



CITY AND COUNTY OF SWANSEA

THIS PERMISSION IS SUBJECT TO A SECTION 106 AGREEMENT

TOWN AND COUNTRY PLANNING ACT 1990-2004

GRANT OF PLANNING PERMISSION

TO:
RWE NPOWER RENEWABLES
UNIT 22 BAGLAN BAY INNOVATION CENTRE
CENTRAL AVENUE
BAGLAN
PORT TALBOT
SA12 7AX

DATE REGISTERED: 11 September 2012
APPLICATION NO: 2012/1221
APPLICANT: RWE Npower Renewables

The CITY AND COUNTY OF SWANSEA, in exercise of its powers under the above ACT, hereby GRANTS planning permission for:

SITE LOCATION:

**Mynydd Y Gwair
Swansea**

PROPOSAL:

Installation of 16 wind turbines (maximum height to blade tip of 127 metres with a hub height of 80 metres), with a maximum generating capacity of 48MW, associated tracks and ancillary infrastructure (including permanent and temporary anemometer masts, electrical substation compound, hardstandings, transformers and underground cabling) and construction of new access track from A48 (Bolgoed Road at Pontarddulais) (approximately 14.54km in length) incorporating improvements to 3.9km of existing road across Mynydd Pysgodlyn

as referred to in your application and shown on the accompanying plan(s), subject to the following condition(s):-

- 1 Time Limits and Site Restoration**
The development hereby permitted shall be commenced within 5 years of the date of consent.
Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act, 1990.
- 2** The permission hereby granted shall enure for a period of 25 years from the date of first generation of electricity from the development to the grid (the First Export Date). Written confirmation of the First Export Date shall be provided to the Local Planning Authority within one month of its occurrence.
Reason: In recognition of the expected lifespan of the wind farm and in the interests of safety and amenity once the plant is redundant.
- 3** Not less than 18 months before the expiry of this permission, a decommissioning and site restoration scheme shall be submitted to the Local Planning Authority for its approval. The scheme shall provide for the removal of all above-ground elements of the development, underground cables, and turbine bases to 1 metre below ground level, together with restoration of the disturbed areas. Decommissioning and restoration shall be completed in accordance with the approved scheme.
Reason: In the interests of visual amenity and landscape protection and in the interests of safety and amenity.
- 4** If any wind turbine fails to produce 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 (excluding the turbine bases more than 1 metre below ground level) shall be removed from the site within a period of 6 months from the end of that 12 month period unless otherwise agreed in writing by the Local Planning Authority. A scheme for the decommissioning of that wind turbine and its associated ancillary equipment and restoration of the disturbed areas shall be submitted to the Local Planning Authority before the expiry of 6 months from the end of that 12 month period, and the decommissioning and restoration shall be carried out in accordance with the approved scheme.

4 Reason: In the interests of visual amenity and to ensure that the turbines produce electricity whilst in situ and that they are removed from the land if they cease to function.

5 Micro-siting

Turbines and tracks may be micro-sited within 30 metres of the positions shown on Figure 1.2 within the Environmental Statement volume 3 submitted with the application.

Reason: To comply with the environmental assessments undertaken of the proposed development and to take account of local environmental conditions.

6 Construction Traffic Management and Construction Method Statement

Prior to the commencement of development a Construction Traffic management Plan and an Operational Traffic Management Plan shall be submitted to the Local Planning Authority in writing for its approval. The Construction Traffic Management Plan shall include proposals for construction vehicle routing, site accesses, the management of junctions to and crossings of the public highway and other public rights of way, the scheduling and timing of movements, details of escorts for abnormal loads, temporary warning signs and banksman/escort details. The Operational Traffic Management Plan shall include proposals for accessing the site for operations, routine maintenance, and exceptional maintenance purposes. The Construction Traffic Management Plan and the Operational Traffic Management Plan shall be implemented as approved in writing by the Local Planning Authority.

Reason: In order to protect highway safety and the amenity of other users of the public highway.

7 Prior to the commencement of development a Construction Method Statement ('CMS') describing the works to be undertaken and the pollution prevention measures to be implemented in accordance to current best practice during the construction phase, shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter, the construction of the development shall be carried out in accordance with the approved CMS unless otherwise agreed in writing by the Local Planning Authority. The CMS shall address the following matters:

- a. Mitigation measures to avoid harm to protected species and minimise damage to Local Biodiversity Action Plan habitats
- b. Details of the timing of construction works, including the timing of vegetation removal to avoid the potential for effects on reptiles and nesting birds.
- c. Confirmation that any ditches to be crossed will be surveyed for otter and water vole prior to construction. Details of appropriate mitigation, enhancement measures, monitoring programme and emergency procedures to be implemented should either otter or water vole be present on site.
- d. Siting and details of wheel washing facilities
- e. Details of the timing of works and methods of working for cable trenches, foundation works and erection of the wind turbines
- f. Details of the timing of works and construction of the substation/ control buildings and anemometry mast
- g. Cleaning of site entrances, site tracks and the adjacent public highway and the sheeting of all HGVs taking spoil or construction materials to/from the site to prevent spillage or deposit of any materials on the highway
- h. Pollution control and prevention measures including sediment control measures, protection of water courses and ground water and soils, bunding of fuel, oil and chemical storage areas, sewage disposal
- i. Details of the surface water quality monitoring programme to be undertaken prior to, during and after the construction phase of development, including detailed arrangements to ensure any deficiencies within the CMS are rectified immediately.
- j. Measures for the protection of water courses and ground water and soils, which are to include mitigation measures which are effective in heavy rainfall events and for the removal of colour, DOC (dissolved organic carbon) and dissolve contaminants, and a clear description and map showing how the mitigation measures would work.
- k. Disposal of surplus materials
- l. Construction noise management plan (including identification of access routes, locations of materials lay-down areas, details of equipment to be employed, operations to be carried out, mitigation measures and a scheme for the monitoring of noise)
- m. The handling, storage and re-use on site of soil and peat.
- n. Details of the design and construction methods of the access tracks including drainage provisions, and the pollution prevention measures to be implemented to ensure there are no polluting discharges from tracks and disturbed areas including provision to ensure that no polluting discharge from the access tracks and disturbed areas enters any watercourse.
- o. Details of the nature, type and quantity of materials to be imported on site for backfilling operations or construction of access tracks.

- 7 p. The management of ground and surface water (including mitigation to protect private water supplies).
q. The management of dust
r. Details of the proposed temporary site compounds for storage of materials, machinery and operatives parking within the sites clear of the highway, and the restoration of the sites of the compounds within 12 months of the First Export Date, to include the siting of the temporary buildings and all means of enclosure, oil/ fuel and chemical storage and any proposals for temporary lighting.
s. Details of the method of borrow pit working, if applicable, including means of extraction, handling, storage and re-use of soil, drainage control and restoration.
t. Details of any dewatering required.
p. Landscaping proposals at the site access off the A48 and around the substation
q. Details of noise and vibration measures for the residential properties 141, 143, 145 and 147 Bolgoed Road and the two dwellings known as Hengoed and Henglawdd, located along the access route.

Reason: In the interests of environmental protection, the protection of controlled waters, the protection of the water quality of the Upper and Lower Lliw reservoirs, the integrity of the Felindre Water Treatment Works and the minimisation of likely significant environmental effects.

- 8 Foul drainage shall be contained within a sealed and watertight cesspit, fitted with a level warning device to indicate when the tank needs emptying.

Reason: To protect controlled waters.

- 9 Prior to any work commencing for the erection of the wind turbines, a scheme of site investigation and assessment to identify the nature of the subsoil, bedrock geology and the extent and nature of the former coal mining workings across the site in accordance with the conclusions and recommendations of section 6.1 and 7.1 of the submitted Halcrow Mining Report (May, 2010) shall be submitted to the Local Planning Authority for its approval in writing. The foundation designs for the turbines and new access tracks shall be constructed in accordance with the conclusions and recommendations of the Mining Report.

Reason: In the interests of safety and site stability having regard to the former coal mining works within the area.

- 10 Highways

Notwithstanding the details indicated within the swept path analysis submitted with the application, no development shall commence until full details of the proposed access to the site from the public highway including temporary or permanent improvements, and the proposed haul routes for the movement of construction traffic / abnormal loads have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved details.

Reason: In the interests of highway safety.

- 11 Following completion of the construction phase of the development, reinstatement of the highway and its associated street furniture shall be undertaken in accordance with details to be submitted to and agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

- 12 Prior to the commencement of the development hereby permitted, a construction method statement detailing the measures taken during the construction and operation of the development to ensure the protection of the structural condition of watermains within the application site (the 'site edged red') shall be submitted to and approved in writing by the Local Planning Authority. The method statement shall include such details relating specifically to the 26" and 66" watermains. The development shall thereafter be implemented in accordance with the approved details.

Reason: To protect the integrity and avoid damage to the public water mains, and to ensure a reliant supply of portable water to the public.

- 13 Construction Hours

The hours of work during the construction phase of the development and any traffic movements into and out of the site associated with the construction of the development shall be to 0730 to 1900 hours on Mondays to Fridays and 0700 to 1400 on Saturdays other than as allowed for under condition 6. No work shall take place outside these hours, or on Public Holidays, unless otherwise previously agreed in writing by the Local Planning Authority.

Reason: In the interests of the residential amenity.

- 14 Notwithstanding the provisions of condition 6, delivery of turbine and crane components may take place outside the times specified in condition 13 subject to not less than 24 hours prior notice of such traffic movements being given to the Local Planning Authority and such deliveries first being approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

15 Habitat Restoration Plan

No development shall take place until a Habitat Restoration Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall apply to re-instatement of disturbed ground during construction. The Plan shall be implemented as approved.

The Habitat Restoration Plan shall include:

- * Methods of re-instating ground disturbed by construction
- * Methods for the maintenance and monitoring of the reinstated areas for a period of 5 years after the works of reinstatement have been carried out.

Reason: To protect and encourage habitats in the interests of biodiversity and visual amenity.

16 Species Monitoring Plan (SMPS)

No development shall take place until a Species Monitoring Plan (SMPS) incorporating the environmental management commitments within table 17.1 of Volume 1 of the Environmental Statement including the provision for post-construction monitoring of bird and bats species has been submitted to and approved in writing by the Local Planning Authority.

The Plan shall provide for monitoring as follows and shall also provide for the publication of a report within 6 months of the completion of each survey:

- * Bird monitoring scheme to cover both vantage point surveys for site use and collision monitoring, the scheme to cover up on each of years 1, 2, 3, 5, 10 and 15 after completion of the development with reviews for stopping monitoring at years 5 and 10.

- * Removal of carcasses from the site in order to reduce scavenging opportunities.

The Plan shall be implemented as approved.

Reason: To protect and encourage habitats in the interests of biodiversity and visual amenity.

17 No development shall take place until a method statement for removing or the long-term management / control of invasive plant species on the site shall be submitted to and approved in writing by the Local Planning Authority. The method statement shall include measures that will be used to prevent the spread of these invasive species and any operations e.g. mowing, strimming or soil movement. It shall also contain measures to ensure that any soils brought to the site are free of the seeds / root / stem of any invasive plant listed under the Wildlife and Countryside Act 1981, as amended. Development shall proceed in accordance with the approved method statement.

Reason: To prevent the spread of invasive species, without it, avoiding damage could be caused to the nature conservation value of the site.

18 Appearance

The wind turbines hereby approved shall not be erected on the site until details of the external appearance, colour and surface finish of the wind turbines and the design and appearance of the associated external transformer / switchgear units (if any) have been submitted to and approved by the Local Planning Authority in writing. The development shall be completed in accordance with the approved details.

Reason: In the interests of visual amenity and landscape protection.

19 Notwithstanding any design or colour approved by the Local Planning Authority pursuant to condition 18, all wind turbines shall be of a 3 bladed configuration and shall be of a semi-matt finish and shall not display any prominent name, sign, symbol or logo on any external surface other than as required by law or for reasons of health and safety.

Reason: In the interests of visual amenity and landscape protection.

20 All wind turbines blades shall rotate in the same direction. The turbines shall not be illuminated, save for a PIR-operated access light, unless otherwise agreed in writing by the Local Planning Authority for purposes of aviation safety.

Reason: In the interests of visual amenity and landscape protection.

21 Prior to construction of the substation, details of the external design, appearance and finish of the electrical substation and any associated hard standing areas, car parking and electrical compound shall be submitted to and approved by the Local Planning Authority in writing and the development shall be completed in accordance with the approved details.

Reason: In the interests of visual amenity.

22 The permanent means of enclosure around the electrical substation and any temporary enclosure / fencing around the construction sites shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: In the interests of visual amenity.

23 Prior to the commencement of the development hereby permitted, details comprising the construction and restoration methods to be used in the implementation of the underground cabling connecting the wind farm to the electricity grid network shall be submitted to, and approved in writing by, the Local Planning Authority. Such details shall also indicate works required to any overhead pylons as necessary. The development shall be implemented in accordance with the approved details.

Reason: In the interests of visual amenity and landscape protection and in order to minimise the impact on the peatland habitat.

24 Shadow Flicker

The wind turbines hereby approved shall not begin operation until a scheme for the avoidance of any shadow flicker effect at any dwelling (defined for the purposes of this condition as a building within Use Class C3 of the Use Classes Order) which lawfully exists or had planning permission at the date of this permission, within 10 rotor diameters of any turbine hereby approved has been submitted in writing to and approved by the Local Planning Authority. The scheme shall be implemented as approved.

Reason: To mitigate any impact of potential shadow flicker.

25 TV Interference

Prior to the commencement of the construction of any turbine, a scheme shall be submitted to and approved by the Local Planning Authority providing for the investigation of and remediation of any interference with television reception at any dwelling (defined for the purposes of this condition as a building within Use Class C3 of the Use Classes Order) which lawfully exists or had planning permission at the date of this permissions. The scheme shall be implemented as approved.

Reason: To mitigate any impact of potential television interference.

26 No site works shall be undertaken until the implementation of an appropriate programme of building recording and analysis has been agreed with the Local Planning Authority, to be carried out by a specialist acceptable to the Local Planning Authority and in accordance with an agreed written brief and specification.

Reason: As the buildings are of archaeological and cultural significance the specified records are required to mitigate impact

27 No development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

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.

28 No development shall commence until those areas of the identified area of historical merit that will not be directly affected by the construction work and the scheduled ancient monument GM202 have been fenced to a standard agreed with the Local Planning Authority. Throughout the development no works shall be undertaken within the area surrounded by the fencing without the prior written consent of the Local Planning Authority.

Reason: To prevent accidental damage to these important archaeological areas.

29 Wildlife & Ecology

Prior to the commencement of development an ecological clerk of works shall be appointed by the developer in consultation with the Local Planning Authority and shall be retained throughout the duration of civil construction works on site to advise on minimising ecological effects of the construction activities.

Reason: In the interests of environmental protection and the minimisation of likely significant environmental effects.

30 Prior to the commencement of development, a Hydrological Monitoring Plan incorporating the environmental management commitments within Table 17.1 of Volume 1 of the Environmental Statement shall be submitted to the Local Planning Authority and approved in writing. The Plan shall be implemented as approved. The Plan shall provide for details of a peatland hydrology and vegetation monitoring scheme to include a site-specific assessment of the impact of the development on water levels within the peat, water movement within the peatland unit and the likely or observed effects of changes on mire quality.

Reason: In order to minimise the impact on the peatland habitat.

31 No development shall commence until a detailed surface water drainage system (including means of pollution control) have been submitted to and approved in writing by the Local Planning Authority. The surface water drainage system must then be constructed in accordance with the approved details.

Reason: To ensure a satisfactory form of surface water drainage.

32 No development shall take place until a scheme for the provision and management of a 20 metre buffer zone alongside all watercourses on site shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the Local Planning Authority. The buffer zone scheme shall be free from built environment including access tracks and hardstanding. The scheme shall include:

- * Plans showing the extent and layout of the buffer zone.

- * Details demonstrating how the buffer zone will be protected during development and managed / maintained over the longer term.

Reason: Development that encroaches on watercourses has a potentially severe impact on their ecological value.

33 Prior to commencement of development, a Fencing Scheme relating to the Exchange Land shown on Figure 13.1 Common land shall be submitted to the Local Planning Authority of its approval in writing, the Fencing Scheme to provide for:

- * Site clearance and removal of derelict fencing from the Exchange Land.

- * Installation where appropriate of new fencing to the boundaries of the Exchange Land

- * Fencing of the conifer plantation and scrub area on Blaen yr Olchfa to separate these areas from the grazing land

- * Provision of access gates for livestock using the grazing land

- * Provision of stiles and personnel gates to facilitate access to all the Exchange Land by the general public on foot

- * Timing of the implementation of the Scheme

- * Stock handling facilities and water supply for stock

The Fencing Scheme shall be implemented as approved. For the avoidance of doubt, these works do not constitute commencement of development.

Reason: In order to allow the implementation of the exchange land to be incorporated into the Common Land.

34 Noise Conditions

The level of noise emissions from the combined effects of the wind turbines (including the application of any tonal penalty) when calculated in accordance with the attached Guidance Notes shall not exceed the values set out in the attached Table 1 or attached Table 2 (as appropriate). Noise limits for dwellings (defined for the purposes of these noise conditions as a building within Use Class C3 of the Use Classes Order) which lawfully exist or had planning permission at the date of this planning permission but are not listed in the Tables attached shall be those of the physically closest location listed in the Tables, unless otherwise agreed with the Local Planning Authority. The coordinate locations to be used in determining the location of each of the dwellings listed in Tables 1 and 2 shall be those listed in Table 3.

Reason: In the interests of the amenities of the area.

35 Within 28 days from the receipt of a written request from the Local Planning Authority and following a complaint to the Local Planning Authority from the occupant of a dwelling which lawfully exists or has planning permission at the date of this consent, the wind farm operator shall, at the wind farm operators expense, employ an independent consultant approved by the Local Planning Authority to assess the level of noise emissions from the wind farm at the complainant's property following the procedures described in the attached Guidance Notes.

Reason: In the interests of the amenities of the area.

36 The wind farm operator shall provide to the Local Planning Authority the independent consultant's assessment and conclusions regarding the said noise complaint, including all calculations, audio recordings and the raw data upon which those assessments and conclusions are based. Such information shall be provided within 3 months of the date of the written request of the Local Planning Authority unless otherwise extended in writing by the Local Planning Authority.

Reason: In the interests of the amenities of the area.

37 Wind speed, wind direction and wind turbine power generation data shall be continuously logged and provided to the Local Planning Authority at its request and in accordance with the attached Guidance Notes within 28 days of such request. Such data shall be retained for a period of not less than 12 months.

Reason: In the interests of the amenities of the area.

38 A local liaison group should be established within two months prior to the commencement of the development, whose composition and terms of reference shall be submitted to and approved by the Local Planning Authority.

Reason: To provide the mechanism for ensuring effective liaison between the applicant, local residents and their elected representatives during the implementation of the permission.

INFORMATIVES:

1 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: (UDP Goals 2 & 4, Strategic Policies SP1 & SP11, Policies EV1, EV2, EV6, EV12, EV21, EV22, EV29, EV34, EV40, HC17, R11 & AS10)

PLANS:

Fig 1.1 site location plan, Fig 1.2A plan, Fig 1.2B plan, Fig 1.2C plan, Fig 1.2D plan, Fig 1.2E plan, Fig 1.2F plan, Fig 4.5 substation layout, Fig 4.4 substation building, Fig 4.1 wind turbine with transformer, received 3rd September 2012

DATED: 10 March 2014

PHIL HOLMES
HEAD OF ECONOMIC REGENERATION & PLANNING

PLEASE NOTE: Your attention is drawn to the attached notes which explain, amongst other things, your right of appeal against this decision.

THE APPLICANT'S ATTENTION IS DRAWN TO THE NOTES BELOW

1. If the applicant is aggrieved by the decision of the Local Planning Authority to refuse permission or approval of the proposed development, or to refuse to grant a Certificate of Lawful Use or Lawful Proposed Use, or to grant permission or approval subject to conditions, he may appeal to the National Assembly for Wales in accordance with the Sections 78(1) and Section 195/196 of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991.

Within six months of the date of this notice (Appeals must be made on a form which is obtainable from the Planning Inspectorate, Crown Buildings, Cathays Park, Cardiff, CF10 3NQ – Tel 02920 825155, www.planningportal.gov.uk/planning/appeals). The National Assembly has power to allow a longer period for the giving of notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The National Assembly is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the Local Planning Authority or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements to the provisions of the development order, and to any directions given under the order. He does not in practice refuse to entertain appeals solely because the decision of the Local Planning Authority was based on a direction given by him.

2. If permission to develop land is refused or granted subject to conditions, whether by the Local Planning Authority or by the National Assembly for Wales, and the owner of the land claims that the land has become incapable or reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the Common Council, or on the Council of the County Borough Council, London Borough or County District in which the land is situated, as the case may be, a purchase notice requiring that Council purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.
3. In certain circumstances, a claim may be made against the Local Planning Authority for compensation, where permission is refused or granted subject to conditions by the National Assembly on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are out in Section 114 of the Town and Country Planning Act 1990.
4. Further correspondence regarding this application should bear the reference number quoted on the top of the form.
5. Additional details and information on making an appeal to the National Assembly for Wales is available from the Planning Inspectorate at the above address. The relevant documents are entitled "making your planning appeal", and "planning appeals Public Local Inquiries".