



CYNGOR
Sir Ddinbych
Denbighshire
COUNTY COUNCIL


Heading:

11/2013/0136
 Cil Llwyn Bontuchel
 Nr Ruthin

4

Graham Boase
 Head of Planning & Public Protection
 Denbighshire County Council
 Caledfryn
 Smithfield Road
 Denbigh
 Denbighshire LL16 3RJ

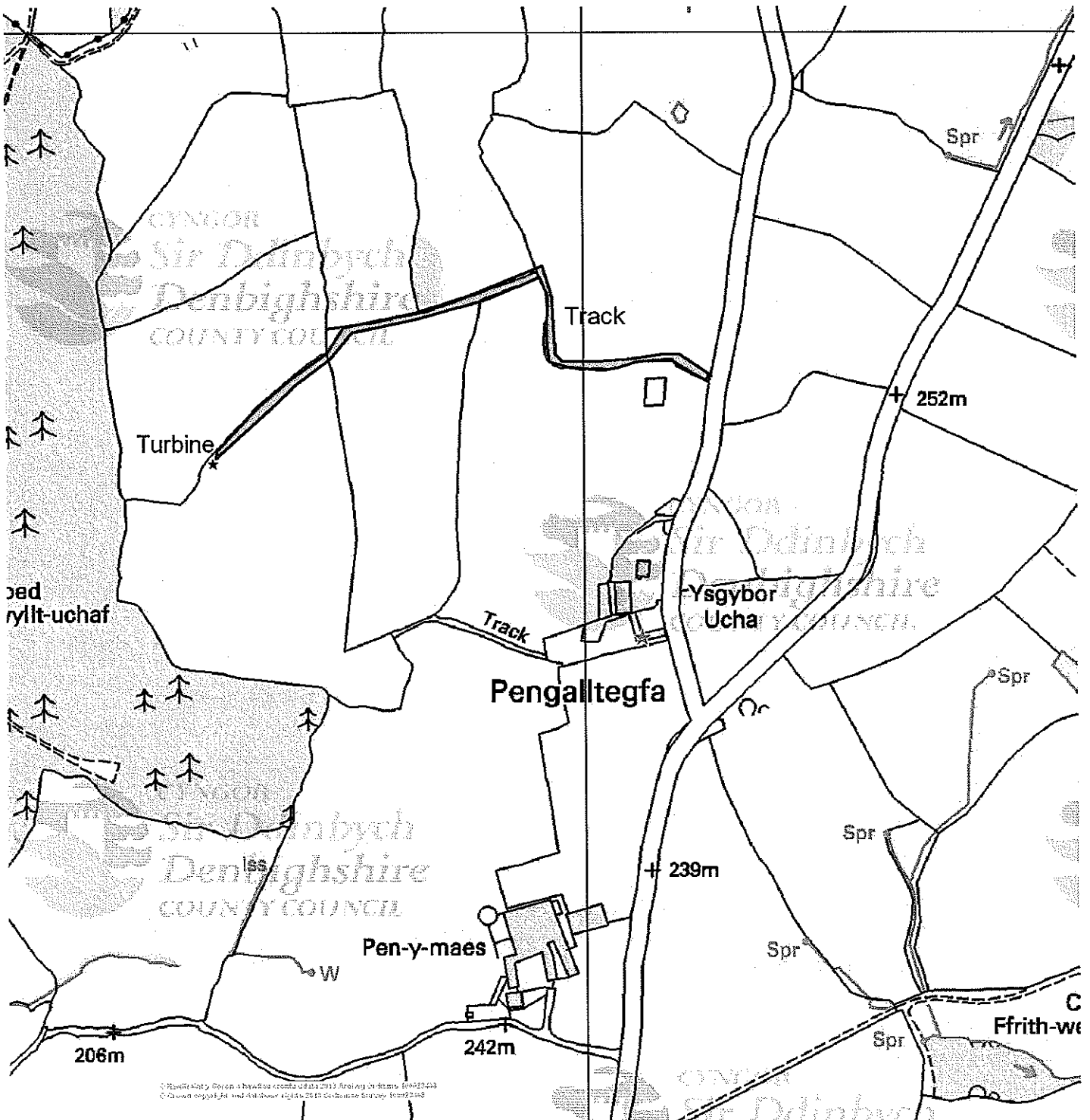
Tel: 01824 706800 Fax: 01824 706709

 Application Site



Date 30/4/2013 Scale 1/5000
 Centre = 308962 E 355536 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.

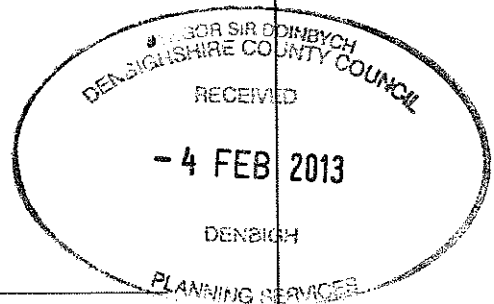
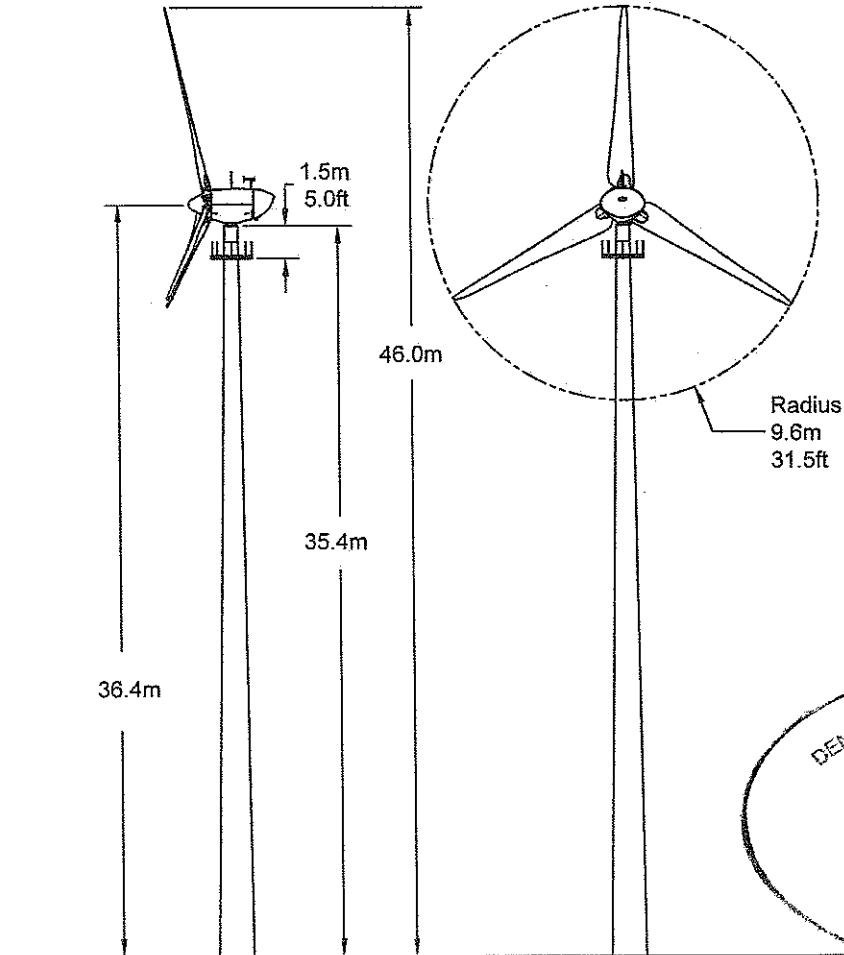


This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office. © Crown copyright. Unauthorized reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Denbighshire County Council. 100023408. 2011.

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

Elevation Plan of Endurance Turbine

The colour of the turbine blades and nacelle are RAL 9003 - signal white & the colour of the tower is RAL 9016 - traffic white.



Flange Elevation		Hub Elevation		Max Blade Elevation		Notes
ft	m	ft	m	ft	m	
116.1	35.4	119.4	36.4	150.9	46.0	EU Countries Only

Note: Dimensions approximate and provided for planning purposes only. Final construction elevations are subject to site specific conditions and factory tolerances on a per-tower basis.

Endurance
wind power

E-3120 36m Scaled
Elevation

SIZE	DWG. NO.	REV.
A	E-3120 - 50 kW Monopole	A

1 1 / 2013 / 0 1 3 6 / P F



DENBIGH RECEIVED
- 4 FEB 2013
DENBIGH
PLANNING SERVICES

ITEM NO: 4
WARD NO: Efenechtyd
APPLICATION NO: 11/2013/0136/ PFT
PROPOSAL: Installation of a 50kw micro generation wind turbine with control box and formation of access track
LOCATION: Cil Llwyn Bontuchel Ruthin
APPLICANT: Mr G W Roberts
CONSTRAINTS:
PUBLICITY Site Notice - Yes
UNDERTAKEN: 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:

EFENECHTYD COMMUNITY COUNCIL

"I give below the observations of Efenechtyd Community Council in response to your consultation of 13/2/13 in respect of the above.

(1) It is not clear in the documentation supplied with this application that permission has already been granted for one 50kw Wind Turbine (ref 11/2012/0373. granted 29/11/2012) at the same address as for the present application.

Denbighshire interim planning guidance on Wind Energy development states that the Design and Access statement should contain details of the distance between the proposed turbine and any existing operational or consented turbine within the locality. This information does not seem to appear anywhere in the application details.

(2) In the Denbighshire interim planning guidance re Farm Diversification schemes it states that the Denbighshire County Council considers an acceptable wind turbine farm diversification scheme to be a proposal where " the generating capacity of the turbine is proportional to the energy demands of the farming enterprise".

As permission has already been granted for one turbine at this address, (presumably the same farming enterprise) has the present applicant demonstrated the need for an additional turbine to serve the energy demands of the farming enterprise.

Has the applicant shown that the turbine would be connected to the electricity grid via the farm's electricity meter so the electricity generated can be preferentially used onsite, rather than 100% of the electricity being exported directly to the grid.

(3) Has the applicant submitted a farm diversification statement with the application which shows a valid farm diversification justification.

(4) Council are also concerned that noise may affect properties close to the proposed turbine.

DERWEN AND CLOCAENOG COMMUNITY COUNCILS

Derwen and Clocaenog Community Councils object to this application as follows:
"The Community Councils wish to register their objection to this application".

The Communities were against the granting of permission for the initial turbine at this location (application 11/2012/0373). Please see objection letter of 22 May 2012. Permission was granted for the original application and that particular turbine is now operational and highlights the fears of local residents as it looms large on the skyline.

To allow a second turbine of this magnitude to be erected in close proximity contravenes still further the policies set in train by WAG and DCC UDP.

The proposal is outside TAN 8 SSA and DCC, as the local planning authority, should not encourage individual applications outside the planned areas. This development, if allowed, would further contribute to an increasingly unacceptable landscape.

Has DCC Planning Committee conducted a site visit in order to ascertain the true damage that structures such as proposed here are inflicting upon the landscape. If no visit has been scheduled then why not? Even TAN 8 did not decree that every hillside in NE Wales should host a wind turbine. The cumulative visual impact will be unacceptable, especially as Derwen CC is now aware of a further application for an even larger turbine on land very close by, in Clawddnewydd. This would be in addition to the recently consented and now erected turbine at Maesttydyn, Clawddnewydd.

If allowed to run unchecked these individual applications will irrevocably change the fabric of the local countryside to the detriment of the local residents, as every landowner with an exposed location will be seeking to join the subsidy gravy train by giving over some of their land to a turbine tower.

Owing to the inadequate means of notification, many residents are not even aware of these proposals and no notice has been received of the application. There is currently no strategy laid down for determining applications such as this, but at the very least they should be decided in accordance with Denbighshire UDP. Damage and harm done needs to be balanced against any benefit derived. Derwen & Clocaenog Community Councils feel this application is inappropriate and is very concerned that a flood of further proposals will follow if a stance is not taken.

As before the Community Councils object to this proposal on the following grounds (please see previous objection for full reasoning).

- Site and layout
- Cumulative Impact
- Noise
- Shadow Flicker
- Benefits and farm Diversification
- Landscape
- Cumulative Impact
- Contravention of Planning Policy

Conclusion

Derwen and Clocaenog Community Councils 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 TAN 8 CFSSA, would have an unacceptable landscape and visual impact and contribute still further to an

unacceptable cumulative impact in light of other developments in the area which are in various stages of operation and planning. Any potential benefit will not outweigh the landscape objectives as set out in the Denbighshire UDP and the application is contrary to MEW 8, MEW 10, STRAT 7 & GEN 6. 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 TAN 8.

We urge this application is rejected as there is a clear danger of precedent being set which would indicate acceptance 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”.

COUNTRYSIDE COUNCIL FOR WALES (CCW)
No objection to the proposal.

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)
Raises concerns regarding the cumulative noise impact the second turbine would create. He therefore does not support the proposal.

BIODIVERSITY OFFICER
No objection provided the standard 50m buffer between the blade tip and the landscape features that could be used by bats or birds (trees, hedges, buildings etc) is in place.
Cofnod records have flagged up badgers in the area. There should be an assessment done of the site to ensure no setts are too close to the proposed working site (otherwise a license will be needed) and that movement will not be implemented.

CONSERVATION ARCHITECT
The Conservation Architect in respect of the adjacent operational wind turbine raised 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

Objects to the application.

The proposal

50Kw single wind turbine up to 46.3m to rotor tip, 36.7m to hub height, 9.6m radius rotor blades, with control box and formation of access track.

This application is a resubmission of a proposal submitted last year (11/2012/0540). Two applications were submitted at that time within close proximity of each other on the hill top location above the Nant Melin-dwr valley, 1.4km to the north of the village of Clocaenog. One of the turbines was approved by planning committee and is now an established feature of the landscape. The current proposal would site the turbine approximately 50m to the north of the existing turbine.

Issues

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

Policy and Guidance

PPW 2012 Chapter 5 & 12; TAN 8; UDP Policy Strat 7 iii), GEN6 i) ii) iii), iv & xii), ENV1; MEW10; LANDMAP; Denbighshire Landscape Strategy

Landscape and Visual Assessment

The existing single wind turbine now marks the eastern edge of the Nant Melin-dwr valley, is a prominent structure with the majority of the turbine column and rotor blades clearly visible from the village of Clocaenog. It forms a simple focal point within the landscape and affects the perception of landscape scale. From my previous assessments I had expected to see less of the turbine, and topographical landform and height of woodland trees now appear less significant in scale and height.

I consider views from the village of Clocaenog and impact of cumulative change from wind development are very important to consider, as this outlook is one that will be experienced daily from many fixed points along the northern edge of the settlement.

From my assessment I consider the proposed and existing turbine would in combination result in wind development coalescing within a very focused point on the skyline. The current simple development form would change greatly. The turbine columns and overlapping rotor blades would have a more complex form and more random if not synchronised visual movement. For examples of this type of visual affect, similar but fleeting views can be experienced from the A49 on northerly approaches to Gwyddelwern.

Whilst visual prominence and impact of this arrangement of wind development is lessened within transient views whilst travelling through an area, I consider that strategic planning of wind development within Denbighshire should avoid this form of impact upon rural communities.

Recommendation

I recommend refusal.

I consider that the very close siting of the proposal to an existing established turbine would result in an unacceptable cumulative visual impact, experienced by residents of the village of Clocaenog and would be contrary to policy MEW10.

RESPONSE TO PUBLICITY

In objection

Representations received from:

Suzanne Bolton, Pengalltegfa, Llanfwrog, Ruthin.
Geraint and Elizabeth Edwards, Ysgubor Uchaf, Clocaenog, Ruthin.
Mr S Shakespeare, Erw Las, Llanfwrog, Ruthin.

Summary of planning based representations in objection

Visual impact

The impact will be significantly increased by a second turbine. They will appear as two separate turbines and not be in line when viewed from Pengalltegfa. The existing turbine is much more prominent on the skyline than suggested on the plans.

Noise Impact

The existing turbine creates a distinct and irritating almost continuous high pitched whine/whistling the sort that would give a headache when sitting in the garden in the summer.

EXPIRY DATE OF APPLICATION: 15/07/2012

REASONS FOR DELAY IN DECISION (where applicable):

- delay in receipt of key consultation response(s)
- additional information required from applicant

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 The proposal is to erect a single 46 metre high Endurance E-3120 50kW wind turbine on agricultural land at Cil Llwyn, Bontuchel. Cil Llwyn is an upland livestock farm, running both cattle and sheep enterprises and the turbine would be sited approximately 700 metres from the farm house.
- 1.1.2 The turbine would be mounted on a 36.4m free standing monopole steel tower on a 7m x 7m concrete foundation pad with the foundations extending approximately 1.7 metres below ground. The proposed three blade rotor has a diameter of 19.2m and the tip blade height is 46.3m. The proposed colour of the turbine blades and nacelle are signal white (RAL 9003) and the tower is traffic white (RAL 9016).
- 1.1.3 An equipment cabin is proposed at the base of the turbine which would be 2.9 metres (L) x 1.15 metres (W) x 2 metres (H).

- 1.1.4 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.
- 1.1.5 The Construction Methodology Statement states that construction vehicles would access the site via a dedicated construction access track. Construction vehicles include 1 no. rigid flatbed truck, 1 no excavation vehicle, 8 no. cement deliveries by mixer lorry, 2 no. deliveries by articulated delivery lorry, 1 no. articulated crane 2 no. delivers by 2 tonne medium wheel base vehicles and approximately 2 standard contractor private vehicles per day. Once operational, maintenance vehicles will be standard 4X4 SUV vehicles.
- 1.1.6 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.
- 1.1.7 Additional hedgerow planting is proposed on land within the control of the applicant as a dormouse habitat enhancement measure.
- 1.1.8 The proposal is put forward as a farm diversification scheme. The DAS interprets diversification to mean the entrepreneurial use of farm resources for a non -agricultural purpose for commercial gain. The DAS states the proposed wind turbine would benefit the applicant in two ways; reduce reliance on imported electricity and create an additional income stream through guaranteed payments under the Feed-in Tariff.
- 1.1.9 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)

1.2 Description of site and surroundings

- 1.2.1 The application site is in an open elevated hillside location in open countryside approximately 1.4 km 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 390m to the east, Penymaes and Penymaes Lodge approximately 530m and 710m to the south respectively, Gweithdy, Tyddyn Uchaf and Tyddyn y Cook approximately 590m, 760m and 800m to the north respectively, Bron y Gof approximately 560m to the north west, Tyn y Celyn approx. 950m to the north east, Pentre approximately 900m 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 i.e. the site is outside the SSA. 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 6 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 4 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). There is also the recently erected 46 metre turbine built immediately adjacent to the turbine now proposed.
- 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 The Council has granted planning consent for several 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.
- 1.4.2 The consented applications include an application for a 50kW turbine immediately adjacent to the application site which has been constructed and is operational (Cil Llwyn farm is in the ownership of 3 family members; the consented application for the first turbine was submitted by the applicant's farming business partner). The present application was originally submitted at the same time as the consented application but was withdrawn prior to its consideration by planning committee.

1.5 Developments/changes since the original submission

- 1.5.1 Additional information was requested on the first application to clarify the access and grid connection arrangements. Further information on the mitigation measures to protect dormice during the construction phase was also requested.

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, i.e. it was not considered necessary for an EIA to be submitted with the application.

- 1.6.2 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.
- 1.6.3 To December 2012, a total of 92 wind turbines have been granted planning permission within the County.

2. DETAILS OF PLANNING HISTORY:

- 2.1.1 11/2012/0373. Application for the installation of a 50kW micro-generation wind turbine with control box and access track at Cil Llwyn, Bontuchel (turbine 1). This was granted planning permission in November 2012. The turbine has been erected and is operational.

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 STRAT5 Design
 - Policy STRAT 7 Environment
 - Policy GEN 3 Development Outside Development Boundaries
 - Policy GEN 6 Development Control Requirements
 - Policy ENV 1 Protection of the Natural Environment
 - Policy ENV 6 Species Protection
 - Policy MEW 8 Renewable Energy
 - Policy MEW 10 Wind Power

3.2 GOVERNMENT POLICY GUIDANCE

- Planning Policy Wales (PPW Edition 5, November 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)

3.3 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. TAN 6 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.

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:

- C 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 still 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 TAN 6. Officers feel the scheme should instead be viewed as a commercial venture and assessed on its own merits accordingly. It is recognised that this view was not supported by Members in the consideration of the adjacent application which was granted under Ref no 11/2012/0373 in October 2012.

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

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.

As the applicant's farming business partner has also submitted a planning application for a wind turbine and this has been granted and is now operational, Officers feel it is inappropriate to consider the landscape and visual impact of each turbine in isolation, and therefore Officers have assessed the landscape and visual impact of both turbines.

Chapter 4 of the DAS sets out the Landscape Impact Assessment which seeks to examine the potential impacts of the proposed development on the landscape and visual amenity of the study area. Zone of Theoretical Visibility (ZTV) maps (5km radius and 15km radius respectively) and a series of photomontages and wireframes taken from 6 no. viewpoints have been used to inform the Assessment. The ZTV maps show the potential zone of visibility for both turbines (on the basis that the planning applications for turbine 1 and turbine 2 were being progressed at the same time) whereas the photomontages and wireframes show turbine 1 only.

The Landscape Impact Assessment includes a visual appraisal which assesses the impact of the proposal on a range of receptors, which includes roads and lanes and the neighbouring residential property. It concludes the resultant predicated impact of the proposal on the 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 DAS has also considered cumulative impacts but only in so far as assessing the visual impact of turbine 1 and turbine 2 combined, rather than the proposals in combination with other wind turbine developments within the locality.

The Council's Landscape Consultant has carried out an assessment of the proposal and has recommended that the proposal for a second turbine in close proximity to the operational turbine at Cil Llwyn should be refused due to the cumulative impact the two turbines would have on the locality and the residents who live in the vicinity of Clocaenog.

His reasons for arriving at that conclusion are that:-
the existing single wind turbine now marks the eastern edge of the Nant Melin-dwr valley, is a prominent structure with the majority of the turbine column and rotor blades clearly visible from the village of Clocaenog. It forms a simple focal point within the landscape and affects the perception of landscape scale. From previous assessments, he had expected to see less of the turbine, and topographical landform and height of woodland trees now appear less significant in scale and height. He considers views from the village of Clocaenog and impact of cumulative change from wind development are very important to consider, as this outlook is one that will be experienced daily from many fixed points along the northern edge of the settlement. He suggests the proposed and existing turbine would in combination result in wind development coalescing within a very focused point on the skyline and that the current simple development form would change greatly; that the turbine columns and overlapping rotor blades would have a more complex form and more random if not synchronised visual movement. For examples of this type of visual affect, similar but fleeting views can be experienced from the A494 on northerly approaches to

Gwyddelwern

The Landscape Consultant concludes that whilst visual prominence and impact of this arrangement of wind development is lessened within transient views whilst travelling through an area, that strategic planning of wind development within Denbighshire should avoid this form of impact upon rural communities.

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 on the adjacent turbine site, the Council's Biodiversity Officer is satisfied that dormice 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. 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 dormice habitat enhancement measure.

In the previously withdrawn application, the Biodiversity Officer also recommended that the underground cables to connect the turbine to the electricity grid should cross hedgerows only at existing gaps. That work has already been completed to connect the adjacent operational turbine.

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). The Biodiversity Officer has indicated that there is evidence of badger activity in the area and

an assessment should be carried out to ensure no setts are too close to the proposed working site. If they are a license will be needed. The proposed turbine should also not impede movement for the badgers.

4.2.4 Noise and amenity

Noise

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

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

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

On site noise assessments have not been carried out and the noise section in the DAS makes general assumptions about background noise levels. However Chapter 2.8 of the DAS has been informed by a desk based assessment of predicated noise levels at nearby residential receptors. The assessment has been conducted using software which predicts the noise effects of the turbine using the methodology defined by ISO 9613-2 and is based on the sound power level provided by the turbine manufacture (94.8dBA). A Noise Constraints Plan is also submitted as an appendix to the DAS which shows the combined noise impact of both turbine 1 and turbine 2.

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 390 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 400m. However, with the exception of the Pengalltegfa separation distance, the distances to properties used in the desk based noise assessment are broadly similar to the Officers own assessment, and where there are differences the DAS has assumed the properties are closer to the application site, so Officer's consider the data to be valid.

The desk based assessment contained in the DAS concludes noise attributable to the turbine will not exceed 35bB at any of the properties assessed and therefore meets the criteria set by ETSU-R-97, however it is noted that the Noise Constraints Plan shows that Pengalltega and Ysgubor

Ucha are only just outside of the 35dB noise contour line, and therefore these properties may experience noise at the 35dB threshold.

The Council's Technical Officer (Pollution) has indicated that he has concerns regarding the cumulative noise impact the second turbine would create. He suggests that the property known as Pengalltegfa is likely to experience noise levels above the recommended levels of 35dB. He also indicates if concerns are already being raised concerning the existing operational turbine then these should be resolved first to ensure there is current compliance with that permission before considering adding an additional turbine.

Should members decide to support the proposal it would be necessary to include a planning condition which would seek to limit the noise from the turbine to a level that in combination with other operational turbines within a 3Km distance and that as advised by the Pollution Control Officer would mean a noise threshold of 34 dBA but measures LAeq as opposed to the 35dB LA90,10min.

This is a lower noise level and on the information supplied by the applicant in the Design and Access statement there is no indication that it would be able to achieve that lower level.

Shadow flicker

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

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

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

4.2.5 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 As there is already an operational wind turbine at Cil Llwyn immediately adjacent to the application site it has been easier for your landscape consultant to see the impact that turbine has had on the landscape and to assess the cumulative impact the two turbines would have on the landscape and for your pollution officer to make an assessment on the amenity residents of Clocaenog could reasonably expect to enjoy particularly in respect of noise.
- 5.3 Officers have concerns over the sporadic spread of 'one-off' medium / sub-local authority scale wind turbine developments outside of the Strategic Search Area, which will have strategic implications upon the ability to conserve the integrity of wider Denbighshire landscapes in the longer term. Officers continue to stress the need for Members to take a strategic approach to the determination of one-off applications such as this, especially considering the volume of applications currently lodged with the Council, which it is not anticipated will abate.
- 5.4 In advance of any interim Planning Guidance coming into force, specific to this type of turbine proposal, it is important to stress the need for the Council to continue to assess 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 and to prevent the wind farm landscape encroaching beyond the boundaries of the Strategic Search Area. In this respect the Council's landscape consultant has recommended that the application be refused.
- 5.5 The application site is within a high quality landscape of County value; taking into account the views of the Council's Landscape Consultant, Officers assessment has identified that a turbine of the scale proposed in this location in combination with the existing turbine would 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.
- 5.6 Members will recall considering the same basic issues in making decisions at planning committee on similar wind turbine applications including the adjacent operational turbine. Whilst Officers in that instance suggested there should be little weight attached to the farm diversification benefits of this project for the reasons set out in section 4.2.2 above, Members were of the view in that location a 50kW/55kW wind turbine would be of a suitable scale, size and capacity to qualify as a form of farm diversification and used this as a basis of support for the farming community in general. 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. It is considered that as the farm has one operational turbine to support the farm there is no justification for the promotion of a second turbine in this instance as a diversification project.
- 5.7 In the absence of a clear policy framework which would enable the Council to take a more strategic approach to the determination of medium/sub-local authority scale wind turbine proposals outside of the SSA, Officers continue to recommend a precautionary approach is taken where adverse landscape and visual impacts and noise issues have been identified, to ensure the integrity of high quality local landscapes is not eroded by incremental wind turbine development and to ensure a

satisfactory level of amenity the residents of the area could reasonably expect to enjoy is maintained. In recognising that Members considered the adjacent turbine to be acceptable as a farm diversification project in support of green energy, and that on its merits that should outweigh the concerns in respect of the impact on the landscape, in this instance that argument is considered to be much weaker and should not outweigh the landscape, visual and amenity impact concerns raised.

Determination of this application and all others at this Committee has to be made on the basis of the policies of the current adopted Development Plan, which is the Denbighshire Unitary Plan. Given the progress on the Local Development Plan and the possibility of its adoption in the near future, consideration has been given to whether any significant planning policy implications are likely to arise from acceptance of the Officer recommendation on the application. In this case, it is suggested that the recommendation would not be inconsistent with the basic approach in the proposed policies of the Local Development Plan".

RECOMMENDATION: REFUSE for the following reason(s)

1. It is the opinion of the Local Planning Authority that the erection of a second 46 metre high 50kW turbine in this part of a high quality landscape of County importance would have unacceptable adverse cumulative landscape and visual impacts to the detriment of the level of amenity the residents living in and around the village of Clocaenog could reasonably expect to enjoy and further contribute to wind turbine development appearing to creep beyond the Strategic Search Area boundary, giving rise to additional 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, visual and residential 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