



CYNGOR
Sir Ddinbych
Denbighshire
COUNTY COUNCIL

Heading:

13/2013/0312
 Pool Park Farm
 Nr Ruthin

2

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



Application Site



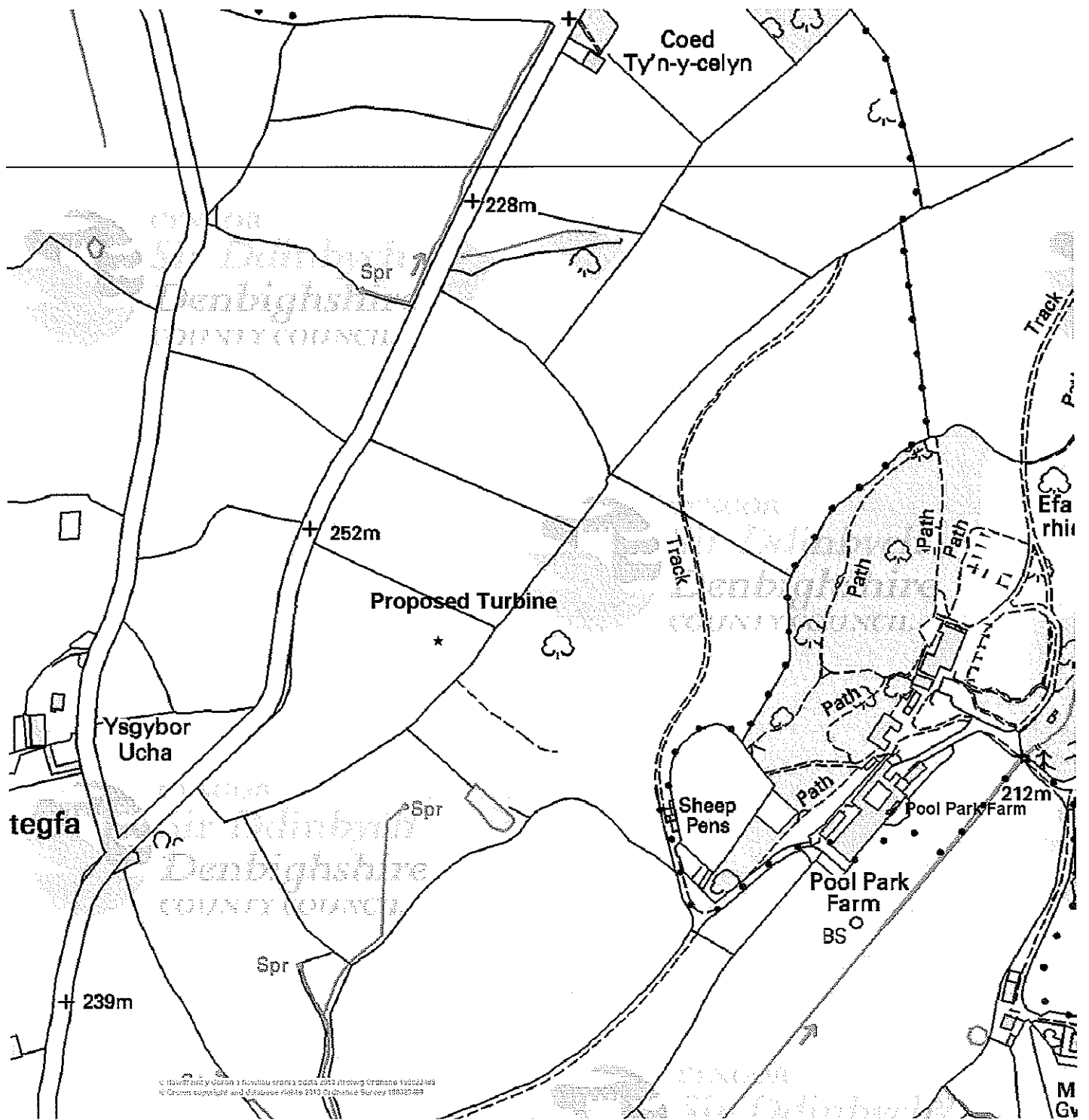
Date 11/7/2013

Scale 1/5000

Centre = 309477 E 355652 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.

Tel: 01824 706800 Fax: 01824 706709



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 The Property Experts

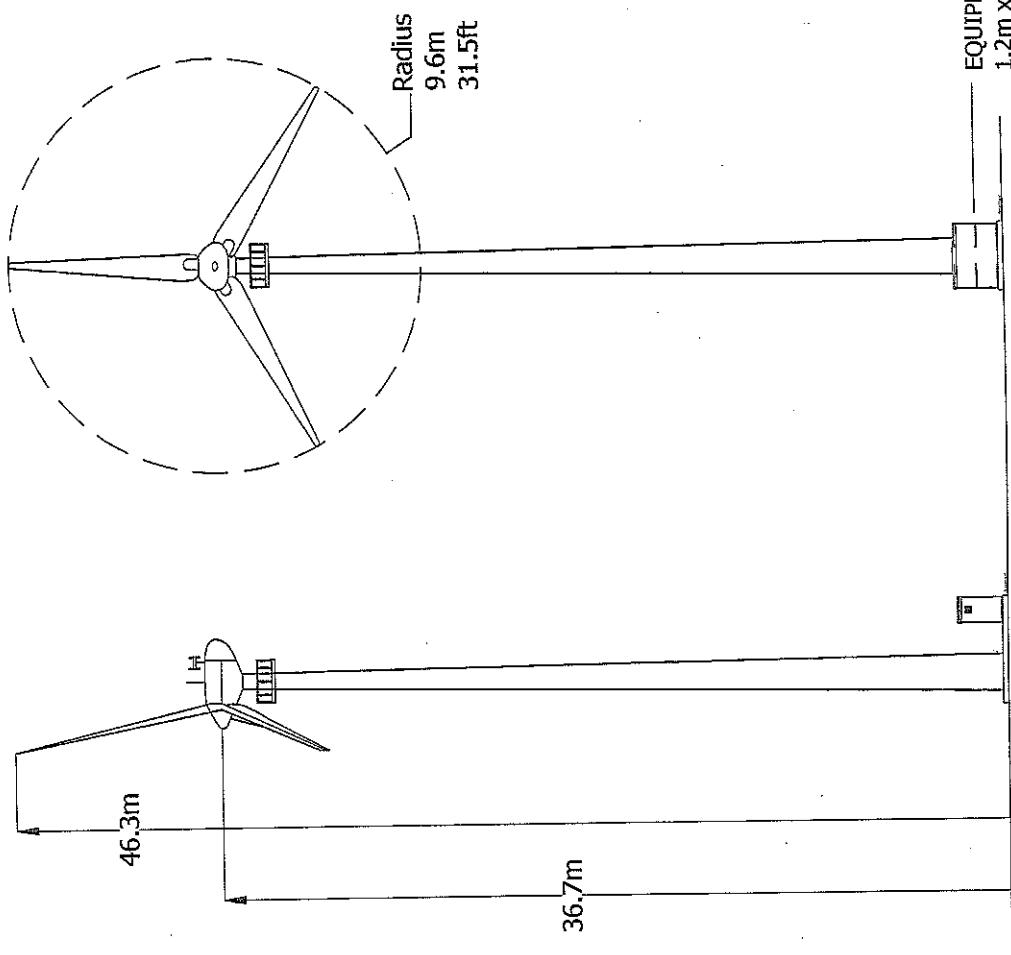
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JOB:	Application for the erection of a 50kW turbine
CLIENT:	Alun Edmunds
TITLE:	Block Plan
LOCATION:	Pool Park Farm, Pool Park, Ruthin, Denbighshire, LL15 2LW
SCALE:	1:2,500
DATE:	Apr-13
DRAWING NO:	RJC/Edm-02
DRAWN BY:	SAW

ALL DIMENSIONS IN METRES

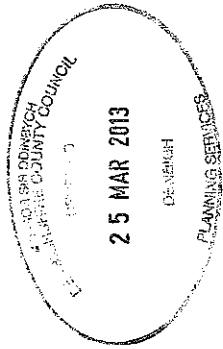
THIRD ANGLE PROJECTION

DO NOT SCALE



Flange Elevation		Hub Elevation		Max Blade Elevation		Notes
ft	m	ft	m	ft	m	
117.1	35.7	120.4	36.7	151.9	46.3	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.



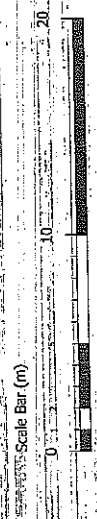
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A3	Cabin modification	14/05/12	RV	14/05/12
A2	Cabin modification	29/11/11	JR	29/11/11
A1	INITIAL ISSUE	18/05/11	AB	18/05/11

		TGC Renewables Ltd, TGC House, Duckmoor Rd, Industrial Estate, Duckmoor Rd, Bristol BS3 2BJ Web: www.tgcrenewables.com	
DRAWING TITLE Turbine Elevation 36m TURBINE		SITE LOCATION STANDARD TURBINE DEVELOPMENT	

DRAWN:	DATE:	CHECKED:	DATE:
JR	30/11/11	RA	30/11/11
ORIGINAL PRINT SIZE - A3		SCALE: 1:250	
SHT. 1 OF 3		DRAWING No. TGC/WIND/001	

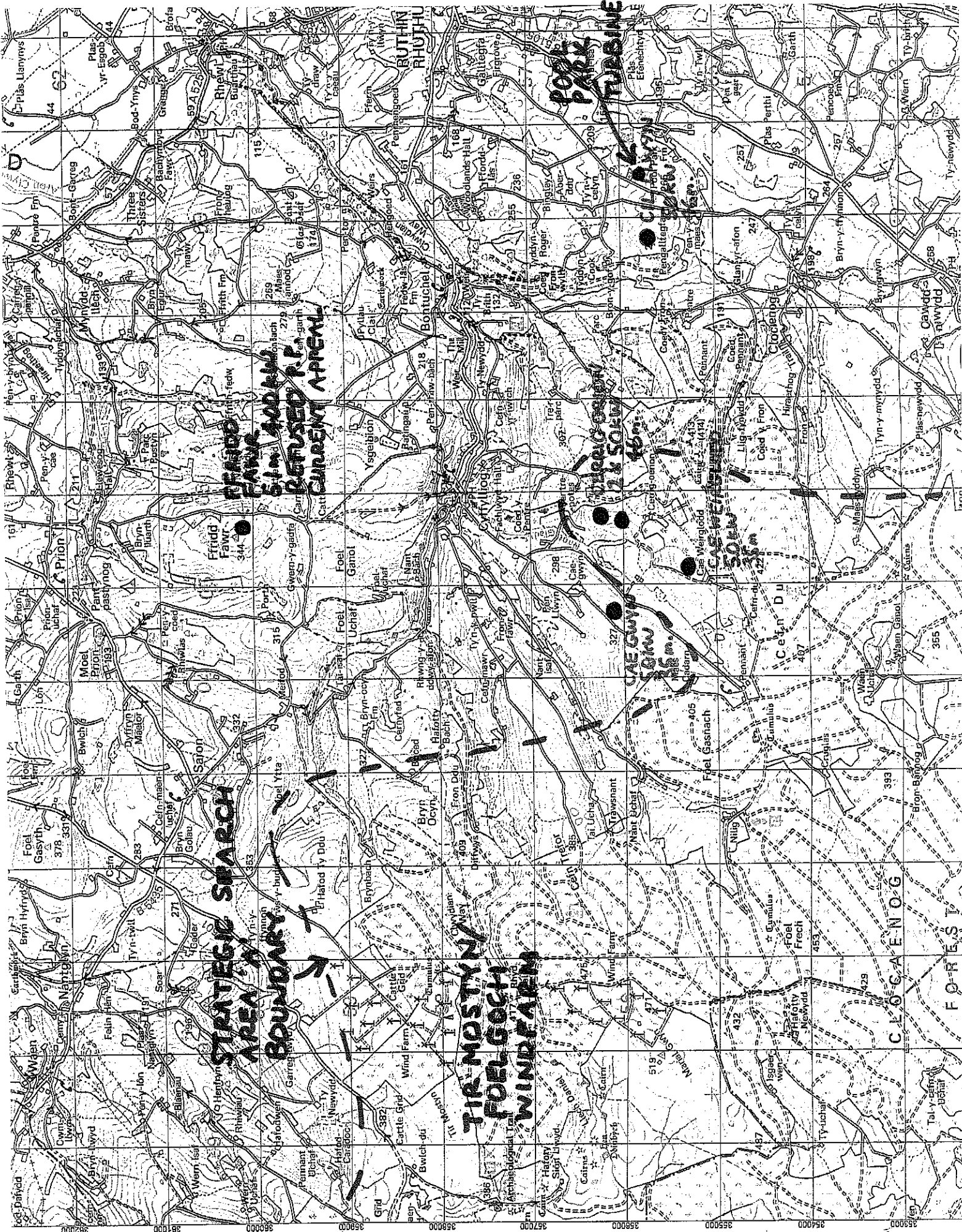
TURBINE DETAIL

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Turbine and Equipment Cabin Elevations 1-250

RELATIONSHIP OF POOL PARK TURBINE TO OTHER TURBINE DEVELOPMENTS



ITEM NO: 2

WARD NO: Efenechtyd
WARD MEMBER: Councillor Eryl Williams

APPLICATION NO: 13/2013/0312/ PFT

PROPOSAL: Installation of a 50kw micro generation wind turbine with control box and associated works

LOCATION: Pool Park Farm Ruthin

APPLICANT: Mr E A Edmunds

CONSTRAINTS:
PUBLICITY UNDERTAKEN: Site Notice - Yes
 Press Notice - Yes
 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

"Efenechtyd Community Council would ask that the application conforms to Denbighshire County Council Interim Planning Guidance for Wind Energy Development March 2013 in particular section 2.1 Farm Diversification.

- (1) The proposed grid connection point and cable route do not appear to be shown as required.
- (2) The application does not appear to show whether there any other existing operational or consented turbines within the locality.?
- (3) Has the applicant proved that the generating capacity of the turbine is proportional to the energy demands of the farming enterprise.
- (4) Has the applicant shown that the turbine would be connected to the electricity grid via the farms electricity meter.
 In this case would the turbine be connected at Pool Park Farm or at Penymaes Farm where the milking parlour is located.?
- (5) Has a farm diversification statement been submitted.?"

DERWEN COMMUNITY COUNCIL

"The Community Council objects to this proposal on the following grounds.

- Outside TAN 8
- Site and layout
- Cumulative Impact
- Noise
- Shadow Flicker
- Benefits and farm Diversification
- Landscape
- Cumulative Impact
- Contravention of Planning Policy"

CLOCAENOG COMMUNITY COUNCIL
Raises no objections to the proposal

NATURAL RESOURCES WALES

No objection to the proposal.

Comment on issues of landscape impact and protected species but conclude that the proposed development in its present form is not likely to have an adverse effect on the natural heritage interests

WELSH HISTORIC GARDENS TRUST

Whilst this turbine is planned for a site just outside the registered historic landscape of Pool Park it will none the less impact the setting of the parkland.

It is not in the public interest to spoil the character of the area around the historic landscape and its 'essential setting'.

It is not clear as to whether there is an overall strategy to the siting of these turbines or the number of turbines allowed within a given area. A proliferation of turbines on an ad hoc farm by farm basis in this locality will certainly impact Pool Park.

The adverse impact of this turbine will be most apparent at the Pen-y-Maes lodge but it is thought that the gradient of this site will protect the garden area of Pool Park from this turbine development.

WHGT is concerned that further turbine developments will have an accumulative impact on the historic landscapes of Denbighshire. These structures are dominant in the landscape and therefore visually impact the historic sites within these areas.

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 observations received.

AIRBUS

No aerodrome safeguarding objection.

AONB JOINT ADVISORY COMMITTEE

"The JAC is concerned about the proliferation of farm based individual and small groups of ever larger turbines to the west of the Clwydian Range and Dee Valley which have the potential to harm the setting of the AONB and key views from the area. The incremental effect of these developments is spreading the impact of the Clocaenog SSA across a much wider area of Denbighshire than originally envisaged.

Although the site is approximately 5km from the AONB, a 46m high turbine will be visible from the area, and it is disappointing to note that the Landscape and Visual Impact Assessment (LVIA) accompanying the application dismisses any potential impacts on the AONB and does not include or evaluate the impact on any views from the AONB. This makes it difficult for the JAC to properly evaluate any impacts and the committee would recommend that additional wireframe/photomontages (from Bwlch Penbarras and the Graigfechan area) should be prepared to help assess the application. These should include existing and consented turbines in the vicinity of the application site to assist in judging cumulative impact.

Finally, the JAC commends Pool Park Farm in seeking to reduce their carbon footprint through the generation of renewable energy. In this context it is noted that the farm has an extensive range of existing agricultural buildings, some of which could be suitable for installation of roof mounted solar PV panels which would be significantly less

visually intrusive than the currently proposed wind turbine.”(AONB Management Plan Policies PSQ2 and PCP2)”

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES

TRANSPORT AND INFRASTRUCTURE – HIGHWAYS

Raise no objection to the proposal

TECHNICAL OFFICER (POLLUTION)

BIODIVERSITY OFFICER

Raises no objection and requests that any planning permission includes conditions

CONSERVATION ARCHITECT

Has not commented on the proposal

LANDSCAPE CONSULTANT

Raises no objection to the proposal, however, for information the relevant parts of his representation follow -

Issues

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

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 and prominent 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 have reasonable separation distance, appear to be of comparable scale and have a simple balanced form on the skyline. There would be few other locations within the locality where both turbines would be seen together.

Recommendation

Wind development now has a visual presence within the locality of Clocaenog village and parts of the Nant Melin-dwr valley. The proposal through siting and choice of turbine adds to the presence of this type of development within the landscape, but without significant cumulative impact. I therefore have no objection.

RESPONSE TO PUBLICITY

In objection

Representations received from:

Geraint and Elizabeth Edwards, Ysgubor Uchaf, Clocaenog, Ruthin.

Summary of planning based representations in objection

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. Need for cumulative assessment of the noise.

Ecology

Comment that there are bats in the area which feed along the line of the road.

In Support

A petition signed by 23 neighbours has been submitted indicating their full support to the proposal

EXPIRY DATE OF APPLICATION: 27/05/2013

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 Pool Park farm, which is an upland livestock farm, running both a dairy and beef cattle enterprise. The turbine would be sited approximately 470 metres to the west of the farm complex.
- 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 would have a diameter of 19.2m and a blade tip height of 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 Ruthin to Clocaenog. No new site access arrangements are proposed but there will be a new access track to the turbine required for maintenance purposes.
- 1.1.5 The Construction Methodology Statement states that construction would take approximately 25 working days spread over a 25 working days spread over a 5 week period. Working hours will be 8am to 6pm Monday to Friday, 8am to 1 pm Saturday and at no time on a Sunday or Bank holiday
- 1.1.6 The turbine would be connected to the electricity grid via the nearby electricity meter at Pen-y-maes Farm. The connection to the farm will be underground. The predicated annual energy output for the specified turbine in this location is estimated at approximately 189,220kWh per year. The consumption of the farm enterprise is 90,000kW.

1.1.7 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.

1.1.8 The application submission includes the following documents:-

- Location, Site and Elevation Plans
- Design and Access Statement (DAS)
- Construction Methodology Statement
- Zone of Theoretical Visibility Maps (5km and 15km radius)
- Photomontages and Wireframes

1.2 Description of site and surroundings

1.2.1 The application site is in an open elevated hillside location in open countryside approximately 2km to the north east of Clocaenog village.

1.2.2 The turbine would be sited to the east of the farm complex. The nearest properties are at 330 metres (Pengalltegfa), Pen y Maes at 500m and a Lodge at 700m.

1.2.3 There is an operational turbine at Cil Llwyn, Bontuchel, some 1km to the west. This is a 50kW machine.

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 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.

1.3.3 The easternmost boundary of the Clocaenog Forest Strategic Search Area (SSA) lies approximately 3km to the west of the application site i.e. the site is outside the SSA. In accordance with TAN 8, large scale wind farm development in Wales should be directed to within SSA boundaries.

1.3.4 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 where they have been proposed as a farm diversification scheme

1.4.2 The consented applications include an application for a 50kW turbine which has been constructed and is operational at Cil Llwyn farm, located approximately 1km to the west of the application site.

1.5 Developments/changes since the original submission

1.5.1 Additional information was requested on the proposals to clarify the access and grid connection arrangements.

1.6 Other relevant background information

- 1.6.1 A negative Environmental Impact Assessment screening opinion for 1 no. 50kW turbine has been issued by the Council on the 24th June 2013, 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 Up to December 2012, a total of 92 wind turbines have been granted planning permission within the County.

2. **DETAILS OF PLANNING HISTORY:**

- 2.1 There is no history of direct relevance at Pool Park Farm. Application 11/2012/0373 was for the installation of a 50kW micro-generation wind turbine with control box and access track at Cil Llwyn, Bontuchel (1km to the west of the site). 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 Local Development Plan
 - Policy VOE 2 - AONB and AOB
 - Policy VOE 5 – Conservation of natural resources
 - Policy VOE 9 – On-shore wind energy
 - Policy VOE 10 – Renewable energy technologies
- 3.2 GOVERNMENT POLICY GUIDANCE
 - Planning Policy Wales (PPW Edition 5, 2012)
 - TAN 8 Planning for Renewable Energy (2005)
 - TAN 5 Nature Conservation and Planning (2009)
 - TAN 6 Planning for Sustainable Rural Communities (2010)
 - TAN 11 Noise (1997)
- WELSH GOVERNMENT PRACTICE GUIDANCE
 - Planning Implications Of Renewable And Low Carbon Energy (Practice Guidance 2011)
- 3.3 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 Shadow flicker
 - 4.1.7 Aviation
- 4.2 In relation to the main planning considerations:
 - 4.2.1 Principle
Welsh Government policy and guidance
The UK is subject to the EU Renewable Energy Directive, which includes a target of generating 15% of the UK's total energy demand from renewable energy sources by 2020. Planning Policy Wales (PPW) reaffirms UK and

Welsh Government energy policy and recognises that wind energy generation remains the most commercially viable form of renewable energy in Wales. As illustrated in PPW, the total capacity for energy generation from onshore wind by 2020/2025 is estimated at 2GW.

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

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

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

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

TAN 8 makes reference to smaller scale (less than 5MW) schemes in para.2.11 - 2.14, however this puts the onus on local planning authorities to define what is meant by 'smaller scale' schemes. It also refers to the need for local planning authorities to consider the cumulative impact of smaller schemes in areas outside of the defined Strategic Search Areas and the need to strike the right balance between the desirability of renewable energy and landscape protection. Whilst that balance should not result in severe restriction on the development of wind power capacity, TAN8 acknowledges there is a case for avoiding a situation where wind turbines spread across the whole of a county. Chapter 15 of the Welsh Government Practice Guidance: Planning Implications of Renewable and Low Carbon Energy (2011) defines cumulative effects as '*where more than one renewable energy scheme is proposed by one or more developers or where a single scheme is proposed in an area with existing schemes, the combined effect of all schemes taken together is known as the 'cumulative effect'*' (para. 15.1). The Guidance mentions that potential cumulative effects of renewable energy developments could impact on landscape and visual amenity; viability of bird populations; ecological features; and noise levels. Given the increasing number of consented wind turbine development both within the Denbighshire and in neighbouring counties, Officers consider it is imperative that cumulative effects are fully considered when planning applications are assessed.

Denbighshire Local Development Plan Policies

LDP Policy VOE 9 supports the principle of on shore wind turbine development subject to an assessment of environmental and sustainability impacts. It refers to the same scales of development as in the table reproduced above from Planning Policy Wales, and requires that all applications are subject to specific assessment of criteria including for the

larger schemes and ones on the periphery of the Strategic Search Area, compatibility with the Clocaenog Statement of Environmental Master Planning Principles (SEMP), impacts such as cumulative impact on the surrounding area and community (landscape/visual, noise, biodiversity, transport, health), community engagement, mitigation proposals and the colours to be used on the turbines and blades. The turbine at Pool Park Farm would fall within the Sub Local Authority Scale, which VOE 9 indicates will be permitted outside AONBs and other sites designated for ecological, historic, landscape or other value where there is no adverse effect on their setting.

Policy VOE 10 offers general support for proposals which promote the provision of renewable energy technologies, providing they are located so as to minimise visual, noise, and amenity impacts and demonstrate no unacceptable impact on the interests of nature conservation, wildlife, natural and cultural heritage, landscape, public health and residential amenity.

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

The applicant in a revised Design and Access Statement has looked at the proposal in relation to the policies referred to above and has concluded that it meets with the requirements of the policies in the plan.

Officers' view is that as the development is for a medium/sub-local Authority scale single turbine, the principle of this development would be acceptable in general policy terms, subject to the tests of impact.

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, Officers have suggested the need to apply a consistent approach to the manner which the farm diversification merits should be assessed. In this context the basic tests include consideration of 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 submitted 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:

- Pool Park farm is an upland livestock (Dairy and Beef cattle) farm, and in terms of the dairy cattle business can 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.
- The farm energy requirement would equate to approximately 50% of the projected energy production with the annual electricity usage on the farm is 62,500kWper annum.
- The turbine would be directly connected to the electricity meter at Penymaes farm close by, The electricity generated by the turbine would be used at the farm with the remainder being exported to the grid. The scheme as proposed would not therefore reduce the farm's reliance on imported energy, but it could however be considered to offset the farm's electricity consumption.

On balance, Officers view is that the above scenario does suggest that there are some farm diversification merits to the scheme, and that consequently some weight should therefore be apportioned to the diversification arguments in TAN 6. It is to be noted however that the energy needs of the enterprise appear to be only half of the projected energy production of the turbine.

- 4.2.3 Impact on landscape and visual amenity, including cumulative implications
Local Development plan policies relevant to the visual and landscape impact associated with wind energy development are policy VOE 9 and VOE 10. These policies require due consideration of impact on the surrounding area and community, including cumulative landscape / visual impact. VOE 9 requires consideration of the potential impact on the setting of an AONB. 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.

The Council's Landscape Consultant has no objection to the proposal and his reasons for reaching this view are set out in full in the Consultee responses section of the report. In conclusion, he has advised that wind development now has a visual presence within the locality of Clocaenog village and parts of the Nant Melin-dwr valley, and that the proposal through siting and choice of turbine adds to the presence of this type of development within the landscape,

but without significant cumulative impact.

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, LDP policies VOE 5, VOE 9, and VOE 10. Specific to wind turbine development is policy VOE 9 which requires specific assessment / explanation of impact on biodiversity, and mitigation proposals. VOE 5 requires proposals which may have an effect on protected species or designated sites of nature conservation to be supported by a biodiversity statement having regard to the County biodiversity aspiration for conservation, enhancement, and restoration of habitats and species.

The NRW and the Council's biodiversity officer raise no objection to the proposal.

4.2.5 Noise and amenity

Noise

Local Development Plan Policies VOE 9, and VOE 10 seek to ensure development does not have an adverse impact on residential amenity, and this would include assessment of the potential noise and general amenity impacts on local residents from any turbine development.

ETSU-R-97 is the industry standard for the Assessment and Rating of Noise from Wind Farms, and sets out indicative noise levels thought to offer a reasonable degree of protection to wind farm neighbours, without placing unreasonable restrictions on 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. 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.

The desk based assessment contained in the DAS concludes noise attributable to the turbine will not exceed 35dB at any of the properties assessed and therefore meets the criteria set by ETSU-R-97, however it is noted that the Noise Constraints Plan shows that Pengalltegfa is only just outside of the 35dB noise contour line, and therefore this property may experience noise at the 35dB threshold.

The Council's Technical Officer (Pollution) has indicated that he has no objections to the proposal and that any planning permission should include suitable conditions to ensure noise levels are within the recommended limits.

4.2.6 Shadow flicker

Local Development Plan policy VOE 9 sets the general requirement to

address potential impacts of wind energy developments on the locality. Shadow flicker is a phenomenon associated with turbine development which has to be considered in each case as a potential amenity impact.

Officers' understanding is that 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. The proposed rotor diameter is approx. 19m and the DAS makes reference to a 192m 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 a suitable condition to address shadow flicker, it is reasonable to conclude that the proposal would comply with the basic requirements of the aforementioned policies.

4.2.7 Communication and aviation

Local Development Plan Policy VOE 9 requires consideration of impacts of development on the surrounding area/community, and obliges the Council to give due assessment to potential impact on telecommunications and aviation interests.

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 in close proximity to the application site it has been easier for the landscape consultant to assess the impact that turbine has had on the landscape and the potential cumulative impact the two turbines would have on the landscape. This has also allowed the Pollution Control Officer to make an assessment on the noise issues and the potential impacts on the amenity of residents of Clocaenog.
- 5.3 Officers retain concerns over the ongoing spread of 'one-off' medium / sub-local authority scale wind turbine developments outside the Strategic Search Area, which it is considered 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 which have been submitted for such development in recent times.

5.4 In advance of any Supplementary Planning Guidance coming into force which would be 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 context, it is to be noted that the Council's landscape consultant has raised no objection to the Pool Park Farm turbine proposal.

5.5 Members will recall considering the same basic issues in making decisions at planning committee on similar wind turbine applications, including the operational turbine at Cil Llwyn, 1km to the west of Pool Park Farm. Whilst Officers in that instance questioned the weight to be attached to the farm diversification benefits of the project, Members were of the view in that location that a 50kW/55kW wind turbine would be of a suitable scale, size and capacity to qualify as a form of farm diversification and have used this as a basis of support for the farming community with applications involving similar sized turbines. Officers are fully respectful the position adopted by the Committee and continue to suggest the application of a number of tests against which applications should be assessed to determine the weight to be attached to farm diversification arguments. In this instance, as the farm complex is likely to be using approximately 50% of the projected energy production, it is therefore considered that some weight can be given to this project in terms of its farm diversification contribution.

5.6 In the current 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 the SSA, Officers continue to recommend a precautionary approach is taken where adverse landscape and visual impacts and noise issues are identified, to ensure the integrity of high quality local landscapes is not eroded by incremental wind turbine development and a satisfactory level of amenity is retained for the residents of the area. In this case of the Pool Park Farm proposal, it is to be noted that the Council's Landscape Consultant raises no objection to the proposal in terms of the impact on the landscape and the Pollution Control Officer indicates that noise can be controlled by the imposition of a planning condition on any approval.

On the basis of the above scenario, it is considered there is a reasonable basis of support for the proposal as a medium/sub-local authority scale wind turbine, hence the recommendation is for grant of permission.

RECOMMENDATION: GRANT subject to the following conditions

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. The planning permission shall be for a period of 25 years from the date of the first generation of electricity from the turbine. Written confirmation of the date of the first generation of electricity from the development shall be provided to the Local Planning Authority no later than 1 calendar month after the event.
3. The location of the turbine, site access and track shall be erected in the positions indicated on the submitted plans. A variation of the indicated position of the turbine by up to 5 metres shall be permitted provided the turbine is moved no closer to 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 46.3m from original ground level.
5. The finish of the turbine tower, hub and blades shall be semi-matt. The colour of the turbine tower, blades and nacelle shall 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:

None