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12/2015/0656

Scale: 1:5000

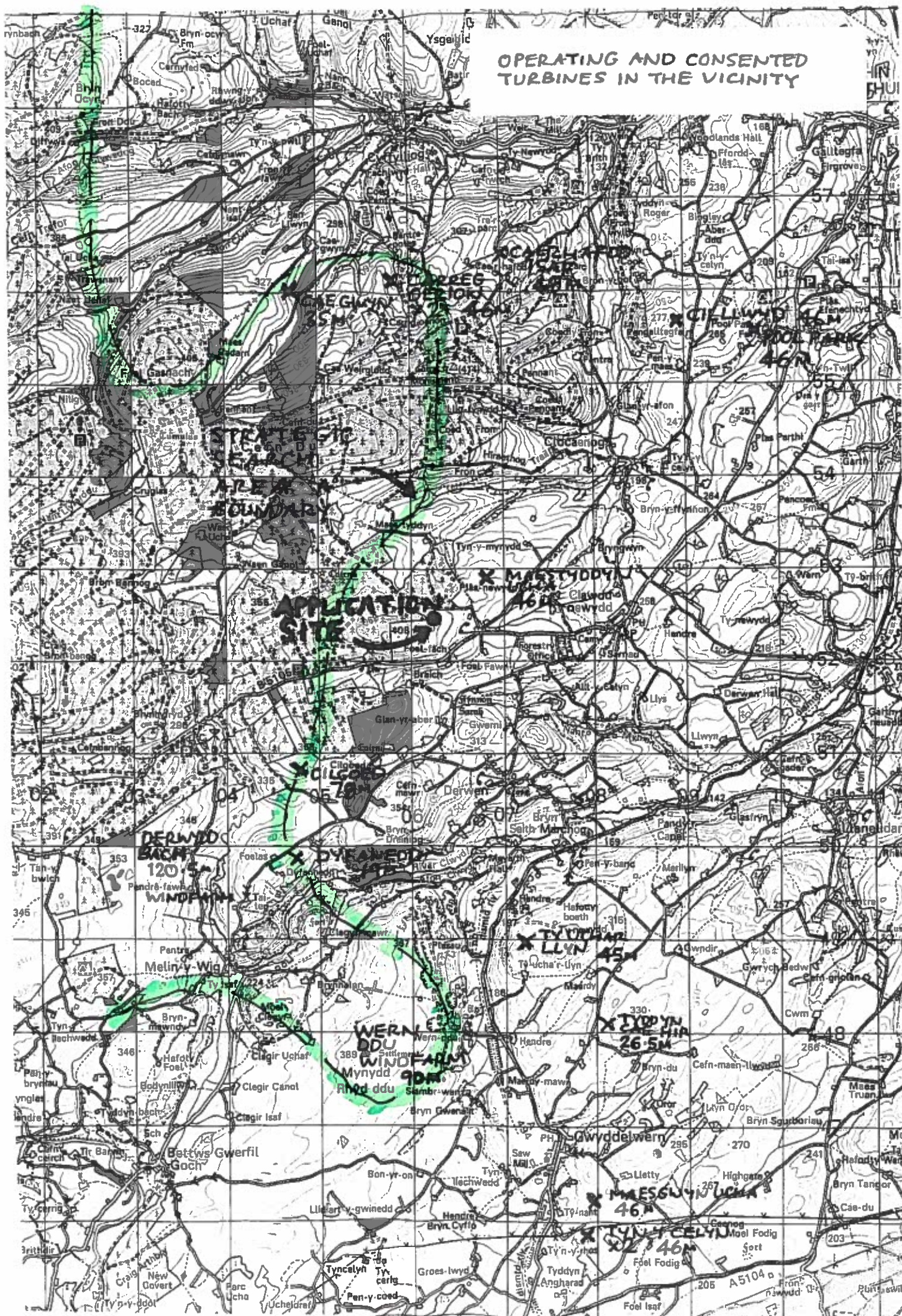
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OPERATING AND CONSENTED  
TURBINES IN THE VICINITY





# LOCATION PLAN

## LEGEND

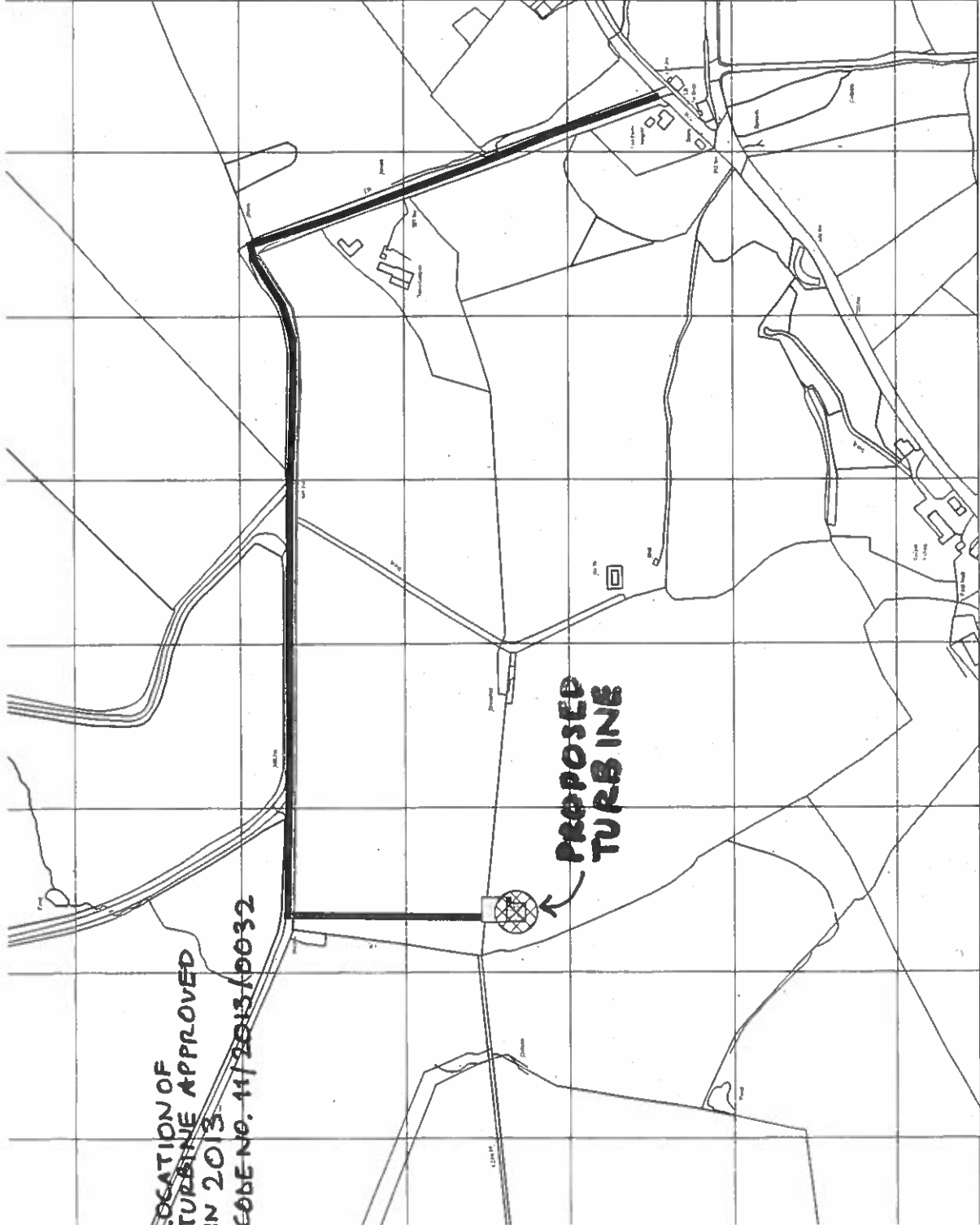
-  Existing access track
-  New 4m wide access track
-  Turbine Foundation 11.5m x 11.5m
-  Control Kiosk 2m(l) x 1m(b)
-  Crane Pad 15m x 15m
-  Turbine Blade Extent 26m (rotor diameter)

Site Name: Penymynydd, adjacent to Clocaenog Forest  
 Turbine Location: 306236E, 352433N

The highest point of the turbine blade rotation is 49.9m.

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LOCATION OF  
 TURBINE APPROVED  
 IN 2013.  
 CODE NO. 11/2013/0032

**PROPOSED  
 TURBINE**

CONSTANTINE WIND ENERGY  
 FIRST FLOOR, RIVER COURT  
 THE OLD MILL OFFICE PARK  
 MILL LANE  
 GODALMING  
 SURREY  
 GU7 1EZ

DRG. NO.-REV.	CLO_001
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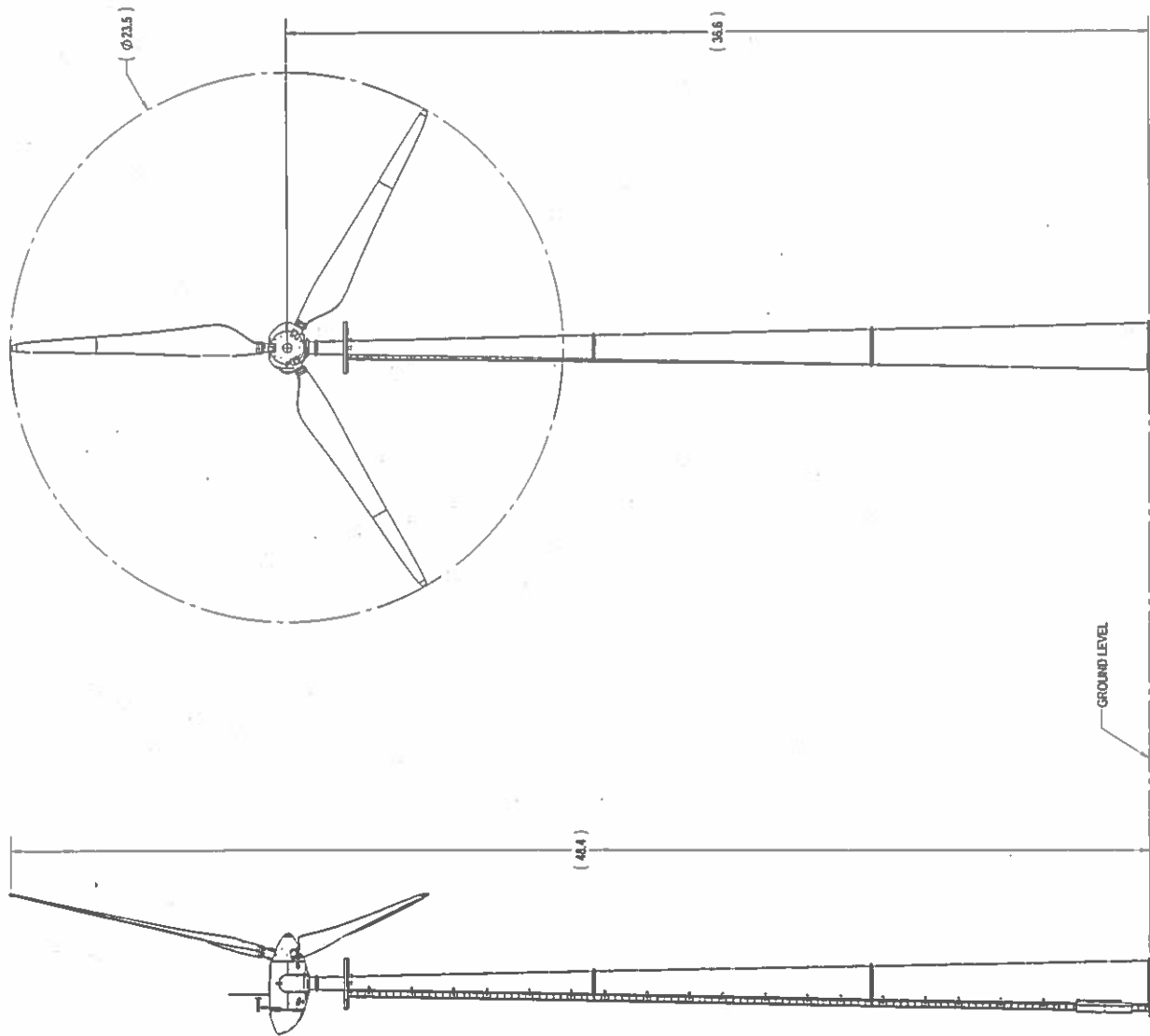
PURPOSE OF ISSUE			
DRAWN	CHECKED	APPROVED	DATE
PP			
SCALE @ A3 1:2,500			

DRG. TITLE	Site Plan
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PROJECT	Penymynydd, adjacent to Clocaenog Forest, west of Tan y Creigiau, Clawddhnewydd, Ruffin
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REV	DATE	DESCRIPTION	UNIT	CHG





NOTE:  
DIMENSIONS APPROXIMATE AND PROVIDED FOR PLANNING  
PURPOSE ONLY.

# TURBINE DETAIL

DO NOT SCALE DRAWING  
UNLESS OTHERWISE SPECIFIED

\* ALL DIMENSIONS ARE IN METERS.  
\* DIMENSIONING AND TOLERANCING AS PER ASME Y14.5M-1994.  
\* DIMENSIONAL LIMITS APPLY AFTER FINISH.

SCALE	1:200
FORMAT	B
DATE	03/Sep/2014
APPROVED AND CHECK BY / APPROVAL DATE	
DESIGNED BY	
DRAWN BY	Rajesh (CPT)
PROJECT	E-4660

THIRD ANGLE PROJECTION

**Endurance**  
wind power

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TITLE E-4660 Elevation, 36m Tower, Class II

PART NUMBER	005670	REVISION	1	PRINT DATE	03/Sep/2014	SHEET	1 / 1
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REV.	PAGE	DESCRIPTION	DATE	ASSIGNEE	ECO
1		Initial release	25/Aug/2014	DS	2089





**WARD :** Efenechtyd

**WARD MEMBERS:** Councillor Eryl Williams

**APPLICATION NO:** 12/2015/0656/ PFT

**PROPOSAL:** Installation of single wind turbine with associated access track, foundation, crane hard standing and equipment housing cabinet

**LOCATION:** Land adjacent to Clocaenog Forest West of Tan Y Creigiau Clawddnewydd Ruthin

**APPLICANT:** Mr Peter Fusco Constantine Wind Energy

**CONSTRAINTS:**

**PUBLICITY** Site Notice – Yes

**UNDERTAKEN:** Press Notice – No

Neighbour letters - Yes

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

- Recommendation to grant / approve – Town / Community Council objection

**CONSULTATION RESPONSES:**

**DERWEN COMMUNITY COUNCIL**

First response

“Derwen Community Council objects to the above planning application for the following reasons:-

1. The development site is too close to local residents of seven properties.
2. There was no neighbouring consultation with local residents on the planning application.
3. There will be noise pollution generated from the wind turbine.”

Second response.

“The Members of Derwen Community Council are of the opinion that as there is planning consent (Planning Application Number: 11/2013/0032) in place at the location site which has not been withdrawn by the applicant as yet. If our understanding is correct that the planning application 12/2015/0656 will replace planning application 11/2013/0032, then the planning application 11/2013/0032 must first be withdrawn before Denbighshire County Council Planning Department can consider the planning application 12/2015/0656.”

**CLOCAENOG COMMUNITY COUNCIL**

“Clocaenog Community Council objects to the above planning application on the following grounds.

The Members are of the opinion that as there is planning consent (Application Number: 11/2013/0032) in place at the location site which has not been withdrawn by the applicant as yet. If our understanding is correct that the application 12/2015/0656 will replace planning application 11/2013/0032 then the planning application 11/2013/0032 must first be withdrawn before Denbighshire County Council Planning Department can consider the planning application 12/2015/0656. The current 12/2015/0656 should also be refused for the following reasons:-  
The proposed wind turbine is too close to the existing surrounding properties.

The existing surrounding properties have not been consulted by the Planning Department on the planning application.

The noise pollution of the proposed wind turbine would not be acceptable for the surrounding properties.

The Members of Clocaenog Community Council, as a matter of course, request that the Planning Application is to be considered by the Denbighshire County Council Planning Committee.”

#### AONB JOINT COMMITTEE

“Thank you for consulting the AONB on this application. The following observations are submitted on behalf of the Joint Committee in consultation with the Chair:

The application site is approximately 8km outside the AONB but, having regard to the scale of the development, it will inevitably be visible in distant views from the higher ground of the protected landscape and will contribute to the increasingly wind farm dominated landscape which separates the AONB and Snowdonia National Park. However, the Joint Committee notes that there is an extant permission (Code No: 11/2013/0032) for a 62m high (to blade tip) single turbine on a nearby site which it is suggested will be revoked if the current application is granted. A 49.9m high turbine will clearly have less visual impact than the currently permitted structure and, in this context, the AONB has no observations to make on the application other than to recommend the need for robust arrangements to ensure that the current permission is revoked if the planning authority is minded to grant this application.”

#### NATURAL RESOURCES WALES

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

#### AIRBUS

No aerodrome safeguarding objections to the proposal.

#### NATS / NERL

No response.

#### MOD

No response.

#### DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

Head of Highways and Infrastructure

- Highways Officer  
No objections subject to conditions requiring details of the site compound, traffic management, and the proposed access, etc.
- Pollution Control Officer  
Has advised that there are no objections subject to inclusion of conditions limiting noise levels in accordance with the Noise Impact Assessment.
- Biodiversity Officer  
Is satisfied that the ecological surveys have been undertaken to an acceptable standard and concurs with the conclusions of the report. The recommendations of the Preliminary Ecological Appraisal report should be conditioned (points 5.1.6, 5.1.7, 5.1.8 and 5.1.9 in Summary chapter), plus the Reptile and Amphibian RAMS scheme. Without these the proposal is likely to have adverse impacts on ecological features including protected species.

## **RESPONSE TO PUBLICITY:**

### **In objection**

J. Hopkinson, Fron Dirion, Llanfihangel Glyn Myfyr, Corwen

Summary of planning based representations in objection:

#### Principle

Application pre dates May 2015 General Election, new Westminster Government has a policy of not having any more onshore wind / energy production is not a devolved issue, so Denbighshire should refuse the application as to do otherwise would be in contradiction of national policy.

## **EXPIRY DATE OF APPLICATION:**

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

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

## **PLANNING ASSESSMENT:**

### **1. THE PROPOSAL:**

#### 1.1 Summary of the proposals

- 1.1.1 The application is for the erection of a 100kW wind turbine, a site track to an existing access to the highway network, a hardstanding for the crane in connection with construction, and an equipment housing cabinet.
- 1.1.2 The turbine proposed is a Northwind 100 with 3 blades. This would have a hub height of 37m and a rotor diameter of 26 metres, making a ground to blade tip height of approximately 50 metres.
- 1.1.3 The Planning Statement explains that the purpose of the application is to achieve a consent to move a 62m high turbine (on a site 350m to the south east), which was granted permission in 2013, and that it is appreciated that a legal agreement must be signed to relinquish this consent.
- 1.1.4 The application is accompanied by a range of supporting documents including a Planning, Design and Access Statement, Landscape and Visual Assessment, a Preliminary Ecological Appraisal, a Noise Impact Assessment, a Cultural Heritage Assessment, and related plans, photomontages and drawings.
- 1.1.5 The Planning Application Supporting Statement advises that the applicants are Constantine Wind Energy, who are a renewable energy developer, owner and operator with a focus on small to medium scale turbine schemes, developed in partnership with individual local landowners. It is stated that ... "the agreement with the local landowner would allow for the erection of a turbine which would make a small but nonetheless meaningful contribution towards the realisation of renewable energy and carbon reduction targets."

## 1.2 Description of site and surroundings

- 1.2.1 The turbine would be sited in an agricultural field in a location immediately to the east of forestry plantation in Clocaenog Forest, some 380 metres to the west of the dwelling at Tan y Creigiau. The track which would serve the site provides access to the farms at Maes Tyddyn Ucha and Isaf to the north, and runs from a minor road near a junction onto the B5401 Clawddnewydd – Cerrigydrudion road.
- 1.2.2 The nearest villages are Clawddnewydd and Derwen at some 2 km distance, and Clocaenog at 3km.
- 1.2.3 The ground level is approximately 366m AOD in the proposed position of the turbine.
- 1.2.4 There is an existing 46m high, 50kW turbine at Maestyddyn Isa some 1km to the north east. The nearest turbine of the Wern Ddu windfarm (90m high) is some 3.5km to the south.
- 1.2.5 Residential properties in the vicinity include the following, with approximate distances from the proposed turbine :
- Tan y Creigiau – 380m to the east
  - Foel Fach - 330m to the south east
  - Cysgod y Graig – 330m to the south east
  - Foel Fach Cottage - 340m to the south east
  - Troed y Foel– 400m to the south east
  - Foel Fach newydd – 480m to the south east
- 1.2.6 The plans at the front of the report show the location of the site relative to the Clocaenog Forest Strategic Search Area and to other turbines in the area, including respective sizes.

## 1.3 Relevant planning constraints/considerations

- 1.3.1 The site is in open countryside outside any development boundaries approved in the Local Development Plan.
- 1.3.2 The site lies just over 1km to the east of, and outside the boundary of the Clocaenog Forest Strategic Search Area identified in Technical Advice Note 8 (TAN 8), i.e. the area deemed suitable for large scale wind turbine development.
- 1.3.3 The site is not within an area with a statutory landscape designation, The western boundary of the Clwydian Range AONB is some 8km to the east.

## 1.4 Relevant planning history

- 1.4.1 Planning permission was granted in April 2013 for a 62m high turbine on land some 350m to the north west of the site now proposed for the turbine.

## 1.5 Developments/changes since the original submission

- 1.5.1 The applicant's agent has confirmed that it is accepted a legal agreement would be required to revoke the 2013 permission for the 62m high turbine, in the event of this permission being granted.
- 1.5.2 The agent and noise consultant have been in contact with the Public Protection Officer in relation to the noise assessment information, in order to agree the appropriate approach to controls over noise levels at nearby properties.

## 1.6 Other relevant background information

- 1.6.1 None.

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

2.1 11/2013/0032

Erection of a single wind turbine with a maximum blade tip height of 62m and associated infrastructure including; creation of a new access track, a crane pad and an equipment housing cabinet

Land adjacent to Clocaenog Forest, west of Tan y Creigiau Clawddnewydd, Ruthin  
Granted 17/04/2013

### 3. RELEVANT POLICIES AND GUIDANCE:

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 VOE 1** – Key areas of importance

**Policy VOE5** – Conservation of natural resources

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

3.1 Supplementary Planning Guidance

N/A

3.2 Government Policy / Guidance

Planning Policy Wales Edition 7 July 2014

TAN 8 Planning for Renewable Energy (2005)

TAN 5 Nature Conservation and Planning (2009)

TAN 6 Planning for Sustainable Rural Communities (2010)

TAN 11 Noise (1997)

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

3.3 Other material considerations

Denbighshire Landscape Strategy (2003) / LANDMAP

Conwy and Denbighshire Landscape Sensitivity and Capacity Assessment for Wind Energy Development, Final Report May 2013

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

### 4. MAIN PLANNING CONSIDERATIONS:

In terms of general guidance on matters relevant to the consideration of a planning application, Planning Policy Wales Edition 7, July 2014 (PPW) confirms the requirement that planning applications 'should be determined in accordance with the approved or adopted development plan for the area, unless material considerations indicate otherwise' (Section 3.1.2). PPW advises that material considerations must be relevant to the regulation of the development and use of land in the public interest, and fairly and reasonably relate to the development concerned., and that these can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment (Sections 3.1.3 and 3.1.4).

The following paragraphs in Section 4 of the report therefore refer to the policies of the Denbighshire Local Development Plan, and to the material planning considerations which are considered to be of relevance to the proposal.

4.1 The main land use planning issues in relation to the application are considered to be:

4.1.1 Principle

4.1.2 Context for the development

4.1.3 Planning history

- 4.1.4 Landscape and visual impact
- 4.1.5 Noise
- 4.1.6 Shadow flicker
- 4.1.7 Other residential amenity considerations
- 4.1.8 Ecology
- 4.1.9 Highways
- 4.1.10 Aviation and Radar
- 4.1.11 Hydrology / water supply

#### 4.2 Other matters

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

##### 4.3.1 Principle

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

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

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

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

##### Denbighshire Local Development Plan (LDP) Policies

LDP Policy VOE 9 supports the principle of on shore wind turbine development subject to an assessment of environmental and sustainability impacts. The turbine would fall within the sub-local authority scale development category as outlined in the policy (schemes with a generating capacity of between 50kW and 5MW), which VOE 9 indicates will only be permitted within the Clocaenog Forest Strategic Search Area where they do not prejudice the development of strategic / large schemes; and, outside the Area of Outstanding Natural Beauty, Conservation Areas, World Heritage Site and Buffer Zone, and other sites designated for ecological, historic, landscape, or other value, and where they do not adversely affect the setting of these areas.

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

##### 4.3.2 Context for the development

It is apparent from the submitted documents that the basis of the application is similar to that of the 2013 proposal for the 62m high turbine on land to the north west, in that the development is not directly submitted as a farm diversification scheme, as the landowner does not live in the immediate locality and his farm house and main buildings are about nine miles away. Previously it was indicated that the applicants have arrived at an agreement where they would rent the field from the farmer with possibly some financial arrangement associated to the running of the farm, and the electricity generated will be fed directly into the local electricity network.

It is again suggested that the scheme has to be assessed purely on its own merits as a stand alone commercial venture designed and operated to produce electricity for

the grid .

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

The existence of a planning permission for a 62m high turbine on land immediately to the north west of the site is a significant material planning consideration relevant to the weighing up of the application now in front of the Council. The permission established the principle of a turbine development in this location and the developers can legitimately proceed to implement the 2013 permission for the erection of that turbine. The applicants have confirmed agreement to the completion of a legal obligation revoking the 2013 permission on the grant of permission for this smaller turbine, which would address one of the concerns raised by the Community Council response.

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 2013 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 2013.

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 a wind turbine development of the scale and nature involved in this location.

From viewing the material relating to the application, Officers suggest the key matters to address here are whether there are additional / adverse localised impacts likely to arise from the proposed revisions to the turbine dimensions, compared to those arising from the original scheme for a 62m high turbine. These are reviewed in the detailed impact sections of the report which follow.

#### 4.3.4 Landscape and visual impact

LDP policies relevant to the visual and landscape impact associated with wind energy development are VOE 9 and VOE 1. These policies require due consideration of the localised effects of development, including cumulative impacts on the surrounding area and community, which involves assessment of landscape and visual impact. With regards to sub-local authority scale developments, VOE 9 specifically requires consideration of the potential impact on the setting of an Area of Outstanding Natural Beauty (AONB) and other designated sites. Policy VOE 1 requires development proposals to maintain and, wherever possible, enhance these areas for their characteristics, local distinctiveness, and value to local communities in Denbighshire, including local areas designated or identified because of their natural landscape or biodiversity value.

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

In this case, the responses to consultation raise limited objections on grounds of landscape and visual impact. There are no objections from Natural Resources Wales, who defer to the local authority for assessment of impacts on local non statutory landscape interests. The AONB Committee suggest the development will inevitably

be visible in distant views from the higher ground of the protected landscape and will contribute to the increasingly wind farm dominated landscape which separates the AONB and Snowdonia National Park, but they acknowledge there is an extant permission for a 62m high single turbine on a nearby site which will be revoked if the current application is granted, and conclude the 49.9m high turbine will clearly have less visual impact than the currently permitted structure and, in this context, the AONB has no observations to make on the application.

The application is accompanied by a Supporting Statement and a Landscape and Visual Assessment, which review and provide commentary on the potential landscape and visual impacts of the turbine, including cumulative impact. The Assessment concludes that following construction, there will be no significant or moderately significant sequential or cumulative visual impacts .

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

Also relevant is the Conwy and Denbighshire Landscape Sensitivity and Capacity Assessment for Wind Energy Development. It reviews and analyses information in the LANDMAP layers, which have been a useful reference for assessment purposes previously. Within the Sensitivity and Capacity Study, the proposed turbine is within landscape unit D17 (Aled Hiraethog Hills (East), which is referred to as an extensive upland landscape, rising immediately to the west of the Vale of Clwyd. The summary of sensitivity to wind Energy developments in D17 is 'high', and the characteristics noted are 'The sensitivity of this strongly undulating upland landscape with its mosaic of pastoral farmland, woodlands and historic settlements is further enhanced by its strong association and intervisibility with the AONB and views to and from important landscapes and cultural heritage features, including the historic town of Denbigh. This, combined with the presence of other sensitive visual receptors imparts a high degree of sensitivity'.

Section 6 of the Landscape Sensitivity and Capacity Assessment sets out guidance for wind energy development within defined strategy areas, in which Landscape unit D17 is included in Strategy Area 2 – Vale of Clwyd (although the site is close to the boundary with the Clocaenog Forest landscape unit). This section confirms the area has a 'high' sensitivity to wind energy development. It reviews designated features within the strategy area and then provides a Landscape Strategy and guidance for siting wind turbines, within which the 'Indicative Overall Capacity' section states as follows:

'Despite this strategy area's partial AONB status and high sensitivity there may be **capacity for further micro scale development** in addition to the one already present near St Asaph, but only where this relates well to the existing built environment. This could typically comprise **single turbines** up to 20m blade tip height. These should be clearly separated so that their effects remain local and there is no collective / cumulative defining influence on the landscape.'

In concluding on this matter, Members will be familiar with Officers' previously expressed concerns in relation to proposals for additional turbines outside the Strategic Search Area (SSA). The concerns have been over the spread of the 'windfarm landscape' beyond that which will develop in the designated SSA, and the impact which increasingly larger scale machines may have on the quality of the wider Denbighshire landscape. In this case, the proposal for a 50m turbine seems to constitute more of a minor consolidation of turbine development already in existence and does not represent a clear outward spread from the SSA beyond already consented development, i.e. the 46m high turbine operating some 1km to the north east (further away from the Strategic Search Area boundary), and the permission for the 62m high turbine immediately to the north west of the site now proposed for this 49m high turbine. Taking account of the above, the 'high' sensitivity of the area to



additional turbine development in the Conwy and Denbighshire Sensitivity and Capacity Study, and the close proximity to the Clocaenog Forest Landscape unit, Officers would not conclude the landscape and visual impacts of the development would be so adverse as to merit a refusal recommendation.

#### 4.3.5 Noise

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

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

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

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

There are Community Council concerns over the potential noise impacts from the turbine.

The submitted noise assessment concludes that the noise level from the proposed turbine will be lower than the ETSU-R-97 derived noise limits for both the quiet daytime and night-time periods at all receptors, and the cumulative noise assessment indicates that the cumulative noise level will be lower than the ETSU-R-97 derived noise limits at all times.

The Pollution Control Officer has reviewed the submitted information and has no objection to the proposal subject to the revocation of the 2013 permission for the 62m high turbine, and to the inclusion of relevant noise conditions.

#### 4.3.6 Shadow flicker

LDP Policy VOE 9 requires due consideration of impacts of wind energy development on the surrounding area and community, which obliges assessment of the potential for shadow flicker from a turbine development.

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

The proposed rotor diameter in this instance is 26m, therefore the potential impacts should only be experienced up to 260m from the turbine location, and only then within 130 degrees either side of north. The nearest residential property is approximately 330m to the south / east of the proposed turbine location, and therefore it is reasonable to conclude that shadow flicker should not occur at any unrelated property. The farm complexes at Maestyddyn Ucha and Isaf are some 1000m to the

north of the site.

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

#### 4.3.7 Other residential amenity considerations

LDP Policy VOE 9 requires due consideration of impacts of wind energy development on the surrounding area and community, which can include the impact of turbine development on the residential amenities of occupiers of nearby dwellings.

In this case, there are concerns voiced by the Community Council over the turbine being too close to neighbouring properties.

In respecting the point raised by the Community Council, it is not considered, having regard to the distances from properties and the characteristics of the topography, that the residential visual amenity of occupiers of properties in the vicinity would be so adversely affected by a 50m turbine in the proposed location as to justify refusal of permission.

#### 4.3.8 Ecology

The general requirements to consider the impact of development on biodiversity interests are set out in PPW Chapter 5, TAN5, and LDP policy VOE 5. VOE 5 requires due assessment of potential impacts on protected species or designated sites of nature conservation, including mitigation proposals, and suggests that permission should not be granted where proposals are likely to cause significant harm to such interests. This reflects policy and guidance in Planning Policy Wales (Section 5.2). Specific to wind turbine development is policy VOE 9 which requires specific assessment / explanation of impact on biodiversity and mitigation proposals.

There is a detailed Ecological Assessment with the application, which concludes the development would have limited impacts on biodiversity interests.

The Council's Biodiversity Officer confirms the ecological surveys have been undertaken to an acceptable standard and concurs with the conclusions of the report, suggesting the recommendations of the Preliminary Ecological Appraisal report should be conditioned along with the Reptile and Amphibian RAMS scheme.

Officers conclude the scheme would not have an unacceptable impact on nature conservation, and is not in conflict with VOE 5 and VOE 9.

#### 4.3.9 Highways

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

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

#### 4.3.10 Aviation and Radar

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

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

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

#### 4.3.11 Hydrology / Water Supply

There are no specific representations raising concerns over potential impacts on the local water environment in this case.

The application documents review the issue and conclude that given the small scale of development, the use of existing tracks at construction stage, and the fact that local private water supplies within 1km of the site are located in different surface water catchments, the anticipated impact on supplies is considered low.

Officers do not consider it likely that the development would give rise to adverse impacts on hydrological interests.

#### 4.3.12 Other matters

In noting reference to the manifesto of the new Government suggesting changes to policy in relation to onshore wind development, this has respectfully not been translated into Planning Policy Advice to be applied by local planning authorities at the time of determining this application, and it would not be reasonable to base a refusal on this possibility.

In relation to the publicity for the application, on receipt of the application, the Development Management Section of the Council organised the posting of a site notice at the entrance to the site and direct notification of properties within a 1km radius of the site. The 1km radius is a standard distance currently adopted by the planning section on single turbine applications of this nature. The statutory duty on the Council is to give the requisite notice by way of a site display on or near the land to which the application relates, or by serving notice on any adjoining owner or occupier. The steps taken to publicise the application exceed the statutory requirement in this instance.

## 5. SUMMARY AND CONCLUSIONS:

- 5.1 The report sets out a number of considerations Officers suggest are relevant to the determination of this application. As with all wind energy developments, inevitably there will be factors that weigh against and in favour of the grant of planning permission.
- 5.2 The site is on the fringes of, but some 1km outside the Strategic Search Area for windfarm development as designated in Welsh Government's TAN 8. In terms of basic principle, Officers do retain concerns over the spread of 'one-off' medium / sub-local authority scale wind turbine developments outside the Strategic Search Area, on grounds that this has strategic implications on the ability of the Council to conserve the integrity of wider Denbighshire landscapes in the longer term. However, in this instance there are significant material considerations to be put into the balance, in the form of an existing permission for a 62m high turbine on land to the north west (to be revoked in the event of permission being granted) and an operating 46m high turbine at Maesttyddyn Isaf some 1km to the north east.
- 5.3 The report refers to the contents of the 'Conwy and Denbighshire Landscape Sensitivity and Capacity Assessment for Wind Energy Development' (final report May 2013), which was prepared to inform the development of Supplementary Planning Guidance (SPG) and assist the task of assessing the landscape and visual effects of wind energy development for development control purposes. The Study indicates the area has a high sensitivity to further turbine development above the Micro' scale of 20m height.

- 5.4 The application has been assessed in relation to the Sensitivity and Capacity Study, and in the context of the aforementioned turbine permission and the turbine at Maestyddyn Isaf. The conclusion is that whilst it is accepted the development may have localised visual effects, the proposal for a 50m turbine seems to constitute more of a minor consolidation of turbine development already in existence and does not represent a clear outward spread from the SSA beyond already consented development. On this basis, Officers do not consider the proposal would give rise to unacceptable adverse impacts on landscape character and visual amenity, sufficient to merit refusal of permission.
- 5.5 In respect of noise considerations, the Pollution Control Officer has advised that conditions should be imposed, including restrictions on maximum levels at named properties in the area.
- 5.6 In concluding, the basis of representations are to be respected, but in the light of the assessments and consultation responses, it is suggested that the localised noise and visual impacts do not merit a recommendation of refusal in this instance, and when weighed against the benefits of the scheme in terms of increased renewable energy generation, it is considered appropriate to support the application subject to suitable conditions.

**The recommendation is subject to the completion of a Section 106 Agreement revoking the planning permission for the turbine at Tan y Creigiau granted under Code no. 11/2013/0032. In the event that the agreement is not completed within 12 months of the date of the resolution of Planning Committee, the application would be reported back to Committee for consideration against policies and guidance applying at that time.**

## **RECOMMENDATION – GRANT:**

### **General conditions**

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

*Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.*

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) Proposed elevation plan received 18 June 2015
  - (ii) Site plan / Location plan (Drawing No. CLO\_001) received 18 June 2015
  - (iii) Visual impact assessment plans (Drawing Nos. L1 - L15) received 24 June 2015
  - (iv) Photomontage viewpoints received 24 June 2015
  - (v) Access track cross sections received 18 June 2015
  - (vi) Cultural heritage assets plan received 18 June 2015
  - (vii) Turbine specifications received 18 June 2015
  - (viii) Constantine wind Energy Noise Impact Assessment, 16/10/2015, received 20 October 2015
  - (ix) Cultural Heritage Assessment received 18 June 2015
  - (ix) Planning, Design and Access Statement incorporating Ecological appraisal, Bat Surveys, Reptile and Amphibian Reasonable Avoidance measures received 24 June 2015

*Reason : For the avoidance of doubt.*

3. The planning permission shall be for a period of 25 years from the date of the first generation of electricity from the turbine. Written confirmation of the date of the first generation of electricity from the development shall be provided to the Local Planning Authority no later than 1 calendar month after the event.

*Reason. For the avoidance of doubt and in order that the Local Planning Authority*

*retains control over the longer term uses of the land.*

4. This permission relates solely to the erection of a Northwind 100 3 bladed wind turbine generator as described in the application plans and drawings with a maximum height to blade tip of 50m from original ground level.

*Reason. For the avoidance of doubt and in the interests of visual amenity.*

#### **Siting / appearance of turbine and ancillary development**

5. The turbine, equipment housing cabinet, and access track shall be located strictly in the positions indicated on the approved plans, unless otherwise agreed in writing with the Local Planning Authority.

*Reason: For the avoidance of doubt, to allow the Local Planning Authority to retain control over the development and in the interests of residential amenity and nature conservation.*

#### **External appearance of turbine & ancillary development:**

6. PRE-COMMENCEMENT

The turbine and equipment housing cabinet shall not be erected until the written approval of the Local Planning Authority has been obtained to the colour and external finish.

The development shall be carried out in accordance with the approved details.

*Reason. In the interests of visual amenity.*

7. No logos, symbols or signs shall be displayed on the turbine hereby permitted other than with the prior written approval of the Local Planning Authority.

The development shall be carried out in accordance with the approved details.

*Reason. In the interests of visual amenity.*

8. All electricity and control cables between the turbine and the substation control building shall be laid underground.

*Reason. In the interests of visual amenity.*

#### **Noise conditions**

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

<b>Dwelling</b>	<b>Noise levels (dB LA at 10m/s at 10m height)</b>
Tan-y-Creigiau	27.2
Foel-Fach-Newydd	25.0
Bron Haul	23.4
Llwyn Bresych	21.8
Cysgod Y Graig	20.4
Foel Fach	22.6
Foel Fach Cottage	28.5
Troed Y Foel	28.4
Foel Fawr	28.3

*Reason. In the interests of the protecting the amenity of occupiers of residential property in the locality from cumulative windfarm noise.*

10. If complaints of noise nuisance are received by the Local Planning Authority, the developer shall be notified in writing and the developer shall employ a suitably qualified acoustic consultant to undertake a noise assessment within 1 month of notification to ensure that condition 9 is being complied with. A copy of the report shall be submitted to the Local Planning Authority within 14 days of its completion. Where the Applicant fails to undertake a noise assessment within 1 month of notification, the Local Planning Authority shall undertake an independent noise assessment and the Applicant shall be required to cover the cost incurred by the Local Planning Authority.

*Reason. To ensure adequate measures are in place to monitor and assess noise from the turbine in the event of complaints and in the interests of the amenity of occupiers of residential property in the locality.*

11. If the turbine is found to exceed the noise limits specified in condition 9 above, the turbine shall be shut down and shall not be permitted to re-commence operation until the written approval of the Local Planning Authority has been obtained to mitigation measures that will ensure compliance with condition 9.

The mitigation measures as approved shall be carried out prior to the recommencement of the operation of the turbine.

*Reason. To ensure adequate measures are in place to monitor and assess noise from the turbines in the event of complaints, and in the interests the amenity of occupiers of residential property in the locality.*

12. To aid cumulative impact and complaint investigations, the applicant shall temporarily turn the turbine off (braked to stop the rotors) to facilitate noise investigations being undertaken in nearby locations, when requested in writing by Local Planning Authority.

*Reason. To ensure adequate measures are in place to monitor and assess noise from the turbines in the event of complaints, and in the interests the amenity of occupiers of residential property in the locality.*

13. A record of the hours of operation / generation of electricity from the turbine shall be logged in a format that can be made available for inspection, when requested in writing, by the Local Planning Authority.

*Reason. To aid noise complaint investigations.*

### **Construction Method Statement**

14. PRE-COMMENCEMENT No development shall be permitted to commence until the written approval of the Local Planning Authority has been obtained to a construction method / traffic management statement. The statement shall include the following details:
  - i. Management and storage of fuel, oil, concrete and chemicals
  - ii. Construction and reinstatement of any crane hardstanding / laydown area.
  - iii. Construction and reinstatement of the site access and access track
  - iv. Excavation and reinstatement with respect to the laying of cables

- v. Method for working out and remediating any borrow pit.
- vi. The management and disposal of ground, surface and foul water
- vii. Excavation for and construction of the turbine base
- viii. Soil stripping, storage and spreading
- ix. Proposals for the management and operation of construction vehicles and construction vehicle routes
- x. The site compound location
- xi. A traffic management scheme
- xii. Hours and days of operation
- xiii. Details of the proposed access from the highway

Development shall be carried out in accordance with the approved details.

*Reason. In the interests of residential amenity, highway safety, pollution prevention and control*

### **Ecology**

- 15. The development shall be carried out strictly in accordance with the recommendations in the Preliminary Ecological Appraisal report (points 5.1.6, 5.1.7, 5.1.8 and 5.1.9 in Summary chapter), plus the Reptile and Amphibian RAMS scheme. The mitigation measures agreed shall be carried out strictly in accordance with the details approved.

*Reason. In order to protect ecological interests.*

### **Decommissioning**

- 16. No later than 6 months after the turbine hereby permitted permanently ceases to operate, or 12 months before the expiry of this permission, whichever is the sooner, a scheme for the remediation and restoration of the site, including the dismantling and removal of all elements above ground level, and the removal of turbine foundations down to a minimum depth of 1.0m below ground level, shall be submitted for the consideration of the Local Planning Authority. The scheme approved in writing by the Local Planning Authority shall be implemented within 12 months from the date that the planning permission hereby granted expires.

*Reason. To ensure the long term reinstatement of the site, in the interests of visual amenity.*

### **Shadow flicker**

- 17. If justified complaints of shadow flicker are received by the Local Planning Authority from any unrelated dwelling which lawfully exists or has planning permission for construction at the date of grant of this planning permission, the developer shall be notified in writing and shall be responsible within a period of one month from notification by the Authority for the submission of details of mitigation measures to control, re orientate, or shut down the turbine to ensure the conditions causing those shadow flicker effects are addressed. If the written approval of the Authority is obtained to the proposals, these shall be implemented within one month of that approval and shall be maintained at all times thereafter. If the Authority do not approve the details, then the turbine shall cease to operate from the date of the Authority's notification that the details are unacceptable, until alternative details have been submitted to and are approved in writing by the Authority, and are subsequently implemented.

*Reason. In the interests of the amenities of occupiers of affected properties.*

## **WATER SUPPLY**

18. Where the construction or future operation of the wind turbine hereby granted is proven to have a detrimental impact on the water quality and / or flow regime of any private water supply, a mitigation strategy to rectify the adverse hydrological effects shall be submitted for the consideration of the Local Planning Authority, and such scheme as may be approved in writing by the Authority shall be implemented within 3 months. Where mitigation measures cannot overcome the adverse hydrological impacts, the applicant will be required to cover the costs of providing an alternative water supply to any affected property.

*Reason. In the interests of the amenities of occupiers of affected properties.*

## **NOTES TO APPLICANT:**

The planning permission for the turbine is the subject of a separate Section 106 Obligation revoking the permission granted for a turbine under application code no. 11/2013/0032.

You are advised that the Footpaths Officer has confirmed that a public right of way runs along the start of the access track to the turbine development, and hence the following matters need to be borne in mind:

No building materials are to be stored on the right of way, which may cause a nuisance, or obstruction to the user.

There should be no diminution in width of the Footpath as a result of the development

No additional barriers (e.g. gates) are to be placed across the right of way, of either a temporary or permanent nature.

The safety of users of the path must not be compromised during the construction process, that is, heavy wagons going to and from the site must be made aware of the Public Right of Way.

Please contact Paul Owen on 01824 706872 for further details

The Highways Officer has asked that the following matters are drawn to the applicant's attention as Advisory Notes.

- (i) Highway Supplementary Note Nos. 1,3,4,5 & 10.