

**OUTLINE OF LAND
IN APPLICANT'S
CONTROL**

**SEE FOLLOWING PLAN
FOR LAYOUT**

Denbighshire Boundary
~

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25/2015/0321
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denbighshire
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SITE LAYOUT PLAN

Project: Pant y Maen Wind Farm, Denbighshire

Title: Revised Site Layout

Key

- Site boundary
- Proposed turbine location
- Proposed anemometry mast location
- Existing track to be upgraded
- Proposed new track
- Proposed crane pad location
- Proposed construction compound location
- Proposed substation location
- Proposed borrow pit

Notes:

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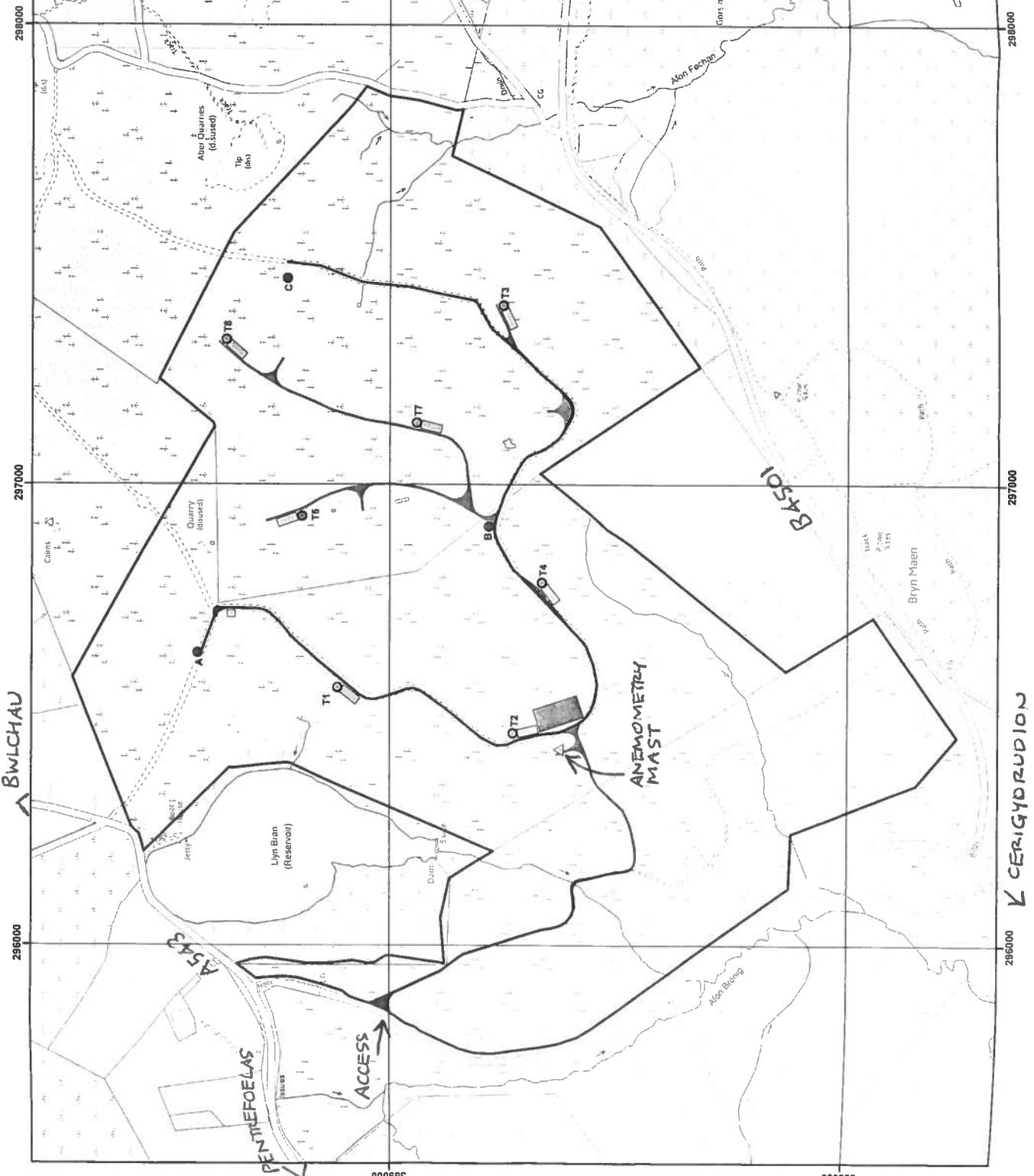
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Gifford

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Project.

GORSEDD BRAN WIND FARM

Drawing Title.

DEVELOPMENT SITE LAYOUT PLAN

Scale @ A4.
1:15,000

Drawn.
JDT

Date.
06/03/07

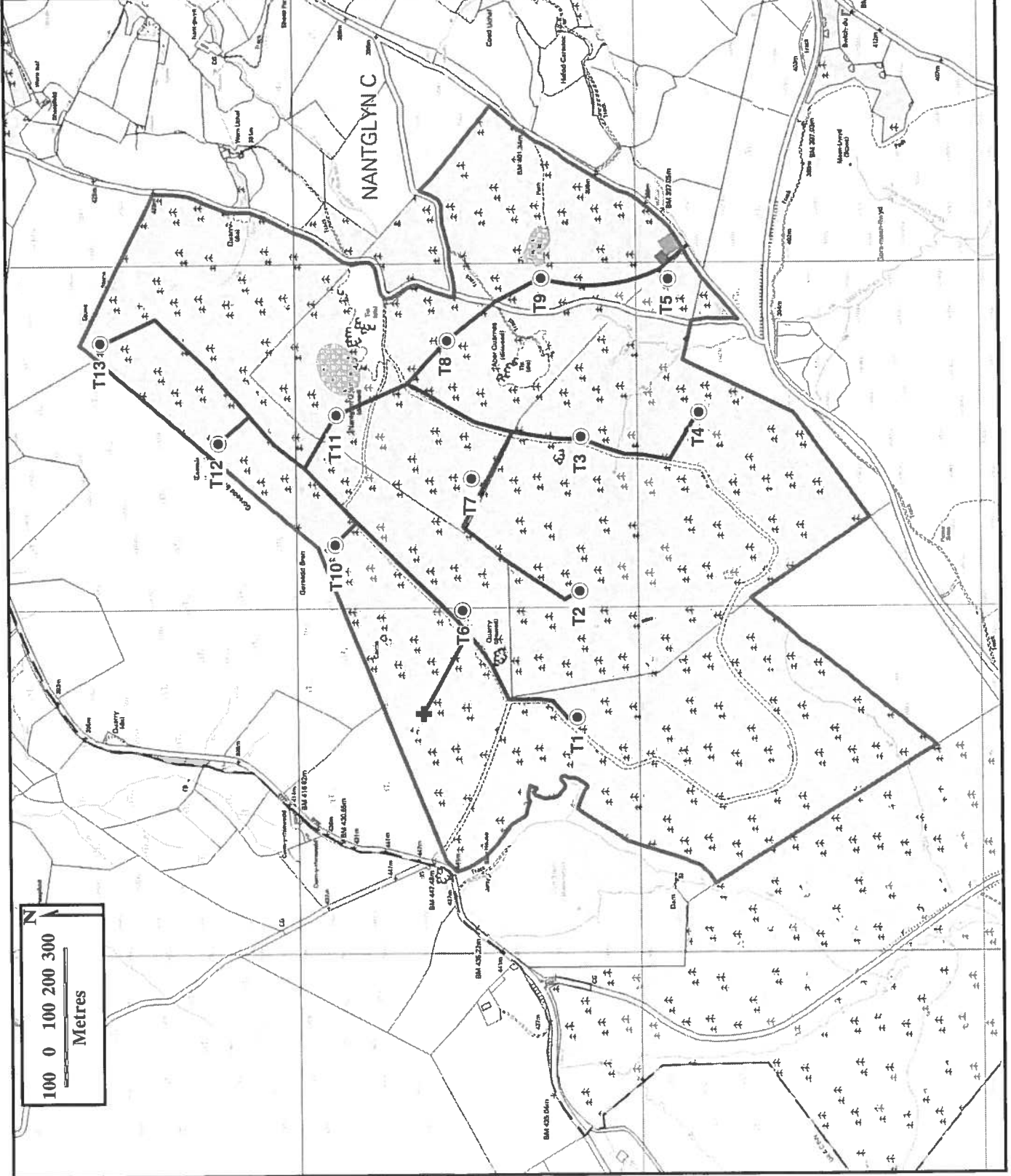
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FIGURE 3.1

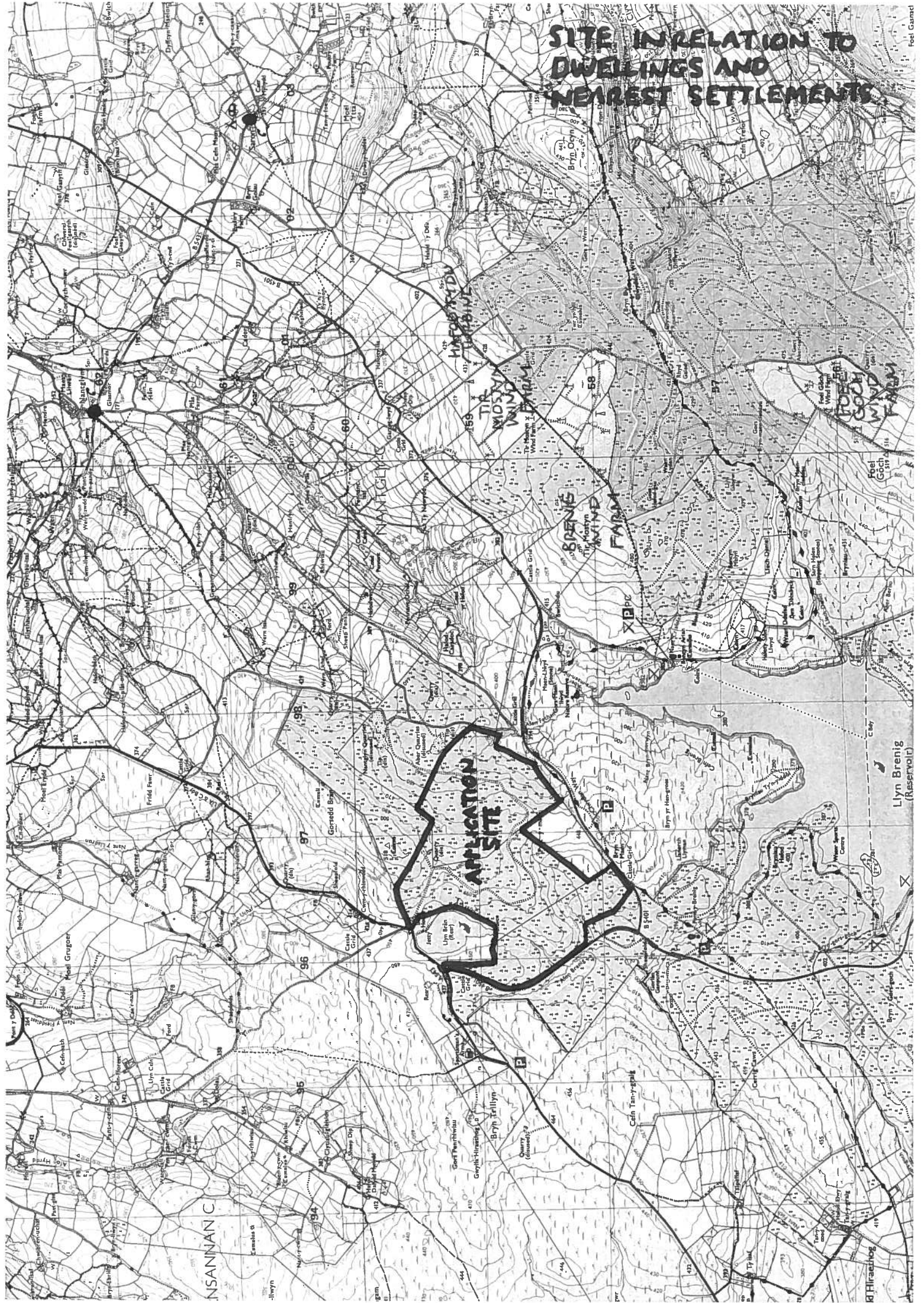
Legend.

- Turbine Location
- Anemometer Mast
- Switch Room
- Site Construction Compound
- Borrow Pit
- Access Tracks
- Development Boundary

GORSEDD BRAN WINDFARM SITE LAYOUT, 2007 13 TURBINES

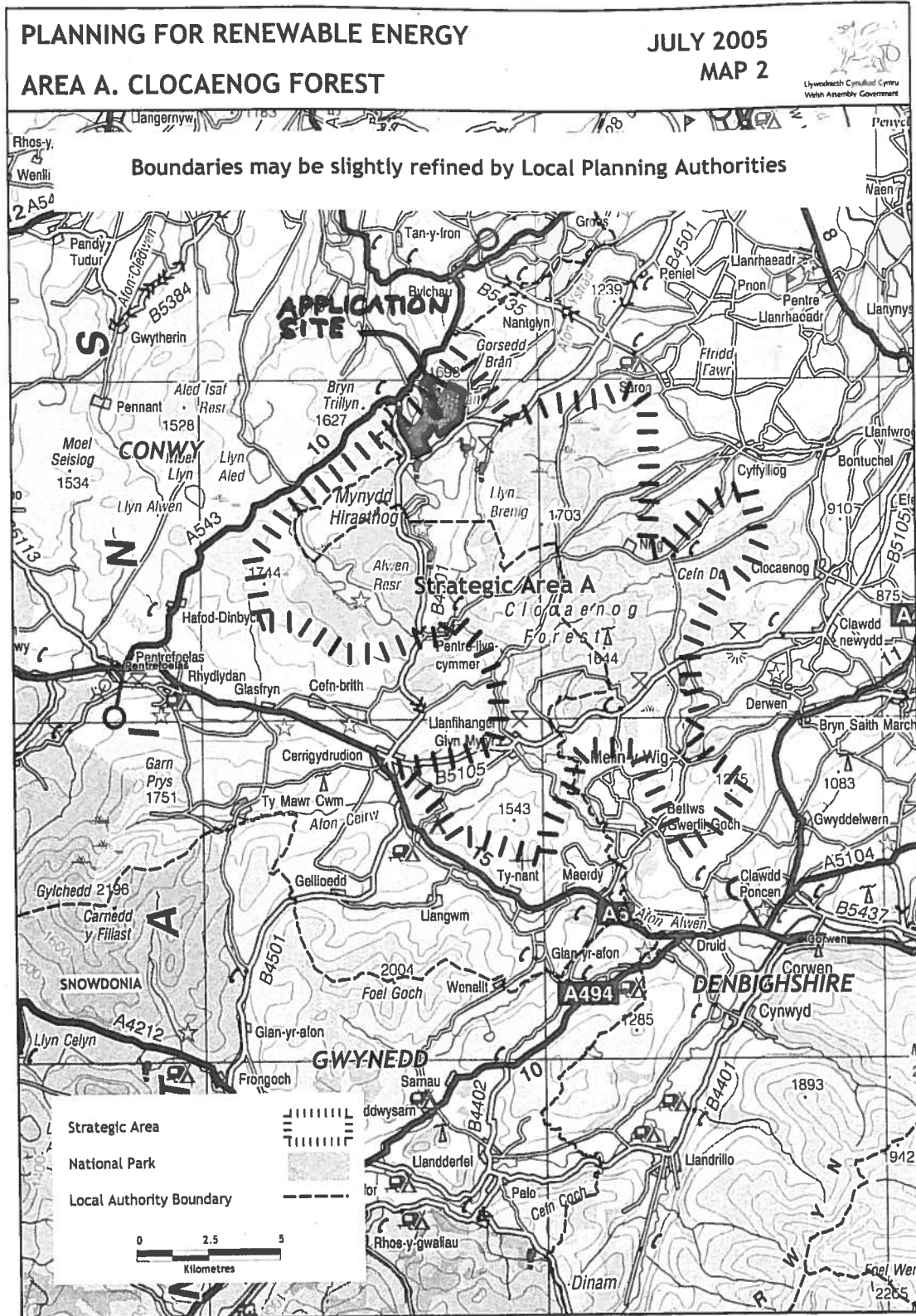


SITE IN RELATION TO DWELLINGS AND NEAREST SETTLEMENTS

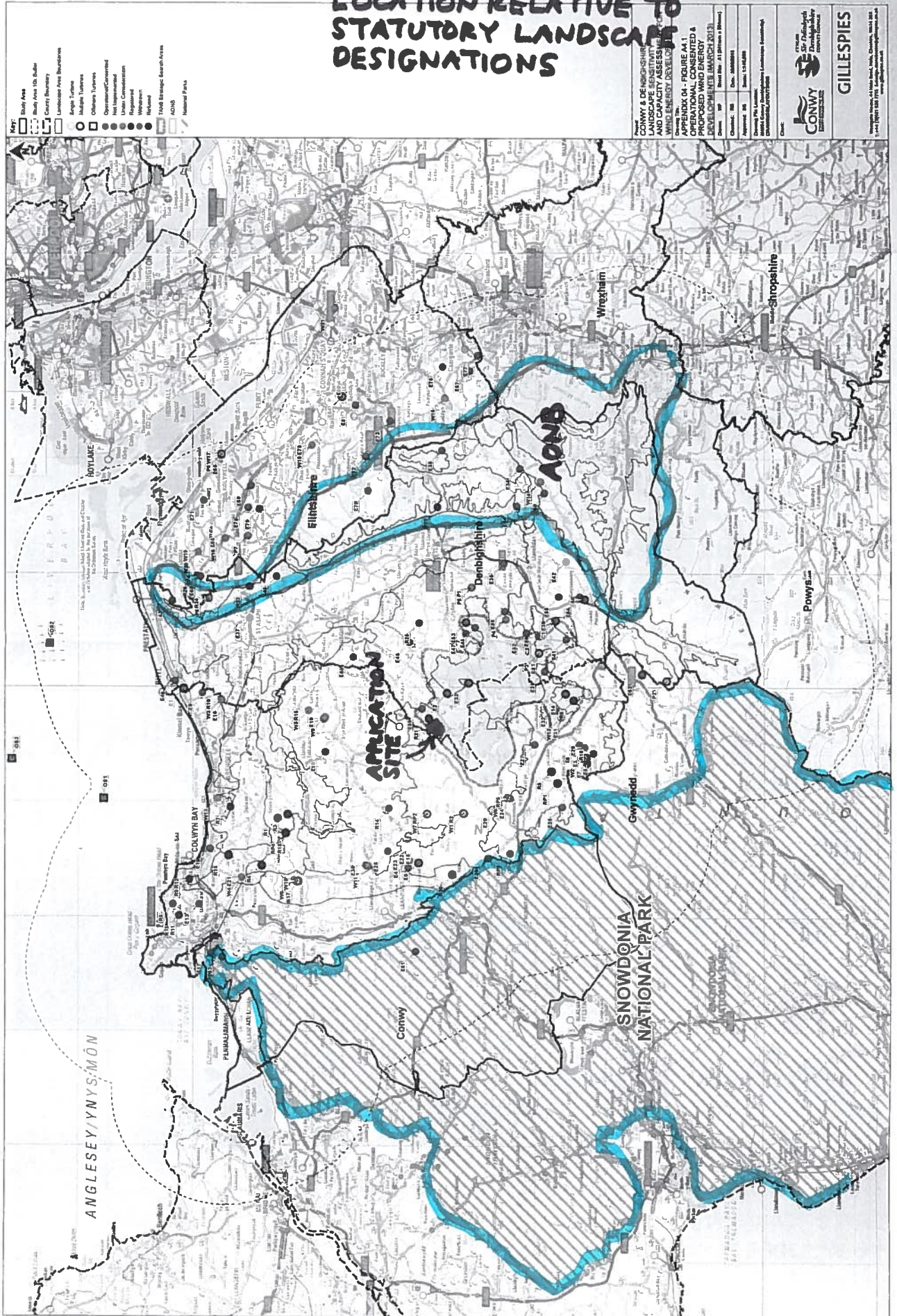


TAN 8 STRATEGIC SEARCH AREA 'A' BOUNDARY

Map 2



LOCATION RELATIVE TO STATUTORY LANDSCAPE DESIGNATIONS





LOCATION OF SITE, RELATIVE TO MOEL FAMAU AND SNOWDON

APPLICATION SITE

Notes:
1. Near Boundary between Wrexham, Cheshire County, and Flintshire adopted for the purposes of the Ordnance Survey.
2. West Hoyle Bank
3. Channer, Point of Ayr
4. West Kirby
5. Hilms Island

IRISH SEA

Ynys Dulas
Dulas Bay

Great Ormes Head / Pen-y-gogarth

Little Ormes Head / Penrhyn Bay

Penmaenmawr

Penmaenmawr

Penmaenmawr

Penmaenmawr

Penmaenmawr

Penmaenmawr

Penmaenmawr

Penmaenmawr

Penmaenmawr

WARD : Llanrhaeadr Yng Nghinmeirch

WARD MEMBER: Councillor Joseph Welch

APPLICATION NO: 25/2015/0321/ PFWF

PROPOSAL: Construction and operation of wind farm comprising of 7 turbines, transformers, access tracks, on site substation, anemometry tower and associated construction and operational infrastructure

LOCATION: Land adjacent to Llyn Bran Bylchau Denbigh

APPLICANT: Mr Edward Daniels, Pant Y Maen Wind Limited

CONSTRAINTS: Wildlife Site
SSSI
Open Country (CROW Act)

PUBLICITY UNDERTAKEN: Site Notice – Yes
Press Notice – Yes
Neighbour letters - Yes

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

- Member request for referral to Committee
- Referral by Head of Planning / Development Control Manager

CONSULTATION RESPONSES:

NANTGLYN COMMUNITY COUNCIL

Original response

“Following a meeting on 15th April 2015, I am writing to you on behalf of Nantglyn Community Council to give a formal objection on the above planning application due to the following reasons:

Cumulative Noise – The addition of these 8 wind turbines to the existing at the Tir Mostyn and Foel Goch wind farm, the wind turbine that has been granted at Hafodty Ddu as well as the soon to be Brenig and Clocaenog wind farms will add significantly to the issue of cumulative noise for the residents of the village of Nantglyn, and in particular those living near to the proposed wind farm. They will also increase the number of noisy days experienced due to the sheer volume of wind turbines in the area, and widening of the arc of surrounding wind turbines.

Visual Impact – the proposed development will be visible for miles, and will not blend in with the landscape, it will stick out and be unsightly. The view from Moel Famau to Snowdon will be significantly impacted by this development, and the wind turbines will be clearly visible from Moel Famau, scarring the fantastic view of the three mountains of which Snowdon is in the middle. Thousands of people climb up to the top of Moel Famau every year and so this view is very important and should not be blighted by wind turbines.

Insufficient Noise Monitoring Data – The data provided in the planning application shows noise contours for the turbines assuming a wind speed of 10 meters per second. However the maximum output from the turbines would be achieved at a wind speed 12 meters a second and the noise contour for this scenario is not supplied by the developer. The noise impact will be significantly greater at 12 metres per second and the noise contours should therefore have been supplied with the Environmental Statement.”

Response following revisions to application

"Following a meeting on 5th April 2016, I am writing to you on behalf of Nantglyn Community Council to give a formal objection on the above planning application due to the following reasons:

Cumulative Noise – *The existing wind turbines at the Tir Mostyn and Foel Goch wind farm already create noise issues for the residents of Nantglyn, with a number of noisy days throughout the year. The addition of the Pant Y Maen wind farm will add significantly to the number of noisy days and widen the 'arc' of surrounding turbines.*

Visual Impact – *The proposed development will be visible for miles, and will not blend in with the landscape, it will stick out and be unsightly. Despite the removal of one of the wind turbines it does not significantly reduce the damage to the view from Moel Famau, as turbines number 8, 5 and 1 would still be in clear view when looking over from Moel Famau to the Horseshoe Pass.*

Water Supply *Numerous properties in the area rely on well water as their only water supply. Residents living below the Tir Mostyn wind farm reported having issues with their water supply during the installation and last year when water supply dried up the first time this has happened. The ground works of the Pant Y Maen windfarm could potentially affect the water supply of all the households leading down towards Nantglyn most of whom have a well and are not connected to mains water.*

Ecology *It is known that Ospreys and Cuckoos amongst other birds have been sighted in the forest at the site of the proposed windfarm, and so felling of trees there will have an adverse effect on bird and wildlife in the area. At Llyn Brenig there is an ongoing project to encourage Ospreys to nest at the site and so felling trees in this area will only have a detrimental effect on this project.*

Tourism *The above could have an adverse affect on tourism to the area, and so having a knock on effect on local business."*

LLANRHAEADR Y.C. COMMUNITY COUNCIL

Original response

"..objects the development of Pant y Maen Wind Farm for the following reasons:

- The initial consultation area of just 2km radius from the wind farm location was not enough. This omitted residents, business owners and tourists from being included in the consultation.
- Confining the consultation area to just 2km excludes residents affected as shown in red and orange on Natural Power's maps.
- Failing to consult the Llanrhaeadr yng Nghinmeirch Community Council from an early stage, despite the fact that this development would significantly affect areas within the parish.
- Noise monitoring locations do not include areas that will be greatly affected (e.g. Saron, Peniel and surrounding areas). Map ref A702.
- Cumulative effects are far too great considering the existing wind farms, individual wind turbines, and the four North Wales Wind farms of Clocaenog, Brenig, Nant Bach and Derwydd Bach and the connection. The cumulative effects do not take into consideration all four of the North Wales Wind Farms. For example, paragraph 7.8 of the Environmental Statement admits 'the cumulative assessment has not reviewed and appraised all windfarms within the 60km buffer'.
- Natural Power state they have focused on large scale wind farms within the 10km study area'. They have not included the existing Foel goch wind farm.
- The cumulative effects do not include associated connections and the effects this will have on tourism, etc. although they are part of the same project.
- Community funds discussed early in the consultation, did not include the Llanrhaeadr yng Nghinmeirch parish, despite many residents within the parish being affected, both visually and by the noise associated with such a development. The community funds should have been discussed at this stage.
- Several local residents in the Llanrhaeadr yng Nghinmeirch parish complain of Tinnitus, a symptom which has been shown to affect residents exposed to wind turbine noise (for evidence see Mr Amir Farboud, Department of ENT Head and neck Surgery, Glan Clwyd Hospital, Bodelwyddan: The Journal of Laryngology and Otology, Volume 127, Issue 03, march 2013, pp222-226). As there has been no noise monitoring in the area where local

residents are suffering from Tinnitus, we find this very concerning, and the issue should be investigated further.

- The turbines would significantly impact the view from Moel Famau and Snowdon, and would have a negative effect on landscape and tourism. We feel Natural Power downplay the negative effect of the turbines from these areas as well as in areas within Llanrhaeadr yng Nghinmeirch.”

Response following revisions to application

“Llanrhaeadr-yng-Nghinmeirch Community Council has the same observations to the above planning application as per our letter of 18th May 2015 to the original planning application.”

DENBIGH TOWN COUNCIL

Original response

“...it was resolved not to raise an objection to the application”.

Response following revisions to application

“ The Town Council does not wish to raise any objection to the application.”

LLANSANNAN COMMUNITY COUNCIL

Original response

“Objects to the proposed wind farmVisual impact on an area of outstanding beauty being one of the main reason.”

No response following revisions to application

CLWYDIAN RANGE AND DEE VALLEY AONB PARTNERSHIP

Original response

“The Partnership objects to this application.

Notwithstanding the amendments to the previously refused Gorsedd Bran Wind Farm application on largely the same site, the partnership considers the proposals will still have a harmful impact on important special qualities and features of the AONB which underpin designation of the area as a nationally protected landscape. The opportunity to experience and enjoy space and freedom, wide open views and associated tranquillity will be undermined if this application were to be approved. In particular, the Partnership is seriously concerned about the detrimental impact on key views from the AONB, notably the views of Snowdonia from the Jubilee Tower, Offa’s Dyke Path and the wider area of Moel Famau Country Park and beyond. The partnership considers that the Environmental Statement underplays these impacts and cannot agree with its overall conclusion that there would be no significant effects on visual amenity or the character of the AONB.

It is accepted that the operational and consented wind turbine development within and adjoining the Clocaenog SSA has and will cumulatively impact on the special qualities and features of the AONB. However, Pant y Maen will extend the existing wind farm dominated landscape between the AONB and Snowdonia further north, thus having a greater impact on these key views from the AONB. The partnership maintains that there is no substantive difference in the harmful impacts arising from this application than those emphasised by the planning authority in refusing permission for the former Gorsedd Bran application or the Inspector when dismissing the subsequent appeal against the planning authority’s decision.”

Response following revisions to application

“The Joint Committee notes that turbine 6 has been dropped from the proposed scheme but does not consider this makes a material difference in reducing the overall impact of the proposals. In this context the committee maintains its objection to the application on the grounds set out in our letter dated 28 May, 2015.”

CONWY COUNTY BOROUGH COUNCIL

Original response

Objects on the basis that turbine 6 would have significant adverse effects on the landscape and on the setting of the Hiraethog Special Landscape Area. Requests that any permission be subject to conditions advised by the Principal Environmental Health Officer.

Response following revisions to application

Note that turbine 6, to which Conwy has objected, has now been omitted, and on this basis, Conwy does not object as neighbouring planning authority subject to conditions requested by the Principal Environmental Health Officer referred to in the previous response.

SNOWDONIA NATIONAL PARK AUTHORITY

Original response

Object to the proposed development. Primary concerns are the landscape and visual impacts of the proposals on a nationally designated area and its landscape setting. The Authority seek protection from the adverse impacts of developments which not only impact on the panoramic views gained from elevated hill and mountain summits within the Park boundary but also impinge on views into the Park. Refer to the views towards Snowdonia from the walk up to Moel Famau and suggest the enjoyment of that panorama by some will be diminished by the intervention of the turbines, and that from certain viewpoints there will be a 'stacking' of turbines giving the impression of a very dense cluster.

In conclusion, state the Pant y Maen windfarm will be backclothed against the iconic Snowdon Horseshoe as walkers follow the path to the summit of Moel Famau, and it is perhaps from this location that a sense of the mountains being 'fenced in' is most clearly demonstrated and it is considered that this is harmful to Snowdonia's landscape setting.

Response following revisions to application

Does not wish to make any further comments.

NATURAL RESOURCES WALES (NRW)

Original response

Do not object to the proposals as they are unlikely to have a significant adverse effect on the matters of interest to NRW.

In relation to landscape, NRW state the primary issues are the potential landscape and visual effects singularly and cumulatively upon the views and setting of the AONB, Snowdonia National Park, the historic character of Mynydd Hiraethog, and the Vale of Clwyd and Y Berwyn Register of Landscapes of Historic Interest in Wales. From review of the EIA, NRW comment further on the impact on

- a. Designated landscapes –specifically the encroachment within an important view of Snowdon from the Jubilee Tower on Moel Famau in the AONB – concluding the proposal would extend turbines in front of the Snowdon Horseshoe, and whilst the proposed turbines would not be seen to breach the skyline view, the change to the view would be significant. Effect on visual amenity would not be significant from elsewhere in the AONB and Snowdonia National Park.
- b. Historic Landscapes – the proposal would introduce a new wind farm development and its visual influence on the eastern to middle area of the Mynydd Hiraethog Historic Landscape, where there remain areas unaffected by consented development in the TAN 8 area. There would be significant effects upon views and historic character.

In relation to Protected sites, NRW suggest avian interests are the features of the Mynydd Hiraethog SSSI which may be affected by the development and reserve comment on this matter as additional survey work is in progress at the time of drafting the response.

In relation to Protected Species, ornithology aside, NRW are satisfied at the surveys, assessments, and mitigation proposed, which should be conditioned and defined in any Construction Method Statement. Specific measures are required to avoid significant adverse impacts on bats.

In relation to flood risk, NRW have reviewed the contents of the submission and subject to imposition of conditions to secure the implementation of mitigation measures, have no overall flood risk objections to the application. Reference is made to the need to take all appropriate water management measures to attenuate and treat surface water run off from felling operations and on site infrastructure.

Standard advice is provided in relation to the need for flood defence consent from NRW for new water crossing structures, measures to deal with groundwater encountered in the use of borrow pits, and pollution prevention guidance at construction stage

Final response following revisions to application:

Recommend that the Council should only grant planning permission if conditions are attached, to address significant concerns NRW have identified in relation to Protected Species, Bats: methodologies for post construction monitoring and curtailment and Flood Risk: Surface water management.

In relation to Protected Landscapes:

Have previously confirmed that the primary landscape issues associated with this planning application are the potential landscape and visual effects of the development, singularly and cumulatively upon the views and setting of the Clwydian Range and Dee Valley AONB, Snowdonia National Park, the historic landscape character of Mynydd Hiraethog, Vale of Clwyd and Y Berwyn Register of Landscapes of Historic Interest in Wales.

1.1. Designated Landscapes

The deletion of one turbine leaving seven remaining turbines would not significantly lessen the effect upon the view concerned and as such, the previous response with regard to protected landscapes still applies:

The proposal would encroach within an important view of Snowdon from the Jubilee Tower on Moel Famau, within the Clwydian Range and Dee Valley AONB. Whilst the proposal would be seen as a relatively minor addition in the context of the extensive consented wind farm landscape associated within the Clocaenog TAN8 Strategic Search Area for wind development, the proposal would extend turbines in front of the Snowdon Horseshoe, which is a distinctive and recognisable feature of the northern Snowdonia skyline. The likely harm resulting from this proposed development, upon those visitors with a particular interest in the view is for wind development to intrude upon and erode the visual amenity and sense of place currently experienced within uninterrupted views of northern Snowdonia and its principle peak. Whilst the proposed turbines would not be seen to breach the skyline view, NRW consider the change to the view would be significant.

From elsewhere within the Clwydian Range and Dee Valley AONB and from Snowdonia National Park we consider effects upon visual amenity would not be significant.

1.2. Historic Landscapes:

The proposal would introduce a new wind farm development and its visual influence upon a large extent of the eastern to middle area of the Mynydd Hiraethog Historic landscape, where there remain areas currently unaffected by consented wind development associated with the Clocaenog TAN8 Strategic Search Area. Prominent change would be experienced from the Clwydian Way (LVIA viewpoint 18, with the proposed wind turbines likely to be visible for a prolonged period along approximately 4km of the route) and the A543 (not illustrated and assessed within the LVIA, with the proposed wind turbines likely to be visible for approximately 3km of the route). The Cultural Heritage Assessment using wireframe images assess a range of effects across the area from sever to moderate. Both assessments identify significant effects

upon views and historic character. For the other historic landscapes which lie within the proposed development's zone of theoretical visibility, NRW consider the visual effects would not be significant singularly or cumulatively.

2. Protected Sites:

NRW consider that the additional survey information presented is sufficient to assess the likely use of the site by mobile features of the adjacent Hiraethog Site of Special Scientific Interest (SSSI) as well as the risk to these species from the proposed development.

NRW is satisfied that the surveys and assessments undertaken for the project demonstrate that the proposals are unlikely to have a significant impact upon features of the SSSI.

We welcome the provision of habitat management into the future and would welcome further involvement in the formation of mitigation plans etc.

3. Protected Species:

NRW are of the opinion that adequate survey has been undertaken to date with regard to protected species. The information shows that due to the nature of the site, many protected species do not occupy the area and that the site presents limited foraging opportunities.

NRW are satisfied with the assessments of impact and proposed mitigation with regard to:

- Red squirrel
- Otter
- Badger
- Dormouse
- Great crested newts
- Water vole

The mitigation measures proposed with regard to these species must be adhered to and should be defined within any Construction Method Statement (CMS) submitted by the developer.

3.1. Bats

Bats were found to utilise the site for commuting and in some areas, foraging. NRW agree with the conclusions of the assessment which conclude that there are probable significant effects during operation, with regard to Common pipistrelle, Soprano pipistrelle and Noctule.

Given the behaviour observed of these species indicates that they are generally commuting, not foraging in the area it is unclear how their behaviour will change. NRW would therefore support the proposed mitigation involving monitoring and curtailment of turbines.

Condition 1 – Protected Species, Bats: methodologies for post construction monitoring and agreed curtailment.

The proposed mitigation will require substantial further information to ensure significant adverse effects upon bats are avoided. The methodologies for post construction monitoring and agreed curtailment will have to be conditioned to be delivered by the developer to the satisfaction of NRW and the local authority. NRW believe that it will be acceptable to develop the detail of any curtailment plan as part of a condition on the application. Details including evidencing implementation, cut in wind speed, timings etc. will have to be agreed, but most importantly, the turbines selected for use will have to be capable of achieving controlled curtailment. Therefore consider that a condition should be imposed to deliver the curtailment plan to the satisfaction of the LPA in consultation with NRW.

3.2. Mitigation and Monitoring

The mitigation measures proposed for the development are lacking in detail at this stage, but are suitable in principle. Further detail within a Construction Method statement and full Habitat Management plan must be provided by the developer prior to works commencing onsite. We recommend that it is conditioned that these will be delivered by the developer to the satisfaction of the LPA and other significant stakeholders. Providing these conditions are adhered to, it is considered that suitable measures can be drawn up and implemented.

4. Flood Risk:

NRW have reviewed Section 8 of the supporting Environment Statement (Hydrology, Geology & Hydrogeology). This section of the report discusses the potential flood risks to, and arising

from the proposed development. NRW are in general agreement with the contents of this section of the report and the proposed mitigation measures put forward as detailed on pages 8-196 to 8-201 (inclusive). Provided that such mitigation measures are implemented as part of the development proposals we would have no overall flood risk objections to the planning application.

As identified in the Environment Statement, it is imperative that all appropriate water management measures are taken to attenuate and treat surface water runoff from the on-site infrastructure. Welcome the Applicant's commitment relating to the proposed site drainage which indicates that "all runoff derived from forestry felling, construction activities and site infrastructure will not be allowed to directly enter the natural drainage network. All runoff will be adequately treated via a suitably designed drainage scheme with appropriate sediment and pollution management measures. . . .the drainage infrastructure will be designed to accommodate storm flows based on a 1 in 100 year event plus an allowance for climate change" (para: 8.7.13).

Paragraph 8.7.51 also confirms that "the constructed drainage system will not discharge directly to any natural watercourse, but will discharge to buffer strips, trenches or Sustainable Drainage Systems (SuDS) measures, preferably on flatter, lower lying ground. These buffers will act as filters and will minimise sediment transport, attenuate flows prior to discharge and maximise infiltration back into the soils and peat".

Condition 2 – Flood Risk: Surface water management.

In order to achieve the above, recommend that a condition is imposed on any planning approvals to ensure that a scheme for the disposal of surface water is submitted to and approved in writing by your Authority, to ensure effective management of surface water run-off resulting from the proposed development. As they fulfil the role of Lead Local Flood Authority, we recommend that you contact your Drainage Department for further advice in relation to this. We advise that any proposed scheme should ensure that run-off from the proposed development is reduced or will not exceed existing runoff rates. Details of adoption and management should also be submitted to ensure that the scheme/systems remain effective for the lifetime of the development.

5. Ordinary Watercourse - Flood Defence Consent:

The development proposals will involve the construction of two new water crossing structures (bridge / culvert). These structures are likely to require the Flood Defence Consent of the Lead Local Flood Authority, which in this instance is Denbighshire County Council. Further guidance on this is available on Denbighshire's website at:

<https://www.denbighshire.gov.uk/en/resident/planning-and-building-regulations/planning/ordinary-watercourse-consent.aspx>

6. Groundwater and Contaminated Land:

NRW previously requested the inclusion of a water feature survey to identify all the water feature within a set radius. This has been completed with a radius of 2 km. There were a number of private water supplies that have been identified within the survey. They are all confirmed to be outside the area of hydrogeological influence of the wind farm. There are three borrow pits proposed for the site; provided that no groundwater is encountered during their use we have no further comment. If groundwater is encountered and dewatering of the pit is required during their use, please contact NRW for further comment and advice.

7. Environment Management:

As regards general pollution prevention measures for the site, acknowledge that it is proposed to use the NRW Pollution Prevention Guidance and NRW accept this approach.

Also advise that a construction method statement, along with timings of the proposed works, should be submitted to NRW for comment prior to work commencing.

Comments above only relate specifically to matters that are included on NRW's checklist "Natural Resources Wales and Planning Consultations" (March 2015) which is published on their website: (<https://naturalresources.wales/planning-and-development/planning-and-development/?lang=en>). NRW have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance. The applicant should be advised that, in addition to

planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development.

CADW

(In role of providing the Authority with an assessment of impact on scheduled monuments or registered historic parks and gardens)

Original response

Proposed turbines will have a significantly adverse impact on the settings of a number of nationally important scheduled monuments, so object to the impact of the development on these assets, as it is contrary to national policy concerned with the historic environment. The response refers in detail to –

The relevance of planning policy and guidance in Planning Policy Wales and Circular 60/96, which contain a presumption against proposals involving impacts directly or on the setting of visible remains, and the need to ensure development proposals maintain or wherever enhance heritage features.

The Scheduled Monuments affected by the development, on which CADW concur with the CPAT analysis of impact.

Cumulative impact, which CADW acknowledge is likely to occur in the TAN 8 Strategic Search Area, but consider the high impact of the proposed wind farm on seven designated monuments should itself be considered to have a high cumulative impact on the historic environment of this part of Wales.

Response following early 2016 revisions to application (reducing number of turbines from 8 to 7):

“Having considered the information submitted with the revised application, including the applicant’s ‘rationale for scheme modification’ (RSM), we remain of the view that the amended development will continue to have a significant adverse impact on the setting of the following scheduled monuments;

- Bwlch- Du Round Barrow (DE085)*
- Circular Platforms north-west of Hen Ddinbych (DE087)*
- Rhiwiau round barrow cemetery (DE100)*
- Round cairn 648m NE of Tan-Y-Foel. (DE157)*
- Gorsedd Bran Round Barrows (DE168)*

When considered alongside other existing and proposed schemes in the area, such impacts are likely to constitute a significantly cumulative adverse impact on the settings of the prehistoric funerary and ritual monuments within this landscape.

We therefore object to the impact of the proposed development on the settings of the above scheduled monuments as it is considered to be contrary to national policy concerned with the historic environment. “

CADW set out their assessment and reasoning for their objections based on the applicant’s submissions in some detail in relation to the scheduled monuments listed above, and comment that the ‘Rationale for scheme modification’ under-estimates the overall scheme on the scheduled monuments, including the intervisibility between the monument known as Gorsedd Bran Round Barrows (DE168) and other scheduled monuments.

Final response in relation to further information from the applicants in July 2016 in the form of a review of the Cultural Heritage issues and comments on the CADW objections to the application, along with additional photomontages:

“ The letter prepared by SLR Consulting raises issues with some of the information provided in the original Cultural Heritage Chapter of the Environment Statement, and raises a number of points which appear to contradict information provided in the Rationale for Scheme Modification (RSM) submitted when the original eight turbine proposal was reduced to seven turbines. The comments contained in our letter of 6 May 2016 were made in accordance with the information

and assessments contained in these documents, such as in section 5.2.10 of the RSM which concludes that the impact of the development on two of the barrows which form DE168 Gorsedd Bran Round Barrows is large/ very large.

In our view, the information provided by the applicant appears contradictory and confusing, comprising several different reports and most recently a series of photomontage but without any commentary. The most recent of these considers the change of impact on the setting of the monuments by the removal of one turbine, rather than the impact of seven turbines. As such, given the additional information provided by the photomontages and the issues raised in the SLR letter, we recommend that your council should request the applicant to resubmit the Cultural Heritage Chapter of the Environmental Statement prepared for a seven turbine development. This work could include all of the relevant information produced in the previous assessments and include analysis of the photomontages. These should include all of the infrastructure required for the development, such as roads, transmission line, earthworks and compounds, as well as the turbines."

CLWYD POWYS ARCHAEOLOGICAL TRUST

Original response

No objection, but request consideration of detailed points. These include:

Impacts on scheduled ancient monuments in the vicinity – have concerns over the large / very large visual impact of turbine 6 on two of the monuments, and cumulative visual impacts on 17 other monuments. Removing turbine 6 may limit the direct impact on the nearest monument, but the significant impact prediction for a number of scheduled monuments is likely to remain the same due to the height of the remaining turbines and their visual influence.

No concerns regarding impacts on listed buildings, Registered Parks and Gardens, and Conservation Areas.

Accept the ASIDOHL 2 assessment predicts a Moderate overall significance of impact, but notes there would be a fairly severe overall significance of visual impact on the Bryn y Gors Historic Landscape Area, although this lies outside the CADW registered historic landscape boundary, but is a component of it. Removal of turbine 6 may assist reducing impact but the overall impact of the remaining turbines is likely to remain Moderate.

Request conditions to facilitate the preservation of in-situ of recorded archaeological deposits by demarcation and exclusion.

Response following revisions to application, reducing the number of turbines from 8 to 7):

Welcome removal of turbine 6, which helps alleviate setting issues for the nearest scheduled monuments and also reduces the visual impact on the Mynydd Hiraethog Registered Historic landscape and its nearest component Historic Landscape Character Areas. Also note the ability to microsite turbine 8 in relation to issues with nearby Scheduled Monuments, and should be explored with CADW.

Previous comments on mitigation in relation to non designated sites and sites recommended for mitigation remain the same. Removal of Turbine 6 will further ameliorate significance of impact for the Mynydd Hiraethog Historic landscape.

Response following submission of additional information from the applicants in July 2016 in relation to Cultural Heritage:

Cadw have the primary role in this case for determining the impact of the development upon scheduled monuments affected directly, or indirectly, by the proposals. ...would not wish to pre-empt any additional advice that may be forthcoming from Cadw in relation to the heritage review.

Having looked through (the additional material) it seems that Cadw may benefit from viewing additional photomontages which directly relate to the views to and from the turbines for which there may be a setting impact. Cadw may then wish to either maintain or alter their advice having seen these visualizations. There may have been an error in the interpretation of

the wording about cumulative impact and Cadw should be given the chance to clarify this. It seems ... that Cadw may have meant that collectively, rather than cumulatively, the nearest proposed turbines may have a major visual impact. ...can see that cumulatively Cadw should really have been discussing other consented wind farms in the surrounding area.

Overall consider (the additional material) a fair and considered alternative assessment which does require a response from Cadw and may require additional assessment materials to be produced so that Cadw can make an informed response.

RSPB

Original response

Object on the basis of deficient EIA. Detail specific areas requiring attention, e.g. bird surveys, monitoring, lack of ambition with regard to the Habitat Management Plan and Environmental Community Benefit. Question whether the survey methods in new surveys are fit for purpose. In respect of detailed concerns, refer to Merlin and hen harrier surveys, standard and extent of observations, monitoring details, mitigation and enhancement, need for clarification of tree felling and planting proposals, further details of and details of Habitat Management Plan and Environmental Community Benefit.

Response following revisions to application

RSPB withdraws it's objection to the above development proposal following the submission of additional information.

The RSPB has considered carefully the above additional information supporting the Environmental Statement (ES). The documents help address the issues raised in our previous correspondence regarding bird survey work and we concur with the conclusion of the impact assessment.

However, we are disappointed that no additional information has been forthcoming in relation to the draft Habitat Management Plan (HMP). We would urge the developer to provide further information to help us understand the full potential of the HMP.

NORTH WALES WILDLIFE TRUST

Original response

Object on the basis of inadequate EIA to assess the impact on wildlife. Detail specific areas requiring attention, e.g. Merlin and hen harrier surveys, extent of observations, baseline surveys, monitoring details, impacts on ospreys, and details of Habitat Management Plan and Environmental Community Benefit.

No further response following revisions to application

CAMPAIGN FOR THE PROTECTION OF RURAL WALES

Original response

Object. Detrimental effect on AONB and users of Offa's Dyke Long Distance Path. Previous refusal and dismissed appeal, with clear conclusions by the appeal inspector on landscape and visual impact, in particular on views from Moel Famau towards Snowdon.

Response following revisions to application

Maintain objection to the revised application. Nothing has been achieved to reduce the enormous impact on the local and not so local landscape. The token reduction in the number of turbines is disingenuous. Are at a loss to understand how the Council's Landscape Consultants reconcile the body of their Assessment which refer to the damage the turbines will do with the final two paragraphs and the recommendation for approval.

AIRBUS

Original response

No aerodrome safeguarding objection.

Response following revisions to application
Confirm no aerodrome safeguarding objection to the proposal.

NATS / NERL

Original response

Objects to the proposal. The development has been examined by technical and operational safeguarding teams (e.g. in relation to impacts on radar signals, navigational aid, and radio communication). Conclude a technical impact is anticipated, which has been deemed to be unacceptable.

Response following revisions to application

Following a review of their operation in the vicinity of the proposed development, has determined that although this is likely to impact their electronic infrastructure, this can be managed such that it does not affect the provision of a safe and efficient en-route ATC service. Therefore have no safeguarding objection to the proposal and withdraw the original objection.

MOD

Original response

No objection. The development should be fitted with aviation safety lighting.

DWR CYMRU WELSH WATER

Original response

Standard advice applying to any proposals if these involve connections to public sewerage systems

WELSH GOVERNMENT DEPARTMENT FOR ECONOMY, SCIENCE AND TRANSPORT

Original response

Directed permission be withheld until further information is sought from the applicant in respect of the Draft Traffic Management Plan, in particular in relation to the management of traffic and the routing of deliveries of larger turbine components.

Response following revisions to application

Direct that any permission includes a total of 9 conditions, requiring submission and approval of further details relating to proposed construction traffic arrangements, e.g. relevant capacity and condition surveys, a Traffic Management Plan, maintenance and decommissioning details, details of highway works, etc.

WALES AND WEST UTILITIES

Original response

No records of apparatus in the area.

No further response following revisions to application

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

Head of Highways and Infrastructure

- Highways Officer

No objection in principle to the proposals subject to conditions to deal with the site compound location, traffic management plan, the management and operation of construction vehicles and the construction vehicle routes; and full details of the proposed access.

- Footpaths Officer

No public footpaths, Bridleways, or Byways will be affected.

- Water Quality Officer

Original response:

The developer should put in place a monitoring, assessment and mitigation scheme to run prior, during and after the windfarm development, for the quality and quantity of water supplied by private water supplies in the vicinity of the development. This should be in addition to any other water course monitoring in relation to the development site. The development should not commence until the written agreement of the Local Planning Authority has been received.

In relation to revised plans –

GRANT with conditions (as below)

- *Baseline monitoring to be carried out on agreed private water supplies in the vicinity of the development before commencement of construction activities.*
- *Any complaints relating to private water supply impacts during the construction phase and for 12 months after construction has finished to be investigated by the developer to the satisfaction of the Local Planning Authority.*
- *Should evidence of an impact on a private water supply be shown, the developer shall take appropriate mitigation measures, with agreement with the Local Planning Authority.*

- Pollution Control Officer
Support the report made by the Council's Noise Consultant.

The Council has engaged the external Noise Consultant used previously for advice on larger wind farm development in Denbighshire. The Consultant's initial response set out the following summary including a request for additional information from the applicant's noise consultants:

“SUMMARY

- 1.1 Subject to the points raised in 1.8 below the background noise levels appear to be consistent with those that would be expected in this area.
- 1.2 Test reports or manufacturers' reports justifying the sound power level used for the calculation of turbine noise should be provided.
- 1.3 A table is required setting out the topographical effects used in the calculations.
- 1.4 The applicant's chosen cumulative lower limits of 40dB during the day and 43dB at night purport to be taken from the Clocaenog Forest consent but they are not correct.
- 1.5 The cumulative assessment has not been carried out in accordance with good practice as set out in the IOAGPG.
- 1.6 A site specific assessment of the risk of AM should be made based on current knowledge.
- 1.7 The candidate turbines are particularly quiet ones or are running in particularly quiet modes. In the event the application is granted the noise conditions should reflect this.
- 1.8 In the interests of clarity and rigor the following should be provided in the assessment:
 - Calibration information should be provided with regard to the replacement equipment at the NRW land.
 - The calibration certificate for the calibrator should be clarified.
 - Calibration information for the LIDAR should be provided.
 - The remaining time series plots should be provided”

Following submission of additional information from the applicants, the Council's Noise Consultant has advised as follows:

“I provided a report on this application on 14th May 2015. In this report I asked for clarification of certain aspects of the noise section of the application. A response to this has been made in a memo dated 6th July 2015 from Gavin Irvine of ION Acoustics to Natural Power. My original comments were summarised on page 1 of my original report and the

same section numbers have been used by ION Acoustics. I will continue to use these section numbers as reference.

All the points 1.1 to 1.8 have been addressed satisfactorily with the exception of 1.2 and 1.5 which I refer to below.

At 1.2, I asked for manufacturers' data for the turbines proposed in the Pant-y-Maen Scheme. This is not provided. Two pages for the Brenig Scheme are provided in Appendix B. (I note in passing that the Vestas V80 figures are for Mode 4 not Mode 3 and so are not the same as used in the ES).

As regards point 1.5, Gavin disputes my suggestion that the cumulative assessment has not been carried out in accordance with good practice. I agree that it is a complex and confusing issue and that the IOAGPG is not at all clear. However, whilst I do not see that it is any help to get into a discussion about the interpretation of the IOAGPG, I would briefly make the following points.

By way of clarification the limit for Tir Mostyn is not an ETSU-R-97 limit. It is a flat 40dB at all wind speeds up to 9m/s at all times of night and day. There is no condition above 9m/s.

I retain the view that the calculation of cumulative turbine noise should be done on the basis of the consented limits for wind turbines other than those in the application. There may be an argument for some moderation of this in the case of Tir Mostyn if current noise levels can be reliably established but the fact is that we do not yet know for certain what the actual turbines will be at Brenig and at Clocaenog Forest. In the case of Brenig, even if it were the same turbine, the assessment is based on it operating at a highly reduced mode. There would be nothing to stop the operator running it at a higher noise mode provided the limits were met. So we can only be certain that Clocaenog Forest and Brenig will have to meet their consented limits"

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

The noise consultant has been approached in relation to the revised plans involving the reduction in the number of turbines, and has been asked for separate comment on the relevance or otherwise of the Gorsedd Bran decision and legal challenges.

In relation to the reduced number of turbines, the Consultant's comments are as follows:

"In my most recent response to the original scheme on 21st August 2015 I said that, if the applicant were to agree to a condition that "The limits, day and night, should be ETSU-R-97 simplified limit of 35dB at all properties except Cwm y Rhinwedd where it should be 5dB above background noise (day and night taken together) or 35dB whichever is the greater" then I would not press for any further cumulative analysis of the position. This was in accordance with the principle that I have recommended to the Council since 2006, that, if the individual noise level from a wind farm was conditioned at a low enough level there would be no need for a cumulative assessment.

The revised proposal results in a noise level at Cwm-y-Rhinwedd less than 35dB and so the noise limits for all properties, day and night, could be the ETSU-R-97 simplified limit of 35dB at all wind speeds. It is important that the conditioned limits are tight because the noise assessment is based on turbines running at a significantly reduced mode. If the conditions allow too much headroom there would be nothing to prevent a future operator running turbines in a noisier mode provided they were within the limits.

If the applicant is willing to accept the limits I propose I have no objection to the revised application.”

In relation to the relevance of the Gorsedd Bran decisions, the Noise Consultant's comments are:

“Further to my report of 14th May 2015 and my subsequent supplementary notes, I write to give you my opinion on the relevance of the Gorsedd Bran decision and the subsequent legal cases as regards the current seven turbine application for Pant-y-Maen. The question arises because the Pant-y-Maen application is at the same location as the application for Gorsedd Bran some years ago. Although it met ETSU-R-97 limits, Gorsedd Bran was refused at appeal because noise from turbines would have come to the properties between Tir Mostyn and Brenig in one direction and Gorsedd Bran in the other. There would be no respite. The decision was subsequently upheld by the Court of Appeal.

Maximum turbine noise levels from Gorsedd Bran at a wind speed of 8m/s were predicted to be 40dB, 37dB, 37dB and 34dB respectively at Hafod Caradoc, Pennant Uchaf, Hafodwen and Ty Newydd. These are the four properties between and nearest to both Gorsedd Bran and Tir Mostyn/Brenig. The noise levels at the same properties from Pant-y-Maen are 30dB, 28dB, 28dB and 26dB. The level from Tir Mostyn and Brenig ranges from 39 to 43dB. It can be seen that the Gorsedd Bran decision was made in a situation where noise from Tir Mostyn/Brenig in one direction averaged about 41dB and Gorsedd Bran in the opposite direction would have averaged about 37dB. Here we have a situation where noise in the opposite direction from Pant-y-Maen will average 28dB. The Pant-y-Maen situation is therefore entirely different from Gorsedd Bran and I do not consider that the Gorsedd Bran decision is relevant in the case of Pant-y-Maen.

Although my opinion here is clear, it does depend on the noise levels from the turbines being broadly as predicted in the ES and subsequent amendments. The candidate turbines are particularly quiet ones or are running in particularly quiet modes. The noise assessment points out that this development has a reduced impact as compared with the earlier Gorsedd Bran application which was refused on appeal. Should the Pant y Maen development be approved with noise limits of the type proposed in Table 11.11 by the applicant there would be nothing to stop the operator lawfully running the turbines at significantly higher noise levels than set out in the ES. There would also be nothing to stop the operator lawfully running the turbines at a higher noise level at night than during the day. All this would be very easy to do using one of the candidate turbines simply by turning it up to a higher operating mode. It may not be the intention of the applicant to do this, but a future operator might not have the same view.

The conditions imposed on the wind farm in the event it is consented should therefore ensure that the levels are no more than those predicted in the ES plus a margin of 2dB. That is the figures in the table 11.10 of the ES plus 2dB adjusted for the removal of T6. “ (The figures are shown in a detailed table)

The full version of the Consultant's responses can be viewed on the planning file and on the website alongside other consultation responses.

- Biodiversity Officer
 - Original response
- Requested additional information to allow a full assessment of the proposal to be made. This included detailed mitigation proposals to demonstrate no overall significant adverse effects, survey data on ornithology along with long term monitoring proposals and long term management plans.

There has not been an Officer in post to comment on the revised proposals, hence please refer to NRW and RSPB responses.

- Landscape Consultant

Original response

The Consultant provided an 8 page review of the submission, commenting on the main issues, offering a landscape and a visual assessment. The Conclusion is quoted in full below:

“The installation of the Pant Y Maen proposal would have significant impacts on landscape character. The *Moorland Plateau (Denbigh Moors)* Landscape Unit is evaluated to have a high sensitivity to wind energy development. Parts of the Landscape Unit are already influenced by developments within SSA-A, consequently those areas already affected have a lower sensitivity.

Commercial forest plantations would be removed and not replanted to accommodate the development. Whilst the Written Statement might consider this a benefit to biodiversity, it would be a large scale change that would be a significant change to the landscape fabric. Furthermore, existing forest tracks would be upgraded and new roads would be constructed to transport turbine segments and construction vehicles. Changes to Landscape Habitat and Historic Landscape aspects could be deemed to be beneficial. Geological Landscape and Cultural Landscape aspects are unlikely to be adversely affected. Significantly adverse Visual and Sensory landscape aspects would be restricted to the area housing the development and those areas of upland immediately adjacent. These affected areas lie within or adjacent to SSA-A, and are already affected by operational wind energy developments or will be affected by consented wind energy developments.

The Landscape and Visual assessments carried out by Soltys Brewster Consulting are very thorough and present an honest assessment of the predicted development. Baseline photographs, wireline drawings and photomontages produced by Ice Pie Images and Envision Ltd are of a high quality. It is clear that best practice guidelines have been followed. Many of the viewpoint locations are difficult to reach even without sophisticated photographic equipment.

Near and significant views of the development would be available from transport routes, open access areas, national trails, picnic sites and 1 dwelling (Sportsmans Arms).

Intermediate and significant views of the development would be available to a scattered dwellings, rural businesses, visitor centres, recreational and transport routes on elevated ground surrounding Clocaenog Forest and Mynydd Hiraethog. The development may be seen as distinct from other wind energy developments when viewed from east and west, and would bring wind energy development to the northernmost limit of the SSA-A.

Distant views would be available to high ground and hill slopes facing the Clocaenog Forest region. The development may be seen as part of a series of wind energy developments within the Clocaenog SSA-A. The combined operational and consented wind energy developments would make the upland regions between Conwy and Denbighshire an area characterised by wind turbines rather than commercial plantations. Within a broad and large scale landscape the Pant Y Maen wind farm proposal would not be seen as the most prominent feature.”

Response following revisions to application and consideration of comments expressing concern over the conclusions in the Landscape Consultant’s original assessment:

The CPRW comments seem to be quoting the report by taking convenient phrases out of context. If the report is read and understood properly, it will be seen that there is no contradiction between what is stated in the body of the report and what is stated in the final three paragraphs

- Archaeologist

Original response

No objections provided the recommended mitigation for archaeology and cultural heritage affected takes place.

In relation to the submission of additional information from the applicants in July 2016 in relation to Cultural Heritage:

From the archaeological perspective, agrees with the mitigation strategy which has been proposed for the non designated archaeological sites associated with this development. This strategy should be implemented during the development process and controlled via conditions on any permission should it be granted. A number of scheduled monuments will potentially be adversely impacted by the proposed development. The body responsible for considering impacts on the setting of these monuments is Cadw.

RESPONSE TO PUBLICITY:

In objection

Janet Bord, Henblas, Mwrog Street, Ruthin
Judy Young, Nantgwyn, Nantglyn *
Darren Millar AM / AC
Peter Devenport - Nantgwyn, Nantglyn
D. & O. Jones, Rhiwiau, Nantglyn
S. Luhde-Thompson, Ty Llarwydden, Nantglyn *
Dr I. Gardner, Gwynant, Waen, Nantglyn *
Judy Corbett, Gwydir Castle, Llanrwst *
M. Collins, 12, Maes Lliwen, Nantglyn
Hugh Yorke, Pen y Bryn Farm, Waen, Nantglyn *
Mr A D Parry-Gupta, Glyn Hyfryd, Nantglyn
Garth Parker, Cetrus, Soar, Nantglyn (for and on behalf of ProAct International) *
Mr C Edwards Gorffwysfa Nantglyn
Nicola Ward, Pen Isa'r Llan, Nantglyn
Valerie Kerr-Wilson, Mysevin, Nantglyn
Dr D S Parry-Gupta, Glyn Hyfryd, Nantglyn
Patricia M Law, Ty'r Efail, Nantglyn
Peter Sandle, Llygad yr Haul, Waen *
Jennifer Sandle, Llygad yr Haul, Waen *
Andrew Wilcox Jones, Pen y Banc, Waen
Mr B J Ditchfield, Tyn y Pistyll Mawr, Bylchau *
Martin Ward, Awelfynydd Nantglyn
Richard Parry, Hafodwen, Nantglyn
Ann Williams, Hafodwen, Nantglyn *
Sue & John Griffith, Bryn Robin, Groes *
Richard Welch, Plas Nantglyn, Denbigh *
Janette Welch, Plas Nantglyn, Denbigh *
E. Cornwall, Gwaen-y-mywion, Nantglyn
P A Tondelier, 4 Fron Goed, Nantglyn
Mrs G M Wilcox-Jones, Pen Y Banc, Waen, Nantglyn
C. Cornwall, Gwaen-y-mywion, Nantglyn *
M. Brockley, Felin Newydd, Nantglyn
Susan Winter, Cefn y Maes, Waen
Pat Woodward & John Martin - Ty'n y Pistyll Bach
J & P Ramsey - Bryn Salem, Nantglyn
E. Toft - 5 Maes Lliwen, Nantglyn *
J. Jones - Castell y Waen, Nantglyn
R. G. Bibby - Tyn Llidiart, Nantglyn *
David Jones MP / AS House of Commons
Jane York, Pen y Bryn Farm, Waen
Steve Shaw, Pen y Cefn, Llansannan
Ashley Shaw, Pen y Cefn, Llansannan

Susan Shaw, Pen y Cefn, Llansannan
David Cullen, Isgoed, Soar
Ophelia Harborne, Cefn y Maes Waen
Dr J Elaine Walker, Hafod Dafydd Mynydd, Llansannan
Ursel Luhde, Maes Cadarn, Nantglyn
Giles Harborne, Cefn y Maes, Nantglyn
Jo Brett, Sedgrwydd Mill Cottage, Nantglyn *
Mr Robin Barlow, Carreg Dafydd, Marli, Abergele

David Roberts, Hazelwood, Foel Gasyth, Saron
Adrian Hughes, Goleufon, Bwlchau
James and Jean Davies, Waen Dilen, Nantglyn
William Gordon, Tanforddwen, Nantglyn
Mr and Mrs N. Smith, Derwas, The Waen, Nantglyn
Olwen Cottle, Bryn Meirion, Henllan
Alix Roberts, Pentre Cader, Soar, Nantglyn
Jill Tyrer, Cefn Maen Isaf, Saron
Iwan Roberts, Pentre Cader, Nantglyn
Nia Roberts, 20 Ffordd Meifod, Henllan
A. and J Wilcox-Jones, Pen y Banc, Nantglyn

Those individuals who have sent representations on the original and the revised application are marked with *

Those who have sent representations solely on the revised application are printed *in italics*

Summary of planning based representations in objection :

Additional representations in relation to the revised application are in italics

Principle of development

Enough turbine development in this area already / system is reliant on subsidies and payments to entice landowners and councils to accept turbines / area is saturated with turbines / precedent / unreliable source of electricity / area being turned into an industrial site
Revised number of turbines from 8 to 7 makes no difference to objections to principle and impacts of development

Planning history

Site was subject of previous application which was refused, appealed, and taken through the Courts / same reasons for refusal as identified by the appeal inspector and Court of Appeal judges still apply, albeit the turbines are a little lower – visual impact and noise nuisance / no change in circumstance since previous refusal / Court of Appeal judgement remains relevant and it would be an affront to the legal process and rights of ordinary people to grant permission / previous judgement that the number of days per year that residents are affected by noise is relevant to a decision and has not been overturned / examination of the scheme must consider whether it is so reduced in size and scope as not to conflict with the Appeal Court judgement

Landscape and visual impact

Cumulative impact with Tir Mostyn, Brenig and Clocaenog windfarms would have a detrimental and overwhelming visual impact locally / view from Moel Famau toward Snowdon would be negatively affected, spoiling enjoyment of residents and visitors / ancillary development such as overhead lines would add to impacts / impossible to have any enjoyment of this ancient and iconic landscape / impact on area well beyond local landscape - AONB, Snowdonia National Park, Historic Landscape Area of Mynydd Hiraethog / large structures on land at a high elevation, distinct from the other windfarm sites / visual impact on ancient monuments / original Inspector's conclusions on turbines surrounding the local community and being unacceptably overbearing were considered by the Appeal Court judges to have been explicit in his demonstration of the effect of the proposal / swept area of turbines larger than existing turbines / Conwy have already refused permission for a large group of turbines including on grounds of harm to the views to Snowdon to an unacceptable degree
Reduction in numbers of turbines from 8 to 7 makes no difference to landscape and visual objections / predicted impacts on distant viewpoints suggest unacceptable effects, e.g. Denbigh

Castle, recreation footpath routes, listed buildings and ancient monuments / the important view from Moel Fammau will still be severely affected - turbines 1, 5, and 8 still lie in direct view to the Snowdon group with the other 4 in the foothills

Noise impact

Development would give rise to unacceptable cumulative noise impact / turbines would encircle Nantglyn village and have a devastating effect on quality of life / noise pollution more likely / EIA presents incomplete assessment of potential noise / arc of turbine noise generated from multiple directions as recognised by appeal inspector has not been addressed / number of days residents suffer noise nuisance will increase

No clear / adequate assessment of noise at higher wind speeds over 8m/second, and no modelling for Nantglyn or Rhiwiau

Ecological impact

Questions over the adequacy of the assessment and destruction of habitat / near to SSSI / Environmental impacts understated / close to North Wales Wildlife Trust's reserve at Gors Maen Llwyd, which is a habitat for rare and protected species / impact on Red Kite / 'permanent' concrete foundations and associated developments are altering upland ecology / Impact on historic assets/ *impact on peat bogs*

Ancient Monuments

Concern over impact on ancient monuments in the vicinity of the site, potentially destroying a significant part of the contextual landscape surrounding tumuli which remain unexplored / watching brief and keyhole excavations are not sufficient to safeguard interests

Tourism impact

Economy is dependent on tourists, who visit because of the beauty of the area – granting permission would undermine the reasons people come to Denbighshire / peace and serenity of the area which attracts visitors is being destroyed / *potential impact on business at Sportsman's Arms*

Highways

Poor access for construction stage operations

Flooding

Increased flood risk

Water supply

Potential impact on private supplies from excavation works

Conflict with planning policies

Development would mean the maximum capacity of 212 MW for Clocaenog Forest SSA (as stated by Welsh Minister in 2011) would be exceeded with this development / Local Development Plan Policy VOE9 requires proper assessment of impact on a locality and this would be unacceptable

Other matters

No clear indication of who bears the cost of decommissioning if the technology becomes obsolete

Impact on house prices in the area and attractiveness of the area to live

Money making motives of non resident developers

Choice of new name for development does not mask fact this is a repeat of Gorsedd Bran proposals, with clear conclusions reached on the merits of those proposals

Vibration nuisance

Health and Safety issues – a blade on a local turbine recently broke off

Air Safeguarding concerns – note NATS comments on aircraft safety

Misleading / confusing information in submitted documents

Council should pay close attention to the combined impact of this and other applications

Landscape and environmental heritage should not be sold by taking the inducement of funds for the local community

In support

Individual representations received from:

John Dielhof - Jones Bros, Canol y Dre, Ruthin
Mr. W. Davies, Haylaur, Regent Street, Llangollen (Llangollen and District Friends of the Earth)

Summary of planning based representations in support:

Additional representations in relation to the revised application are in italics

Principle

Promotes use of renewable energy generation / need more low carbon energy to combat climate change / will contribute to national and regional renewable energy targets / yougov polls suggest 77% of people are supportive of onshore wind power

Landscape impact

Turbines have very little impact on the local landscape

In June 2016, the applicants delivered a box containing a total of 599 support letters. The letters are the same photocopied single A4 sheet with individually penned addresses and signatures, headed 'Support for the Pant y Maen wind farm application, Denbighshire', with the message ' I would like to register my support for the planning application for the Pant y Maen windfarm, located 10km south-west of the town of Denbigh and 16km east of Llanrwst. I have had the opportunity to consult the planning application drawings and associated materials for the project'.

The sheet contains a number of bullet points referring to the capacity of the windfarm, its contribution to renewables targets, the value of wind farms, indicating 'the wind farm would not affect my enjoyment of living or visiting the area', that perceived visual impact must be put in context with widespread environmental damage which climate change could cause in the area, and referring to the UK commitment to carbon emission and renewable energy targets, concerns over global warming, ending with the statement that 'consent for the Pant y maen wind farm will show that this country takes the threat of man-made climate change seriously'.

The letter provides a space at the bottom for individual comments. The majority of letters do not contain additional personal comments, and those that do simply express general support for green energy / wind power / jobs.

The applicants cover email refers to the following breakdown of the letters :

- Nantglyn – 4 letters;
- Prestatyn – 77 letters;
- Rhyl – 214 letters;
- Rest of Denbighshire – 114 letters;
- Rest of Wales – 96 letters;
- Rest of UK – 93; and
- International – 1 letter.

The email also contains the statement "We feel that the letters represent a broad level of support both from those that live in Denbighshire, and also from those that are visiting and enjoying the area."

REASONS FOR DELAY IN DECISION (where applicable):

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

- awaiting consideration by Committee

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 This full planning application seeks permission to construct and operate a 7 turbine wind farm along with associated transformers, access tracks, on site substation, an anemometry tower, three borrow pits, and associated construction and operational infrastructure.
- 1.1.2 The documents refer to turbines with an overall height from base to tip not exceeding 102 metres, with a likely capacity of up to 2.5MW for each turbine. The elevational details of a typical wind turbine indicate a hub height of 60 metres and a rotor diameter of 84 metres. The plans show a lattice design 60 metre high anemometry mast.
- 1.1.3 The site is immediately to the east and south of Llyn Bran, and the project is referred to in the submissions as the Pant y Maen wind farm.
- 1.1.4 The site layout plan shows the vehicular access serving the site would be onto the B4501 at a point some 400 metres from its junction with the A543, to the east of the Sportsman's Arms. The construction compound and the anemometry tower would be immediately to the south of turbine 2.
- 1.1.5 The site was the subject of a previous windfarm application in 2007. This was for 13 turbines up to 125 metres overall height, and was refused permission by Denbighshire in April 2008. The site was referred to as Gorsedd Bran in that submission. The refusal was the subject of a protracted appeal process and legal challenges, which are referred to later in the report.
- 1.1.6 The current application was originally submitted in March 2015 and was for 8 turbines. It was amended by the applicants in early 2016 in response to consultation responses, by removing Turbine 6 and revising the layout accordingly.
- 1.1.7 The application is submitted by Natural Power Consultants Ltd, acting as agents for the applicants, Pant y Maen Wind Limited.
- 1.1.8 The current scheme is Environmental Impact Assessment development requiring submission of an Environmental Statement. The application is therefore accompanied by a volume of supporting documents and plans, all of which are available for inspection on the Council's website. The documents submitted include:
- A non-technical summary of the Environmental Statement
 - A Planning, Design and Access Statement
 - The full Environmental Statement containing chapters and appendices dealing with:
 - o The approach to Environmental Impact Assessment
 - o Site Selection and design
 - o Policy Background and Project Benefits
 - o Detailed Environmental Assessments including:
 - *Landscape and visual assessment
 - *Socio economic and tourism assessment
 - *Hydrology, geology and hydrogeology
 - *Ecology
 - *Ornithology
 - *Noise and shadow flicker
 - *Forestry
 - *Cultural Heritage
 - *Traffic and Transport
 - *Existing infrastructure
 - *Residual impacts and mitigation

1.1.9 The supporting documents, including the Planning, Design and Access Statement provide detailed commentary on the background to the application and set out the case for the grant of permission. They include reference to the details of the proposals and conclusions on impacts; and an outline of what are considered to be relevant national, Welsh Government and local planning policy and guidance applicable to the development. These are very detailed technical documents and as noted above are available for inspection on the Council's website and in hard copy form.

1.1.10 There is reference in the Planning, Design and Access Statement to the previous application for 13 turbines on the site (the Gorsedd Bran windfarm) and to the issues arising in the course of the planning appeal and subsequent High Court challenges following Denbighshire's refusal of planning permission for that development in 2008. These are covered in detail later in the report. Section 3.4 of the Statement comments that ...

“the applicant and their specialist advisors have reviewed and taken into account the previous application documentation for Gorsedd Bran and, as far as is possible, endeavoured to address those problematic issues that were raised during the original application submission and appeal. As such, the present application for the proposed development aims to assure the determining authority that it has adequately overcome those impacts (previously deemed as unacceptable) through design, consultation and assessment and that the application for the Pant y Maen Wind Farm is worthy of consent.”

1.1.11 The revised submission for 7 turbines was accompanied by a 15 page document titled Pant y Maen Wind Farm - Rationale for Scheme Modification (dated 22 December 2015) including a revised site layout plan, and two Volumes of Supplementary Environmental Information (a Main Statement with Figures and Appendices, and a Non-technical Summary (dated October 2015). The documents deal with consultation responses received in relation to the proposals submitted in March 2015, and provide technical information on a number of issues arising from them. The document confirms the indicative maximum capacity of the development would be 17.5MW based on the assumption in the Environmental Assessment of each turbine having a maximum capacity of 2.5MW.

1.1.12 The 'Summary of the Rationale for Scheme Modification' document states as follows –

“9.1.1 This document demonstrates that through the dropping of T6, many of the concerns raised relating to the proposed development have been addressed, or at least mitigated. The resulting layout is one which maximises the benefits of the site whilst being cognisant of relevant concerns, and delivering an economically viable project.

9.1.2. The scheme modification achieves the following:

- Having a reduced landscape and visual impact, in particular from views from Jubilee Tower to the Snowdon Horseshoe. It also reduces the impact on the Hiraethog SLA, and makes the wind farm appear as a tighter cluster in nearby views.
- Reduced the number of SAMs that have a significant indirect impact on their setting from seven down to three. Of the three SAMs that still have significant indirect impact on their setting, the level of significance has been reduced for each.
- The potential for shadow flicker to occur at residential properties has been removed.
- Further reduced the angle of view of the turbines for Wern Uchaf and Hafod Caradoc and increases the distance between Cwm y Rhinwedd and the nearest proposed turbine.
- Delivers a suitably designed project which maximises the benefits of the site whilst being cognisant of relevant concerns.”

1.1.13 Further information was submitted by the applicants in July 2016 in response to CADW's comments on the Cultural Heritage issues, including a review of CADW's comments and additional photomontages. The applicants' information was sent to CADW for final comments, and these are included in the Consultation Responses section of the report.

- 1.1.14 There are a number of plans and drawings at the front of the report of relevance to the proposals. These include the site layout as revised, and the one as proposed in 2007 for the Gorsedd Bran wind farm .

1.2 Description of site and surroundings

- 1.2.1 The site is located between Llyn Brenig to the south and the reservoir at Llyn Bran to the north. Its southern, western, and northern boundaries run close respectively to the B5401 Denbigh road, the B4501 Sportsmans Arms to Cerrigydrudion road, and the A543 Bwlchau – Pentrefoelas road.
- 1.2.2 This is an upland area presently covered in coniferous forest. There is one former quarry within the site boundary and four others immediately to the east.
- 1.2.3 The site lies some 3km to the west of the nearest turbine in the existing Tir Mostyn windfarm, and some 1.5km from the recently constructed entrance to the Brenig wind farm site.
- 1.2.4 The nearest villages are Bwlchau – 3.5km to the north, and Nantglyn – 4km to the north east. Denbigh is 10km to the north east, and Ruthin 15km to the east.

There is a basic location plan at the front of this report, and a number of maps which illustrate the location of the site relative to main settlements, private dwellings, and other relevant features/designations. These are referred to in subsequent sections of the report.

- 1.2.5 The site stretches over 2km from North to South, and 2km from West to East. The highest elevation is 518m above sea level.
- 1.2.6 The nearest private properties to the application site are to the north, east and south. The application documents indicate that Cwm y Rhinwedd is the closest, at approximately 900 metres to the north of the nearest turbine.

| Property | Approximate distance from nearest turbine |
|------------------|---|
| Cwm y Rhinwedd | 900m |
| Sportsman's Arms | 1300m |
| Wern Uchaf | 1300m |
| Hafod caradoc | 1300m |
| Nant y lladron | 1800m |
| Pennant Uchaf | 1700m |
| Hafod Wen | 1700m |
| Ty Newydd | 2100m |
| Rhiwau | 2000m |
| Nant Gwyn | 1600m |
| Henfryn | 2400m |
| Awel y brenig | 2300m |
| Pennant Isaf | 2500m |
| Tyn y Ffrith | 2800m |
| Garreg lwyd | 2900m |

- 1.2.7 The application site is located within the Nantglyn Community Council area. Its north west boundary runs close to the County boundary with Conwy, which is delineated by the A543 Bwlchau – Pentrefoelas road.

- 1.2.8 The Ownership statement on the application forms confirms that notice has been served on an individual with an address in Burford (Oxfordshire), Natural Resources Wales and Dwr Cymru.

1.3 Relevant planning constraints/considerations

- 1.3.1 The site is in open countryside outside any development boundaries approved in the Local Development Plan.
- 1.3.2 It lies within the boundary of the Clocaenog Forest Strategic Search Area 'A' identified in Technical Advice Note 8 (TAN 8), i.e. an 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 16km to the east. The boundary of the Snowdonia National Park is some 12km to the west. These areas are shown on one of the plans at the front of the report.
- 1.3.4 In terms of non-statutory designations, the site lies within the Denbigh Moors Landscape of Special Historic Interest, and to the west of, but outside, the Vale of Clwyd Landscape of Outstanding Historic Interest. There are Sites of Special Scientific Interest to the west and south of the site boundary.
- 1.3.5 There are no public footpaths crossing the site.
- 1.3.6 There are no Ancient Monuments within the application site, although there are a number in the vicinity. The nearest is DE168 Gorsedd Bran Round Barrow, which is approximately 600 metres to the north of proposed turbine 5.

1.4 Relevant planning history

Pant y Maen site.

- 1.4.1 The main application of relevance to the application is one for a 13 turbine development on the site, dealt with under Denbighshire code number 25/2007/0642. This was referred to as the Gorsedd Bran wind farm. It involved turbines of up to 125 metres high and was refused in April 2008 on grounds relating to landscape, noise, surface water run-off and inadequate information on protected species. The reasons are quoted in full in section 2.1 of the report.
- 1.4.2 The April 2008 refusal was taken to appeal and was the subject of a public inquiry. The Planning Inspector dismissed the appeal in a decision letter in November 2009. The Inspector concluded that there would be unacceptable landscape / visual and noise impacts which were in conflict with planning policy and that the harm was not outweighed by the benefits of renewable energy, and the imposition of conditions would not overcome these objections. In respect of noise, the Inspector concluded that although the proposal would be likely to meet the recommendations of ETSU R-97, the location of the site means the prevailing wind would introduce additional noise to dwellings affected by the Tir Mostyn turbines, when they might currently expect not to hear the existing turbines, significantly increasing the general noise nuisance experienced by a significant number of local residents the cumulative noise from a wind farm in the proposed location having regard to prevailing winds, etc. . A more detailed summary of the Inspector's conclusions is included in section 2.1 of the report.
- 1.4.3 The Inspector's decision was taken to the High Court and an initial judgement in May 2010 was that the Inspector had failed to provide adequate reasons for his conclusion that the potential noise impact would be unacceptable, and his findings were therefore

quashed. Welsh Assembly Government then appealed to the High Court, which found in favour of the Inspector's decision and upheld that decision in November 2010. Further detail of the Court of Appeal decision is in section 2.1 of the report.

Other turbine developments in the locality.

1.4.4 The 25 turbine development operating on adjoining land at Tir Mostyn / Foel Goch was granted permission by Welsh Assembly Government (WAG) in December 2002, following the 'call in' of the application for determination by the WAG. These are 75m high turbines with a 52m rotor diameter.

1.4.5 Planning permission for a 16 turbine development on land east of Llyn Brenig was granted permission by Denbighshire in April 2008. The permission was for 100 metre high turbines. The permission has been taken up through the construction of the access to the site.

An application to increase the blade tip height of the turbines to 110 metres was refused by Denbighshire in December 2015, on grounds of additional landscape and visual impact. This refusal was the subject of an appeal to the Planning Inspectorate, and the decision to allow the appeal was issued in May 2016.

1.4.6 The Development Consent Order permitting the development of the 32 turbine Clocaenog Forest windfarm on land stretching from east of the Tir Mostyn Turbines south to the Cerrigydrudion – Ruthin Road west of Clawddnewydd was confirmed in September 2014. The consent is for turbines up to 145m high.

1.4.7 There is a single turbine operating at Hafod ty du immediately to the east of the Tir Mostyn turbines. This was granted permission in July 2014. This is an 81m high turbine with a rotor diameter of 52m.

1.5 Developments/changes since the original submission

1.5.1 As noted previously, the current application was revised by the applicant's agents in early 2016, with the elimination of turbine 6 from the originally submitted scheme. The agents have also submitted additional information to address specific matters raised in relation to Cultural Heritage impacts by CADW.

1.5.2 A comprehensive reconsultation exercise was undertaken on the revised application in January 2016. Properties within a 4km radius of the site were again notified and offered opportunity to make representations on the application.

1.6 Other relevant background information

1.6.2 None.

2. DETAILS OF PLANNING HISTORY:

Specific to the Pant y Maen site:

2.1 Application 25/2007/0642 (Gorsedd Bran windfarm)

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

Refused 02/04/2008 – for the following reasons:

1. *The erection of 13 turbines of 125 metres height in a prominent ridge top location would have an unacceptable impact on the character and appearance of the landscape, including views into and out of the Clwydian Range Area of Outstanding Natural Beauty and the Snowdonia National Park, and would contribute to an unacceptable cumulative visual impact adversely affecting views across the Denbigh Moors towards Snowdonia from the Clwydian Hills and Offa's Dyke National Trail, and adversely affecting the community of Nantglyn by creating an arc of turbines around the village, also giving rise to harm to the enjoyment of the local landscape for recreational and tourist uses, in conflict with Policies MEW 10 iii, vii and viii, MEW 8, GEN 6 ii, iii, and iv, ENV 2, and STRAT 7 iii of the Denbighshire Unitary Development Plan, and guidance on siting of turbines in the Council's Interim Planning Guidance Note No 1 - On Shore Wind Farms.*
2. *The operation of the turbines at Gorsedd Bran is considered likely to lead to noise levels which in itself, and cumulatively with the noise from turbines on nearby windfarms, would have an unacceptable impact on the local community, including the amenities of occupiers of residential properties in the locality, in conflict with Policies MEW 10 iv, MEW 8, GEN 6 v, ENP 1 iii, and STRAT 7 v of the Denbighshire Unitary Development Plan.*
3. *The proposed clear felling of trees is considered likely to lead to a significant increase in the run off of surface water from the site, and to increased potential for flooding in susceptible locations downstream in the Clwyd catchment area, and to an adverse impact on the quality of private water supplies in the locality, and in the absence of information demonstrating the extent of run off and whether specific mitigation measures could address the impacts, the development is considered to be in conflict with Policies MEW 10 ix, MEW 8, GEN 6 x, ENP 6, and STRAT 7 iii of the Denbighshire Unitary Development Plan.*
4. *The application does not demonstrate that adequate pre - determination surveys have been undertaken to identify and assess whether there would be significant effects from the development on protected species, or adequate measures to avoid, reduce, or remedy such effects, in conflict with Policies MEW 10 x, MEW 8, ENV 6, and STRAT 7iii of the Denbighshire Unitary Development Plan, and the requirements of the Environmental Impact Assessment Regulations.*

2.2 Subsequent appeal against refusal

Appeal dismissed - decision letter dated 18/11/2009

The appeal Inspector determined that the main issues were the visual effects of the proposal within the locality and from more distant views such as the AONB, and the effects of noise on the amenity of residents within the locality.

In relation to landscape and visual effects, the Inspector concluded -

- The visual effects of the turbines would be unacceptably overbearing to residents of a number of properties in the locality.
- The cumulative effect of the proposal together with the existing and consented turbines would result in the local community having the appearance of becoming increasingly surrounded by turbines on all the high ground to the south and west, in conflict with the relevant test of the Development Plan policy
- With one exception, cumulative impact from more distant views would be limited and would not detract significantly from long distance views from the Snowdonia National Park and along most of Offa's Dyke in the AONB
- The exception is the view from the Jubilee Tower at the top of Moel Famau.

The turbines would be directly in line with the summit of Snowdon and would break the skyline on either side of that summit, leading to an unacceptably harmful impact on this important view, in conflict with the relevant test of the Development Plan policy

In relation to noise, the Inspector concluded –

- On the basis of the evidence, serious health problems would not arise from low frequency noise
- There was no doubt that with the suggested conditions, the turbines could operate within or at the levels suggested in ETSU 97.
- The location of the site means the prevailing wind would introduce additional noise to dwellings affected by the Tir Mostyn turbines, when they might currently expect not to hear the existing turbines, significantly increasing the general noise nuisance experienced by a significant number of local residents. The cumulative increase in noise, whilst likely to be within ETSU 97 levels, would result in a level of harm which would conflict with the relevant test of the Development Plan policy

In dismissing the appeal, the Inspector concluded the proposal would be in serious conflict with the development plan policy that the benefits of renewable energy would not outweigh the harm, and the imposition of conditions would not overcome these strong planning objections.

2.3 There followed a High Court challenge by the developers to the Planning Inspector's decision, which was heard in early 2010.

The High Court judgement in May 2010 upheld the appeal on the basis that the Inspector had failed to adequately explain his reasoning for finding that noise disturbance would be caused despite complying with relevant technical guidance.

2.4. A further appeal was then made to the High Court by Welsh Government against the May 2010 judgement. The case was heard by the Court of Appeal in November 2010.

The May 2010 judgement was overturned as the Court found that the Appeal Inspector had provided sufficient explanation of the reasoning process that led to his decision.

Applications in the vicinity of the site:

2.4 Application 25/1999/0710 (Tir Mostyn / Foel Goch Windfarm)

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

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

2.3 Application 23/2013/0546 (Clocaenog Forest Windfarm)

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

Development Consent Order granted September 2014.

2.4 Application 25/2007/0656 (Brenig Wind farm)

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

Land East of Llyn Brenig Nantglyn

Granted 06/04/2008

2.5 Application 25/2015/0636

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

Land East of Llyn Brenig Nantglyn

Refused 09/12/2015 for the following reason :

“ In the opinion of the Local Planning Authority, the increased size of the proposed 16 turbines in this location is considered likely to give rise to significant and unacceptable additional landscape and visual impacts, adversely affecting the locality, the landscape setting of the Snowdonia National Park, distant views from the Clwydian Range and Dee Valley Area of Outstanding Natural Beauty, its setting and special qualities. The proposals are therefore considered to be contrary to Policies VOE2 and VOE9(ii) of the Denbighshire Local Development Plan, and Section 5 of Planning Policy Wales 7, 2014, which require due consideration of the impacts on the surrounding area and community, and seek to conserve and enhance the natural beauty of the aforementioned statutory landscape designations.”

The refusal was the subject of an appeal to the Planning Inspectorate. The decision letter confirming the appeal was being allowed, with conditions, was issued on 18th May 2016.

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

3.1 Denbighshire Local Development Plan (adopted 4th June 2013)

Policy PSE5 – Rural economy

Policy VOE1 – Key areas of importance

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

Policy VOE5 – Conservation of natural resources

Policy VOE 6 – Water management

Policy VOE9 – On-shore wind energy

Policy ASA 1 – New transport infrastructure

3.2 Supplementary Planning Guidance

Renewable Energy (April 2016)

Archaeology

Nature Conservation and Species Protection

3.3 Government Policy / Guidance

UK level

Energy Acts 2008 – 2013

Climate Change Act 2008

Renewable Energy Strategy 2009

Renewable Energy Roadmap 2013

The Carbon Plan 2011, updated 2013

Utilities Act 2000 and the Renewables Obligation

Welsh Government level

One Wales: One Planet 2009

Climate Change Strategy in Wales 2010

Welsh Energy Policy Statement 2010

Planning specific documents

Planning Policy Wales Edition 8, January 2016

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

Technical Advice Notes

TAN 5 Nature Conservation and Planning (2009)

TAN 6 Planning for Sustainable Rural Communities (2010)

TAN 8 Planning for Renewable Energy (2005)

TAN 11 Noise (2015)

TAN 15 Development and Flood Risk (2010)

TAN 18 Transport

Circulars

Circular 60/96 – Planning and the Historic Environment: Archaeology

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

4.2 In relation to the main planning considerations:

- 4.2.1 Principle
Overarching policy

There is significant legislation and policy set out at international, European Union and UK Government level supporting the principle of renewable energy development. Planning Policy Wales (PPW) reaffirms UK and Welsh Government energy policy and recognises that wind

energy generation remains the most commercially viable form of renewable energy in Wales. The principle that wind energy development is an acceptable means of securing generation of renewable energy is therefore well established.

Welsh Government's Technical Advice Note 8 (TAN 8) and the general strategies in Planning Policy Wales 8 (PPW) Section 12.8 provide technical advice and guidance on renewable energy projects. TAN 8 introduced the principle of spatial planning for the delivery of energy policy and identified 7 Strategic Search Areas (SSAs) where large scale onshore wind developments should be concentrated. Factually, the site is located on the northern edge, but within the boundary of the Clocaenog Forest Strategic Search Area (SSA 'A') where national planning policy supports the principle of large scale wind energy development.

Developments such as the one at Pant y Maen fall within the 'Local Authority-wide' scale of development in PPW 8, having a capacity of between 5MW and 25MW.

Denbighshire Local Development Plan (LDP) Policies

LDP Policy VOE 9 supports the principle of on shore wind turbine development subject to assessment of environmental and sustainability impacts. The Pant y Maen Wind Farm proposal would fall within the same 'Local Authority-wide' scale of development as described in PPW 8, i.e. having a generating capacity of between 5MW and 25MW. VOE 9 states that 'Local Authority-wide' scale developments will only be permitted within the Clocaenog Strategic Search Area where they do not prejudice the development of strategic / large scale schemes.

The Council's Supplementary Planning Guide – Renewable Energy, approved in April 2016, is geared at informing potential developers of renewables projects about national and Local planning policies specific to renewable energy developments, and setting out information requirements and general design principles to consider in connection with the submission of planning applications. The SPG includes as an appendix the Conwy and Denbighshire Landscape Sensitivity and Capacity Assessment, which provides a strategic assessment of the relative sensitivity of the County's landscape to wind energy developments, and is noted as a material consideration in the assessment of onshore turbine proposals.

In summary, it is clear that there is support for the development of suitable renewable energy technology at all government levels. This is translated by Welsh Government in Planning Policy Wales 8, TAN 8 and related Ministerial statements into support for the development of major wind power proposals on a locational basis, in the guise of Strategic Search Areas, which includes the Clocaenog Forest area. The principle of a 'local authority wide scale' wind energy development on the Pant y Maen site, which is within the Clocaenog Forest Strategic Search Area, would be in accord with this policy context, subject to it not prejudicing the development of any strategic / large scale scheme, and to due assessment of normal environmental impact tests, which are reviewed in the following sections of the report. National and Welsh Government policy is not up for challenge in relation to individual planning applications.

Officers' conclusion is that the national and local planning policy context remains a significant consideration on any wind farm application and that the benefits of providing energy from renewable sources is a matter to be placed in the balance against the impacts arising from the particular scheme when assessed against relevant planning policy tests and material considerations. The localised impacts of the particular scheme now in front of the Council and other material considerations are reviewed in the following sections of the report.

4.2.2 Planning history

The planning history of a site may be a material planning consideration in the weighing up of the merits of an application. The Council has indicated this in its Screening Opinion to the developers on the application.

Members will note from the summary of the planning history in sections 1.4 and 2 of the report that there is a recent history of decisions in relation to a previous windfarm application on the site. This was the Gorsedd Bran wind farm application, which was submitted in 2007 and involved 13 turbines of up to 125 metres in height. It was refused permission by the County Council and was subject to an appeal determined by the Planning Inspectorate, a High Court challenge to that decision, and a further appeal to the High Court against the first judgement. The issues arising from the refusal of permission, the Planning appeal decision, and the Court judgements are of some relevance to the current application.

In summary:

- The 2008 refusal of planning permission by the Planning Committee, against Officer recommendation, was on grounds of impact on landscape, noise, surface water run-off and inadequate information on protected species.
- Following dialogue with the developers in the course of progressing the subsequent planning appeal, information was provided to address surface water run-off and protected species issues, so the Public Inquiry primarily addressed the landscape and noise reasons for refusal.
- The Planning Inspector dismissed the appeal in 2009. Of relevance to the current application are his conclusions on :
 - o *landscape and visual effects*, which he considered would be unacceptably overbearing to residents of a number of properties in the locality; would have cumulative effects together with the existing and consented turbines and would result in the local community having the appearance of becoming increasingly surrounded by turbines on all the high ground to the south and west; with one exception, cumulative impact from more distant views would be limited and would not detract significantly from long distance views from the Snowdonia National Park and along most of Offa's Dyke in the AONB; the exception being the view from the Jubilee Tower at the top of Moel Famau, where he considered the turbines would be directly in line with the summit of Snowdon and would break the skyline on either side of that summit, leading to an unacceptably harmful impact on this important view.
 - o *Noise impact*, where he considered on the basis of the evidence, serious health problems would not arise from low frequency noise; there was no doubt that with the suggested conditions, the turbines could operate within or at the levels suggested in ETSU-R-97, but the location of the site means the prevailing wind would introduce additional noise to dwellings affected by the Tir Mostyn turbines, when they might currently expect not to hear the existing turbines, significantly increasing the general noise nuisance experienced by a significant number of local residents; and the cumulative increase in noise, whilst likely to be within ETSU 97 levels, would result in a level of harm which would conflict with the relevant test of the Development Plan policy.
 - o The Inspector concluded the proposal would be in serious conflict with the development plan policy, that the benefits of renewable energy would not outweigh the harm, and the imposition of conditions would not overcome these strong planning objections.
- *The first High Court judgement* in May 2010 on the developer's challenge to the Inspector's decision upheld the appeal on the basis that the Inspector had failed to adequately explain his reasoning for finding that noise disturbance would be caused, despite complying with relevant technical guidance in ETSU-R-97.

- *The second Court judgement*, in November 2010, following the subsequent Welsh Assembly Government appeal to the High Court, found in favour of the Inspector's decision and upheld that decision. Interpretation of the decision suggests that the Planning Inspector was not bound to apply ETSU- R-97 as policy even in a TAN 8 Strategic Search Area irrespective of whether there were or were not exceptional circumstances, and that it was reasonable to apply planning judgement that a windfarm development could be unacceptable on the basis of potential noise impact even where it is demonstrated to comply with ETSU-R-97 recommendations. In this case, the Inspector's planning judgement was that the combination of the site location, the prevailing wind and the location of dwellings would result in additional noise to dwellings already affected by the Tir Mostyn turbines at times when they would not experience noise from those turbines, leading to a level of harm in conflict with planning policy.

- **Officers' conclusions**

Whilst full regard has to be given to the specific merits and impacts of the current proposals, the issues of principle arising from the detailed examination of the Gorsedd Bran wind farm proposal from its refusal by Denbighshire to the last High Court judgement are considered to be highly relevant to assessment of the Pant y Maen application. The landscape / visual, residential amenity and noise issues remain key considerations to any turbine development in this location, and are dealt with in detail in the following sections, which include reference to relevant consultation responses and representations.

4.2.3 Landscape and visual impact

- **Local Development Plan policies and guidance**

The main policy relevant to the visual and landscape impact associated with wind energy development is VOE 9. This requires due consideration of the localised effects of development, including in test ii) cumulative impact on the surrounding area and community, e.g. landscape / visual impact.

Policy VOE 1 applies to Key Areas of Importance and requires development proposals to maintain and, wherever possible, enhance these areas for their characteristics, local distinctiveness, and value to local communities in Denbighshire, including local areas designated or identified because of their natural landscape or biodiversity value. Key Areas of Importance are stated in the policy as statutory designated sites for nature conservation, areas designated or identified because of their natural landscape or biodiversity value; sites of built heritage; and Historic Landscape, Parks and Gardens.

Policy VOE 2 relates to development proposals within or affecting the Area of Outstanding Natural Beauty and the Area of Outstanding Beauty. It states that development that would cause unacceptable harm to the character and appearance of the landscape and the reasons for designation will not be permitted. The text to the policy indicates that consideration will be given to both the impact of development within these designations, and the impact of development on their setting, and that important views to and from the AONB and AOB will be protected.

- **Welsh Government policy and guidance**

Section 3.1 of Planning Policy Wales outlines relevant material considerations to be taken into account in making planning decisions, and includes impact on the neighbourhood and on the environment as such considerations.

Planning Policy Wales and TAN 8 provide the strategic policy framework for assessing wind energy development and contain some specific guidance on the detailed consideration of landscape and visual impact to assist local planning authorities determine planning applications. Planning Policy Wales provides guidance in 12.10.1 on matters local planning authorities should take into account in determining applications for renewable energy development, including impacts on natural heritage (which in 5.5 embraces biodiversity and landscape considerations), the Historic environment (which in 6.5 embraces historic landscape consideration) and the need to minimise impacts on local communities to safeguard quality of life for existing and future generations. Paragraph 8.4 of TAN8 Annex D states that within SSAs, the implicit objective is to accept landscape change i.e. a significant change in landscape character from wind turbine development. However, it accepts that given the increasing number of consented wind turbine developments within and on the periphery of the SSA, it is imperative that cumulative effects are fully considered when planning applications are assessed.

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

This Study was published in May 2013 and is an appendix in the Council's Renewable Energy Supplementary Planning Guidance. It provides a strategic assessment of the relative sensitivity of the landscape to wind energy developments. Its purpose is to assist developers, and Denbighshire and Conwy Councils in assessing the landscape and visual effects of onshore wind energy development for development control purposes. It reviews and analyses information in the LANDMAP layers, which have been a useful reference for assessment purposes previously.

Within the Sensitivity and Capacity Study, Section 4 provides an evaluation of landscape units and their sensitivity for wind energy developments. The Pant y Maen wind farm site is located on the eastern side of landscape unit D10 Moorland Plateau (Denbigh Moors). The key characteristics of D10 are noted as typically vast in scale, predominantly rolling upland moorland plateau, and cultural heritage interest. The summary of sensitivity to wind energy developments is assessed as 'high', although the text to this section refers to high landscape value being reflected in the western half of the area being designated as the Hiraethog SLA, and there are expansive views to and from important landscapes, it is noted that the northern extent of the area lies within the TAN 8 SSA 'A' and is likely to have a lower sensitivity.

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

- The submission

The Environmental Statement submitted as part of the application contains an 82 page Landscape and Visual Assessment with sections dealing with planning policy, assessment methodology, baseline assessments, mitigation measures, and assessment of potential effects. There are a number of accompanying plans and drawings providing information including

photomontages and wireframe representations from viewpoints, and Zones of Theoretical Visibility. There is a lengthy summary / conclusion in this section of the Environmental Statement and within the Non Technical summary document. Amongst the points it notes are -

- In terms of impacts on landscape character areas (LCA's), significant cumulative effects would be predominantly restricted to locations within the Clocaenog Forest and Denbigh and Derwen Hills LCA's, where windfarms would become the defining feature, and there would be significant effects in the Migneint LCA. In all other LCA's cumulative effects are not considered to be significant.
- In terms of effects on visual amenity from the 24 viewpoints assessed, significant adverse effects are predicted from 6 viewpoints (including Denbigh Castle, Llyn Brenig picnic area). Effects on the AONB demonstrate there will be no significant effects on visual amenity. In respect of the Jubilee tower at Moel Famau, the development would be viewed at a distance of 19 km to the nearest turbine, within a large scale landscape and would occupy only a very small proportion of the overall view. The proposed turbines would be viewed against the mountains of Snowdonia, although not against Snowdon and the turbines would not break the skyline – therefore effects on visual amenity from this location are not considered to be significant.
- In terms of significant effects on the landscape character and the visual amenity of Landscapes of Outstanding Interest and Landscapes of Special Historic Interest, these would predominantly be restricted to the eastern fringes of Denbigh moors and areas surrounding Llyn Brenig – where the turbines would be a prominent feature of views and there may be a small change in character as wind turbines become an increasingly defining feature of the landscape.
- In terms of the impact on residential visual amenity, the assessment at the 11 properties within 2km from the turbines concludes that there will be no significant effects, including cumulative effects from any property except the Sportsman's Arms, where the wind farm would form a prominent feature. Whilst the effects on this property are considered to be significant and adverse, the development is not predicted to make the property an unattractive or unsatisfactory place to live.
- It is stated that while it can be considered that the proposed development may conflict with local planning policy, it does not conflict with national planning policy. Reference is made to para. 8.4 of TAN 8 which states that within and immediately adjacent to the SSA's the implicit objective is to accept landscape change, i.e. a significant change in landscape character from wind turbine development.
- In terms of the comparison to the Gorsedd Bran wind farm, it is stated that the Pant y Maen wind farm has been designed to address issues inherent in the refusal of that proposal. It indicates that by having fewer turbines, a reduced blade tip height, and locating the turbines in a visually less prominent area, the scheme has addressed these issues, particularly the impact on Nantglyn. It is stated that the location of turbines are such that they would not be viewed either side of the summit of Snowdon and would not break the skyline.

- Consultation responses and individual representations on the application

- In terms of individual representations:

Those individuals in objection have raised a range of concerns over the proposals in terms of the landscape and visual impacts. Reference is made to overwhelming cumulative impact with Tir Mostyn, Brenig and Clocaenog windfarms; the impact on views from Moel Famau toward Snowdon; the impact of ancillary development such as overhead lines; impact on the AONB, Snowdonia National Park, and the Historic Landscape Area of Mynydd Hiraethog; the original

Inspector's conclusions on turbines surrounding the local community and being unacceptably overbearing, which were considered by the Appeal Court judges to have been explicit in demonstrating the effect of the proposal; the larger swept area of turbines compared with existing turbines; and the fact that Conwy have already refused permission for a large group of turbines including on grounds of harm to the views to Snowdon to an unacceptable degree.

There is a single representation in support of the application expressing the opinion that turbines have very little impact on the local landscape, and the signed sheets in support state that perceived visual impact must be put in context with widespread environmental damage which climate change could cause in the area.

- In terms of consultation responses:

Objections are raised on the landscape and visual impacts of the proposals by the Nantglyn, Llanrhaeadr YC and Llansannan Community Councils, Snowdonia National Park authority, CPRW and the AONB Committee. Conwy have dropped their objections following the removal of turbine 6 from the scheme. The basis of the objections is the impact on the views from Moel Famau to Snowdon / the National Park, cumulative effects in combination with existing and proposed wind farms, effects on the AONB, the further spread of the windfarm landscape to the north, the impact on the setting of the of the Hiraethog Special landscape Area, the absence of assessment of the overhead lines connection, the 'stacking' effect of turbines and effects on the setting of designated landscapes, and the 'fencing in' of the Snowdonia mountains by turbine development.

NRW's final response is not worded as an objection in respect of landscape and visual impacts, but in Officers' view is of some relevance to the consideration of the issues on the 7 turbine scheme. NRW identify the primary landscape issues as the potential landscape and visual effects of the development, singularly and cumulatively upon the views and setting of protected landscapes – the Clwydian Range and Dee Valley AONB and Snowdonia National Park; and the historic landscape character of Mynydd Hiraethog, Vale of Clwyd and Y Berwyn Register of Landscapes of Historic Interest in Wales. In relation to the designated landscapes, NRW advise that the deletion of one turbine leaving seven remaining turbines would not significantly lessen the effect upon the view concerned, as outlined in their original response. They state:

'The proposal would encroach within an important view of Snowdon from the Jubilee Tower on Moel Famau, within the Clwydian Range and Dee Valley AONB. Whilst the proposal would be seen as a relatively minor addition in the context of the extensive consented wind farm landscape associated within the Clocaenog TAN8 Strategic Search Area for wind development, the proposal would extend turbines in front of the Snowdon Horseshoe, which is a distinctive and recognisable feature of the northern Snowdonia skyline. The likely harm resulting from this proposed development, upon those visitors with a particular interest in the view is for wind development to intrude upon and erode the visual amenity and sense of place currently experienced within uninterrupted views of northern Snowdonia and its principle peak. Whilst the proposed turbines would not be seen to breach the skyline view, NRW consider the change to the view would be significant.'

From elsewhere within the Clwydian Range and Dee Valley AONB and from Snowdonia National Park NRW consider effects upon visual amenity would not be significant.

In terms of impact on the Historic Landscapes, NRW's final comments are:

'The proposal would introduce a new wind farm development and its visual influence upon a large extent of the eastern to middle area of the Mynydd Hiraethog Historic landscape, where there remain areas currently unaffected by consented wind development associated with the Clocaenog TAN8 Strategic Search Area. Prominent change would be experienced from the Clwydian Way (LVIA viewpoint 18, with the proposed wind turbines likely to be visible for a prolonged period along approximately 4km of the route) and the A543 (not illustrated and assessed within the LVIA, with the proposed wind turbines likely to be visible for approximately 3km of the route). The Cultural Heritage Assessment using wireframe images assess a range of effects across the area from sever to moderate. Both assessments identify significant effects upon views and historic character. For the other historic landscapes which lie within the proposed development's zone of theoretical visibility, NRW consider the visual effects would not be significant singularly or cumulatively.'

The Council's Landscape Consultant has reviewed the submission and considers the development would have significant impacts on landscape character, and the visual effects would have a significant detrimental impact on the immediate area of moderate scenic value. His review notes the effects of existing operational wind farm development and the potential additional impacts of consented developments, which set a context for assessing impacts. It recognises that the development may be seen as part of a series of wind energy developments in the SSA but may be seen as distinct from them when viewed from east and west. In terms of cumulative impacts, the review recognises the area is already influenced by wind energy and would be further influenced by consented development, and suggests the large scale and open landscape could accommodate the development without unacceptable damage to landscape character and quality. In conclusion, the considered view of the Consultant is that the wind farm proposal would not cause undue landscape and visual impacts.

- Relevant matters from the Gorsedd Bran planning refusal, the Planning Inspectorate decision and court judgements

The Council's reason for refusal of the 2007 application was based on the unacceptable impact on the character and appearance of the landscape, including views into and out of the Clwydian Range Area of Outstanding Natural Beauty and the Snowdonia National Park, and the contribution to an unacceptable cumulative visual impact adversely affecting views across the Denbigh Moors towards Snowdonia from the Clwydian Hills and Offa's Dyke National Trail, and the adverse effect on the community of Nantglyn by creating an arc of turbines around the village,

The Planning Inspector's conclusions in his decision letter on the subsequent appeal in relation to landscape and visual effects were that the development would be unacceptably overbearing to residents of a number of properties in the locality; would have cumulative effects together with the existing and consented turbines and would result in the local community having the appearance of becoming increasingly surrounded by turbines on all the high ground to the south and west; with one exception, cumulative impact from more distant views would be limited and would not detract significantly from long distance views from the Snowdonia National Park and along most of Offa's Dyke in the AONB; the exception being the view from the Jubilee Tower at the top of Moel Famau, where he considered the turbines would be directly in line with the summit of Snowdon and would break the skyline on either side of that summit, leading to an unacceptably harmful impact on this important view.

The first High Court challenge related to the Inspector's conclusions on the overbearing visual impact on individual properties close to the site, and on the approach to the noise impact on residential amenity. The judgement indicated the Inspector had sufficiently explained his planning judgement on visual amenity, and set out no principles which are of obvious relevance to landscape and visual considerations.

- Officers' conclusions

The landscape and visual impact of the proposed 7 turbines remains a key consideration, and is the subject of representations in support and in objection, summarised above and earlier in the report.

The applicants accept there will be impacts from the scheme and conflicts with local planning policies, but contend that the scheme is consistent with national policy and addresses previous issues through reducing numbers and blade tip height, and revising the location to counter concerns over impacts on Nantglyn and on views of the summit of Snowdon.

The planning history sets a significant context for the consideration of this issue in relation to the Pant y Maen windfarm application. In this respect, with regard to the main conclusions of the appeal inspector on the Gorsedd Bran application, and the County Council's landscape / visual reason for refusal in 2008:

Re. the landscape and visual matters identified in the Appeal Inspector's conclusions:

- *would the 7 turbine scheme be unacceptably overbearing to residents of a number of properties in the locality;*
The reduction in the number (13 down to 7) and size of turbines (125m down to 102m) may help to reduce the physical impact of the development compared with the Gorsedd Bran scheme, and the distance to the nearest dwelling would be increased. It is difficult however to conclude that the number and size of machines in the same basic location as those proposed in 2007 would have so significantly less of an impact on properties in the area to overcome concerns that the development would appear overbearing, given the windfarm would still be on an exposed hilltop location, and the extent to which it would be visible from properties in the vicinity.
- *would the 7 turbine scheme have cumulative effects together with the existing and consented turbines*
It is considered the presence of a wind farm on the Pant y Maen site would unavoidably have a cumulative effect together with existing and consented turbines, whether the numbers are reduced to 7 or not.
- *would the 7 turbine scheme result in the local community having the appearance of becoming increasingly surrounded by turbines on all the high ground to the south and west*
Whilst the physical spread of the 7 turbines across the hilltop to the east and south of Llyn Bran would be slightly more limited than that of the 13 turbines previously proposed, the fact remains that the development involves seven 102m turbines on land which is at a higher elevation than, and to the north west of the existing Tir Mostyn turbines and the consented Brenig turbines, and the majority of the consented Clocaenog wind farm, which would run further to the south. The development would inevitably stretch the existing and consented turbine landscape further to the north west, and it is not considered that there would be any significantly reduced impact in terms of surrounding the local community than that which led to the conclusions of the appeal inspector.
- *would cumulative impact from the 7 turbine scheme when viewed from the Jubilee Tower at the top of Moel Famau be directly in line with the summit of Snowdon and break the skyline on either side of that summit, leading to an unacceptably harmful impact on this important view.*
Having regard to the details in the submission and consultation responses, it is accepted that the turbines would not be seen to breach the skyline view, but it is noted by many objectors, and by NRW, that the proposal would extend turbine development in front of the Snowdon Horseshoe, which NRW describe as 'a distinctive and recognisable feature of the northern Snowdonia skyline'. The Council's Landscape Consultant suggests the turbines would be in line with Lliwedd, the southernmost of what are considered the 3 peaks that define the Snowdon Horseshoe. NRW still consider that harm would arise from wind development intruding upon and eroding the visual amenity and sense of place currently experienced within uninterrupted views of northern Snowdonia and its principal peak. Officers' conclusion reflects that of NRW that the change to this view would be significant. This interruption of a nationally important view of the Snowdon Horseshoe, which would be more distinct when the turbines reflect morning and early afternoon sunshine, would impact adversely on the visual amenity and sense of place it creates.

Re. the questions to address in terms of the main elements in the 2008 reason for refusal:

- *Is there still unacceptable impact on the character and appearance of the landscape, including views into and out of the Clwydian Range Area of Outstanding Natural Beauty and the Snowdonia National Park,*
- *Does the scheme still have an unacceptable cumulative visual impact adversely affecting views across the Denbigh Moors towards Snowdonia from the Clwydian Hills and Offa's Dyke National Trail*

- *Is there still an adverse effect on the community of Nantglyn by creating an arc of turbines around the village*

All these impacts are reflected in the Appeal Inspector's conclusions, as reviewed above. For the reasons outlined, Officers have reservations over the extent to which the 7 turbine scheme addresses the County Council's landscape / visual impact reason for refusal in 2008.

- Officers' conclusions.

Taking into account all the matters which seem relevant to the landscape / visual impacts of the development, the specific concerns which led the County Council to include this as a reason for refusal in 2008, and to the appeal Planning Inspector attaching significant weight to the negative landscape and visual impacts of the Gorsedd Bran scheme, Officers' opinion is that the 7 turbine scheme may have a more limited impact, but that fundamental concerns remain over effects both locally and in terms of impact on views of Snowdon from Moel Famau. The preceding paragraphs set out the main grounds for concern. Whilst the turbines may not appear as skyline features from Moel Famau, they will still impact on the views of the Snowdon Horseshoe from this location and bring about significant changes to that view. Landscape and visual impact is still considered to be a significant negative factor in the weighing of the merits of the application.

4.2.4 Noise

- Local Development Plan policies and guidance

The main policy relevant to noise impact associated with wind energy development is VOE 9. This requires due consideration of the localised effects of development, including in test ii) cumulative impact on the surrounding area and community, e.g. noise and health impact.

- Welsh Government policy and guidance

Section 3.1 of Planning Policy Wales 8 outlines relevant material considerations to be taken into account in making planning decisions, and includes impact on the neighbourhood and on the environment as such considerations. PPW provides guidance in 12.10.1 on matters local planning authorities should take into account in determining applications for renewable energy development, including the need to minimise impacts on local communities to safeguard quality of life for existing and future generations.

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.

Annex C in TAN 8 refers to the report "The Assessment and Rating of Noise from Wind Farms" (ETSU-R-97) which describes a framework for the measurement of wind farm noise and gives indicative noise levels calculated to offer a reasonable degree of protection to windfarm neighbours, without placing unreasonable restrictions on wind farm development or adding unduly to the costs and administrative burdens on wind farm developers or planning authorities. TAN 8 suggests the recommendations in this report can be regarded as relevant guidance on good practice.

In relation to low frequency noise, TAN 8 states there is no evidence that ground transmitted low frequency noise from wind turbines is at a sufficient level to be harmful to human health.

- The submission

The Environmental Statement submitted as part of the application contains a 19 page section on Noise and Shadow Flicker, including sections dealing with planning noise from wind farms, planning guidance relating to noise, baseline conditions, operational noise effects, cumulative noise effects, and mitigation, residual effects from operational noise, and noise from construction and decommissioning. There is a conclusion in this section of the Environmental Statement and within the Non-Technical summary document. Amongst the points it notes are –

- Predicted turbine noise levels and measured background noise levels indicate that for all receptors neighbouring the wind farm, wind turbine noise will meet the day-time hours and night-time hours noise criteria specified in ETSU-R-97. Cumulative impacts meet ETSU-R-97 criteria. The wind farm has been designed to address noise issues inherent in the Gorsedd Bran wind farm application and this is seen to have been achieved.
- In comparison to the Gorsedd Bran Wind farm proposal :
 - One of the key considerations in designing the Pant y Maen wind farm was the duration in which properties would be susceptible to noise from a wind farm (not just this site but also Tir Mostyn)
 - Having fewer turbines at a lower tip height and in a smaller cluster has allowed for much lower predicted noise levels at properties to the north east. The “angle of view” of the turbines (in noise terms) from the nearby properties has also been reduced when compared to Gorsedd Bran. This is important in noise terms because it influences the periods when the properties will be downwind of the turbines and therefore the overall period of exposure to wind turbine noise; and will also represent a reduction in the time any particular location is downwind and will limit the overall exposure to noise.

The Supplementary Environmental Information submitted as part of the revised submission refers to the operational noise impacts of the development, and addresses points made by the Council’s Noise Consultant and Nantglyn Community Council.

- Consultation responses and individual representations on the application

In terms of individual representations:

Those individuals in objection have raised a range of concerns over the proposals in terms of the noise impacts. Reference is made to the development giving rise to unacceptable cumulative noise impact, turbines encircling Nantglyn village and having a devastating effect on quality of life, that the arc of turbine noise generated from multiple directions and the number of days residents suffer noise nuisance will increase, and there are concerns that the EIA presents an incomplete assessment of potential noise. With regard to the planning history, it is suggested there has been no change in circumstance since the planning application refusal, that the High Court judgement remains relevant and it would be an affront to the legal process and rights of ordinary people to grant permission, as the previous judgement that the number of days per year that residents are affected by noise is relevant to a decision and has not been overturned. It is suggested that examination of the scheme must consider whether it is so reduced in size and scope as not to conflict with the Appeal Court judgement.

In terms of consultation responses:

Objections are raised on the noise impacts of the proposals by the Nantglyn and Llanrhaeadr YC Community Councils. The basis of the objections is the cumulative noise impact from the turbines in combination with the operating and consented turbines in the area on local residents, including in nearby property and Nantglyn village, the number of noisy days experienced due to the number of turbines in the area and widening the arc of surrounding turbines. There is also concern over the adequacy of the noise monitoring data, and whether all relevant wind farms have been taken into account.

As the proposals relate to wind farm development, the Pollution Control Officer has deferred comment on the noise issues to the Council's external noise consultant. The Consultant has been in dialogue with the applicant's noise consultant over detailed aspects of the noise assessment and has offered comment specifically on the relevance of the Gorsedd Bran decisions in respect of noise considerations. These are detailed and technical comments and are reproduced in the consultation responses section of the report. Ultimately, the noise consultant suggests that.." the Gorsedd Bran decision was made in a situation where noise from Tir Mostyn/Brenig in one direction averaged about 41dB and Gorsedd Bran in the opposite direction would have averaged about 37dB. Here we have a situation where noise in the opposite direction from Pant-y-Maen will average 28dB. The Pant-y-Maen situation is therefore entirely different from Gorsedd Bran and I do not consider that the Gorsedd Bran decision is relevant in the case of Pant-y-Maen". The consultant recommends imposition of a range of conditions in the event the windfarm is consented, to ensure noise levels are no more than those predicted in the Environmental Statement plus a 2dB margin.

- Relevant matters from the Gorsedd Bran planning refusal, the Planning Inspectorate decision and court judgements

The Council's second reason for refusal of the 2007 application was based on the noise impact of the turbines and specifically that the development was likely to lead to noise levels which in itself, and cumulatively with the noise from turbines on nearby windfarms, would have an unacceptable impact on the local community, including the amenities of occupiers of residential properties in the locality.

In his decision letter on the subsequent appeal, the *Planning Inspector* concluded on the noise issue that there was no doubt that with the suggested conditions, the turbines could operate within or at the levels suggested in ETSU-R-97, but the location of the site meant the prevailing wind would introduce additional noise to dwellings affected by the Tir Mostyn turbines, when they might currently expect not to hear the existing turbines, significantly increasing the general noise nuisance experienced by a significant number of local residents; and the cumulative increase in noise, whilst likely to be within ETSU 97 levels, would result in a level of harm which would conflict with the relevant test of the Development Plan policy.

- *The first High Court challenge* related to the Inspector's conclusions on the overbearing visual impact on individual properties close to the site, and on the approach to the noise impact on residential amenity. The judgement in relation to noise upheld the appeal on the basis that the Inspector had failed to adequately explain his reasoning for finding that noise disturbance would be caused, despite complying with relevant technical guidance in ETSU-R-97.
- *The second High Court judgement*, in November 2010, found in favour of the Inspector's decision and upheld that decision. Significantly, the decision suggests that the Planning Inspector was not bound to apply ETSU- R-97 as policy even in a TAN 8 Strategic Search Area irrespective of whether there were or were not exceptional circumstances, and that it was reasonable to apply planning judgement that a windfarm development could be unacceptable on the basis of potential noise impact even where it is demonstrated to comply with ETSU-R-97 recommendations. The Inspector's 'planning judgement' was that the combination of the site location, the prevailing wind and the location of dwellings would result in additional noise to dwellings already affected by the Tir Mostyn turbines at times when they would not experience noise from those turbines, leading to a level of harm in conflict with planning policy.
- Officers' conclusions

The noise implications remain a key consideration on the Pant y Maen application. The impacts are the subject of many of the representations in objection, summarised earlier in the report.

The applicants' case is that noise levels and cumulative impacts will meet the criteria specified in ETSU-R-97, and that the wind farm has been designed to address noise issues inherent in the Gorsedd Bran wind farm application. They consider with regard to the Gorsedd Bran Wind farm proposal that a key issue was the duration in which properties would be susceptible to noise from a wind farm (including Tir Mostyn), and that this has been considered in the design through having fewer turbines at a lower tip height and in a smaller cluster, allowing for much lower predicted noise levels at properties to the north east, and reducing the "angle of view" of the turbines (in noise terms) from the nearby properties compared to Gorsedd Bran. They consider this is important in noise terms because it influences the periods when the properties will be downwind of the turbines and therefore the overall period of exposure to wind turbine noise; and will also represent a reduction in the time any particular location is downwind and will limit the overall exposure to noise.

The issues have been reviewed in detail by the Council's Noise Consultant. The Consultant has not questioned the adequacy of the noise monitoring data, so with respect to the comments of the Nantglyn Community Council, this is not a matter which is considered of significance to deliberations on the topic. The Consultant has considered the relevance of the Gorsedd Bran decisions and concludes that the Pant y Maen situation is entirely different from Gorsedd Bran, and that the latter decision is not relevant to this case. This is an important conclusion to consider in the deliberations on the noise implications of the application.

Re the noise issues identified in the Appeal Inspector's conclusions on the Gorsedd Bran application:

- *Is there any doubt that with the suggested conditions, the turbines could operate within or at the levels suggested in ETSU-R-97*
The conclusion of the Council's Noise Consultant is that the turbines could operate well below the levels suggested in ETSU-R-97.
- *Would the location of the site mean the prevailing wind would introduce additional noise to dwellings affected by the Tir Mostyn turbines, when they might currently expect not to hear the existing turbines, significantly increasing the general noise nuisance experienced by a significant number of local residents;*
As noted previously, the conclusions of the Council's Noise Consultant are that the Gorsedd Bran decision was made in a situation where noise from Tir Mostyn/Brenig in one direction averaged about 41dB and Gorsedd Bran in the opposite direction would have averaged about 37dB. He states the situation now is that noise in the opposite direction from Pant-y-Maen will average 28dB. The Consultant considers the Pant-y-Maen situation is therefore entirely different from Gorsedd Bran and he does not consider that the Gorsedd Bran decision is relevant in the case of Pant-y-Maen.
- *Would the cumulative increase in noise, whilst likely to be within ETSU 97 levels, result in a level of harm which would conflict with the relevant test of the Development Plan policy.*
On the basis of the Noise Consultant's assessment, it is now questionable whether the noise likely to be generated from the Pant y Maen turbines would be such that either independently or in combination with other wind farms this would interfere unreasonably with the enjoyment of individual properties in the vicinity, which remains a basic test of Development Plan policy.

- Officers' conclusions.

In conclusion, and on the basis of the detailed comments of the Council's Noise consultant, Officers suggest the scheme now in front of the Council goes a considerable way to addressing the particular concerns which led to the Council's refusal of planning permission for the Gorsedd Bran application, and to the Planning Inspector's decision to dismiss the subsequent appeal. The predicted noise levels for properties to the north east and the duration of time when properties would be downwind of the turbines and exposed to turbine noise would be much lower.

In practical terms, it is unlikely that the turbines at Pant y Maen would be inaudible in all conditions, but from the information in front of the Council, the issue now is whether the noise levels would be so low and the incidence of noise affecting properties in the locality would be so limited that they would not result in an unreasonable interference with the enjoyment of those properties. The technical advice suggests that this is the case and that refusal on noise grounds is now more questionable.

4.2.5 Shadow flicker

Local Development Plan Policy VOE 9 requires due consideration of impacts of wind energy development on the surrounding area and community. Shadow flicker would be a relevant consideration in relation to the impact of turbine development on the amenity of occupiers of residential properties.

Section 3.1 of Planning Policy Wales outlines relevant material considerations to be taken into account in making planning decisions, and includes impact on the neighbourhood and on the environment as such considerations. PPW provides guidance in 12.10.1 on matters local planning authorities should take into account in determining applications for renewable energy development, including the need to minimise impacts on local communities to safeguard quality of life for existing and future generations.

Paragraph 2.32 in Annex C of TAN 8 refers to the phenomenon of shadow flicker, which can occur in particular circumstances where the sun passes behind the rotor of a turbine and casts a shadow over a neighbouring property, and the shadow flicks on and off as the blades rotate. It explains that this is a seasonal problem which only lasts for a few hours a day, but can be disturbing for affected residents or even have the potential of being a problem for people who are photo-sensitive epileptics. The paragraph suggests applications need to include suitable analysis of the potential for shadow flicker impacting on neighbouring properties.

There is technical guidance on shadow flicker issues in National Policy Statement for Renewable Energy Infrastructure (EN-3) and the Practice Guidance for Renewable and low Carbon Energy. These suggest that assessment should only be carried out where turbines are proposed within 10 rotor diameters of an existing occupied building, and that only properties within 130 degrees either side of north relative to the turbines can be affected in the UK. The likelihood of shadow flicker occurring and the duration of such an effect depends on a range of factors, including the time of the year, the size of the turbine, the direction and speed of the wind and the relative cloud cover.

The Environmental Statement contains a Shadow flicker assessment carried out using Department of Energy and Climate Change guidance criteria. It concludes that the only property requiring assessment is Cwm y Rhinwedd, and that using worst-case assumptions, this would possibly be affected by one of the proposed turbines, for an annual total of 5 hours, and a maximum of 20 minutes in any one day. The Statement concludes that this is a low level

of shadow flicker hours a year and that the development would not cause a material reduction to residential amenity.

- Officers' conclusions

The findings of the shadow flicker analysis appears to be consistent with guidance, which suggests where a proposed rotor diameter is 84m the potential impacts should only be experienced up to 840m from the nearest turbine and within 130 degrees either side of north. In respecting the conclusions of the Environmental Statement, Officers remain of the view that as shadow flicker analysis is not an exact science, in the event that permission is granted, and as a precautionary measure, it would be necessary to include a standard planning condition requiring mitigation measures to be applied to mitigate the incidence of shadow flicker at the affected property, should it be experienced there. On this basis, it is reasonable to conclude that the proposal would not conflict with policy VOE 9 with respect to shadow flicker.

4.2.6 Residential visual amenity

Matters of noise impact and shadow flicker may be considered as aspects of residential amenity considerations, but are dealt with under separate sections of the report. This section deals with the acceptability of turbine development in terms of effects on residential visual amenity, which involves assessment of the potential impact on the living conditions within and immediately around a dwelling, i.e. an individual's enjoyment of a property.

- Planning policy

Local Development Plan Policy VOE 9 requires due assessment of the environmental and sustainability impacts of turbine developments, including in test ii) cumulative impact on the surrounding area and community. Residential amenity impacts would be a relevant consideration in relation to a wind turbine development.

- Welsh Government policy and guidance

Section 3.1 of Planning Policy Wales outlines relevant material considerations to be taken into account in making planning decisions, and includes impact on the neighbourhood and on the environment as such considerations. PPW provides guidance in 12.10.1 on matters local planning authorities should take into account in determining applications for renewable energy development, including the need to minimise impacts on local communities to safeguard quality of life for existing and future generations.

Residential amenity impacts would be a relevant consideration here.

- The submission

The Environmental Statement contains a Residential Visual Amenity Assessment at what it refers to as the 11 properties within 2km from the proposed turbines. This concludes that due to the screening effects of topography and / or vegetation that restrict the number of turbines visible, there will be no significant effects, including cumulative effects, on visual amenity except at the Sportsman's Arms – from where it is stated the wind farm would form a prominent feature, especially from outside areas. The Statement indicates the turbines would be viewed obliquely from main rooms within the property, at a distance of 1.25km and as part of a much broader rural panorama. It concludes that whilst the effects on visual amenity from this property are considered to be significant and adverse, notwithstanding any effects as a result of noise and shadow flicker, the development is not predicted to make the property an unattractive or unsatisfactory place to live. It further refers to the property lying immediately adjacent to the SSA boundary and is already exposed to operational wind farms through the presence of Tir Mostyn.

- Relevant matters from the Gorsedd Bran planning refusal, the Planning Inspectorate decision and court judgements

The Council's first reason for refusal of the 2007 application did not refer to impacts on individual properties but more generally to unacceptable cumulative visual impact adversely affecting the community of Nantglyn by creating an arc of turbines around the village.

In his decision letter on the subsequent appeal, *the Planning Inspector* dealt with the visual effects in the immediate locality separate from the effect on more distant views. His initial comments on the issue of separation distances were that it was not appropriate to suggest a specific distance at which turbines are too close to dwellings, as this all depends on the circumstances; his view being that turbines are too close when the height, size of swept area and relative elevation of the turbines is such that they appear unacceptably overbearing when viewed from a dwelling or its immediate surroundings. He used the examples of two of the nearest houses to the turbines to explain that each dwelling has to be considered individually, and how impacts can vary depending on the orientation of the buildings, the position of main windows (in terms of impact from within a property), and that consideration of the setting of a dwelling and the visibility of turbines from the garden area and the approach to the dwelling also affect residents' amenity. He added in this instance the need to consider the question of cumulative impact of the Gorsedd Bran site taken together with the existing Tir Mostyn / Foel Goch turbines.

In weighing the issues, the Planning Inspector noted that some visual impact of such large turbines is inevitable, and that one of the consequences of the SSA's identified in TAN 8 is that such impacts are likely to be concentrated in specific areas of Wales. He indicated he had to assess when these visual impacts become unacceptably harmful.

In coming to his conclusions, the appeal Inspector indicated that this area contains a relatively large number of dwellings scattered across the countryside to the north and east of the site which would experience significant visual effects from the proposal. He referred to 10 named properties from where the views of the turbines would be such that the presence of such large turbines located on the elevated site would be overbearing. He commented that 'The cumulative effect of the proposal together with the existing and consented turbines would result in the local community having the appearance of becoming increasingly surrounded by turbines on all the high ground to the south and west, in conflict with the relevant planning policy'.

The first High Court judgement concluded that the Appeal Inspector had sufficiently explained his judgement on visual amenity. There are no matters of principle arising from the challenge which appear to be relevant to the considerations to be given to the current application.

- Consultation responses and individual representations on the application
There are individual responses expressing objections based on the construction of large structures on land at a high elevation, distinct from the other windfarm sites, and reference to the appeal Inspector's conclusions on turbines surrounding the local community and being unacceptably overbearing, matters which were considered by the Appeal Court judges to have been explicit in his demonstration of the effect of the proposal. Mention is also made of the additional impact of the swept area of proposed turbines on residents. Community Council responses refer more generally to the localised visual impact of the turbines.

- Officers' conclusions.
The Planning Inspector's decision letter on the Gorsedd Bran appeal sets out clear principles for the consideration of impacts on residential visual amenity from a wind farm development in this

location. Officers would suggest these remain wholly relevant to the Pant y Maen application. A key test remains whether there are identifiable visual impacts from the scheme now proposed and whether these are unacceptably harmful, having regard to the factors identified by the Inspector as pertinent to reaching a conclusion.

The Residential Visual Amenity Assessment in the Environmental Statement provides assessment of the impacts from 11 properties within 2km of the turbines, and concludes that due to a combination of topography and vegetation views of turbines will be restricted and there will be no significant effects on any property except the Sportsman's Arms.

Having due regard to the detailing of the Pant y Maen proposals, and the assessments of impact in the submitted documents, Officers respectfully question whether the impacts on residential visual amenity for occupiers of dwellings in the locality would be so significantly different between the 13 turbine Gorsedd Bran scheme and the 7 turbine scheme now proposed, as to justify reaching a different conclusion from that in 2008 and the Gorsedd Bran appeal Inspector. Whilst it is to be noted that there are fewer turbines (7 instead of 13), their tip heights would be lower (102m instead of 125m), and the rotor diameters would be smaller (84m instead of 95m), the turbines would be spread over a similar area on a prominent hilltop / ridge. Properties within and outside the 2km study area used in the Residential Visual Amenity Assessment would still be impacted by the turbines. The effect of the Pant y Maen development on the Sportsman's Arms seems likely to be significant and adverse. In terms of the words used by the appeal Inspector on the Gorsedd Bran application, it is difficult to conclude that the current application clearly overcomes concerns that the cumulative impact of the 7 turbine proposal... together with the existing and consented turbines would result in the local community having the appearance of becoming increasingly surrounded by turbines on all the high ground to the south and west', which suggests there is still conflict with the impact test of policy VOE 9 (ii) to address in the weighing up of the proposals.

4.2.7 Ecology

- Planning policy

Local Development Plan Policy VOE 9 requires due assessment of the environmental and sustainability impacts of turbine developments, including in test ii) cumulative impact on the surrounding area and community, e.g. biodiversity impact.

Policy 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.

- Welsh Government policy and guidance

Section 3.1 of Planning Policy Wales outlines relevant material considerations to be taken into account in making planning decisions, and includes impact on the neighbourhood and on the environment as such considerations. PPW provides guidance in 12.10.1 on matters local planning authorities should take into account in determining applications for renewable energy development, including the need to minimise impacts on local communities to safeguard quality of life for existing and future generations.

Planning Policy Wales Section 5.5.1 states biodiversity and landscape considerations must be taken into account in determining individual applications, as the effect of a proposal on wildlife of an area can be a material consideration. Section 5.5 refers to the need for relevant

consultation on proposals, the consideration to be given to impacts on protected species, and encouragement for mitigation proposals to minimise effects.

TAN 8 Annex C refers to the advice in TAN 5 Nature Conservation and Planning on biodiversity considerations, and to the potential impact of major engineering projects such as wind farms. It outlines the need for relevant surveys and assessments in order to address impacts on ecology and ornithology.

- The submission

The Environmental Statement provides an Ecological and Ornithological Assessment, and this was supplemented by additional ornithological information, in response to consultation responses. The original Assessment noted the majority of the site is commercial coniferous forest, and that some of this has been felled in the last two years. It concluded that no significant effects are predicted from the development, including on designated sites in the locality, other than for two bat species for which specific mitigation and monitoring measures are proposed. Mitigation is also proposed at construction stage to address impacts on black grouse and nightjar, and there is reference to completion of a detailed Habitat Management Plan and Protected Species Protection Plan prior to construction.

The Supplementary Environmental Information refers to additional survey work and assessments undertaken. It indicates the impact and cumulative assessment in the original Environmental Statement do not need updating based on the results of the additional surveys.

- Relevant matters from the Gorsedd Bran planning refusal, the Planning Inspectorate appeal decision and court judgements

The Council's refusal of permission for the Gorsedd Bran scheme included a reason citing the inadequacy of pre-determination surveys to identify / assess effects on protected species. This was not pursued at the subsequent appeal, as information was submitted to address the concerns. The appeal Inspector dealt with representations raised on ecological matters at the public inquiry and did not consider these were of concern to the determination of the proposals, commenting in the decision letter that the removal of non- indigenous trees and the restoration of moorland habitat would be likely to be of considerable benefit to local wildlife.

- Consultation responses and individual representations on the application

The responses to the March 2015 submission raised concerns over the adequacy of the ecological information, in particular in relation to ornithological matters, and there were requests for additional survey, mitigation, and longer term monitoring and management plans. Following submission of the Supplementary Environmental Information, Natural Resources Wales and the RSPB have confirmed they have no objections to the application on ecological grounds. RSPB suggest it is necessary to develop a suitably detailed Habitat Management Plan. NRW consider the additional survey information is sufficient to assess impacts, including on protected species and sites. In relation to the Hiraethog SSSI, NRW conclude the proposals are unlikely to have a significant impact on the features of the area. In relation to protected species, NRW are satisfied at assessments of impact and basic mitigation proposed, but request the inclusion of suitable condition(s) requiring submission of methodologies for post construction monitoring and agreed curtailment, within a Construction Method Statement and full Habitat Management Plan, prior to any site works commencing.

- Officers' conclusions.

Having due regard to the responses to the Supplementary information, it would appear that subject to inclusion of appropriate conditions on any permission, there are no significant concerns over the ecological and ornithological impacts of the development. On the basis of these responses, Officers suggest that the scheme would not have an unacceptable impact on

nature conservation, and it is not in conflict with Local Development Plan policies VOE 5 or VOE 9, or the guidance in Planning Policy Wales, TAN 5 and TAN 8.

4.2.8 Highways

- Planning policy

Local Development Plan Policy VOE 9 requires due assessment of the environmental and sustainability impacts of turbine developments, including in test ii) cumulative impact on the surrounding area and community, e.g. transport impact.

- Welsh Government policy and guidance

Section 3.1 of Planning Policy Wales outlines relevant material considerations to be taken into account in making planning decisions, and includes means of access and impact on the neighbourhood and on the environment as such considerations. PPW provides guidance in 12.10.1 on matters local planning authorities should take into account in determining applications for renewable energy development, including the need to minimise impacts on local communities to safeguard quality of life for existing and future generations.

TAN 8 Annex C suggests turbines are set back from public highways and footpaths a minimum distance equivalent to the height of the blade tip. TAN 18 Transport provides general advice on highways considerations in connection with development proposals.

- The submission

The Environmental Statement contains a Traffic and Transport section which provides baseline traffic and highway conditions, assessment of the proposed construction traffic routes, the potential impact of increased traffic and HGVs, road safety and effect on road structure. The assessment concludes the effects of the proposed development on traffic and transport to be not significant. A Traffic Management Plan is proposed to co-ordinate construction phase operations with the respective highway authorities.

- Relevant matters from the Gorsedd Bran planning refusal, the Planning Inspectorate appeal decision and court judgements

The Gorsedd Bran wind farm was not refused permission on highway grounds and highway considerations were not of concern to the appeal Inspector.

- Consultation responses and individual representations on the application

There are limited representations on the highway impacts of the proposals. One individual has commented on the poor access for construction operations. The Welsh Government Highways section originally requested additional information in respect of the Draft Traffic Management Plan, including the management of traffic and the routing of deliveries of larger turbine components. Following consideration of additional information, Welsh Government have directed that any permission includes a total of 9 conditions, requiring submission and approval of further details relating to proposed construction traffic arrangements, e.g. relevant capacity and condition surveys, a Traffic Management Plan, maintenance and decommissioning details, details of highway works, etc.

The Council's Highway Officer has no objections to the application subject to inclusion of conditions requiring details of construction stage arrangements and the site access.

Officers' conclusions.

There are no fundamental concerns from the technical highways consultees over the highway implications of the wind farm development. Subject to the imposition of conditions, it is suggested that the proposals are not in conflict with Local Development Plan Policy VOE 9, the advice in Planning Policy Wales and Technical Advice Notes.

4.2.9 Aviation and Radar

- Welsh Government policy and guidance

Annex C of TAN 8 sets out considerations to be given to protecting aviation interests in relation to turbine developments, and the need for consultation with relevant aviation authorities. The impact on aviation and radar equipment is material to the determination of wind turbine applications.

- The submission

The section in the Environmental Statement dealing with communications, aviation and defence refers to pre-submission consultations and dialogue with relevant bodies to resolve issues relevant to radio links, radar systems, and low flying aircraft. It concludes that the development would not have significant impacts.

- Relevant matters from the Gorsedd Bran planning refusal, the Planning Inspectorate decision and court judgements

There were no aviation and radar issues arising on the Gorsedd Bran application.

- Consultation responses and individual representations on the application

Following clarification of the proposals, there are no objections from any of the air safeguarding / aviation authorities in relation to the proposals. NATS/NERL have confirmed impact on their electronic infrastructure can be managed such that it does not affect the provision of a safe and efficient en-route ATC service, and therefore have no safeguarding objection to the proposal, and have withdrawn their original objection. The MoD have advised that suitable aviation lighting should be fitted to turbines.

- Officers' conclusions.

On the basis of the consultation responses, it is considered reasonable to conclude that proposed turbines would not have adverse effects on aviation and radar interests in the area. Conditions would need to be imposed on any permission to meet with the lighting requirements of the MoD.

4.2.10 Heritage interests

- Planning policy

Local Development Plan policy VOE1 reflects the principles in Planning Policy Wales Section 6 and looks to protect sites of built heritage and Historic Landscape from development that would adversely affect them, and requires that development proposals should maintain an, wherever possible, enhance these areas for their characteristics, local distinctiveness, and value to local communities in Denbighshire.

- Welsh Government policy and guidance

PPW Chapter 6 - Conserving the Historic Environment sets out Welsh Government's objectives to preserve and enhance the historic environment, and to protect archaeological remains. It recognises the role of local planning authorities in securing the conservation of the historic environment whilst remaining responsive to present day needs. Section 6.5.1 states the desirability of preserving an ancient monument and its setting is a material consideration in determining a planning application, whether that monument is scheduled or unscheduled.

Circular 60/96 Planning and the Historic Environment: Archaeology outlines the presumption against proposals which would involve significant alteration or cause damage, or which would have significant impact on the setting of visible remains.

- The submission

There is a lengthy Cultural Heritage Section in the Environmental Statement, carried out by the Clwyd –Powys Archaeological Trust, which reviews the potential impacts of the proposals on designated and undesignated cultural heritage assets. The 'Rationale for Scheme Modification' document prepared in December 2015 provided additional information in response to CADW's initial objection on the indirect visual impacts on a number of assets and their settings, and the applicants provided a further review of the Cultural Heritage Interests and observations on CADW's comments, along with additional photomontages in July 2016.

The original assessment identifies 27 undesignated assets, the closest of which is a group of scheduled barrows located some 200m from the nearest turbine, but outside the site boundary. It indicates 21 of these assets are considered to be of low value and 6 of negligible value, and that after mitigation measures have been considered, direct impacts are expected on 2 of the 27 assets, and that the impacts would be slight and therefore not significant.

The assessment refers to a total of 39 scheduled ancient monuments within 10km of the site, and to the range of listed buildings, conservation areas and other statutory designations in this area. It indicates that 19 of the ancient monuments will have any view of the turbines, and that in terms of significance of visual impact, in only two cases (Bwlch Du round barrow and Gorsedd Bran round barrows) would this be large or very large, and thus be significant in terms of the EIA Regulations. Impacts on listed buildings, registered parks and gardens, and conservation areas are not considered to be significant in terms of the EIA Regulations. Impacts on the Registered Historic Landscapes of Mynydd Hiraethog and the Vale of Clwyd are assessed as of moderate significance (i.e. the third lowest in a seven level grading system).

The 'Rationale for Scheme Modification' document provides a 4 page review of Cultural Heritage Impact, taking account of the mitigating effect it is considered the removal of Turbine 6 from the original layout would have. This suggests there would be reduced visual impacts on the setting for a number of the round barrows, although the level of significance for the south western most barrow of the Gorsedd Bran round barrows remains the same. In relation to this group of round barrows, the text refers to the felling and replanting of trees and the mitigation of visual impact by replanting over time, and the fact that the visual impact will in any case only remain for the 25 year life of the wind farm.

The applicants' consultant's assessment of the Cultural Heritage Issues and CADW's May 2016 comments (submitted in July 2016) suggested there were factual inaccuracies in CADW's response, and that CADW have adopted a rather unusual approach in respect of cumulative impact. They suggested regard should be had to the assessment of archaeological impacts undertaken by the Inspector at the Clocaenog Forest windfarm examination which was based on wirelines. The applicants themselves have suggested that the photomontages presented in July 2016 provide a better understanding of the real-life impact on the visual setting rather than the wireframes provided in the rationale for scheme modification, and have requested due regard be given to the conclusions of their consultants in determining the weight to be afforded to CADW's response within the planning balance on the application:

"In summary the significance of effects that were included were based on wirelines alone and have been accepted by Cadw as a reasonable assessment, without comparison to the real-life change that the turbines would introduce into the existing (baseline setting) landscape. Once the existing real-life constraints to intervisibility due to vegetation and structures are included as part of the baseline, the degree of change and thus magnitude of potential impact to the visual setting of the scheduled monuments is greatly reduced. This would result in a much lower significance of effect in

EIA terms, and thereby should provide a satisfactory solution to Cadw's perceived concerns based on the information available to them."

- Consultation responses and individual representations on the application
The Consultation Responses section of the report sets out in detail the sequence of responses from CADW and other consultees on the impacts of the proposals on Heritage Interests. CADW originally expressed objections to the proposals based on the adverse impact on the settings of a number of nationally important scheduled monuments, including cumulative impact on the historic environment of this part of Wales. The Clwyd Powys Archaeological Trust did not raise objections but expressed concerns over the visual impact of turbine 6 on two of the monuments, and cumulative visual impacts on 17 other monuments, and suggested removing turbine 6 to limit the direct impact on the nearest monument. They also noted there would be a fairly severe overall significance of visual impact on the Bryn y Gors Historic Landscape Area, although acknowledging this lies outside the CADW registered historic landscape boundary, but is a component of it. Again they considered removal of turbine 6 may assist reducing impact but the overall impact of the remaining turbines is likely to remain Moderate. The Council's Archaeologist defers to CADW on matters relating to impacts on the setting of ancient monuments, but otherwise raised no objections to the proposals, subject to mitigation measures.

In relation to the early 2016 revised proposals (removing turbine 6), CADW remained of the view that the amended development will have a significant adverse impact on the setting of a number of scheduled monuments; and when considered alongside other existing and proposed schemes in the area, such impacts are likely to constitute a significantly cumulative adverse impact on the settings of the prehistoric funerary and ritual monuments within this landscape. CADW objected to the impact of the proposed development on the settings of the specified scheduled monuments as it was considered to be contrary to national policy concerned with the historic environment.

CADW's final response in August 2016, in relation to the additional information and photomontages from the applicants suggests the information is contradictory and confusing, and they recommend that the applicants should resubmit the Cultural and Heritage Chapter of the Environmental Statement prepared for a seven turbine development.

CPAT's response to the additional information and photomontages acknowledges that Cadw have the primary role in this case for determining the impact of the development on scheduled monuments affected directly, or indirectly, by the proposals, and that they would not wish to pre-empt any additional advice that may be forthcoming from CADW in relation to the heritage review.

The County Archaeologist agrees with the mitigation strategy which has been proposed for the non-designated archaeological sites associated with this development, which should be implemented during the development process and controlled via conditions on any permission. It is recognised that a number of scheduled monuments will potentially be adversely impacted by the proposed development, and it is confirmed that the body responsible for considering impacts on the setting of these monuments is CADW.

For the record, in relation to CADW's final response recommending the applicant resubmits the Cultural Heritage Chapter of the Environmental Statement, the applicants have written to record their disappointment:

" On 24th August 2016 Cadw provided a response to this supplementary information. Natural Power and the Developer are disappointed at Cadw's response, which fails to follow the iterative development of the proposal and the evidence of reduced impact on heritage assets but now suggests their preference that a new Cultural Heritage Chapter is submitted to support the application.

Since submitting the planning application 17 months ago, an iterative process has been carried out by the Developer which has resulted in scheme modification and further information being produced at various stages. At this stage enough information has been submitted in order for the curatorial part of CPAT and

the County Archaeologist to make a judgement on the application, with neither of them objecting to the application.

The information provided is not contradictory, it is the opinion of two separate independent archaeological specialists, who you might expect to have slightly differing views on any application and as such has different emphasis or approach in certain areas. What is important is that neither CPAT's consulting arm nor SLR have said that the scheme is inappropriate. That CPAT and SLR may have slightly differing views on certain aspects should not prohibit Cadw from making their own assessment of the scheme.

In their response Cadw state:

"The most recent of these considers the change of impact on the setting of the monuments by the removal of one turbine, rather than the impact of seven turbines."

This is not the case. Both the Rationale for Scheme Modification and the review of the scheme by SLR assessed the impacts of the proposed development, that being seven wind turbines as well as the ancillary infrastructure. That this is not clear to Cadw seems to demonstrate a lack of understanding on their part.

Cadw also state in their response that we have submitted a series of photomontages but without any commentary. The cover letter that accompanied the photomontages provided clear commentary on why they had been produced, where they were taken from and what they evidence. It is, once again, disappointing that Cadw do not seem to have been able to make use of the photomontages, which are fairly self explanatory.

It is also disappointing that Cadw have not acknowledged comments made by SLR relating to the findings of the Inspector when assessing the Clocaenog Wind Farm, in which a clear approach is taken with regard to visual impact on setting for SAMs within forestry, though we are sure that you are well aware of this point.

Based on the above, the Developer is of the opinion that they have submitted sufficient information in regards to cultural heritage and archaeology and will not be submitting any further information."

- Officers' conclusions.

The summary of submissions from the applicants and CADW above suggests a clear difference in opinion over the adequacy of the information in relation to impact on the setting of scheduled monuments, and on the assessment of those impacts. The applicants have made a clear statement that they consider they have furnished sufficient information and will not be submitting more in relation to CADW's recommendation that the Cultural Heritage Chapter of the Environmental Statement should be resubmitted.

The Council has therefore to conclude on the issue on the basis of the information to hand, including the 'final' comments of the applicants and CADW, who are a significant national statutory consultee on assessment of impact on scheduled monuments.

In this unfortunate situation, Officers have to acknowledge that the applicants have made considerable efforts to address the concerns of CADW, including the removal of one turbine from the scheme, and there is a volume of material which seeks to counter the reservations expressed by CADW. However, even accepting that the issue is one where specialists will have differing views / interpretation of information and impacts, it is obvious from reading the contents of all the CADW responses that there are strong concerns over impacts on the setting of scheduled monuments, and that these remain unresolved. CPAT and the County Archaeologist accept CADW have the primary role for determination of impact on scheduled monuments, so do not comment directly on these considerations.

Ultimately, in Officers' opinion, CADW's responses have inevitably to be given considerable weight in concluding on the acceptability of impact on scheduled monuments from the proposed wind farm. Their most recent response does not retract previous objections to the impact of the 7 turbine development on the settings of named scheduled monuments, which was considered to be contrary to national policy concerned with the historic environment. The contents of CADW's response, including a request for resubmission of the Cultural Heritage Chapter of the Environmental Statement prepared for the 7 turbine development, suggest they are not satisfied that the information in front of the Council demonstrates the development would not have a significant adverse impact on the setting of the scheduled monuments.

In respecting the applicants' submissions, Officers consider CADW's position to be significant on this matter and that the impact on the settings of scheduled monuments remains a significant negative factor in the weighing up of the application.

4.2.11 Tourism

- Planning policy

Local Development Plan Policy VOE 9 requires due assessment of the environmental and sustainability impacts of turbine developments, including in test ii) cumulative impact on the surrounding area and community. Impact on tourism would be a relevant consideration in relation to a wind turbine development.

- The submission

The Environmental Statement contains a Socio –economic and tourism assessment section, which refers to the economic benefits of the scheme (e.g. construction jobs and purchase of construction materials, opportunities for local suppliers and service providers), and local area spend increase during construction phase. In respect of impacts on tourism, it suggests that from a review of secondary data that wind farms have only a minor impact on visitor activity and that a high proportion of tourists are not discouraged from visiting an area with a wind farm. The statement suggests that the Pant y Maen wind farm will have a negligible effect on local tourist features given its limited visibility from many of the locations.

- Relevant matters from the Gorsedd Bran planning refusal, the Planning Inspectorate appeal decision and court judgements

There were no tourism issues arising on the Gorsedd Bran application.

- Consultation responses and individual representations on the application

Llanrhaeadr YC Community Council comment on the negative effects of the development on tourism. Private individuals refer to the local economy being dependent on tourists, who visit because of the beauty of the area, and they suggest granting permission would undermine the reasons people come to Denbighshire, destroying the peace and serenity of the area which attracts visitors.

- Officers' conclusions.

Whilst acknowledging points raised on this matter, Officers consider there is limited evidence from surveys, etc. which provides a basis for refusal of planning permission on the direct impacts on tourism from a single wind farm development. There are already operating and consented windfarms in the vicinity and it is suggested that there would be no reasonable grounds to now single out the Pant y Maen scheme as being unacceptable on this ground.

4.2.12 Hydrology / Water Supply / Flooding / surface water

- Planning policy

Local Development Plan Policy VOE 9 requires due assessment of the environmental and sustainability impacts of turbine developments, including in test ii) cumulative impact on the surrounding area and community. Impact on local hydrology, water supply, flooding and surface water drainage would be relevant considerations in relation to a wind turbine development.

- Welsh Government policy and guidance

Section 3.1 of Planning Policy Wales outlines relevant material considerations to be taken into account in making planning decisions, and includes impact on the neighbourhood and on the

environment as such considerations. PPW provides guidance in 12.10.1 on matters local planning authorities should take into account in determining applications for renewable energy development, including the need to minimise impacts on local communities to safeguard quality of life for existing and future generations.

- The submission

There is a detailed hydrology assessment in the Environmental Statement. This reviews the effect of the wind farm on the hydrological, hydrogeological and geological environment, and covers an area larger than the site boundary to include lower reaches of watercourses present in the site. It states the wind farm has been designed to avoid hydrologically sensitive areas, buffer zones have been adopted for natural watercourses and suitable crossing types have been suggested for watercourse crossings. There are no private water supplies within the site boundary and 18 registered supplies within 2km – 15 of which are outside catchments occupied by proposed infrastructure. A suite of mitigation and best practice measures would be incorporated into the design, including extensive buffer areas. A programme of surface water quality monitoring would be finalised post consent.

The submission concludes by indicating that with the successful implementation of mitigation measures, the significance of construction and operational effects on all identified receptors is considered to be minor to no significance. The significance of effects on the site hydrological and groundwater regime are not considered significant in terms of the EIA Regulations.

- Relevant matters from the Gorsedd Bran planning refusal, the Planning Inspectorate decision and court judgements

The Council's refusal of permission for the Gorsedd Bran scheme included a reason referring to increased run off from the site from the clear felling of trees and to concerns over increased potential of flooding in susceptible locations downstream, adverse impact on the quality of private water supplies in the locality, and inadequate information to demonstrate the extent of run off and whether mitigation measures could address the impacts.

The reason for refusal was not pursued at the subsequent appeal, as the appellants provided detailed information and the Inspector accepted a Heads of Terms on hydrology and water supplies document meant that concerns over flooding, hydrology, and pollution of water supplies could be dealt with by condition.

- Consultation responses and individual representations on the application

Natural Resources Wales confirm they have no overall flood risk objections to the application, and suggest all appropriate water management measures are undertaken to attenuate and treat surface water run-off from felling operations and on site infrastructure. They have provided standard advice in relation to the need for flood defence consent for new water crossing structures, measures to deal with groundwater encountered in the use of borrow pits, and pollution prevention guidance at construction stage. NRW request inclusion of a condition to ensure submission of a scheme for the disposal of surface water, ensuring run off rates are reduced or do not exceed existing run-off rates, and that there are suitable adoption and management arrangements. In relation to groundwater, NRW note the submitted information confirms the private water supplies identified are outside the area of hydrological influence of the wind farm.

The Council's Water Quality Officer has no objections to the grant of permission subject to the inclusion of conditions requiring baseline monitoring to be carried out on agreed private water supplies in the vicinity of the development before commencement of construction activities, and to arrangements for measures to mitigate impacts which may arise from the development.

There are individual representations outlining concerns over increased flood risk, and the impact on private water supplies.

- Officers' conclusions.

In noting the individual representations in relation to flood risk and water supplies, there are no objections or concerns on these matters or related drainage issues from the 'technical' consultees on the application. Natural Resources Wales and the Public Protection Officer require the imposition of conditions and mitigation proposals in the event permission is granted. Officers' conclusions on the basis of the response from consultees are therefore that the proposals do not appear to suggest unacceptable effects will arise in relation to the local water environment, provided suitable conditions are imposed to ensure appropriate mitigation measures are implemented in conjunction with the development.

Other matters

Publicity on the planning application

Llanrhaeadr Community Council have commented on the extent of notification on the application, suggesting the area of just 2km radius from the wind farm location was not adequate. The planning application file records indicate properties within a 4km radius of the site were notified on the original application and the January 2016 revisions. In respecting the Community Council's views, Officers appreciate there will always be different views on the appropriate geographical extent of consultation on turbine applications but suggest that a 4km radius is a fairly wide area for notification of individual owner / occupiers, and in combination with the publicity given through the publication of a formal notice in the press and the posting of a site notice, it is considered that the application has been given reasonable publicity.

Community funds (raised by Llanrhaeadr Community Council)

Members will be aware from dealing with previous turbine proposals that the issue of Community Benefit payments should pay no part in the consideration of a planning application.

Health impacts (Raised by Llanrhaeadr Community Council)

In respecting comments raised in relation to potential health impacts of a turbine development, it would be necessary to demonstrate there is conclusive evidence to justify a refusal of permission based on exacerbating conditions such as tinnitus, susceptibility to low frequency noise, etc. There are no concerns expressed by any technical consultees on these matters.

Impact on forestry operations

There is a Forestry Assessment in the Environmental Statement which confirms that the application site forms part of a wider complex of commercial forest, under a mix of private and public ownership. It advises that the forestry under private ownership (130 hectares) will be clear-felled prior to construction. Within the area under public ownership, felling would be required for the widening of the access track and for a short length of new track. The area under private ownership would then be managed in accordance with the Habitat Management Plan. It is noted that under the existing felling plan, the majority of the forestry is due to be felled within the next few years.

Development would take the maximum capacity of SSA 'A' over Welsh Government targets

This is an interesting point but not one Officers consider carries sufficient weight to justify the refusal of the Pant y Maen application. Analysis of the respective contributions of individual turbine schemes in the SSA is invariably complicated by the announcements that previously consented schemes are not being pursued by developers, making it difficult to quantify a realistic aggregate capacity. It is also unlikely in Officers' opinion that a refusal of permission on this ground would have much chance of being successfully defended on appeal, given the Government's drive for renewable energy production and the limited extent to which the particular development may exceed the stated capacity.

The Grid Connection route

There is reference in representations and the application documents to the off-site grid connection route which has been the subject of a Scottish Power Energy Networks application and detailed public examination in late 2015. The decision consenting to this infrastructure scheme was issued by the Secretary of State in July 2016. It is the subject of a Judicial Review at the time of drafting this report. The route is from a substation near to Hafod Ty Ddu, west of Henllan and to the St Asaph Business Park. In respecting concerns over the non-inclusion of associated infrastructure development with the Pant y Maen application, this is a matter which the County Council has no control over in connection with the current application, and it should play no part in the deliberations on the proposals.

5. SUMMARY AND CONCLUSIONS:

- 5.1 The application relates to a site within Welsh Government's Clocaenog Forest Strategic Search area (SSA 'A') where Denbighshire refused planning permission in 2008 for a 13 turbine wind farm, involving machines with a tip height of up to 125m. This decision was the subject of an appeal which was dismissed, and subsequent legal challenges, which are referred to in the report.
- 5.2 The current full planning application seeks permission for 7 turbines on the same site, with tip heights of 102m. The application has been revised since its original submission, which was for 8 turbines, primarily to address issues over landscape / visual and Historic Environment impacts.
- 5.3 The report sets out the considerations Officers believe are relevant to the determination of this application. It suggests the history of decisions is a relevant material consideration, and that the key local impact issues to address relate to landscape / visual and noise impacts (which were reviewed in some detail in the appeal against the 2008 refusal), and the historic environment implications. It recognises the need to balance the harm which may arise from local impacts against the public benefit of the development of the wind farm, which would make a positive contribution to the production of renewable energy in support of Government policy and targets. Members are asked to bear in mind the need to take the benefits of the development into account in weighing the merits of the application.
- 5.4 It is not considered there have been any significant planning policy changes since the refusal of the Gorsedd Bran application in 2008 which now challenge the acceptability of the principle of windfarm development in this location, within the TAN8 Strategic Search Area 'A'.
- 5.5 There are a range of representations expressing concerns over the proposals, including from local Community Councils, consultation bodies, and private individuals. These have to be given due consideration in assessing the merits of the application.

- 5.6 Having regard to the considerations relevant to the determination of the application, including the contents of the submissions, the responses to consultation, the planning history, and the planning policy context, the Officer recommendation is ultimately that permission be refused.
- 5.7 There remain specific reservations over the localised effects of the proposals in terms of landscape / visual impact and the impact on the historic environment which it is concluded should be accorded significant weight, for the reasons highlighted in the topic assessments.
- 5.8 On the basis of the information from the Council's Noise Consultant, it is not considered that the potential noise impacts provide a strong ground for refusal in relation to this application.
- 5.9 In Officers' view, the harm it is considered would arise in terms of impacts on landscape / visual interests and on the historic environment is significant, and should not be outweighed by the support for the principle of wind energy development at Welsh Government level and within the Local Development Plan, and the particular benefits in terms of renewable energy generated from the proposed 7 turbine scheme.

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

RECOMMENDATION: REFUSE- for the following reasons:-

The reason(s) for the condition(s) is(are):-

1. The development of 7 turbines with a height of 102 metres to blade tip in this prominent ridge top location would have an unacceptable impact on views of the Snowdon Horseshoe from the top of Moel Famau in the Clwydian Range and Dee Valley Area of Outstanding Natural Beauty, extending turbine development in front of part of this significant view of the main peaks of Snowdonia. The harm it is considered would arise from the interruption of this nationally important view would be unacceptable and contrary to test ii) of policy VOE 9 and policy VOE 2 of the Denbighshire Local Development Plan, and considerations to be applied to statutory landscape designations in Chapter 5 of Planning Policy Wales 8.
2. The visual effects of the proposed turbines would be unacceptably overbearing to residents of properties in the locality, and in combination with the existing and proposed wind farm developments in the area, would result in the local community having the appearance of becoming increasingly surrounded by turbines on high ground to the south and west. The harm it is considered would arise would be unacceptable and contrary to test ii) of policy VOE 9 of the Denbighshire Local Development Plan.
3. The development is considered likely to have an adverse impact on the historic environment in the area, including on the setting of a number of nationally important scheduled monuments, and when considered alongside other existing and proposed schemes in the area, would give rise to significantly cumulative adverse impacts on the settings of these prehistoric funerary and ritual monuments. The harm it is considered would arise to the historic environment of this part of Wales would be unacceptable and contrary to policy VOE 1 of the Denbighshire Local Development Plan, Welsh Government policy and guidance in Planning Policy Wales 8 Chapter 6, and in Circular 60/96 Planning and the Historic Environment: Archaeology.

PLANS AND DOCUMENTS SUBJECT TO THE DECISION

- (i) Typical wind turbine Figure 4.2 (Drawing No. GB200512_D_002_A) received 27 March 2015
- (ii) Typical turbine transformer housing Figure 4.3 (Drawing No. GB200512_D_003_A) received 27 March 2015
- (iii) Typical crane hardstanding Figure 4.4 (Drawing No. GB200512_D_004_A) received 27 March 2015
- (iv) Typical turbine foundation specification Figure 4.5 (Drawing No. GB200512_D_005_A) received 27 March 2015
- (v) Indicative 60m Anemometry mast Figure 4.6 (Drawing No. GB200512_D_006_A) received 27 March 2015
- (vi) Typical track construction Figure 4.7 (Drawing No. GB200512_D_007_A) received 27 March 2015
- (vii) Typical track cross drainage Figure 4.8 (Drawing No. GB200512_D_008_A) received 27 March 2015
- (viii) Typical cable trench section Figure 4.9 (Drawing No. GB200512_D_009_A) received 27 March 2015
- (ix) Typical electrical substation building plan and elevations Figure 4.10 (Drawing No. GB200512_D_010_A) received 27 March 2015
- (x) Typical construction compound Figure 4.11 (Drawing No. GB200512_D_011_A) received 27 March 2015
- (xi) Typical batching plant Figure 4.12 (Drawing No. GB200512_D_012_A) received 27 March 2015
- (xii) Environmental statement volume 1 of 4 - Written statement received 27 March 2015
- (xiii) Environmental Statement Volume 2 of 4 - Supporting figures and appendices received 27 March 2015
- (xiv) Environmental statement volume 3 of 4 - Viewpoints received 27 March 2015
- (xv) Environmental statement volume 4 of 4 - Non-technical summary received 27 March 2015
- (xvi) Location plan (Drawing No. GB200512_M_110_A) received 26 March 2015
- (xvii) Addendum noise statement received 6 July 2015
- (xviii) Supplementary Environmental Information (SEI) – Volume 1 of 2 and 2 of 2 dated October 2015
- (xxix) Rationale for Scheme Modification (RSM) – dated 22/12/2015
- (xx) Revised site layout (7 turbine scheme) – Dated 07-12-15 Ref GB200512_M_123_B
- (xxi) SLR Cultural Heritage Review dated 20/6/2016
- (xxii) Natural Power letter 29/07/2016 including Photomontages and wireframes – Figures 1-4 acco