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SITE PLAN

232015/0463/PF

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Legend

- Planning Boundary
- Ownership Boundary
- Planning Area
- 10m, 20m and 50m Contour Lines (Ordnance Survey)
- Single Wood (Ordnance Survey)

APPROVED
5 MAY 2015
 L 1374 21
 PLANNING SERVICES

Area	Proposed	Area	Proposed
Area 1	Area 2	Area 3	Area 4

Site Name: **Mr J. Jones**

Proposed Single Wood Turbine Development

Site Address:
 Cylflog
 Ruben
 Denbighshire

Planning Application

Site: **Local Area Plan**

App No.	Site No.	App No.	Site No.
11/220/0174/2	11/220/0174/1	11/220/0174/3	11/220/0174/4

Grontmij

Spectrum House
 2 Penrhyn Road
 Gborough DT11 4DS
 Tel: 0131 550 0300
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 Web: www.grontmij.co.uk

Form: C-001 (Planning, Design, Local, Local, Mainland)
 Mainland: 11/220/0174/2 (11/220/0174/1, 11/220/0174/3, 11/220/0174/4)

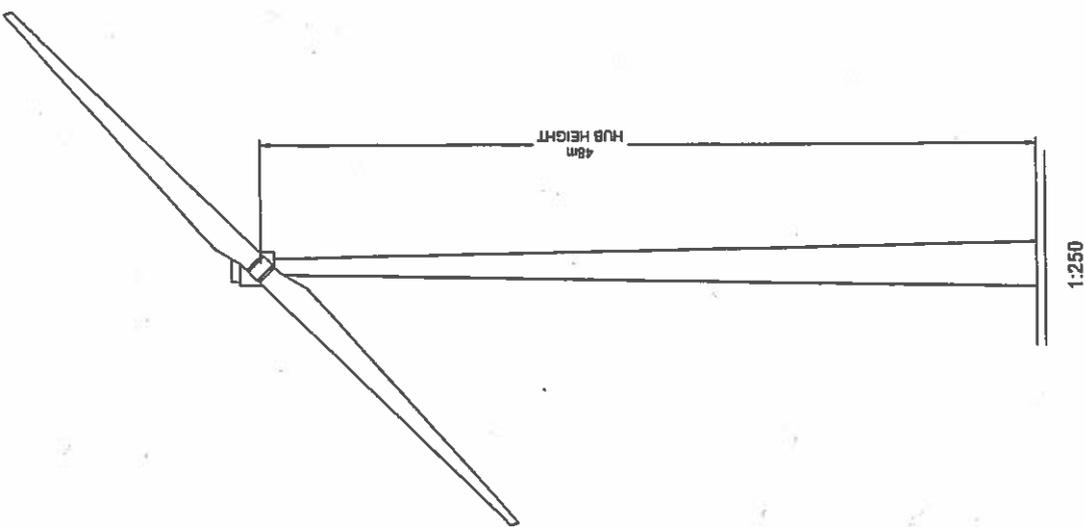
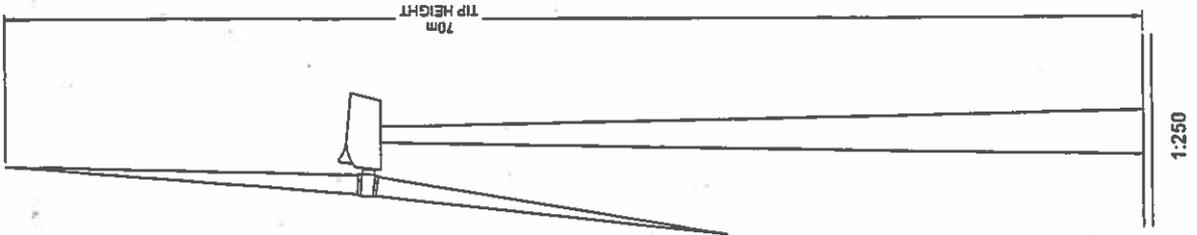


TURBINE DETAIL

DRAWING NOTES:

1. ALL DIMENSIONS ARE IN METRES.
2. FIGURED DIMENSIONS ONLY TO BE TAKEN FROM THIS DRAWING.

ORIGINAL ISSUE	DRAW	CR	REV NO	DATE	SCALE	0.2
REVISION	DRN	CHK	DATE			
SCALE: AS SHOWN						
CHECKED: COLIN RESENDER						
APPROVED:						
DRAWING TITLE: WF500-45 Elevations						
SHEET TITLE: 48m Tower Option						
WINDFLOW LK LTD 8 Station Drive, Coatham Barrow, SLD 80J						
DRAWING NO: 01-00J						REVISION
SHEET: 10F1						ORIGINAL SIZE
						A3
						0.2



WARD : Llanrhaeadr Yng Nghinmeirch

WARD MEMBERS: Councillor Joseph Welch (c)

APPLICATION NO: 23/2015/0463/ PFT

PROPOSAL: Installation of one 500 kw wind turbine with hub height of 48m and a rotor diameter of 45m and associated works

LOCATION: Land At Cern Yfed Cyffylliog Ruthin

APPLICANT: MrJohn Jones

CONSTRAINTS: None

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

REASON(S) APPLICATION REPORTED TO COMMITTEE:
Scheme of Delegation Part 2

- Member request for referral to Committee

CONSULTATION RESPONSES:

CYFFYLLIOG COMMUNITY COUNCIL

“ Objects to the above planning application for the following reasons:-

1. Visual impact to the local properties
2. Too close to the local properties
3. Noise impact on local properties.
4. Fully supportive of the attached objectors.”
(letters from J.A. and N. Williamson; R. and E. Davies

LLANRHAEADR Y.C. COMMUNITY COUNCIL

“ Object...for the following reasons:-

1. Most importantly, the visual location photo-montages are very misleading and do not show the true impact of the proposed wind turbine.
The viewpoint photomontages are in locations where the visual impacts are not at their greatest.
Out of 20 locations, only one photo-montage (fig 3.12 viewpoint 16) was taken in the areas where the turbine would be seen in its entirety and shown in red on the Landscape and Visual Impact Assessment map (fig. 1.3 Zone of Theoretical Visibility)
Considering the large area shown in red (fig. 1.3) and most affected, this is very misleading.
2. No cumulative effects regarding noise have been considered. This is a significant oversight considering all proposed, consented, and operational windfarms and single turbines.
The cumulative impact both regarding noise and visually are significant. They include Tir Mostyn and Foel Goch Wind Farms its substation and overhead line connection, the proposed Pant y Maen wind farm and other single wind turbines.
3. The landscape is classified as high sensitivity. We disagree with the applicants assessment of magnitude of change as ‘minor’.
4. The 4km study area excludes villages such as Saron, Prion, and Peniel which would be greatly affected and the cumulative impact for these areas are already significant.”

NATURAL RESOURCES WALES
Response awaited

AIRBUS
Response awaited

NATS / NERL
No safeguarding objection to the proposal.

MOD
Response awaited

CPRW Clwyd Branch
Strongly object. In conclusion state that the proposal would create an unacceptable impact on the area by failing to enhance the nature and distinctive qualities of the local landscape. No justification can be put forward that would outweigh the harm caused by the proposed development. Refer to specific concerns over landscape impact, vehicular access, and question the need for a 500kW turbine

RAMBLERS ASSOCIATION NORTH WALES AREA
Object strongly to the application. Will add to the proliferation of wind turbines in the vicinity of Cyfylliog and the Clywedog Valley, will be visible from the Hiraethog Trail, Brenig Way and Clwydian Way, will affect Footpath 43, and does not take into account other Wind Turbine Developments within the area that are either already operational or in development (Operational Carreg Oerion, Cae Gwyn, Cil Llwyn, Pool Park; Consented Caerhafod Isaf, Hafodty Ddu; Pending Tyn Ffynnon, Nantglyn Foel Uchaf).

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –
Head of Highways and Infrastructure

- Highways Officer
The Case officer has indicated there are no objections subject to a condition requiring details of the site compound, traffic management, etc.
- Pollution Control Officer
On the basis of the limited information provided in relation to noise from the turbine, I am of the opinion that **we cannot support this application.**

The noise assessments show that the noise level from the turbine is too loud not only from the individual assessment but also cumulatively.

I am unclear how the tables in the cumulative assessment spreadsheet have been populated with levels from the existing schemes, as there is no breakdown of them. Furthermore, the noise levels that have been used make no allowance for uncertainty and are not derived from consented levels, as recommended in the Institute of Acoustics Good Practice Guide. Therefore the levels stated will be an underestimation.

Even though the applicant has informed me that the turbine can be turned off automatically at certain wind speeds and certain wind directions, I am of the opinion that it would still be difficult to set a reasonable noise condition that would be enforceable, whilst still having confidence that it could actually be achieved.

- Landscape Consultant
Recommends refusal of the application. Concludes the turbine could reduce the sensitivity of the Aled Hiraethog Hills landscape unit to wind energy development, and a further proliferation would have a consequence on the landscape units and the AONB further afield which have high sensitivity to wind energy development. The 4km radius ZTV and study area does not extend far enough (35km is suggested in Denbighshire guidance for this size turbine). A number of locations are predicted to suffer a significant detrimental effect on their visual amenity. The development would have an undesirable impact on an area of

high scenic value and could set a precedent for future development of medium to large sized wind turbines within the area. The scale of turbine is not appropriate to the scale of the landscape and the dwellings in close proximity.

RESPONSE TO PUBLICITY:

In support

S. Faulkner, Corvert Place, Hob Lane, Frodsham
E. Graham, Ysgubor Bryn Rossa, Prion
G. Jones, Clwydfa, Cyffylliog
Nerys Jones, Glan y Wern Isaf, Llandyrnog
J Ceiriog Jones, Cilgoed, Derwen
Angharad Jones Ffynnon Ddu
R B Anerbach, 5 Lilac Grove, Prestwich
B Blackshaw, Walnut Lodge, Lowert Stretton, Warrington
A Watsonlee, 45 Marion Street, Bingley
Linda M Cooper, 21 Greenacre, Oakfield Lane, Dartford, Kent
Mrs Anna Ford, 20 Adelaide Road, Blacon, Chester
Mrs S Brown, 3 Winstanley Road, Little Neston
Brian Dykes, 82 Clifton Road, Runcorn
Mrs Cheryl Clifton, 12 Poplar Avenue, Moulton
Miss S J Gilpin, 62 Sycamore Road, Gt Cornard, Sudbury
Angela Thompson Yates, 25 Silverdale Road, Erdington
Mrs P Dobson, 23 Greenfield Road, Little Sutton, Cheshire
Mrs Patricia Mary Williams, 33 Eagle Lane, Little Sutton
David Jones MP/AS
Mark Jones, Wern Sied, Bontuchel
Sarah M Faulkner, Covert Place, Frodsham
Elin Haf Graham - Ysgubor Bryn Rossa
Gruffydd Dafydd Jones - Clwydfa, Cyffylliog
Christine R Ellis, 656 Felbrigge Road, Ilford
Gillian McCutcheon, 93 Benmore Drive, Finaghy, Belfast
Gareth Williams, Ysgeibion Fawr, Cyffylliog
R. Firth, Llys, Cyffylliog, Ruthin
D. Wilkins, Garth, Cyffylliog
Sam Rex-Edwards, Mulberry House
Warren Davies, Haylaur, Regent Street
Mr W S I Morris, Pen Y Bont, Cyffylliog
Rheon & Enyd Davies, Fferm Bryn Ocyn, Saron
Sam Rex-Edwards, Mulberry House, Llangollen
G Vaughan, Tai Isa, Saron
I W Davies, Tai isaf, Saron
CBP de Winton, CLA Cymru
R. M. Jameson - 2 Denbigh Close, Helsby, Frodsham, Cheshire
G Williams, Tyddyn Uchaf Farm, Moel Y Crio, Halkyn
E Lloyd Jones Wern Gadfa
O S Williams Plas Coch
R Davies Ty'n Ffynnon Nantglyn
Graham Edwards 1 Bro Cloiion Clawddnewydd
G A ??? Llety Farm Llangynhafal
G Simpson Plant Glas Isa Rhewl
J Malcom Springfield Marford, Incomplete address
Owner/Occupier Prion Isa Denbigh
Owner/Occupier Glasdir View Pente Halkyn
Owner / Occupier Court Farm, Llanfwrog
E O Edwards, Trawsant, Cyffylliog
M O Jones Gop Farm, Rhuddlan
T J Faire, Plas Bedw, Pentrecelyn
J B Griffiths, 13 Bryn Awelon, Mold
Waen Agricultural Sales, Llanbedr DC

D Roberts, Lon Parcwr, Ruthin
J W Davies, Trelan Fawr, Cilcain
Andrew Hession, 6 Rhos y Wern, Ruthin
J Bradbourne Price & Co, 14/16 Chester St, Mold
M Jones, Ty y Ffynnon, Nantglyn
G Jones, Pen y Ffordd, Clawddnewydd
Karen Mellor 13 Freemantle Street
Huw B Davies Bwlch, Prion
G W Jones 3 Bronant Groes
G O Richards Lluest Denbigh Road
Owner/Occupier 75 Haulfren Ruthin
E E Jones Cerrig Ruthin
Dave Mellor Accident Repair Centre
D W Wilkinson Pant Glas Ganol
Jones Rhiwbebyll Bella LLandyrnog
Owner/Occupier, Awelfryn, Llanrhaeadr
Philip Robinson, Walgoch, Nannerch
R G Jones, Hafodty Ddu, Saron
E W Jones Hafodty Ddu, Saron
Owner /Occupier 46 Rew Goch
G Edwards, Blaenau, Nantglyn
Sian Wyn Jones, Bryn Tirion, Gwyddelwern
R O Davies, Y Fron, Prion
G Thomas, Bodhyfryd, Rhewl
T W Evans, Ty Celyn, Llansannan
B L Edwards, Bodlywydd Uchaf, Pentre Celyn
Dylan Jones, Clywedog, Rhewl
Owner / Occupier, Tyn Ffridd, Sarnau
Owner / Occupier, Cil Llwyn, Bontuchel
P W Johnson, Caeau Gwynion Mawr, Denbigh
Owner/Occupier Tyn Rhos, Bryneglwys
Huw Aled Jones, Ffrainc, Rhydtalog
Emyr Williams, Bodynlliw, Betws G G
T Rhys Jones, Ysgubor Uchaf, Corwen
G W Pierce, Plas Dolben, Llangynhafal
E Evans, Tyn y Ffrith, Saron
G Lloyd, Pen y Bryn, Prion
Hugh Ellis, Gellifor Farm, Ruthin
Owner/Occupier, Ffrith Fedw, Prion
Tyn y Caeau, Rhewl
C Hughes, Telpyn, Llanfwrog
Evans, Drws y Buddel, Saron
John Lewis, Meini Llwydion, Llanrhaeadr
T E Edwards, Gwrych Bedw, Llanelidan
John Williams, Llys Aled, Llansannan
T Edwards, Bryn Alaw, Betws GG
David Malcolm Jones, Cern Yfed, Cyffylliog

Summary of planning based representations in support:

Principle

Already many turbines in the area / diversification benefits for the farm business, sustaining farming family and powering the wood chip and pelleting enterprise / farm turbines preferable to big wind farms / contribution to green energy in preference to using coal and gas / turbine is in the right area near TAN 8 / few objectors, and most have been proactive against all wind turbines in Denbighshire

Landscape / visual impact

Turbine would be seen in context of much bigger ones at Clocaenog Forest / site is set in a bowl, surrounded by Clocaenog Forest and mountains, not visible / out of sight of most of the Clwydian Range

Noise

Should be no impact given location

In objection

David & Tessa Chew, Hafotty Bach, Cyffylliog

Osian & Llinos Davies, Y Boced, Saron

Michael Williams, Isgaerwen, Pentrellyncymer

J.A. & N. Williamson, Hendre Llan, Cyffylliog

S. Harman, Corner Cottage, Ford Heath, Shropshire

JoAnne Williamson, Hendre Llan, Cyffylliog

Michael Skuse, Caenant, Llangynhafal

Angela Thompson Yates, 25 Silverdale Road, Erdington

C. & A. Jones, Capel Penrhos, Saron

M.W. Moriarty - YDCW / CPRW - 7 St Michael's Drive, Caerwys

Darren Millar AM has written in to record objections on behalf of constituents on grounds of impacts in relation to noise, landscape, vibration, access, and concerns over inadequate provision for decommissioning and potential for further turbines in the locality, leading to adverse cumulative impact.

Summary of planning based representations in objection:

Principle

Precedent / would add to proliferation of turbines / application does not take account of operational or in development wind turbine development in the area / application is for an industrial structure erected simply to make a profit, is not to do with farming / savings of CO2 minimal / site not within TAN 8 area / farming activity does not justify this size of turbine / no community benefit – just an industrial enterprise

Landscape and visual impact

Unacceptable impacts, including cumulative impacts / significant impacts on nearby properties / it does not follow that if the site is near the TAN 8 area that such development is acceptable or suitable, as the area does not have the characteristics of the TAN8 area / properties are being surrounded by turbines / Landscaping proposals should be considered to mitigate impacts to nearby property / no information on grid connection / would further degrade views from the AONB / LVIA contains photographs which are incorrectly labelled/ turbine visible from Hiraethog Trail, Brenig Way and Clwydian Way

Impact on tourism

Cumulative impact on visual amenity of the area reducing beauty and attraction to tourists / turbine would be visible from local footpaths Hiraethog Trail, Brenig Way and Clwydian Way

Ecological impacts

Area is a haven for wildlife / ecological assessment refers to a 59.9m turbine when a 70m one is proposed.

Residential amenity impacts

Noise impact of existing turbines already audible, and would be greater from this closer turbine / concerns in relation to Noise Assessment (includes no correction for uncertainty, no consideration of cumulative impacts with other turbines in the area, no background noise surveys, assessment model uses data from a different model from that proposed) / no

reference in noise Assessment to local property within 750m of site / site is in a bowl, which will amplify the impact / noise levels seem to be at the upper limit of acceptability / potential for glare and flicker from turbine / concerns over infrasound

Highways impact

Narrow and poor surfaced approach roads, impossible for large vehicles to travel along / local upheaval and inconvenience

Other matters

Questions over publicity given to application, potentially denying individuals the opportunity to comment

EXPIRY DATE OF APPLICATION:

REASONS FOR DELAY IN DECISION (where applicable):

- additional information required from applicant
- re-consultations / further publicity necessary on amended plans and / or additional information
- awaiting consideration by Committee

PLANNING ASSESSMENT:

1. THE PROPOSAL:

- 1.1 The application is for the erection of a 500kW wind turbine, a sub -station building, site access tracks, a hardstanding for the crane in connection with construction, and on site cabling linking the turbine to the grid connection.
- 1.2 The turbine proposed is a Windflow 45/500 2A machine with 2 blades. This would have a hub height of 48 metres and a rotor diameter of 45 metres, making a ground to blade tip height of approximately 71 metres.
- 1.3 The application is accompanied by a range of supporting documents including a Landscape and Visual Assessment, Noise Assessment, Preliminary Ecological Appraisal, Construction Management Plan, and related plans, photomontages and drawings. The Planning Application Supporting Statement provides detailed commentary on the background to the application and sets out the case for the grant of permission. It indicates the applicant is the landowner at Cern Yfed Farm, and that the turbine is intended for the generation of renewable energy which can be used on site for domestic and commercial use (farming) and for export to the national grid.
- 1.4 Description of site and surroundings
 - 1.4.1 The turbine would be sited in an agricultural field in an open location some 120 metres to the south of the Cern Yfed farm complex.
 - 1.4.2 The ground level is approximately 288 metres AOD in the proposed position of the turbine.
 - 1.4.3 The site is outside the Clocaenog Forest Strategic Search Area (SSA), the boundary of which is approximately 1km to the west. The nearest turbine of the Wern Ddu windfarm is some 3km to the north west.
 - 1.4.4 Residential properties in the vicinity include the following, with approximate distances from the proposed turbine :
 - Hafotty Bach - 600m to the south west

- Rhwng y ddwy afon -. 600m to the east
- Bryn Ocyn farm – 600m to the north west
- Boced - 900m to the west
- Penrhos– 900m to the west

1.4.5 The plans at the front of the report show the location of the site relative to the Clocaenog Forest Strategic Search Area and to other turbines in the area, including respective sizes.

1.4.6 The Clwydian Way path runs some 700m to the east around the flanks of Foel Uchaf.

1.5 Relevant planning constraints/considerations

1.5.1 The site is in open countryside outside any development boundaries approved in the Local Development Plan.

1.5.2 The site lies to the east of, and outside the boundary of the Clocaenog Forest Strategic Search Area identified in Technical Advice Note 8 (TAN 8), i.e. the area deemed suitable for large scale wind turbine development.

1.5.3 The site is not within an area with a statutory landscape designation, The western boundary of the Clwydian Range AONB is some 10km to the east.

1.6 Relevant planning history

1.6.1 A Screening Opinion was issued in relation to the erection of two 71 metre high turbines at Cern Yfed in March 2015, confirming no Environmental Impact Assessment was required with a planning application.

1.7 Developments/changes since the original submission

1.7.1 There has been dialogue with the applicant's agent in relation to the landscape and visual assessment and the noise assessment.

1.7.2 The agent is aware of the responses from the Community Councils and the Landscape Consultant and has reaffirmed his view that landscape and visual issues have been properly assessed, and states that the information in the LVIA is accurate, detailed, and clearly addresses what is required.

1.7.3 The agent has been in contact with the Public Protection Officer in response to concerns over the adequacy and interpretation of the noise assessment. He has advised in emails that based on the number of turbines operational, consented, and pending, a cumulative assessment is difficult to complete, and that stringent levels to be adhered to as suggested by the Council would prevent any further development in the wider area and is considered unfair (the noise assessment undertaken concluding that there would be no adverse noise impact from the proposed turbine alone at the neighbouring properties assessed). The agent has stated that assessment of all other wind turbines - including those not operational or consented – in a cumulative assessment concludes that noise levels are already exceeded and therefore it is impossible to show there would be no cumulative impact for any new development ; hence it is considered that this request precludes any further development in the area and needs to be re-evaluated.

1.7.4 Immediately prior to the deadline for completion of this report, the agent provided additional noise screening data for consideration by the Pollution Control Officer. This included tables with predicted noise levels at agreed properties with stated other developments in the area; and explanatory notes to confirm these were standard figures and have not been calibrated to take account of any mitigation or consented levels for the other developments unless otherwise stated. The agent confirmed that the applicant and turbine manufactures would be agreeable to halting the operation of the turbine during times when its impact would be at its greatest for those properties where the impact would be too great (through automatic controls related to monitoring

under pre-determined prevailing wind scenarios), and proposed that a noise mitigation plan be submitted to the Council before the turbine becomes operational, offering comfort for all parties that the turbine would be acceptable during its operation.

- 1.7.5 The applicant's agent has confirmed that the client has asked for the application to be processed with the information in front of the Council (at 24th September 2015).

1.8 Other relevant background information

- 1.8.1 The application has generated a high volume of correspondence with a number of representations in support and in objection. The report attempts to set out the main land use planning comments so Members have an idea of the basis of opinions expressed of relevance to the determination of the application.
- 1.8.2 The applicants have provided additional information in support of the application, including the need in order to make the farm viable; commentary on attempts made to engage with local residents and on representations including those of the Community Councils; distances from other turbines and the location relative to Clocaenog Forest and surrounding hills; and material countering objections to the turbine and the principle of turbine development. The applicants have also submitted comments challenging the assessment of the Council's Landscape Consultant, and drawing attention to conclusions on landscape and visual impact in the Examining Authority's report and The Department of Energy and Climate Change decision letter on the Clocaenog Forest Windfarm application.

2. **DETAILS OF PLANNING HISTORY:**

2.1 23/2015/0083

Screening Opinion for 2 turbines at Cern Yfed. No Environmental Impact Assessment required.

3. **RELEVANT POLICIES AND GUIDANCE:**

The main planning policies and guidance are considered to be:

3.1 Denbighshire Local Development Plan (adopted 4th June 2013)

Policy PSE5 – Rural economy

Policy VOE5 – Conservation of natural resources

Policy VOE9 – On-shore wind energy

Policy VOE 10 – Renewable energy technologies

3.2 Supplementary Planning Guidance

N/A

3.3 Government Policy / Guidance

Planning Policy Wales Edition 7 July 2014

TAN 8 Planning for Renewable Energy (2005)

TAN 5 Nature Conservation and Planning (2009)

TAN 6 Planning for Sustainable Rural Communities (2010)

TAN 11 Noise (1997)

Planning Implications of Renewable and Low Carbon Energy (Practice Guidance 2011)

3.4 Other material considerations

Denbighshire Landscape Strategy (2003) / LANDMAP

ESTU R 97 and 'A good practice guide to the application of ETSU-R-97 for the assessment and rating of wind turbine noise' (IOAGPG)

4. MAIN PLANNING CONSIDERATIONS:

In terms of general guidance on matters relevant to the consideration of a planning application, Planning Policy Wales Edition 7, July 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 Context for the development
- 4.1.3 Landscape and visual impact
- 4.1.4 Noise
- 4.1.5 Shadow flicker
- 4.1.6 Ecology
- 4.1.7 Highways
- 4.1.8 Aviation and Radar
- 4.1.9 Other matters

4.2 In relation to the main planning considerations:

- 4.2.1 Principle
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 that wind energy development is an acceptable means of securing generation of renewable energy is therefore established in national planning policy.

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.

TAN 8 makes reference to smaller scale (less than 5MW) schemes in para.2.11 - 2.14, however this puts the onus on local planning authorities to define what is meant by 'smaller scale' schemes.

The site is outside the boundary of the Clocaenog Forest SSA, where national planning policy supports the principle of large scale wind energy development.

Denbighshire Local Development Plan (LDP) Policies

LDP Policy VOE 9 supports the principle of on shore wind turbine development subject to an assessment of environmental and sustainability impacts. The turbine would fall within the sub-local authority scale development category as outlined in the

policy (schemes with a generating capacity of between 50kW and 5MW), which VOE 9 indicates will only be permitted within the Clocaenog Forest Strategic Search Area where they do not prejudice the development of strategic / large schemes; and, 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.

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.

Policy VOE 9 and 10 therefore provide support in principle for renewable energy development subject to the detailed assessment of localised impacts, which is set out in the remainder of this report.

4.2.2 Context for the development

TAN 6 supports national planning policy on sustainable rural communities and section 3.7 focuses on farm diversification. It states that “*When considering applications for farm diversification projects, planning authorities should consider the nature and scale of the activity*”. It goes on to state that “*many economic activities can be sustainably located on farms. Small on-farm operations such as..... renewable energy, are likely to be appropriate uses*”. Therefore the principle of installing a wind turbine may be a valid farm diversification activity, subject to consideration of the nature and scale of the activity.

Local Development Plan policy PSE 5 relating to the Rural Economy supports development which helps to sustain that economy, tourism, commercial development, including agricultural diversification throughout the County subject to detailed criteria, which include making a significant contribution to sustainable development and recognising the special status of the AONB and AOB. The detailed criteria include assessment of appropriateness of scale and nature to the location.

The Supporting Statement submitted with the application states the proposal is intended for the generation of renewable energy which can be used on site for domestic and commercial use (farming) and for export to the national grid. Whilst no financial information has been provided to demonstrate the business case for the turbine proposal as a farm diversification, and the annual electricity need and consumption is not specified, the agent has advised that it is not anticipated the proposed turbine would be the main income generating activity on the farm, the applicants being keen to secure a compatible income stream to help support the overall activities of the farm.

TAN 6 does not quantify what is meant by a ‘small on-farm renewable energy operation’, however the Council has previously given weight to the farm diversification merits of turbines with a tip height of less than 50m which are proposed on farmland in connection with an existing agricultural enterprise. The turbine proposed here at Cern Yfed would have a tip height of some 71 metres, so is considerably higher than those where support has been offered on farm diversification arguments.

4.2.3 Landscape and visual impact

LDP policies relevant to the visual and landscape impact associated with wind energy development are VOE 9 and VOE 10. These policies require due consideration of the localised effects of development, including cumulative impacts on the surrounding area and community, which involves assessment of landscape and visual impact. With regards to sub-local authority scale developments, VOE 9 specifically requires consideration of the potential impact on the setting of an Area of Outstanding Natural Beauty (AONB) and other designated sites. Policy VOE 1 requires development

proposals to maintain and, wherever possible, enhance these areas for their characteristics, local distinctiveness, and value to local communities in Denbighshire, including local areas designated or identified because of their natural landscape or biodiversity value.

PPW and TAN 8 provide the strategic policy framework for assessing wind energy development and contain some specific guidance on the detailed consideration of landscape and visual impact to assist local planning authorities determine planning applications. TAN8 Annex D states that within SSAs, the implicit objective is to accept landscape change i.e. a significant change in landscape character from wind turbine development. However, given the increasing number of consented wind turbine developments within and on the periphery of the SSA, it is imperative that cumulative effects are fully considered when planning applications are assessed.

It is evident from the earlier sections of the report that there are a mixture of representations in relation to the landscape and visual impact of the proposals. Those in support suggest the turbine would be seen in context of much bigger ones at Clocaenog Forest, and that the site is set in a bowl and not visible. Those in objection, including two Community Councils, raise a range of concerns over the adequacy of the landscape and visual assessment, and at the potentially unacceptable impacts, including cumulative impacts, impacts on nearby properties, the AONB, and there are comments that the area is being surrounded by turbines, and that it does not follow that if the site is near the TAN 8 area that such development is acceptable or suitable, as the area does not have the characteristics of the TAN8 area.

The application is accompanied by a Supporting Statement and a Landscape and Visual Assessment, which review and provide commentary on the potential landscape and visual impacts of the turbine. The Assessment accepts that a turbine would be visible from many surrounding areas and that there will be some significant visual and landscape impacts ; large / very large significance of visual effect at Hafotty Bach, and moderate / large at another 7 locations, and in terms of landscapes, moderate / large effects on the immediate local landscape, and moderate on the D17 Aled Hiraethog Hills (East) landscape unit. Effects from Moel Ytta are concluded to be moderate. Overall, the submission concludes that a single turbine will have a slight landscape impact and a slight / moderate visual impact. The Supporting Statement refers to the main points in the Assessment and to the conclusion that cumulative impact is considered to be negligible, and where other turbines are partially visible, they are mitigated by distance, woodland / forestry planting and topography.

The Council's Landscape Consultant has reviewed the application and recommends refusal of the application. He suggests the turbine could reduce the sensitivity of the Aled Hiraethog Hills landscape unit to wind energy development, and that further proliferation would have a consequence on the landscape units and the AONB further afield which have high sensitivity to wind energy development. He believes the 4km radius ZTV and study area does not extend far enough, noting that 35km is suggested in Denbighshire guidance for this size of turbine. He states a number of locations are predicted to suffer a significant detrimental effect on their visual amenity, and that the development would have an undesirable impact on an area of high scenic value and could set a precedent for future development of medium to large sized wind turbines within the area. He concludes the scale of turbine is not appropriate to the scale of the landscape and the dwellings in close proximity.

In terms of material considerations, due regard needs to be had to the location of the site outside the boundary of the Clocaenog Forest SSA, and its relationship to that area, as this is relevant to assessment of landscape and visual impact.

Also relevant is the Conwy and Denbighshire Landscape Sensitivity and Capacity Assessment for Wind Energy Development. It reviews and analyses information in the LANDMAP layers, which have been a useful reference for assessment purposes previously. Within the Sensitivity and Capacity Study, the proposed turbine is within

landscape unit D17 (Aled Hiraethog Hills (East), which is referred to as an extensive upland landscape, rising immediately to the west of the Vale of Clwyd. The summary of sensitivity to wind Energy developments in D17 is 'high', and the characteristics noted are 'The sensitivity of this strongly undulating upland landscape with its mosaic of pastoral farmland, woodlands and historic settlements is further enhanced by its strong association and intervisibility with the AONB and views to and from important landscapes and cultural heritage features, including the historic town of Denbigh. This, combined with the presence of other sensitive visual receptors imparts a high degree of sensitivity'.

There are inevitably differing opinions on the issue of landscape and visual impact and clearly strongly held views on the matter. Questions are raised over the adequacy of the submitted information to properly assess impacts, and in turn over the accuracy of comments in the assessment by the Council's Landscape Consultant.

In concluding on this matter, Members will be familiar with Officers' previously expressed concerns in relation to proposals for additional turbines outside the Strategic Search Area, in terms of the spread of the 'windfarm landscape' and the need for new development to be compatible with existing development which it is located near to, if integration and balance within the landscape is to be achieved. Whilst Officers are fully respectful of a level of Member support at previous Committee meetings for farm based turbines of up to 50 metres height, it is to be noted in this instance that the turbine proposed is 71 metres high and would represent a significant increase in the size of wind turbines beyond the edges of the Strategic Search Area, within a landscape area assessed as having a 'high' sensitivity to wind energy development in the Conwy and Denbighshire Landscape Sensitivity and Capacity Assessment. This is considered to be a significant negative factor in the weighing of the merits of the application.

4.2.4 Noise

LDP Policy VOE 9 requires due consideration of impacts of wind energy development on the surrounding area and community. VOE 10 states development proposals should demonstrate no unacceptable impact on public health and residential amenity.

TAN 11 relates to the assessment of noise in relation to development proposals. The general guidance is that local planning authorities should ensure noise-generating development does not cause an unacceptable degree of disturbance, but in some instances it may be acceptable to allow noise-generating activities near to noise sensitive receptors.

ETSU-R-97 is the industry standard for the Assessment and Rating of Noise from Wind Farms, and is cited in TAN 8 as the relevant guidance on good practice. In May 2013, the Institute of Acoustics published 'A good practice guide to the application of ETSU-R-97 for the assessment and rating of wind turbine noise' (IOAGPG) which Officers consider is also material.

For single turbines, ESTU-R-97 proposes that a simplified noise condition may be suitable and recommends that noise is limited to $35\text{dB}_{\text{LA90, 10min}}(\text{A})$ up to wind speed of 10m/s at 10m height and considers that this condition alone would offer sufficient protection of amenity, and background noise surveys would be unnecessary. For properties where the occupant has a financial interest in the development, ESTU-R-97 allows a higher level of 45dB limit.

It is to be noted that there are representations expressing objections to the application in respect of the potential noise impacts, questioning the adequacy of the assessment and its conclusions, and concerns over the impact of the turbine in addition to existing and proposed turbines in the locality.

In relation to the above context, in handling proposals where a proposed turbine is

near to existing and proposed wind turbine development, the Council has taken the view that application of the simplified noise condition alone would be inappropriate, as cumulative noise effects need to be taken into account. In this case, the original application documents contained a short Noise Assessment, concluding that all other properties (excepting Cynr Yfed itself) are expected to receive less than the 35dB level, and that under these calculation parameters, it was stated that no baseline noise surveys appear necessary and it is anticipated that there will be no impact to potential receptors which would require further consideration. Officers advised the applicant's agents of the need for a cumulative noise assessment, and as noted in Section 1.5 of the report, the agent submitted additional cumulative noise screening data for the consideration of the Public Protection Officer in late September 2015. The agent has also stated the applicant and turbine manufactures would be agreeable to halting the operation of the turbine during times when its impact would be at its greatest for those properties where the impact would be too great (through automatic controls related to monitoring under pre-determined prevailing wind scenarios), and proposes that a noise mitigation plan be submitted to the Council before the turbine becomes operational, offering comfort for all parties that the turbine would be acceptable during its operation.

It is of considerable significance in this case that the Pollution Control Officer has reviewed the material and has confirmed on the basis of the limited information provided that the application cannot be supported. He concludes that the noise assessments show the noise level from the turbine is too loud not only from the individual assessment but also cumulatively. He has advised he is unclear how the tables in the cumulative assessment spreadsheet have been populated with levels from the existing schemes, as there is no breakdown of them, and notes the noise levels that have been used make no allowance for uncertainty and are not derived from consented levels, as recommended in the Institute of Acoustics Good Practice Guide, hence the levels stated will be an underestimation. In response to the suggestion that the turbine can be turned off automatically at certain wind speeds and certain wind directions, the Pollution Control Officer is of the opinion that it would still be difficult to set a reasonable noise condition that would be enforceable, whilst still having confidence that it could actually be achieved.

In conclusion, it is Officers' opinion that the application does not demonstrate acceptable noise levels can be achieved, and with respect to the suggested mechanism for mitigating impacts through turning off the turbine in certain conditions, this is not an appropriate approach to adopt as it is considered essential to set a reasonable and enforceable noise level condition that has a demonstrable chance of being achieved.

4.2.5 Shadow flicker

LDP Policy VOE 9 requires due consideration of impacts of wind energy development on the surrounding area and community. VOE 10 states development proposals should demonstrate no unacceptable impact on public health and residential amenity.

The incidence of shadow flicker depends on the position of the sun in the sky. Technical studies indicate it only occurs at certain times and tends to only affect nearby buildings within 130 degrees either side of north which are within 10 rotor diameters of a turbine. The likelihood of shadow flicker occurring and the duration of such an effect depends on a range of factors, including the time of the year, the size of the turbine, the direction and speed of the wind and the relative cloud cover.

The proposed rotor diameter in this instance is 45m, therefore the potential impacts should only be experienced up to 450m from the turbine location, and only then within 130 degrees either side of north. The nearest residential property is approximately 600 metres from the proposed turbine location, and therefore it is reasonable to conclude that shadow flicker should not occur at any unrelated property.

Notwithstanding the above, as shadow flicker analysis is not an exact science, in the event that permission is granted, and as a precautionary measure Officers would advise inclusion of a standard planning condition requiring mitigation measures to be applied should the incidence of shadow flicker be experienced by any nearby unrelated properties. On this basis, it is reasonable to conclude that the proposal would comply with policy VOE 9 and VOE10 with respect to shadow flicker.

4.2.6 Ecology

The general requirements to consider the impact of development on biodiversity interests are set out in PPW Chapter 5, TAN5, and LDP policy VOE 5.

VOE 5 requires due assessment of potential impacts on protected species or designated sites of nature conservation, including mitigation proposals, and suggests that permission should not be granted where proposals are likely to cause significant harm to such interests. This reflects policy and guidance in Planning Policy Wales (Section 5.2). Specific to wind turbine development is policy VOE 9 which requires specific assessment / explanation of impact on biodiversity and mitigation proposals.

A preliminary Ecological Appraisal and Bird Reconnaissance survey was submitted as part of the application. This concluded that in relation to bats that the turbine should be located so that the rotor tips are a minimum of 50m from hedgerows and woodland; and that as the turbine is located within a large improved grassland field with negligible foraging / commuting value to bats, no specific bat surveys are considered appropriate. In relation to birds, surveys have confirmed that the site supports a range of species but the proposals are not anticipated to result in any reduction in conservation value of passerines. No further surveys or mitigation are considered necessary, and standard conditions can be attached to avoid disturbance with nesting birds.

The ecological assessment does not identify any ecological interests which would prevent the development progressing. The applicants have however indicated that any vegetation clearance required to facilitate the development should take place outside the bird nesting season. In relation to the impact tests required under Policy VOE 9 most have been addressed by the applicant in the supporting information. Officers conclude the scheme would not have an unacceptable impact on nature conservation, and is not in conflict with VOE 5 and VOE 9.

4.2.7 Highways

LDP Policy VOE 9 requires due consideration of the effect of wind energy development on the surrounding area and community, including transport impacts.

No specific comments have been raised in relation to the highway implications of the development. It would be normal in relation to single turbine developments to suggest the imposition of a planning condition in the event of permission being granted, requiring a construction method statement to address issues relating to the development stage of the scheme. Officers conclude there would no unacceptable highways impacts from the proposal.

4.2.8 Aviation and Radar

The impact on aviation and radar equipment is material to the determination of wind turbine applications.

No objections have been received from any aviation authority at the time of drafting this report.

In the absence of objections, it is considered reasonable to conclude that proposed turbine would not have any adverse effects on aviation and radar interests in the area.

5. SUMMARY AND CONCLUSIONS:

- 5.1 The report sets out a number of considerations Officers suggest are relevant to the determination of this application, and as with all wind energy developments, inevitably confirms that there are factors that weigh in favour and against the grant of planning permission. There are strong representations in support and in objection to the application.
- 5.2 Planning policy at national and local level offer in principle support for suitable wind energy development including on the basis of contributions to green energy generation and farm diversification benefits. The supporting documents, the applicant's submissions, and a number of representations make considerable play on these considerations, and these are relevant matters to weigh in support of the application. The policies also caution support for developments with the need to have due regard to local impacts when determining their acceptability, and these are matters which have given rise to expressions of concern from local community councils, some consultees and private individuals – which also have to be given due weight in the balancing exercise in determining the application.
- 5.3 Landscape and visual impact considerations are considered to be of some significance in this instance. In terms of basic principle, Members will be aware of Officers previously expressed concerns over the spread of 'one-off' medium / sub-local authority scale wind turbine developments outside the Clocaenog Forest Strategic Search Area, on grounds that this has strategic implications on the ability of the Council to conserve the integrity of wider Denbighshire landscapes in the longer term. The proposal here is for a 71 metre high turbine in a location approximately 1km outside the Strategic Search Area, and raises the same concerns for Officers.
- 5.4 To help inform the assessment of wind turbine developments, Denbighshire County Council and Conwy County Council commissioned the 'Conwy and Denbighshire Landscape Sensitivity and Capacity Assessment for Wind Energy Development' (final report May 2013). The aim of the study was to inform the development of Supplementary Planning Guidance (SPG) and assist the task of assessing the landscape and visual effects of wind energy development for development control purposes. The Sensitivity and Capacity Assessment is therefore a material consideration.
- 5.5 The aforementioned Assessment identifies the sensitivity of the landscape in the area of the turbine to wind Energy developments as 'high'. The Council's Landscape Consultant concludes the scale of turbine is not appropriate to the scale of the landscape and the dwellings in close proximity, and recommends refusal of the application, a view taken by two of the local community councils. There are widely contrasting opinions in individual representations on the question of landscape and visual impact, including those who suggest the effects would be limited, and those who believe they would be wholly unacceptable. Ultimately, Officers believe there are potentially significant implications on the basis of adverse landscape and visual impacts from a 71m high turbine outside the Strategic Search Area and consider the overall conclusions of the Landscape Consultant are to be respected, and that these are legitimate grounds for resisting the grant of permission.
- 5.6 There are serious concerns over the noise implications of the proposed turbine. The Pollution Control Officer has been in dialogue with the applicant's agent, following the agent's response to a request for additional information to clarify cumulative impacts. Significantly, the conclusion is that the application does not demonstrate acceptable noise levels can be achieved, and with respect to the suggested mechanism for mitigating impacts through turning off the turbine in certain conditions, this is not an appropriate approach to adopt as it is considered essential to set a reasonable and enforceable noise level condition that has a demonstrable chance of being achieved.
- 5.7 In concluding, in the light of the assessments and consultation responses, it is suggested :

A. In respect of landscape and visual impact that in the absence of a clear policy framework which would enable the Council to take a more strategic approach to the determination of sub-local authority scale wind turbine proposals outside the SSA, that the Council should take a precautionary approach where adverse impacts have been identified, to ensure the integrity of high quality local landscapes is not eroded by incremental wind turbine development, and to ensure a satisfactory level of amenity is maintained for the residents of the area. The Landscape Consultant's conclusions confirm there are adverse impacts anticipated. Whilst Members have considered smaller turbines (up to 50 metres height) to be acceptable as farm diversification projects in support of green energy, it is not considered farm diversification merits should outweigh the concerns in respect of the impact on the landscape and visual amenity of a 71m high turbine outside the SSA.

B. In respect of noise impacts, the application does not show acceptable noise levels can be achieved, and with respect to the agent's suggestions, it is not considered appropriate to grant permission without being able to set a reasonable and enforceable noise level condition that has a demonstrable chance of being achieved. The implications of the development are that unreasonable noise impacts may arise for occupiers of private property in the vicinity. Officers do not believe it would be responsible on the Council's part to override the technical concerns over noise impact.

Having due regard to the above, and with every respect to the merits of the case, Officers do not consider it appropriate to lend support to the application.

RECOMMENDATION: REFUSE- for the following reasons:-

The reasons are:-

1. It is the opinion of the Local Planning Authority that the erection of a 71 metre high 500kW turbine would have unacceptable adverse landscape and visual impacts affecting the sensitivity of the Aled Hiraethog Hills (East) landscape unit, and could set an undesirable precedent for similar medium to large size turbine development outside the Clocaenog Forest Strategic Search Area, with adverse consequences on the aforementioned landscape unit and the AONB further afield, which have high sensitivity to wind energy development. The scale of the turbine is not considered appropriate to the scale of the landscape and the dwellings in close proximity, where it is considered there would be significant adverse impact on visual amenity. The proposal is conflict with national and local policy objectives which seek to protect the local landscape and visual impact, and would further contribute to the spread of wind turbine development in this part of the County's attractive open countryside, giving rise to additional cumulative landscape impacts. The farm diversification merits of the proposal and the potential benefits of increased renewable energy generation are not considered to outweigh these concerns, and the proposal is therefore considered contrary to tests in Denbighshire Local Development Plan policies VOE 9, VOE 10, and the principles set out in TAN 8 (para. 2.11 - 2.13) and PPW Edition 7, Section 12 (2014).
2. It is the opinion of the Local Planning Authority that the noise assessment information shows the noise level from the turbine is too loud not only from the individual assessment, but also cumulatively. It is unclear how the tables in the cumulative assessment spreadsheet have been populated with levels from the existing schemes, as there is no breakdown of them, and the noise levels that have been used make no allowance for uncertainty and are not derived from consented levels, as recommended in the Institute of Acoustics Good Practice Guide, hence the levels stated will be an underestimation. It is considered therefore that the application does not demonstrate the noise impacts arising from the development in combination with that from other turbines in the area, would be acceptable to occupiers of property in the locality, and it would be difficult to set a reasonable noise condition that would be enforceable, whilst still having confidence that it could actually be achieved. The proposals are considered to be contrary to tests in Denbighshire Local Development Plan policies VOE

9, VOE 10, and the principles set out in TAN 8 (para. 2.11 - 2.13) and PPW Edition 7, Section 12 (2014).

NOTES TO APPLICANT:

None