

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
13/0824/FULL 27.11.2013	Infinite Renewables Limited C/O Mango Planning & Development Ltd Mr D James Number One Waterton Park Waterton Bridgend CF31 3PH	Erect a single 1.5MW wind turbine, access track and associated transformer enclosure Land At Pen-y-fan Industrial Estate Pen-y-fan Newport NP11 3XG

**APPLICATION TYPE:** Full Application

### SITE AND DEVELOPMENT

Location: The application site is located on Pen-y-fan Industrial Estate, Croespenmaen within the Settlement Boundary and an identified Primary Employment Site.

Site description: The site is within the curtilage of an industrial building (Abingdon Flooring). The application site comprises an area of vacant land between two large industrial buildings on the north-western extent of the Pen-y-fan Industrial Estate.

Development: It is proposed to erect a single 1.5MW Wind Turbine. It is anticipated that the turbine will generate approximately 3,135 MWh of electricity per annum. An access track to the turbine base will be created off the road that serves Abingdon Flooring.

Dimensions: The turbine would be 123.5 metres to the tip, 85 metres to the hub, with a 77 metre rotor diameter.

Materials: The wind turbine will be of a mid-grey colour with a minimum-reflective semi-matt finish coating.

Ancillary development: An access track is proposed for construction/delivery measuring approximately 220m in length, and a control building measuring 6m x 3m and 2.8m high, and foundation base (19m diameter).

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## PLANNING HISTORY

2/11988 - Land reclamation to include bulk earthworks, drainage works, river improvements, road diversion, grassing, tree planting and landscaping - Granted 14.09.94.

## POLICY

### Site Allocation

Local Development Plan: The site is located within the Settlement Boundary and a defined primary employment area.

### Policies

Local Development Plan: SP1 (Development Strategy), SP5 (Settlement Boundaries), SP8 (Minerals Protection), SP10 (Conservation of Natural Heritage), CW2 (Amenity), CW3 (Highways), CW4 (Natural Heritage Protection), CW15 (General Locational Constraints), CW19 (Locational Constraints - Rural Development and Diversification), CW22 (Locational Constraints - Minerals).

National Policy: Technical Advice Note 8: Planning for Renewable Energy, July 2005. Planning Policy Wales (Edition 7), Nov 2014.

## ENVIRONMENTAL IMPACT ASSESSMENT

Did the application have to be screened for an EIA? - Yes.

Was an EIA required? - No.

## COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? - No.

## CONSULTATION

Transportation Engineering Manager - No objection subject to conditions

Senior Engineer (Land Drainage) - No objection subject to advice.

Council's Ecologist - No objection subject to conditions.

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Landscape Architect - No objection subject to conditions.

Police Architectural Liaison Officer - Provides advice to the developer regarding security measures for the proposed substation element of the development.

Police Air Support Services - No objection. Request turbine properly illuminated.

Chief Fire Officer - Provides advice to the developer.

Dwr Cymru - No objection.

Glam/Gwent Archaeological Trust - The Historic Environment Record indicates that the proposed development is in close proximity to a cairn that likely dates to the Prehistoric period. In addition, the Scheduled Ancient Monument of Pen-y-Fan Canal Reservoir (MM269) lies approximately 600m to the north. In light of this, a condition requiring an archaeological survey will be attached to the permission to address the matter.

Welsh Government - Planning Division - No comments.

Joint Radio Company Limited - No objection at present.

OFCOM - Provides advice.

Public Health Wales - No comments.

Principal Valuer - No comments.

Head Of Public Protection - No objection subject to conditions.

### ADVERTISEMENT

Extent of advertisement: 97 properties were consulted by way of letter and site notices were displayed near the application site.

Response: Four neighbours objected and the owner of the nearby 2 turbines on Oakdale Plateau also objected.

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Summary of observations:

Neighbour objections:

- Cumulative impact on landscape.
- Noise impact of turbines.
- Impact on Pen-y-fan Country Park.

Neighbouring turbine owners' objections:

- Proposal will impact on wind capture efficiency of the two nearby turbines.
- Increase turbulence will lead to increased fatigue loads.
- Cumulative noise impact.

SECTION 17 CRIME AND DISORDER ACT

What is the likely effect of the determination of this application on the need for the Local Planning Authority to do all it reasonably can to prevent crime and disorder in its area? Crime and disorder are not considered to be an issue for this application.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? Based on the submitted baseline ecological assessment, several conditions will be attached to the planning permission but there is no impact on protected species.

COMMUNITY INFRASTRUCTURE LEVY

Is this development Community Infrastructure Levy liable? No. The development is CIL exempt.

ANALYSIS

Policies: The application has been considered in accordance with national guidance, local plan policy and supplementary planning guidance. The main points to consider in the determination of this application are in respect of the landscape, ecological, environmental health and highways impacts of the scheme.

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## Landscape Impact

The Council's Landscape Architect has offered the following comments.

"A Landscape and Visual Impact Assessment has been undertaken, which broadly follows the guidelines set down in the third edition of Guidelines for Landscape and Visual Impact Assessment published jointly by the Landscape Institute and the Institute of Environmental Management and Assessment. The potential impacts of the proposals upon Landscape Character have also been assessed using Natural Resources Wales LANDMAP data and guidelines. The assessments methodology therefore generally follows what is currently regarded as being best practice."

" A 15 km Zone of Theoretical Visibility Map was produced and potential photo viewpoints identified in conjunction with CCBC officers, and a 10 km study area agreed. An assessment of the potential impact of the proposed development upon the Landscape Character of the study area in relation to the LANDMAP. Visual and Sensory, Cultural and History aspect areas, was undertaken. The assessment concluded that the potential significance of impact, upon any of these areas was no greater than moderate adverse and that for the majority of the aspect areas the potential significance of impact was likely to be neutral to minor adverse. The potential significance of impact upon the Geology and Habitat aspect areas within, which the site is situated was assessed as minor adverse in relation to the Geology aspect area and moderate adverse in respect to the habitat aspect area. I concur with these assessments."

"The visual impact of the proposed development has been assessed primarily from 22 No. locations agreed with CCBC officers. The assessment identifies the significance visual impact, of the proposed turbine as being "major/moderate adverse" in relation to five of the locations, Pen y fan Pond (1), Penrhiw Estate (7), Old Pant Road (10), Greenwood Road (13) and Penylan Top (14). The significance of visual impact upon the remaining 17 No locations as assessed as being "neutral to minor/moderate adverse." Best practice guidelines for assessment recommends a formulaic approach but recognises that a degree of professional subjectivity is also used in reaching a decision. I am in general agreement with the visual assessment though I believe the potential impact upon "Parkway" (location 2) will be "major/moderate adverse" and not "neutral to minor/moderate adverse" as assessed."

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"The 'Landscape and Visual Impact Assessment' also briefly considers the potential visual impact upon National and Local designated landscapes within and adjacent to the study area, Registered Historic Landscapes, Conservation Areas, Public Rights of Way, National trails, Common and Open access Land, main and local road networks. In all instances it was considered that the perceived degree of change would not be so large as to represent a "significant" effect. I concur with this general assessment. I recognise that some localised receptors may experience adverse impacts. However the presence of the Oakdale/Penyfan Industrial Estate and the existing Oakdale turbines within most views will ensure that the proposed turbine would not represent a new and entirely incongruous element within the view. I therefore concur with the overall assessment."

"A cumulative impact assessment has been submitted to assess the anticipated effects of the proposal upon both Landscape Character and visual receptors. The assessment suggests that the proposed turbine will be seen in the immediate context of the two existing turbines on the Oakdale plateau. The separation distance between the two existing turbines and that of the proposed turbine to the closest of the Oakdale pair is similar as is the height and design of these turbines. Therefore the existing and proposed turbine are likely to be seen as one development. I concur with this assessment and believe that the addition of a single additional wind turbine at this location will not on its own result in a significant cumulative impact upon any of the assessed photo-viewpoints."

"The potential cumulative impact upon the Landscape Character of the study area was broadly assessed in the original "Landscape and Visual Impact Assessment" and has not been expanded upon in the subsequent addendums. This initial assessment concluded that the existing industrial landscape could accommodate another turbine of similar size and design to the existing turbines on the Oakdale plateau without any "significant" change in landscape character. I agree with this assessment and also believe that this additional turbine in its proposed location will not in itself result in a "significant" impact upon the landscape character of the wider study area."

"To conclude - Should this application be approved, I believe there would be no significant adverse impacts upon the landscape character of the study area. Significant (major/moderate adverse) visual impacts would be localised and would often occur where views already exist of the two turbines on the Oakdale plateau. In such views the proposed turbine would be seen as an extension to the existing pair, which are already prominent in many local views.

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The addition of a single turbine of similar height and design to this existing turbines on the Oakdale plateau, would increase the prominence of the group but not cause the group to visually dominate the study area or the assessed local views. Neither would the addition of a single turbine in this location cause a "significant " cumulative effect upon the landscape character or visual quality of the study area."

"I have no objection to this application."

The application site is located on the border of two areas as defined in the Gillespie Report. Within area No. 5, i.e. the Greater Blackwood Area, and immediately adjacent to area No. 8, i.e. the Pen y fan and land west of Newbridge. Both areas are identified as highly sensitive to wind turbines of this scale, although sensitivity varies within each unit. In this instance the acceptability is influenced by the 2 existing large turbines in close proximity to the proposal. It should however be noted that the Gillespie report is a strategic study, and gives pointers, not specific advice on individual proposals.

#### Environmental Health

Based on the Environmental Noise Impact Assessment submitted, the Head of Public Protection concludes that the proposed development will not have an unacceptable impact on the amenity of residential properties from noise or shadow flicker. Several conditions will be attached to the planning permission to control such matters.

#### Impact on Ecology and Wildlife

A Baseline Ecological Assessment was carried out on this site. The findings of those surveys have been considered by the Council's Ecologist and no objections have been raised subject to several conditions to include bat activity monitoring.

#### Highways Impacts

A Transport Management Plan has been submitted with the application and this has been assessed by the Transportation Engineering Manager. He is satisfied that the turbine can be transported safely to the site without having any detrimental impacts on the highway network, subject to the imposition of suitably worded conditions.

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Comments from consultees: These are addressed above.

A condition will be attached relating to the assessment of archaeology onsite further to the comment of Glamorgan/Gwent Archaeological Trust.

Comments from public:

The objections relating to impact on the landscape, cumulative impact and noise concerns have been addressed above.

No objection has been raised by consultees subject to relevant conditions.

In terms of the objection raised by the owner of the two turbines on the adjacent plateau, i.e. the proposal will affect the efficiency of the existing turbines, relevant guidance is contained in Technical Advice Note 8: Planning for Renewable Energy (July 2005). Paragraph 2.8 states that wind turbines need to be positioned so that the distance between them are around 3-10 rotor diameters. This spacing represents a compromise between compactness, which minimises capital cost, and the need for adequate separations to lessen energy loss through wind shadowing from upstream machines. The proposed turbine is located some 4 rotor diameters to the south-east of the nearest existing turbine on the plateau site. Such a distance of separation is considered to be acceptable in accordance with the above guidance.

Other material considerations: None.

RECOMMENDATION that Permission be GRANTED

This permission is subject to the following condition(s)

- 01) The development hereby permitted shall be begun before the expiration of five years from the date of this permission.  
REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
  
- 02) The level of noise from the wind turbine (hereby approved) measured at the nearest noise sensitive properties shall not exceed 35dB(A) (LA90, 10 mins) up to wind speeds of 10m/s at 10m height when calculated in accordance with the Guidance Notes attached to this consent, or such other guidance as may be agreed in writing by the Local Planning Authority.  
REASON: In the interest of the amenity of noise sensitive properties.

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- 03) Within 21 days from the receipt of a written request from the Local Planning Authority and following a noise complaint to the Local Planning Authority from the occupant of a dwelling which lawfully exists or has planning permission at the date of this consent, the wind turbine operator shall, at the operator's expense, engage an independent consultant approved by the Local Planning Authority to assess the level of noise emissions from the wind turbine at the complainant's property following the procedures described in the attached Guidance Notes or such other guidance as may be agreed in writing by the Local Planning Authority. The independent consultant's assessment and conclusions regarding the said noise complaint, including all calculations, audio recordings and the raw data upon which those assessments and conclusions are based, shall be submitted for the approval of the Local Planning Authority within 2 months of the date of the written request, unless otherwise extended in writing by the Local Planning Authority. The assessment recommendations as may be approved in writing by the Local Planning Authority shall be implemented and carried out within a set timescale agreed in writing by the Local Planning Authority.  
REASON: In the interest of the amenity of noise sensitive properties.
- 04) Following the commissioning of the wind turbine hereby approved, the power generation, the wind speed and direction data, shall be continuously logged in accordance with a method that shall have been agreed in writing by the Local Planning Authority and such data shall be retained for a period of not less than 24 months and it shall be provided to the Local Planning Authority at its written request within 14 days of such request.  
REASON: To monitor the wind turbine use and provide information to the Local Planning Authority to retain effective control.
- 05) Deliveries and construction works associated with the wind turbine hereby approve shall not take place outside the hours of 07.00 and 19.00 Mondays to Fridays, 09.00 and 16.00 Saturdays and not at all on Sundays and Public Holidays, unless otherwise agreed in writing with the Local Planning Authority.  
REASON: In the interest of residential amenity.

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- 06) Prior to the commissioning of the wind turbine hereby approved it shall have been fitted with a control system that automatically shuts down the turbines during times should shadow flicker occur, in accordance with a scheme of control that shall have been agreed in writing with the Local Planning Authority.  
REASON: To control flicker in the interests of the amenity of nearby flicker-sensitive properties.
- 07) No works shall commence on site until a revised Traffic Management Plan has been submitted to and agreed in writing by the Local Planning Authority which provides a detailed report on the proposed route to be taken to the application site. This should include the adequacy of the route and provide details of any improvements required to the highway network to allow the movement of the abnormal loads. All improvements must be implemented before the movement of any abnormal load can take place. The plan will need to indicate full consultation and approval with neighbouring Authorities which the loads pass through, consultation and approval with the Welsh Government and South Wales Police Liaison Transport Officer who co-ordinates the safe passage of the vehicles and consultation and approval with the Highways Agency. The development shall be carried out in accordance with the agreed Traffic Management Plan.  
REASON: In the interests of highway safety.
- 08) Before the transportation of AIL components commence to site the hauler's indemnity insurance must be inspected by the Highway Authority and written approval granted from the Authority's Chief Legal Officer.  
REASON: In the interests of highway safety.
- 09) No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.  
REASON: To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource.

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- 10) The wind turbine and tower hereby approved together with the ground equipment and plant shall be removed from the application site, either before the end of 25 years from the date of commencement of the development hereby approved or within six months upon their becoming no longer operationally active in the generation of electricity, whichever is the earlier.  
REASON: In order to define the extent of the permission hereby granted.
- 11) Prior to the construction of the external surfaces of the development hereby approved details of the materials to be used, in electronic or printed format shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.  
REASON: In the interests of the visual amenity of the area.
- 12) The demolition or site/vegetation clearance associated with the development hereby approved shall not take place during the breeding season for birds, from March to August inclusive in any given year, unless otherwise agreed in writing by the Local Planning Authority.  
REASON: To ensure that breeding birds are protected. All British birds, their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000.
- 13) Details of land drainage shall be submitted to and agreed in writing with the Local Planning Authority before the works commence and shall be carried out in accordance with the agreed details before the development is brought into use.  
REASON: In the interests of highway safety.
- 14) The wind turbine, tower and ancillary equipment shall be removed from the site and the land restored to its former condition upon cessation of the use in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The cessation of the use shall be defined as the wind turbine becoming inoperative for a continuous period of six months.  
REASON: In the interests of visual amenity.
- 15) Notwithstanding the submitted plans details of anti collision lighting to be fitted to the turbine shall be submitted for the written approval of the Local Planning Authority prior to any works commencing on site, and thereafter installed in accordance with a timetable agreed as part of those details.  
REASON: In the interests of health and safety.

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- 16) Prior to the commencement of the development hereby approved an investigation of the underground strata (the results of which shall be submitted to the Local Planning Authority) in order to establish the stability of the site of the turbines and the measures that should be taken with regard to the design of the foundations of the wind turbines and/or proposals for ground treatment, details of which (including calculations certified by a competent person), shall be submitted to and agreed in writing by the Local Planning Authority. The foundations and /or ground treatment shall thereafter be completed in accord with such details as have been agreed.  
REASON: To ensure the structures are provided with adequate foundations.
- 17) The first 11 metres of the construction access track from the adopted highway shall be finished in materials that shall have been submitted to and agreed in writing with the Local Planning Authority and those details shall not include loose materials that may be carried out onto the adopted highway.  
REASON: To prevent loose material such as mud and gravel being carried out onto the highway.
- 18) Prior to the construction of the sub-stations details of the external finishes shall be submitted to and agreed in writing with the Local Planning Authority. The development shall be completed and maintained thereafter in accordance with the agreed finishes.  
REASON: In the interest of visual amenity.
- 19) Before the commissioning of the wind turbines hereby approved, details of bat activity surveys by a competent bat ecologist to monitor foraging and commuting bat activity around the turbines for a minimum of 2 years post-completion of the development shall be submitted to and agreed in writing by the Local Planning Authority and the agreed activity surveys shall be carried out unless otherwise agreed in writing by the Local Planning Authority and the results of the surveys shall be submitted to the Local Planning Authority annually along with details of any proposed improved mitigation measures, arising from the survey results to be agreed in writing by the Local Planning Authority and the agreed improved mitigation measures shall be implemented.  
REASON: To provide information on the level of bat activity in close proximity to the turbines and any interaction between foraging bats and the turbine blades, in the interests of biodiversity.

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- 20) No development or site/vegetation clearance shall take place until a detailed reptile mitigation strategy has been prepared by a competent ecologist (including a methodology for the capture and translocation of reptiles with details of the receptor site if necessary) and submitted for the approval of the Local Planning Authority. The approved measures shall be strictly complied with.

REASON: To ensure that reptiles are protected.

Advisory Note(s)

Please find attached the comments of Transportation Engineering Manager, Head of Public Protection, OFCOM, Joint Radio Company Ltd, Glam/Gwent Archaeological Trust, Chief Fire Officer, Police Air Support that are brought to the applicant's attention.

The following policy(ies) of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 is/are relevant to the conditions of this permission: Policy CW2 and CW3.

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