

REPORT BY THE HEAD OF PLANNING AND PUBLIC PROTECTION

REPORT TO SEEK A RESOLUTION ON THE PLANNING CONDITIONS TO BE ATTACHED TO PLANNING APPLICATION No. 10/2014/1168

ERECTION OF A SINGLE WIND TURBINE OF UP TO 250KW OUTPUT, MAXIMUM BLADE TIP HEIGHT 48M, AND ASSOCIATED DEVELOPMENT COMPRISING CONSTRUCTION OF ACCESS TRACK, HARDSTANDING, BORROW PIT, GRID CONNECTION AND SWITCHROOM

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1. PURPOSE OF REPORT

- 1.1. To seek a resolution from Members on the planning conditions to be attached to the Certificate of Decision for planning application ref: 10/2014/1168, granted planning permission at the March 2015 meeting of the Committee.

2. BACKGROUND

- 2.1. Planning Committee on the 18th March 2015 resolved to grant conditional planning permission for the erection of a single wind turbine with a maximum tip height of 48m at the abovementioned site, in this case contrary to the Planning Officer's recommendation.
- 2.2. For information, the Officer report to the March meeting follows as an appendix to this report. The merits of the application are however not for consideration at this point, as the resolution of the Committee following the vote to grant permission was for Officers to draft a list of conditions to be included in the Certificate of Decision, and report these to Committee for consideration and ratification.
- 2.3. The discussion at the March meeting was based around the impact on landscape character and visual amenity, and in particular the impact on the setting of the AONB. Members took the view that the particular proposal was acceptable having regard to relevant considerations included the diversification benefits.
- 2.4. Officers believe the conditions as drafted in Section 3 of the report are reasonable and necessary in relation to the application, and cover standard matters relevant to wind turbine applications. These are consistent with similar wind turbine permissions previously issued by the Council.

3. DRAFT CONDITIONS

- 3.1. The suggested Conditions are:
 1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

2. The planning permission shall be for a period of 25 years from the date of the first generation of electricity from the turbine. 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. This permission relates solely to the erection of a 3 bladed wind turbine generator as described in the application plans and drawings with a maximum height to blade tip of 48m from original ground level.
4. The location of the turbine hereby permitted may vary up to a distance of 15m radius around the location shown on the site plan (General Arrangement Plan drawing no: 1568-01-002).
5. The location of the switchroom, access track, borrow pit and crane hardstanding / laydown area shall be in the positions indicated on the approved plans unless otherwise agreed in writing with the local planning authority.
6. PRE-COMMENCEMENT No development shall take place until the external finish of the turbine and switchroom hereby permitted, has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
7. Details of any logos, symbols or signs to be displayed on the turbine hereby permitted shall be submitted to and approved in writing by the local planning authority before they are displayed on the turbine.
8. All electricity and control cables between the turbine and the substation control building shall be laid underground.
9. Noise from the turbine hereby permitted at the following dwellings shall not exceed the levels set out in the table below when measured in free field conditions for wind speeds of up to 10m/s at a height of 10m above ground level:

Dwelling	noise levels (dB LA90 at 10 m/s at 10m height)
Maes Truan	27.5
Ty'n y Mynydd	23.9
Bryn Ysguboriau	32.0
Bryn Tangor	30.3
Bryn Eithin	29.2
Cefn-y-Wern	23.9
Ty'n y pant	21.0

Noise from the turbine hereby permitted at any other dwelling which lawfully exists or has extant planning permission for construction at the date of this planning permission shall not exceed 35dB_{LA90,10min} for wind speeds of up to 10m/s at a height of 10m above ground level when measured cumulatively in free field conditions with

any other wind turbine generator which lawfully exists or has extant planning permission at the date of this planning permission.

10. If complaints of noise nuisance are received by the Local Planning Authority, the developer shall be notified in writing and the developer shall employ a suitably qualified acoustic consultant to undertake a noise assessment within 1 month of notification to ensure that condition 9 is being complied with. A copy of the report shall be submitted to the Local Planning Authority within 14 days of its completion. Where the Applicant fails to undertake a noise assessment within 1 month of notification, the Local Planning Authority shall undertake an independent noise assessment and the Applicant shall be required to cover the cost incurred by the Local Planning Authority.
11. If the turbine is found to exceed the noise limits specified in condition 9 above, the turbine shall be shut down and mitigation measures that will ensure compliance with condition 9 shall be agreed in writing with the Local Planning Authority and implemented prior to the turbine re-commencing operation.
12. To aid cumulative impact and complaint investigations, the applicant shall temporarily turn the turbine off (braked to stop the rotors) to facilitate noise investigations being undertaken in nearby locations, when requested in writing by Local Planning Authority.
13. **PRE-COMMENCEMENT CONDITION**
No development shall commence until a construction method statement, describing the works to be undertaken and pollution prevention measures to be implemented during the construction phase, has been submitted to and approved in writing by the local planning authority. The construction method statement shall include the following details:
 - i. Excavation for and construction of the turbine base.
 - ii. Construction and reinstatement of crane hardstanding / laydown area.
 - iii. Construction and reinstatement (where applicable) of the site access and access track.
 - iv. Excavation and reinstatement with respect to the laying of cables.
 - v. Method for working out and remediating borrow pit.
 - vi. Management and storage of fuel, oil, concrete and chemicals.
 - vii. The management and disposal of ground, surface and foul water.
 - viii. Soil stripping, storage and spreading.
 - ix. Construction traffic management.Development shall be carried out in accordance with the approved details.
14. The development shall be carried out strictly in accordance with the recommendations, mitigation and enhancement measures set out in the table in Section 6 of the Ecological Appraisal carried out by avian ecology dated 8 September 2014.
15. The development shall be carried out strictly in accordance with the recommendations set out in Section 7 of the Archaeological Desk-Based Assessment carried out by AOC Archaeology Group dated September 2014.

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 in order that the Local Planning Authority retains control over the longer term uses of the land.
3. For the avoidance of doubt and in the interests of visual amenity.
4. For the avoidance of doubt , to allow the Local Planning Authority to retain control over the development and in the interests of residential amenity and nature conservation.
5. For the avoidance of doubt, and in the interests of visual amenity.
6. For the avoidance of doubt, and in the interests of visual amenity
7. In the interests of visual amenity.
8. In the interests of visual amenity.
9. In the interests of the protecting the amenity of occupiers of residential property in the locality from cumulative windfarm noise.
10. To ensure adequate measures are in place to monitor and assess noise from the turbine in the event of complaints and in the interests of the amenity of occupiers of residential property in the locality
11. To allow the Local Planning Authority to retain control over the development and in the interests of the amenity of occupiers of residential property in the locality.
12. To ensure adequate measures are in place to monitor and assess noise from the turbines in the event of complaints, and in the interests the amenity of occupiers of residential property in the locality.
13. In the interests of residential amenity, pollution, prevention and control
14. In the interests of nature conservation.
15. In the interests of protecting heritage assets.

NOTES TO APPLICANT:

Public Rights of Way

You are advised that the Definitive Map of Public Rights of Way shows Public Footpath 16 (Brynegwyls Community) crosses part of the development area. Hence, this Public Right of Way must not be compromised and the following measures should be applied:

- No building materials to be stored on the right of way, which may cause a nuisance, or obstruction to the user.
- No diminution in width of the Footpath as a result of the development
- No additional barriers (e.g. gates) are placed across the right of way, of either a temporary or permanent nature.
- No change to the surface of the Footpath, unless approved by the Public Rights of Way Unit via a licence.

Please contact Paul Owen, the Countryside Access Officer on 01824 706872 for further information.

Highways

The following highways Advisory notes are brought to your attention:

- (i) Highway Supplementary Note Nos 1,3,4,5 & 10
- (ii) New Roads and Street works Act 1991 – Part N Notice.

MOD:

You are reminded of the need to advise the Ministry of Defence of the date construction starts and ends; the maximum height of construction equipment; and the latitude and longitude of the turbine.

MOD contact details: MOD Safeguarding, Defence Infrastructure Organisation, Kingston Road, Sutton Coldfield, West Midlands, B75 7RL. Tel: 0121 3113781; Fax: 0121 3112218; Email: DIO-Safeguarding-Wind@mod.uk

4. RECOMMENDATION

- 4.1. It is recommended that Members resolve to agree the conditions and notes to applicant set out in section 3 of this report for inclusion on the Certificate of Decision on application 10/2015/1168.