



CYNGOR
Sir Ddinbych
Denbighshire
COUNTY COUNCIL

Heading:

11/2013/0032
 Tan y Creigiau
 Clawddnewydd

3

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 Denbighshire County Council
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 Denbigh
 Denbighshire LL16 3RJ

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Application Site

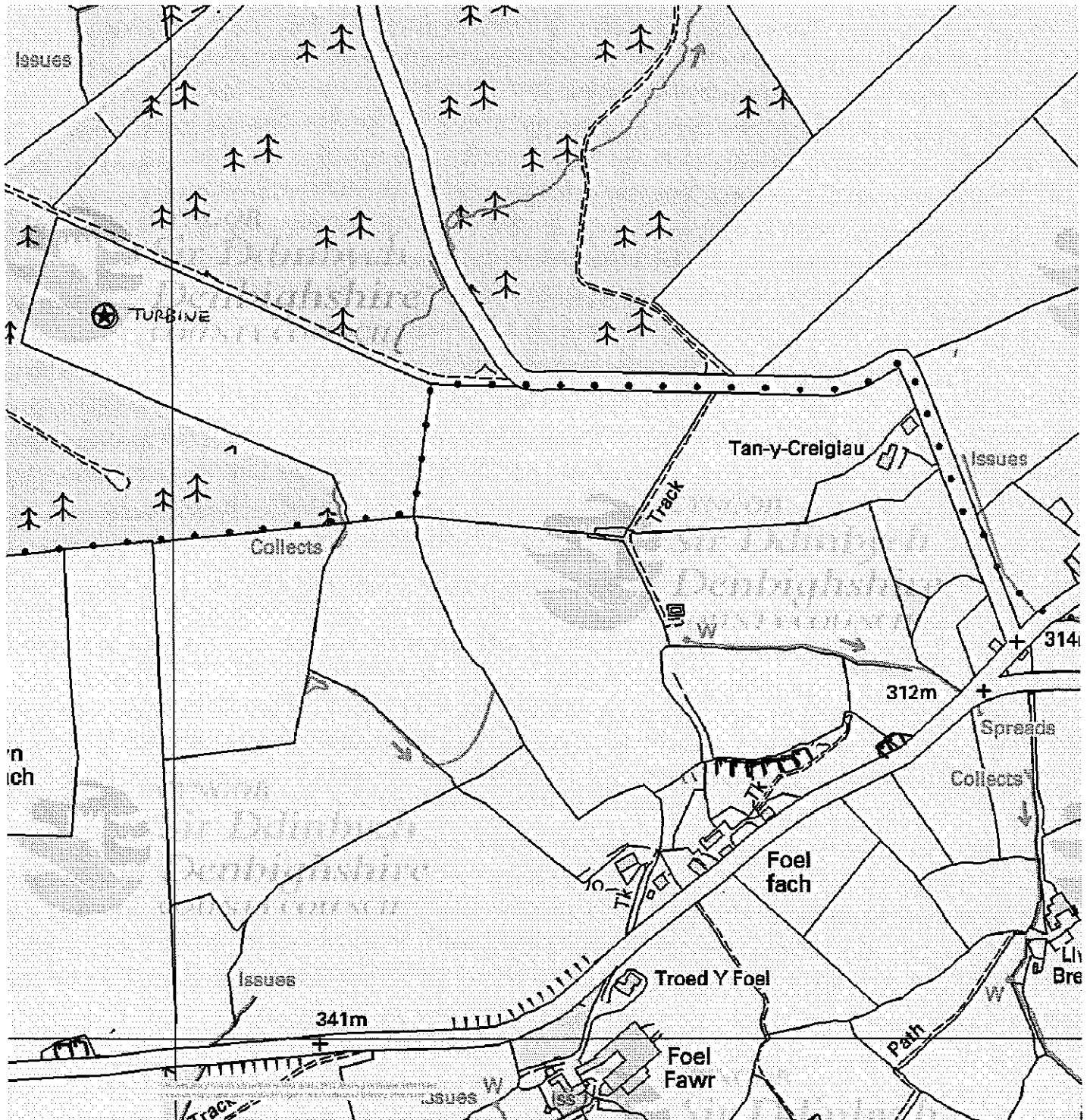


Date 3/4/2013

Scale 1/5000

Centre = 306323 E 352413 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.

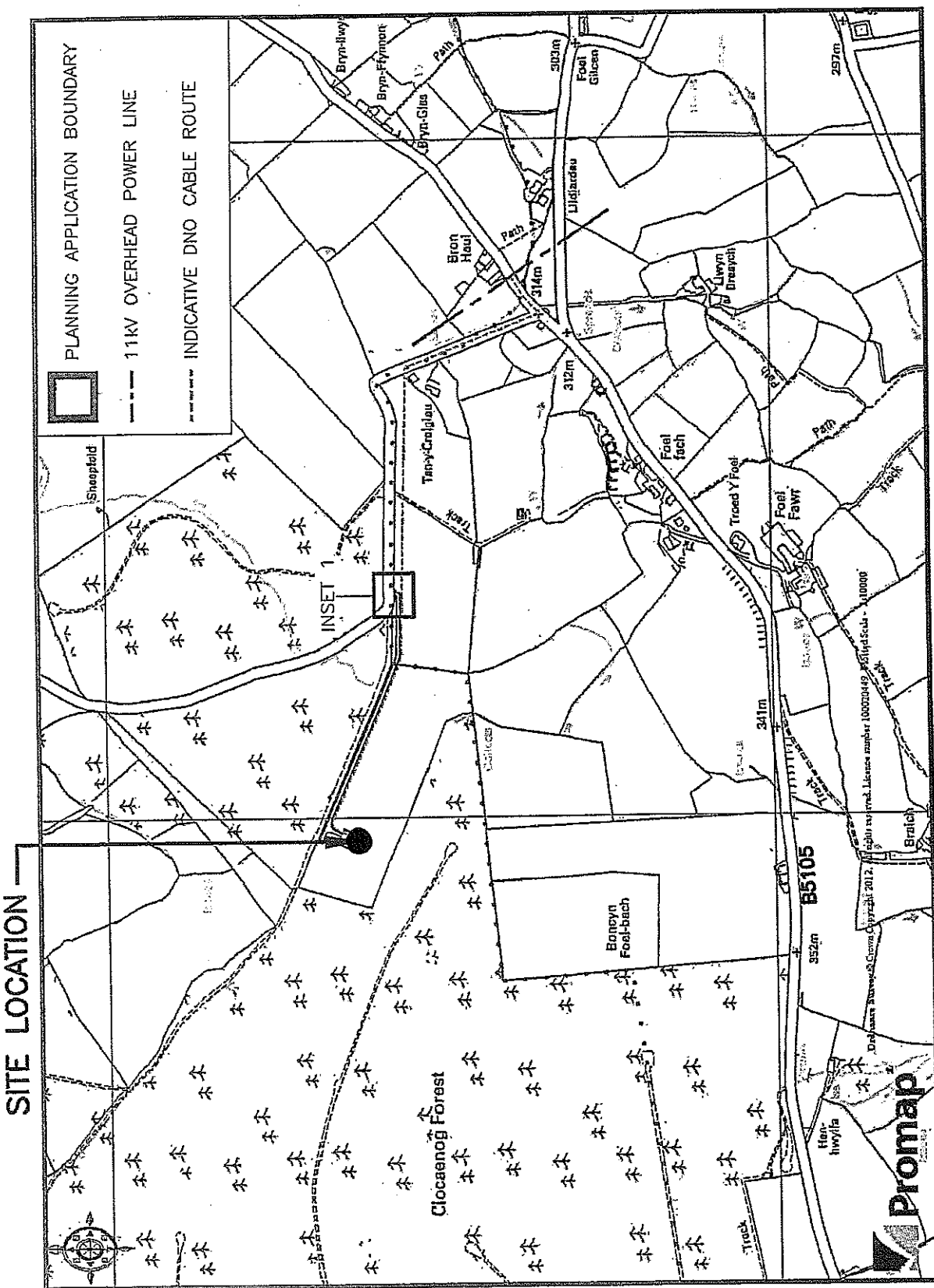


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

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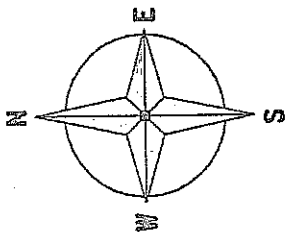
LOCATION

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SITE LOCATION

-  PLANNING APPLICATION BOUNDARY
-  11KV OVERHEAD POWER LINE
-  INDICATIVE DNO CABLE ROUTE



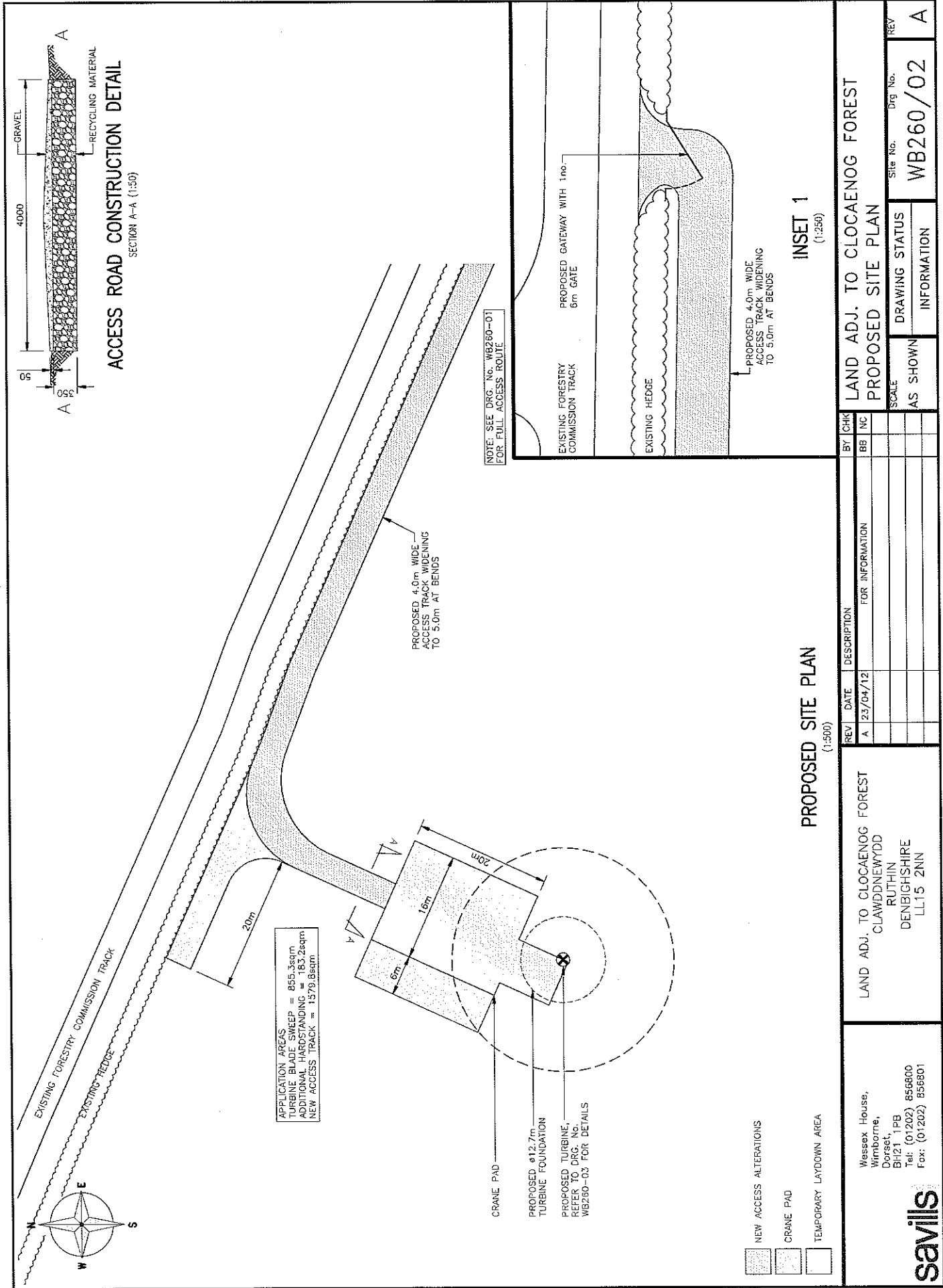
DETAILED SITE LOCATION

(Scale 1:10000)

Promap

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SITE PLAN

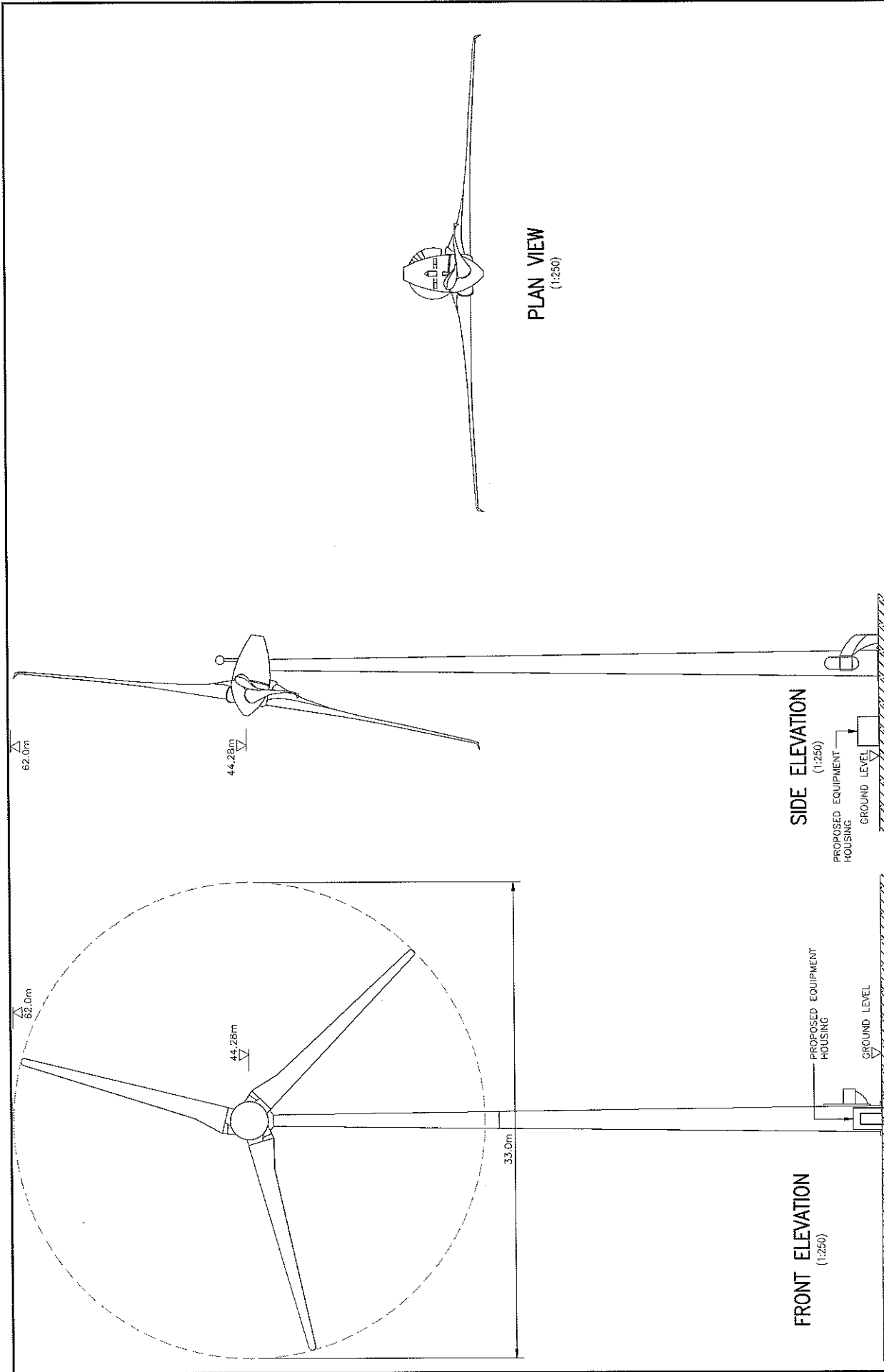


REV	DATE	DESCRIPTION	BY	CHK
A	23/04/12	FOR INFORMATION	BB	NC

LAND ADJ. TO CLOCAENOG FOREST CLAWDDNEWYDD RUTHIN DENBIGHSHIRE LL15 2NN	LAND ADJ. TO CLOCAENOG FOREST PROPOSED SITE PLAN	SCALE AS SHOWN	DRAWING STATUS INFORMATION	Site No. WB260/02	Dir. No. A
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Wessex House, Wimborne, Dorset, BH21 1PB Tel: (01202) 856800 Fax: (01202) 856801	savills
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TURBINE DETAIL



Westex House, Wimborne, Dorset, BH21 1PB Tel: (01202) 856800 Fax: (01202) 856801		LAND ADJ. TO CLOCAENOG FOREST CLAWDDNEWYDD RUTHIN DENBIGHSHIRE LL15 2NN		LAND ADJ. TO CLOCAENOG FOREST TURBINE DETAILS	
BY: JHK BB: NC		REV: A DATE: 23/04/12		SCALE: 1:500	
DESCRIPTION: FOR INFORMATION		DRAWING STATUS: INFORMATION		SITE No.: WB260/03	
REV: A		DATE: 23/04/12		Drg No.: WB260/03	
DESCRIPTION: FOR INFORMATION		DRAWING STATUS: INFORMATION		REV: A	



NXW

ITEM NO: 3

WARD NO: Efenechtyd

APPLICATION NO: 11/2013/0032/ PFT

PROPOSAL: Erection of a single wind turbine with a maximum blade tip height of 62m and associated infrastructure including; creation of a new access track, a crane pad and an equipment housing cabinet

LOCATION: Land adjacent to Clocaenog Forest, west of Tan y Creigiau
Clawddnewydd Ruthin

APPLICANT: Windberry Energy Operations Ltd.

CONSTRAINTS:

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

CONSULTATION RESPONSES

CLOCAENOG COMMUNITY COUNCIL

Have indicated an objection is to be made, but formal response not received at the time of drafting the report.

DERWEN COMMUNITY COUNCIL

Have indicated an objection is to be made, but formal response not received at the time of drafting this report

EFENECHTYD COMMUNITY COUNCIL

Comments awaited

COUNTRYSIDE COUNCIL FOR WALES (CCW)

No objection to the proposal.

ENVIRONMENT AGENCY

No response received

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.

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).

LANDSCAPE CONSULTANT

Considers that the proposal would in the main have no significant landscape and visual impacts. However, notes that there would be a significant impact locally at one property and one section of the B5105. These impacts are considered regrettable but having regard to the National policy context and the evolving windfarm landscape in the area raises no objection to the proposal.

In Objection:

Representations in objection received from:

Ramblers Cymru – North Wales Area, Michael Skuse (County Secretary Denbighshire),
Caenant, Llangynhafal, Ruthin
Louise Gardner, 67 Roseway Wellington Shropshire
David and Dr Sandra Canter Maes Tyddyn Canol; Clawddnewydd

Summary of planning based representations in objection:-

Visual impact: there will be significant local and distant effects on the landscape both in terms of the turbine itself and the cumulative effects with other operational and consented turbines. The turbine height is out of keeping with its surroundings

Landscape Impact: lies on the edge of the "Denbigh and Ruthin Hills" which are considered to form visually high landscapes. It also emphasises the importance of the Important site of Biodiversity
Important prehistoric features
Tourism / recreation There are opportunities for informal recreation and plentiful footpaths in and around the forest.
Lasting adverse impact on tourism

Principle: The 330 Kw turbine will be insignificant in terms of tackling global climate change.

In Support:

106 identical letters have been received from local residents and residents from outside the area supporting the proposal. The letter states:

"I wish to support the scheme for renewable energy because;

- Climate change is the greatest challenge facing our planet. Renewable technology solutions, such as this proposed wind turbine, will help with climate change.
- This turbine would provide enough electricity to supply the equivalent of around 180 homes
- This proposal fits with Welsh Assembly Government's low carbon electricity generation ambitions
- Unlike conventional power generation, wind power doesn't produce emissions of acid rain gases, carbon dioxide or particulate matter
- Wind power is truly sustainable. Oil, coal, gas and nuclear resources all eventually run out.
- Wind power helps to improve the UK's energy generation requirements and helps safeguard the economy from future price hikes
- Wind power reduces the need for expensive nuclear power stations that leave a toxic legacy of radioactive waste that remains dangerous for thousands of years
- Most people support wind power.
- Regard the location as an appropriate site for a wind turbine. Whilst the turbine may be visible, this is not an issue given the benefits"

Planning Assessment:

1 The Proposal

1.1 Summary of proposals

- 1.1.1 The proposal is to erect a 62 metre high(Enercon 33) 330Kw 3 bladed wind turbine at land west of Tan y Creigiau Clawddnewydd. The site is within a large field of improved grassland and is surrounded on 3 sides by part of Clocaenog forest.
- 1.1.2 The purpose of the scheme is to provide electricity directly to the local grid network. The supporting information indicates that the 330 Kw turbine should provide enough electricity to supply 185 households . this is based on a 30% capacity factor and an annual average consumption of 4700 kilowatt hours (Kwh). It is stated that this has the potential to displace the equivalent of up to approximately 373 tonnes of CO2 emissions per year from conventional forms of electricity generation.
- 1.1.3 The application submission includes the following documents:
 - Site location plan
 - Site layout plan
 - Elevation plan
 - Landscape and visual impact assessment(LVIA).
 - Planning Design and Access Statement
 - Ecology Assessment
 - Noise Assessment
 - Hydrological and Hydrogeological Assessment
 - Shadow Flicker and safety Assessment
 - Heritage Statement
- 1.1.4 The proposed turbine would have a tower height of 44.5 metres with a blade diameter of 33 metres. The development will also include a new access track measuring approximately 330 metres, a crane pad measuring 22 metres by 20 metres and an equipment housing cabinet.
- 1.1.5 The electricity produced will feed directly into the local electricity network.

- 1.1.6 The construction of the scheme should take between 8 to 14 weeks depending upon the weather conditions but also restrictions on the timing of long, slow vehicle movements and turbine availability.
- 1.1.7 Construction working hours are likely to be 8am - 6pm depending on light conditions with no working on a Sunday.
- 1.1.8 At the end of the turbine's life, the turbine will be removed from the site and the area returned to agricultural use, or planning permission for a new turbine will be submitted.

1.2 Description of site and surroundings

- 1.2.1 The site is located just off the B5105 on the fringe of the Clocaenog Forest plantation and is approximately 2 km west of Clawdd-newydd.
- 1.2.2 The site comprises improved grassland which is surrounded on three sides by part of the adjacent Clocaenog Forest.
- 1.2.3 The land in and around the site is undulating upland with a mixture of agricultural fields and woodland areas
- 1.2.4 The site is located approximately 360 m above AOD
- 1.2.5 There are no national significant landscape or other statutory designations such as AONB or SSSI close to the site other than the site is within the CCW National Landscape Character Area 10 Denbigh Moors and CCW Landscape aspect Area: Denbigh and Derwen Hills.
- 1.2.6 There are several dispersed farmsteads and cottages located over 5 km from the site.
- 1.2.7 The site is approximately 2km from Derwen, Clocaenog village and Clawddnewydd, and is approximately 12km from Ruthin

1.3 Relevant planning constraints

- 1.3.1 In planning terms the application lies in open countryside well outside any recognised settlement boundary
- 1.3.2 The site is surrounded on three sides by woodland.
- 1.3.3 The site is approximately 1Km to the east of the TAN 8 Strategic Search Area (A) and is in close proximity to some operational and approved windfarms. The operational turbines are at Cae Gwyn, Cerrig Orion and Cae Weirglodd , Cyffylliog . Whilst the approved turbines are at Maestyddyn Clawdd-newydd and Cilgoed Derwen
- 1.3.4 The Denbighshire Landscape Strategy shows the application site lies within the Denbigh and Derwen(Ruthin) Hills LANDMAP Character Area, which has been evaluated as having a "High" Visual and Sensory Aspect. It is therefore a landscape of County / Regional importance.(See the map at the front of the report)

1.4 Relevant planning history

- 1.4.1 A negative screening opinion (EIA) was issued for one turbine on this site in March 2012
- 1.4.2 As of December 2012, a total of 92 wind turbines have been granted permission within the County.

1.5 Developments/ changes since the original submission

- 1.5.1 None

1.6 Other relevant background information

- 1.6.1 Wind turbines of this scale are eligible for Feed in Tariffs (FIT's), which is a government backed financial incentive designed to encourage renewable electricity generation. FIT payments for wind turbines are guaranteed for 20 years.

2 DETAILS OF PLANNING HISTORY

- 2.1.1 12/2012/0361/ENQ5. Request for an Environmental impact Assessment (EIA) Screening Opinion for 1 no 330Kw wind turbine at the site at Tan y Creigiau Clawddnewydd Ruthin. A Negative Screening Opinion was issued in March 2012 and therefore a formal Environmental Impact Assessment is not required to accompany the application in this instance.

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 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 5 Sites of Local Conservation Importance
- Policy ENV 6 Species Protection
- Policy ENP 1 Pollution
- Policy TRA 6 Impact of New Development on Traffic Flows
- Policy MEW 8 Renewable Energy
- Policy MEW 10 Wind Power

3.2 SUPPLEMENTARY PLANNING GUIDANCE

- SPG 18 Nature Conservation and Species Protection

3.3 GOVERNMENT POLICY GUIDANCE

- Planning Policy Wales Edition 5, 2012
- 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)

3.4 OTHER MATERIAL CONSIDERATIONS

- Denbighshire Landscape Strategy (2003) / CCW 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 of the development
- 4.1.3 Landscape and visual impact, including cumulative implications
- 4.1.4 Ecology
- 4.1.5 Noise and residential amenity
- 4.1.6 Hydrology
- 4.1.7 Heritage
- 4.1.8 Shadow flicker and safety
- 4.1.9 Construction, transport and highways
- 4.1.10 Communications and 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.

For Members information the developer indicates that this proposed turbine would supply the equivalent of approximately 185 households based on a 30% capacity factor and annual consumption of 4700 kilowatt hours(kWh)

4.2.2 Context for the development

The proposed development is not submitted as a farm diversification scheme.

The applicants have arrived at an agreement where they rent the field from the farmer with possibly some financial arrangement associated to the running of the farm.

The electricity will be fed directly into the local electricity network.

The farmer does not live in the immediate locality and his farm house and main buildings are about nine miles away.

It is suggested that the scheme has to be assessed purely on its own merits as a stand alone commercial venture designed and operated to produce electricity for the grid .

4.2.3 Landscape and visual impact, including cumulative implications

Detailed Unitary Development Plan 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.

PPW and TAN 8 provide the strategic policy framework for assessing wind energy development and contain some specific guidance on the detailed consideration of landscape and visual impact to assist local planning authorities determine planning applications. TAN8 Annex D states that within SSAs, the implicit objective is to accept landscape change i.e. a significant change in landscape character from wind turbine development. However, given the increasing number of consented wind turbine developments within and on the periphery of the SSA, it is imperative that cumulative effects are fully considered when planning applications are assessed.

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 on the western edge of the "Denbigh and Derwen Hills" Character Area where the Visual and Sensory evaluation is identified as 'High'.

The landscape consultant has assessed the proposal and on balance he concludes that the proposal in the main would have no significant landscape and visual impacts. There would regrettably be significant effects locally at on property and from the B5105 but having regard to the National policy context and the evolving consented windfarm landscape in the area he raises no objection to the proposal

In concluding on the issue of landscape and visual impact, having regard to the objections expressed, and the conclusion of the Landscape Consultant, Officers consider the proposal would not give rise to adverse cumulative impacts, and any potential negative visual impacts will be mitigated by the scale of the development and the proximity of the site to the area of woodland to the west. Officers therefore consider the proposal accords with UDP policies GEN6 i), iii), v) and MEW10 vii), viii).

4.2.4 Ecology

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, ENV 5 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 on agricultural land and is outside of any statutory or local nature conservation designation. No statutory designated sites are located within 5Km of the site.

The site is not known to have any specific ecological or ornithological interest. The report was compiled from a desk top study, extended Phase 1 Habitat survey and bat surveys, enabling determination of the likely ecological impacts of the proposed turbine development on ecological aspects of the local environment.

The Council's Biodiversity Officer raises no objection subject to mitigation and enhancement referred to in the submission being carried out, The Officer opinion is that there are no ecological concerns raised by the proposal

4.2.5 Noise and residential amenity

UDP Policy GEN 6 and MEW 10 seek to ensure development does not have an adverse impact on residential amenity.

TAN 11 relates to the assessment of noise in relation to development proposals. The general guidance is that local planning authorities should ensure noise-generating development does not cause an unacceptable degree of disturbance, but in some instances it may be acceptable to allow noise-generating activities near to noise sensitive receptors.

ETSU-R-97 is the industry standard for the Assessment and Rating of Noise from Wind Farms. 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.

The applicant has indicated that due to the site's rural location and the turbine's gearless design, it is considered that the relatively few neighbouring occupiers will not be subject to any adverse noise effects and that the proposal would meet necessary noise assessment criteria as set out in ETSU-R-97 Guidance.

The Council's Environmental Health Officer has not commented on the proposal.

In Officers' opinion, Subject to the imposition of standard conditions, there are no grounds to oppose the application on the basis of noise impacts.

4.2.6 Hydrology

UDP Policy ENP 1 seeks to protect the environment and the amenity of nearby properties in terms of i) pollution of sea, surface water or ground water.

The applicant undertook a desk top study to assess the potential impacts for Hydrology and hydrogeology and to consider suitable mitigation to minimise any impacts. The Council had identified 3 properties with private water supplies within the vicinity of the site which have private water supplies (PWS). The study finds that there are no PWS within 1 Km of the proposed turbine.

The report concludes that "Assuming that the good practice measures outlined in the report are adopted, the residual impacts of the proposed development on the local hydrological and hydrogeological regime, PWS, are considered negligible.

No response has been received from the County's hydrologist, but it would be appropriate in the event of permission being granted to include a standard condition to ensure mitigation measures are implemented in the event of any impacts of private water supplies etc. as a result of the development.

4.2.7 Heritage

A desk top study appraisal of the cultural assets in close proximity to the site was undertaken. The assessment concludes that there will be no significant impacts on designated cultural heritage receptors as a result of the proposed turbine.

It is considered that this assessment is reasonable and is a fair assessment of the position in respect of this single turbine.

4.2.8 Shadow flicker and safety

Consideration of impacts such as shadow flicker are required by Policy MEW 10.

The incidence of shadow flicker depends on a range of climatic factors and tends to only affect properties within 10 rotor diameters of a turbine.

The Design and Access Statement contains a short section on shadow flicker and is accompanied by a shadow flicker constraints map. 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. 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).

4.2.9 Construction, transport and highways.

UDP policy GEN 6 vii), TRA 6 and MEW10 vi) seek to ensure new development proposals do not unacceptably affect the safe and free flow of traffic, and the capacity of the surrounding road networks can satisfactorily serve the development. Policy TRA 10 seeks to ensure development proposals do not have a detrimental impact on public rights of way.

There will be a need for an improvement to the agricultural access to the site and there will be a new 300m access track constructed.

The applicant has given a detailed estimate of the level of vehicular activity to and from the site during the construction period and this estimate appears reasonable with it being spread over an 8 to 14 week construction period.

Post construction traffic movements will be minimal.

It is not considered that the erection of a single turbine together with the associated structures and new access track would have an adverse impact on the highway network or have a detrimental impact on Public rights of way.

4.2.10 Communications 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 The benefits of the scheme in terms of the contribution it would make towards national renewable energy generation and carbon reduction targets needs to be balanced against other material planning considerations.
- 5.3 Officers continue to have concerns over the sporadic spread of 'one-off' medium / sub-local authority scale wind turbine developments outside the Strategic Search Area, which will have implications upon the ability to conserve the integrity of wider Denbighshire landscapes in the longer term. Officers therefore continue to stress the need for Members to take a strategic approach to the determination of one-off applications such as this. It is important in this context to consider the landscape and visual impact of the development.
- 5.4 In this particular instance due to the location close to the SSA (A) and to other consented wind turbines the landscape consultant concludes that there would be no likely significant landscape and visual impacts created by this proposal and therefore raises no objection to the proposal. It is therefore extremely difficult to make a justifiable case in this instance to substantiate a refusal of planning permission particularly having regard to the appeal decision in favour of granting planning permission at Cilgoed (Ref 12/2012/0858) and this Council's decision to grant planning permission at Maestyddyn Isa, Clawddnewydd.
- 5.5 In conclusion, officers consider there are no overriding adverse impacts identified which would outweigh the benefits of the proposal in terms of the increase in renewable energy generation.

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 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 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 a 3 bladed wind turbine as described in the application plans and drawings with a maximum height to blade tip of 62m 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. All temporary construction access tracks and the construction site compound shall be removed and the land shall be restored to its former profile and condition within a period of 6 months of the date of the first generation of electricity from the development.

10. 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.

11. Noise from the turbine 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.

12. 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 11 are met.

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.

13. In the event that noise attributable to the turbine is found to be exceeding the levels set out in Condition 11, mitigation measures to ensure compliance with Condition 11 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.

14. 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.

15. 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.

16. 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.

17. 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.

18. PRE-COMMENCEMENT CONDITION

No work shall commence on site until a Construction Methodology Statement 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.

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.

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

20. 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.

21. 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 any private water supply, 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 any affected property.

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 and nature conservation.
9. In the interests of visual amenity.
10. In the interests of protecting public rights of way.
11. In the interests of the amenity of occupiers of residential property in the locality.
12. 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.
13. 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.
14. To ensure adequate measures are in place to monitor and assess noise from the turbine in the event of complaints, and in the interests the amenity of occupiers of residential property in the locality.
15. In the interests of the amenities of occupiers of residential property in the locality.
16. To ensure adequate arrangements are in place to reinstate the site, in the interests of visual amenity.
17. To ensure the long term reinstatement of the site, in the interests of visual amenity.
18. To ensure the long term reinstatement of the site, in the interest of visual amenity.
19. To safeguard against contamination.
20. To safeguard against contamination.
21. To safeguard against contamination of private water supplies.

NOTES TO APPLICANT:

NOTE TO APPLICANT:

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