

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
15/0774/FULL 24.09.2015	Fine Energy Ltd Mr G Hygate 202 Keys Court 82-84 Moseley Street Birmingham B12 0RT	Erect a single turbine up to a blade tip height of 76.45m, 50.0m hub height, 52.9m rotor diameter and output of 800kW with associated track access, electric cabinet and crane pad Land At Tyle Crwth South West Of Ynysddu Newport

**APPLICATION TYPE:** Full Application

#### SITE AND DEVELOPMENT

Location: Tyle Crwth, South west of Ynysddu, NP11 7JX (Grid ref: 317349 191685). The site is located just less than 1 km south west of the settlement of Ynysddu. Urban development locally is predominantly focussed within the Valley bottom, including the settlements/built up areas of Ynysddu and Cwmfelinfach. The general pattern of scattered rural dwellings and farmsteads in the surrounding area is rather limited with the nearest dwelling to the proposed site being Tyle Crwth, 605.2m away. To the east of the site open land gives way to woodland plantation on the western side of the valley, including some areas of ancient woodland. Large tracts of this woodland area form part of the Sirhowy Valley Country Park. The Graig Y Prisiad Woodlands are a locally designated Site of Interest for Nature Conservation (SINC). The Country Park also contains the Graig Goch Local Nature Reserve, and ancient and mixed woodland. The woodlands/park contains a number of walks/paths e.g. the Sirhowy Valley and Raven Walks. The floodplain area of the River Sirhowy is also a SINC. An existing 33Kv overhead line passes to the east of the site from the 33/11kV Cwmfelinfach substation.

To the west, beyond the Rhymney Valley Ridgeway Walk the site is bounded by a significant area of Registered Common Land known as Mynydd Y Grug (Ref CL32), which is also a SINC.

The North Caerphilly Special Landscape Area (SLA) and others in the wider vicinity, including Mynyddislwyn SLA are located to the east over the River Valley.

A recently constructed wind turbine is situated 0.5km to the north at Bryn Ysgawen Farm.

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Site description: The application site is located within an enclosed upper valley side pastoral landscape, just below the ridgeline of Mynydd Bach / Mynydd y Grug. Coniferous plantations on the western slopes of the Sirhowy Valley form the immediate context of the site to the north, south and define its eastern boundary. To the west of the site is an area of open rough grazing land which forms part of Mynydd y Grug Common and the Special Landscape Area. Within approximately 1km of the application site is the operational Bryn Ysgawen turbine, the top tip of the Bedwas tip complex, the tele-communications mast on the summit of Mynydd Bach and an electricity line mounted on wooden poles.

Development: Full planning approval is sought in respect of the erection of a single 800kW turbine up to a blade tip height of 76.45m, 50m hub height, 52.9m rotor diameter with associated track access, electric cabinet and crane pad. The wind turbine is the E-53 wind turbine, which has a gearless drive system.

Associated works include installation of approximately 1.3km of underground cabling to the point of grid connection (33/11kVCwmfelinfach Substation).

Access to the turbine field shall be provided via an existing gate over a distance of 190m. Access shall also be routed over the existing vehicle tracks on Mynydd Y Grug Common / Site of Importance for Nature Conservation (SINC).

The turbine comprises various components, which will be individually transported and assembled on site using a mobile crane.

The application is supported by a Design and Access Statement, a Landscape and visual Impact Assessment, Gould Ecology - Bat and Nightjar survey, Gould Ecology - Great Crested Newt Survey, Gould Ecology - Phase 1 Ecology Survey, Noise Impact Assessment Report, Shadow Flicker Assessment, Access Study, Landscape and Visual Impact Assessment.

Dimensions:

Turbine:-  
800 kW output. Brynysgawen is a 500kW turbine which operates without a gear box.  
76.45m high.  
50m to the hub.  
52.9m rotor diameter.

Electrical Cabinet: -

3m x 3m x 2.8m high.

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The site area, which includes the temporary crane pad measures 2764.7 square metres.

Materials: The tower will be made of grey galvanised steel with grey blades made of Epoxy Resin/Glass reinforced Plastic (GRP). Their rotational direction will be clockwise. Electrical cabinet is made of glass reinforced Plastic (GRP) containing all metering and electrical connection and isolation equipment.

Ancillary development, e.g. parking: Not applicable.

#### PLANNING HISTORY 2005 TO PRESENT

None.

#### POLICY

#### LOCAL DEVELOPMENT PLAN

Site Allocation: The site lies outside the settlement boundary.

Policies: SP3 (Development strategy - development in the Southern Connections Corridor), SP5 (settlement boundaries), SP10 (conservation of natural heritage, CW2 (amenity), CW3 (design considerations - highways), CW4 (natural heritage protection) and CW15 (general locational constraints).

#### NATIONAL POLICY

Technical Advice Note 8: Planning for Renewable Energy, July 2005.  
Planning Policy Wales (Edition 8), January 2016.

#### 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? Not an issue in respect of this planning application.

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## CONSULTATION

Countryside And Landscape Services - Requests conditions are attached to any consent in respect of both ecological issues together with details of the colours of the wind turbine and associated apparatus and materials to be used in the access road.

Natural Resources Wales - Having considered the additional information from Gould Ecology dated 21st March 2016, NRW remove their original objection to the development, subject to the recommendations described in the various survey documents being secured through suitably worded conditions attached to any planning permission granted. They provide advice to be conveyed to the developer.

Transportation Engineering Manager - No objection to the development subject to conditions being attached to any consent requiring a revised Traffic Management Plan and a highway condition survey along the lane from the A472 Crown Roundabout to the application site.

Senior Engineer (Land Drainage) - Requests a standard condition is attached to any consent requiring comprehensive proposals showing how surface water and land drainage flows from the site will be dealt with. Advice is provided to be conveyed to the developer.

Rights Of Way Officer - No PROW directly affects the proposed turbine location. However, Restricted Byways 157, 158 and 160 all in the Community of Bedwas would form the access route. There would need to be measures in place to protect users of these paths during periods of transport activity. This land is also under the ownership of CCBC. Outside of this land is Common Land, and permission must be sought from the Welsh Government for works on Common land.

In addition, it has been noted that WPD will be laying cable along the route of Footpaths 234 and 235 in the Community of Mynyddislwyn and across Footpath 238 in the Community of Mynyddislwyn. These paths will need to be temporarily closed for health and safety during the works period. Any proposed groundworks affecting the Public Rights of Way need to be agreed with the Rights of Way Dept prior to works commencing.

Police Architectural Liaison Officer - No objections.

Police Air Support Services - No response.

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National Air Traffic Services - The proposed development has been examined from a technical safeguarding aspect and does not conflict with their safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal. They provide advice to be conveyed to the developer.

Ministry Of Defence - No objection. It provides advice to be conveyed to the developer.

Wales & West Utilities - Based on the information given and the address provided, Wales & West Utilities have no apparatus in the area of the application. It provides advice to be conveyed to the developer.

Glam/Gwent Archaeological Trust - The Historic Environment Record curated by the Trust shows that the application area is located in close proximity to a number of burial monuments of prehistoric date, some of which are protected as scheduled ancient monuments (SAM MM196, MM149 and MM033). It is often the case that these monuments appear as parts of a group, and as such it is possible that remains of a similar date could be impacted on by the proposed development. They therefore recommend that a condition requiring the applicant to submit a programme of archaeological work in accordance with a written scheme of investigation should be attached to any consent granted.

OFCOM - Provides advice to be conveyed to the developer.

Public Health Wales - Confirms at the time of writing it has not identified any evidence to suggest that noise from wind turbines has a direct physiological impact on health. It recommends the LPA be satisfied that the inputs, assumptions and cumulative noise assessment submitted with the application are locally appropriate and accurate. With regard to shadow flicker effects, they confirm current evidence suggests that the frequency of the flickering caused by the wind turbine rotation is such that it should not cause a significant risk to health.

Head Of Public Protection - The cumulative shadow flicker assessment submitted indicates that the proposed increase in shadow flicker from the wind turbines would still be within governmental guidelines. Conditions are requested to be attached to any consent requiring noise, shadow mitigation and monitoring measures.

Principal Valuer - The access to the proposed turbine site is over land owned by the Council. The access track is a Restricted Byway and any alterations will require planning consent. Fine Energy has applied for access rights over the common but this application has not yet been determined.

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## ADVERTISEMENT

Extent of advertisement: The application has been advertised in the press, on site and 118 neighbouring properties have been consulted.

Response: Petitions signed by a total of 307 persons and 44 e-mails and letters objecting to the development with one letter of support subject to issues of shadow flicker and excess noise being remediated.

### Summary of observations:

- Location not appropriate on the valley side and cumulative effect with existing wind turbine will be overbearing and visually unacceptable.
- Long term health complaints - adverse in respect of epilepsy, tinnitus, migraines, insomnia, anxiety.
- Increase in Noise nuisance as experienced from existing wind turbine at Bryn Ysgawen.
- Shadow flicker.
- Interference with electromagnetic transmissions.
- No community support from the company.
- Company is insolvent.
- Traffic movements associated with the turbine will have an adverse impact upon highway safety and result in congestion.
- Owner lives in Birmingham and does not reside in the affected community.
- Development is for financial gain.

## 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?

There are no specific crime and disorder implications material to the determination of this planning application.

## EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species?

This Council's Ecologist has considered all the reports submitted by the applicant together with the responses from Natural Resources Wales. The ecological surveys and assessments which included an extended phase 1 survey, a great crested newt survey, a bat survey, and nightjar survey, undertaken in connection with this application have confirmed the following.

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The turbine location is on land of low nature conservation interest and its position in the field is unlikely to have an impact on habitats or protected species. The access track and cable route were found to have potential impact on Woodland habitats and on nesting birds and potential impacts on Great crested newts associated with the nearby Mynydd y Grug Pond. The applicant's ecologist has made recommendations to minimise impact on habitats and protected species which if implemented will also not require a derogation licence for the European Protected Species - Great Crested Newt. The applicant's ecologist has also provided additional assurance by the provision of an Ecological Working Methods for the underground cabling and access track improvement works, and these together with the recommendations as set out in section 6.6 of the extended Phase 1 Habitat Survey, Section 6.1 of the bat and Nightjar Survey and Section 6 of the Great Crested newt Survey should be included as conditions in the planning approval.

It is also recommend that the enhancements proposed in Section 6.7 of the Extended Phase 1 habitat survey are also conditioned and details submitted for local authority approval.

#### COMMUNITY INFRASTRUCTURE LEVY

Is this development Community Infrastructure Levy liable? No.

#### ANALYSIS

Policies: The application is considered in accordance with local plan policies and national planning guidance.

The application site is located within an enclosed upper valley side pastoral landscape, just below the ridgeline of Mynydd Bach / Mynydd y Grug. Coniferous plantations on the western slopes of the Sirhowy Valley form the immediate context of the site to the north, south and define its eastern boundary. To the west of the site is an area of open rough grazing land which forms part of Mynydd y Grug Common and the Special Landscape Area. Within approximately 1km of the application site is the operational Bryn Ysgawen turbine, the top tip of the Bedwas tip complex, the tele- communications mast on the summit of Mynydd Bach and an electricity line mounted on wooden poles.

The Welsh Government in Planning Policy Wales (PPW) (Edition 8), January 2016 states its commitment to delivering sustainable development in Wales, including the sustainable use of resources (para 4.1.5) and ensuring Wales uses only its fair share of the Earth's resources. PPW recognises that an adequate and efficient supply of infrastructure, including electricity is crucial for the "economic, social and environmental sustainability of Wales."

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Wind turbines contribute to this agenda, as such the sustainability aspect of the proposal accords with PPW. The proposal also assists the Welsh Government's renewable energy target, which is currently 7TWh by 2020, including 800MW from on shore wind sources. Similarly Technical Advice Note 8 Planning for Renewable Energy (TAN 8) recognises that in order to try and meet the renewable targets set by the Welsh Government "on-shore wind power offers the greatest potential for an increase in the generation of electricity from renewable energy in the short to long term" (Para 2.2).

TAN 8 seeks to keep areas outside of Strategic Search Areas (SSA) free of large wind power schemes (para 2.13) and to consider the cumulative impact of small schemes in those areas outside of the SSAs. Applications for wind power below 5MW subject to meeting planning criteria are appropriate in principle outside the SSAs. It is acknowledged in TAN 8 that there is a need to strike a balance between the desire for renewable energy and the need to protect the landscape and natural heritage (Para 2.13). PPW also acknowledges that poorly designed or badly located infrastructure can "exacerbate problems rather than solving them" (Para 12.1.1). TAN 8 explains that there is a need to avoid a situation "where wind turbines are spread across the whole of a country" (Para 2.13). In this following analysis this is interpreted (in part) as the need to identify the areas that must be examined more critically in order to strike that balance and discern whether an area within the County Borough is to be preserved for its particular values.

Policy SP3 of the Council's Adopted Local Development Plan (LDP) sets out broad criteria governing development in the Southern Connections Corridor, and Policy SP5 states that settlement boundaries are defined in order to (among other criteria) prevent inappropriate development in the countryside. Policy CW15 states that outside settlement boundaries proposals would not be permitted unless they fall within certain defined categories which include development associated with the provision of public utilities and infrastructure that cannot reasonably be located elsewhere. It is considered that the proposed turbine would comply with such broad locational policies subject to the following consideration of detailed matters.

#### LANDSCAPE AND VISUAL IMPACTS ASSESSMENT

Objection has been raised regarding the location of the wind turbine on the valley side and cumulative adverse visual impact with the existing Bryn Ysgawen wind turbine. In this respect this Council's Landscape Planner has considered the Landscape and Visual Impact Assessment (LVIA) prepared by VLM Landscape Design submitted with the application and whether or not the proposed development would have a significant detrimental effect in terms of cumulative visual impact and also in terms of impact upon landscape character.

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In 2014 the Council commissioned Gillespies LLP to produce a "Landscape Sensitivity and Capacity Study" in relation to potential Smaller Scale Wind Turbine Development in the southern part of the county borough. This study complements a similar study commissioned jointly with other Heads of the Valleys Authorities which covers the northern half of the county borough. The studies offer generic rather than site specific guidance and cannot replace the need for a site specific LVIA. The study places the site of the proposed turbine in Landscape character Unit 7 (Risca Sirhowy and Ebbw Valleys). This large landscape character unit is assessed as having "medium" sensitivity to wind turbines of between 50-80m in height to blade tip. The study notes that development of this size may impact upon the scale of the valley and the setting of development in the valley bottom. The application site is also immediately adjacent to Landscape Unit 4 (North Caerphilly), which is assessed as having medium sensitivity to wind turbines of this size.

The LVIA has assessed the potential impact of the proposed development as being "major or major / moderate adverse" upon Landscape Character and Visual Receptors, within approximately 1 kilometre of the site, which is significant. Beyond this distance the impact of the proposed development varies between "none to moderate adverse" which is not significant. No residential amenity assessment was undertaken in respect of the five named properties within 770m of the application site. However it is considered the adjacent landform and vegetation cover is likely to preclude or severely restrict potential views of the proposed turbine from these properties.

Ynysddu and Cwmfelifach are the closest settlements with potential views of the proposed development. Some properties within these settlements already have views of the operational Bryn Ysgawen turbine. No representative photo viewpoints were originally selected from within these settlements, though subsequently wireframes were produced for seven viewpoints within these settlements. Views from west facing properties within these settlements are heavily influenced by the large scale forestry plantations on the western valley side, the steep topography of the valley sides and panoramic view along the pastoral and conifer ridgeline. The operational Bryn Ysgawen turbine is a prominent but relatively small scale feature within this landscape and despite the impending change to this landscape with the loss of the Larch plantations it is considered the scale of this landscape is sufficient to accommodate the existing and the proposed turbine.

The upland landscape immediately adjacent to the western boundary of the site is part of the large North Caerphilly SLA and Landscape Unit 4 (North Caerphilly). The topography of this area is varied, views of the operational turbine are restricted and the ZTV plans suggest the same will be true for the proposed turbine.

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There are currently no operational or 'in-planning' turbines within the boundaries of these defined areas and it is considered the effect of operational Bryn Ysgawen turbine upon these areas as a whole is not significant and the effect of the proposed turbine would only be significant within approximately 1 kilometre of the application site.

TAN 8 Annex D paragraph 8.4 states that "In the rest of Wales outside the Strategic Search Areas, the implicit objective is to maintain the landscape character i.e. no significant change in landscape character from wind turbine development. This is interpreted as "Typically a Landscape with occasional wind turbine developments". The majority of operational consented or 'in-planning' wind energy developments identified within the 12 kilometre study area are situated between 8 and 12 kilometres from the application site. The LVIA considered that in local views the proposed turbine would be seen within the same arc of view as the existing operational turbine at Bryn Ysgawen but that the addition of the proposed turbine would barely change the characteristics of the landscape or view. From distant viewpoints and particularly those from higher elevations additional turbines would also be visible within the same arc of view however the separation distance between the proposed and Bryn Ysgawen turbines and the other turbines within the relatively large scale upland landscape means that there would be no significant cumulative effect.

The significant effects of this proposal are restricted to an area in close proximity to the site, and there would be no significant cumulative effects if the application were approved. It is noted that any strobe effect of flashing of reflected light, which can be visible from some distance may be ameliorated by the development of an industry standard (light grey semi-matt) for the colour and surface finish of turbine blade. This may be addressed by attaching an appropriate condition to any consent.

#### NOISE IMPACTS

Objection has been raised regarding potential noise nuisance generated from the wind turbine. As part of the planning application a noise assessment was provided prepared by EWT dated 9/5/12. The information submitted has been assessed in accordance with the above guidance and having regard for local noise conditions and accepted noise levels set out within the guidance. This submission has been assessed by the Council's Head of Public Protection and it is considered that the predicted noise levels from the proposed turbine are within accepted levels. Whilst there are many variables that can affect turbine noise it is considered that the submission was carried out in accordance with the relevant guidance and as such its findings is a relevant material planning consideration. Conditions would also be attached to any consent granted controlling the levels of noise that can be produced by the turbine and requiring it to be modified, limited or shut down in order to comply with the guidance.

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With respect to noise from construction and decommissioning activities it is considered that given the small scale of the project and short period of construction and decommissioning activities (estimated to be 3 months), noisy activities are unlikely for prolonged periods. The adoption of standard construction working practices and hours of working would ensure that these temporary phases would not give rise to adverse disturbance.

#### HIGHWAYS/TRANSPORTATION IMPACTS

Objections have been received, concerned that traffic movements associated with the turbine will have an adverse impact upon highway safety and result in congestion. Ainscough Wind energy services prepared an Access Study Report dated 18/3/14, which identifies the proposed vehicular route and methodology associated with the mobile crane and its associated transport for the installation of the wind turbine. This information has been considered by this Council's Transportation Engineering Manager who advises that the proposal is acceptable in highway safety terms subject to conditions requiring a revised Traffic Management Plan which would identify the traffic management measures required, and a condition survey of the lane from the Crown roundabout to the access to the site. On this basis it is considered that the proposal would be in compliance with LDP Policy CW3 (design considerations - highways). It should also be noted that as the delivery of the equipment would involve abnormal indivisible loads, the consent of the Welsh Government Transport division would be required in addition to any consent from the Local Highway Authority in relation to the use of the Trunk Highway Network. In that regard it is not felt that the development would have any detrimental impact on highway safety issues and the proposal can be accommodated without the need for major highway improvements. The improvement and extension of the farm access track have no bearing on the highway network.

Caerphilly CBC is the freehold owner of the Mynydd Y Grug Common and the access track, which is a restricted Byway. Consent will be required from Welsh Government for any works to the Common and any alterations to the existing track will require Council approval. (The access track is included in the planning application submitted.) Fine Energy has applied for access rights over the common but this application has not yet been determined by Cabinet. Where works are to take place on the Byway, then the developer is required to apply to the Rights of Way department of the Council for a closure notice. The Mynydd Dimlaith, Mynydd Grug and Mynydd Machen Commoners Association have confirmed in writing to this Council's Property Services Department they have no objection to the proposal of widening and improving the existing access track over the common for the construction, delivery and maintenance of the proposed turbine but feel strongly that the proposed road should be retained and maintained during the life of the turbine. These matters will be addressed through the Property Services Department.

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## SHADOW FLICKER

Objection has been raised regarding the adverse impact upon residential amenity as a result of shadow flicker. A report prepared by Fine Energy addresses shadow flicker for the proposed turbine at Tyle Crwth and the cumulative impact with the existing turbine at Bryn Ysgawen Farm. The term 'shadow flicker' refers to the flickering effect caused when rotating wind turbine blades periodically cast shadows over neighbouring properties as they turn, through constrained openings such as windows. The magnitude of the shadow flicker varies both spatially and temporally and depends on a number of environmental conditions coinciding at any particular point in time, including, the position and height of the sun, wind speed, direction, cloudiness, and position of the turbine to a sensitive receptor.

Planning Policy Wales (2016) and Technical Advice Note 8 Planning for renewable Energy (2005) require the effects of wind turbine development to be adequately assessed but does not specify methodologies. Shadow flicker is acknowledged as a material planning consideration in relation to planning applications for wind turbine development. The Department of Energy and Climate Change (DECC ) Evidence Base publication contains a review of shadow flicker assessment best practice across Europe. Current recommendations in Planning for Renewable Energy " A Companion Guide to PPS22 Office of the Deputy Prime Minister (2004) makes the following statements:

- Shadow flicker only occurs inside buildings where the flicker appears through a narrow window opening;
- Only properties within 130 degrees either side of north of the turbines can be affected at UK latitudes;
- Shadow flicker has been proven to occur only within ten rotor diameters of a turbine position;
- Less than 5% of photo-sensitive epileptics are sensitive to the lowest frequencies of 2.5-3 Hz; the remainder being sensitive to higher frequencies; and
- A fast-moving three-bladed wind turbine will give rise to the highest levels of flicker frequency of well below 2 Hz. The new generation of wind turbines is known to operate at levels below 1 Hz.

The Shadow flicker assessment submitted with the application confirms the rotor diameter of the proposed turbine is 53m. Ten times the rotor diameter equals 530m as the DECC recommended distance to avoid shadow flicker issues. There are no residential properties within the 530m of the proposed turbine site.

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No published significance criteria exist for the assessment of shadow flicker impacts and there is no UK statutory limit or guidance to stipulate acceptable levels of shadow flicker. Predac, an EU sponsored organisation promoting best practice in energy use and supply, suggests that a maximum of 30 hours of shadow flicker in a calendar year is acceptable, with no longer than 30 minutes on any single occasion . These criteria have been used in the assessment to represent the longest amounts of time that shadow flicker impacts can reasonably occur before causing what can be considered an unacceptable nuisance and therefore requiring mitigation.

The developer has carried out an analysis of the cumulative shadow flicker effects of the proposed turbine taken together with the constructed turbine at Brynysgawen. In the following properties, the proposed turbine would increase the length of time during which shadow flicker would be experienced but in each case the increased exposure remains within these limits:

- Old Tredegar Arms: 16.5 hours per year (maximum 20 minutes per day)
- Ty Graig Cottage: 17.2 hours per year (maximum 20 minutes per day)

The report concludes there will be no adverse effects on residential amenities due to cumulative shadow flicker.

This Council's Head of Public Protection has considered the Shadow Flicker Assessment submitted and has raised no objection to the development subject to conditions being attached to any consent to mitigate against noise nuisance and shadow flicker.

#### HEALTH

Objection has been raised regarding the long term health complaints particularly in respect of epilepsy, tinnitus, migraines, insomnia, and anxiety as a result of a wind turbine. The DECC Report advises that "On health effects and nuisance of the shadow flicker effect, it is considered that the frequency of the flickering caused by the wind turbine rotation is such that it should not cause a significant risk to health. Mitigation measures which have been employed to operational wind farms such as turbine shut down strategies, have proved very successful, to the extent that shadow flicker cannot be considered to be a major issue in the UK." Public Health Wales has not raised an objection to the development subject to appropriate conditions being attached to any consent to control and mitigate against noise and shadow flicker.

Complaints regarding shadow flicker in respect of the Bryn Ysgawen Wind Turbine are subject of ongoing investigations by this Council's Planning Enforcement Section. The discussion, however, relates to the control of flicker rather than the principle of the acceptability of the turbine.

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#### HERITAGE IMPACT

The key impacts of wind turbines, either individually or as larger groups, on features of cultural heritage (such as scheduled ancient monuments; listed buildings; conservation areas; registered historic landscapes; and parks and gardens of special historic interest) include:

- Loss or direct impact on identified features of historic interest, including undiscovered archaeology.
- Indirect impacts on the character or appearance and setting of features of historic interest.

The application has been considered by this Authority and the statutory consultees have been consulted. No adverse comments have been received in respect of the proposal but conditions are requested to be attached to any consent to ensure no adverse impacts upon cultural heritage assets, which may be within the area.

#### ECOLOGICAL IMPACT

The main ecological impacts resulting from wind turbines are associated with the site infrastructure i.e. construction compounds, the turbines themselves and cable trenches. These impacts may occur both during construction and during the operation of the turbines. The key potential ecological impacts include:

- Direct and indirect impacts of wind turbine construction on ecological receptors e.g. habitat loss and/or loss of plant or animal species, disturbance and fragmentation.
- Direct and indirect impacts of wind turbine operation on ecological receptors e.g. the disturbance of habitats and birds/bats colliding with the turbine blades during operation (known as 'bird strike').

The application has been supported by a Bat and Nightjar Survey, Great Crested Newt survey, Phase 1 Ecology Survey, which have been considered by this Authority together with the relevant statutory consultees. Conditions may be attached to any consent to address concerns raised in respect of the same.

Comments from Consultees: The concerns of the statutory consultees referred to above may be addressed by attaching appropriate conditions to any consent.

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Comments from public: Some of the objections raised have been considered above. In addition the following objections are addressed:-

- Inteference with electromagnetic transmissions. The relevant statutory consultees have been consulted and there have been no adverse comments received. However, advice is provided to be conveyed to the developer.
- No community support from the company. There is no planning requirement to seek community contributions.
- Company is insolvent. This is not a planning matter.
- Owner lives in Birmingham and does not reside in the affected community. This is not a planning consideration.
- Development is for financial gain. This not a planning consideration

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 permission hereby granted shall endure for a period of 25 years from the date when electricity is first exported from Tyle Crwth wind turbine. Written confirmation of the first export date shall be sent to the Local Planning Authority within one month of the first export date.  
REASON: In order to retain effective control over the development.
- 03) Within 25 years from the date when electricity is first generated to the grid, or within six months of the cessation of electricity generation by the wind turbine facility, whichever is sooner, the wind turbine and all associated works/equipment shall be dismantled and removed from the site and the land restored to its former condition in line with a restoration scheme, details of which shall be submitted and approved in writing by the Local Planning Authority.  
REASON: In the interests of visual amenity.

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- 04) Within the year prior to decommissioning of the site, and during the appropriate survey period prior to decommissioning, a full ecological survey of the site shall be undertaken to inform decommissioning, as required by Condition 03). A survey report shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of decommissioning and then implemented as approved. The report shall include ecological mitigation measures, as appropriate, based on the ecological assessment findings to be followed during commissioning and beyond.  
REASON: In the interests of visual amenity and biodiversity.
- 05) Prior to the commencement of the development hereby approved a Habitat Management and Mitigation Plan shall be submitted to and approved in writing by the Local Planning Authority and shall include details of the mitigation recommendations as outlined in Section 6.6 of the Extended Phase 1 Habitat Survey and Preliminary Ecological Appraisal dated March 2015 by Gould Ecology, section 6.1 of the Bat and Nightjar Survey Version 2 dated June 2015 by Gould Ecology, section 6 of the Great Crested Newt Survey version 1 dated June 2015, the Ecological working Methods for the underground cabling and access track improvements works, version 2 dated 21st march 2016 by Gould Ecology, together with details of habitat protection and reinstatement measures. The measures in the approved Habitat Management and Mitigation Plan shall be carried out under the supervision of an Ecological Clerk of Works.  
REASON: To ensure adequate protection and mitigation for habitats and protected species.
- 06) Where any species listed under Schedules 2 or 4 of The Conservation (Natural Habitats, etc.) Regulations 1994 is present on the site (or other identified part) in respect of which this permission is hereby granted and a Welsh Assembly Government European Protected Species licence is required, no works of site clearance, demolition or construction shall take place in pursuance of this permission unless a licence to disturb any such species has been granted in accordance with the aforementioned Regulations and a copy thereof has been produced to the Local Planning Authority."  
REASON: to ensure that plant and animal species which come within the terms of the Conservation (Natural Habitats, etc.) Regulations 1994 (as amended) are effectively protected and that a copy of the WAG development licence is submitted to the Local Planning Authority.

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- 07) No development shall commence until details of a scheme for the disposal of surface water and land drainage flows from the site has been submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented in accordance with the approved details prior to the beneficial use of the development and retained in perpetuity.  
REASON: To ensure the development is served by an appropriate means of drainage.
- 08) The level of noise from the wind turbine (hereby approved) measured at the nearest noise sensitive properties (Not financially involved) shall not exceed 35dB(A) (LA90, 10 mins) up to wind speeds of 10m/s at 10m height when calculated in accordance with the attached Guidance Notes, 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
- 09) 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 turbines 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.
- 10) 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.

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Application No. 15/0774/FULL Continued

11) 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.

12) The development hereby permitted shall be carried out only in accordance with the following plans and other submitted details:

Block Plan drawing 01 received 17/9/15.

Location Plan drawing no:02 received 17/9/15.

Location Plan 2 drawing 03 received 17/9/15.

Turbine elevation received 17/9/15.

Electrical and cabinet Details - drawing details 2 received 17/9/15.

Route Survey report prepared by Plant Speed received 5/4/16.

Gould Ecology - Ecological Working Methods for the underground cabling and access track improvements dated 21/3/2016.

Tyle Crwth Photomontage Viewpoint Location Plan.

New wire frames received 5/11/2015.

Tyle Crwth Shadow Flicker assessment Rev1, received 5/11/2015.

Landscape and Visual Impact Assessment Report No.11508..

Gould Ecology - Bat and Nightjar Survey June 2015 v2.

Gould Ecology - Great Crested Newt survey June 2015 v1.

Gould Ecology - Phase 1 Ecology survey March 2015.

Noise Impact assessment Report.

and other supporting information - LVIA received 17/9/15.

(or any plans or details subsequently agreed in writing by the Local Planning Authority as an amendment to the approved plans).

REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.

13) Prior to the commissioning of the wind turbine hereby approved it shall be fitted with a control system that automatically shuts down the turbines during times that shadow flicker occurs, 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.

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Application No. 15/0774/FULL Continued

- 14) Prior to the commencement of the construction of the wind turbine hereby approved the Ministry of Defence shall be notified in writing of the start date for its construction together with confirmation of their maximum height and Ordnance Survey positions.  
REASON: To ensure that military flying charts are properly updated.
- 15) The external surface finishes/colours of the wind turbine and tower hereby approved shall be light grey, non-reflective semi-matt as described in paragraph 2.09 of the Planning Statement, and the lower section of the tower may include graduated colouring to reflect the background. The external surface finishes/colours of the wind turbine and tower shall not include any symbols, signs, logos or other lettering or markings designed to draw attention, and they shall be maintained as hereby approved unless any variation has been first submitted to and then agreed in writing by the Local Planning Authority.  
REASON: In the interest of visual amenity.
- 16) The developer shall ensure that a suitably qualified archaeologist is present during the undertaking of any ground disturbing works in the development area, so that an archaeological watching brief can be conducted. The archaeological watching brief shall be undertaken to the standards of the Institute for Archaeologists. The Local Planning Authority shall be informed, in writing, at least two weeks prior to the commencement of the development of the name of the said archaeologist and no work shall begin until the Local Planning Authority has confirmed, in writing, that the proposed archaeologist is suitable. A copy of the watching brief report shall be submitted to the Local Planning Authority within two months of the fieldwork being completed by the archaeologist.  
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.
- 17) No works shall commence on site until after 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.

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Application No. 15/0774/FULL Continued

- 18) Prior to the transportation of any AIL turbine components; a highway condition survey along the lane from the A472 Crown Roundabout to the application site shall be carried out and agreed in writing with the Local Planning Authority, which includes a scheme and timetable for the repair of any damage caused by abnormal loads associated with this development. The development shall thereafter be carried out in accordance with those agreed details.  
REASON: In the interests of highway safety.

Advisory Note(s)

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: CW2, CW3, CW4.

The applicant is advised of the comments of National Air Traffic Services, Wales and West Utilities, Ofcom, Defence Infrastructure Organisation, Council's Ecologist, Public Right's of Way Officer, Senior Engineer (Land Drainage), Glamorgan Gwent Archaeological Trust., Dwr Cymru/Welsh Water and National Resources Wales.

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