

PREFACE ITEM

APPLICATION NO. 17/0864/FULL

APPLICANT(S) NAME: Sirius Renewable Energy

PROPOSAL: Erect a wind turbine with a maximum overall tip height of 93m, 10m micro-siting, associated infrastructure including a transformer, hardstanding areas, a control building and cabling to operate for 25 years and subsequently decommission

LOCATION: Land at Durisol UK, Unit 4, Parkway, Pen-y-fan Industrial Estate

The above planning application to erect a wind turbine with a maximum overall tip height of 93m and associated works was reported to Planning Committee on 15th August 2018 with a recommendation for approval subject to conditions. A copy of the previous report is attached as an Appendix.

At the meeting, it was resolved that the application be deferred to allow officers to produce a reason to refuse the application on the basis that the development would be unacceptable because of the impact of noise and shadow flicker on nearby residential properties, and its detrimental impact on the visual amenity of the surrounding area and Pen-y-fan Pond Country Park by virtue of its cumulative impact when viewed in conjunction with the existing three very large wind turbine in close proximity to the application site. Each of these issues is discussed below.

Noise

As outlined in the original Officer's report, the submitted noise report states whilst there will be exceedances, these would be very slight and again based on optimum weather conditions (temperature, humidity, wind speed, pressure etc.). Such low increases would not usually be detectable by the human ear. Notwithstanding this, several Conditions were attached to the proposed permission. These stated:

*"The level of noise from the wind turbine hereby approved shall not exceed the levels those stated in Table 8 of Report HM: 3095_R02_EXT2 submitted on 5th July 2018; 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."*

Cont....

Application No. 17/0864/FULL Continued

“Should the wind turbine or turbines be identified as operating above the parameters specified in Condition 3 the applicant shall investigate and 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.”

“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.”

Based on the comments of the Head of Public Protection, coupled with the level of control exercised by the suggested Conditions it is not considered reasonable to refuse the application on the basis of noise impact. This is a technical issue that would be very difficult to defend at appeal.

Further to the August Planning Committee additional information has been received from the applicant in relation to the possible exceedances referred to by members. This information states that the noise report provided is very clear about the assumptions used to predict the turbine noise levels at neighbouring dwellings. The predictions have been undertaken in accordance with the worst case scenario and 2 dB has already been added to the source noise levels for the proposed and other operational turbines in order to account for any uncertainty. The results indicate that, for the cumulative scenario, a marginal breach of the limits (0.2dB) would occur at Cefn-coch for downwind conditions and a specific wind speed. However, as stated in the report, this exceedance is not expected to occur due to the 2 dB uncertainty margin already applied to the predicted noise levels. It should also be noted that Cefn-coch will not be downwind of the site for the majority of the time.

Cont.....

Application No. 17/0864/FULL Continued

If members are minded to refuse planning permission on this ground, the following reason is suggested:

The proposed wind turbine would result in an increase in noise levels in the locality that would be detrimental to residential amenity, and would therefore be contrary to policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021 – Adopted November 2010.

However, there is no evidence to support such a reason, and the local planning authority would expose itself to a potential costs award if the applicant appealed against a refusal of planning permission.

Shadow Flicker

As with the noise issue, the Head of Public Protection raised no objection to the proposed development on the basis of the potential impact of shadow flicker. Shadow flicker can only occur in very specific environmental conditions. If shadow flicker did become an issue, a Condition was suggested that would adequately control its detrimental impact. This Condition is:

“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 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.”

For this reason it is considered to be unreasonable to refuse the proposed development on the grounds of shadow flicker.

If members are minded to refuse planning permission on this ground, the following reason is suggested:

The proposed wind turbine would result in an increase in shadow flicker in the locality that would be detrimental to residential amenity, and would therefore be contrary to policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021 – Adopted November 2010.

However, there is no evidence to support such a reason, and the local planning authority would expose itself to a potential costs award if the applicant appealed against a refusal of planning permission.

Cont....

Visual Impact and cumulative impact

Members raised concerns regarding the detrimental visual impact as a result of the cumulative impact of the proposed turbine when viewed in conjunction with the existing three very large wind turbines nearby, as well as the solar farm development adjacent to the Pen-y-fan Pond country park. It is considered that a case can be made that the cumulative impact would detract from the visual amenity enjoyed by users of Pen-y-fan Country Park, in accordance with Policy CW2 of the Adopted Caerphilly LDP.

Impact on residential amenity

When the application was originally report to Planning Committee in April 2018 it was recommended for refusal on the basis that the turbine as originally proposed, i.e. 113m to tip height, would have a detrimental impact on the residential properties to the east. Further to the reduction in the height of the turbine from 113m to 93m this recommended reason for refusal was removed. However, it is considered that a case can be made in terms of the impact of the turbine on the residential amenity of properties to the east that would be afforded direct views of the turbine in relatively close proximity.

RECOMMENDATION – That planning permission be GRANTED subject to the conditions contained in the original report. However, should members be minded to refuse the application, the following reasons for refusal are suggested:

- By virtue of its proposed siting and overall height/rotor diameter, the proposed wind turbine would result in a majorly or moderately adverse impact on the nearby residential properties that would have direct views of it, and a moderately adverse impact on the area surrounding these properties. Such a detrimental adverse impact is contrary to Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021 – Adopted November 2010.
 - By virtue of its proposed siting and overall height/rotor diameter, the proposed wind turbine would result in a cumulative impact that would detract from the visual amenity of users of Pen-y-Fan Pond Country Park. Such a detrimental adverse impact is contrary to Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021 – Adopted November 2010.
 - By virtue of its proposed siting and overall height/rotor diameter, the proposed wind turbine would result in a cluster of large/very large wind turbines that would detract from the visual amenity of Landscape Unit 5 and Unit 8 as defined in the Heads of the Valleys Wind Turbine Development Landscape Sensitivity and Capacity Study (Gillespies Report, 2015).
-

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
17/0864/FULL 06.11.2017	Sirius Renewable Energy Mr Davies 4245 Park Approach Thorpe Park Leeds LS15 8GB	Erect a wind turbine with a maximum overall tip height of 113m, 10m micro-siting, associated infrastructure including a transformer, hardstanding areas, a control building and cabling to operate for 25 years and subsequently decommission Durisol UK Unit 4 Parkway Pen-y-fan Industrial Estate Pen-y-fan Newport NP11 3EF

APPLICATION TYPE: Full Application

SITE AND DEVELOPMENT

Location: The application site is within the curtilage of the industrial unit operated by Durisol, located on Parkway, Pen-y-Fan Industrial Estate.

Site description: Industrial unit curtilage. The proposed wind turbine would be located on land to the west of the existing unit.

Development: The application seeks full planning permission to construct a single wind turbine and associated infrastructure. The proposed wind turbine would have a rated output assumed capacity of up to 1.75 MW. The submitted turbine type has a maximum overall tip height of 93m, hub height of 60m, and rotor diameter of 66m.

The associated infrastructure includes an external transformer kiosk building, a substation kiosk building, underground cabling and crane pad. The total land take for the development measures approximately 310 square metres.

Ancillary development, e.g. parking: None.

PLANNING HISTORY 2005 TO PRESENT

06/0452/FULL - Erect new storage warehouse. Granted 08.12.2006.

Cont'd.....

Application No 17/0864/FULL Continued

POLICY

LOCAL DEVELOPMENT PLAN

Site Allocation: The site lies in the Pen-y-fan Employment Site (LDP Ref: 2.10) as well as the defined settlement boundary.

Policies: SP1 (Development Strategy), SP5 (Settlement Boundaries), SP10 (Conservation of Natural Heritage), CW2 (Amenity), CW3 (Design Considerations: Highways), CW4 (Natural Heritage Protection), CW15 (General Locational Constraints). The Local Planning Authority's guidance for smaller scale wind turbine developments.

NATIONAL POLICY Planning Policy Wales Edition 9 (November 2016), Technical Advice Note 8: Planning for Renewable Energy (July 2005) and Technical Advice Note 11: Noise (October 1997).

ENVIRONMENTAL IMPACT ASSESSMENT

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

Was an EIA required? No.

COAL MINING LEGACY

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

CONSULTATION

Conservation & Design Officer - No objection. Makes the following comments:

"I would agree with the assessments submitted with the application concluding that development within the site would have a small effect on the agricultural setting of the Grade II listed Gelli Farmhouse and attached farm range (21259), which lies some 425m to the northeast of the site. The effect of the proposed development would therefore, be of a very low level and concludes that the effects of the proposed development on heritage assets are such that they are not judged to constitute harm to the heritage significance of any identified assets."

Joint Radio Company Limited - No objection.

Transportation Engineering Manager - No objection subject to a condition requiring a revised Traffic Management Plan.

Cont'd.....

Application No 17/0864/FULL Continued

Countryside And Landscape Services - Based on the submitted ecology surveys, no objection is raised subject to the imposition of conditions. However concerns that are set out late in this report are raised in respect of the landscape impacts of the scheme.

Senior Arboricultural Officer (Trees) - No objection.

CADW - No objection.

Principal Valuer - No comments.

Head Of Public Protection - No objection subject to conditions.

Senior Engineer (Land Drainage) - No objection subject to a land drainage condition and advice being forwarded to the developer.

Strategic & Development Plans - No objection.

Police Liaison - Transport - No comments.

Ministry Of Defence - No objection.

Dwr Cymru - Provides advice to the developer.

Natural Resources Wales - Raises concerns regarding protected species.

Glam/Gwent Archaeological Trust - No objection subject of advice being forwarded to the applicant.

Joint Radio Company Limited - No objection.

Public Health Wales - States that it is the role of the Local Authority to comment on potential noise issues from development.

Head Of Public Protection - No objection subject to conditions.

Landscape Architect - No objection subject to conditions.

Head Of Public Protection - No objection subject to conditions.

Cont'd.....

Application No 17/0864/FULL Continued

ADVERTISEMENT

Extent of advertisement: 91 nearby residential properties and commercial premises were consulted by way of letter and a site notice was displayed on Parkway near the application site.

Response: 37 objection letters have been received as well as two separate petition signed by a total of 128 residents. A letter of objection was also received from the AM for the area.

A letter of support was received from the neighbouring factory owner stating

"In order to achieve our emissions reductions targets we need to take advantage of all opportunities to reduce our reliance on burning of fossil fuels which leads to reduction of associated GHG (greenhouse gas) emissions."

Summary of observations:

- Proposal represents exceedance to visual saturation of skyline;
- Detrimental impact on visual amenity of nearby properties;
- Noise pollution;
- Inadequacy of submitted noise report;
- Danger that the sustainable energy argument overrides all other material planning considerations;
- Detrimental impact on views from Pen-y-fan Country Park;
- Inadequacy of submitted ecology report, i.e. 3-hour survey too short;
- Shadow flicker report does not take account of climate change and its potential to alter weather patterns;
- Devaluation of neighbouring land and property;
- Submitted LVIA aims to devalue the importance of SLAs and VILLs;
- Damage to landscape character;
- Structure out of keeping with surrounding area;
- Submitted reports do not take account of all properties located within 1km range of the proposed turbine;
- Existing noise issues from factories on Pen-y-fan Industrial Estate;
- Loss of trees.

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.

Cont'd.....

Application No 17/0864/FULL Continued

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No. Based on the submitted ecology surveys, conditions will be attached in the interests of biodiversity.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

Is this development Community Infrastructure Levy liable? No.

ANALYSIS

Policies: The application was originally reported to Planning Committee on the 18th April 2018 with a recommendation for refusal. However, the application was not heard at the April Planning Committee, and subsequently amended plans have been submitted reducing the overall height of the proposed turbine from 113 metres to tip height down to 93 metres to tip height. This significant reduction in the overall height of the proposed turbine warranted reconsideration. The reason for the reduced overall height was to address Officer's concerns that the scheme as original proposed would be detrimental to residential amenity by virtue of the overall height of the proposed turbine.

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the adopted development plan for an area, unless material considerations indicate otherwise. This application has been considered in accordance with national guidance and local plan policy. The main issues in this application are considered to be the effects of the proposed development on the character and appearance of the landscape and its consequences in these terms for impact on residential visual amenity, the effects on the adjacent Pen y Fan Pond Country Park, the effects on nature conservation interests, the effects on the amenity of properties in terms of noise and shadow flicker, and the effect on the highway network. These issues will be considered in turn below against the backdrop of the need to produce renewable energy in line with national targets.

VISUAL IMPACT IN LANDSCAPE AND IMPACT ON RESIDENTIAL AMENITY.

In terms of the impact of the development on visual amenity and on the nearby Pen y Fan Pond Country Park, the Council's Landscape Architect has made the following comments on the updated Landscape and Visual Impact Assessment that was submitted in connection with the amended scheme:

Cont'd.....

Application No 17/0864/FULL Continued

“In light of the reduction in height of the proposed wind turbine from 113m to 93m, I have reviewed the revised Landscape and Visual Impact Assessment (LVIA) submitted and accompanying montages and would like to make the following observations.

Landscape and visual sensitivity in relation to the three existing very large scale turbines

Initially I had concerns over the scale of the proposed (large) 93m high turbine's height in relation to existing (very large) turbines. As outlined in the SPG Caerphilly County Borough Smaller Scale Wind Turbine Development Landscape Sensitivity and Capacity Study, Final Report November 2015 Part 2, within which the application site falls into LANDSCAPE UNIT 5: Greater Blackwood, the capacity study highlights the importance that the proposed turbine's scale in relation to the existing turbine cluster located on the Oakdale plateau, within which this new turbine would be viewed as part of this existing group.

Having studied the revised LVIA and all revised montages submitted, notably Viewpoint 1 - Pen y fan Pond Country Park and Viewpoint 2 - The Hollies, Oakdale, I concur with the LVIA that the reduced height turbine although lower in overall height, will not be significantly smaller in scale and therefore would be seen as an acceptable, reasonable balanced extension. The turbine would be seen as (providing that the turbine blades remain similar in size to the existing Pen y fan turbine) to be just within the limit of being in proportion to the existing (very large) turbines. It is worth also worth noting that the scale is assisted by the proposed turbine being located topographically higher than the existing nearest Pen y fan turbine.

Visual Assessment - Level of Effects

Having assessed the visual impact on the nearby 8 viewpoints including the sensitive residential receptors, I would take issue with the LVIA's revised generally low assessment of the visual impact on the viewpoints and communities as whole and notably at the following locations:

Trinant & Pentwyn (Trinant Terrace, Pentwyn Terrace and Philip Street)**Impact on sensitive residential receptors**

Having studied the revised LVIA and accompanying montages, in relation to the reduced height turbine of 93m, and having been to site to visit notably Viewpoint 7 located adjacent to 16 Pentwyn Terrace and the additional Viewpoint 8 located adjacent to 33 Pentwyn Terrace, along with other publically accessible areas within the settlement of Pentwyn and Trinant that afford views of the proposed Parkway Turbine, it is apparent that my concerns related to the unacceptable adverse visual impact that the previously proposed 113m height turbine had on the sensitive visual receptors will be reduced as a result of the amended turbine height.

Cont'd.....

Application No 17/0864/FULL Continued

As a result the proposed turbine should appear less dominant and the overbearing visual nature will be reduced by the lower turbine height (as illustrated in the cumulative photomontage at viewpoint 7 and 8). In addition, existing buildings and vegetation when in leaf should assist to screen and filter views of the 93m high turbine and limiting views primarily to upper floors. I also acknowledge that views would be filtered and reduced by deciduous vegetation to an extent, landform and building orientation. I accept that that the majority of ground level views to the turbine would be either screened or filtered by buildings and small number of trees in the local area. However, there would still remain potential for visibility from first floor windows of properties that are orientated facing to the west, to the turbine blades, above the intermediate skyline. In addition, filtering and screening afforded by the deciduous trees and woodland will be subject to seasonal variation, as when not in leaf, during the winter months, trees will no longer provide screening and at best only filter views with a result in increased visibility and adverse visual impact during the late autumn through to the spring.

Therefore, as residential properties located on Trinant Terrace, Pentwyn Terrace and Philip Street are likely to experience views, all be it restricted of the turbine, I would take issue with the overall assessed by the LVIA as minor-neutral level of visual effect on the community, which given the fact that the turbine upper elements and blades will be visible particularly in the winter months when trees are not in leaf, a more accurately assessed would result in a moderate adverse visual effect.

Viewpoint 7 located adjacent to 16 at Pentwyn Terrace

I concur with the LVIA's revised assessment that the level of visual effect will be major - moderate adverse from Viewpoint 7 and representative of the upper part of the community and an acceptable visual effect, taking into account the buildings' orientation, season filtering and screening views, reduced height of turbine and uninterrupted views mainly being limited to upper floors.

Viewpoint 8 located adjacent to 33 Pentwyn Terrace

I however, do not concur with the LVIA's assessment that the level of visual effect will be minor for this location and would assess this as minor-moderate adverse for properties afforded seasonal screening and filtering but major - moderate adverse for properties that would not benefit from woodland screening. I would however, not see this as significant visual effect, taking into account the small number of residential properties likely to experience adverse effects, as any uninterrupted views likely being limited to upper floors.

Cont'd.....

Application No 17/0864/FULL Continued

Conclusion Residential Visual Impact

Overall I conclude that the proposed 93m turbine would have a reduced adverse visual effect on the residential area of Trinant and Pentwyn and that the majority of adverse impact is primarily limited to upper floor windows. Despite the relative close visibility from residential visual receptors represented by Viewpoints 1, and 2, 7 and 8 that they would not be considered to experience visual effects of a significant adverse nature overall. However, some localised significant visual impact may still be experienced but these will generally be limited and not significant enough to sustain a substantial objection to this revised turbine height.

Cumulative Assessment

In relation to cumulative assessment the Landscape and Visual assessment submitted as part of this application assesses the cumulative effect of the proposed revised to 93m high turbine. The assessment covers operational turbines and those under construction in the base line and effects section, further assessment has been undertaken with reference to turbines with a hub height of greater than 50m, which were either constructed, approved or within the planning system at the date of the application Figure 6.11. Cumulative Wind Sites Location Plan (15km) illustrates this. In addition, Cumulative wireframes and cumulative montages have been produced and referenced to the eight photo-viewpoints in the report. The LVIA concludes that overall the addition of the Parkway turbine, in conjunction with other cumulative developments, is considered to result in an indiscernible additional cumulative change to the cumulative view, with which I concur.

Special Landscape Areas

With regard to Caerphilly County Boroughs Special Landscape Areas, this development is still visible from this distinctive rural landscape, which the council policy is to protect from inappropriate development and encroachment. In this particular case the proposed turbine although visible from within visually highly sensitive Special Landscape Areas, the closest being Viewpoint 4 Gelligaer Common the change in the view was assessed by the LVIA at minor adverse, as the change is not seen as significant due to the distance of over 5km, and also due to the presence of the three existing very large turbines on the Oakdale plateau. Although reduced to 93m in height the proposed turbine would still be seen as within scale, of a similar design and located within the existing baseline views, and therefore be seen as part of this cluster and not have an significant effect on the SLA."

Policy CW2 of the Adopted Caerphilly Local Development Plan (Adopted November 2010) relates to amenity and states that developments proposals should not have an unacceptable impact on the amenity of adjacent properties or land. For the reasons outlined above, it is considered that the proposed development would not have an unacceptable impact on visual or residential amenity to a degree to warrant a refusal of planning permission.

Cont'd.....

Application No 17/0864/FULL Continued

ECOLOGY

The following surveys were undertaken and supported the planning application:

1. An Extended Phase 1 Habitat survey undertaken on the 18th of October 2016;
2. A great crested newt survey of two ponds that lie within 500m of the turbine location undertaken on 4 occasions in May 2017, and an assessment of the terrestrial habitat within the application boundary;
3. A bat survey including a roost assessment of adjacent buildings and trees, and 6 transect surveys and static surveys undertaken in spring summer and autumn 2016 and 2017;
4. A single 3 hour bird reconnaissance survey undertaken in October 2017;
5. A reptile survey comprising 6 visits to suitable habitat on the periphery of the development;
6. A badger survey was undertaken in May 2017.

Based on these surveys the Council's Ecologist provided the following comments.

"The surveys identified that there were no habitats of ecological value within the planning application boundary. The western perimeter has a band of young scrub and trees and the southern perimeter has a perimeter of tall ruderal herbs and scattered scrub.

The presence of ponds suitable to support great crested newts within 500m of the site, resulted in surveys being undertaken on two ponds, one to the east of the site and one to the west of the site. No evidence of great crested newts were recorded, although other amphibians were recorded within these ponds including palmate newt, common frog and common toad. The application site was considered not to support suitable terrestrial habitat for these species so the impact on great crested newts, or other amphibians is considered to be low.

A bat survey was undertaken which included walked surveys in spring summer and autumn in 2016 and 2017. The 2016 surveys centred on a previous location for the turbine, to the south of the current application site, but as part of the 2016 routes passed relatively close to the current turbine location, these are still relevant to this application. The surveys confirmed that bat usage of the adjacent vegetation to the west and south of the turbine was relatively low with only one survey (Autumn 2017) showing use of the adjacent vegetation by common pipistrelle and noctule bats. A much higher use of vegetation on the eastern edge of the industrial estate was demonstrated in all surveys undertaken, indicating a preference for using the vegetation away from the turbine location by all species of bats for foraging and commuting. Static bat detectors stationed at the wind turbine site and at a control site, adjacent to pond 1, east of the turbine showed a low use of the turbine site by bats and a significantly higher use of the control site.

Cont'd.....

Application No 17/0864/FULL Continued

As there is some use of the adjacent vegetation by foraging bats guidance recommends that turbine blade tips are located more than 50m from hedgerows or trees. The precise height and location of the turbine has not been set out in the application, so a condition will be required to control its final position to ensure that the turbine blade tips are greater than 50m from the perimeter trees and shrubs. This will ensure that there is a minimum impact on commuting and foraging bats. Bats are a European protected species, and in accordance with the Conservation of Habitats and Species Regulations 2010 (as amended) Local Planning Authorities are required to consider whether three European tests should be applied to the planning application. In this instance it is unlikely that bats will be impacted by this proposal, and a derogation licence from Natural Resources Wales is unlikely to be required. In view of this the three European Tests do not need to be applied to this application."

Further to the submission of the amended scheme, the Council's Ecologist made the following comments.

"The proposed reduction in height of the turbine may potentially increase the likelihood of the end of the turbine blades being closer than 50m from the western and southern boundaries of the site. My previous comments and associated condition with regards to position of the turbine blade tips to be more than 50m from these two features remain valid."

This buffer requirement will be controlled by way of relevant Condition.

In relation to protected bird species, reptiles and mammals, the Council's Ecologist made the following comments.

"A desk study was undertaken to determine the impact of the proposed turbine on birds which identified a total of 8 Schedule 1 species within 1 km of the application site. Of these species only honey buzzard and red kite have been identified as having the potential to be impacted by wind turbines and if these species are considered to be breeding close to the turbine a full assessment would be required in accordance with guidance (Natural England's Technical Information Note TIN069 - there is no equivalent guidance in Wales). Habitat immediately adjacent to the turbine is not considered to be suitable breeding habitat for these species, as a result a breeding bird survey has not been undertaken. However one survey was undertaken to determine the use of the site by birds during October 2017 as a potential local flight path for birds on-route to Penyfan Pond. A total of 9 species of bird were recorded, none being identified as requiring further assessment in TIN069. The margins of the development site have some potential to support common nesting birds, so a condition should be proposed to minimise impact on these species. The impact of the proposed turbine is therefore unlikely to have a significant negative impact on birds.

Cont'd.....

Application No 17/0864/FULL Continued

The site was surveyed for the potential for reptiles on 7 separate occasions during May 2017. No evidence of reptiles were recorded and reptiles are not considered to be affected by the proposal.

A badger survey found no badger activity within the application site boundary, during a survey undertaken in May 2017, but evidence of badgers was found on the eastern periphery of the industrial estate, indicating that badgers could potentially forage within the application site. The hard surfaces of the application site are unlikely to be attractive to badgers, but the margins could be potentially used by badgers in the future. A condition should therefore be placed on any approval requiring a pre-commencement badger survey, to ensure that in the event that badgers have moved into the peripheral vegetation, measures can be put in place to minimise impact on this species."

On the basis of the studies undertaken and the comments of the Council's Ecologist, it is not considered that the proposal will have a detrimental impact on ecology subject to the imposition of relevant conditions.

NOISE AND SHADOW FLICKER

The letter of concern received from the area's Assembly Member also raised the issues of the impact of the proposal in terms of noise pollution and shadow flicker, and the adequacy of the submitted reports. In response to this the Head of Public Protection made the following comments on the originally submitted scheme.

"1. The application uses background noise measurements from the previous Oakdale wind turbine application, this is due to the fact that it wasn't possible to carry out a background noise survey due to the influence of the existing wind turbines in the area on the readings. Therefore the Oakdale measurements were used as they contained background measurements prior to turbines in the area, this is the recommended approach in guidance. This also will provide worst case scenario as will provide lower background levels to be used for comparison.

2. The report does state there will be exceedances but these would be very slight and again based on optimum weather conditions (temperature, humidity, wind speed, pressure etc.). Such low increases would not usually be detectable by the human ear. However this department has imposed noise levels which it believes will not have a negative impact on neighbouring properties.

3. The noise report has focused on residential properties in the area and has based its predictions on the locations of those. This is as recommended practice in guidance.

Cont'd.....

Application No 17/0864/FULL Continued

4. As the turbine is not present to monitor the applicant uses manufacturer data of the proposed turbine to predict noise levels. This will be done factoring in factors such as ground conditions, wind speed, temperature, atmospheric absorption and distance. Again this is recommended practice in guidance.

5. This planning application is assessed independently to any noise nuisance complaints in the area; Environmental Health previously investigated an allegation against an industrial unit, however, that investigation has now ended. There are no active noise investigation currently in this area.

6. With regard to shadow flicker again this is predicted using worst case scenario weather conditions when estimating the effects of shadow flicker. However shadow flicker can be controlled by preventing the turbines operating during times when shadow flicker may occur. This has been conditioned by Environmental Health which will require the proposed turbine not to operate if shadow flicker is proven."

Further to the submission of the revised scheme, an updated noise assessment was submitted. In response to this assessment the Head of Public Protection raises no objection but would recommend all previously submitted comments still apply, but the condition stating noise levels is replaced to relate to the information contained in the updated Noise Assessment undertaken by Hayes McKenzie Acoustic Consultants.

HIGHWAYS

The Transportation Engineering Manager raises no objection subject to a condition requiring a revised Traffic Management Plan (TMP). As three very large wind turbines have been erected on adjacent land, Highway safety in terms of the delivery of the turbine is not considered to be a significant issue for this application.

THE NEED FOR RENEWABLE ENERGY

Concerns have been raised by the area's Assembly Member regarding the excessive weight being given to the need for renewable energy and that this may be outweighing all other material planning considerations, including the impact on visual amenity. The renewable energy targets set out in the EU Renewable Energy Directive, and the UK Renewable Energy Roadmap includes a target of 15% of energy to be generated from renewables by 2020. Welsh Government 'has made a commitment to tackling climate change, resolving that the Government and people of Wales will play the fullest possible part in reducing its carbon footprint' (para 4.5.1 Planning Policy Wales 9th Edition, 2016). Welsh Government has also endorsed the use of renewable energy in its Policy Statement 'Energy Wales: A Low Carbon Transition'. Within both documents, the presumption is in favour of a low carbon transition to more renewable energy generation techniques.

Cont'd.....

Application No 17/0864/FULL Continued

The Welsh Government sees renewable energy as key to tackling climate change and increasing prosperity in Wales and is committed to using all possible levers it has to increasing the supply of renewable energy for the benefit of the next generation. The Welsh Government expects local planning authorities to take the initiative in delivering sustainable outcomes for the future.

The former Welsh Government's Minister for Natural Resources wrote to local authorities in Wales setting out his expectations of their role in the Welsh approach to energy creation. He wrote:

"Our vision for future energy generation is based on embracing Wales' abundant renewable energy resources which provide exciting and immediate opportunities. Wales is a green and clever land and we want to ensure, in accordance with the principles set out in the ground breaking Well-being of Future Generations Act, that we address the issue of climate change immediately through the effective deployment of renewable energy technologies."

In September 2017, the Cabinet Secretary for the Environment, Lesley Griffiths, announced new ambitious targets for energy generation in Wales. She outlined that electricity generation from renewables in Wales has trebled since 2010, and last year (2016) provided 32% of the electricity we use. She told Assembly Members she wanted Wales to generate 70 per cent of its electricity consumption from renewable energy by 2030, and that Wales must be able to compete in global low carbon markets, particularly now we face a future outside the EU. The ability to meet our needs from clean energy is the foundation for a prosperous low carbon economy.

As such, there is strong pressure to ensure that renewable energy generation is allowed, subject to all other material planning considerations being satisfied. For this application, it is considered that for the reasons outlined above, those material planning considerations are satisfied.

Comments from Consultees: The Council's Landscape Architect raises objection to the proposal in light of the significant major adverse visual impact on residents afforded direct views (as shown on the additional information at Viewpoint 7 from Pentwyn Terrace Trinant) as well as in additional areas in the community which will also receive significant visual impact.

The Transportation Engineering Manager raises no objection subject to a condition requiring a revised Traffic Management Plan (TMP) to be submitted and agreed by the Local Planning Authority.

Cont'd.....

Application No 17/0864/FULL Continued

The Head of Public Protection confirms that the submitted noise assessment is satisfactory and raises no objection subject to conditions. In terms of potential shadow flicker, again, conditions are recommended to prevent such an impact occurring.

The Council's Ecologist is satisfied with the submitted ecological reports, and offers no objection subject to relevant conditions.

Natural Resources Wales raises concerns regarding the potential impact on protected species in the area, i.e. Bats. The Council's Ecologist is satisfied that, subject to conditions, this matter can be adequately controlled.

No objection is raised by other statutory consultees subject to conditions and advice.

Comments from public:

1. Proposal represents exceedance to visual saturation of skyline - This has been addressed in the analysis section above.
2. Detrimental impact on visual amenity of nearby properties - This has been addressed in the analysis section above.
3. Noise pollution - This has been addressed in the analysis section above.
4. Inadequacy of submitted noise report - The Head of Public Protection considers the submitted noise report to be satisfactory.
5. Danger that the sustainable energy argument overrides all other material planning considerations - Each case is considered on its merits, and the analysis above concludes that in this case any adverse effects are not so significant as to justify a refusal of planning permission, or to outweigh the need for renewable energy.
6. Detrimental impact on views from Pen-y-fan Country Park - The Council's Landscape Architect considers the impact on Pen y Fan Pond Country Park to be a moderate adverse impact. However, when viewed as part of a group with the existing 3 very large turbines in the surrounding area, this impact, i.e. the Country Park alone, would not warrant a refusal of planning permission.

Cont'd.....

Application No 17/0864/FULL Continued

7. Inadequacy of submitted ecology report, i.e. 3-hour survey too short - The Council's Ecologist is satisfied with the ecology survey that has been undertaken. The three hour reconnaissance survey relates to a bird survey that was undertaken to provide additional information to supplement the information provided via the desk study. Additional bird surveys are usually only required on larger scale wind farms, or where the site lies adjacent to sensitive sites such as SSSI's and SPA's, or where there are known breeding bird records of species vulnerable to blade strike. This accords with guidance produced by Natural England (TIN069 Jan 2010).
8. Shadow flicker report does not take account of climate change and its potential to alter weather patterns - The Head of Public Protection is satisfied with the information that has been submitted in relation to shadow flicker.
9. Devaluation of neighbouring land and property - This is not a material planning consideration.
10. Submitted LVIA aims to devalue the importance of SLAs and VILLs - The Council's Landscape Architect considers that the impact on the nearest SLA (Gelligaer Common) to be minor adverse, and the proposal would be viewed as part of the existing group. Notwithstanding this, all applications for wind turbines will be considered on their own individual merits.
11. Damage to landscape character - This issue has been addressed above.
12. Structure out of keeping with surrounding area - The proposed structure is located on an employment site where other very large wind turbines are present. Therefore it is not considered that the development would be incongruous given previous permitted turbines in the locality.
13. Submitted reports do not take account of all properties located within 1km range of the proposed turbine - The impact of the proposal on the amenity of nearby properties has been carefully considered by the Local Planning Authority.
14. Existing noise issues from factories on Pen-y-fan Industrial Estate - Existing noise issues in relation to industrial units and processes are a matter for the Council's Environmental Health Department. This matter is addressed in point 5 of the Head of Public Protection's comments in the analysis section above.
15. Loss of trees - The development does not affect any trees.

Cont'd.....

Application No 17/0864/FULL Continued

Other material considerations: In support of the application, the agent submitted information relating to the economic needs for the proposed wind turbine. This letter stated the following:

"The proposed wind turbine is located on land owned by Border Group, a commercial property owner whose tenants together employ some 1,000 people. The Border Group has helped local, national and international companies re-locate to the area bringing with them investment and large-scale employment opportunities. The Border Group are significant contributors to the local economy.

The potential to utilise renewable energy, is a major selling point in the process of attracting and retaining companies as tenants on the Pen-y-Fan Industrial Estate. Businesses are being pressured to reduce their carbon footprint and meet green credentials as they seek to address the causes of climate change, seek to reduce their energy costs and thus safeguard employment. Thermo Fisher, one of Border Group's tenants employing 214 people, are expected to benefit from the renewable energy supply. The company has a Carbon Disclosure Project aimed at reducing the reliance on fossil fuels. Whilst the initial 113m tip turbine proposed was expected to produce 2,733 MWh per annum; the revised 93m tip turbine is still expected to produce 2,567 MWh per annum, which only represents a reduction of 6% of the yield. The revised proposed turbine could therefore still provide 30% of Thermo Fishers electricity requirements.

If businesses are not able to meet their stated green credentials there is the risk they could re-locate to areas with the potential to utilise renewable energy. The proposed Parkway wind turbine will provide low carbon renewable energy, assisting in retaining businesses in the area and thus safeguard employment and investment in the locality.

The need to retain employment at the site is a material planning consideration, and the provision of renewable energy onsite will be beneficial in terms of companies satisfying their environmental targets and retaining such companies within the area."

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.

Cont'd.....

Application No 17/0864/FULL Continued

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 development shall be carried out in accordance with the following approved plans and documents:
Noise Assessment prepared by Hayes McKenzie (Consultants in Acoustics) received 05.07.2018;
Drawing No. Figure 2.4A, Typical Wind Turbine Details, received 16.05.2018;
Drawing No. SRE1042/02/01, Location Plan, received 19.10.2017.
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
- 03) The level of noise from the wind turbine hereby approved shall not exceed the levels those stated in Table 8 of Report HM: 3095_R02_EXT2 submitted on 5th July 2018; 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.
- 04) Should the wind turbine or turbines be identified as operating above the parameters specified in Condition 3 the applicant shall investigate and 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.

Cont'd.....

Application No 17/0864/FULL Continued

- 05) 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.
- 06) 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.
- 07) 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.
- 08) 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 indicate likely compliance with the noise condition levels stated in condition 3.
REASON: In the interest of residential amenity.

Cont'd.....

Application No 17/0864/FULL Continued

- 09) 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 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.
- 10) No vegetation clearance associated with the development shall be undertaken between the months of March and August unless otherwise agreed in writing with the Local Planning Authority.
REASON: To protect nesting birds.
- 11) Prior to commencement of development a pre commencement badger survey shall be undertaken by a suitably qualified ecologist. The details of the badger survey together with any necessary mitigation measures shall be submitted to the Local Planning Authority for approval. Mitigation measures shall be implemented in accordance with the approved details.
REASON: To safeguard protected species.
- 12) Prior to the commencement of development, details of the type, height and position of the wind turbine to include a distance between blade tips and the nearest tree, shall be provided to the local planning authority for approval. The development shall be carried out in accordance with the agreed details. If by virtue of the final siting position the turbine blade tips are located within 50 metres of the nearest tree that contains bat habitat, before the commissioning of the wind turbines hereby approved, details of bat activity surveys by a competent bat ecologist to monitor foraging and commuting bat activity around the turbines for a minimum of 2 years post-completion of the development shall be submitted to and agreed in writing by the Local Planning Authority. The agreed activity surveys shall be carried out unless otherwise agreed in writing by the Local Planning Authority and the results of the surveys shall be submitted to the Local Planning Authority annually along with details of any proposed identified mitigation measures arising from the survey results to be agreed in writing by the Local Planning Authority. The agreed mitigation measures shall thereafter be implemented.
REASON: To provide information on the level of bat activity in close proximity to the turbines and any interaction between foraging bats and the turbine blades, in the interests of biodiversity.

Cont'd.....

Application No 17/0864/FULL Continued

- 13) Notwithstanding the submitted details the development shall not commence until after a revised Traffic Management Plan (TMP) has been submitted to and agreed in writing by the Local Planning Authority. The TMP shall indicate full consultation and approval with neighbouring Authorities which the loads pass through and consultation and approval with the Welsh Government. The TMP shall provide evidence that the necessary permits have been given by the South Wales Police Liaison Transport Officer who co-ordinates the safe passage of abnormal vehicles and shall also include full details of the hauliers indemnity insurance for approval. The applicant will be required to apply to the Highway Authority for the necessary Temporary Traffic Regulation Order - Section 14 (1) of Road Traffic Regulations Act 1984. Any highway improvements required to the highway network shall also be provided for approval by the Local Planning Authority and be completed prior to delivery of the loads. The development shall proceed in accordance with the TMP following approval in writing by the Local Planning Authority.
REASON: In the interests of highway safety.
- 14) The wind turbine and tower hereby approved together with the ground equipment and plant shall be removed from the application site, either before the end of 25 years from the date of commencement of the development hereby approved or within six months upon their becoming no longer operationally active in the generation of electricity, whichever is the earlier.
REASON: In order to define the extent of the permission hereby granted.
- 15) Prior to the construction of the external surfaces of the development hereby approved details of the materials to be used, in electronic or printed format shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
REASON: In the interests of the visual amenity of the area.
- 16) The wind turbine, tower and ancillary equipment shall be removed from the site and the land restored to its former condition upon cessation of the use in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The cessation of the use shall be defined as the wind turbine becoming inoperative for a continuous period of six months.
REASON: In the interests of visual amenity.
- 17) Notwithstanding the submitted plans details of anti collision lighting to be fitted to the turbine shall be submitted for the written approval of the Local Planning Authority prior to any works commencing on site, and thereafter installed in accordance with a timetable agreed as part of those details.
REASON: In the interests of health and safety.

Cont'd.....

Application No 17/0864/FULL Continued

- 18) Prior to the construction of the sub-stations details of the external finishes shall be submitted to and agreed in writing with the Local Planning Authority. The development shall be completed and maintained thereafter in accordance with the agreed finishes.
REASON: In the interest of visual amenity.
- 19) Prior to the commencement of works on site a scheme of land and surface water drainage within the site shall be submitted to and agreed in writing by the Local Planning Authority. All works that form part of the agreed scheme shall be carried out before any part of the development to which it relates is occupied.
REASON: To ensure the development is served by an appropriate means of drainage.
- 20) Prior to the commencement of the development hereby approved a landscape management plan shall be prepared and submitted to the Local Planning Authority for its agreement. The agreed plan shall be complied with during and after the completion of the development hereby approved.
REASON: To ensure adequate protection to protected species.

Advisory Note(s)

Please find attached the comments of CADW, Welsh Water, The Senior Engineer (Land Drainage), Countryside and Landscape Services, NRW, GGAT that are brought to the applicant's attention.

The following policy(ies) of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 is/are relevant to the conditions of this permission: Policy CW2, CW3, CW4, CW5.

DEFERRED FOR REASONS FOR REFUSAL

