

**CODE No:** 0/44248

**EXPIRY DATE:** 26/09/2017

**APPLICANT:** Tegni Ltd

**PROPOSAL:** Erection of 4 no. replacement wind turbines at Hafoty Ucha Wind Farm

**SITE:** Hafoty Ucha Wind Farm, Bryn Ffynnon, Llangwm, Conwy

**WARD:** Uwchaled

## RECOMMENDATION

- A) Minded to grant conditional planning permission, subject to the applicant and landowners entering into a Section 106 obligation in respect of a Habitat Management Plan.
- B) In the event that the Section 106 obligation is not completed within three months of the date of the Committee resolution (or such longer period as may be agreed with the Development and Building Control Manager), to refuse planning permission.
- C) That the Development and Building Control Manager be authorised to:
  - i) Consider any further representations that may be received during the publicity period; and
  - ii) Determine the application under delegation.

## UPDATED REPORT

1. The application was submitted to the Planning Committee in October 2017, and the Committee resolved in accordance with the above recommendation.
2. Following the October 2017 resolution, discussions were held between Planning and Environmental Health Officers and the applicant over the proposed conditions.
3. The application is somewhat unusual in that it involves the phased replacement of existing wind turbines, and there will therefore be a period when one or more of the existing turbines will continue to operate at the same time as the proposed replacement turbines. Officers therefore requested a Transitional Stages Noise Assessment (TSNA) to cover this transitional period.
4. The applicant submitted a TSNA and the Council commissioned a specialist noise consultant (Mr Dick Bowdler) to review that report. The application was resubmitted to the Planning Committee in April 2018, which resolved to defer consideration of the application in order to give the applicant more time to respond to Mr Bowdler's report and neighbour representations.

### National Guidance

5. Noise levels are measured in decibels (dB), which are adjusted according to frequencies most sensitive to the human ear (dBA). Noise measurements which relate to a time period are often expressed as dBLA90 (i.e. the levels which are exceeded for 90% of the monitoring period). Noise limits can either be expressed in terms of fixed values (absolute limits), relative values (e.g. 5dB above background), or a combination of both. Relative values are useful in situations where higher wind speeds increase the background noise, thereby reducing the perception of the turbine noise. By using limits based on a combination of absolute and relative limits, it is therefore possible to ensure that noise levels from the turbines are lower during slower wind speeds.
6. National guidance on noise from wind farms is provided in ETSU-R-97 (The Assessment and Rating of Noise from Wind Farms) and in the Institute of Acoustics Good Practice Guide. ETSU-R-97 advises that daytime noise levels at noise sensitive properties should be limited to the following range:  
Lower limit: 35dBLA90 or 5dB(a) above the background noise, whichever is the higher.  
Upper limit: 40dBLA90 or 5dB(a) above the background noise, whichever is the higher.
7. The actual value chosen within the 35-40dBLA90 range should depend on the number of dwellings affected, the effect of noise limits on the power output, and the duration and level of exposure.
8. For night-time periods, the noise limit is 43dBLA90 or 5dB(a) above the 'quiet' daytime hours' prevailing background noise, whichever is the greater.
9. Where the occupant of a property receives a financial benefit from the wind farm, a higher limit of 45dB(a) may be appropriate.

### The Conditions on the Existing Permissions

10. There are no noise-related conditions on the permissions for T1, T2 and T3. The permission for T4 (0/29712) is subject to a noise condition which relates only to the dwelling at Bryn yr Hyrddod, which is subject to a limit of 43dBLA90 at wind speeds of up to seven metres per second.
11. The permission for T5 (0/41359) is subject to a more comprehensive condition which sets both absolute and upper limits. At wind speeds not exceeding six metres per second, the individual or cumulative noise levels shall not exceed the following:
  - i) At Hendre Ucha, the greater of 35dBLA90, ten minutes or 6dB(a) above the prevailing background noise level.
  - ii) At Bryn Ffynnon, while occupied by the turbine operator, the greater of 35dB LA90, ten minutes or 6dB(a) above the prevailing background noise level.
  - iii) At other dwellings:
    - a) Between 07:00 and 23:00 hours the greater of 35dBLA90, ten minutes or 5dB(a) above the prevailing background noise level up to a maximum of 42dBLA90 (10 minutes).
    - b) Between 23:00 and 07:00 hours the greater of 43dBLA90, ten minutes or 5dB(a) above the prevailing background noise level.

### Transitional Stages Noise Assessment (TSNA)

12. The TSNA assesses noise impacts for the following stages:  
Stage A: When T1 is replaced, and T2-T4 remain.  
Stage Ba: When T1-T2 are replaced, and T3-T4 remain.  
Stage B: When T1-T3 are replaced, and T4 remains.  
Stage C: When all four turbines have been replaced.

13. The TSNA has updated the calculations of background noise levels included in the original noise report to take account of updated data in wind shear (i.e. the variation in horizontal wind speed with height above ground level).
14. The TSNA includes assessments at 15 neighbouring dwellings. Graphs show the modelled noise levels from the existing turbines at the above dwellings, and also predicted noise levels at each of the transitional stages (A, Ba and B) and the final stage (C). The predicted noise levels at each stage would be equal to or less than the modelled noise levels for the existing turbines at each dwelling and under all wind speeds.
15. The graphs show that, generally, the predicted noise levels would fall within the lower ETSU noise limit. The exceptions to this would be at the following properties:  
**Bryn Ffynnon:** During Stages A and Ba, noise levels would exceed the lower ETSU limit at wind speeds of between 5.5 and 7.5ms<sup>-1</sup>. However, these levels would be well below the 45dB(a) limit for associated dwellings.  
**Gellioedd-uchaf:** During Stage A, noise levels would exceed the lower ETSU limit at wind speeds of between 6ms<sup>-1</sup> and 8ms<sup>-1</sup>.  
**Hafoty Cerrig:** During Stages A, Ba and B, noise levels would exceed the lower ETSU limit at wind speeds of between 6ms<sup>-1</sup> and 8ms<sup>-1</sup>.  
**Hendre Ucha:** During Stages A and Ba, noise levels would exceed the lower ETSU limit at wind speeds of between 5.5 ms<sup>-1</sup> and 7.5 ms<sup>-1</sup>.  
**Pant Glas:** During Stage A, noise levels would exceed the lower ETSU limit at wind speeds of between 5.7ms<sup>-1</sup> and 8.5ms<sup>-1</sup>. During Stage Ba, noise levels would exceed the lower ETSU limit at wind speeds of between 6ms<sup>-1</sup> and 8.2ms<sup>-1</sup>. During Stage B noise levels would marginally exceed the lower ETSU limit at wind speeds of between 6.5ms<sup>-1</sup> and 8ms<sup>-1</sup>.

### Representations

16. The TSNA has been subject to direct consultation with neighbours and a recent press advertisement. Since the report to the Planning Committee in October 2017, additional representations have been received relating to the following matters:
  - i) The graphs show that the TSNA would cause 'significant' noise nuisance at Hendre Ucha between 5 and 7.5ms<sup>-1</sup> and a major noise nuisance around 6ms<sup>-1</sup>. For Pant Glas, there would be a 'major' noise nuisance between 5.5 and 8ms<sup>-1</sup>. (Officers' note: The above definitions of 'significant' and 'major' relate to background noise rather than variance above the 35dB lower ETSU limit.)
  - ii) The cumulative noise data at Hendre Ucha presented for T5 application (0/41359) does not correspond with the cumulative data presented for the current application.
  - iii) Requests that the data in the TSNA is published in its original form together with information on who recorded the data, what standards were used, the location of the masts, and how the wind shear factors were derived.
  - iv) The cumulative noise data at Bryn yr Hyrddod for the T5 application varies with that for application 0/40627 (Cwm Main), which was refused due to noise impacts.
  - v) The predicted cumulative noise graphs show the application will be non-compliant with the noise conditions.
  - vi) The Hafoty Ucha Wind Farm is currently non-compliant with the conditions on permission 0/41359.
  - vii) Comments on approach of requiring operator to investigate noise complaints.
  - viii) Reliance on historic background noise levels.
  - ix) Disagrees with assumptions made in comparing properties where background noise has been measured with other properties.
  - x) The statement that "there have been no complaints from neighbours in respect of noise" from the existing turbines is incorrect.
  - xi) Queries reliability of wind speed data.
  - xii) Queries assessment of wind shear correction.

- xiii) Noise from excess amplitude modulation (from the interaction of noise from multiple wind turbines) should be considered.
- xiv) Agrees with the comments from CPRW that as the present turbines are time-limited, the proposal should be considered on the basis that they will not be present when the existing consent expires.
- xv) Disagrees with comments that "it seems unreasonable to expect cumulative noise levels to suddenly be below the lower limit, just because T1 has been repowered".
- xvi) The proposal does not comply with draft Supplementary Planning Guidance LDP17 (On-Shore Wind Turbine Development) in respect of distances between turbines and footpaths/bridleways and is inconsistent with Officers' comments on previous applications in respect of such distances. (Officers' note: This document has not been adopted.)
- xvii) Larger wind turbines have the potential to wind shadow each other and reduce performance.

### Dick Bowdler Report

17.
  - i) In response to the TSNA and neighbour representations, Mr Bowdler states: Background noise levels used for the assessment are those made for one of the earlier applications. They were related to the wind speed measured at 10m, which is not current practice nor is it technically correct, though it was normal practice at the time that measurements were made. This is because of wind shear.
  - ii) Wind speed generally increases with height because of friction and temperature layers. This effect tends to be greater at night and after sunset. Both these effects are called 'wind shear'.
  - iii) The wind speed measurement height for the measurement of turbine sound power output is established as hub height adjusted to 10m height (the standardised wind speed). So that we can compare turbine noise with background noise on a like to like basis, the background noise must therefore always be plotted against standardised wind speed. Plotting the background noise levels against the measured wind speed at 10m rather than the standardised 10m wind speed results in a different curve.
  - iv) One of the objectors suggests that the use of standardised wind speed reduces protection for neighbours. Mr Bowdler states that standardising wind speed merely corrects a technical inaccuracy in the calculations, and in most cases results in slightly better protection for neighbours if the compliance testing also uses the same method as background noise measurements.
  - v) The original background noise levels for this application were plotted against wind speed measured at 10m height, and a  $2\text{ms}^{-1}$  adjustment was applied to allow for wind shear. Mr Bowdler agrees that this approach is correct when wind shear figures are not available. However, the TSNA adjusts these to the actual site wind shear, which is the preferred approach when wind shear figures are available. Mr Bowdler considers that the wind shear figures used by Hayes McKenzie are a conservative estimate i.e. that the background noise levels are lower than those actually on-site.
  - vi) The total sound levels from T1-T4 at nearby residences are calculated in accordance with good practice. The predicted levels identified in the TSNA also take account of noise from other turbines (T5, Cwm Oerddwr, Pen Gob and Llwyn Gwgan).
  - vii) There are three tests in ETSU-R-97 for establishing the limit within the 35–40dB range i.e.
    - i) the number of noise-affected properties;
    - ii) the potential impact on the power output of the wind farm; and
    - iii) the likely duration and level of exposure.
 Given the small cumulative output of the turbines (3,560kW) and low background noise levels, Mr Bowdler suggests that the day time lower limit of 36dB should be applied cumulatively for all the turbines.



- viii) Mr Bowdler proposes a limit on the cumulative noise levels (including the application of tonal penalty and amplitude modulation penalty) from all five of the Hafoty Ucha turbines, depending on the location of the dwelling and wind speeds. When repowering it complete (Stage C), these limits would not exceed the suggested lower limit of 36dB at wind speeds of up to 6ms<sup>-1</sup>, except at Bryn yr Hyrddod (37dB at 5ms<sup>-1</sup> and 39dB at 6ms<sup>-1</sup>). At wind speeds of between 7ms<sup>-1</sup> and 10ms<sup>-1</sup>, higher noise limits would apply. During the transitional stages, higher noise limits would apply at up to four dwellings at wind speeds of between 6ms<sup>-1</sup> and 8ms<sup>-1</sup>.
  - ix) Mr Bowdler suggests that it would be advantageous (if it were possible) for the same planning conditions to apply to the T5 turbine as well as the smaller turbine at Pen y Gob. However, as these turbines are subject to separate permissions and are operated by a different operator, Officers do not consider that it would be practicable to secure this.
18. During 2018, the applicant proposed to undertake monitoring to ascertain whether the noise levels from the existing turbines comply with planning permission 0/41359. The application was held in abeyance to enable this monitoring to be carried out. However, a number of neighbours have stated that they do not agree with the applicant's monitoring proposals. The applicant has asked for the application to proceed to determination. As this monitoring would have related to compliance with the existing permission rather than the proposed permission, Officers consider that it would be unreasonable to delay the application further for this reason.
19. Discussions are in progress with the applicant over the conditions and over a Habitat Management Plan (which needs to be secured through a Section 106 obligation as it relates to land outside the applicant's control). The period specified in the press advertisement for making representations lapses on the 10<sup>th</sup> April (i.e. the date of the Committee meeting). The Committee is therefore requested to authorise Officers to consider any further representations that may be received on that date.

## RECOMMENDATION

- A) Minded to grant conditional planning permission subject to the applicant and landowners entering into a Section 106 obligation in respect of a Habitat Management Plan.
- B) In the event that the Section 106 obligation is not completed within three months of the date of the Committee resolution (or such longer period as may be agreed with the Development and Building Control Manager), to refuse planning permission.
- C) That the Development and Building Control Manager be authorised to:
  - i) Consider any further representations that may be received during the publicity period; and
  - ii) Determine the application under delegation.

## COPY OF OCTOBER 2017 COMMITTEE REPORT

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**EXPIRY DATE:** 26/09/2017

**APPLICANT:** Tegni Ltd

**PROPOSAL:** Erection of 4 no. replacement wind turbines at  
Hafoty Ucha Wind Farm

**SITE:** Hafoty Ucha Wind Farm, Bryn Ffynnon, Llangwm,  
Conwy

**WARD:** Uwchaled

### RECOMMENDATION

- A) Minded to grant conditional planning permission.
- B) That the Development and Building Control Manager be authorised to determine the application under delegation.

### NOTE

1. This planning application is for determination by Planning Committee as more than five individual letters of objection have been received that raise matters that are of such significance as to necessitate determination by the Committee.

### SITE/LOCATION

2. The application site consists of 4 no. circular areas of land measuring 55m in diameter and 0.2 hectares in area, which are currently occupied by wind turbines known as Hafoty Uchaf Wind Farm (annotated as T1, T2, T3 and T4). Details of the turbines are provided below:

Turbine	Hub Height	Blade Tip Height	Blade Diameter
T1 600kW Vestas V44	39m	61m	22m
T2 850kW Vestas V52	44m	70m	26m
T3 850kW Vestas V52	44m	70m	26m
T4 850kW Vestas V52	55m	81m	26m

3. The site is located in the open countryside, a minimum of approximately 2.9km to the northwest of Llangwm and approximately 3.4km to the southwest of Cerrigydrudion.

4. The site is located in an elevated position on a hillside, between 417-428m AOD. The sites are located within an undulating landscape of semi-improved upland pasture that predominantly consists of grass and rocky outcrops, interspersed with farmsteads and residential properties.

## PROPOSAL

5. The application seeks planning permission for the erection of 4 no. replacement wind turbines measuring 60m to the centre of the hub, 86.5m to blade tip and a blade span measuring 53m.
6. The proposed turbines have a combined capacity of 3.15MW.
7. The other associated works include:
- Decommissioning and removal of the existing turbines;
  - Widening of a 365m section of the minor road by 0.5m to facilitate access to turbine T1;
  - Construction of turbine foundations measuring 12m in diameter and 3m in depth;
  - Construction of 4 no. crane pads measuring 20m by 30m;
  - Modifications to the existing underground cabling;
  - Modifications to the existing access tracks; and
  - Construction of a temporary construction compound.
8. The existing substation, transformer housings and grid connection will be retained. The existing underground cabling and access tracks will be retained with some modifications (as the proposed turbines are located in a slightly different position to the existing turbines).
9. Planning permission is sought for an operational period of 25 years for each turbine, commencing from the date of energisation of each individual turbine. Construction is anticipated to be phased in line with the expiration of the existing planning permissions, with turbine T1 replaced by 2021, turbines T2 and T3 by 2026 and turbine T4 by 2030.

## ADDITIONAL INFORMATION

10. The development is Environmental Impact Assessment (EIA) development and the application is supported by an Environmental Statement (ES), which provides an assessment of the following effects:

### Landscape and Visual Impact Assessment

#### *Viewpoints*

11. An assessment of the proposal from the viewpoints is as follows:
- **Viewpoint 1** (B4501 near the county boundary): A minor to moderate level of effect would occur. The proposed development would appear similar to the existing wind farm, but the height increase of the turbines would be apparent, and there would therefore be an incremental increase in the influence of the wind farm. This influence would be experienced for a longer period of time than in the baseline scenario, and as such the prominence of turbines in the view would be maintained for an increased duration. However, the make-up and character of the existing view would be maintained. Visual effects would not be significant.
  - **Viewpoint 2** (junction of A5 and B4501): A minor to moderate level of effect would occur. The proposed development would result in an incremental increase in the visibility of turbines on the southern skyline, but would look similar to the existing wind farm. The view would be affected for a longer period of time than in the baseline scenario, but views would be experienced from fast-moving vehicles and change would not be readily apparent. Visual effects would not be significant.

- **Viewpoint 3** (minor road junction to northwest): A minor level of effect would occur. The proposed development would appear similar to the existing wind farm. The proposed height increase would be apparent, but this would have no appreciable bearing upon the influence of the wind farm upon the views available. Turbines would remain a prominent skyline feature from the viewpoint, but would be present for a longer period of time than in the baseline scenario. Visual effects would not be significant.
- **Viewpoint 4** (Cerrigydrudion village): A minor level of effect would occur. The proposed development would appear similar to the existing wind farm. The height increase of the turbines would be apparent, but this would not result in any appreciable increase in the influence of the wind farm upon the wider view, due to the relatively small change involved. Turbines would remain a notable skyline feature in views southwards, similar to baseline, but for an increased period of time. Visual effects would not be significant.
- **Viewpoint 5** (public footpath near Pentre (within Snowdonia National Park)): A minor to moderate level of effect would occur. The proposed development would appear similar to the existing wind farm. The height increase of the turbines would be apparent, but this would result in only an incremental increase in the influence of the wind farm upon the wider view, due to the relatively small change involved. Turbines would remain a notable skyline feature in views north-eastward, similar to baseline, but for an increased period of time. However, the make-up and character of the existing view would be maintained. Visual effects would not be significant.
- **Viewpoint 6** (A5, Ty Nant): A negligible level of effect would occur. The proposed development would, whilst present for an extended period of time when compared with the existing wind farm, remain a very minor background feature, which would be wholly subordinate to the far more prominent road corridor adjacent to the viewpoint, and which would exert no influence upon the character or balance of the existing view. Visual effects would not be significant.
- **Viewpoint 7** (B4501 north of Cerrigydrudion): A minor level of effect would occur. The proposed development would, whilst present for an extended period of time when compared with the existing wind farm, remain a minor background feature, which would have only a limited influence upon the make-up and character of the view, similar to that of the existing wind farm. Visual effects would not be significant.
- **Viewpoint 8** (A543, near Fron Bella): A negligible level of effect would occur. The proposed development would, whilst present for an extended period of time when compared with the existing wind farm, remain a very minor background feature, which would exert no influence upon the character or balance of the existing view. The relatively minor increase in turbine height would be difficult to distinguish, given the separation distance. Visual effects would not be significant.
- **Viewpoint 9** (A5, Corwen): A negligible level of effect would occur. The proposed development would, whilst present for an extended period of time when compared with the existing wind farm, remain a very minor background feature, which would exert no influence upon the character or balance of the existing view. Other existing wind farms to the northwest and southwest and existing electricity pylons would remain far more prominent. Visual effects would not be significant.
- **Viewpoint 10** (Llechwedd Du summit (footpath from Cadair Benllyn) (within Snowdonia National Park)): A minor to moderate level of effect would occur. The proposed development would, whilst present for an extended period of time when compared with the existing wind farm, remain a minor background feature, which would exert only a limited influence upon the make-up and character of the view, similar to that of the existing wind farm. Visual effects would not be significant.

- **Viewpoint 11** (Carnedd y Filiast summit (within Snowdonia National Park)): A minor level of effect would occur. The proposed development would appear similar to the existing wind farm, and would have a similar influence upon the views available. The height increase of turbines T1 and T2 would be apparent, but this would not result in any increase in the influence of the wind farm upon the wider view, due to the relatively small scale change involved. Turbines would remain evident to the east, backclothed by landform, similar to baseline, but for an increased period of time. Visual effects would not be significant.
  - **Viewpoint 12** (Arenig Fawr summit): A negligible level of effect would occur. The proposed development would, whilst present for an extended period of time when compared with the existing wind farm, remain a very minor background feature, which would exert no influence upon the character or balance of the existing view. Visual effects would not be significant.
  - **Viewpoint 13** (public footpath south of Parc (within Snowdonia National Park)): A negligible level of effect would occur. The proposed development would be a very minor background feature, which would be very difficult to discern and would have no influence upon the make-up or character of the views available. Visual effects would not be significant.
  - **Viewpoint 14** (public footpath south of B4403 (within Snowdonia National Park)): A negligible level of effect would occur. The proposed development would be a very minor background feature, which would be very difficult to discern and would have no influence upon the make-up or character of the views available. Visual effects would not be significant.
12. In all viewpoints, with the exception of nos. 8, 13 and 14, the proposed development is considered to have an adverse effect due to the increased period of time for which turbines would be present in the view.

#### *Residential Visual Amenity*

13. From properties within 865m, the relatively minor increases in turbine height would be evident, but this would not result in sufficient change to affect the residential visual amenity of any property and there would little change from baseline. The proposal would not bring about an unpleasantly overwhelming and unavoidable presence upon living conditions.

#### *Snowdonia National Park*

14. The new turbines would be difficult to distinguish from the turbines they would replace, which already exert a limited influence upon views out of localised areas of the national park. The influence of the wind farm at Hafoty Ucha would be maintained for an extended period of time, as opposed to being progressively removed. The principal effect of the proposed development would therefore be to maintain an established visual influence for a longer period than would otherwise be the case.
15. Whilst the landscape and visual effects deriving from a wind farm at this site would continue to occur and would be adverse, they would not be sufficient to harm the statutory purposes and special qualities of the national park.

#### *Clwydian Range and Dee Valley AONB*

16. The proposed development would be visible from west facing slopes and from hilltops within the AONB. However, it would at all times be a distant feature which would appear little different from the existing wind farm at Hafoty Ucha/Bryn Ffynnon, and with more prominent existing turbines at Wern Ddu and Tir Mostyn and Foel Goch located closer to the designation boundary.



*Llandrillo and Cynwyd Area of Outstanding Beauty AOB*

17. The proposed development would be visible from the western slopes of the Berwyn, which are covered by the local AOB designation. The new turbines would appear little different to the existing Hafoty Ucha/Bryn Ffynnon Wind Farm, partially screened by the intervening landform and with the existing Braich Ddu and Wern Ddu turbines remaining more prominent in views from this area.

*Conwy Special Landscape Area (SLA)*

18. The proposed development, whilst visible from the SLA immediately to the east, would differ little in appearance to the existing Hafoty Ucha/Bryn Ffynnon wind turbines. There would be a modest change in view due to the increased turbine heights, but little if any appreciable increase in the influence of wind turbines upon the designation.

*Heritage Assets*

19. The proposed development would be visible from many of the designated heritage assets within 5km of the turbines but would appear little different from the existing wind farm. As noted above, any visual change would be modest, and given the progressive replacement of turbines, it would be difficult to distinguish between the existing and proposed turbines when viewed from assets the surrounding area. In this context, proposed development would not result in any materially greater effect upon the setting of any asset than the existing wind farm, but would however perpetuate the effect over the longer period of time.

*Cumulative Effects*

20. The proposed development would result in an additional very limited localised increase in the influence of wind turbines upon the view, due to the increased height of the proposed turbines, and the extended duration of their presence. Change would be modest and the views available would not be much different to the baseline.

Ecology

21. The ES identifies the following biodiversity features of greatest significance for the proposed development:
- The local candidate wildlife site Gwern Nannau lies partially within the study area and in close proximity to the proposed new turbine locations. This site is designated for its mosaic of semi-improved upland habitats: marshy grassland, acid grassland and acid flush.
  - The species most likely to be impacted are breeding raptors (red kite), species of wading birds and bats.
22. Potential for impacts identified from the construction phase are:
- Temporary disturbance from demolition of existing turbines, construction of replacement turbines, materials storage, site clearance and construction.
  - Temporary habitat loss for materials storage and permanent habitat loss for new turbine bases and road widening.
  - Fragmentation of existing habitats.
  - Pollution from dust, water run-off etc.
23. Overall it is considered that the use of appropriate conditions could limit the impacts to minor or negligible effects, but that without such conditions the impacts could be greater.

24. Potential for impacts identified from the operational phase are:
- **Birds:** Displacement and collision impacts, such effects are generally thought to affect some raptors, upland waders and concentrations of wildfowl. However given that turbines are already present on this site, that much of the habitat is of poor quality, and that the area is small, the effects on birds are evaluated as minor in a local context.
  - **Bats:** Collisions and injury as well as disturbance to migration and foraging routes and disturbance to roosts. The absence of good foraging and commuting habitats as well as local an absence nearby roosting records or roosting features means that the likelihood of impacts is negligible to minor. However in lieu of pre-application bat monitoring the applicant has agreed to undertake a period of post construction bat monitoring.

### Noise

25. The ES makes the following points:
- The wind turbine noise levels are predicted based data for the Enercon E-53 variable speed wind turbine, which is a candidate turbine under consideration.
  - The Noise Assessment is informed by guidance set out in ETSU-R-97.
  - Background noise levels are based upon noise measurements previously undertaken in support of the applications for the existing turbines. Background noise measurements were previously undertaken at Bryn Ffynnon and Bryn yr Hyrddod as part of the application for the existing T2 and T3 turbines (application ref. 0/25079), and background noise measurements were undertaken at Hafoty Cerrig and Parc as part of the application for the existing T4 turbine (application ref. 0/29712).
  - The highest predicted noise level at any receptor location is 38.3 dB L A90, which is applicable for the receptor known as Hendre Ucha. Therefore predicted noise levels indicate that operational wind turbine noise from the proposal would meet the Upper Amenity Hours Noise Criterion suggested by ETSU-R-97 (i.e. a noise criterion of - the greater of 40 dB L A90 / Background L A90 + 5 dB) at all locations, regardless of the background noise level assumptions.
  - At the majority of receptor locations, predicted noise levels indicate that operational wind turbine noise from the proposal would also meet the Lower Amenity Hours Noise Criterion suggested by ETSU-R-97 (i.e. a noise criterion of - the greater of 35 dB L A90 / Background L A90 + 5 dB).
  - At all receptor locations, predicted noise levels indicate that operational wind turbine noise from the proposed development would meet the Night-Time Hours Noise Criterion proposed by ETSU-R-97.
  - Predicted noise levels at Bryn Ffynnon and Pen y Gob (beneficiaries of the development) indicate that operational wind turbine noise from the proposed development would meet the noise criterion suggested by ETSU-R-97 for associated dwellings.
  - The noise predictions indicate that at all un-associated properties, cumulative wind farm noise levels for day time hours would meet the Upper Amenity Hours Noise Criterion proposed by ETSU-R-97, and the Night-Time Hours Noise Criterion proposed by ETSU-R-97.
  - The noise predictions indicate that at the majority of un-associated properties, cumulative wind farm noise levels for day time hours would meet the Lower Amenity Hours Noise Criterion proposed by ETSU-R-97.
  - Predicted cumulative noise levels at all associated properties (with the exception of Pen Gob at night-time) are below the noise criterion suggested by ETSU-R-97 for associated dwellings, however the contribution from the proposal at Pen y Gob can be considered negligible.
  - The predictions indicate that noise from the re-powering proposal is likely to be of a lower level than the existing turbine models (1 – 4 dB lower, depending upon wind speed).

### Socio-Economic Effects

26. The ES makes the following points:
- Decommissioning and removal of existing turbine is likely to generate employment for five people on site for one week.
  - Foundation works for new turbines is likely to generate employment for five people on site for three weeks.
  - Installation of new turbines is likely to generate employment for 10 people on site for two to three weeks.
  - The localised road widening would employ a small number of people for approximately one week.
  - Purchase of locally-won resources such as stone and locally manufactured concrete would be modest in volume, but would be of some benefit to the local economy.
  - The management/maintenance of the turbines at the site would provide approximately 0.5 full-time jobs.
  - The proposed development would not result in any increase in adverse effects upon tourism and recreation given that the proposal would in essence be the same in terms of appearance, and land take.
  - There would be very short-term and localised disruption to users of public footpaths 22/12 and 22/13, and the Hiraethog Way during construction works. This would last only a few weeks.
  - The proposed development would have very little appreciable bearing upon the tourism/recreational value of local area or the wider national park.
  - The existing development provides annual payments of approximately £1000 per MW annually (which equates to £3000) to local charities, schools and other local organisations. These payments would be maintained if the proposal is implemented.

### Shadow Flicker

27. No properties are located within the shadow flicker zone (130 degrees either side of north, or within a radius of 10 times the blade diameter of the proposed turbines, i.e. a distance of 530m).

### Construction

28. The ES makes the following points:
- The proposed turbines would be identical machines to the adjacent Bryn Ffynnon turbine approved to planning permission ref. 0/41359, which became operational in 2016).
  - Construction is anticipated to be phased in line with the expiration of the existing planning permissions, with turbine T1 replaced by 2021, turbines T2 and T3 by 2026 and turbine T4 by 2030.
  - Decommissioning of the existing turbines is expected to take two weeks.
  - The foundation works for each new turbine would take three weeks.
  - The installation of each new turbine would take up to three weeks.
  - The same access route was used for the construction of the existing turbines and the Bryn Ffynnon turbine.
  - A small compound (consisting of an ISO container and welfare facilities) would be required for each operation.
  - The new crane pads and turbine foundation would be constructed whilst the existing turbines remain operational.
  - Due to the proximity of existing and proposed turbines, the existing turbines would need to be removed prior to the erection of the new turbines.

- Following erection of the turbines, the temporary hardstanding areas would be covered over with the previously stripped soils and seeded so that the land can be reinstated to its former use, except where ongoing use of hardstanding is needed to provide maintenance access.
  - A Construction Environmental Management Plan would be developed to manage and report environmental effects of the project during construction.
29. The Planning Statement includes an appraisal of material planning considerations (based on the ES), the need for an EIA, and highlights the following environmental benefits:
- The proposed development would generate between approximately 7,849MWh and 10,512MWh of electricity per year.
  - The proposal would result in annual CO2 reductions of between approximately 3,200 and 4,530 tonnes compared to conventional electricity generation.
  - The energy produced by a turbine is sufficient to produce enough electricity to meet the annual needs of between approximately 1,875 and 2,630 homes.
  - Energy production for the existing wind farm identifies that the capacity factor ranged between 28.5% and 40% per annum. The long-term average capacity factor for onshore wind across the UK is 27.3%. Therefore the existing wind farm exceeds, and the proposed wind farm is likely to exceed, average yield levels.
  - Agricultural use of the land would continue.
30. The Design and Access Statement explains the design concepts that have been applied to the character, functionality and accessibility of the proposal in light of local opportunities and constraints presented by the site.

## PLANNING HISTORY

31. The planning history of the Hafoty Uchaf wind farm is as follows:  
**0/30488** – Extension to existing substation: Granted 09/08/2005.  
**0/29712** – Erection of 1 no. wind turbine, access track and transformer building: Granted 17/08/2005.  
**0/28520** – Erection of 3 no. wind turbines, access tracks and control building: Withdrawn 26/11/2004.  
**0/25079** – Erection of 2 no. wind turbines, construction of substation, access and access tracks: Granted 17/10/2001.  
**1/16350** – Erection of single wind turbine, erection of substation, 40m monitor mast, improvement of track, construction of new track and alteration to means of access: Granted 11/01/1996.
32. The planning history relevant to each turbine is detailed below.

Turbine	Planning Permission Ref.	Date Planning Permission Granted	Date Planning Permission Expires
T1	1/16350	1996	2021
T2 & T3	0/25079	2001	2026
T4	0/29712	2005	2030

33. The following planning history adjacent to the site (Bryn Ffynnon) is relevant to the current application:  
**0/41359** - Installation of a 500kw wind turbine generator together with switchroom, access track, electrical cabling and other ancillary works: Granted 29/07/2015.

## CONSTRAINTS

34. Constraints are:

- Public footpath adjacent to site T2 and T4.
- 41 no. Grade II\* and Grade II listed buildings, 2 no. conservation areas and 2 no. scheduled ancient monuments within 5km of the site.
- Site utilises A5 trunk road for access.
- Site T3 falls within the "Cerrigydrudion and the A5 Corridor" Special Landscape Area.
- Snowdonia National Park is approximately 2.5km west of the site.
- Clwydian Range and Dee Valley AONB is approximately 12.75km east of the site.
- Llandrillo and Cynwyd Area of Outstanding Beauty AOB (Denbighshire LPA designation) is approximately 11.65km southeast of the site.

## CONSULTATIONS

35. a) **Llangwm Community Council** – Response awaited.
- b) **Highways Officer** – Recommend conditions requiring the submission of:
- Road improvements;
  - Assessment of the capacity and condition of, and the impact upon, the highway network; and
  - Construction Method Statement.
- c) **Environment Services** – No observations.
- d) **Public Protection (Pollution)** – Makes the following comments:
- Satisfied that the calculated noise levels comply with ETSU-R-97 and recommend conditions restricting noise level.
  - No properties lay within the shadow flicker zone, i.e. 130° either side of north.
  - Recommend the hours of work during decommissioning and construction are restricted.
- e) **Public Protection (Contamination)** – Response awaited.
- f) **Ecologist** – Satisfied with the conclusions reached in Chapter 6 of the Environmental Statement. Recommend conditions regarding:
- Submission of a Construction Environmental Management Plan, Habitat Enhancement Scheme and bat surveillance programme;
  - No walls or hedges to be removed;
  - No construction work to take place during March – August.
- g) **Planning Policy** – Makes the following comments:
- There is no specific local policy guidance for such a scenario, however the draft SPG on Onshore Wind Turbine Development offers more than what is in the LDP.
  - Significant weight should be given to the fact that there is an existing medium scale wind farm on site.
  - The development, due to the scale of output is classed as a small scale as per Policy NTE/7 point 3, however the policy is not directed at situations of replacement of units and assessment against this policy will result in a departure from LDP policy.
  - The proportionality for farm diversification does not apply in this case on the basis of it being an existing wind farm.
  - No objection in principle subject to the Case Officer's assessment of planning considerations particularly of additional noise impact and landscape visual impact from the additional height.
  - Suitable conditions for the lifespan of the units and decommissioning will be needed.



- The location of one turbine is within an SLA however, again, as it is existing then there is no objection in principle and it will be the intention to amend the SLA to omit the turbine location in order to maintain the weight in decision making within and defending the SLAs elsewhere.
- h) **Welsh Water** – No comments.
- i) **Natural Resources Wales** – Makes the following comments:
  - The development has the potential to harm controlled waters. Therefore recommend a condition requiring the submission of a water features survey.
  - The proposal is not likely to be detrimental to the maintenance of the favourable conservation status of any local populations of European protected species.
  - The proposal is not likely to adversely affect any local populations of fully protected British protected species.
  - Recommend a condition requiring the submission of bat mitigation.
  - Inferring from Axis' assessment, our site observations and the high sensitivity of the national park, we assess the existing development to have a moderate adverse effect on the visual outlook of the eastern edge of Snowdonia, which is significant.
  - The proposed repowering would consolidate and prolong the presence of a wind farm on the edge of the national park by a further 25 years and maintain the current significant adverse effects.
  - Given the sensitivities of the national park and significant effects of the current development, we consider the repowering proposal will need to include mitigation measures and ensure views from Carnedd y Filiast are conserved. Therefore, we request that any planning permission includes a suitably worded planning condition that the turbine blades and turbine columns are finished in matt mid grey colour.
  - Environmental management practices should be followed in relation to sediment pollution, surface water run-off, watercourses, waste and contamination.
- j) **Clwyd Powys Archaeological Trust** – It is clear that there is no significant increase in visual impact from the replacement turbines for cultural heritage sites within the application survey area. They will be visible for a more prolonged period and this is the primary impact. There will be no new direct impacts to recorded archaeological sites and the visual impact over the nearest registered historic landscapes is not significant. Given that there are recently consented wind farms to the north, which are located much closer to both designated monuments and registered historic landscapes, we would have no objection to the modest increase in height of these turbines as they have no overall significant impact upon the cultural heritage.
- k) **Conservation Officer** – Concur with the comments of CPAT, and have no objections.
- l) **Snowdonia National Park Authority** – No objection.
- m) **Denbighshire County Council** – Response awaited.
- n) **Welsh Government (Transport)** – Direct that any planning permission includes conditions requiring the submission of:
  - Assessment of the capacity and condition of, and the impact upon, the Welsh trunk road network;
  - Highway improvement works;
  - Damage remediation;
  - Traffic Management Plan; and
  - Movement dates and times.
- o) **Ramblers Association** – Response awaited.
- p) **Ministry of Defence** – Response awaited.
- q) **Civil Aviation Authority** – Response awaited.
- r) **National Air Traffic Services** – No safeguarding objection to the proposal.
- s) **Joint Radio Company** – Do not foresee any potential problems.
- t) **T-Mobile UK** – Response awaited.

- u) **Orange PCS** – Response awaited.
- v) **Vodafone** – Response awaited.
- w) **Arqiva** – Response awaited.
- x) **Ofcom** – Response awaited.
- y) **Cable and Wireless** – Response awaited.
- z) **RSPB Cymru** – Response awaited.

## REPRESENTATIONS

36. The application has been publicised by site notice and in the local newspaper as EIA development and as a departure from the Local Development Plan.
37. 2 no. letters of support received, which make the following comments:
- Farming and wind turbines fit easily and do not affect any stock or wildlife.
  - Traditional wild birds are still visible on the land.
  - The nature of farming and the agricultural society has changed in the period since the first wind turbine was erected, with small farms disappearing.
  - Due to the additional income from the rent, Bryn Ffynnon is still a family farm employing three young sons.
38. 8 no. letters of objection received, which raise the following concerns:
- The proposal will change the character of the Hiraethog Trail.
  - The proposal will have an adverse visual impact generally and on Snowdonia National Park.
  - The proposal is unjustified.
  - The proposal is unsustainable.
  - The development will add 870 tonnes of carbon dioxide to the atmosphere as a result of construction
  - Why can't the developer replace the hub and blades of the existing turbines?
  - Why is permission being applied for all turbines instead of each turbine as planning expires?
  - Each turbine should not be re-built until the existing planning permission expires.
  - Construction will cause disruption, and could potentially damage field drainage and disruption to the water course.
  - The turbines are located in close proximity to neighbouring dwellings.
  - The turbines will cause a noise nuisance.
  - The noise report is inaccurate.
  - Who will carry out the decommissioning if the developer becomes bankrupt? The Planning Department should demand an insurance bond to guarantee completion.
  - The development is of no social or economic benefit to the region.
  - The development is contrary to the LDP in that the turbines are not connected to local buildings and it does not add to the diversification of the local economy.
  - The land outlined in blue includes land outside the ownership of the applicant.
  - Proximity to public footpaths.
  - The proposal will cause shadow flicker, EM interference and power surges.
  - The proposal will affect terrestrial and satellite telecommunications, blade ice, bird strike, lightning strike, meteorological and strategic MOD communication facilities, naval operations and low flying aircraft.
  - The proposal is contrary to the Conwy LDP, SPGs, PPW, TANs, NERC Act and the Snowdonia National Park Management Plan.
  - The proposal will adversely affect nearby holiday accommodation businesses.

39. A representation has been received from CPRW, which states that the application should be refused on the following grounds:
- The application is contrary to LDP Policies NTE/7 and NTE/4, and SPG/24 in that it is a medium sized wind farm outside the SSA where applications should only be approved in exceptional circumstances.
  - The Zone of Theoretical Visibility (ZTV) maps show the extensive visibility of the proposal would be such as to have a detrimental impact on the landscape and a detrimental effect on the special landscape area.

## PLANNING POLICIES

40. Conwy Local Development Plan 2013  
DP/1 - Sustainable development principle  
DP/3 - Design quality and crime reduction  
DP/4 - Development criteria  
DP/6 - National planning policy and guidance  
NTE/1 - The natural environment  
NTE/3 – Biodiversity  
NTE/4 – The landscape and protecting special landscape areas  
NTE/6 - Renewable technologies  
NTE/7 - Onshore wind turbine development  
CTH/1 – Cultural heritage  
CTH/2 – Development affecting heritage assets  
STR/1 – Sustainable transport, development and accessibility  
STR/3 - Mitigating travel impact

Supplementary Planning Guidance

LDP11 – Landscape sensitivity and capacity assessment

Planning Policy Wales (9th Edition, November 2016)

TANs 5 (Nature Conservation and Planning), 6 (Planning for Sustainable Rural Communities), 8 (Renewable Energy), 11 (Noise), 18 (Transport)

## PLANNING CONSIDERATIONS

Principle

*National Planning Guidance*

41. Paragraphs 12.8.9 and 12.8.12 of PPW advise that LPAs should facilitate the development of all forms of renewable and low carbon energy, and that in wind energy continues to offer the greatest potential for delivering renewable energy in the short to medium term.
42. Paragraph 12.10.1 provides a list of criteria to be taken into account in determining applications for renewable and low carbon energy development, including contribution to energy targets and cutting greenhouse gas emissions; environmental, social and economic benefits and opportunities; impact on natural heritage, the historic environment, quality of life of local communities, transportation network; grid connection issues; impacts on the location, design, build and operation of renewable and low carbon energy development; and ways to avoid, mitigate or compensate identified adverse impacts.
43. Paragraph 2.12 of TAN8 expects LPAs to encourage, via their development plan policies and when considering individual planning applications, smaller community based wind farm schemes (less than 5MW).

44. Paragraph 2.13 of TAN8 refers to the need for LPAs to consider the cumulative impact of smaller on-shore wind farms outside the SSAs, and the balance to be struck between the desirability of renewable energy production and landscape protection. Whilst the balance should not result in severe restriction on the development of wind power capacity, there is a case for avoiding a situation where wind turbines are spread across the whole of a county.

*Local Development Plan*

45. Policy NTE/7 relates to onshore wind turbine development. The supplementary text to the policy provides definitions of the scale of turbine development based on different criteria including the output, number and height of the turbines. The current proposal could potentially fall within three different categories as follows:
- The scale would be 'small' based on the output (under 5MW);
  - The scale would be 'medium' based on the numbers (more than three but less than nine); and
  - The scale would be 'large' based on the height (over 80m to blade tip but less than 110m).
46. Officers consider that the categorisation based on output takes precedence, on the basis that the number and height of the turbines are described as 'supplementary' criteria. On this basis, the proposal should be assessed as being for 'small' scale development. Part 3 of the policy states that micro and small scale wind turbine development (5MW and less) will only be supported where:
- a) It is of a proportionate scale in terms of predominant energy production to supply the building(s) which it directly serves;
  - b) It does not compromise the ability of the Strategic Search Area (SSA) to achieve its anticipated target of energy production;
  - c) Criteria 2 a) – f) are met and where appropriate a satisfactory EIA has been submitted;
  - d) Within SLAs wind turbines will not be permitted unless serving a dwelling or cluster of dwellings at micro scale.
47. Criteria 2 a) - f) of the policy states:
- a) Acceptability in terms of other LDP policies;
  - b) The potential cumulative impacts on surrounding communities, landscape and environment are considered acceptable. Where the development of a wind farm is considered to have an unacceptable cumulative impact it will be refused;
  - c) The development will not generate noise levels or shadow flicker that would be unacceptably detrimental to the amenity enjoyed by nearby residents or by users of public rights of way or other recreational facilities or areas;
  - d) A satisfactory Environmental Impact Assessment should propose measures for the safeguarding, remediation and enhancement of habitat and biodiversity;
  - e) Where possible, turbines are located no less than 500m from an occupied dwelling or other noise-sensitive building;
  - f) Within SLAs wind turbine schemes medium scale or larger will be resisted.

**Criterion 3 a) - Energy Production/Proportionality**

48. The proposal does not serve a building and connects directly to the grid. The proposal therefore does not comply with criterion 3 a) of Policy NTE/7. It should be noted however that each of the existing turbines were permitted before the LDP was adopted. On this basis, Officers consider that there are exceptional circumstances that would warrant granting planning permission contrary to this requirement.

**Criterion 3 b) - Impact upon SSA**

49. The nearest SSA is Clocaenog Forest, which is assigned to accommodate a capacity target of 140MW (or 140,000kW) in TAN8. Given the distance between the SSA and the application site, it is unlikely that the proposal would compromise the operational effectiveness of existing or proposed turbines in the SSA.

**Criterion 3 c) - EIA**

50. The development is EIA development and the application is accompanied by a satisfactory Environmental Statement.
51. An assessment against criterion 2 a) -f) and other material planning considerations is provided below.

**Criterion 3 d) – Turbines within SLAs**

52. Criterion 3 d) states that wind turbines will not be permitted within SLAs, unless serving a dwelling or cluster of dwellings at micro scale. The proposed development does not fall within the 'micro' category and does not serve a dwelling. Therefore the proposal does not comply with criterion 3 d) of Policy NTE/7.

Cultural Heritage

53. The following heritage assets are located within 5km of the proposed turbines:
- 1 no. Grade II\* listed building (approximately 2.2km to the north);
  - 40 no. Grade II listed buildings (the nearest of which are located approximately 1.5km to the northwest and southeast);
  - 2 no. conservation areas (Cerrigydrudion approximately 3.2km to the northeast and Llangwm approximately 2.9km to the southeast); and
  - 2 no. scheduled ancient monuments (Bryn Teg Enclosure and Pen y Gaer Camp, both located approximately 3.5km to the northeast).
54. CPAT considers that there will be no new direct impacts to recorded archaeological sites as a result of the development and the visual impact over the nearest registered historic landscapes is not significant. CPAT raises no objection to the proposal and considers that it has no overall significant impact upon cultural heritage given that there are recently consented wind farms to the north, which are located much closer to both designated monuments and registered historic landscapes.
55. The Conservation Officer concurs with the comments made by CPAT and raises no objections.

Visual Impact

56. The site is located in an elevated position and falls within the following designations:
- Site T3 falls within the Cerrigydrudion and the A5 Corridor SLA. Background Paper 27 states the area is a locally important landscape and has high visual characteristics. This area has been defended from inappropriate development, especially significant wind turbine development, in the interests of landscape and ecology. The landscape is both locally and regionally rare.



- Landscape Unit D3 Cerrig Uplands and Landscape Strategy Area 8 Cerrig Uplands, within the Landscape Sensitivity and Capacity Assessment SPG (LDP11). The SPG states that the landscape unit has a high sensitivity to wind energy developments, and landscape protection is the objective within the strategy area. There may be some capacity for small to medium scale wind energy development although this is likely to be very limited in the SLA and close to Snowdonia National Park. The overriding aim must be to avoid cumulative effects and protect the setting and views to and from the national park.
- Sites T1 and T4 fall within the Moel Gwern-nannau aspect area as designated by LANDMAP. The overall evaluation for the visual and sensory category is “moderate” and makes reference to existing wind farm development stating *“The area is in moderate condition although affected by wind farm development. The wind farm is a local landmark and the area’s sense of place derives from this, its skyline and its exposed position running towards higher ground to the west. Ridge shoulders are moderately rare within the County”*.
- Sites T2 and T3 fall within the Maes Newyddion Uplands aspect area as designated by LANDMAP. The overall evaluation for the visual and sensory category is “moderate”.
- Snowdonia National Park is located approximately 2.5km to the west of the application site.

57. A comparison of the size/scale of the existing and proposed turbines is provided below:

Turbine	Existing Hub Height	Proposed Hub Height	Existing Blade Tip Height	Proposed Blade Tip Height	Existing Blade Diameter	Proposed Blade Diameter
T1	39m	60m	61m	86.5m	22m	53m
T2 & T3	44m	60m	70m	86.5m	26m	53m
T4	55m	60m	81m	86.5m	26m	53m

58. The current application is supported by ZTVs up to 25km, which illustrate the visibility of the existing wind turbines and the additional visibility of the proposed wind turbines (to hub height and blade tip height).
59. Theoretical additional visibility (hub height and blade tip height) is highlighted in all directions, with a marked increase to the southwest. However the additional visibility is considered to be relatively minor when viewed in the context of the visibility of the existing wind turbines.
60. Officers generally agree with the agent’s assessment of the magnitude of effects over and above the existing development (as summarised in paragraph 10). The increase in the height of the turbines is not considered to have a significantly greater visual impact than the existing development. However, the proposal would prolong the presence of the wind farm and therefore prolong the visual and landscape impact.
61. In terms of the impact upon Snowdonia National Park, Natural Resources Wales (NRW) considers that the existing development has a moderate adverse effect on the visual outlook of the eastern edge of Snowdonia (which is significant) and the proposed repowering would consolidate and prolong the presence of a wind farm on the edge of the national park by a further 25 years and maintain the current significant adverse effects. NRW therefore considers that mitigation measures are required and recommends a condition requiring the turbine blades and columns to be finished in a matt mid grey colour.
62. Given the comments made by NRW, Snowdonia National Park Authority raise no objection.

63. Given the above, the proposal is not considered to have unacceptable adverse visual and landscape impacts, subject to satisfactory conditions.

#### Residential Amenity

64. The nearest dwellings with no financial interest in the proposal are:
- Hendre Ucha - sited approximately 547m to the southeast of the nearest proposed turbine (T2);
  - Pant Glas – sited approximately 558m to the southeast of the nearest proposed turbine (T2); and
  - Bryn yr Hyrddod - sited approximately 589m to the northwest of the nearest proposed turbine (T4).
65. UK Government guidance indicates that shadow flicker can only occur within 130 degrees either side of north of the proposed turbine.
66. A site plan has been submitted showing that existing dwellings do not fall within 130 degrees either side of north of the proposed turbines, and that existing dwellings are sited more than 10 times the blade diameter (530m) from the nearest proposed turbine. As such the proposal is unlikely to result in any significant adverse shadow flicker to neighbouring dwellings. Public Protection raises no objection regarding shadow flicker.
67. TAN8 advises that the report The Assessment and Rating of Noise from Wind Farms (ETSU-R-97) gives indicative noise levels calculated to offer a reasonable degree of protection to wind farm neighbours. Public Protection is satisfied that the calculated noise levels comply with ETSU-R-97 and recommend conditions regarding noise levels.
68. Representations raise concerns regarding the accuracy of the submitted noise assessment. The applicant's acoustic consultant has provided a response addressing each issue, which has been forwarded to Public Protection for comment. At the time of writing, no comments have been received from Public Protection and a response will be provided in the addendum.
69. In addition to the above mentioned conditions, Public Protection recommend that the hours of work during decommissioning and construction are restricted.
70. It would appear that the proposed turbines, subject to satisfactory noise related conditions, could operate in this locality without any serious amenity impact upon the occupiers of the nearest residential property.

#### Highways Considerations

71. The application proposes road widening of a 365m section of the minor road by 0.5m to facilitate access to turbine T1, and some modifications to the existing access tracks as the proposed turbines are located in a slightly different position to the existing turbines. Access to and from the site during the construction and decommissioning phases will utilise the A5 trunk road.
72. Neither Welsh Government nor the Highways Officer object to the proposal. Welsh Government directs the inclusion of conditions requiring the submission of:
- Assessment of the capacity and condition of, and the impact upon, the Welsh trunk road network;
  - Highway improvement works;
  - Damage remediation;
  - Traffic Management Plan; and
  - Movement dates and times.

73. The Highways Officer recommends similar conditions to those listed above, but in respect of the highway network from the A5 to the site.
74. Given the above, the proposal is not considered to adversely affect highway safety, subject to satisfactory conditions.

#### Biodiversity

75. The Ecologist is satisfied with the conclusions reached in Chapter 6 of the Environmental Statement, which identifies potential impacts from the construction and operational phases of the development. Provided that impacts are avoided as proposed and controlled by condition, the Ecologist considers that there should be no significant adverse impacts on species or habitats. The Ecologist recommends conditions requiring: i) the submission of a Construction Environmental Management Plan, habitat enhancement scheme and bat surveillance programme; ii) no walls or hedges to be removed; and iii) no construction work to take place during March – August.
76. Natural Resources Wales (NRW) considers that the proposal is unlikely to: i) be detrimental to the maintenance of the favourable conservation status of any local populations of European protected species; and ii) adversely affect any local populations of fully protected British protected species. NRW recommend a condition requiring the submission of bat mitigation.
77. Given the above, the proposal is not considered to adversely affect biodiversity, subject to satisfactory conditions.

### **CONCLUSION**

78. The proposal falls to be assessed against Part 3 of Policy NTE/7. The proposal complies with all aspects of the policy, other than criterion 3 a) and 3 d) for the following reasons:
  - 3 a) - the proposed turbines do not serve a building and therefore are not of a proportionate scale in terms of predominant energy production to supply the building(s); and
  - 3 d) - turbine T3 falls within a special landscape area but does not fall within the 'micro' category and does not serve a dwelling.
79. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications must be determined in accordance with the development plan, unless material considerations indicate otherwise. Given that the permissions for the existing turbines pre-date the LDP, and that the impacts would be broadly similar to those of the existing turbines, Officers therefore consider that there are exceptional reasons for granting planning permission contrary to Policy NTE/7.
80. The increase in the height of the turbines is not considered to have a significantly greater visual impact than the existing development. However, the proposal would prolong the presence of the wind farm and therefore prolong the visual and landscape impact. Officers consider these impacts to be acceptable, subject to conditions.
81. The submitted details and consultees' advice does not identify any substantial harm to cultural heritage, residential amenity, highway safety, biodiversity, telecommunications and aviation.
82. Given the above, the proposal is considered acceptable and can be supported. It should be noted that the application has been advertised as a departure under statutory requirements.

83. Under the Wellbeing of Future Generations (Wales) Act 2015 the Council must take reasonable steps to meet its sustainable development (or wellbeing) objectives. This decision is considered to be in accordance with the act's sustainable development principle, through its contribution towards the well-being objectives, including a resilient Wales, a prosperous Wales and a globally responsible Wales.

## **RECOMMENDATION**

- A) Minded to grant conditional planning permission.
- B) That the Development and Building Control Manager be authorised to determine the application under delegation.



**Gwasanaethau Rheoleiddio a Thai /  
Regulatory and Housing Services  
Cynllun Pwyllgor / Committee Plan  
0/44248 - Scale 1:25,000**

