



CYNGOR
Sir Ddinbych
Denbighshire
 COUNTY COUNCIL

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Heading:

REFERENCE NO. 11/2012/0373/PF
 Cil Llwyn, Bontuchel,
 Ruthin

2



Application Site

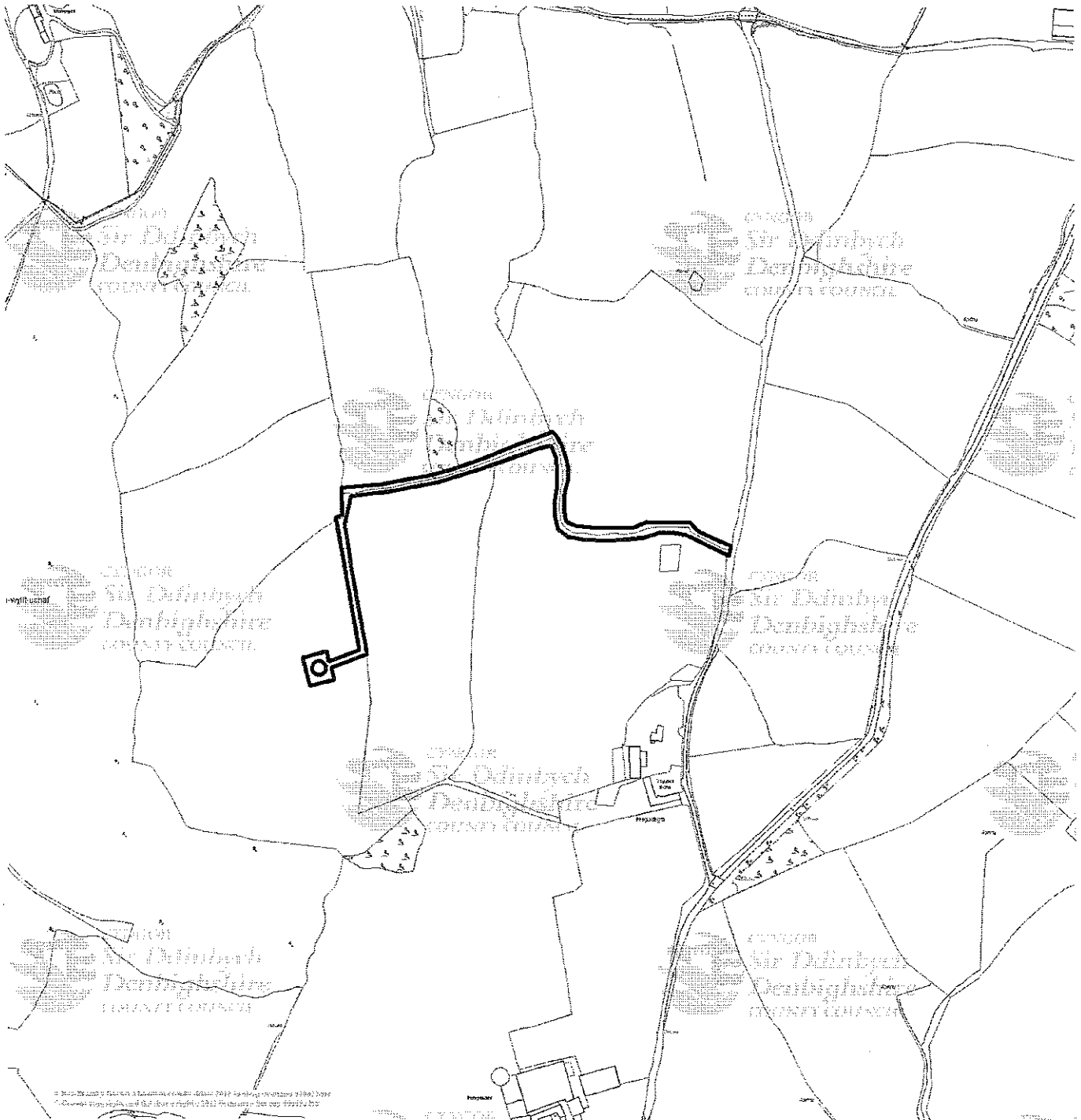


Date 22/8/2012

Scale 1/5000

Centre = 308950 E 355681 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.



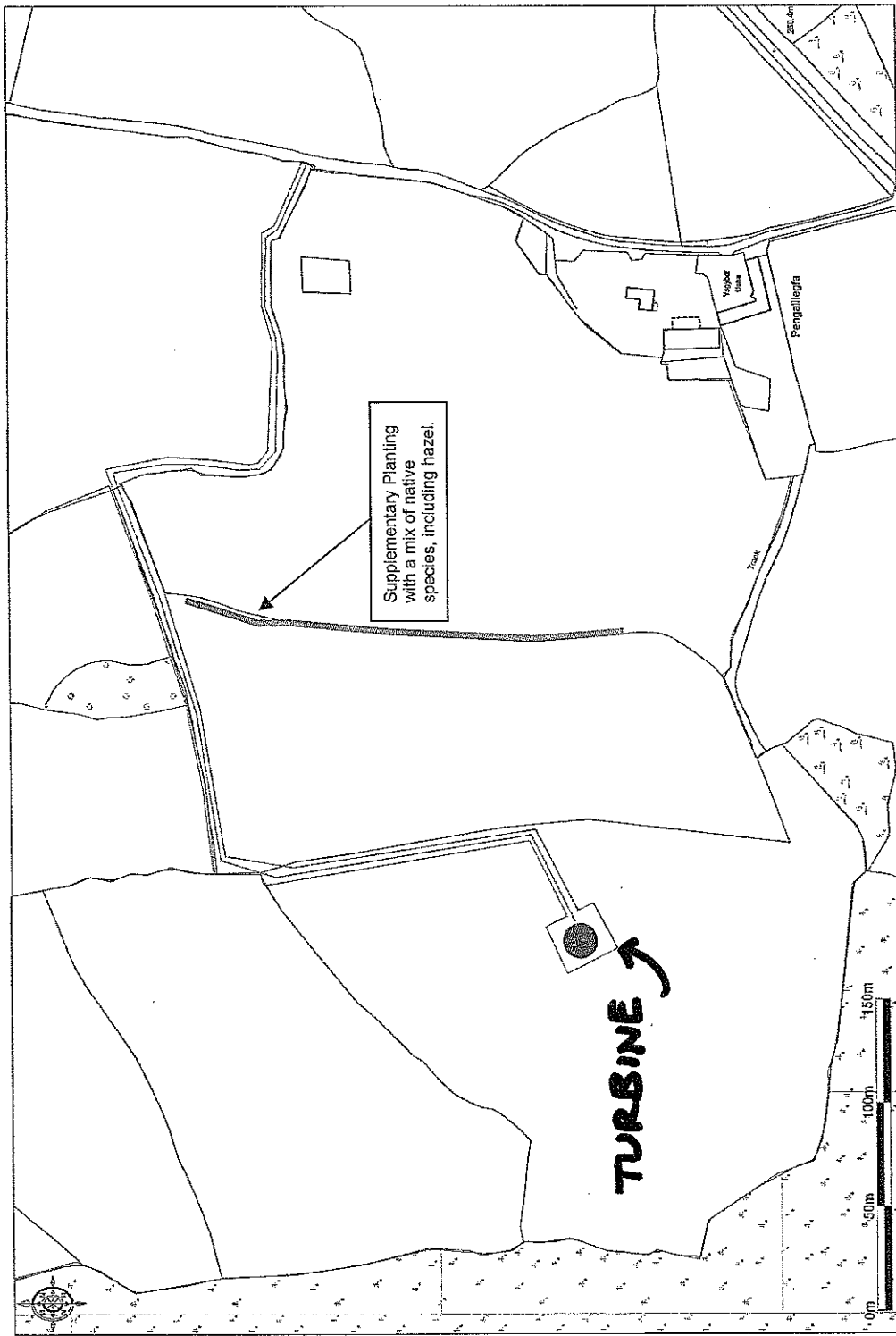
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11 / 2012 / 0373 / P

SITE PLAN

ADDITIONAL PLAN



JOB:	Proposed Wind Turbine
CLIENT:	Dylan Wyn Roberts
TITLE:	Site Plan as Proposed
LOCATION:	Cil Llwyn, Bontuchel, Ruthin, LL15 2BD
SCALE:	1:2500
DATE:	Jun-12
DRAWING NO:	Cil Llwyn 01
DRAWN BY:	GEL

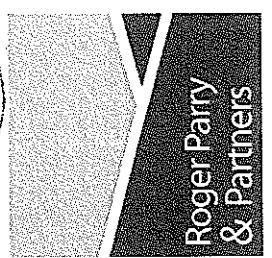
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● = Turbine Location
 □ = Application Site

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 richard@rogerparry.net
 Tel: 01681 655 334

Roger Parry & Partners LLP
 The Property Experts

11 / 2012 / 0373



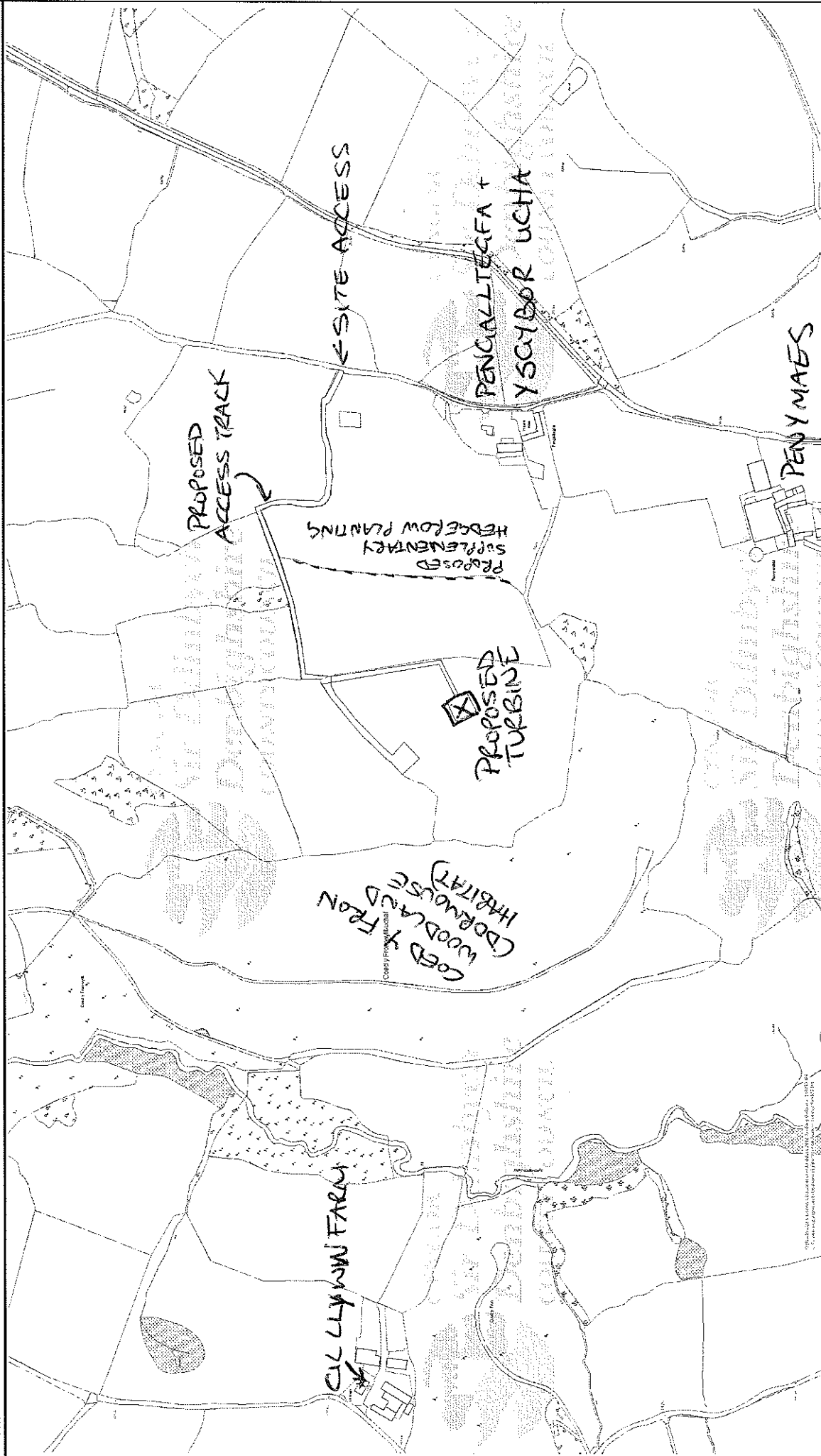
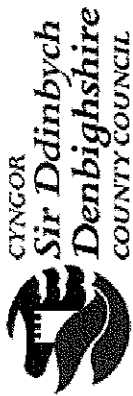


Date 1/10/2012

Scale 1:6980

Centre = 308717 E 355614 N

11/2012/0373 CIC LLWYN TURBINE



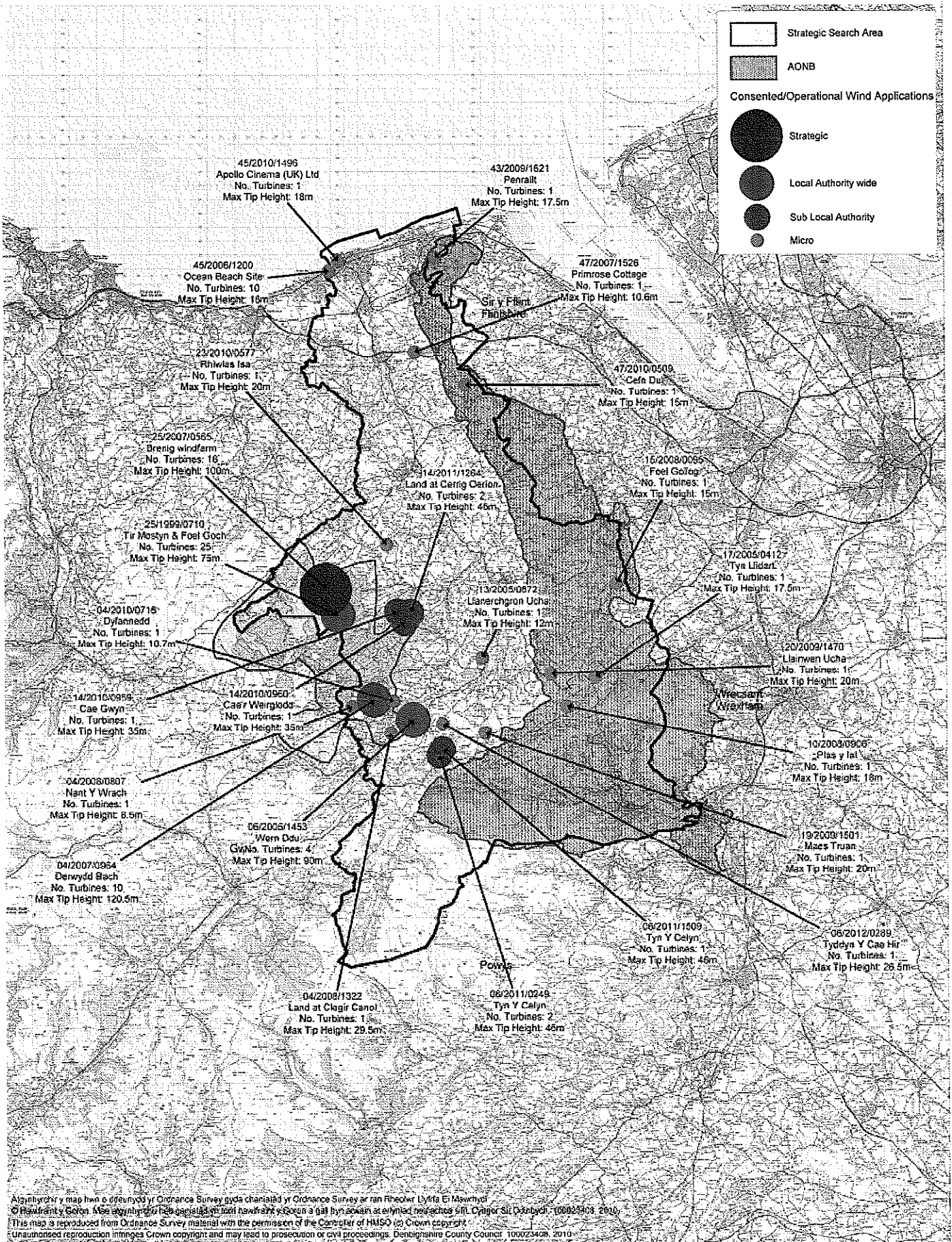


Consented/Operational Wind Applications as of 1st June 2012

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



Environment Directorate



Allynbyrdi'r map hon o ddiwydiad yr Ordnance Survey gyda chandlaid yr Ordnance Survey ar ran Rheolwr Llyfrfa Eri Maschwyl.
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ITEM NO: 2
WARD NO: Efenechtyd
APPLICATION NO: 11/2012/0373/ PFT
PROPOSAL: Installation of a 50kw micro-generation wind turbine (No. 1) with control box and access track
LOCATION: Cil Llwyn Bontuchel Ruthin
APPLICANT: Mr D Roberts
CONSTRAINTS: Airport Zone
PUBLICITY UNDERTAKEN: Site Notice - Yes
 Press Notice - No
 Neighbour letters - Yes

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

- Member request for referral to Committee

CONSULTATION RESPONSES:

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.

The Community Council is advised that a second application, 11/2012/0540, has been submitted for a further identical turbine on the same site. At the time of writing details were not posted on the Denbighshire County Council's Planning Portal website. The comments offered by Clocaenog Community council should be applied equally to both applications owing to the indicated proximity of siting.

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 any 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 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 created by TAN8. Clocaenog Community Council considers 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 these applications may appear to be more modest when compared to other large scale turbines, the turbines are nonetheless over 150 feet high with a blade diameter of approximately 63 feet. The proposed location for both is an elevated site above the villages of Clawddnewydd and Clocaenog in an area of open countryside, only 240 metres from the nearest homestead, yet completely isolated from the applicant's farm. 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 and Access Statement, section 2.2, clearly states that 'any effects to reduce visibility' of the turbine would also reduce performance and this is not in the interest 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 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 conditions any noise generated would likely be masked by rustling leaves! It is interesting to note that the applicant's property is at a considerable separation from the proposed turbines. Section 2.8 of the Design and Access Statement states that the nearest independent property is 340 metres from the nearest turbine by the Noise Prediction Tables shows Pengalltegfa to be only 240 metres away and Penymaes within 320 metres. Inaccuracies such as this are at best unacceptable.

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. Increasing 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 for reducing electricity costs to the farm but also for the income derived from Feed in Tariffs. The capital payment 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. Indeed, a recent site visit emphasised the clear and uninterrupted view of both operational wind turbine sites at Wern Ddu and Tir Mostyn. The prominence of the site offers a full 360 degree vista over many miles of surrounding countryside.

In section 4.3, the applicant 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 a wind turbine is not an immobile structure but will tower over the landscape and has 19 metre plus blades which will turn to further increase intrusion. This intrusion should be multiplied by 2 with the addition of the second proposed turbine.

In terms of Visual Appraisal, Section 4.4.3, with the exception of Pengalltegfa, the visual receptors designated are all view points from highways and lanes rather than residential addresses. Local appraisal and map study indicates many properties will be affected. The site is visible from all sides and all main routes into the villages of Clawdnewydd and Clocaenog. This will lead to an unacceptable visual impact for residents and visitors alike. With regards to Pengalltegfa, the proposed turbines will dominate the landscape and the 240 metres distance is only equivalent just to over 5 turbine lengths.

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 planning Strategic Search Area. 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 contend 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

“The Observations of the Derwen Community Council are:-

1. The positioning of the proposed turbine is located away from Cil Llwyn 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 the planning application.”

COUNTRYSIDE COUNCIL FOR WALES (CCW)

The proposal is in a prominent position and will clearly be visible over a widespread area. The separation distance to the Clwydian Range means there will be no significant adverse impact on the AONB, therefore CCW does not object to the proposal.

(CCW does not routinely provide comment on the likely impact of wind turbine proposals on landscapes or nature conservation interests of local or regional importance; this remains the responsibility of the local planning authority)

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 Street Works Act.

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).

BIODIVERSITY OFFICER

Requested additional information to ensure proposal does not have a detrimental effect on the favourable conservation status of dormice. One of the most important dormice populations in Britain is located in Coed y Fron Wylt which is adjacent to the proposed site and the construction works could have an impact if any hedgerows are removed or damaged. Mitigation / avoidance measures will be required to ensure no dormouse habitat is affected during construction.

After a site visit and walk along proposed access track, happy that no hedgerow would have to be removed, so there will be no impact on any potential dormouse habitat. The hedges themselves didn't look particularly suitable for dormice, but it would be best practice to put in place measures to protect them from damage during the construction phase. An enhancement measure to improve the existing hedgerows, which are gappy and relatively species-poor, by supplementary planting with a mix of native hedge species including hazel would be beneficial.

The proposed cable route should cross hedgerows at existing gaps.

In addition, a 50m buffer zone between the turbine and the hedgerow should be maintained in accordance with national guidance on bats.

CONSERVATION ARCHITECT

No objection from a conservation point of view.

Pool Park house is listed grade 2*. Other structures within the grounds, and the garden and parkland are listed grade 2. The parkland extends a considerable distance to the north and to the south. To the west towards the proposed wind turbines there is only a small area of essential setting which does not cover the area where the turbines are to be located.

Take the view that the setting of the listed buildings will not be affected by the turbines as they are screened by topography and woodland. In addition, whilst it may be possible to glimpse the turbines from the parkland their impact will be minimal.

LANDSCAPE CONSULTANT

Object to the application.

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 and Visual Assessment: site lies in hill top in southern end of Nant Melin-dwr valley, within the LANDMAP Denbigh and Derwen Hills character area. Eastern valley sides are steep and covered in irregular broadleaved woodland and some coniferous plantation (incl. replanted ancient semi natural woodland). Western valley comprise irregular pasture fields rising to coniferous plantations of Clocaenog plateau.

Nant Melin-dwr valley is particularly scenic and distinctive area of landscape due to landform and availability of attractive open views. Contrasts markedly with other parts of the Denbigh and Derwen Hills character area. Landscape integrity could become rapidly eroded if inappropriately sited wind turbines are permitted.

Sensitive Views: Turbines would be seen on skyline above valley within a number of local scenic views: from western slopes, scattered farmsteads, Clwydian Way, from properties along northern edge of Clocaenog village and from B5105 when travelling from Clawddnewydd.

Turbine 1 is likely to be seen from various points within the village of Clocaenog. Viewing distance of 1.5km would lessen the apparent scale of turbine, but rotor movement against skyline would attract attention and be evident to prominent. These views have not been identified in the visual impact assessment submitted with application.

Consider views to be Slight to Moderate magnitude of change upon community outlook of high sensitivity = Moderate to Moderate Major impact upon the community of Clocaenog.

Cumulative Impact: From journeys along B5105 is an emerging pattern of wind turbine development in area associated with TAN strategic search area and applications for single turbines.

The approval of development at this site location would result in wind development appearing to creep beyond the Clocaenog Plateau and into the settled, deciduous wooded landscape of Denbigh and Derwen, which would have strategic implications upon the ability to conserve the integrity of the wider Denbighshire landscape.

Recommendation: The proposals in combination and due to siting would have significant impact upon landscape of county significance, and a number of views of this scenic landscape.

Comments following withdrawal of application for second turbine at Cil Llwyn (11/2012/0540): Original assessment of impact still applies. The site would put a turbine within a landscape of scenic quality which is experienced in several locations. Cannot see where within the hill top location a single turbine could be micrositied without affecting more than one sensitive view. The sense of wind development steeping beyond the SSA within views from B5105 would remain the same irrespective of the number of turbines proposed at Cil Llwyn.

RESPONSE TO PUBLICITY:

IN SUPPORT

Representations received from:

Darren Millar AM Clwyd West (email)

C. Roberts, NFU, 28 Well Street, Ruthin (letter)

Llyr Huws Gruffydd AM North Wales (letter)

1 no. petition in support of the proposal submitted by the applicant (9 signatories)

Summary of planning based representations in support:

Principle: Support for wind energy and small scale renewables projects, such as single wind turbine developments, which enjoy the support of the local community / contribution towards national renewable energy and greenhouse gas reduction targets.

Farm Diversification: 75% of land is in the agricultural sector. Farming community well placed to capture renewable energy, whilst maintaining role in food production. Farmers should be given the opportunity to diversify their business. Many farmers have already installed wind turbines or are considering the same. Support for agricultural entrepreneurship.

Economic: Supports green jobs by creating business for renewable energy service suppliers, diversifying the local economy and sustaining rural jobs.

IN OBJECTION:

Representations received from:

Campaign for the Protection of Rural Wales (CPRW) (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.

Landscape and cumulative impact: Turbine with a tip height of 46m would have an unnecessarily harmful impact on attractive rural landscape and it would be inter-visible with other turbines in the area, including turbines west of Cyffylliog and current applications at Maestyddyn Isa, Clawdnewydd.

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.

EXPIRY DATE OF APPLICATION: 07/06/2012

REASONS FOR DELAY IN DECISION (where applicable):

- delay in receipt of key consultation response(s)
- additional information required from applicant
- previous deferral by officers for further assessment

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 The proposal is to erect a single Endurance E-3120 50kW wind turbine on agricultural land at Cil Llwyn, Bontuchel. Cil Llwyn is an upland livestock farm, running both cattle and sheep enterprises and the turbine would be sited approximately 750 metres from the farm house.
- 1.1.2 Members will recall that Officers requested this application be deferred from the last Planning Committee in September 2012. This was because a proposal for a second turbine at the site, which was the subject of a separate planning application, was withdrawn by the applicant. The report now refers to

the impacts of a single turbine and not any combined impacts of two turbines at the site.

- 1.1.3 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
 - Supplementary Planting Plan (additional document)
- 1.1.4 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 approx. 46.3m. The proposed colour of the turbine blades and nacelle are signal white (RAL 9003) and the tower is traffic white (RAL 9016).
- 1.1.5 An equipment cabin is proposed at the base of the turbine which would have the following elevations: 2.95 metres (L) x 1.15 metres (W) x 2 metres (H).
- 1.1.6 The application site would be accessed via the existing farm gate off the lane from Pengalltegfa to Crossroads, Llanfwrog. No new site access arrangements are proposed.
- 1.1.7 The Construction Methodology Statement states that construction vehicles will access the site via a dedicated construction access track and the construction phase is predicated to last 13 working days. Construction vehicles include articulated crane, articulated lorry, rigid flatbed truck, 16 tonne and 2 tonne medium wheel base vehicles, excavations vehicles, cement deliveries by mixer lorry and contractor private vehicles. Once operational, maintenance vehicles will be standard 4X4 SUV vehicles.
- 1.1.8 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.
- 1.1.9 Additional hedgerow planting is proposed on land within the control of the applicant as a dormouse habitat enhancement measure.
- 1.1.10 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 additional income stream through guaranteed payments under the Feed-in Tariff.

1.2 Description of site and surroundings

- 1.2.1 The application site is in an open elevated hillside location in open countryside approximately 1.4km to the north of Clocaenog and 2.2km to the south of Bontuchel.
- 1.2.2 The turbine would be sited approximately 750m to the east of the farm complex. There are also several residential properties within a 1km radius of

the application site which includes Ysgubor Ucha and Pengalltegfa which are both approximately 310m to the east, Penymaes and Penymaes Lodge approximately 450m and 600m to the south respectively, Gweithdy, Tyddyn Uchaf and Tyddyn y Cook approximately 620m, 800m and 850m to the north respectively, Bron y Gof approximately 630m to the north west, Tyn y Celyn approx. 920m to the north east, Pentre approximately 930m to the west and Ty Braf approximately 970m to the south west.

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 Coed y Fron Wylt Uchaf woodland lies approx. 120m to the south-west and 170m to the west of the site where one of Britain's most important dormice populations can be found.
- 1.3.3 The western boundary of the Pool Park Historic Park and Gardens lies approximately 400m to the south east and 700m to the east of the site.
- 1.3.4 The easternmost boundary of the Clocaenog Forest Strategic Search Area (SSA) lies approximately 2km to the west of the application site. In accordance with TAN8, large scale wind farm development in Wales should be directed to within SSA boundaries.
- 1.3.5 Within a 5km radius of the site there are 5 no. operational/consented wind turbines (2 no. 50kW turbines with a tip height of 35m, 2 no. 50kW turbines with a tip height of 46m and 1 no. 6kW turbine with a tip height of 12m) and a further 2 no. wind turbines which are subject to current undetermined planning applications (50kW turbines with a tip height of 46m; one of which is immediately adjacent to the application site).
- 1.3.6 The Denbighshire Landscape Strategy shows the application site lies within 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 An applications for a second 50kW turbine at Cil Llwyn immediately adjacent to the application site was withdrawn prior to being considered at the September Planning Committee.
- 1.4.2 A total of 89 wind turbines have been granted planning permission within the County to date. 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.
- 1.4.3 The Council has granted planning consent for 8 no. wind turbines of this scale within the County and, including this application, there are currently 4 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 the access and grid connection arrangements. Further information was also requested to enable the Council's Biodiversity Officer to assess the impact of the proposal on dormice habitat during the construction phase.

1.6 Other relevant background information

- 1.6.1 A negative Environmental Impact Assessment screening opinion for 1 no. 50kW turbine at 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.

2. DETAILS OF PLANNING HISTORY:

- 2.1.1 11/2012/0540. Application for the installation of a 50kW micro-generation wind turbine with control box and access track at Cil Llwyn, Bontuchel (turbine 2). Withdrawn 21 September 2012

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

3.1 DENBIGHSHIRE UNITARY DEVELOPMENT PLAN

Policy STRAT 1 General
Policy STRAT 2 Energy
Policy STRAT 5 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 MEW 8 Renewable Energy
Policy MEW 10 Wind Power

3.2 GOVERNMENT POLICY 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 (2003) / LANDMAP

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 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:

- Cil Llwyn 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 have been provided regarding how the wind turbine proposal would fit into the wider farming picture, or what contribution the revenue generated by the turbine would make to the business. Officers feel that to be considered a farm diversification scheme, the financial return from wind turbines should be clearly subsidiary to the main farming business.
- 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).

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

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.

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 site lies on a hill top towards the southern end of the Nant Melin-dwr valley, which LANDMAP places within the Denbigh and Derwen Hills character area and is identified as an area of High value of county / regional significance for its high scenic quality, high character, with attractive, tranquil setting, and traditional rolling farmland qualities.

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. Revised Zone of Theoretical Visibility (ZTV) maps (5km radius and 15km radius respectively) and a series of photomontages and wireframes taken from 6 no. viewpoints have been used to inform the Assessment.

The Landscape Impact Assessment includes a visual appraisal of each of the selected viewpoints, which includes roads and lanes and the neighbouring residential property. It concludes the resultant predicated impact of the proposal on the selected receptors to be:

- Medium to negligible (road 185 metres south of lodge and lane near Tyddyn Cook Woodland)
- Medium to negligible to low (Road 140 metres to the north of Cae Segwen)

- Medium (Council maintained road to south of Clocaenog, private residential lane leading to Tyddyn Roger and Pengalltegfa Cottage).

The Council's Landscape Consultant has carried out an assessment of the proposal which 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

The Landscape Consultant has taken into account LANDMAP data, Denbighshire Landscape Strategy management objectives and the findings of his site assessment and concluded that the landscape and visual context within which the proposals are located are of high sensitivity to change and that development of the type and scale proposed would have adverse effects upon landscape character and its visual appreciation within public and private residential views.

The Landscape Consultant has therefore objected to the proposal and considers that the approval of development at this location would result in wind turbine development appearing to creep beyond the Clocaenog plateau, giving rise to adverse cumulative landscape impacts which will have strategic implications upon the ability to conserve the integrity of wider Denbighshire landscapes.

Following the withdrawal of the planning application for a second turbine at Cil Llwyn, the Landscape

Consultant was re-consulted and has confirmed that the original site assessment still applies, and concludes that the sense of wind development steeping beyond the SSA within views from the B5105 would remain the same irrespective of the number of turbines at Cil Llwyn.

The Clocaenog Community Council have also raised concerns regarding the adverse impact of the proposal on the local landscape and note that additional wind turbine development in this area would give rise to an unacceptable cumulative impacts and increase the sense of being imposed upon.

Sensitive viewpoints identified by the Council's Landscape Consultant were not included in the applicant's landscape assessment, and it is considered that the potential landscape and visual impact of the proposed turbine is underplayed in the DAS. The applicant's agent has submitted additional comments in response to the Landscape Consultant's assessment, which puts forward the proposition that the visual impact of the turbine would be mitigated by the topography of the site and the woodland backdrop. The applicant has also volunteered to plant hedgerows and native species trees along the existing fence line as a dormouse habitat enhancement measure. However, no landscaping scheme has been proposed and no information has been submitted to demonstrate whether or not the proposed planting would also mitigate the adverse landscape impacts. Without this information, Officers cannot be satisfied that the proposed planting would provide an adequate screen from sensitive viewpoints.

In concluding on the issue of landscape and visual impact, and having regard to the comments of the Landscape Consultant and the Community Council, it is likely that the proposal will give rise to adverse landscape impacts in an area of high quality landscape of County value, which may give rise to cumulative visual impacts by virtue of extending the windfarm landscape into areas outside of the Strategic Search Area. Officers therefore consider the proposal is in conflict with UDP policies 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.'* Policy ENV 6 deals with species protection and states *'development which would unacceptably harm species given special protection by law will not be permitted unless appropriate steps can be taken to secure their protection'*.

The application site is agricultural land which is currently used for grazing sheep and whilst the site itself is outside of any statutory or local nature conservation designation, it is in close proximity to Coed y Fron Wyllt woodland which provides habitat for one of Britain's most important dormouse populations.

The dormouse is listed as a UK Biodiversity Action Plan species and is protected under the Wildlife and Countryside Act 1981 (as amended) and the European Habitat Regulations.

The Ecological chapter in the DAS provides generic information only and no site specific ecological data had originally been provided by the applicant. Following receipt of further information, the Council's Biodiversity Officer is satisfied that dormouse habitat can be adequately protected by the erection of temporary fencing along the hedgerow during the construction stage, which can be controlled through the use of an appropriate planning condition should planning permission be granted. The applicant has also offered to plant native species along an existing hedgerow adjacent to the application site (which is within the applicants control) to reduce the number of gaps and improve the biodiversity value of the site, which would be a dormouse habitat enhancement measure.

As a precautionary measure, the Biodiversity Officer has also recommended that the underground cables to connect the turbine to the electricity grid should cross hedgerows only at existing gaps. Again this is something which can be controlled through the use of an appropriate planning condition.

The turbine would be more than 50m away from any linear features such as hedgerows, tree lines or streams, and it is therefore unlikely to have any adverse impact on bats and there is no evidence to suggest protected bird species frequent the site.

Neither CCW nor the Council's Biodiversity Officer have raised any objection to the proposal, and it is therefore reasonable to conclude that the proposal would not have any adverse impacts on biodiversity and nature conservation interests, subject to the use of appropriate planning conditions 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. 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 $35\text{dB}_{\text{LA90,10min}}$ (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.

Onsite 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 predicted noise levels at nearby residential receptors. The assessment has been conducted using software which predicts the noise effects of the turbine based on the sound power level provided by the turbine manufacture (94.8dBA). A Revised Noise Constraints Plan is also submitted as an appendix to the DAS which shows the noise impact of the individual turbine proposed.

There is some discrepancy between the separation distances quoted in the noise assessment chapter of the DAS and with Officers own assessment. For example, Officers have calculated Pengalltegfa as being 310 metres away, whereas the introduction to Chapter 2.8 quotes a figure of 340m and the desk based assessment has used a separation distance of 240m. However as the desk based noise assessment assumes the properties are much closer to the application site than the Officer's own assessment, Officers consider this approach to be valid.

The desk based assessment contained in the DAS concludes noise attributable to the turbine will not exceed 35dB at any of the properties assessed and therefore meets the criteria set by ETSU-R-97; the closest property is Pengalltegfa and the noise constraints map illustrates this property falls outside of the 35dB noise contour.

The Council's Technical Officer (Pollution) has raised no objection to the proposal and is satisfied that a suite of planning conditions can be imposed to limit noise levels emitted 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 should planning permission be granted.

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 revised shadow flicker constraints map which shows the area around the turbine which may be susceptible to the occurrence of shadow flicker. The DAS concludes that there are no dwellings within 10 rotor diameters of the turbine, which is also illustrated on the shadow flicker constraints plan, and therefore it is unlikely that any properties will be affected by shadow flicker. However, shadow flicker analysis is not an exact science, so as a precautionary measure Officers would advise a planning condition is imposed to ensure any incidence of shadow flicker

experienced by nearby properties can be controlled should planning permission be granted.

Subject to the inclusion of detailed planning conditions to address noise and shadow flicker, 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 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, and to consider the landscape and visual impact of wind turbine development in combination with operational, consented and in-planning wind turbine proposals to ensure cumulative effects are fully addressed, in order to prevent the windfarm landscape encroaching beyond the boundaries of the Strategic Search Area.
- 5.3 The application site is within a high quality landscape of county/regional value. Taking into account the views of the Council's Landscape Consultant and the Community Council, Officers assessment has identified that a turbine of the scale proposed in this location will give rise to adverse landscape and visual impacts, and further contribute to wind turbine development appearing to creep beyond the Clocaenog plateau, giving rise to cumulative landscape impacts to which is contrary to UDP policy GEN6 and MEW10, and of concern to the Clocaenog Community Council.
- 5.4 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.
- 5.5 Factually that there are 5 no. 50kW/55kW wind turbines that have been granted planning consent within the LANDMAP Denbigh and Derwen Hills landscape character area. Despite being with the same LANDMAP character area, 4 of these consented proposals are near Cyffylliog, where the local landscape characteristics differ significantly to the application site, and the 1 turbine is adjacent to the Clocaenog Forest where the vast conifer forest landscape was could absorb a turbine

of this scale. In response to the planning application consultation on these proposals, the Council's landscape consultant did not raise significant landscape objections, nor were there any objections received from the Community Council or the public. However, in this instance, the landscape consultant has clearly identified adverse landscape and visual impacts and a detailed objection has been received from the Community Council which highlights local concerns over these impacts.

5.6 Officers continue to recommend a precautionary approach is taken where adverse landscape and visual impacts have been identified, to ensure the integrity of high quality local landscapes is not eroded by incremental wind turbine development. It is therefore suggested in relation to the application that limited weight is given to the farm diversification merits, and that the benefits of the proposal in terms of the increase in renewable energy generation do not outweigh the identified adverse landscape and visual impacts.

RECOMMENDATION: - Refuse subject to the following reasons:-

1. It is the opinion of the Local Planning Authority that the erection of a 46 metre high 50kW turbine in a high quality landscape of County importance would have unacceptable landscape and visual impacts and further contribute to wind turbine development appearing to creep beyond the Strategic Search Area boundary, giving rise to cumulative landscape impacts. The farm diversification merits of the proposal and the potential benefits of increased renewable energy generation are not considered to outweigh national and local policy objectives which seek to protect the local landscape and visual amenity. The proposal is therefore considered contrary to Denbighshire Unitary Development Plan policies STRAT 7, GEN 6, ENV1, MEW 8 and MEW 10, and the principles set out in TAN 8 (para. 2.11 – 2.13) and PPW Edition 4 (para.12.10).

NOTES TO APPLICANT:

None