



CYNGOR
Sir Ddinbych
Denbighshire
COUNTY COUNCIL

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Heading:

REFERENCE NO. 11/2012/0372/PF
Maestyddyn Isa,
Clawddnewydd

8



Application Site

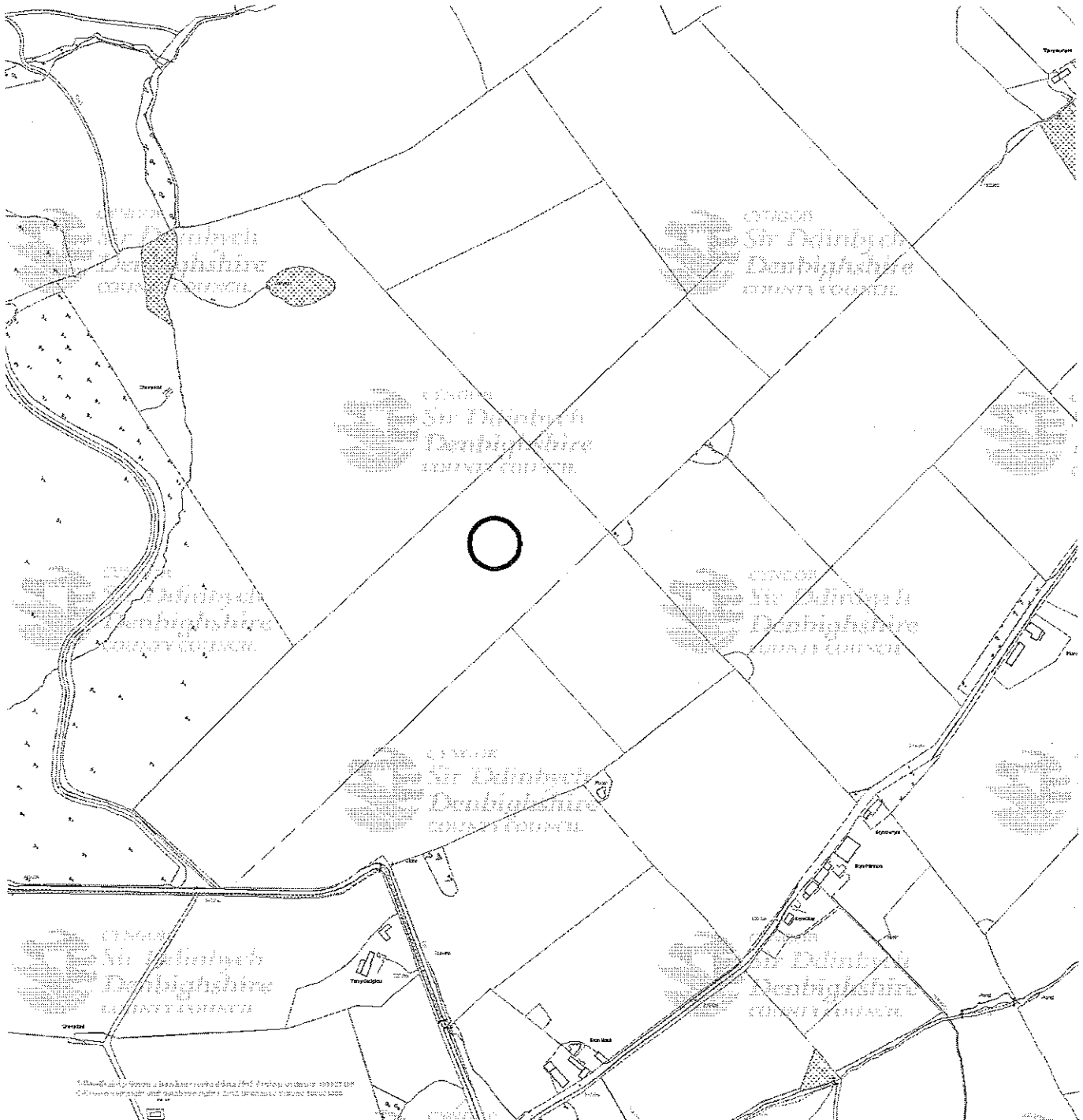


Date 22/8/2012

Scale 1/5000

Centre = 306781 E 352858 N

This plan is intended solely to give an indication of the LOCATION of the application site which forms the subject of the accompanying report. It does not form any part of the application documents, and should not be taken as representative of the proposals to be considered, which are available for inspection prior to the meeting.



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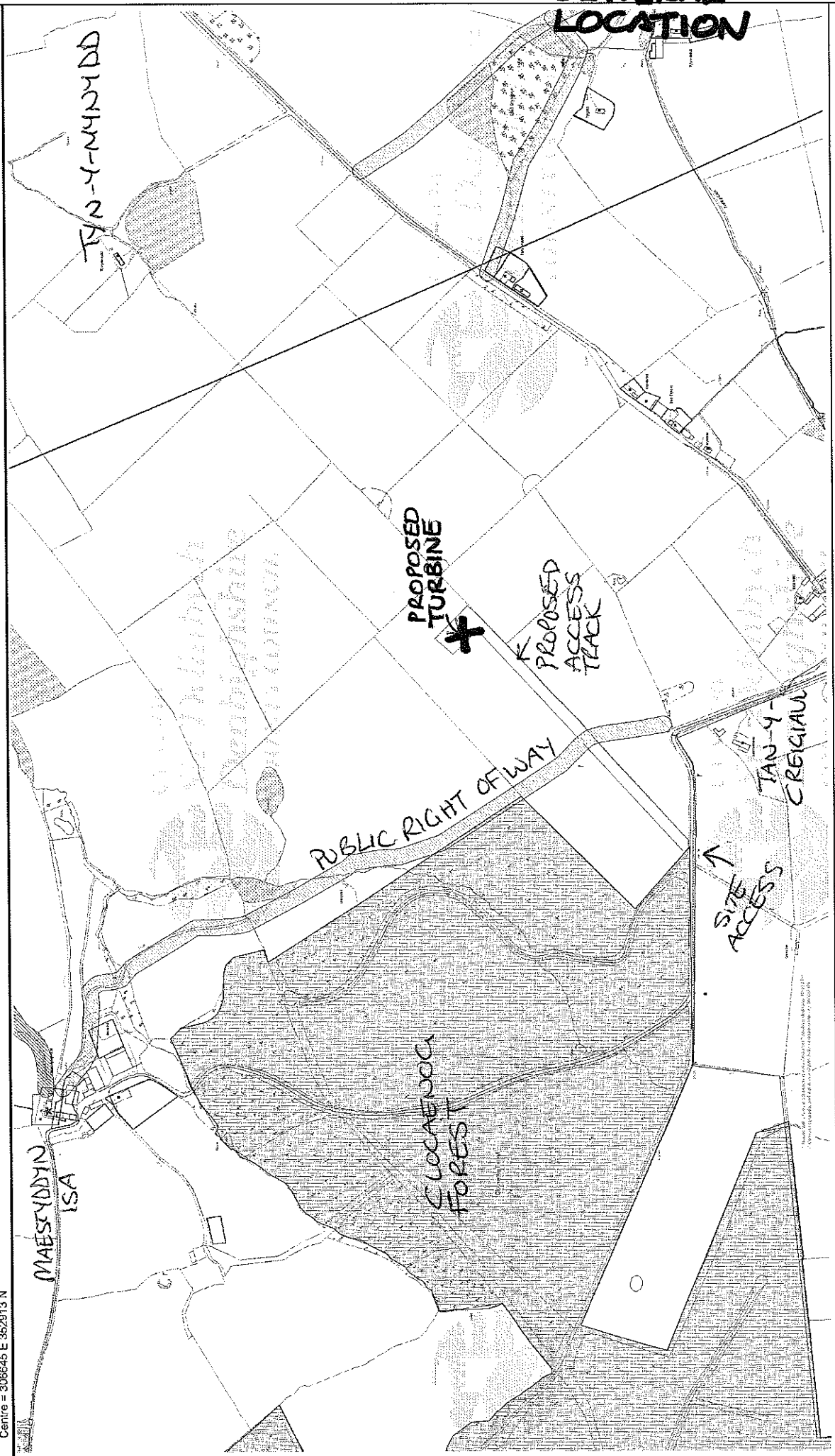
Atgynhychir y map hwn o ddeunydd yr Ordnance Survey gyda chaniatâd yr Ordnance Survey ar ran Rheolwr Llyfrfa Ei Mawrhydi
© Hawffraint y Goron. Mae atgynhychu heb ganiatâd yn torri hawffraint y Goron a gall hyn arwain at erlyniad neu achos sifil. Cyngor Sir Ddinbych, 100023408, 2011.

**GENERAL
LOCATION**

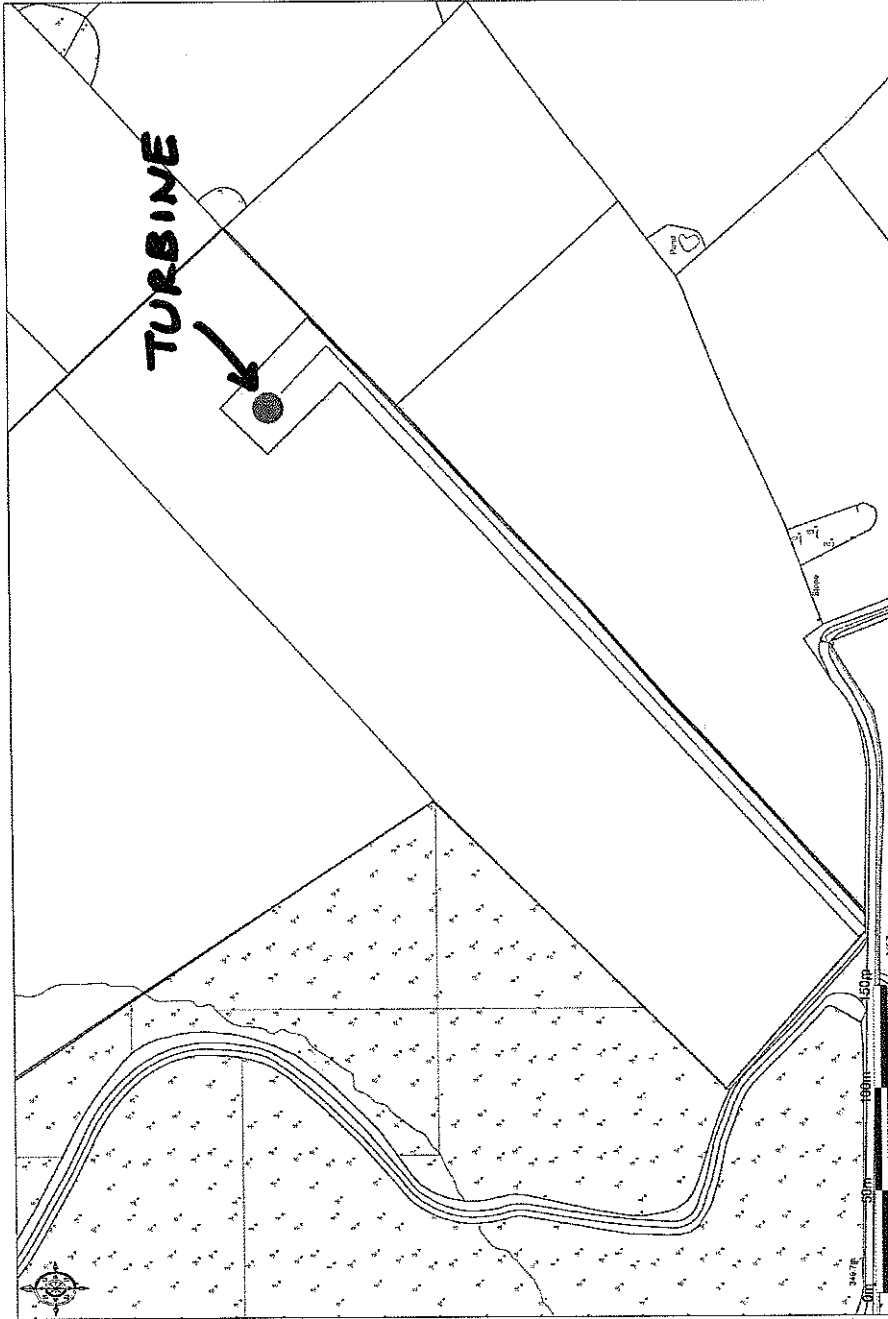
11/2012/0372



Date 16/8/2012
 Scale 1:4500
 Centre = 308645 E 362913 N



SITE PLAN



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JOB:	Proposed Wind Turbine
CLIENT:	Mr Gwion Owen
TITLE:	Site Plan as Proposed
LOCATION:	Maestdyddyn Isaf, Clawdnewydd, Ruthin, LL15 2NH
SCALE:	1:2500
DATE:	Apr-12
DRAWING NO.:	Maestdyddyn 01
DRAWN BY:	GEL

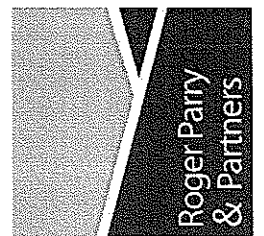
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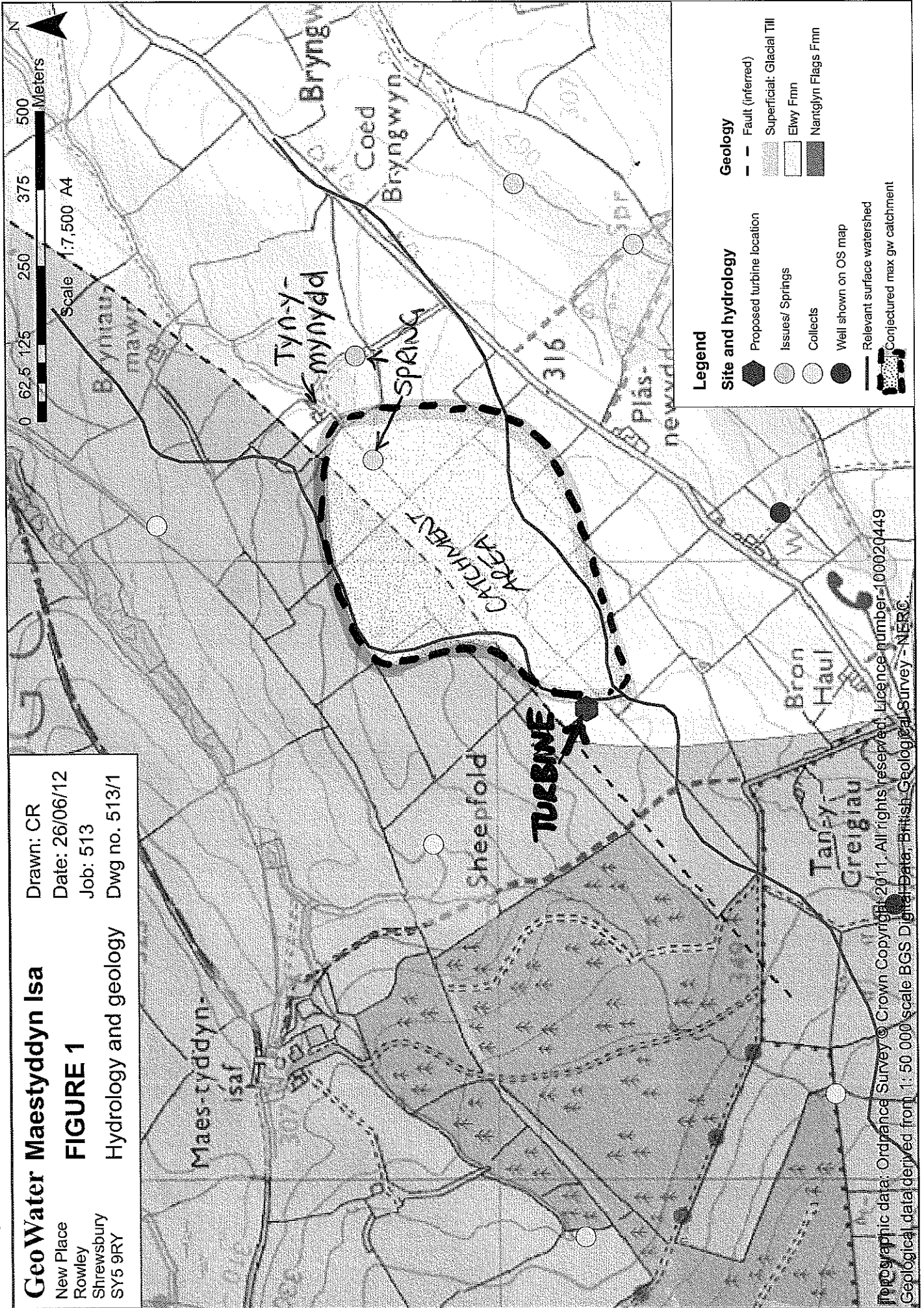
11/2012/0372

- = Turbine Location
- = Application Site
- = Access Track

www.rogerparry.net
richard@rogerparry.net
Tel: 01691 655 334

Roger Parry & Partners LLP
The Property Experts





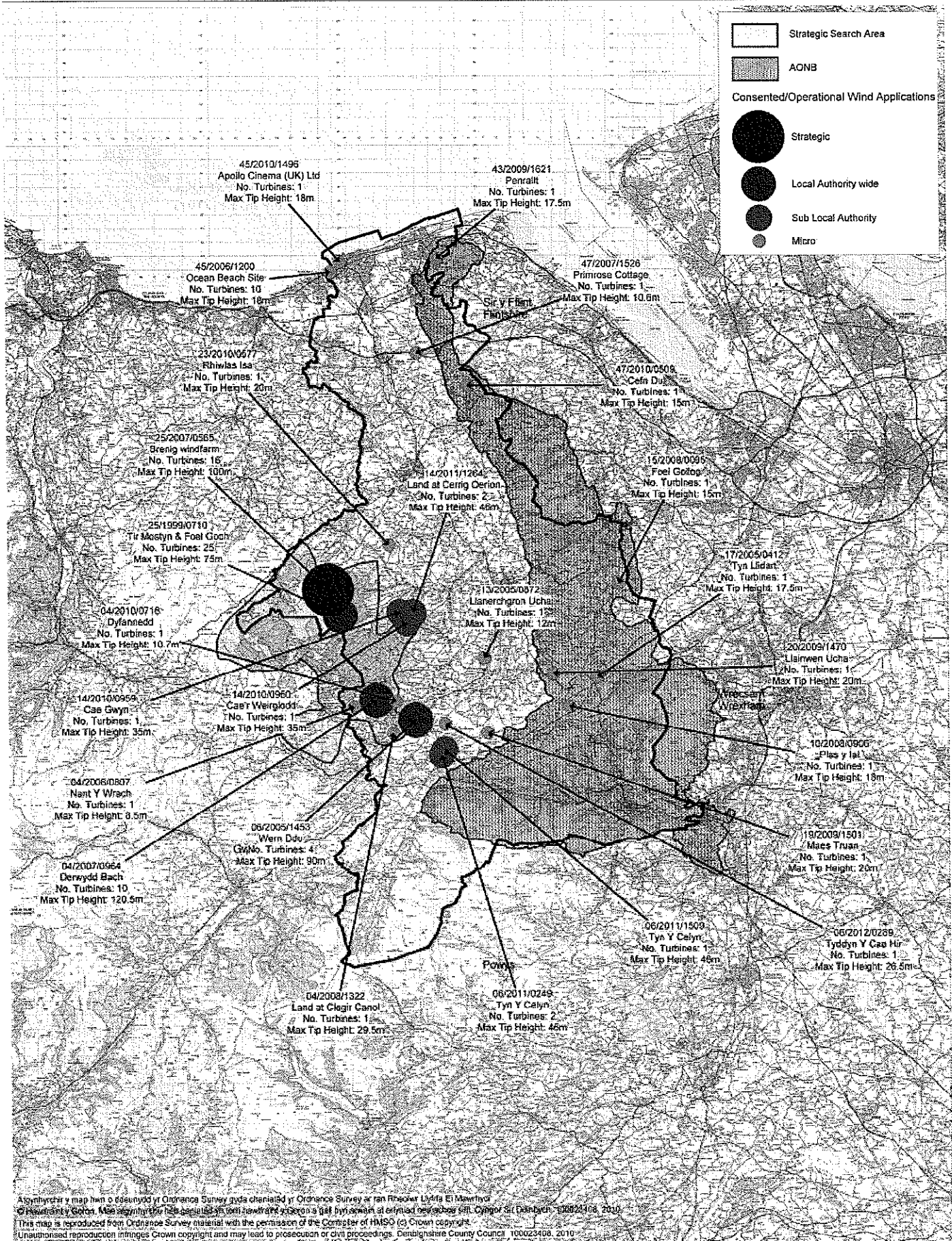


Consented/Operational Wind Applications as of 1st June 2012



Environment Directorate

Scale: 1: 250000
Date: 01/06/2012
Map Sheet



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ITEM NO: 8
WARD NO: Efenechtyd
APPLICATION NO: 11/2012/0372/ PFT
PROPOSAL: Installation of a 50kw micro generation wind turbine with control box and access track
LOCATION: Maestdydyn Isa Clawddnewydd Ruthin
APPLICANT: Mr Gwion Owen c/o Roger Parry and Partners
CONSTRAINTS: PROW
PUBLICITY UNDERTAKEN: Site Notice - Yes
 Press Notice - No
 Neighbour letters - Yes

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

- Recommendation to grant / approve – 4 or more objections received
- Recommendation to grant / approve – Town / Community Council objection
- Member request for referral to Committee
- Application submitted by Relative of County Councillor (Councillor Eryl Williams)

CONSULTATION RESPONSES:

CLOCAENOG COMMUNITY COUNCIL

“Clocaenog Community Council wishes to register its objection to this application, which was discussed at the recent meeting of full Council on 14 May 2012. The meeting was attended by many local residents with an interest in the proposal.

Planning applications of this nature should be determined in accordance with the Denbighshire Unitary Development Plan and proposals not in accordance with the UDP should not be allowed unless material considerations justify the granting of planning permission. There is a need to balance the harm that will be caused against material considerations relevant to this proposal to provide renewable energy generation.

There is currently no strategy in place for determining applications for single / independent turbines. The Community Council submits that the harm to be done by allowing this application outweighs any benefit to the community in general. It is imperative Denbighshire County Council Planning Authority arrives at the correct decision, as creating the wrong precedent will open the flood gates to a proliferation of similar schemes, thus extending the windfarm landscape already created by the Clocaenog Forest Strategic Search Area. Clocaenog Community Council consider it inappropriate to deal with this individual application outside the wider context.

The Community Council objects to the proposal on the following grounds:

Site & Layout

Whilst this application may appear to be modest when compared to other large scale turbines, it is nonetheless over 150 feet high with a blade diameter of approximately 63 feet. The proposed location is an elevated site above the villages of Clawddnewydd and Clocaenog in an area of open countryside, yet only some 400 metres from the

nearest homestead. The site is outside TAN8 CFSSA and the whole purpose of the TAN8 document was to restrict the industrialisation of the countryside to within defined boundaries.

The proposed location of the turbine has been selected to maximise efficiency and profitability for the applicant at the expense of the effect on local residents and landscape – this is not acceptable. Indeed the Design & Access Statement, section 2.2, clearly states that 'any efforts to reduce visibility' of the turbine would also reduce performance and this is not in the interests of the applicant – a clear sign of the lack of any concern for local residents. There appears to have been no community consultation prior to application and local residents complain of the lack of any notification in writing. Section 2.3 of the Statement attempts to dismiss the proximity to homes and visual intrusion. Not just to immediate residents but rather the wider inhabitants of both villages by stating that the area only has 'a very few visual receptors'.

Noise

Analysis of the effect of potential noise emissions on nearby properties is inadequate. Design and Access Statement, section 2.8 states that owing to the site chosen 'the noise from the wind turbine will not be a nuisance or a material consideration in determining this application'.

Further assumptions and indications abound including the conclusion that, under most operating consideration any noise generated would likely be masked by rustling leaves! It is interesting to note that of the dwellings listed for predicated noise intrusion, the applicant's property is the furthest from the turbine.

Shadow Flicker

In section 2.9 of the Statement it is stated that 'it is generally accepted that some degree of shadow flicker is acceptable' – To Whom?

Nothing in this section of the application in any way alleviates the very real concerns of local residents.

Decommissioning

As with much of the application this contains vague statements, section 2.12. It appears that the turbine may be operational for 'around 30 years' with no finite term defined. This ambiguity is unacceptable.

Benefits and Farm Diversification

This section, 3.2, attempts to define farm diversification. The essence should surely be reutilisation of existing farm resources. Increased economic viability of an individual farm business should not be pursued at the expense of the wider community. The purpose of this application is stated to be of benefit to the applicant, not only reducing electricity costs to the farm but also for the income derived from Feed in Tariffs. The capital payback time is estimated at between 7-9 years, leaving 'around' 23 years for profit to be generated at the continued expense of harm caused to the wider community and landscape.

TAN6 p25 states that Local Planning Authorities should consider the nature and scale of farm diversification activity that would be appropriate. On balance Clocaenog Community Council does not consider the scale of this turbine appropriate, as the size and generating capacity appears dictated by the need to generate income rather than electricity for farm use.

Landscape

The photomontages supplied, as is generally the case, do not adequately reflect the true impact of the proposed development.

Residents in this area are already being forced to host numerous large scale windfarms under TAN8 and feel that these individual turbines are equally intrusive. Moreover, turbines will be visible whilst entering and leaving settlements, thus creating a sense of being unable to escape the presence of these structures and increasing the sense of being imposed upon.

The Zone of Theoretical Visibility Map clearly shows that the proposal would lead to an unacceptable cumulative visual impact in an area where zones of visibility overlap with other turbines.

In section 4.3, the application seeks to mitigate the impact of a 46 metre high turbine by suggesting that the landscape has already been altered by housing, signage and wooden telegraph/electricity poles. This is wholly unrealistic comparison and takes no account of the fact that the turbine is not an immobile structure but will tower over the landscape and has 18 metre plus blades which will turn to further increase intrusion.

In terms of Visual Appraisal, section 4.4.3, it is suggested that there are only 6 residential addresses that are classed as significant visual receptors, when a local appraisal and map study actually shows that many more properties will be affected. For example, Maestyddyn Canol and Fron, to name but 2, will have a full view of the whole turbine.

Clocaenog Forest is quoted as a receptor but the application seeks to downplay the impact with reference to 'large pylons in the same field'. These are in fact wooden poles carrying utility cables and are of a completely different scale and nature, to suggest otherwise is a misleading statement.

Planning Policy

The proposal seeks to use Planning Policy Wales (Edition 4 2011) to justify the acceptability of and need for this application (Chapters 12 & 17 as quoted). The central plank of the argument appears to be that the scheme is supported by national, regional and local planning policy. It is the contention of Clocaenog Community Council that this is not the case.

TAN8 identified areas for large scale development and when this was drafted the Welsh Assembly Government could not have envisaged that this would lead to a proliferation of large turbines (and at 46 metres this is a large turbine in this context) outside the planned Strategic Search Areas. This site is outside of the Clocaenog Forest Strategic Search Area, but the application appears to seek determination under WAG's expectation that Local Planning Authorities will encourage individual applications for smaller community based schemes, see Section 5.5 of the Statement. No definition yet appears available of what is actually meant by 'smaller' or 'community based', but this is certainly not a community scheme and is not appropriate to local circumstances.

The Statement Section 5.6 seeks to address acceptability of the application under the Denbighshire Unitary Development Plan. The Community Council content that the application is contrary to policies MEW8, MEW10, STRAT7 & GEN6 for the reasons stated and as identified in the application.

Conclusion

Clocaenog Community Council consider that on the basis of the information provided and as a result of objections and representations received from local residents, that this application, outside TAN8 CFSSA, would have an unacceptable landscape and visual impact and contribute to an unacceptable cumulative impact in light of other developments in the area which are in various stages of planning. Any potential benefit will not outweigh the landscape objectives as set out in the Denbighshire UDP and the

application is contrary to MEW8, MEW10, STRAT7 & GEN6. Further, the proposal should not truly be considered as a farm diversification scheme and as there is no community involvement the application should fail as being contrary to Planning Policy Wales (2011) and TAN8.

We urge this application is rejected as there is a clear danger of precedent being set which would indicate acceptable of the spread of large turbines throughout the county, further extending the wind farm landscape beyond the Clocaenog Forest SSA. The need for renewable energy generation should not override the truly significant impact on and harm to this high quality landscape and nearby communities.”

DERWEN COMMUNITY COUNCIL

“Members of Derwen Community Council oppose the planning application on the following grounds:

1. The positioning of the proposed turbine is located away from Maestyddyn Isa which cannot be seen from this property, but has been located near and in view of a large number of other local properties.
2. The turbine will generate money for self gain.
3. Members are fully supportive of the local objections made on this planning application which the members represent.”

COUNTRYSIDE COUNCIL FOR WALES (CCW)

No objection to the proposal.

Protected sites: Application will not affect protected sites of ecological, geological or geomorphological interest.

Protected Species: No records for statutory protect species close to the proposed turbine. In view of the turbine’s proposed position away from linear features, unlikely to have an adverse impact on bats.

Landscape: Site is not within a statutorily protected landscape and it is not classified as having outstanding qualities on LANDMAP, therefore CCW have not assessed the proposal in respect of landscape and visual impact.

Note, however that CCW have previously been consulted about various wind energy developments in this locality and therefore expect consideration be given to any local, cumulative landscape impacts that might arise as a result of granting planning permission for this proposal.

Local or Regional Nature Conservation Interests: Have not considered possible effects on all local or regional nature conservation interests.

ENVIRONMENT AGENCY

Comments received in response to re-consultation on Hydrology Report:

Groundwater and Contaminated Land Team have reviewed the Hydrology Report. They are in agreement with the conclusions of the assessment and do not envisage that there will be any effect on water quality or supply providing the recommendations in the report are followed.

Also recommend a condition to ensure no excavation shall take place below the depth of the water table.

ROYAL SOCIETY FOR THE PROTECTION OF BIRDS

No response received

NATS (EN ROUTE) PUBLIC LIMITED COMPANY (NERL)

NERL is responsible for civilian en-route air traffic control over the UK and is regulated by the CAA.

No safeguarding objection to the proposal.

MINISTRY OF DEFENCE

No objection to the proposal.

AIRBUS

No aerodrome safeguarding objection.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES

TRANSPORT AND INFRASTRUCTURE - HIGHWAYS

No objection to the application subject to a condition requiring further details relating to the site compound, temporary vehicular access, traffic management and treatment of the public rights of way to be approved prior to commencement and a note to the applicant relating to the Streets Works Act.

TRANSPORT AND INFRASTRUCTURE - PUBLIC RIGHTS OF WAY

Public footpath 11 (Clocaenog Community) crosses the development area. Conditions would be required to safeguard public rights of way.

TECHNICAL OFFICER (POLLUTION)

No objection to the proposal subject to planning conditions being imposed to control the noise emitted from the turbine to ensure it does not exceed 35dB in accordance with industry guidance (ETSU-R-97).

SENIOR SCIENTIFIC TECHNICAL OFFICER

The DAS Ecology, Hydrology and Archaeology section contains no discussion of hydrology. This would need to take into account sources of drinking water i.e. private water supplies in proximity.

There is a private water supply source 520m from the proposed turbine. The source is downhill of the turbine and could be in hydraulic connectivity. The property owner has provided information on the spring source of water and it does have lower flow in dry periods and their concern is with the sufficiency of their water supply, as well as concerns about specific effect to the quality of supply.

Detailed hydrogeological report requested.

Comments on additional information (Hydrology Report) following re-consultation:

Agree with findings of the Report apart from 2.14 – it is known to the Local Authority that there is variability of both quality and flow.

Conclusions and Recommendations: Where sources of private water supply are in proximity to any construction or future operation of a turbine, access roads and any other activity associated with the proposed development, controls are needed to ensure the water quality and pattern / history of flow regime or water are not affected.

Planning permission would require inclusion of conditions(s) to ensure there is no potential pollution and effect to water quality and / or flow regime. Relevant considerations for conditions include:

- Private water supply protection – that no activity is carried out which may cause groundwater pollution
- Laying of cable and any fill

- Pre-commencement details of construction of and drainage from access track, and proposed use of any borrow pit.
- If water quality and/or flow regime issues are agreed by DCC and the developer following the construction of the turbine and clear evidence of a linkage to the construction work can be established, then the developer shall agree an appropriate mitigation strategy with DCC including where necessary meeting the costs of providing an alternative supply.

BIODIVERSITY OFFICER

No objection in principle, subject to a 50m buffer zone between the turbine and the hedgerow being maintained.

LANDSCAPE CONSULTANT

The landscape consultant conducted a landscape and visual assessment focussed on the following issues:

- The effect of the proposal upon the landscape character, locally accessible public views and residential amenity
- How the proposal would relate to existing wind development in the locality, the emerging pattern and implications on cumulative landscape impacts.

Summary of comments:

Landscape character and resource: site is within the Denbigh and Derwen Hills landscape character area, however feels LANDMAP assessment does not reflect the local characteristics of site. Landscape consultant categorises the area as rural semi upland plateau edge. Landscape is open has little visual distinctiveness. Scenic quality is Moderate, Character is Moderate, Integrity is Low and rarity is Low.

Sensitive views: the site would place the turbine within a location where there are limited opportunities to see the development. The turbine would be prominent within views from: 2 properties at Llidiardau (500m to south), Bryn Ffynion first floor window (300m to south-east) and from the B5105 when heading west from Forestry Commission depot (900m to south east). Consider that a combination of re-siting the turbine slightly to north west to better utilise distance and landform with some replanting to screen views from residential properties would mitigate visual impacts.

Cumulative impact: From journeys along B5105 there is an emerging pattern of wind turbines developing within Strategic Search Area and single turbines on the edge of Clocaenog plateau. This turbine would be seen associated with the conifer wooded landscape of the Clocaenog plateau. The large scale woodland and simple landscape structure would absorb this scale of turbine reasonably well.

Summary & Recommendation: Landscape and visual context are of moderate to low sensitivity, there would be some localised adverse effects but these could be reduced through minor re-siting and planting mitigation measures. Recommends revisions to bring proposal in accord with UDP and Denbighshire Landscape Strategy.

RESPONSE TO PUBLICITY:

In objection

Representations received from:

Michael Skuse, Campaign for the Protection of Rural Wales (CPRW) (letter)

David Canter, Maes Tyddyn Canol, Clawddnewydd (email)

Neil & Helen Coppack, Foel Fach Newydd, Clawddnewydd (letter)

Miss Elaine Birch, Tyn y Mynydd, Clocaenog (letters)

Catherine Punyer & Neil Dalleywater, Bryn Llwyni, Clawddnewydd (letter & email)

Chris Porter, Tan-y-creigiau, Clawddnewydd (letter)

Jim & Avril Meadows, Bryn Glas, Clawddnewydd (letter)

David Jones, MP Clwyd West (letter) has requested the Council fully consider the hydrology impact of the proposal, and in particular the impact on the private water supply of his constituent (Miss Elaine Birch, Tyn y Mynydd).

Additional representations (in objection) received following re-consultation from:
Miss Elaine Birch, Tyn y Mynydd, Clocaenog (letter)

Summary of planning based representations in objection:

Principle: a clear national and local strategy to determine the acceptability of single wind turbine proposals should be in place before any more schemes of this nature are approved / There are other sustainable energy options that would not destroy landscape.

Hydrology and Private Water supplies: Occupier of Tyn y Mynydd raised an objection in relation to the impact of the turbine on the property's source of private water supply (spring) and catchment area. The Hydrology Report submitted by the application has not overcome their objection. Objector believes the Report to be contrived and that the catchment area is more extensive in a westward direction than indicated in the Report and has provided a copy of an Environment Agency map which shows the catchment characterisation of Tyn y Mynydd Spring Source. Continues to have serious concerns over the quality and volume of water the spring produces and even a small impact from the proposed turbine development could result in not having any water at the property. Clean water supply is a fundamental human right.

Impact on residential amenity: visual impact, radio interference, noise, shadow flicker, vibration.

Landscape: a turbine with a tip height of 46m would have an unnecessarily harmful impact on attractive rural landscape near Clawdnewydd / spoil views to and from AONB / introduction of industrial machines will destroy the landscape.

Cumulative impacts: Turbine would be inter-visible with other turbines in the area (notably in the Clocaenog Forest). When preparing TAN8, Welsh Government cannot have had in mind the proliferation of large turbines outside of the carefully planned Strategic Search Area; the point of the document was to restrict such industrial developments to defined and delineated upland areas / proliferation of turbines in rural landscape / thin end of the wedge.

Public access / tourism: Will change the nature of landscape near to popular walking route.

Biodiversity: Impact on birds, particularly raptors.

Economic impact: Increased wind turbine development may prevent inward investment / impact on ability of neighbour to run business from home (self employed artist) / loss of tourism income.

Construction Disturbance: Distruption to local environment during construction.

Precedent: Acceptance of one reduces the possibility of rejecting any other / concern that if this application is approved others will follow.

Community Impact: Turbines have a divisive effect on wider community.

EXPIRY DATE OF APPLICATION: 06/06/2012

REASONS FOR DELAY IN DECISION (where applicable):

- delay in receipt of key consultation response(s)
- additional information required from applicant
- re-consultations / further publicity necessary on amended plans and / or additional information

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 The proposal is to erect a single 46. metre high Endurance E-3120 50kW wind turbine on agricultural land located at Maestyddyn Isa, Clawdnewydd. Maestyddyn Isa is an upland livestock farm.
- 1.1.2 The application submission includes the following documents:
- Location, Site and Elevation Plans
 - Design and Access Statement (DAS)
 - Construction Methodology Statement
 - Shadow Flicker Constraints Map
 - Noise Constraints Map
 - Zone of Theoretical Visibility Maps (5km and 15km radius)
 - Photomontages and Wireframes
 - Environment Geology Report (additional document)
- 1.1.3 The turbine would be mounted on a 36.7m free standing monopole steel tower on a 7m x 7m concrete foundation pad, with the foundations extending approximately 1.7 metres below ground. The proposed three blade rotor has a diameter of 19.2m and the tip blade height is 46.3m. The proposed colour of the turbine blades and nacelle are signal white (RAL 9003) and the tower is traffic white (RAL 9016).
- 1.1.4 An equipment cabin is proposed at the base of the turbine which would be 2.9 metres (L) x 1.15 metres (W) x 2 metres (H).
- 1.1.5 The application site would be accessed via the existing farm gate from the unclassified road to the south west of the proposed turbine location. No new site access arrangements are proposed.
- 1.1.6 The Construction Methodology Statement states that construction vehicles would access the site via a dedicated construction access track. Construction vehicles include 1 no. rigid flatbed truck, 1 no excavation vehicle, 8 no. cement deliveries by mixer lorry, 2 no. deliveries by articulated delivery lorry, 1 no. articulated crane 2 no. delivers by 2 tonne medium wheel base vehicles and approximately 2 standard contractor private vehicles per day. Once operational, maintenance vehicles will be standard 4X4 SUV vehicles.
- 1.1.7 The turbine would be connected to the electricity grid via the nearby 11kV 3-phase line. The predicated annual energy output for the specified turbine in this location is estimated at approximately 167,780kWh per year. No data has been provided in relation to the electricity consumption of the farm enterprise.
- 1.1.8 The proposal is put forward as a farm diversification scheme. The DAS interprets diversification to mean the entrepreneurial use of farm resources for a non -agricultural purpose for commercial gain. The DAS states the proposed wind turbine would benefit the applicant in two ways; reduce reliance on imported electricity and create an alternative income stream.

1.2 Description of site and surroundings

- 1.2.1 The application site is in a rural semi upland plateau location in open countryside which is contained by the Clocaenog Forest conifer woodland less than 1km to the west. The site is approximately 1.3km to the north west of Clawddnewydd and approximately a 1.8km to the south west of Clocaenog.
- 1.2.2 The turbine would be approximately 800m to the south east of the Maestyddyn Isa farm complex.
- 1.2.3 There are a number of residential properties within of the proposed turbine location which includes Tan y Creigiau (380m to the south); Foel Fach Newydd and Tal Borth (540m and 560m to the south); Bron Haul (440m to the south); Llidiardau and The Barn, Llidiardau (450m to the south); Bryn Glas, Bryn Ffynnon and Bryn Llwyni (380m to the south east); Plas Newydd, Ty-Gwyn, Tan y Ffrith and Hafotty (450m, 680 and 800m and 810m to the east); Tyn y Mynydd (630m to the north east).

1.3 Relevant planning constraints/considerations

- 1.3.1 In planning policy terms the site lies in the open countryside and is not affected by any statutory landscape or nature conservation designations.
- 1.3.2 There is a public right of way (footpath) which runs in a north-south direction approximately 200m to the south west and west of the turbine location. The proposed access track crosses the public footpath.
- 1.3.3 The eastern boundary of the Clocaenog forest local wildlife site is approximately 240m to the west of the turbine site.
- 1.3.4 The easternmost boundary of the Clocaenog Forest Strategic Search Area (SSA) lies approximately 1.8km to the west.
- 1.3.5 Within a 5km radius of the site there 2 no. operational / consented windfarms in the SSA (operational Wern Ddu windfarm consisting of 4 no. turbines with a tip height of 90m and the consented Derwydd Bach windfarm consisting of 10 no. turbines with a 120m tip height), 1 no consented small turbine (10kW turbine with a tip height of 10.7m), 1 no, wind turbine proposal which is currently the subject of a planning Appeal (500kW turbine with a tip height of 78m) and a further 2 no. wind turbines which are subject to current undetermined planning applications (50kW turbines with a tip height of 46m).
- 1.3.6 The Denbighshire Landscape Strategy shows the application site lies within the western edge of the Denbigh and Derwen (Ruthin) Hills LANDMAP Character Area, which is defined as an area of extensive and remote upland landscape of rounded and undulating hills often with exposed hill tops, rising immediately to the west of the Vale of Clwyd. The Character Area has been evaluated as having a 'High' Visual and Sensory Aspect.

1.4 Relevant planning history

- 1.4.1 The Council has granted planning consent for 7 no. wind turbines of this scale within the County and, including this application, there are currently 6 no. planning applications pending determination for similar 50kW wind turbines.

1.5 Developments/changes since the original submission

- 1.5.1 Additional information was requested to clarify access and grid connection arrangements. A hydrogeology report was requested to assess the impact of the proposed turbine on the private water spring supply at Tyn y Mynydd

following issues raised by public consultation response. The Hydrogeology Report was subject to re-consultation with relevant consultees.

1.6 Other relevant background information

- 1.6.1 A Negative Environmental Impact Assessment screening opinion for 1 no. 50kW turbine was issued by the Council in March 2012.
- 1.6.2 Wind turbines of this scale are eligible for Feed-in Tariffs (FITs), which is a government back financial incentive designed to encourage renewable electricity generation.
- 1.6.3 To date, a total of 88 wind turbines have been granted planning permission within the County. There is a map of all consented / operational wind turbine development in the County as at 1 June 2012 at the front of this report (please note, this plan does not include the small wind turbine at Wern Uchaf, Nantglyn which was granted planning consent at the July Committee).

2. **DETAILS OF PLANNING HISTORY:**

2.1 No determined or consented applications are of direct relevance to this application.

3. **RELEVANT POLICIES AND GUIDANCE:**

The main planning policies and guidance are considered to be:

3.1 DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)

Policy STRAT 1 General

Policy STRAT 2 Energy

Policy STRAT5 Design

Policy STRAT 7 Environment

Policy GEN 3 Development Outside Development Boundaries

Policy GEN 6 Development Control Requirements

Policy ENV 1 Protection of the Natural Environment

Policy ENV 6 Species Protection

Policy ENP 1 Pollution

Policy MEW 8 Renewable Energy

Policy MEW 10 Wind Power

3.2 GOVERNMENT GUIDANCE

Planning Policy Wales (PPW Edition 4, February 2011)

TAN 8 Planning for Renewable Energy (2005)

TAN 5 Nature Conservation and Planning (2009)

TAN 6 Planning for Sustainable Rural Communities (2010)

TAN 11 Noise (1997)

WELSH GOVERNMENT PRACTICE GUIDANCE

Planning Implications Of Renewable And Low Carbon Energy (Practice Guidance 2011)

3.3 OTHER MATERIAL CONSIDERATIONS

Denbighshire Landscape Strategy / LANDMAP Study (2003)

3.4

4. **MAIN PLANNING CONSIDERATIONS:**

4.1 The main land use planning issues are considered to be:

4.1.1 Principle

4.1.2 Context for the development / Farm diversification

4.1.3 Landscape and visual impact, including cumulative effects of / with other wind turbines

4.1.4 Biodiversity and nature conservation

4.1.5 Noise and amenity

4.1.6 Private water supplies

4.1.7 Aviation

4.2 In relation to the main planning considerations:

4.2.1 Principle

Welsh Government policy and guidance

The UK is subject to the EU Renewable Energy Directive, which includes a target of generating 15% of the UK's total energy demand from renewable energy sources by 2020. 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. As illustrated in PPW, the total capacity for energy generation from onshore wind by 2020/2025 is estimated at 2GW.

For planning purposes, PPW defines the following renewable and low carbon energy scales, which is of relevance to the application before Committee:

Scale of development	Threshold (Electricity and heat)
Strategic	Over 25 MW for onshore wind and over 50 MW for all other technologies
Local Authority - Wide	Between 5MW and 25 MW for onshore wind and between 5 MW and 50MW for all other technologies
Sub local authority	Between 50kW and 5MW
Micro	Below 50kW

This application therefore falls within the 'sub local authority' scale of development in PPW. Sub local-authority scale renewable energy projects are applicable in all parts of Wales subject to the assessment of site specific impacts.

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

TAN 8 makes reference to smaller scale (less than 5MW) schemes in para. 2.11 - 2.14, however this puts the onus on local planning authorities to define what is meant by 'smaller scale' schemes. It also refers to the need for local planning authorities to consider the cumulative impact of smaller schemes in areas outside of the defined Strategic Search Areas and the need to strike the right balance between the desirability of renewable energy and landscape protection. Whilst that balance should not result in severe restriction on the development of wind power capacity, TAN8 acknowledges there is a case for avoiding a situation where wind turbines spread across the whole of a county.

Chapter 15 of the Welsh Government Practice Guidance: Planning Implications of Renewable and Low Carbon Energy (2011) defines cumulative effects as '*where more than one renewable energy scheme is proposed by one or more developers or where a single scheme is proposed in an area with existing schemes, the combined effect of all schemes taken together is known as the 'cumulative effect'*' (para. 15.1). The Guidance mentions that potential cumulative effects of renewable energy developments could impact on landscape and visual amenity; viability of bird populations; ecological features; and noise levels.

Given the increasing number of consented wind turbine development both within the Denbighshire and in neighbouring counties, it is imperative that cumulative effects are fully considered when planning applications are assessed.

Denbighshire Unitary Development Plan Policies

The strategic policies contained in the UDP promote a sustainable approach to development, with STRAT 2 supporting the principle of generating energy from renewable sources so far as they are compatible with the Plan's policies.

UDP Policy MEW 8 supports renewable energy development in principle, provided that proposals do not give rise to unacceptable effects on the environmental quality of the locality. Policy MEW 10 is a criteria based policy which specifically deals with wind power developments. It states that wind turbine development will be permitted subject to compliance with the policy criteria.

Policy GEN 6 refers to general development control requirements which applies to all development proposals and ENV 1 relates to the protection of the natural environment. It states "*Development must be designed to maintain or enhance the landscape character of the countryside and biodiversity of the natural environment*".

Taken together, the policies contained in the UDP provide support in principle for renewable energy development subject to the detailed assessment of localised impacts, taking into account the cumulative impact and spread of wind turbine development of varying scales throughout the County.

4.2.2 Context for the development / Farm diversification

The application has been put forward as a farm diversification scheme. TAN6 supports national planning policy on sustainable rural communities and section 3.7 focuses on farm diversification. It states that "*When considering applications for farm diversification projects, planning authorities should consider the nature and scale of the activity*". It goes on to state that "*many economic activities can be sustainably located on farms. Small on-farm operations such as..... renewable energy, are likely to be appropriate uses*". Therefore the principle of installing a wind turbine may be a valid farm diversification activity, subject to consideration of the nature and scale of the activity.

Consultation responses from the Clocaenog and Derwen Community Council raise questions over the farm diversification arguments, given the size of the proposed turbine and the energy needs of the enterprise.

Whilst the County Council has previously given weight to the agricultural benefits of wind turbine development when considering similar on-farm wind turbine applications, each application has to be assessed on its own merits. As there has been a significant increase in the number of proposals for on-farm wind turbine applications either pending determination or in the pre-application stages, there is a need to establish a consistent approach to the manner which the farm diversification merits should be assessed. In this context it is suggested that due consideration should be given to the nature of the farming enterprise, how the turbine would fit into the wider farming picture, the size and siting of the turbine relative to the farm complex, the energy needs of the enterprise and how the energy generated will be used.

The DAS states the proposed wind turbine would benefit the applicant in two ways; to reduce reliance on imported electricity and creating an additional income stream through guaranteed payments under the Feed-in Tariff. To assess whether or not this is an appropriate farm diversification scheme, Officers feel the following points are of relevance:

- Maestyddyn Isa is an upland livestock (sheep and cattle) farm, and therefore cannot be described as an energy intensive enterprise.
- The siting of the turbine is unrelated to the farm complex, and therefore the turbine would appear to be an isolated structure.
- No details of the farm's annual energy consumption have been provided. However based on the data provided in the DAS and Ofgem household

electricity consumption data, the turbine proposed would generate approximately 50 times more electricity each year than an average residential property would consume per annum. It is therefore concluded that the turbine has not been sized to offset the farm's onsite energy demand.

- The turbine would be directly connected to the electricity grid via the 11kV supply and therefore 100% of the electricity generated by the turbine would be exported to the grid rather than being used by the farm with only excess electricity exported. The scheme as proposed would not therefore reduce the farm's reliance on imported energy (it could however be considered to offset the farm's electricity consumption).

The applicant has submitted additional comments in respect to this issue. The applicant has stated that as a result of CAP (Common Agricultural Policy) reforms, the farm income will be dramatically reduced with cuts of 40% in the pipeline, which has led the farm to look at alternative farming methods including a poultry unit. However, the bank is reluctant to lend the funds for this project in the current economic climate and the applicant has put forward a proposition that the turbine would help offset the electricity demand of the proposed poultry unit and create an additional revenue stream, thereby improving the financial viability of the poultry unit proposal.

Whilst the applicant has expressed a desire to move into poultry farming which would significantly increase the on-farm electricity usage for the poultry unit, caution needs to be exercised in attaching weight to future plans for an enterprise. There is no firm commitment to this proposal coming forward; no business plan has been provided, no planning application has been submitted and there is no guarantee that it would be acceptable in planning terms.

On balance, Officers view is that the above scenario does not suggest this is a farm diversification scheme and that consequently limited weight should therefore be apportioned to the diversification arguments in TAN6. Officers feel the scheme should instead be viewed as a commercial venture and assessed on its own merits accordingly.

4.2.3 Impact on landscape and visual amenity, including cumulative implications.

Policy and Guidance

Detailed UDP policies relevant to the visual and landscape impact associated with wind energy development are policy GEN 6 and policy MEW 10. GEN 6 requires consideration of ii) *the effect of development on the form and character of surrounding landscape*; iii) *the effect on prominent views into, out of, or across any area of open countryside*; iv) *incorporating existing landscape features and taking account of site contours and changes in levels and avoids prominent skylines*; and v) *the impact on residential amenity*.

MEW 10 (iii) *requires that proposals do not unacceptably harm the character and appearance of the landscape*, (viii) *requires that proposals would not lead to an unacceptable cumulative visual impact in an area where zones of visibility (with other wind turbine development) overlap, and that particular attention will be paid to the potential proliferation of such developments in any one area*; and vii) *the proposal does not cause unacceptable harm to the enjoyment of the landscape*.

The Denbighshire Landscape Strategy is based on the LANDMAP study, which provides useful background material on the essential characteristics and quality of the landscape of the County. The application site lies within the western edge of 'Denbigh and Derwen Hills' landscape character area where it meets the 'Clocaenog Forest' landscape character area.

PPW and TAN 8 provide the strategic policy framework for assessing wind energy development and contain some specific guidance on the detailed consideration of landscape and visual impact to assist local planning authorities determine planning applications. TAN8 clarifies that outside of designated Strategic Search Areas, the implicit objective is to maintain the landscape character i.e. no significant change in landscape character from wind turbine development.

Chapter 4 of the DAS sets out the Landscape Impact Assessment which seeks to examine the potential impacts of the proposed development on the landscape and visual amenity of the study area. Zone of Theoretical Visibility (ZTV) maps (5km radius and 15km radius respectively) and a series of photomontages and wireframes taken from 4 no. viewpoints have been used to inform the Assessment, however none of the viewpoints are residential properties.

The Landscape Impact Assessment includes a visual appraisal which assesses the impact of the proposal on a range of receptors, which includes neighbouring residential properties and the Clocaenog Forest. It concludes that the resultant predicated impact of the proposal on the receptors to be negligible to low (Maestyddyn Isa and Tan-y-Creigiau), slight to low (Plas Newydd), low (Tyn y Mynydd, Bryn Fynnon Cottages and the Clocaenog Forest) or slight (Bron Haul).

The Council's Landscape Consultant has carried out an independent assessment of the proposal and has noted that whilst the application site lies within the LANDMAP Denbigh and Derwen Hills high quality landscape character area, the LANDMAP assessment does not accurately reflect the local landscape characteristic in the area of the site. The Landscape Consultant considers the immediate landscape is not reflective of the wider Denbigh and Derwen Hills character area, and instead has little visual distinctiveness with a scenic quality and character of only moderate value.

The assessment has identified some sensitive views, but in general that there would be limited opportunities to see the development within the locality. With regards to cumulative impacts, the proposed turbine would be seen associated with the conifer wooded landscape, and the Landscape Consultant feels the large scale woodland backdrop and simple landscape structure would absorb this scale of turbine reasonably well.

In summary, the Landscape Consultant has indicated that the landscape and visual context within which the proposal is located are of moderate to low sensitivity to change, and that whilst development of this type and scale would have some localised adverse effects upon landscape character and visual amenity, these could be reduced through minor re-siting and planting mitigation measures.

In concluding on the issue of landscape and visual impact, and having regard to the comments of the Landscape Consultant, it is likely that the proposal will not give rise to adverse landscape, visual or cumulative impacts, and whilst the Landscape Consultant has advised the turbine be re-sited to minimise the visual impact from sensitive views, Officers consider that the current siting would not give rise to unacceptable adverse visual impacts, and therefore consider the proposal put forward conforms with UDP policy GEN6 i), iii), v) and MEW10 vii), viii).

4.2.4 Biodiversity and nature conservation

The general requirement to consider the impact of development on biodiversity interests is set out in PPW Chapter 5, TAN 5, UDP policies STRAT 1, STRAT 7, GEN 6 and ENV 6 and SPG 18. Specific to wind turbine development is policy MEW 10 criterion x) which states that wind turbine development will be permitted provided that '*There is no unacceptable effect on nature conservation.*'

The application site is agricultural land and is outside of any statutory or local nature conservation designation. The Ecological chapter in the DAS provides generic information only and no site specific ecological data has been provided by the applicant. However, CCW have confirmed there are no records for statutory protect species close to the proposed turbine and in view of the turbine's proposed position away from linear features, it is unlikely to have an adverse impact on bats. However as a precautionary measure, best practice guidance recommends wind turbines are set away from trees and hedgerows and a buffer zone of 50m is applied in all cases, which has been adhered to in this instance.

Neither CCW or the Council's Biodiversity Officer have raised any ecological objection to this the proposal, and it is therefore reasonable to conclude that the proposal would not have any adverse impacts on biodiversity or nature conservation interests, and therefore does not conflict with policy ENV 6 and MEW 10 criterion x)

4.2.5 Noise and amenity

Noise

Policy GEN 6 and MEW 10 seek to ensure development does not impact on residential amenity. The latter requires that particular consideration has to be given to noise and shadow flicker. TAN 11 relates to the assessment of noise in relation to development proposals. The general guidance is that local planning authorities should ensure noise-generating development does not cause an unacceptable degree of disturbance, but in some instances it may be acceptable to allow noise-generating activities near to noise sensitive receptors.

ETSU-R-97 is industry standard for the Assessment and Rating of Noise from Wind Farms. It is important to ensure that predicated operational noise levels fall within the established limits of ETSU-R-97. The guidance sets out indicative noise levels thought to offer a reasonable degree of protection to wind farm neighbours, without placing unreasonable restrictions on the development. The levels are set relative to background noise limits, rather than absolute limits, with separate limits for day-time and night-time. They are presented in a manner that makes them suitable for noise related planning conditions.

For single turbines ESTU-R-97 proposes that a simplified noise condition may be suitable and recommends that noise is limited to 35dB LA90,10min (A) up to wind speed of 10m/s at 10m height and considers that this condition alone would offer sufficient protection of amenity, and background noise surveys would be unnecessary.

On site noise assessments have not been carried out and the noise section in the DAS makes general assumptions about background noise levels. However Chapter 2.8 of the DAS has been informed by a desk based assessment of predicated noise levels at nearby residential receptors. The assessment has been conducted using software which predicts the noise effects of the turbine using the methodology defined by ISO 9613-2 and is based on the sound power level provided by the turbine manufacture (94.8dBA). A Noise Constraints Plan is also submitted as an appendix to the DAS. The desk based assessment concludes noise attributable to the turbine will meet the criteria set by ETSU-R-97.

The nearest residential properties are 380 metres away from the application site, however, the proximity to these dwellings has been under estimated in the DAS (for example, Tan-y-Creigiau appears to be 380m from the turbine, whereas the noise assessment indicates that it is 447m away), therefore the noise predications in the noise assessment are considered to be inaccurate. However, the Noise Constraints Plan, which shows the geographic areas around the turbine where turbine noise will be 40dB and 35bB respectively shows that no residential property falls within the 35bB zone.

The Council's Technical Officer (Pollution) has raised no objection to the proposal and is satisfied that planning conditions can be imposed to limit noise levels emitted from the turbine.

A Planning condition can be imposed which would limit the noise from the turbine to below $35\text{dB}_{\text{LA90,10min}}$ for wind speeds of up to 10m/s at 10m height when cumulatively measured freefield at the nearest noise sensitive receptor. Further conditions can be attached which would impose a duty on the applicant to carry out specified measures should the 35dB limit be breached and to require the turbine to be shut down as necessary, so the Council would retain long term control over the development, and place a clear onus on the applicant to ensure the turbine operates within acceptable noise thresholds.

Shadow Flicker

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

The Design and Access Statement contains a short section on shadow flicker and is accompanied by a shadow flicker constraints map which shows the area around turbine 1 and turbine 2 which may be susceptible to the occurrence of shadow flicker. The proposed rotor diameter is approx. 19m and the DAS makes reference to a 210m shadow flicker separation buffer, which is in excess of the 10 rotor diameter limit. The DAS concludes that there are no dwellings within 10 rotor diameters of the turbine and it is unlikely that any properties will be affected by shadow flicker; this is illustrated on the shadow flicker constraints map. As shadow flicker analysis is not an exact science, as a precautionary measure a condition can be imposed to ensure any incidence of shadow flicker experienced by nearby properties can be controlled.

Subject to the inclusion of detailed planning conditions, it is reasonable to conclude that the proposal would comply with policy GEN 6 criterion v) and MEW 10 criterion iv) and v).

4.2.6 Hydrology and Private Water Supplies

UDP Policy ENP1 seeks to protect the environment and the amenity of nearby properties in terms of i) pollution of sea, surface water or groundwater.

A number of properties within rural areas of the County are reliant on private water supplies. Depending on the geology of the site and the proximity to the source of supply, excavation activities carried out during the construction of a wind turbine development has the potential to cause adverse impacts on the quantity, quality and colouration of water supplies. An objection was raised during public consultation with regards to the impact of the proposed development on the private water supply on a neighbouring residential property (Tyn y Mynydd). The source of the private water supply in question is only 520m from the proposed turbine location and following the advice of Council's Senior Scientific Technical Officer a hydrology report was requested from the applicant to ensure hydrological impacts can be fully considered.

The applicant has submitted a Hydrology Report which comprises a preliminary appraisal of the potential for the proposed wind turbine installation to affect the existing supply at Tyn y Mynydd. The Report concludes that the risk of reduction of spring flow due to the installation of the proposed turbine is very low.

The report acknowledges that uncontrolled discharge of contamination materials at the turbine site could conceivably eventually affect the spring. The Report therefore makes a series of recommendations to mitigate any likely adverse impacts. This includes:

- All refuelling / oil changes for vehicles and plant should be carried out off site
- No contaminating liquid or soluble materials should be brought to site unless absolutely necessary (e.g. for turbine function) in which case the Local Authority should be informed and arrangements made for containment of any possible spillage
- Care should be taken when excavating soils to ensure that large volumes of silt are not allowed to run off. This can be achieved by use of simple bunds / ditches to reduce direct flows of silty water off spoil mounds.

The Council's Senior Scientific Technical Officer agrees with the findings of the Report and has advised that the Construction Methodology Statement should be revised to incorporate the conclusions and recommendations of the Report and planning conditions will be required to ensure there is no potential pollution or adverse effect to water quality and / or flow regime.

The Environment Agency are also in agreement with findings of the Report and do not envisage that there will be any effect on water quality or supply providing the recommendations of the report are followed and any grant of planning permission is conditioned to ensure no excavation takes place below the water table.

It is possible that a pre-commencement condition(s) could be included obliging the applicant to submit a revised Construction Methodology Statement which incorporates the recommendations of the Report before the permission is implemented, and further conditions could be attached to ensure measures are in place to protect water quality and flow regime at the site.

Subject to the inclusion of appropriate planning conditions, it is reasonable to conclude that the proposal would comply with policy ENP1.

4.2.7 Communication and aviation

In certain locations wind turbines can affect communication and aviation infrastructure which may also need to be addressed. Airbus, who operate Hawarden Airport, the NATS (en route) public limited company (who are responsible for civilian en-route air traffic control over the UK) and the Ministry of Defence have been consulted on this application.

No objections have been raised by the aviation authorities and therefore Officers are satisfied that the proposal will not have any adverse effects on communication and aviation infrastructure.

5. SUMMARY AND CONCLUSIONS:

- 5.1 The report sets out a number of considerations officers suggest are relevant to the determination of this application. As with all wind energy developments, inevitably there will be factors that weigh against and in favour of the grant of planning permission.
- 5.2 Officers continue to have concerns over the sporadic spread of 'one-off' medium / sub-local authority scale wind turbine developments outside of the Strategic Search Area, which will have strategic implications upon the ability to conserve the integrity of wider Denbighshire landscapes in the longer term. Officers continue to stress the need for Members to take a strategic approach to the determination of one-off applications such as this, especially considering the volume of applications currently lodged with the Council, which it is not anticipated to abate. To address this, Officers are currently developing interim planning guidance specific to medium / sub-local

authority scale wind turbine development, to assist consideration of applications of this nature.

- 5.3 Whilst Officers suggest there should be little weight attached to the farm diversification benefits of this project for the reasons set out in section 4.2.2 above, Members have previously accepted in other locations that 50kW/55kW wind turbines maybe of a suitable scale, size and capacity to qualify as a form of farm diversification and have used this as a basis of support for the farming community. Respectfully, Officers do not consider the Council is bound by previous decisions and have suggested a number of tests against which applications may be assessed to determine the farm diversification merits on a case by case basis. If Members are supportive of this approach, it will be taken forward in the interim planning guidance.
- 5.4 Whilst the application site lies with the Denbigh and Derwen Hills high quality landscape area, the Council's Landscape Consultant considers that the LANDMAP assessment does not accurately reflect the local landscape characteristics in the area of the site, and in this instance, the large scale woodland backdrop and simple landscape structure could absorb this scale of turbine reasonably well. Whilst the Community Council has raised concerns relating to the landscape and cumulative impact of the proposal, taking into account the views of the landscape consultant, the Officers assessment has concluded that the current proposal would not give rise to unacceptable adverse landscape and visual impacts and would conform with UDP policy GEN6 and MEW10.
- 5.5 The impact of the wind turbine proposal on the spring source and catchment area of a private water supply has also been raised. Whilst Officers are sympathetic to the genuine concerns of the occupier of Tyn y Mynydd, the Officers' assessment is that the findings of the Environment Geology Report submitted by the applicant is accurate and are satisfied that planning conditions can be applied to ensure there is no potential pollution or adverse effect to water quality and / or flow regime should planning permission be granted.
- 5.6 Whilst it is suggested that limited weight is given to the farm diversification merits of this scheme and Officers would continue to recommend a precautionary approach is taken where adverse landscape and visual impacts have been identified, in this instance, while there would be some localised adverse visual impacts, these impacts are not considered to be unacceptable taking into account the capacity of the landscape in this area to absorb a wind turbine development of this scale.
- 5.7 In conclusion, as no other overriding adverse impacts have been identified which would outweigh the benefits of the proposal in terms of the increase in renewable energy generation, it is considered that there is a basis for recommending favourably.

RECOMMENDATION: - Grant subject to the following conditions:-

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. The planning permission shall be for a period of 25 years from the date of the first generation of electricity from the turbine. Written confirmation of the date of the first generation of electricity from the development shall be provided to the Local Planning Authority no later than 1 calendar month after the event.
3. The location of the turbine, site access and track shall be erected in the positions indicated on the submitted plans. A variation of the indicated position of the turbine by up to 5 metres shall be permitted provided the turbine is moved no closer to Pengalltegfa private dwelling or any existing hedgerows. Any variation greater than 5 metres shall require the written approval of the Local Planning Authority.
4. This permission relates solely to the erection of 3 bladed wind turbine as described in

the application plans and drawings with a maximum height to blade tip of 46m from original ground level.

5. The finish of the turbine towers, hub and blades shall be semi-matt. The turbine blades and nacelle shall be RAL 9003 Signal White and the tower shall be RAL 9016 Traffic White, or as approved in writing by the Local Planning Authority prior to the commencement of any work on their erection on site.

6. The equipment cabin shall be erected in accordance with the approved plans and no additional external ancillary equipment required in connection with the operation of the turbine, such as metering boxes, switchgear and overhead lines and poles shall be permitted without the prior written approval of the Local Planning Authority.

7. No part of the development shall display any name, logo, sign, advertisement or means of illumination without the prior written approval of the Local Planning Authority.

8. All electricity and control cables shall be laid underground.

9. **PRE-COMMENCEMENT**

9. No work shall commence on site until a revised Construction Methodology Statement incorporating the recommendations of the Hydrology Report has been submitted in writing to and approved by the Local Planning Authority, and the development shall be implemented strictly in accordance with the approved details.

The Statement shall include provisions relating to:

- a) Construction of and drainage from all internal access tracks, parking and turning facilities, including measures to reinstate the land once constructed.
- b) Laying of cables and any backfill of trenches.
- c) Storage of plant and materials onsite during construction.
- d) Measures to protect private water supplies and prevent groundwater pollution.
- e) Soil stripping management to ensure large volumes of silt are not allowed to run off.
- f) Surface and foul water drainage.
- g) Recording the existing geological state of the excavation area.
- h) Recording the existing state of the site.

10. The excavation works associated with the construction of the wind turbine and any ancillary development including the access track and laying of cables, shall be carried out in accordance with the following provisions:

- a) No excavation shall take place below the depth of the water table. If excavation below the water table is necessary, no construction works shall take place until information to demonstrate that there will be no adverse effects has been submitted to and approved in writing by the Local Planning Authority. The information shall include, but not be limited to, details of intrusive investigations, monitoring and characterisation of the hydrogeology regime of the area.
- b) Measures to prevent groundwater contamination during excavation shall be applied which may include, but not be limited to, the provision of a geomembrane or other similar impermeable membrane.
- c) Any water that either collects in, or arises from the excavation works, shall be pumped out and allowed to drain onto the surrounding land at a rate that allows for infiltration and prevents erosion.
- d) The excavation for the base of the turbine shall be inspected for the presence of features in the bedrock that could result in significant infiltration of water.
- e) Where there are any geological features that could provide a means for the rapid infiltration of water, then construction operations shall cease and measures to prevent infiltration of concrete or other building materials into such features shall be agreed in writing by the Local Planning Authority and implemented as approved.
- f) Geological features shall be defined as areas of open or gaping joints, cleavages or faults.

11. All refueling / oil changes for vehicles shall be carried out off site.

12. No contaminating liquids or soluble materials shall be brought to site until details of the proposed mitigation measures to contain any spillage have been submitted in writing to and approved by the Local Planning Authority.

13. Where the construction or future operation of the wind turbine hereby granted is

proven to have a detrimental impact on the water quality and / or flow regime of the private water supply at Tyn y Mynydd, a mitigation strategy to rectify the adverse hydrological effects shall be submitted in writing and approved by the Local Planning Authority, and the approved strategy shall be implemented within 1 month. Where mitigation measures cannot overcome the adverse hydrological impacts, the applicant will be required to cover the costs of providing an alternative water supply to Tyn y Mynydd.

14. No building materials shall be stored on the public right of way, no alterations to the surface of the right of way and no additional barriers (e.g. gates) shall be placed across the public right of way, of either a temporary or permanent nature. Vehicular movement shall be arranged so as not to interfere with the public's use of the way.

15. Noise from the turbines shall not exceed 35dBLA90,10min for wind speeds of up to 10m/s at 10m height when cumulatively measured freefield at the nearest noise sensitive receptor in accordance with ETSU-R-97.

16. In the event of complaints to the Local Planning Authority over noise attributable to the operation of the turbine, and after initial investigation by the Authority to assess that there is justification for such complaint:

- a) the Authority shall notify the applicant, in writing, of the complaint
- b) Within one month of notification by the Authority the applicant shall organise, at their own expense, a noise assessment by independent acoustic consultants, in accordance with a brief to be set by the Authority, to establish whether the terms of Condition 15 are met
- c) A copy of the noise assessment undertaken in accordance with b. shall be submitted to the Authority no later than two months from the date of notification.

17. In the event that noise attributable to the turbine is found to be exceeding the levels set out in Condition 15, mitigation measures to ensure compliance with Condition 15 shall be submitted to and agreed in writing with the Local Planning Authority and implemented within 3 months. Where mitigation measures have not been implemented within 3 months, the turbine shall be shut down and shall not commence operation until the mitigation measures have been implemented.

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

19. If justified complaints of shadow flicker are received by the Local Planning Authority from any occupied dwelling which existed or was consented at the time that this permission was granted, the developer will be notified in writing and mitigation measures to control, re orientate, or shut down the turbine until the conditions causing those shadow flicker effects have passed shall be agreed with the Local Planning Authority and implemented within 3 months of notification.

20. No trees or hedges within the application site shall be felled, lopped or topped without the prior written consent of the Local Planning Authority. Those removed without consent or which die or are severely damaged or become seriously diseased within five years of the completion of the development shall be replaced with trees or hedgerow plants of such size and species to be agreed in writing by the Local Planning Authority.

21. If the wind turbine hereby permitted ceases to operate for a continuous period of 6 months, the wind turbine and ancillary equipment shall be dismantled and removed from the site, and the foundations shall be removed down to a minimum depth of 1.0m below ground level, and the land shall be restored to its former profile and condition within a period of 6 months from the end of the 6 month period unless otherwise agreed with the Local Planning Authority.

22. No later than 12 months before the expiry of the 25 year operational period of this permission, a scheme for the remediation and restoration of the site to its former profile and condition, including the dismantling and removal of all elements above ground level, and the removal of turbine foundations down to a minimum depth of 1.0m below ground level, shall be submitted for the consideration of the Local Planning Authority. The scheme approved in writing by the Local Planning Authority shall be implemented within 12 months from the date that the planning permission hereby granted expires.

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

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and in order that the Local Planning Authority retains control over the longer term uses of the land.
3. For the avoidance of doubt, to allow the Local Planning Authority to retain control over the development and in the interests of residential amenity and nature conservation.
4. For the avoidance of doubt and in the interests of visual amenity.
5. For the avoidance of doubt and in the interests of visual amenity.
6. For the avoidance of doubt and in the interests of visual amenity.
7. In the interests of visual amenity.
8. In the interests of visual amenity.
9. In the interests of visual and public amenity and pollution prevention and control.
10. In the interests of pollution prevention and control.
11. In the interests of pollution prevention and control.
12. In the interests of pollution prevention and control.
13. In the interests of pollution prevention and control.
14. In the interests of protecting public rights of way.
15. In the interests of the amenity of occupiers of residential property in the locality.
16. To ensure adequate measures are in place to monitor and assess noise from the turbine in the event of complaints and in the interests of the amenity of occupiers of residential property in the locality.
17. To allow the Local Planning Authority to retain control over the development and in the interests of the amenity of occupiers of residential property in the locality.
18. To ensure adequate measures are in place to monitor and assess noise from the turbines in the event of complaints, and in the interests the amenity of occupiers of residential property in the locality.

19. In the interests of the amenities of occupiers of residential property in the locality.
20. In the interests of visual amenity and nature conservation.

21. To ensure adequate arrangements are in place to reinstate the site, in the interests of visual amenity.
22. To ensure the long term reinstatement of the site, in the interests of visual amenity.

NOTES TO APPLICANT:

You are advised to contact the Case Officer to discuss the discharge of pre-commencement Condition 11.

You are advised to consult with the Council's Public Protection Department and the Environment Agency to ensure compliance with Condition 12.

Elizabeth Barlow, Denbighshire County Council Public Protection Department: 01824 706046
Environment Agency: 03078 506 506

Your attention is drawn to:

- " Denbighshire County Council Highway Supplementary Notes Nos. 1,3,4,5 & 10
- " New Roads and Street Works Act 1991-Part N Form
- " Environment Agency "Standard Advice" Guidance Note for Developers

Public Rights of Way

The safety of members of the public using the right of way must be ensured at all times; if the

Path needs to be temporarily closed on safety grounds during construction, the development will be required to apply for a closure 6 weeks prior to any works commencing. You are advised to contact Tania Evans of the Public Rights of Way Unit to discuss a possible temporary closure on 01824 706923.

MOD

You are reminded of the need to advise the Ministry of Defence of the date construction starts and ends; the maximum height of construction equipment; and the latitude and longitude of the turbine.

MOD contact details: MOD Safeguarding, Defence Infrastructure Organisation, Kingston Road, Sutton Coldfield, West Midlands, B75 7RL Telephone: 0121 311 3781 Fax: 0121 311 2218 Email: DIO-Safeguarding-Wind@mod.uk