

Heading:

REFERENCE NO. 31/2013/1079/PFHY  
LAND AT ELWY MEADOWS  
LOWER DENBIGH ROAD, ST ASAPH

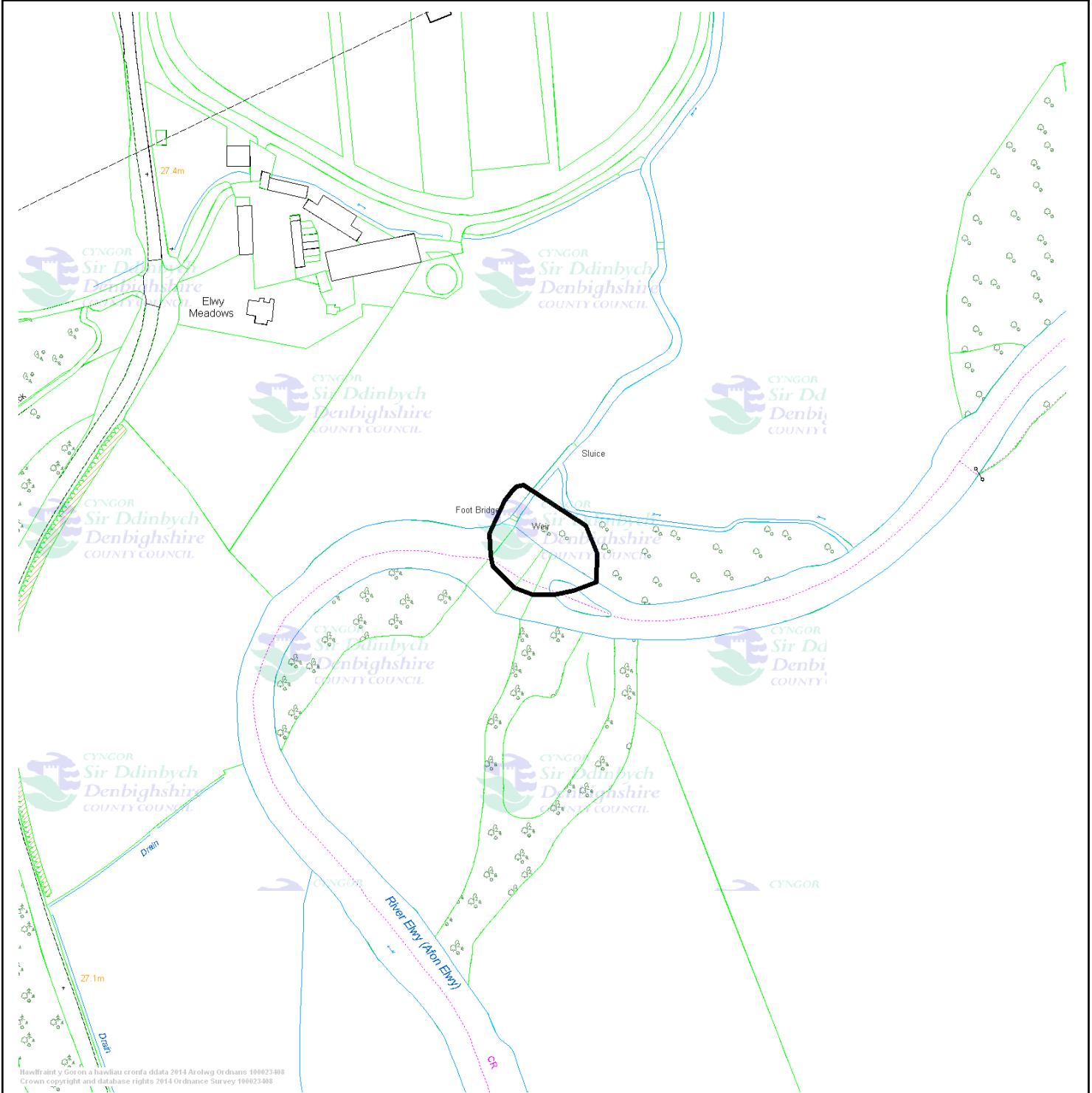
Graham Boase  
Head of Planning & Public Protection  
Denbighshire County Council  
Caledfryn  
Smithfield Road  
Denbigh  
Denbighshire LL16 3RJ  
Tel: 01824 706800 Fax: 01824 706709



Date 25/9/2014  
Centre = 303891 E 372442 N

Scale 1/2500

This plan is intended solely to give an indication of the LOCATION of the application site which forms the subject of the accompanying report. It does not form any part of the application documents, and should not be taken as representative of the proposals to be considered, which are available for inspection prior to the meeting.

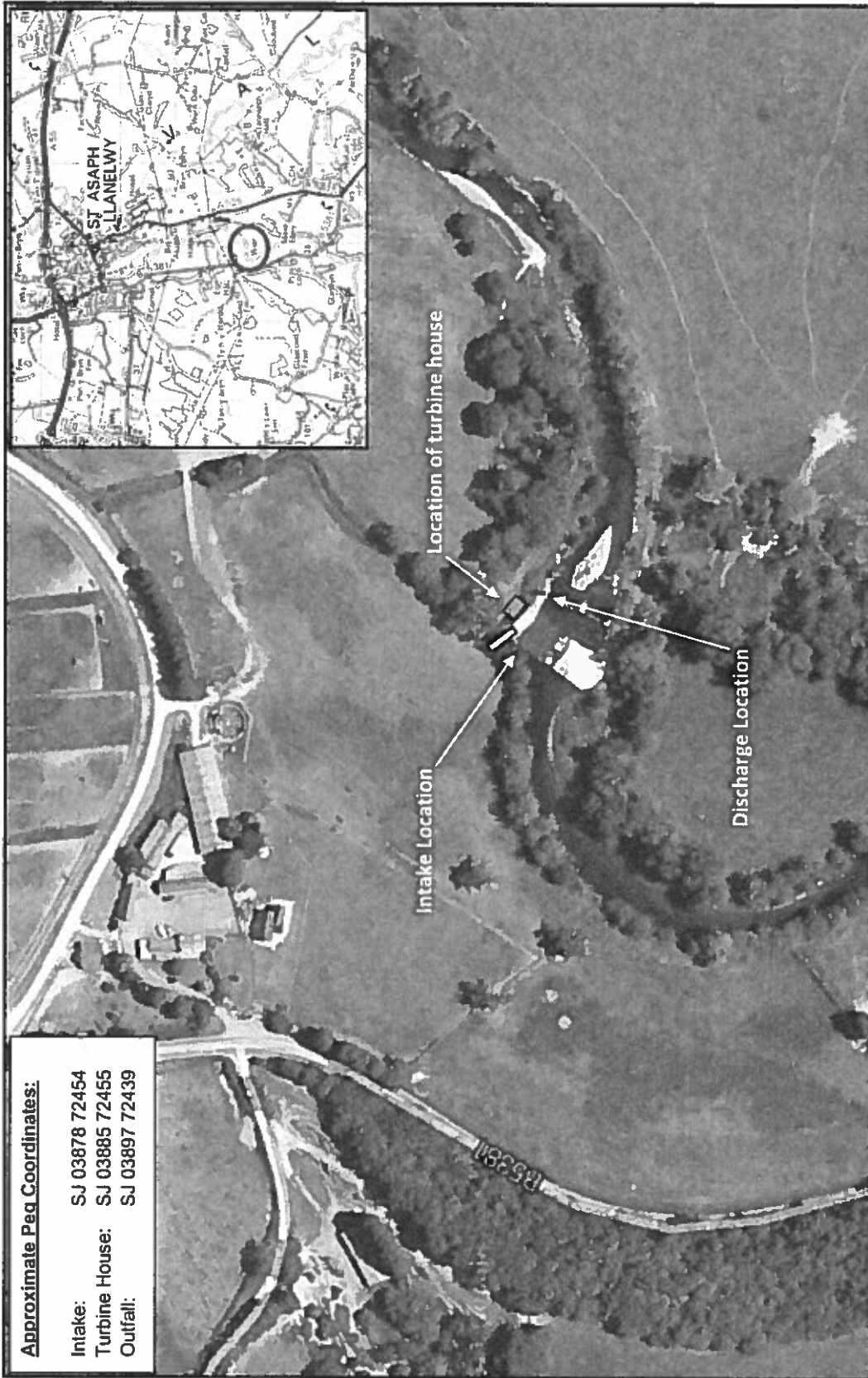


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# LAYOUT



**Approximate Peg Coordinates:**

Intake: SJ 03878 72454  
Turbine House: SJ 03885 72455  
Outfall: SJ 03897 72439

Site 66: Hydro Scheme at Elwy Meadows Hydro – Afon Elwy

OS Location Plan and Illustrative Aerial Overlay

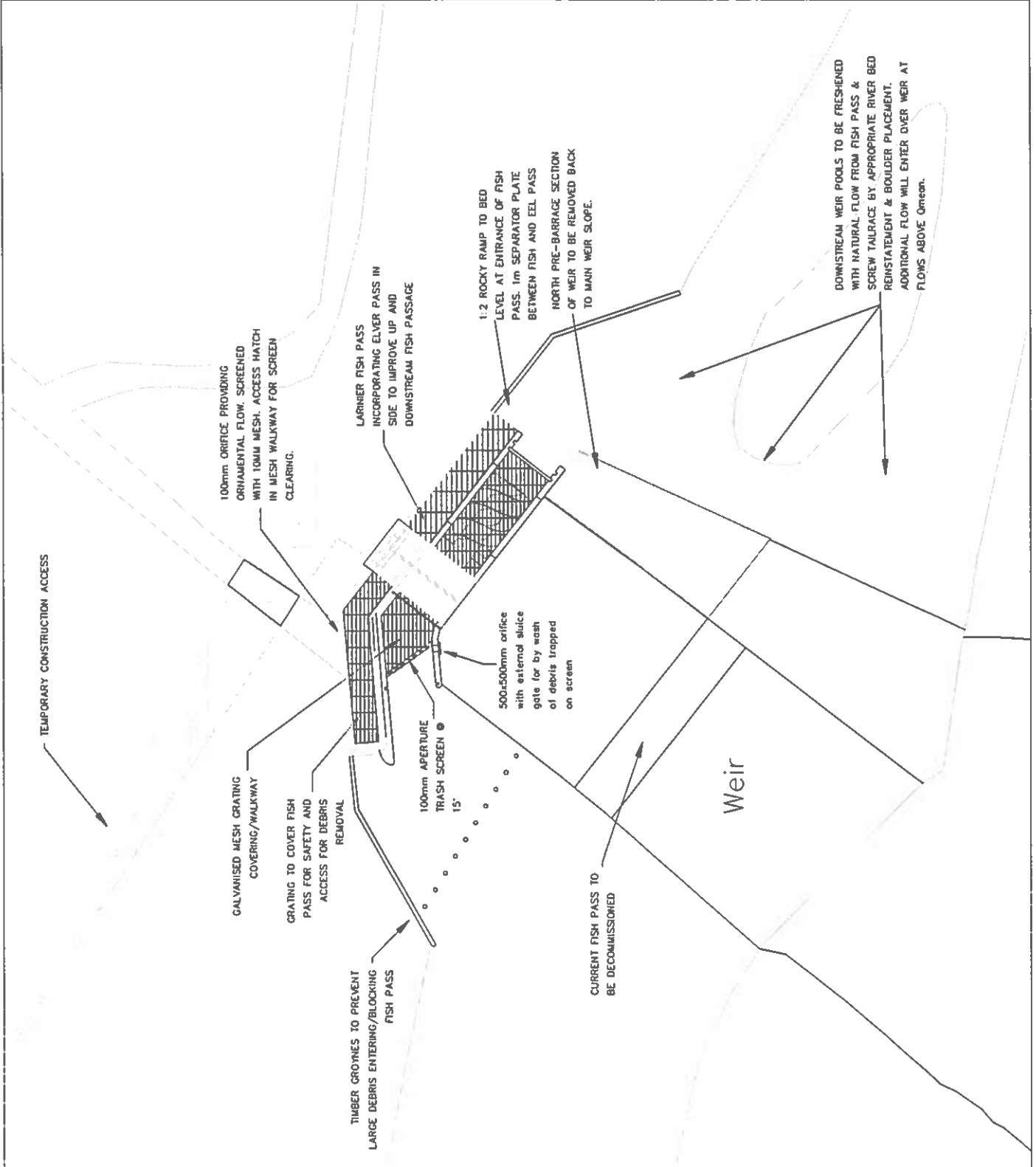
Not to Scale

29.07.2013

1000

# HYDRO DETAIL

© 2011	
PRELIMINARY DRAWING FOR CONSENTING PURPOSES – NOT FOR CONSTRUCTION	
Notes:	<p>Taken from OS Mastermap 1:1250 © Crown copyright. All rights reserved 2011. License number 100020449</p> <p><b>TOLERANCES</b> The final orientation may vary marginally as site conditions dictate.</p> <p>--- Power Cable</p>
Project:	Maes Elwy Hydro Scheme
Drawing Title:	General Layout
Drawing Number:	NWHP_ME_General_Layout
Client:	Maes Elwy Hydro
Scale:	1:285 @ A3
Revision:	R
Sheet:	1 OF 1
Drawn by:	AJF
Date:	15/08/2014
	





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PRELIMINARY DRAWING FOR  
CONSENTING PURPOSES - NOT  
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Notes:

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CONSTRUCTION NOTES

The hydro scheme will be constructed using a concrete framework which will be integrated with the existing weir and improved where necessary.

Basinhouse

- Roofed with local slate
- Timber clad with internal noise insulation
- Vents to be baffled internally to further control any noise emission.
- Doors to be double skinned with noise attenuation built in.

Intake

To prevent scour and erosion of the river bed, a plunge pool will be created from locally sourced stone/boulders at the end of the tailrace of the screen and fish pass.

TOLERANCES

The final orientation and dimensions may vary marginally as site conditions dictate.

Project:

Maes Elwy Hydro  
Scheme

Drawing Title:

General Arrangement

Drawing Number:

NWHP\_ME\_General\_Arrangement

Client:

MAES ELWY HYDRO

Scale:

1:200 @ A3

Revision:

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Sheet:

1 of 2

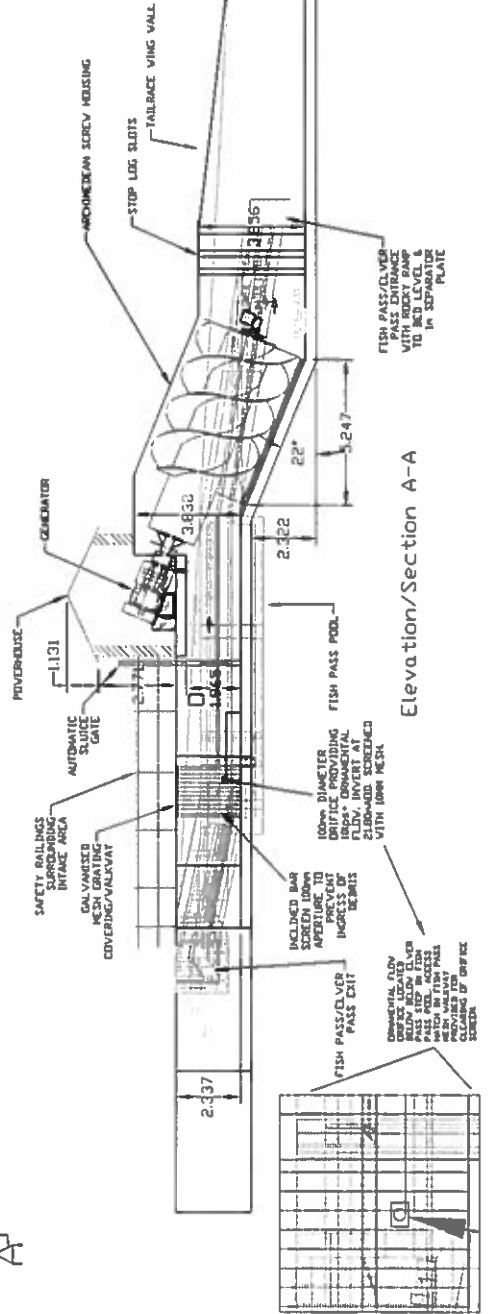
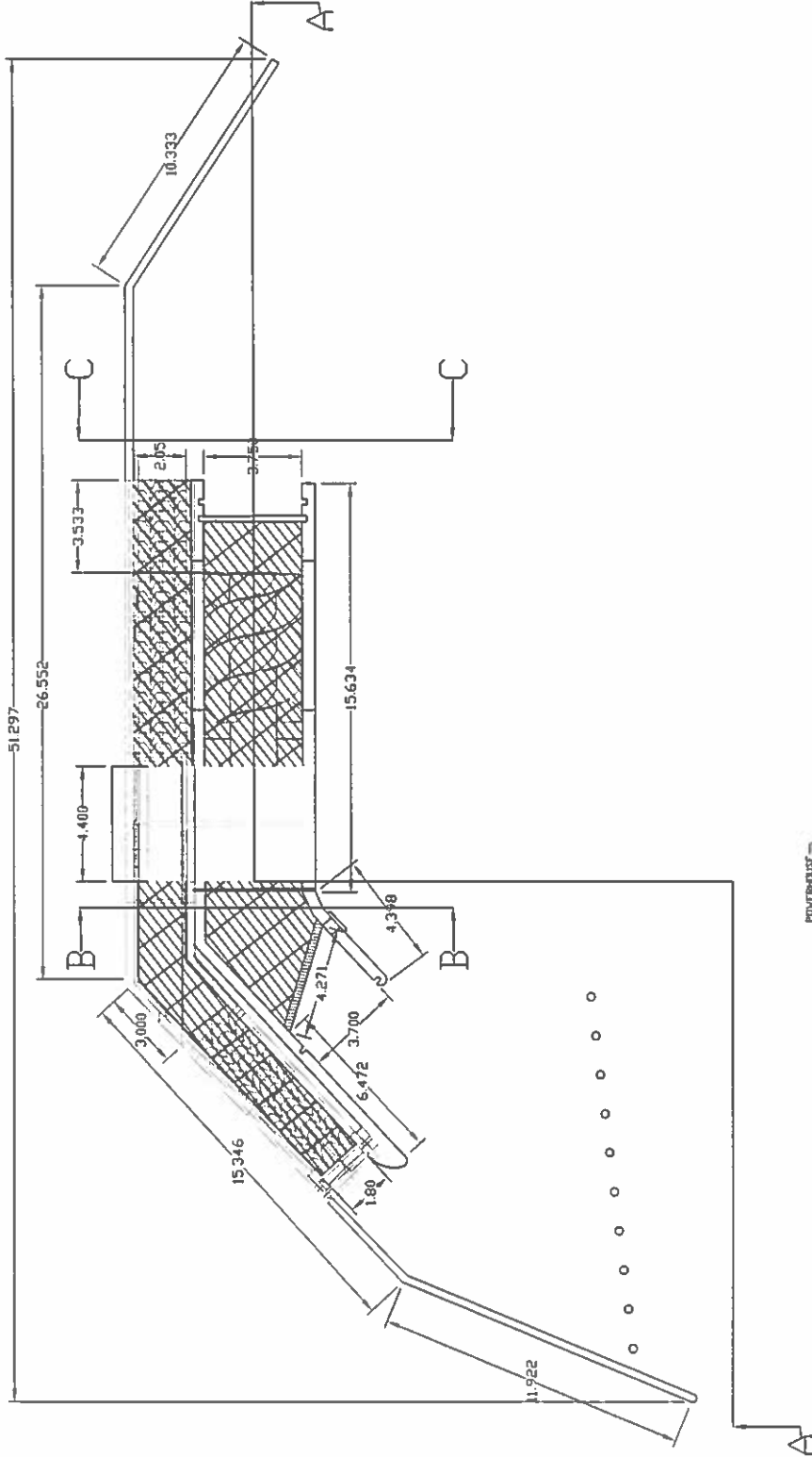
Drawn by:

AJF

Date:

26/08/2014

PLAN VIEW



Elevation/Section A-A

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PRELIMINARY DRAWING FOR  
CONSENTING PURPOSES - NOT  
FOR CONSTRUCTION

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CONSTRUCTION NOTES

The hydro scheme will be constructed using a concrete formwork which will be integrated with the existing weir and improved where necessary.

BASEHOUSE

- Roofed with local slate
- Timber clad with internal noise insulation
- Vents to be baffled internally to further control any noise emission.
- Doors to be double skinned with noise attenuation built in.

TAILRACE

To prevent scour and erosion of the river bed, a plunge pool will be created from locally sourced stone/boulders at the end of the tailrace of the screen and fish pass.

TOLERANCES

The final orientation and dimensions may vary marginally as site conditions dictate.

Project

Maes Elwy Hydro Scheme

Drawing Title

General Arrangement

Drawing Number

NWHP\_ME\_General\_Arrangement

Client

MAES ELVY HYDRO

Scale

1:150 @ A3

Revision

T

Sheet

2 of 2

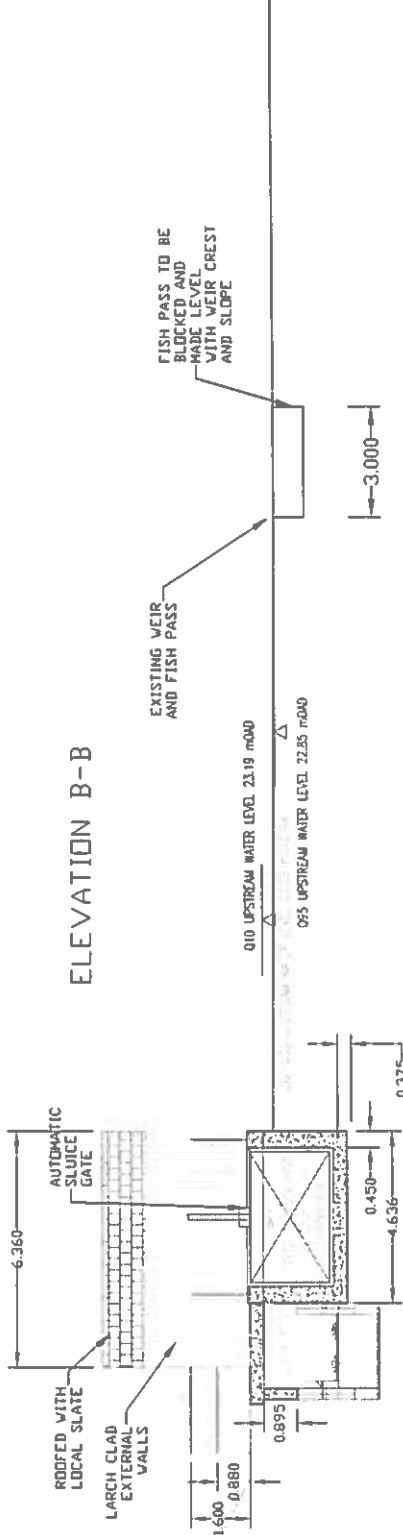
Drawn by

AJF

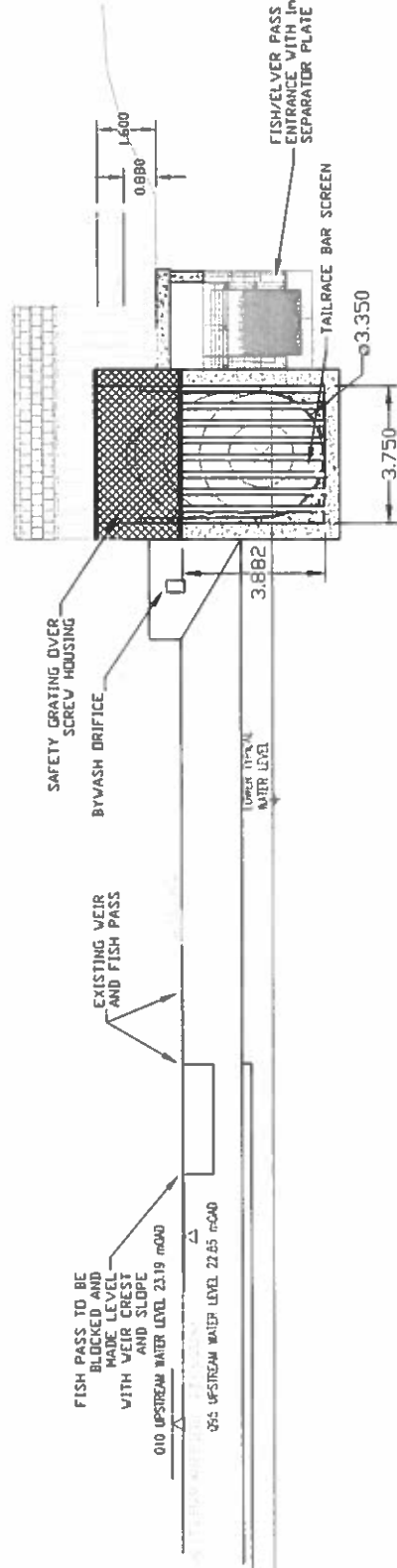
Date

26/08/2014

ELEVATION B-B



Elevation/Section B-B



Elevation/Section C-C



**ITEM NO:**

**WARD:** Trefnant

**WARD MEMBER(S):** Cllr M Lloyd Davies

**APPLICATION NO:** 31/2013/1079/ PFHY

**PROPOSAL:** Installation of micro hydro electric scheme

**LOCATION:** Land at Elwy Meadows Lower Denbigh Road St Asaph

**APPLICANT:** Mr Richard Rees  
North Wales Hydro Power Ltd

**CONSTRAINTS:**

**PUBLICITY UNDERTAKEN:** Site Notice – No  
Press Notice – No  
Neighbour letters - Yes

**CONSULTATION RESPONSES:**

CEFN MEIRIADOG COMMUNITY COUNCIL –  
“Cefn Meiriadog Community Council fully support this application”

**NATURAL RESOURCES WALES**

- ABSTRACTION / IMPOUNDMENT LICENSING – NRW have received an abstraction license application, which is likely to be determined imminently.
- FLOOD RISK – FCA has been submitted, NRW accept findings of FCA and welcome applicants intention to incorporate flood proofing measures within the turbine house.
- FLOOD DEFENCE CONSENT – River Elwy is a Main River. In accordance with the Water Resources Act 1991 and the Land Drainage Byelaws, the prior written consent of Natural Resources Wales has been granted for required for the works and structures located in, under, over or within 7 metres of the bank top of the Afon Elwy, designated "main river" (Consent NE2013LD125B).
- FISHERIES – NRW have received and approved the Fish Pass Details.
- ENVIRONMENTAL MANAGEMENT – Must be no adverse impact on water quality. Applicant should comply with NRW PPG5: Works and maintenance in or near water. Waste should be disposed of in accordance with Section 34 of Environmental Protection Act 1990. The activity of importing waste into the site must be registered as a permitted activity under the Environmental Permitting Regulations 2007.
- PROTECTED SPECIES – Consider the ecological assessment to be satisfactory.

**CLWYD POWYS ARCHAEOLOGICAL TRUST (CPAT)**

- No objection, according to OS first edition mapping the weir may be connected to the former Wigfair Isaf Mill by a long leat heading north from the weir. The weir therefore dates to at least 1874 and it probably earlier than this in origin. CPAT recommend a survey and archaeological watching brief is undertaken prior to the commencement of development.

**DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –  
BIODIVERSITY OFFICER –**

Satisfied that the ecological surveys undertaken are suitable and commensurate with the development and agrees with the conclusions within the report.

**RESPONSE TO PUBLICITY:**

Chris White (by email no address provided)  
John Lewis, Mill Brook, The Mill Yard, Lavister, Wrexham  
Fish Legal, Leominster, Herefordshire (on behalf of Rhyl and St Asaph Angling Association)  
Stephen Barlow, Nefydd House, Llanefydd  
David Jones, Federation of Clwyd Angling Clubs, Panorama, Rhuallt  
John Morris, 39 Orme View Drive, Prestatyn  
David Roberts, 11 Park View, Carmel, Holywell  
Paul King, 17 Llys Y Tywysog, Tremeirchion  
Eugene Grube, 28 Rhodfa Glenys, St Asaph  
Robert Hall, 6 Breezehill Park, Neston, Cheshire  
Graham Whalley, 25 Grasmere Close, Prestatyn  
Allan Cuthbert, 25 Ceg y Ffordd, Prestatyn (on behalf of Campaign for the Protection of Welsh Fisheries)

Summary of representations (all received to original consultation):

Impact on migratory fish river (salmon and sea trout up and downstream migratory paths effected, breeding effected).

Concerns over fish pass suitability at a low head hydro scheme.

Concerns over impact on river Elwy, visual amenity and the general environment.

Impact on river flows.

Concerns over maintenance/blockage of fish pass. Silt and build-up of debris likely to occur.

Fishing rights effected- weirpools fishery will be degraded as a result of the development. Loss will be felt by 160 Members of Rhyl & St Asaph Angling Association.

Impact on local economy owing to degrading of fishing facility.

Biodiversity impacts- proposal will have negative biodiversity impacts, insufficient number of species surveyed.

Ownership issue's- NRW do not own the weir, title from the middle of the weir to the right hand side of the river bank is unclear. Riparian rights exist and have not been considered.

Loss of trees- will have a negative impact on area, in particular loss of Black Poplars.

Existing schemes at Penmachno and Cefn should be monitored and negative impacts monitored.

Floodrisk- blockages, build up and release of debris, silting may impact on flooding.

Long term effects of development, concerns over decommissioning and reinstatement of weir.

Noise impacts of turbine.

Impacts of EMP on salmonoids

Policy conflicts with VOE 10- proposal does not demonstrate that there will be no unacceptable impact on nature conservation and wildlife.

Carbon reduction figures and efficiency figures queried.

**EXPIRY DATE OF APPLICATION: 17/10/2013**

**REASONS FOR DELAY IN DECISION (where applicable):**

- Additional information sought.

**PLANNING ASSESSMENT:**

**1. THE PROPOSAL:**

1.1 Summary of proposals

1.1.1 The proposal is for the construction of a hydroelectric scheme on the River Elwy.

1.1.2 The development consists of an intake next to an existing weir, a new open leat containing an Archimedes Screw Turbine and Larinier fish pass.

1.1.3 The scheme would generate approximately 369,000 KWH of renewable energy per year.

1.1.4 The planning application is supported by a Design and Access Statement, a FCA, an Extended Phase 1 Habitat Survey, a Tree Survey and a Construction Method Statement.

1.2 Description of site and surroundings

1.2.1 The application site is located on the River Elwy at an existing weir approximately 2 miles south of St Asaph.

1.2.2 The weir, which was built to provide flow for a mill, creates an area of impoundment on the river.

1.2.3 The site is characterised by a wide river profile with low banks.

1.3 Relevant planning constraints/considerations

1.3.1 The site is located in the open countryside.

1.3.2 It is a C2 Flood Zone as defined by the Development Advice Maps of TAN 15.

1.4 Relevant planning history

1.4.1 None.

1.5 Developments/changes since the original submission

1.5.1 Clarification was sought from the applicant in relation to the detail of the fish pass, in relation to comments raised by NRW.

1.6 Other relevant background information

1.6.1 None.

**2. DETAILS OF PLANNING HISTORY:**

2.1 None.

**3. RELEVANT POLICIES AND GUIDANCE:**

The main planning policies and guidance are considered to be:

3.1 Denbighshire Local Development Plan (adopted 4<sup>th</sup> June 2013)

Policy VOE 1 – Key Areas of importance

Policy VOE5 – Conservation of natural resources

Policy VOE 10 – Renewable energy technologies

3.2 Supplementary Planning Guidance

SPG 18 – Nature Conservation and Species Protection

3.3 Government Policy / Guidance

Planning Policy Wales Edition 7, 2014

Technical Advice Notes:

TAN5 – Nature conservation and planning

TAN8 – Renewable energy

TAN15 – Development and Flood Risk

Circular 60/96 Planning and the Historic Environment

**4. MAIN PLANNING CONSIDERATIONS:**

In terms of general guidance on matters relevant to the consideration of a planning application, Planning Policy Wales Edition 7, 2014 (PPW) confirms the requirement that planning applications 'should be determined in accordance with the approved or adopted development plan for the area, unless material considerations indicate otherwise' (Section 3.1.2). PPW advises that material considerations must be relevant to the regulation of the development and use of land in the public interest, and fairly and reasonably relate to the development concerned, and that these can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment (Sections 3.1.3 and 3.1.4).

The following paragraphs in Section 4 of the report therefore refer to the policies of the Denbighshire Local Development Plan, and to the material planning considerations which are considered to be of relevance to the proposal.

4.1 The main land use planning issues in relation to the application are considered to be:

- 4.1.1 Principle
- 4.1.2 Landscape
- 4.1.3 Residential Amenity & Noise
- 4.1.4 Ecology
- 4.1.5 Flooding and water quality
- 4.1.6 Archaeology
- 4.1.7 Other matters

4.2 In relation to the main planning considerations:

4.2.1 Principle

The UK is subject to the EU Renewable Energy Directive, which includes a target of generating 15% of the UK's total energy demand from renewable energy sources by 2020. Para 12.8.1 of Planning Policy Wales (PPW) reaffirms UK and Welsh Government commitment to playing its part by delivering an energy programme which contributes to reducing carbon emissions as part of its proposals to tackling climate change. It refers to Welsh Government's Energy Policy Statement (2010), which identifies the sustainable renewable energy potential for a variety of different technologies.

For planning purposes, Figure 12.2 of PPW defines the following renewable and low carbon energy scales, which is of relevance to the application:

<b>Scale of development</b>	<b>Threshold (Electricity and heat)</b>
Strategic	Over 25 MW for onshore wind and over 50 MW for all other technologies
Local Authority – Wide	Between 5MW and 25 MW for onshore wind and between 5 MW and 50MW for all other technologies
<b>Sub local authority</b>	<b>Between 50kW and 5MW</b>
Micro	Below 50kW

This application therefore falls within the 'sub local authority' scale of development in PPW, which in para 12.9.9 states that such projects are 'applicable in all parts of Wales'.

TAN 8 supplements PPW and provides technical advice and guidance on renewable energy projects. It refers in Section 3.12 to Hydro–Power and the development of 'run of river' schemes in Wales, that these are generally supported, although there may be occasions where account needs to be taken of potential ecological damage, and that there is need for close liaison with the NRW as licensing authority for abstraction and impoundment.

Policy VOE 10 offers general support for proposals which promote the provision of renewable energy technologies, providing they are located so as to minimise visual, noise, and amenity impacts and demonstrate no unacceptable impact on the interests of nature conservation, wildlife, natural and cultural heritage, landscape, public health and residential amenity.

Taken together, the contents of Planning Policy Wales, TAN 8, and the policy in the LDP provide support in principle for this type of renewable energy development subject to the detailed assessment of localised impacts, which includes taking into account the potential impacts on landscape, visual and residential amenity, and ecological interests.

Officers' view is that as the proposal is for a sub local authority scale Hydro project, the

principle of this development would be acceptable in general policy terms, subject to the tests of local impact.

#### 4.2.2 Landscape

The general requirement to consider the impact of development on the landscape specific to a hydro scheme development is LDP policy VOE 10 which requires specific assessment / explanation of impact on the landscape, and mitigation proposals.

The site is not located in an area with specific landscape designations. It would be sited on a weir on an existing river. The powerhouse is the largest above ground element of the development; it would measure 3.8 metres by 6.36 metres, with an overall height of 3.8 metres and would comprise of a larch clad building with a slate roof. Concerns have been raised that the development would have an impact on the visual amenity of the area.

The turbine house would be visible on the river bank, however considering the detailing of the building, the turbine house would be in keeping with traditional buildings in the area and the proposal would have a minimal impact on character of the area. The proposal would therefore accord with national and local planning policy.

#### 4.2.3 Residential Amenity including noise

Local Development Plan Policy VOE 10 seeks to ensure development does not have an adverse impact on residential amenity, and this would include assessment of the potential noise and general amenity impacts on local residents from any renewable energy project.

The turbine equipment to be located in the turbine house has the potential to generate noise. Information submitted with the application states that there may noise impacts associated with the development, however it has been proven that they can be minimised via design. The nearest dwelling is sited 138 metres to the north west of the site. Concerns have been raised over the noise impact of the development.

Given that there are residential properties adjacent to the field where the proposed turbine house is to be located, Officers' opinion is that the imposition of a condition to ensure sound attenuation would put in place adequate safeguards for occupiers of the nearest residential properties. This would comply with the relevant planning policy VOE 10.

#### 4.2.4 Ecology

The general requirement to consider the impact of development on biodiversity interests is set out in PPW Chapter 5, TAN 5 and LDP policy VOE 5. Specific to a hydro development is LDP policy VOE 10 which requires specific assessment / explanation of impact on biodiversity, and mitigation proposals. VOE 5 requires proposals which may have an effect on protected species or designated sites of nature conservation to be supported by a biodiversity statement having regard to the County biodiversity aspiration for conservation, enhancement, and restoration of habitats and species.

A Phase 1 Habitats Survey has been undertaken to cover amphibians, badgers, bats, birds and reptiles. The survey includes recommendations for mitigation and enhancements. A tree survey, tree constraints plan and tree protection plan has been submitted with the application. Eleven individual trees have been identified for removal to facilitate the development.

The Council's Biodiversity Officer has considered the details in respect of amphibians, reptiles and nesting birds and has advised that she is satisfied that the ecological surveys undertaken are suitable and commensurate with the development, and agrees with the conclusions within the report. No objection was raised provided the recommended mitigation and enhancement measures within the ecological report are conditioned and followed. NRW have expressed a similar view. A felling license has been obtained for the tree felling from NRW. The response of the Council's tree consultant in relation to the tree survey is awaited. Concerns have been raised over the extent of the ecological surveys submitted with the application.

Officer's opinion which is informed by the responses of consultees is that appropriate reasonable avoidance measures and mitigation can be secured through the use of planning

conditions. Providing the development works are undertaken in strict accordance with the recommendations, mitigation and avoidance measures identified in the Habitat Survey and Tree Survey, it is not considered there would be any unacceptable impact on nature conservation. Officers understand that the concerns in relation to salmon and sea trout migration, breeding and river invertebrates would be considered by NRW through the various environmental permitting processes including fish pass approval and abstraction licensing.

#### 4.2.5 Flooding and water quality

Planning Policy Wales Section 13.2 identifies flood risk as a material consideration in planning and along with TAN 15 – Development and Flood Risk, provides a detailed framework within which risks arising from different sources of flooding should be assessed.

The site is within a C2 flood risk zone, located within the 1 in 1000 year flood outlines on the NRW indicative Flood Map. A FCA has been submitted in support of the planning application which acknowledges that the turbine house may be susceptible to flooding. Therefore turbine housing will be built with flood resistant construction methods and techniques. NRW have confirmed that the contents of the FCA are generally commensurate to the type, nature and scale of the development and welcome the applicant's intention to incorporate flood proofing measures within the turbine house. NRW have also confirmed that Flood Defence Consent is required for the development as it is within 7 metres of the bank top of a main river, and the application for Flood Defence Consent has been granted for the development. NRW have requested no adverse impact to water quality as a result of this proposal.

In considering a technical application of this nature where there are a range of linked consent processes, Officers are bound to take into account the advice of key consultees, and in particular NRW. Detailed information has been submitted and considered by NRW in respect of environmental permitting, flood risk, flood defence consent and pollution control and waste management. NRW accept that the details and risks associated with these elements of the development can be sufficiently managed and controlled by condition to deem the development acceptable. In relation to flood risk NRW have advised the proposal is acceptable, therefore on this basis Officers consider that the relevant guidance in relation to TAN 15 is met.

#### 4.2.6 Archaeology

The general requirement to consider the impact of development on archaeology and cultural heritage is set out in PPW Chapter 6.5, LDP policy VOE 10 and Welsh Office Circular 60/96 'Planning and the Historic Environment' which states the desirability of preserving an ancient monument and its setting is a material consideration in determining a planning application whether than monument is scheduled or unscheduled (para 10). Specific to a hydro scheme, policy VOE 10 requires specific assessment / explanation of impact on cultural heritage.

The scheme is proposing to utilise the existing weir associated with the former Wigfair Isaf Mill. The weir dates to at least 1874 and CPAT advise that its origin may even be earlier. CPAT have suggested a pre-commencement condition is applied to ensure a pre-development survey of the site is carried out and a watching brief undertaken during building works, in accordance with the guidance set out in Circular 60/96 regarding the use of conditions to protect archaeological monuments.

Therefore subject to the inclusion of a pre-commencement condition, there would be no adverse impact on archaeological features or cultural heritage.

#### Other matters

Representations received raise a number of issues the land use planning ones are considered above. In terms of land ownership the Applicants have advised that they have served notice on the land owner and are satisfied that that no further notices are required. In relation to the maintenance, management and long term plans for the scheme the Agents have advised that once the project is installed then it would not be decommissioned for the foreseeable future. North Wales Hydro Power would be ultimately responsible for the on-going maintenance of the scheme. There would be a webcam located on the side of the turbine house so as to allow the monitoring of debris build up and to monitor the operation of

the fish pass and the hydroelectric scheme. If debris collect on the debris screen, which is inevitable, then it will be removed as appropriate depending on the size of the debris. The debris screen is before both the fish pass and the hydro turbine and therefore should debris collect the turbine will be impacted on first as the fish pass has priority over the turbine for water flow. There is therefore no more incentive required for removal of debris as the build-up of debris will mean the output of the scheme is reduced and that they are effectively losing revenue.

## **5. SUMMARY AND CONCLUSIONS:**

5.1 Taking into account the relevant consultee responses and the planning policies supporting renewable energy, it is considered that the proposal meets the relevant policy requirements and is recommended for approval.

**RECOMMENDATION: GRANT-** subject to the following conditions:-

**RECOMMENDATION: GRANT-** for the following reasons:-

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. Written confirmation of the date of the first generation of electricity from the development shall be provided to the Local Planning Authority no later than 1 calendar month after the event.
3. The development shall be carried out in accordance with the details set out in the Extended Phase 1 Habitat Survey and the Reasonable Avoid Measures set out in the 'Conclusions and Recommendations' section of the report shall be implemented.
4. If protected species are found to be present at the site during construction, no further development shall be carried out until appropriate protection and mitigation measures are submitted and approved in writing by the Local Planning Authority, in consultation with Nature Resources Wales.
5. If nesting birds are found to be present during construction, no further development shall be carried out during the bird breeding season until secondary surveys have been carried out, and the results of the surveys together with reasonable avoidance measures to deal with the presence of nesting birds during the construction phase have been submitted to and approved in writing by the local planning authority.
6. The development shall be implemented in accordance with the approved construction method statement and any deviation from the method referred to in this statement shall be approved in writing by the Local Planning Authority.
7. The turbine house hereby permitted shall be constructed so as to provide sound attenuation against internally generated noise to a standard that causes no reasonable loss of amenity to the occupiers of neighbouring residential properties.
8. All electricity cables from the turbine house to the grid connection point shall be laid underground and no additional ancillary equipment such as substations or equipment cabinets shall be permitted without the prior written approval of the local planning authority.
9. If the development hereby permitted ceases to operate for a continuous period of not less than 12 months, within 6 months of that time, the turbine house and all other structures on or above the ground shall be dismantled, the materials removed from the site and the site restored to the satisfaction of the local planning authority.
10. No development shall take place within the application site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, which has been submitted by the applicant and approved in writing by the archaeological curator for the Local Planning Authority. The archaeological programme of work will be undertaken and completed in accordance with the standards laid down by the Institute for Archaeologists and MoRPHE (2006). On completion appropriate reports and an archive assessment will be submitted for approval to the Local Planning Authority and the Development Control Archaeologist, Clwyd-Powys Archaeological Trust, 41 Broad Street, Welshpool, Powys, SY21 7RR. tel: 01938 553670.

The reason(s) for the condition(s) is(are):-

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and for monitoring purposes.
3. In the interests of protecting biodiversity and to ensure the scheme will not be detrimental to the favourable conservation status of any protected species.
4. In the interests of protecting biodiversity and to ensure the scheme will not be detrimental to the favourable conservation status of any protected species.
5. In the interests of protecting biodiversity and to ensure no active nests have been built in within the work area or that may be disturbed by undertaking the works.
6. In the interests of protecting residential amenity.
7. In the interests of protecting residential amenity.
8. In the interests of visual amenity.
9. To ensure the long term reinstatement of the site, in the interests of landscape and visual amenity.
10. In the interests of archaeological recording.