented that while the application site is located within the Mynydd y Glyn SINC, the plot to be developed is outside of an area of upland peat bog, for which the SINC was designated, and is instead within an area of semi-improved acid grassland.

The range of ecology surveys that have been undertaken across the site, which have informed the location of the mast, illustrate that no significant issues would arise from an ecology perspective. There is some potential for ground nesting birds and common reptiles to use the land upon which the mast would be located, however, appropriate measures will be in place during installation which would avoid any impacts upon them. Furthermore, no trees or vegetation which may support bat roosting or bat linear connective habitat will be removed.

Therefore, the proposed development would not result in any permanent habitat loss, with only limited temporary land take from the base of the mast and guy wire anchors, with habitats allowed to re-establish following removal.

The Ecologist did note however that no details of the decommissioning and site restoration phase have been submitted with the application and it is therefore considered a condition should be added to any consent requiring this information be submitted to and approved by the LPA prior to any development works commencing on site. It is considered this condition is necessary to ensure there is no permanent impact to the SINC.

## **Residential Amenity**

The closest residential dwelling to the proposed mast is approximately 800m away. Given the separation distance and the relatively minor development works proposed, while it is accepted the mast will form a visible feature from the closest properties, it is not considered the structure would be overly prominent from these properties or significantly alter current outlooks from them. Further, the new structure would not result in any form of physical detriment to them.

Subsequently, in terms of the potential impact upon the amenity and privacy of neighbouring residents, the application is considered to be acceptable.

### **Highway Safety**

The Highways and Transportation section commented that access to the site will be from Rhiwgarn (a residential street) via existing farm tracks at Rhiwgarn Fach Farm, which is acceptable for the 2 x 4x4 vehicles and 1 x excavator required. Further, the construction/decommission phases would take place over a week. As such, traffic associated with the proposed development would cause minimum disruption. Subsequently, the proposal would have no impact upon the local highway network or pedestrian safety in the vicinity, and no objection is raised or conditions suggested.

### **Flood Risk and Drainage**

The Flood, Water and Tip Risk Management section commented that no site drainage arrangements have been submitted with the application but it is considered an appropriate scheme could be implemented on site. However, as separate SuDS approval would not be required for this development a condition is suggested requiring full site drainage arrangements to be submitted to and approved by the LPA prior to any development works commencing on site to ensure there is no surface water flood risk impact.

While these comments are appreciated, given the very minor footprint of the development proposed, a 1m<sup>2</sup> base plate and 6 no. anchor points, it is not considered there would be any effect on existing surface water drainage across the site. As such, the suggested condition is considered unnecessary in this instance.

### **Historic Environment**

An objector commented that the proposed mast would have a detrimental impact upon the cultural identity of the Rhondda Valleys and their status as a designated Landscape of Special Historic Interest.

As set out above, it is accepted the mast will form a visible and prominent feature in the landscape, but it is not considered it would do so from more than the immediate area. Therefore, with the mast sited outside of the designated historic landscape area, approximately 1km from it, and with views and any impact significantly diminish when seen from distant vantage points, it is not considered there would be any undue impact upon the setting of the Rhondda Landscape of Special Historic Interest. Further, the mast would be temporary in nature and the site would be returned to its current state once the structure has been removed, leaving little or no trace.

### **Public Health**

The Public Health and Protection section suggested several conditions be attached to any consent in relation construction noise, waste, dust and lighting. Whilst these comments are appreciated, it is considered that these matters can be more efficiently controlled by other legislation available to the Council. It is therefore considered the conditions suggested are not necessary and an appropriate note highlighting them would be sufficient instead.

### **Other Issues**

It is noted that consultation has been undertaken with the Ministry of Defense, National Air Traffic Services, the Civil Aviation Authority and Cardiff Airport with no comments received from each.

Whilst the mast could impact upon air traffic in the locality, the developer would have to register it with the relevant bodies separately which is considered sufficient to ensure there would be no issue in this regard.

### **Community Infrastructure Levy Liability**

The Community Infrastructure Levy (CIL) was introduced in Rhondda Cynon Taf from 31 December 2014.

The application is for development of a kind that is not CIL liable under the CIL Regulations 2010 (as amended).

### **Conclusion**

The proposed development would allow the applicant to gather relevant information for the preparation of a potential future wind turbine development at the site, which is supported by Welsh Government renewable energy objectives and national planning policy.

The development would have no undue impact upon biodiversity at the site, the amenities of the nearest residents, or highway safety in the vicinity.

Furthermore, while it is accepted the structure would form a visible and prominent feature in the landscape, it would be temporary in nature and any impact upon the site would be wholly reversed once the mast and all associated infrastructure has been removed. Therefore, it is not considered any visual impact would be significant enough to warrant refusal of the application.

It is subsequently considered the application complies with the relevant local and national planning policies and is acceptable.

**RECOMMENDATION: Approve for a temporary period of 3 years, subject to the conditions below.**

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Reason: To comply with Sections 91 and 93 of the Town and Country Planning Act 1990.

2. The development hereby approved shall be carried out in accordance with the approved plans ref:

- Figure 1 - Site Location Plan
- Figure 2 – Site Layout Plan
- Figure 3 – Met Mast Specification

and documents received by the Local Planning Authority on 29/06/22 unless otherwise to be approved and superseded by details required by any other condition attached to this consent.

Reason: To ensure compliance with the approved plans and documents and to clearly define the scope of the permission.

3. The development hereby approved shall be removed from the site no later than 36 months from the date of the commencement of development. Written notification of the date of commencement of development shall be submitted to the Local Planning Authority not less than 14 days before the development commences.

Reason: The development is of a temporary nature and is not suitable for retention on a permanent basis in this location; and to secure the proper decommissioning of the development proposal.

4. Following removal of the mast the site shall be restored to its previous condition in accordance with an appropriate restoration scheme which shall previously have been submitted to and approved in writing by the Local Planning Authority.

Reason: The development is of a temporary nature and is not suitable for retention on a permanent basis in this location; to secure the proper decommissioning of the development proposal; and to afford protection to wildlife.