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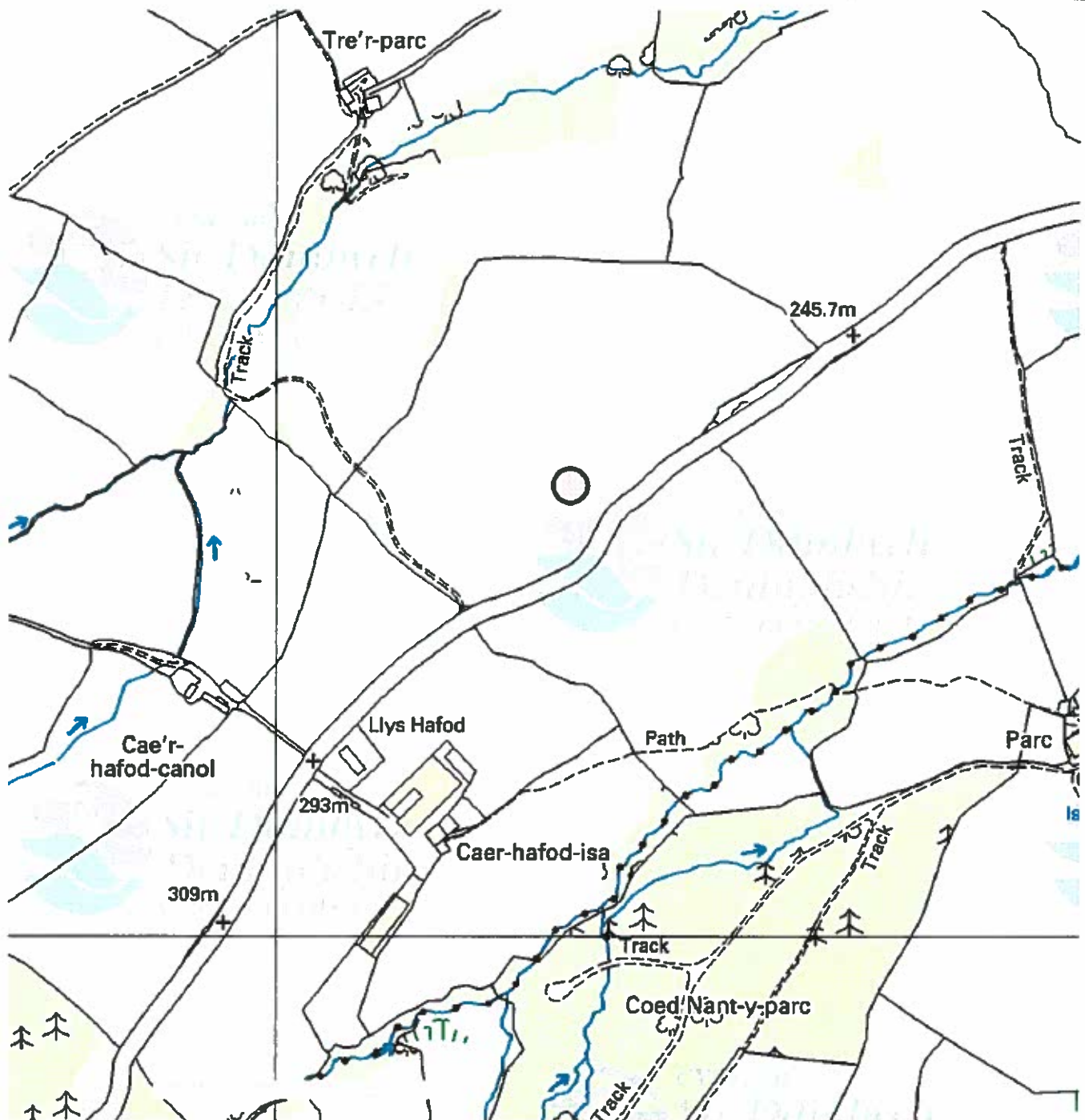
Tel: 01824 706800 Fax: 01824 706709

 Application Site

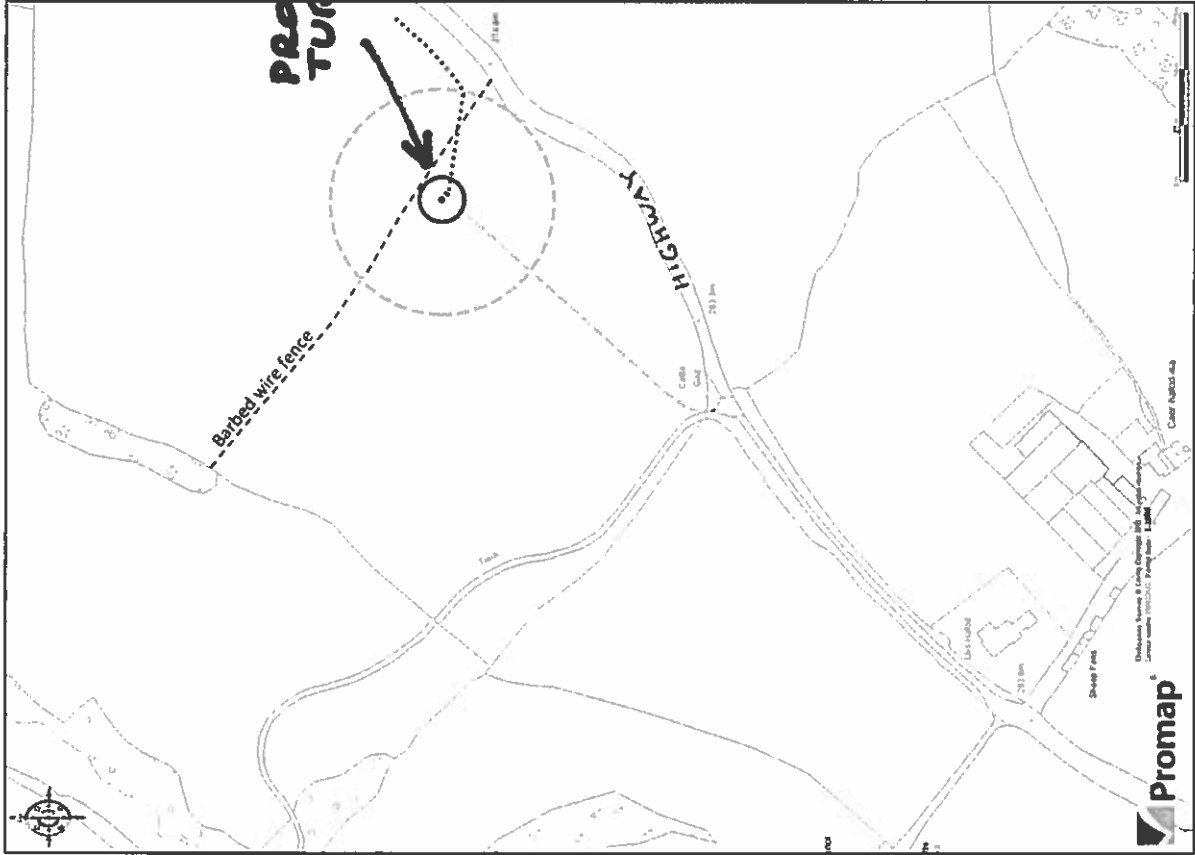


Date 2/10/2013 Scale 1/5000
Centre = 307235 E 356324 N

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.



SITE/BLOCK PLAN



**PROPOSED
TURBINE**



CMS UK

Providing the most Renewable Energy & Sustainability

KEY:-



Application Site (Rotor Diameter)
Maximum 0.1ha



Turbine Tower



Control Box Cabinet



Recommended separation distance from
Trees or hedges to not require a bat survey



Access Route for construction -
No track is required



Underground cable route to grid connection

Project:

Installation of a single E-3120 50kW Endurance wind turbine with 36m hub height tower.

On the land to the north of:

Caerhafod Isaf
Bontuchel
Ruthin
Clwyd
LL15 2DF

Our Reference:

Ellis/WT36/DC

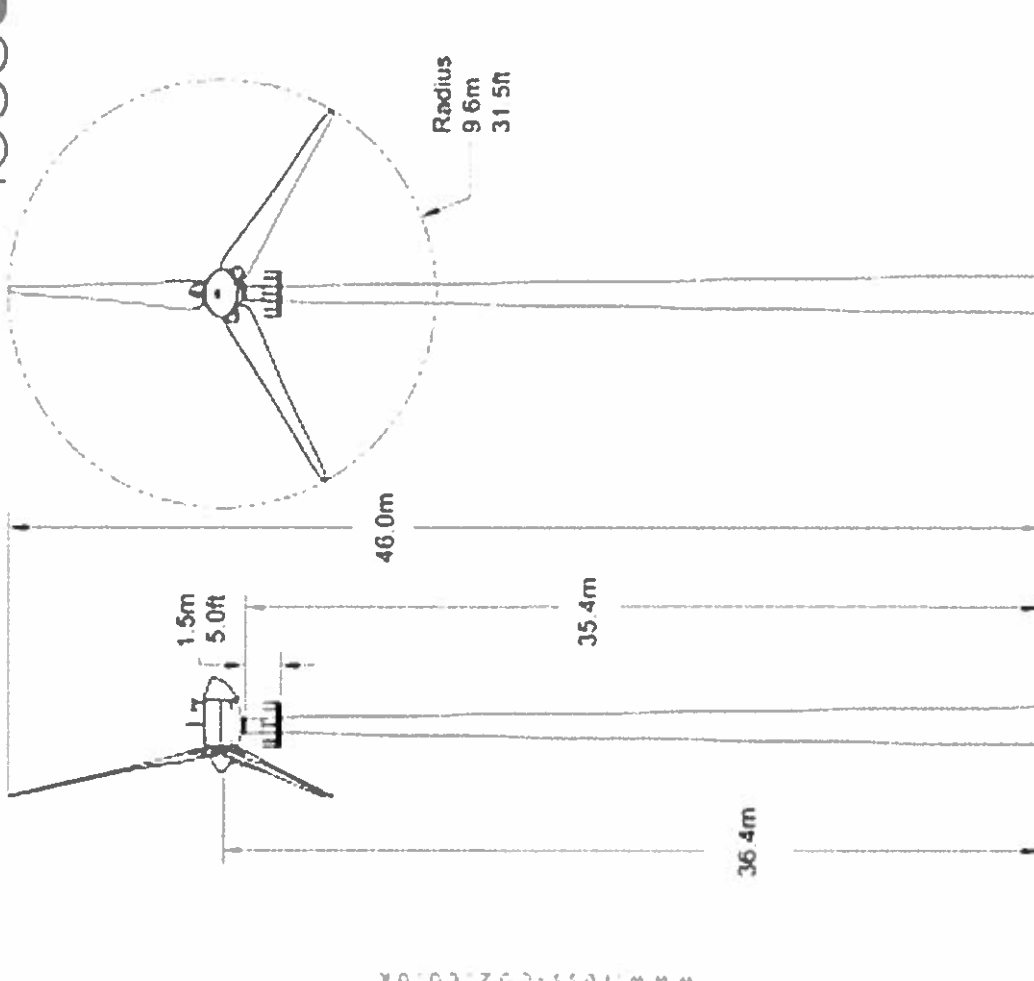
Notes:

Print : A3 Date: August 2013

Scale: 1:2500



SITE PLAN



CMS UK

Specialist Planning, Reporting, Energy Consultancy

Proposed Turbine Elevations

Hub Height 36.4m
 Blade length 9.6m
 Rotor Diameter 19.2m
 Total Blade Tip Height 46m

Project:
 Installation of a single E-3120 50kW Endurance wind turbine with 36m hub height tower.

On the land to the north of:

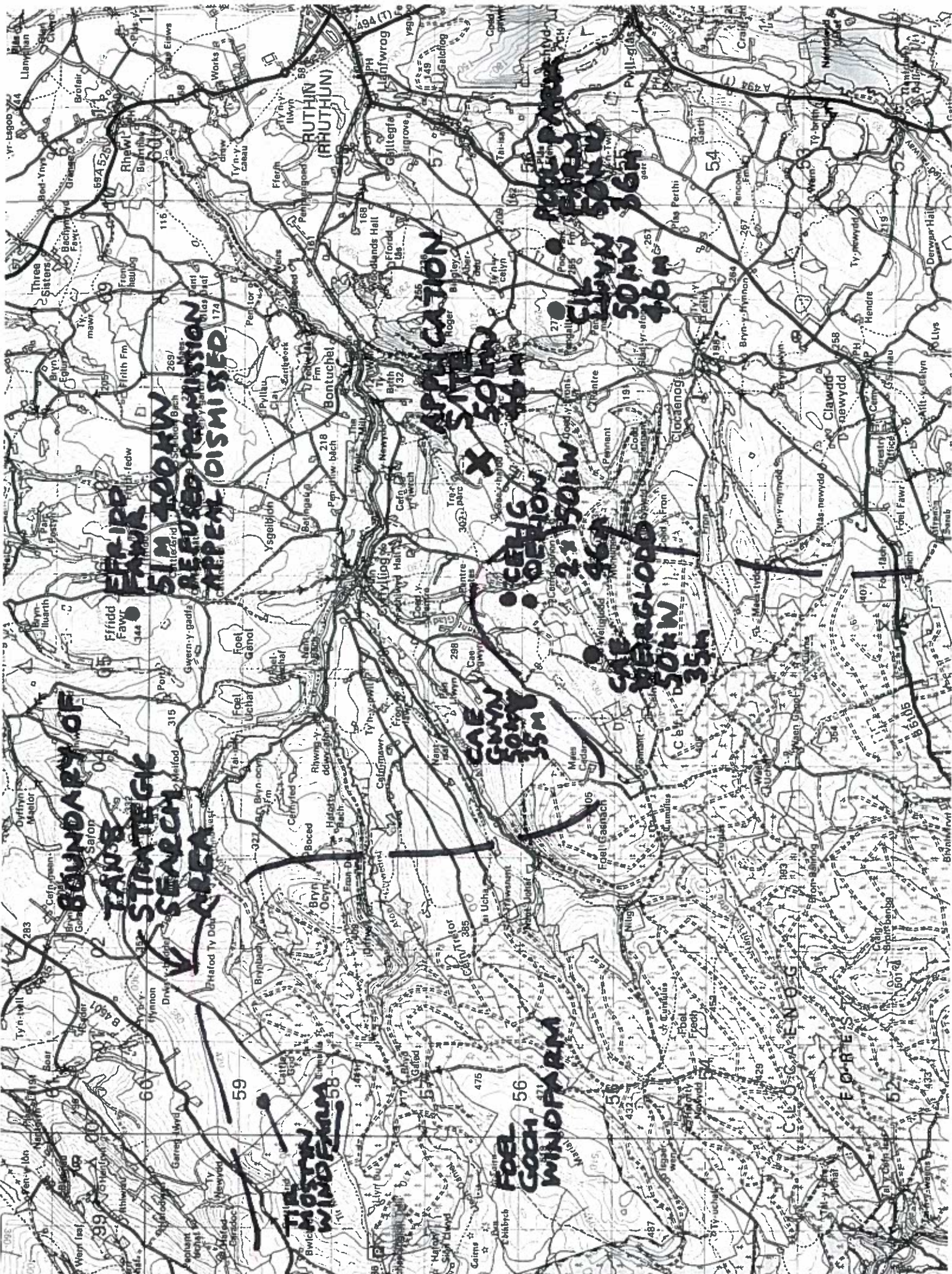
Caerhafod Isaf
 Bontuchel
 Ruthin
 Clwyd
 LL15 2DF

Our Reference:
 Ellis/WT36/DC

Notes:
 Print : A3 Date: August 2013
 Scale: 1:250



PLAN SHOWING TURBINE SITES IN THE LOCALITY



ITEM NO: 3

WARD MEMBER: Councillor J Welch

APPLICATION NO: 14/2013/1026/PFT

PROPOSAL: Installation of a single 50kW wind turbine on a 36.4m hub height tower with a total height to blade tip of 46m and associated control cabin

LOCATION: Land at Cae'r Hafod Isaf, Bontuchel

APPLICANT: Mr Rhodri Ellis

CONSTRAINTS:

PUBLICITY UNDERTAKEN: Site Notice - Yes
Press Notice - No
Neighbour letters - Yes

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

- Referral by Head of Planning / Development Control Manager

CONSULTATION RESPONSES:

CYFFYLLIOG COMMUNITY COUNCIL

"... has no objections to the above planning application and plans".

CLOCAENOG COMMUNITY COUNCIL

" No objections".

NATURAL RESOURCES WALES (NRW)

Do not object to the proposal. Development is unlikely to have an adverse effect on the environmental and natural heritage interests covered within their remit. No direct or indirect effects on any statutory protected sites of ecological, geological or geomorphologic interest. Any permission should be conditioned to ensure that a 50m buffer is maintained around any linear feature such as woodlands and large hedgerows which may be used by bats for foraging, commuting or roosting. Do not consider there would be significant adverse effects on any designated protected landscapes.

NATS (EN ROUTE) PUBLIC LIMITED COMPANY (NERL)

No safeguarding objection to the proposal.

CIVIL AVIATION AUTHORITY

Draw attention to relevant consultation processes, including the need for notification to the Defence Geographic Centre of any structures greater than 70 feet in height

MINISTRY OF DEFENCE

No response received

AIRBUS

No conflict with aerodrome safeguarding criteria.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES

HEAD OF TRANSPORT AND INFRASTRUCTURE

Highways Officer

No objection.

POLLUTION CONTROL OFFICER

Recommends that any permission includes planning condition(s) limiting noise levels

SENIOR BIODIVERSITY OFFICER

No objection subject to the safeguarding of the recommended 50m buffer to features which could be used by bats and birds.

RESPONSE TO PUBLICITY:

In objection

Representations in objection received from:-
L Curtis, Tyn y Llidiart, Bontuchel

Summary of planning based representations in objection;

Landscape / visual amenity:

Impact on views from private property

Proliferation:

Ecology

Potential effects on wildlife

EXPIRY DATE OF APPLICATION: 14/09/2013

REASONS FOR DELAY IN DECISION (where applicable):

- timing of receipt of representations

PLANNING ASSESSMENT:

1. THE PROPOSAL

1.1 Summary of proposals

- 1.1.1 The proposal is to erect a 46 metre high 50kW 3 bladed wind turbine on land to the north east of Cae'r Hafod Isa, some 2 kilometres south west of Bontuchel.
- 1.1.2 The purpose of the scheme is to generate renewable electricity to directly supply the national grid.
- 1.1.3 The proposed turbine would have a hub height of 36 metres and a blade diameter of 19.2 metres. The tower would be painted in off white (but alternative colours can be agreed), and the blades would be off white. The development will also include a control box cabinet alongside the turbine, and a new access track from the public highway running from an existing field gate which is located next to the entrance to the track serving the property Tre'r Parc.
- 1.1.4 The electricity will feed directly to the local electricity network via an underground cable.
- 1.1.5 The application site comprises solely the land on which the turbine and its control cabinet would be located, and the access from the highway. There is no other land shown in the applicant's ownership.
- 1.1.6 The application submission includes the following -
 - Planning Application forms and certificates
 - Plans / drawings illustrating the location, layout, and constructional details ; photomontages and -
 - Zones of Theoretical Visibility
 - A Design and Access Statement
 - Noise /acoustic information
 - Telecommunications consultation responses
- 1.1.7 The 44 page Design and Access Statement provides detailed commentary on a range of matters relevant to the application. It concludes that there would be no unacceptable environmental harm to the area and that there would be significant environmental and social benefits; the suitability of the site and potential benefits of wind energy generation outweighing any small impact of the single

turbine on the landscape. It argues the proposal is in compliance with local and national policy and would assist the government to meet its renewable energy targets. It is suggested the turbine is sufficiently separated from neighbouring residential properties to not cause any detrimental impact in terms of noise or appearing overbearing, and that there are no identified issues of concern in relation to ecology or cumulative impacts with other turbines.

- 1.1.8 For information, the proposal is submitted by an agent acting on behalf of the applicant, Mr Rhodri Ellis of Ty Newydd Farm, Trefnant. Certificate B has been served on J.H. Jones of Cae'r Hafod Isaf as owner of the land. The form states none of the land to which the application relates is, or is part of, an agricultural holding.
- 1.1.9 The agent has clarified that the applicant's wife is the daughter of the owners of Cae'r Hafod Isaf. Ty Newydd Farm is a dairy unit in Trefnant with a high electricity demand, but the location does not have sufficient wind speed for a turbine to be viable. Cae'r Hafod Isaf is a sheep unit with negligible electricity demand, so it is not considered the cost of connecting this to the turbine is justifiable. The idea is that the applicant would fund the development of the turbine, with the objective of offsetting the electricity usage of Ty Newydd as well as paying a ground rent to Cae'r Hafod Isaf, so providing a double benefit in terms of farm diversification.

1.2 Description of site and surroundings

- 1.2.1 The turbine is proposed in an agricultural field north of Cae'r Hafod Isaf, off the access track to the property Tre'r Parc. The site is some 2km south west of Bontuchel and 2km south east of Cyffylliog. Ruthin is 5km to the north east.
- 1.2.2 The area is characterised by an attractive rolling topography, with an irregular field pattern, mainly in agricultural use, with hedgerow and post and wire fencing, and small areas of woodland. The nearest part of the commercial woodland at Clocaenog Forest is 1km to the west.
- 1.2.3 The base of the turbine would be at an elevation of 283 metres. It would be on what forms part of a relatively prominent hill with open views in all directions.
- 1.2.4 The nearest dwellings are at Llys Hafod and Cae'r Hafod Ucha 300 metres to the south west, Tre'r Parc, 350 metres to the north west, and Ysgubor Ucha, 750 metres to the north west.
- 1.2.5 The proposed turbine would be some 1.5km to the east of existing operational turbines at Cerrig Oerion (2 turbines, 46m high), 2km to the north east of the turbine at Cil Llwyn, and 3km east of the turbines at Cae Gwyn (35m) and Cae'r Weirglodd (36m). Members may recall approving a 46m turbine for use in connection with Pool Park Farm at the July 2013 Committee, some 3km to the south east. One of the plans at the front of the report shows the relative locations of these turbines.

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 easternmost boundary of the Clocaenog Forest Strategic Search Area (SSA) lies approximately 1km 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.
- 1.3.3 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.

1.5 Developments/changes since the original submission

1.5.1 Additional information has been provided by the agent on the grid connection arrangements, noise impacts, and the farm diversification issue.

1.6 Other relevant background information

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

2 DETAILS OF PLANNING HISTORY

2.1 None specific to the site. There are other turbine developments in the locality referred to in Section 1.2.5 and on the plan at the front of the report.

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:

In terms of general guidance on matters relevant to the consideration of a planning application, Planning Policy Wales Edition 5, 2012 (PPW) confirms the requirement that planning applications 'should be determined in accordance with the approved or adopted development plan for the area, unless material considerations indicate otherwise' (Section 3.1.2). PPW advises that material considerations must be relevant to the regulation of the development and use of land in the public interest, and fairly and reasonably relate to the development concerned., and that these can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment (Sections 3.1.3 and 3.1.4).

The following paragraphs in Section 4 of the report therefore refer to the policies of the Denbighshire Local Development Plan, and to the material planning considerations which are considered to be of relevance to the proposal.

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 considerations

- 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 interests

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 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.

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 considerations\

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 Supporting Statement refers to opportunities arising from the wind turbine and that business diversification is one such opportunity. It advises that the project will take several years to pay back the investment, "but will be a worthwhile investment in the future that will bring a secure and reliable rental income for the farm". Additional information from the agent confirms that the financial returns from the turbine would help to offset electricity use at the applicant's farm in Trefnant, and that Cae'r Hafod Isaf would benefit through ground rental payments.

To assess whether or not this is an appropriate farm diversification scheme, Officers feel the following points are of relevance:

- Cae'r Hafod Isaf is a sheep unit with limited demand for electricity.
- Ty Newydd Farm, Trefnant (the applicant's farm) is a dairy unit with high electricity demand, but inadequate wind resource for a turbine
- The siting of the turbine is some 300 metres away from the Cae'r Hafod Isa farm complex, therefore the turbine would appear as a relatively isolated structure.
- The turbine would be directly connected to the grid. The scheme as proposed would not therefore reduce either farm's reliance on imported energy, but it would offset the electricity consumption at Trefnant and provide a rental income at Bontuchel.

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.

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 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. TAN 8 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.

There are no objections raised to the proposals on landscape / visual amenity grounds from consultees. There is one private individual objection to the visual impact of the turbine.

The site lies some 1km outside the Clocaenog Forest Strategic Search Area (SSA), which is one of Welsh Government's 'designated' areas for large scale windfarm development. The proximity to the SSA and the likelihood of a significant turbine development there in the near future is a relevant consideration in the assessment of the potential landscape / visual impact of the Cae Hafod Isaf turbine. In this context, whilst noting there would be a negative landscape / visual impact from a turbine in this location, it is not considered that the Council could sustain a refusal of permission for a 50kW turbine of the height proposed when balanced against the other material considerations outlined.

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.

In Officers' opinion, subject to the inclusion of suitable conditions, there are no adverse ecological impacts likely to arise from the development.

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 in this case but the technical report accompanying the application refers to noise tests on the Endurance turbine and concludes

that power levels guarantee a sound level of around 43 dB for a distance of 100m, and that at this distance, the background noise is higher than the noise of the turbine.

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 19.2m, so applying the accepted formula, this would suggest no impacts on properties over 192m from the turbine. The nearest property is over 300m from the turbine.

In concluding on this issue, as shadow flicker analysis is not an exact science, as a precautionary measure it has been the norm to suggest that a condition be imposed on any permission to ensure any incidence of shadow flicker experienced by nearby properties can be controlled.

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 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.
- 5.3 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 Natural Resources Wales raise no objection to the turbine proposal on landscape / visual grounds.
- 5.4 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, 2km to the south east, and at Pool Park Farm, 3km to the south east. Whilst Officers in the Cil Llwyn 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.

- 5.5 Officers are fully respectful of 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 turbine would help to offset electricity usage at Ty Newydd, Trefnant, and Cae'r Hafod Isaf would benefit from a rental income from the proposal, 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 Cae Hafod Isaf proposal, it is to be noted that there are no landscape / visual objections from Natural Resources Wales, 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 46m 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 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:

The Civil Aviation Authority have advised that any structure exceeding 70 feet above ground level should be notified to the Defence Geographic Centre ICGDGC-ProdAISAFDb@mod.uk including the location, height and lighting status of the turbine, the estimated and actual dates of construction and the maximum height of any construction equipment to be used, at least 6 weeks prior to start of construction, to allow for the appropriate notification to the relevant aviation communities.