

PREFACE ITEM

APPLICATION NO. 15/0097/FULL

APPLICANT(S) NAME: Empirica Development Partners (EDP) Ltd

PROPOSAL: Erect a single wind turbine with a maximum blade tip height of up to 78 metres and associated infrastructure including the installation of a new access track and upgraded access track; a crane pad (measuring approximately 25m by 40m) and a substation

LOCATION: Land At Cefn Bach Farm Cefn Road Upper Deri Bargoed

The Planning Committee deferred this application on the 10th June 2015, as Members were minded to approve the application contrary to Officer recommendation. Members considered that the proposed development would not have unacceptable impacts on the landscape character of the area and would make a contribution to the provision of renewable energy within the County Borough.

RECOMMENDATION

If Members are still minded to approve the application, the following suggested conditions should be attached to the consent:-

1. 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.
2. 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.

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3. Following the commissioning of the wind turbine hereby approved, the power generation, the wind speed and direction data, shall be continuously logged in accordance with a method that shall have been agreed in writing by the Local Planning Authority and such data shall be retained for a period of not less than 24 months and it shall be provided to the Local Planning Authority at its written request within 14 days of such request.

REASON: To monitor the wind turbine use and provide information to the Local Planning Authority to retain effective control.

4. 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.

5. During the course of the investigation as required by Condition 04, should the wind turbine or turbines be identified as operating above the parameters specified in Condition 04, 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.

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6. Deliveries and construction works associated with the wind turbine hereby approved shall not take place outside the hours of 07.00 and 19.00 Mondays to Fridays, 09.00 and 16.00 Saturdays and not at all on Sundays and Public Holidays, unless otherwise agreed in writing with the Local Planning Authority.
REASON: In the interest of residential amenity.
7. Prior to the commissioning of the wind turbine hereby approved it shall be fitted with a control system that automatically shuts down the turbine 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 turbine shall be operated in accordance with the agreed scheme unless otherwise agreed in writing with the Local Planning Authority.
REASON: To control flicker in the interest of amenity of nearby flicker sensitive properties.
8. 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. Any highway improvements required to the highway network with Caerphilly County Borough Council shall also be provided for approval by the Local Planning Authority and be completed prior to the 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.
9. Prior to the transportation of any turbine components; a highway condition survey along the proposed route within Caerphilly County Borough shall be carried out and agreed in writing with the Local Planning Authority, which includes a scheme and timetable for the repair of any damage caused by abnormal loads associated with this development. The development shall thereafter be carried out in accordance with those agreed details.
REASON: In the interests of highway safety.

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10. Prior to the transportation of turbine components to the site commencing, the haulier's indemnity insurance shall be provided to the Highway Authority for inspection and written approval of that insurance granted from the Authority's Legal Services Manager.
REASON: In the interests of highway safety.
11. Prior to the commencement of works on site, details of the position and extent of the cable route together with an assessment of the ecological value of the habitats and species along the route together with any necessary mitigation measures shall be submitted for agreement of the Local Planning Authority. The agreed measures shall be strictly complied with.
REASON: to minimise impact on species rich habitats.
12. Prior to the commencement of works on site, the applicant shall submit details of the means of protection of any retained trees that lie within 5m of the working area associated with the cable route for Local Planning Authority approval. The works shall be carried out in accordance with the agreed details.
REASON: In the interests of visual amenity.
13. 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 of the turbine 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.
14. The demolition or site/vegetation clearance associated with the development hereby approved shall not take place during the breeding season for birds, from March to August inclusive in any given year, unless otherwise agreed in writing by the Local Planning Authority.
REASON: To ensure that breeding birds are protected. All British birds, their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000.
15. Details of land drainage shall be submitted to and agreed in writing with the Local Planning Authority before the works commence and shall be carried out in accordance with the agreed details before the development is brought into use.
REASON: In the interests of highway safety.

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16. 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.

Advisory Note

The following policies of the Caerphilly County Borough Local Development Plan up to 2021 – Adopted November 2010 are relevant to the conditions attached to this consent: policies CW2, CW3 and CW4.

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
15/0097/FULL 17.02.2015	Empirica Development Partners (EDP) Ltd The Hawk Creative Business Park The Hawkhills Estate Easingwood York North Yorkshire YO61 3FE	Erect a single wind turbine with a maximum blade tip height of up to 78 metres and associated infrastructure including the installation of a new access track and upgraded access track; a crane pad (measuring approximately 25m by 40m) and a substation Land At Cefn Bach Farm Cefn Road Upper Deri Bargoed CF81 9GW

APPLICATION TYPE: Full Application

SITE AND DEVELOPMENT

Location: The application site is situated at Cefn Bach Farm, which is approximately 500m to the east of Deri.

Site description: The proposed site stands on land at a height of approximately 380m above Ordnance Datum (AOD) and is currently hilltop pasture located above the Darran Valley to the west, and the Rhymney Valley to the east. Apart from the farmhouse the nearest, residential property, are at Deri.

Development: The applicant is proposing to erect a single wind turbine with a maximum blade tip height of up to 78 metres and associated infrastructure including the installation of a new access track and upgraded access track; a crane pad (measuring approximately 25m by 40m); and a substation. The proposed wind turbine would have a rated output capacity of 500kW and its key maximum parameters are set out below:-

Hub height: 50m;
Blade length: 28m;
Rotor diameter: 54m;
Maximum height to blade tip: 78m; and
Number of blades: 3.

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The turbine is proposed to be predominantly light grey in colour, but that can be controlled by condition.

A crane pad measuring approximately 24m by 39m would be installed adjacent to the turbine. An existing access track would be improved by widening it by a metre with crushed stone to provide a link between the site and the lane that runs along the top of Cefn y Brithdir to the east of the application site. A substation would also be erected below the turbine. It would be brick built with a pitched roof, and measure 3.6m by 3.6m and 3.4m high to the ridge. A small flat-roofed switchroom annex measuring 1.3m by 1.5m by 2.4m high would be attached to the side of the structure.

PLANNING HISTORY

No previous planning history.

POLICY

Site Allocation

Local Development Plan: The site lies in the open countryside beyond a settlement boundary. The area around the turbine itself is not specifically allocated, but the track leading to the site passes through a Visually Important Local Landscape (VILL) and a Site of Importance for Nature Conservation (SINC).

Policies

Local Development Plan: SP1 (Development Strategy), SP5 (Settlement Boundaries), SP8 (Minerals Protection), SP10 (Conservation of Natural Heritage), CW2 (Amenity), CW3 (Highways), CW4 (Natural Heritage Protection), CW15 (General Locational Constraints), CW19 (Locational Constraints - Rural Development and Diversification), CW22 (Locational Constraints - Minerals), NH2 (Visually Important Local Landscapes).

National Policy: Technical Advice Note 8: Planning for Renewable Energy (July 2005) and Planning Policy Wales (Edition 7), Nov 2014.

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? No.

CONSULTATION

Rights Of Way Officer - Attention is drawn to the public footpaths in the vicinity and the need for some to be stopped up temporarily, and for banksmen to be located near others for safety reasons during the construction period.

Senior Engineer (Land Drainage) - Prior to the commencement of any development of the site the applicant must submit to the Authority, and receive written approval of , comprehensive proposals showing how surface water, and land drainage flows from the site will be dealt with.

Countryside And Landscape Services - The methodology used to undertake the Landscape and Visual Impact Assessment is in general accordance with what is currently regarded as best practice. However despite the submission of additional information, the Landscape and Visual Impact Assessment is weak in the assessment of the impact of the proposed turbine upon the adjacent Historical, Cultural Landscape. The LVIA has also failed to consider the potential impact of the proposed turbine upon the Gelligaer Common Landscape of Historic Interest, where there is the potential for significant effects, given the distance separating the proposed turbine from the eastern edge of the Historic Landscape is barely 2km at the nearest point.

The LVIA's findings that the potential impacts upon landscape character and visual receptors, associated with the construction and decommissioning of the turbine are not significant are correct.

The assessment of the potential operational phase of the development upon the Landscape Character of the site and adjacent area within approximately 1.6 km was assessed as not significant. This assessment was based upon all 5 LANDMAP aspect areas. That is acceptable in relation to four of the LANDMAP aspect areas but the potential impact upon the Visual and Sensory aspect area has been slightly under-valued and the potential impact upon this aspect area alone would be significant.

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Six photo-viewpoints were chosen as the basis for the visual assessment of the impact of the proposed turbine. The view from Photo-viewpoint No 1 at Glynmarch St Deri, has been assessed as not significant; that assessment is disagreed with. The hub and blades of the proposed turbine would be seen above the coniferous plantation which dominates the facing valley side. This plantation is predominantly composed of Larch, and is showing signs of being infected with phytophthora ramorum. Natural Resources Wales are currently felling Larch Plantations infected with phytophthora above Parc Cwm Darren and across South Wales as part of their strategy to control the spread of the disease. It is therefore likely that this plantation will be felled very shortly as part of this control strategy. This will increase the prominence of the turbine in views from east facing properties within Deri. Photo-viewpoint No 3 is taken from St Gwladys monument on Gelligaer common. The assessment of visual effect is recorded as substantial / moderate adverse, which is wrongly recorded as not significant. The assessment of not significant for all remaining viewpoints is acceptable.

No assessment has been made of the potential for visual effects upon other settlements within the borough, though photo-viewpoint No 4 is taken from Bedwellty Road, Aberbargoed and photo-viewpoint No 6 is taken from Glenview Terrace Pentwyn. Both are assessed as not significant, which is acceptable. It is likely that views of the turbine from Bargoed and most of Aberbargoed will be constrained by the orientation of properties, intervening properties and distance from the site. The effect upon the majority of visual receptors in these settlements will be not be significant.

A brief statement of the potential visual effect of the proposed turbine upon the properties of Tyr-chapel and Plas Milfre, the two closest residential properties to the site indicates that the potential impact upon Tyr-chapel would be significant whilst the impact upon Plas Milfre would be not significant. On the basis of the very limited information provided and the distance of both properties from the site of the turbine the potential visual effect could be significant for both properties.

The potential effect of views of the turbine from the valley floor road and rail network , the majority of minor roads on the upper valley sides or valley tops should be assessed as not significant. There will be some significant visual effects upon users of the Rhymney Valley Ridgeway walk and the local footpath network but overall the effects upon the public rights of way network will be not significant.

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An assessment of cumulative impact has been undertaken. Wire line plots have been produced for each of the photo-viewpoints, which clearly demonstrate that there is the potential for views of several constructed, consented or in-planning turbines to be seen from all but two of the photo-viewpoints. These viewpoints do not encompass a full 360 degree view. The cumulative Zones of Theoretical Visibility Maps clearly demonstrate that with the exception of the northern group of turbines close to the Heads of the Valleys Road there is the potential for all of the remaining constructed, consented or in-planning turbines, within the county borough to be seen from elevated locations and in particular from elevated locations in the centre of the borough close to this site. However the current proposal is isolated and would not in itself give rise to a significant" additional cumulative impact.

To conclude, Cefn Bach Farm and the site of the proposed turbine are not within a Special Landscape Area or a Visually Important Local Landscape as identified within the Local Development Plan. The site of the proposed turbine is within a pastoral landscape, of small to medium sized fields, enclosed by a strong linear pattern of dry-stone wall boundaries. The introduction of a tall vertical element, and movement into this landscape would be at variance to its present character.

The Heads of the Valleys Smaller Scale Wind Turbine Development Landscape Sensitivity and Capacity Study, published in April 2015, which was commissioned by Caerphilly and adjacent Local Authorities, included this area within a much larger landscape unit, which it identified as having a medium to high sensitivity to wind turbine development of medium typology, which it identifies as four or fewer turbines of less than 80 m in height to blade tip. However the report also emphasises the need to consider the potential effect upon Gelligaer Common Landscape of Historic Interest and views from Valley settlements.

The submitted Landscape and Visual Impact Assessment fails to adequately address a number of these issues and the potential effects of the proposed turbine upon the pastoral landscape of the site / local area, and on Gelligaer Common Landscape of Historic Interest, as well as the potential visual impact upon residents of Tyr-chapel and Plas Milfre, and the residents of east facing properties in Deri are likely to be significant. Therefore it is recommended that the application be considered for refusal.

Strategic & Development Plans - No objections in principle subject to access to mineral resources, impacts on natural heritage, and the cumulative impact being considered,

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National Air Traffic Services - The scheme does not conflict with their safeguarding criteria.

Ministry Of Defence - No objections.

Glam/Gwent Archaeological Trust - At present the proposed route is a narrow single track for approximately 2.8km and then uses an un-mettled bridleway for a further 1.9km, both of which cross open upland common. The highway access report supplied with the application states that it will need remediation work to make it acceptable as an access route, including widening Cefn Y Brithdir by 1.0m using crushed stone. The bridleway passes close to a Scheduled Ancient Monument, Cefn Brithdir Medieval House Platforms (SAM no GM317) in an area where there are a number of prehistoric barrows, one of which (PRN00645m) lies within 10m of the track. There are at least four prehistoric funerary monuments across the common at this point and it is conceivable that others remain undiscovered. Clearly the proposals for this route would have a lasting impact on the historic environment which is already at risk from erosion due to the use of motorcycles and off road vehicles.

It is their view that they do not have sufficient information to give advice at this time and therefore, we therefore strongly recommend that the applicant commission an archaeological assessment that includes the route of the access track, a document that will identify which aspects of the proposal will have an impact on the buried archaeological and historical resources that will require mitigation and what that mitigation will entail.

In summary, this will be a material consideration in the determination of the current planning application and therefore this decision should be deferred until the requested information has been submitted to your Members. This recommendation follows the advice given in Planning Policy Wales, Seventh Edition July 2014, Section 6.5.1 and 6.5.25, and also detailed in Welsh Office Circular 60/96, Section 12.

Trunk Road Manager - The latest comments state that there is insufficient detail to fully review the proposal.

Joint Radio Company Limited - Initially objected to the scheme because it may interfere with telemetry in the area, but subsequent information has allowed them to withdraw their concerns.

OFCOM - No objections.

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Aneurin Bevan Health Board - It is recommended that noise and shadow flicker are considered.

ADVERTISEMENT

Extent of advertisement: The application was advertised by means of a site notice and 116 neighbour letters.

Response: Thirty-one letters have been received in support of the scheme. The letters comment that:

- there is adequate separation with residential properties
- the proposal complies with government guidance concerning noise
- the turbine is not located within an ecologically sensitive area
- a community fund is offered by the applicants
- there is sufficient wind speed at the site, and
- there is a suitable grid connection nearby.

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? Based on current evidence, this is unlikely to be a significant issue in this case, but an advisory note will be attached to the consent and sent to the applicant as a precautionary measure.

Is this development Community Infrastructure Levy liable? No.

ANALYSIS

Policies: The application has been considered in accordance with national guidance, local plan policy and supplementary planning guidance. The main points to consider in the determination of this application are in respect of the landscape, archaeological and highways impacts of the scheme.

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The location of the proposed turbine on this ridge between the Rhymney and Darren Valleys, detached from the recently approved and erected turbines above New Tredegar, Pen y Fan Ganol (Manmoel) and Oakdale will extend the impact of such development over a wider area of the borough to the detriment of the character of the landscape. On the opposite side of the Darran Valley is the historic landscape associated with Gelligaer Common. The proposed turbine will be clearly visible from that landscape, and due to its proximity, will have an adverse impact on the context and therefore character of the area. Welsh Office Circular 61/96 - Planning and the Historic Environment, advises that in determining planning applications the registered park and garden should be taken into account particularly where the proposed development is of a sufficient scale to have more than a local impact on historic landscape.

The LDP allocates the common as a special landscape area (NH1.2) and it is described in the appendix to the Plan as an important and increasingly rare upland landscape within South East Wales. Policy CW4 states that development proposals that affect locally designated natural heritage features, will only be permitted where they conserve and where appropriate enhance the distinctive or characteristic features of the SLA.

The Council's Countryside and Landscape Manager identifies gaps in the Landscape and Visual Assessment submitted by the applicants particularly in respect of the impact of the development on the pastoral landscape of the area, and the visual impact on nearby dwellings.

Concern has been expressed by Glamorgan Gwent Archaeological Trust about the information submitted and the need for further surveys before a decision is taken. The applicants have responded to this concern by pointing out that this is an existing access track used for agricultural purposes for some time and as noted in the Trust's response is 'already at risk from erosion due to the use of motorcycles and off road vehicles'. As such the access has already been subject to ground disturbance over a number of years. They consider that the proposals to upgrade this access would provide the following benefits:

- Creation of a well defined and constructed access track which would prevent further erosion and potential harmful intrusion into adjoining land and potential archaeological features;
- Securing of archaeological mitigation

All upgrading works would be confined to within the red line area only. Only upgrading is proposed and as such extensive ground works will not be necessary. In addition they have offered mitigation measures to ensure inadvertent impact of the widening of the access track will be carefully managed in respect of potential impacts on archaeology, secured by an appropriately worded planning condition. On balance, it is considered this matter could be resolved by condition.

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At the time of report preparation, the impact of the development on the road network had not been resolved, but in view of its short term nature, and the fact that similar developments have been accommodated on the surrounding hillsides, there is no clear reason to object on this ground. Outstanding matters, such as the need for a traffic management plan could be resolved by condition.

Concerns about the impact of the scheme must be balanced against the need for renewable energy. In that regard the UK is subject to the requirements of the EU Renewable Energy Directive which includes a UK target of 15% of energy from renewable sources by 2020. This includes both heat and electricity, and is seen as a minimum and a starting point from which the proportion should rise. At present in terms of electricity, there are 8 wind turbines and 3 solar farms in the county borough. These make a significant contribution. The 2 turbines at Oakdale for example generate as much electricity as the 1,834 domestic PV systems in the county borough. The amount of electricity generated in the county borough is around 12% of the predicted amount likely to be used in 2020. In terms of heat however, the figure is less than 1%. It is envisaged that a further target above the 15% aim is likely to be set soon as it is an initial target on the road to the 80% reduction in carbon emissions required by the EU. Even if Caerphilly borough exceeds the target of 15% before 2020 it will be expected to push on further and provide more. However, in this particular case that need would not outweigh the concerns about the impact of the scheme on the historic landscape.

Comments from consultees: Discussed above.

Comments from public: There has been considerable support in the locality for the scheme, but that in itself would not overcome the concerns about the impact on the landscape.

Other material considerations: Noise, shadow flicker and other environmental impacts can be controlled by condition.

RECOMMENDATION that Permission be REFUSED

The reason(s) for the Council's decision is/are

- 01) The proposed wind turbine would have an adverse impact on the landscape at Gelligaer Common which is included on the Register of Special Historic Interest in Wales, and is allocated as a Special Landscape Area (SLA) in the adopted Caerphilly Count Borough Local Development Plan up to 2021 (November 2010). The development would be contrary to policy CW4 of that plan because it would be detrimental to the distinctive and characteristic features of the SLA.

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- 02) The information submitted with the Landscape and Visual Impact Assessment submitted with the planning application is insufficient to allow the appropriate consideration in planning terms of the impact of the proposed turbine on pastoral landscape adjacent to its site, and on the residents of Tyr-Chapel, Plas Milfre and east facing properties in Deri.

