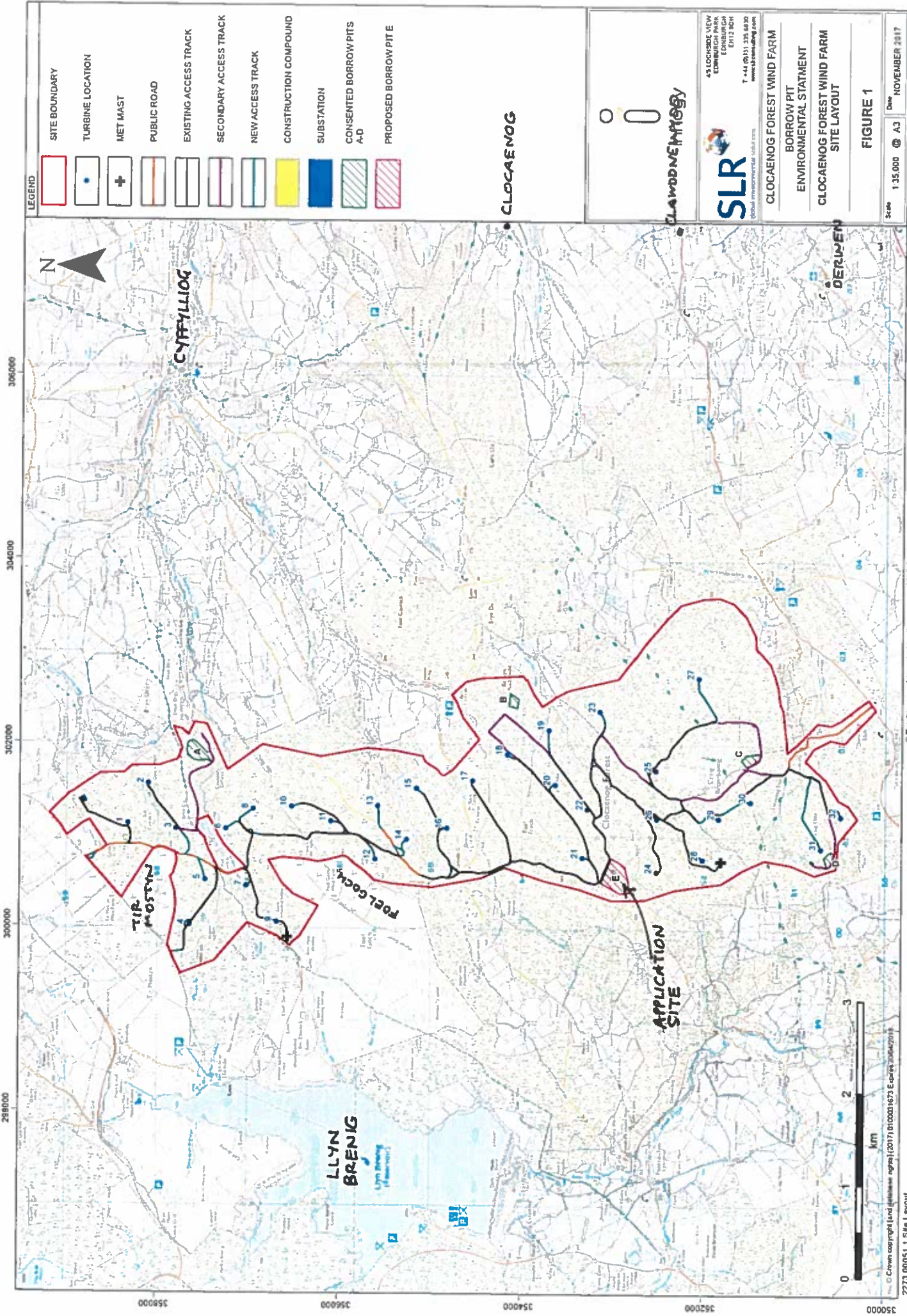


SITE IN RELATION TO CLOCAENOG WIND FARM



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WARD : Llanrhaeadr Yng Nghinmeirch

WARD MEMBER(S): Councillor Joseph Welch (c)

APPLICATION NO: 14/2018/0360/ MA

PROPOSAL: Borrow pit for the extraction of aggregate solely for use in the construction of the approved Clocaenog Forest Wind Farm

LOCATION: Clocaenog Forest Wind Farm

APPLICANT: Innogy Renewables UK Ltd.

CONSTRAINTS: None

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

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

- Recommendation to grant / approve – 4 or more objections received

CONSULTATION RESPONSES:

COMMUNITY COUNCILS

CYFFYLLIOG:
No objection to the application

LLANFAIR D.C.
No objection, Members wish to support the proposal.

CONWY COUNTY BOROUGH COUNCIL:
Advises that the area of the proposed borrow pit includes land within Conwy County Borough Council and a separate planning application has been submitted in respect of that land to the Council. That application is currently undergoing assessment, therefore not in a position to respond to the consultation.

CADW:
Records show that there are no scheduled monuments or registered historic parks and gardens that would be affected by the proposed development. Therefore have no comments to make on the proposed development.

NATURAL RESOURCES WALES:
Recommend that planning permission is only granted if a number of conditions are included to secure: dormouse avoidance, mitigation and compensation measures, restoration and landscaping as well as measures described in the ES; the submission of a post construction monitoring and surveillance scheme; and an ecological compliance audit scheme. Comments are also provided on a range of protected species, water quality, flood risk and landscape issues.
Conclude that the proposal would have no significant effects on the setting of the Clwydian Range and Dee Valley AONB or Snowdonia National Park. Initially requested a hydrogeological

impact assessment prior to commencement of development but have since confirmed that this information can be secured under a licence for the abstraction of water.

DWR CYMRU / WELSH WATER:

No comments to make.

CLWYD POWYS ARCHAEOLOGICAL TRUST:

Confirm that the location of the proposed borrow pit has been included in earlier archaeological assessment of the windfarm proposals and no archaeological impacts are predicted here. Therefore have no objection to the proposed extraction works.

WELSH GOVERNMENT AGRICULTURAL LAND ADVISOR:

No comment to make.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –

Head of Highways and Infrastructure

- Highways Officer:

No objection. Requests that the following matters are drawn to the applicant's attention as Advisory Notes:

(i) Highway Supplementary Notes Nos. 1, 3, 4, 5 and 10.

(ii) New Roads and Street Works Act 1991 – Part N Form.

Pollution Control Officer:

Advises that the development has a significant potential for impact on groundwater flow in the wider area with associated risks to the alteration in quality and quantity or interruption of flow to existing private water supplies. Requests that conditions are attached to require a Hydrogeological Risk Assessment prior to commencement of development and to apply the submission of a supplementary plan to the existing Water Quality Management Plan (WQMP) and Private Water Supply Emergency Plan to take into account the potential for interruption or loss of supply.

Flood Risk Officer:

No serious concerns about the proposal, in relation to flood risk. Any proposals to make permanent or temporary alterations to existing watercourses, including diversion work, the creation of new ditches and the laying of pipes and culverts will be regulated by the Council using its powers under the Land Drainage Act. The management of flood risk will be a primary consideration during that process.

Conservation Officer:

No comments received at time of writing report.

Ecologist:

Agrees with the mitigation and enhancement measures set out in the ES and various approved species protection plans. Recommend the inclusion of a condition to ensure all works follow the measures set out in these documents. Recommend that an Ecological Clerk of Works (ECoW) is employed to supervise the removal of habitat and construction of the borrow pit. Advises that managed broadleaved woodland would provide good habitat for dormice.

Tree Officer:

Advises that further information should be sought in respect of trees. Recommends restoration details are secured via condition and should comprise broadleaved woodland.

RESPONSE TO PUBLICITY:

In objection

Representations received from:

Darren Millar AM

John Hopkinson, Fron Dirion, Llangynhafal GM, Corwen

Michael Skuse, Caenant, Llangynhafal, Ruthin

Sheila Harman, Corner Cottage, Ford Heath, Shrewsbury
Ian Rogers, Lodge Isaf, Betws Gwerfil Goch
Michael Williams, Isgaerwen
Ian Gardner Gwynant, Waen, Nantglyn

Summary of planning based representations in objection:

- Lack of need.
- Clear felling of trees.
- Impact on protected species and wildlife.
- Impact on private water supplies including contamination and loss. Request that a Hydrological Impact Appraisal is submitted and approved prior to development.
- Lack of information on pollution control (surface water).
- Flooding.
- Noise.
- Lack of information on impacts as a result of transport movements.
- Request that all restrictions and regulations which apply to the wind farm site should extend to the proposal site and that an ecological clerk of works should be available to oversee activity.

In addition to planning based representations, concern has also been raised that the application did not form part of the original wind farm application.

EXPIRY DATE OF APPLICATION: 12/08/2018

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 The proposal seeks full planning permission for the construction and operation of a borrow pit for the extraction of aggregate solely for use in the construction of the consented Clocaenog Forest Wind Farm, Statutory Instrument 2014 No 2441 (hereon in referred to as the 'Order').
- 1.1.2 The application area straddles the boundary of the Counties of Denbighshire and Conwy. A similar application has also been submitted to Conwy County Borough Council, application reference 0/45098.
- 1.1.3 The operational area would be approximately 11.5ha with an extraction area of approximately 7.5ha.
- 1.1.4 The site is underlain by the Denbigh Grits which comprise siltstone, sandstone and mudstone. The extracted material would be used in the construction of access tracks, passing places and new hardstanding areas for the consented wind farm. It should be noted that the construction of access tracks and other hard standings are consented by the Order and therefore do not form part of this application.
- 1.1.5 The site comprises an open plantation of conifers which would need to be clear felled to facilitate the extraction. Temporary fencing would be erected around the application area and temporary interception bunds and drainage ditches would be constructed upslope of the proposed borrow pit. Settlement ponds would be constructed within the borrow pit and would receive excess runoff and water from perimeter drains. Discharge from the ponds would be to ground infiltration or vegetated buffer areas.
- 1.1.6 The construction and operation of the borrow pit would take place over a period of up to 24 months. The site would be worked in a north westerly direction with excavation to about 30m below ground level and benches up to 5m in height. Overburden would

be stripped and temporarily stored within the application area but outside the extraction area, around the perimeter of the application site, providing edge protection and visual/acoustic screening. Stockpiles of unsuitable rocks horizons would be stored within the base of the extraction area. Mobile crushing and screening plant would be located within the base of the borrow pit and be used to process material within the site. A hydraulic breaker and excavator would be used to extract the material and blasting would be used where required. The site would be worked in strips to ensure only the quantity of rock needed is extracted with a series of 5m benches.

- 1.1.7 Restoration would be linked to the timescales of the construction of the approved windfarm and would comprise backfilling overburden within across the extraction area. It is stated within the ES that the extraction would be undertaken in accordance with the Quarries Regulations 1999, though it should be noted that the development would not legally be bound by the requirements of the Regulations.

1.2 Description of site and surroundings

- 1.2.1 The proposed borrow pit would be located within the Clocaenog Forest, an area characterised by coniferous forest plantation approximately 6.4km north west of Derwen and 6.7km west of Clawddnewydd.
- 1.2.2 There is a forestry access track which bounds the site to the north west and north east and a footpath which bounds the site to the south east.
- 1.2.3 The site is located approximately 800m from the nearest residential property, Tal-y-Cefn Uchaf, which is located in the administrative area of Conwy, south west of the proposal site.
- 1.2.4 The site is located within the consented area for the Clocaenog Forest Wind farm development, involving up to 32 wind turbines, 2 anemometry masts, a permanent access route to the site and tracks between wind turbines, underground cabling, a substation compound, four borrow pits and two civil and one electrical construction compounds. The borrow pit site is located to the south of turbine No.21, to the north of turbine No. 24 and to the south west of turbine No. 22.
- 1.2.5 The site slopes in a northerly direction rising from approximately 390mAOD in the south to 430m in the north. The highest point within the Forest is located approximately 1.4km to the south east of the site at Craig Bron-Banog, which is 502mAOD at its highest point. The Clwydian Range AONB is approximately 9.5km to the south east and Snowdonia National Park 12km to the south west.
- 1.2.6 The site straddles two areas, Clocaenog Forest and Clocaenog Forest West classified by Landmap as Upland/Exposed Upland/Plateau/Wooded Upland and Plateaux with low visual and sensory value due to dominant single species vegetation which gives a monotonous view of the aspect further limited by the lack of available views into and out of the area.
- 1.2.7 Access to the wind farm development is obtained via the B4501, which is to the north of the forest.

1.3 Relevant planning constraints/considerations

- 1.3.1 The site is located outside any development boundary identified in the Denbighshire Local Development Plan.
- 1.3.2 It is located within a Strategic Search Area, identified in Welsh Government's Technical Advice Note 8 as areas within which large scale onshore wind developments should be concentrated.

- 1.3.3 The site is within an area safeguarded under policy PSE 15: Mineral Safeguarded Area.

1.4 Relevant planning history

- 1.4.1 A Development Consent Order (DCO) (SI 2014 No 2441) under the Planning Act 2008 was granted in 2014 and came into force on 2nd October 2014 for the construction of a wind farm comprising up to 32 wind turbines and associated works. The consent included the construction of 4 borrow pits, as set out within Schedule 1 of the same Order. A number of schemes have been approved, as required by Part 3 of the Order.

1.5 Developments/changes since the original submission

- 1.5.1 None

1.6 Other relevant background information

- 1.6.1 The DCO application was accompanied by an Environmental Statement which addressed relevant matters across the entirety of the site and incorporated a range of mitigation, compensation and enhancement measures, some of which are to be secured by condition. A number of matters were scoped out of the Environmental Statement submitted in support of this application by the Applicant, including air quality and human health, socioeconomics, climate, traffic and transport, light, heat and radiation, creation of nuisances and the disposal and recovery of waste, use of natural resources and cumulative impacts.
- 1.6.2 The proposed borrow pit would not be used during the operational or restoration phases of the wind farm and so only the construction phase impacts have been addressed as part of the application supporting documents and Environmental Statement.
- 1.6.3 The Applicant has entered into a Section 106 legal agreement in connection with the DCO. The S106 secures a Habitat Management Plan and Access Management Plan and associated obligations which are governed by a lease. This also secures matters relating to television reception.
- 1.6.4 As noted above, a parallel planning submission relating to this development has also been submitted to Conwy CBC.

2. DETAILS OF PLANNING HISTORY:

- 2.1 Development Consent Order (DCO) (SI 2014 No 2441) under the Planning Act 2008 was granted in 2014 and came into force on 2nd October 2014 for the construction of a wind farm comprising up to 32 wind turbines and associated works.
- 2.2 DCO/2017/0413 Details of Infrared Aviation Lighting submitted for approval in accordance with Schedule 1 Part 3 Requirement 28 of the Clocaenog Forest Wind Farm Order 2014 (Denbighshire ref. DCO/2016/0947). Approved 22/06/2017.
- 2.3 DCO/2017/0410 Details of substation appearance submitted for approval in accordance with Schedule 1 Part 3 Requirement 22 of the Clocaenog Forest Wind Farm Order 2014 (Denbighshire ref. DCO/2016/0947). Approved on 22/06/2017.
- 2.4 DCO/2017/0414 Details of substation noise submitted for approval in accordance with Schedule 1 Part 3 Requirement 35 of the Clocaenog Forest Wind Farm Order 2014 (Denbighshire ref. DCO/2016/0947). Approved 22/06/2017.

- 2.5 DCO/2017/0412/EN25 Details of Access Management Plan submitted for approval in accordance with Schedule 1 Part 3 Requirement 16 of the Clocaenog Forest Wind Farm Order 2014 (Denbighshire ref: DCO/2016/0947). Approved 22/06/2017.
- 2.6 DCO/2017/0411/EN25 Details of Scheme of Archaeological Investigation submitted for approval in accordance with Schedule 1 Part 3 Requirement 24 of the Clocaenog Forest Wind Farm Order 2014 (Denbighshire ref: DCO/2016/0947). Approved 3/10/2017.
- 2.7 DCO/2017/0787 Details of Shadow Flicker Protocol submitted for approval in accordance with Schedule 1 Part 3 Requirement 23 of the Clocaenog Forest Wind Farm Order 2014 (Denbighshire ref. DCO/2016/0947). Approved 31/10/2017.
- 2.8 DCO/2016/0983 Details of written confirmation that the two authorised permanent anemometer masts (Work No. 6 & 7) will not be built out, submitted for approval in accordance with Schedule 1 Part 3 Requirements 30 to 35 and Part 4 of the Clocaenog Forest Wind Farm Order 2014 (Denbighshire ref. DCO/2016/0947/EN24). Approved 02/11/2016.
- 2.9 DCO/2017/0788/EN25 Details of Surface Water Drainage submitted for approval in accordance with Schedule 1 Part 3 Requirement 26 of the Clocaenog Forest Wind Farm Order 2014 (Denbighshire ref: DCO/2016/0947). Approved 7/11/2017.
- 2.10 DCO/2017/0786 Details of Turbine Appearance submitted for approval in accordance with Schedule 1 Part 3 Requirement 18 of the Clocaenog Forest Wind Farm Order 2014 (Denbighshire ref. DCO/2016/0947). Approved 27/11/2017.
- 2.11 DCO/2017/0789/EN25 Details of Accumulation and Deposits submitted for approval in accordance with Schedule 1 Part 3 Requirement 27 of the Clocaenog Forest Wind Farm Order 2014 (Denbighshire ref: DCO/2016/0947). Approved 1/12/2017.
- 2.12 DCO/2017/1020/EN25 Details of Ecological Clerk of Works submitted for approval in accordance with Schedule 1 Part 3 Requirement 25 of the Clocaenog Forest Wind Farm Order 2014 (Denbighshire ref: DCO/2016/0947). Approved 1/12/2017.
- 2.13 DCO/2016/1178 Details of Confirmation of the intention to construct the northerly substation, temporary construction compound and series of cables submitted for notification purposes only in accordance with Article 3 (4) (a) and (b) of the Clocaenog Forest Wind Farm Order 2014 (Denbighshire ref. DCO/2016/0947). Approved 06/12/2016.
- 2.14 DCO/2017/0785/EN25 Details of revisions to Construction Method Statement submitted for approval in accordance with Schedule 1 Part 3 Requirement 9 of the Clocaenog Forest Wind Farm Order 2014 (Denbighshire ref: DCO/2016/0947). Approved 15/12/2017.
- 2.15 DCO/2017/1059 Details of highways improvement design and reinstatement works submitted for approval in accordance with Schedule 1 Part 3 Requirement 11 and 12 of the Clocaenog Forest Wind Farm Order 2014 (Denbighshire ref. DCO/2016/0947). Approved 13/12/2017.
- 2.16 DCO/2017/1021 Details of substation appearance submitted for approval in accordance with Schedule 1 Part 3 Requirement 22 of the Clocaenog Forest Wind Farm Order 2014 (Denbighshire ref. DCO/2016/0947). Approved 18/12/2018.
- 2.17 DCO/2017/1022 Details of substation noise submitted for approval in accordance with Schedule 1 Part 3 Requirement 35 of the Clocaenog Forest Wind Farm Order 2014 (Denbighshire ref. DCO/2016/0947). Approved 18/12/2017.
- 2.18 DCO/2017/1019/EN25 Details of Construction Traffic Management Plan submitted for approval in accordance with Schedule 1 Part 3 Requirement 8 of the Clocaenog Forest Wind Farm Order (Denbighshire ref: DCO/2016/0947). Approved 19/01/2018.

- 2.19 DCO/2018/0091 Details of written confirmation that Works 4A and 4B will not be implemented in accordance with Schedule 1 Part 3 Requirement 10 of the Clocaenog Forest Wind Farm Order 2014 (Denbighshire ref. DCO/2016/0947). Approved 06/02/2018.
- 2.20 DCO/2017/0409/EN25 Details of Habitat Management Plan submitted for approval in accordance with Schedule 1 Part 3 Requirement 15 of the Clocaenog Forest Wind Farm Order 2014 (Denbighshire ref: DCO/2016/0947). Approved 06/03/2018.

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 RD1 – Sustainable development and good standard design

Policy PSE5 – Rural economy

Policy PSE15 – Safeguarding minerals

Policy PSE16 – Mineral buffer zones

Policy PSE17 – Future mineral extraction

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 VOE6 – Water management

Policy VOE9 – On-shore wind energy

Policy VOE 10 – Renewable energy technologies

3.2 Supplementary Planning Guidance

Supplementary Planning Guidance Note No. 15: Archaeology

Supplementary Planning Guidance Note. : Conservation and Enhancement of Biodiversity

Supplementary Planning Guidance Note: Renewable Energy

Supplementary Planning Guidance Note: Trees and Landscaping

3.3 Government Policy / Guidance

Planning Policy Wales (Edition 9) November 2016

Development Control Manual November 2016

Minerals Technical Advice Note (Wales) 1 (MTAN1): Aggregates

Technical Advice Note (Wales) 5 (TAN5) – Nature Conservation and Planning

Technical Advice Note (Wales) 8 (TAN8) – Planning for Renewable Energy

Technical Advice Note (Wales) 15 (TAN15) – Development and Flood Risk

Technical Advice Note (Wales) 18 (TAN18) – Transport

Technical Advice Note (Wales) 24 (TAN4) – The Historic Environment

WGC 016/2014: The Use of Planning Conditions for Development Management

3.4 Other material considerations

Well-Being of Future Generations Act 2015

4. MAIN PLANNING CONSIDERATIONS:

In terms of general guidance on matters relevant to the consideration of a planning application, Planning Policy Wales Edition 9, 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' (PPW section 3.1.3). 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 (PPW section 3.1.4).

Development Management Manual 2016 states that material considerations 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 (DMM section 9.4).

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 Landscape/Appearance
- 4.1.3 Historic Environment
- 4.1.4 Amenity
- 4.1.5 Ecology
- 4.1.6 Trees
- 4.1.7 Highways
- 4.1.8 Hydrology, Hydrogeology and Geology

4.2 In relation to the main planning considerations:

4.2.1 Principle

Planning Policy Wales (PPW) supports the use of borrow pits, temporary mineral workings operated to supply a particular construction project, within or close to construction sites and wherever possible, where the mineral can be supplied direct without using public highways.

The proposed development is intended to serve the wind farm development only and would not exploit material on a commercial basis for sale elsewhere. The North Wales Aggregates Working Party forecasts the need for commercial mineral extraction, taking into account past sales and likely future need. These calculations do not take into account the demand created by individual developments such as the Clocaenog Forest Wind Farm. PPW 9 supports the use of borrow pits, temporary mineral workings operated to supply a particular construction project, within or close to construction sites and wherever possible, where the mineral can be supplied direct without using public highways.

The principle of the use of borrow pits for the wind farm was established through the DCO which included provision for 4 borrow pits. This proposed development would replace one of the consented borrow pits, borrow pit B, which was found to be unsuitable due to excessive superficial cover and which was predicted to yield <35,700m³ crushed rock. The Applicant has identified a need for approximately 351,700m³ of crushed rock to construct the wind farm access tracks and hardstanding areas which would be unlikely to be met by the remaining borrow pits due to the presence of overburden and uncertainty regarding the quality of material. A number of different locations were investigated and two potential sites discounted due to location (away from the central area) and topography, as well as distance from footpaths which are to remain open during the construction phase of the wind farm.

The borrow pit itself would yield between 700,000 – 1,000,000 m³ with overburden totalling up to 225,000m³. It is confirmed within the ES that the borrow pit may be able to provide sufficient rock for the entire CFWF however, this is dependent upon the quality and quantity of rock available and the end-use. It is proposed to work the borrow pit in strips which would enable the Applicant to cease extraction when sufficient rock is obtained, thereby keeping the extraction area to a minimum. Including the entire area within the red line boundary gives the Applicant a degree of flexibility with respect to where within the site material can be obtained from.

A number of objections have been received in response to publicity on the application on the basis that the borrow pit is unnecessary in view of the smaller scale of the overall development. The application has been submitted on the basis that it would serve the wind farm development only and would be for a temporary period. Furthermore, the site itself has not been identified within the LDP as an area which would be appropriate for commercial mineral extraction. It is therefore considered

appropriate to include a condition restricting the use of the borrow pit so that it may only be used in connection with the wind farm consented by the DCO and to impose a time limit on extraction and restoration.

Subject to the inclusion of a condition to address the matters above, the principle of the proposed development is considered acceptable and in line with national, regional and local policy.

4.2.2 Landscape/Appearance

Policy VOE 1 seeks to protect areas designated or identified because of their natural landscape value.

Minerals Technical Advice Note 1 provides advice on landscape impacts of quarrying, recognising that their development can introduce a visual intrusion similar to industrial development within forestry land uses and recommends the use of Landmap in assessing the specific impact in different landscape areas.

NRW and the Ecologist both request that restoration details are secured via condition.

Borrow pit E would be located within a coniferous forest plantation and is within a Strategic Search Area for large scale wind farms within TAN 8 where landscape change is therefore anticipated. The construction of the borrow pit would take place in conjunction with the construction of the wind farm as a whole.

The Site is located within the central part of Clocaenog Forest and is not located within any designated landscape. The site straddles two areas, Clocaenog Forest and Clocaenog Forest West classified by LANDMAP as Upland/Exposed Upland / Plateau / Wooded Upland and Plateaux with low visual and sensory value due to dominant single species vegetation which gives a monotonous view of the aspect further limited by the lack of available views into and out of the area.

The Landscape and Visual Assessment submitted in support of the application considers potential impacts during tree-clearance phase, construction and restoration. The effect of construction and operation of the borrow pit has been identified as large in scale but small in geographical extent, short term and partially reversible but not significant. Following restoration, the effect is identified as small in both scale and geographical extent, long term and not reversible but not significant. Mitigation measures proposed include, but are not limited to, the use of overburden as a visual screen, locating equipment and stockpiled material within the working part of the site, restriction of working hours, dust control, restoring the site to a naturalistic profile with gentle gradients, removal of equipment, storage and fencing following completion.

The Clwydian Range AONB is located approximately 9.5km to the south east and Snowdonia National Park is located approximately 12km to the south west. Hiraethog and Cerrigydrudion Special Landscape Area is located approximately 5km to the west and south respectively, as identified in the Conwy Local Development Plan.

There is a forestry access track which bounds the site to the north west and north east and a footpath which bounds the site to the south east. The site is located approximately 800m from the nearest residential property, Tal-y-Cefn Uchaf. The site is visible from the public road which runs along its north western boundary. A forestry track runs along the northern boundary and a path which runs along the eastern boundary, neither of which are public rights of way, access to which would be restricted during construction. The Hiraethog Trail at the summit Craig Bron-banog provides potential views into the site, though views from the remainder of the trail would be restricted by topography and intervening vegetation.

Development of the borrow pit would necessitate the felling of approximately 11.5ha of forest cover. The ES for this application concludes that because tree felling is characteristic of the landscape of Clocaenog Forest it would not cause significant effects on landscape character or visual amenity. Pre-development tree clearance is

to be carried out by NRW of all trees within the planning boundary. Whilst felling occurs within the Clocaenog Forest already and could be carried out outside planning controls, NRW has adopted Continuous Cover Forestry practices with the forestry of the proposal site being managed as part of a larger 'Low Impact Silvicultural System (LISS) through regular thinning rather than clear felling. It is proposed to provide financial compensation for the loss of the trees within the application site to fund an alternative area of LISS

There are a number of aspects of the borrow pit construction which would impact on the landscape including the stripping and stockpiling of material and the use of plant and machinery. There would be adverse impact from the loss of landcover and landform, and disturbance and activity, however, any disturbance would be temporary and would be viewed in the context of the construction of the wind farm. Following restoration the borrow pit would still be perceptible in the landscape. The extent of changes to the landform and appearance will depend upon the extent of working and the final restoration. Although the Applicant is seeking planning permission to work the entirety of the site, the entire site would not in practice be worked. The site would be worked in strips working in a north westerly direction.

NRW and the Ecologist both request that restoration details are secured via condition. Because the site currently comprises coniferous plantation, surveys have been limited and there is a degree of uncertainty regarding the level of peat. Therefore, it is considered reasonable to secure further information via condition. Although there would be landscape change, such impacts would be localised and could be minimised through mitigation during the operational stage and restoration. Subject to conditions to address the matters raised above the proposal is considered acceptable in landscape terms, in accordance with policy VOE1 of the adopted Denbighshire LDP and MTAN 1.

4.2.3 Historic Environment

Planning Policy Wales identifies archaeological remains as a finite and non-renewable resource and advises on requirements for development on land affected by such heritage assets. TAN24 advises that in cases involving less significant archaeological remains, local planning authorities will need to weigh the relative importance of the archaeological remains and their setting against other factors, including the need for the development.

Neither CADW nor the Clwyd-Powys Archaeological Trust (CPAT) object to the proposed development.

Assessment has already been the subject of previous research and study for the Cultural Heritage Assessment for the windfarm ES. Cae Ddunod Camp (a prehistoric hillfort) is located approximately 1.8km southwest of the proposal site.

No previously recorded heritage assets are located within the application area, however, there is the potential for currently unrecorded assets to be present. Forestry activity is likely to have had a destructive effect on archaeological sites and tree felling within the application area and is identified within the ES as unlikely to further impact any archaeological remains. The planting and harvesting of forestry within the area has severely damaged or destroyed many sites of note including cairns and stone circles. The majority of recorded sites within the wind farm application site and its surroundings are of post-medieval date and have been recorded from historic mapping.

A pre-construction (post-felling) walkover of the site is proposed to identify any heritage assets to enable a mitigation strategy for these assets and a watching brief during the construction phase, with contingencies for the discovery of archaeology which would apply to soil stripping and excavation within the borrow pit footprint. In the event that archaeological remains are discovered they will be subject to investigation, ensuring adequate preservation by record. A Project Design for Scheme

of Archaeological Investigation: Stage 3 report approved in relation to the DCO includes provision for a walkover survey before commencement; a watching brief where presence of archaeological remains is established; peat core sampling.

There are no objections from CADW or the Clwyd-Powys Archaeological Trust (CPAT), hence subject to the above conditions, the proposal is considered acceptable within respect to cultural heritage, in line with national policy and guidance.

4.2.4 Amenity

Planning Policy Wales 3.1.4 refers to the impact on the neighbourhood and on the environment as potentially material considerations. The impact of a development on residential amenity is therefore a relevant test on planning applications. This is emphasised in Paragraph 3.1.7, which states that proposals should be considered in terms of their effect on the amenity and existing use of land and buildings in the public interest. As the Courts have ruled that the individual interest is an aspect of the public interest, it is therefore valid to consider the effect of a proposal on the amenity of neighbouring properties.

The Pollution Control Officer advises that blasting should be within limits in MTAN 1. No specific noise controls have been requested. Objections from the public include concerns regarding noise.

The application site is located approximately 800m from the nearest residential property, Tal-Y-Cefn Uchaf, to the west of the site within the administrative area of Conwy. There are a small number of other properties which are more distant including Tal-Y-Cefn Isaf to the south west, Tai'n-y-Waen to the south and Hafotty Newydd to the north. There is the potential for impact on amenity through emissions to air (including noise and vibration), water and from visual disturbance.

Matters relating to air quality and human health, impact of traffic and transport and the creation of nuisances were all scoped out of the Environmental Impact Assessment as it was concluded that these were suitably addressed through the DCO and associated requirements. Requirement 9 of the DCO secured the submission and implementation of a Construction Method Statement (CMS) to protect amenity.

Noise and blasting

Noise arising from activities outside the site including vehicle movements have already been considered as part of the wind farm application. A noise assessment was provided in the windfarm ES. Background noise levels were monitored at the nearest residential receptors, Tal-Y-Cefn Uchaf and Hafotty Newydd. Noise at the closest sensitive receptor as a result of tree clearance was predicted to be 56dB(A) assuming a minimum distance of 270m and from borrow pit quarrying 56LdB(A) where the minimum distance is assumed to be 380m. The proposed borrow pit is located approximately 800m from the closest sensitive receptor and since noise attenuates with distance, noise from both the pre-development tree clearance and the borrow pit activities are considered highly unlikely to have an adverse impact on residential amenity.

Background noise levels within the area vary considerably with wind speed ranging from 20 to 55dB LA90 at the nearest property. MTAN 1 advises that where background noise levels exceed 45dB(A) a maximum daytime noise limit of 55dB(A) should be applied. During temporary/short term operations levels may be higher but should not exceed 67dB(A) for periods of up to 8 weeks.

There are a number of potentially noisy elements in relation to the proposal, including: screening; secondary breaking of large rocks using a hydraulic breaker attached to a tracked excavator; crushing of oversize rock using a mobile tracked crusher and secondary screening if required using a 3 way split screen and vehicle movements. Mitigation includes: restricting hours of operation; adhering to good practice as set out

in BS 5228; maintaining equipment in good working order and ensuring noise attenuation such as engine casing and exhaust silencers remain fitted at all times; restricting the duration of construction plant capable of generating significant noise and vibration levels. Processing material within the base of the borrow pit and storing overburden stockpiles around the perimeter of the borrow pit would also help minimise noise levels.

The ES considers noise arising from blasting, The Construction and Environmental Management Plan proposes to control vibration levels at the nearest sensitive properties through on site testing. The process includes the use of progressively increased minor charges to gauge ground conditions in terms of propagation characteristics and the level of charge needed to release the material. Blasting operations will adhere to MTAN 1 which specifies a limit of 6mms-1 ppv in 95% of all blasts and that no blast should exceed 10mms-1. Structural damage is most likely to occur at 20mms-1 but this depends upon the frequency.

Hours of operation would be 0700 to 1900 Monday to Friday and 0700 to 1300 on Saturdays. Hours of blasting are identified as Mondays to Fridays between the hours of 10:00 and 16:00. A temporary road closure may be required during blasting.

As noted, the Pollution Control Officer advises that blasting should be within limits in MTAN 1. No specific noise controls have been requested. In respecting objections from the public over potential noise impacts, noise levels are unlikely to exceed 50dB(A) given the distance from the application site, which is below the limits specified in MTAN1. Whilst there is potential to impact residential amenity when wind speed is low, the proposed development would be carried out in conjunction with the wind farm as a whole and would be for a temporary period. Furthermore, conditions to address these matters would help minimise impacts on sensitive receptors.

Dust

There is the potential for dust to be released during tree felling/habitat clearance; soil stripping/overburden removal and storage; extraction/processing; and restoration. Fugitive dust emissions were considered as part of the DCO application. The distance between the proposal site and the nearest sensitive receptors would minimise the risk that fugitive dust emissions from the borrow pit would have any adverse impact on residential amenity. The most significant risk to residential properties is considered to be the movement of material within the wider wind farm site. Notwithstanding this, the uncontrolled release of dust could impact water courses and should therefore be addressed via condition.

A Soils and Peat Management Plan addresses the handling and storage of such materials across the site. The proposed method of peat removal is intended to minimise desiccation during storage, reduce contamination and prevent overburden induced failure. The methodology proposed would also help minimise the release of dust and could reasonably be secured via condition.

Subject to the inclusion of conditions to deal with the matters identified, the proposed development is considered unlikely to have an unacceptable adverse impact on residential amenity.

4.2.5 Ecology

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. This reflects policy and guidance in Planning Policy Wales (Section 5.2) and current legislation.

Policy VOE 5 requires the submission of a biodiversity statement which must have regard to the County Biodiversity aspiration for conservation, enhancement and restoration of habitats and species and supports proposals where they are not likely

to cause significant harm to priority species, or to species that are under threat.

Technical Advice Note 5 provides detailed advice on nature conservation and how such matters should be considered through the planning application process.

There are private individual objections based on impact on protected species and wildlife.

The County Ecologist agrees with the mitigation and enhancement measures set out in the ES and various approved species protection plans, and recommends the inclusion of conditions to ensure all works follow the measures set out in these documents and that an Ecological Clerk of Works (ECoW) is employed to supervise the removal of habitat and construction of the borrow pit.

Recommend that planning permission is only granted if a number of conditions are included to secure dormouse avoidance, mitigation and compensation measures, restoration and landscaping as well as measures described in the ES; the submission of a post construction monitoring and surveillance scheme; and an ecological compliance audit scheme.

There are no statutory or non-statutory nature conservation designations within the site. The site is dominated by planted coniferous woodland and is bordered to the north and west by further coniferous plantation woodland. To the south and east of the track forming the southern boundary of the site lies an area of dry acid heath, modified bog and marshy grassland with scattered self-sown trees, part of which will be managed as part of the CFWF Habitat Management Plan. There are a number of notable species which could be present within the site including Goshawk, Nightjar, Pine martin and polecat, Dormouse, Red squirrel and Bats.

The nearest mapped watercourse is located 80m from the site. The site is located within the Afon Alwen catchment which ultimately drains into the River Dee and Bala Lake SAC, approximately 14km downstream. The site is approximately 2km from the closest Site of Special Scientific Interest and 250m from the closest non-statutory nature conservation site. Given the distance and lack of hydrological connections no significant effects on these sites are identified as likely. Trial pits within the site identify peat of depths between 0.05m and 0.70m typically full of roots and occasional sandstone cobbles and boulders. No bog or mire habitats were identified in the site. The approved Soils and Peat Management Plan identifies how they would be managed to ensure that any peat can be used as part of the borrow pit restoration. There would be direct loss of woodland within the site, though this part of the site is operational forestry land, currently managed by NRW.

The ES proposes the implementation of a range of mitigation, compensation and enhancement measures, most of which are already in place as part of the DCO. A Habitat Management Plan has been produced for the DCO which secures mitigation for protected species and financial provision for the control of grey squirrels. A HMP Stakeholder Group has also been established to review the management actions and monitoring results, membership comprising the Applicant, NRW and Local Planning Authority. The mitigation secured as part of the DCO includes the use of Reasonable Avoidance Measures: timing of tree clearance, monitoring prior to tree clearance, during construction and post construction during the operation of the wind farm and compensation/enhancement through the management of areas for heathland, blanket bog creation and dormouse habitat creation.

An assessment of the suitability of habitat within the site for dormice, a European protected species, was undertaken and an area of 0.17ha identified of moderate suitability within the north west of the site, adjacent to the western boundary. The remainder of the site was considered to have low potential due to domination by mature coniferous plantation with limited understory. Natural Resources Wales have stated that they agree with the assessment and have requested a number of conditions to secure avoidance, mitigation and compensation measures, including

post construction monitoring and surveillance. The Ecologist has advised that whilst these matters should be secured by condition, avoidance and mitigation should be secured for the entirety of the development.

At this stage it is considered very unlikely that the site would be fully worked, as detailed above, which will influence the final restoration. The site would be clear felled but only areas which are to be subject to excavation would have all vegetation removed. This would enable rapid regeneration of unworked areas with limited intervention. Restoration proposed includes the replacement of stripped topsoils, seedbank and subsoil horizons and hydroseeding if warranted. There is the potential to secure restoration which enhances the site for dormice or to secure off-site compensation through the wind farm Habitat Management Plan. Both NRW and the County Ecologist have requested further information with respect to restoration which is considered reasonable to secure via condition and which could be linked to the HMP where relevant.

It is proposed within the ES to employ an Ecological Clerk of Works (ECoW) to oversee the construction and restoration of the site. The Ecologist has advised that supervision should extend to pre-construction vegetation clearance work and requested a suitably worded condition to secure this. It is recommended that the mitigation proposed within Section 8.4 of the ES are secured via condition as well as adherence to the Species Protection Plans which form part of the approved Habitat Management Plan.

The proposed development will have an adverse impact on the ecology of the site, though the full extent of the impact would not be known until it is known how much material would be extracted. Mitigation already in place across the wider wind farm could ensure that the development does not have an adverse impact on protected species but would need to be secured via condition. Subject to the inclusion of conditions to address the matters raised above the proposed development is considered acceptable with respect to ecology, in accordance with policy VOE 5 of the adopted Denbighshire Local Development Plan.

4.2.6 Trees

Pre-development tree clearance is to be carried out by NRW and would comprise the felling of all trees within the planning boundary to facilitate the borrow pit development.

It is important to note that the felling of trees occurs within the Clocaenog Forest already and could be carried out by NRW without planning consent. NRW has adopted Continuous Cover Forestry practices over a significant area of Clocaenog Forest with the forestry of the proposal site being managed as part of a larger 'Low Impact Silbicultural System) which are usually managed by the regular thinning of the woodland rather than clear felling. It is therefore proposed to provide financial compensation for the loss of the area to fund an alternative area of LISS. The financial compensation forms part of the lease agreement that the Applicant has with the landowner and would therefore be secured outside the planning system. This has been confirmed in writing by Natural Resources Wales.

Although the mineral would be worked in strips, for safety reasons the trees would be clear felled prior to the extraction of mineral. The application site itself forms a coupe of trees which would all be felled, irrespective of the size of borrow pit.

The Tree Officer has advised that due to the remoteness of the site, the area's poor landscape value and topography the impact of the borrow pit is quite limited even though it is quite large scale. He has also advised that further information should be secured regarding the restoration of the site, including any tree or shrub planting, including species, sizes, density and method for protection where relevant.

It is recommended that conditions should be imposed to apply the requirements for felling set out in the Order and to address the matters raised above.

4.2.7 Highways

Planning Policy Wales 3.1.4 refers to what may be regarded as material considerations and that these can include the means of access. The acceptability of means of access and highway impacts is therefore a standard test on most planning applications.

Policy PSE 17 supports proposals for mineral extraction where suitable access and transport routes are identified. Concern was raised by a member of the public in response to publicity on the application that traffic and transport impacts were not addressed by the Applicant.

There are individual representations expressing concerns at the lack of information on impacts as a result of transport movements.

The Highway Officer has no objections to the application.

The ES scoped out traffic and transport concluding that the proposal would result in a net reduction in the volume of construction traffic on the local highway. Proposed access to the borrow pit would be from an adjacent forest track. The highways impact of the wind farm and associated infrastructure, including borrow pits, was considered as part of the DCO application. It was assumed, as a worst case, that all aggregate required for the construction of tracks and other site infrastructure would be imported from local quarries. The use of aggregate from borrow pits within the overall DCO site would significantly reduce the potential volumes of construction traffic on the highway network.

The Highways Officer has not objected to the proposal but has advised that certain matters are drawn to the Applicant's attention as advisory notes. In Officers' view, the Construction Traffic Management Plan which was secured in relation to the DCO provides suitable mitigation and could reasonably be secured via condition.

4.2.8 Hydrology, Hydrogeology and Geology

Policy PSE 17 supports mineral extraction where impacts on groundwater and water supplies are found to be acceptable and Policy VOE 6 requires run-off rates from a site to be maintained or reduced compared to pre-development rates.

Private individuals express concerns over the potential impact on private water supplies including contamination and loss, and request that a Hydrological Impact Appraisal is submitted and approved prior to development.

The Pollution Control Officer advises that the development has a significant potential for impact on groundwater flow in the wider area with associated risks to the alteration in quality and quantity or interruption of flow to existing private water supplies; and requests that conditions are attached to require a Hydrogeological Risk Assessment prior to commencement of development and to apply the submission of a supplementary plan to the existing Water Quality Management Plan (WQMP) and Private Water Supply Emergency Plan to take into account the potential for interruption or loss of supply.

Natural Resources Wales initially requested a hydrogeological impact assessment prior to commencement of development but have since confirmed that this information can be secured under a licence for the abstraction of water.

The Council's Flood Risk Officer has no serious concerns about the proposal in relation to flood risk, and has controls through the Land Drainage Act over the detailing of works on watercourses and ditches and pipework, to secure the management of flood risk.

The site is within the catchment of the Dee River Basin District and a tributary to the Afon Alwen. The River Dee and Bala Lake Special Area of Conservation is located approximately 14km downstream from the CFWF site. The site is within the catchment of a tributary to the Afon Alwen which rises in forestry to the south east of the site boundary and flows south west towards the Afon Alwen which it drains into approximately 2km downstream of the site. The tributary is located approximately 80m at its closest point to the south of the site. The current ecological and chemical statuses of the Alwen Ceirw to Brenig reach, a 15km reach from an upstream point where Afon Brenig joins Afon Alwen to a downstream point at the confluence with Afon Ceirw, is Moderate and have valued ecological significance. The site is classified as a secondary aquifer with lower permeability layers which may yield or store limited amounts of groundwater due to localised features.

The proposed maximum depth of the borrow pit is 32m below ground level (bgl). Ground water within the site varies between 2.10m to 4.58m bgl. Extraction therefore has the potential to be below the prevailing water table and groundwater inflows would need to be managed. It is proposed to do this through pumping to a settlement pond system. It is understood that the development would require a licence to abstract water which would be issued by NRW.

Abstracting water has the potential to impact on private water supplies as well as other surface water features in close proximity to the application site. There are a number of private water supplies within the locality including, but not limited to Tal-y-cefn Uchaf, Yr Hen Ysgubor and Tai'n y Waens which are all within 1.5km of the site boundary. The Pollution Control Officer has noted that there are other properties, including Isagerwaen, Hafotty Newydd and Ty Nant which should also be considered. The Conditions Circular 06/2014 cautions against imposing conditions which duplicate other consents. A licence would be required to abstract water, the application for which would need to be accompanied by a hydrogeological impact assessment, as confirmed by NRW. In the event that a licence was not granted this could result in a planning consent that cannot be implemented but which has been commenced with the associated loss of habitat and disturbance. It is therefore considered reasonable to secure an HIA via condition prior to commencement of the development.

There is no identified risk of fluvial flooding within the site boundary with the proposed development within Zone A for the purposes of TAN 15. The Applicant has, however, sought to demonstrate that the proposed development would not increase the risk of flooding further downstream and that other sources of flooding does not introduce risk to the works. The most likely source of flooding is identified Surface Water flooding due to the moderate permeability of some of the soils within the site and deforested areas leading to increase surface run-off in the short term. A Surface Water Management Plan has been secured in relation to the DCO which includes mitigation and monitoring. The Flood Risk Manager has controls through separate legislation over alterations to existing water courses, including diversion work, the creation of new ditches and the laying of pipes and culverts. Mitigation is proposed which comprises measures to protect against sustained excessive sediment run-off into water courses and as a result no discernible change in downstream water quality in the Afon Alwen catchments is predicted.

There is the potential for accidental spillage of pollutants within the site which could impact water quality. Measures to minimise any risk and to deal with accidents have been secured through the Construction Management Plan. Compounds are proposed as part of DCO which would store fuels and oils and emergency procedures in place to address spills, including the provision of alternative supply where private water supplies are impacted.

Subject to the inclusion of conditions to address the matters raised above the proposal is considered acceptable with respect hydrology/hydrogeology, in accordance with policies PSE 17 and VOE6 of the adopted Denbighshire Local Development Plan.

Other Matters:

Legal Agreement

The DCO was accompanied by a S106 agreement which secured the provision of a Habitat Management Plan, Access Management Plan and matters relating to television reception. The Legal Officer has advised, on the basis of information provided within the application and subject to conditions, this proposal does not need to be subject to a further S106 agreement.

Well – being of Future Generations (Wales) Act 2015

The Well-being of Future Generations (Wales) Act 2015 imposes a duty on the Council not only to carry out sustainable development, but also to take reasonable steps in exercising its functions to meet its sustainable development (or well-being) objectives. The Act sets a requirement to demonstrate in relation to each application determined, how the development complies with the Act.

The report on this application has been drafted with regard to the Council's duty and the "sustainable development principle", as set out in the 2015 Act. The recommendation takes account of the requirement to ensure that present needs are met without compromising the ability of future generations to meet their own needs. It is therefore considered that there would be no significant or unacceptable impact upon the achievement of well-being objectives as a result of the proposed recommendation.

5. SUMMARY AND CONCLUSIONS:

- 5.1 The proposed development would provide aggregate for use in construction of the consented Clocaenog Forest Wind Farm, thereby removing the need to import significant quantities of material from quarries off-site.
- 5.2 PPW supports the use of borrow pits where there are clear environmental benefits from meeting supply in this way.
- 5.3 There are considered to be two distinct benefits from meeting supply from the borrow pit: firstly, it would reduce the number of vehicle movements to the site which would reduce the impact on the highway and reduce the use of fuel and associated emissions and secondly, it would displace the need to import higher quality material from established quarries which could be used elsewhere.
- 5.4 There are environmental impacts associated with mineral extraction: these impacts would still occur if consented quarries were relied upon for the source of material. The nearest quarries, with the exception of Moel Y Faen, are limestone quarries. Whilst there are extensive limestone reserves permitted within the sub-region, limestone is a finite resource which is limited in distribution across both Wales and the rest of the UK. Furthermore, PPW cautions against using high quality mineral for a lower grade purpose.
- 5.5 The development would necessitate the removal of approximately 11.5ha of vegetation comprising coniferous plantation. There would be landscape impacts as a result of the development, both temporary and long term, though such impacts would be relatively localised and could be mitigated through the use of condition.
- 5.6 Protected species, including European protected species, could be impacted by the removal of vegetation and disturbance caused by extraction.
- 5.7 Potential impacts on the water environment may be possible through a reduction in quality and/or quantity.

- 5.8 Impacts on human health and amenity are considered unlikely due to the distance between the application site and the nearest sensitive receptor and because access within the forest is restricted during the construction of the wind farm.
- 5.9 Comprehensive mitigation, compensation and enhancement has been secured as part of the DCO, much of which would satisfactorily control the proposed development. Through the use of conditions it is considered possible to impose these requirements and where further information, mitigation and enhancement is considered necessary it is considered that this can also be secured via condition.
- 5.10 On balance, it is considered that the potential benefits of the proposed development would outweigh any disbenefits. Mitigation and compensation and enhancement could be secured via condition to minimise the likelihood of harm. It is for the reasons stated above and as outlined in this report that this application is recommended for approval.

RECOMMENDATION: GRANT- subject to the following conditions:-

Commencement and Duration of permission

1. The development hereby approved shall be commenced within 24 months of the date of this permission.
2. The development hereby permitted shall be carried out in strict accordance with details shown on the following submitted plans and documents unless specified as otherwise within any other condition pursuant to this permission:
 - (i) Environmental Statement;
 - (ii) Site Location Plan (at 1:10,000)
 - (iii) Site Location Plan (at 1:2500)
 - (iv) Borrow Pit Section Plan (Drawing reference TLC873-004 Revision 2)
 - (v) Borrow Pit Exploratory Hole Location Plan (Drawing reference TLC873-003 Revision P1)
 - (vi) Addendum to Appendix E of the Construction Method Statement: Borrow Pit Design and Restoration Plan;
3. Mineral extraction shall cease within 36 months of the stated date of commencement and the site shall be restored in accordance with the timetable approved under condition 12.

Use of Mineral

4. The development hereby approved shall only be used in connection with the development consented by Statutory Instrument No. 2441 The Clocaenog Forest Wind Farm Order 2014 and for no other purpose.

Working Plan

5. Prior to commencement of mineral extraction, a Scheme of Working shall be submitted to and approved in writing by the Local Planning Authority. The Scheme of Working shall make provision for twice yearly reporting of progress to the Local Planning Authority and shall demonstrate how the site is to be worked in strips. The Scheme of Working and twice yearly reporting shall include the following:
 - i) A plan showing the area to be worked over the following 6 months;
 - ii) A plan showing the area of the site that will be felled over the following 6 months;
 - iii) The method of working;
 - iv) A plan showing the location and approximate dimensions of overburden storage mounds; and
 - v) Details of any restoration which is to be carried out.

Archaeology

6. A post-felling walkover survey to examine the area for archaeological remains shall be conducted prior to the commencement of mineral extraction. Where presence of archaeological remains is established during the aforementioned survey a watching brief shall be undertaken during construction to record the surviving archaeological remains, in accordance with the scheme approved under reference DCO/2017/0411/EN25.

Ecology

7. The development shall be carried out in accordance with the measures identified within Section 8.4 of the Environmental Statement and Species Protection Plans approved under reference DCO/2017/0785/EN25.
8. Notwithstanding the mitigation secured under Condition 7, all habitat clearance within the site, including pre-construction felling and vegetation clearance, shall be carried out under the supervision of an Ecological Clerk of Works (ECoW). Works shall be recorded and reported within the ECoW reporting procedure, set out in the Species Protection Plans approved under reference DCO/2017/0785/EN25.
9. Within 12 months of commencement of development details of compensation measures for dormice shall be submitted to the Local Planning Authority for approval, including a timetable for implementation and aftercare. The details shall be implemented as approved and in accordance with the approved timetable unless otherwise agreed in writing by the Local Planning Authority.
10. Within 12 months of commencement of development, proposals for a post construction monitoring and surveillance scheme for dormice shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved.
11. The development shall be carried out in accordance with the Ecological Compliance Audit Scheme secured within the Species Protection Plans approved under reference DCO/2017/0785/EN25 which includes provision for the submission of audit reports to the Local Planning Authority.
12. Prior to commencement of development a timetable for restoration, including aftercare and monitoring shall be submitted to and approved in writing. Within 18 months of the commencement of development a restoration scheme shall be submitted to the Local Planning Authority for approval. The scheme shall include the following:
 - The removal of all plant and equipment from within the site;
 - Final levels within the site;
 - The identification of any features which are to be retained, including water bodies, surface water drainage and fencing;
 - A plan showing areas of the site which will not be worked, including details of vegetation removal which has already been undertaken;
 - Details of tree or shrub planting which is to be carried out, including species, sizes, density and method for protection where relevant;
 - Details of aftercare and monitoring.The restoration scheme shall be implemented as approved.

Lighting

13. Notwithstanding the requirements of Condition 3, details of lighting, which shall be designed to minimise light spill outside of the site and only used when necessary to ensure the safe operation of the site, shall be submitted to and approved in writing by the Local Planning Authority prior to use. The lighting shall be implemented as approved.

Felling

14. All felling shall be undertaken in accordance with the relevant guidance specified in paragraph (a) and NRW best practice (as amended from time to time).
 - (a) The relevant guidance is -
 - (i) The UK Forestry Standard;
 - (ii) UKFS Guidelines - Forests and Water (2011);
 - (iii) UKFS Guidelines - Forests and Soil (2011);
 - (iv) UKFS Guidelines - Forests and Biodiversity; and
 - (v) UKFS Guidelines - Forests and Historic Environment (2011).

Amenity

15. The development shall be carried out in accordance with the documents approved under application reference DCO/2017/0785/EN25 Details of revisions to Construction Method Statement submitted for approval in accordance with Schedule 1 Part 3 Requirement 9 of the Clocaenog Forest Wind Farm Order 2014 (Denbighshire ref: DCO/2016/0947) and supplementary appendices including:
Appendix A: Construction Environmental Management Plan;
Appendix B: Waste Management Plan;

Appendix C: Emergency Response Plan;
Appendix D: Soil and Peat Management Plan;
Appendix F: Species Protection Plan;
Appendix G: Surface Water Management Plan.

Hours of Operation

16. The hours of operation shall be:
0700 to 1900 Monday to Friday only
0700 to 1300 Saturdays only
There shall be no working on public holidays.
Blasting shall be restricted to:
1000 and 1600 Monday to Friday only
There shall be no blasting on public holidays.

Blast Limits

17. Blasting shall not generate levels of vibration that exceed 6mm/sec PPV in any plane in 95% of all cases in any 6 month period and in any event vibration levels shall not exceed an absolute maximum of 10mm/sec PPV in any plane when measured from any vibration sensitive properties.

Dust

18. No mineral extraction shall commence until a scheme demonstrating how fugitive dust emissions will be mitigated has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved.

Access

19. The development hereby approved shall be carried out in accordance with the documents approved under application reference DCO/2017/0412/EN25 Details of Access Management Plan submitted for approval in accordance with Schedule 1 Part 3 Requirement 16 of the Clocaenog Forest Wind Farm Order 2014 (Denbighshire ref: DCO/2016/0947).

Highways

20. The development hereby approved shall be carried out in accordance with the documents approved under application reference DCO/2017/1019/EN25 Details of Construction Traffic Management Plan submitted for approval in accordance with Schedule 1 Part 3 Requirement 8 of the Clocaenog Forest Wind Farm Order (Denbighshire ref: DCO/2016/0947).

Hydrogeology / Hydrology

21. Prior to the commencement of development a Hydrogeological Impact Appraisal (HIA) shall be submitted to and approved in writing by the Local Planning Authority. The HIA shall demonstrate that there will not be a significant diminution of nearby private water supplies in both quality and quantity and make provision for monitoring private water supplies, water courses and water bodies before and during the development hereby approved, including details of action to be taken if monitoring indicates adverse effects on private water supplies, water courses or water bodies.

Stability

22. Notwithstanding the requirements of Condition 2, the operator shall ensure that excavations and tips are designed, constructed, operated and maintained so as to ensure that-
- (a) instability; or
 - (b) movement,
- which is likely to give rise to a risk to the health and safety of any person is avoided.

Geotechnical Assessment

23. Within 3 months of the cessation of mineral extraction, a geotechnical assessment shall be submitted to the Local Planning Authority for approval. The assessment shall be carried out by a suitably qualified geotechnical specialist, in accordance with Schedule 1 of the Quarry Regulations 1999. Perimeter fencing shall be retained until such time as the assessment is approved in writing by the Local Planning Authority.

The reasons for the conditions are:-

1. The proposed development is justified on the basis that it would serve the consented wind farm only. Construction of the wind farm has been commenced and is expected to take up to 24 months.
2. For the avoidance of doubt and to ensure that the development is carried out in accordance with local and national policies.
3. For the avoidance of doubt and to ensure that the development is carried out in accordance with local and national policies.
4. The application is justified on the basis that it would serve the consented wind farm only. The movement of material outside the area consented by the 2014 Order could have an adverse impact on the public highway and could have other impacts which have not been considered as part of this application.
5. To ensure that the area of extraction is minimised, thereby minimising the landscape impact of the development.
6. In the interests of preserving the archaeological interest of the site, in accordance with policy VOE 1 of the adopted Denbighshire Local Development Plan.
7. To ensure protected species are not adversely affected by the development, in accordance with policy VOE 1 of the adopted Denbighshire Local Development Plan.
8. To ensure protected species are not adversely affected by the development, in accordance with policy VOE 1 of the adopted Denbighshire Local Development Plan.
9. To ensure that the development does not have an adverse impact on dormice, a European Protected Species, in accordance with policy VOE 1 of the adopted Denbighshire Local Development Plan.
10. To ensure that the development does not have an adverse impact on dormice, a European Protected Species, in accordance with policy VOE 1 of the adopted Denbighshire Local Development Plan.
11. To evidence compliant implementation of all ecological avoidance, mitigation and compensation works, either proposed within Section 8.4 or subject to condition. To ensure protected species are not adversely affected by the development, in accordance with policy VOE 1 of the adopted Denbighshire Local Development Plan.
12. To ensure that the site is satisfactorily restored, in accordance with policy PSE 17 of the adopted Denbighshire Local Development Plan.
13. To ensure that the development does not have an adverse impact on residential amenity or protected species, in accordance with policies PSE 17 and VOE 5 of the adopted Denbighshire Local Development Plan.
14. To minimise the impact of felling on amenity, biodiversity, historic environment, soil and water, in accordance with policies PSE 17, VOE 1, VOE5, VOE 6 of the adopted Denbighshire Local Development Plan and TAN24.
15. To ensure that the development does not have an adverse impact on residential amenity, recreational users of the Forest, protected species, surface or ground water, in accordance with policies PSE 17, VOE5 and VOE6 of the adopted Denbighshire Local Development Plan.
16. To minimise the impact of the development on residential amenity, in accordance with policy PSE 17 of the adopted Denbighshire Local Development Plan.
17. To minimise the impact of the development on residential amenity, in accordance with Policy PSE 17 of the adopted Denbighshire Local Development Plan and Minerals Technical Advice Note 1: Aggregates.
18. To prevent the release of dust from the site which may impact on the amenity of the area, in accordance with policy PSE 17 of the adopted Denbighshire Local Development Plan.
19. To ensure that the development does not have an adverse impact on the safety of recreational users of the Forest or nearby residents, in accordance with Policy PSE 17 of the adopted
20. To ensure that the development does not have an adverse impact on the highway, in accordance with policy PSE 17 of the adopted Denbighshire Local Development Plan.
21. To ensure that the development does not have an adverse impact on private water supplies, groundwater and surface water, in accordance with policies PSE 17 and VOE 6 of the adopted Denbighshire Local Development Plan.
22. To ensure that the development does not pose a risk to local residents or recreational users of the area as a result of instability.

23. To ensure that the site does not pose a risk to local residents or recreational users of the area as a result of instability.