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Denbighshire County Council

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DENBIGHSHIRE LOCAL IMPACT REPORT

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| Proposal: | North Wales Wind Farms Connections Project |
| Endorsed by: | Graham Boase, Head of Planning and Public Protection, Denbighshire County Council |
| Draft Approved by: | Denbighshire County Council Planning Committee Date:(15 July 2015) |
| Final Approved by: | LOCAL WARD MEMBERS (T.B.C) Date: TBC |
| Submission Date: | TO BE COMPLETED |

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PLANNING COMMITTEE

SECTION A: CONTEXT

1. INTRODUCTION

1.1. Background to the Local Impact Report (LIR)

- 1.1.1. SP Manweb (the applicant) have applied to the Planning Inspectorate for a Development Consent Order (DCO) for the installation of approximately 17km of 132,000 kilovolt (132kV) over ground electricity line from a collector substation at Clocaenog Forest, to a terminal point to the south of Glascoed Road (B5381) near St. Asaph, Denbighshire and ancillary development consisting of a temporary construction compound; vehicular and pedestrian access points along the route alignment; landscaping and ecological measures; landscaping to mitigate adverse effects; and other integral works as described on the Application Form and referred to as the North Wales Wind Farms Connection Project ('The Project').
- 1.1.2. The Project is categorised as a Nationally Significant Infrastructure Project (NSIP) as it is for the installation of overhead electricity lines with a voltage of 132kV. It is therefore defined as a NSIP according to the definition contained in Section 14 and 16 of the Planning Act 2008.
- 1.1.3. Under the Planning Act 2008 (the Act), the Local Authority in which the proposal is located is a statutory consultee whose involvement in the process is both consultative and informative. The Project crosses the administrative boundaries of both Conwy County Borough Council and Denbighshire County Councils. Denbighshire County Council (the Council) have engaged in pre-application discussions with the applicant and provided formal representations regarding the Statement of Community Consultation (SoCC) and the Preliminary Environmental information in accordance with Section 42 and 47 of the Act, as well as providing representations to the Planning Inspectorate regarding the adequacy of the consultation carried out by the applicant in accordance with Section 55 of the Act).
- 1.1.4. The Planning Inspectorate strongly encourages Local Authorities to produce and submit a Local Impact Report (LIR) at the Examination stage of the process. The sole definition of an LIR is given in S.60(3) of the Act as a '*report in writing giving details of the likely impact of the proposed development on the authority's area (or any part of that area)*'
- 1.1.5. This document comprises the Local Impact Report on behalf of Denbighshire County Council and has been prepared in accordance with the above definition and in line with *Advice Note One: Local Impact Reports (April 2012)*.
- 1.1.6. The Council's Planning Committee endorsed the draft version of the Local Impact Report at their Committee meeting on the 15th July 2015, subject to a consultation with relevant Ward Councillors prior to the submission of the final Local Impact Report to the Examining Authority.
- 1.1.7. Comments received by Ward Councillors are set out in **Appendix X** and the Council request that the Examining Authority has regard to these comments. These comments are the views of individual Ward Councillors and do not necessarily reflect the views of the County Council.

1.2. The Approach To The Local Impact Report

- 1.2.1 The Council's LIR has been prepared by the Development Management section with professional input from Officers of the Council specialising **XXXXXX (T.B.C following receipt of outstanding consultation responses)**.
- 1.2.2 The purpose of the LIR is for the Council to advise the Planning Inspectorate on what local impacts it considers the proposed development will have on the area by reference to specific issues. Details of how negative impacts can be overcome and mitigated for will be provided where relevant. The LIR will also appraise the proposed development's compliance with local planning policy and guidance and offer views on the draft Development Consent Order provisions, requirements and obligations.
- 1.2.3 The report has been structured into a logical format in which an initial section on 'Context' (Part A) will provide details of the proposal and information about the area and environs in which it is proposed to be located. Details of relevant existing and proposed developments and how these relate to the proposal will also be provided.

- 1.2.4 Part B of the LIR will describe the Impacts of the proposal on the local area by focussing on specific issues such as noise, landscape and ecology etc. In accordance with Planning Inspectorate guidance the Council intends to describe whether the impacts of the Project in relation to each issue have positive, negative or neutral effects.
- 1.2.5 Part C of the LIR will provide an assessment of the proposal against the Council's planning policies contained within the Local Development Plan (LDP), along with commentary of the proposal's compatibility with national planning policies.
- 1.2.6 Part D of the LIR will cover the key aspects of the draft Development Consent Order (DCO), these being the Provisions, Requirements and Obligations. The Council will indicate whether it agrees with what has been provided in the draft DCO and where necessary suggestions for amendments and additional matters to be covered will be provided giving reasons why (all without prejudice to the Council's comments on the effects of the proposal).
- 1.2.7 The final section of the LIR (Part E) will provide a summary of the impacts and assessments detailed in the LIR for the benefit of the Examining Authority. However a balancing exercise on the elements of the scheme will not be carried out, as this is the responsibility of the Planning Inspectorate. The LIR will contain diagrams, maps, tables and other interpretation material to support the written content of the report.

2. DESCRIPTION OF DEVELOPMENT

- 2.1. The application is for the construction, installation, operation and maintenance of a 17km 132,000 volt (132kV) electric line above ground within the administrative boundaries of Denbighshire and Conwy. The electric line would extend from a proposed collector substation at Clocaenog Forest to a terminal point at Groesffordd Marli, to the south of Glascoed Road (B5381), near St. Asaph. The line crosses into the county of Conwy near Henllan and back into Denbighshire at the Afon Elwy. An underground cable will then connect from the terminal pole to an existing Scottish Power substation in St. Asaph where the electricity will be exported to the electricity distribution network.
- 2.2. In addition to the electric line above ground, the following works form part of the application for development consent:
- A temporary construction compound at Broadleys Farm, A543, Denbighshire and temporary storage or 'laydown areas' along the alignment;
 - Access points for pedestrians and vehicles along the length of the route alignment for construction and maintenance;
 - Landscaping and ecological measures to restore trees and other vegetation that have been removed during construction;
 - Landscaping to mitigate any adverse effects; and
 - Other integral works such as site preparation and clearance, earth works, alteration of existing services and minor street works.

3. DESCRIPTION OF THE APPLICATION SITE AND SURROUNDINGS

3.1. Location of development

- 3.1.1. The electric line would extend from a proposed collector substation at Clocaenog Forest, to the east of village of Saron to a terminal point at Groesffordd Marli, to the south of Glascoed Road (B5381), near St. Asaph.
- 3.1.2. The overhead line route has been sub-divided into 4 sections:
- Clocaenog to Bwlch (Section A)
 - Bwlch to Eriviat (Section B)
 - Eriviat to Plas Buckley (Section C)

- Plas Buckley to Groesffordd Marli (Section D).

3.2. Site specific planning constraints

3.2.1. The Environmental Statement submitted with the development consent order application contains a comprehensive list of the planning constraints in the locale of the site, and the Council does not wish to replicate this information. However the Council would bring to the attention of the Examining Authority the following planning constraints which may directly affect the proposed development (i.e. constraints within the red line boundary of the final route alignment):

3.2.2. Clocaenog to Bwlch (Section A)

- First 750m is within the boundary of the SSA as defined by TAN 8
- Route crosses a public right of way:
 - to the east of Bryn Golau (grid ref: 302196:360648)
 - Between Tan ty Allt and Bryn Foel (grid ref: 303132:361793)
- Route crosses an area of groundwater vulnerability between grid ref: 302492: 360976 and grid ref: 302700:361160.
- Route crosses through the Bryn Foel / Cefn-maen-uchaf local wildlife site at two points (grid ref: 302801: 361181 and grid ref: 303019: 361613). The Bryn Foel / Cefn-maen-uchaf wildlife site is an Ancient / broadleaf woodland greater than 4 hectares with plant species interest.

3.2.3. Bwlch to Eriviat (Section B)

- Route crosses a public right of way:
 - To the east of Foel Farm (grid ref: 303335:362507)
 - To the east of the village of Peniel (grid ref: 303329:362972)
 - To the south east of Ty-coch residential property (grid ref: 302783:363650)
 - At Pandy (grid ref: 302363:364181)
- Route crosses through a mineral safeguarded area (sand and gravel) designated in the LDP:
 - To the south east of Pandy (between grid ref: 302969:363565 and grid ref: 302575:363980)
 - To the east of Eriviat Park (between grid ref: 301760:365650 and grid ref: 301946:366353)
- Route crosses through Zone B flood risk zone as defined by TAN15 to the south east of Pandy (grid ref:302873:363671 and grid ref: 302660:363882)
- Route crosses through a Zone C2 flood risk zone as defined by TAN15 at Pandy (grid ref: 302416:364128)
- Route crosses area of groundwater vulnerability between grid ref:302882:363650 and grid ref: 302789:363753)

3.2.4. Eriviat to Plas Buckley (Section C)

- Route crosses a public right of way:
 - To east of Coed Wern-ddu (grid ref: 301978: 366423)

- Route crosses area of groundwater vulnerability to east of Eriviat Park (between grid ref: 301855:366063 and grid ref: 301970:366569)
- Route crosses through Zone B flood risk zone as defined by TAN15 to the east of Eriviat Park (grid ref: 301811:365974)
- Route crosses through a Zone C2 flood risk zone as defined by TAN15 to east of Eriviat Park (grid ref: 301927: 366160)
- Route crosses area of groundwater vulnerability between grid ref:302882:363650 and grid ref: 302789:363753)
- *Route crosses into Conwy to north of Coed Wern-ddu until Afon Elwy (no comments made on this section of the route)*

3.2.5. **Plas Buckley to Groesffordd Marli (Section D)**

- *Route crosses into Conwy to north of Coed Wern-ddu until Afon Elwy (no comments made on this section of the route)*
- Route crosses through a Zone C2 flood risk zone as defined by TAN15 at the Afon Elwy (grid ref: 299798:372254)
- Route crosses area of groundwater vulnerability between grid ref:302882:363650 and grid ref: 302789:363753)
- Route crosses the Coed y Ddol / Coed y Fadir local wildlife site (ancient / broadleaf woodland greater than 4 hectares with plant species interest) and an area of ancient semi-natural woodland at grid ref: 299862:372412.
- The terminal pole is adjacent to the 100m buffer zone for the National Grid high voltage overhead line.

4. **RELEVANT WELSH GOVERNMENT AND LOCAL PLANNING POLICIES**

4.1. **Introduction**

- 4.1.1. Whilst a main material consideration in the determination of the development consent order application will be the National Policy Statements (NPS), with the most relevant in this instance being EN-1: Overarching NPS for Energy (2011) and EN-5: NPS for Electricity Networks Infrastructure (2011) there also has to be consideration given to the Welsh Government and local planning policies. The policies Denbighshire County Council consider relevant material considerations are set out below:-

4.2. **Welsh Government Policies**

4.2.1. Planning Policy Wales (Edition 7 – July 2014)

The Council consider Planning Policy Wales to be a material consideration and significant weight should be apportioned to the planning policies contained in this document. Specifically Chapter 12 sets out Welsh Government Policy on infrastructure and service developments.

4.2.2. TAN 8 - Planning for Renewable Energy (WG 2005) – SSA-A Clocaenog Forest.

Denbighshire, in its LDP has adopted the TAN 8 boundary as the strategic location for large scale wind turbines.

4.2.3. TAN 5 - Nature Conservation and Planning (WG 2009)

4.2.4. TAN 6 - Planning for Sustainable Rural Communities (WG 2010)

4.2.5. TAN 11 – Noise (WG 1997)

4.2.6. TAN 13 - Tourism (WG 1997)

- 4.2.7. TAN 15 – Development and Flood Risk (WG 2004)
- 4.2.8. TAN 18 – Transport (WG 2007)
- 4.2.9. WG Planning Implications of Renewable Energy and Low Carbon Energy Development (2011) – Provides guidance on planning consideration for various RE technologies.
- 4.2.10. LANDMAP – the all-Wales Geographical Information (GIS) based resource for assessing landscape character and quality. LANDMAP is the formally adopted methodology for landscape assessment in Wales and informs planning related uses and landscape baseline conditions at both local and landscape scale.
- 4.3. **Local Planning Policy**
- 4.3.1. Denbighshire Local Development Plan 2006 – 2021.
The Denbighshire LDP was formally adopted on the 4th June 2013. It provides the basis on which development management decisions are made and will guide development in the County up to 2021.
- 4.3.2. Section 54A of the Town and Country Planning Act (as amended), places the Development Plan central to the decision making process, particularly in relation to the evaluation of planning applications. It requires that: *“Where, in making any determination under the Planning Acts, regard is to be had of the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise”.*
- 4.3.3. Whilst the LDP does not contain a planning policy which specifically relates to grid connection infrastructure, the following LDP policies are considered relevant to the consideration of the proposed Clocaenog Forest Wind Farm. Full details of the policy content can be found in the Denbighshire Local Development Plan (2006 – 2021).
- Policy RD5 – The Welsh language and the social and cultural fabric of communities.
 - Policy BSC 3 – Securing infrastructure contributions from development.
 - Policy PSE15 – Safeguarding minerals
 - Policy VOE 1 – key areas of importance
 - Policy VOE 2 - AONB and AOB
 - Policy VOE 5 – Conservation of natural resources
 - Policy VOE 6 – Water Management
 - Policy VOE 9 – On-shore wind energy
 - Policy VOE19 – Renewable Energy Technologies
- 4.3.4. The Denbighshire LDP is available to view in its entirety on the Council website at www.denbighshire.gov.uk and the Policies specifically referenced in this Report are listed in full in Appendix 1
- 4.3.5. The following supplementary planning guidance and evidence base documents are also considered to be of relevance, and therefore the Council would request due weight should be attributed to them:
- Conwy and Denbighshire Landscape Sensitivity and Capacity Assessment for wind turbine developments”, dated August 2013.
- 4.3.6. The policy context is discussed in more detail in Section C below.

5. RELEVANT PLANNING HISTORY AND ANY ASSOCIATED ISSUES

- 5.1. This section of the LIR looks at the application site’s relationship with existing and proposed wind farm developments within the context of SSA (A) and other wind turbine and energy infrastructure in

the County. A key issue in the determination of this application is the cumulative impact these developments could have in combination with one another in terms of noise, ecological, transport, socio-economic and landscape and visual impacts.

5.2. **Proposed collector substation planning application**

5.2.1. Planning application for the proposed substation in the Clocaenog Forest, Saron which will act as the collector substation for the four consented windfarms within the SSA, and then export the electricity via the proposed overhead lines has been submitted to DCC as the relevant local planning authority (DCC planning application ref: 23/2014/1440). The application was report to Planning Committee in July 2015 and the resolution was to **XXXXX (TBC following resolution of Planning Committee with respect to this application).**

5.3. **Consented windfarms within the SSA awaiting a grid connection:**

5.3.1. **Brenig Windfarm**

The Brenig windfarm is a consented scheme located to the North West part of the SSA (A) within the administrative boundary of DCC (DCC planning application ref 25/2007/0565). The windfarm includes:-

- 16 turbines, the dimensions of which are 60 metres to the hub and 100 metres to the tip.
- An installed capacity of 48 MW
- It was granted planning permission by DCC in April 2009
- Construction has commenced.

5.3.2. **Derwydd Bach windfarm**

The Derwydd Bach windfarm is a consented scheme located to the southern end of the SSA (A) within the administrative boundary of DCC (DCC planning application ref 04/2007/0964) and includes:-

- 10 turbines, the dimensions of which are 85 metres to the hub and 120.5 metres to the tip
- An installed capacity of 23MW
- It was granted planning permission by DCC in July 2011
- Construction has not yet commenced.

5.3.3. **Nant Bach (Mwthwl Eithin) windfarm**

The Nant Bach windfarm is a consented scheme located to the South West corner of SSA (A) within the administrative boundary of Conwy County Borough Council (CCBC planning application ref 0/35170) and includes:-

- 11 turbines, the dimensions of which are 60 metres to the hub and 100 metres to the tip
- An installed capacity of 27.5 MW
- It was granted Planning Permission by CCBC in July 2011
- Construction has not yet commenced.

5.3.4. **Clocaenog Forest Windfarm**

The Clocaenog Forest windfarm is a consented scheme located in the centre of the SSA within the administrative boundary of both DCC and Conwy County Borough Council (Development Consent Order issued by Secretary of State in September 2014) and includes:

- 32. turbines, with a tip height of up to 145 metres
- An installed capacity of between 64 – 96MW
- It was granted development consent by Secretary of State for Energy and Climate Change in September 2014
- Construction has not yet commenced.
- The windfarm substation is immediately adjacent to the proposed collector substation, which would connect to the proposed overhead lines.

5.4. **Other wind energy developments in the locale of the site:**

5.4.1. **Tir Mostyn / Foel Goch windfarm**

The Tir Mostyn / Foel Goch windfarm is an operational windfarm on the edge of the SSA within the administrative boundary of DCC (DCC planning application ref: 25/1999/0710) to the west of the proposed overhead line. The closest turbine is approximately 250m to the west of the proposed overhead line. The windfarm includes:

- 25 turbines, the dimensions of which are 49m to hub and 75m to the blade tip.
- An installed capacity of 21MW
- It was granted consent by the Welsh Government in December 2002
- The windfarm is operational.

5.4.2. **Hafodty Ddu, Saron 500kW wind turbine**

Consented 500kW individual turbine on land adjacent to Tir Mostyn windfarm, Saron, within the administrative boundary of DCC (DCC planning application ref: 25/2014/0337). The turbine is approx.120m to the west of the proposed overhead line (grid ref: 301113:359398). The turbine is currently under construction.

5.5. **Other electricity infrastructure projects**

5.5.1. **Gwynt y Mor offshore windfarm substation, land to the south of Glascoed Road, St Asaph and underground cables**

Onshore grid connection to connect the Gwynt y Mor offshore windfarm to the transmission network (National Grid) which consists of high voltage underground electricity cable from the North Wales coast to a new substation building which is to the south of Glascoed Road, St. Asaph (DCC planning application ref: 31/2008/1123). The proposed substation building is approx.1.15km to the north-east of the proposed terminal pole. The Gwynt y Mor offshore windfarm is operational.

5.5.2. **National Grid substation, land to the south of Glascoed Road, St. Asaph**

Existing National Grid substation, which is immediately adjacent to the Gwynt y Mor substation building above, and approximately 1km to the north-east of the proposed terminal pole.

5.5.3. **Burbo Bank offshore windfarm substation, land to the south of Glascoed Road, St Asaph**

Onshore grid connection to connect the Burbo Bank offshore windfarm to the transmission network (National Grid) which consists of a high voltage underground electricity cable from Ffrith Beach, Prestatyn to a new substation building which is on land to the south of Glascoed Road, St. Asaph (DCC planning application ref: 31/2013/0400). The substation is also immediately adjacent to the Gwynt y Mor substation, and is approx. 1.4km to the north-east of the proposed terminal pole. The substation site and offshore windfarm are under construction

5.5.4. **High voltage overhead lines (National Grid pylons)**

The proposed terminal pole is in close proximity to existing National Grid pylons which converge in the St. Asaph area.

5.6. **Conclusion**

5.6.1. There is already operational windfarm and individual wind turbine development within the SSA and there are four consented windfarm developments in the SSA with extant planning permission, which are awaiting a grid connection.

5.6.2. There is a concentration of electricity infrastructure in St Asaph area, which consists of substation buildings, and existing transmission and distribution high voltage overhead lines.

5.6.3. The Project when constructed would be viewed in the context of existing and consented windfarms within the northern section of the SSA, and with the concentration of electricity infrastructure in the St. Asaph area and therefore cumulative visual effects would need to be taken into consideration. These will be discussed as part of the topic issues in Section B.

SECTION B: LOCAL IMPACTS

6. INTRODUCTION

- 6.1. The Planning Inspectorate Advice Note April 2012 states that the LIR “...should consist of a statement of positive, neutral and negatives...” It further states that: “It would assist the Inspector if the local authority is able to give its views on the relative importance of different social, environmental or economic issues and the impact of the scheme on them”
- 6.2. This section of the LIR is set out in accordance with that guidance and provides comments on the topic specific sections of the Environmental Statement and a summary of the positive, neutral and negative impacts of the development.

7. ECOLOGY AND BIODIVERSITY

7.1. T.B.C - consultation response from Biodiversity Officer pending

7.2. Summary of Impact:

7.2.1. Positive / Neutral / Negative (TBC)

8. LANDSCAPE AND VISUAL

8.1. *Clocaenog to Bwlch (Section A)*

8.1.1. TBC

8.2. *Bwlch to Eriviat (Section B)*

8.2.1. TBC

8.3. *Erivat to Plas Buckley (Section C)*

8.3.1. TBC

8.4. *Plas Buckley to Groesfordd Marli (Section D)*

8.4.1. TBC

8.5. *Cumulative effects*

8.5.1. TBC

8.6. Summary of Impact:

8.6.1. *Positive / Neutral / Negative (TBC)*

9. HISTORIC ENVIRONMENT

9.1. T.B.C – consultation response from County Archaeologist and Conservation Architect pending

9.2. Summary of Impact:

9.2.1. Positive / Neutral / Negative (TBC)

10. FLOOD RISK AND WATER RESOURCES

10.1. T.B.C – consultation response from Public Protection and Flood Risk Engineer pending

10.2. Summary of Impact:

10.2.1. Positive / Neutral / Negative (TBC)

11. LAND USE AND AGRICULTURE

11.1. T.B.C

11.2. Summary of Impact:

11.2.1. Positive / Neutral / Negative (TBC)

12. SOCIO-ECONOMICS AND TOURISM

12.1. T.B.C – consultation response from Economic and Business Development team pending

12.2. Summary of Impact:

12.2.1. Positive / Neutral / Negative (TBC)

13. TRAFFIC AND TRANSPORT

13.1. Traffic and transport

13.1.1. T.B.C – consultation response from highways pending

13.2. Public rights of way

13.2.1. The overhead line route crosses a number of public rights of way (footpaths). The draft DCO indicate that the construction phase would only require temporary closures of 3 rights of way (2 footpaths and 1 bridleway).

13.2.2. Footpath 23 is a Y shaped footpath and is possibly obstructed, and therefore may need to close the whole length of the footpath rather than just the spur affected.

13.2.3. The Bridleway network in this area of the County is sparse, and the temporary closure of Bridleway 22 may have implications for the wider connectivity on the bridleway network, and therefore preference would be for this bridleway to remain open, or at least for a temporary diversion to be secured during the construction phase.

13.3. Summary of Impact:

13.3.1. Positive / Neutral / Negative (TBC)

13.3.2.

14. EMISSIONS

14.1. T.B.C – consultation response from Public Protection pending

14.2. Summary of Impact:

14.2.1. Positive / Neutral / Negative (TBC)

15. ELECTRIC AND MAGNETIC FIELDS

15.1. T.B.C – consultation response from Public Protection pending

15.2. Summary of Impact:

15.2.1. Positive / Neutral / Negative (TBC)

SECTION C: POLICY CONTEXT

16. APPRAISAL OF PROPOSALS AGAINST RELEVANT PLANNING POLICY

16.1. National Policy Statement for Electricity Infrastructure (EN-5)

16.1.1. EN-5 paragraph 2.8.8 states “..EN-1 sets out the need for new electricity lines of 132kV and above, including overhead lines. Although the Government expects that fulfilling the need through the through the development of overhead lines will often be appropriate, it recognises that there will be cases where this is not so. Where there are serious concerns about the potential adverse landscape and visual effects of a proposed overhead line, the IPC will have to balance these against other relevant factors, including the need for the proposed infrastructure, the availability and cost of alternative sites and routes and methods of installation (including undergrounding)”

16.1.2. Para 2.8.9 goes on to state: “...The IPC should, however only refuse consent for overhead line proposals in favour of an underground or sub-sea line if it is satisfied that the benefits from the non-overhead line alternative will clearly outweigh any extra economic, social and environmental impacts and the technical difficulties are surmountable. In this context it should consider:

- the landscape in which the proposed line will be set, (in particular, the impact on residential areas, and those of natural beauty or historic importance such as National Parks, AONBs and the Broads);
- the additional cost of any undergrounding or sub-sea cabling (which experience shows is generally significantly more expensive than overhead lines, but varies considerably from project to project depending on a range of factors, including whether the line is buried directly in open agricultural land or whether more complex tunnelling and civil engineering through conurbations and major cities is required. Repair impacts are also significantly higher than for overhead lines as are the costs associated with any later uprating.); and
- the environmental and archaeological consequences (undergrounding a 400kV line may mean disturbing a swathe of ground up to 40 metres across, which can disturb sensitive habitats, have an impact on soils and geology, and damage heritage assets, in many cases more than an overhead line would).

16.2. Welsh Government Policy

16.2.1. The applicant is the electricity distribution network operator (DNO) for the North Wales area, under licence pursuant to the Electricity Act 1989. Under condition 16 of their distribution licence, DNOs are required to offer to provide a connection to the distribution network as and when they are asked to do so by any of its customers. Four consented windfarms in the Clocaenog Forest Strategic Search Area (SSA) are currently awaiting a grid connection, and the proposed overhead lines are proposed in order to facilitate that grid connection.

16.2.2. Planning Policy Wales (PPW) reaffirms UK and Welsh Government energy policy and recognises that wind energy generation remains the most commercially viable form of renewable energy in Wales. The principle of wind energy development is therefore established and supported national planning policy..

16.2.3. Technical Advice Note 8: Renewable Energy (TAN 8) supplements PPW and provides technical advice and guidance on renewable energy projects. TAN 8 introduced the principle of spatial planning for the delivery of energy policy and identifies 7 Strategic Search Areas (SSAs) where large scale onshore wind developments should be concentrated.

16.2.4. Planning Policy Wales Chapter 12 sets out Welsh Government Policy in relation to infrastructure and service developments. With regards to grid connections necessary to connect windfarm development within Strategic Search Areas to the electricity grid, paragraph 12.8.14 states “An integrated approach should be adopted towards planning renewable and low carbon energy developments and additional electricity grid network infrastructure. Additional electricity grid network infrastructure will be needed to support the SSAs and local planning authorities should facilitate grid developments when appropriate proposals come forward whether or not the wind farms are to be connected are located within their authorities. Within the SSAs, whilst cumulative impact can be a material consideration, it must be balanced against the need to meet the Welsh Government’s aspirations for energy in Wales and the conclusions reached fully justified in any decisions taken. Developers will need to be sensitive to local circumstances, including siting in relation to local landform, proximity to dwellings and other planning considerations”.

16.2.5. TAN 8 Paragraph 2.13 states “*There is currently very restricted capacity for further wind-power developments in North and Mid Wales (Scottish Power/Manweb network) and the re-enforcement of the network through the construction of new high voltage distribution and transmission lines is vital to the realisation of any significant additional generating capacity...*”

16.2.6. Whilst National planning policy supports the principle of new grid connection infrastructure to connect windfarm development within SSAs to the electricity grid, it is relevant to note that both new high voltage distribution and transmission connections can also be facilitated by way of underground cables and therefore new overhead lines are not the only option available to provide the necessary grid connection.

16.2.7. Additionally, national planning policy acknowledges that new high voltage distribution and transmission lines are vital to the realisation of any significant additional generation capacity in North and Mid Wales, but it also clearly states that a sensitive assessment of local circumstances including local landform, proximity to dwellings and other planning considerations would still be necessary (para 12.8.14).

16.3. **Denbighshire Local Development Plan**

16.3.1. There are no specific policies in the adopted Denbighshire LDP relating to grid connection infrastructure proposals, however the planning policies specified in Section 2 are considered to be of relevance to the proposal and the Council would request significant weight should be attributed to them.

16.4. **Conclusion.**

16.4.1. In relation to the principle of the development, both Welsh Government and the Council have adopted policies that accept the Clocaenog Forest SSA (A) identified in TAN 8 is the most appropriate location for large scale (over 25MW) Wind Farm projects, and recognise a new grid connection is required to export the electricity generated by the consented windfarms within the SSA to the local electricity distribution network.

16.4.2. EN-5 states that where there are serious concerns about the potential adverse landscape and visual effects of a proposed overhead line, this will need to be carefully balanced against other relevant factors, including the need for the proposed infrastructure, the availability and cost of alternative sites and routes and methods of installation (including undergrounding), and that overhead line proposals should only be refused if the benefits from the non-overhead line alternative will clearly outweigh any extra economic, social and environmental impacts and the technical difficulties are surmountable.

16.4.3. The need for new grid connections for wind energy development is therefore supported in principle by National, Welsh Government and local planning policy, however the relevant policies recognise that high voltage grid connections can be undergrounded and therefore overhead lines are not the only option. National, Welsh Government and local planning policy oblige due consideration of the economic, social and environmental impact of overhead line proposals and the Council therefore request the Examining Authority assess the proposal against the relevant National, Welsh Government and local planning policies identified in this Report to ensure the local impacts are acceptable..

SECTION D: PROVISION, REQUIREMENTS AND OBLIGATIONS

17. CONSIDERATION OF THE IMPACT OF THE PROVISIONS AND REQUIREMENTS WITHIN THE DRAFT ORDER

17.1. This section of the LIR considers the provisions and requirements outlined in the draft DCO and provides a commentary and suggested changes where relevant. The Council interprets that the “Requirements” in the draft DCO having the same purpose as planning conditions, therefore they have been assessed using the six tests for conditions outlined in Welsh Office Circular 35/95.

17.2. **Provisions**

- 17.2.1. Denbighshire County Council has concerns regarding the transfer of highways powers to the undertaker via the proposed Provisions contained in the draft DCO (Articles 10, 12, 13, 14).
- 17.2.2. The Council considers it is likely that the construction phase for the overhead lines would overlap with the construction of the four consented windfarms within the SSA given that they will all be working towards the same completion date. The construction works could also overlap with other major developments within the County. The Council therefore consider it necessary for the Council to maintain control, or at least have the right to request highways works are delayed or varied, in order to manage the impact to the highway in a strategic and coordinated manner, as well as ensuring connectivity for public rights of way users is maintained. This is in the interests of highway safety and amenity of local residents and road users.
- 17.2.3. The Council therefore request additional measures are put in place within the DCO, for example the provisions to include the need to give the local highway authority a minimum of 2 week notice prior to carrying out any highways works (including temporary closures of rights of way), and for the DCO to also contain powers for the Council to request proposed highways works are varied or delayed where it can be clearly demonstrated it would be in the public interest to do so.
- 17.2.4. HEDGEROW REMOVAL PROVISIONS (Schedule 11 & 30) – TBC – pending response from Biodiversity Officer and County Archaeologist.

17.3. Requirements

- 17.3.1. The comments on the draft Requirements contained in Schedule 2 of the draft Development Consent Order are set out in the table below. Comments are provided without prejudice to the Council's assessment of effects and to the formal representation the Council wishes to submit.
- 17.3.2. The Council also has regard to the Schedule 10 which sets out the procedure for discharge of Requirements. The Council objects to the proposed 21 days limit for the local planning authority to request additional information and also objects to deemed consent being awarded if written approval is not issued within 8 weeks. For each of the Requirements which require detail to be submitted to and approved in writing to the local planning authority, it is likely the Council would need to consult with statutory consultees (for example the Highways Authority or Natural Resources Wales) prior to approving the details submitted. The Council typically allows 21 days for consultees to respond to consultations on approval of condition requests. The need for additional information may not be identified until consultation responses are received, and therefore it will be impossible for the Council to conform to the 21 day limit specified in Schedule 10. Where additional information is required, this would trigger the need to re-consult with statutory consultees, which therefore has implications for approving the detail within 8 weeks. The Council would therefore request the 21 day limit for requesting additional information is omitted from Schedule 10. To avoid delays, the Council would also suggest Requirements are re-worded in order to place an obligation on the undertaker to consult with specific consultees prior to submitting the details to the Council for approval, which should overcome the need for additional information to be requested, speed up consultation responses from statutory consultees, limit the need for the Council to re-consult on the details provided, thereby ensuring the Council are able to approve the details within 8 weeks. Please refer to Requirements included in the Clocaenog Forest Development Consent Order 2014 as an example (Requirement 8, 9, 11, 12, 15, 16, 25, 26, 27, 28 all require the undertaker to consult with statutory consultees such as NRW, Welsh Government, highways authorities and the MOD, prior to submitting details for approval to the LPA).
- 17.3.3. The Council also consider that some of the details specified in the Requirements could instead be approved by the ExA as part of the Examination process rather than for details to be approved post consent by the local planning authority. This is particularly relevant for details that would constitute mitigation measures. The Requirements could then be re-worded to instead require any non-material variation to the approved detail to be agreed in writing with the LPA rather than the LPA to have full responsibility to approve detail from first principles.

Table A: DCC comments on draft Requirements contained in Schedule 2

| Requirement No. | Council comments |
|-----------------|--|
| 1 | No observations. |
| 2 | No observations. |
| 3 | No observations. |
| 4 | To provide clarity on the stages of construction, Requirement 4 should specify what detail is required to be provided – e.g. phasing of stages (to confirm if stages would be carried out chronologically or concurrently) , timescales for each stage of construction works to be completed etc. |
| 5 | <p>Landscaping scheme is proposed to mitigate the visual effects of the proposed development and therefore should form part of the application.</p> <p>Preference would be for the landscaping to be carried out in full accordance with the proposed landscape management plan and ecological management plan, and for details to only be submitted in writing to the local planning authority for approval were they deviate from the approved detail.</p> |
| 6 | Should Requirement 5 be amended in light of comments above, Requirement 6 (1) would need to be reworded accordingly. |
| 7 | Replacement planting should form part of the Landscaping scheme, and therefore this should be incorporated into Requirement 5. |
| 8 | No observations. |
| 9 | <p>Support the need for the details to be approved by the relevant highway authority rather than the local planning authority.</p> <p>Unnecessary for local planning authority to be responsible for approving detail in this instance.</p> <p>Should for any reason this requirement be amended so it requires details to be approved by the local planning authority rather than the highway authority, the LPA would nevertheless need to consult with relevant highway authorities prior to approving this detail, and therefore may be difficult to comply with procedure for discharge of Requirements set out in Schedule 10.</p> <p>Suggest the Requirement is re-worded to include an obligation on the undertaker to consult with Welsh Government and the relevant highways authorities prior to submitting details for approval to the LPA. E.g.</p> <p>No work to construct or alter any permanent or temporary means of vehicular access to a highway must commence until, <i>following consultation with the Department of Transport of the Welsh Government and any relevant highway authority</i>, written details of the design and layout of that means of access has been submitted to and approved...</p> |
| 10 | <p>Do not support 7 day / week construction works.</p> <p>The working hours proposed are for 7 days a week and reduced working hours for weekends and bank holidays are not proposed. To minimise adverse impacts on the local area and residential amenity, the Requirement should include a clause which requires</p> |

| | |
|----|---|
| | weekend / bank holiday working to be agreed in writing with the local planning authority prior to the commencement of works for that stage. |
| 11 | Wording of the Requirement should be amended to ensure time limits for the completion of investigations and risk assessment to be specified in the Requirement, and for works to cease until the contamination has been rectified. |
| 12 | <p>Local planning authority would need to consult with County Archaeologist and CPAT prior to approving this detail, and therefore may be difficult to comply with procedure for discharge of Requirements set out in Schedule 10.</p> <p>Suggest the Requirement is re-worded to include an obligation on the undertaker to consult with Welsh Government and the relevant highways authorities prior to submitting details for approval to the LPA. E.g.</p> <p>No stage of the authorised development must commence until, <i>following consultation with the Clwyd and Powys Archaeological Trust (CPAT) and the relevant County Archaeologist</i>, for that stage, a written stage setting out</p> |
| 13 | <p>Again, the local planning authority would need to consult with statutory consultees prior to approving the CEMP, and therefore may be difficult to comply with procedure for discharge of Requirements set out in Schedule 10.</p> <p>Suggest the Requirement is re-worded to include an obligation on the undertaker to consult with Natural Resources Wales, Welsh Government Highways and relevant Highways authorities prior to submitting details for approval to the LPA. E.g.</p> <p>No stage of the authorised development may commence until, <i>following consultation with the Department of Transport of the Welsh Government, Natural Resources Wales, relevant County Ecologist and the relevant highway authority</i>, a construction environmental management plan</p> <p>Requiring a CEMP to be approved for every stage may be a burden on the local planning authority, given that in each instance it would be necessary to consult with relevant consultees before written approval could be issued. Preference would be for a single overarching CEMP to be submitted to and approved in writing to the LPA prior to commencement, with additional stage specific detail to be provided as necessary prior to that stage of works being carried out.</p> |
| 14 | Agree - noise from piling activity may cause a nuisance it is necessary for local planning authority to approve a piling method statement prior to commencement. |
| 15 | No observations. |
| 16 | Mechanism to approve non-material amendment. No observations |
| 17 | For clarification only. No observations. |

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APPENDIX 1: ADOPTED DENBIGHSHIRE LOCAL DEVELOPMENT PLAN PLANNING POLICIES

Policy RD5 – The Welsh language and the social and cultural fabric of communities

In determining all planning applications, the needs and interests of the Welsh language will be taken into account. Development could be refused if its size, scale or location would cause significant harm to the character and language balance of a community.

To be able to make an informed decision on applications that may have an effect on the future of the Welsh language within communities, applicants will normally be expected to submit a:

- i) Community Linguistic Statement to accompany a planning application for smaller developments within villages, hamlets or the open countryside comprising proposals of the following kind: 5 residential units or more, commercial, industrial or leisure/tourism development with a floor area of 1000m² or more, development likely to lead to the loss of community facilities or employment opportunities, infrastructure projects with long term community impacts;
- ii) More detailed assessment in the form of a “Community and Linguistic Impact Assessment” to accompany a planning application in all settlements where developments are on a larger scale comprising proposals of the following kind: 20 residential units or more, commercial, industrial or leisure/tourism development with a floor area of 3000m² or more, large scale infrastructure projects with long term community impacts.

Developers will be expected to provide bilingual signage as a minimum means of promoting the Welsh language. In appropriate circumstances, mitigation against any adverse effect will be secured through requiring a financial contribution by Section 106 or other means.

Policy BSC 3 – Securing infrastructure contributions from development

In order to help to sustain the rural economy, tourism and commercial development, including agricultural diversification, will be supported throughout the County subject to detailed criteria, which include making a significant contribution to sustainable development and recognising the special status of the Area of Outstanding Natural Beauty/Area of Outstanding Beauty.

Appropriate employment proposals for both conversions and new build outside of development boundaries will be supported provided the following criteria are met:

- i) the proposal is appropriate in scale and nature to its location; and
- ii) any suitable existing buildings are converted or re-used in preference to new build; and
- iii) proposals for new buildings are supported by an appropriate business case which demonstrates that it will support the local economy to help sustain local rural communities; and
- iv) within the AONB/AOB, Pontcysyllte Aqueduct and Canal World Heritage Site (including the buffer zone) or other regionally important landscape areas, take full account of and seek to enhance the nature and distinctive qualities of the local landscape. In line with national policy any proposals that are considered to be detrimental to the quality of the AONB and World Heritage Site will be refused.

Policy PSE15 – Safeguarding minerals

High quality resources of minerals, including limestone, sand and gravel, Denbigh Gritstones, igneous and volcanic deposits will be safeguarded from development that would result in its permanent loss or hinder future extraction. Development will only be permitted where:

- i) it can be demonstrated that the need for the development outweighs the need to protect the mineral resource; or
- ii) where such development would not have a significant impact on the viability of that mineral being worked; or
- iii) where the mineral is extracted prior to the development.

Policy VOE 1 – Key Areas of importance

The following areas will be protected from development that would adversely affect them. Development proposals should maintain and, wherever possible, enhance these areas for their characteristics, local distinctiveness, and value to local communities in Denbighshire:

- Statutory designated sites for nature conservation;
- Local areas designated or identified because of their natural landscape or biodiversity value;
- Sites of built heritage; and
- Historic Landscape, Parks and Gardens.

Policy VOE 2 - AONB and AOB

In determining development proposals within or affecting the Area of Outstanding Natural Beauty (AONB) and Area of Outstanding Beauty (AOB), development that would cause unacceptable harm to the character and appearance of the landscape and the reasons for designation will not be permitted.

Policy VOE 5 – Conservation of natural resources

Development proposals that may have an impact on protected species or designated sites of nature conservation will be required to be supported by a biodiversity statement which must have regard to the County biodiversity aspiration for conservation, enhancement and restoration of habitats and species.

Where the overall benefits of a development outweigh the conservation interest of a locally protected nature site, mitigation and enhancement measures in or adjacent to these sites should be an integral part of the scheme.

If necessary, measures required to mitigate likely adverse effects on the qualifying features of statutory designated sites should be put in place prior to the commencement of development. Measures required to offset any likely adverse effects will be secured by planning conditions and/ or planning obligations.

Planning permission will not be granted for development proposals that are likely to cause significant harm to the qualifying features of internationally and nationally designated sites of nature conservation, priority habitats, priority species, regionally important geodiversity sites, or to species that are under threat.

Policy VOE 6 – Water Management

All development will be required to incorporate water conservation measures, where practicable. Major development proposals (greater than 1,000 sqm floorspace or 10 dwellings) should be accompanied by a Water Conservation Statement.

All development will be required to eliminate or reduce surface water run-off from the site, where practicable. The run-off rates from the site should maintain or reduce pre-development rates.

Policy VOE 9 – On-shore wind energy

On shore wind turbine developments will be supported subject to an assessment of their environmental and sustainability impacts:

STRATEGIC / LARGE SCALE developments (generating capacity over 25MW) will be supported within the Clocaenog Strategic Search Area (SSA-A).

LOCAL AUTHORITY WIDE SCALE developments (generating capacity between 5MW and 25MW) will only be permitted within the Clocaenog Strategic Search Area where they do not prejudice the development of strategic/large scale schemes.

SUB LOCAL AUTHORITY SCALE developments (generating capacity between 50kW and 5MW) in the form of individual turbines or clusters of turbines will only be permitted within the Clocaenog Strategic Search Area where they do not prejudice the development of strategic/large scale schemes; and in all the above cases, outside the Area of Outstanding Natural Beauty, Conservation Areas, World Heritage Site and Buffer Zone, and other sites designated for ecological, historic, landscape, or other value, and where they do not adversely affect the setting of these areas.

MICRO / SMALL SCALE turbine developments (generating capacity below 50kW) will be permitted subject to an assessment of localised impacts.

All applications will be subject to normal environmental impact tests and include specific assessment / explanation of all the following criteria:

- i) how the proposals are consistent with the Clocaenog Statement of Environmental Master Planning Principles (applicable to strategic/large, local authority wide, and sub local authority scale, where in or on the periphery of the SSA-A); and
- ii) impacts, including cumulative impact on the surrounding area and community (e.g. landscape/visual, noise, biodiversity, transport, health impact); and
- iii) information on wind resource and the justification for the choice of turbine; and
- iv) community engagement; and
- v) mitigation proposals; and
- vi) the colours to be used on the turbine tower and blades

Policy VOE10 – Renewable Energy Technologies

Development proposals which promote the provision of renewable energy technologies may be supported providing they are located so as to minimise visual, noise and amenity impacts and demonstrate no unacceptable impact upon the interests of nature conservation, wildlife, natural and cultural heritage, landscape, public health and residential amenity. In areas that are visually sensitive, including the AONB, Conservation Areas, World Heritage Site and Buffer Zone and in close proximity to historic buildings, visually intrusive technologies will not be permitted unless it can be demonstrated that there is no negative impact on the designation or there is an overriding public need for the development.

APPENDIX 2: WARD COUNCILLOR COMMENTS ON THE DRAFT LIR FOLLOWING 15TH JULY PLANNING COMMITTEE

DCC Planning Committee endorsed the draft version of the Local Impact Report at their Committee meeting on the 15th July 2015 subject to a consultation with relevant Ward Councillors prior to the submission of the final Local Impact Report to the Examining Authority.

Comments received by Ward Councillors are set out below and the Council request that the Examining Authority has regard to these comments. These comments are the views of individual Ward Councillors which do not necessarily reflect the views of the County Council.

| Councillor | Comments |
|------------|----------|
| TBC | TBC |
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