

PLANNING & DEVELOPMENT COMMITTEE

17 August 2023

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 22/1378/15 (MF)
APPLICANT: Cenin Renewables Ltd
DEVELOPMENT: Variation of condition 1 of planning permission ref. 15/1635/10 - to extend time limit for commencement of development by one year (Drainage Briefing Note 10/02/23 Rev.2 - 10/07/23, received 16/06/23).
LOCATION: LLWYNCELYN FARM, HAFOD LANE, PORTH, CF39 9UE
DATE REGISTERED: 23/11/2022
ELECTORAL DIVISION: Graig and Pontypridd West

RECOMMENDATION: Approve

REASONS: The scheme would provide a wind energy development that would contribute to Welsh Government's commitment to optimising renewable energy generation within Wales.

Sufficient information has been provided to demonstrate that the proposed site drainage arrangements would not increase the risk of surface water flooding on or around the site; and would have no detrimental impact to the nearby tip complex. The pre-commencement elements of condition 24 can therefore be discharged through this planning application.

The pre-commencement elements of conditions 4, 8, 13, 17, 18, 19, 20, 21, 22 and 25 have already been approved through earlier discharge of conditions applications. These conditions can subsequently be varied from pre-commencement to compliance related wording.

With no material change of circumstance at the site since the granting of the original planning permission that would prevent the renewal of the existing consent, and confirmation that appropriate site drainage arrangements would be installed, there is no objection to the variation of condition 1 and the extension of the planning permission for a further year.

REASON APPLICATION REPORTED TO COMMITTEE

- 3 or more letters of objection have been received from members of the public.

APPLICATION DETAILS

Background

Full planning permission for the construction of two wind turbines and associated infrastructure was originally granted at the site on 24/11/2017 (application ref. 15/1635/10). The scheme proposed two 2.5MW turbines with a maximum blade tip height of 125m above ground level. Associated infrastructure included the turbine foundations and crane hardstanding areas, two external transformer and switchgear cabins, a temporary construction compound and approximately 2.5km of access tracks. The turbines would operate for 25 years from the first generation of energy following which they would be decommissioned and removed from site. The estimated energy production would be 9547MWh, which is the equivalent of the electricity required for the annual usage of roughly 2300 homes.

Access would be gained from existing highways, specifically the M4 and A470 to Pontypridd, then the A4058 and Graigwen Road through Pontypridd to an un-named road that leads to the site entrance where new access tracks through several fields to the turbine bases would be required.

The original application set out that a grid connection could be provided from a kiosk near to Ynyshir Community Primary School directly to the west of the site at the valley floor, via an underground cable down the adjacent mountainside. However, this element of the scheme was not included within the application site red line boundary and therefore does not benefit from planning permission. Members are therefore advised that should this extension of time application be approved and the developer wishes to install a cable along this route themselves, they would be required to submit a separate planning application for those works. However, Members are also advised that the installation of any cable may be able to be undertaken by National Grid (NG) without the need for planning permission through their permitted development rights as statutory undertaker, subject to relevant criteria, should NG decide to install the cable instead.

At this point in time the applicant is unsure of whether the potential cable route identified within the original application would be used and who would install any cable; but has informally advised that is unlikely this route would be used as it would involve crossing the nearby tip complex, which they would rather avoid if possible. The applicant has advised alternate routes are being considered, but no definite plans have been finalised yet and no details have been submitted to the Local Planning Authority (LPA) at this time. It is advised that the final cable route would be determined going forward should this extension of time application be granted.

Current application

This application seeks the variation of condition 1 of planning permission ref. 15/1635/10, to extend the time limit for commencement of development by one year (from the date of permission).

With full site drainage arrangements submitted in support of the application, if approved, it would also result in the pre-commencement elements of condition 24 (site drainage) becoming obsolete, essentially discharging those elements of the condition through this application and allowing the condition to be varied from pre-commencement to compliance related wording.

Condition 24 requires full site drainage arrangements to be submitted to and approved by the LPA prior to any development works commencing on site, and for works to be undertaken in accordance with the approved details thereafter.

A Drainage Briefing Note has been provided to aid this assessment, which has been amended twice since the original submission, the latest version being submitted on 10/07/23.

Condition 24 is the only pre-commencement condition attached to the original consent yet to be discharged. Each of the other ten pre-commencement conditions have already been discharged through earlier discharge of condition applications. Subsequently, if approved, this application would also allow those conditions to be varied from pre-commencement to compliance related wording:

- Condition 4 (external finishes) – pre-commencement elements discharged under application ref. 22/0645/38.
- Condition 8 (construction environmental management plan) – pre-commencement elements discharged under application ref. 22/0665/38.
- Condition 13 (noise assessment) – pre-commencement elements discharged under application ref. 22/0477/38.
- Condition 17 (species habitat protection plan) – pre-commencement elements discharged under application ref. 22/0871/38.
- Condition 18 (habitat and ground restoration scheme) – pre-commencement elements discharged under application ref. 22/0871/38.
- Condition 19 (bat mitigation measures) – pre-commencement elements discharged under application ref. 22/0871/38.
- Condition 20 (traffic management plan) – pre-commencement elements discharged under application ref. 22/0940/38.
- Condition 21 (means of access) – pre-commencement elements discharged under application ref. 22/0940/38.
- Condition 22 (highway surveys) – pre-commencement elements discharged under application ref. 22/0940/38.
- Condition 25 (written scheme of historic environment mitigation) – pre-commencement elements discharged under application ref. 22/0447/38.

SITE APPRAISAL

The application site covers a total area of 5.7ha and is located in the open countryside approximately 1.5km to the east of Porth and outside of the settlement boundary. It forms open farmland to the north of Llwynhelyn Farm and the turbines would be located within two adjacent fields on a wide ridgetop plateau. The land is generally semi-improved pasture used for sheep grazing and forms part of an extensive pattern of fields enclosed by stone walls and post and wire fences. The majority of land in the immediate vicinity is used for sheep grazing, although St Gwynno Forest lies adjacent to the eastern boundary of the two fields. The site lies approximately 350m A.O.D which represents the highest part of the ridge and provides extensive panoramic views. Areas of land to the west of the site, sections of mountainside between it and the settlement of Ynyshir below, form part of the Category C rated (potential to cause risk) RH72 Ynyshir Tip complex.

The closest settlements are those of Porth, Ynyshir, Wattstown and Pontygwaith, which are located between 700m – 1.5km to the west / south-west / north-west. But as well as Llwynhelyn Farm, which is located approximately 1km to the south-west of the turbine locations, a small number of individual residential dwellings are located nearby along the un-named road to the east, between 1km – 1.5km from the site (Llwynperdid Farm, Llysnant Farm, Nyth-Bran House and Pen y Lan Farm).

Vehicular access to the site can be obtained via an existing farm track running from the un-named road forming part of the public road network to the north-east of the site, although it is noted that the construction of a new access track across several fields would be required. Public Rights of Way (PRoW) YNR/15/1 and YCC/14/1 cross the site and a further PRoW YNR/14/1 runs along the western boundary.

The site itself is unallocated but is designated as a Sandstone Safeguarding Area. Land lying immediately to the north-east is designated as a Site of Importance for Nature Conservation (St Gwynno Forestry SINC). Land to the south and west and a separate parcel of land comprising the St Gwynno Forestry to the east are both designated as Special Landscape Areas (SLAs). The site also lies within the Rhondda Registered Landscape of Historic Interest published by Cadw.

There are no existing turbines located within the immediate vicinity of the site, the nearest being located at Mynachdy Farm, approximately 2.5km to the north-east.

PLANNING HISTORY

Previous planning applications submitted at the site:

22/1363/39 – Non-material amendment to 15/1635/10 to vary the wording of condition 24 (site drainage arrangements).

No decision, withdrawn by applicant, 09/12/22

22/0940/38 – Discharge of conditions 20 (traffic management plan), 21 (means of access) and 22 (highway conditions survey methodology) of 15/1635/10.
Decision: Granted, 27/09/22

22/0871/38 – Discharge of conditions 17 (species habitat protection plan), 18 (habitat and ground restoration scheme) and 19 (bat mitigation measures) of 15/1635/10.
Decision: Granted, 17/11/22

22/0665/38 – Discharge of condition 8 (construction environmental management plan) of 15/1635/10.
Decision: Granted, 15/11/22

22/0646/38 – Discharge of condition 24 (site drainage arrangements) of 15/1635/10.
No decision, yet to be determined

22/0645/38 – Discharge of condition 4 (external finishes) of 15/1635/10.
Decision: Granted, 29/06/22

22/0477/38 – Discharge of condition 13 (noise assessment) of 15/1635/10.
Decision: Granted, 07/11/22

22/0447/38 – Discharge of condition 25 (written scheme of historic environment mitigation) of 15/1635/10.
Decision: Granted, 24/05/22

20/0050/15 – Variation of condition 2 of planning permission ref. 15/1635/10 (erection of 2 no. wind turbines with a tip maximum height of 125m and associated infrastructure, transformer cabin and access track) - amend approved plans to increase maximum tip height to 131m (6m increase).
No decision, withdrawn by applicant, 11/04/22

18/0877/10 – Erection of 2x wind turbines with 138.5m tip height and associated infrastructure, transformer cabin and access track, to supersede 15/1635/10.
No decision, withdrawn by applicant, 11/04/22

15/1635/10 – Erection of two wind turbines with a tip maximum height of 125m, associated infrastructure, transformer cabin and access track, including access via the public highway and across Cribin Ddu Farm and Llwynceilyn Farm.

Decision: Granted, 24/11/17

PUBLICITY

The application has been advertised by means of direct neighbour notification, site and press notices (additional consultation has been undertaken following the submission of updated information throughout the application process). Letters of objection have been received from 23 individuals, making the following comments (summarised):

- There has been a large increase in surface water running-off the mountain down to Heath Terrace in recent years, resulting in some properties along the street being flooded. The existing culverts cannot cope with the current amount of surface water run-off and have recently had to be repair/maintained at public expense. The construction of 2 wind turbines at the top of the mountain would exacerbate this issue.
- Full site drainage arrangements were not considered during the original application process. That application was determined prior to the recent, major storm events which resulted in a major landslip nearby. The water environment has therefore changed in the area since the granting of the original consent and needs to be reconsidered.
- Insufficient information has been provided to demonstrate that the construction of 2 turbines at this site would not result in further flooding to the properties below and potential land slips, being sited above a high risk coal tip.
- The site sits above a high risk coal tip which has culverts running through it to reduce the flow of surface water run-off through it. Underground channels at the top of the mountain link up and pass through the tips. The construction of 2 wind turbines at the top of the mountain would increase surface water run-off and could lead to potential slippage of the tip, below which are residential properties and a primary school at Ynyshir.
- Has the Council checked the tip to compare current water levels with historic levels? Without this information no decision should be made.
- A National Coal Board report identifies that a significant amount of extraction has occurred directly below the area of the proposed wind turbines and the nearby coal tips. Other similar developments have been required to move the positioning of turbines for similar reasons, e.g. Ogmere Vale.
- An application was submitted at this site 20 years ago for a transmitter mast. The Council refused that application because the ground was unstable. How can the Council now contemplate wind turbines at this site? The land is now more unstable and more prone to subsidence, erosion, or mass land movement as indicated by landslip events in recent years caused by ever worsening inclement weather.
- Who would pick up the cost if flooding or landslips occur as a result of this development?
- The residents of this area will have a 360 degree of view wind turbines following development.

A further letter was also received from the occupiers of a nearby farm setting out that they have no objection to the planning application.

CONSULTATION

Flood Risk Management – No objection or conditions suggested. The proposed site drainage arrangements would include appropriate sustainable drainage methods that would be sufficient to ensure there is no increase in surface water run-off in the area as a result of the development.

Tip Safety Team – No objection or conditions suggested. The supporting information provided by the developer appropriately demonstrates that there would be no adverse effects on the RH72 Ynyshir Tip complex.

Highways and Transportation – No objection subject to the re-imposition of previous conditions.

Public Health and Protection – No objection subject to the re-imposition of previous conditions.

Public Rights of Way Officer – No objection.

Natural Resources Wales – No objection.

Merthyr Tydfil County Borough Council – No objection.

Bridgend Country Borough Council – No objection

No other consultation responses have been received within the course of the application.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

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 04 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 04 January 2016 will remain the LDP for determining planning applications until replaced by a further LDP. This was clarified in guidance published by the Minister on 24 September 2020. Subsequently, the existing Plan remains the development plan for consideration when determining this planning application.

The application site is outside of any settlement boundary and is unallocated. It is largely within the Northern Strategy Area save for the south-east section of the proposed access track which is located within the Southern Strategy Area.

Policy CS1 – sets out criteria for development in the Northern Strategy Area.

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

Policy CS10 – sets out criteria for the protection of mineral resources.

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 (CIL).

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

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

Policy AW7 – sets out criteria for development proposals that would impact upon built heritage assets and PRowS.

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 – sets out criteria for renewable and non-renewable energy proposals.

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

Supplementary Planning Guidance

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

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.

The original application was assessed against the 9th Edition of PPW. The policy document has been updated since the granting of the original consent with Edition 11 being the current iteration. Future Wales: The National Plan 2040 (FW2040) has also been introduced since the original planning permission was granted. Both PPW11 and FW2040 incorporate the objectives of the Well-being of Future Generations (Wales) Act into town and country planning setting out Welsh Government's (WG) policy on planning issues relevant to the determination of all planning applications. FW2040 also sets out the National Development Framework for Wales (NDF), WGs current position on planning policy at regional and national level.

The aims and general context of the revised PPW document, Edition 11, have remained unaltered since previous versions, with the emphasis being on sustainable development. The aims and general context of FW2040 are the same, with a strong presumption in favour of renewable energy projects.

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 33 – National Growth Area – Cardiff, Newport and the Valleys

Other relevant national policy guidance consulted:

- PPW Technical Advice Note 5: Nature Conservation and Planning
- PPW Technical Advice Note 11: Noise
- PPW Technical Advice Note 12: Design
- PPW Technical Advice Note 15: Development and Flood Risk
- PPW Technical Advice Note 18: Transport
- PPW Technical Advice Note 23: Economic Development
- Welsh Government Circular 016/2014 – The Use of Planning Conditions for Development Management

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.

This scheme relates to the construction of two wind turbines and associated infrastructure at the site. The original consent was granted in 2017, subject to a number of relevant conditions. This application seeks to vary condition 1 of the original consent, to extend the planning permission for a further year, as well as the discharge of the pre-commencement elements of condition 24 (site drainage), the only pre-commencement condition attached to the original consent yet to be discharged. If approved, each of the already discharged pre-commencement conditions would also be amended from pre-commencement to compliance related wording in accordance with the details approved under the earlier, relevant discharge of conditions applications.

The key considerations in the determination of this application are therefore whether there has been a material change in circumstance at the site since the granting of the previous consent which would prevent the renewal of the planning permission or justify the imposition of additional conditions / removal/variation of existing conditions; and whether the site drainage arrangement details submitted with the application are sufficient to demonstrate that the development would not increase the risk of surface water flooding on or around the site, or would have any detrimental impact to the nearby tip complex.

For Members information, while the existing permission's expiry date for commencement of development has passed, 24/11/22, as this application to extend the time period for development was submitted prior to the expiry date of the original planning permission, on 23/11/22, the permission remains live until this application (and any subsequent appeal) has been determined, following which the consent would either be extended or would expire.

Principle of development

The scheme proposed by this extension of time application currently benefits from planning permission (15/1635/10), albeit it is accepted that the consent would expire should this application be refused and any subsequent appeal be dismissed. The general principle of the proposed development has consequently already been

established as being acceptable, however a brief overview of the key considerations are set out below.

While it is noted that PPW has been updated since the original consent was granted, there has been no significant change to the guidance contained within it. The main thrust and general context of sustainable development remains unaltered and the push for renewable energy schemes remain a key priority.

The push for renewable energy developments has also been strengthened through FW2040, published since the granting of the original consent. The national policy document has an overarching presumption in favour of such developments establishing WG's strong support for the principle of delivering renewable and low carbon energy from all technologies and at all scales, requiring decision makers to give significant weight to the need to meet Wales's international commitments and the target to meet 70% of consumed electricity by 2030.

In addition to the above, following an examination of the previous application and an inspection of the site and its surroundings, it is evident that the site remains in a similar, if not identical position to that during the determination of the earlier application. Therefore, with this application not proposing any changes to the development scheme previously approved, simply the variation of an existing condition to allow a further year for development to commence, the scheme remains acceptable in respect of its visual impact, its potential impact upon the amenities of surrounding residents and highway safety, and in biodiversity terms, subject to the imposition of the original conditions (amended to compliance related wording where necessary).

Subsequently, in general terms, it is not considered any new impacts have arisen since the original permission was granted that would prevent the renewal of the existing consent.

However, notwithstanding the above and as mentioned by the objectors, a number of issues have arisen in the surrounding area since the granting of the original consent in respect of surface water run-off on the mountainsides of the Valley, which has led to flooding in the area and a landslip nearby. Therefore, while it was considered site drainage arrangements could be adequately controlled by condition during consideration of the original application, which was granted before some of these issues were apparent and is the usual process for such schemes, it is now considered these issues should be considered through the application process and prior to determination to ensure the turbines would not result in any surface water impacts. This is discussed in detail within the following section of the report.

Site drainage arrangements (discharge of the pre-commencement elements of condition 24)

As detailed above, condition 24 is the only pre-commencement condition attached to the original consent yet to be discharged. It requires full site drainage arrangements

to be submitted to and approved by the LPA prior to any development works commencing on site, and for works to be undertaken in accordance with the approved details thereafter.

The approval of site drainage arrangements by way of condition following the granting of planning permission is the usual process for such schemes. Therefore, with no concerns in respect of surface water flooding in the area during consideration of the original application, this approach was taken when consent was originally granted. However, it is noted that a number of major storm events have occurred since the granting of the original consent which, at times, have led to properties in the area being flooded by way of surface water running-off the mountainsides. One storm event also led to a well-documented landslip further up the Valley at Tylorstown.

It is therefore evident that the water environment in the area has changed since the granting of the original consent and needs further consideration. This issue has been highlighted by the objectors who, in the main, believe that the erection of two turbines at the site would exacerbate surface water issues in this area, leading to further flood events and potentially further landslips, notably at the RH72 Ynyshir Tip complex which sits on the mountainside between the application site and the residential area of Ynyshir below.

Consequently, while it was considered site drainage arrangements could be adequately controlled by condition during consideration of the original application, this approach is no longer considered appropriate. It is now considered these issues should be fully assessed during the application process and prior to the renewal of planning permission, should Members resolve to do so.

In light of these issues the applicant has provided a Drainage Briefing Note in support of the application which sets out the full, proposed site drainage arrangements of the scheme (the latest version of which being submitted on 10/07/23).

In reviewing the information provided by the applicant and the comments received by the objectors the Flood Risk Management (FRM) team raised no objection to the application. It was commented that the applicant's supporting information demonstrates the proposed site drainage arrangements would include appropriate sustainable drainage methods that would be sufficient to ensure there is no increase in surface water run-off in the area as a result of the development. FRM are subsequently of the opinion that the development would result in no further flood risk to the properties at Ynyshir below the site or any further risk to the tip complex over and above that which already occurs. As such no objection is raised and it is advised the pre-commencement elements of condition 24 have been satisfied.

The Tip Safety (TS) team also advised that the supporting information provided by the developer demonstrates that there would be no adverse effects to the RH72 Ynyshir Tip complex, and that the report is considered appropriate and acceptable.

Therefore, no further information is required and no objections are raised / conditions suggested.

It is noted that an objector queried whether the Council has assessed the tips as part of this planning application process. The Council has not undertaken any specific investigation as part of the planning application assessment, and as the tips in question are under private ownership, it is the responsibility of the landowner to manage and maintain them, ensuring their safety. However, the TS team advised that, in accordance with their powers under the Mines and Quarries (Tips) Act 1969 (as amended), they do undertake regular monitoring and investigation of the tip complex as appropriate to the risk category of the tip; and following assessment of this case and available information, it is their opinion that the information submitted in support of the application, which has been produced by appropriately qualified engineers, sufficiently demonstrates that there would be no impact as a result of the proposed development, which is acceptable.

Taking the comments of the FRM and TS teams in account, while the concerns raised by the objectors are fully acknowledged, it is considered that sufficient information has been provided to demonstrate that the turbines would not result in any increase in surface water flooding in the area, or any determinantal impact to the nearby tip complex.

The scheme is therefore considered acceptable in this respect and sufficient information has been provided to effectively discharge the pre-commencement elements of condition 24, allowing variation of the condition to compliance related wording.

Variation of pre-commencement conditions that have already been discharged

As set out above, the applicant has already discharged all but one of the pre-commencement conditions attached to the original planning permission through earlier discharge of conditions applications. Therefore, should Members be minded to approve this application, it would be appropriate to remove the pre-commencement elements of those conditions, altering the wording of the conditions to instead ensure development proceeds in accordance with the approved details. Specifically, the following conditions would be varied:

- Condition 4 (external finishes) – pre-commencement elements discharged under application ref. 22/0645/38.
- Condition 8 (construction environmental management plan) – pre-commencement elements discharged under application ref. 22/0665/38.
- Condition 13 (noise assessment) – pre-commencement elements discharged under application ref. 22/0477/38.
- Condition 17 (species habitat protection plan) – pre-commencement elements discharged under application ref. 22/0871/38.

- Condition 18 (habitat and ground restoration scheme) – pre-commencement elements discharged under application ref. 22/0871/38.
- Condition 19 (bat mitigation measures) – pre-commencement elements discharged under application ref. 22/0871/38.
- Condition 20 (traffic management plan) – pre-commencement elements discharged under application ref. 22/0940/38.
- Condition 21 (means of access) – pre-commencement elements discharged under application ref. 22/0940/38.
- Condition 22 (highway surveys) – pre-commencement elements discharged under application ref. 22/0940/38.
- Condition 25 (written scheme of historic environment mitigation) – pre-commencement elements discharged under application ref. 22/0447/38.

It is also noted that conditions 1 (time limit) and 2 (approved plans /documents) would be altered to allow a further year for development to commence and to include the additional information submitted with this application.

For clarity, the original conditions and the proposed varied wording are set out in Appendix A. Conditions not set out within the Appendix would not alter from the previous planning permission.

Neighbour consultation responses

Where the issues raised by the objectors are not addressed above, the following additional comments are offered:

- No works have been undertaken within the application site. Any works outside of the site would be beyond the scope of this application and would be subject to separate investigation / permissions (if required). It is noted however that following complaints from members of the public Planning Enforcement officers have undertaken several visits in the area both before this application was submitted and since, with no unauthorised works being found.
- *An application was submitted at this site 20 years ago for a transmitter mast. The Council refused that application because the ground was unstable. How can the Council now contemplate wind turbines at this site? The land is now more unstable and more prone to subsidence, erosion, or mass land movement as indicated by landslip events in recent years caused by ever worsening inclement weather.*

A search of the Council's planning application register has not found any records of applications for transmitter masts at this site, however, it is noted that 2 applications for telecommunications masts were submitted under the prior approval (permitted development) process at other locations within the wider farm boundary (2004 and 2006). Those applications were refused due to potential impacts upon the landscape and the associated radio waves having potential public health implications, not due to

land instability concerns. In any case, despite the refusal those applications, all applications must be considered on their own individual merits and as set out in detail above, the impacts of site drainage and land stability relevant to this development have been considered and are deemed acceptable.

- *Who would pick up the cost if flooding or landslips occur as a result of this development?*

As set out above, this development would not result in any further surface water issues in the area over and above that which already occur. Any damage/maintenance issues arising as a result of the development would be a private matter between the relevant parties.

- *The residents of this area will have a 360 degree of view wind turbines following development.*

The visual impact of the development was considered in full during the original application process. Any potential impacts were considered acceptable and planning permission was granted. Therefore, as noted above, with the site remaining in a similar, if not identical position to that during the determination of the earlier application and with no changes to the scheme proposed, the development is again considered acceptable 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

It is accepted a number of surface water run-off and land stability issues have arisen in the surrounding area since the granting of the original consent. However, it is considered sufficient information has been provided to demonstrate that the proposed site drainage arrangements would not increase the risk of surface water flooding on or around the site or would have any detrimental impact to the nearby tip complex. There is subsequently no objection to the pre-commencement elements of condition 24 being discharged through this planning application.

Further, as the details required by the pre-commencement elements of conditions 4, 8, 13, 17, 18, 19, 20, 21, 22 and 25 have already been agreed, there is no objection to these conditions being varied to compliance related wording.

In light of the above, and with no significant difference in general planning circumstance at the site since the previous application was approved that would

prevent the renewal of the existing permission or require any further conditions to be added, it is considered reasonable and appropriate to renew the previous consent for a further year.

RECOMMENDATION: Approve, subject to conditions

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: General Location Plan – 16/05/16
- Figure 1a: Location Plan showing access route to site – 16/05/16
- Figure 2: Detailed Layout – 16/05/16
- Figure 3A: Transformer Cabin (Plan & Elevation) – 16/05/16
- Typical Wind Turbine and Foundation: Vensys – 16/05/16

and documents received by the Local Planning Authority on 16/05/16, 23/11/22 and 10/07/23; and with all documents approved within the earlier, associated discharge of conditions applications, 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 permission hereby granted shall endure for a period of 25 years from the date when electricity is first exported from any wind turbine within the site to the electricity grid network ('First Export Date'). Written confirmation of the First Export Date shall be notified in writing by the developer to the Local Planning Authority within one month of the First Export Date.

Not later than 12 months before the expiry date of the permission, a decommissioning and site restoration scheme shall be submitted for the written approval of the Local Planning Authority. Such a scheme will include details of:

- The removal of all surface elements, plus one metre of the turbine bases below ground level, of the wind farm.
- Confirmation of the management and timing of works.
- A traffic management plan to fully address highway issues during the period of the decommissioning works.

- Any other works of restoration and aftercare, following consultation with other parties, as the Local Planning Authority deem to be reasonable and necessary.

The approved decommissioning schemes shall be implemented and completed within 24 months of the expiry date of this permission.

Reason: To ensure derelict or obsolete structures do not adversely affect the environment in accordance with Policies CS1, AW5, AW6, AW7, AW8, AW13 and NSA25 of the Rhondda Cynon Taf Local Development Plan.

4. The turbines hereby approved shall be constructed in accordance with the details (design, colour and external finish of the turbines and associated structures) agreed under discharge of conditions application ref. 22/0645/38, granted 29/06/22. Should alternate details to those approved by application ref. 22/0645/38 be proposed then no operations shall commence on site until further details of the design, colour and external finish of the turbines and associated structures proposed to be used have been submitted to and approved in writing by the Local Planning Authority. All materials used shall conform to the details so approved thereafter.

Reason: To ensure that the external appearance of the proposed development will be in keeping with the character of the area in the interests of visual amenity in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

5. The wind turbines shall be of a 3 bladed configuration and not exceed an overall height of 125m to the tip of the turbine blades. The turbines shall not display any prominent name, logo, symbol, sign or advertisement on any external surface unless otherwise agreed in writing by the Local Planning Authority. The turbines shall not be illuminated and there shall be no permanent illumination on the site.

Reason: In the interest of visual amenity in accordance with Policies AW5, AW6, AW12 and NSA25 of the Rhondda Cynon Taf Local Development Plan.

6. In the event that either turbine does not function (i.e. does not supply electricity to the grid) for a continuous period of 12 months and if so instructed by the Local Planning Authority, the wind turbine and its associated ancillary equipment shall be dismantled, and its base removed to a depth of one metre below ground level, and removed from the site within a period of 6 months from the end of that 12 month period.

Reason: In the interests of visual amenity and to ensure that the turbines are not obsolete, produce electricity whilst in situ and are removed from the site if they cease to function, in accordance with Policies CS1, AW5, AW6, AW7, AW8, AW12 and NSA25 of the Rhondda Cynon Taf Local Development Plan.

7. All electricity and control cables between the turbines and the switch room shall be laid underground.

Reason: To minimise environmental impact in the vicinity of the site in accordance with Policies AW5, AW6, AW8, AW12 and NSA25 of the Rhondda Cynon Taf Local Development Plan.

8. The development works hereby approved shall be carried out in accordance with the detailed design and method statements for construction agreed under discharge of conditions application ref. 22/0665/38, granted 15/11/22.

Reason: To minimise environmental impact in the vicinity of the site in accordance with Policies AW5, AW6, AW8, AW12 and NSA25 of the Rhondda Cynon Taf Local Development Plan.

9. Construction work on site, excluding the delivery of abnormal loads and actual erection of the wind turbines, shall be confined to the hours of 07:00 – 19:00 Mondays to Sundays.

Reason: To minimise impact on the amenities of local residents in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

10. The rating level of noise emissions from the combined effects of the wind turbines (including the application of any tonal penalty), when determined in accordance with the attached guidance notes, shall not exceed the values for the relevant integer wind speed set out in, or derived from, the table attached to these conditions at the curtilage of any non-financially involved noise sensitive premises lawfully existing at the time of this consent. For the purpose of this condition curtilage is defined as 'the boundary of a lawfully existing domestic garden area'.

Reason: To protect the amenities of residents in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

11. At the reasonable request of the Local Planning Authority, following a complaint to it about noise emissions from the wind turbines, the wind turbine operator shall, if required, shut down the turbine and at their own expense employ a suitably competent and qualified person, approved by the Local Planning Authority, to measure, assess and report to the Local Planning

Authority the level of noise emissions from the wind turbine at the property to which it relates ('the complainant's property') in a scheme to be agreed with the Local Planning Authority and in accordance with the attached guidance notes. The assessment shall be commenced within 21 days of the notification and provided to the Local Planning Authority within 2 months of the date of the request, or such longer time as approved by the Local Planning Authority.

Reason: To protect the amenities of residents in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

12. If the assessment (referred to in condition 11) requested by the Local Planning Authority demonstrates that the specified level is being exceeded, the operator of the turbine shall take immediate steps to ensure that the noise emissions from the turbine are reduced to, or below, the specified noise limit. The operator shall provide written confirmation of that reduction to the Local Planning Authority within a time period to be agreed with the Local Planning Authority. In the event that it is not possible to achieve the specified noise limit with mitigation within a reasonable time period, then the operation of the turbine shall cease.

The measurement time period shall be based on BWEA blade length calculation (para 3.4(1) $t=4*D$ seconds) where t = measurement time period in seconds (subject to a minimum period of 10 seconds) and D = rotor diameter in metres.

Reason: To protect the amenities of residents in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

13. In the event that an alternative turbine to that contained in the Noise Assessment report (SLR, November 2021), agreed under discharge of conditions application ref. 22/0477/38, granted 07/11/22, is chosen for installation, then development shall not take place until a new desktop site specific noise assessment of the proposed turbine has been submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the amenities of residents in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

14. Notwithstanding the provisions of conditions 10 – 13, the wind farm operator shall undertake measurements of noise levels using an appropriately qualified noise consultant during the first year of the operation of the wind turbines in a scheme to be agreed with the Local Planning Authority to demonstrate that compliance with the noise levels in condition 10 are being met. The data produced in accordance with the scheme shall be forwarded

to the Local Planning Authority within 28 days of the measurements being undertaken.

Reason: To protect the amenities of residents in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

15. Wind speed, wind direction and power generation data for the wind turbines shall be continuously logged by the wind farm operator in accordance with the guidance note 1(d) and provided to the Local Planning Authority at its request and in accordance with the attached guidance note 1(e) within 28 days of any such request. This data shall be retained for a period of not less than 24 months.

Reason: To protect the amenities of residents in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

16. At the reasonable request of the Local Planning Authority, following a complaint to it about shadow flicker from any wind turbine, the operator of the wind turbine shall, if required, shut down the turbine and at its own expense, and employ a consultant approved by the Local Planning Authority to measure, assess and report to the Local Planning Authority the level of shadow flicker generated by the operation of the wind turbine at the property to which it relates ('the complainant's property') in a scheme to be agreed with the Local Planning Authority. The assessment shall be commenced within 21 days of the notification, or such longer time as approved by the Local Planning Authority.

If the assessment requested by the Local Planning Authority demonstrates unacceptable levels of shadow flicker the operator of the turbine shall take immediate steps to provide mitigation to ensure that the impacts are reduced to an acceptable level. The operator shall provide written confirmation of that scheme of mitigation and a timescale for its implementation to the Local Planning Authority within a time period to be agreed with the Local Planning Authority.

Reason: To protect the amenities of residents in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

17. The development works hereby approved shall be carried out in accordance with the Report to Inform Discharge of Condition 17 (BSG Ecology, July 2022) agreed under discharge of conditions application ref. 22/0871/38, granted 17/11/22.

Reason: To afford protection to animal and plant species in accordance with Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

18. The development works hereby approved shall be carried out in accordance with the Report to Inform Discharge of Condition 18 (BSG Ecology, July 2022) agreed under discharge of conditions application ref. 22/0871/38, granted 17/11/22.

Reason: To afford protection to animal and plant species in accordance with Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

19. The development works hereby approved shall be carried out in accordance with the Report to Inform Discharge of Condition 19 (BSG Ecology, July 2022) agreed under discharge of conditions application ref. 22/0871/38, granted 17/11/22.

Reason: To afford protection to animal and plant species in accordance with Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

20. The development works hereby approved shall be carried out in accordance with the traffic management details agreed under discharge of conditions application ref. 22/0940/38, granted 27/08/22. Any temporary mitigation measures affecting the public highway shall be implemented prior to transportation of the abnormal loads and reinstated upon completion of the development.

Reason: In the interests of highway safety and to ensure safe and satisfactory delivery of all components in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

21. The development works hereby approved shall be carried out in accordance with the means of access details, including the permanent surfacing of the first 20m off the public highway, agreed under discharge of conditions application ref. 22/0940/38, granted 27/08/22.

Reason: In the interests of highway safety and to ensure mud and debris are not tracked onto the highway in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

22. The highway conditions survey methodology agreed under discharge of conditions application ref. 22/0940/38, granted 27/08/22, shall be implemented and adhered to during development works. The development shall not be brought into use until the final survey (on completion of the development hereby approved) and any compensation arrangements have been submitted to and approved in writing by the Local Planning Authority. Any compensation arrangements shall be carried out in accordance with the approved details.

Reason: To ensure that the extraordinary traffic use arising from the proposed development does not have an adverse impact on highway safety in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

23. Heavy Goods Vehicle deliveries shall only take place between 09:00am-16:00pm Monday to Friday.

Reason: In the interests of highway safety and free flow of traffic in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

24. The development works hereby approved shall be carried out in accordance with the full site drainage arrangements set out within the Drainage Briefing Note Rev. 2 10/07/23 (Tulip Engineering Consultancy). The turbines shall not be brought into beneficial use until the drainage arrangements have been completed in accordance with the approved details.

Reason: To ensure adequate disposal of foul and surface water drainage in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

25. The development works hereby approved shall be carried out in accordance with the written scheme of historic environment mitigation agreed under discharge of conditions application ref. 22/0447/38, granted 24/05/22.

Reason: To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource and in accordance with Policy AW7 of the Rhondda Cynon Taf Local Development Plan.