

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
18/0163/NCC 28.02.2018	Constantine Wind Energy Mr P Fusco 100 Brand Street Glasgow G51 1DG	Vary condition 12 (Approved plans) of planning consent 15/0774/FULL (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) to install a different model of wind turbine to that which was originally approved Land At Tyle Crwth South West Of Ynysddu Newport

**APPLICATION TYPE:** Development without complying with conds

#### SITE AND DEVELOPMENT

Location: Land at Tyle Crwth. The site is located just less than 1 km south west of the settlement of Ynysddu.

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: Permission is sought to amend the turbine type approved by planning permission 15/0774/FULL.

Dimensions: The originally approved turbine measures 76.45m to tip height, 50.0m to hub height, with a 52.9m rotor diameter. The proposed turbine measures 76.5m to tip height, 46m to hub height, with a 61m rotor diameter.

Cont'd....

Application No 18/0163/NCC Continued

Materials: Not specified.

Ancillary development, e.g. parking: None proposed.

### PLANNING HISTORY

15/0774/FULL - 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 - Granted 09.06.16.

17/0182/NMA - Seek approval of a non-material amendment to planning consent 15/0774/FULL (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) to either a 900kW wind turbine with a 50m hub, 54m blade diameter and an overall height of 77m, or to a 900kW wind turbine with a 50m hub, 51.5m blade diameter and an overall height of 75.75m - Granted 05.04.17.

### 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 9).

### 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.

Cont'd....

Application No 18/0163/NCC Continued

### CONSULTATION

Welsh Government - Planning Directorate - No objection.

Landscape Architect - No objection.

Ecologist - No objection.

Natural Resources Wales - No objection subject to comments of Local Authority's Ecologist being sought.

Transportation Engineering Manager - No objection subject to a condition requiring a revised Traffic Management Plan. This is covered by Condition 17 of the original permission.

Senior Engineer (Land Drainage) - No objection.

Rights Of Way Officer - No objection. Provide advice to the developer.

Strategic & Development Plans - No objection.

Police Architectural Liaison Officer - No objection.

National Air Traffic Services - No objection.

Ministry Of Defence - No objection.

Western Power Distribution - No objection.

Glam/Gwent Archaeological Trust - No objection subject to condition attached to original consent.

Joint Radio Company Limited - No objection.

CADW - No objection.

### ADVERTISEMENT

Extent of advertisement: 118 nearby properties were consulted by way of letter and a site notice was displayed on a lamppost on Glenview Terrace, Ynysddu.

Response: None.

Cont'd....

Application No 18/0163/NCC Continued

Summary of observations: None.

### 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? A full ecological assessment was undertaken as part of the previous application at the site (15/0774/FULL). The same ecological conditions attached to the original consent will be attached to the new permission. The Council's Ecologist is satisfied with this position.

### COMMUNITY INFRASTRUCTURE LEVY (CIL)

Is this development Community Infrastructure Levy liable? No.

### ANALYSIS

Policies: The site benefits from an extant planning permission (15/0774/FULL) for a wind turbine with a maximum height of 76.45 metres. The proposed alternative wind turbine differs primarily in terms of its rotor diameter, i.e. 61m compared to 52.9m. Therefore the main considerations for the application are the impact the alternative turbine will have in visual and landscape impact terms, and any potential noise implication.

The application was accompanied by a Landscape and Visual Impact Assessment. Based on this report, the Council's Landscape Architect made the following comments.

"With regard to the above application and the additional information supplied by the applicant relating to the proposed model / type of turbine and make, I note the information that the proposed model of turbine and that of the existing turbine will rotate at the same variable rotor speed of 12-24 rpm. This combined with the additional information that both models of turbine as having the same design of tubular tower and same nacelle as the receptor, I therefore concur that the proposed turbine will be perceived to be of a similar design to the existing with the exception of the longer blade length."

Cont'd....

Application No 18/0163/NCC Continued

"In light of the above information and having revisited publicly accessible locations within the settlements Ynysddu, Cwmfelinfach and Wyllie that afford views of both the existing and proposed turbine, I am of the opinion that the revised model, although longer in blade length, this will only be discernible from areas affording direct views of both turbines which fortunately are limited. This combined with the turbines being located at a distance of approximately 720m apart and the models being similar, that this difference will not be seen as significant and therefore I no longer object to the proposed change in model of turbine."

Based on these comments it is considered that the development is acceptable in terms of its visual impact in the landscape and therefore complies with visual amenity element of Policy CW2 of the Adopted Caerphilly Local Development Plan.

In terms of potential noise issues, an updated Noise Assessment was also submitted with the application. On the basis of this report the Head of Public Protection raises no objection to the proposal subject to conditions. Furthermore, due to the history of shadow flicker complaints in the area linked to the Brynysgawen Wind Turbine, a shadow flicker condition will also be applied to the permission.

As the application seeks to vary Condition 12 of Planning Permission 15/0774/FULL, the remaining Conditions attached to that planning permission will remain in place.

Comments from Consultees: No objection subject to the original conditions and advice. The Transportation Engineering Manager requires an updated TMP but this will be controlled by way of the relevant Condition attached to the original planning permission.

Comments from public: None.

Other material considerations: None.

The duty to improve the economic, social, environmental and cultural well-being of Wales, has been considered in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015. In reaching the recommendation below, the ways of working set out at section 5 of that Act have been taken into account, and it is considered that the recommendation is consistent with the sustainable development principle as required by section 8 of that Act.

**RECOMMENDATION that Permission be GRANTED**

This permission is subject to the following condition(s)

Cont'd....

Application No 18/0163/NCC Continued

- 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.
- 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,

Cont'd....

Application No 18/0163/NCC Continued

submitted with planning application 15/0774/FULL. 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.
- 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 the ETSU derived limits stated in the noise report (R7147-1 Rev 2) submitted with this application.  
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.

Cont'd....

Application No 18/0163/NCC Continued

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.

- 11) Deliveries and construction works associated with the wind turbine hereby approved 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 02 received 17/9/15.

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

Turbine elevation received (Drawing No. 1000920) 19/02/2018.

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 received 19/02/2018.

Gould Ecology - Bat and Nightjar Survey June 2015 v2.

Cont'd....



Application No 18/0163/NCC Continued

Gould Ecology - Great Crested Newt Survey June 2015 v1.  
Gould Ecology - Phase 1 Ecology Survey March 2015.  
Noise Impact Assessment Report, received 19/02/2018.  
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 Shadow Flicker Mitigation Protocol that shall have been agreed in writing with the Local Planning Authority. The Shadow Flicker Mitigation Protocol shall include:
- 1) The mapping of the turbine and the nearby building window sizes, elevations and orientations of potentially affected buildings.
  - 2) The creation of a computer model of the turbine, together with details of nearby window sizes, elevations, orientation, potential blocking points and room occupancy periods.
  - 3) A Shadow Flicker Assessment to be undertaken in the computer model which details the days and periods in each day that the turbine may cause shadow flicker to the buildings.
  - 4) The times of potential shadow flicker are to be inputted into the turbine control system, which is to be fitted with a sunlight detector.
  - 5) When the control system detects that it is both sunny and is in time of potential shadow flicker then the turbine will shut down until there is no sun or the time passes for potential shadow flicker.
- Unless the Local Planning Authority gives its written consent to any variation.  
REASON: To control flicker in the interests of the amenity of potential nearby flicker-sensitive properties.

- 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.

Cont'd....

Application No 18/0163/NCC Continued

- 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 (submitted with planning application 15/0774/FULL), 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.

Cont'd....

Application No 18/0163/NCC 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 proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:  
[www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority).

The following policy(ies) of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 are relevant to the conditions of this permission: Policies CW2, CW3 and CW4.

