

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
15/1276/FULL 22.01.2016	Mr G Davies Manmoel Road Blackwood NP12 0HY	Erect three vertical axis turbines 31.5m in height (to tip) which will be connected via underground cables to an existing transformer house Penyfan Leisure Park Manmoel Road Manmoel Blackwood NP12 0HY

APPLICATION TYPE: Full Application

SITE AND DEVELOPMENT

Location: The application site is located at Penyfan Leisure Park, Manmoel Road, Manmoel. The site is located within an existing caravan park of approximately 17 hectares some 2km north of Oakdale. The wider area is largely rural, with a small number of isolated properties within 500m of the site. There is an industrial estate approximately 1km to the south-east of the caravan site.

Site description: The turbines will be located within the curtilage of the caravan park, adjacent to a caravan storage compound. The turbines will be situated to the north-west of the site, around a caravan storage compound. An existing transformer house is situated to the west of the caravan site, and the turbines would be connected to this via underground cable.

The primary purpose of the turbines is to provide energy to the existing caravan site.

The application is supported by a Landscape and Visual Impact Assessment (LVIA) prepared by Enzygo Environmental consultants dated January 2016 together with a LVIA - Addendum dated March 2016, Coal Mining Risk Assessment prepared by Blandford consulting, a Noise Impact Assessment prepared by Enzygo Environmental consultants dated December 2015, a Planning statement and Design and access Statement (DAS), and Preliminary Ecological Appraisal and Bat Activity Survey both dated 10th June 2016 by Enzygo Environmental Consultants.

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Development: Install 3 x 30kW wind turbines. Each vertical wind turbine and associated infrastructure consisting of a cabinet and inverter cabinet will sit on a concrete platform within its own 2m high palisade fenced compound.

The turbines consist of a mill structure of three blades, mounted on a monopole mast and the structure has a maximum diameter of 11m.

Dimensions: The site amounts to 0.14 hectares. Maximum height of 31.5 metres in height to tip. 24.1m to the hub. The compound measures 12m x 12m.

Materials: Galvanised steel monopole. The turbine blade material will be carbon and fibreglass.

Ancillary development, e.g. parking: Approximately 410m of cable will be required to connect the turbines to the existing transformer house. The cables will be buried underground in a cable trench. The trench will run around the perimeter of the caravan site, and once buried, will be reinstated to the current condition.

PLANNING HISTORY 2005 TO PRESENT

07/1259/FULL - Extend field to south-west of caravan storage compound ('k' field) and change the use to touring caravan site - Refused 17.04.08.

10/0017/RET - Retain extension to 'K' field and change of use to retain touring caravan site - Granted 04.03.10.

14/0725/FULL - Erect two 50Kw vertical axis wind turbine generators - Withdrawn 21.09.15.

POLICY

LOCAL DEVELOPMENT PLAN

Site Allocation: The land is outside the settlement boundary, in the open countryside, with no specific allocated land use.

Policies:

Strategic Policies

SP3 (Development Strategy - Development in the Southern Connections Corridor), SP5 (Settlement Boundaries) and SP8 (Minerals Safeguarding).

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Countywide Policies

CW2 (Amenity), CW4 (Natural Heritage Protection), CW3 (Design Considerations - Highways) and CW15 (General Locational Constraints).

NATIONAL POLICY

Planning Policy Wales, 8th Edition, January 2016, Technical Advice Note 12 - Design
Technical Advice Note 8: Planning for Renewable Energy (2005).

ENVIRONMENTAL IMPACT ASSESSMENT

Did the application have to be screened for an EIA? Yes. The application was subject of a screening request reference EIASCR/16/0001.

Was an EIA required? No.

COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? Yes.

CONSULTATION

Countryside And Landscape Services - This Council's Landscape Planner confirms the Landscape resource and the visual receptors within the study area are capable of absorbing this proposal without significant harm and offers no objection to the proposed development.

This Council's Ecologist has no adverse comments regarding the proposal.

The Coal Authority - The Coal Authority concurs with the recommendations of the Mining Risk Assessment Report; that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site. This may be addressed by attaching appropriate conditions to any consent.

Minerals Officer - Wind turbines are considered temporary, albeit long-term, development. No mineral extraction is currently permitted or proposed close to the site. Therefore, the proposal is consistent with policy CW22 B in the adopted Caerphilly County Borough Local Development Plan up to 2021 and no objection is raised on mineral safeguarding grounds.

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National Air Traffic Services - The proposed development has been examined from a technical safeguarding aspect and does not conflict with the relevant safeguarding criteria. Accordingly, there is no safeguarding objection to the proposal. They provide advice to be conveyed to the developer.

Ministry Of Defence - No objection but requests a condition is attached to any consent requiring notification of the commencement of works. It provides advice to be conveyed to the developer.

Dwr Cymru - No comments.

Wales & West Utilities - Provides advice to be conveyed to the developer.

British Telecom - Provides advice to be conveyed to the developer.

Natural Resources Wales - No objection but provides advice to be conveyed to the developer.

Gwent Wildlife Trust - Objects to the development in the absence of ecological summer surveys. These surveys have since been carried out and considered by this Council's Ecologist who has raised no objection to the development.

Glam/Gwent Archaeological Trust - No objection but provides advice to be conveyed to the developer.

Mr R Jones - Trunk Road Manager - As all transportation movement associated with the construction will be by standard HGV, he has no objection.

Joint Radio Company Limited - No objection but provides advice to be conveyed to the developer.

OFCOM - Provides advice to be conveyed to the developer.

Public Health Wales - No adverse comments.

Transportation Engineering Manager - No objection.

Head Of Public Protection - No objection subject to conditions being attached to any consent restricting and monitoring noise levels from the wind turbines, hours in respect of deliveries and construction works, the height of the turbines and their location, and mitigation measures in respect of shadow flicker occurring.

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Senior Engineer (Land Drainage) - Requests a standard drainage condition is attached to any consent and provides advice to be conveyed to the developer.

Argoed Community Council - Objects to the development because they consider there are too many turbines in the area and believe the proposal is within 500 metres of residential properties.

Rights Of Way Officer - FP1 in the community of Mynyddislwyn crosses the site of turbine number 3. If the proposal is to proceed, the legal line of the footpath must be diverted or stopped up/extinguished by legal order, prior to works commencing. No works are to affect the line of the path, which must remain open for use at all times.

ADVERTISEMENT

Extent of advertisement: 13 neighbours were consulted by way of letter, a site notice was displayed near the application site, and a press notice was placed in a local newspaper.

Response: Two objections were received.

Summary of observations:

- Detrimental impact on visual amenity of nearby residential properties and surrounding area;
- Cumulative impact;
- Noise impact;
- Potential shadow flicker;
- Impact on birds and bats;
- Proposed turbines larger than required to power the caravan park.

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? No.

The application was supported by a Preliminary Appraisal and the Bat Activity Survey both dated 10th June 2016 by Enzygo Environmental Consultants, which have been considered by this Council's Ecologist.

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The preliminary ecological appraisal has identified that the application site is of low nature conservation value, due to the disturbed nature of the ground. The site lies adjacent to the Hafodrisclawdd Site of Importance for Nature Conservation (SINC) - however the ancient woodland and associated trees and stream within the SINC are unlikely to be affected due to the position of the turbines away from tree root zones.

In view of the proximity of the Hafodrisclawdd Woodland SINC and the potential for bats that are known to hunt in open habitats such as noctule bats, a bat activity survey was undertaken in May 2016 which included a walked transect on one evening and the use of static detectors that were set at ground level and at the height of the turbine blades. The static detectors were set to run from 30 minutes before dusk to 30 minutes after dawn over 5 nights

No records of bats were returned during the walked transect or from the static detectors set at ground level. The static detector set at height recorded 9 noctule bat passes and 7 common pipistrelle bat passes over the 5 nights of operation. This is considered to be a low level of bat activity, possibly relating to a single animal of each species, and as a result no further surveys are required. The impact on bats is therefore not considered to be significant, and no further mitigation or enhancement is required.

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 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." 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).

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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 Assessments.

Objection has been raised regarding the location of the wind turbine on the valley side and cumulative adverse visual impact with existing wind turbines. In this respect this Council's Landscape Planner has considered the Landscape and Visual Impact Assessment (LVIA) prepared by Enzygo 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.

The Heads of the Valleys Smaller Scale Wind Turbine Development Landscape, Sensitivity and Capacity Study Final report - April 2015, commissioned jointly with Heads of the Valleys Authorities, places the application site within, Landscape Unit 21: Southern Sirhowy Valley incorporating hillsides above.

The study focuses upon the sensitivity and capacity of a landscape to absorb the more traditional wind turbine developments but the principles of the study are equally applicable to vertical axis wind turbines.

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Landscape Unit 21, is a large character area identified as having a low sensitivity to three or fewer wind turbines of less than 50m in height to blade tip. The study advocates detailed site assessment and provides generic guidance upon the siting of turbines within this landscape unit, which has been followed by this application.

The LVIA has assessed the proposed turbines as having at worst, a 'slightly adverse - neutral' impacts upon Landscape Character, and 'moderate adverse' impacts upon visual receptors. Although it is considered some of the visual assessments have been slightly underscored, particularly the residential property Hafodrisclawdd Isaf farm, which may potentially experience 'substantial /moderate adverse' impacts, this council's Landscape Planner agrees with the overall assessment. The cumulative impact of the proposal has been assessed as no greater than 'slightly adverse.'

It is considered the Landscape resource and the visual receptors within the study area are capable of absorbing this proposal, without significant harm.

Noise Impacts

Objection has been raised regarding potential noise nuisance generated from the wind turbines. As part of the planning application a noise assessment was provided. The information submitted has been assessed having regard for local noise conditions and accepted noise levels set out within the guidance. The assessment was undertaken to the five closest identified permanent sensitive residential receptors to the proposed turbine site. 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 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.

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 - 4 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

As all transportation movements associated with construction will be by standard HGV, neither the Welsh Government Transport Division nor this Council's Transportation Engineering Manager has raised any objection to the development.

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Shadow Flicker

Objection has been raised regarding the adverse impact upon residential amenity as a result of shadow flicker. The application has provided details regarding shadow flicker confirming that only one residential property at Hafodrisclawdd-isaf falls within the 177.4m buffer of two of the turbines. As stated within the Landscape Report accompanying this application, views from this house are filtered through vegetation associated with the property. Furthermore the windows at the front of the house do not directly face the turbines. These two factors will reduce the chance of shadow flicker impacting the property. In addition they confirm that by 12am the property is entirely outside of the area which could be impacted by shadow flicker. This information has been considered by this council's Head of Public Protection who has raised no objection to the development subject to noise mitigation conditions referred to above.

ECOLOGICAL IMPACT

Objection has been raised regarding the impact of the development upon birds and bats. 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 relevant ecological surveys as discussed above and it is considered that the proposed development would not have an adverse impact upon ecology.

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.

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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.

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

Comments from public: See above.

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) 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.
- 03) 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.
- 04) The level of noise from the wind turbine (hereby approved) measured at the nearest non stakeholder noise sensitive residential 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 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.

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- 05) During the course of the investigation, should the wind turbine or turbines be identified as operating above the parameters specified in (Condition No. 04 above) the wind turbines will be modified, limited or shut down as required to ensure compliance with this condition. These measures shall be applied until such time as maintenance or repair is undertaken sufficient to reduce the absolute noise level of the operating turbines to within the parameters specified.
REASON: In the interest of the amenity of noise sensitive properties.
- 06) 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.
- 07) Following the commission of the wind turbines 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.
- 08) Deliveries and construction works associated with the wind turbine hereby approve shall not take place outside the hours of 08.00 and 18.00 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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- 09) In the event that the proposed turbine model for installation differs from the machine utilised in the noise information submitted, a revised noise impact assessment report shall be submitted, demonstrating that predicted noise levels comply with the noise condition levels stated in Condition 04).
REASON: In the interests of residential amenity.
- 10) Unless otherwise agreed in writing with the Local Planning Authority, 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.
- 11) Following a shadow flicker complaint, a scheme of control shall be agreed in writing with the Local Planning Authority and the turbine shall be operated in accordance with the agreed scheme unless otherwise agreed in writing with the Local Planning Authority.
REASON: To control flicker in the interest of amenity of near by flicker sensitive properties.
- 12) The development hereby permitted shall be carried out only in accordance with the following plans and other submitted details:
Site location plan drawing no. CRM.064.002.P.D.004;
Application boundary drawing no. CRM.064.002.P.D.001;
Site layout drawing no. CRM 064.002.P.D.002.1 and CRM 064.002.P.D.002.3 ;
Turbine elevation Section A.A drawing no. CRM 064.002.P.D.003;
(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.

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,.

The applicant is advised of the comments of Joint Radio Company Ltd, Rights of Way Officer, Wales and West Utilities, National Air Traffic Services, National Resources Wales, OFCOM, Coal Authority, Ministry of Defence, Senior Engineer (Land Drainage) and Glam/Gwent Archaeological Trust.

