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07/2015/0414

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Denbighshire Boundary  
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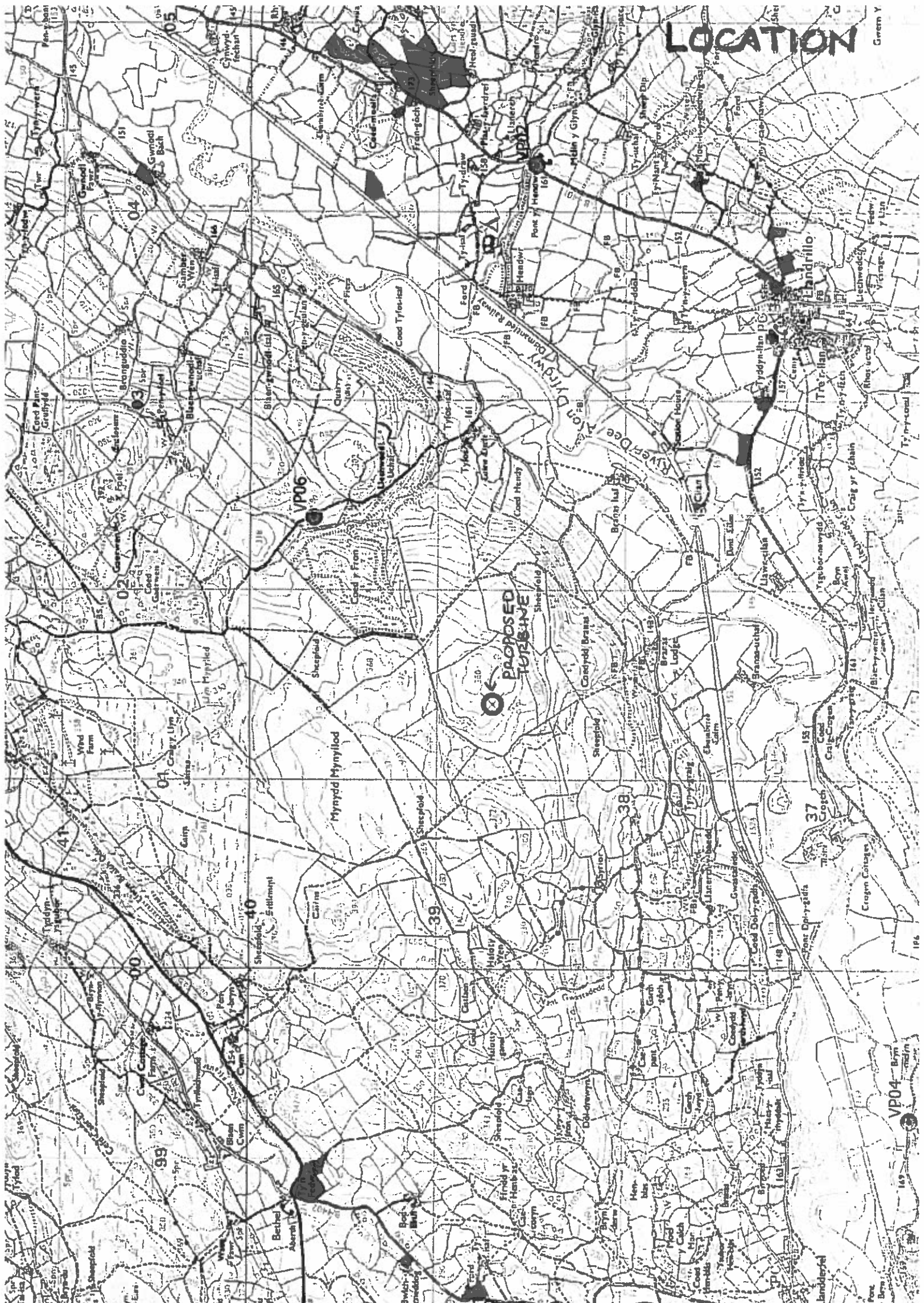


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# LOCATION

Green Y



VP04

169

166



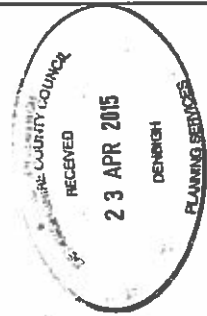
072015/0414/PP

# TYPICAL TURBINE DETAIL

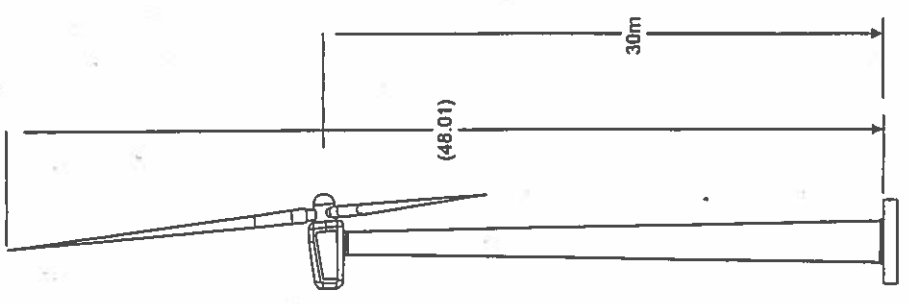
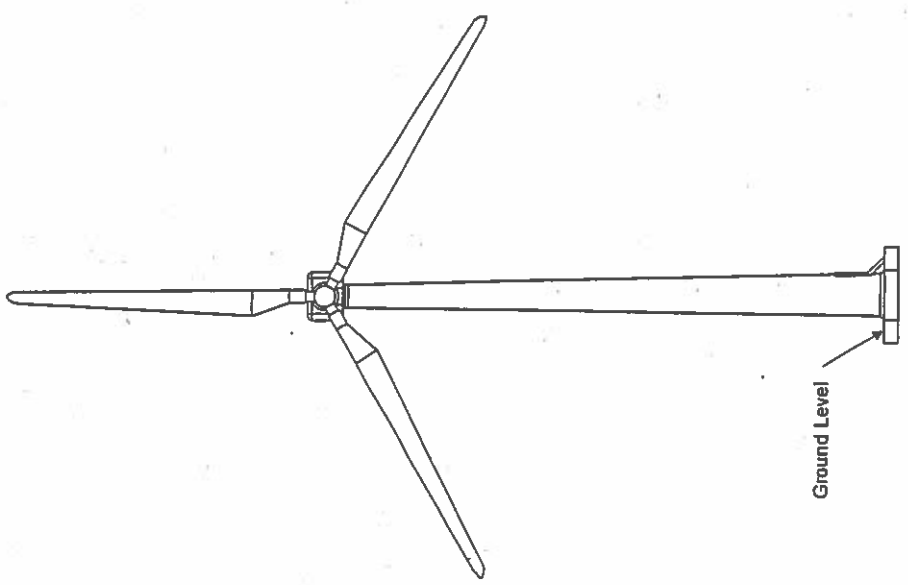


Figure PB 001 - Endurance X35

NOTES



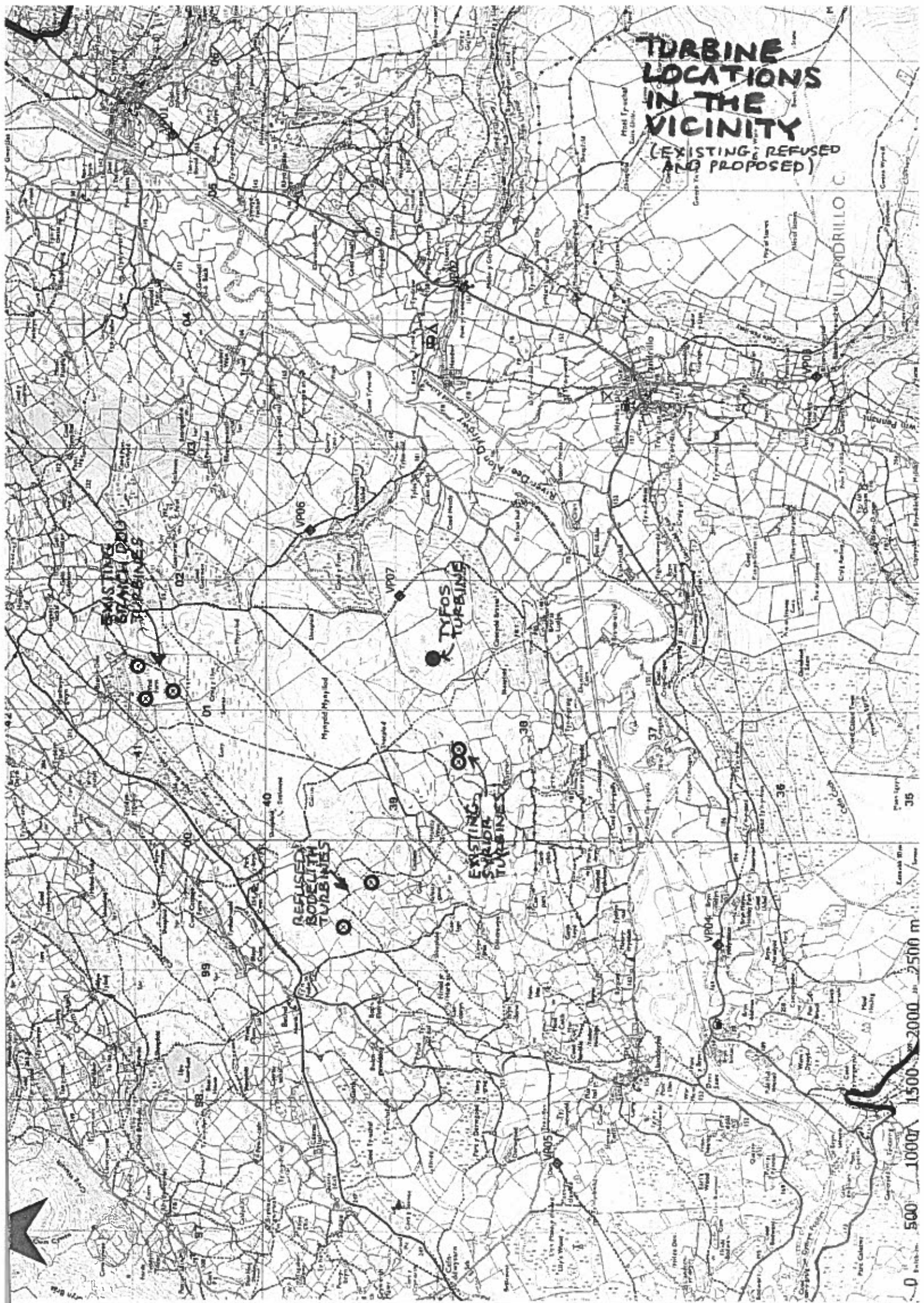
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# TURBINE LOCATIONS IN THE VICINITY

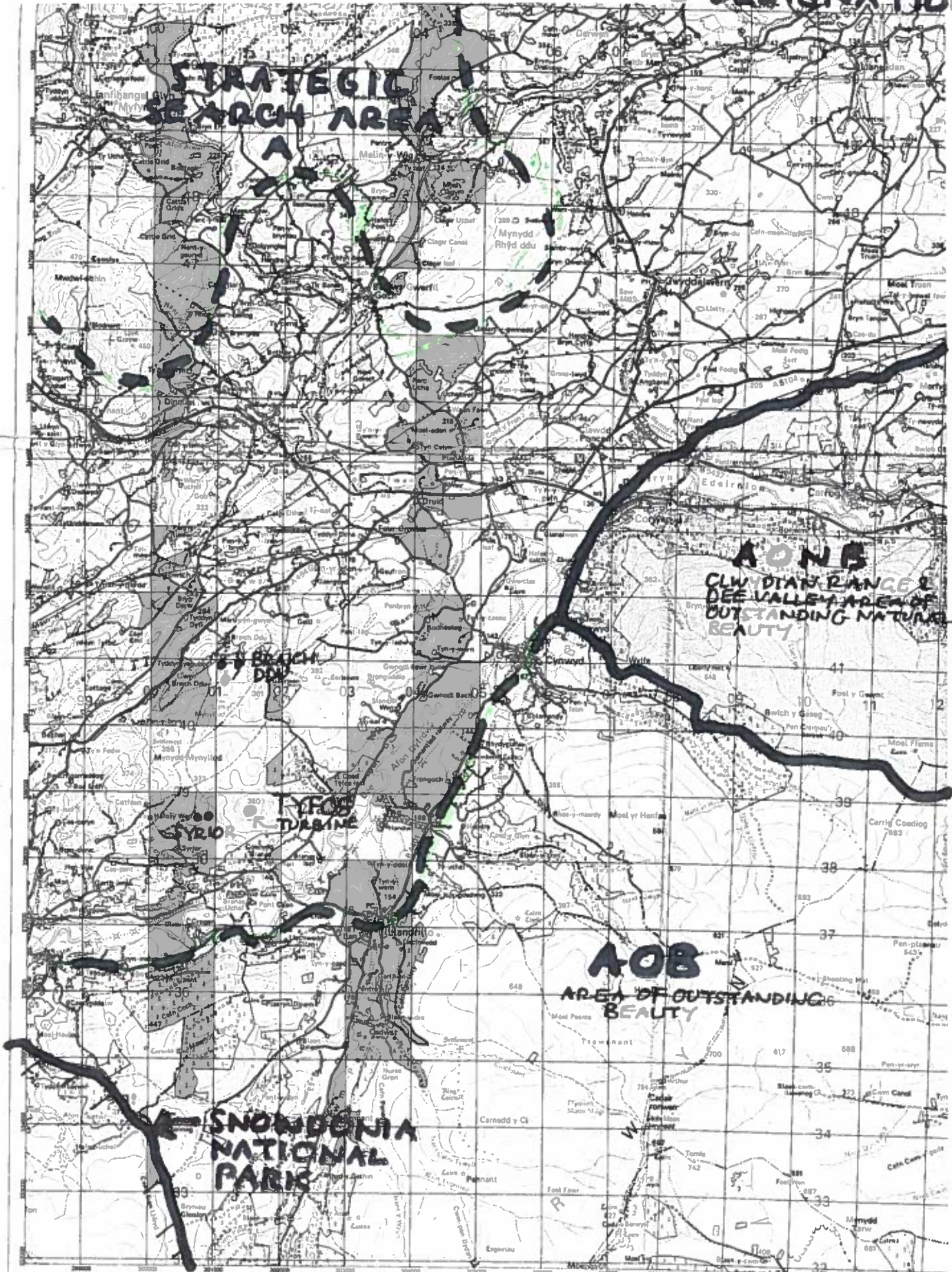
(EXISTING, REFUSED AND PROPOSED)







# LOCATION OF SITE RELATIVE TO DESIGNATIONS



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Scale 1: 165000  
 Date: 26/10/2015  
 Map Sheet



# LOCATION OF TURBINE SITES





**WARD :** Llandrillo

**WARD MEMBER(S):** Cllr Cefyn Williams

**APPLICATION NO:** 07/2015/0414/ PFT

**PROPOSAL:** Erection of one wind turbine with a hub height of 30.5m (48.01m to tip), control box and associated works

**LOCATION:** Tyfos Llandrillo Corwen

**APPLICANT:** Messrs DG, RJ & DMJ Williams

**CONSTRAINTS:** None

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

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

- Recommendation to grant / approve – 4 or more objections received
- Recommendation to grant / approve – Town / Community Council objection
- Referral by Head of Planning / Development Control Manager

**CONSULTATION RESPONSES:**

Additional / revised information was submitted by the applicant's agent in late September 2015, which obliged a final reconsultation exercise. *Additional representations / comments on plans as revised in September 2015 are shown in italics.*

**LLANDRILLO COMMUNITY COUNCIL**

Original response:

“ There was no objections ... provided that they have only one turbine and no more in the future”.

Second response:

“ During our Community Council meeting on 17/08/2015 the Councillor's saw the additional photographs and photo montages and do not wish to add any further comments to application number 07/2015/0414.”

*Additional comments on plans as revised in September 2015*

**NATURAL RESOURCES WALES**

Original response:

Does not object to the proposal as it is not likely to adversely affect any of the matters within their remit – statutory landscape designations, statutory protected sites, protected species and habitat considerations.

Significant effects on important views and setting of nationally important landscapes would be unlikely given the height of the turbine and separation distance between it and Snowdonia National Park, the Clwydian Range and Dee Valley AONB and the Berwyn landscape of special historic interest in Wales. Note LANDMAP assesses the immediate context for the development to be of regional to local landscape value and cumulative effects are likely in relation to

operational / consented wind development in the area. Conclude the effects on landscape are likely to be of local rather than national importance.

NRW have no records for protected species close to the turbine's proposed location, but advise that a minimum buffer of 50m is maintained between the turbine and any habitat features likely to be used by bats. The grid reference provided for the turbine location indicates that the distances to any hedgerow can be easily achieved, and if this is the case the proposal is unlikely to be detrimental to maintenance of the favourable status of bats species. Effects on biodiversity and bird habitats should be considered by the Council's ecologist.

*Additional comments on plans as revised in September 2015*

No additional comments to make, comments in previous letter still apply.

AIRBUS

No aerodrome safeguarding objection

NATS / NERL

No safeguarding objection to the proposal.

MOD

No response

SNOWDONIA NATIONAL PARK AUTHORITY

Original response:

Note that the map showing the 15km ZTV indicates the turbine will be visible from some locations in the National Park, at these distances the turbine on its own will probably not have a significant effect on views outwith the boundary. Suggest there may be adverse effect when the cumulative impact of the turbine with those already permitted (Braich Ddu, Wern Ddu, and Gwyddelwern) and other proposals in the locality, e.g. Bodelith are taken into consideration. Have concerns over the quality of the LVIA, including locations selected for viewpoints for photomontages, the quality of reproduction of photomontages on the web, and the choice of camera for the photomontages.

*Additional comments on plans as revised in September 2015*

No further comments to make.

CADW

Original response:

Confirm the development is located in the vicinity of scheduled monuments (Tyfos Stone Circle, Branaf Uchaf Round Barrow, Pont Cilan, Mynydd Mynyllod Enclosure, Craig yr Uchain, and Cefn Cair Enui Round Cairn. Development within the scheduled ancient monument Tyfos Stone Circle will require scheduled ancient monument consent. Applicant needs to demonstrate no practical alternative avoiding the monument exists and the need to undertake the works outweighs the presumption in favour of the protection of such an important monument of national importance.

Considered the information originally submitted with the planning application inadequately analysed the impact of the proposal on the historic assets and requested further information in relation to the direct impact of the grid connection for the proposal on Tyfos Stone Circle.

*Additional comments on plans as revised in September 2015*

Acknowledges the additional information includes a re-routing of the connection to the grid that avoids crossing the boundaries of the scheduled monument (Tyfos Stone Circle). Considers the development will have only a limited impact on the designated historic asset and others identified in the original response.

CLWYD POWYS ARCHAEOLOGICAL TRUST

Original response:

Whist having no objections to the turbine location and access route, the location of the grid connection passes directly through the scheduled ancient monument (Tyfos Stone Circle),

which will potentially result in significant harm to the monument, and is therefore contrary to PPW 7 advice. Hence formally object to the proposals.

*Additional comments on plans as revised in September 2015*

Based on the additional detailed plan of the cable route, has no objection. Notes that CADW need to confirm acceptance separately. Given the proximity of the stone circle and the potential for related sub-surface archaeology in the immediate area, in the event that permission is granted, would require a suitable condition to be attached to ensure the engagement of an archaeological contractor to complete a watching brief on the length of cable trench running to the south of the stone circle.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –  
Head of Highways and Infrastructure

- Highways Officer

No objections subject to a condition requiring details of the site compound, traffic management, etc.

- Footpaths Officer

Notes Public Footpath 12 crosses the grid connection in two locations. Requests the Right of Way is safeguarded through notification of standard advisory conditions / notes.

- Pollution Control Officer

Confirms after clarification over turbine type and noise levels associated with the two types (X-29 and X-35), that the noise levels associated with the turbine should not cause a concern in regards to noise for local residents. Requests that relevant conditions be attached to any planning permission granted, including setting acceptable levels at nearby properties.

- Biodiversity Officer

Concurs with the conclusions and recommendations of the Ecological Appraisal, and suggests the recommendations for reptiles should be conditioned. Following submission of the cumulative assessment for birds, also concurs with its conclusions.

## **RESPONSE TO PUBLICITY:**

In support –

Responses on original submission

Hywel, Rose & John Roberts, Tyn Celyn, Gwyddelwern (S)

Rhys Jones, Llawrcilan, Llandrillo (S)

Sian Jones, Plan Tan Y Bwlch, Llanbedr DC (S)

Alwyn Williams, Branaf Uchaf, Llandrillo (S)

E. Thomas, 2, Tyfos Cottages, Llandrillo (S)

Sion Lynch, Bryn Ffynnon, Llangwm (S)

J. Robertson, Dolgadfa, Llandderfel (S)

Elin Jones - Blaen Gwnodl Isaf, Cynwyd (s)

Eleri Jones - Llawrcilan, Llandrillo (s)

P. Thomas, Llys Fair, Cynwyd (S)

V. Williams, Tyfos, Llandrillo (S)

E. Davies, Sarn Helen, Llandrillo (S)

Mr L P Jones, Aeddren Uchaf, Llangwm (S)

Dion Roberts, 2 Tyfos Cottages, Llandrillo (s)

G W Butler & L S Peacock, 1 Tyfos Cottage, Llandrillo (S)

H Jones & S Morris, Hendre Garthmeillio, Llangwm (S)

Henry Robertson, Crogen, Llandrillo (S)

Dafydd H Jones, Syrior, Llandrillo (S)

Gwion a Meinir Lynch, Bryn Ffynnon, Llangwm,

Elwyn Edwards, Bodaeron, Y Bala (S)

*Additional comments on plans as revised in September 2015*

Summary of planning based representations in support:

Principle

Renewable energy schemes merit support having regard to waste generated from conventional gas, coal and nuclear stations / assist government targets for generation of renewable energy and reduction of carbon emissions / there are already wind turbines in the valley / source of work for local contractors / source of income to landowner in support of farm enterprise / impact on tourism insignificant

Landscape / visual impact

Already 2 small turbines nearby which are unobtrusive / height is about half of the 3 turbines at Braich Ddu

Other matters

Objections to the application are based on scaremongering, prejudice and personal agendas  
Llandrillo Community Council would benefit from community payments

*Additional comments on plans as revised in September 2015 in italics*  
(where different from above points):

In objection –

Responses on original submission

Karen Roden, Waen y Rhydd, Cynwyd (O)

Tina Davies, Bethel, Bala (O)

Terence Williams, 16 Stryd Fawr, Llandrillo (O)

Derek Davies, Gernant, Heol y Berwyn, Llandrillo (O)

Gwenllian Williams, Gwernydd Faerdref Cynwyd (O)

Sion Williams, Gwernydd Faerdref Cynwyd (O)

Keith Howell, 5 Rhos Helyg, Llandrillo (O)

Christopher Redmond - Penbryn Sych, Llandderfel (o)

Peter Smith - Ty'n y Fron Crogen, Llandderfel, Bala (o)

Lee Mollison-White - Llanerch, Cynwyd (o)

Hilary Madeley, Coed Moelfa, Cynwyd (O)

Len Harrison, Siamber Wen Farm, Cynwyd (o)

Norma & Michael Horton, Sunnyridge, Cynwyd (O)

William Madeley - Coed Moelfa, Cynwyd (o)

Alan Richards, 20 Gainsborough Walk, Denton

Lynn Mitchell, 49 Birchley Road, Billinge, Wigan

Victor Lindsay, 1 Tyn y groesffordd, Llanbedr DC

David Williams, Hendre Faerdref, Cynwyd

Dr Jeffrey H P Evans, Gwnodl Fawr, Cynwyd (O).

Richard Buxton, Environmental and Public law, 19B Victoria Street, Cambridge (instructed by local residents) (O),

Geoffrey Sinclair, Environment Information Services, Glebe House, Martletwy, Narbeth, Pembrokeshire (Critique and Alternative Assessment of Landscape and Visual Impacts, cumulative effects and claimed benefits – engaged by local residents) (O)

Andrew Jedwell , by email

*Responses on plans as revised in September 2015*

*Peter Field, Pen y bont Touring park, Llangynog Road, Bala*

*Christopher Redmond - Penbryn Sych, Llandderfel*

*Joan Redmond - Penbryn Sych, Llandderfel*

*Wendy Price-Jones, Glanrafon Hall, Glanrafon, Corwen*



*John Griffiths, Cwm Cottage, Bethel, Bala*  
*Len Harrison, Siamber Wen Farm, Cynwyd*  
*Shahia Powles, Y Bwthyn, Plas Faerdref, Cynwyd*  
*Lynn Mitchell, 49 Birchley Road, Billinge, Wigan*  
*Gwerfyl Greenhalgh, Cryniarth, Cynwyd*  
*Suzy Watson, 1 Erw Wern, Berwyn Street, Llandrillo*  
*Paul Watson, 1 Erw Wern, Berwyn Street, Llandrillo*  
*Michael Woodbridge, The Quillet, Berwyn Street, Llandrillo*  
*Victoria Wilbraham, Plas yn Faerdref, Llandrillo Road, Cynwyd*  
*Steven Toon, Plas yn Faerdref, Llandrillo Road, Cynwyd*  
*Gordon Dyos, Ysgubor Newydd, Llandrillo*  
*Donald Wilkinson, Cadair Fronwen, Berwyn Street, Llandrillo*  
*Hilary Madeley, Coed Moelfa, Cynwyd*  
*Charmain Poole, Tai Bethania, Cynwyd*  
*Ivor Coaley, 14 Rhos Helyg, Llandrillo*  
*I and P Preston, Hyfrydle, Llandrillo*  
*Boris Gold, Hafoty Wen, Llanderfel, Bala*  
*Geoffrey Sinclair, Environment Information Services, Glebe House, Martletwy, Narbeth, Pembrokeshire (Response to amended material, October 2015 - Critique and Alternative Assessment of Landscape and Visual Impacts, cumulative effects and claimed benefits – on behalf of local residents)*

Summary of planning based representations in objection:

*Additional comments on plans as revised in September 2015 in italics (where different from points raised in original representations):*

#### Principle

Inefficiency, inconsistency and unpredictability of turbines / Council should not view the application in isolation but in the context of existing and proposed turbines / Council should not support piecemeal approach to turbine development, including turbines of this size outside TAN 8 area / questionable case made that this is a 'farm diversification' scheme, as size and potential capacity far outweighs any need on Tyfos Farm, which has an existing hydro scheme to provide for their needs, and there is no financial evidence submitted to justify need / turbine would be 5 times the power of the Syrior turbines / opening floodgates to additional turbine development making it impossible for Council to refuse further applications / enough is enough / *alternative technologies should be encouraged as they cause less damage to the environment / fluctuations in feed to the grid could lead to instability in the supply to Llandrillo with consequent potential for equipment failure and should be taken into account / no benefit for the local community / common good should take preference over the personal benefit (if any) of the few*

#### Landscape and visual impact

Site is one of the highest points of Mynydd Mynyllod and would be visible for miles around / impacts of the proposals have been inadequately demonstrated by the applicant and have been misleadingly and insufficiently illustrated / adverse landscape, visual and cumulative impacts are contrary to local policy and the Conwy and Denbighshire landscape Sensitivity and Capacity Assessment for Wind Energy Development / cumulative impact and intervisibility of turbines would be unacceptable locally and in the wider landscape / industrialisation of the attractive valley landscape and creation of windfarm landscape / impact of moving blades distracts attention / blade sweep for the proposed turbine is more than 3 times greater than that of the nearby Syrior turbines and would sweep nearer the ground / there would be extensive visibility in 3 broad zones, including the transit of the south eastern floor of the Dee Valley; the Berwyn Foothills up to the summit ridge; and parts of the complex Mynydd Mynyllod upland plateau / Landscape and Visual Assessment is technically flawed and not adequate (photomontages are misleading and not representative of impacts; location of viewpoints is wrongly and incompletely selected ; presentation of photographs is poor, does not follow standard guidance and distorts views; Assessment underplays sensitivities of visual receptors, uses a flawed 'imbalanced' assessment scale which underrates the true magnitude of large features such as wind turbines, considers an insufficient number of representative viewpoints

and under assesses the level of sensitivity at 3 of the 5 selected viewpoints, under assesses the level of magnitude of effects in 4 of the 5 viewpoints, under rates landscape and visual effects, and the LVA fails to demonstrate the overall impact produced if the turbine were to be consented) the submissions underplay impacts including on footpaths, bridleways, and ancient monuments, and do not use relevant LANDMAP database; original information omits existence of Syrior and Bodelith turbines; cynical attempt to confuse and bamboozle; policies referred to are from the defunct Unitary Development Plan and not the current Local Development Plan / *site is a designated AOB and development would be contrary to policy/ documents admit there will be medium and high impact on the surroundings / additional photomontages are a deception, repeat approach to previous ones, as pictures are designed to hide turbines, are taken where hills get in the way and where vegetation will help hide the turbine / turbine would intrude into unspoiled vista along Dee Valley from Corwen / will contribute to cumulative impact of turbines in the area / contrary to policy VOE2*

#### Impact on tourism

Cumulative impact on visual amenity of the area affects its beauty and attraction to tourists / area is making economic progress after a long period of stagnation and impact of turbines would be damaging to this / adverse effect on occupiers of caravans at Hendwr caravan park / *more industrialisation of an area of natural beauty - tourists generally come to the area for the unspoilt landscape / unacceptable impact on holiday unit opposite*

#### Ecological impacts

Potential impacts on birds, bats, and flora

#### Residential amenity impacts

Noise and disturbance at construction stage / noise from existing turbines can be heard already / concerns over health implications of turbine noise including blade thump / inadequacies of ETSU method of noise assessment and account taken of terrain / shadow flicker / *turbine would add to noise pollution / Noise assessment suggests that because numbers of people affected will be low, this somehow implies it is acceptable / assessment tries to cover up effects on human health by saying effects do not exist*

#### Archaeological impact

Potential impact on the archaeological and historic environment

#### Highway impact

Additional strain on existing road infrastructure

#### Hydrological impact

Potential impact on properties in the locality which are dependent on ground water for supply.

#### *Danger to low flying aircraft*

#### Other matters

##### Reduced property values

Questions over publicity given to application by applicants and the Council, potentially denying individuals the opportunity to comment / *inadequate opportunity to assess additional information/ no longer a consultation exercise but a steamrolling of the project through the Council, consultation process is a scam, original application was not visible on the usual planning website, the great haste over this is obscene and probably illegal*

Inappropriate reference by a supporter of the application to payment of community benefits to Community Council – this is not a material consideration

*Submission is not complete and needs to be redone as there is no mention of how the cable is going to get to the site other than a line on a map*

Members will appreciate that there is a significant volume of material submitted in the representations on the application. Officers have provided a basic summary of the contents in this section of the report, which reflect the main points raised. All the documents are available

for inspection on the application file.

**EXPIRY DATE OF APPLICATION: 23/07/2015**

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

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

**PLANNING ASSESSMENT:**

**1. THE PROPOSAL:**

1.1 Summary of proposals

- 1.1.1 The application is for the erection of an Endurance 225kW wind turbine, a control box and associated works, including an access track, a hardstanding for the crane in connection with construction, and on site cabling linking the turbine to the grid connection.
- 1.1.2 The agents have confirmed that the turbine type is the Endurance X-35, which has 3 blades. The plans indicate this would have a hub height of 30.5 metres and a rotor diameter of 35 metres, making a ground to blade tip height of approximately 48 metres.
- 1.1.3 The plans indicate the access to the site would be from a track running north east to Coed y Fron, and that the grid connection would run towards Tyfos itself. The proposed route of the grid connection has been revised in the course of progressing the application, and is shown on the plans at the front of the report.
- 1.1.4 The application is accompanied by a range of supporting documents including a Landscape and Visual Assessment, Photomontages, an Environmental Noise Impact Assessment, an Ecological Appraisal, a Cumulative Impact Assessment (Birds), a Construction Traffic Management Plan, and related plans and drawings. Revised information relating to landscape and visual assessment, noise and the cable route were submitted in late September 2015.
- 1.1.5 The supporting Planning Statement including a Design and Access Statement provides detailed commentary on the background to the application and sets out the case for the grant of permission. It includes reference to the details of the proposals and conclusions on impacts; and an outline of what are considered to be relevant national, Welsh Government and local planning policy and guidance applicable to turbine development.
- 1.1.6 Specific to the circumstances at Tyfos, the Planning Statement advises that Tyfos Farm is an upland holding of 3000 acres primarily running a beef and sheep enterprise, run by Richard and David Williams as a family partnership. The applicant is Mr David Williams. It is indicated that the business partnership are keen to reinvest in the farm enterprise and move the business forward by diversifying into renewable energy, which has already included domestic solar panels on one of the farm houses and a small 30kWh hydro scheme – the development of the turbine providing further financial viability and allowing succession, increasing the resilience of the business and providing some financial security maintaining a viable farming business. It is indicated that Tyfos has substantial electricity demand and thus high electricity costs, with a large monthly electricity bill which can increase according to the seasons, and that the electricity generated would reduce reliance on imported electricity and would create an income stream through guaranteed payments for exported power under the Feed in Tariff scheme.

1.2 Description of site and surroundings

- 1.2.1 The turbine would be sited on a small plateau in an agricultural field in an open location some 1.5km to the west of the Tyfos farm complex. Llandrillo village is approximately

2km to the south east.

1.2.2 The ground level is around 380 metres AOD in the proposed position of the turbine.

1.2.3 The site is outside the Clocaenog Forest Strategic Search Area (SSA), the southernmost boundary of which is approximately 10km to the north. The nearest turbine of the Braich Ddu development is some 2km to the north, and the 2 turbines at Syrrior are some 1km to the west.

1.2.4 Residential properties in the vicinity include the following, with approximate distances from the proposed turbine :

- Tyn y graig - 1200m to the south west
- Branaf Isaf - 1300m to the south east
- Branaf Lodge – 1000m to the south
- Syrrior - 1200m to the south west
- Tyfos Isaf – 1500m to the east
- Hafotty Wen – 1500m to the west

1.2.5 The plans at the front of the report show the location of the site relative to the Braich Ddu and Syrrior turbines, and to other properties in the area.

1.2.6 There is a public footpath running north-west / south-east about 0.5km to the east of the site. The path is crossed by the proposed access and cable route.

### 1.3 Relevant planning constraints/considerations

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

1.3.2 The site lies 10km to the south 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. That area has the Wern Ddu turbines at its southern extremity.

1.3.3 The site is not within an area with a statutory landscape designation. The nearest boundary of the Clwydian Range AONB is some 5km to the east, near Cynwyd. The nearest boundary of the Snowdonia National Park is some 5km to the south west, south of Llanderfel. The boundary of the Area of Outstanding Beauty as designated in the Local Development Plan is the B4401 Cynwyd – Llanderfel road, which is approximately 2km from the site at its nearest point.

A plan at the front of the report provides an indication of the location relative to these designations.

### 1.4 Relevant planning history

1.4.1 The hydro scheme at Tyfos, referred to in the application documents, is located on the Nant Llyn Mynyllod stream to the north of the farm complex, and was granted planning permission in April 2010.

1.4.2 There are two existing turbines at Syrrior, approximately 1km to the west, which were granted planning permission in July 2013. These are 50kW machines with a ground to blade tip height of 46m (rotor diameters 19.2m).

1.4.3 There are 3 existing turbines at Braich Ddu, 2km to the north in Gwynedd County, which were granted planning permission in August 2006. These have a ground to blade tip height of 90m (rotor diameters 60.8m).

1.4.4 Gwynedd County refused planning permission on 19<sup>th</sup> October 2015 for 2 turbines at Bodellith Isaf, some 2km to the north west of the proposed Tyfos turbine. The application involved 92.5m high turbines.

### 1.5 Developments/changes since the original submission

1.5.1 There has been dialogue with the applicant's agent in relation to the landscape and visual assessment, the noise assessment, and the route of the cable connection, having regard to responses received on the proposals.

1.5.2 The agent submitted additional information in late September 2015 in relation to the aforementioned matters. He has stated these are the final documents relating to the application and that a determination is now requested. A reconsultation exercise has been undertaken with consultees and private individuals, offering opportunity for comment on these documents.

### 1.6 Other relevant background information

1.6.1 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 in representations, so Members have an idea of the basis of opinions expressed of relevance to the determination of the application.

## 2. **DETAILS OF PLANNING HISTORY:**

### 2.1 07/2010/0060

Installation of small Hydro-electric power scheme, Tyfos, Llandrillo  
Granted 06/04/2010

2.2 07/2012/0539 Installation of 2 No. 50kw wind turbines with control box and access track.  
Syrrior, Llandrillo (46m high, 36m to hub, 19m rotor diameter)  
Granted 12/07/2013

2.3 07/2015/0177 Screening Opinion in relation to turbine at Tyfos. Issued 02/04/2015 – no Environmental Impact Assessment required  
Braich Ddu turbines – Gwynedd County  
G04M/0038/04/LL  
3 wind turbines together with a small substation, improvement of access, etc (90m high, 60m to hub, 60.8m rotor diameter).

Granted 15/08/2006

Bodelith turbines – Gwynedd County

Application C14/0291/04/LL

2 wind turbines 57m to the hub with total height of 92.5m (instead of 115m) to the tip of the blade (Maximum output 5Mw) together with track, building and associated equipment.  
Refused 19/10/2015

reasons – individual and cumulative impact on landscape and the appearance of the local area due to scale, siting and prominence; impact on setting of listed building; impact on setting of ancient monuments; inadequate information to assess impacts on residential amenity of 2 properties.

## 3. **RELEVANT POLICIES AND GUIDANCE:**

The main planning policies and guidance are considered to be:

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

**Policy PSE5** – Rural economy

**Policy VOE1** – Key areas of importance

**Policy VOE2** – Area of Outstanding Natural Beauty and Area of Outstanding Beauty

**Policy VOE5** – Conservation of natural resources

**Policy VOE9** – On-shore wind energy

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  
Conwy and Denbighshire Landscape Sensitivity and Capacity Assessment for Wind Energy Development, Final Report May 2013  
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 Heritage interests
- 4.1.10 Tourism
- 4.1.11 Hydrology / water supply

### 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 encourages local planning authorities to facilitate the development of all forms of renewable low carbon energy, subject to due consideration of impacts. It 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 and Welsh Government planning policy.

TAN 8 supplements PPW and provides technical advice and guidance on renewable energy projects. It introduced the principle of spatial planning for the delivery of energy policy and identified 7 Strategic Search Areas (SSAs) where large scale onshore wind developments should be concentrated.

TAN 8 makes reference to onshore wind in areas outside the Strategic Search Areas in paragraphs 2.11 - 2.14. The contents are of limited assistance to the consideration of applications for single turbines, however, as the advice relates initially to uses of urban / industrial brownfield sites and smaller community based wind farm schemes. Para. 2.13 indicates most areas outside SSAs should remain free of large wind power schemes, and suggests local planning authorities may wish to consider the cumulative impact of small schemes in areas outside the SSAs, where there is a balance to be struck between the desirability of renewable energy and landscape protection. TAN 8 suggests that whilst that balance should not result in a severe restriction on the development of wind power capacity, there is a case for avoiding a situation where wind turbines are spread across the whole of a County.

Factually, the site is outside of, and some 10 km to the south of the Clocaenog Forest SSA, where, as noted, 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. All applications are subject to normal environmental impact tests. The text to the policy indicates that outside the SSA, sub local authority scale developments will be considered where they fall outside designated areas or the setting of the designated areas; and that turbine height will be limited to protect landscape impact.

Policy VOE 9 provides support in principle for renewable energy development on the scale proposed at Tyfos subject to the detailed assessment of localised impacts, which is set out in the remainder of this report.

In relation to the submission, the agent's Statement makes reference to the national, regional, and local planning policy background, concluding that this demonstrates that the proposal can be shown to conform to requirements and should be supported by the Local Planning Authority (albeit the document refers to the policies of the now superseded Unitary Development Plan and not the Local Development Plan).

#### 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.

In relation to the 'diversification' issue, the Planning Statement submitted with the

application states the proposal is intended as a diversification into renewable energy, providing financial viability for the farm business partnership, and allowing for succession. 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, but the agent has indicated that Tyfos has substantial electricity demand and thus high electricity costs, with a large monthly electricity bill which can increase according to the seasons, and that the electricity generated would reduce reliance on imported electricity and would create an income stream through guaranteed payments for exported power under the Feed in Tariff scheme.

Having regard to the above, it is to be noted that TAN 6 does not quantify what is meant by a 'small on-farm renewable energy operation', but 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 Tyfos would have a tip height of some 48 metres. In the context of TAN 6 and decisions taken previously at Committee, Officers would suggest it is not unreasonable to consider attaching some weight to the farm diversification merits of a scheme, although this needs to be cautioned in the absence of detailed figures to determine the extent of the contribution to the business which the scheme would have, and these benefits need to be carefully balanced against other material considerations relevant to the determination of the application.

#### 4.2.3 Landscape and visual impact

##### - Local Development Plan policies

The main policy relevant to the visual and landscape impact associated with wind energy development is VOE 9. The policy requires 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, and the text of the policy indicates that outside the SSA, sub local authority scale developments will be considered where they fall outside designated areas or the setting of the designated areas; and that turbine height will be limited to protect landscape impact.

Policy VOE 1 applies to Key Areas of Importance and 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. Key Areas of Importance are stated in the policy as statutory designated sites for nature conservation, 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 relates to development proposals within or affecting the Area of Outstanding Natural Beauty and the Area of Outstanding Beauty. It states that development that would cause unacceptable harm to the character and appearance of the landscape and the reasons for designation will not be permitted. The text to the policy indicates that consideration will be given to both the impact of development within these designations, and the impact of development on their setting, and that important views to and from the AONB and AOB will be protected.

##### - Welsh Government policy and guidance

Planning Policy Wales 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.



Outside SSA's, TAN 8 Para. 2.13 indicates most areas should remain free of large wind power schemes, and suggests local planning authorities may wish to consider the cumulative impact of small schemes in areas outside the SSAs, where there is a balance to be struck between the desirability of renewable energy and landscape protection. TAN 8 suggests that whilst that balance should not result in a severe restriction on the development of wind power capacity, there is a case for avoiding a situation where wind turbines are spread across the whole of a County.

- The Conwy and Denbighshire Landscape Sensitivity and Capacity Assessment for Wind Energy Development

This Study was published in May 2013 and aims to inform the development of strategic Supplementary Planning Guidance and to assist Denbighshire and Conwy Councils in assessing the landscape and visual effects of onshore wind energy development for development control purposes. 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, Section 4 provides an evaluation of landscape units and their sensitivity for wind energy developments. The proposed turbine is located close to the boundary between landscape units D5 (Ederynion Hills) and D7 (Upland Plateau (Mynydd Mynyllod)), Officers' interpretation being that it is just within unit D7. For the record, D5 is referred to as a strongly undulating rural landscape where the summary of sensitivity to wind energy developments is assessed as 'medium high'. D7 is referred to as an open plateau of upland moorland where the summary of sensitivity to wind energy developments is assessed as 'medium'. In both landscape units the assessment notes the presence of nearby wind turbine development lessens sensitivity, but that this is counterbalanced by the presence of sensitive visual receptors and intervisibility with adjoining high value landscapes (respectively for D5 - the AONB and Snowdonia National Park; and for D7 - the Berwyn Mountains).

Section 6 of the Landscape Sensitivity and Capacity Assessment sets out guidance for wind energy development within defined strategy areas, in which Landscape units D5 and D7 are both included in Strategy Area 6 – Western Dee Valley. This section confirms the area has a 'medium-high' sensitivity to wind energy development. It reviews designated features within the strategy area and then provides a Landscape Strategy and guidance for siting wind turbines, within which the 'Indicative Overall Capacity' section states as follows:

"Given this area's sensitivity and the presence of a large scale wind energy development nearby, there is little **scope for further wind energy development** with the exception of **some micro scale development** where this would sit well in relation to existing built form and not conflict with existing wind energy developments. This could typically comprise **single turbines** up to 20m blade tip height." The bold text is as included in the Assessment document.

- Assessment

Factually, the site is close to statutory and nationally important landscapes including the Snowdonia National Park, Y Berwyn and Y Bala a Glannau Tegid (both Landscapes of Historic Interest Areas), and the extended Clwydian Range and Dee Valley AONB. The Berwyn Range south of the AONB boundary and to the east and south of the B4401 is designated as an Area of Outstanding Beauty in the Denbighshire Local Development Plan. The respective boundaries of these designations are shown on a plan at the front of this report.

The application is accompanied by a Landscape and Visual Assessment, and commentary in the Planning Statement on potential impacts (as revised in late September 2015). The Landscape and Visual Assessment reviews and provides comment on the potential impacts on landscape and visual amenity of the study area, including reference to LANDMAP data, the Conwy and Denbighshire Landscape Sensitivity and Capacity Assessment for wind energy development, and it provides a cumulative impact analysis with reference to the existing Braich Ddu and Syrior turbines

and the two proposed at Bodelith. The Conclusion paragraph in Section 9.7 states as follows:

*“It is recognised that at near distance views the natural impact will naturally be significant, particularly from stretches of the PROWs which run directly past the site. It is considered however that overall there would not be overbearing, significant effects on the visual amenity of residents in the study area, on visitors to leisure and recreational facilities, on walkers, equestrians and cyclists on other definitive rights of way, or on motorists using any of the roads in the area.”*

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.

**In terms of individual representations:**

Those individuals in support suggest the turbine would be seen in context of other existing turbines at Braich Ddu and Syrior, the Syrior turbines are unobtrusive, and the proposed height of the Tyfos turbine is about half of the 3 turbines at Braich Ddu.

Those individuals in objection have raised a range of concerns over the adequacy of the original and additional material in support of the landscape and visual assessment, and these are summarised in some detail in the consultation responses section. The thrust of the concerns are that effects of the proposals have been inadequately demonstrated by the applicant and have been misleadingly and insufficiently illustrated, underplay impacts, and are contrary to local policy and the Conwy and Denbighshire Landscape Sensitivity and Capacity Assessment for Wind Energy Development.

**In terms of consultation responses:**

Natural Resources Wales conclude the effects on landscape are likely to be of local rather than national importance, and they do not object to the proposal. They state significant effects on important views and setting of nationally important landscapes would be unlikely given the height of the turbine and the separation distance between it and Snowdonia National Park, the Clwydian Range and Dee Valley AONB and the Berwyn landscape of special historic interest in Wales. They do however note LANDMAP assesses the immediate context for the development to be of regional to local landscape value and cumulative effects are likely in relation to operational / consented wind development in the area. The Snowdonia National Park Authority note that the map showing the 15km ZTV indicates the turbine will be visible from some locations in the National Park, and that at these distances the turbine on its own will probably not have a significant effect on views outwith the boundary. They do however suggest there may be adverse effect when the cumulative impact of the turbine with those already permitted (Braich Ddu, Wern Ddu, and Gwyddelwern) and other proposals in the locality, e.g. Bodelith are taken into consideration.

**- Conclusions**

There are inevitably differing opinions on the issue of landscape and visual impact, and clearly strongly held views on this matter. The applicants' agent has provided additional information following concerns over the contents of the Landscape and Visual Assessment and questions over the adequacy of the material to properly assess impacts. Ultimately the Council have been asked to make a determination on the information in front of it, and with respect to all parties, it is Officers' opinion that there is now sufficient material on which to draw conclusions on the acceptability or otherwise of the proposal.

Officers have assessed the information in the application, along with the volume of representations on the issue and the contents of the Conwy and Denbighshire Landscape Sensitivity and Capacity Assessment for Wind Energy Development. The characteristics of the area have been observed from site inspection. Having due regard to the range of points raised, the conclusion is that there would be adverse landscape and visual impacts from the development, and that this is a factor which should be accorded significant weight in the balancing of factors relevant to the decision on the

application.

The particular concerns which give rise to this conclusion are that a turbine with a swept area some 3 times that of the turbines at Syrrior will have an adverse impact on the scenic quality of a high quality landscape, the setting of statutory designated landscape areas, including the Snowdonia National Park and the AONB, the AOB and the open character and visual quality of Mynydd Mynyllod. It is considered that the turbine would also have adverse visual effects when viewed from parts of north Berwyn, public access land and public rights of way in the area. The turbine would add to the incremental spread of wind development extending in a broken line from the Clocaenog plateau where major future wind development is planned, all the way to the edge of the mountains of Snowdonia, leading to an unacceptable cumulative landscape impact on views, including from the Berwyn, impacting adversely on the sense of expanse and uncontained views associated with that area.

The conclusions are consistent with Officers' previously expressed concerns in relation to proposals for additional turbines of increasing size outside the Strategic Search Area, in terms of the spread of the 'windfarm landscape' further into rural Denbighshire, 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 remains a concern that the grant of permission would represent additional 'turbine creep', in this case in a location well outside the Strategic Search Area, within a landscape area assessed as having a 'medium high' sensitivity to wind energy development in the Conwy and Denbighshire Landscape Sensitivity and Capacity Assessment. This document suggests there is little scope for additional wind energy development in this area other than suitable micro scale turbines less than half the size of the proposed turbine at Tyfos. 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.

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.

In terms of representations on the matter, there are local concerns over noise and disturbance at construction stage, noise from existing turbines, the health implications of turbine noise including blade thump, and the inadequacies of the ETSU method of noise assessment and the account taken of terrain.

The Pollution Control Officer has reviewed the submitted Noise Assessment

information, including material provided in late September 2015, and confirmation from the agents that the proposed turbine is an Endurance X-35. The Pollution Control Officer concludes that the noise levels associated with the turbine should not cause a concern in regards to noise for local residents, and requests that relevant conditions be attached to any planning permission granted, including setting acceptable levels at nearby properties, with standard conditions setting out requirements in the event that complaints are received and investigation / monitoring is necessary. The suggested noise levels condition is as follows:

“Noise from the turbine hereby permitted shall not exceed the levels set out in the table below at the following dwellings when measured in free field conditions for wind speeds of up to 10m/s at a height of 10m above ground level: “

| <b>Dwelling</b>             | <b>Easting, Northing</b> | <b>Noise levels (dB LA90 at 10 m/s at 10m height)</b> |
|-----------------------------|--------------------------|-------------------------------------------------------|
| Syrior                      | 300461, 338139           | 25.6                                                  |
| Tyn-y-graig                 | 300885, 337694           | 25.4                                                  |
| Branas Lodge                | 301689, 337897           | 28.7                                                  |
| Branas Isaf                 | 302578, 338029           | 24.6                                                  |
| Tyfos                       | 302845, 338778           | 24.2                                                  |
| Dwelling (1 Tyfos Cottages) | 302997, 338803           | 23.1                                                  |
| Dwelling (2 Tyfos Cottages) | 303030, 338818           | 22.9                                                  |
| Tyfos Isaf                  | 303040, 339010           | 22.7                                                  |
| Hafotty Wen                 | 300019, 338602           | 23.4                                                  |

On the basis of the Pollution Control Officer's comments, it is not considered there are any significant noise issues impacting on the acceptability of the turbine development in this instance. In relation to construction stage issues, it would be normal to consider imposition of separate condition(s) requiring submission and approval of details of a construction method statement, to deal with concerns over hours of operation, etc.

#### 4.2.5 Shadow flicker

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

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 36m, therefore the potential impacts should only be experienced up to 360m from the turbine location, and only then within 130 degrees either side of north. The nearest residential property is approximately 1000 metres to the south of 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 policies VOE 5 and VOE 9. 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. There are representations expressing concern over the potential impact on wildlife interests, specifically birds, bats, and flora.

There is an Ecological Appraisal and a detailed Cumulative Bird Assessment submitted with the application. These provide information sites, habitats, birds, bats, and other fauna. The Planning Statement states the site is not located within an area designated for ecological or biodiversity preservation, and that the surrounding land is typified by improved grasslands with only limited ecological value.

Consultee responses raise no objections in relation to ecological impacts. Natural Resources Wales advise they have no records for protected species close to the turbine's proposed location, but request that a minimum buffer of 50m is maintained between the turbine and any habitat features likely to be used by bats, in order to avoid impacts detrimental to maintenance of the favourable status of bats species. The Council's Biodiversity Officer concurs with the conclusions and recommendations of the Ecological Appraisal and the conclusions of the cumulative assessment for birds.

Having due regard to the above, there do not appear to be any adverse ecological impacts anticipated which would give rise to concerns over the grant of permission. Officers conclude therefore that the scheme would not have an unacceptable impact on nature conservation, and is not in conflict with LDP policies VOE 5 or 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.

There is individual comment on the potential impact on road infrastructure.

The Highways Officer raises no objections subject to a condition requiring details of the site compound, traffic management, etc. in the event of permission being granted, requiring a construction method statement to address issues relating to the development stage of the scheme. On this basis, 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.

#### 4.2.9 Heritage interests

Policy VOE 1 of the Local Development Plan seeks to protect designated areas from development which would adversely affect them. This includes statutory designated sites for nature conservation, local areas designated or identified because of their natural landscape or biodiversity value, sites of built heritage, historic landscape, parks and gardens. VOE1 reflects the principles in Planning Policy Wales Section 6 which stresses the role of local planning authorities in securing the conservation of the historic

environment, whilst ensuring it accommodates and responds to present day needs.

In the course of progressing the application, there have been representations expressing concerns over the impacts on the archaeological and historic environment. In response to consultation, CADW and the Clwyd Powys Archaeological Trust initially drew attention to the location of the grid connection in relation to a scheduled ancient monument (Tyfos Stone Circle), and voiced concerns over potentially significant harm to the monument. The revisions to the route of the cable connection submitted in late September have however addressed the issues raised by CADW and CPAT, who have confirmed they now have no objections.

On the basis of the updated comments from CADW and CPAT, it is not considered that the proposals would adversely affect the ancient monument, and hence there would be no heritage impacts of concern.

#### 4.2.10 Tourism

LDP Policy VOE 9 requires due consideration of impacts of wind energy development on the surrounding area and community, which would include potential effects on the local economy.

There are individual concerns regarding the potentially detrimental impact of the proposal on local tourism based businesses, stressing the importance of the tourism economy in the Dee Valley.

Whilst acknowledging points raised in relation to impacts on tourism enterprises, there is limited evidence to support a refusal of planning permission for a single turbine on this ground. Research has been mainly into the impact of wind farm development and tends to highlight both positive and negative findings in areas where wind farms have been established.

In conclusion, Officers consider that given the size and scale of the development proposed, there is no tangible evidence to suggest that the Tyfos proposal alone would have a direct detrimental impact on the local tourism economy, and without further research on the cumulative impact of wind turbine development on tourism in Denbighshire, there would be no reasonable planning justification to refuse the application on this basis.

#### 4.2.11 Hydrology / Water Supply

LDP Policy VOE 9 requires due consideration of impacts of wind energy development on the surrounding area and community, which would include potential effects on hydrology and water supply.

There is a representation referring to potential impact on properties in the locality which are dependent on ground water for supply.

In noting the comments on water supply matters, it would be standard practice in the event of a planning permission being granted, to attach a suitably worded condition requiring submission of a hydrological Assessment / method statement before construction begins, which would have to address impacts of groundworks involved in the creation and use of the access track by construction vehicles, and the construction of the cable trench.

#### 4.2.12 Other matters

##### Reduced property values

Respectfully, impact on private property values is not a matter to which significant weight should be attached in the making of a decision on a planning application. The Council is obliged to deal with applications on the basis of recognised land use planning considerations which are relevant to impacts on the enjoyment of a property, such as the visual / residential amenity implications of a development, which may indirectly

affect values.

#### Questions over publicity given to application

There are currently no statutory requirements in Wales on an applicant to publicise proposals of this type or to undertake public consultation. On receipt of the application, the Development Management Section of the Council organised the posting of two site notices and direct notification of properties within a 1km radius of the site. The 1km radius is a standard distance currently adopted by the planning section on single turbine applications. The statutory duty on the Council is to give the requisite notice by way of a site display on or near the land to which the application relates, or by serving notice on any adjoining owner or occupier. The steps taken to publicise the application exceed the statutory requirement in this instance. On receipt of additional information in late September, 2015, consultees and private individuals notified originally, and those who had sent representations in the course of processing the application, were informed of the new material and offered the normal 14 day period to make further comment, which again is standard practice.

#### Community benefits issues

Members will be aware that the offer of Community Benefits in association with a turbine proposal is not material to the consideration of an application.

#### Details of the cable route

The submissions indicate the connection from the grid is to be achieved through undergrounding via a cable trench. In the event of a permission being considered it would be a matter for the Council to consider inclusion of a condition to ensure undergrounding, and the detailing of that work, if this were to be deemed appropriate.

## **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 most wind energy developments, notes 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 Tyfos turbine 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 representations refer to these considerations, and they 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 private individuals – which also have to be given due weight in the balancing exercise in determining the application.
- 5.3 Having regard to the assessments in the report, and with respect to the wide range of comments received, Officers suggest landscape and visual impact considerations are the main issues relevant to the determination of the application in this instance.
- 5.4 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 48 metre high turbine in a location approximately 10km outside the Strategic Search Area, and raises the same in principle concerns for Officers over 'turbine creep' through consenting to turbines of ever increasing size, and the creation by stealth of a significant windfarm landscape further into the County well outside the designated area for large scale turbine development.
- 5.5 The report makes reference to the 'Conwy and Denbighshire Landscape Sensitivity and Capacity Assessment for Wind Energy Development' (final report May 2013), which has been prepared to assist the task of assessing the landscape and visual effects of wind energy development for development control purposes. The Sensitivity and Capacity Assessment is

a material consideration. The aforementioned Assessment sets out guidance for wind energy development and confirms the area has a 'medium-high' sensitivity to wind energy development, and that given this area's sensitivity and the presence of a large scale wind energy development nearby, there is little scope for further wind energy development with the exception of some micro scale development where this would sit well in relation to existing built form and not conflict with existing wind energy developments – micro development being referred to as single turbines up to 20m blade tip height. The Tyfos proposal is for a 48m high turbine with a large rotor diameter, which would be in conflict with the strategy of the Sensitivity and Capacity Assessment.

5.6 In concluding, in the light of the assessments and consultation responses, it is suggested there are significant landscape and visual concerns to address in this instance. 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, Officers believe that the Council should take a precautionary approach where adverse impacts are likely, to ensure the integrity of high quality local landscapes is not eroded by incremental wind turbine development, and also to ensure a satisfactory level of amenity is maintained for the residents of the area. Whilst Members have taken the view that turbines up to 50 metres height may be acceptable as farm diversification projects in support of green energy, it is not considered that these merits should outweigh concerns in respect of the impact on the landscape and visual amenity of a 48m high turbine in this location outside the SSA.

5.7 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 reason is :-

1. It is the opinion of the Local Planning Authority that the erection of a 48 metre high turbine involving a rotor diameter of 35 metres would have unacceptable adverse landscape and visual impacts affecting the sensitivity of the Mynydd Mynyllod and Edeyrnion Hills landscape units, the setting of statutory protected landscape areas including the Clwydian Range and Dee Valley AONB and the Snowdonia National Park, and also Y Berwyn Area of Outstanding Beauty, public access land and public rights of way in the area. The turbine would add to the incremental spread of wind development extending in a broken line from the Clocaenog plateau where major future wind development is planned, all the way to the edge of the mountains of Snowdonia, leading to an unacceptable cumulative landscape impact on views, including from Y Berwyn, impacting adversely on the sense of expanse and uncontained views associated with that area. 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 2, VOE 9 and the principles set out in TAN 8 (para. 2.11 - 2.13) and PPW Edition 7, Section 12 (2014).

**NOTES TO APPLICANT:**

None