

**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL  
MUNICIPAL YEAR 2022-2023:**

**PLANNING AND  
DEVELOPMENT COMMITTEE  
23<sup>rd</sup> NOVEMBER 2023  
REPORT OF: DIRECTOR  
PROSPERITY AND  
DEVELOPMENT**

**Agenda Item No. ....**

**APPLICATION NO:22/1378/15 – 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), Llwyncelyn Farm, Hafod Lane, Porth, CF39 9UE.**

**1. PURPOSE OF THE REPORT**

Members are asked to consider the determination of the above planning application.

**2. RECOMMENDATION**

That Members consider the report in respect of the application and determine the application having regard to the advice given.

**3. BACKGROUND**

This application was reported to the 17 August 2023 Planning and Development Committee meeting with an officer recommendation of approval (a copy of the original report is attached at Appendix 1). At that meeting Members were minded to defer determination of the application as it was considered further information was required in respect of the following:

- i. Further assurance from the Council's Flood Risk Management and Tip Safety teams that the supporting information provided by the applicant clearly demonstrates that the proposed site drainage arrangements would ensure the turbines will have no detrimental impact upon the safety of the adjacent tip complex by way of issues associated with surface water drainage.
- ii. Assessment of whether the potential surface water drainage / tip safety issues might result in an impact significant enough to require Environmental Impact Assessment.
- iii. Confirmation from the applicant of the proposed cable route – location and whether the developer intends to install it themselves or have National Grid install it on their behalf.

- iv. Further details in respect of the visual impact of the proposed scheme.

Following deferral of the application and the above requests from Members, further discussion has been held with the applicant and the Flood Risk Management (FRM) / Tip Safety (TS) teams. Supplementary comments have been provided by each, which are set out below (to be considered in conjunction with the earlier Committee report at Appendix 1).

#### **4. PLANNING ASSESSMENT**

##### ***i. Further comments of the Flood Risk Management and Tip Safety teams in respect of the proposed site drainage arrangements and any potential impacts to the adjacent tip complex***

Following the above request from Members, the below additional comments have been received from the FRM and TS teams:

##### *Flood Risk Management (summarised)*

Following on from the below and in review of the responses provided to date and the additional request from Committee, the FRM team cannot offer any wider comments than those already provided. FRM would refer to the response issued 07/07/2023 (attached) which is the most relevant response to this scheme and includes a statement in respect of the hydrogeology. I would note however that this assessment and response was provided based on the available information submitted by the applicant.

For Members information, the FRM team's response of 07/07/2023, as detailed above, is set out at Appendix 2.

##### *Tip Safety (summarised)*

The impact in respect of the local hydrogeology has been addressed by the inclusion of Appendix E - Hydrogeology Report within the submitted *Drainage Briefing Note (DBN)*. The objective of this supplementary report was to "Assess the potential for the likelihood of sub-surface flow towards the existing colliery spoil tips".

Appendix E is a relatively simplistic appraisal of the geological conditions at the site but is correct in its conclusion that the strata in the vicinity of the tips and turbines dips at approximately 5 degrees to the north east and away from the tip complex. The inference taken is that as the strata dips away from the tips that any infiltration as a result of the turbine development will be captured by the drainage design and the existing hydrogeological regime and be directed away from the tip complex.

Appendix E identifies the turbine area as being outside the 'Development High Risk Area' identified by the Coal Authority, the report further outlines the risk of the existing geology upon the existing coal tips and confirms that the local

hydrogeology and topography do not increase the risk of groundwater migration towards the tip structures.

The turbines are located some 300m plus from the nearest boundary of the tip complex and are on the north eastern side of the watershed. Given the turbine footprint size within the wider landscape and the fact that they are down dip it is considered that they will have minimal or no effect to the wider hydrogeological regime.

The turbine hardstanding areas will increase the surface run off amount locally. It is this alteration to the existing green field run off and infiltration system that is required to be captured and compensated for in the drainage proposals. The drainage scheme is proposed to convey any generated flows away from the tip complex and is therefore accepted as a method of removing or reducing any potential risk to the tips.

Purely from a tip safety point of view and based on the information provided and the conclusions of the report, it is considered acceptable that the risk to the coal tips has been assessed and found to not be influenced by the hydrogeological regime or drainage arrangements identified to support the installation of turbines and access tracks.

For Members information, notwithstanding the above and independent of this planning application, the public concerns regarding this tip complex (and all coal tips in general) are recognised in the terms of wider tip safety. RCT have recently set up a dedicated Tips team to ensure a proactive approach to coal tip safety as far as is practicable within current legislation. With regard the Ynyshir tip complex in particular, the Council is taking a proactive approach by undertaking regular inspections and, with the consent of the landowner, monitoring of groundwater levels within the tip complex and comparison with historical levels is taking place. This work is independent and separate from the proposed wind turbine development but is included here for information and reassurance of the work the Council is undertaking to review and monitor this particular tip complex.

## ***ii. Environment Impact Assessment***

At the time of the original planning application (2015), in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, the development was of a scale that required the Local Planning Authority (LPA) to first 'screen' the scheme before submission to determine whether significant effects on the environment were likely and if so, whether Environmental Impact Assessment (EIA) was required. This process was undertaken before the original application was submitted and it was considered that the development would be unlikely to have significant effects on the environment. Therefore, EIA was not required (screening opinion ref. 14/5366/35, 19/01/15).

As this current application simply seeks the renewal of the original permission, not permission in the first instance, the principle of development and all

material planning considerations have already been established as acceptable. The key considerations in the determination of this current application are only 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 existing planning permission or justify the imposition of additional conditions / removal/variation of existing conditions. There is consequently no scope to revisit the need for EIA at this stage.

However, as noted in the earlier report, a number of surface water run-off / tip safety issues have arisen in the surrounding area since the granting of the original consent, and it is considered that these issues should be thoroughly assessed through this current application process rather than the usual discharge of condition process following any permission being granted. As such, while not material to the consideration or validation of this current application, an informal screening process has been undertaken to determine whether EIA would be required if the original application were to be submitted today. Members are advised however that the 2011 EIA Regulations have been revoked and replaced by the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017 and it is against the current version of the Regulations that the latest assessment has been considered.

### *Informal EIA Screening Opinion 2023*

The proposed development falls within Schedule 2, Class 3 (Energy industry), Sub-section (a) (Industrial installations for the production of electricity, steam and hot water [unless included in Schedule 1]) of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017 and exceeds the relevant threshold criteria set out in Column 2 of the Table. Therefore, should the original application have been submitted today, it is of a scale that would require the Council to give a formal screening opinion as to whether the development would require EIA or not prior to submission.

With the above in mind, the site remains in a similar, if not identical position to that during the determination of the original application, and this extension of time application does not propose any changes to the development scheme previously approved. While it is accepted that surface water drainage issues have arisen in the surrounding area, resulting in a landslip at a neighbouring tip complex, full site drainage arrangements have been submitted with this application which are considered acceptable by both the Council's FRM and TS teams. Furthermore, the drainage details submitted are of the same standard as that which would be required by an EIA, just packaged differently, i.e. they are submitted as stand alone reports rather than included as a chapter within an Environmental Statement (ES) that would also cover wider issues. As such, although an ES has not been submitted with this current application, the same level of information that would be expected to be included within one has been; and is considered acceptable by the relevant consultees.

Having taken account of the criteria set out in Schedule 3 of the 2017 EIA Regulations and the assessment above, it is not considered renewal of the existing permission would result in an environmental impact different to that in 2015 or of more than a local nature. Therefore, should the original application have been submitted today, it is not considered it would constitute EIA development.

### ***iii. Cable Route***

As set out within the earlier report, the original 2015 application detailed 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 and through the tip complex. However, this element of the scheme was not included within the application site red line boundary and therefore does not benefit from planning permission. Subsequently, should this extension of time application be approved, a separate planning application for the cable would be required, whether that be the route previously identified or any other route. However, Members were also advised that the installation of any cable could be undertaken by National Grid (NG) without the need for planning permission through their permitted development rights as statutory undertaker, subject to relevant criteria.

In light of the above ambiguity over the potential cable route Members requested confirmation from the applicant of the proposed route and whether the developer intends to install it themselves or have NG install it on their behalf.

In response to this request, while no definite route has been provided, the applicant has advised that any potential cable route would not impinge on the tip complex. Two route options are currently being pursued, one to the north and one to the south of the tips, both avoiding the tip complex altogether. No information has been provided in respect of whether the applicant would install any cable themselves or have NG install it for them.

Despite the continuing lack of clarity, Members are again advised that as no cable route is included within the red line boundary of the current planning permission, any potential cable route outside of this area does not fall within the scope of this application and therefore does not form a material consideration of this current application. Nor does the issues of whether the applicant would install it themselves or have NG install it on their behalf. Any impacts associated with any potential future cable route would be subject of a separate planning application, if required.

Finally, Members are also advised that even if the applicant did provide more comprehensive details of a cable route at this time and information in respect of who would instal it, the LPA would have no control in ensuring they comply with those details going forward as they are outside of the scope of this application.

#### **iv. Visual Impact**

As noted in the earlier report, the scheme proposed by this extension of time application currently benefits from planning permission. The general principle of the proposed development has therefore already been established as being acceptable, including any potential visual impact. The key considerations in the determination of this current application are 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.

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. Furthermore, 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.

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 visual impact considerations and conclusions of the original 2015 application remain unaltered and valid, with the scheme still being considered acceptable in visual terms. The visual impact considerations set out in original 2015 Committee report are attached for Members information at Appendix 3.

#### **5. CONCLUSION**

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. Furthermore, it is not considered the scheme would result in an impact significant enough to warrant EIA and is acceptable in visual terms. While it is accepted there is still some uncertainty regarding the potential cable route, any issues in this respect fall outside of the scope of this current planning application.

Taking the above into account, 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; including the discharge of the pre-commencement elements of condition 24, and conditions 4, 8, 13, 17, 18, 19, 20, 21, 22 and 25 being varied to compliance related wording.

**APPENDIX 1 – Original Committee Report (including Appendix A to that report)**

**APPENDIX 2 – Flood Risk Management team comments of 07/07/2023**

**APPENDIX 3 – Visual Impact Assessment of Application Ref. 15/1635/10**

**APPENDIX 1 – Original Committee Report (including Appendix A to that report)**

**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

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**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.

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## **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 Llwyncelyn 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 Llwyncelyn 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, Lllysnant 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 SINIC). 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 Llwyncelyn 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. Ogmore Vale.
- It is believed the cable route is still planned to pass through the middle of the coal tip complex. The positioning of the cable route should be reconsidered as it could result in slippage of the tip.

- The development could result in surface water run-off into the Trehafod area, affecting the critical, singular road and rail infrastructure network into the Rhondda. This is an area that continues to have flooding issues every autumn and winter.
- 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?
- Quarrying has taken place directly above the coal tips with large rocks rolling over the tips. This could exacerbate any slippage issues.
- 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 9<sup>th</sup> 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:

- *Quarrying has taken place directly above the coal tips with large rocks rolling over the tips. This could exacerbate any slippage issues.*

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.

## APPENDIX A

**Conditions varied as a result of earlier discharge of conditions approvals and the granting of this application (conditions not set out below would not alter from the previous planning permission)**

~~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.~~

~~1. The development hereby permitted shall be begun before the expiration of one year 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 nos:~~

- ~~• Location Plan: Figure 1—16/5/16~~
- ~~• Location Plan and Access Route: Figure 1a—16/5/16~~
- ~~• Detailed Layout : Figure 2—16/5/16~~
- ~~• Transformer Cabin Plan and Elevation: Figure 3a—16/5/16~~
- ~~• Typical Wind Turbine and Foundation: Vensys—16/5/16~~
- ~~• Grid Connection Route:—16/5/16~~

~~and documents received by the Local Planning Authority on 16/5/16 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.~~

~~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 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.*

~~4. Operations shall not be commenced until 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 and all materials used shall conform to the sample(s) so approved.~~

~~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.~~

*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.*

~~8. Prior to the commencement of works on the turbine bases, access route and cable run, a detailed design and method statement for their construction shall be submitted to and approved by the Local Planning Authority. The statement shall include measures to:~~

- ~~• Prevent pollution.~~
- ~~• Control surface water runoff.~~
- ~~• Control and prevent non-native invasive species especially Himalayan Balsam and Japanese Knotweed.~~
- ~~• Include the remedial works needed to reinstate the land.~~

~~The works shall be carried out in accordance with the approved details, unless otherwise agreed by the Local Planning Authority.~~

~~Reason: To minimise environmental impact in the vicinity of the site in accordance with Policies 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.~~

~~13. In the event that an alternative turbine to that contained in the submitted noise assessment (Chapter 9 and Appendices of the Environmental Report August 2016) 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 Policy 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.~~

~~17. No development shall take place until a Species and Habitat Protection Plan for Construction has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:~~

- ~~i. An appropriate scale plan showing Protection Zones where construction activities are restricted and where protective measures will be installed or implemented.~~
- ~~ii. Details of protective measures (both physical measures and sensitive working practices) to avoid impacts during construction.~~
- ~~iii. A timetable to show phasing of construction activities to avoid periods of the year when sensitive wildlife and species could be harmed.~~
- ~~iv. Details of specific species and habitat mitigation and monitoring measures for key species including bats, nightjar, and reptiles.~~
- ~~v. Details of wildlife sensitive lighting proposals.~~
- ~~vi. Details of water pollution control measures.~~
- ~~vii. Details of Himalayan Balsam control.~~

- viii. ~~An agreed scheme of progress reporting to the Council during the construction programme.~~
- ix. ~~Persons responsible for:~~
  - a. ~~Compliance with legal consents relating to nature conservation.~~
  - b. ~~Compliance with planning conditions relating to nature conservation (Ecological Clerk of Works).~~
  - c. ~~Installation of physical protection measures and management during construction.~~
  - d. ~~Implementation of sensitive working practices during construction.~~
  - e. ~~Regular inspection and maintenance of physical protection measures and monitoring of working practices during construction.~~
  - f. ~~Specific species and habitat mitigation measures.~~
  - g. ~~Provision of training and information about the importance of the 'Protection Zones' to all construction personnel on site.~~

~~All construction activities shall be implemented in accordance with the approved details and timing of the plan unless otherwise approved in writing by the Local Planning Authority.~~

~~Reason: To afford protection to animal and plant species in accordance with Policies AW5 and AW8 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. No development shall take place until details of a habitat and ground restoration scheme has been submitted to and approved in writing by the Local Planning Authority.~~

~~All works shall be carried out in accordance with the approved details, unless otherwise approved in writing by the Local Planning Authority.~~

~~Reason: To afford protection to animal and plant species in accordance with Policies AW5 and 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. No development shall take place until a bat mitigation scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of a turbine shutdown programme and further post-construction monitoring. The turbines shall not be operated other than in strict accordance with the approved scheme.~~

~~Reason: To afford protection to animal species in accordance with Policies AW5 and 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. No development shall take place until a Traffic Management Plan (TMP) has been submitted to and approved in writing by the Local Planning Authority. 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. The TMP shall include the following:~~

- ~~a. Detailed swept path analysis including mitigation measures and use of potential third party land.~~
- ~~b. Traffic Management (during transportation of abnormal loads).~~
- ~~c. Traffic management during construction.~~
- ~~d. Structures (over bridges height, width, weight restrictions).~~
- ~~e. Highway works (including all temporary works to public highway to facilitate access and reinstatement works including timescales).~~
- ~~f. Dry Run (to be witnessed by highway authority and police).~~
- ~~g. Temporary Traffic Regulation Orders; and where residents displaced parking would take place without impacting on free flow of traffic and highway safety.~~
- ~~h. Emergency Contingencies.~~

~~The development shall be carried out in accordance with the approved TMP, unless otherwise agreed by the Local Planning Authority.~~

~~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.~~

~~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. Development shall not commence until details of the means of access to include permanent surfacing for the first 20m off the public highway and timing of works have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.~~

~~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.~~

*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. Prior to the commencement of the development, a report indicating a methodology for undertaking a conditions survey of local roads (un-named Lane) that could be affected by the proposed development shall be submitted to and approved in writing by the Local Planning Authority. The report should include:~~

- ~~a. The timescales for undertaking the surveys and the method(s) of reporting the findings to the Local Planning Authority.~~
- ~~b. Comprehensive photographs.~~
- ~~c. Potential compensation arrangements.~~

~~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.~~

*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.*

~~24. No development shall take place until full drainage arrangements have been submitted to and approved in writing by the Local Planning Authority. The turbines shall not be brought into 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.~~

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

~~Reason: To identify and record any features of archaeological interest discovered during the works, 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.~~

*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.*

## **APPENDIX 2 – Flood Risk Management team comments of 07/07/2023**

*Following on from the FRM team’s previous response on the 30<sup>th</sup> May 2023 and the receipt of revised information received on the 16<sup>th</sup> June 2023, we would provide an updated response to the above referenced application.*

*The revised information refers to the ‘Drainage Briefing Note’ (DBN) within which outlined the following changes:*

- *Conveyance Capacity information*
- *SuDS Compliance Section*
- *Appendix E – Hydrogeology Report*
- *Appendix F – Maintenance Plan*

*The key issues raised in the response on the 30<sup>th</sup> May included:*

1. *Compliance with the WG National Standards for SuDS in Wales*
2. *Confirmation in respect of the cable route*
3. *Impact assessment in respect of the local hydrogeology*

*The review of the submitted information and compliance with the outstanding responses is summarised as follows:*

### **1. Compliance with the National Standards**

*The revised DBN provides a range of evidence to support this project’s compliance and a summary of the review has been provided within Table 1 below:*

<b>Standard</b>	<b>Summary of Review</b>	<b>Compliance</b>
<i>S1</i>	<i>Priority level 2 and 3 identified with narrative supporting its use i.e. infiltration test results, mimicking as far as reasonably possible the existing drainage arrangement based on topography and catchment boundaries.</i>	<i>Yes</i>
<i>S2</i>	<i>The overall drainage arrangement is considered acceptable however, the surface water discharge controls proposed by this scheme is set to manage the QBAR (urban) event rather than the Q100 event.</i>  <i>Despite this restriction there are 3 catchment areas (Area, 4, 5 and 14) in which the ‘Pipe Crossing Track’ information is considered inadequate to manage the Q100 event. Whilst the topography suggests that the flow of water is likely to convey with the local contours to the</i>	<i>No</i>

	<p><i>crossing point it would be uncontrolled.</i></p> <p><i>To satisfy the compliance with the National Standards, the applicant would need to evidence compliance of the capacity of the Pipe crossings to meet or exceed the Q100 event.</i></p>	
S3	<p><i>Whilst this section has limited direct information, the proposed works include a range of filter mediums in which the surface water is proposed to be conveyed which acts to support the filtering/cleansing requirements to meet the principal of this standard</i></p>	Yes
S4	<p><i>Whilst this section is limited, we note that the works are principally related to the access and installation of 2 no wind turbines within a rural setting, with little to no community access, whilst the creation of a formal access track could encourage future access to the upper catchment areas this is not consider supported by health and wellbeing benefits.</i></p> <p><i>Notably however, the proposed works support the installation of 2 No Wind turbines which supports the creation of renewable energy which in turn supports the health and wellbeing of the local community and as such will indirectly support the long term health and wellbeing of the local community.</i></p>	Partial Compliance
S5	<p><i>Whilst this section is limited, we not that the works are principally related to the access and installation of 2 no wind turbines within a rural setting, we would typically expect more biodiversity inclusion within the surface water drainage infrastructure i.e. local planting within the channel to complement the existing habitats.</i></p> <p><i>However, as this application is limited by the infiltration rates of the local subsurface it is accepted that more traditional filter drainage infrastructure is utilised to maximise storage volume within steep catchment area rather than more typical green infrastructure solutions.</i></p>	Partial Compliance
S6	<p><i>The applicant has provided a 'Construction Method Statement' and 'Drainage Maintenance Plan' to support the short term management of the construction phase and long term maintenance of the drainage infrastructure to ensure the infrastructure is fit for purpose for the duration of the life of the assets.</i></p>	Yes

*Table 1: provides a short summary of the review for each National Standard and a conclusion as to the compliance of the scheme in respect of the National Standards.*

*In review of Table 1 all but one National Standard is considered compliant or partially compliant i.e. Standard S2. This is due to the design principal in which the drainage infrastructure specifically the 'pipe crossing' structures have been designed to accommodate the QBAR (urban) design flow rather than the Q100 design flow. Due to the rural nature in which the proposed works are considered and the low infiltration rates within the eastern slope area all but 3 catchment areas pipe crossings meet or exceed the Q100 flow when considering the number of pipe crossings within each catchment area.*

*Unfortunately, catchment areas 4, 5 and 14 do not have adequate capacity within the pipe crossings to accommodate the expected flow rate.*

## **2. Confirmation of the impact of the cable route**

*Following a discussion with the applicant and their design team on the 01/06/2023 the applicant confirmed that the cable route was to be considered within a separate planning application due to the extent of the red line boundary that supports the original planning application. This was verified with the LPA team and as such is considered appropriate method to manage the risk posed by laying a power supply structure through an existing coal tip within the western hillside.*

## **3. Impact assessment in respect of the local hydrogeology**

*This item has been addressed by the inclusion of Appendix E - Hydrogeology Report within the DBN, the objective of this supplementary report was too "Assess the potential for the likelihood of sub-surface flow towards the existing colliery spoil tips".*

*The key findings of the report included that the area was underlain by the 'Brithdir Member' (sedimentary bedrock, with no superficial deposits noted). The dip orientation of the 'Brithdir Rider' Coal Seam was noted by the British Geological Survey (BGS) to dip at 5 degrees towards the north east which is in the opposite direction to the coal tips on the western slope and based on cross sectional assessment that the depth of the Brithdir Rider is approximately 50m at the turbine locations supporting a continued dip direction 50m below ground towards the north east.*

*The turbine area has been identified outside of the 'Development High Risk Area' identified by the BGS, the report further outlines the risk of the existing geology upon the existing coal tips and confirms that the local hydrogeology and topography do not increase the risk of groundwater migration towards the tip structures.*

*Based on the information provided and the conclusion of the report it is considered acceptable that the risk of the coal tips has been assessed and*

*found to not be influenced by the hydrogeological regime or drainage arrangements identified to support the turbines and access tracks.*

#### **4. Conclusion**

*On review of the additional information provided the applicant has adhered to the majority of the items raised however, there is a concern in respect of the proposed drainage infrastructures 'pipe crossings' which are considered to be under capacity within catchment areas 4, 5 and 14 based on Table 1 within the DBN.*

*To mitigate this issue, a clarification has been issued to the applicant and design team to consider mitigation to resolve the limited capacity of the proposed crossings.*

*Once this final item is resolved, the FRM team would recommend that the application be approved in respect of the surface water drainage arrangements.*

### **APPENDIX 3 – Visual Impact Assessment of Application Ref. 15/1635/10**

#### ***Impact on the landscape character of the area and the impact on visual amenity.***

*Regarding this issue, Policy AW12 of the LDP, which deals with renewable energy development, states that small scale wind turbines will be permitted where it can be demonstrated that there would be no unacceptable effect on, amongst other matters, landscape importance.*

*In order to inform the consideration of this aspect of the scheme, the application is accompanied by a Landscape and Visual Assessment (LVA) for the proposed turbines. The assessment describes and evaluates the change to the landscape and visual amenity, and the extent to which these affect perception and views of the landscape, which would result from the proposed development.*

*The potential effects of likely landscape receptors and visual receptors are assessed within a study area of 10 km radius and for the assessment of cumulative effects with other wind turbine developments, a 10 km study area has also been used. A study area of 5km is used for the appraisal of the effects on landscape features and landscape character, however, the visual appraisal covers a radius of 10 km from the development and focuses on key representative viewpoints initially identified from the Zone of Theoretical Visibility (ZTV) and verified by site visits. These are illustrated with wire line drawings and photomontages.*

*The LVA identifies the methodology, including defining the extent of the study area and the detailed technical approach, which includes reference to various guidelines and a review of landscape designations from LANDMAP, which describes and evaluates aspects of the landscape and provides the basis of a consistent Wales-wide approach to landscape assessment. It also describes the existing landscape character of the site, as well as identifying landscape, nature conservation and cultural heritage designations at a national, regional and local level.*

*The LVA also identifies visual amenity receptors and their views. Views from settlements, individual residential properties and farms, country parks, recreational routes, national cycle routes, local public rights of way, bridleways and cycleways, open access areas, major and minor roads, including motorways and railway lines are assessed. The assessment then describes the magnitude of impact and the significance of effect on the existing landscape character and visual amenity receptors and their views as a result of the proposed development.*

*The LVA details the viewpoints which were identified to be representative of the range and type of views within the study area and various types of visual receptor. The Zone of Theoretical Visibility (ZTV) has been used to identify viewpoints from where the potential effects of the proposed development may be considered and these were narrowed down to ten which represent residential visual receptor views, recreational routed and commuter visual receptor views.*

*Having reviewed the LVIA it is considered that the report is acceptable in taking into account all of the various issues associated with landscape and visual assessments.*

*A summary of the conclusions of each of the sections of the LVIA are set out as follows:*

### **Landscape Character Assessment**

*It is accepted that the proposed turbine will introduce a new type of development into the local landscape although receptors will be familiar with this kind of development in the general area. The development has a very small footprint and the other elements which are component parts of the landscape (landform, pasture fields, field boundary hedges, tree cover etc) remain unchanged. It is therefore maintained that the landscape effects are very limited and it is the visual effects which have the potential to alter landscape character.*

*The retention of the existing physical characteristics and management regime (grazing) of the site mean that the landscape will be perceived as it is now except for the addition of the turbines. At the actual site this changes significantly with the introduction of tall vertical features but the proposed development's relationship with its wider landscape setting will determine the*



*capacity of the landscape to assimilate the development without significant harm to landscape character or not.*

*The assessment acknowledges that the landscape of the South Wales coalfield and particularly the Rhondda Valley's has been heavily modified by activities connected to mining activity which was at its peak between 1840 -1925 with the last of the pits, Lewis Merthyr just 1.7 km from the site, finally closing in the 1983. It is also maintained that the industrial heritage and history of modification related to the production of energy is likely to be reflected in receptors perception of landscape and landscape change, which affects the landscape character.*

*Whilst the magnitude of change on landscape character at the site is assessed as High, the assessment concludes that as the development has a finite lifespan and is removable with minimal reinstatement required, there is therefore no permanent change to the landscape of the site or its landscape character.*

#### *Landscape, Nature Conservation and Cultural Heritage Effects*

*The assessment identifies that there are no statutory designations including National Parks or Areas of Outstanding Natural Beauty that affect the site or are within the ZTVs.*

*Of the 6 Conservation Areas within the 5km radius study area, 4 are screened by landform from the site and the remaining 2 - Troedrihiw-Trwyn just west of Pontypridd and St Gwynno Forest, have no significant views of the site due to intervening landform, development and trees. Whilst there are two Scheduled Ancient Monuments (SAM's) within the 5km study area (Carn-y-Wiwer Cairnfield and Platform Houses 1.13 km NW from the site and the ventilation furnace SAM at Trehafod), it is considered that the heritage value of the site is focussed on the immediate locality and therefore the effect of the development on the SAM is judged to be negligible.*

*In relation to the 26 Listed Buildings in the study area, whilst the effects have all been assessed, their architectural and / or historic value is not generally compromised by views of the proposed development adversely affecting their setting and overall, the effects on listed buildings therefore range from negligible to none.*

*With regard to nature conservation designations, there are no Special Areas of Conservation (SACs), only 3 Sites of Special Scientific Interest and 2 Local Nature Reserves within the study area, however any habitats and species would be unaffected by the development. It has also been concluded that the conservation value of Ancient Woodland sites within the study area is connected to their history and heritage and its nature conservation value as much as its contribution to the visual landscape and the effects are therefore negligible.*

#### *Historic Landscape Effects*

*The assessment identifies that the characteristics and assets described in Historic Landscape Character Area 030 Rhondda Uplands are widely distributed and are generally buried remains, however the footprint of the application site appears to contain no evidence of buried remains. Furthermore, interest in the historic elements of the landscape are generally related to the record of human activity they provide and the sensitivity of their visual setting is not generally significant. Any effects on the setting of known or unknown remains or of evidence of past cultural elements of the landscape is also not permanent and the effect on the historic landscape is therefore judged to be negligible.*

#### Recreation Routes and Sites Effects

*It is reported that there are 14 Public Rights of Way within 2km of the site and a further of public rights of way / recreational routes beyond this. The effects on these vary between none, for example those outside the ZTV, or with high hedges or other screening features, to a high magnitude of change for those close to the site. Users of those paths (Footpath 1 and Bridleway A) on the ridge plateau adjacent to the site will be moderately affected by the development where the turbines will be prominent, but elsewhere distance from the site mitigates these effects to slight to none. The Taff Trail long distance walking route follows the course of the River Taff in the adjacent valley however the intervening ridge ensures that there are no significant views of the development.*

*The 3 National Cycle Network routes within the study area also generally follow the river valleys however from all routes there are very few, and only glimpsed views of the development. The range of visual effects is therefore between slight to negligible to none for the majority of the routes.*

#### Landscape Character Area Effects

*Although the site sits within Landscape Character Area 37 - South Wales Valleys in the Landscape Character Map for Wales, the report identifies that Landscape Character Areas at this regional scale will not be affected by the proposed development as the densely settled valleys combined with existing infrastructure located on the high plateaux, mean that the proposed development is consistent with existing landscape character.*

#### **Conclusions of Landscape Character Assessment**

*The overall conclusions reached in assessing the Landscape Character effects is that the overall magnitude of change on landscape character would be high at the site, medium-low in the immediate vicinity of the site, and negligible within the rest of the study area. The effect of the development outside the study area and the magnitude of change on the Landscape Character Area 37 would be negligible-none and the overall degree of significance on landscape character would negligible.*

## **Visual Amenity Assessment**

*This section of the LVA addresses issues relating to potential degree of significance upon the visual amenity of the study area likely to result from the proposals. It describes and evaluates the potential change in views of the existing landscape during construction and once in operation, and the extent to which these affect residents, visitors and users of the landscape.*

*The assessment identifies that the key elements of the proposed development which may give rise to visual effects include the temporary infrastructure during the construction period as well as the wind turbines, control cabin and access tracks, however acknowledges that the effect on visual amenity during construction would be for a temporary duration and in the longer term, reversible. The localised nature of the effects will result in negligible effects on visual amenity overall during the construction phase of the project.*

### Assessment of Effects

*It is advised that the representative viewpoints were identified within the 10km overall study area and 8 key viewpoints were selected as being representative of different visual receptors. It is suggested that visual effects of the turbines are rapidly mitigated by distance from the site which brings the screening influences of landform, tree cover and other development into view and diminishes the visual presence of the development.*

*Whilst the closest settlements to the application site are Wattstown and Ynyshir approximately 0.7km to the west and Porth approximately 1km to the south-west, due to the proposed locations of the turbines, the main visual effects would be from residential areas on the western side of the valley.*

*The closest viewpoint to the site is represented by Viewpoint 5 Pleasant Heights, Porth at a distance of 1.52 km SW of nearest turbine. This viewpoint looks NE across the valley from an elevated residential location and represents residential receptors and recreational receptors using the public right of way and open access land west of the viewpoint. The assessment identifies that the proximity to the site and relative elevation of the viewpoint result in the turbines being prominent in the view across the valley where intervening development is lower down the valley sides and a less obvious part of the view. The principal windows of houses on Pleasant Heights will generally have a view of the development, however the magnitude of change in the view is judged to be medium, the sensitivity of receptors high and the degree of significance is assessed to be moderate.*

*The second nearest view point (Viewpoint 3) is Victoria Street, Wattstown at a distance of 1.74 km NW of nearest turbine. This represents a relatively close view of the development from a residential street looking south-east down Rhondda Fach. The assessment advises that the density of development in the valley and scarcity of development on the ridgetop plateau identifies the ridgetops as a separate landscape character type to the valley sides and valley bottoms and to an extent this mitigates the effects of the development*

*because receptors are looking at the area rather than sensing being within that character type. Other tall vertical features (masts) are visible and the magnitude of change in the view is therefore also judged to be medium, the sensitivity of receptors medium and the degree of significance is assessed to be moderate/slight.*

*Viewpoint 2 which is taken from Heol Mair, Penrhys at a distance of 3.80 km NW of nearest turbine is a view from open space within an outlying and elevated housing estate and represents residential receptors. The assessment identifies that views of the development from much of the estate are blocked by housing and are therefore intermittent. From this viewpoint in open space, the skyline has a horizontal emphasis and the proposed turbines are readily apparent on the ridge-top and distance mitigates the visual effects of the development in this large scale landscape. The magnitude of change in the view is therefore judged to be medium, the sensitivity of receptors medium and the degree of significance is assessed to be moderate / slight.*

*In two of the viewpoints provided, the magnitude of change is judged as low and the degree of significance is therefore assessed as being slight. These include Viewpoint 6, taken from Rhiwgarn, Trebanog at a distance of 3.13 km SW of nearest turbine which looks north-east across Porth to the site from an elevated residential location. This represents residential receptors and recreational receptors using the public rights of way and open access land on higher ground south and east of the viewpoint. The assessment identifies that the development is clearly apparent on the grazed plateau viewed across the valley over Porth, however distance reduces the scale of the turbines in this large scale landscape to some extent but the elevation of the viewpoint connects it to the upland site. The other viewpoint with a similar impact is Viewpoint 4, taken at the junction of Thomas Street and Gilfach Road, Penygraig at a distance of 4.28 km west of nearest turbine. This is a view east from a valley side residential street and represents residential and local commuter receptors. The assessment identifies that although the turbines are clearly visible on the skyline they are seen in the context of other vertical infrastructure on the ridgeline and also in the foreground where buildings and pole mounted low voltage overhead lines are visually dominant and distance from the site is also a mitigating factor.*

*The remaining viewpoints identify that the magnitude of change is judged to be low and the degree of significance negligible. The closest of these is Viewpoint 10, taken from a local access road near Pen-y-Wal Farm Pontypridd at a distance of 2.39 km east of the nearest turbine. This shows a view looking west from a rural road on the ridge containing the site and represents local commuter receptors. The assessment states that this is a narrow, single track road with high hedges and hedgerow trees either side and indicates that where a view can be found, it is likely to be temporary until the hedge increases in height. Furthermore, the single track road demands the concentration of drivers and other users of the lane reducing the sensitivity of receptors and whilst the development introduces a new feature into the view, it is in scale with the landscape.*

*These also include Viewpoint 1, taken from Brown Street, Ferndale at a distance of 4.94 km NW of nearest turbine which represents the view to the site from Ferndale and other settlements within the ZTV south down the Rhondda Fach. The viewpoint is taken within an urban location with housing development in the foreground, middle distance and in the distance higher up the valley sides. The assessment identifies that the enclosing landform of the valley sides contains the view with the proposed turbines partially visible above the skyline however, the distance from the viewpoint reduces the visual effects of the development.*

*Viewpoint 8 is taken from the access road to Pontypridd Golf Club at a distance of 5.28 km south-east of nearest turbine and represents local commuter and recreational receptors. The assessment identifies that the lower altitude of the viewpoint shows the greater influence of the development in the valley floor and on the valley sides in the view than VP7 from a higher altitude. At a similar distance of 5.39 km from the nearest turbine, Viewpoint 9 Brynderwen Road, Cilfynydd provides a view west of the site from Cilfynydd representing residential receptors. The assessment indicates that the viewpoint is in a busy suburban street where buildings and overhead low voltage lines dominate the foreground and distance and other development mitigate the visual effects of the proposal.*

*The final viewpoint is Viewpoint 7 is taken from Eglwysilan Road, Caerphilly at a distance of 6.52 km east of nearest turbine and is a more distant view west from a rural hill road at a similar altitude to the site, representing local commuter receptors and recreational receptors on the public right of way and open access land. The assessment indicates that this relatively distant viewpoint gives wide, long distance panoramic views where the emphasis of the view is more the open, undeveloped nature of the upland rather than being focussed on the development on the valley floors and sides. Furthermore, the proposed development is seen in the context of other wind farm developments in the view, but without them being a defining characteristic of the landscape. Again, distance and the relatively small scale of the development at just two turbines reduce the scale of the proposal relative to the large scale landscape and both the magnitude of change in the view and the degree of significance has been assessed as negligible.*

### **Conclusions of Visual Amenity Assessment**

*It is therefore concluded that the proposed wind turbines would introduce tall vertical elements into the landscape which would be regarded as a single feature from all but the closest viewpoints. From viewpoints close to the site, the turbines will be a prominent feature, but the scale of the development rapidly diminishes with distance to become assimilated into the large scale of the landscape. It has been identified that visual receptors close to the site are few other than occasional walkers/riders on the footpaths / bridleways adjacent and farm and forestry workers in the locality, which it is concluded, reduces the degree of significance overall. Furthermore, there are no recognised key sensitive views which might be adversely affected by the development. The highest value for the degree of significance from the*

*viewpoints is moderate at Viewpoint 5 from Pleasant Heights, a residential street above Porth directly across the valley from the site. This viewpoint and the range of values for the degree of significance is assessed between moderate to negligible and the overall assessment on the visual amenity across the range of viewpoints is judged as slight - negligible.*

### **Cumulative Landscape and Visual Assessment**

*The LVA also provides an assessment of the cumulative effects of the proposed wind turbines with existing wind turbines within the study area.*

*In relation to landscape character, it is judged that the introduction of large scale vertical elements to the site will have a high magnitude of change at the site, however this diminishes in scale with distance. It is also judged that the separation distance between the proposed development and other existing and proposed developments within the study area is sufficient that the current landscape character of 'a landscape with windfarms' is not changed to a 'windfarm landscape'. Therefore, the cumulative magnitude of change affecting landscape character is judged to be negligible.*

*In relation to visual amenity, it is judged that the dramatic landform of this landscape character type with steep sided, narrow valleys and extensive undulating plateaux create two distinct groups of viewpoint types. The first of these is those views looking along or up from the valleys to the valley sides and ridgetops and the second is the extensive panoramic views from the ridgetops. For the majority of visual receptors concentrated in the valley bottoms, the landform channels views and prevents wide panoramic views where cumulative effects of developments on ridges other than those containing the valley can be seen. From the ridgetops, the cumulative effects of other turbine sites and infrastructure is more apparent, but to far fewer receptors and at greater distances in a very large scale landscape and the cumulative magnitude of change affecting visual amenity is again judged to be negligible.*

*In respect of the cumulative effects from viewpoints, it is advised that only viewpoints in elevated locations have any capacity for significant cumulative effects. These include Viewpoint 7 (Eglwysilan Road, Caerphilly) where the panoramic view results in cumulative effects from a number of existing and proposed developments. The assessment identifies that the Bryntail Farm development (2 no. at 71m) would be in the immediate foreground at the viewpoint, Ferndale (8 no at 74 m), Fforch Nest / Pant y Wal (21 no. at 115 m) and Mynnydd Pen-y-Graig (5 no. at 115m) would all be in the same view. However, the wide spread of these locations in the view and significantly the distance from the viewpoint for the two larger windfarms at Ferndale and Fforch Nest/Pant-y-Wal reduces cumulative effects and the magnitude of change and the degree of significance is therefore judged to be negligible.*

*The other viewpoint is Viewpoint 8, however being closer to the site the angle of view reduces the number of locations visible with Ferndale being in the middle and far distance respectively. The magnitude of change in the view is*

*therefore judged to be low and the degree of significance is assessed to be negligible.*

*The assessment identifies that whilst sequential visibility of wind turbine installations may be experienced whilst moving through the landscape for example on roads, cycling and walking routes, the high incidence of intervening landform and their wide spread in the upland plateaux landscape means that this is judged as negligible with the addition of these two wind turbines.*

### **Conclusion of Cumulative Effects**

*The LVA therefore concludes that the cumulative effects on landscape character would be low-negligible and the cumulative effects on visual amenity and sequential visibility would both be negligible.*

### **Other Issues taken into account in assessing landscape character and visual amenity.**

#### **Effect on the Historic Landscape**

*The application site is located within the Rhondda Registered Landscape of Historic Interest published by Cadw. Guidance produced by Cadw identifies the need to assess the potential effects of a development in relation to the whole of the historic landscape and advises that development can have an adverse effect on the amenity and value of the landscape well beyond the site of the development itself.*

*The register refers to the pre-industrial archaeology of the Rhondda and its historic sites and remains surviving on the ridges between the valleys and also describes how material changes in the landscape took place during the second half of the 19<sup>th</sup> century in order to accommodate new industries and their associated communities.*

*The site's designation within the historic landscape is addressed in the application through the LVA, where it is suggested that the characteristics and assets are widely distributed and generally consist of buried remains. As the site appears to contain no buried remains, it is maintained that the temporary nature of the development means that the effect on the historic landscape are negligible.*

*In addition to the issue of any remaining historic features, which is addressed in the section on Cultural Heritage below, it is also acknowledged that the physical impact of the 2 turbines may have some impact on the historic landscape and this is also an issue that has been raised in a number of the public representations received. Whilst the concerns raised in respect of the valley being transformed since the mine enclosures are understood and it is accepted that the turbines would form a new visible feature, it is not considered that the two turbines will be so prominent to cause detriment to the historic landscape that has been identified by Cadw. Furthermore, the*

*guidance identifies that landscapes must inevitably evolve to meet the needs of the people living in them and whilst the mining and industrial landscape has significantly changed in the Rhondda, the valley is still however considered to epitomize a South Wales mining community. As the applicant has identified, the footprint of the proposed development is not significant and the scheme is only for a temporary period. It would also appear from the visual information submitted that from many of the surrounding locations, only partial view of the turbines can be seen and it is not therefore considered that this will have an adverse impact on the historic landscape.*

### **Effect on the Visual Amenity of Residents**

*The impact of this development on the visual amenity of the area and in particular, the impact on existing views that residents have from their properties has been the subject of many of the objections that have been received against the development. In considering the information submitted relating to visual amenity issues, consideration has been given to specific points raised by residents, including views across the valley, particularly from parts of Porth and Ynyshir. In response to the objections received, the applicant has provided additional visual information taken from a number of locations including Victory Avenue (Mount Pleasant), Bryngwyn Street, Pleasant Heights, Upper Gynor Place, Gynor Place and Ynyshir Road. These images indicate that whilst the two turbines will be visible from all of these locations, in most cases, only the upper sections of the turbines will be visible. Whilst it is therefore accepted that both turbines will form a new visible feature, most of these locations are over 1km distance from the turbines and it is not therefore considered that these structures will have a detrimental impact on their visual amenities.*

*In summary, it is acknowledged that the proposed wind turbines would add additional vertical elements to the existing landscape, which is already influenced by other vertical elements including wind turbines and pylons. The proposed wind turbines would not affect the majority of the landscape character areas, landscape relevant designations or visual amenity receptors. The effect of the turbines on the landscape character is identified as high at the site, as would be expected and this reduces to medium-low in the immediate vicinity and negligible elsewhere. Their effect on visual amenity receptors would at worst, have moderate effects and in the majority of cases, have been assessed as slight-negligible.*

*Overall, any potential adverse effects need to be balanced against the benefits of clean energy, and in this case, on balance, it is considered that the benefits outweigh the effects and the proposal complies with the provisions of Policies AW6 and AW12 of the LDP and Para 12.10.1 of Planning Policy Wales.*