

**ITEM NO.**

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

**REPORT TO SEEK A RESOLUTION ON CONDITIONS TO BE ATTACHED TO PLANNING  
PERMISSION 07/2015/0414/PFT**

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

**Tyfos, Llandrillo, Corwen**

**1. PURPOSE OF REPORT**

- 1.1. The report seeks Members resolution on conditions to be attached to the planning permission for a single wind turbine at Tyfos, which was granted at the November 2015 meeting of the Committee.

**2. BACKGROUND**

- 2.1. The matter is being brought before Members at the request of Committee in November, as the grant of permission was contrary to the Planning Officer recommendation, and there were no conditions before Members for consideration.
- 2.2. The merits of the decision to grant permission are not for debate, solely the suitability or otherwise of the conditions to be attached to the permission.

**3. SUGGESTED CONDITIONS**

- 3.1. For reference, the Officer report to the November Committee and the late information sheets for that meeting are appended to this item. The main report contains a summary of consultation responses which are relevant to the drafting of certain conditions and set a context for those conditions.
- 3.2. The list contains conditions similar to those imposed on recent single turbine permissions in the County, adapted to the circumstances at Tyfos and consultation responses. They cover matters such as the construction, siting and appearance of the turbine, noise and amenity, and arrangements for reinstating the site when the turbine is removed.
- 3.3. Following the resolution at the November committee, representations have been received on the matter of the conditions to be imposed. These are from:

Mr A. Jedwell, by email  
Mrs. H. Madeley, Coed Moelfa, Cynwyd,  
The basis of the comments are –

(i) that the turbine is removed at the end of twenty or twenty five years and the developer is bonded in order to ensure that the resources are available to ensure that this is implemented

(ii) in the event of light interception effects in conditions of direct back light, the turbine should be stopped in order to mitigate the nuisance.

(iii) the permission should be conditioned to the type and model of turbine proposed

### 3.4. Having regard to the representations:

\* The suggested conditions include the standard time limit condition requiring the removal of the turbine after 25 years (No. 2) and a decommissioning condition (No. 16). The condition is considered adequate to achieve the reinstatement of the land without the requirement for a bond and is the approach adopted elsewhere in relation to single turbine developments.

\* There is a condition suggested to address any shadow flicker impacts which may arise as a result of the operation of the turbine (No. 18).

\* Condition 2 specifies the make and model of the turbine proposed.

The suggested Conditions are:

#### **Time period for commencement**

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.*

#### **List of approved plans and documents**

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 of Turbine received 23 April 2015
  - (ii) Zone of Theoretical Visibility Plan received 23 April 2015
  - (iv) Site Plan received 23 April 2015
  - (v) Location Plan received 23 April 2015
  - (vi) Shadow flicker plan dated 27/03/15, received 23 April 2015
  - (vii) Ecological Appraisal – May 2015 Quants Environmental received 19 May 2015
  - (viii) Construction traffic management plan – April 2015 Earthmill Ltd received 28 April 2015
  - (ix) Cumulative Impact Assessment (birds) - August 2015 Quants Environmental Ltd Cable route
  - (x) Cumulative Photomontages and updated LVIA received 29 September 2015
  - (xi) Updated noise report - Hayes McKenzie 28/09/15 received 29 September 2015
  - (xii) Cable route plan as revised - Roger Parry and Partners Drawing no LP1 Dated September 2015.

*Reason : For the avoidance of doubt.*

#### **Duration of permission**

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.*

### In relation to the turbine and ancillary development

4. This permission relates solely to the erection of a an Endurance X-35 225kW 3 bladed wind turbine generator as described in the application plans and drawings with a hub height of 30.5m and maximum height to blade tip of 48.01m from original ground level.

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

5. The turbine 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.*

6. PRE-COMMENCEMENT CONDITION

The turbine 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, and the route of the cable in the vicinity of the Tyfos complex shall be in accordance with the revised plan from Roger Parry and Partners Drawing no LP1 Dated September 2015, avoiding the Tyfos Stone Circle.

*Reason. In the interests of visual amenity and to ensure no adverse impact on archaeological interests.*

### 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:

Dwelling	Noise levels (dB LA90 at 10 m/s at 10m height)
Syrior	25.6
Tan-y-graig	25.4
Branas Lodge	28.7
Branas Isaf	24.6
Tyfos	24.2
1 Tyfos Cottages	23.1
2 Tyfos Cottages	22.9
Tyfos Isaf	22.7
Hafotty Wen	23.4

*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 CONDITION**

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  
The 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. PRE COMMENCEMENT CONDITION.**

The development shall be carried out strictly in accordance with the recommendations in Section 4.5 of the Ecological Appraisal by Quants Environmental.

*Reason. In order to protect ecological interests.*

### **Decommissioning**

- 16.** 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 no later than :
- a. 6 months after the turbine hereby permitted permanently ceases to operate, or
  - b. 12 months before the expiry of this permission,
- whichever is the sooner.

Any remediation and restoration scheme approved in writing by the Local Planning Authority shall be implemented in full, in the case of :

- a. within 12 months of the date the turbine ceases to operate
- b. within 12 months of 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.*

### **Archaeology**

- 17.** The developer shall ensure that a suitably qualified archaeological contractor is present during the undertaking of any ground works in the development area so that an archaeological watching brief can be conducted. The archaeological watching brief must meet the standards laid down by the Chartered Institute for Archaeologists Standard and Guidance for archaeological watching briefs. The Local Planning Authority will be informed in writing, at least two weeks prior to the commencement of the development, of the name of the said archaeological contractor. A copy of the resulting report should be submitted to the Local Planning Authority and the Development Control Archaeologist, Clwyd-Powys Archaeological Trust (41 Broad Street, Welshpool, Powys, SY21 7RR Email: markwalters@cpat.org.uk Tel: 01938 553670). After approval by the Local Planning Authority, a copy of the report and resulting archive should also be sent to the Historic Environment Record Officer, Clwyd-Powys Archaeological Trust for inclusion in the regional Historic Environment Record.

*Reason: To secure preservation by record of any archaeological remains which may be revealed during ground excavations for the consented development.*

### **Shadow flicker**

- 18.** 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.*

**NOTES TO APPLICANT:**

You are advised that the Footpaths Officer has confirmed Public Right of Way 12 (Llandrillo Community) crosses the grid connection, 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.

If the Path needs to be closed during the grid connection process, this will have to be done via a formal temporary closure order, which costs £400 for 1-5 days and £1250 for orders up to 6 months. Please note that a notice period of 6-8 weeks is required for the long term order and 1-2 days for the short term order. For further information, please contact Paul Owen of the Public Rights of Way Unit on 01824 706872.

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

- (i) Highway Supplementary Notes Nos. 1, 2, 3, 4, 5 & 10.
- (ii) New Roads and Street Works Act 1991-Part N Form.

**4. RECOMMENDATION**

That Members agree to the imposition of the conditions on planning permission 07/2015/0414 as drafted, or as amended by Committee, and that the Certificate of Decision be released.

GRAHAM H.BOASE  
HEAD OF PLANNING AND PUBLIC PROTECTION