

APPENDIX 1

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
12/0753/FULL 12.11.2012	MDA Renewables Mr J Dacey Bryn Y Coed Load Of Hay Road Crumlin Blackwood NP11 3AY	Provide a single wind turbine (500kW, 50m hub height, 73.5m maximum tip of blade height) with associated electrical infrastructure and crane hardstanding Pen Y Fan Ganol Farm Manmoel Blackwood NP12 0HY

APPLICATION TYPE: Full Application

SITE AND DEVELOPMENT

Location: The application site is a field parcel to the east of the Manmoel Road, approximately 1.5km to the south east of Manmoel Village and 1km to the north of Pen Y fan Leisure Park.

Site description: The fields are in pasture and predominantly surrounded by open countryside. The nearest dwellings are the Farm House at Pen Y Fan Ganol Farm some 470m to the east, Pen Y Fan Cottage and Pen Y Fan Farm 700m to the south, and Hafodrisclawdd Fawr Farm some 890m to the west. The position is elevated with commanding views from the north and south west. Views from the east are slightly less open as the land rises towards Mynydd Pen Y Fan. The site is approximately 380m from Manmoel Road and 220m from Registered Byway 3/1/CRUM. The site is unimproved natural grassland sloping in a west to east direction towards Mynydd Pen Y Fan with mature trees on the eastern field boundary with the remainder of the field pasture being enclosed with traditional dry stone walling.

Development: The erection of one wind turbine of 500kw rating together with ancillary access track and cable connection together with the creation of a crane hard standing area. Consent is also sought for the creation of a temporary transfer station to off-load the plant from road going vehicles to specialist off road vehicles.

Dimensions: The turbine has a 50 metre high hub and the blade diameters are 23 metres. The track to the road is approximately 400 metres long and 4 metres wide.

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Materials: The wind turbine will consist of a conical steel tower, a fibreglass nacelle (the part at the centre of the blades that contains the plant), and fibreglass reinforced polyester rotor blades, all of which will be painted in the same unifying colour.

The site roads will generally be upgraded on the principle of cut and fill and where necessary topped with suitable imported crusher run quarried stone.

Ancillary development: This application is supported by:

1. Design an Access Statement.
2. Planning Statement.
3. Landscape and Visual Appraisal.
4. Preliminary Ecological Appraisal.
5. Transport Management Plan, this document explains how the turbines will be transported to site after being transferred to suitable vehicles at Nine Mile Point Industrial Estate).
6. Simplified Noise Assessment.

PLANNING HISTORY

2/03383 - Re-instating subsidence and opencast mining - Refused - .03.06.80.

POLICY

LOCAL DEVELOPMENT PLAN

Site Allocation: The site lies in the open countryside beyond a settlement boundary, it is not allocated for any specific use.

Policies: SP2 (Development Strategy), SP5 (Settlement Boundaries), SP8 (Minerals Protection), CW2 (Amenity), CW3 (Highways), CW4 (Natural Heritage Protection), CW15 (General Locational Constraints) and CW22 (Locational Constraints - Minerals).

NATIONAL POLICY

Technical Advice Note 8: Planning for Renewable Energy, July 2005.
Planning Policy Wales (Edition 5), Nov 2012.

ENVIRONMENTAL IMPACT ASSESSMENT

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

Was an EIA required? - No.

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COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? - Yes - A small part of the access track passes over such an area, but in view of the scale of that work, there are no significant mining legacy implications.

CONSULTATION

Natural Resources Wales - No objection.

Torfaen CBC - No objection.

Countryside And Landscape Services - No objection.

Head Of Public Protection - No objection subject to conditions.

National Air Traffic Services - No objection.

Dwr Cymru - No objection.

Gwent Wildlife Trust - No objection.

Glam/Gwent Archaeological Trust - No objection.

The Coal Authority - No objection.

ADVERTISEMENT

Extent of advertisement: The application was advertised by means of a press notice, site notice and neighbour letters.

Response: 35 letters of objection were received in respect of the application.

Summary of observations:

1. Cumulative visual impact of the proposed turbine in association with other approved and proposed turbines in the area.
2. Effect upon the landscape character of the area.
3. Visual impact of the turbine.
4. Noise impacts on nearby residential properties,
5. Highway impact of deliveries of the turbine on the local highway network which is not suitable to take such large vehicles
6. Tourism would be detrimentally affected by this proposal.
7. The site is in a coal mining risk area.

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8. There will be ecological impacts of the development on protected wildlife species as the area is frequented by a large number of birds and bats.
9. The applicant has not fully justified the need for the development in this location and it is felt that the proposal is for the personal gain of the applicant and no regard has been had for the views of local people.
10. Perceived harm to health and well being as a result of the well documented health issues associated with these developments.
11. Drainage issues on Manmoel Road, which already suffers with flooding from this site.
12. The site is adjacent to a Visually Important Local Landscape and a Special Landscape Area.
13. The turbines are not cost effective and are inefficient.
14. The site is close to a bridle path and it could have an unsettling affect on horses.
15. This is an area of historical importance, what measures are in place to ensure that no historical features are destroyed?
16. The proposal will lead to a drop in property values.
17. Why can't the turbine be sited in another 'more suitable' location?
18. The application has not been adequately advertised.
19. This could lead to a larger wind farm being developed in the area.

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? None.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? A survey was carried out and it was suggested that no protected species would be affected by the proposal. This report has been assessed by the Council's Ecologist and by Natural Resources Wales (formerly the Countryside Council for Wales) and they are satisfied with the results of the survey.

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ANALYSIS

Policies: The application has been considered in accordance with national guidance, local plan policy and supplementary planning guidance. The Welsh Government in its guidance is committed to delivering sustainable development in Wales, this includes 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).

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 the TAN 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). The TAN explains there is a recognised 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.

Landscape and Ecological Impacts

In this instance the application site is not located within a nationally or locally designated natural heritage feature but it is situated adjacent to Mynydd Pen Y Fan and Twyn Y Bleiddiaid SINC's and approximately 1.5km to the south east of the Manmoel VILL. Whilst it has been suggested that the presence of these protected areas adjacent to the application site should automatically discount the site from consideration, in effect a line has to be drawn in the sand at some point. The SINC's and VILL's have been chosen for their specific ecological and landscape character and the areas that have not been considered for such designation are by definition not as important.

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Bearing in mind the National Guidance, which promotes the provision of such technologies it would be unreasonable for Local Planning Authorities to refuse all applications, which are situated in areas adjacent to such designated sites provided that the impact on those sites is considered to be acceptable.

In terms of the SINCs, by their very definition their importance is related to the particular ecological features of that specific site. The proposed wind turbine would only be unacceptable in terms of its effect on those designations if it had a direct effect on the ecology of those sites or the management of that ecology. In this instance, the developer has shown that the application site would have no detrimental impacts on the ecology of the area and that no protected species were noted as nesting in the area or using it as habitat. In that regard it is not felt that the proposed development would have any impact on the ecological importance of the SINCs.

With regard to the Manmoel VILL this has been designated primarily because of its strong sense of openness. Appendix 2 of the Caerphilly County Borough Local Development Plan up to 2021 – Adopted November 2010 (LDP) states that the key development control issues for this area are to seek to enhance the existing field patterns and sense of openness. Given these key issues identified and the distance between the application site and the VILL it is felt that the proposed development would have a relatively minor and negligible impact on the landscape character of the designation. It should also be borne in mind that the topography of the area positions the proposed turbine significantly to the south east of the VILL and on an elevated site with restricted views from the site and from the south and east of the site towards the VILL. In that regard it is felt that the proposal would have no significant impact on the landscape character of the designation.

In terms of cumulative visual impact of the development a Zone of Theoretical Visual Influence plan submitted with the application indicates that there is the potential for significant visual impact from this proposal and other proposals currently in the planning system. Photomontages and wire frame diagrams have been produced to indicate the visual impact of the development and these have been assessed as part of the application. However, the visual impact of this single turbine on the wider area is not as significant. Whilst this application and another current one at Pen Y Fan Farm (Ref. no. 13/0016/FULL) have been considered on a cumulative basis to this point, the application for that development is not currently able to be determined and as such at this point there is no turbine at Pen Y Fan Farm which is able to proceed. Whilst the turbine at Pen Y Fan Farm would be seen and experienced in conjunction with this proposal and possibly raising more significant cumulative impact issues, consideration of the Pen Y Fan Farm proposal will need to take account of the impact of this proposal on that scheme and any cumulative impacts that it causes in relation to this proposal.

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It should be noted that the creation of a Transfer Station at Smugglers Run will require the creation of a new access into a field parcel off the Manmoel Road. The impact of this has been considered with particular regard for the potential removal of any hedgerow and the ecological and landscape impacts of such an operation. In that regard it should be noted that the hedgerow fronting this field exhibits a lack of woody species and there are a number of large gaps in the hedgerow and as such it does not qualify for protection under the Hedgerow Regulations. With that in mind it is felt that the proposal would not have any detrimental impact on the ecology of the area as the access can be accommodated without the need to remove hedgerow. It is also considered that the landscape character and ecology of the area could be enhanced as part of the scheme by the imposition of a condition requiring enhancement planting to the hedgerow on the completion of the works.

Noise Impacts

As part of the submission with this application a simplified noise assessment was provided in accordance with ETSU-R97 For the Assessment and Rating of Wind Turbine Noise (a document produced on behalf of the former Department of Trade and Industry). The information submitted has been assessed in accordance with the above guidance and having regard for local noise conditions and accepted noise levels set out within the guidance. This application and the proposal at Pen Y Fan Farm have again been considered in terms of their cumulative impact on noise sensitive receptors. This submission has been assessed by the Council's Head of Public Protection and it is considered that the predicted noise levels from the proposed turbine are within accepted levels. Whilst there are many variables that can affect turbine noise it is considered that the submission was carried out in accordance with the relevant guidance and as such its findings are a relevant material planning consideration. Conditions would also be attached to any consent granted controlling the levels of noise that can be produced by the turbine and requiring it to be modified, limited or shut down in order to comply with the guidance.

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Application No. 12/0753/FULL Continued

In terms of cumulative noise impact both this application and the turbine at Pen Y Fan Farm were considered together and background noise level surveys were requested from the developer, which indicated that there would be no adverse impacts. However, and as stated above, the turbine at Pen Y Fan Farm must now be discounted from consideration at this time and as such the following guidance from ETSU-R97 has been followed: -

"...if the developer can demonstrate that noise conditions would be met even if there was no increase in background noise with wind speed until quite high wind speeds, then a simplified approach can be adopted. We are of the opinion that if the noise is limited to an LA90,10min of 35dB(A) up to wind speeds of 10m/s at 10m height then this condition alone would offer sufficient protection of amenity, and background noise surveys would be unnecessary. We feel that, even in sheltered areas when the wind speed exceeds 10m/s on the wind farm site, some additional background noise will be generated which will increase background levels at the property. This type of condition may be suitable for single turbines or wind farms with very large separation distances between the turbines and the nearest properties."

The proposal complies with that guidance.

Highways/Transportation Impacts

A Traffic Management Plan (TMP) and associated drawings were submitted with the application and these have been assessed by the Transportation Engineering Manager. The TMP sets out the types of vehicles to be used for the transportation of the equipment to and from the site, the number of vehicles to be used, the route to be taken and the frequency of deliveries etc. Swept path plans submitted with the TMP also show that the lanes accessing the site can adequately accommodate the vehicles to be used subject to the use of local traffic orders in liaison with the Local Highway Authority and the Police. It should also be noted that as the delivery of the equipment would involve abnormal indivisible loads, the consent of the Welsh Government Transport division would be required in addition to any consent from the Local Highway Authority in relation to the use of the Trunk Highway Network. In that regard it is not felt that the development would have any detrimental impact on highway safety issues and the proposal can be accommodated without the need for major highway improvements. As stated above the access improvements to provide the transfer station are negligible in planning terms and the improvements to the track within the site have no bearing on the highway network.

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Application No. 12/0753/FULL Continued

Comments from consultees: No objections raised. A number of conditions have been suggested by statutory consultees and these could be attached to any consent granted.

Comments from public: Each of the reasons for objection is considered in turn below: -

1. As discussed above it is not felt that this proposal would have any significant detrimental cumulative impact with existing or approved wind turbines. The cumulative impact of other turbines in relation to this proposal will need to be considered in the determination of those applications.
2. Again this has been considered above and it is not felt that the proposal would have a significant visual impact on the landscape character of the area.
3. The turbine in itself will inevitably have a visual impact on the area. Whether this impact is negative or not is a matter of subjective opinion. As this is a single turbine which is relatively modest in size and not sited within a designated area it is felt that its visual impact would not justify refusal of this application.
4. Noise impacts of this proposal on noise sensitive receptors have been carefully assessed and found to be within accepted levels. The assessment has been carried out in accordance with established guidance and is in accordance with national planning guidance.
5. The highway impact of the development has been carefully considered and is felt to be acceptable in this instance. The developers have provided evidence to show that the local highway network is capable of taking such large vehicles and there have been no objections from the Local Highway Authority and the Police.
6. This is a matter of subjective opinion and there is no quantitative or empirical evidence to prove that tourism would be affected by this proposal.
7. The Coal Authority have been consulted on this application and have raised no objection to the proposal.

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Application No. 12/0753/FULL Continued

8. Whilst a number of objectors have suggested that the area is frequented by a number of protected species such as birds and bats, the ecological information submitted by the applicant does not support this. Whilst it is accepted that the area is likely to be frequented by these species no evidence was found of any nesting or habitat in the area. In terms of both birds and bats the site is likely to be used as a corridor of travel and for foraging but that would not in itself be sufficient to warrant refusal of the application. As this is a single wind turbine potential bird strike for the rotors is significantly reduced and is not considered to be a major issue in this instance.
9. There is no requirement in legislation for the applicant to provide justification for this development. However, the Design and Access Statement submitted with the application states:-

"The turbine will provide a renewable low carbon energy source for Pen Y Fan Ganol Farm which needs to invest in additional equipment which will be run on electricity. This will help the business move to a more sustainable and affordable provision of energy."

Meanwhile the Planning Statement submitted with the application states: -

"Pen Y Fan Ganol Farm comprises an area of approximately 475 acres and operates with 475 sheep, 32 cows and 20 pigs. There is no current mains electricity supply and this is hindering the development of the farm business. Heating and power supply is a major viability issue and the Farm Business Plan includes the incorporation of refrigeration and processing facilities units in order to move into the farmers' market arena. All the current operations are dependent upon the use of a generator which limits the range of business options and has practicality implications for various aspects of essential livestock farming operations.

The farm requires the provision of a constant electricity supply as a matter of urgency in order to power the existing and additional equipment required to secure its on-going viability. The business is therefore looking to move to a more sustainable and affordable provision of energy by reducing its reliance on fossil fuel energy generation whereby the existing generator will only serve as a 'back-up' facility. As such, the quantity of energy required dictates that energy from on-site renewable sources is the most economical and sustainable way forward for the farm to survive."

It is acknowledged that the farm may not require all of the energy provided by the wind turbine and that some may be sold to the grid. However, this is not in itself a material planning consideration and would not justify refusal of this application.

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Application No. 12/0753/FULL Continued

10. There are a number of instances where the perceived effects of wind turbines on the health and well being of residents are well documented. However this application has been assessed for both noise and shadow flicker impacts and is considered to be acceptable having regard for the location and orientation of the turbine in relation to prevailing weather conditions and the relationship with neighbouring land users.
11. It is accepted that there are existing drainage issues on Manmoel Road. However, it is not felt that this proposal would exacerbate this issue.
12. This issue of impact on SLA's and VILL's has been addressed above.
13. This is not a matter for consideration as part of this application. National Planning Guidance promotes the use of renewable energy sources and this proposal makes a contribution to that aim.
14. As stated above the noise and shadow flicker effects of this proposal have been considered and are felt to be acceptable in this instance.
15. There are no sites of historical importance designated on this site. Glamorgan and Gwent Archaeological Trust have been consulted on the application and have raised no objection.
16. Loss of property values is not a material planning consideration. In any event there is no empirical evidence to substantiate this claim.
17. The Local Planning Authority has to consider the merits of the proposal in this location and cannot refuse the application on the basis that another site is 'more acceptable' if it is considered that this site is acceptable having regard for the planning merits of the proposal.
18. The application has been advertised by means of neighbour letters, a site notice and a press notice. Residents of Manmoel Village may well be concerned that they were not directly consulted on the application but this does not mean that the application was not advertised in accordance with legislation and best practice.
19. That any development will set a precedent for further development does not generally hold significant planning weight as each development should be judged upon its merit.

Other material considerations: In conclusion it is considered that the proposed wind turbine would be acceptable in planning terms. The landscape and ecological impact of the development would not justify refusal of the application having regard for the absence of any national or local protection designation on the application site. The noise and highway implications of the development have been carefully considered and are felt to be within acceptable limits as set out in guidance and evidenced in the details submitted with the application. All other matters have been considered and there are no grounds which would warrant refusal of the application.

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Application No. 12/0753/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 hereby permitted shall be carried out only in accordance with the following plans and other submitted details: Design and Access Statement, PL001, PI002, Preliminary Ecological Appraisal Survey Report, Shadow Flicker Appraisal, Planning Statement, Turbine Details, Transport Management Plan (July 2013), MDA04 Pen Y Fan Noise Predictions (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.
- 03) Notwithstanding the submitted details, the precise location of the access to the Transfer Station at Smugglers Run shall be submitted for the written approval of the Local Planning Authority prior to any works commencing on site. The works shall thereafter be carried out in accordance with the approved details.
REASON: In the interests of the landscape character and ecology of the area.
- 04) Prior to the commencement of work on site details of hedgerow enhancement planting and management, including a species list detailing the name and origin of native broadleaved trees and shrubs to be used to plant up existing hedgerows, shall be submitted to the Local Planning Authority for approval. The approved details shall be complied with and the hedgerow planting shall be carried out within 12 months of the completion of the development.
REASON: In the interests of biodiversity conservation and enhancement in accordance with Section 40 Natural Environment and Rural Communities Act 2006, and policy contained in Welsh Assembly Government's Planning Policy Wales (2010) TAN 5 Nature Conservation and Planning (2009).
- 05) The level of noise from the wind turbine measured at Pen-Y-Fan Ganol Farm shall not exceed 45dB(A) (LA90, 10 mins) at all wind speeds 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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- 06) The level of noise from the wind turbine (hereby approved) measured at the nearest noise sensitive properties shall not exceed 35dB(A) (LA90, 10 mins) up to wind speeds of 10m/s at 10m height when calculated in accordance with the 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.
- 07) Should the wind turbine be identified as operating above the parameters specified in conditions 05 and 06 above, the wind turbines shall be modified, limited or shut down as required to ensure compliance with this condition. Those 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 in those conditions.
REASON: In the interest of the amenity of noise sensitive properties.
- 08) Noise shall not be emitted from the wind turbine that is assessed and confirmed by a competent noise qualified officer of the Caerphilly County Borough Council as being a nuisance by virtue of having irregularity, distinguishable discrete continuous notes or distinct impulses, that are enough to attract attention and cause nuisance at any dwelling.
REASON: In the interest of the amenity of noise sensitive properties.
- 09) Within 28 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 3 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.

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- 10) Following the commission 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 with the Local Planning Authority and such data shall be retained for a period of not less than 12 months and it shall be provided to the Local Planning Authority at its written request within 28 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 approve shall not take place outside the hours of 07.00 and 19.00 Mondays to Fridays, 09.00 and 16.00 Saturdays and not at all on Sundays and Public Holidays, unless otherwise agreed in writing with the Local Planning Authority.
REASON: In the interest of residential amenity.
- 12) 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 when shadow flicker occurs, in accordance with a scheme of control that shall have been agreed in writing with the Local Planning Authority and the turbines 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.
- 13) The level of noise emitted by the wind turbine hereby permitted shall be monitored and demonstrated at the request of the Local Planning Authority on commissioning and annually thereafter in accordance with a method to be agreed by the Local Planning Authority prior to any works commencing on site.
REASON: In the interest of residential amenity.
- 14) 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.
REASON: In the interests of health and safety.

Advisory Note(s)

The following policy(ies) of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 is/are relevant to the conditions of this permission: CW2, CW3 and CW15.

Please find attached comments from Consultees.
