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06/2014/1436/PFT

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Denbighshire Boundary  


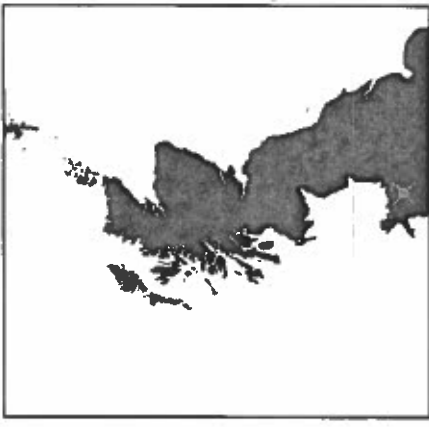


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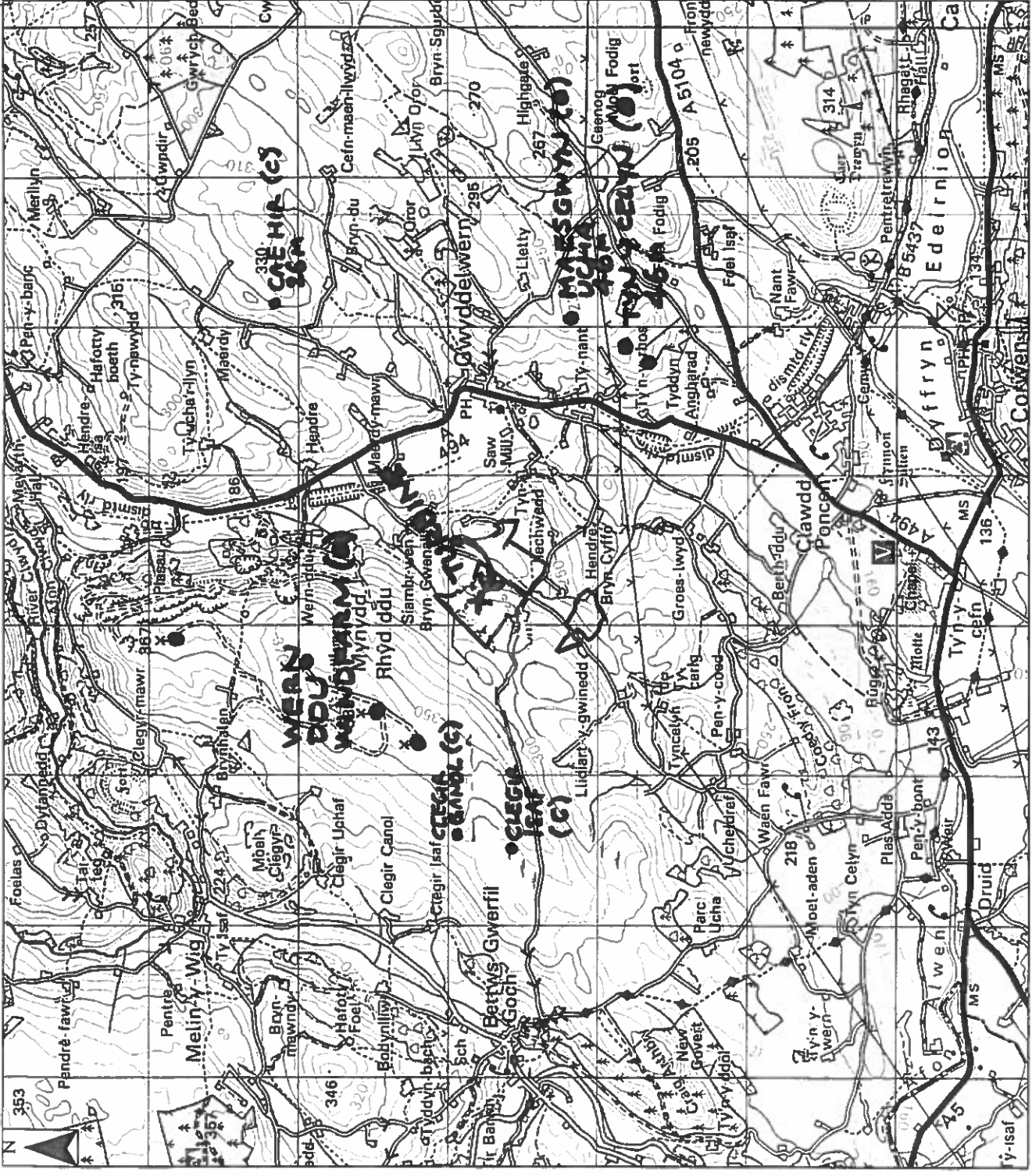


6 2 0 1 4 / 1 1 3 6 / P.F.  
 Hendre Bryn Cyffo  
 Site Location Map  
 Figure 2.1

- Key
- X Turbine Location (E306220 N346780)
  - Ownership Boundary
  - OTHER TURBINES
  - (C) CONSENTED
  - (O) OPERATING











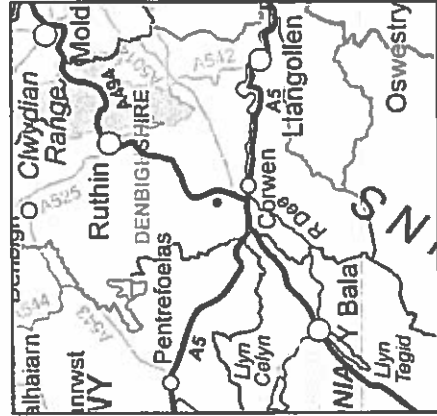
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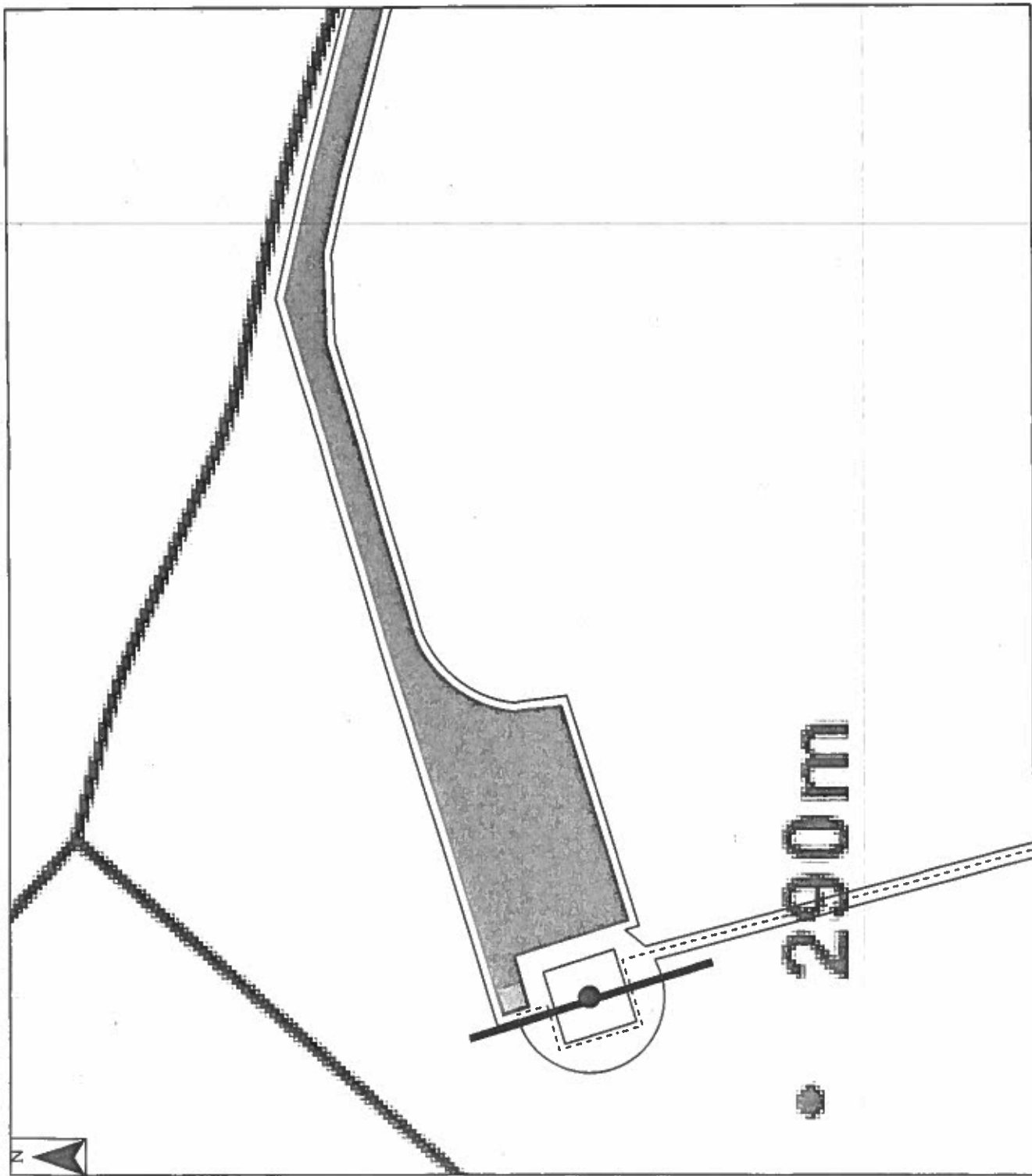


**Hendre Bryn Cyffo  
Proposed Wind Turbine  
Site Layout B  
Figure 2.2b**

- Key**
-  Application Site = 2460m<sup>2</sup>
  -  Turbine E306220 N348780
  -  Access Track = 1377m<sup>2</sup>
  -  Foundation 10m x 10m
  -  Meter House
  -  Cable
  -  Grid Connection Point
  -  Hedge (Overlaid 10.5m High)



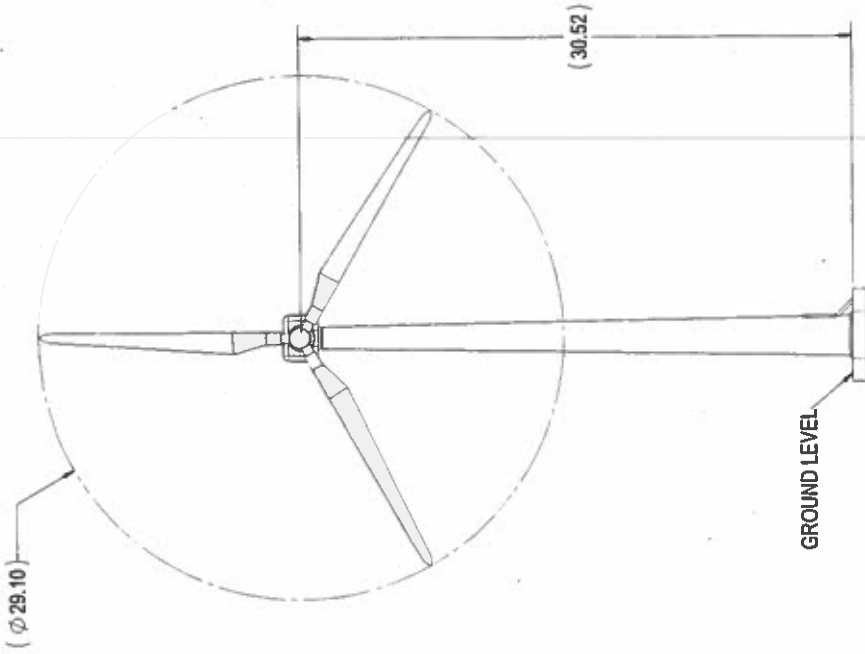
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# TURBINE DETAIL



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TITLE X29 Elevation, 30m Monopole

PART NUMBER	REVISION	PRINT DATE	SHEET
1005626	1	07/Mar/2014	1 / 1

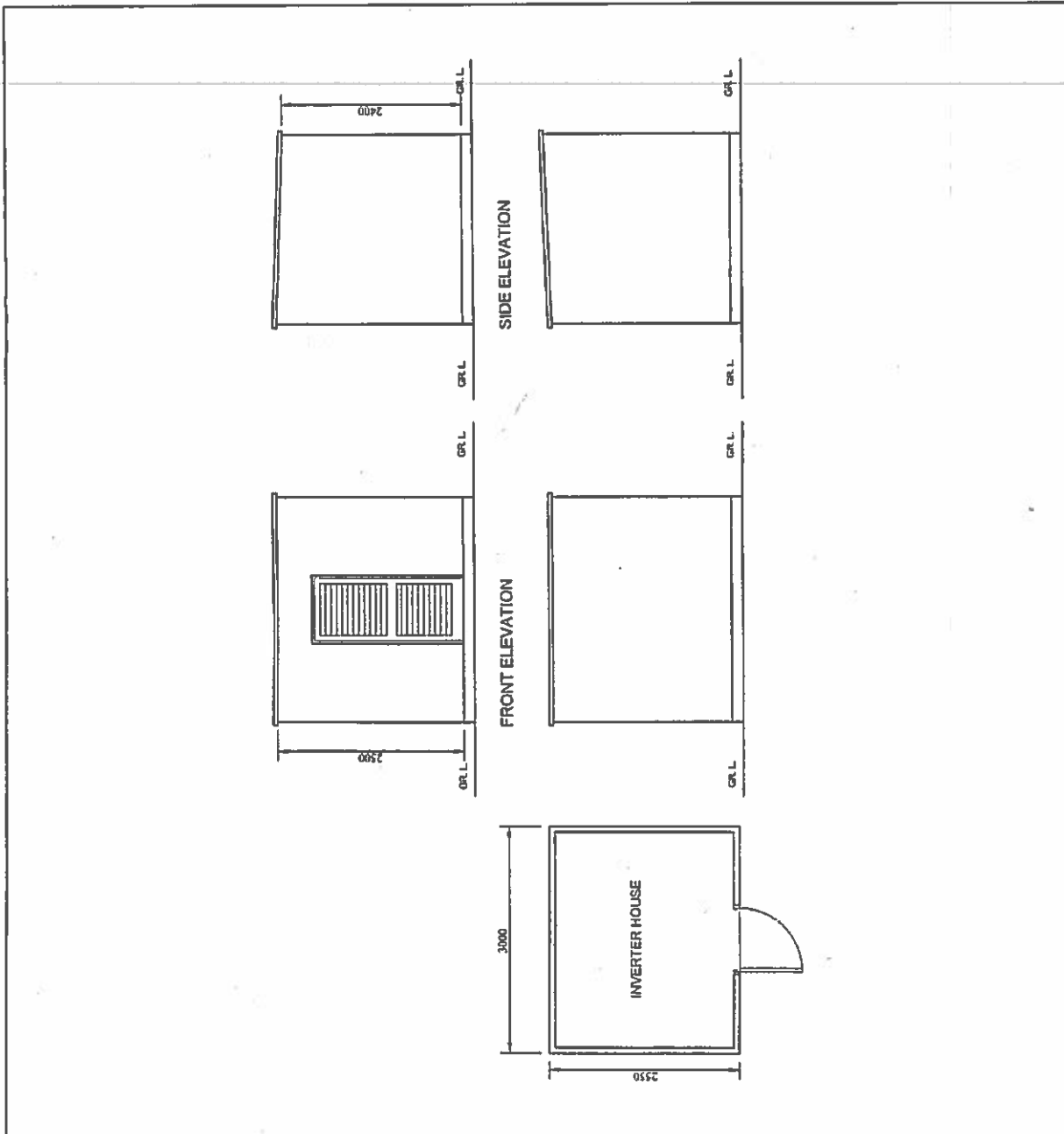
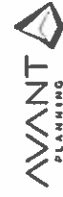
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1		Final Release	25-Feb-2014	DS	1994





Hendre Bryn Cyffo  
Metre House  
Figure 2.4

METER HOUSE  
DETAIL





<b>WARD</b>	Llanfair Dyffryn Clwyd / Gwyddelwern
<b>WARD MEMBER:</b>	Councillor Hugh Evans
<b>APPLICATION NO:</b>	06/2014/1436
<b>PROPOSAL:</b>	Installation of a single Endurance X29 wind turbine with associated access track, crane hardstanding, foundation and meter house
<b>LOCATION:</b>	Land at Hendre Bryn Cyffo Gwyddelwern Corwen
<b>APPLICANT:</b>	MrOwen Jones
<b>PUBLICITY UNDERTAKEN:</b>	Site Notice – Yes 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:**

**GWYDDELWERN COMMUNITY COUNCIL**  
"There is no objection to this proposal".

**CORWEN COMMUNITY COUNCIL**  
"Concern is expressed with regards to the number of applications for wind turbines in the area and there does not seem to be any community benefit for the application"

**CLWYDIAN RANGE AND DEE VALLEY AONB JOINT COMMITTEE**  
"Although the site is approximately 3km outside the AONB the proposed turbine will be visible from the protected landscape to the south and east of the site. Given the scale of development (45.07m blade tip height), it will impact on the setting of the AONB and the special qualities of tranquillity, remoteness, space and freedom, particularly in respect of opportunities to experience 'uninterrupted and extensive views from high places'.

The committee recognises that the development will be seen in the context of a number of existing operational turbines in the locality which have already undermined the view from key AONB vantage points such as Caer Drewyn Hillfort, Pen y Pigyn and Liberty Hall, and that most views from the AONB will be against a hill-side backdrop and do not break the skyline. It is also noted that NRW considers the proposal avoids significant adverse effects on important views from the AONB and will be seen as a 'minor middle distance component of the landscape from the AONB'.

However, the Joint Committee is seriously concerned that the landscape of Denbighshire is becoming characterised by a proliferation of 40-50m high individual turbines outside the SSA which are gradually spreading across the countryside and creating a wind turbine dominated landscape. When taken together with the extensive operational and consented wind farms within the SSA, this is having a cumulative harmful impact on the setting of the AONB and its special qualities and features. In this context the Joint Committee objects to the 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. Proposal would avoid significant adverse effects on important views from the AONB (Caer Drewyn hillfort, Glyndwr's seat viewpoint, Liberty Hall in north Berwyn Range) and would appear as a middle distant component of the landscape from the AONB, set below the skyline where the Wern Ddu windfarm has an established presence. The Authority may wish to consider cumulative impact and the spread of turbines towards the Dee Valley. Advise that a minimum buffer of 50m is maintained between the turbine and any habitat features likely to be used by bats. The development will not affect any statutory protected sites.

Response awaited in relation to additional bat and bird surveys:

## NATS

No safeguarding objection to the proposal.

## AIRBUS

No aerodrome safeguarding objection to the proposal.

## MOD

No response received.

## DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

Head of Highways and Infrastructure

- Highways Officer –

Has no objection in principle to the proposals subject to a condition to deal with the construction activities and traffic management being applied.

Pollution Control Officer –

In response to the original submission, requested further information assessing the impact the operational Wern ddu windfarm may have on the background noise readings. Has forwarded additional information received from the applicants in mid January 2016 to the Council's external noise consultant, and his conclusions are awaited at the time of drafting this report. Members will be updated on this matter in the late information sheets.

Biodiversity Officer –

Initial response

Satisfied the proposal will not impact on designated sites, and that the loss of semi improved grassland will not be significant. Expressed concerns over the lack of survey for bats and the conclusions in the Ecological appraisal in relation to this group of species. Concurred with the recommendations for further survey of Red Kites. Recommended pre-determination bat and red kite surveys.

Response in relation to additional bat and bird surveys:

Satisfied that the likelihood of additional impacts to red kites within the area is limited. Bat surveys identify the presence of higher risk species but do not accurately define the use of the site by large bats, and the timing of surveys does not rule out the presence of maternity roosts in the vicinity. Suggests the imposition of a condition on any permission requiring relevant surveys to be conducted prior to commencement of development.

Archaeologist –

Accepts the Design and Access Statement thoroughly assesses the impact on known sites, but does not agree with the recommendation that no further archaeological work is necessary. Suggests as there are Bronze Age and Iron Age sites in the locality, and the site was open moorland in the Victorian period, an archaeological watching brief should be carried out during initial ground disturbance / construction in order that any previously unknown sites are

located and recorded.

**RESPONSE TO PUBLICITY:**

No individual representations received

**EXPIRY DATE OF APPLICATION: 06/07/2015**

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

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

**PLANNING ASSESSMENT:**

**1. THE PROPOSAL:**

1.1 Summary of proposals

- 1.1.1 The application is for the erection of a 225kW wind turbine, a meter house and associated works including a crane hardstanding and an access track from an existing gateway onto the public highway.
- 1.1.2 The turbine proposed is an Endurance X29 225kW machine, which is a three blade turbine measuring 30.5m to the hub, a rotor diameter of 29m and the overall blade tip height would be 45m.
- 1.1.3 The meter house would be sited alongside the turbine and would measure 2.5m by 3m with a height of 2.5m.
- 1.1.4 The application is accompanied by a range of supporting documents including a Planning Statement, a Design and Access Statement incorporating assessments of landscape and visual, ecological, cultural heritage and archaeology, shadow flicker, and hydrology impacts. Additional information has been submitted in relation to Cumulative Landscape and Visual Impact, Cumulative Noise, birds and bats. There are the relevant accompanying plans and drawings.
- 1.1.5 The Planning Statement advises that the applicants are Owen and Olwen Jones of Hendre Bryn Cyffo. It provides commentary on the relevance of national and local energy policy, and summarises anticipated impacts on the locality. It is stated that the development is compliant with policies and that taking account of the technical and environmental factors, the location is suitable for the development, and there will be no adverse impacts on ecological, landscape and visual, natural built or cultural heritage interests.
- 1.1.6 The submissions make reference to the project providing the local electricity distribution network with an average generation of 469,000kWh, sufficient to power up to 100 homes and offset some 200 tonnes of CO2 each year.

1.2 Description of site and surroundings

- 1.2.1 The turbine would be sited in an agricultural field in an open location and would be at an elevation of 285 metres AOD at its base. It would be on rising ground approximately 1.3km to the west of Gwyddelwern village, and 3km to the east of Betws Gwerfil Goch.
- 1.2.2 There are existing 46m high turbines at Tyn y Celyn and at Maesgwyn Ucha some 2km to the south east. The nearest turbine of the Wern Ddu wind farm (90m high) is some 1km to the north west. Permissions have been granted in the last year for 48m

high turbines at Clegir Isaf and Clegir Ganol, 2km to the west (both within the SSA boundary).

1.2.3 The noise assessment refers to a number of residential properties in the vicinity include the following, with approximate distances from the proposed turbine :

- Rhos – 520m to the south
- Pen y foel - 600m to the south east
- Tyn llechwedd – 830m to the south east
- Bryn Deicws - 470m to the east
- Tyn y fedw – 620m to the north east
- Bryn gwenallt – 670m to the north east
- Siambar wen – 620m to the north east

1.2.4 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 south 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 boundary of the Clwydian Range AONB is some 3km to the south east.

### 1.4 Relevant planning history

1.4.1 A formal Screening Opinion was issued by the County Council in November 2014 in relation to a turbine development at the site. This confirmed that the development was not Environmental Impact Assessment development requiring the submission of an Environmental Statement with the planning application.

### 1.5 Developments/changes since the original submission

1.5.1 The agent and noise consultant have been in contact with the Public Protection Officer in relation to the noise assessment information. Additional information including an assessment of the impact of the operational wind farm at Wern ddu on background noise readings was submitted by the applicant's consultant in January 2016.

1.5.2 Additional survey information on Bats and Red Kite were submitted in mid December 2015.

### 1.6 Other relevant background information

1.6.1 None.

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

2.1 06/2014/1213

Screening Opinion on need for an Environmental Impact Assessment.  
Issued 24/11/2014

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

The main planning policies and guidance are considered to be:

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

**Policy PSE5** – Rural economy

**Policy VOE 1** – Key areas of importance

**Policy VOE5** – Conservation of natural resources  
**Policy VOE9** – On-shore wind energy

3.2 Supplementary Planning Guidance  
N/A

3.3 Government Policy / Guidance  
Planning Policy Wales Edition 8 January 2016

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 (2015)

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

3.4 Other material considerations

Denbighshire Landscape Strategy (2003) / LANDMAP

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

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

#### **4. MAIN PLANNING CONSIDERATIONS:**

In terms of general guidance on matters relevant to the consideration of a planning application, Planning Policy Wales Edition 8, January 2016 (PPW) confirms the requirement that planning applications 'should be determined in accordance with the approved or adopted development plan for the area, unless material considerations indicate otherwise' (Section 3.1.2). PPW advises that material considerations must be relevant to the regulation of the development and use of land in the public interest, and fairly and reasonably relate to the development concerned., and that these can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment (Sections 3.1.3 and 3.1.4).

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

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

- 4.1.1 Principle
- 4.1.2 Context for the development
- 4.1.3 Landscape and visual impact
- 4.1.4 Noise
- 4.1.5 Shadow flicker
- 4.1.6 Other residential amenity considerations
- 4.1.7 Ecology
- 4.1.8 Highways
- 4.1.9 Aviation and Radar
- 4.1.10 Hydrology / water supply

#### Other matters

4.2 In relation to the main planning considerations:

4.2.1 Principle

Planning Policy Wales (PPW) reaffirms UK and Welsh Government energy policy and recognises that wind energy generation remains the most commercially viable form of

renewable energy in Wales. The principle that wind energy development is an acceptable means of securing generation of renewable energy is therefore established in national planning policy.

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

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

The site is some 1km outside the boundary of the Clocaenog Forest SSA, which is the 'designated' area 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.

In terms of general principles, Corwen Community Council express concern with regards to the number of applications for wind turbines in the area and that there does not seem to be any community benefit for the application. On the first concern, the number of turbine applications would not in itself be a sound ground for refusing a permission, but the underlying implication that there may be cumulative landscape / visual, or noise impacts are basic land use planning considerations reviewed in the following sections of the report. Respectfully, it is not appropriate for potential community benefits to be afforded weight in the determination of a turbine application.

#### 4.2.2 Context for the development

It is apparent from the submitted documents that the basis of the application is simply to generate electricity for connection to the local distribution network and there is no specific reference to the proposal being intended to bring about farm diversification benefits. In these circumstances, it is suggested that the scheme has to be assessed purely on its own merits as a standalone commercial venture designed and operated to produce electricity for the grid.

#### 4.2.3 Landscape and visual impact

LDP policies relevant to the visual and landscape impact associated with wind energy development are VOE 9 and VOE 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.

Natural Resources Wales have commented that the proposal would avoid significant adverse effects on important views from the AONB and would appear as a middle distant component of the landscape from the AONB, set below the skyline where the Wern Ddu windfarm has an established presence, but they suggest the Authority may wish to consider cumulative impact and the spread of turbines towards the Dee Valley. The AONB Committee have concerns that the landscape of Denbighshire is becoming characterised by a proliferation of 40-50m high individual turbines outside the SSA which are gradually spreading across the countryside and creating a wind turbine dominated landscape, and that taken together with the extensive operational and consented wind farms within the SSA, this is having a cumulative harmful impact on the setting of the AONB and its special qualities and features. In this context the AONB have objected to the application. As noted previously, Corwen Community Council have concerns over the number of applications for turbines in the area.

Within the application documents, there is assessment of Landscape and Visual Impact in the Planning Statement and the Landscape and Visual Assessment section of the Design and Access Statement. This includes assessment of cumulative impacts, to take account of the combined impact of the proposed turbine in addition to those in existence or with consent in the locality. The conclusion is that the greatest cumulative effects would be within 2km of the site, where the turbine would be seen alongside the Wern Ddu windfarm and a number of farm scale turbines east of Gwyddelwern, and pylons in the area which add to the vertical man made features visible on the hills and skyline. The document states ..'it is considered that the addition of the turbine would have a minor adverse cumulative visual effect when considered with the other wind energy developments, but with its lower setting on the hill, down from the wind farm, its scale and distance from other sites will ensure it does not cause harsh visual confusion when viewed with other developments in the area.'

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 D5 Edeirion Hills, which is referred to as a strongly undulating rural landscape stretching from Clawddnewydd southwards to the A5 and includes the hills to the west of Corwen. The summary of sensitivity to wind Energy developments in D5 is 'Medium - 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 D5 is included in Strategy Area 3 – South Clwydian Hills (although the site is close to the boundary with the

Cerrig uplands Strategy Area). Strategy Area 3 is indicated as having a 'Medium-high' sensitivity to wind energy development. 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:

' Strategically this area lies between and serves as a narrow buffer between the areas of wind development proposed within TAN 8 SSA A at Clocaenog Forest and the AONB. Any development within this strategy area may exacerbate the effects of development within the SSA and may harm the special qualities of the AONB.

Notwithstanding this, the parts of the strategy area which are not deemed to contribute to the setting or views to and from the AONB may have the capacity for some additional micro/small scale wind energy development. This could typically comprise single turbines up to 50m blade tip height where this relates well to the existing built environment.

Developments 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, having regard to the comments of the NRW and the AONB Committee, Officers take the view that the proposal for a 45m turbine at Hendre Bryn Cyffo involves more of a minor consolidation of turbine development already in existence in this area on the fringe of the SSA and in itself does not represent a clear outward spread from the SSA beyond already consented development to the east of Gwyddelwern village, i.e. the Tyn y Celyn and Maesgwyn Ucha turbines, as can be appreciated from the maps at the front of the report. Hence whilst retaining reservations at the contribution the development would make to the cumulative impact of turbines surrounding Gwyddelwern village, Officers' conclusion is that the local landscape is already considerably influenced by turbine development and that a single 45m machine in the location would not have so adverse an impact to merit a refusal 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.

For single turbines, ETSU-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, ETSU-R-97 allows a higher level of 45dB limit.

The submitted noise assessment indicates that applying the derived noise limits at the assessment locations demonstrates that for both the quiet day time and night time periods the noise criterion can be satisfied at the required wind speeds. It also states the criterion for both quiet day time and night time noise limits can still be met when the cumulative impacts are included for operational, consented and undetermined turbine proposals. The additional noise information submitted in January 2016 provided an assessment of the impact of the Wern ddu windfarm on background noise readings

The Pollution Control Officer reviewed the originally submitted noise assessment and requested additional information to address potential impact on background noise readings from the Wern Ddu windfarm. The information received has been passed to the Council's external noise consultant and it is anticipated that his conclusions and recommendations will be received in time for inclusion in the late information sheets for the February Committee meeting. Should noise matters remain unresolved as a result of these exchanges, Officers will request deferral of the item.

#### 4.2.5 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 29m, therefore the potential impacts should only be experienced up to 290m from the turbine location, and only then within 130 degrees either side of north. The nearest residential property is Bryn Deicws approximately 480m to the north east of the proposed turbine location, and therefore it is reasonable to conclude that shadow flicker should not occur at any unrelated property.

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

#### 4.2.6 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 no concerns expressed over the potential impacts on the amenities of occupiers of nearby residential property.

Having regard to the distances from properties and the characteristics of the topography, it is not considered in this instance that the residential amenity of occupiers of properties in the vicinity would be adversely affected by a 45m turbine in the proposed location, sufficient to justify refusal of permission.

#### 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 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.

There are no ecological objections from consultees. The Council's Biodiversity Officer has suggested the inclusion of appropriate conditions requiring pre commencement surveys of bats.

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

#### 4.2.8 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. The Highway Officer has no objections subject to inclusion of appropriate conditions to control construction stage operations.

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

#### 4.2.9 Aviation and Radar

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

No objections have been received from any aviation / air safeguarding authority.

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

#### 4.2.10 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 effects of the development on the site's hydrological and soil regime are not anticipated to be significant, and best practice methods will be adopted at construction stage to reduce the potential for impacts.

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

## **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 (SSA), 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 other material considerations to be put into the balance, including the location of existing turbine development further away from the SSA immediately to the east of Gwyddelwern village (46m high machines).

- 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 medium high sensitivity to further turbine development, but may have the capacity to accommodate small scale turbine development subject to assessment of impact.
- 5.4 The application has been assessed in relation to the Sensitivity and Capacity Study, and in the context of the aforementioned turbine permission to the east of Gwyddelwern. The conclusion is that whilst it is accepted the development may have localised visual effects, the proposal for a 45m 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 The conclusions and recommendations of the Pollution Control Officer and external noise consultant are awaited at the time of drafting this report. Information received in relation to the noise impacts will be included in the late information sheets, with Officers' comments on their significance to the recommendation below.
- 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 in this case is subject to receipt of the formal comments of the Pollution Control Officer and external noise consultant, and resolution of any outstanding matters relating to the issue of noise impacts from the proposals.**

## **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.*

1. 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) Location plan received 13 November 2014
  - (ii) Site plan received 15 December 2014
  - (iii) Block plan received 13 November 2014
  - (iv) Shadow flicker plan received 13 November 2014
  - (v) Proposed turbine elevation plan received 13 November 2014
  - (vi) Proposed control box plans received 13 November 2014
  - (vii) 5km zone of theoretical visibility plan received 13 November 2014
  - (viii) 15km zone of theoretical visibility plan received 13 November 2014
  - (ix) Photomontages received 13 November 2014
  - (x) Cumulative wireframes received 13 November 2014
  - (xi) Proposed block plan received 13 November 2014
  - (xii) Proposed site plan received 15 December 2014
  - (xiii) Location plan received 13 November 2014

- (xiv) Design and Access Statement received 8 May 2015
- (xv) CLVIA Addendum dated 11 August 2015
- (xvi) Bat and bird survey received 17 December 2015
- (xvii) Cumulative noise assessment received 14 January 2016

*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 an Endurance X29 225kW machine, three blade turbine measuring 30.5m to the hub, a rotor diameter of 29m and a blade tip height of 45m above ground level at its base

*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 in the positions indicated on the approved plans, unless otherwise agreed in writing with the Local Planning Authority, with a micrositing allowance of 10 metres.

*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:

## Dwelling

## Noise levels (dB LA at 10m/s at 10m height)

Details to be inserted  
dependent on response  
from Public Protection  
Officer and noise  
consultant

*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. PRE-COMMENCEMENT No development shall be permitted to commence until the written approval of the Local Planning Authority has been obtained to surveys illustrating the spatial and temporal use of the site by higher risk bat species and roost surveys conducted at a suitable time of year to identify maternity roosts within the vicinity (200m + rotor sweep distance). Any mitigation measures agreed shall be carried out strictly in accordance with the details approved.

*Reason. In order to better understand the commuting and foraging behaviour of species present and 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.*



**NOTES TO APPLICANT:**

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.