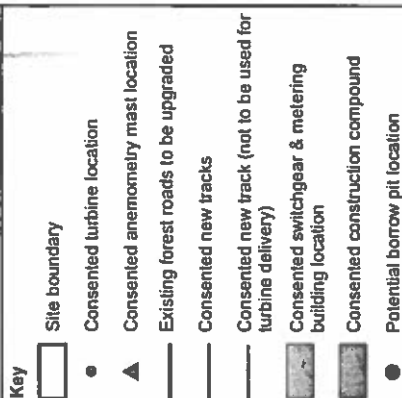


**Project:**  
**Brenig Wind Farm Tip  
Height Extension,  
Denbighshire**

**Title:**  
**Figure 4.1: Site Layout**

[illegible]

Scale @ A3: 1:12,500

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Printer: Survey Limited 0100031623.

Date: 05-05-15	Prepared by: CT	Checked by: JEB
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Ref: GB200464\_M\_103\_F

**Buyer**

**Natural Power Consultants Ltd**

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of Lanta

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1



**natural power**

**natural power**

Call 01970 630060  
Email [synhel@naturapower.com](mailto:synhel@naturapower.com)

www.harcourt.com

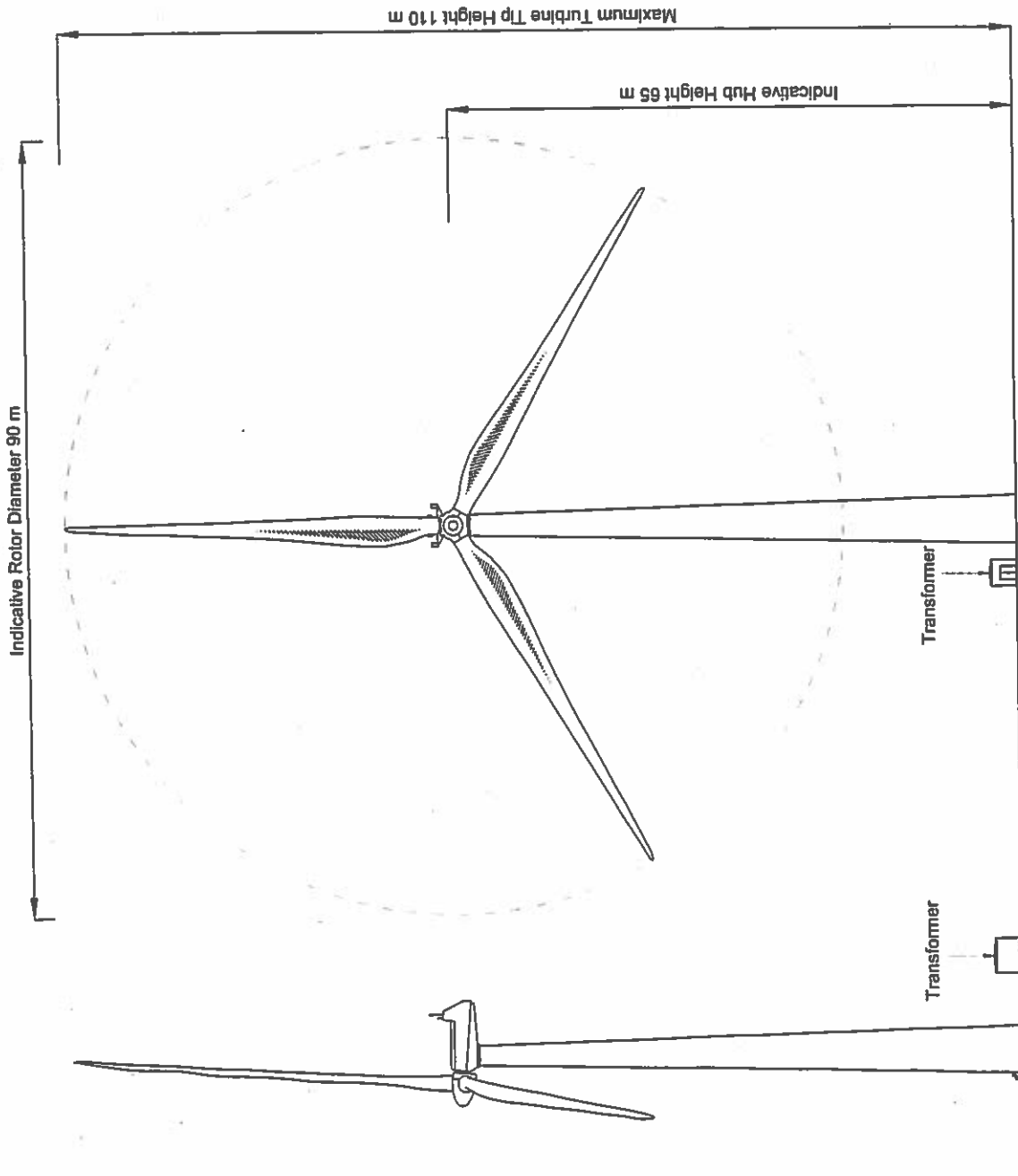
LYNN  
BREVIS

## SITE LAYOUT



# TYPICAL TURBINE DETAIL

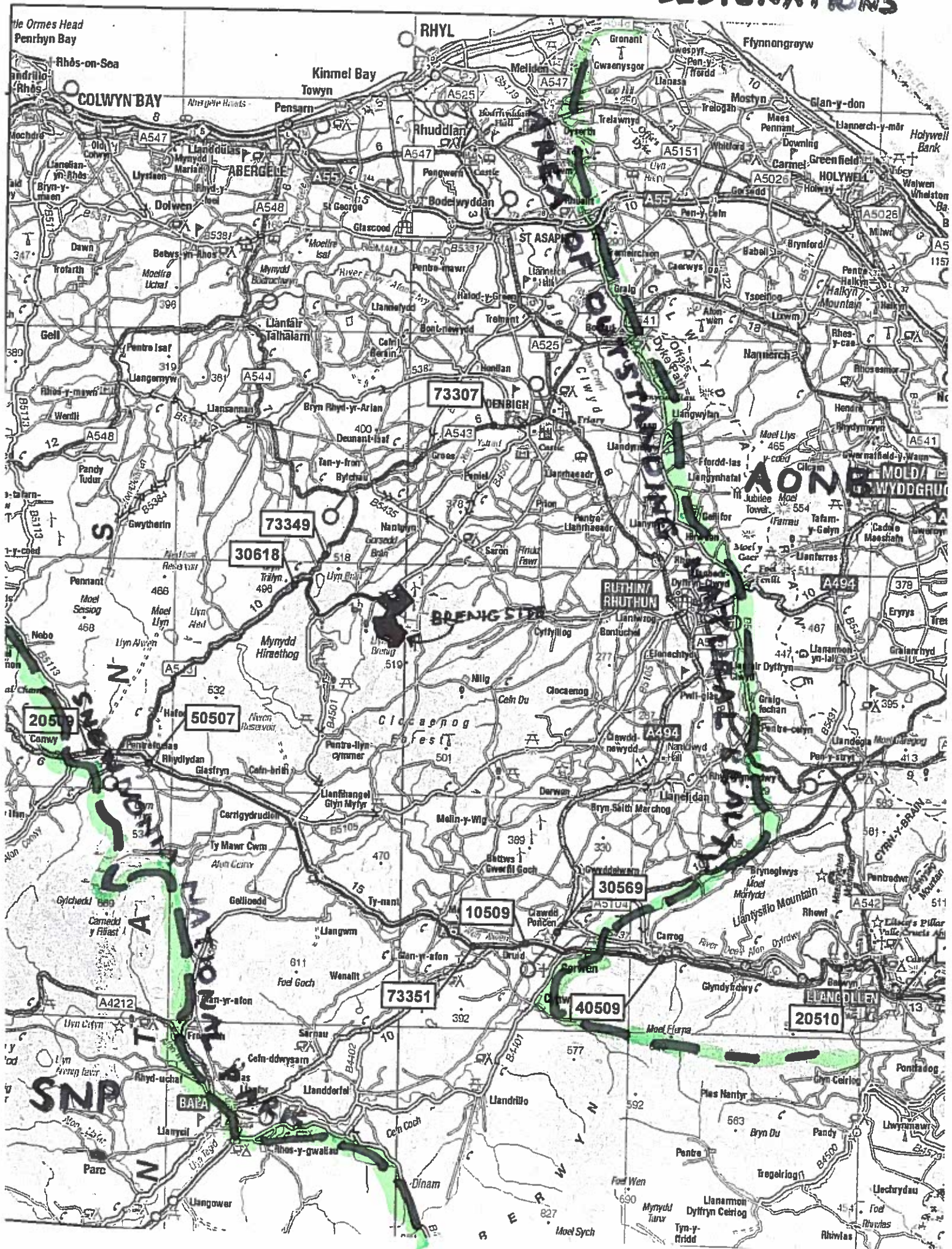
Project:	Brenig Wind Farm Tip Height Extension, Denbighshire
Title:	Figure 4.2: Typical Turbine Specification
Scale:	1:500 @ A3
Date:	05-05-15
Prepared by:	IW
Checked by:	
Ref:	GB200484_D_029_A
Drawing by:	
Project Power Consultants Ltd The Y Lark, Aberystwyth, SY23 1AE, UK Tel: 01432 250000 Email: info@projectpower.co.uk www.projectpower.co.uk	 natural power







# STATUTORY LANDSCAPE DESIGNATIONS



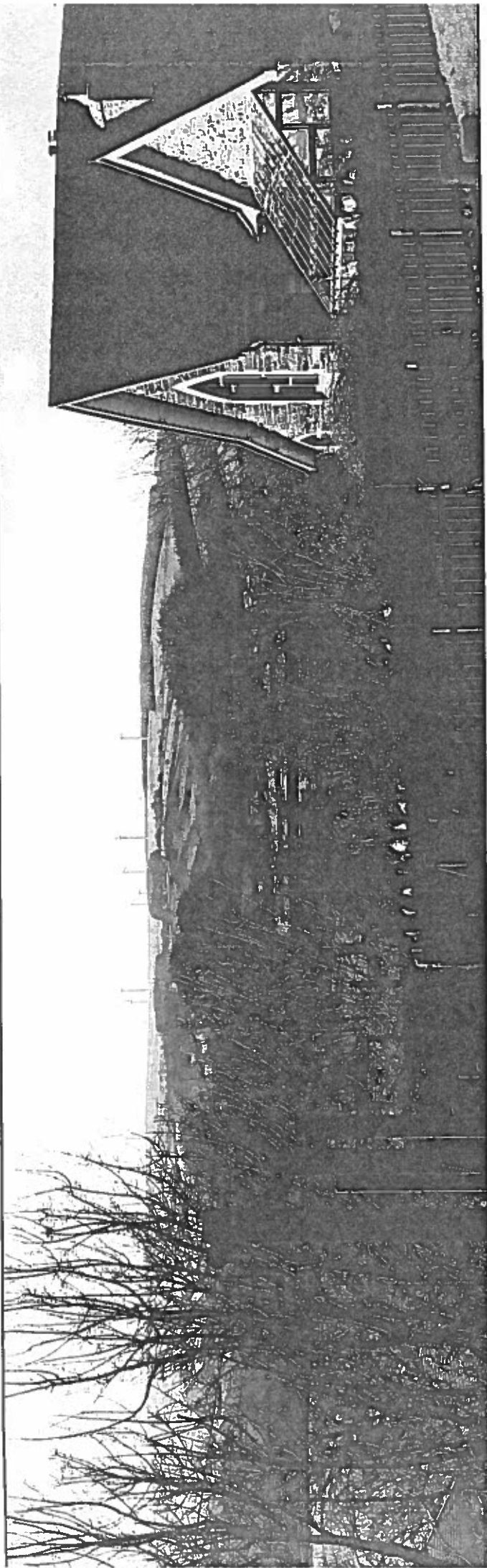




**C46/05-06**

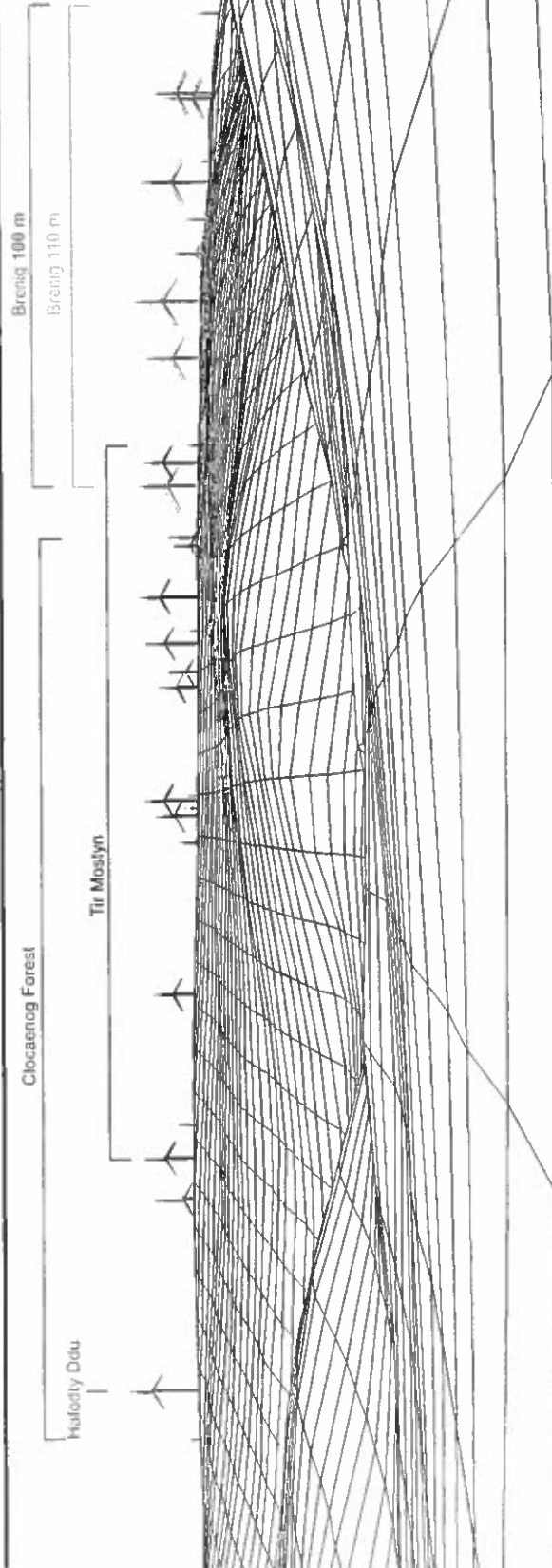






# WIREFRAME VIEW FROM NANTGLYN

SHOWING RELATIVE LOCATIONS  
OF WIND FARMS



OS Reference: 300527, 362358  
Eye Level: 155 m AOD  
Direction to center of photograph: 182°  
Principle Distance: 522 mm

Horizontal field of view: 90° (cylindrical)  
Vertical field of view: 14.2°  
Paper size: 841 mm  
Correct printed image size: 820 mm

ing turbines in this, consented in red.



**WIREFRAME REPRESENTATION  
OF HEIGHT DIFFERENCES  
FROM 100 m TO**

**110 m**

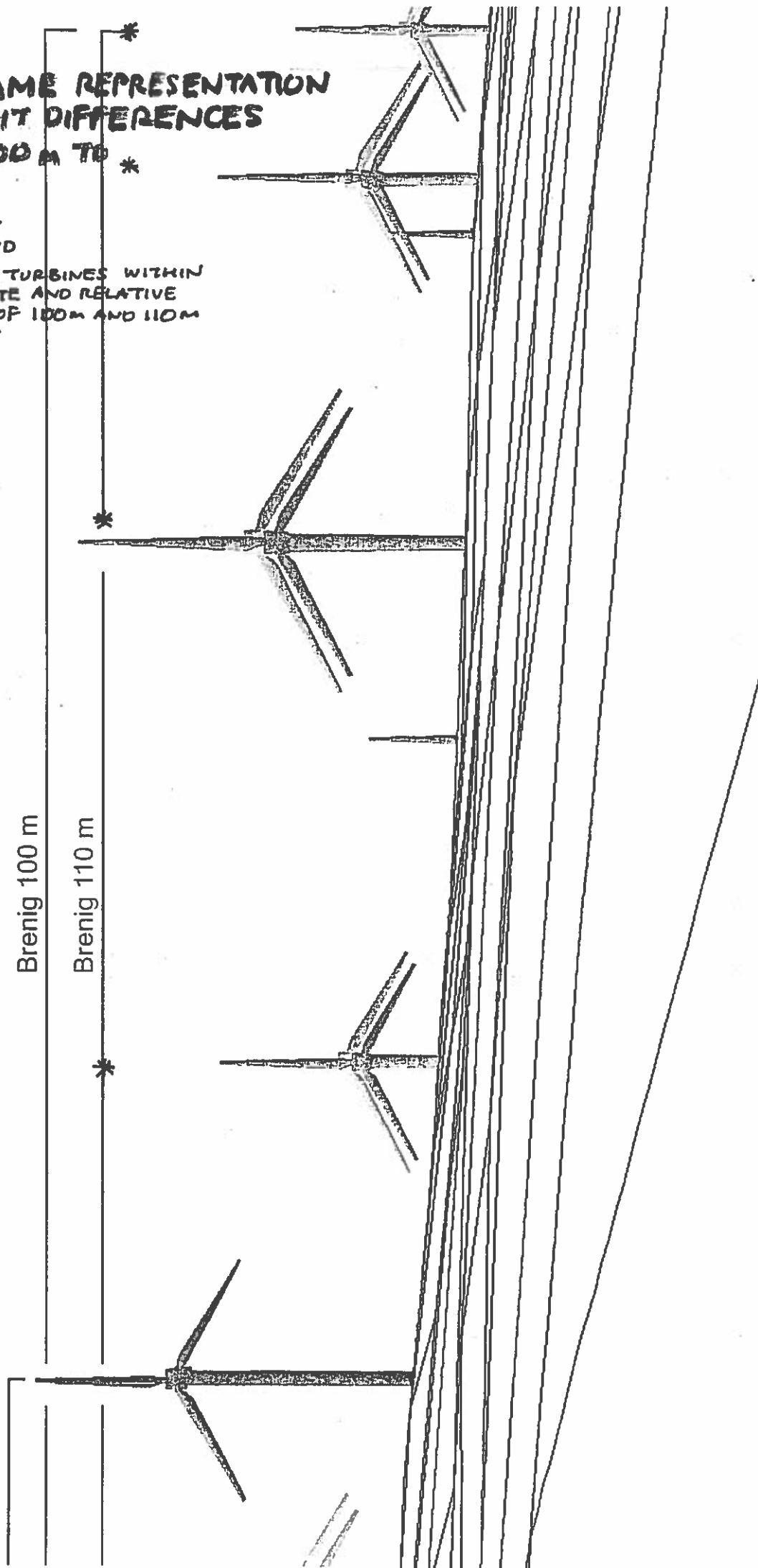
EXTRACT IS  
VIEWPOINT AT  
GARREG LLWYD

\* IDENTIFIES TURBINES WITHIN  
BRENIG SITE AND RELATIVE  
PROFILES OF 100 m AND 110 m  
MACHINES

TIR MOSTYN  
TURBINE

Brenig 100 m

Brenig 110 m





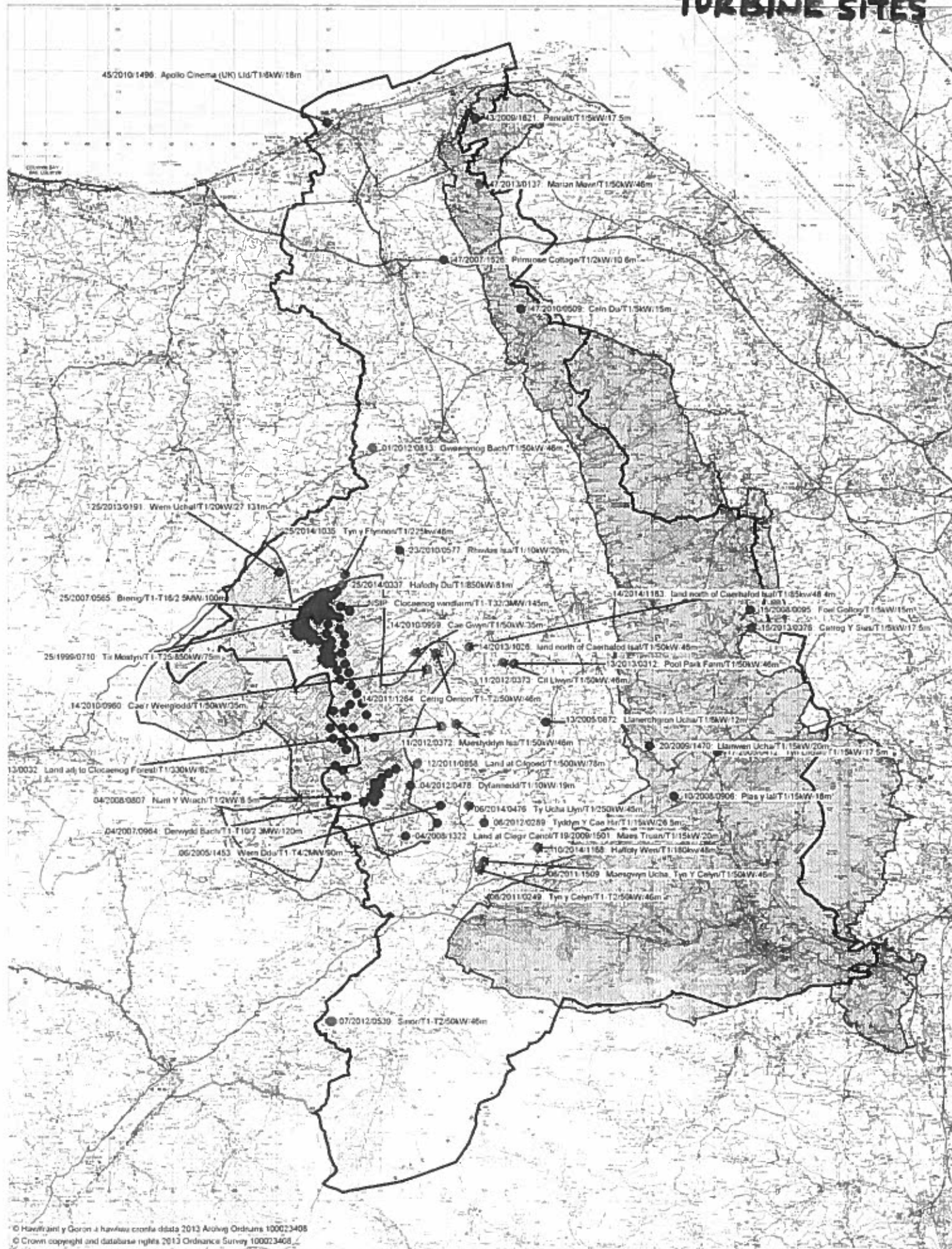


Scale: 1: 165000  
Date: 26/10/2015  
Map Sheet



CYNGOR  
Sir Ddinbych  
Denbighshire  
COUNTY COUNCIL

## LOCATION OF TURBINE SITES







**REPORT BY THE HEAD OF PLANNING AND PUBLIC PROTECTION**  
**RECONSIDERATION OF PLANNING APPLICATION**

**APPLICATION NO. 25/2015/0636**

<b>PROPOSAL:</b>	<b>Construction and operation of a wind farm comprising of sixteen wind turbines along with transformers, access tracks, on-site switchgear and metering building, two anemometry towers and associated construction and operation infrastructure (revised scheme partially implemented under planning permission reference 25/2007/0565)</b>
<b>LOCATION:</b>	<b>Land East of Llyn Brenig Nantglyn</b>
<b>APPLICANT:</b>	<b>Brenig Wind Limited</b>

**1. PURPOSE OF REPORT**

- 1.1. The report seeks the resolution of Planning Committee on the above planning application considered at the Committee on 11<sup>th</sup> November, 2015, when Members resolved to refuse permission contrary to Officer recommendation.
- 1.2. The application is being referred back to Committee by the Head of Planning and Public Protection in accordance with the current Scheme of Delegation, as following detailed assessment, it is considered the grounds of refusal put forward give rise to a significant risk of costs being awarded against the Council at any subsequent appeal.
- 1.3. The report will provide Members with the relevant background information and the reason why Officers are requesting the reconsideration of the application.

**2. BACKGROUND**

- 2.1. The planning application for the windfarm development at the Brenig site was recommended for grant of permission by Officers, having regard to current planning policies, consultation responses and representations, and the background history including an existing commenced permission and other windfarm consents in the area.
- 2.2. A copy of the Officer report to the November Committee is attached as Appendix 1 to this item. Appendix 2 is the relevant extract from the late representations sheets on the item for that meeting, which contained material received between the drafting of the original report and the date of the Committee meeting itself.
- 2.3. Members may recall there was debate on a number of issues at the Committee in November. The minutes of the debate are included in Item 4 of the agenda for this December meeting. In brief:

- \* There were public speakers in objection and in support of the application.
- \* The Planning Case Officer offered a short introduction referring to the context set by the commenced 2009 planning consent for 100m high turbines, the location of the site within Welsh Government's TAN8 Strategic Search Area for large scale windfarms, the 2014 Development Consent Order for the 32 turbines of 145m height on land in Clocaenog Forest, and the independent consultants advice provided for the Council on landscape / visual and noise issues.
- \* Councillor Joseph Welch spoke against the application and expressed concerns over the impact of the revised dimensions of the turbines and the significance of this change, referring to the applicants' pre-submission assessment where the proposed height of turbines had been reduced from 115m to 100m to fit with the surroundings. He also sought clarification of details relating to noise matters and along with Councillor Huw O. Williams raised questions over hydrology impacts.
- \* Councillor Stuart Davies also expressed concerns regarding the noise impact and questioned the need for larger turbines when reduced operational use of the turbines had been proposed in order to control noise. Other Members raised comments on the noise and health issues.

Having considered Officers' responses to the matters raised, Members discussed the application and planning considerations further and continued to express concerns over the additional impacts of the proposal over and above those created by the existing permission. Ultimately, it was proposed by Councillor Welch that that the application be refused, contrary to Officer recommendation, on the grounds of increased and significant impact on visual amenity. Following further debate, an amendment was proposed to include additional grounds of noise and health impact. The proposition was seconded, and the vote of the Committee was 3 in favour of the grant of permission, and 16 to refuse permission.

- 2.4. Officers subsequently attempted to draft possible reasons for refusal based on the landscape / visual impact, and noise / health grounds, as voiced by Members at the Committee. On scrutiny, it has proved difficult to articulate sound reasons for refusal which it may be possible to defend, should a subsequent appeal be lodged, having due regard to the detailed assessments provided from the Council's Landscape and Noise Consultants. The consequence is that the Council would, in Officers opinion, be put at significant risk should an appeal be lodged against a refusal. The risk comes from the applicants' opportunity to seek to recover costs from the Council in any appeal, for refusal reasons we may not be able to support with factual evidence.
- 2.5. As Officers we repeat that we are always respectful of the views of Members and we acknowledge the conclusive vote of the Committee to refuse planning permission in this case. Notwithstanding this, it is our duty to ensure key issues of interpretation in relation to the determination of applications are thoroughly examined before a final decision is made, and to provide you with our professional advice, even though on rare occasions it may be at odds with the resolution of Planning Committee.
- 2.6. In the circumstances, therefore, following consultation with the Monitoring Officer, it is considered that this is a case where there is a clear prospect of a cost award at appeal against the Council if it were to refuse permission on the basis of the grounds put forward at the November Committee. The Monitoring Officer asks Members to bear in mind that any reasons for refusal have to be clearly justified and defensible otherwise there is a risk of costs being awarded against the Council for acting unreasonably, and essentially wasting any parties time and costs of having to respond to reasons put forward for refusal.
- 2.7. The following sections of the report therefore contain updated information in the form of additional representations received and further commentary on the issues arising in relation to the proposal. The report requests Members to reassess the application.

### **3. ADDITIONAL REPRESENTATIONS**

- 3.1. Since the consideration of the application at the November Committee, further representations have been received from:

L. Glazebrook, Mount Pleasant, Pentre'r Felin, Denbigh

A. Wright, Berthen, Rhyl Road, Rhuddlan

Summary of representations –

Committee should reconsider the decision to refuse

No strong views on whether a windfarm should go ahead, although it is next to a 32 turbine windfarm with a tip height of 145m / as a ratepayer, has concerns about paying towards the legal bill if an appeal is successful, DCC budget could be better spent elsewhere given the number of cuts that are having to be made to services / refusal is against independent professional advice paid for by the Council, and against the Planning Officer's strong recommendation / costs could run into hundreds of thousands of pounds / additional community benefit fund and business rates the project could provide are to be welcomed.

### **4. KEY ISSUES ON THE APPLICATION**

- 4.1. The Officer report in Appendix 1 sets out the responses of consultees on the original application, and in Section 4 what are considered to be the main planning issues in relation to the application.
- 4.2. The issues which gave rise to the proposition to refuse permission were the 'additional' landscape and visual impacts of larger turbines, and the potential noise and health implications of the turbines. It is respectfully suggested that other matters raised at Committee and in consultation responses are not of such significance as to justify a refusal of permission and / or could be dealt with satisfactorily by the imposition of conditions in the event of a permission being granted. The need for larger turbines, the profitability of the development, and the developer's choice to operate turbines at a reduced mode in order to meet noise conditions are not considered to be matters which should be attached weight in the determination of the application.
- 4.3. To simplify consideration of the application, it is suggested that Members deal with the key issues in the sequence which follows in the report.

#### **In relation to landscape and visual considerations -**

- 4.4. Whilst no formal wording of a possible reason for refusal based on landscape and visual impact was suggested at the November Committee, Officers reading of the concerns expressed in debate and through consultation responses and individual representations was that the increased height and swept area of the turbines, and the incongruity of turbines of differing heights would have unacceptable additional cumulative landscape and visual impacts on the surrounding area and community, which is one of the environmental impact tests in policy VOE 9 of the Local Development Plan.
- 4.5. There is no argument here over landscape / visual impact being a legitimate land use planning consideration, or that the development of a windfarm in this location would have anything other than significant impacts on the locality. The basis of Officers' concerns over the resolution to refuse permission on these grounds in this instance is the significant context within which the current application has been submitted, and which Officers respectfully suggest needs to be accorded due weight in the determination of the application alongside the concerns over the changes in the dimensions of the turbines.
- 4.6. Members are referred to the Officer report in Appendix 1 and the late information sheets in Appendix 2, which contain a volume of information relevant to the landscape and visual impact of

the proposals. The report attempts to present a balanced review of the issues relevant to the determination and sets out at some length the consultee responses, the basis of individual representations, the background planning history, the relevant planning policies and guidance, and an assessment of the issue. The conclusion pulls together the main points leading to the recommendation.

- 4.7. In referring the application back to Committee for consideration, and in respecting the concerns expressed by members over the 'additional' impacts of turbines of 110m height in this location, Officers would draw particular attention to the following points which are considered to be of some significance to the determination and the ability of the Council to defend a refusal decision:

- The existence of the 2009 permission for 16 turbines of 100m height on the site  
This is a commenced permission which can be developed to completion, with turbines in the same locations as the ones now proposed. The application in front of the Council is not therefore for a 'new' windfarm on a previously undeveloped site, as the principle of turbine development with its attendant impacts is already established. The grant of the 2009 permission signifies the County Council's acceptance of the impact of large scale turbine development in this location with attendant landscape and visual impacts. The developers can legitimately proceed to erect 100m high turbines with rotor diameters of 80m. The proposals in front of the Committee are for 110m high turbines with rotor diameters of 90m.

- The site is within Welsh Government's TAN8 Strategic Search Area 'A'  
The windfarm is on land designated in TAN8 for the development of large scale onshore wind developments. The Strategic Search Areas give effect to one element of the Government's policies for achieving targets for renewable energy production through wind power. There is implicit acceptance in TAN8 of significant landscape change in these areas.

- The Development Consent Order for the Clocaenog Forest Windfarm  
Consent for the development of 32 wind turbines of 145m height was granted by the Secretary of State / Department of Energy and Climate Change in 2014. The site is immediately to the east and south of the Brenig site and the existing turbines at Tir Mostyn / Foel Goch, as can be seen from the plan in the original report. Paras. 4.8 and 4.9 of the Secretary of State's Decision Letter on the Clocaenog application acknowledged that there would be significant differences in height between the Clocaenog turbines and those in other nearby windfarms, and that whilst the topography would mask some of the differences, there would still be a marked difference in scale between the different projects and the relationship with other windfarms would lead to a number of clusters and tangles of turbines. The concluding paragraph on this issue noted the potential visual and landscape impacts, but considered the acceptance of significant landscape and visual impacts set out explicitly in the energy national Policy Statements and in the designation of the Strategic Search Areas by Welsh Government is a matter which weighs in favour of granting consent. This suggests there may be limited support at Ministerial level for the arguments over the incompatibility of the height of the turbines in the area, and the cumulative impact of larger turbines on the Brenig site.

- Changes to the height of the turbines on the Brenig site at Scoping stage  
There was reference in representations and at Committee to changes made to the size of the turbines on the Brenig site, from 115m down to 100m, 'to allow for cohesive design' with the turbines at Tir Mostyn and within the context of the landscape form, and that the proposals now run contrary to that conclusion. For clarity, the matters referred to concern the developers own assessments of landscape issues prior to the submission of the original application, and their choice to submit for 100m high turbines. It is of some relevance that the assessments of landscape impacts at that time would have been in the context of the 75m high turbines operating at Tir Mostyn / Foel Goch and without knowledge of the 145m high machines now consented nearby at Clocaenog Forest, which Officers respectfully suggest may have led to a different



conclusion. Officers would not consider there are defensible arguments at this point on the incongruity of 110m high turbines given the imminent development of 145m high turbines in close proximity.

- The Council's Landscape Consultant's assessment

The Council engaged an independent Landscape Consultant to review the submission and issues relevant to the determination, including the significance of the existing permission. Officers consider the conclusions and recommendations of the Landscape Consultant, as outlined in the Officer report to the November Committee, to be particularly relevant to the weighing up of the application, and to the concerns over the Council's ability to defend a refusal based on landscape and visual impact.

In brief, the Consultant assessed the relevance of the existing permission in terms of impact on the character of the surrounding landscape, the visual effects of the proposal within the locality and from more distant views, and considered that the *consented* windfarm would have a significant detrimental impact on the immediate area of moderate to high scenic value, but the change in height however, would be difficult to discern. He also reviewed the implications of cumulative landscape impacts in relation to existing and consented energy development in the area, and whilst acknowledging the local area is already influenced by wind energy development and would be further influenced by consented development, concluded that the large scale and open landscape is able to accommodate large scale windfarm development without unacceptable damage to landscape character and quality. Overall, the Consultant broadly agreed with the conclusions of what he considered a thorough Landscape and Visual Assessment submitted as part of the planning application, and on the basis of his assessment did not consider that the proposed extension of blade tip heights to the consented Brenig windfarm would cause undue landscape and visual impacts. He therefore recommended approval of the application.

As noted previously, Officers are fully appreciative of Members' opinions on the 'additional' impacts of the turbines on the locality. However, it is apparent that following detailed assessment of the issues, the Landscape Consultant has come to quite clear conclusions on the landscape and visual impacts, which offer no professional basis of support for a refusal of permission.

- 4.8. In concluding on the issue, Officers recognise that there will be additional landscape and visual impacts arising from the proposals and that there will be differing opinions on the significance of those impacts, as there is a subjective element to interpretation of landscape and visual impact matters. However, in acknowledging that there are impact arguments to address, Officers believe that the case for refusal is compromised by the significant background outlined in the original report to Committee and as embellished in this report, and it is not therefore recommended that the Committee should pursue a refusal of permission based on the additional landscape / visual impact arising from the increase in dimensions of the turbines, or the incongruity of the heights of 110m high turbines relative to those on existing and consented adjacent windfarms.

**In relation to noise considerations –**

- 4.9. Again, no formal wording of a possible reason for refusal based on noise was suggested at the November Committee. The basis of comments in debate was that noise impact may be significant, and it was questioned why larger turbines were being proposed when they would need to operate at reduced mode in order to meet noise limits. Noise impact is one of the environmental impact tests in policy VOE 9 of the Local Development Plan.
- 4.10. Noise impact is a legitimate land use planning consideration, and requires serious assessment in relation to wind turbine applications. The basis of Officers' concerns over the resolution to refuse permission on noise concerns in this instance is the relevance of the existing planning permission

and the detailed assessment and recommendations of the Council's Noise Consultant, which are matters Officers respectfully suggest have to be accorded due weight in the determination of the application alongside the concerns voiced over the local impacts.

4.11. Members are again referred to the Officer report in Appendix 1 and the late information sheets in Appendix 2, which contain a volume of information relevant to the noise impact of the proposals. The Officer report summarises the representations on noise issues, including the Noise Consultant's assessment, and the review of the issue. The conclusion pulls together the main points leading to the recommendation. The report contains suggested noise conditions and advisory notes assisting the interpretation of the conditions. There is additional information from the Noise Consultant in the late information sheets in Appendix 2.

4.12. In referring the application back to Committee for consideration, and in respecting the concerns expressed by members over the noise impacts of larger turbines in this location, Officers would draw particular attention to the following points which are considered to be of some significance to the determination :

- The existence of the 2009 permission for 16 turbines on the site.

Members will be aware that this is a commenced permission which can be developed to completion, with 100m high turbines in the same locations as the ones now proposed. The 2009 permission was granted by Denbighshire following consideration of the noise impact of 16 turbines and having regard to a detailed assessment and recommendation from the same Noise Consultant as now engaged by the Council. The permission contained a number of conditions as recommended by the Noise Consultant including relevant controls over noise immission levels, requirements for assessment of tonal noise and logging of wind speed and direction data. The grant of the 2009 permission signifies the County Council's acceptance of wind turbine development on this site, subject to specific controls. The developers can legitimately proceed to erect and operate 100m high turbines within the controls imposed by the 2009 permission.

- The assessment of the Council's Noise Consultant

The Council engaged the same independent Noise Consultant to review the submission and issues relevant to the determination. Officers suggest the conclusions and recommendations of the Noise Consultant, as outlined in the Officer report to the November Committee and the late representations sheet merit the closest attention in the context of Members' concerns, and are highly significant to the consideration of the noise issue and the reservations Officers have over the Council's ability to defend a refusal based on noise, health and wellbeing.

The Officer report to Committee in November commented that the Noise Consultant had undertaken a thorough appraisal of the issues relevant to assessment of noise and had provided a clear recommendation that there is no reason to refuse permission on grounds of noise, provided that suggested conditions were imposed. The conclusion of the consultant is that enforceable planning conditions can be imposed to take account of cumulative noise, with suitable arrangements for future monitoring, consistent with relevant guidance. The suggested conditions are based on recommendations of the Institute of Acoustics Good Practice Guidance, with appropriate corrections, clarifications and simplifications, incorporating the same limits as in the original Brenig consent, but using standardised wind speed. The Consultant has confirmed that as the planning condition limits recommended already take account of existing wind farms, it is not necessary for the applicants to carry out a full cumulative noise assessment.

4.13. In concluding on this matter, Officers acknowledge the reasons why concerns may be expressed at the potential for noise impacts from wind farm developments. However, it is incumbent on the Council as in every other case when considering planning applications to assess whether impacts can be addressed satisfactorily through the use of planning conditions to make a development acceptable. The Council accepted this approach and that suitable conditions could

be imposed on the 2009 permission to deal with noise issues, which met standards in relevant guidance. The same Noise Consultant who framed the conditions in 2009 has now confirmed that suitable planning conditions can be imposed in relation to the current application, which should give assurance that relevant standards can be met and enforced. In these circumstances, and with respect to Members' concerns, Officers believe that there is no solid evidence base on which to justify a refusal of permission on noise impact grounds with a realistic prospect of being defended on appeal, and as it is considered this would put the Council at risk of a successful costs claim on appeal, it is not recommended that the Committee should pursue a refusal of permission on the potential noise impacts from the proposed turbines.

#### **In relation to health and wellbeing considerations –**

- 4.14. Members' concerns over impacts on the health and wellbeing of residents were raised at the very end of debate in the November Committee and there was no discussion or opportunity for Officers to seek clarification of the basis of these concerns before the vote was taken on the application.
- 4.15. Whilst acknowledging impact on health may be a legitimate planning consideration, Officers have considerable reservations over the use of this as a ground of refusal for the current application in the absence of a clear evidence base, and in particular given the planning history at the site. There are no individual representations or responses from consultation bodies on the Brenig application raising specific concerns over health and wellbeing.
- 4.16. It is pertinent to the issue that a windfarm can be constructed on the site in accordance with the 2009 permission, involving sixteen 100m high turbines. Planning Committee did not consider there were health and wellbeing concerns from a windfarm development in this location at that time, sufficient to consider a refusal of permission. Again, with respect, unless there is clear evidence that the increased dimensions of the turbines now proposed will give rise to unacceptable impacts on health and wellbeing, it is considered a refusal would put the Council at some risk of a costs claim on appeal. It is not recommended that the Committee should pursue a refusal of permission on the potential impact on health and wellbeing from the turbines.

#### **5. RECOMMENDATION**

- (A) Having regard to the contents of the report, and in acknowledging Members' concerns over the impacts of the increased dimensions of the turbines, it is recommended that Planning Committee adopt the original recommendation of the Planning Officer and **GRANT** planning permission for the development, subject to the conditions set out in the November 2015 report and to the revisions to conditions included in the late representations sheets prepared in conjunction with that report.
- (B) In the event that the Committee resolves to refuse permission, Members are requested
  - i. To agree to delegate to Officers responsibility for drafting the detailed wording of the reason(s) for refusal for consideration by the Local Member, and to issue the certificate of Decision on the application on the agreement of the Local Member.
  - ii. To nominate 2 Members to represent the Committee at any subsequent appeal, to defend the reason(s) for refusal.

**GRAHAM H. BOASE**  
**HEAD OF PLANNING & PUBLIC PROTECTION**

Ian Weaver

**WARD :** Llanrhaeadr Yng Nghinmeirch

**WARD MEMBER:** Cllr Joseph Welch (c)

**APPLICATION NO:** 25/2015/0636/ PFWF

**PROPOSAL:** Construction and operation of a wind farm comprising of sixteen wind turbines along with transformers, access tracks, on-site switchgear and metering building, two anemometry towers and associated construction and operation infrastructure (revised scheme partially implemented under planning permission reference 25/2007/0565)

**LOCATION:** Land East of Llyn Brenig Nantglyn

**APPLICANT:** Brenig Wind Limited

**CONSTRAINTS:** None

**PUBLICITY UNDERTAKEN:** Site Notice – Yes  
Press Notice – Yes  
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
- Member request for referral to Committee

**CONSULTATION RESPONSES:**

**NANTGLYN COMMUNITY COUNCIL**

“Following a meeting on 7th July 2015, I am writing to you on behalf of Nantglyn Community Council to give a formal objection on the above planning application due to the following reasons:

**Cumulative Noise** – The existing wind turbines at the Tir Mostyn and Foel Goch wind farm already create noise issues for the residents of Nantglyn, with a number of noisy days throughout the year. The addition of the Brenig wind farm will add significantly to the number of noisy days. The proposed increase to the tip height of the wind turbines, will increase the number of noisy days experienced yet again due to their increased size. We already have a large number of turbines in the area and the 'arc' of these wind turbines is constantly widening.

**Visual Impact** – The proposed development will be visible for miles, and will not blend in with the landscape, it will stick out and be unsightly. To say that there would not be a change in visual effects from the original granted application is untrue, the increase in height of 10 metres is the same as a three storey house. The swept area increase is significantly more than originally consented. They are bigger than the existing wind turbines and so will have more of visual impact.”

**LLANRHAeadr Y.C. COMMUNITY COUNCIL**

“Llanrhaeadr yng Nghinmeirch Community Council strongly object the planning application for Brenig Wind Farm Tip Height Extension.

The difference in tip height would be extremely damaging to the area and would have overwhelming negative effects.

The significant cumulative effects on landscape and noise would be overbearing for residents. The two existing wind farms are enough.

The proposed application would be excessive to say the least. With an increase in hub height and swept area which would be more than treble the existing wind turbines.

This proposal is significantly detrimental to areas much further than the Llanrhaeadr yng Nghinmeirch parish due to its vast scale.

We also have concerns on the impact on tourism and the local economy, not only in Llanrhaeadr yng Nghinmeirch but also the surrounding area.

This application can not be viewed in isolation. If it is granted, the cumulative impact of existing tir Mostyn and Foel Goch Wind Farms, individual wind turbine, consented Clocaenog wind farm and the three associated wind farms, the connecting pylon route and substation will leave a lasting social and economic scar on Denbighshire.

The council has a responsibility for the longterm wellbeing of its residents. We urge you to take a strong stance and reject this proposal.”

#### DENBIGH TOWN COUNCIL

“,, does not wish to raise any objection to the application”.

#### CLWYDIAN RANGE AND DEE VALLEY AONB JOINT COMMITTEE

“The AONB objected to the original application on the grounds of its serious harmful impact on distant views from the AONB, notably for users of the Offa’s Dyke National Trail and Moel Famau Country Park. Serious concerns were also raised about the cumulative effect of the proposals when taken in conjunction with existing and consented windfarms in the area which would undermine the special qualities of the AONB as a nationally protected landscape. Increasing the height of the turbines from 100m to 110m and associated substantial increase in the swept area of the blades will have an even more harmful impact on the setting and special qualities of the AONB. The Joint Committee therefore maintains its objection to the application.”

#### CONWY COUNTY BOROUGH COUNCIL

Has no comments to make on the application as neighbouring planning authority.

#### SNOWDONIA NATIONAL PARK AUTHORITY

Has concerns over the landscape and visual impacts of the proposals on a nationally designated area and its landscape setting. Refer to the impression from certain viewpoints that there will be a ‘stacking’ of turbines giving the impression of a very dense cluster, and potential diminution of enjoyment of the expansive view across towards Snowdonia from the Moel Famau area for Offa’s Dyke Footpath walkers, by the intervention of the wind farms. Suggest walkers will see the Brenig windfarm backclothed against the mountains of Snowdonia, including, from some locations, the Snowdon massif itself, and that it is perhaps from these locations that the harmful effect on Snowdonia’s landscape setting is most clearly demonstrated with the mountains appearing to be ‘fenced in ‘.

#### NATURAL RESOURCES WALES

Does not object to the proposal, subject to the requirements of the current consent being part of any new consent, and two additional conditions relating to bats and peat.

**In relation to landscape**, NRW note that the site is within the TAN 8 Strategic Search Area for renewable energy, which recognises that major change to the landscape is expected to take place – within and immediately adjoining the area. Reference is made to the legislative context requiring due consideration of effects on Registered landscapes, the AONB and the Snowdonia National Park, which may be affected.

NRW’s assessment notes the site abuts the Mynydd Hiraethog Registered Historic Landscape and proximity to the Vale of Clwyd Registered Historic Landscape (8km to the east), the AONB



(16km to the east) and Snowdonia National Park (13.5km to the west), and it refers to the assessments of impact in the submission. NRW concur with –

- the LVIA assessment that the visual effects on statutory designated landscapes and the Registered Historic landscapes to not be significant, within the baseline context of the consented and operational wind development within the locality.

- the ASIDHOL2 assessment of visual effects upon parts of the Mynydd Hiraethog registered historic landscape and a large extent of Vale of Clwyd registered historic landscape to be moderate. It is not considered that the effect would be significant within EIA regulation terms.

In summary, NRW consider the changes to landscape and visual amenity of landscapes of National Parks, AONBs and sites on the Register of Landscapes of Historic Interest in Wales, judged against the consented and operational wind development in the area, would not result in significant effects, hence do not object to the proposal.

**In relation to other matters**, NRW have referred to considerations relating to Geoscience, Flood risk and surface water, environment management, nature conservation sites, peat, and protected species. No objections are raised to the proposals in respect of anticipated impacts, provided previous controls are attached and proposed mitigation is carried out, and appropriate additional conditions are attached relating to management of surface water, Construction methodology, management of peat loss, and a Surveillance strategy and Curtailment plan in relation to bats.

#### CADW

Note there is a partially implemented permission for the turbines and that this application seeks to increase the height of the turbines from 100m to 110m. Draw attention to the proximity to designated monuments which form a relict prehistoric ritual landscape – Bwlch Du round barrow, Hen Ddinbych Circular Platforms, Circular Platforms north west of Hen Ddinbych, and Twr yr Hill Round Barrow; and a number of other monuments within a 5m ZTV and within a 5km buffer. Whilst the assessment of the impact of the development in the Environmental Statement raises concerns over the scope and validity of the archaeological assessment undertaken in relation to the previous, consented scheme, CADW agree with the conclusions of the Environmental Statement that the impact of the proposed 110m turbines on the settings of the designated monuments referred to will not be any more adverse than that of the consented scheme. CADW does not therefore object to the impact of the proposed increase in turbine height on these designated monuments.

#### CLWYD POWYS ARCHAEOLOGICAL TRUST

Has no objection to the proposed increase in height by 10 metres but requests that the identified Significant impacts are given due consideration and agreed mitigation is carried out as a condition of any permission.

#### AIRBUS

No aerodrome safeguarding objection.

#### NATS / NERL

Development does not conflict with safeguarding criteria, hence no safeguarding objection to the proposal.

#### MOD

Due to the proximity of the turbines to existing wind farms, MOD will be content for IR lighting to be fitted to specified turbines.

#### DWR CYMRU WELSH WATER

No comments.

#### DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

#### Head of Highways and Infrastructure

- Highways Officer  
Draft Traffic Management Plan appears to be satisfactory in relation to the abnormal load deliveries, but additional information will be required for standard HGV deliveries.
- Pollution Control Officer  
The Council has engaged the external Noise Consultant used previously for advice on larger wind farm development in Denbighshire. The Consultant has provided a detailed 10 page response dealing with the baseline position, turbine noise from the development, cumulative assessment, and suggestions for conditions and limits should consent be given. In summary, the Consultant's recommendation is that there is no reason to refuse permission on grounds of noise provided the suggested conditions are imposed.

The full version can be viewed on the website alongside other consultation responses. There is considerable technical content in the response which are not easy to summarise, so the key contents are reproduced below:

#### **“BASELINE**

No further background noise levels were measured for this application. I agreed informally with the applicant's consultant that, in my opinion, a new baseline survey was unnecessary given the number of previous surveys that have been carried out in the area. In addition there are problems with carrying out such a survey, as was evident in the original surveys taken for the consented scheme, because of the proximity of Tir Mostyn.

The ES sets out in Table 9.1 a comparison of various measured background noise levels with which I do not disagree. However, I would comment on the discussion at 9.3.16 to 9.3.20 of the ES which deals with the noise limits in the original Brenig consent. I think it is clear from the condition in the consent that it is a 10m wind speed and certainly if we take account of context of the limits which relate back to the 2007 Cumulative Report. The 2012 report also makes it clear that the original levels were related to 10m measured wind speeds.

In 2012 my revised cumulative report changed my recommended limits to standardised wind speed though this had no direct effect on the original Brenig limits since they were already determined. I will deal further with the choice of background noise levels in later sections.

#### **TURBINE NOISE FROM THE DEVELOPMENT**

The original scheme used the Vestas V80-2MW as a candidate turbine. This needed to be operated in a reduced mode in order to meet the noise limits. For the revised ES there are several different candidate turbines put forward. These vary considerably in noise level – some louder than the original and some quieter. The ES says that all but one can be mitigated to achieve the limits.

The turbine chosen for the calculations is the Senvion MM92 running in one of its reduced modes. I agree with the calculations of turbine noise levels from Brenig individually at Table 9.8 of the ES based on the candidate turbine.

#### **CUMULATIVE ASSESSMENT**

The site lies within Strategic Search Area A of TAN 8. It is therefore expected that wind farms will be consented in this area and that there will be significant cumulative impacts. It was with this in mind that the 2007 cumulative report was produced for Denbighshire Council. The purpose of this was to propose a strategic approach to the cumulative issue by adopting individual noise limits for each application that were designed ensure that the risk of cumulative exceedance at any property was low. To get round the problem of trying to measure background noise influenced by existing turbines the report also proposed a set of standard background noise levels (related to measured 10m wind speeds) which could be used instead of measuring background noise on site. The 2012 cumulative report is an update to the original and provides revised background noise levels related to standardised wind speeds. The methodology in the 2007 Cumulative Report is referred to in the Institute

of Acoustics Good Practice Guide. The procedure is based on achieving a cumulative limit of 5dB above background noise or 38dB and is the same night and day. The original Brenig consent had individual limits based on these background noise levels.

9.3.21 of the ES relates that the Clocaenog Forest Wind Farm decision by Welsh Ministers said that the cumulative limit by which that wind farm should be judged should be 40dB or 5dB above background noise. Whilst this is correct, the cumulative limit of 40dB was determined (rather than 38dB as requested by the Council) in part at least because of the size of the Clocaenog Forest wind farm (4.134 of the Examining Authority's report) which is over twice as large as Brenig. There is no reason therefore why 40dB should be applicable to other wind farms such as Brenig.

There is some assessment of cumulative noise in the ES. However, this has not been carried out in accordance with the IOAGPG – particularly as regards the use of noise limits to determine the cumulative impact rather than calculated turbine noise. However, if the individual noise limits set out in the next section are imposed and accepted by the developer I do not recommend that a more comprehensive cumulative assessment is made.

### **CONDITIONS AND LIMITS**

I append to this memo a set of conditions that I recommend should be included should consent be given. Although I have some reservations about the complexity of the condition it is essentially the same condition as recommended by the IOAGPG and widely used but with a few corrections, clarifications and simplifications.

The limits in the conditions are those in the 2012 Cumulative Report. As mentioned above these limits were amended in my 2012 report to take account of current practice (at the time and now). They are essentially the same as in the original Brenig consent but use standardised wind speed. Whilst they appear to be slightly lower at one wind speed that is because the wind speed measurement height has changed not the noise limit. The limits are therefore no more onerous than they were in the original consent.

Ty Newydd and Garreg Lwyd are Financially Involved with Brenig and therefore have a higher individual noise limit.

A further point about the two cumulative reports is that they assumed that turbines were run in the same mode all the time. There are two points here. The first is that the managing of the total cumulative noise at a property using this method was based on the fact that turbines would reduce in noise level as the wind direction moved away from downwind from the turbine to the property concerned. If turbine modes are changed to keep the noise level at the property the same in a wide range of wind directions, as is now becoming common, that will no longer apply. The second point is that where mitigation is applied according to wind direction, although the maximum noise level may remain the same, that maximum will apply in a wider range of wind directions and in other wind directions the noise level would be higher than without directional mitigation. I have therefore added a condition to deal with this."

The Appendix to the Noise Consultant's review sets out detailed noise conditions and guidance notes to applicants which are suggested for appending to any permission

- Biodiversity Officer

Concurs with the assessment of impacts in the ecology section of the Environmental Statement. States the main significant effects of increased height are on bats, and is satisfied at the proposed approach for operational monitoring and mitigation. Proposal is only acceptable if monitoring and mitigation are conditioned.

- Landscape Consultant

Conclusion

The installation of the consented Brenig development is predicted to have significant impacts on landscape character. The *Moorland Plateau (Denbigh Moors)* Landscape Unit is evaluated to have a high sensitivity to wind energy development. Parts of the Landscape Unit are already influenced by developments within SSA-A, consequently those areas already affected have a lower sensitivity. The proposed change is unlikely to significantly increase the impact upon the *Moorland Plateau* landscape unit.

- Commercial forest plantations have already been removed to enable the consented development. There is no proposal to replant and there is no detail of future management proposals in the proposed scheme's written statement. The consented scheme would have to satisfy certain conditions to ensure that ecological impact is minimised or mitigated. The height extension would not significantly increase the impact on the landscape fabric.
- Geological Landscape and Cultural Landscape aspects are unlikely to be adversely affected as a consequence of the height extension. Significantly adverse Visual and Sensory landscape aspects would be restricted to the aspect area in which the development is sited, and those areas of upland immediately adjacent. These affected areas lie within or adjacent to SSA-A, and are already affected by operational wind energy developments or will be affected by consented wind energy developments.
- The Landscape and Visual assessments carried out by Soltys Brewster Consulting are very thorough and present an honest assessment of the predicted development. Baseline photographs, wireline drawings and photomontages are of a high quality. It is clear that best practice guidelines have been followed. Drawings supporting the LVIA such as ZTV and cumulative ZTV that are available on Denbighshire's planning portal are of a poor quality. Some data is missing and background maps aren't clear.
- Near and significant views of the consented development would be available from transport routes, open access areas, national trails, and dwellings. It would be difficult to evaluate the difference in height of installed wind turbines when there is no direct comparison. The height extension would mean that the turbines are visible from new areas, but these areas would tend to be more distant or partially screened by terrain.
- Intermediate and significant views of the consented development would be available to scattered dwellings, rural businesses, visitor centres, recreational and transport routes on elevated ground surrounding Clocaenog Forest and Mynydd Hiraethog. The development may be seen as contiguous with operational wind energy developments, and would increase the influence wind energy infrastructure would have on views. The height extension would not increase this cumulative effect.
- Distant views would be available to high ground and hill slopes facing the Clocaenog Forest region. The development may be seen as part of a series of wind energy developments within the Clocaenog SSA-A. The combined operational and consented wind energy developments would make the upland regions between Conwy and Denbighshire an area characterised by wind turbines rather than commercial plantations. Within a broad and large scale landscape the Brenig wind farm proposal would be seen as a prominent feature until other consented developments are operational. The difference in height of the proposed scheme would be negligible when viewed from long distance.
- Having reviewed the effect of the proposal upon the character of the surrounding landscape, the visual effects of the proposal within the locality and from more distant views, we consider that the consented windfarm would have a significant detrimental impact on the immediate area of moderate to high scenic value. The change in height however, would be difficult to discern.
- We have also reviewed the implications of cumulative landscape impacts in relation to existing and consented energy development in the area. The local area is already influenced by wind energy development and would be further influenced by consented development. The large scale and open landscape is judged to be able to accommodate large scale windfarm development without unacceptable damage to landscape character and quality.
- We broadly agree with the conclusions of the thorough Landscape and Visual Assessment and on the basis of our assessment we do not consider that the proposed extension of blade tip heights to the consented Brenig windfarm would cause undue landscape and visual impacts and recommend approval of the application

- Archaeologist

No objection provided the archaeological mitigation outlined in the application is carried out.

## RESPONSE TO PUBLICITY:

In objection

Michael Skuse, Caenant, Llangynhafal (O)  
 Mal Brockley, Felin Newydd, Nantglyn (O)  
 Peter Sandle - Llygad-Yr-Haul, Waen, Nantglyn (o)  
 Jennifer Sandle - Llygad Yr Haul, Waen, Nantglyn (o)  
 Judy Young - Nantgwyn, Nantglyn, LL16 5RL (o)  
 Michael Williams, Isgaerwen, Pentrellyncymer (O)  
 Sheila Harman, Corner Cottage, Shropshire (O)  
 Garth Parker, Soar, Nantglyn (O)  
 William Gordon, Tanfforddwen, Nantglyn (O)  
 David Roberts, Hazelwood, Saron (O)  
 P. Tondeliev, 4, Fron Goed, Nantglyn (O)  
 P. Devenport, Nantgwyn, Nantglyn (O)  
 Ms. E. Toft, 5, Maes Lliwen, Nantglyn (O)  
 M. Williams, Isgaerwen, Pentrellyncymer, Corwen (O)  
 R G Bilby, Tyn Llidiart, Nantglyn (O)  
 Pat Woodward - Ty'n y Pistyll Bach (o)  
 Susan Winter - Cefn y Maes Waen (o)  
 Alan Parry-Gupta - Glyn Hyfryd, Nantglyn (o)  
 John Hopkinson - Fron Dirion, Llanfihangel (o)  
 Peter & Jane Ramsey, Bryn Salem, Nantglyn (O)  
 Valerie Kerr Wilson, Mysevin, Nantglyn (O)  
 Sue & John Griffith, Bryn Robin, Groes, (O)  
 Ian Gardner, Gwynant, Waen Nantglyn (O)  
 Chris Edwards, Gorffwysfa, Waen, Nantglyn (O)  
 Richard & Janette Welch, Plas Nantglyn, Nantglyn (O)  
 Jill Tyrer, Cefn Maen Isaf, Saron (O)  
 J. Yorke, Pen y Bryn Farm, Waen, Nantglyn (O)  
 A. Wilcox-Jones, Pen y Banc, Nantglyn (O)  
 David Cullen, Isgoed, Soar, Nantglyn (O)  
 Giles Harborne, Cefn Y Maes, Nantglyn (O)  
 Hugh Yorke, Pen Y Bryn Farm, Waen, Nantglyn (O)  
 Jane Yorke, Pen Y Bryn Farm, Waen, Nantglyn (O)  
 Dona Jones, Rhiwiau, Nantglyn (O)  
 Jo Brett, Segrwyd Mill Cottage, Nantglyn (O)  
 Richard Parry - Hafodwen, Nantglyn (o)  
 Ann Williams - Hafodwen, Nantglyn  
 Elizabeth Cornwall, Gwaen y Mywion, Nantglyn (O)  
 Christopher Cornwall, Gwaen y Mywion, Nantglyn (O)

Summary of planning based representations in objection:

Additional landscape and visual impact

Proposals involve increases in hub height and swept area (1.24 acres per turbine to 1.62 acres – 32%) / negative landscape and views from many areas / continuous encroachment of turbines should be resisted / turbines would be considerably larger than those at Tir Mostyn and the differential would appear discordant / 10 metre increase would have significant adverse visual effect / already massive cumulative impacts on Nantglyn village / precedent is being set for increasingly larger turbines / development would ruin the view from Moel Fammau to Snowdon – one of the reasons used to defeat the Gorsedd Bran application / trees in area are being felled and reducing the screening effects, exposing views of turbines / concern over addition of warning lights on turbines impacting on night sky / enough is enough

Noise impact

Absence of information and explanation as to whether there will be no change to noise levels / questions over how practically the site can be operated on a two noise level criteria, what allowance has been made for cumulative noise from Clocaenog Wind Farm, and what calculations have been undertaken and what safeguards are proposed to protect residents from amplitude modulation / concerns over additional noise / tree removal seems to be make a difference in audibility of turbine noise and suggests noise data is out of date

Effects on attractiveness of Brenig area and tourism  
Development would only worsen dominance of turbines which affects visitors appreciation of the area / quality of life of residents is being eroded

Ecological impact  
Increase in impact on birds and bats

Environmental impacts understated  
Turbine foundations would remain long after machines are removed

Impact on historic assets  
Documents accept a number of ancient monuments are affected

#### Other matters

Misleading / confusing information in submitted documents  
Non technical Summary underplays impacts, offering opinion with little reference to research and facts / no information on the size of new turbine housings and the size of blades / output of turbine appears to be lower than previous consented scheme / reliance on original Environmental Statement is inappropriate /

Majority of the community consulted by the developer will not have appreciated the scale of the proposal and its implications / people have not been told openly of the size differences in turbines

Original application was only passed by 2 votes, this is a new application, so in view of the inconsistencies and inaccuracies committee should refuse to approve any changes/ if original turbines were 110m high, would the vote have been different

Council seem powerless to stop turbine development

Government policy appears to be changing and discouraging onshore wind

Council should be wary of toe in the door tactics where developers get consent for one thing then change

Application does not provide details of what follows- e.g. overhead line connection

This should be treated as a new application not a minor change to an approved one

Conflict with Local Development Plan policies – VOE9

Council should pay close attention to the combined impact of this and the Pant y Maen application

#### In support

Representations received from:

Jones Brothers Civil Engineering UK, Ty Glyn, Ruthin (S)

Summary of planning based representations in support:

- Employment benefits in the area for local companies
- Proposals seek to harness the greatest amount of renewable energy with limited alterations to significant impacts of the consented scheme
- Scheme will help to meet legally binding renewable energy targets

**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

## 1. THE PROPOSAL:

### 1.1 Summary of proposals

1.1.1 This full planning application seeks permission to construct and operate a 16 turbine wind farm along with associated transformers, access tracks, switchgear and metering buildings, anemometry towers and infrastructure, as revisions to a previously approved scheme for 16 turbines, granted permission in 2009. The typical turbine specification in the submitted documents show a maximum turbine tip height of 110m, and indicative hub heights of 65m and rotor diameters of 90m. The description of the development on the forms refers to this as a revised scheme partially implemented under planning permission 25/2007/0565.

1.1.2 The site is referred to as the Brenig Wind Farm, and is located to the north east of Llyn Brenig.

1.1.3 The original planning consent referred to was granted by Denbighshire County Council in April 2009 under application code no. 25/2007/0565. The application was described as follows:

*“Construction and operation of a wind farm comprising of sixteen wind turbines with a maximum tip height not exceeding 100m, along with transformers, access tracks, on-site switchgear and metering building, two anemometry towers and associated construction and operational infrastructure”*

*Land East of Llyn Brenig, Nantglyn*

1.1.4 Planning permission 25/2007/0565 was subject to a number of conditions, including a requirement that the development was commenced within 5 years of the date of the consent, i.e. within 5 years of April 6<sup>th</sup>, 2009. The developers submitted a number of ‘Approval of Condition’ applications in relation to the 2009 permission in the course of 2013-4 and undertook works in connection with the vehicular access to the site in early 2014 in order to implement the permission. The Council has confirmed that works to the access constitute a commencement of works and that the permission has been implemented.

1.1.5 The application documents indicate that the current proposal is to increase the tip height for all 16 consented turbines from 100 metres to 110 metres, due to an increase in hub height and blade length, and they confirm that the number and location of the turbines will not change. They also advise that the proposal could result in an additional output of 8 MW, thereby increasing the overall indicative maximum output capacity of the windfarm to 48 MW; and that there could be a potential increase in foundation dimensions and crane hardstanding area to accommodate the larger turbine components.

1.1.6 The ‘associated works’ again include site tracks, turbine foundations, 2 permanent anemometry masts, a transformer, underground electricity cables, a switchgear and metering building, borrow pits, and a temporary construction compound. The location of these associated works is similar to what was approved in 2009.

1.1.7 For information, the application is submitted by Natural Power Consultants Ltd, acting as agents for the applicants, Brenig Wind Limited. Brenig Wind Ltd were the applicants on the original application in 2007.

1.1.8 The current scheme involves Environmental Impact Assessment development requiring submission of an Environmental Statement. The application is therefore accompanied by a volume of supporting documents and plans, all of which are available for inspection on the Council's website. The documents submitted include:

- A non-technical summary of the Environmental Statement
- A Design and access Statement
- The full Environmental Statement containing chapters and appendices dealing with:
  - o The policy context
  - o Site Selection and design
  - o Community Consultation
  - o Project details
  - o Detailed Environmental Assessments including:
    - \*Landscape and visual effects (A Landscape and Visual Impact Assessment)
    - \*Residential visual amenity assessment
    - \*Hydrology assessment
    - \*Ecological and ornithological assessment
    - \*Noise assessment
    - \*Shadow Flicker assessment
    - \*Cultural Heritage assessment
    - \*Traffic and Transport assessment

1.1.9 The supporting documents, including the Design and Access Statement provide detailed commentary on the background to the application and set out the case for the grant of permission. They include 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 the development.

## 1.2 Description of site and surroundings

1.2.1 The site is on and around the hilltop of Tir Mostyn, and immediately to the west of the existing 25 wind turbine development in this location, which stretches to Foel Goch to the south. The northern tip of Llyn Brenig lies under 1km to the west.

1.2.2 The nearest village to the site is Nantglyn, some 3km to the north. Denbigh is 11km to the north east, and Ruthin 13km to the east. There are private dwellings to the immediate north of the site, and others beyond the Tir Mostyn / Foel Goch wind farm to the east and south.

1.2.3 The site stretches over approximately 2.5km from north to south, and 2km from west to east. It includes parcels of land which have previously been afforested, and open upland grazing land around Tir Mostyn itself, down to the B4501. Tir Mostyn is shown at an elevation of 492m above sea level. Ground levels where the turbines are proposed are at an elevation between 460m and 491m AOD.

1.2.4 The application site is located partly within the Community Council areas of Nantglyn and Llanrhaeadr Y.C. The County boundary with Conwy is some 3km to the west.

1.2.5 There is a public footpath running across the site from the Tir Mostyn windfarm in the north east corner of the site, to the Boncyn Arian Tumulus next to Llyn Brenig. The Clwydian Way footpath runs around part of the southern boundary of the site, to the south east of turbine 16.



### 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 It lies within 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.
- 1.3.3 The site is not within an area with a statutory landscape designation. The nearest boundary of the Clwydian Range AONB is some 14km to the east. The nearest boundary of the Snowdonia National Park is some 14km to the west. These areas are shown on one of the plans at the front of the report.
- 1.3.4 In terms of non-statutory designations, the site lies within the Denbigh Moors Landscape of Special Historic Interest, and to the west of, but outside, the Vale of Clwyd Landscape of Outstanding Historic Interest. There are Sites of Special Scientific Interest to the west and south of the site boundary
- 1.3.5 As noted above, part of the Clwydian Way circular long distance trail runs along the southern boundary of the application site, and a public footpath runs across the site from the north east corner to the tumulus next to Llyn Brenig.

### 1.4 Relevant planning history

- 1.4.1 The main permission of relevance to the application is the 2009 consent for a 16 turbine development on the site, referred to in other parts of the report. The significance of this consent is dealt with in later sections of the report.
- 1.4.2 The 25 turbine development operating on adjoining land at Tir Mostyn / Foel Goch was granted permission by Welsh Assembly Government in December 2002, following the 'call in' of the application for determination by the National Assembly. These are 75m high turbines with a 52m rotor diameter.
- 1.4.3 The Development Consent Order permitting the development of the 32 turbine Clocaenog Forest windfarm on land stretching from east of the Tir Mostyn Turbines south to the Cerrigydrudion – Ruthin Road west of Clawddnewydd was confirmed in September 2014. The consented dimensions are for up to 145m high turbines.
- 1.4.4 There is a single turbine operating at Hafodty du immediately to the east of the Tir Mostyn turbines. This was granted permission in July 2014. This is an 81m high turbine with a rotor diameter of 52m.
- 1.4.5 Planning permission was refused by Denbighshire County Council in 2008 for a 13 turbine development at Gorsedd Bran, some 2km to the north west of the application site. This refusal was the subject of an appeal to the Planning Inspectorate, which was dismissed, and there followed a series of further legal challenges. The site is the subject of a current undetermined planning application with Denbighshire for an 8 turbine windfarm, under application code number 25/2015/0321, and is described therein as Pant y Maen.

### 1.5 Developments/changes since the original submission

- 1.5.1 None

### 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 so Members have an idea of the basis of opinions expressed of relevance to the determination of the application.

- 1.6.2 The application documents refer to consultations undertaken by the applicants / agents on the application, including a public exhibition of the proposals in March 2015 in the Church House Hall in Nantglyn.

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

### **2.1 Application 25/2007/065**

“Construction and operation of a wind farm comprising of sixteen wind turbines with a maximum tip height not exceeding 100m, along with transformers, access tracks, on-site switchgear and metering building, two anemometry towers and associated construction and operational infrastructure”

Land East of Llyn Brenig Nantglyn

Granted 06/04/2009

The developers received approval of a number of Approval of Condition applications in 2013 and early 2014 in relation to this permission and have undertaken works in connection with the access in order to commence the development

### **2.2 Application 25/1999/0710 (Tir Mostyn / Foel Goch Windfarm)**

Development of a 25 turbine windfarm and associated development (47m tower, 52m rotor diameter).

Granted by Welsh Assembly Government, 19/12/2002.

### **2.3 Application (Clocaenog Forest Windfarm)**

Operation of windfarm with a gross electrical output capacity of up to 96MW, consisting of up to 32 turbines, on site substation and associated works. Maximum tip height 145m.

### **2.4 Application 25/2013/ (Hafod ty du turbine)**

Erection of turbine, 55m hub, 52m rotor diameter.

Granted 30/04/2014

### **2.5 Application 25/007/0642 (Gorsedd Bran windfarm)**

Construction of 13 turbines (up to 125m height), with associated developments.

Refused 02/04/2008 – landscape / visual impact; noise; potential for flooding from tree felling; inadequate predetermination surveys to assess impacts on protected species.

### **2.6 Application 25/2015/0321 (Pant y Maen windfarm)**

Construction and operation of 8 turbines (typical height 102m, rotor diameter

84m), with associated works.

Undetermined at time of preparation of this report.

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

3.1 The main planning policies and guidance are considered to be: 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 VOE 6** – Water management

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

**Policy ASA 1** – New transport infrastructure

3.2 Supplementary Planning Guidance

Archaeology

Nature Conservation and Species Protection

3.3 Government Policy / Guidance

UK level

Energy Acts 2008 – 2013

Climate Change Act 2008

Renewable Energy Strategy 2009

Renewable Energy Roadmap 2013

The Carbon Plan 2011, updated 2013 Utilities Act 2000 and the Renewables Obligation

Welsh Government level

One Wales: One Planet 2009

Climate Change Strategy in Wales 2010

Welsh Energy Policy Statement 2010

Planning specific documents

Planning Policy Wales Edition 7, 2014

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

Technical Advice Notes

TAN 5 Nature Conservation and Planning (2009)

TAN 6 Planning for Sustainable Rural Communities (2010)

TAN 8 Planning for Renewable Energy (2005)

TAN 11 Noise (1997)

TAN 15 Development and Flood Risk (2010)

TAN 18 Transport

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 Planning history -relevance of the existing planning consent
- 4.1.3 Landscape and visual impact
- 4.1.4 Noise
- 4.1.5 Shadow flicker
- 4.1.6 Residential amenity
- 4.1.7 Ecology
- 4.1.8 Highways
- 4.1.9 Aviation and Radar
- 4.1.10 Heritage interests
- 4.1.11 Tourism
- 4.1.12 Hydrology / water supply/ flooding / surface water

#### 4.2 In relation to the main planning considerations:

- 4.2.1 Principle  
Overarching policy

There is significant legislation and policy set out at international, European Union and UK Government level supporting the principle of renewable energy development. 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 well established.

Welsh Government's Technical Advice Note 8 (TAN 8) and the general strategies in Planning Policy Wales 7 (PPW) Section 12.8 provide technical advice and guidance on renewable energy projects. TAN 8 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. Developments such as the one at Brenig fall within the 'Strategic' scale of development in PPW 7, being over the 25MW threshold.

Factually, the site is within Clocaenog Forest Strategic Search Area (SSA 'A') 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 assessment of environmental and sustainability impacts. The Brenig Wind Farm proposal would fall within the Strategic / Large Scale development category in the policy, involving a development with a generating capacity over 25MW. The policy states Strategic / Large Scale developments will be supported within the Clocaenog Strategic Search Area. The localised impacts are reviewed in the following sections of the report.

In summary, there is a significant body of international, European Union, UK and Welsh Government legislation, policy and guidance offering clear support for the development of renewable energy technology. At Welsh Government level, TAN 8 and related Ministerial statements set out policy in support of the development of major wind power proposals on a locational basis, in the guise of Strategic Search

Areas, where large scale wind farms (25MW+) are to be developed. The Clocaenog Forest is one of the Strategic Search Areas. The site lies within the TAN 8 'broadbrush' SSA. The principle of developing a large scale windfarm on the application site has been established previously by the grant of planning permission in 2009, and the 'revised' proposals are in line with the principles set out in these key strategic documents. National and Welsh Government policy is not up for challenge in relation to individual planning applications.

#### 4.2.2 Planning history -relevance of the existing planning consent

The existence of a commenced planning permission for a 16 turbine development on the site is a significant material planning consideration relevant to the weighing up of the application now in front of the Council. The developers can legitimately proceed to implement the 2009 permission for the erection of the sixteen 100m high turbines in the same location as now proposed for the 110m high machines. In the context of the existing permission, Officers would therefore strongly recommend against opposing the development in principle, as this has clearly been established through the 2009 consent.

It is suggested that the land use planning matters pertinent to the determination of the application are whether there have been any significant changes in the policies of the Local Development Plan, national or Welsh Government policy, or whether there are other material considerations which may justify reaching a different conclusion from the one the Council made in granting the planning permission in 2009.

The review of relevant Planning Policy and guidance in section 4.2.1 above suggests there are no fundamental changes at national, Welsh Government and local level which now go against the principle of wind turbine development in this location.

Realistically, from viewing the material relating to the application, the key matters to address here are whether there are additional impacts likely to arise from the proposed revisions to the turbine dimensions, compared to those arising from the original scheme for 100m high turbines. These are reviewed in the detailed impact sections of the report which follow.

#### 4.2.3 Landscape and visual impact

##### - Local Development Plan policies

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, 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, it accepts that 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.

- 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 Brenig Windfarm site is located on the eastern side of landscape unit D10 Moorland Plateau (Denbigh Moors). The key characteristics of D10 are noted as typically vast in scale, predominantly rolling upland moorland plateau, and cultural heritage interest. The summary of sensitivity to wind energy developments is assessed as 'high', although the text to this section refers to high landscape value being reflected in the western half of the area being designated as the Hiraethog SLA, and there are expansive views to and from important landscapes, it is noted that the northern extent of the area lies within the TAN 8 SSA 'A' and is likely to have a lower sensitivity.

Section 6 of the Landscape Sensitivity and Capacity Assessment sets out guidance for wind energy development within defined strategy areas, in which Landscape unit D10 is included in Strategy Area 9 –Denbigh Moors. This section confirms the area has an overall 'high' sensitivity to wind energy development, but recognises that the eastern part of this landscape lies within TAN 8 SSA 'A' and is of lower sensitivity due to the presence of existing wind energy developments. . It reviews designated features within the strategy area and then provides a section headed Landscape Strategy and guidance for siting wind turbines, within which it states two landscape objectives apply – stating ' In areas within TAN 8 SSA 'A' the objective is **landscape change**. This is because it is recognised that there is a presumption in favour of wind energy development in TAN 8 areas'. For all other parts of this area the objective is **landscape protection**. The bold text is as included in the Assessment document.

- Assessment

Factually, the site is in the order of 15km from the respective boundaries of the Snowdonia National Park, and the Clwydian Range and Dee Valley AONB. The location of these designations are shown on a plan at the front of this report, along with the site plan, representations of the turbines from the Nantglyn direction and of the change in dimensions, which are taken from one of the wireframes in the Environmental Statement.

The application is accompanied by a detailed Landscape and Visual Assessment. This recognises the statutory and non statutory designations, and provides appraisal of impacts. The conclusion in the Design and Access Statement states. . " Significant effects on landscape character and visual amenity during the operational phase of the project would be restricted to within the site boundary and areas immediately adjacent

to it, including locations surrounding Llyn Brenig and the eastern fringes of Denbigh Moor. However, the proposed development would not result in any change to the level of significance that would be caused by the consented scheme. The same is true for the potential impacts on visual amenity for nearby residential property.”

It is evident from the earlier sections of the report that there are contrasting representations in relation to the landscape and visual impact of the proposals.

**In terms of individual representations:**

Those individuals in objection have raised a range of concerns over the proposals in terms of the increases in hub height and swept area, the negative landscape and views from many areas, suggesting the continuous encroachment of turbines should be resisted, that turbines would be considerably larger than those at Tir Mostyn and the differential would appear discordant, that a 10 metre increase would have significant adverse visual effect, there is already massive cumulative impacts on Nantglyn village, a precedent is being set for increasingly larger turbines, development would ruin the view from Moel Famau to Snowdon – one of the reasons used to defeat the Gorsedd Bran application, that trees in the area are being felled and reducing the screening effects, exposing views of turbines, and that the addition of warning lights on turbines would impact on the night sky.

**In terms of consultation responses:**

Objections are raised on the landscape and visual impacts of the proposals by the Nantglyn and Llanrhaeadr YC Community Councils, Snowdonia National Park, and the AONB Committee. These emphasise a range of concerns over the increase in the height of the turbines, the swept area involved, increased cumulative impacts, and the setting and quality of the National Park and AONB. The summary of these comments is in the consultation responses section of the report

There are no objections from Denbigh Town Council, Natural Resources Wales, and the Council's Landscape Consultant. Natural Resources Wales conclude the changes to landscape and visual amenity of landscapes of National Parks, AONBs and sites on the Register of Landscapes of Historic Interest in Wales, judged against the consented and operational wind development in the area, would not result in significant effects, and do not object to the proposal. The Council's Landscape Consultant has assessed the issues and the relevance of the existing permission in terms of impact on the character of the surrounding landscape, the visual effects of the proposal within the locality and from more distant views, and considers that the *consented* windfarm would have a significant detrimental impact on the immediate area of moderate to high scenic value, but the change in height however, would be difficult to discern. He has also reviewed the implications of cumulative landscape impacts in relation to existing and consented energy development in the area, and whilst acknowledging the local area is already influenced by wind energy development and would be further influenced by consented development, concludes that the large scale and open landscape is able to accommodate large scale windfarm development without unacceptable damage to landscape character and quality. Overall, he broadly agrees with the conclusions of what is considered a thorough Landscape and Visual Assessment, and on the basis of his assessment does not consider that the proposed extension of blade tip heights to the consented Brenig windfarm would cause undue landscape and visual impacts and therefore recommends approval of the application.

**- Conclusions**

There are inevitably differing opinions on the issue of landscape and visual impact, and clearly strongly held views on this matter. 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 regard to the basis of the responses, Officers consider the conclusions of Natural Resources Wales and the Council's Landscape Consultant are of some significance in the formulation of the recommendation. It is suggested these should be accorded due weight in determination of the proposals, given the particular context set by:

- the consented scheme for the construction of 16 no. 100m high turbines on the site, which has commenced and can be completed, which it has been accepted previously by the County Council will have significant landscape and visual impacts
- the fact the site is within Welsh Government's TAN 8 Strategic Search Area for large scale windfarms where there is implicit acceptance of significant landscape change
- the existing turbine development in the area, including the Tir Mostyn / Foel Goch site, which has established the first large scale wind farm in the Strategic Search Area, with turbines of 75m height
- the existence of the consent for the nearby Clocaenog Forest windfarm, involving turbines of up to 145m in height.
- The actual differences in impacts likely from the proposed changes in dimensions of the turbines, which are not considered likely to be easy to discern, in particular when viewed at distance

It is not contested in any of the consultation responses that the windfarm here will have adverse landscape and visual impacts, but what is in question is whether the increase in height of the turbines from 100m to 110m, with associated increase in rotor diameter would have such a significant effect to now justify refusal of permission. In Officers' opinion, on the basis of the consultation responses, and the considerations above, it is not concluded that the extent of changes are of such magnitude to merit a negative recommendation.

#### 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.

In terms of representations on the matter, there are objections from Nantglyn and Llanrhaeadr YC Community Councils on the basis of cumulative noise. Private individuals express concerns over the absence of information and explanation as to whether there will be no change to noise levels, questions over how practically the site can be operated on a two noise level criteria, what allowance has been made for cumulative noise from Clocaenog Wind Farm, and what calculations have been undertaken and what safeguards are proposed to protect residents from amplitude modulation. It is also suggested tree removal makes a difference in the audibility of turbine noise and that noise data is out of date.

The Environmental Statement contains a detailed and technical noise assessment. The conclusion in the Non Technical Summary states that 'predicted turbine levels and background noise levels indicate that for all receptors neighbouring the proposed development, wind turbine noise will meet the Day- time hours and Night-time hours



noise criteria specified in ETSU-R-97. Cumulative impacts meet ETSU-R-97 criteria. Noise from construction activities is seen to be of negligible significance'.

As the proposals relate to wind farm development, the Pollution Control Officer has deferred comment on the noise issues to the Council's external noise consultant. The Consultant's detailed review is referred to in the consultation responses section of the report. This is a thorough appraisal of the issues relevant to assessment of noise and provides a clear recommendation that there is no reason to refuse permission on grounds of noise provided that attached conditions are imposed. Ultimately, with every respect to the basis of local concerns, this is a situation where the considered conclusion of noise consultants is that enforceable planning conditions can be imposed to take account of cumulative noise, with suitable arrangements for future monitoring, consistent with advice in ETSU-R-97. The suggested conditions are similar to those imposed on the 2009 permission for the now commenced Brenig Wind Farm development, with appropriate updates / revisions from the Noise Consultant. Bearing in mind the existence of the current consent, and on the basis of the Noise Consultant's review and conclusions, it is not considered there is any reasonable 'technical' basis for opposing the development on noise grounds.

#### 4.2.5 Shadow flicker

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

There is technical guidance on shadow flicker issues in National Policy Statement for Renewable Energy Infrastructure (EN-3) and the Practice Guidance for Renewable and low Carbon Energy. These suggest that assessment should only be carried out where turbines are proposed within 10 rotor diameters of an existing occupied building, and that only properties within 130 degrees either side of north relative to the turbines can be affected in the UK. 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 90m, therefore the potential impacts should only be experienced up to 900m from the turbine locations, and only then within 130 degrees either side of north. The documents refer to one property within 840m of turbine 5 (Ty Newydd), which could experience shadow flicker, but it is concluded the impacts of the revised scheme would involve no increase on the maximum duration from the consented scheme, and that the development would not cause a material reduction to residential amenity.

In noting the above contents of the submission, Officers remain of the view that as shadow flicker analysis is not an exact science, in the event that permission is granted, and as a precautionary measure, it would be advisable to include 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 not conflict with policy VOE 9 with respect to shadow flicker.

#### 4.2.6 Residential amenity

LDP Policy VOE 9 requires due consideration of impacts of wind energy development on the surrounding area and community, which can include effects on residential amenity.

Matters of noise impact and shadow flicker are residential amenity considerations, and are dealt with under separate sections of the report. The other main consideration is the acceptability of turbine development in terms of effects on residential visual amenity, which involves assessment of the potential impact on the living conditions within and immediately around a dwelling, i.e. an individual's enjoyment of a property.

The application documents contain a residential visual amenity assessment at the 12 properties within a 2km distance from the turbines. This concludes the development would form a prominent feature from 6 of these properties, and that from two, the wind farm would form a main view at distances of 1.16km and 1.49km (Hafod Caradoc and Hafod Wen). The submission states however, that at all properties, the view of the consented scheme and the proposed scheme would be similar in terms of the number and proportion of each turbine that would be visible, and hence there would be no change in the significance of effects on visual amenity as a result in the increase of blade tip height to 110m.

Officers' conclusion on this matter remains as set out in the original report to Committee on the 2007 application. At the distances involved, it is considered unlikely that the impact of turbines of the increased dimensions now proposed on residential amenity could now be concluded to be so significant that refusal of permission would be justified. Whilst caution is necessary in comparing situations, it is of relevance that the Wern Ddu appeal inspector concluded the impact of 2 turbines of 90m height within 500 metres of a private dwelling would not be unacceptably overbearing or intrusive.

#### 4.2.7 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 effects on wildlife interests, specifically an increase in impact on birds and bats.

The Environmental Statement refers to a range of surveys undertaken and provides interpretation of these, detailed ecological and ornithological assessments and proposals for post construction monitoring and mitigation provisions, should this be necessary.

Consultee responses raise no objections in relation to ecological impacts. Natural Resources Wales basic position is to recommend imposition of conditions included on the original permission, with the addition of conditions controlling peat loss, and a Surveillance strategy and Curtailment plan in relation to bats. The Council's Biodiversity Officer agrees with the assessment of impacts in the ecology section of the Environmental Statement, and suggests the main significant effects of increased height are on bats. She is satisfied at the proposed approach for operational monitoring and mitigation, and supports proposals for conditions relating to monitoring and mitigation.

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 Welsh Government Policy and LDP policies VOE 5 or VOE 9.

#### 4.2.8 Highways

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

There are no representations raising specific concerns over the highway impacts of the proposals.

The Highways Officer has commented on the contents of the Draft Traffic Management Plan and would require additional information in relation to standard HGV deliveries. It would in any event be necessary to ensure a condition is imposed to oblige submission of a suitable Construction Method Statement requiring details of the site compound, traffic management, etc. in the event of permission being granted.

On this basis, Officers conclude there would no unacceptable additional highways impacts from the proposal.

#### 4.2.9 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 of the air safeguarding / aviation authorities in relation to the proposals. The MoD have advised that due to the proximity of the turbines to existing wind farms, they would be content for suitable lighting to be fitted to specified turbines.

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

#### 4.2.10 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.

There are limited individual representations expressing concerns over the impacts on the archaeological and historic environment, albeit there is a comment noting a number of ancient monuments are affected. CADW have made detailed comments on the proximity to designated monuments which form a relict prehistoric ritual landscape and a number of other monuments. In noting reservations over the scope and validity of the archaeological assessment undertaken in relation to the previous, consented scheme, CADW agree with the conclusions of the Environmental Statement that the impact of the proposed 110m turbines on the settings of the designated monuments referred to will not be any more adverse than that of the consented scheme, and they do not therefore

object to the impact of the proposed increase in turbine height on these designated monuments. This is a similar conclusion to that of the Clwyd Powys Archaeological Trust and the County Archaeologist, who suggest mitigation is carried out as a condition of any permission.

On the basis of the comments from CADW and CPAT, it is not considered that the proposals would give rise to impacts in excess of those which would arise from the completion of the consented scheme, and hence there would be no reasonable heritage impact grounds to oppose the application.

#### 4.2.11 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 suggesting development would only worsen dominance of turbines which affects visitors appreciation of the area.

Whilst acknowledging points raised in relation to impacts on tourism enterprises, there is limited evidence to support a refusal of planning permission for permission for this particular application as it is for larger turbines on an already consented windfarm site, itself within a Welsh Government 'designated' windfarm area. It is respectfully suggested that it would be difficult to argue in an appeal situation that the changes to turbine dimensions on an already consented development would make such a difference to the attractiveness of the area for tourists. What research appears to have been undertaken into the impact of wind farm development tends to highlight both positive and negative findings in areas where wind farms have been established.

In conclusion, Officers consider that given there is an already consented scheme for 16 turbines on the site, and in the absence of any tangible evidence to suggest that the grant of permission would have a direct detrimental impact on the local tourism economy, there would be no reasonable planning justification to refuse the application on this basis.

#### 4.2.12 Hydrology / Water Supply/ Flooding/ surface water

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, water supply, flooding and surface water drainage.

There are limited comments received in relation to these matters following consultation. Natural Resources Wales require adherence to previous conditions and mitigation proposals, and request additional conditions be added to any consent.

The application provides detailed assessment of impacts on the hydrological, hydrogeological and geological environments. It is stated that the site layout configuration will not change from that currently consented, and that there is a comprehensive suite of mitigation and best practice measures incorporated into the design, including extensive buffer areas. Special measures would be put in place to deal with impacts on areas of deeper peat deposits. The analysis concludes that in relation to the hydrological regime, with the implementation of the proposed mitigation measures, the significance of construction effects on identified receptors is considered to be of negligible / minor significance, and the overall significance of effects on the hydrological, hydrogeological and geological environment are not significant in terms of the EIA Assessment Regulations.

Officers' conclusions on the basis of the response from NRW are that the proposals do not appear to suggest unacceptable effects will arise in relation to the local water environment, provided suitable conditions are imposed to ensure proposed mitigation measures are implemented in conjunction with the development

#### Other matters

##### Use of Section 106 Obligation

The 2009 permission for the wind farm at the Brenig Site was the subject of a Section 106 Obligation, through which the Council secured the submission and implementation of benefits including a Community Benefit fund, a fund for the conservation of red squirrels, and a historic landscape contribution (including provision of interpretation facilities at the Brenig Centre). The applicants have been approached on a 'without prejudice' basis to the determination of the application in relation to securing the same benefits in relation to the current submission, and have confirmed they are prepared to enter into a similar agreement.

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

- 5.1 The application relates to a site within the Clocaenog Forest Strategic Search area where Denbighshire granted planning permission in 2009 for a 16 turbine wind farm, involving turbines with a tip height of 100m. This development has commenced and can be completed in accordance with the 2009 permission.
- 5.2 The current full planning application seeks permission for 16 turbines in the same locations as approved in 2009, with revisions to the dimensions of the turbines which involve increasing the tip heights to 110m.
- 5.3 The report sets out the considerations Officers believe are relevant to the determination of this application. It refers to the existence of the 2009 consent being a significant material consideration, and suggests the key issues to address are the 'additional' impacts arising from the increased dimensions of the turbines, and whether these are of such significance as to now make the development unacceptable. It is not considered there have been any significant planning policy changes since the grant of the 2009 permission which challenge the acceptability of the principle of windfarm development in this location.
- 5.4 There are a range of representations expressing concerns over the proposals, including from local Community Councils and private individuals. Having regard to the basis of consultation responses, Officers suggest landscape / visual impact and noise considerations are central to the determination of the application in this instance.
- 5.5 The Officer recommendation is ultimately that permission be granted, subject to the imposition of the majority of conditions attached to the 2009 consent, supplemented by conditions requested by technical consultees and the completion of a Section 106 Obligation to cover the same matters as included on the 2009 agreement. The report acknowledges the substance of objections, but in respect of the key issues, concurs with the conclusions of the Council's noise and landscape consultants that the 'additional' impacts over and above those which may arise from full implementation of the 2009 permission are not of such significance that these justify a refusal.

The Officer recommendation is consequently for the grant of permission, subject to appropriate conditions and completion of a legal agreement acceptable to the Council's Legal Officer, to secure a Community Benefit fund, a fund for the conservation of red squirrels, and a historic

landscape contribution.

The planning permission would not be released until the completion of the agreement; and on failure to complete the agreement within 12 months of the date of this Committee, the application would be reported back to the Committee for determination against the policies and guidance relevant at that time.

The contents of the Environmental Impact Assessment has been taken into account in preparing this report and recommendation.

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

The Conditions are:

- 1 The development hereby permitted shall begin before the expiration of 5 years from the date of this permission.
- 2 Unless specified by other conditions attached to this permission, the development hereby permitted shall be carried out strictly in accordance with the following plans and documents:
  - (i) Design and access statement June 2015 received 18 June 2015
  - (ii) Environmental Statement, Volume 1 of 4: Written Statement received 18 June 2015
  - (iii) Environmental Statement, Volume 2 of 4: Supporting Figures and Appendices received 18 June 2015
  - (iv) Environmental Statement, Volume 3 of 4: Visualisations (Viewpoints A-W) received 18 June 2015
  - (v) Environmental Statement, Volume 4 of 4: Non-Technical Summary received 18 June 2015
- 3 The planning permission shall be for a period of 25 years from the date of the first generation of electricity to the grid from the development. Written confirmation of the date of the first generation of electricity to the grid from the development shall be provided to the Planning Authority no later than 1 calendar month after the event.
- 4 The location of the turbines and ancillary structures such as anemometer masts, and the access tracks, shall be in the positions indicated on the submitted plans, subject to variation of the indicated position of any turbine or any track on the plans by up to 20 metres, or where the written approval of the Local Planning Authority has been given to a variation arising from details approved in relation to other conditions of this permission. Any variation greater than 20 metres shall require the written approval of the Local Planning Authority.
- 5 No work shall be permitted to commence on the switchgear and metering building until the written approval of the local planning authority has been obtained to its precise location, the external wall and roof materials.
- 6 This permission relates solely to the erection of 3 bladed wind turbines as described in the application plans and drawings with a maximum height to blade tip of 110m from original ground level.
- 7 All the blades shall rotate in the same direction.

- 8 The finish of all the turbines shall be semi-matt and their colour shall be approved in writing by the Local Planning Authority before the turbines are erected on site.
- 9 No part of the development shall display any name, logo, sign, advertisement or means of illumination without the prior written approval of the Local Planning Authority.
- 10 All electricity and control cables between the turbines and the switch room shall be laid underground and alongside tracks which are constructed on the site as part of the development unless otherwise agreed in writing with the Local Planning Authority.

#### 11 CONSTRUCTION METHOD STATEMENT

No work of construction, laying out of access tracks, or work on the construction compound shall be commenced until a Construction Method Statement has been submitted in writing to and approved by the Local Planning Authority. The scheme shall include provisions relating to:

Construction and reinstatement of the temporary site compound  
Construction and reinstatement of all internal tracks including measures to reinstate planting on approach tracks  
Soil stripping management

The investigation of any disturbance to peat within the footprints of the tracks and structures, to inform micro siting to minimise peat loss

Surface and foul water drainage  
Pollution Prevention and Control plan, in particular to demonstrate steps to prevent impacts on streams which provide private water supplies, and proposals for mitigating and remedying any degradation in the quality of water supplies.  
Traffic Management including HGV routes  
Traffic signing along public roads  
Recording the existing state of the site

Development shall be carried out in compliance with the approved Construction Method Statement, unless otherwise approved in writing by the Local Planning Authority.

- 12 No works on the construction of the turbine bases or delivery of wind turbine components or wind turbine erection plant shall be permitted to commence until there have been submitted to and approved in writing by the Local Planning Authority:
  - a scheme for the recording of existing road conditions by the developer,
  - arrangements for the repair and reinstatement of public highways.
- 13 Construction work on the site shall be confined to the hours of 0700-1900 Mondays to Fridays and 0700-1300 hours on Saturdays with no working on Sundays or national public holidays unless otherwise agreed in writing with the Local Planning Authority.
- 14 All new tracks shall be surfaced with stone from the approved borrow pit(s) or excavations for the turbine bases, unless otherwise agreed in writing by the Local Planning Authority.
- 15 The permanent running widths of internal access tracks shall be no greater than 5m wide (10m on bends) unless agreed in writing by the Local Planning Authority.

#### SURFACE WATER DRAINAGE

- 16 No works of construction, laying out of access tracks, or work on the construction compound shall be commenced until a scheme for the disposal of foul and surface waters has been approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.
- 17 Nothing other than uncontaminated excavated natural materials shall be tipped on the site.
- 18 Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.
- 19 None of the trees within the application site shall be felled until the written approval of the Local Planning Authority has been obtained to the timing and methodology of the clearance operations, and to specific details of the means of addressing/attenuating surface water run off from the tree clearance, related construction operations, together with associated mitigation and monitoring arrangements, including steps to remedy any degradation in the quality of water supplies to private properties in the locality.
- 20 No works of construction, laying out of access tracks, works on the construction compound, or tree felling shall be permitted to commence until the written approval of the Local Planning Authority has been obtained to a preliminary site assessment, which shall include the following:
- Identification of all water features both surface and groundwater (ponds, springs, ditches, culverts etc.) within a 300 metres radius of the site boundary.
  - Use made of any of these water features. This should include the construction details (e.g. depth) of wells and boreholes and details of the lithology into which they are installed;
  - An indication of the flow regime in the spring or surface water feature, for example whether or not the water feature flows throughout the year or dries up during summer months;
  - Accessibility to the spring/well;
  - This information should be identified on a suitably scaled map (i.e. 1:10,000), tabulated and submitted to the Environment Agency. The developer should photograph each of the identified water features during the survey.

Based on the results of the survey the applicant must assess the likely impacts from the development on both quantity and quality of the surface water and groundwater. This should take into consideration both the preferred methods of construction and the assumed hydrogeology in the vicinity of the development.

#### DECOMMISSIONING

- 21 Not later than 12 months before the expiry of the 25 year operational period of this permission, a scheme for the restoration of the site, including the dismantling and removal of all elements above ground level, and the removal of turbine bases to a depth of 1.0m, shall be submitted for the consideration of the Local Planning Authority. The scheme approved in writing by the Local Planning Authority shall be carried out and completed within 12 months from the date that the planning permission hereby granted expires.



- 22 If any wind turbine generator(s) hereby permitted ceases to operate for a continuous period of 6 months then, unless otherwise agreed by the Local Planning Authority, a scheme for the decommissioning and removal of the wind turbine generator(s) and any other ancillary equipment and structures relating solely to that generator(s), shall be submitted to and agreed in writing by the Planning Authority within 6 months of the end of the cessation period. The scheme shall include details for the restoration of the site. The scheme shall be implemented within 6 months of the date of its agreement by the Local Planning Authority.

#### HIGHWAYS

- 23 No works of construction, laying out of access tracks, work on the construction compound or tree felling shall be permitted to commence until the written approval of the local planning authority has been obtained to the restoration/treatment of Public Footpath No. 67 during and after the construction phase of the development, including the timing of works on the footpath.
- 24 Full details of the proposed site access shall be submitted to and approved in writing by the Local Planning Authority before any work commences on site.
- 25 Facilities shall be provided and retained within the site for the loading, unloading, parking and turning of construction vehicles in accordance with a scheme to be agreed with the Local Planning Authority, and which shall be completed before work on the turbines is commenced. These facilities shall be retained for the whole duration of the construction period.
- 26 Facilities shall be provided and retained within the site for loading, unloading, parking and turning of service vehicles in accordance with a scheme to be agreed with the Local Planning Authority, and which shall be completed prior to the commissioning of the wind farm.

#### BORROW PITS

- 27 No development shall commence on any of the access tracks or turbines until full details of the location, maximum extent and depth, profiles, means of working including rock crushing and restoration of the borrow pits have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented as approved.

#### ARCHAEOLOGY

- 28 No works of construction, laying out of access tracks, work on the construction compound or tree felling shall take place until the applicant has secured the implementation of a programme of archaeological mitigation and such other mitigation as has been submitted by the applicant and approved in writing by the Local Planning Authority, to include for a watching brief and an appropriate buffer zone marking of identified archaeological sites.
- 29 Where development approaches to within 50 metres of any archaeological site, that site shall be protected and marked by a robust temporary barrier and the barrier should remain in place for the duration of the construction phase so that no accidental damage occurs. The placement of the barriers should not directly impact upon any unscheduled site or scheduled ancient monument areas and must be placed outside any scheduled monument boundary.

#### AIR SAFEGUARDING

- 30 The developer shall provide written confirmation of the following details to the Ministry of Defence and the Civil Aviation Authority within 3 months of the date of this permission and the commencement of development shall not occur until this confirmation has been given:
- i) Proposed date of commencement of the development

- ii) The maximum extension height of any construction equipment.
- 31 Within 14 days of the commissioning of the final turbine, the Company shall provide written confirmation of the following details to the Ministry of Defence and the Civil Aviation Authority:
- i) Date of completion of construction
  - ii) The height above ground level of the highest potential obstacle (anemometry mast or wind turbine).
  - iii) The position of that structure in latitude and longitude.
  - iv) The lighting details of the site, to include details of the IR lighting to be fitted to the turbines indicated on the map provided by the MOD with their email dated 12<sup>th</sup> October 2015.

#### TELECOMMUNICATIONS INTERFERENCE

- 32 None of the turbines shall be erected until a baseline television reception study in the area has been undertaken by a qualified television engineer at the developer's expense, and has been submitted to the Local Planning Authority. Details of any works necessary to mitigate any adverse effects to domestic television signals in the area caused by the development shall also be submitted to and approved in writing by the Local Planning Authority. Any claim by any person for domestic television picture loss or interference at their household within 12 months of the final commissioning of the wind farm/turbine, shall be investigated by a qualified television engineer at the developer's expense and the results submitted to the Local Planning Authority. Should any impairment to the television reception be determined by the qualified engineer as attributable to the wind farm/turbine on the basis of the baseline reception study, such impairment shall be mitigated within 6 months of this decision according to the mitigation scheme outlined, unless otherwise agreed by the Local Planning Authority.

#### SHADOW FLICKER

- 33 None of the turbines shall be erected until the written approval of the Local Planning Authority has been obtained to the details of a scheme to address the incidence of shadow flicker at Ty Newydd; such scheme to include details of photocells or other measures to control, re orientate, or shut down particular turbines. Unless agreed in writing by the Authority, any turbine producing shadow flicker effects at any dwelling shall be shut down, and the blades remain stationary until the conditions causing those effects have passed. The scheme shall be implemented as approved.

#### ECOLOGY

- 34 No works of construction, laying out of access tracks, or works on the construction compound shall commence until the written approval of the Local Planning Authority has been obtained to a scheme for habitat management and enhancement for the protection of the Mynydd Hiraethog SSSI, during and after the lifetime of the windfarm, to include for a mechanism to establish a Steering Group/Committee to review the plan, and details of how the agreed measures are to be implemented, including timing. All measures shall be implemented in accordance with the approved details.
- 35 Prior to the commencement of the operational phase of the proposal a bat surveillance strategy shall be submitted to and approved in writing by, the local planning authority. The purpose of the strategy shall be to assess whether curtailment will be required in respect of informing the long term operation of the turbines. The content of the strategy shall include the following.

- a) Aims and objectives of surveillance.
- b) Identification of adequate baseline conditions prior to the start of development.
- c) Appropriate criteria and triggers that inform the circumstances when curtailment will be required;
- d) Methods of data gathering and analysis;
- e) Location of monitoring;
- f) Timing and duration of monitoring;
- g) Responsible persons and lines of communications.
- h) Review, dissemination and where appropriate, publication of results and outcomes.

36. A report describing the results of surveillance undertaken shall be submitted to the local planning authority at intervals identified in the strategy. This report shall consider whether further surveillance is required. The Surveillance Strategy shall be implemented in accordance with the approved details.

Within 12 months of the completion of the Surveillance Strategy, a Curtailment Plan shall be submitted to and approved in writing by the local planning authority. The curtailment plan shall include the following:

- a) The circumstances if and when operations will be subject to curtailment;
- b) The times of the day when curtailment will restrict operations;
- c) The times of the year when curtailment will restrict operations;
- d) The weather conditions (temperature, wind speed and precipitation) when curtailment will restrict operations
- e) Technical specifications of equipment to ensure suitability for curtailment purposes;
- f) Mechanisms that will be undertaken to evidence and audit implementation of curtailment plans,

The Curtailment Plan shall be implemented in accordance with the approved details.

## NOISE

37. The rating level of noise immissions from the combined effects of the wind turbines hereby permitted (including the application of any tonal penalty), when determined in accordance with the attached Guidance Notes, shall not exceed the values for the relevant integer wind speed set out below.

### At Ty Newydd and Garreg Lwyd:

Standardised Wind Speed m/s	4	5	6	7	8	9	10
Individual Limit dB	43	43	43	43	43	43	43

### At all other properties:

Standardised Wind Speed m/s	4	5	6	7	8	9	10
Individual Limit dB	35	35	35	35	37	39	42

38. A) Prior to the first export date, the wind farm operator shall submit to the local authority specifications for the type and mode of operation of the turbines to be used and this shall be approved in writing by the Local Planning Authority. The specifications shall include the tested apparent sound power level of the turbines and the uncertainty values in the measurements for all running modes of the turbines all in accordance with IEC61400. The specifications shall also set out the running modes in which each of the turbines shall be operated for each wind speed and direction.

B) Within 21 days from receipt of a written request of the Local Planning Authority, following a complaint to it alleging noise disturbance at a dwelling, the wind farm operator shall, at its expense, employ an independent consultant approved by the Local Planning Authority to assess the level of noise immissions from the wind farm at the complainant's property in accordance with the procedures described in the attached Guidance Notes. The written request from the Local Planning Authority shall set out at least the date, time and location that the complaint relates to. Within 14 days of receipt of the written request of the Local Planning Authority made under this paragraph, the wind farm operator shall provide the information relevant to the complaint logged in accordance with paragraph (H) to the Local Planning Authority in the format set out in Guidance Note 1(e).

C) Where there is more than one property at a location specified in Table 1 attached to this condition, the noise limits set for that location shall apply to all dwellings at that location.

D) Prior to the commencement of any measurements by the independent consultant to be undertaken in accordance with these conditions, the wind farm operator shall submit to the Local Planning Authority for written approval the proposed measurement location identified in accordance with the Guidance Notes where measurements for compliance checking purposes shall be undertaken. Measurements should be made in "free field" conditions. To achieve this, the microphone shall be placed at least 3.5 metres away from the building facade or any reflecting surface except the ground at the approved measurement location. Measurements to assess compliance with the noise limits set out in the Tables shall be undertaken at the measurement location approved in writing by the Local Planning Authority.

E) Prior to the submission of the independent consultant's assessment of the rating level of noise immissions pursuant to paragraph (F) of this condition, the wind farm operator shall submit to the Local Planning Authority for written approval a proposed assessment protocol setting out the following:

- i) the range of meteorological and operational conditions (the range of wind speeds, wind directions, power generation, running mode and times of day) to determine the assessment of rating level of noise immissions.
- ii) a reasoned assessment as to whether the noise giving rise to the complaint contains or is likely to contain a tonal component.

The proposed range of conditions shall be those which prevailed during times when the complainant alleges there was disturbance due to noise, having regard to the information provided in the written request of the Local Planning Authority under paragraph (B), and such others as the independent consultant considers necessary to fully assess the noise at the complainant's property. The assessment of the rating level of noise immissions shall be undertaken in accordance with the assessment protocol approved in writing by the Local Planning Authority and the attached Guidance Notes.

F) The wind farm operator shall provide to the Local Planning Authority the independent consultant's assessment of the rating level of noise immissions undertaken in accordance with the Guidance Notes within 2 months of the date of the written request of the Local Planning Authority made under paragraph (B) of this condition unless the time limit is extended in writing by the Local Planning Authority. The assessment shall include all data collected for the purposes of undertaking the compliance measurements and analysis, such data to be provided in the format set out in Guidance Note 1(e) of the Guidance Notes. The instrumentation used to undertake the measurements shall be calibrated in accordance with Guidance Note 1(a) and certificates of calibration shall be submitted to the Local Authority with the independent consultant's assessment of the rating level of noise immissions.

G) Where a further assessment of the rating level of noise immissions from the wind farm is required pursuant to Guidance Note 4(c) of the attached Guidance Notes, the wind farm operator shall submit a copy of the further assessment within 21 days of submission of the independent consultant's assessment pursuant to paragraph (F) above unless the time limit for the submission of the further assessment has been extended in writing by the Local Planning Authority.

H) The wind farm operator shall continuously log all the data described in Guidance Note 1(d) of the attached Guidance Notes. The data from each wind turbine and the permanent meteorological mast shall be retained for a period of not less than 24 months. The wind farm operator shall provide this information in the format set out in Guidance Note 1(e) of the attached Guidance Notes to the Local Planning Authority on its request within 14 days of receipt in writing of such a request.

I) Turbines shall be run in the same noise mode at all times irrespective of wind direction or time of day.

The reason(s) for the conditions(s) is(are):

1. In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt.
3. For the avoidance of doubt and in order that the Local Planning Authority retains control over the longer term uses of the land.
4. For the avoidance of doubt and to allow the Local Planning Authority to retain control over the development.
5. For the avoidance of doubt and in the interests of visual amenity.
6. For the avoidance of doubt and in the interest of visual amenity.
7. For the avoidance of doubt and in the interest of visual amenity.
8. For the avoidance of doubt and in the interest of visual amenity.
9. For the avoidance of doubt and in the interest of visual amenity.
10. In the interests of visual amenity.
11. To ensure proper controls over the matters referred to minimise the impact of the development.
12. In the interests of highway safety.
13. In the interests of amenity of occupiers of property in the locality.
14. To minimise the need for imported material and movement of HGV's on highways.
15. In the interests of visual amenity.
16. To prevent pollution of the water environment.
17. To prevent pollution of the water environment.
18. To prevent pollution of the water environment.
19. To ensure proper arrangements to limit surface water run off and to protect the quality of water supplies to private properties.
20. To protect controlled waters.
21. To ensure adequate arrangements are in place to reinstate the site.
22. To ensure adequate arrangements are in place to reinstate the site.
23. In the interests of safeguarding public rights of way.
24. In the interest of free and safe movement of traffic on the adjacent highway and to ensure the formation of a safe and satisfactory access.
25. To provide for the loading, unloading and parking of construction vehicles clear of the highway and to ensure that reversing by vehicles into or from the highway is rendered unnecessary in the interest of traffic safety.

26. To provide for loading, unloading and parking of service vehicles clear of the highway and to ensure that reversing by vehicles into or from the highway is rendered unnecessary in the interest of traffic safety.
27. To ensure proper arrangements for the capture of material for access tracks, and subsequent reinstatement of the land.
28. To ensure adequate arrangements for the archaeological recording and observations.
29. To ensure the protection of archaeological interests.
30. In the interests of air safety.
31. In the interests of air safety.
32. To ensure full investigation of television reception and arrangements to address any interference as a result of the development.
33. In the interests of the amenities of occupiers of Ty Newydd.
34. To ensure adequate steps are taken to protect and enhance the ecology of the area.
35. To ensure adequate steps are taken to protect and enhance the ecology of the area.
36. To ensure adequate steps are taken to protect and enhance the ecology of the area.
37. To minimise noise disturbance to residents in the vicinity of the wind farm.
38. To minimise noise disturbance to residents in the vicinity of the wind farm.

## **NOTES TO APPLICANT:**

**You are advised that this permission is subject to a Section 106 Obligation**

### **Guidance Notes for Noise Condition**

These notes are to be read with and form part of the noise condition No 34. They further explain the condition and specify the methods to be employed in the assessment of complaints about noise immissions from the wind farm. The rating level at each integer wind speed is the arithmetic sum of the wind farm noise level and any tonal penalty applied in accordance with Note 3. Reference to ETSU-R-97 refers to the publication entitled "The Assessment and Rating of Noise from Wind Farms" (1997) published by the Energy Technology Support unit (ETSU) for the Department of Trade and Industry (DTI).

#### **Note 1**

- (a) Values of the LA90,10-minute noise statistic should be measured, using a sound level meter of EN 60651/BS EN 60804 Type 1, or BS EN 61672 Class 1 quality (or the equivalent UK adopted standard in force at the time of the measurements) set to measure using the fast time weighted response as specified in BS EN 60651/BS EN 60804 or BS EN 61672-1 (or the equivalent UK adopted standard in force at the time of the measurements). This should be calibrated before and after each set of measurements, using a calibrator meeting BS EN 60945:2003 "Electroacoustics - sound calibrators" Class 1 with PTB Type Approval (or the equivalent UK adopted standard in force at the time of the measurements) and the results shall be recorded. Measurements shall be undertaken in such a manner to enable a tonal penalty to be calculated and applied in accordance with Guidance Note 3.
- (b) The microphone shall be mounted at 1.2 - 1.5 metres above ground level, fitted with a two-layer windshield or suitable equivalent approved in writing by the Local Authority.
- (c) The LA90,10-minute measurements should be synchronised with measurements of the 10-minute arithmetic mean wind speed and wind direction data and with operational data logged in accordance with Guidance Note 1(d) and rain data logged in accordance with Note 1(f).
- (d) To enable compliance with the conditions to be evaluated, the wind farm operator shall continuously log arithmetic mean wind speed in metres per second (m/s) and arithmetic mean wind direction in metres from north in each successive 10-minutes period at the permanent meteorological mast erected in accordance with the planning permission on the site. Each 10 minute arithmetic mean wind speed as measured on the mast at turbine hub height shall be 'standardised' to a reference height of 10 metres as described in ETSU-R-97 at page 120 using a reference roughness length of 0.05 metres. It is this standardised 10 metre height wind speed data which is correlated with the noise measurements determined as valid in accordance with Note 2(b), such correlation to be undertaken in the manner described in Note 2(c). The wind farm operator shall continuously log arithmetic mean wind speed, arithmetic mean nacelle orientation, arithmetic mean wind direction as measured at the nacelle and arithmetic mean power generated and turbine running mode during each successive 10-

minute period for each wind turbine on the wind farm. All 10-minute periods shall commence on the hour and in 10-minute increments thereafter synchronised with Greenwich Mean Time and adjusted to British Summer Time where necessary.

(e) Data provided to the Local Authority in accordance with paragraphs (F) (G) and (H) of the noise condition shall be provided in comma separated values in electronic format.

(f) A data logging rain gauge shall be installed during the whole of the assessment of the level of noise immissions. The gauge shall record the amount of rainfall in each successive 10-minute period synchronised with the periods of data recorded in accordance with Note 1(d). The wind farm operator shall submit details of the proposed location of the data logging rain gauge to the Local Authority prior to the commencement of measurements.

## **Note 2**

(a) The noise measurements should be made so as to provide not less than 20 valid data points as defined in Note 2 paragraph (b).

(b) Valid data points are those measured during the conditions set out in the assessment protocol approved by the Local Authority under paragraph (E) of the noise condition but excluding any periods of rainfall measured in accordance with Note 1(f) and any other periods which, in the opinion of the independent consultant, are not normal conditions.

(c) Values of the LA90, 10-minute noise measurements and corresponding values of the 10-minute standardised ten metre height wind speed for those data points considered valid in accordance with Note 2(b) shall be plotted on an XY chart with noise level on the Y-axis and wind speed on the X-axis. A least squares, "best fit" curve of an order deemed appropriate by the independent consultant (but which may not be higher than a fourth order) shall be fitted to the data points to define the wind farm noise level at each integer speed.

## **Note 3**

(a) Where, in accordance with the approved assessment protocol under paragraph (E) of the noise condition, noise immissions at the location or locations where compliance measurements are being undertaken contain or are likely to contain a tonal component, a tonal penalty shall be calculated and applied using the following rating procedure.

(b) For each 10-minute interval for which LA90, 10-minute data have been determined as valid in accordance with Note 2, a tonal assessment shall be performed on noise immissions during 2-minutes of each 10-minute period. The 2-minute periods should be spaced at 10-minute intervals provided that uninterrupted uncorrupted data are available ("the standard procedure"). Where uncorrupted data are not available, the first available uninterrupted clean 2-minute period out of the affected overall 10-minute period shall be selected. Any such deviations from the standard procedure shall be reported.

(c) For each of the 2-minute samples the tone level above audibility shall be calculated by comparison with the audibility criterion given in Section 2.1 on pages 104 -109 of ETSU-R-97.

(d) The tone level above audibility shall be plotted against wind speed for each of the 2-minute samples. Samples for which the tones were below the audibility criterion or no tone was identified, a value of zero audibility shall be substituted.

(e) A least squares "best fit" linear regression shall then be performed to establish the average tone level above audibility for each integer wind speed derived from the value of the "best fit" line fitted to values within  $\pm 0.5\text{m/s}$  of each integer wind speed. If there is no apparent trend with wind speed then a simple arithmetic mean shall be used. This process shall be repeated for each integer wind speed for which there is an assessment of overall levels in Note 2.

(f) The tonal penalty is derived from the margin above audibility of the tone according to the figure below derived from the average tone level above audibility for each integer wind speed.

## **Note 4**

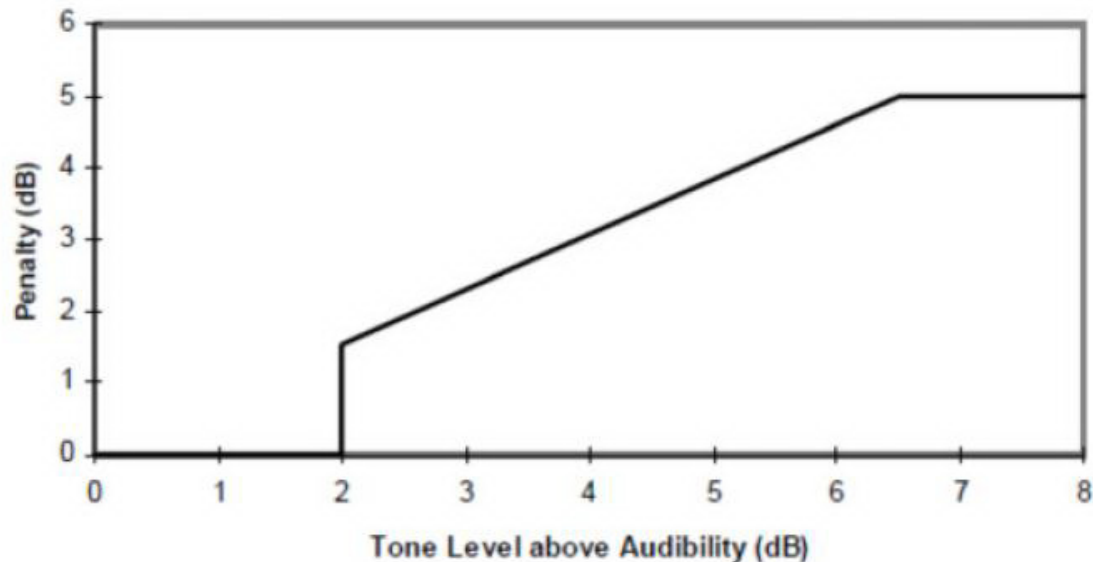
(a) If a tonal penalty is to be applied in accordance with Note 3 the assessment level of the turbine noise at each wind speed is the arithmetic sum of the measured noise level as determined from the best fit curve described in Note 2 and the penalty for tonal noise as derived in accordance with Note 3 at each integer wind speed within the range set out in the approved assessment protocol under paragraph (E) of the noise condition.

(b) If no tonal penalty is to be applied then the assessment level of the turbine noise at each wind speed is equal to the measured noise level as determined from the best fit curve described in Note 2.

(c) If the assessment level at every integer wind speed lies at or below the values set out in the Tables attached to the conditions then no further action is necessary since the rating level is also



clearly below the limits. In the event that the assessment level is above the limit(s) set out in the Tables attached to the noise conditions at any integer wind speed, the independent consultant shall undertake a further assessment to correct for background noise so that the rating level relates to wind turbine noise immission only.



(d) The wind farm operator shall ensure that all the wind turbines in the development are turned off for such period as the independent consultant requires to undertake the further assessment. The further assessment shall be undertaken in accordance with the following steps:

- i. Repeating the steps in Note 2, with the wind farm switched off, and determining the background noise (L3) at each integer wind speed within the range set out in the approved noise assessment protocol under paragraph (E) of this condition.
- ii. The wind farm noise (L1) at this speed shall then be calculated as follows where L2 is the measured level with turbines running but without the addition of any tonal penalty:
- iii. The rating level shall be calculated by adding the tonal penalty (if any is applied in accordance with Note 3) to the derived wind farm noise L1 at each integer wind speed.
- iv. If the rating level after adjustment for background noise contribution and adjustment for tonal penalty (if required in accordance with note (iii) above) at every integer wind speed lies at or below the values set out in the Tables attached to the conditions at all wind speeds then no further action is necessary. If the rating level at any integer wind speed exceeds the values set out in the Tables attached to the conditions then the development fails to comply with the conditions.

**ADDENDUM REPORT BY HEAD OF PLANNING AND PUBLIC  
PROTECTION****AGENDA ORDER, LATE INFORMATION AND AMENDMENTS TO  
PLANNING COMMITTEE REPORTS**

The following sheets are an addendum to the main agenda for the Committee. They set out the order in which items will be taken, subject to the discretion of the Chair, and they provide a summary of information received since the completion of the reports, and matters of relevance to individual items which should be taken into account prior to their consideration.

Where requests for public speaking on individual planning applications have been made, those applications will normally be dealt with at the start of that part of the meeting.

**AGENDA FOR THE MEETING**

1. APOLOGIES
2. DECLARATIONS OF INTEREST
3. URGENT MATTERS AS AGREED BY THE CHAIR
4. MINUTES (Pages 11-14)

**APPLICATIONS FOR PERMISSION FOR DEVELOPMENT**  
(Items 5 - 10)

**ORDER OF APPLICATIONS****PART 1****ITEM No****PAGE**

<b>Public Speaker items</b>	<b>Application no.</b>	<b>Location</b>	
<b>5</b>	07/2015/0414/PFT	<b>Tyfos Llandrillo Corwen</b>	15
<b>6</b>	08/2015/0792/PO	<b>Land adjoining Hafod Wen Cynwyd Corwen</b>	49
<b>7</b>	19/2015/0699/PF	<b>Graig Llanellidan Ruthin</b>	61
<b>8</b>	23/2014/1440/PF	<b>Land East of Llyn Brenig Nantglyn</b>	75
<b>Other applications</b>			
<b>9</b>	45/2015/0786/PF	<b>Home Bargains Marsh Road Rhyl</b>	127
<b>10</b>	45/2015/0944/PF	<b>26 Walnut Crescent, Rhyl</b>	145

The letter (c) after a Local Member's name denotes a Member of Planning Committee.

## PUBLIC SPEAKER ITEMS

<p><b>ITEM 5</b> <b>07/2015/0414/PFT</b></p>	<p><b>Tyfos Llandrillo Corwen</b> Erection of one wind turbine with a hub height of 30.5m (48.01m to tip), control box and associated works</p>	<p><b>Page</b> <b>15</b></p>
<p><b>LOCAL MEMBER:</b> Councillor Cefyn Williams (c)</p> <p><b>OFFICER RECOMMENDATION IS TO REFUSE</b></p> <p><b>Public Speaker: Against : Andrew Jedwell</b> <b>Public speaker: For: Sian Jones</b></p> <p>-----</p> <p><b>ADDITIONAL MAP</b> (White sheet) The map is a better quality version of the one on Page 27 of the report, providing an indication of the location of operating and consented turbines in the County.</p> <p><b>LATE REPRESENTATIONS</b></p> <p><b>Consultees</b></p> <p>Llandrillo Community Council "No objections to planning number 07/2015/0414 to change the route for the electric cable to the proposed wind mill at Tyfos".</p> <p>Airbus Confirm there are no conflicts with aerodrome safeguarding criteria.</p> <p><b>Private individuals</b> In objection: J. Mitchell, Maes Hir, Llandrillo, Corwen H. Mitchell, Maes Hir, Llandrillo, Corwen L. Mollinson-White, Llanerch, Cynwyd T. Hickish, Caerau Uchaf, Sarnau M. Murray, Tyn y fron, Llanderfel Pia Tiainen, Tyn y fron, Llanderfel H.K. Phillips, 5 Rhos Helyg, Llandrillo S. Cox, Cadair Fronwen, Berwyn Street, Llandrillo C.A. Poole, Tai Bethania, Cynwyd</p> <p>Summary of planning based representations in objection: Principle – precedent for other such applications / industrial development in open countryside / contrary to policy / no need for additional revenue streams / inefficiency of turbines Landscape / visual impact – too large and will be seen from all over the valley / AOB / adverse impact to Dee Valley and Berwyn mountain / cumulative impacts / will change the character of the area / Noise – Syrior turbines already audible Shadow flicker - Impact on wildlife – seems to be limited analysis Impact on tourism –</p>		

Impact on ancient monuments

No need for extra revenue streams - Size too big just for farm use / capacity way in excess of requirements

Inadequate / poorly presented submission – ignores key documents and best practice guidance

Bodelith turbines recently refused – shows general opinion is winning the fight to protect the countryside from damage

#### **ADDENDUM REPORT**

The application was subject to a Site Inspection Panel meeting at 8.30am on Thursday November 5<sup>th</sup>, 2015.

In attendance were:

CHAIR – Councillor Ray Bartley

VICE CHAIR – Councillor Win Mullen-James

LOCAL MEMBER – Councillor Cefyn Williams

LLANDRILLO COMMUNITY COUNCIL – Mr. John Wyn Jones

The Officer present was Mr Ian Weaver

The reason for calling the site panel was to assess the impact on the landscape and whether the proposal would have an overbearing visual impact.

At the Site Inspection panel meeting, Members considered the following matters:

1. The detailing of the proposed development, including the location and size of the turbine.
2. The character of the area in which the turbine is proposed.
3. The proximity to other turbine sites in the area, including operational, approved, and proposed sites, and the respective boundaries of the AONB, Snowdonia National Park, the AOB, and the Clocaenog Forest Strategic Search Area.
4. The proximity to other dwellings and farms in the area.
5. Other background information including the basis of responses to the application.

In relation to the matters outlined :

1. The Planning Officer outlined the details of the scheme, which involved a 3 bladed 225kW turbine, and associated works including on site cabling linking the turbine to a proposed substation building near to the entrance to the Tyfos complex. It was explained that the turbine would have a tip height of 48 metres and a rotor diameter of 35 metres, and that the cable route had been revised to address issues relating to impacts on a stone circle immediately south of the dwelling at Tyfos.

2. Members observed the turbine would be located in open countryside above and to the north west of Llandrillo village, in an area of undulating topography.

3. Members were aware of the proximity and height of existing turbines in the locality including at Syrior (46m) and Braich Ddu (90m), the recent refusal of permission by Gwynedd County Council for 2 turbines nearby at Bodelith, and of the location of the Strategic Search Area and other turbines in the south of the County.

4. Members were aware of the proximity of the proposed turbine in relation to the nearest dwellings other than Tyfos itself.

5. The Planning Officer provided a factual outline of the representations received, both in

	support and in objection to the application. Whilst it was suggested that the main issue arising concerned the landscape/visual impact, which was the subject of many of the individual representations and consultation responses, there was discussion on this and other matters of relevance to the determination.	
<b>ITEM 6</b> <b>08/2015/0792/PO</b>	<b>Land adjoining Hafod Wen Cynwyd Corwen</b> Development of 0.09ha of land by the erection of 1 dwelling (outline application with all matters reserved)	<b>Page</b> <b>49</b>
	<p><b>LOCAL MEMBER:</b> Councillor Cefyn Williams (c)</p> <p><b>OFFICER RECOMMENDATION IS TO REFUSE</b></p> <p><b>Public Speaker: For : Peter Lloyd</b></p> <hr/> <p>ADDITIONAL MAP (White sheet)          The map is a better quality version of the one on Page 91 of the report, providing an indication of the location of operating and consented turbines in the County.</p> <p><b>LATE REPRESENTATIONS</b></p> <p>Cynwyd Community Council          "Cynwyd Community Council very strongly support this application</p> <ul style="list-style-type: none"> <li>• It is very close to the village boundary</li> <li>• like Denbighshire County Council, we strongly support small businesses in Rural Areas"</li> </ul> <p><b>ADDITIONAL INFORMATION</b></p> <p>The applicant's agent forwarded a 6 page letter to the case officer dated 28<sup>th</sup> October 2015, with the request that its contents are given full consideration. The letter makes reference to the applicant's childminding business, her qualifications, the contribution of the facility to the local community, and to a number of 'policy directives' including Planning Policy Wales (sections on Economic Development and Planning for Sustainability) and the Local Development Plan (Policies PSE 5 and BSC12). It comments on the intention to ensure the dwelling will blend in with the neighbouring properties and meet the policy requirements.</p> <p><b>ADDENDUM REPORT</b></p> <p>The application was subject to a Site Inspection Panel meeting at 9.30am on Thursday November 5<sup>th</sup>, 2015.</p> <p>In attendance were:          CHAIR – Councillor Ray Bartley          VICE CHAIR – Councillor Win Mullen-James          LOCAL MEMBER – Councillor Cefyn Williams</p> <p>CYNWYD COMMUNITY COUNCIL – Mrs Gwen Wynne</p> <p>The Officer present was Mr Ian Weaver</p> <p>The reason for calling the site panel was to view the location of the property and to appreciate the planning policy considerations.</p> <p>At the Site Inspection panel meeting, Members considered the following matters:</p>	

<p>1. The basic details of the proposal.</p> <p>2. The character of the area in the vicinity of the site, including proximity to other dwellings and the development boundary of the village.</p> <p>3. Other background information including the basis of responses to the application</p> <p>In relation to the matters outlined :</p> <p>1. Members viewed the site from the driveway to the property. The Planning Officer explained this involved an outline application for a dwelling on land adjacent to the existing bungalow at Hafod Wen. Members were shown the submitted site plan which indicated the intention to use the same access serving Hafod Wen, and were given an outline of the background to the application, including the arguments put forward on behalf of the applicant in support of the grant of permission.</p> <p>2. Members noted the relationship of the plot to nearby dwellings and were aware that it was outside the village boundary for Cynwyd in the Local Development Plan, the actual boundary being delineated by the driveway to Hafod Wen.</p> <p>3. The Planning Officer offered a summary of the issues arising on the application and a factual outline of the representations received. There was discussion on the planning policy situation, the relevance of local needs considerations, land supply arguments, and the relevance of the childminding use and the applicant's circumstances to the determination of the application.</p>	
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<p><b><u>ITEM 7</u></b> <b><u>18/2015/0501/PF</u></b></p>	<p><b>Graig Llanelidan Ruthin</b> Demolition of existing attached outhouse building and erection of two storey extension and associated works</p>	<p><b>Page</b> 61</p>
<p><b>LOCAL MEMBER:</b> Councillor Hugh Evans</p> <p><b>OFFICER RECOMMENDATION IS TO REFUSE</b></p> <p><b>Public Speaker: For : Gareth Powell</b></p> <p>-----</p> <p><b>No late information</b></p>		

<p><b><u>ITEM 8</u></b> <b><u>23/2014/1440/PF</u></b></p>	<p><b>Land East of Llyn Brenig Nantglyn</b> Construction and operation of a wind farm comprising of sixteen wind turbines along with transformers, access tracks, on-site switchgear and metering building, two anemometry towers and associated construction and operation infrastructure (revised scheme partially implemented under planning permission reference 25/2007/0565)</p>	<p><b>Page</b> 75</p>
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**LOCAL MEMBER:** Councillor Joe Welch (c)

**OFFICER RECOMMENDATION IS TO GRANT**

**Public Speaker: *Against* : Dona Jones**

**Public Speaker: *For* : John Woodruff**

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**LATE REPRESENTATIONS**

**Private individuals**

In objection:

M. Barlow, 5 Maes Robert, Cefn, St Asaph  
V. Lindesay, 1 Tyn y Groesffordd, Llanbedr D.C., Ruthin  
I.W. Jones, Hafod Olygfa, Saron, Denbigh  
R.G. Jones, Hafod Olygfa, Saron, Denbigh  
E.Jones, Hafodty Du, Saron, Denbigh  
Dr James Davies MP, 1 Hanover house, The Roe St. Asaph  
E. Edwards, Penrallt, Bontuchel, Ruthin  
R. Ceen, Pistyll House, Pistyll Lane, Cymau, Flintshire

Main points in objection:

**Landscape / visual impacts**

Development would go substantially beyond the level of damage likely from the consented scheme / applicant's original proposals referred to scoping for 115m tip height being reduced to 100m to allow for cohesive design with Tir Mostyn / Foel Goch turbines and within the context of the landscape form, so proposals now would run contrary to this conclusion / turbines would be 50% taller than the Tir Mostyn ones , which is a different order of magnitude / swept area would be one third greater than the consented turbines on the site and three and a half times greater than the Tir Mostyn ones / application documents underplay significance of changes effects / increase in size will compound and exacerbate the blight of the Hiraethog and AONB landscape / concern over impact from Brenig direction in particular now trees have been felled

**Noise impacts**

Unsatisfactory approach to noise issues / similar failure of submission to address issues properly beyond dismissing them as of no greater significance than previously, not backed up by evidence, that no change in noise levels will result despite the larger turbines / concerns over the suggestions for night time and day time noise levels / concerns over noise monitoring undertaken and potential for more noise than approved application

**Tourism impact**

Industrialisation of the area around Llyn Brenig

**Biodiversity impact**

Need to ensure concerns of NRW and the Biodiversity Officer on effects on sensitive bat populations are addressed through best practice conditions re monitoring and curtailment, including temporary shutdown periods – if permission is granted.

**Nature of application**

Council should be aware of developer tactic in obtaining permission for one scheme then amending it to a form for which consent would not have been given originally – scheme is misleadingly described as a tip height extension when it is an entirely new application

**Implementation of 2009 permission**

Reference in report to partial implementation of the original application is not correct / works carried out in 2014 were undertaken to prevent the planning permission running out under

the 5 year rule, limited work carried out can in no way be logically described as ‘partially implemented’ by anyone applying common sense.

### **Information from the applicant’s agent**

The agent has reviewed the suggested planning conditions and has commented on the wording of some of these. In relation to :

- No 4 - the agent has requested that consideration be given to a minor redrafting to permit a larger micro-siting allowance in relation to turbine 14 due to the presence of deep peat around it, to minimise impact on peat. Officers consider this to be reasonable in order to address the particular issue. The suggested redrafted wording of condition 4 follows after the site panel notes below.
- No.5 - the agent has pointed out that the location and finish of the switchgear building has been agreed in relation to the existing permission. Officers consider the condition needs to be reapplied as the grant of permission would be a fresh consent.
- No. 11 – the agent has pointed out the need to revise condition 4 in relation to the micro-siting of turbine 14, as otherwise the requirement in Condition 11 in relation to peat loss will be hard to implement. This has been addressed in the suggested redrafted wording of Condition 4.
- The repetition of a number of conditions which have been discharged in part or full in relation to the 2009 permission – the agent has asked if the wording can be revised to cross-reference to the part or full approvals to save time and repetition of effort. Officers take the view that it would be cleaner to simply reimpose the relevant conditions on what is a fresh planning permission rather than over-elaborate the wording to refer to what would be a superceded permission if the current application is consented and implemented.
- Noise conditions – the agent has raised matters of detail which have been taken up with the Council’s Noise Consultant. The noise consultant’s response is quoted below. Officers suggest that the drafting of conditions 6 and 31A be revised to oblige approval of the type of turbine to be used and to control the use of reduced noise modes.

### **Council’s Noise Consultant**

The Consultant has commented as follows on the noise issues raised by the applicant’s agent:

“The original Brenig condition and the one currently proposed here are based on a procedure for limiting noise from individual wind farms to a set of noise levels which, when added to existing or likely future wind developments would result in a defined cumulative noise level at any property from all wind farms together. Because the planning condition limits recommended here already take account of existing wind farms it is not necessary for the applicant to carry out a full cumulative noise assessment.

As is normal in wind farm applications, the final turbine is not specified. It is not necessarily the case that bigger turbines are more noisy but, more importantly, all modern turbines can be operated in a set of low noise modes. I am satisfied that there is a range of suitable turbines that can be operated in such a way as to meet the planning condition limits. It is likely that all turbines will be run in a noise reduced mode some of the time.

Following representation from the applicant to remove Condition 38I, I recommend that this removal be accepted but that condition 38A is modified as proposed here. This modification would require the Council to approve the detailed use of reduced noise modes generally. I am satisfied that this will not materially affect the impact of noise on residents.

Whilst there is no doubt that the turbines will be audible at surrounding locations some of the time, the limits set in the conditions - 35dB or 3dB above background noise - are lower than the lowest day time limit ETSU-R-97 normally permits. What is more they also apply at night, replacing the normal night time limit of 43dB.



Modified Condition 38A

*The wind farm operator shall submit to the local authority **a curtailment scheme and specifications for the turbine type and applicable operational modes to be used and this shall be approved in writing by the local authority prior to the first export date and thereafter implemented as approved. The specifications shall include the tested apparent sound power level of the turbines and the uncertainty values in the measurements for all applicable running modes of the turbines all in accordance with IEC61400-11. The curtailment plan shall also set out the predicted noise levels and operational modes for the turbines for each wind speed and direction.***

**ADDENDUM REPORT**

The application was subject to a Site Inspection Panel meeting at 11am on Thursday November 5<sup>th</sup>, 2015.

In attendance were:

CHAIR – Councillor Ray Bartley

VICE CHAIR – Councillor Win Mullen-James

LOCAL MEMBER – Councillor Joseph Welch

NANTGLYN COMMUNITY COUNCIL – Mr Ian Gardner

The Officer present was Mr Ian Weaver

The reason for calling the site panel was to look at the impact of loss of visual amenity and to see scale compared to turbines close by,

At the Site Inspection panel meeting, Members considered the following matters:

1. The detailing of the proposed development, including the layout of the site and the dimensions of the turbines.
2. The proximity to other turbine development, and the boundary of the Clocaenog Forest Strategic Search Area.
3. The proximity to Nantglyn village, other dwellings and farms in the area.
4. Other background information including the basis of responses to the application

In relation to the matters outlined :

1. The Planning Officer outlined the details of the scheme, which involved 16 turbines and associated development including access works and transformers / switchgear buildings. It was explained that there was an existing permission in place for the development of 16 turbines of 100m height with rotor diameters of 80m, which had commenced through the carrying out of access works. The proposals involved the same layout and location of turbines, but an increase in the dimensions of the turbines, which would be 110m in height with rotor diameters of 90m.

2. Members viewed the site from near the entrance off the B road. This allowed an appreciation of the relationship with the existing turbines at Tir Mostyn / Foel Goch (75m high) and the single turbine at Hafodty Ddu (81m high). Attention was drawn to the approximate location of the consented Clocaenog Forest Windfarm (32 turbines, 145m height), and to the location of the Pant y Maen site, which was the subject of a current undetermined application for 8 turbines, 102m height.

3. Members noted the location of the site relative to Nantglyn village (3 km) and to the

nearest dwellings.

4. The Planning Officer gave a factual outline of the representations received in relation to the application, which highlighted the issues of principle involved, and the main concerns expressed over landscape/visual impact and the noise implications as expressed in many of the individual responses and consultee comments. There was discussion over points raised by the Community Council representative including cumulative landscape / visual and noise considerations, responses from consultees, the approach to controls over turbine types if permission were to be considered, and the reason for the increase in dimensions of the turbines.

### **REVISIONS TO CONDITIONS**

Officers are requesting the following revisions to the wording of conditions in the event permission is granted:

4. With the exception of proposed turbine 14, the location of the turbines and ancillary structures such as anemometer masts, and the access tracks, shall be in the positions indicated on the submitted plans, subject to variation of the indicated position of any turbine or any track on the plans by up to 20 metres, or where the written approval of the Local Planning Authority has been given to a variation arising from details approved in relation to other conditions of this permission. Any variation greater than 20 metres shall require the written approval of the Local Planning Authority.  
In relation to turbine 14, a micro-siting allowance of up to 50 metres shall be permitted to take account of the presence of deep peat deposits.

6. This permission relates solely to the erection of 3 bladed wind turbines as described in the application plans and drawings with a maximum height to blade tip of 110m from original ground level, and no turbines shall be erected until the prior written approval of the Local Planning Authority has been obtained to the type / make of turbines to be used. The development shall be carried out strictly in accordance with the approved details.

38A. The wind farm operator shall submit to the local authority a curtailment scheme and specifications for the turbine type and applicable operational modes to be used and this shall be approved in writing by the local authority prior to the first export date and thereafter implemented as approved. The specifications shall include the tested apparent sound power level of the turbines and the uncertainty values in the measurements for all applicable running modes of the turbines all in accordance with IEC61400-11. The curtailment plan shall also set out the predicted noise levels and operational modes for the turbines for each wind speed and direction.

Condition 38I to be deleted.

### **OFFICER NOTES**

The above notes and the officer report cover matters raised in the late representations. The contention that reference to the implementation of the 2009 permission is in error is not accepted. The Council has confirmed that the access works undertaken constitute a 'material operation' in accordance with legislation and that this is a lawful commencement of the development.

## OTHER APPLICATIONS

<b>ITEM 9</b> 45/2015/0786/PF	<b>Home Bargains Marsh Road Rhyl</b> Erection of extension and alterations to existing retail unit and demolition of building at southern end of site	<b>Page</b> 127
<p><b>LOCAL MEMBERS:</b> Councillors Pat Jones (c ) and Pete Prendergast (c )</p> <p><b>OFFICER RECOMMENDATION IS TO GRANT</b></p> <p>-----</p> <p><b>Suggested Additional Condition:</b>  Prior to the commencement of development, details of the arrangements to prevent vehicles exiting the car park directly onto Marsh Road shall be submitted to and approved in writing by the Local Planning Authority and those details approved shall be implemented prior to the approved development being brought into use.</p> <p>Reason: In the interest of highway safety.</p>		
<b>ITEM 10</b> 45/2015/0944/PF	<b>26 Walnut Crescent, Rhyl</b> Erection of extension and alterations to existing retail unit and demolition of building at southern end of site	<b>Page</b> 145
<p><b>LOCAL MEMBERS:</b> Councillors Brian Blakeley (c ), Win Mullen – James (c ) and Bill Tasker (c )</p> <p><b>OFFICER RECOMMENDATION IS TO GRANT</b></p> <p>-----</p> <p><b>No late information</b></p>		

## SPECIAL REPORTS

To consider a report presenting the planning guidance note for use in the pre-application process and the determination of planning applications for approval.