



**CYNGOR**  
**Sir Ddinbych**  
**Denbighshire**  
**COUNTY COUNCIL**

Heading:

25/2013/0191

Wern Uchaf

Nantglyn

8

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 Denbighshire County Council  
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 Denbigh  
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Application Site

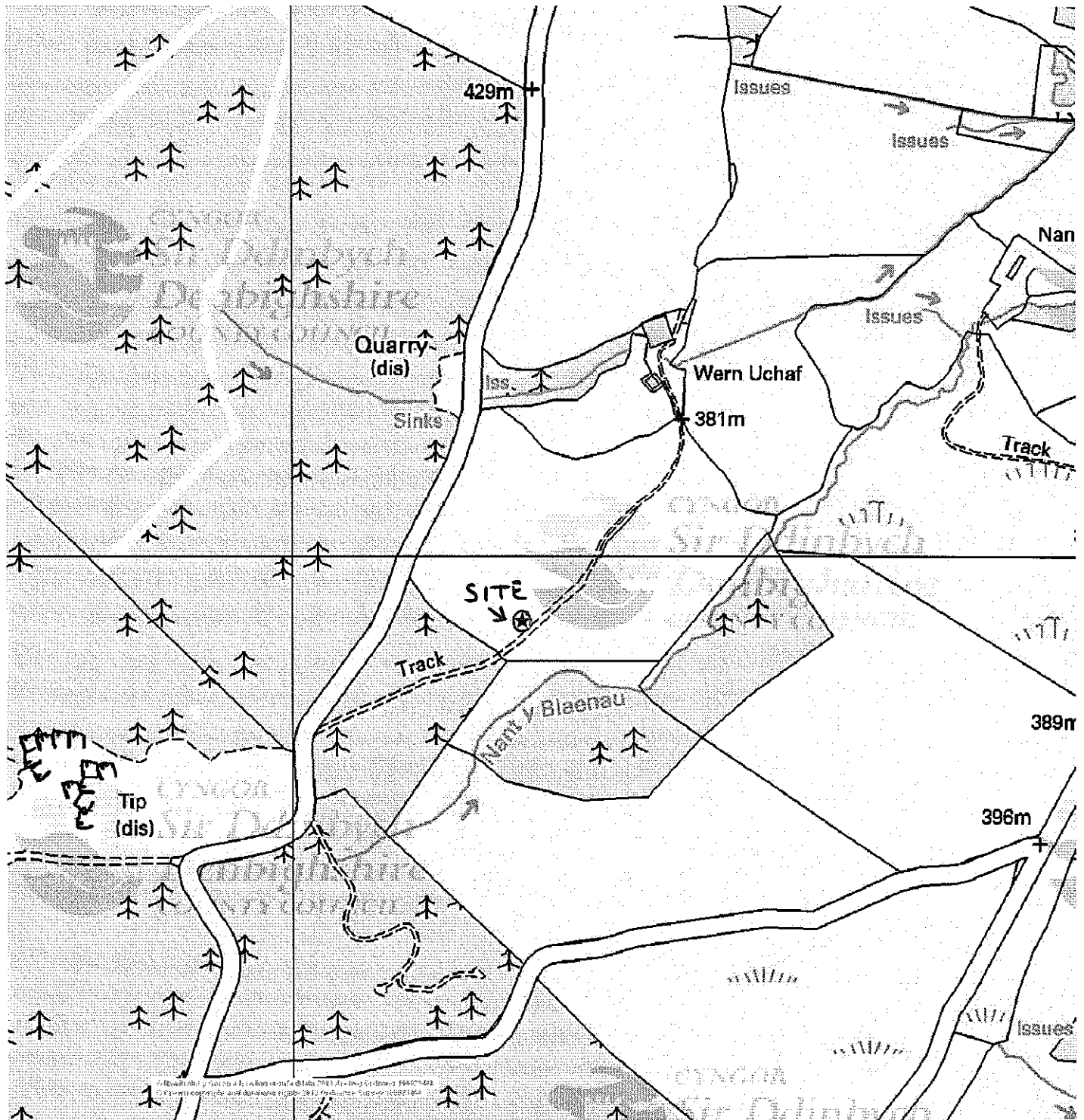


Date 3/4/2013

Scale 1/5000

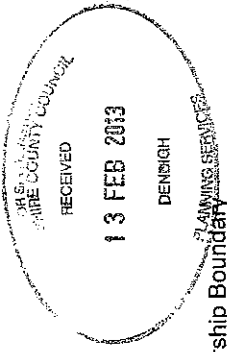
Centre = 298218 E 359994 N

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.



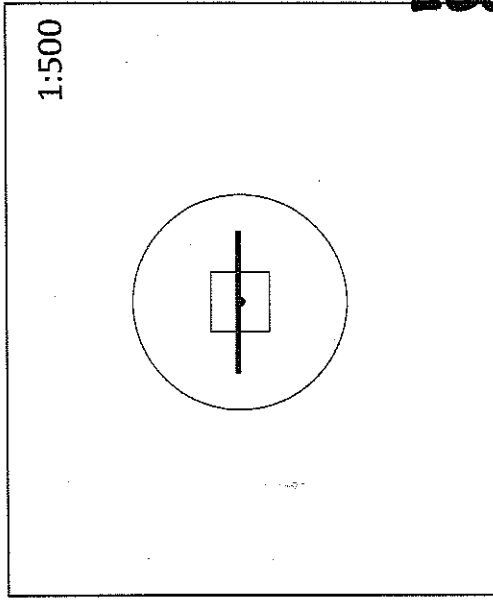
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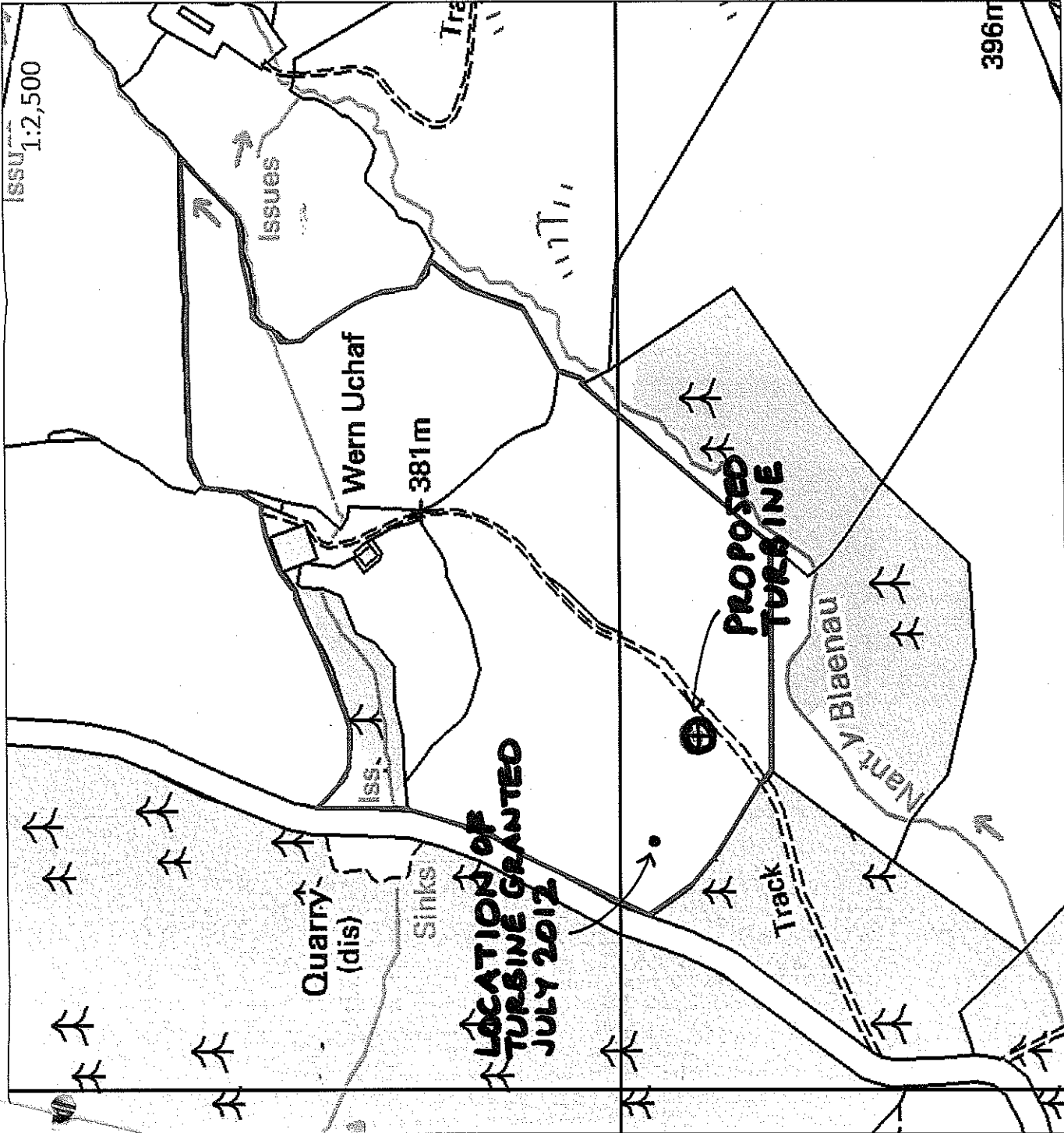
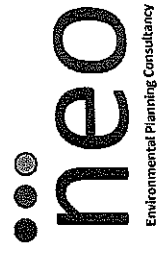


**Key**

- Land Ownership Boundary
- Turbine (298209,359953)
- Application Site = 314m<sup>2</sup>
- Foundation = 5.5m<sup>2</sup> x 5.5m<sup>2</sup>



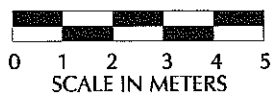
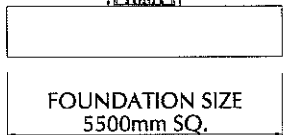
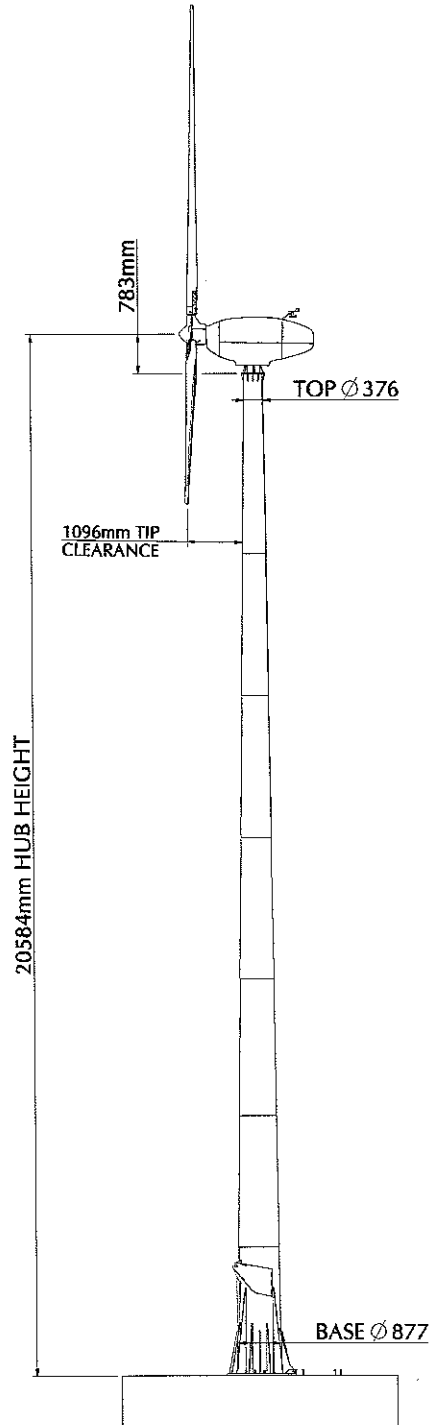
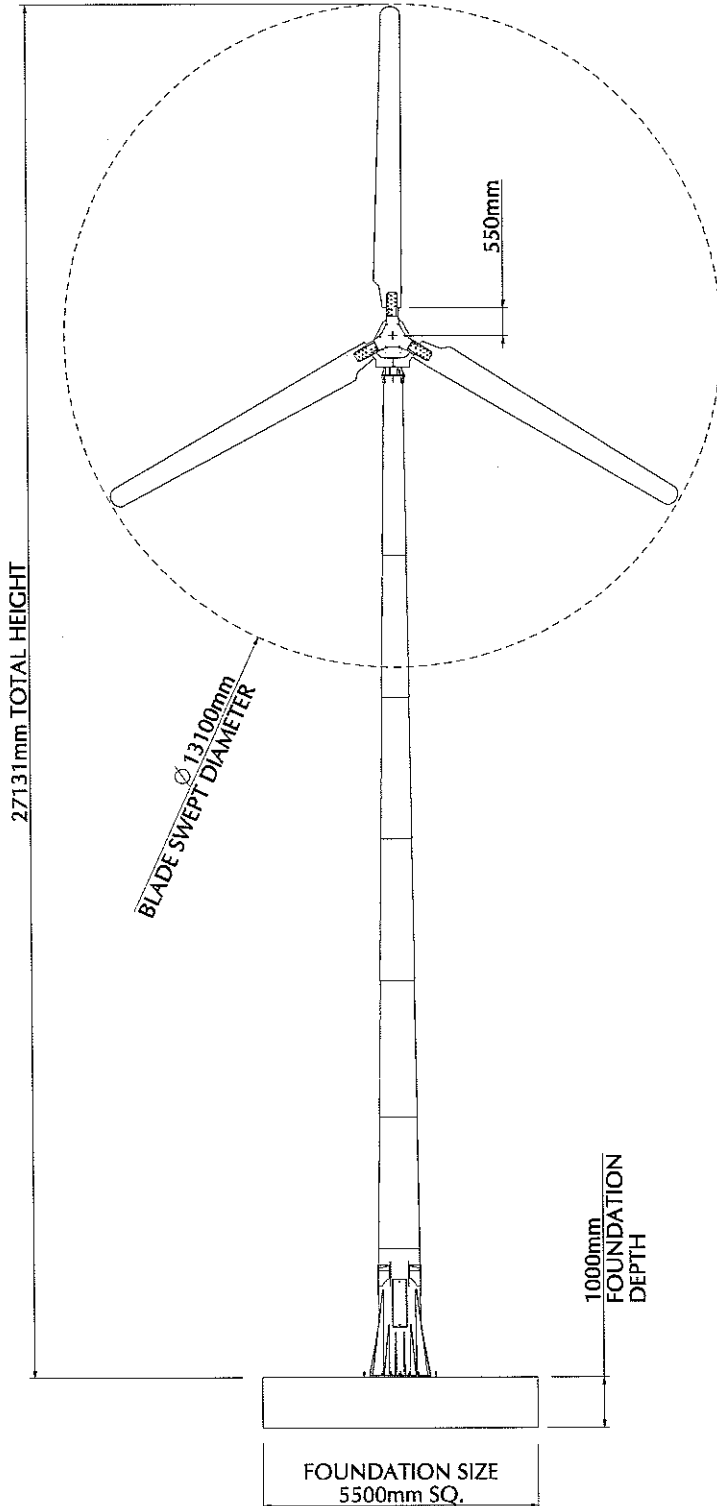
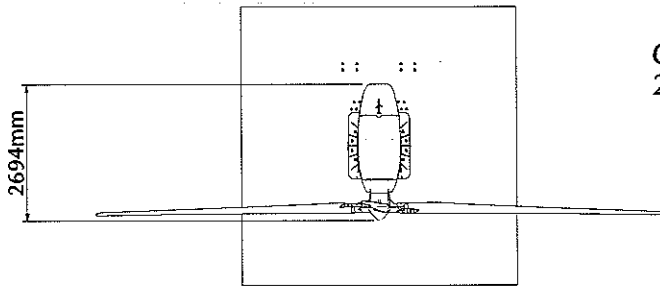
**LOCATION**



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# TURBINE DETAIL

OVERALL DIMENSIONS FOR CF20 TURBINE:  
20kW GENERATOR / 20m MAST / 6m BLADES



<b>C&amp;F Green-Energy</b>		<b>CF20</b> All Dimensions in mm	
DESCRIPTION: OVERALLS / PLANNING		QTY PER UNIT: -	DWG SIZE: A3
MATERIAL: Mart: S275 Galv	PAIN: -	SCALE: 1:100	
DRAWN: C O'Neill	FINISH: -		
CHECKED: -			
DATE: 17-Feb-11	SHEET: 1 OF 1		

**ITEM NO:** 8

**WARD NO:** Llanrhaeadr Yng Nghinmeirch

**APPLICATION NO:** 25/2013/0191/ PFT

**PROPOSAL:** Installation of a 20kw wind turbine, overall height 27.131m, in place of turbine previously granted

**LOCATION:** Wern Uchaf Nantglyn Denbigh

**APPLICANT:** Mr Ken Howatson

**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 – Town / Community Council objection
- More than 4 objections to the proposal

**CONSULTATION RESPONSES:**

**NANTGLYN COMMUNITY COUNCIL**

The Council held a meeting on the 5<sup>th</sup> March when it resolved to object to the proposal.

The objection is as follows:-

” The Council would submit the following reasons for its objection.

- The increased size of the proposed turbine which would be 8 metres higher than the turbine which was approved in 2012. This will have an adverse visual effect to the extent of being overbearing on adjacent property at Nantgwyn (within 520m of the proposed site) and will have an adverse visual impact on a larger number of properties in the locality. This is contrary to UDP Policy NEW 8 in that it will have an unacceptable impact on environmental quality in his location. The proposed height of the turbine exceeds 11.1m which is the suggested maximum as set out in Denbighshire’s proposed Wind Energy Interim Planning Guidance.
- The cumulative visual impact of larger turbines in the locality – having regard to the operational Tir Mostyn windfarm and the consented Brenig Windfarm and the risk of proliferation of larger turbines in the Nantglyn area. This is contrary to UDP Policy MEW 8 in that it will have an unacceptable impact on environmental quality in this location and MEW 10 (iii) in that there will be harm to the character and appearance of the landscape and MEW 10 (vii) in relation to cumulative visual impact.
- The increased potential for ‘shadow flicker’ which is inadequately deal with in the Design and Access Statement. In particular the specific effects on Nantgwyn should be assessed and the location of this property and others within 1km should be shown on any map. The proposed application fails to

meet the requirement of UDP Policy MEW 10 (v).

- The increased noise that will come from a larger turbine and in particular the potential for an arc of windfarm noise as indicated in the Planning Inspector's decision in connection with the proposed Gorsedd Bran windfarm. It is notable that the application does not recognize the significance of the Inspector's decision in relation to the alternative methods that may be used to determine noise nuisance and simply cites ETSU 97 which is deficient in this context. Indeed the noise calculations do not appear to be particularly robust and are derived not from any detailed local study but from British Wind Energy Association theoretical data which may or may not be relevant for this particular turbine at this particular location. The proposed application fails to meet the requirement of UDP Policy MEW 10 (iv).
- The applicant has not provided a Farm Diversification Statement which is contrary to the County Council's proposed Wind Energy Interim Planning Guidance and the application fails to provide details of the annual electricity consumption of the applicant's smallholding. The applicant should be required to provide evidence that he meets the requirements set out in section 2.1 of the proposed Interim Planning Guidance and in particular that the main occupation criteria is fulfilled, that the turbine is subsidiary to the main farming business and that the energy generation is proportional to the needs of the business. In the absence of this information the Community Council would submit that the proposal be treated as a commercial venture and the planning application be assessed on its own merits. This is in line with the proposed Interim Planning Guidance and TAN 6.
- An environmental impact assessment has not been supplied despite the proposed turbine hub height exceeding the 15m threshold as required by the EIA Regulations. The requirement for an EIA is reinforced by the Council's proposed Interim Planning Guidance.
- The application would set a precedent for the proliferation of larger wind turbines outside of the Strategic Search Area, which is contrary to TAN 8. This is contrary to MEW 10 (vii).

The Community Council would therefore submit that the extension/amendment to the existing planning permission is unwarranted and the proposed larger turbine would be contrary to the Development Plan and to emerging Interim Planning Guidance on Wind Energy Development outside the TAN 8 Strategic Search Area

**COUNTRYSIDE COUNCIL FOR WALES (CCW)**

No objection.

**ROYAL SOCIETY FOR THE PROTECTION OF BIRDS**

No response received.

**NATS (EN ROUTE) PUBLIC LIMITED COMPANY (NERL)**

No safeguarding objection.

**MINISTRY OF DEFENCE**

No objection.

**AIRBUS**

No aerodrome safeguarding objection.

## DENBIGHSHIRE COUNTY COUNCIL CONSULTEES

### TECHNICAL OFFICER (POLLUTION)

If the application is approved, planning conditions to control noise impacts should be applied in order to safeguard the amenity of local residents.

### BIODIVERSITY OFFICER

No objection. Turbine is to be situated a sufficient distance (50 metres) from any features that could be used by bats and or birds (Trees, hedgerows, scrub and buildings).

## RESPONSE TO PUBLICITY:

### In objection

#### Representations have been received from:

Denise Clarke, 4 Glenquaich House Ardconnel Terrace Oban  
Janet Boyd, Henblas, Mwrog Street Ruthin  
Jane Hemming, 8 Bry Eithin, Llanferres  
Judy Young, Nantgwyn Nantglyn  
Paul Marfleet, Ysgubor Hendre, Nantglyn  
Yvette Gulland, Tyn y Fron Llandderfel Y Bala Gwynedd  
Peter Davenport, Nantgwyn Nantwlyn  
Ramblers Cymru c/o M Skuse Caenant Llangynhafal, Ruthin.  
Adrian Hughes, Goleufan Bylchau.  
Jo Brett, Segrwyd Mill Cottage Nantglyn.  
Peter and Jennifer Sandle, Llygad-yr-Haul Waen Nantglyn.  
Judy Corbett, Gwydir Castle Llanrwst.  
Mr FJ and Mrs SJF Griffiths Bryn Robin Groes.

Summary of planning based representations in objection :

#### Visual Impact

Turbine would dominate the landscape and have a negative impact.

#### Noise

Levels would be unreasonable and interfering. Cumulative noise with other wind turbines would cause harm.

Major factor in the refusal of the Gorsedd Bran application close by.

#### Amenity

Due to proximity would be clearly visible and obtrusive. Would completely destroy the peace and tranquility of the area

#### Commercial

Suggestion that this is commercial not domestic in nature

#### Precedent

May set a precedent which could be used for a Gorsedd Bran resubmission

**EXPIRY DATE OF APPLICATION: 11/04/2013**

## REASONS FOR DELAY IN DECISION (where applicable):

- delay in receipt of key consultation response(s)

## **PLANNING ASSESSMENT:**

### **1. THE PROPOSAL:**

For members information this present proposal is submitted as an alternative to a 19 metre (to the tip) turbine that was granted planning permission by Planning Committee at its meeting on the 18<sup>th</sup> July 2012.

The applicant has been informed that if planning permission is granted as an alternative then it would be subject to the applicant first discontinuing the previous planning permission without claim for compensation. This is required in order that there are not two permissions that could be implemented in close proximity to each other on this one site. (The July 2012 permission relate to a turbine some 70 metres to the north west of the one now proposed – see the plan at the front of the report)

#### 1.1 Summary of proposals

- 1.1.1 The proposal is to erect a single 27 metre high C and F 20Kw wind turbine on agricultural land at Wern Uchaf, Nantglyn. The aim of the turbine is to provide electricity for domestic purposes. The application submission includes a Design and Access Statement (DAS) and the relevant Location, Site and Elevation Plans.
- 1.1.2 The turbine would be mounted on a grey 20m galvanized steel monopole tower. The proposed 3 blade rotor has a diameter of 13.1m and a maximum tip height of 27.1m.
- 1.1.3 No new access tracks are proposed; the field where the turbine is to be sited can be accessed via a farm gate off the A543. The entrance to the field has a standard gate suitable for large farm vehicles and the contractor can supply and install the turbine over a 3-5 day period.
- 1.1.4 The turbine would be connected to the electricity distribution grid via the existing grid connection at Wern Uchaf, which is housed within the existing domestic garage. No additional ancillary buildings to house meter/control equipment are proposed. The necessary cabling for the turbine will be laid in an underground trench approx. 540m in length which will run in a straight line from the turbine back to the domestic garage.

#### 1.2 Description of site and surroundings

- 1.2.1 The site is in a rural upland location within open countryside approximately 3km to the south west of the village of Nantglyn. Gorsedd Bran commercial woodland lies immediately to the east of the A543 and forms the western boundary of the agricultural field in which the turbine would be sited.
- 1.2.2 Wern Uchaf is an isolated farm complex and the turbine would be sited in an agricultural field approximately 260 metres to the south of the main farmhouse. The nearest residential properties are Nant Gwyn approximately 560m to the north east, Hafodwen approximately 800m to the east, and Rhiwiau approximately 1km to the north east.

#### 1.3 Relevant planning constraints/considerations

- 1.3.1 In planning policy terms the site lies in the open countryside and is not affected by any statutory landscape of nature conservation designations.
- 1.3.2 The site lies within the TAN 8 Clocaenog Forest Strategic Search Area (SSA). In accordance with TAN8, large scale wind farm development in Wales should be directed to within SSA boundaries.

- 1.3.3 The operational Tir Mostyn windfarm and the consented Llyn Brenig windfarm are approximately 2.5km and 2km to the south east of the application site.
- 1.3.4 Gorsedd Bran Round Barrow Scheduled Ancient Monument lies approximately 750m to the west. The north-eastern boundary of the Mynydd Hiraethog (Denbigh Moors) SSSI and Historic Landscape is approximately 500m to the west of the site. A Public Right of Way runs approximately 220 metres to the north, however there are no rights of way that affect the application site.
- 1.3.5 The Denbighshire Landscape Strategy shows the application site lies within the north western section of the Denbigh and Derwen Hills LANDMAP Character Area which is defined as hill and scarp slopes with enclosed pasture. This is within 100m of the boundary with the adjoining Llyn Brenig and Moorland / Forest LANDMAP Character Area. which is defined as exposed upland moorland, wooded upland and plateau.

#### 1.4 Relevant planning history

- 1.4.1 The application site is immediately to the east of the refused Gorsedd Bran windfarm site, and approximately 2.5km to the north west of the operational Tir Mostyn windfarm and 2km to the north west of the consented Brenig windfarm.
- 1.4.2 Planning permission was granted at planning committee in July 2012 for a 19 metre high turbine at Wern Uchaf, located some 70 metres to the north west of the turbine now proposed.

#### 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 (FITs), which is a government backed financial incentive designed to encourage renewable electricity generation.
- 1.6.2 By December 2012, a total of 92 wind turbines had been granted planning permission within the County. There is a map of all consented / operational wind turbine development in the County as at 1 June 2012 at the front of this report.

## 2. **DETAILS OF PLANNING HISTORY:**

- 2.1.1 25/2007/0642 (Gorsedd Bran windfarm). Application for the construction of 13 wind turbine generators (up to 125m in overall height) c/w electrical control room & compound area, new and improved access tracks, underground cabling, 80m anemometry mast, ancillary works and equipment; temporary construction works; new vehicular access from the minor country road; removal of conifer forest. 2.5-3MW turbines, at Gorsedd Bran, Nantglyn. refused at Planning Committee 02/04/08 and dismissed at Appeal 18/11/09. Legal Challenge dismissed by Court of Appeal in December 2010. The reasons for refusal which were upheld at Appeal were unacceptable landscape and visual impacts (incl. cumulative impacts) and unacceptable cumulative noise impacts when considered in combination with the Tir Mostyn windfarm.

25/1999/0710 (Tir Mostyn windfarm). Application for the development of a windfarm consisting of 25 turbines (49m tower, 52m rotor diameter), 2 met masts (40m) and associated works. 850kW turbines at Tir Mostyn, Nantglyn. Called in and granted by Welsh Government 19/12/2002.



25/2007/0565 (Brenig windfarm). Application for the construction and operation of a wind farm comprising of sixteen wind turbines with a maximum tip height not exceeding 100m, along with transformers, access tracks, on-site switchgear and metering building, two anemometry towers and associated construction and operational infrastructure (max capacity will not exceed 50MW) at Llyn Brenig, Nantglyn. Granted at Planning Committee 06/04/09.

25/2012/0445/PF Installation of a 10Kw wind turbine on a 15 metre tower for domestic use Wern Uchaf, Nantglyn Denbigh. Granted at planning committee 18/07/2012.

### **3. RELEVANT POLICIES AND GUIDANCE:**

The main planning policies and guidance are considered to be:

#### **3.1 DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3<sup>rd</sup> July 2002)**

- Policy STRAT 1 General
- Policy STRAT 2 Energy
- Policy STRAT5 Design
- Policy STRAT 7 Environment
- Policy GEN 3 Development Outside Development Boundaries
- Policy GEN 6 Development Control Requirements
- Policy ENV 1 Protection of the Natural Environment
- Policy 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
- 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 residential 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 national energy strategies and the Welsh Government is committed to playing its part. PPW refers to the Welsh Government's Energy Policy Statement (2010) 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:

<b>Scale of development</b>	<b>Threshold ( Electricity and heat)</b>
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
<b>Micro</b>	<b>Below 50kW</b>

This application therefore falls within the 'micro' scale of development in PPW. Micro scale renewable energy projects are considered acceptable developments in principle 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 (SSA's) where large scale onshore wind developments should be concentrated.

The principle of wind energy development within SSAs is therefore established, subject to the assessment of localised and cumulative impacts.

#### Denbighshire Unitary Development Plan (UDP) 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

When determining planning applications for renewable energy development, PPW requires local planning authorities take into account a range of factors including the contribution a proposal will play in meeting identified targets for renewable energy generation, including the contribution to cutting greenhouse gas emissions.

Therefore the benefits of the scheme in terms of offsetting the electricity demand of farm and the contribution to renewable energy generation targets need to be carefully weighed against any adverse impacts associated with this development.

The applicant wishes to install the turbine to provide renewable electricity for the farmhouse and for daily farm operations. The turbine proposed has a rated generation capacity of 20kW, and therefore falls within the definition of a micro turbine, and is considered to be of an acceptable size for a domestic turbine.

The turbine will be connected to the grid via the existing single phase supply at the farmhouse, and the electricity generated will therefore preferentially be used on-site; any surplus electricity will be exported to the grid.

In conclusion, given the generating capacity of the turbine and the grid connection arrangement ensuring the electricity generated is preferentially used on site, Officers are satisfied that the proposed turbine is of an acceptable scale for domestic purposes.

#### 4.2.3 Impact on landscape and visual amenity, 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'.

A landscape impact assessment has not been submitted with the application, but given the scale of the development, Officers do not feel it is necessary in this instance given that the site is not affected by a statutory or local landscape designation.

The application site is not within a designated landscape area nor it is within a landscape classified as having an 'outstanding' overall evaluation in LANDMAP. The application site is more than 500m from the Mynydd Hiraethog (West Denbigh Moors) Historic Landscape and is separated from it by a belt of conifer trees which will act as

a screen. CCW have raised no objection to the application in terms of its impact on the Historic Landscape.

In noting the Community Council's objections, when viewing the application site from the north and from the east (including views from Nantglyn village and from neighbouring properties) the turbine would be viewed against the woodland backdrop, which Officers consider would lessen the visual impact. Furthermore, the turbine would be located in a field which is adjacent to the main farmhouse, and Officers feel that the turbine would therefore appear to be well related to the main farm complex, rather than appearing as an isolated turbine in open countryside. The nearest residential property other than Wern Uchaf is over 500m from the site, and it is not considered that the proposed turbine would have any unacceptable adverse impacts on the visual amenity of neighbours.

The proposed turbine is small in scale, with a maximum tip height of 27.1m. The turbine would be over 2km away from the Tir Mostyn windfarm and the consented Brenig windfarm, and whilst the Tir Mostyn windfarm is clearly visible from the application site, given the size and scale of the turbine proposed it is not considered that the development would give rise to unacceptable cumulative landscape impacts when considered in combination with other wind energy development in the vicinity.

With respect to the comments of the Community Council, in concluding on the issue of landscape and visual impact, 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 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'*.

Both CCW and the Council's Biodiversity Officer have no objection to the proposal.

The application site is agricultural land which is outside of any statutory or local nature conservation designation and as the proposed turbine would be positioned away from linear features, it is unlikely to have an adverse impact on bats. Due to the small size of the turbine, it is also unlikely that the proposed development would have any adverse impact on birds. No alterations or amendments to the site access are proposed, and it is considered unlikely that any trees or hedgerows would be damaged during the construction phase.

In Officers' opinion it is reasonable to conclude that the proposal would not have any adverse impacts on biodiversity and nature conservation interests, and therefore does not conflict with policy ENV 6 and MEW 10 criterion x).

#### 4.2.5 Noise and residential amenity

Policy GEN 6 and MEW 10 seek to ensure development does not impact on residential amenity. The latter requires that particular consideration has to be given to noise and shadow flicker. TAN 11 relates to the assessment of noise in relation to development proposals. The general guidance is that local planning authorities should ensure noise-generating development does not cause an unacceptable

degree of disturbance, but in some instances it may be acceptable to allow noise-generating activities near to noise sensitive receptors.

ETSU-R-97 is industry standard for the Assessment and Rating of Noise from Wind Farms. It is important to ensure that predicated operational noise levels fall within the established limits of ETSU-R-97. For single turbines ESTU-R-97 proposes that a simplified noise condition may be suitable and recommends that noise is limited to an  $LA_{90,10min}$  of 35dB (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 nearest residential property other than Wern Uchaf is over 500 metres away from the application site. Site specific noise assessments have been carried out and the indication from the applicants assessment is that the nearest property other than Wern Uchaf namely Nantgwyn would have a predicted  $la_{90}$  of 32.72 dBA which is 2.28dBA below the accepted level. Wern Uchaf predicted level would be 42dBA which is 4.97 below the accepted tolerance for an application property. The Council's Technical Officer (Pollution) is satisfied that planning conditions can be imposed to ensure the noise generated by the wind turbine would not have an unacceptable impact on the amenity of neighbouring dwellings.

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 proposed turbine has a blade diameter of 13.1m and therefore shadow flicker may occur within 131m of the proposed turbine. Given that there are no properties (not even the applicant's property) within 10 rotor diameters of the turbine, it is highly unlikely that shadow flicker would occur. However, as a precautionary measure, a condition can be imposed to ensure any incidence of shadow flicker experienced by nearby properties can be controlled.

With regard to the Community Council's concern that the turbine would have an overbearing impact on the property Nantgwyn this would be in excess of 500 metres away and at such distance it is not considered a 27 metre turbine would have such an unacceptable physical impact to justify a refusal recommendation.

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

#### 4.2.6 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.

#### 4.3 Other Matters

For the record the proposed Wind Energy Interim Planning Guidance is not an approved document at this point and carries no weight in the consideration of wind

turbine applications. Officers do not consider an environmental Impact Assessment to be necessary in connection with this application for a 27 metre turbine.

#### **5. SUMMARY AND CONCLUSIONS:**

5.1 With regards to the above considerations, it is concluded that the proposal as a replacement for the previously approved 19metre (to the tip) turbine would not give rise to unacceptable adverse impacts on the locality, nor would it result in any adverse cumulative impacts when viewed in combination with the existing wind energy developments in the Clocaenog Forest Strategic Search Area. It is therefore recommended that planning permission is granted subject to the applicant first entering into a discontinuance notice or other appropriate mechanism without claim for compensation in respect of the non-implementation of planning permission Ref 25/2012/0445 dated 18/07/2012.

**RECOMMENDATION: (Subject to completion of a Discontinuance notice or other appropriate mechanism in respect of Planning Permission Ref 25/2012/0445 )-**

**GRANT** - subject to the following conditions:-

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. The planning permission shall be for a period of 25 years from the date of the first generation of electricity from the turbine. Written confirmation of the date of the first generation of electricity from the development shall be provided to the Local Planning Authority no later than 1 calendar month after the event.
3. The location of the turbine, site access and track shall be erected in the positions indicated on the submitted plans. A variation of the indicated position of the turbine by up to 5 metres shall be permitted provided the turbine is moved no closer to 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 27.1m from original ground level.
5. The finish of the turbine tower, 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.
- c) A copy of the noise assessment undertaken in accordance with b) shall be submitted to the Authority no later than two months from the date of notification.

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 that the development is carried out in a manner which minimises disturbance to the area.
19. To safeguard against contamination.
20. To safeguard against contamination.
21. To safeguard against contamination of private water supplies.

#### **NOTES 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